

8.*Intervals for rest.*- The period of work of an employee in an establishment each day shall be so fixed that no period shall exceed four hours and that no such person shall work for more than four hours before he has had an interval for rest of at least one hour.

9.*Spread over.*-The period of work of an employee in an establishment shall be so fixed that, inclusive of his interval for rest, they shall not spread over more than ten and a half hours in any day.

10.*Opening and closing hours.*-(1) No establishment shall on any day be opened earlier than and closed later than such hour as may be fixed by a general or special order of the Government made under sub-section (2):

Provided that any customer who was being served or was waiting to be served in any establishment at the hour fixed for its closing may be served during the quarter of an hour immediately following such hour.

(2)The Government may, by general or special order, fix the time at which any establishment or class of establishments shall be opened or closed in any local area.

11.*Closing of shops and grant of weekly holidays.*-(1) Every shop shall remain entirely closed on one day of the week which day shall be specified by the shop-keeper in a notice permanently exhibited in a conspicuous place in the shop; and the day so specified shall not be altered by the shop-keeper more often than once in three months.

(2)Every person employed in a shop or a commercial establishment shall be allowed in each week a holiday of one whole day:

Provided that nothing in this sub-section shall apply to any person whose total period of employment in the week including any days spend on authorized leave, is less than six days, or entitle a person who has been allowed a whole holiday on the day on which the shop has remained closed in pursuance of sub-section (1) to an additional holiday.

(3)No deduction shall be made from the wages of any employee in an establishment on account of any day on which a holiday has been allowed in accordance with this section; and if such person is employed on the basis that he would not ordinarily receive wages for such day, he shall nonetheless be paid for such day the wages he would have drawn had the holiday not been allowed on that day.

CHAPTER III

HOLIDAYS AND LEAVE

12.*Application of Chapter.*-The provisions of this chapter shall not operate to the prejudice of any rights to which an employee may be entitled under any other law or under the terms of any award, agreement or contract of service.

Provided that where such award, agreement or contract of service provides for a long leave with wages or weekly holidays than provided in this Chapter the employee shall be entitled to such longer leave or weekly holidays, as the case may be.

Explanation.—For the purpose of this Chapter leave shall not, except as provided in section 13, include weekly holidays or holidays for festivals or other similar occasions.

13.*Annual leave with wages.*—(1) Every employee in an establishment shall be entitled after twelve months' continuous service in that establishment, to holidays with wages for a period of twelve days, in the subsequent period of twelve months, provided that such holidays with wages may be accumulated up to a maximum period of twenty-four days.

(2) Every employee in an establishment shall also be entitled during every twelve months of continuous service (a) to leave with wages for a period not exceeding twelve days on the ground of any sickness incurred or accident sustained by him and (b) to casual leave with wages for a period not exceeding twelve days on any reasonable ground.

(3) If an employee entitled to any holidays under sub-section (1) is discharged by his employer before he has been allowed the holidays, or if having applied for and been refused the holidays, he quits his employment before he has been allowed the holidays, the employer shall pay him the amount payable under this Act in respect of the holidays.

(4) If an employee entitled to any leave under sub-section (2) is discharged by his employer when he is sick or suffering from the result of an accident, the employer shall pay him the amount payable under this Act in respect of the period of the leave to which he was entitled at the time of his discharge, in addition to the amount, if any, payable to him under sub-section (3).

(5) An employee shall be deemed to have completed a period of twelve months continuous service within the meaning of this section, notwithstanding any interruption in service during those twelve months brought about (i) by sickness accident, or authorized leave (including authorized holidays), not exceeding ninety days in the aggregate for all three; or (ii) by a lockout; or (iii) by a strike which is not an illegal strike; or (iv) by intermittent periods of involuntary unemployment not exceeding thirty days in the aggregate, and authorized leave shall be deemed not to include any weekly holidays allowed under this Act which occurs at the beginning or end of an interruption brought about by the leave.

(6) An employee in a hostel attached to a school or college or in an establishment maintained in a boarding school in connection with the boarding and lodging of pupils and resident masters shall be allowed the privileges referred to in sub-sections (1) to (5) reduced however proportionately to the period for which he was employed continuously in the previous year or to the period for which he will be employed continuously in the current year, as the case may be; and all references to periods of holidays or of leave in

sub-sections (1) and (2) shall be construed accordingly, fractions of less than one day being dis-regarded.

(7) Government shall have power to issue directions as to the manner in which the provisions of sub section (6) shall be carried into effect in all or any class of cases or in any particular case.

[3] [“13A. *Special casual leave for sterilization operation.*—(1) Every employee who undergoes sterilization operation shall be entitled to special casual leave with wages for a period not exceeding—

(a) six days in the case of a male employee;

and

(b) fourteen days in the case of a female employee, with effect from the day on which he or she undergoes such operation.

(2) If an employee who has undergone sterilization operation is discharged by his or her employer during the period specified in sub-section (1) the employer shall pay such employee the amount payable under section 14 in respect of the period of the special casual leave to which the employee was entitled at the time of discharge.”]

[4] [“14. *Wages during leave period.*—(1) For the leave allowed to an employee under section 13 or section 13A, the employee shall be paid at the rate equal to the daily average of his or her total full-time earnings exclusive of any overtime earnings and bonus, but inclusive of dearness allowance and the cash equivalent of any advantage accruing by the supply of meals and by the sale by the employer of foodgrains and other articles at concessional rates for the days on which the employee worked during the month immediately preceding his leave.

(2) The amount payable to an employee under sub-section (1) for the leave allowed under section 13A shall be paid to him or her on production of a certificate from such authority and in such form as may be prescribed, to the effect that the employee has undergone sterilization operation.”].

15. *Power of Inspectors to act for employees.*—Any Inspector may institute proceedings on behalf of any employee to recover any sum required to be paid by an employer under the Chapter which the employer has not paid.

16. *Power to exempt establishments.*—Where the Government are satisfied that the leave rules applicable to employees in an establishment provide benefits which in its opinion are not less favourable than those for which this Chapter makes provision, it may, by written order, exempt the establishment from all or any of the provisions of this Chapter, subject to such conditions as may be specified in the order