

Tamil Nadu Industrial Establishments (National and Festival Holidays) Rules, 1959

TAMILNADU

India

Tamil Nadu Industrial Establishments (National and Festival Holidays) Rules, 1959

Act 1931 of 1959

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Tamil Nadu Industrial Establishments (National and Festival Holidays) Rules, 1959Published vide Notification No. S.R.O. No. A-1931 of 1959S.R.O. No. A-1931 of 1959. - In exercise of the powers conferred by sub-sections (1) and (2) of section 12 of the Tamil Nadu Industrial Establishments (National and Festival Holidays) Act, 1958 (Tamil Nadu) Act XXXIII of 1958), the Governor of Tamil Nadu hereby makes the following rules:-

1. Short title.

- These Rules may be called the Tamil Nadu Industrial Establishments (National and Festival Holidays) Rules, 1959.

2. Definition.

- In these Rules, unless the context otherwise requires,-(a)"Act" means the Tamil Nadu Industrial Establishments (National and Festival Holidays) Act, 1958 (Tamil Nadu Act XXXIII of 1958);(b)"Form" means a Form appended to these Rules; and(c)"Section" means a section of the Act.

3. Specifications of festivals by Inspector.

(1)Every employer shall, within thirty day from the date on which the Act comes into force, in the case of an industrial establishment existing on such date and within thirty days from the date of commencement of work in the case of any new industrial establishment, send in duplicate together with a copy of the notice mentioned in sub-rule (2) to the Inspector having jurisdiction over the area in which the industrial establishment is situated, his proposal for the specification of festivals in

Form No. I: Provided that in the case of any industrial establishment, the Inspector may, if he thinks fit, extend the period within which the proposal for the specification of the festivals should be sent. (2) The employer shall, on the day on which he sends to the Inspector the proposal mentioned in sub-rule (1), display in the premises of the industrial establishment in such manner as can be readily seen and read by the employees a notice in Form No. II specifying the period within which objections or suggestions of the employees referred to in sub-rule (3) shall be sent to the Inspector: Provided that the employer may consult the employees before formulating his proposal mentioned in sub-rule (1). (3) Objections or suggestions, if any, to the proposal of the employer shall be sent to the Inspector having jurisdiction over the area in which the industrial establishment is situated by the employees or by the trade unions representing the employees within a period of 15 days from the date on which the notice mentioned in sub-rule (2) is displayed in the premises of the industrial establishment. (4) The Inspector shall, after considering the proposal of the employer and the objections and suggestions, if any, of the employees received within the period specified in sub-rule (3), specify the five festivals for which holidays are to be allowed under section 3. (5) The festivals specified by the Inspector under sub-rule (4) shall be communicated to the employer in Form No. III. The employer shall, within seven days of receipt of the communication, exhibit in his industrial establishment a copy thereof in such manner as can be readily seen and read by the employees.

4. Change of the festivals specified.

(1) The employer or a majority of the employees or any trade union representing a substantial number of employees in any industrial establishment in respect of which festivals have been specified under section 3, may, at any time, apply to the Inspector for a change in all or any of the festivals so specified. (2) The application for changing the specified festivals shall be sent to the Inspector having jurisdiction over the area in which the industrial establishment is situated in Form No. IV in duplicate. (3) The provisions of rule 3 shall, mutatis mutandis, apply to the change of festivals under this rule. (4) The change made by the Inspector in the specified festivals under this rule shall be communicated to the employer in Form No. II in duplicate. The employer shall, within seven days of receipt of the communication, exhibit in his industrial establishment a copy thereof in such manner as can be readily seen and read by the employees. The festivals so changed by the Inspector shall take effect from the 1st day of calendar year immediately following the year in which such change is effected. (5) [The festivals for which holidays are to be allowed as specified by the Inspector under sub-rule (5) of rule 3 or under sub-rules (1), (2), (3) and (4), as the case may be shall not be changed or any change given effect to by the employer, otherwise than in accordance with the provisions of sub-rules (1), (2), (3) and (4).] [Added by G.O. Ms. No. 528, Labour and Employment, dated the 9th June 1976.]

5. Statement to be sent to the Inspector and displayed in the industrial establishment under section 4.

(1) The statement to be sent to the Inspector by the employer under section 4 shall be in Form No. V and shall be sent by registered post so as to reach the Inspector before the commencement of each calendar year in which two holidays are to be allowed. (2) Every employer shall exhibit

simultaneously in his industrial establishment a copy of the statement referred to in sub-rule (1) in such manner as can be readily seen and read by the employees of that industrial establishment and shall maintain it in a legible condition.

6. Calculation of daily average wage for the purpose of clause (i) of sub-section 3(3) of section 5.

- For the purpose of clause (i) of sub-section (3) of section 5, the daily average of the wages of an employee mentioned in that sub-section shall be calculated by dividing the total wages earned by him during the period of twelve working days immediately preceding the holiday concerned by the number of days he actually worked during that period.

6A. Manner of service of notice under sub-clause (i) of clause (a) of subsection (2) of section 5.

- The notice under sub-clause (i) of clause (a) of sub-section (2) of section 5 shall be in Form V-A and the notice shall be served-(i)by giving or tendering the said notice to employee; or(ii)if the employee is not found, by leaving such notice at his last known place of abode, or by giving or tendering the same to some adult member of his family.(2)The signature of the person to whom the notice is given or tendered together with the date on which and the hour at which it was so given or tendered shall be obtained on a duplicate copy of the notice.

7. Maintenance of registers and records.

(1)Every employer shall maintain, a register in Form No. VI.(2)Every employer shall maintain a visit book in which the Inspector visiting the industrial establishment may record his remarks regarding any defects that may come to light at the time of his inspection and shall produce it whenever required to do so by the Inspector:Provided that no separate visit book need be maintained where the employer maintains such a book with reference to the Tamil Nadu Shops and Establishments Act, 1947 (Tamil Nadu Act XXXVI of 1947), the Factories Act, 1948 (Central Act LXIII of 1948), or the Plantations Labour Act, 1951 (Central Act LXIX of 1951).(3)The register and notices required to be maintained and exhibited under these rules shall be in English or in Tamil.(4)The records relating to a calendar year shall be preserved till the end of the subsequent calendar year.

8. Penalty.

- A contravention of sub-rule (1), (2), (3) and (4) of rule 3, sub-rule (4) of rule 4 or rule 5,6 or 7 by the employer shall be punishable with fine which may extend to fifty rupees.Form No. I[See sub-rule (1) of rule 3]From.....(Name and address of the employer.)To(Designation and address of the Inspector having jurisdiction over the area in which the industrial establishment is situated).Sir,I propose that the following festivals may be specified under section 3 of the Tamil Nadu Industrial Establishments (National and Festival Holidays) Act, 1958 (Tamil Nadu Act XXXIII of 1958), in respect of my industrial establishment, namely, (a)at (b).....

Serial number Description of festivals

1
2
3
4
5

2. The total number of employees in the above industrial establishment is.....

3. A notice in Form No. II has been exhibited in the above industrial establishment on theA copy of the notice aforesaid is enclosed.

4. The names of the trade unions which claim to represent my employees are To my knowledge, there is no trade union representing the employees (c).

Date:Yours faithfully,Signature of the employer.Note. - Here enter the name of the industrial establishment.(a)(b)Here enter the full address of industrial establishment.(c)Delete portion not applicable to the industrial establishment.Form No. II[See sub-rule (2) of rule 3]Notice(a)I have proposed to the.....that the following festivals mentioned in column (2) of the statement below may be specified festivals mentioned in column (3) of the statement below may be specified in lieu of the festivals already specified and mentioned in Column (2) thereof under section 3 of the Tamil Nadu Industrial Establishments (National and Festival Holidays) Act, 1958 (Tamil Nadu Act XXXIII of 1958), in respect of this industrial establishment.Statement

Serial number	Description of the festivals	*Description of festivals proposed for specification in lieu of that/those mentioned in column (2)
(1)	(2)	(3)

1
2
3
4
5

2. Any employee of this industrial establishments or trade unions representing the employee of this industrial establishment may send to the above-mentioned Inspector objections or suggestions, if any, to the proposal mentioned above.

3. The objection or suggestion should reach the above-mentioned Inspector within a period of fifteen days from the date on which this notice is displayed in the premises of the industrial establishment.

Date on which the notice is exhibited. Signature of the employer. Note. - (a) Here enter the designation and address of the Inspector having jurisdiction over the area in which the Industrial establishment is situated. *Delete whichever is not applicable. This form shall be completed in ink in block letters or typed. Form No. III [See sub-rule (5) of rule 3 and sub-rule (4) of rule 4] Proceedings of..... (a)..... Under section 3 of the Tamil Nadu Industrial Establishment (National and Festival Holidays) Act, 1958 (Tamil Nadu Act XXXIII of 1958), I specify the festivals mentioned in column (2) of the statement below for which holiday/s festival/s mentioned in column (3) of the statement below, in lieu of the festivals mentioned in Column (2) thereof which was/were specified for the industrial establishment in proceedings No dated the for which holidays shall be granted every year to the employee in the industrial establishment namely (b) at (c) Statement

Serial number	Description of the festivals	*Description of festivals proposed in lieu of that/those mentioned in column (2)
(1)	(2)	(3)

1
2
3
4
5

Date Signature of the Inspector Note. - (a) Here enter designation of the Inspector having jurisdiction over the area in which in industrial establishment is situated. (b) Here enter the name of the industrial establishment. (c) Here enter the full address of the industrial establishment. *Delete whichever is not applicable. This form shall be completed in ink in block letters or typed. Form No. IV [See sub-rule (2) of rule 4] To (Designation and address of the Inspector having jurisdiction over the area in which the industrial establishment is situated.) Sir, Reference. - Your proceedings-No..... dated..... I, the employer of the industrial establishment, namely, we, the employees in the industrial establishment, namely, I, the Secretary of the trade union representing a* at** at *substantial number of employees in the industrial establishment, namely, propose that the festival/festivals mentioned in column (3) of the statement below may be specified under section 3 of the Tamil Nadu Industrial Establishments (National and Festival Holidays) Act, 1958 (Tamil Nadu Act XXXIII of 1958), in respect of the above industrial establishment at in lieu of the festival/festivals mentioned in column (2) which was/were specified in the proceedings cited. Statement

Serial number	Description of the festivals	*Description of festival/festivals proposed for specification in lieu of that/those mentioned in column (2)
(1)	(2)	(3)

1
2

3

4

5

2. The total number of employees in the above industrial establishment is

3. #A notice in Form No. II has been exhibited in the above industrial establishment on the A copy of the notice aforesaid is enclosed.

A copy of the application has been sent to the employer of the above mentioned industrial establishment by pre-paid registered post on the same date on which this is sent to you.

4. \$The names of the trade unions which claim to represent the employee are

There is no trade union representing the employees. Date: Yours faithfully, Signature of the employer
Signature of the employees
Signature of the Secretary of the trade union representing a substantial number of employees.
Note. - (1) This form shall be filled in ink in block letters or typed. (2) Against reference, the number and date of the Proceedings in which the festivals were specified shall be given. (3) Here enter the full name of industrial establishment. (4) Here enter the full address of the industrial establishment. (5) \$ Delete the portion which is not applicable to the industrial establishment. (6) # Delete whichever is not applicable. Form No. V [See sub-rule (1) of rule 5] Statement Showing the Holidays Allowed under Section 3 of the Tamil Nadu Industrial Establishments (National and Festival Holidays) Act, 1958 (Tamil Nadu Act XXXIII of 1958) Name and address of the employer. Name and address of the industrial establishment. No. and date of the Proceedings of the Inspector.

Serial number	Description of the festivals	Days, dates and months of the year on of holidays which the National and festival holidays are allowed under section 3 of the Tamil Nadu Industrial Establishments (National and Festival Holidays) Act, 1958 (Tamil Nadu Act of XXXIII 1958)
(1)		
1		
2		
3		
4		
5		
6		
7		
8		

Date: Signature of the employer. Note. - This form shall be completed in ink in block letters or typed. Form No. V-A (See rule 6-A) Notice to the employee under sub-clause (i) of clause (a) of sub-section (2) of section (5). - Under sub-clause (i) of clause (a) sub-section (2) of section 5 of the

Tamil Nadu Industrial Establishments (National and Festival Holidays) Act, 1958 (Tamil Nadu Act XXXIII of 1958), the following employee is hereby required to work on which is a holiday allowed under section 3 of the Act. He is further required to give his option in writing whether he prefers to be paid for such holiday on which he works -(i)twice the wages; or(ii)wages for such day and to avail himself of a substituted holiday with the wages on any other day.Dated at.....the.....day of.....19ToSri (Here enter the name of the employee).Copy to the Inspector.Signature of the employer.Form No. VI[See sub-rule (1) of rule 7]Register of National and Festival Holidays

Serial number	Name of the employee	Ticket number or father's name	Days, dates and months of the year on which National and festival holidays are remarks allowed under section 3 of the Tamil Nadu Industrial Establishments (National and Festival Holidays) Act, 1958 (Tamil Nadu Act XXXIII of 1958)
1.	2.	3.	4.
5.	6.	7.	8.

1.2. 3.4. 5. 6. 7. 8.

To be marked as follows:-'H' for Holidays allowed'W/D' for work on double wages.'W/H' for work with substituted holiday.'N/E' if not eligible for the wages.