

PUNJAB INDUSTRIAL ESTABLISHMENTS (NATIONAL AND FESTIVAL HOLIDAYS AND CASUAL AND SICK LEAVE) ACT, 1965

• Pb. Act 14] INDUSTRIAL ESTABLISHMENTS (NATIONAL AND FESTIVAL HOLIDAYS AND CASUAL AND SICK LEAVE) THE PUNJAB INDUSTRIAL ESTABLISHMENTS (NATIONAL AND FESTIVAL HOLIDAYS AND CASUAL AND SICK LEAVE) ACT, 1965 PUNJAB Act No. 14 OF 1965 OF SECTIONS Sections. 367 3, 4 5. 6. 7. 9. 10. 11. 12. 13. 14

15. Short title, extent and commencement. Definitions. National and festival holidays. Casual and sick leave. Wages, Account of holidays and leave to be kept. Inspectors, Powers of Inspectors. Penalties. Power to recover wages. Penalty for obstructing Inspector. Cognizance of offences. Exemptions. Rights and privileges under other laws. etc.. affected. Power to make rules. 1965 . 1 1965 • Pb. Act 14] INDUSTRIAL ESTABLISHMENTS (NATIONAL AND FESTIVAL HOLIDAYS AND CASUAL AND SICK LEAVE) THE PUNJAB INDUSTRIAL ESTABLISHMENTS (NATIONAL AND FESTIVAL HOLIDAYS AND CASUAL AND SICK LEAVE) ACT, 1965 (PUNJAB Act No. [4 OF 1965) [Received the assent of the Governor of Punjab on the 369 19th May, 1965, and first published for general information in the Punjab Government Gazette (Extraordinary), Legislative Supplement, Part 1, of 22nd June, 1965. 1 2 14 3 Shon title The Punjab Industrial Establishments (National and Festival Holidays and Casual and Sick Leave) 1965, 4 Whether repealed or otherwise by legislation Amended by the Haryana Adaptation of Laws (State and Concurrent Subjects) Amended by Haryana Act 8 of [9723 Amended by Haryana Act 24 of 19765 Casual and Sick Leave to persons employed in State of Punjab and employed in Industrial establishments. Be it enacted by the Legislature of the State of Punjab in the Sixteenth Year of the Republic of India as follows 1. (1) "This Act may be called the Punjab Industrial Establishments (National and Festival Holidays and Casual and Sick Leave) 1965. Short title, extent and commencement. 1. 2 3. 4. 5. (2) It extends to the whole of the State of Punjab. For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary), 1965, page 369. See Haryana Government Gazette (Extraordinary), dated 29th October, 1968. For Statement of Objects and Reasons. see Haryana Government Gazette (Extraordinary), 1972, page 438, Substituted for the word "Punjab" by Haryana Adaptation of Laws Order, 1968. For Statement of objects and Reasons, see Haryana Government Gazette (Extraordinary): dated. 30-6-1976. page 1170. 370 Definitions. 2, ESTABLISHMENTS (NATIONAL AND FESTIVAL HOLIDAYS AND CASUAL AND SICK LEAVE) (3) It shall come into force on the first day of July, 1965. In this Act, unless the context otherwise requires,— (a) "day" means a period of twenty-four hours beginning at mid-night : Provided that, in the case of a worker who works in a shift which extends beyond mid-night, such period of twenty-four hours shall be when his shift ends. (b) "worker" means— (i) any person (including an apprentice) employed in any industrial establishment to do any skilled, manual, supervisory, technical or clerical work for hire or reward, whether the terms of employment be expressed or implied ; or (ii) any other person employed in any industrial establishment whom the Government may, by notification, declare to be a worker for the purposes of this Act ; (c) "employer", when used in relation to any industrial establishment, means the person who has ultimate control over the affairs of the industrial establishment, and where the affairs of any industrial establishment are entrusted to any other person, whether called a managing agent, or otherwise, such other person shall be deemed to be the employer ; (d) "Government" means the Government of the State of Haryana ; (e) "industrial establishment" means— (i) any factory as defined in clause (m) of section 2 of the Factories Act, 1948 (Central Act 63 of 1948), or any place which is deemed to be a factory under sub-section (2) of section 85 of that Act ; or (ii) any plantation as defined in clause (f) of section 2 of the Plantations Labour Act, 1951 (Central Act 69 of 1951) ; (c) "Inspector" means an Inspector appointed under sub-section (1) of section 7 ; (g) "prescribed" means prescribed by rules made under this Act ; (h) "wages" means all remuneration (whether by way of salary, allowances or otherwise) expressed in terms of money or capable of being so expressed which would, if the terms of employment, express or implied, were fulfilled, be payable to a worker in respect of his employment or of work done in such employment* but does not include— (a) any bonus ; (b) the value of any house accommodation, supply of light, water, medical facilities or other amenity or of any

service or of any concessional supply of foodgrains or other articles; (r) any gratuity payable on the termination of employment. 3. (1) Every worker shall, in each calendar year, be allowed in such and manner and on such conditions as may be prescribed— (a) three national holidays of one whole day each on the 26th January, 15th August and 2nd October; and festival holidays, Casual and sick leave. INDUSTRIAL ESTABLISHMENTS (NATIONAL [1965 : Pb. Act 14 372 AND FESTIVAL HOLIDAYS AND CASUAL AND SICK LEAVE) (b) [five] other holidays on any of the festivals in the Schedule appended to this Act Provided that for purposes of clause (b), where at least ten per centum of the workers of an industrial establishment so desire, they may, in lieu of the festival holiday, avail of two half holidays on any of the festival days of their choice specified in such Schedule after settlement in this behalf has been made between the employer and the representatives of the workers in such manner as may be prescribed. (2) the Government may by notification add to the Schedule to this Act any festival, and thereupon the Schedule shall be deemed to be amended accordingly

4. Every worker shall in each calendar year, be allowed by the employer casual leave for seven days and sick leave for fourteen days in such manner and on such conditions as may be prescribed. Explanation.— For purposes of this section, such conditions may provide that one kind of leave shall not be linked with another kind of leave, whether due under this Act, or under any other law for the time being in force. 5. any contract to the contrary, every worker shall, in lieu of leave, be paid by the employer wages at a rate equivalent to his average daily wage : Provided that— (a) no worker shall be entitled to receive such wages for any holiday or leave, other than a national holiday, if his name was not on the rolls of the industrial establishment continuously for a period of one month immediately preceding such holiday or leave; (b) where a worker is entitled to sickness benefit under the Employees' State Insurance Act, 1948, or sickness allowance under the Plantations Labour Act, 1951, he shall not be entitled to be paid such wages for the days of sick leave allowed to him under this Act; and I. Substituted for the "Toer" by Haryana Act 8 of 1972, 1965 . • Pb. Act 14] INDUSTRIAL ESTABLISHMENTS (NATIONAL 373 AND FESTIVAL HOLIDAYS AND CASUAL AND SICK LEAVE) (c) where a worker is not entitled to such sickness benefit or sickness allowance, he shall be paid wages for the days of sick leave allowed to him under this Act at a rate to one-half of his average daily wage. (2) Where a worker works on any holiday allowed under section 3, he shall, at his option, be entitled to— (a) For his average daily wage for that day, or (b) his average daily wage for that day and a substituted holiday with his average daily wage on any other day within ninety days from the day on which he so works. Explanation.— For the purposes of this section, the average daily wage of a worker shall be computed on the basis of his total full-time wages during the three calendar months exclusive of any over-time wages, if any : Provided that the average daily wage of a worker who is paid wages by the day or at piece rate shall be computed on the basis of his wages for the days on which he actually worked during the month immediately preceding such holiday or leave

6. Every employer shall keep in such form and manner as may be prescribed an account of festival holidays, casual leave and sick leave of every worker and every worker shall have access to such account. 7. (1) The Government may * by notification, appoint such Inspectors. or class of persons may if think fit to inspect for carrying out the purposes of this Act for : such areas as may be specified in the notification. (2) Every Inspector shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Central Act XLV of 1860). Subject to any rules made by the Government in this behalf, the Powers of Inspector may* within the area for which he is appointed— Inspectors. (a) enter at all reasonable times any place which is, or which he has reason, to believe to be, an industrial establishment; Penalties. Power to recover wages. Penalty for obstructing Inspector. INDUSTRIAL ESTABLISHMENTS (NATIONAL [1965 : Pb. Act 14 374 AND FESTIVAL HOLIDAYS AND CASUAL AND SICK LEAVE) (b) make such examination of the premises and of any prescribed registers, records and notices and take on the spot or otherwise the evidence of such person as he may deem necessary for carrying out the purposes of that Act (c) exercise such other powers as may be necessary for carrying out the purposes of this Act : Provided that no one shall be required under this section to answer any question or give any evidence tending to incriminate himself

9. Any employer who contravenes any of the provisions of sections 3, 4, 5 and 6 shall be punishable, for the first offence, with fine which may extend to one hundred rupees and for a second or subsequent offences, with fine which may extend to two hundred and fifty rupees. 10. (1) Where a magistrate while convicting an employer under section 9 is satisfied that the worker has not been paid his due wages under this Act, the amount of which shall be determined by the magistrate, he shall direct the employer to pay such wages to the worker. for the number of over he deemed to be fine imposed under this Act in addition to the penalty imposed under section 9 and shall be realised as such

11. Whoever willfully obstructs an Inspector in the exercise of any conferred on him by or under this Act or intentionally omits, to on demand in writing by an Inspector any register, record or notice in his custody which may be required to be kept in pursuance of this Act or of any rule made thereunder shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both, Cognizance of 12. (1) No court shall take cognizance of any offence under this Act or the rules made thereunder except on a complaint in writing by an aggrieved person or an Inspector. (2) No court below that of a Judicial Magistrate of the first class shall try any offence punishable under this Act or the rules made thereunder. 1965 : Pb. Act 14] ESTABLISHMENTS (NATIONAL AND FESTIVAL HOLIDAYS AND CASUAL AND SICK LEAVE) 13. (1) Nothing contained in this Act shall apply to— 375 (a) any worker drawing wages exceeding five hundred rupees per mensem and employed mainly in a managerial, administrative or supervisory capacity ; (b) any worker employed in any industrial establishment under the control of the Government or Central Government or any State Government to whom the Civil Service Rules or any other similar rules or regulations notified in this behalf by the Government, Central Government or any State Government as the case may be, apply ; and (c) any mine or oil field. (2) The Government may in public interest by notification exempt either permanently or for any specified period any class of industrial establishments from all or any of the provisions of this Act subject to such conditions as the Government may deem fit

14. Nothing contained in this Act shall affect any rights or privileges which any worker is entitled to receive under any other law, award, custom or usage, if such rights or privileges are more than those provided by this Act. 15. (1) The Government may, by notification and after previous publication, make rules for the purpose of carrying out the provisions of Act. (9) In particular, and without prejudice to the foregoing such rules may provide for— (a) the manner in which, and the conditions which, national and other holidays shall be allowed to workers under section 3 (b) the number of days for which, the manner in which, and the conditions on which, casual and sick leave shall be allowed to workers under section 4 ; (c) the form and manner in which an account of festival holidays, casual leave and sick leave of workers shall be maintained by employers under section 6. 1. by Haryana 24 of 1976. Exemptions. Rights and privileges under other laws, etc., not affected. Power to make rules. INDUSTRIAL [1965 : Pb. Act 14 376 AND FESTIVAL HOLIDAYS AND CASUAL AND SICK LEAVE] (2) [In the manner provided in this Act, the Government may provide that a contravention thereof shall be punishable with fine which may extend to fifty rupees. (4) Every rule made under this section shall be laid as soon as may be after it is made before [the House] of the State Legislature while it is in session for a total period of ten days which may be comprised in one session or in two successive sessions and if before the expiry of the session in which it is so laid or the session immediately following, [the House agrees] in making any modification in the rule or [the House agrees] that the rule should not be made, the rule shall thereafter have only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of any thing previously done under that rule. 1. Substituted for the words "each House" by Haryana Adaptation of laws Order, 1968. 2 Substituted for [the words "both Houses agree" by ibid. 1965 : Pb. Act 14] INDUSTRIAL ESTABLISHMENTS (NATIONAL AND FESTIVAL HOLIDAYS AND CASUAL AND SICK LEAVE) TABLE - SCHEDULE [See section 3 (t) New Year's Day, Basant Panchmi, Guru Ravi Dass's Birthday, Shivratri, Holi, Ram Navami, Lord Mahavir's Birthday, Good Friday, Baisakhi, Id-ul-Zuha- Guru Arjan Dev's Martyrdom Day, Muharram, Milad-ul-Nabi, Janam Ashatami, Dussehra, Maharishi Basmik's Birthday, Diwali, Lala Lajpat Rai Death Anniversary, Guru Nank's Birthday, Gurm Teg Bahadur's Martyrdom Day, Christmas Day, Jor Mela Fatehgarh Sahib, Guru Gobind Singh's Birthday, Vishwa Karma Janti, May Day. 377 HARYANA Govt. GAZ. APR, (C.HTR-1929 SAKA) HARYANA Notification The April, 2007 4. 2007 Shost title, Substitution of section 9 of

Ponja(i ACI 14 or 'ime•ndnwnt 01 —The loltowing Act or the Legislature ot the State No. Leg. 10/2007. Haryana received the assent of the Governor o! Haryana on Ibe 28th March. 2007. and is hereby published for general information HARYANA ACT 9 OF 2007 THE PUNJAB INDUSTRIAL ESTABLISHMENTS (NATIONAL AND FESTIVAL HOLIDAYS AND CASUAL AND SICK LEAVE) HARYANA AMENDMENT ACT. 2007 AN ACT further to a;nend fhe Punjab Indusfrl(tl Establishtenrs (National and Festival Holidays and Casual and Sick Leave) Jcf. j 965, in ilS application the Stale of leluryana Be iL enacted by the Lcgislaturc orthe State Ot' Haryan•a in lhe Fifty-cighlh Year of the Republic of India as follows:- I. *This Act may be called the Punjab Industrial Establishtnents (Nalional and Festiva} Holidays and Casual and Sick Leavc) idaryana Amendtnent Act, 2007. 2. in the Punjab Industrial Establishtnents (National and Fesfival Holidays and Casual and Sick I,,cave) Act, 1965 (hereinafter referred to as the principal Ac()), for section 9, the following section shall bc subsliftltd* namely:— "9. Penalties.. Any who contravencs any of the provisions or sections 3. 4, S and b, shall be punishable, for the first offence, with a fine which may extend to tbDusand rupees but not less Iban onc thousand rupees and for a second or subsegnent offence. with a fine which Inay extend to tour thousand rupees bul not less than two thousand n.apces.

3. In section 11 of the principal for the v.'Qtds "five hundred rupees", lhe words "Iive thousand rupees but not h-•ss than two thousand rupees" shall be subs! i! D1'.•ci. 4. (a) 01 sub-section (I) of section 1 3 of the principal Act shall M. S. SULLAR. Secretary to GovcrntnenL. Haryana. Lcgislative Department.

