

## **ANDHRA PRADESH FACTORIES AND ESTABLISHMENTS (NATIONAL, FESTIVAL AND OTHER HOLIDAYS) RULES, 1974**

### CONTENTS

1. Short title
2. Definitions
3. Notification of Festival Holidays
4. Statement to be sent to the Inspector and displayed in the industrial establishment
5. Manner of service of notice and calculation of daily average wage
6. Maintenance of registers and records
- 6A. Manufacturing Process
7. Penalty

## **ANDHRA PRADESH FACTORIES AND ESTABLISHMENTS (NATIONAL, FESTIVAL AND OTHER HOLIDAYS) RULES, 1974**

In exercise of powers conferred by sub sections (1) and (2) of Section 13 of the Andhra Pradesh Factories and Establishments (National, Festival and other Holidays) Act, 1974 (Act 32 of 1974), the Governor of Andhra Pradesh hereby makes the following rules

### **1. Short title :-**

These rules may be called the Andhra Pradesh Factories and Establishments (National, Festival and other Holidays) Rules, 1974.

### **2. Definitions :-**

In these rules, unless the context otherwise requires :

- (a) " Act " means the Andhra Pradesh Factories and Establishments (National, Festival and other Holidays) Act 1974.
- (b) " Form " means a form appended to these rules
- (c) " Section " means a Section of the Act.

### **3. Notification of Festival Holidays :-**

- (a) The Deputy Commissioners of Labour, may in their respective jurisdiction notify the five festival holidays (other than the 26th January, the 15th August and the 2nd October) each of one whole day in each calendar year, in consultation with the organisations of employers and employees. Provided that if a majority of employees

or a union of employees in any factory or establishment desire to have 1st May as one of the five holidays aforesaid in that factory or establishment, the employees or the Union of employees of the factory or establishment shall represent their its desire in writing to the Deputy Commissioner of Labour of the area before the end of November of each year.

(b) The Deputy Commissioner of Labour shall consider the aforesaid representation and shall notify the five holidays by 10th December of each year.

**4. Statement to be sent to the Inspector and displayed in the industrial establishment :-**

(1) The statement to be sent to the Inspector by the employer under Section 4 of the Act shall be in Form I and shall be sent by Registered Post so as to reach the Inspector before commencement of each year in which the holidays are to be allowed.

(2) Every employer shall exhibit simultaneously in his factory or establishment a copy of the statement referred to in sub rule (1) at a place which can be readily seen and read by the employees and shall maintain it in a legible condition.

**5. Manner of service of notice and calculation of daily average wage :-**

(1) The notice referred to under sub clause (i) of clause (a) of sub section (2) of Section 5 of the Act shall be in Form II and it shall be served

(i) by giving or tendering 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.

(3) For the purpose of the proviso to clause (b) of sub section (2) of Section 5 of the Act, the daily average 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 within a continuous period of thirty days immediately preceding the holiday concerned, such twelve days being days on which he had actually worked.

## **6. Maintenance of registers and records :-**

(1) Every employer shall maintain a register in Form III and it shall be produced whenever it is required by the Inspector having jurisdiction over the area:

Provided that no separate register need be maintained if the Inspector having jurisdiction over the area in which the factory establishment is situated is satisfied that the particulars required are contained in any other register maintained by the employer.

(2) Every employer shall maintain a visit book in which the Inspector visiting the factory establishment may record his remarks regarding any defects that may come to light at the time of his inspection and shall produce it whenever required to do so by the Inspector:

Provided that no separate visit book need be maintained where the employer maintains such a book with reference to the Andhra Pradesh Shops and Establishments Act, 1966 or the Factories Act, 1948.

(3) The register and notice required to be maintained and exhibited under these rules shall be in English and in the local language.

(4) The records relating to a calendar year shall be preserved for a period of subsequent two years.

## **6A. Manufacturing Process :-**

Nothing in the Rules 4, 5 and 6 shall apply to a Factory under the Factories Act, 1948 (Central Act 63 of 1948) or an establishment engaged in manufacturing process as defined in Section 2(K) of the said Act, 1948.

## **7. Penalty :-**

Any contravention of Rule 5 by the employer shall be punishable with fine which may extend to fifty rupees.