

**KARNATAKA BEEDI INDUSTRIAL PREMISES (REGULATION
OF CONDITIONS OF WORK) ACT, 1964**

41 of 1964

[14th MARCH, 1963]

CONTENTS

CHAPTER 1 :- Preliminary

1. Short title, extent and commencement
2. Definitions

CHAPTER 2 :- Licensing

3. Beedi industrial premises to be licensed
4. Licences
5. Appeal

CHAPTER 3 :- Inspecting Staff

6. Appointment, powers and duties of Inspectors
7. Powers of Inspectors

CHAPTER 4 :- Health

8. Cleanliness
9. Ventilation
10. Overcrowding
11. Drinking water
12. Latrines and urinals

CHAPTER 5 :- Welfare

13. Washing facilities
14. Creches
15. First-aid
16. Protection against fire
17. Canteens

CHAPTER 6 :- Working Hours

18. Working hours
19. Wages for overtime work
20. Interval for rest
21. Spread over

- 22. Weekly holidays
- 23. Notice of periods of work
- 24. Hours of work to correspond with notice under Section 23

CHAPTER 7 :- Employment of Women and Children

- 25. Prohibition of employment of children
- 26. Prohibition of employment of woman or young person during certain hours

CHAPTER 8 :- Leave with Wages

- 27. Annual leave with wages
- 28. Wages during leave period

CHAPTER 9 :- Miscellaneous

- 29. Revision by Government
- 30. Application of the Payment of Wages Act, 1936 to beedi industrial premises
- 31. Onus as to age
- 32. Notice of dismissal
- 33. Penalty for obstructing Inspector
- 34. General penalty for offences
- 35. Offences by companies
- 36. Indemnity
- 37. Cognizance of offences
- 38. Central Act 20 of 1946 to apply to beedi industrial premises
- 39. Central Act 14 of 1947 to apply to beedi industrial premises
- 40. Certain Acts not to apply to beedi industrial premises
- 41. Rights and privileges under other laws, etc., not affected
- 42. Power to exempt
- 43. Power to make rules

KARNATAKA BEEDI INDUSTRIAL PREMISES (REGULATION OF CONDITIONS OF WORK) ACT, 1964

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An Act to regulate the conditions of work in beedi industrial premises in the State of Karnataka. Whereas, it is expedient to regulate the conditions of work in beedi industrial premises in the State of Karnataka; Be it enacted by the Karnataka State Legislature in the Fifteenth Year of the Republic of India as follows

CHAPTER 1

Preliminary

1. Short title, extent and commencement :-

(1) This Act may be called the Karnataka Beedi Industrial Premises (Regulation of Conditions of Work) Act, 1964.

(2) It extends to the whole of the State of Karnataka.

(3) It shall come into force on such date as the Government may, by notification, appoint; and different dates may be appointed for different areas and different provisions of this Act.

2. Definitions :-

In this Act, unless the context otherwise requires.

(a)"Adult" means a person who has completed eighteen years of age;

(b)"Beedi industrial premises" means any place or premises, including the precincts thereof, in any part of which any manufacturing process connected with the production of beedies is being carried on or is ordinarily carried on with or without the aid of power;

(c)"Beedi industry" means any industry relating to the manufacture of beedies;

(d)"Child" means a person who has not completed fourteen years of age;

(e)"Competent Authority" means any officer authorized by the Government, by notification, to perform the functions of the competent authority under this Act for such area as may be specified in the notification;

(f)"Employee" means.

(i) a person employed directly or through any agency whether for wages or not in any beedi industry to do any work, skilled, unskilled, manual or clerical, and

(ii) includes any person who is employed in such industry and declared by the Government by notification to be an employee for the purposes of this Act;

(g)"Employer" means the person who has the ultimate control over the affairs of any beedi industrial premises or who has, by reason of his advancing money, supplying goods or otherwise, a substantial interest in the control of the affairs of any beedi industrial premises and includes.

- (i) a proprietor or a registered user of a trade mark registered under the Trade and Merchandise Marks Act, 1958 (Central Act 43 of 1958), in relation to beedi; and
- (ii) any other person to whom the affairs of any beedi industrial premises are entrusted (whether such other person is called a managing agent, manager, superintendent, or by any other name);
- (h)"Government" means the State Government;
- (i) "Inspector" means the Inspector appointed under sub-section (1) of Section 6;
- (j) "Manufacturing process" means any process for, or incidental to, making, finishing or packing or otherwise treating any article or substance with a view to its use, sale, transport, delivery or disposal as beedies;
- (k)"Notification" means a notification published in the Official Gazette;
- (l)"Prescribed" means prescribed by rules made under this Act;
- (m)"Rules" means rules made under this Act;
- (n)"Week" means a period of seven days beginning at midnight on Saturday night;
- (o)"Year" means the year commencing from the 1st April and ending with 31st March;
- (p)"Young person" means a person who has completed fourteen years of age but not completed eighteen years of age.

CHAPTER 2

Licensing

3. Beedi industrial premises to be licensed :-

Save as otherwise provided in this Act, no place or premises shall, on and after such date as the Government may, by notification, specify in this behalf, be used as a beedi industrial premises without a licence obtained from the competent authority and except in accordance with the terms and conditions specified therein.

4. Licences :-

(1) Any person who intends to use any place or premises as a beedi industrial premises shall make an application in writing to the

competent authority for a licence therefor, together with such particulars as may be prescribed.

(2) The application shall specify the maximum number of employees to be employed at any time of the day in the place or premises and shall be accompanied by a plan of the place or premises prepared in such manner as may be prescribed.

(3) The competent authority shall, in deciding whether to grant or refuse a licence, have regard to the following matters, namely:

(a) the suitability of the place or premises which is proposed to be used for the manufacture of beedies;

(b) the status and previous experience of the applicant;

(c) the financial resources of the applicant including his financial capacity to meet the demands arising out of the provisions of the laws for the time being in force relating to welfare of labour;

(d) whether the application is made bona fide on behalf of the applicant himself or benami on behalf of any other person;

(e) 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 and Merchandise Marks Act, 1958 (Central Act 43 of 1958), in relation to beedi, or any other person;

(f) the welfare of labour in the locality;

(g) the interest of the public generally; and

(h) such other matters as may be prescribed.

(4)

(a) A licence granted under this section shall be valid for a period of three years or one year at the option of the applicant and shall, subject to the provisions of this Act, be renewed every three years or every year, as the case may be.

(b) The competent authority shall, in deciding whether to renew a licence or to refuse a renewal thereof, have regard to the matters specified in sub-section (3).

(5) The competent authority shall not grant or renew a licence unless it is satisfied that the provisions of this Act and rules have

been substantially complied with.

(6) The competent authority may cancel or suspend any licence granted or renewed under this Act if it appears to it, after giving the holder thereof an opportunity of being heard, that such licence has been obtained by misrepresentation or fraud or that the licensee has contravened, or failed to comply with, any of the provisions of this Act or rules or any of the terms or conditions of the licence.

(7) The Government may issue to competent authorities such orders and directions of a general character as the Government may consider necessary in respect of any matter relating to licences under this section.

(8) Subject to the foregoing provisions of this section, the competent authority may grant or renew licences under this Act on such terms and conditions as it may determine. Where the competent authority refuses to grant or renew any licence, it shall do so by an order communicated to the applicant, giving the reasons in writing for such refusal.

5. Appeal :-

Any person aggrieved by the decision of the competent authority refusing to grant or renew a licence or cancelling a licence under Section 4 may, within such time as may be prescribed, appeal to the prescribed authority and the prescribed authority may make such order in the case as it may think fit.

CHAPTER 3

Inspecting Staff

6. Appointment, powers and duties of Inspectors :-

(1) The Government may, by notification, appoint such officers of Government or of any local authority as it thinks fit to be Inspectors for the purposes of this Act, within such local limits as the Government may assign to them.

(2) The Government may, by notification, appoint any person to be a Chief Inspector who shall, under this Act, exercise the powers of an Inspector throughout the State.

(3) Every Inspector appointed under sub-section (1) and the Chief Inspector appointed under sub-section (2) shall be deemed to be public servants within the meaning of Section 21 of the Indian

Penal Code (Central Act 45 of 1860).

7. Powers of Inspectors :-

(1) Subject to any rules made in this behalf, an Inspector may for the purposes of the enforcement of this Act, within the local limits for which he is appointed.

(a) make such examination and hold such inquiry as may be necessary for ascertaining whether the provisions of this Act have been and are being complied with in any place or premises;

(b) require the production of any prescribed register and any other document relating to the manufacture of beedies;

(c) enter at all reasonable times any place or premises including the residences of employees when he has reasonable grounds for suspecting that any beedi industry is being carried on or is ordinarily carried on in any such place or premises;

(d) exercise such other powers as may be prescribed for carrying out the purposes of this Act:

Provided that no person shall be compelled under this section to answer any question or give any evidence tending to incriminate himself.

(2) For the purposes of clause (c) of sub-section (1), an Inspector may, after giving due notice to the employer, or in the absence of the employer, to the occupier, enter the beedi industrial premises with such assistants, if any, as he thinks fit.

(3) Every employer shall accord to the Inspector all reasonable facilities in the discharge of his duties under this Act.

CHAPTER 4

Health

8. Cleanliness :-

Every beedi industrial premises shall be kept clean and free from effluvia arising from any drain, privy or other nuisance and in particular.

(a) accumulations of dirt and refuse shall be removed daily by sweeping or by any other effective method from the floors and benches 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 disinfectants where necessary, or by some other effective method;

(c) all inside walls, and partitions, all ceilings or tops of rooms and all walls, sides and tops of passages and staircases shall.

(i) where they are painted or varnished, or where they have smooth impervious surfaces, be cleaned at least once in every twelve months by such methods as may be prescribed;

(ii) where they are painted or varnished, be repainted or revarnished at least once in every period of five years;

(iii) in any other case, be kept whitewashed or colourwashed at least once in every twelve months.

9. Ventilation :-

(1) The premises of every beedi industrial premises shall be ventilated and sufficiently lighted in accordance with such standards and by such methods as may be prescribed.

(2) If it appears to an Inspector that the premises of any beedi industrial premises within his jurisdiction is not sufficiently lighted or ventilated, he may serve on the employer an order in writing specifying the measures which, in his opinion, should be adopted and requiring them to be carried out before a specified date.

10. Overcrowding :-

(1) No room in any beedi industrial premises shall be overcrowded to an extent injurious to the health of the employees employed therein.

(2) Without prejudice to the generality of sub-section (1), there shall be in every work room of such premises at least sixteen square feet of space for every employee employed therein.

11. Drinking water :-

(1) In every beedi industrial premises effective arrangements shall be made by the employer to provide and maintain at suitable points conveniently situated for all employees a sufficient supply of wholesome drinking water.

(2) All such points shall be legibly marked "drinking water" in the official language and a language understood by the majority of the

employees employed in the premises and no such point shall be situated within twenty feet of any washing place, urinal or latrine except with the prior approval in writing of the competent authority.

12. Latrines and urinals :-

(1) In every beedi industrial premises sufficient latrine and urinal accommodation of prescribed types shall be provided conveniently situated and accessible to employees at all times while they are in the beedi industrial premises:

Provided that it shall not be necessary to provide for separate urinals in the beedi industrial premises where less than fifty persons are employed or where the latrines are connected to any waterborne sewage system.

(2) The Government may prescribe the number of latrines and urinals to be provided in any beedi industrial premises in proportion to the number of men and women employees ordinarily employed therein and provide for such further matters in respect of sanitation in the beedi industrial premises including the obligation of employees in this regard, as it considers necessary in the interests of the health of the employees employed therein.

CHAPTER 5

Welfare

13. Washing facilities :-

In every beedi industrial premises where blending and sieving of tobacco or warming of beedies in hot ovens is carried on, the employer shall provide such washing facilities for the use of the employees as may be prescribed.

14. Creches :-

(1) In every beedi industrial premises wherein more than fifty women employees are ordinarily employed, there shall be provided and maintained a suitable room or rooms for the use of children under the age of six years of such women employees.

(2) Such rooms shall provide adequate accommodation, shall be adequately lighted and ventilated, shall be maintained in a clean and sanitary condition and shall be under the charge of women trained in the care of children and infants.

(3) The Government may make rules.

- (a) prescribing the location and the standards in respect of construction, accommodation, furniture and other equipment of rooms to be provided under this section;
- (b) requiring the provision in beedi industrial premises to which this section applies of additional facilities for the care of children belonging to women employees, including suitable provision of facilities for washing and changing their clothing;
- (c) requiring the provision in any beedi industrial premises of free milk or refreshment or both for such children;
- (d) requiring that facilities shall be given in any beedi industrial premises for the mothers of such children to feed them at the necessary intervals.

15. First-aid :-

(1) There shall, in every beedi industrial premises, be provided and maintained so as to be readily accessible during all working hours, first aid boxes or cupboards equipped with the prescribed contents and the number of such boxes or cupboards to be provided and maintained shall not be less than one for every one hundred and fifty employees ordinarily employed at any one time in the premises.

(2) Nothing except the prescribed contents shall be kept in a first-aid box or cupboard.

(3) Each first-aid box or cupboard shall be kept in the charge of a person who is trained in first-aid treatment and who shall always be readily available during the working hours of the beedi industrial premises.

16. Protection against fire :-

In every beedi industrial premises the employer shall take such precautions against fire as may be prescribed.

17. Canteens :-

The Government may make rules requiring that in any specified beedi industrial premises wherein not less than two hundred and fifty employees are ordinarily employed, a canteen shall be provided and maintained by the employer for the use of employees.

CHAPTER 6

Working Hours

18. Working hours :-

No employee shall be required or allowed to work in a beedi industrial premises for more than nine hours in any day or more than forty-eight hours in any week:

Provided that any adult employee may be allowed to work in such beedi industrial premises for any period in excess of the limit fixed under this section subject to payment of overtime wages, but the period of work including overtime work shall not exceed ten hours in any day and in the aggregate fifty-four hours in any week.

19. Wages for overtime work :-

(1) Where any employee employed in any beedi industrial premises is required to work overtime he shall be entitled in respect of such overtime work, to wages at twice the ordinary rate of wages.

(2) Where the employees in a beedi industrial premises are paid on a piece-rate basis, the Government shall, in consultation with the employer concerned and the representatives of the employees, fix for the purposes of this section, time-rates as nearly as possible equivalent to the average rate of earnings of those employees, and the rates so fixed shall be deemed to be the ordinary rates of wages of those employees.

(3) For the purposes of this section, "ordinary rate of wages" means the basic wages plus such allowances including the cash equivalent of the advantage accruing through the concessional sale to employees of foodgrains and other articles, as the employee is for the time being entitled to, but does not include a bonus.

(4) The cash equivalent of the advantage accruing through the concessional sale to an employee of foodgrains and other articles shall be computed as often as may be prescribed on the basis of the maximum quantity of foodgrains and other articles admissible to a standard family.

Explanation 1. "Standard family" means a family consisting of the employee, his or her spouse and two children requiring in all three adult consumption units.

Explanation 2. "Adult consumption unit" means the consumption unit of a male above the age of fourteen years and the consumption unit of a female above the age of fourteen years and that of a child shall be calculated at the rate of 8 and 6 respectively

of one adult consumption unit.

20. Interval for rest :-

The periods of work for employees in a beedi industrial premises each day shall be so fixed that no period shall exceed five hours and that no employee shall work for more than five hours before he has had an interval for rest of at least half an hour.

21. Spread over :-

The periods of work of an employee in a beedi industrial premises shall be so arranged that along with his interval for rest they shall not spread over more than ten hours in any day.

22. Weekly holidays :-

(1) Every beedi industrial premises shall remain entirely closed except for wetting of wrapping leaves on one day in the week which day shall be specified by the employer in a notice permanently exhibited in a conspicuous place in the premises and the day so specified shall not be altered by the employer more often than once in three months and except with the previous written permission of the Inspector.

(2) Notwithstanding anything contained in sub-section (1) an employee employed in the said premises for wetting of wrapping leaves on the day on which it has remained closed in pursuance of sub-section (1) shall be allowed a substituted holiday on one of the three days immediately before or after the said day.

(3) Notwithstanding any contract to the contrary, no deduction shall be made from the wages of any employee on account of any holiday allowed to him under this section.

23. Notice of periods of work :-

(1) There shall be correctly maintained and displayed in every beedi industrial premises a notice of periods of work in such form and in such manner as may be prescribed showing clearly for every day the periods during which employees may be required to work.

(2)

(a) A copy of the notice referred to in sub-section (1) shall be sent in triplicate to the Inspector having jurisdiction over the beedi industrial premises within two weeks from the date of grant of licence for the first time in the case of premises carrying on work on

the date of commencement of this Act, and in the case of premises beginning work after such commencement, before the day on which work is begun in the premises.

(b) Any proposed change in the system of work which will necessitate a change in the notice referred to in sub-section (1) shall be notified to the Inspector in triplicate before the change is made and, except with the previous sanction of the Inspector, no such change shall be made until one week has elapsed since the last change.

24. Hours of work to correspond with notice under Section 23 :-

No employee shall be employed in any beedi industrial premises otherwise than in accordance with the notice of work displayed in the premises under Section 23.

CHAPTER 7

Employment of Women and Children

25. Prohibition of employment of children :-

No child shall be required or allowed to work in any beedi industrial premises.

26. Prohibition of employment of woman or young person during certain hours :-

No woman or young person shall be required or allowed to work in any beedi industrial premises except between 6 a.m. and 7 p.m.

CHAPTER 8

Leave with Wages

27. Annual leave with wages :-

(1) Every employee in a beedi industrial premises shall be allowed in a calendar year, leave with wages for a number of days calculated at the rate of one day for every twenty days of work performed by him during the previous calendar year.

Explanation. The leave admissible under this sub-section shall be exclusive of all holidays whether occurring during or at the beginning or at the end of the period of leave.

(2) In calculating leave under this section, any fraction of leave of half a day or more shall be treated as one full day's leave and any fraction of less than half a day shall be omitted.

(3) If any employee does not in any calendar year take the whole

of the leave allowed to him under sub-section (1) or sub-section (2), as the case may be, any leave not taken by him shall be added to the leave to be allowed to him in the succeeding calendar year:

Provided that the total number of days of leave that may be carried forward to a succeeding year shall not exceed thirty.

(4) An application by an employee for the whole or any portion of the leave allowed under sub-section (1) shall be in writing and ordinarily be made sufficiently in advance of the date on which he wishes his leave to begin.

(5) If the employment of an employee who is entitled to leave under sub-section (1) is terminated by the employer before he has taken the entire leave to which he is entitled or if having applied for leave he has not been granted such leave, or if the employee quits his employment before he has taken the leave, the employer shall pay him the amount payable under Section 28 in respect of leave not taken and such payment shall be made, where the employment of the employee is terminated by the employer, before the expiry of the second working day after such termination and where the employee quits his employment, on or before the next pay day.

(6) The leave not availed of by an employee shall not be taken into consideration in computing the period of any notice required to be given before discharge or dismissal.

28. Wages during leave period :-

(1) For the leave allowed to him under Section 27, an employee shall be paid at a rate equal to the daily average of his total full time earnings for the days on which he worked during the month immediately preceding his leave exclusive of any overtime and bonus, but inclusive of dearness allowance.

(2) An employee who has been allowed leave for not less than four days shall, before his leave begins, be paid wages due for the period of the leave allowed.

CHAPTER 9

Miscellaneous

29. Revision by Government :-

The Government may call for the records of any proceedings under this Act of any officer subordinate to it for the purpose of satisfying

itself as to the legality or propriety of any order or proceeding and may pass such order with respect thereto as it thinks fit:

Provided that no order to the prejudice of any person shall be passed without giving such person a reasonable opportunity to be heard.

30. Application of the Payment of Wages Act, 1936 to beedi industrial premises :-

(1) Notwithstanding anything contained in the Payment of Wages Act, 1936 (Central Act 4 of 1936) (hereinafter in this section referred to as the said Act), the Government may, by notification, direct that, subject to the provisions of sub-section (2), the said Act or any of the provisions thereof or the rules made thereunder shall apply to all or any class of employees in beedi industrial premises to which this Act applies.

(2) On the application of the provisions of the said Act to any beedi industrial premises under sub-section (1), the Inspector appointed under this Act shall be deemed to be the Inspector for the purpose of the enforcement of the provisions of the said Act within the local limits of his jurisdiction.

(3) The Government may, by notification, cancel or vary any notification issued under sub-section (1):

Provided that when by the cancellation or variation of any such notification, any provision of the Payment of Wages Act, 1936, or the rule made thereunder ceases to be applicable to any class of employees in beedi industrial premises, the provisions of Section 6 of the Mysore General Clauses Act, 1897, shall be applicable as if such provision had been repealed.

31. Onus as to age :-

(1) When any act or commission would, if a person were under a certain age, be an offence punishable under this Act and such person is in the opinion of the Court prima facie under such age, the burden shall be on the accused to prove that such person is not under such age.

(2) A declaration in writing by a Medical Officer not below the rank of an Assistant Surgeon relating to an employee that he has personally examined him and believes him to be under the age stated in such declaration shall, for the purposes of this Act and

rules be admissible as evidence of the age of that employee.

32. Notice of dismissal :-

(1) No employer shall dispense with the services of an employee employed continuously for a period of not less than six months, except for a reasonable cause and without giving such employee at least one month's notice or wages in lieu of such notice, provided however that such notice shall not be necessary where the services of such employee are dispensed with on a charge of misconduct supported by satisfactory evidence recorded at an enquiry held for the purpose.

Explanation. An employee shall be deemed to be employed continuously notwithstanding interruption of service merely an account of sickness or authorised leave or an accident or a strike which is not illegal or a lock-out or a cessation of work which is not due to any fault on the part of the employee.

(2)

(a) Any employee discharged, dismissed or retrenched, may appeal to such authority and within such time as may be prescribed either on the ground that there was no reasonable cause for dispensing with his services or on the ground that he had not been guilty of misconduct as held by the employer.

(b) The Appellate Authority may, after giving notice in the prescribed manner to the employer and the employee, dismiss the appeal or direct the reinstatement of the employee with or without wages for the period he was kept out of employment or direct payment of compensation without reinstatement or grant such other relief as it deems fit in the circumstances of the case.

(3) The decision of the Appellate Authority shall be final and binding on both the parties, shall not be liable to be questioned in any Court of law, and shall be given effect to within such time as may be specified in the order of the Appellate Authority.

33. Penalty for obstructing Inspector :-

Whoever wilfully obstructs an Inspector in the exercise of any power conferred on him by or under this Act, or fails to produce on demand by an Inspector, any register or other document in his custody kept in pursuance of this Act or of any rule made thereunder or conceals or prevents any employee in a beedi

industrial premises from appearing before, or being examined by, an Inspector, shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

34. General penalty for offences :-

(1) Save as otherwise expressly provided in this Act, any person who contravenes any of the provisions of this Act or of any rule made thereunder or fails to pay wages or compensation in accordance with any order of the appellate authority passed under clause (b) of sub-section (2) of Section 32, shall, on conviction, be punished, for the first offence, with fine which may extend to two hundred and fifty rupees, and for a second or any 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 one hundred rupees or more than five hundred rupees, or with both.

(2)

(a) Any employer who fails to reinstate an employee in accordance with any order of the Appellate Authority passed under clause (b) of sub-section (2) of Section 32 shall, on conviction, be punished with fine which may extend to two hundred and fifty rupees.

(b) Any employer, who after having been convicted under clause (a) continues to fail to reinstate an employee in accordance with the order mentioned in that clause, shall, on conviction, be punished for each day after the previous date of conviction, during which he continues so to offend, with fine which may extend to twenty rupees.

(c) Any Court trying an offence punishable under this sub-section may direct that the whole or any part of the fine realised from the accused shall be paid by way of compensation to the person who, in its opinion, has been injured by such failure.

(3) Any compensation required to be paid by an employer under clause (b) of sub-section (2) of Section 32 but not paid by him shall be recoverable as delayed wages under the provisions of the Payment of Wages Act, 1936 (Central Act 4 of 1936).

(4) It shall be no defence in a prosecution of any person for contravention of Section 3 that any manufacturing process

connected with the production of beedies was carried on by such person with the help of any person living with or dependent on such person.

35. Offences by companies :-

(1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation. For the purposes of this section.

(a) "Company" means a body corporate, and includes a firm or other association of individuals; and

(b) "Director" in relation to a firm means a partner in the firm.

36. Indemnity :-

No suit, prosecution, or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

37. Cognizance of offences :-

No Court shall take cognizance of any offence under this Act except on complaint by, or with the previous sanction in writing of an Inspector.

38. Central Act 20 of 1946 to apply to beedi industrial

premises :-

The provisions of the Industrial Employment (Standing Orders) Act, 1946 (Central Act 20 of 1946), as in force for the time being shall apply to every beedi industrial premises wherein fifty or more employees are employed or were employed on any one day of the preceding twelve months as if such industrial premises were an industrial establishment to which the aforesaid Act has been applied by a notification under sub-section (3) of Section 1 thereof, and as if the employee in the said premises were a workman within the meaning of that Act.

39. Central Act 14 of 1947 to apply to beedi industrial premises :-

The provisions of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), shall apply to matters arising in respect of all beedi industrial premises.

40. Certain Acts not to apply to beedi industrial premises :-

On and from the date on which this Act comes into force, the Factories Act, 1948 (Central Act 63 of 1948) and the Karnataka Shops and Commercial Establishments Act, 1961, and any law corresponding to that Act as in force in any area of the State shall cease to apply to beedi industrial premises.

41. Rights and privileges under other laws, etc., not affected :-

(1) Nothing contained in this Act shall affect any rights or privileges which any employee working in any beedi industrial premises is entitled to under any other law, contract, custom or usage, applicable to such beedi industrial premises, if such rights or privileges are more favourable to him than those to which he would be entitled under this Act.

(2) If any question arises whether the rights or privileges aforesaid are more favourable to any employee than those to which he would be entitled under this Act or whether all or any of the provisions of this Act apply to a beedi industrial premises or to a person employed therein, it shall be decided by the Commissioner of Labour and his decision thereon shall be final and shall not be liable to be questioned in any Court of law.

42. Power to exempt :-

(1) The Government may, by notification, exempt, subject to such

conditions and restrictions as it may impose.

(a) any beedi industrial premises;

(b) any beedi industry; or

(c) any class of employees, from all or any of the provisions of this Act or any rules made thereunder.

(2) Where the Government is satisfied that a dwelling house is used by the owner thereof to carry on any process of manufacture of beedies with the assistance of members of his family living with him in such house and dependent on him, and that the owner thereof is not an employee of any employer engaged in the manufacture of beedies, the Government may by order exempt such dwelling house and the owner thereof from all the provisions of this Act.

43. Power to make rules :-

(1) The Government may, after previous publication by notification, make rules to carry out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power such rules may provide for.

(a) the terms and conditions subject to which a licence may be granted or renewed under this Act and the fees to be paid in respect of such licence;

(b) the form of application for a licence under this Act and the documents and plans to be submitted together with such application;

(c) submission of a monthly return by an employer to the competent authority specifying the quantity of beedi tobacco released by the Central Excise Department and the number of beedies manufactured by him;

(d) the time within which appeals may be presented under this Act;

(e) the manner in which the cash equivalent of the advantage accruing through the concessional sale to an employee of foodgrains and other articles shall be computed;

(f) the records and registers that shall be maintained in beedi industrial premises for the purpose of securing compliance with the provisions of this Act and the rules made thereunder;

(g) any matter expressly required or allowed by this Act to be prescribed.

(3) Every rule made under this Act, shall be laid as soon as may be after it is made, before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is laid or the sessions immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(4) Subject to any modification under sub-section (3) every rule made under this Act, shall have effect as if enacted in this Act.