

WEEKLY HOLIDAYS ACT, 1942

18 of 1942

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An Act to provide for the grant of weekly holidays to persons employed in shops, restaurants and theatres Whereas it is expedient to provide for the grant of weekly holidays to persons employed in shops, restaurants and theatres; It is hereby enacted as follows :

1. Short title, extent and commencement :-

(1) This Act may be called the Weekly Holidays Act, 1942.

(2) It extends to whole of India ¹ [* * *].

(3) It shall come into force in a State or in a specified area within a State only if the State Government by notification in the Official Gazette so directs.

1. The words "except the Slate of Jammu and Kashmir" omitted by the Central Labour Laws (Extension to Jammu and Kashmir) Act, 1970. Earlier these words were substituted by the Part B States

(Laws) Act, 1951.

2. Definitions :-

In this Act, unless there is anything repugnant in the subject or context,-

(a) "establishment" means a shop, restaurant or theatre;

(b) "day" means a period of twenty-four hours beginning at mid-night ;

(c) "restaurant" means any premises in which is carried on principally or wholly the business of supplying meals or refreshments to the public or a class of the public for consumption on the premises but does not include a restaurant attached to a theatre ;

(d) "shop" includes any premises where any retail trade or business is carried on, including the business of a barber or hair dresser, and retail sales by auction, but excluding the sale of programmes, catalogues and other similar sales at theatres ;

(e) "theatre" includes any premises intended principally or wholly for the presentation of moving pictures, dramatic performances or stage enter- tainments;

(f) "week" means a period of seven days beginning at mid-night on Saturday.

3. Closing of shops :-

(1) Every shop shall remain entirely closed on one day of the week, which day shall be specified by the shopkeeper in a notice permanently exhibited in a conspicuous place in the shop.

(2) The day so specified shall not be altered by the shopkeeper more often than once in three months.

4. Weekly holidays in shops, restaurants and theatres :-

Every person employed otherwise than in a confidential capacity or in a position of management in any shop, restaurant or theatre shall be allowed in each week a holiday of one whole day : Provided that nothing in this section shall apply to any person whose total period of employment in the week including any days spent on authorized leave is less than six days or entitled to an additional holiday a person employed in a shop who has been allowed a whole holiday on the day on which the shop has remained closed in

pursuance of section 3 .

5. Additional half-day closing or holiday :-

(1) The State Government may, by notification in the Official Gazette, require in respect of shops or any specified class of shops that they shall be closed at such hour in the afternoon of one week-day in every week in addition to the day provided for by section 3 as may be fixed by the State Government, and, in respect of theatres and restaurants or any specified class of either or both, that every person employed therein otherwise than in a confidential capacity or in a position of management shall be allowed in each week an additional holiday of one half-day commencing at such hours in the afternoon as may be fixed by the State Government.

(2) The State Government may, for the purposes of this section, fix different hours for different shops or different classes of shops or for different areas or for different times of the year.

(3) The weekly day on which a shop is closed in pursuance of a requirement under sub-section (1) shall be specified by the shopkeeper in a notice permanently exhibited in a conspicuous place in the shop and shall not be altered by the shopkeeper more often than once in three months.

6. No deduction or abatement to be made from wages :-

No deduction or abatement of the wages of any person employed in an establishment to which this Act applies shall be made on account of any day or part of a day on which the establishment has remained closed or a holiday has been allowed in accordance with section 3 , section 4 and section 5 , and if such person is employed on the basis that he would not ordinarily receive wages for such day or a part of a day he shall nonetheless be paid for such day or part of a day the wages he would have drawn had the establishment not remained closed or the holiday not been allowed on that day or part of a day.

7. Inspectors :-

(1) The State Government may, by notification in the Official Gazette, appoint persons to be inspectors for the purposes of this Act within such local limits as it may assign to each such person.

(2) Every inspector appointed under this section shall be deemed to be a public servant-within the meaning of Section 21 of the Indian

Penal Code, 1860 .

8. Powers of Inspectors :-

(1) Subject to any rules made in this behalf by the State Government, an inspector may, within the local limits for which he is appointed,-

(a) enter and remain in any establishment to which this Act applies with such assistants, if any, being servants of the Government, as he thinks fit;

(b) make such examination of any such establishment and of any record, register or notice maintained therein in pursuance of rules made under clause (c) of sub-section (2) of section 10 , and take on the spot or otherwise such evidence of any person as he may deem necessary for carrying out the purposes of this Act;

(c) exercise such other powers as may be necessary for carrying out the purposes of this Act.

(2) Any person having the custody of any record, register or notice maintained in pursuance of rules made under clause (c) of sub-section (2) of section 10 shall be bound to produce it when so required by the inspector, but no person shall be compellable to answer any question if the answer may tend directly or indirectly to incriminate himself.

9. Penalties :-

In the event of any contravention of the provisions of section 3 , or section 4 , of a requirement imposed by notification under sub-section (1) of section 5, or section 6, or of the rules made under clause (c) of sub-section (2) of section 10, the proprietor or other person responsible for the management of the establishment in which such contravention takes place shall be punishable with fine which may extend, in the case of the first offence, to twenty-five rupees, and, in the case of a second or subsequent offence, to two hundred and fifty rupees.

10. Rules :-

(1) The State Government may, subject to the condition of previous publication by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of

foregoing power, such rules may,-

(a) define the persons who shall be deemed to be employed in a confidential capacity or in a position of management for the purpose of section 4 and section 5 ;

(b) regulate the exercise of their powers and the discharge of their duties by inspectors;

(c) require registers and records to be maintained and notices to be displayed in establishments to which this Act applies and prescribe the form and contents thereof.

1 [(3) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.]

1. Inserted by the Delegated Legislation Provisions (Amendment) Act, 1985.

11. Power of exemption and suspension :-

The Central Government in respect of establishments under its control, and the State Government in respect of all other establishments within the State may, subject to such conditions, if any, as it thinks fit to impose, exempt any establishment to which this Act applies from all or any specified provisions of this Act, and may, on any special occasion in connection with a fair or festival or a succession of public holidays, suspend for a specified period the operation of this Act.