

**THE HIMACHAL PRADESH INDUSTRIAL
ESTABLISHMENTS (NATIONAL AND FESTIVAL
HOLIDAYS CASUAL AND SICK LEAVE) AMENDMENT
BILL, 2010**

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A

BILL

further to amend the Himachal Pradesh Industrial Establishments (National and Festival Holidays and Casual and Sick Leave) Act, 1969 (Act No.7 of 1970).

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Sixty-first Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Himachal Pradesh Industrial Establishments (National and Festival Holidays and Casual and Sick Leave) Amendment Act, 2010.

Amendment
of section 3.

2. In section 3 of the Himachal Pradesh Industrial Establishments (National and Festival Holidays and Casual and Sick Leave) Act, 1969 (hereinafter referred to as the “principal Act”), in sub-section (1), for clause (b), the following clause shall be substituted, namely:—

“(b) five other holidays on any of the festivals specified in the Schedule, out of which one shall be the Himachal Day and the other shall be the Statehood Day.”.

Amendment
of section 9.

3. In section 9 of the principal Act, for the words “one hundred” and “two hundred and fifty”, the words “one thousand” and “two thousand and five hundred” shall respectively be substituted.

Amendment
of section
11.

4. In section 11 of the principal Act, for the words “five hundred”, the words “five thousand” shall be substituted.

5. After section 12 of the principal Act, the following section shall be inserted, namely:—

Insertion of
new section
12-A.

“12 A. Composition of offences.—(1) An officer not below the rank of Labour Officer specifically authorized by the State Government, by notification, may, on an application made by the accused, compound any offence whether committed before or after commencement of this Act, by accepting an amount which shall not be less than fifty per cent of the penalty provided for the particular offence.

(2) Where an offence has been compounded under sub-section (1), the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of such offence:

Provided that if a person commits similar offence again within the period of two years from the date of composition of first offence, the same shall not be compounded.”.

6. In section 13 of the principal Act, in sub-section (1), in clause (a), for the words “five hundred”, the words “ten thousand” shall be substituted.

Amendment
of section 13.

7. In section 15 of the principal Act, in sub-section (3), for the word “fifty”, the words “five hundred” shall be substituted.

Amendment
of section 15.

8. For the existing Schedule appended to the principal Act, the following Schedule shall be substituted, namely:—

Substitution
of schedule.

“THE SCHEDULE

[See section 3 (1) (b)]

1. New Year’s Day.
2. Statehood Day.
3. Basant Panchami.
4. Guru Ravi Dass’s Birthday.

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5. Shivratri.
 6. Holi.
 7. Id-ul-fiter.
 8. Ram Naumi.
 9. Lord Mahavira's Birthday.
 10. Good Friday.
 11. Vaisakhi.
 12. Himachal Day.
 13. Id-ul-Zuha.
 14. Muharram.
 15. Solan fair.
 16. Milad-un-Nabi.
 17. Janam Ashtmi.
 18. Bawan Dwadashi fair (Nahan).
 19. Raksha Bandhan.
 20. Minjar fair (Chamba).
 21. Dussehra.
 22. Maharishi Balmiki's Birthday.
 23. Lavi Fair (Rampur).
 24. Diwali.
 25. Lala Lajpat Rai's Death Anniversary.
 26. Guru Nanak's Birthday.
 27. Lohri.
 28. Guru Gobind Singh's Birthday.
 29. Vishwa Karma Jayanti.
 30. Christmas Day.
 31. May Day.
 32. Nalwar fair of Bilaspur.
 33. Dussehra of Kullu.
 34. Hamir Utsav.
 35. Una Maha Utsav.
 36. Tribal fair (Kinnaur).
 37. Renuka fair.
 38. Makar Sakranti.
 39. Bhaiya Dooj.
 40. Karuva Chauth.”.

STATEMENT OF OBJECTS AND REASONS

The Himachal Pradesh Industrial Establishments (National and Festival Holidays and Casual and Sick Leave) Act, 1969 (Act No. 7 of 1970) provides for the grant of National and Festival holidays and casual and sick leave to persons employed in Industrial Establishments in Himachal Pradesh. Various fairs of different regions of State have been declared as National fairs and State fairs by the State Government after enactment of this Act and many other fairs are also being celebrated in different regions of the State, which are famous local fairs of that particular region, but the workers employed in the Industrial Establishments in the State have to either forgo celebrating the festival or forgo their wages for that day. Demand has come from various corners of the State that the State Hood Day should be observed as paid holiday in factories and other industrial establishments in the State so that the workmen employed therein may also celebrate the **State Hood Day**. If these fairs/festivals are included in the Schedule, the workers of that particular region will get an opportunity to celebrate their favourite fair/festival without loss of wages. Further, at the time of enactment of this legislation the minimum wages of workers were low. The rates of minimum wages have been enhanced from time to time and at present the minimum wages for unskilled workers is Rs. 3000/- per month which is likely to be increased to Rs. 3300/- per month. As per provisions of the Payment of Wages Act, 1936 and The Employees State Insurance Act, 1948, persons drawing wages upto Rs. 10,000/- are covered under the definition of worker, therefore, an upward revision in the exemption ceiling under section 13 is essential so that the workers may reap the benefits of this legislation. Further, the penalties provided in this Act are very nominal which also need to be enhanced commensurate with the present times. Further, in order to save the industrialists from visiting the courts time and again for various proceedings, it has also been considered appropriate to make provision for compounding of offences, which will also be helpful in reducing the pendency of court cases. As such, it has been decided to amend the Act *ibid* suitably.

This Bill seeks to achieve the aforesaid objectives.

KISHAN KAPOOR,
Minister-in-Charge.

Shimla:

Dated....., 2010.

FINANCIAL MEMORANDUM

The provisions of the Bill, if enacted, shall be enforced through the existing Government machinery. As such, there shall be no additional expenditure out of the State Exchequer.

MEMORANDUM REGARDING DELEGATED LEGISLATION

—Nil—