

THE BEEDI AND CIGAR WORKERS
(Conditions of Employment) Act, 1966

- I. **OBJECT :** To provide for the welfare of the workers in Beedi and Cigar Establishments and to regulate the conditions of their work and for matters connected therewith.
- II **APPLICABILITY :** It extends to the whole of India except the state of Jammu and Kashmir
- III **EMPLOYEE :** A person employed directly or through any agency, whether for wages or not, in any establishment to do any work, skilled, unskilled manual or clerical and includes
- (1) any labour who is given raw material by any employer or a contractor for being made into beedi or cigar or both at home (home worker) and
 - (2) any Person not employed by an employer or a contractor but working with the Permission of or under agreement with the employer or contractor (section 2(f))
- EMPLOYER:** An employer defined under this Act includes
- (i) in relation to contract labour, the principal employer
 - (ii) in relation to other labour, the person who has the ultimate control over the affairs of the firm
- IV **THE INDUSTRIAL PREMISES BE LICENSED :** No employer shall use or allow to be used any place or premises as an industrial Premises unless he hold a valid licence issued under this Act. (Section-3)
- V **LICENCES :** An employer shall make an application in duplicate in Form No.I to the competent authority for a licence to use or allow to be used such premises as an industrial

Premises. The application shall be accompanied by the following documents:

1. Plans and details in triplicate relating to the matters specified in Rule 3(2) of the Kerala Beedi and Cigar Workers' (Conditions of Employment) Rules 1968.
2. A treasury receipt showing the Prescribed fee.

The licence and renewal shall be issued in Form No.II

VI RENEWAL OF LICENCE : The licence granted may be renewed every year. Application for the renewal of licence shall be made at least 30 days before the expiry of the period in Form No.I on Payment of Prescribed fee, alongwith licence sought to be renewed .

(Section-4 read with Rule-3 to 5)

VII ISSUE OF DUPLICATE LICENCE :

A duplicate licence shall be issued subject to Rule –6 on Payment of Rs.10/-

VIII APPEALS : An appeal against the decision of the competent authority shall be made within a period of thirty days to the appellate authority alongwith Prescribed fee. (Section-5, Rule-7 & 9)

IX HEALTH AND WELFARE :Provisions for cleanliness, ventilation, drinking water, latrines and urinals, washing facilities, creches, first-aid and canteen are stipulated in Section-8 to 16 of the Act. The state government has made detailed specification relating to the health and welfare amenities. (Rule-10 to 21)

X WORKING HOURS AND OVERTIME :No employee shall be required or allowed to work in any industrial Premises for more than nine hours in any day or more than 48 hours in a week. The period of work including over time work does not exceed ten hours in any day and 54 hours in any week. Any excess of work shall be paid overtime wages at the rate of twice his ordinary rate of wages. (Section-17,18)

XI INTERVALS FOR REST : No Period of work shall exceed five hours unless he has had an interval for rest of at least half an hour. (Section-19)

XII SPREAD OVER : Spread over shall not exceed more than 10 and a half hours in any day. The Chief Inspector may, for reasons to be specified in writing increase the spreadover to 12 hours. (Section-20)

XIII WEEKLY HOLIDAYS : Every industrial establishment shall be entirely closed except for wetting of beedi or tobacco leaves on one day in the week. The same day shall be exhibited in a notice in the industrial Premise in a conspicuous place. (Section-21)

XIV NOTICE OF PERIODS OF WORK : Every employer shall exhibit notice of Periods of work in his industrial Premises in Form No. IV copy of which to the concerned inspector in the area (Section-22, Rule-22)

XV PROHIBITION OF EMPLOYMENT OF CHILDREN: The employment of child is Prohibited in beedi industrial establishments. (Section-24)

XVI PROHIBITION OF EMPLOYMENT OF WOMEN OR YOUNG PERSONS DURING CERTAIN HOURS : -

Women or young persons shall not be required or allowed to work in any Premise except between 6.00 am and 7.00 Pm (Section-25)

XVII ANNUAL LEAVE WITH WAGES : An adult worker is entitled to get annual leave for one day for every 20 days of work performed by him during the Previous calendar year. One day for every 15 days of work performed in case of a young person. If any employee does not take the whole of the leave allowed to him in a calendar year, the unavailed leave shall be added to the leave in the succeeding calendar year. The total number of days of Annual leave that may be carried forward to a succeeding year shall not exceed thirty in case of an adult or forty in the case of a young person (Section-26).

For the leave allowed an employee shall be paid at the rate of equal to the daily average of his total full time wages for the days on which he had worked during the month immediately Preceding his leave. For this purpose overtime earning and bonus are excluded but dearness and other allowances are included. (Section-27)

XVIII NOTICE OF DISMISSAL : An employee who has been employed for a period of six months or more except for a reasonable cause shall not be dispensed with the service without giving at least one month notice or wages in lieu of such notice. This notice is not necessary if the service of the employee are dispensed with charge of misconduct supported by satisfactory evidence recorded at an enquiry.

The discharged, dismissed or retrenched employee may appeal to appellate authority within 30 days on the ground that there was no reason for dispensing with his service or he had not been guilty of misconduct or such punishment of discharge or dismissal was severe. The decision of the appellate authority shall be final and binding to both Parties. The Deputy labour commissioners having jurisdiction in the concerned areas are the appellate authority for the above purpose. (Section 31 read with Rule-26)

XIX REGISTRARS AND RECORDS:

1. Every employer shall maintain:
 - a. muster-roll in respect of employees employed in Form No.XIII.
 - b. a register of workers in Form XIII.A
 - c. a register of leave with wages
(regular employees) in Form No.VI
 - d. a register of leave with wages
(home workers) in Form VII
 - e. a home workers employment register in Form XV
 - f. a visitors book
 - g. a register of overtime work in Form XVI.
2. Every employer shall provide, free of cost, to each home worker, two “Home Worker’s Long Book” in Form XIV. (Rules 24, 25 and 33)
3. Every employer shall provide each employee including a home worker with a leave book in Form VI or Form VII

XX RETURNS : Every employer shall send to the competent authority monthly return in Form XI on or before the 10th day of every month and an annual returns in Form XII on or before 30th April of every year. (Rule-32)

XXI PENALTIES : Obstruction to the Inspector shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to Rs.5000/- or with both. Contravention of any of the provisions of the Act or Rule, or failure to pay the wages etc, shall be punishable for the first offence with fine which may extend to Rs.250/-and for a second for subsequent offence with imprisonment for a term which shall not be less than one month or more than six months or with fine which shall not be less than Rs. 100/- or more than Rs. 500/-or with both.

XXI CONGNIZANCE OF OFFENCE : The complaint may be filed under this Act, by or with the previous sanction in writing of the Chief Inspector or an Inspector, within three months of the date on which the alleged commission of the offence came to the knowledge of the Inspector. A Court not inferior to that of a presidency magisterate or Magistrate of the First Class shall try any offence punishable under the Act.

XXIII AUTHORITIES APPOINTED UNDER THE ACT:

1. **Chief Inspector (under Section-6(2))**
 - a. Joint labour Commissioner (E)

2. **Inspectors (under Section-6(1))**
 - a. Labour Commissioner
 - b. Additional Labour commissioners (IR and E)
 - c. Joint Labour Commissioner (P)
 - d. Deputy Labour Commissioner (HQ)
 - e. Regional Joint Labour Commissioners Kollam, Ekm, KKD
 - f. Dist. Labour offices (H.Q)
 - g. District Labour Officers (E)
 - h. Dist. Labour officer PTA
 - i. Dist. Labour officer Thodupuzha (Idukki)
 - j. Dist. Labour officer Kalpatta (wynad)
 - k. All Asst. Labour Officers Grade II

3. **Competent Authority (under Sect.2 (C))**
(Licensing Authority)
District Labour Officers (E)

4. **Appellate Authority (under Sec.-5)**
(Against the order of Licensing Authority)
 - a. Additional Labour Commissioner, Kozikode
 - b. Regional Jt. Labour Commissioners employees employed

In the industrial premises, maintain muster roll in Form XIII, and entries therein shall be made at the commencement of the week each day.

7A (IA) Every employer shall maintain a register in Form No. XIII A which shall be preserved for the period of the whole service of the employee concerned)

- (2) Every employer shall provide free of cost to each home-worker two books in Forms XIV (hereinafter referred to as "Home-Workers " Long Book") and the home-worker shall keep a record of the daily work done by him, the number of beads and cigars manufactured by him and the wages received by him in the home-workers at all times during the period between two successive supplies of raw materials by the employer.

- (3) Every employer shall maintain a home-worker's employment register in Form XV containing the names and particulars of all the home-workers employed under him and the entries in the register shall be made and kept up-to date on the basis of the entries in the home-worker's long books.

- (4) Every employer shall maintain a visitor's book in which an Inspector visiting the indus-

trial premises may record his remarks regarding any defects that may come to his notice at the time of his inspection and the employer shall produce such book whenever required so to do by the Inspector.

- (5) Every employer shall maintain a register of overtime work in Form XVI.
- (6) An abstract of the Act and the rules made thereunder shall be displayed in some conspicuous part of every industrial premises.
- (7) Every register referred to in this rule 8 (except the register in form No. XIII A prescribed under sub-rule (IA)) shall be preserved for a period of three years from the date of the last entry noted therein and shall be readily available for inspection during working hours of the industrial premises.