

**THE UTTAR PRADESH BEEDI AND CIGAR WORKERS
(CONDITIONS OF EMPLOYMENT) RULES, 1969**

*English translation of Shrama Vibhag, Noti. No. 5686(ST)XXXXVI-A-
279(ST)-65, dated September 26, 1969, published in U.P. Gazette,
Part I-Ica, dated 11th October, 1969, p. 2299*

In exercise of the powers under Section 44 of the **Beedi and Cigar Workers (Conditions of Employment) Act, 1966** (Act No. 32 of 1966), and in confirmation of Government Notification No. 843(ST)/XXXXVI-A279(ST)-65, dated February 4, 1969, the Governor is pleased to make the following rules, after their previous publication as required by sub-section (3) of the said section of the said Act :

CHAPTER I

PRELIMINARY

1. Short title.—These Rules may be called the Uttar Pradesh Beedi and Cigar Workers (Conditions of Employment) Rules, 1969.]

2. Definitions.—In these rules, unless the context otherwise requires—

- (a) "Act" means the Beedi and Cigar Workers {Conditions of Employment) Act, 1966 (Act No. 32 of 1966) ;
- (b) "Form" means a Form appended to these rules ;
- (c) "section" means a section of the Act.

CHAPTER II

LICENSING OF INDUSTRIAL PREMISES

3. Form of application for grant of licence and licence fees.—(1) Every application under sub-section (1) of Section 4 for a licence to use or allow to be used any place or premises as an industrial premises shall be made in duplicate in Form 1.

(2) The application shall be accompanied by the following documents, namely-

(i) plans in triplicate showing—

- (a) the site of such place or premises, the areas therein to be used for manufacturing processes and the immediate surroundings of such place or premises, including adjacent buildings, structures, roads, drains, and the like, and
- (b) the plan, elevation and necessary cross-sections of, the 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 in or in relation to, the various buildings which are intended to be used for manufacturing processes ;

(ii) the treasury receipt showing that the appropriate fee for the licence as specified in Rule 8 has been paid.

(3) The application in duplicate together with the documents specified in sub-rule (2) shall be sent by registered post or delivered by hand under acknowledgment to the competent authority.

(4) Before granting a licence, the competent authority shall also take into consideration whether the site of any industrial premises is proposed to be altered, or whether any industrial premises has been closed by the applicant during the period of twelve months immediately preceding the date of the application with a view to causing prejudice to the interests of the labour.

4. Applications for renewal.—(1) Every application for renewal of a licence under Section 4 shall be made in Form I. The application shall be accompanied by the following documents, namely—

- (a) the licence sought to be renewed ;
- (b) the treasury receipt showing that the appropriate fee for the renewal of the licence specified in Rule 8 has been paid.

(2) The application together with the documents specified in sub-rule (2) shall be sent by registered post or delivered by hand under acknowledgment to the competent authority.

(3) The provisions of sub-rule vt) of Rule 3 shall, so far as may be, apply to an application made under this rule.

5. Form and terms and conditions of licence.—(1) A licence under Section 4 shall be in Form II.

(2) Every licence granted or renewed under Section 4 shall be subject to the following conditions, namely—

- (i) the manufacturing process shall be carried on only in that part of the industrial premises specified for the purpose in the licence;
- (ii) the maximum number of employees employed in the industrial premises shall not on any day exceed the number specified in the licence ;
- (iii) power-driven machinery not specified in the licence shall not be used in the manufacturing process in the premises ;
- (iv) except with the prior permission in writing of the competent authority, the industrial premises shall not be extended and except with the like permission, no structural alterations shall be made in any building on such premises;
- (v) the licence shall not be transferable ;
- (vi) except as provided in Rule 9, the fees paid for the grant or as the case may be, renewal of the licence shall be non-refundable.

6. Issue of duplicate licences.—(1) If a licence under Section 4 is lost, stolen or destroyed, the licensee shall forthwith report the matter to the competent authority by whom the licence was issued, or as the case may be, last renewed and may make an application to that authority for the issue of a duplicate licence.

(2) The application shall be accompanied by a treasury receipt showing that the fee for the issue of a duplicate licence as specified in Rule 8 has been paid.

(3) On receipt of the application, the competent authority shall grant to the applicant a duplicate copy of the licence duly stamped "duplicate" in red ink.

7. Appeals.—An appeal under Section 5 of the Act shall—

- (a) be made in writing within a period of thirty days from the date of receipt of the order sought to be appealed against ;
- (b) be accompanied by a treasury receipt showing that the appropriate fee in respect of the appeal as specified in Rule 8 has been paid.

8. Fees.—(1) The fees to be paid for the grant or renewal, of a licence under Section 4 shall be as specified in the table below :

TABLE

	Fees for industrial premises in which power driven machinery is used	Fees for industrial premises in which power driven machinery is not used
1	2	3
	Rs.	Rs.
If the number of employees proposed to be employed on any day during the financial year for which the licences are required or renewed —		
(a) does not exceed ten.	15	10
(b) exceeds ten but does not exceed twenty.	30	20
(c) exceeds twenty but does not exceed fifty.	75	50
(d) exceeds fifty but does not exceed hundred.	150	100
(e) exceeds hundred but does not exceed two hundred and fifty.	300	250
(f) exceeds two hundred and fifty.	550	500

(2) The fees to be paid for the grant of a duplicate licence shall be rupees five.

(3) The fees payable in respect of an appeal under Section 5 of the Act shall be—

- (a) rupees fifteen, in the case of an appeal against an order refusing to grant or renew a licence in respect of any place or premises the maximum number of employees proposed to be employed wherein is one hundred or more.
- (b) rupees ten, in any other case.

(4) The fees payable as specified in this rule shall be paid into the nearest Government treasury under the head of account "087—Labour and Employment—A—Other Receipts-10—Miscellaneous Receipts."

9. Refund of fees.—(1) If the competent authority refuses to grant or renew any licence under Section 4 it shall order the refund of the fees paid therefor.

(2) If no industry or manufacturing process connected with the making of Beedi or cigar is carried on in an industrial premises at any time during the period of validity of the licence in respect thereof, 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 for such licence and the competent authority shall, after making such enquiry as he may deem necessary and after satisfying himself about the correctness of the statements made in the application order refund of such fee.

CHAPTER III

HEALTH AND WELFARE

10. Cleanliness.—(1) In every industrial premises—

- (a) accumulations of dirt and refuse shall be removed daily by sweeping or by any other effective method from the floors and passages of work-rooms and from staircases and passages and disposed of in a suitable manner ;
- (b) the floor of every work-room shall be cleaned at least once in every week by washing, using disinfectant, where necessary, or by some other effective method ;
- (c) all inside walls and partitions, of ceilings of rooms and of walls, side and staircases shall—
 - (i) where they are painted or varnished or where they have smooth impervious surface, be cleaned with fresh water and dried at least once in every period of fourteen months ;
 - (ii) where they are painted or varnished, re-painted or re-varnished at least once in every period of five years;
 - (iii) in any other case, be kept white-washed or colour-washed at least once in every twelve months.

(2) The record of the dates on which white-washing, colour-washing, varnishing, painting or cleaning as the case may be, was carried out under sub-rule (1), shall be entered by the employer in a register maintained in Form III.

11. Ventilation.—In every work-room or hall of an industrial premises, windows and other forms of openings for ventilation shall be provided in sufficient number to admit a continued supply of fresh air so as to keep the atmosphere inside such room or hall comfortable and free from dust, fumes and other impurity.

12. Latrines.—(1) Latrine accommodation shall be provided in every industrial premises at the rate of one latrine seat for every twenty male employees :

Provided that where the number of such male employees exceeds hundred, it shall be sufficient if there is one latrine seat for every twenty-five male employees up to the first hundred and one seat for every fifty in excess thereof.

*Explanation.—*In calculating the number of seats required in accordance with the provisions of this sub-rule any old number of employees less than twenty, twenty-five or fifty, as the case may be, shall be reckoned as twenty, twenty-five or fifty.

(2) Where female employees are employed on any industrial premises, separate latrine accommodation shall be provided for them in accordance with the same scale as the scale for male employees specified in sub-rule (1).

(3) 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 private door and fastenings.

(4) Where employees of both sexes are employed on any industrial premises, there shall be displayed outside each latrine block thereon a notice in the language understood by the majority of the employees reading "for men only" or, as the case may be, "for women only" and such notice shall also bear the picture of a man, or a woman as the case may be.

13. Urinals.—(1) Subject to the proviso attached to Section 12 urinal accommodation in every industrial premises shall not be less than six metres in length for every fifty employees :

Provided that where the number of employees employed on the premises exceeds five hundred, it shall be sufficient if there is one urinal for every fifty employees up to the first five hundred employees and one for every hundred in excess thereof.

Explanation.—In calculating the urinal accommodation required under this rule, any odd number of employees less than fifty or hundred, as the case may be, shall be reckoned as fifty or hundred.

(2) Where female employees are employed on an industrial premises, separate urinal accommodation shall be provided for them in accordance with the same scale as the scale for male employees specified in sub-rule (1).

14. Latrines and urinals to be connected to sewage system wherever possible.—When any general system of underground sewage with an assured water supply is provided for or exists in any particular locality, all latrines and urinals in an industrial premises in such locality other than a septic tank latrine, shall be connected with such sewage system if the industrial premises is situated within 30.5 metres of that sewage system.

15. White-washing and colour-washing of latrines and urinals.—(1) The walls, ceilings and partitions of every latrine and urinal shall be white-washed or colour-washed and the same shall be repeated at least once in every period of four months.

(2) Nothing in sub-rule (1) shall apply in respect of wall and ceilings of, and partition in a latrine or urinal or any portions of such walls, ceilings and partitions which are laid in glazed tiles or otherwise finished to prove a smooth-polished impervious surface, but such walls, ceilings, partitions or portions thereof shall be washed with suitable detergents and disinfectants at least once in every period of four months.

(3) The dates on which the white-washing or colour-washing is carried out under sub-rule (1) or, as the case may be, washing with detergents and disinfectants is carried out under sub-rule (2) shall be entered by the employer in the register maintained in Form III.

16. Construction and maintenance of drains.—All drains work on an industrial premises for carrying waste or sullage water shall be constructed in masonry or other permeatable 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 deodorised in order to render it innocuous and then disposed of.

17. Water, etc., in latrines.—Where piped water supply is available, a sufficient number of water taps conveniently accessible shall be provided in or near latrines on an industrial premises and where there is no continuous supply of water, water cisterns with cans shall be provided for washing purposes in or near such latrines.

18. Washing facilities.—(1) There shall be provided and maintained in every industrial premises for the use of employees engaged in blending and sieving of tobacco or warming of Beedis in hot ovens, adequate and suitable facilities for washing which shall include soap and nail brushes or other suitable means of cleaning and such facilities shall be convenient, accessible and shall be made available in clean and orderly condition.

(2) If female employees are employed on any industrial premises, separate washing facilities on the same lines as those specified in sub-rule (1) in respect of male employees shall be provided for such female employees in enclosed or screened places in such manner that the interior portions of such places are not visible from any place where male employees work or pass through and the entrance to every such place shall bear a notice in the language understood by the majority of the employees reading "For Women only" in bold and conspicuous letters and such notice shall also bear the picture of a woman.

(3) Water supply for purposes of washing facilities under sub-rule (1) or sub-rule (2) shall be such as to provide at least 27.3 liters per day for each person employed in the industrial premises and such water shall be drawn from a hygienic source :

Provided that where an Inspector is satisfied that it is not practicable to make available water supply in accordance with the scale specified under this sub-rule, he may by a certificate in writing permit the supply of a lesser quantity which shall in no case be less than 4.5 litres per day for each employee.

19. Creches.—(1) The employer shall submit for the approval of the competent authority detailed plans in triplicate of the rooms to be constructed or adopted for use as creche under Section 14.

(2) The creche shall conform to the following standards, namely—

- (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 industrial premises where obnoxious fumes, dust or odours are given off;
- (b) the room or rooms used as creche shall be soundly constructed and the walls and roof thereof shall be of heat-resisting materials and shall be water-proof;

(c) the floor and internal walls of the creche up to a height of 1.2 metres shall be so laid or finished as to provide a smooth impervious surface ;

(d) the height of each room used as a creche shall not be less than 3.7 metres from the floor to the lowest part of the roof and there shall not be less than 1.9 square metres of floor area for each child to be accommodated therein;

(e) effective and suitable provision shall be made in every part of a creche for securing and maintaining adequate ventilation by the circulation of fresh air ;

the creche shall be adequately furnished and equipped and in particular there shall be made available-

(i) for each child of more than two years of a suitable bedding ;

(ii) for each child of not more than two years of age a suitable cot or cradle with the necessary bedding ;

(iii) at least one chair or other similar sitting accommodation for the use of each mother while she is feeding or attending to the child ; and

(iv) a sufficient supply of suitable toys for the older children.

(3) There shall be in or adjoining a creche a suitable washing room for the washing of the children and their clothing and such room shall conform to the following standards, namely—

(a) the floor and internal walls of the room up to a height of 0.9 cm. shall be so laid or finished as to provide a smooth impervious surface ;

(b) the room shall be adequately laid and ventilated and the floor shall be effectively drained and maintained in a clean and tidy condition ;

(c) the supply of water for washing shall be from a hygienic source and if practicable shall be through taps ;

Provided that where an Inspector is satisfied that it is not practicable to make available water supply in accordance with the scale specified under this sub-rule, he may by a certificate in writing permit the supply of a lesser quantity which shall in no case be less than 4.5 litres per day for each employee.

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(c) the floor and internal walls of the creche up to a height of 1.2 metres shall be so laid or finished as to provide a smooth impervious surface ;

(d) the height of each room used as a creche shall not be less than 3.7 metres from the floor to the lowest part of the roof and there shall not be less than 1.9 square metres of floor area for each child to be accommodated therein;

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(c) the supply of water for washing shall be from a hygienic source and if practicable shall be through taps ;

Provided that where an Inspector is satisfied that it is not practicable to make available water supply in accordance with the scale specified under this sub-rule, he may by a certificate in writing permit the supply of a lesser quantity which shall in no case be less than 4.5 litres per day for each employee.

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- f, (a) the floor and internal walls of the room up to a height of 0.9 m. shall be so laid or finished as to provide a smooth impervious surface ;
- (b) the room shall be adequately laid and ventilated and the floor shall be effectively drained and maintained in a clean and tidy condition ;
- (c) the supply of water for washing shall be from a hygienic source and if practicable shall be through taps ;
- (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 93 square metres 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 of diners to be accommodated as specified in clause (a).

(9) (a) There shall be provided and maintained sufficient utensil, 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 fire-proof safes 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 no profit, no loss basis.

CHAPTER IV

WORKING HOURS, LEAVE, APPEALS IN CASES OF DISMISSAL, ETC.

22. Notice and register of periods of work.—(1) Every employer shall exhibit in his industrial premises a notice in Form IV specifying clearly the daily hours of work, intervals for rest and weekly holiday allowed to the employees, or, as the case may be, to each class of employees.

(2) Every employer shall maintain a register showing the hours an employee actually worked including overtime in Form V.

23. Method of calculating cash equivalent of concessional sale of foodgrains, etc.—(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 (Act No. 4 of 1936).

(2) For the purposes of Section 18, the cash equivalent of the advantage accruing through the concessional sale of foodgrains and other articles to an employee required to work overtime shall be computed as a sum equivalent to the difference between the value of such foodgrains and other articles at the average market rates prevailing during the wage period in which the employee worked overtime and the concessional price thereof.

24. Register of leave with wages.—(1) The employer shall in respect of employees employed in his industrial premises keep an up-to-date register

(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 93 square metres 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 of diners to be accommodated as specified in clause (a).

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(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 fire-proof safes 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 no profit, no loss basis.

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(2) For the purposes of Section 18, the cash equivalent of the advantage accruing through the concessional sale of foodgrains and other articles to an employee required to work overtime shall be computed as a sum equivalent to the difference between the value of such foodgrains and other articles at the average market rates prevailing during the wage period in which the employee worked overtime and the concessional price thereof.

24. Register of leave with wages.—(1) The employer shall in respect of employees employed in his industrial premises keep an up-to-date register

(c) the payment of wages for the beedi or cigar or both rejected by the employer may be referred in writing by the employer or employee or employees to the Labour Officer or Conciliation Officer of the area, who shall after making such enquiry as he may consider necessary and after giving the parties an opportunity to represent their respective case, decide the dispute and record the proceedings in Form X.

(2) Any party to the dispute aggrieved by the decision thereon under sub-rule (1) may prefer an appeal within a period of thirty days from the date of the decision to the Regional Assistant Labour Commissioner, the Regional Deputy Labour Commissioner or the Regional Additional Labour Commissioner, Kanpur :

Provided that the Regional Assistant Labour Commissioner, the Regional Deputy Labour Commissioner or the Regional Additional Labour Commissioner may admit an appeal after the said period if the appellants satisfy such authority that he had sufficient cause for not preferring the appeal within that period.

28. Supervision of distribution of raw materials.—No employer shall, if he is required so to do by an Inspector by an order in writing, distribute except under the supervision of the Inspector making the order or the supervision of another Inspector, raw materials to such employee or employees and during such period as may be specified in the order.

29. Limit with regard to the rejection of beedis or cigars.—(1) No employer or contractor shall ordinarily reject as sub-standard or chhat or otherwise more than five per cent of the beedis or cigars or both, received from a worker including a home-worker.

(2) Where any beedi or cigar is rejected as sub-standard or chhat or otherwise on any ground other than the ground of wilful negligence of the workers, the workers shall be paid wages for the beedis or cigar so rejected at one-half of the rate at which wages are payable to them for the beedis or cigars or both which have not been so rejected.

30. Payment of wages to a home-worker.—Where raw materials are supplied to a home-worker at his home the wages due to him shall also be paid at his home :

Provided that an Inspector may, if he considers it expedient so to do in the circumstances of any case, specify in respect of any home-workers any other place or places at which wages shall be paid.

31. Protection against fire.—In every industrial premises the employer shall provide adequate fire-fighting equipment.

32. Returns.—The employer in respect of every industrial premises shall send to the competent authority on or before the 10th day of every month a monthly return in Form XI and furnish to that authority an annual return in Form XII on or before the 30th April of every year.

33. Maintenance of certain registers.—(1) Every employer shall, in respect of the employees employed on the industrial premises, maintain a muster roll in Form XIII, and entries therein shall be made at the commencement of the worker each day.

(2) Every employer shall provide free of cost to each home-worker two books in Form XIV (hereinafter referred to as the home-workers' log-books) and the home-worker shall keep a record of the daily work done by him, the number of beedis and cigars manufactured by him and the wages received by him in the said book and the supply of books shall be so arranged that one book remains with the home-workers at all times during the period between the successive supplies of raw materials by the employer.

(3) Every employer shall maintain a home-workers 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-workers' log books.

(4) Every employer shall maintain a visitor's book in which an Inspector visiting the industrial 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 these rules 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.

34. Record of outside work.—The record to be maintained by the employer of the work permitted under sub-section (1) of Section 29 to be carried on outside the industrial premises shall be in Form XVII.

35. Information required by Inspector.—(1) Every employer shall furnish to an Inspector such information as the Inspector may require for the purpose of satisfying himself whether any provision of the Act or of the rule made thereunder has been or is being duly carried out.

(2) Where any information is required by the Inspector during the course of his inspection and the required information is readily available, the employer shall forthwith furnish such information to the Inspector ; and where any requisition for information is made by the Inspector at any other time, the information sought for shall be supplied by the employer within ten days from the date of receipt of the requisition.

36. Notice to be sent by registered post.—Every notice or order under the Act or the rules made thereunder, addressed to any employer or beedi or cigar worker, shall be presumed to have been duly served if such notice has been sent by registered post.