

The Tamil Nadu Beedi Industrial Premises (Regulation of Conditions of Work) Rules, 1959

TAMILNADU

India

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The Tamil Nadu Beedi Industrial Premises (Regulation of Conditions of Work) Rules, 1959 Published vide Notification G.O. Ms. No. 1433, Industries, Labour and Co-operation (Labour), S.R.O. No. A-2117 of 1959, dated 30th March 1959 In exercise of the powers conferred by sub-sections (1) and (2) of section 41 of the [Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969 as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Beedi Industrial Premises (Regulation of Conditions of Work) Act, 1958 (Tamil Nadu Act XXXII of 1958), the Governor of Tamil Nadu hereby makes the following rules:-

1. [Short title and extent] [Substituted by G.O. Ms. No. 2418, dated 30th April, 1962.].

(1) These rules may be called the [Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969 as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Beedi Industrial Premises (Regulation of Conditions of Work) Rules, 1959. (2) [They extend to the whole of the State of [Tamil Nadu] [Inserted by the Tamil Nadu Adaptation of Laws Order, 1969 as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] including the territories specified in the Second Schedule to the Andhra Pradesh and Madras Alteration of Boundaries Act, 1959 (Central Act LVI of 1959).]

2. Definitions.

- In these rules, unless the context otherwise requires,-(a)"Act" means the Tamil Nadu Beedi Industrial Premises (Regulation of Conditions of Work) Act, 1958 Tamil Nadu Act XXXII of 1958);(b)"Form" means a form appended to these rules;(c)"Health Officer", means the Municipal

Health Officer in a municipality or corporation, the District Health Officer concerned in any area within the jurisdiction of a district board or panchayat, or such other officer as may be appointed by the Government for any area in that behalf, irrespective of whether such area is within the limits of a municipality or corporation or the jurisdiction of a district board or panchayat;(d)"Public Health Authority" means the Health Officer having jurisdiction over the area in which the beedi industrial premises is situated; and(e)"section" means a section of the Act.

Chapter II

Licensing of Beedi Industrial Premises

3. Form of application for grant of licence and licence fees.

(1)The application to be made to the competent authority under sub-section (1) of section 4 for a licence shall be in Form No. 1. Such application shall be sent in duplicate together with the following documents, namely:-(a)plans in triplicate drawn to scale showing-(i)the site of the premises, the actual place or places therein to be used for manufacturing process, and the immediate surroundings of the premises including adjacent buildings and other structures, roads, drains, and the likes; and(ii)the plan, elevation and necessary cross sections of the various buildings including all relevant details relating to natural lighting (ventilation, means of escape in case of fire, position of the plant and machinery, if any, used, aisles and passage ways; and(b)the treasury receipt showing that the appropriate fee for the licence, specified in sub-rule (2), has been paid in the local treasury.(2)The fees to be paid for the grant of a licence under the Act shall be as specified in the Table below:-

If the number of employees proposed to be employed on any day during the financial year for which the licence is required	Licence fees for beedi industrial premises in which power-driven machinery is used	Licence fees for beedi industrial premises in which power-driven machinery is not used
Does not exceed 10	15	20
Exceeds 10 but does not exceed 20	30	20
Exceeds 20 but does not exceed 50	30	20
Exceeds 50 but does not exceed 100	75	50
Exceeds 100 but does not exceed 250	150	100
Exceeds 250	300	250

4. Form and terms and conditions of licence.

(1)A licence granted under the Act shall be in Form No. II.(2)The terms and conditions subject to which such licence may be granted or renewed shall be the following, namely:-(i)The manufacturing process shall be carried on only in that part of the premises specified in the licence.(ii)The total number of employees employed in the premises shall not on any day, during the period of the licence, exceed that specified in the licence.(iii)No machinery or power which has not been specified

in the licence shall be used in the manufacturing process in the premises.(iv)No beedi industrial premises re-constructed or extended subsequent to the grant or renewal of a licence shall be used as a beedi industrial premises except with the written permission of the competent authority.(v)The licence shall not be transferable from one employer to another, except in the cases and in accordance with the procedure specified in rules 7 and 8.(vi)The fees paid shall not be refilled except in the cases specified in rule 11.(vii)The competent authority may, in addition to the foregoing terms and conditions, determine and specify in the licence such other terms and conditions in individual cases as it may deem necessary.

5. Amendment of licence.

(1)A licence granted or renewed under the Act and the rules may be amended by the competent authority on an application from the licensee.(2)The application for the amendment of a licence shall be accompanied by-(i)a statement indicating the nature of the amendment required;(ii)a statement showing the change in particulars already/furnished in Form No. I under rule 3, which necessitate the application for amendment;(iii)fresh plans as provided in rule 3 in cases where the plans submitted with the original application no longer hold good;(iv)a treasury receipt showing that the appropriate fee for the amendment of licence has been paid in the local treasury; and(v)the licence originally granted.(3)The fee for the amendment of licence shall be the fees that would have been payable if the licence had originally been issued in the amended form deducting the fees originally paid for the licence.(4)An application for the amendment of the licence shall be dealt with by the competent authority in the same manner as an application for grant of a licence.

6. Renewal of licence.

(1)[Application for the renewal of licence shall be in Form No. I and shall be sent to the competent authority in duplicate not less than one month before the date of expiry of the licence together with a treasury receipt for the fees for the renewal of the licence and the original licence.] [Substituted by G. O. Ms. No. 1167, dated 5th March, 1960.] On receipt of such application together with such fee, the licensing authority may renew the licence.(2)The fees to be paid for the renewal of the licence shall be as specified in the Table in sub-rule (2) of rule 3.(3)If the application for renewal is not made within the time specified in sub-rule (1) [* * *] [Omitted by G. O. Ms. No. 1167, dated 5th March, 1960.], the licence may be renewed only on payment of a fee of twenty-five per cent, in excess of the fee for the renewal of the licence.(4)Where the application for renewal is made within the time specified in sub-rule (1) [* * *] [Omitted by G. O. Ms. No. 1167, dated 5th March, 1960.], beedi industrial premises shall be deemed to be duly licensed until such date as the competent authority passes orders on the application for the renewal of the licence.

7. Transfer of licence.

(1)The holder of a licence may, at any time before the expiry of the licence, apply in Form No. II, for permission to transfer his licence to another person.(2)Such application shall be made to the competent authority together with the licence and the treasury receipt showing that the fee specified in sub-rule (3) has been paid in the local treasury. If the competent authority approves of the

[proposed transfer] [Substituted by G. O. Ms. No. 5173, dated the 20th October, 1962.], he shall enter upon the licence, under his signature, an endorsement to the effect that the licence has been transferred to the person named.(3)A fee of five rupees shall be charged on each such application.(4)An application for the transfer of a licence under this rule shall be dealt with by the competent authority in the same manner as an application for the grant of a licence.

8. [Procedure on death of licensee. [Substituted by G. O. Ms. No. 5173, dated the 20th October, 1962.]

- If a licensee dies, his heir, or legal representative if he desires to continue the business, may within two months from the date of the death of the licensee, make an application together with the licence in original to the competent authority in Form No. Ill for the transfer of the licence in his name, and the competent authority shall enter on the licence under his signature an endorsement to the effect that the licence has been transferred to the applicant.]

9. Issue of duplicate licence.

- If a licence is lost or destroyed, the licensee shall forthwith report the matter to the competent authority by whom the licence was issued or last renewed and shall apply to him with [treasury receipt for the payment of five rupees] [Substituted by G.O Ms. No. 3258, dated the 23rd October 1962.] for the issue of a duplicate licence.(2)On receipt of an application referred to in sub-rule (1), the competent authority shall furnish to the applicant duplicate copy of the licence duly stamped "Duplicate" in red ink.

10. Payment of fees.

- The fee prescribed for the licence shall be paid into the local treasury under the head of account [XXXII miscellaneous-social and Development organisation (d) Miscellaneous Department-Receipts under the [Tamil Nadu] [Substituted by G.O. Ms. No. 615, Labour, dated the 3rd August, 1994.] Beedi Industries Premises (Regulation of Conditions of Work) Act. 1958.]

11.

[(1) When the competent authority refuses to grant, renew or amend any licence, it shall order the refund of the fees paid for such licence, renewal or amendment, as the case may be.] [Substituted by G. O. Ms. No. 5173, Labour, dated 20th October, 1962.](2)If a beedi industrial premises has not worked even on a single day during the period of validity of a licence, the licensee may, within a period of three months from the last date of the financial year for which the licence was granted or renewed, apply to the competent authority for the refund of the fee paid by him. On receipt of the application, the competent authority shall verify its genuineness and order refund of the fee paid.

12. Appeal under section 5.

- The time within which an appeal under section 5 may be presented shall be 30 days from the date of receipt by the appellant of the order appealed against:[Provided that the appellate authority may admit an appeal after the expiration of the said period if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the said period.] [Proviso was inserted by G.O. Ms. No. 5173, Labour, dated 20th October, 1962.]Explanation. - The date on which the order appealed against when sent by registered post will normally be received by the appellant shall be deemed to be the date of receipt of such order by the appellant for the purpose of this rule.

12A. [Qualification of Inspectors. [Inserted by G.O. Ms. No. 30, Labour, dated 2nd January, 1960.]

- No person shall be appointed as an inspector for the purposes of the Act unless he possesses the minimum general educational qualifications prescribed for employment in the subordinate service of the Government.]

Chapter III

Health

13. Cleanliness.

(1)For the purpose of sub-clause (i) of clause (c) of section 8, lire parts of the beedi industrial premises mentioned in the said clause (c) shall be cleaned with fresh water and dried.(2)The record of the dates on which white-washing, colour-washing, varnishing, painting or cleaning, as the case may be, was carried out shall be maintained by the employer in Form No. IV

14. Ventilation.

- In every work room or hall of a beedi industrial premises, windows and other forms of ventilating, openings shall be provided in sufficient numbers to admit a continued supply of fresh air in order to keep the atmosphere inside such room or hall comfortable and free from dust, fumes and other impurity.

15. Latrine accommodation.

(1)Latrine accommodation shall be provided in every beedi industrial premises at the rate of one latrine seat for every 20 male employees, provided that where the number of male employees exceeds 100, it shall be sufficient if there is one latrine seat for every 20 male employees up to the first 100, and one for every 50 in excess thereof. In calculating the number of seats required under this sub-rule, any odd number of employees less than 20 or 50, as the case may be, shall be reckoned as 20 or 50 and the maximum number of male employees working in the beedi industrial

premises at any time and not the total number employed in the beedi industrial premises, shall be taken into account.(2)Where female employees are employed, separate latrine accommodation shall be provided for them in the same scale as for male employees specified in sub-rule (1).

16. Latrines to conform to public health requirements.

- Latrines, other than those connected with an efficient water-borne sewage system, shall comply with the requirements of the public health authority.

17. Privacy latrines.

- Every latrine shall be under cover and every seat in the latrine shall be so partitioned off as to secure privacy and each partition shall have a proper door and fastenings.

18. Signboards to be displayed.

- Where employees of both sexes are employed, there shall be displayed outside each latrine block, a notice in the language understood by the majority' of the employees reading 'For men only' or 'For women only', as the case may be. The notice shall also bear the picture of a man or of a woman, as the case may be.

19. Urinal accommodation.

(1)Urinal accommodation shall be provided for the use of employees and shall not be less than [61 centimetres] [Substituted by G. O. Ms. No. 2956, Labour, dated 28th May 1963.] in length for every 50 employees:Provided that where the number of employees employed exceeds 500, it shall be sufficient if there is one urinal for every 50 employees up to the first 500 employed and one for every 100 in excess thereof. Where women are employed, separate urinal accommodation shall be provided for them on the same scale as mentioned above.(2)In calculating the urinal accommodation required under sub-rule (1), any odd number of employees less than 50 or 100, as the case may be, shall be reckoned as 50 or 100 and the maximum number of persons working in the beedi industrial premises at any time and not the total number of persons employed in the beedi industrial premises, shall be taken into account.

20. Urinals to conform to public health requirements.

- Urinals other than those connected with an efficient water-borne sewage system, and urinals in a beedi industrial premises wherein more than two hundred and fifty employees are ordinarily employed shall comply with the requirements of the Public Health Authority.

21. Certain latrines and urinals to be connected to sewerage system.

- When any general system of under-ground sewerage with an assured water-supply for any particular locality is provided, all latrines and urinals in a beedi industrial premises in such locality, other than septic tank latrines and any other type of latrine or urinal approved for this purpose by the Public Health Authority, shall be connected with the sewage system, if the beedi industrial premises is situated within 30.5 metres of that sewage system.

22. White-washing and colour washing of latrines and urinals.

- The walls, ceilings and partitions of every latrine and urinal shall be white-washed or colour washed and the white-washing or colour washing shall be repeated at least once in every period of four months. The dates on which the white-washing or colour washing is carried out shall be entered in the register to be maintained by the employer in Form No. IV. Provided that this rule shall not apply to latrines and urinals, the walls, ceilings and partitions of which are laid in glazed tiles or otherwise finished to provide a smooth polished impervious surface and such walls, ceilings and partitions are washed with suitable detergents and disinfectants at least in every period of four months.

23. Construction and maintenance of drains.

- All drains carrying waste or sullage water shall be constructed in masonry or other impermeable materials and shall be regularly flushed and effluent disposed of by connecting such drains with suitable drainage lines: Provided that where there is no such drainage line, the effluent shall be deodorized and rendered innocuous and then disposed of in suitable manner to the satisfaction of the public health authority.

24. Water taps in latrines.

- Where piped water-supply is available, a sufficient number of water taps, conveniently accessible shall be provided in or near such latrine accommodation. Where there is no continuous supply of water, water cisterns with cans shall be provided for washing purposes.

Chapter IV

Welfare

25. Washing facilities.

(1) There shall be provided and maintained in every beedi industrial premises for the use of the employees engaged in bleeding and sewing of tobacco or warming of beedies in hot ovens, adequate and suitable facilities for washing which shall include soap and nail brushes or other suitable means of cleaning and the facilities shall be conveniently accessible and shall be kept in a clean and orderly

condition.(2)Without prejudice to the generality of the foregoing provision, the washing facilities shall include such other washing facilities as the Inspector may consider sufficient and suitable in the circumstances of each case.(3)If female employees are employed, separate washing facilities shall be provided and so enclosed or screened that the interiors are not visible from any place where males work or pass. The entrance to such facilities shall bear conspicuous notice in the language understood by the majority of the employees 'For Women only'. The notice shall also bear the picture of a woman.(4)The water-supply in respect of the washing facilities shall be capable of yielding at least [27.3 litres] [Substituted by G.O. Ms. No. 2956, Labour, dated 28th May 1963.] per day for every person employed in the beedi industrial premises and shall be from a source approved in writing by the Health Officer:Provided that where the Inspector is satisfied that such an yield is not practicable, he may by a certificate in writing permit the supply of a smaller quantity not being less than [4.5 litres] [Substituted by G.O. Ms. No. 2956, Labour, dated 28th May 1963.] per day for every person employed in the beedi industrial premises.

26. Creches.

(1)The employer shall submit for approval of the competent authority detailed plans, in triplicate, of the building to be constructed or adopted for use as creches. The creches shall conform to the following standards:-(a)The creche shall be conveniently accessible to the mothers of the children accommodated therein and so far as is reasonably practicable, it shall not be situated in close proximity to any part of the beedi industrial premises where obnoxious fumes, dust or odours are given off.(b)The building in which the creche is situated shall be soundly constructed and all the walls and roof shall be of suitable heat-resisting materials and shall be water-proof. The floor and internal walls of the creche to a height of [1.2 metres] [Substituted by G.O. Ms. No. 2956, Labour, dated 28th May 1963.] all round shall be so laid or finished as to provide a smooth impervious surface.(c)The height of the rooms in the building shall be not less than [3.7 metres] [Substituted by G.O. Ms. No. 2956, Labour, dated 28th May 1963.] from the floor to the lowest part of the roof and there shall not be less than [1.95 sq. metres] [Substituted by G.O. Ms. No. 2956, Labour, dated 28th May 1963.] of floor area for each child to be accommodated.(d)Effective and suitable provision shall be made in every part of the creche for securing and maintaining adequate ventilation by the circulation of fresh air.(e)The creche shall be adequately furnished and equipped and, in particular, there shall be made available-(i)for children of more than two years of age, suitable bedding;(ii)for each child of not more than two years of age, one suitable cot or cradle with the necessary bedding;(iii)at least one chair or equivalent seating accommodation for the use of each mother while she is feeding or attending to her child; and(iv)a sufficient supply of suitable toys for the older children.(2)There shall be in, or adjoining, the creche a suitable wash room for the washing of the children and their clothing. The wash room shall conform to the following standards:-(a)The floor and internal walls of the room to a height of [9 centimetres] [Substituted by G.O. Ms. No. 2956, Labour, dated 28th May 1963.] shall be so or finished as to provide a smooth impervious surface. The room shall be adequately lighted and ventilated and the floor shall be effectively drained and maintained in a clean and tidy condition.(b)The supply of a water for washing, if practical, shall be through taps from a source approved by the Health Officer. Such source shall be capable of yielding for each child a supply of at least [22.7 litres] [Substituted by G.O. Ms. No. 2956, Labour, dated 28th May 1963.] of water per day.(c)An adequate supply of clean clothes, soap and clean towels shall be

made available for each child while it is in the creche.(d)Adjoining the wash room a septic type latrine shall be provided for the use of the children in the creche. The design of the latrine and the scale of accommodation to be provided shall be determined by the Health Officer. The creche latrine shall always be kept clean and in a sanitary condition.(3)At least half a pint of clean pure milk shall be available for each child on every day it is accommodated in the creche and the mother of such child shall be allowed in the course of her daily work intervals of at least 15 minutes to feed the child. For children above two years of age, there shall be provided in addition an adequate supply of wholesome refreshment.(4)(a)The employer appoint a woman trained in the care of children and infants and sufficient number of ayahs for the purpose of looking after the children accommodated in the creche and he shall provide suitable equipment and facilities for the purpose. The number of ayahs to be appointed in the creche shall be calculated to the rate of one ayah for every 30 children or part thereof.(b)The Creche staff be provided with suitable clean clothes by the employer for use while on duty in creche.Explanation. - In this rule, 'child' means a child under six years of age of a female employee.

27. First-aid appliances.

- The first-aid boxes or cupboards shall be distinctively marked with a red cross on a white ground and shall contain the following equipments:-(i)Six small sterilised dressings,(ii)Three medium-size sterilized dressings,(iii)Three large-size sterilized dressings,(iv)Three large-size sterilized bum dressings.(v)[28.4 gms.] [One Substituted by G.O. Ms. No. 2956, Labour, dated 28th May 1963.] bottle containing a 2 per cent, alcoholic solution of iodine.(vi)One [28.4 gms.] [One Substituted by G.O. Ms. No. 2956, Labour, dated 28th May 1963.] bottle containing salvolatile having the dose and mode of administration indicated on the lable.(vii)A snake-bite lancet.(viii)One [28.4 gms.] [One Substituted by G.O. Ms. No. 2956, Labour, dated 28th May 1963.] bottle of potassium permanganite crystals.(ix)One pair scissors.(x)Eye drops(xi)Adhesive plaster.

28. Canteens.

(1)The employer of every beedi industrial premises wherein not less than 250 employees are ordinarily employed shall provide in or near the beedi industrial premises a canteen.(2)The canteen shall not be situated within [15.2 metres] [One Substituted by G.O. Ms. No. 2956, Labour, dated 28th May 1963.] of any latrine, urinal or any other source of dust.(3)The canteen building shall provide at least a dining hall, kitchen, store room and pantry in addition to washing places separately for employees and for utensils.(4)The minimum height of the building shall be not less than [3.7 metres] [One Substituted by G.O. Ms. No. 2956, Labour, dated 28th May 1963.] and all the walls and roof shall be of suitable heat-resisting materials and shall be waterproof. There shall be provision for adequate ventilation. The doors and windows shall be of fly-proof construction.(5)The canteen shall be sufficiently lighted at all times when any person has access to it.(6)(a)In every canteen-(i)all inside walls of rooms and all ceilings and passages and staircases shall be lime-washed or colour-washed at least once in each year or painted once in three years dating from the period when last line or colour washed or painted, as the case maybe;(ii)all wood-work shall be varnished or painted once in three years dating from the period when last varnished or painted;(iii)all internal structural iron or steel work shall be varnished or painted once in three years dating from the period

when last varnished or painted: Provided that inside walls of the kitchen shall be lime-washed once in every four months; (b) Records of dates on which lime-washing, colour-washing, varnishing or painting is carried out shall be maintained by the employer in Form No. IV. (7) The precincts of the canteen shall be maintained in a clean and sanitary condition. Waste water shall be carried away in suitable covered drains and shall not be allowed to accumulate so as to cause a nuisance, Suitable arrangement shall be made for the collection and disposal of garbage. (8) (a) The dining hall shall accommodate at a time at least 30 per cent, of the employees working at a time. (b) The floor of the dining hall, excluding the area occupied by the service counter and any furniture except tables and chairs, shall be not less than [0.93 square metres] [Substituted by G. O. Ms. No. 2956, Labour, dated 28th May 1963.] per diner to be accommodated as specified in clause (a). (c) A portion of the dining hall, and service counter shall be partitioned off and reserved for women employees in proportion to their number. Washing places for women shall be separate and screened to secure privacy. (d) Sufficient tables, chairs, or benches shall be available for the number S of diners to be accommodated as specified in clause (a). (9) (a) There shall be provided and maintained sufficient utensils, crockery, cutlery, furniture and any other equipment necessary for the efficient running of the canteen. Suitable clean clothes for the employees serving in the canteen shall also be provided and maintained. (b) The furniture, utensils and other equipment shall be maintained in a clean and hygienic condition. A service counter, if provided, shall have a top of smooth and impervious material. Suitable facilities including an adequate supply of hot water shall be provided for the cleaning of utensils and equipment. (c) Food and food materials shall be stored in fly-proof safe and handled with the help of wooden ladles or suitable metal forceps whichever is convenient. Vessels once used shall be scalded before being used again. (10) Food, drinks and other items served in the canteen shall be served on a non-profit basis.

Chapter V

Working Hours

29. Method of calculating cash equivalent of concessional sale of foodgrains and other articles.

(1) The cash equivalent of the advantage accruing through the concessional sale to an employee of foodgrains and other articles shall be computed at the end of every wage period fixed under the provisions of the Payment of Wages Act, 1936 (Central Act IV of 1936). (2) For the purpose of computing the cash equivalent of the advantage accruing through the concessional sale to an employee of foodgrains and other articles, the difference between the value of foodgrains and other articles at the average market rates prevailing during the wage period in which work was done for overtime and the value of foodgrains and other articles supplied at concessional rates shall be calculated and allowed for the number of overtime hours worked.

30. Notice and register of periods of work.

(1) Every employer shall exhibit in his beedi industrial premises a notice in Form No. V specifying clearly the daily hours of work, intervals for rest and weekly holiday allowed to the employees or

each class of employees.(2)Every employer shall maintain a register showing the hours of work including overtime in Form No. VI.

Chapter VI

Leave With Wages

31. Register of leave with wages.

- The employer shall keep an up-to-date register in Form No. VII (hereinafter called the Register of Leave with Wages):Provided that if the competent authority is of opinion that any muster roll or register maintained as part of the routine of the beedi industrial premises, gives the particulars required for the enforcement of the provisions contained in section 26, he may, by order in writing, direct that such muster roll or register shall, to the corresponding extent, be maintained in place of, and be treated as, the register required under this rule in respect of that beedi industrial premises.

32. Leave book.

(1)The employer shall provide each employee with a book in Form No.VII (hereinafter called the Leave Book). The Leave Book shall be the property of the employee and the employer shall not demand it except to make entries therein and shall not keep it for more than a week at a time.(2)If an employee loses his leave book, the employer shall provide him with another copy on payment of 6 naya paise and shall complete it from : his record.

33. Payment of wages if the employee dies.

(1)If an employee who has taken leave dies before he resumes work, the balance of his wages due for the period of leave with wages not availed of shall be paid to his nominee within one week of the receipt of intimation of the death of the employee.(2)For the purpose of sub-rule (1), each employee shall submit a nomination in Form No. VIII duly signed by himself and attested by two witnesses. The nomination shall, unless the nominee predeceases the employee, remain in force until it is cancelled or revised by another nomination.

Chapter VII

Miscellaneous Provisions

34. Record of outside work.

- The record to be maintained by the employer of the work permitted by the Government under sub-section (1) of section 29 to be carried on outside the beedi industrial premises shall be in Form No. IX.

35. Appeal under section 31.

- [(1) In respect of the beedi industrial premises situated in the taluks of Coimbatore, Avinashi, Palladam, Gobichettipalayam, Erode and Bhavani of Coimbatore district, the Labour Officer, Coimbatore-11, and in respect of the beedi industrial premises situated elsewhere, the Labour Officer having jurisdiction over the area in which the beedi industrial premises concerned is situated shall be the appellate authority for the purpose of hearing appeals under sub-section (2) of section 31 and any such appeal shall be preferred by the employee within thirty days from the date of service of the order terminating his service with the employer, such service to be deemed effective, if carried out either personally or if that be not practicable, by prepaid registered post to his last known address, when the date of such service shall be deemed to be the date when the letter would arrive in ordinary course of post:] [Substituted by G. O. Ms. No. 2956, Labour, dated the 28th May, 1963.] Provided that an appeal may be admitted after the said period of thirty days if the appellant satisfies the appellate authority that he had sufficient cause for not preparing the appeal within that period. (2) The notices to be given under clause (b) of sub-section 31 shall be in Form No. X to the employer and in Form No. XI to the employee. The notices shall be sent to the parties by registered post acknowledgement due. (3) The procedure to be followed by the appellate authority when hearing the appeal preferred to it under sub-section (2) of section 31 shall be summary. It shall record briefly the evidence adduced and then pass orders giving the reasons therefor. (4) An authenticated copy of the order shall be furnished parties, either in person or by registered post acknowledgment due. (5) Additional copies of the order shall be supplied to parties only on an application accompanied by the requisite copy stamp papers.

36. Maintenance of registers and display of notices.

(1) Every employer shall maintain a muster roll in Form No. XII and entries therein shall be made at the commencement of the work. (2) Every employer shall maintain a visit book in which an Inspector visiting the beedi industrial premises may record his remarks regarding any defects that may come to his notice at the time of his inspection and shall produce it whenever required to do so. (3) Every employer shall maintain a register of overtime work in Form No. XIII. (4) An abstract of the Act and the rules made thereunder shall be displayed in every beedi industrial premises in such form as the Government may, by notification in the [Fort St. George Gazette] [Now Tamil Nadu Government Gazette.], specify. (5) Any notice required to be exhibited under these rules shall be exhibited in such manner that it can be readily seen and read by any person whom it affects and shall be renewed whenever it becomes defaced or otherwise ceases to be clearly legible. (6) The registers referred to in these rules shall be preserved for a period of three years from the date of the last entries noted in them and shall be readily available in the beedi industrial premises for inspection during all working hours of the beedi industrial premises.

37. Information required by the Inspector.

- The employer of a beedi industrial premises shall furnish any information that an Inspector may require for the purpose of satisfying himself whether any provision of the Act, or the rules made thereunder has been complied with or whether any order of an Inspector has been duly carried out.

Any demand by an Inspector of any such information if made during the course of an inspection shall be complied with, forthwith, if the information is available in the beedi industrial premises or if made in writing shall be complied with, within seven days of receipt thereof.

38. Service of notice.

- The despatch by post under registered cover of any notice or order shall be deemed sufficient service of such notice or order on the addressee of such registered cover.

39. Returns.

(1)The employer of every beedi industrial premises shall send to the competent authority on or before the 10th day of every month a monthly return in Form No. XIV.(2)The employer of every beedi industrial premises shall furnish an annual return in Form No. XV on or before the 30th April of every year to the [competent authority.] [Substituted by G. O. Ms. No. 1267, Labour dated 28th May 1963.]

40. Language of registers, records, etc.

- All registers, records and notices required to be maintained, exhibited or sent under these rules shall be either in English or in Tamil.AppendixForm No. I(See rules 3 and 6)Application for Grant or Renewal of Licence for the Financial Year

1. Full name of the beedi industrial premises.

2. (i) Full postal address and situation of the beedi industrial premises.

(ii)Full address to which communications relating to the beedi industrial premises should be sent.

3. Maximum number of employees proposed to be employed on any one day during the financial year.

4. Full name and residential address of the person who shall be the employer for the purposes of the Act.

5. Full name and residential address of other partners in the case of partnership concern, or other directors in the case of a company.

6. Financial resources of the applicant (e.g., particulars and value of movable and immovable properties, bank, reference, income-tax assessment, etc.).

7. Whether the applicant is a trademark holder registered under the [Trade Marks Act, 1940 (Central Act V of 1940)] [This Act was repealed and re-enacted as the Trade and Merchandise Act, 1999 (Central Act 47 of 1999)].

8. Value of beedies manufactured per month/ per year.

9. Previous experience of the applicant in the industry.

10. Whether the beedi manufactured by the applicant will be sold and marketed by himself or through a proprietor or a registered user of a trade mark registered under the [Trade Marks Act, 1940 (Central Act V of 1940)] [This Act was repealed and re-enacted as the Trade and Merchandise Act, 1999 (Central Act 47 of 1999).], in relation to beedi or any other person.

11. Whether the plans of the premises are enclosed.

12. Date of licence, if any, already granted.

13. Amount of fee Rs. (Rupees) paid in Treasury on Vide Chalan No. enclosed

I hereby declare that the particulars furnished by me in the form are to the best of my knowledge, belief are accurate. Date : Signature of applicant. Note. - (1) This form shall be completed in ink in block letters or typed. (2) If any person named against item 5 is a minor, the fact shall be stated clearly. Form No. II [See sub-rule (1) of rule 4] Licence Licence No. Fee Rs. Registration No. Licence is hereby granted to valid only for the premises described below for use as a beedi industrial premises employing not more than persons on any one day during the year, subject to the conditions specified in the annexure. The licence shall remain in force till the 31st day of March, Name of the beedi industrial premises. Situation of the beedi industrial premises. Permission is also granted for the installation of power-driven machinery. Renewal

Date of renewal Fees paid for renewal Date of expiry Signature of the competent authority

1

2

3

4

Amendments

Amended to employ maximum number of employees Additional fee

Signature of the competent authority

1

2

3

4

Transfer

Name of the person to whom
transferred

Name of the beedi industrial
premises

Signature of the competent
authority

1

2

3

4

Form No. III[See rules 7 and 8]Application for Transfer of Licence

1. Name of the beedi industrial premises.

2. Full postal address and situation of the beedi industrial premises.

3. Licence number.

4. (i) The name and address of the person to whom the licence is to be transferred.

(ii)His financial resources. (Value of the moveable and immovable properties to be specified).(iii)Whether he is a trade mark holder registered under the [Trade Marks Act, 1940 (Central Act V of 1940)] [This Act was repealed and re-enacted as the Trade and Merchandise Act, 1999 (Central Act 47 of 1999).] in relation to beedi.(iv)His previous experience in the industry.(v)Whether the beedi manufactured by him will be sold and marketed by himself or through a proprietor or a registered user of a trade mark registered under the [Trade Marks Act, 1940 (Central Act V of 1940)] [This Act was repealed and re-enacted as the Trade and Merchandise Act, 1999 (Central Act 47 of 1999).], in relation to beedi or any other person.

5. Amount of Rs. (Rupees) paid in treasury, vide Challan No dated).

I agree that I will accept all liabilities of the transferor in respect of labour the late licence.Date :Signature of the transfereeI agree that the licence No. may be transferred in the name of.Date :.....Signature of the transferor (holder of licence).Note. - (1) This form shall be completed in ink in block letters or typed.(2)If the application is made under rule 8, item 5 and the entry relating to agreement to be executed by the transferor shall be struck off.Form No. IV[See sub-rule (2) of rule 13, rule 22 and clause (b) of sub- rule (6) of rule 28]Record of White Washing, Colour-Washing, Varnishing and Painting and Cleaning

Parts of beedi industrial premise (e.g. name of room)	Parts white-washed, colour-washed painted or varnished (e.g. walls, ceilings, wood work, etc.)	Treatment whether white-washed, colour-washed painted or varnished or cleaned	Date on which white-washing, colour-washed, washing, or varnishing or cleaning out according to English Calendar	Remarks
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Date Month Year

.....Signature of employer Form No. V[See sub-rule (1) of rule 30]Notice of Periods of WorkName of the beedi industrial premises Place district

Period of work	Men	Women and young persons	Description of groups		
Total number of men employed	Total number of women employed		Group letter	Nature of work	Remarks
A1 2 3	B1 2 3	C1 2 3	D1 2	E1 2	F1 2
ABCDEF					

On working days

---FromToFromTo

On partial working days

---FromToFromToWeekly

holiday

Date on which this notice comes into forceEmployer. Form No. VI[See sub-rule (2) of rule 30]Register Showing Hours of Work Including Overtime

Month Year

Name of the employee	Whether young person or not	Total hours worked during the week	Date on which overtime work is done and extent of such overtime on each occasion	Extent of overtime worked during the week
(1)	(2)	(3)	(4)	(5)

Form No. VII[See rules 31 and 32]Register of Leave with Wages Leave BookAdult/ Young personName :Father's name:

Date of entry into service

Serial No.	Wage period from	Calendar year of service	Number of days of work performed	Number of days work performed	Number of days of maternity leave	Number of days of leave enjoy	Total of columns (3) to (6)
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(1)	(2)	(3)	(4)	(5)	(6)	(7)			
Name of the beedi industrial premises	Date of discharge Date and amount of payment made in lieu of leave due								
Balance of leave from the proceeding year	Leave earned during the year mentioned in column (1)	Total of Columns (i) and (9)	Leave enjoyed from to	Balance of leave to credit	Normal rate of wages	Cash equivalent of advantage accruing through concessional rate of foodgrains, etc.	Rate of wages for the leave period (total of columns (13) and (14))	Date and amount paid	Remarks
(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)

Note : Separate page shall be allotted to each employee. Form No. VIII [See sub-rule (2) of rule 33] Nomination I hereby certify that in the event of my death, the balance of my pay due for the period of leave shall be paid to who is my Signature of employee. Witnesses : (1) (2) Form No. IX [See rule 34] Record of Outside Work Government's Order number and date permitting work outside the beedi industrial premises

Date	Place or places where outside work is permitted	Name of female employees	Remarks
(1)	(2)	(3)	(4)

Form No. X [See sub-rule (2) of rule 35] Notice to the Employer under clause (15) of Sub-Section (2) of Section 31 Sri has appealed to the Appellate Authority under clause (a) of sub-section (2) of section 31 of the [Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969 as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Beedi Industrial Premises (Regulation of Conditions of Work) Act, 1958 [Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969 as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Act XXXII of 1958). A copy of his appeal petition is enclosed. The appeal has been posted for hearing on the day of 199 at a.m/p.m at You should appear before the Appellate Authority on that day and answer the claims. You must be prepared to produce on that day all the witnesses upon whose evidence and all

the documents upon which you intend to rely in support of your defence. In default of your appearance on that day, the matter will be heard and determined in your absence.....Appellate authority. Form No. XI[See sub-rule (2) of rule 25] Notice to the Employee under clause (b) of Sub-Section (2) Section 31 Your appeal has been posted for hearing on the day of 199..... at a.m./ p.m. at I/ You should appear before the Appellate Authority on that day to prove the claim. You must be prepared to produce on that day all the witnesses on whose evidence and all document which you intended to rely in support of your case. In default of your appearance on that day, the matter will be heard and determined in your absence.....Appellate authority. Form No. XII[See sub-rule (1) of rule 36] Muster Roll For Employees Name of the beedi industrial premises Place District Date

SI. No.	Name	Designation	Group	Relay	Shift	Number	Period of work	For the period ending
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

Form No. XIII[See sub-rule (3) of rule 36] Register of Overtime Work Month ending 19.....

Name	Designation	Date on which overtime has been worked	Extent of overtime	Total overtime worked or preration in case of price marks	Normal hours	Normal rate of pay
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Overtime rate of pay	Normal earning	Overtime earning	Cash equivalent of advantage accruing through the concessional sale of foodgrains, etc.	Total earnings	Date on which overtime payment made
(8)	(9)	(10)	(11)	(12)	(13)

Form No. XIV[See sub-rule (1) of rule 39] Monthly Return

1. Name of the beedi industrial premises and full postal address.

2. Name of the employer.

3. Month to which the return relates.

4. Quantity of beedi tobacco released by the Central Excise Department.

5. Number of beedies manufactured by the employer.

6. Number of beedies sold and to whom.

Date: Signature of employer.

Form No. XV[See sub-rule (2) of rule 39]Annual Return

1. Name and address of the beedi industrial premises.

2. Name of the employer.

3. [Average number of employees employed daily-] [The average daily number shall be calculated by dividing the aggregate number of attendance of working days by the number of the working days in the year. In reckoning attendance, attendance by temporary as well as permanent employees shall be counted and all employees shall be included. whether they are employed directly or otherwise. Attendance on separate shifts, e.g., night and day shifts shall be counted separately.]

Men.Women.Young persons.Male.Female.

4. Normal hours worked per week.

5. Number of days worked in the year.

6. Number of employees who worked for 240 days during the previous calendar year.

Young persons.Other than young persons.Number of employees who were granted leave during the calendar.Young persons.Other than young persons.Certified that the information furnished above is to the best of my knowledge and belief and correct.Date :Signature of employer.Note. - Partial attendance for less than half a shift of working day shall be neglected and attendance for half a shift or more shall be treated as full attendance.