

**THE TAMIL NADU INDUSTRIAL
ESTABLISHMENTS (NATIONAL AND
FESTIVAL HOLIDAYS) ACT, 1958**

(ACT XXXIII OF 1958)

(as amended)

An Act to provide for the grant of National and festival holidays to persons employed in industrial establishments in the State of Tamil Nadu.

[4th December, 1958]

WHEREAS it is expedient to provide for the grant of National and festival holidays to persons employed in industrial establishments in the State of Tamil Nadu ;

BE it enacted in the Ninth Year of the Republic of India as follows :--

1. *Short title, extent and commencement.*-- (1) This Act may be called the Tamil Nadu Industrial Establishments (National and Festival Holidays) Act, 1958.

(2) It extends to the whole of the State of Tamil Nadu.

(3) It shall come into force on such date as the Government may, by notification, appoint.

2. *Definitions.* -- In this Act, unless the context otherwise requires,

(a) "day" means a period of twenty-four hours beginning at midnight ;

(b) "employee" means --

(i) any person (including an apprentice) employed in any industrial establishment to do any skilled or unskilled, manual, supervisory, technical or clerical work for hire or reward, whether the terms of employment be expressed or implied ;

(ii) any other person employed in any industrial establishment whom the Government may, by notification, declare to be an employee for the purposes of this Act ;

(c) "employer" when used in relation to an industrial establishment means a person who has the 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, manager, superintendent or by any other name) such other person ;

(d) "Government" means the State Government ;

(e) "industrial establishment" means, --

(i) any establishment as defined in clause (6) of section 2 of the Tamil Nadu Shops and Establishments, Act, 1947 (Tamil Nadu Act XXXIII of 1947) ;

(ii) any factory as defined in clause (m) of section 2 of the Factories Act, 1948 (Central Act LXIII of 1948), or any place which is deemed to be a factory under sub-section (2) of section 85 of that Act ;

(iii) any plantation as defined in clause (f) of section 2 of the Plantations Labour Act, 1951 (Central Act LXIX of 1951) ;

(iv) any other establishment* which the Government may, by notification, declare to be an industrial establishment for the purposes of this Act ;

(f) "Inspector" means an inspector appointed under sub-section (1) of section 6 ;

(g) "wages" means all remuneration capable of being expressed in terms of money, which would, if the terms of employment, express or implied, were fulfilled, be payable to an employee in respect of his employment or of the work done by him in such employment, and includes --

(i) such allowances (including dearness allowance) as the employee is for the time being entitled to ;

(ii) the value of any house accommodation ; or of supply of light, water, medical attendance or other amenity or of any service or of any concessional supply of foodgrains or other articles ;

but does not include --

(a) any bonus ;

(b) any contribution paid or payable by the employer to any pension fund or provident fund, or for the benefit of the employee under any law for the time being in force ;

(c) any gratuity payable on the termination of his service ;

(d) any sum paid to the employee to defray special expenses entailed on him by the nature of his employment ;

(e) any travelling concession.

* See Appendix.

3. *Grant of National and Festival Holidays.* — Every employee shall be allowed in each calendar year a holiday of one whole day on [the 26th January, the first May, the 15th August and the 2nd October] and five other holidays each of one whole day for such festivals as the Inspector may, in consultation with the employer and the employees, specify in respect of any industrial establishment.

[* * *]

Notes to Sec. 3

If under the existing arrangement the employees are entitled to have more than the holidays prescribed under this section, that right will not be defeated by Sec. 3 because Section 11 expressly provides that if the rights or privileges in respect of paid holidays enjoyed by the employees are more favourable than are prescribed by Sec. 3, their existing rights and privileges as to the total number of holidays will not be prejudiced by Sec. 3. [*Tata Oil Mills Co., Ltd., Bombay v. Gopalan and others* — 1965 (2) L.J. 124. See also 1976 LIC. 1762.]

4. *Employer to send statement to Inspector.* — Every employer shall send to the Inspector having jurisdiction over the area in which the industrial establishment is situated, and display in the premises of the industrial establishment, a statement showing the holidays allowed in each calendar year under section 3, in such form, within such time and in such manner as may be prescribed.

5. *Wages.* — (1) Notwithstanding any contract to the contrary, every employee shall be paid wages for each of the holidays allowed to him under section 3. ³[Such wages shall be paid along with the wages for the wage period in which such holiday falls.]

⁴[(2) (a) Notwithstanding anything contained in section 3, any employee may be required by the employer to work on any

¹ Subs. by Act 7 of 1970, s. 2 (with effect from 25th April, 1979).

² Proviso omitted, *ibid.*

³ Added by Act 11 of 2007, s. 2 (with effect from 15th June, 2007).

⁴ Subs. by Act 43 of 1961, s. 2.

holiday allowed under that section if the employer has, not less than twenty-four hours before such holiday, —

(i) served in the prescribed manner on the employee a notice in writing requiring him to work as aforesaid; and

(ii) sent to the Inspector having jurisdiction over the area in which the industrial establishment is situated and displayed in the premises of the industrial establishment a copy of such notice.

(b) Where an employee works on any holiday allowed under section 3, he shall, at his option, be entitled to —

(i) twice the wages; or

(ii) wages for such day and to avail himself of a substituted holiday with wages ¹[on one of the three days immediately before or after the day on which he so works.]

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), an employee who is paid wages by the day or at piece rates shall be entitled to be paid wages for any holiday allowed under section 3 —

(i) only at a rate equivalent to the daily average of his wages to be calculated in the prescribed manner;

(ii) where he works on any such holiday, only at twice the rate mentioned in clause (i), or in lieu thereof, at the rate mentioned in that clause and to avail himself of a substituted holiday with wages at that rate ¹[on one of the three days immediately before or after the day on which he so works]:

²[Provided that no such employee shall be entitled to be paid any wages for any of the holidays allowed under section 3 other than ³[the 26th January, the 1st May, the 15th August and the 2nd October] unless he has been in the service under the employer for

¹ Subs. by Act 17 of 1964, s. 2.

² Subs. by Act 43 of 1961, s. 2.

³ Subs. by Act 7 of 1970, s. 3 (with effect from 25th April, 1970).

a total period of 30 days, within a continuous period of ninety days immediately preceding such holiday.

Explanation. — For the purpose of this proviso, a weekly or any other holiday or authorized leave availed of by an employee shall be included in computing the period of thirty days mentioned therein.]

Notes to Sec. 5

In the context of this special enactment, a strike would break up the continuous service that is required for the purposes of deciding the eligibility of the concerned workmen to the holidays under this Act. [*Tiruchengode Mills Workers' Union v. The Industrial Tribunal Madras, and another* — 1964 (2) LLJ. 404.]

Under the scheme of the Act, the workmen are entitled to wages for the National and festival holidays under Sec. 3 read with sub-sec. (1) of Sec. 5, but this right of theirs is subject to the right of the management given under sub-sec. (2) of Sec. 5, to call upon the workmen to come and work on such holidays. Any other construction would make the provisions contained in sub-sec. (2) of Sec. 5 wholly nugatory.

It would depend on the facts and circumstances of each case whether or not wages become payable in the context of strike. It is true that where a strike is neither illegal being not in contravention of any statutory provision, nor unjustified having been lodged as a protest against the unreasonable attitude of the management, there is no reason to deprive the workmen of their wages. [*Madura Coats Ltd., v. The Inspector of Factories, I Circle, Madurai, and another* — 1981 (1) LLJ. 255.]

The proviso is applicable only to sub-sec. (3). The word "such" used therein makes the operation restricted. If it was the intention of the Legislature that the proviso should cover the entire section, the word "such" would not have been used there; the proviso would have stated a categorical proposition by laying down "provided that no employee shall be entitled to be paid". The words "such" necessarily has reference to the two categories of employees referred to in sub-sec. (3). [*See Dasappa v. Labour Court, and another* — 1970 (1) LLJ. 485.]

The requirement of an employer satisfying the need of service for thirty days within a continuous period of ninety days immediately preceding the holiday would apply to such workers if they were to claim their right to

wages for the holiday. There is no doubt that the *Explanation* is only to the proviso, since there is explicit mention to that effect therein: "for the purpose of this proviso". Even the contents of *Explanation* go to show that its sole object is to lay down a rule as to the calculation of the continuous period of thirty days of service as required by the proviso.

6. *Inspectors.* — (1) The Government may, by notification, appoint such persons or such class of persons as they think fit to be Inspectors for the purposes of this Act for such local limits as the Government may specify.

(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).

7. *Powers of Inspectors.* — Subject to any rules made by the Government in this behalf, an Inspector may, within the local limits for which he is appointed, —

(a) enter, at all reasonable times and with such assistants, if any, who are persons in the service of the Government or of any local authority as he thinks fit to take with him, any place which is, or which he has reason to believe is, an industrial establishment;

(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 this Act;

[(bb) seize or take copies of such registers, records or notices or portions thereof which he considers relevant in respect of an offence under this Act, on giving the employer a receipt therefor. The registers, records or notices or portions thereof so seized shall be returned by the Inspector, on completion of examination or inquiry or proceeding under this Act;

Provided that such registers, records or notices or portions thereof shall not be retained by the Inspector for more than

¹ Ins. by Act 11 of 2007, s. 3 (with effect from 15th June, 2007).

thirty days except with the permission of the Commissioner of Labour.]

(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.

¹[8. *Penalties.* — Any employer who contravenes any of the provisions of sections 3 or 5 shall be punishable with fine which, for the first offence, shall not be less than five hundred rupees but which may extend to one thousand rupees and for the second and subsequent offences, shall not be less than one thousand rupees but which may extend to two thousand and five hundred rupees.]

²[8-A. *Compounding of offences.* — (1) Any offence punishable under section 8 or any rule made under section 12 may, either before or after the institution of the prosecution, be compounded by the Commissioner of Labour or such other officer as may be authorised in this behalf by the Commissioner of Labour, on payment, for credit to the Government of such sum as the Commissioner of Labour or such other officer may specify :

Provided that such sum shall not, in any case, exceed the maximum amount of fine which may be imposed under this Act for the offence so compounded.

(2) Where an offence has been compounded under subsection (1), no proceeding or further proceeding, as the case may be, shall be taken against the offender, in respect of the offence so compounded and the offender, if in custody, shall be discharged forthwith.

¹ Sus. by Act 11 of 2007, s. 4 (with effect from 15th June, 2007).

² Ins. by Act 49 of 2000, s. 2 (with effect from 22nd January, 2001).

(3) No offence punishable under this Act shall be compounded except as provided by this section.]

9. *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 of 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.

10. *Exemptions.* — (1) Nothing contained in this Act shall apply to —

- (a) any employee in a position of management ;
- (b) any employee whose work involves travelling ;
- (c) any industrial establishment under the control of the Central or any State Government, local authority, Reserve Bank of India, a railway administration operating any railway as defined in clause (20) of Article 366 of the Constitution or a cantonment authority ; or
- (d) any mine or oil-field.

(2) The Government may, by notification* exempt either permanently or for any specified period any establishment or class of establishments, or person or class of persons from all or any of the provisions of this Act, subject to such conditions as the Government may deem fit.

11. *Rights and privileges under other laws, etc., not affected* — Nothing contained in this Act shall affect any rights or privileges which any employee is entitled to, on the date on which

* See Appendix.

this Act comes into force under any other law, contract, custom or usage, if such rights or privileges are more favourable to him than those to which he would be entitled under this Act.

[* * *]

Notes to Sec. 11

See Notes under Sec. 3.

See also *N.G.E.F. Ltd., Bangalore v. The Labour Officer and Inspector, Bangalore, and others* — 1976 LIC. 1762 : 49 FJR. 245.

²[11-A. *Protection of action taken in good faith.* — No suit, prosecution or other legal proceeding shall lie against the Government or any officer of the Government for anything which is in good faith done or intended to be done under this Act or any rule or order made thereunder.]

12. *Power to make rules.* — (1) The Government may ³[***] make rules for the purpose of carrying into effect the provisions of this Act.

(2) In making a rule under this Act, the Government may provide that the contravention thereof shall be punishable with fine which may extend to ⁴[five hundred rupees].

⁵[(3) All rules made under this Act shall be published in the *Fort St. George Gazette*[#] and, unless they are expressed to come

¹ Proviso added by Act 16 of 1962, s. 3, omitted by Act 17 of 1971.

² Ins. by Act 11 of 2007, s. 5 (with effect from 15th June, 2007).

³ The words "by notification" omitted by Act 43 of 1961, s. 3.

⁴ Subs. for the words "fifty rupees", by Act 11 of 2007, s. 6 (with effect from 15th June, 2007).

⁵ Subs. by Act 43 of 1961, s. 3.

[#] Now the *Tamil Nadu Government Gazette*.

Sec. 3 of Act 17 of 1971 reads as follows: —

"*Curtailment of a holiday in lieu of 1st May to be null and void.* — The curtailment by any employer on or after the 25th April 1970 of a holiday in lieu of the holiday allowed on the 1st May shall be, and shall be deemed always to have been null and void."

into force on a particular day, shall come into force on the day on which they are so published.

(4) Every rule made under this Act shall, as soon as possible, after it is made, be placed on the table of the Legislative Assembly, and if, before the expiry of the session, in which it is so placed or the next session, the Legislative Assembly agrees in making any modification in any such rule or the Legislative Assembly agrees 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 such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.]

**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-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 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 festivals 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. I:

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

T.N. NATIONAL AND FESTIVAL HOLIDAYS RULES, 1959 17

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).

(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. 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 days¹ [***] immediately preceding the holiday concerned, such twelve days being days on which he had actually worked.

¹ The words "within a period of ninety days" omitted by G.O. Ms. No. 81, dated the 9th January, 1986.

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 records. --¹ [Every employer shall maintain a register in Form No. VI with up-to-date entries, by making the entry relating to any day on that day itself:

² [***]

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 inspection² [***]:

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).

¹ Subs. by G.O. Ms. No. 12, Labour and Employment, dated the 3rd January, 1981.

² Certain words omitted by G.O. Ms. No. 88, Labour and Employment, dated the 18th January, 1990.

20 T.N. NATIONAL AND FESTIVAL HOLIDAYS RULES, 1959

(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.

T.N. NATIONAL AND FESTIVAL HOLIDAYS RULES, 1959 21

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)

<i>Serial number</i>	<i>Description of festivals</i>
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.

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.

22 T.N. NATIONAL AND FESTIVAL HOLIDAYS RULES, 1959

(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 number	Description of the festival/s	*Description of festival/s 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 establishment or trade union representing the employees of this industrial establishment may send to the abovementioned Inspector objections or suggestions, if any, to the proposal mentioned above.

3. The objections or suggestions should reach the abovementioned Inspector within a period of fifteen days from

T.N. NATIONAL AND FESTIVAL HOLIDAYS RULES, 1959 23

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 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 number	Description of festival/s	*Description of festival/s specified in lieu of that/ those mentioned in column (2)
(1)	(2)	(3)
1		
2		
3		
4		
5		

24 T.N. NATIONAL AND FESTIVAL HOLIDAYS RULES, 1959

Date : _____ Signature of 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.

T.N. NATIONAL AND FESTIVAL HOLIDAYS RULES, 1959 25

Statement

Serial number	Description of festival/festivals specified	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. SA 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 abovementioned 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 letters or typed.

(2) Against reference, the number and date of the proceedings in which the festivals were specified shall be given.

26 T.N. NATIONAL AND FESTIVAL HOLIDAYS RULES, 1959

- (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 19

Serial number	Description of the 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).
1		
2		
3		
4		
5		
6		
7		
8		
9		

T.N. NATIONAL AND FESTIVAL HOLIDAYS RULES, 1959 27

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 19

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

Serial number.	Name of the employee	Ticket number or father's name	Remarks								
			Days, dates and months of the year on which National and Festival holidays are 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.	9.
*	*	*	*	*	*	*	*	*	*	*	*

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.

NOTIFICATIONS

Date of coming into force of Tamil Nadu Industrial Establishments (National and Festival Holidays) Act.

[G.O. Ms. No. 1277, Industries, Labour and Co-operation (Labour), 21st March, 1959.]

S.R.O. No. A-1831 of 1959. -- Under sub-section (3) of Sec. 1 of the Tamil Nadu Industrial Establishments (National and Festival Holidays) Act, 1958 (Tamil Nadu Act XXXIII of 1958), the Governor of Tamil Nadu hereby appoints the 1st April, 1959 as the date on which the said Act shall come into force.

Declaration of all Beedi industrial premises as industrial establishments under Tamil Nadu Industrial Establishments (National and Festival Holidays) Act.

[G.O. Ms. No. 397, Industries, Labour and Co-operation (Labour), 28th January, 1960.]

S.R.O. No. A-1088 of 1960. -- Under sub-clause (iv) of clause (e) of section 2 of the Tamil Nadu Industrial Establishments (National and Festival Holidays) Act, 1958 (Tamil Nadu Act XXXIII of 1958) the Governor of Tamil Nadu hereby declares all Beedi Industrial Premises as defined in clause (b) of section 2 of the Tamil Nadu Beedi Industrial Premises (Regulation of Conditions of Work) Act, 1958 (Tamil Nadu Act XXXII of 1958) to be industrial establishments for the purpose of the first mentioned Tamil Nadu Act.

Extension of provisions of Tamil Nadu Industrial Establishments (National and Festival Holidays) Act to establishments manufacturing Beedi or Cigar or both.

[G.O. Ms. No. 1833, Labour, 19th December, 1970.]

II-1 No. 365 of 1971. -- In exercise of the powers conferred by sub-clause (iv) of clause (e) of section 2 of the Tamil Nadu Industrial Establishments (National and Festival Holidays) Act, 1958 (Tamil Nadu Act XXXIII of 1958), the

Governor of Tamil Nadu hereby declares all the establishments wherein any manufacturing process connected with the making of beedi or cigar or both is being carried on with or without the aid of power and wherein 10 or more workers are working on the date of this notification or were working on any day during the preceding 12 months to be Industrial establishments for the purposes of the said Tamil Nadu Industrial Establishments (National and Festival Holidays) Act, 1958.

Extension of provisions of Tamil Nadu Industrial Establishments (National and Festival Holidays) Act to certain employments included in Part I of the Schedule to the Minimum Wages Act.

(G.O. Ms. No. 1550, Labour and Employment, 6th December, 1978.)

No. II (2)/LE/668/79.-- In exercise of the powers conferred by sub-clause (iv) of clause (e) of section 2 of the Tamil Nadu Industrial Establishments (National and Festival Holidays) Act, 1958 (Tamil Nadu Act XXXIII of 1958), the Governor of Tamil Nadu hereby declares such of those employments as are included in Part I of the schedule to the Minimum Wages Act, 1948 (Central Act XI of 1948) and in respect of which the State Government of Tamil Nadu are the appropriate Government under the said Central Act and which do not fall within the purview of clauses (c) and (d) of sub-section (1) of section 10 of the said Tamil Nadu Act, to be industrial establishments for the purposes of the Tamil Nadu Industrial Establishments (National and Festival Holidays) Act, 1958 (Tamil Nadu Act XXXIII of 1958).

Exemption from provision of section 5 (2) (b) of Tamil Nadu Industrial Establishments (National and Festival Holidays) Act.

[G.O. Ms. No. 642, Industries, Labour and Co-operation (Labour), 9th February, 1960.]

S.R.O. No. A-1430 of 1960.-- In exercise of the powers conferred by sub-section (2) of section 10 of the Tamil Nadu

Industrial Establishments (National and Festival Holidays) Act, 1958 (Tamil Nadu Act XXXIII of 1958), the Governor of Madras hereby exempts permanently the petrol/diesel pumps and storage depots for petrol and petroleum products from the provision of clause (b) of sub-section (2) of section 5 of the said Act to the extent necessary to enable the employers to fix for an employee who works on any holiday allowed under section 3 of the said Act a substituted holiday with wages on any other day.

Exemption of all Banking Companies from certain provisions of Tamil Nadu Industrial Establishments (National and Festival Holidays) Act.

[See G.O. Ms. No. 5536, Industries, Labour and Co-operation (Labour), 2nd December, 1960, as amended by G.O. Ms. No. 4094, Industries, Labour and Housing (Labour), dated 7th October, 1966.]

Exemption of all offices of Life Insurance Corporation of India situated in Tamil Nadu from certain provisions of Tamil Nadu Industrial Establishments (National and Festival Holidays) Act.

[See G.O. Ms. No. 4793, Industries, Labour and Co-operation (Labour), 25th September, 1962, as subsequently amended.]

Notification under Sec. 10 (2)

(G. O. Ms. No. 1032, Labour and Employment, 12th November, 1990.)

No. II (2)/LE/6144/90.-- In exercise of the powers conferred by sub-section (2) of section 10 of Tamil Nadu Act, 1958 (Tamil Nadu Act XXXIII of 1958), and in supersession of the Labour Department Notification No. II (2)/LAB/2168/88, dated the 8th April, 1988, published at page 295 of Part II - Section 2 of the Tamil Nadu Government Gazette, dated the 17th April, 1988, the Governor of Tamil Nadu hereby exempts permanently the classes of establishments namely, (a) Doctors

consulting rooms, (b) Dispensaries attached to Doctors' consulting rooms and (c) Nursing homes, hospitals and other institutions for the treatment or care of the sick, the infirm, the destitute or mentally unfit, from all the provisions of the said Act, subject to the following conditions : —

(i) that this exemption shall be valid so long as the total number of holidays does not fall below nine days in each calendar year, including the National Holidays, namely, 26th January, the 1st May, the 15th August and the 2nd October, allowed under section 3 of the said Act.

(ii) that if an employee is required to work on any holiday allowed under section 3 of the said Act, then he shall be paid wages for such holiday as laid down in section 5 of the said Act ; and

(iii) that the employer shall send in Form V appended to the Tamil Nadu Industrial Establishments (National and Festival Holidays) Rules, 1959, a list of holidays to be allowed to the employees every year, to the Inspector having jurisdiction over the area in which the establishment is situated.

Exemption to Information Technology Software Establishments in Tamil Nadu from the provisions of the Tamil Nadu Industrial Establishments (National and Festival Holidays) Act.

[G.O. Ms. No. 95, Labour and Employment, (J-1), 1st August, 2003.]

¹No. II (2)/LE/638/2003. — In exercise of the powers conferred by sub-section (2) of section 10 of the Tamil Nadu Industrial Establishments (National and Festival Holidays) Act, 1958 (Tamil Nadu Act XXXIII of 1958), the Governor of Tamil Nadu hereby exempts the Information Technology Software Establishments in Tamil Nadu from the provisions of sub-clauses (i) and (ii) of clause (a) of sub-section (2) of section 5 of the said Act from the date of publication of this notification in the *Tamil Nadu Government Gazette*.

¹ Vide the *Tamil Nadu Government Gazette*, Pt. II, Sec. 2, Issue No. 39, dated the 1st October, 2003, at p. 380.

— notification under Sec. 6 (1)

[G.O. Ms. No. 68, Labour and Employment (J-1), 24th April, 2000.]

¹No. II(2)/LE/574/2000. — In exercise of the powers conferred by sub-section (1) of section 6 of the Tamil Nadu Industrial Establishments (National and Festival Holidays) Act, 1958 (Tamil Nadu Act 33 of 1958) and in supersession of the previous Notification No. II (2)/LE/2695/91, published at page 355 of Part II — Section 2 of the *Tamil Nadu Government Gazette*, dated the 22nd May, 1991, the Governor of Tamil Nadu hereby appoints the persons specified in column (1) of the Table below to be Inspectors for the purposes of the said Act for the local limits specified in the corresponding entries in column (2) thereof:

TABLE

<i>Sl. No.</i>	<i>Persons</i>	<i>Local Limits</i>
	(1)	(2)
1.	Commissioner of Labour, Chennai.	The whole of the State of Tamil Nadu.
2.	Deputy Commissioner of Labour (Inspection), Chennai.	
3.	Deputy Commissioner of Labour I, Chennai.	Chennai, Vellore and Tiruvannamalai Districts.
4.	Deputy Commissioner of Labour II, Chennai.	Kancheepuram, Tiruvallur, Cuddalore and Villapuram Districts.
5.	Deputy Commissioner of Labour, Tiruchirappalli.	Tiruchirappalli, Perambalur, Pudukkottai, Thanjavur, Tiruvarur and Nagapattinam Districts.
6.	Deputy Commissioner of Labour, Madurai.	Madurai, Ramanathapuram, Virudhunagar and Sivagangai Districts.
7.	Deputy Commissioner of Labour, Dindigul.	Dindigul, Theni and Karur Districts.
8.	Deputy Commissioner of Labour, Coimbatore.	Coimbatore District.
9.	Deputy Commissioner of Labour, Coonoor.	The Nilgiris District.
10.	Deputy Commissioner of Labour, Salem.	Salem, Namakkal, Erode, Dharmapuri and Krishnagiri Districts.]

¹ Vide *Tamil Nadu Government Gazette*, Pt. II, Sec. 2, dated 31st May, 2000, at p. 272.

² Subs. by G.O. Ms. No. 145, Labour and Employment (J-1), dated the 9th November, 2005 (planned to have come into force with effect from 14th December, 2005).

(1)	(2)	(3)
11.	Deputy Commissioner of Labour, Tirunelveli.	Tirunelveli, Thoothukudi and Kanniyakumari Districts.
12.	Inspectors of Labour.	
13.	Deputy Inspectors of Labour.	
14.	Assistant Inspectors of Labour.	
15.	Inspectress of Labour, Tirunelveli.	Tirunelveli, Thoothukudi, Kanniyakumari and Virudhunagar Districts.
16.	Inspectress of Labour, Coimbatore.	
17.	Inspectress of Labour, Chennai.	Coimbatore and the Nilgiris Districts.
18.	Inspectors of Plantations.	
		Chennai, Vellore, Tiruvannamalai, Kancheepuram and Tiruvallur Districts.
		Jurisdiction as assigned to them under the Plantations Labour Act, 1951 (Central Act LXIX of 1951).
¹ [19.	Chief Inspector of Factories.	The whole State of Tamil Nadu.
20.	Additional Chief Inspector of Factories.	
21.	Joint Chief Inspector of Factories (Productivity Cell).	
22.	Joint Chief Inspectors of Factories.	
23.	Deputy Chief Inspector of Factories.	
24.	Deputy Chief Inspector of Factories (Health and Safety).	
25.	Deputy Chief Inspectors of Factories in the Office of the Joint Chief Inspector of Factories.	
26.	Inspector of Factories (Productivity Cell).	
27.	Assistant Inspector of Factories (Productivity Cell).	
28.	Assistant Inspector of Factories (Health and Safety).	
29.	Inspectors of Factories.	
30.	Assistant Inspector of Factories.	
		Jurisdiction as assigned to them under sub-section (1) of Section 8 of the Factories Act, 1948 (Central Act LXIII of 1948).]
² [31.	Development Commissioners, Special Economic Zones in Tamil Nadu.	The Special Economic Zones Concerned.]

¹ Added by G.O. Ms. No. 73, Labour and Employment, dated the 2nd May, 2001.

² Added by G.O. Ms. No. 145, Labour and Employment (J-1), dated 9th November, 2005.