

THE HIMACHAL PRADESH INDUSTRIAL ESTABLISHMENTS (NATIONAL AND FESTIVAL HOLIDAYS AND CASUAL AND SICK LEAVE) RULES, 1970:

ARRANGEMENT OF RULES

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LABOUR DEPARTMENT

NOTIFICATION

Shimla-4, the 2nd January, 1971

No.-2-26/69-SI- In exercise of the powers conferred by Section 15 of the Himachal Pradesh Industrial Establishments (National and Festival Holidays and Casual and Sick Leave) Act, 1969 (Act No.-7 of 1970), the Lieutenant Governor (Administrator), Himachal Pradesh is pleased to make the following rules for the purposes of the said Act, the same having been previously published vide notification No.-2-26/69-SI, dated the 17th August, 1970:-

RULES

1. Short title. These rules may be called the Himachal Pradesh Industrial Establishments (National and Festival Holidays and Casual and Sick Leave) Rules, 1970

2. Definitions. In these rules, unless context otherwise requires:-

- (a) "Act" means the Himachal Pradesh Industrial Establishments (National and Festival Holidays and Casual and Sick Leave) Act, 1969;
- (b) "form" means a form appended to the rules;
- (c) "Inspector" means Inspector appointed under the Act;
- (d) "representative of the workers" shall mean the representative of the workers on the works committee constituted under Section 3 of the Industrial Disputes Act, 1947 and where there is no such works committee, the representatives of the workers elected in the manner prescribed under rule 4;
- (e) "Section" means a section of the Act.

3. Festival Holiday. (1) The four festival holidays required to be allowed under section 3(1)(b)[Section 3(1) read with Section 15(2)(a)], shall be determined by the employer in consultation with the representatives of the workers before the 30th November each year for the ensuing calendar year. The holidays to be determined shall be notified to the workers before the 31st December each year, by exhibiting a copy of the same on the notice board kept at a conspicuous place where the majority of the workers enter the premises of the industrial establishment and also at the Time keeper's office, if any; and a copy of the same shall be delivered to the Inspector of the area before the 31st December, each year.

(2) For exercising claim for half festival holiday as provided in proviso to sub section (1) of Section 3 a written application to this effect shall be received by the employer before the 31st October every year which shall be signed by not less than 10 per cent workers of the industrial establishment on rolls on that day indicating the name of festivals on which they want to avail half holidays. If any difficulty in this behalf arises, that matter will be settled by the employer in consultation with the representatives of the workers.

(3) In case it is not possible to determine the festival holidays under sub-rule (1) and (2) before the 30th November the matter shall be referred by the employer to the Inspector of the area concerned immediately but not later than the 1st December. The Inspector shall make efforts to bring about settlement between the employer and the workers. In case the Inspector is not able to bring about any settlement between the employer and the workers within 15 days of the receipt of the reference from the employer he shall refer the matter to the Labour Commissioner, Himachal Pradesh for his decision. The Labour Commissioner, Himachal Pradesh shall give his decision before the 31st December, which shall be final.

4. Election of representatives of workers. Where there is no works committee constituted under Section 3 of the Industrial Disputes Act, 1947, [Section 3(1) read with Section 15(2)(a)], the representatives of the workers shall be elected from amongst the workers. The election shall be arranged by the employer in the month of October each year for which purpose he shall issue seven days' notice and invite nomination whereafter election will be held by show of hands.

5. Casual Leave. (1) during the first year of service a worker may be allowed not more than two days' casual leave for every three months of service put in by him [Section-4 read with Section 15(2)(b)].

(2) The unutilized casual leave shall lapse at the end of the calendar year. If any casual leave due is refused by the employer in his own interest, the worker shall be compensated by grant of casual leave on any other day chosen by the worker or by payment of the average daily wage for that day..

(3) The casual leave shall not be combined with any other kind of leave.

(4) Except for emergent reasons, casual leave shall not be asked or allowed for more than three days at a time.

(5) An application for casual leave shall be made two days in advance to the management concerned and permission obtained before hand;

Provided that in case of urgency of death or serious illness in the family of the worker, such application can be made immediately on resuming duty, giving cogent reasons for inability to obtain prior permission.

(6) If a substantial number of workers apply for casual leave in a concerted manner and for the identical period and the employer has reasons to believe that the leave has been applied for with an intention to affect the working of the establishment adversely, the employer may reject the application and the worker shall not be entitled to claim any compensation for leave thus refused:

Provided further that a worker may apply afresh for leave thus rejected at other time during the year and such application may then be considered by the employer in the normal course.

6. Sick Leave. (1) If sick leave is for more than two days it shall be granted on application supported by a medical certificate from registered medical practitioner [Section 4 read with section 15(2)(a) and (b):

Provided that the employer may require the worker to get countersigned such medical certificate from the authorised medical officer of the Industrial establishment if any, or from the doctor in charge of the Government Hospital of the area and the fee for getting the medical certificate countersigned shall be borne by the employer.

(2) In case a worker is suspected to be suffering from any contagious or infectious disease, he may be got medically examined by the employer at his (employer's expense) and allowed to proceed on leave as though the workers had applied for being sent on leave himself.

6. Maintenance of records. (1) Every employer shall submit to the Inspector of the area statement of festival holidays to be allowed to the workers during the calendar year before the 31st December of the preceding year in Form 'A' [Section 15(2)(c)]. A copy of this statement will be exhibited on a notice board to be kept in the industrial establishment at a conspicuous place and shall be available for inspection at all time.

(2) The account of festival holidays, casual leave and sick leave shall be maintained in Form "B".

8 Penalties. Any person who contravenes any provision of the rule shall be punishable with fine, which may extend to fifty rupees [Section 15(3)].

FORM 'A'

[See rule 7(I)]

STATEMENT OF FESTIVAL HOLIDAYS TO BE SENT TO THE INSPECTOR OF THE AREA AND TO BE EXHIBITED AND MAINTAINED IN INDUSTRIAL ESTABLISHMENT UNDER THE HIMACHAL PRADESH INDUSTRIAL ESTABLISHMENTS (NATIONAL AND FESTIVAL HOLIDAYS AND CASUAL AND SICK LEAVE) RULES, 1970

Sr. No.	Name and Address of the establishment	Particular of the days observed as festival holidays	Whether whole day or half day	No. and date of the settlement through works committee of the representatives of the workers vide which the holidays were determined	Remark
1.	2.	3.	4.	5.	6

FORM 'B'

[See rule 7(2)]

Register of Festival Holidays, Casual and Sick Leave in respect of Shri..... for the year..... under the Himachal Pradesh Industrial Establishments (National and Festival Holidays and Casual and Sick Leave) Rules, 1970.

1. Date of joining service.....
2. Whether covered by the Employees State Insurance Scheme.....yes/no.

Sr.	Name of festival holidays/casual/sick leave due at the beginning of the year.	Period for which festival holidays/ casual/sick leave applied for.	Whether granted or refused	Remark No.
1.	2.	3.	4.	5.

(Authoritative English Text of this Department Notification No Shram (A) 4-3/2007-
Holiday dated - as required under Article 348(3) of the Constitution of India.

Government of Himachal Pradesh
Department of Labour & Employment

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No Shram (A) 4-3/2007 –Holiday Act Dated Shimla-171002 28 June, 2011

NOTIFICATION

Whereas, the draft Himachal Pradesh Industrial Establishments (National and Festival Holidays and Casual and Sick Leave) Amendment Rules, 2010 were published in the Rajpatra, Himachal Pradesh dated 20th November ,2010 for inviting objections and suggestions from the general public vide this Department notification of even number dated 19th November, 2010 as required under the provisions of section 15 of the Himachal Pradesh Industrial Establishments (National and festival Holidays and Casual and Sick Leave) Act, 1969(Act No.7 of 1970);

And whereas, no objection/ suggestion has been received in this behalf during the stipulated period;

Now, therefore, in exercise of the powers conferred by section 15 of the Himachal Pradesh Industrial Establishments (National and Festival Holidays and Casual and Sick Leave) Act, 1969(Act No.7 of 1970), the Governor of Himachal Pradesh is pleased to make the following rules further to amend the Himachal Pradesh Industrial Establishments(National and Festival Holidays and Casual and Sick Leave) Rules,1970 notified vide notification No. 2-26/69- SI , dated 2nd January,1971 and published in Rajpatra, Himachal Pradesh dated 20th January, 1971, namely:-

Short title.

1. These rules may be called the Himachal Pradesh Industrial Establishments (National and Festival Holidays and Casual and Sick Leave) Amendment Rules, 2011.

**Amendment Of
rule 3.**

2. In sub-rule (1) of rule 3 of the Himachal Pradesh Industrial Establishments (National and Festival Holidays and Casual and Sick Leave) Rules, 1970 (hereinafter referred to as the 'said rules'), for the word "**four**", the word "**five**", shall be substituted.

**Amendment of
rule 8 .**

3. In rule 8 of the said rules, for the word "**fifty**", the words "**five hundred**" shall be substituted

By Order

Adl. Chief Secretary(Lab.& Emp.) to the
Government of Himachal Pradesh.

Endst:- No. Shram (A) 4-3/2007 Holiday Act date Shimla-171002 28 June, 2011.

Copy forwarded to the following for favour of information and necessary action to:-

1. All Administrative Secretaries to the Government of Himachal Pradesh.
2. The Labour Commissioner-cum- Director of Employment Himachal Pradesh.
Shimla with ten spare copies.
3. The Joint Legal Remembrance-cum- Under Secy.(Law) to the Govt. of H.P.
4. The Controller, Printing and Stationery, H.P. Shimla-5 for publication in the
Rajptra Himachal Pradesh.

Under Secretary(Lab.& Emp.) to the
Government of Himachal Pradesh.