

# **The Bihar Industrial Establishments (National and Festival Holidays and Casual Leave) Rules, 1979**

BIHAR

India

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### **Rule**

### **THE-BIHAR-INDUSTRIAL-ESTABLISHMENTS-NATIONAL-AND-FESTIVAL-HOLIDAYS-AND-CASUAL-LEAVE-RULES-1979**

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The Bihar Industrial Establishments (National and Festival Holidays and Casual Leave) Rules, 1979 Published vide Notification No. S.O. 1492, published in Bihar Gazette (Extra-ordinary) dated the 15th October, 1979 S.O. 1492, dated the 15th October, 1979. - In exercise of the powers conferred by Section 14 of the Bihar Industrial Establishment (National and Festival Holidays and Casual Leave) Act, 1971, (Bihar Act XVII of 1977), the Governor of Bihar is pleased to make the following Rules, the same having been published as required under Section 14(1) of the said Act:

#### **1. Short title, extent and commencement.**

(1) These Rules may be called the Bihar Industrial Establishments (National and Festival Holidays and Casual Leave) Rules, 1979. (2) These Rules shall extend to the whole of the State of Bihar. (3) Save as otherwise expressly provided elsewhere these Rules shall come into force at once.

#### **2. Definitions.**

- In these Rules, unless there is anything repugnant in the subject or context - (a) "Act" means the Bihar Industrial Establishment (National and Festival Holidays and Casual Leave) Act, 1971 (Bihar Act XVII of 1977); (b) "Inspector" means an inspector appointed under Section 7 of the Act; (c) "Section" means a Section of the Act.

### **3. National and Festival Holidays.**

(1) No employee shall be required to work in any industrial establishment, to which the Act applies, on a National Holiday as provided under sub-section (1-a) of Section 3 and on 1st May of each calendar year unless a notice has been served by the management at least 48 hours in advance on such workers requiring them to work on that day. A copy of such notice shall also be displayed on the Notice Board of the establishment. Each such industrial establishment shall also maintain a register of the employees required to work on the National Holiday or on 1st May in Form 1. (2) Each employer of an industrial establishment shall at the beginning of each calendar year or within 60 days from the date of commencement of work in the case of new industrial establishment, display a notice asking his employees to indicate their choice in respect of 4 festival holidays out of the list of festival holidays mentioned in the schedule under sub-section (1) (b) of Section 3 of the Act. (3) Every employee shall be allowed to avail of the festival holidays according to his choice indicated under sub-rule (2) unless the management for reasons to be notified 3 days in advance of the beginning of the festival requires as particular worker or a group of workers to work on a particular festival day.

### **4. Casual leave.**

(1) An employee may apply in writing to the employer at any time not less than forty-eight hours before the date on which he wishes his leave to begin, to take all the casual leave or any portion thereof admissible to him during the calendar year. (2) If a worker wants to avail himself of the casual leave due to him to cover a period of illness he shall be granted such leave even if the application for leave is not made within the time specified in sub-rule (1). (3) An application for leave which does not contravene the provisions of sub-rule (1), shall not be refused unless it is necessary to do so due to urgent nature of work being performed by the employee. (4) In case leave has been refused the employee will be allowed to avail the leave before the end of the calendar year: Provided that no employee shall be entitled to casual leave in continuation to annual leave with wages granted under Section 79 of the Factories Act, 1948 (63 of 1948) and Section 30 of the Plantation Labour Act, 1951 (69 of 1951). (5) Workmen who have not completed continuous service of one year as defined in Section 25-B of the Industrial Disputes Act, 1947 shall be allowed casual leave proportion to the number of days worked by them during the year.

### **5. Maintenance of registers of casual leave and festival holidays.**

(1) A register of festival holidays shall be maintained by the employer in Form No. 2 and it shall be made available by him for inspection by the Inspector. (2) A Register of casual leave shall be maintained by the employer in Form No. 3 and shall be made available by him for the inspection by the employees and Inspector.

### **6. Information required by the Inspector.**

- The employer of an industrial establishment shall furnish any such information that an Inspector may require for the purpose of satisfying himself whether any provision of the Act or Rules made

thereunder has been complied with or whether any order of Inspector has been duly carried out.

## 7. Maintenance of Inspection Book.

- The employer of every industrial establishment shall maintain a bound inspection book and shall produce it when required by the Inspector. Form I Register of workers required to work on a National Holiday

Name of National Holiday with date	Names of such workers with ticket number who are required to work on a National Holiday or 1st May	Reasons for calling the worker to work on a National Holiday.	Date on which alternative holiday was allowed or details of other benefit given	Remarks
1	2	3	4	5

Signature of the Employer Form 2 Register of workers required to work on a Festival Holiday

Name of the festival with date	Name of the worker with Ticket No.	Reasons for calling the worker to work on festival holiday	Date on which national holiday was allowed or which other benefit was given	Remarks
1	2	3	4	5

Signature of the employer Form 3 Register of casual leave Name of the Industrial Establishment  
-Serial No. -Department -Name of employee -

Calendar year	Dates on which casual leave was granted	Dates on which casual leave was refused	Remarks
1	2	3	4

Signature of the Employer.