THE TAMIL NADU INDUSTRIAL ESTABLISHMENTS (NATIONAL AND FESTIVAL HOLIDAYS) RULES, 1959

[G.O. Ms. No. 1246, Industries, Labour and Co-operation (Labour), 19th March, 1959.] **S.R.O. No. A – 1931 of 1959** – In exercise of the powers conferred by sub-section (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 Madras hereby makes the following rules:-

RULES

1. Short title and extent – (1) These rules may be called the 1[Tamil Nadu] Industrial Establishments (National and Festival Holidays) Rules, 1959.

(2) They extend to the whole of the State of Madras including the territories specified in the Second Schedule to the Andhra Pradesh and Madras (Alteration of Boundaries) Act, 1959 (Central Act 56 of 1959).

2. Definitions – 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;

(c) "Section" means a section of the Act.

3. Specification of festival by Inspector – (1) Every employer shall, within thirty days 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 any of 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. 1:

Provided that in 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).

[1]Subs. for "Madras" by S.R.O. No. A/676 of 1970, dated 6th April, 1970

(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.

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. III 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 the calendar year immediately following the year in which such change is effected.

5. Statement to be sent to the Inspector and displayed in the Industrial establishment under section 4 – (1) 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 the 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) 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 by twelve the total wages earned by him during any period of twelve days [1][***] immediately preceding the holiday concerned, such twelve days being days on which he had actually worked.

6A. Manner of service of notice under sub-clause (i) of clause (a) of sub-section (2) of section 5 – (1) 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 the 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 record – [2][(1) Every employer shall maintain a register in Form No. VI with upto date entries, by making the entry relating to any day on that day itself.

Provided that no separate register need be maintained if the Inspector having jurisdiction over the area in which the Industrial establishment is situated is satisfied that the particulars required to be kept in

Form No. VI are contained in any other register maintained by the employer.

(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 [3] [***].

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 notice 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) or (5) of rule 3, sub-rule (4) of rule 4 or rules 5, 6, 6A or 7 by the employer shall be punishable with fine which may extend to fifty rupees.

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[1] The words “within a period of ninety days” omitted by G.O. Ms. No. 81, dated 9th January, 1986

[2] Subs. by G.O. Ms. No. 12, Labour and Employment, dated 3rd January, 1981

[3] Certain words omitted by G.O. Ms. No. 88, Labour and Employment, dated 18th January, 1990

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

1

2

3

4

5

Description of festivals

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.

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 –(a) Here enter the name of the industrial establishment.

(b) Here enter the full address of the industrial establishment. (c) Delete portion not applicable to the industrial establishment.

This form shall be completed in ink in block letters or typed.

FORM No. II

[See sub-rule (2) of rule 3]

Notice

I have proposed to the .....(a) that the following* festivals mentioned in column (2) of the statement below may

festival/s mentioned in column (3) of the statement below may be specified

be specified in lieu of the festival/s 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 festival/s	Description of the for specification in lieu of that/those	*Description of festivals proposed mentioned in column (2).	Number
(1)	(2)	(3)	
1			
2			
3			
4			
5			

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

3. The objections or suggestions 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 establishments.

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 Establishments (National and Festival Holidays) Act, 1958 (Tamil Nadu Act XXXIII of 1958), I specify the *festival(s) mentioned in column (2) / festival(s) mentioned in column (3) of the statement below for which holidays

of the statement below in lieu of the festival/s mentioned in column (2) thereof which was/were specified for the industrial establishment in proceeding No....., dated the ..... for which holidays shall be granted every year to the employees in the industrial establishment, namely (b) at (c)

Statement

Serial festival/s	Description of the for specification in lieu of that/those	*Description of festivals proposed mentioned in column (2).	Number
(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 the 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 substantial number of employees in the industrial establishment

* at #

namely, * at #

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/s mentioned in column (2) which was/were specified in the proceedings cited.

Statement

Serial festival/s	Description of the for specification in lieu of that/those	*Description of festivals proposed mentioned in column (2).	Number
(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 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 employees are

There is no trade union representing the employees.

Date:

Yours faithfully,

Signature of the employer

Signatures 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 letter 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 the 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 Sec. 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:

Festival Holidays allowed in the year .....

Serial Holidays	Description of the which the National and Festival holidays are allowed under Sec. 3 of the Tamil Nadu Industrial Establishments (National and Festival Holidays) Act, 1958 (Tamil Nadu Act XXXIII of 1958)	Days, dates and months of the year on Number
1		
2		
3		
4		
5		
6		
7		
8		
9		

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) of 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 holidays on which he works-

(i) twice the wages; or

(ii) wages for such day and to avail himself of a substituted holiday with wages on any other day.

Dated at the day of 20

To

Sri (Here enter the name of the employee)

Copy to the Inspector

Signature of the employer.

Note- This notice shall be exhibited in a conspicuous place at or near the main entrance in the premises of the industrial establishment.

FORM No. VI

[See sub-rule (1) of rule 7]

REGISTER OF NATIONAL AND FESTIVAL HOLIDAYS

Days, dates and months of the year on which the National and Festival holidays are allowed under Sec. 3 of the Tamil Nadu Industrial Establishments (National and Festival Holidays) Act, 1958 (Tamil Nadu Act XXXIII of 1958)

Serial number	Name of the employee	Ticket number or father's name	Days, dates and months of the year on which the National and Festival holidays are allowed under Sec. 3 of the Tamil Nadu Industrial Establishments (National and Festival Holidays) Act, 1958 (Tamil Nadu Act XXXIII of 1958)							Remarks
1	2	3	4	5	6	7	8	9		
*	*	*	*	*	*	*	*	*	*	*

To be marked as follow:

'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