

CHAPTER-5

LEAVE AND HOLIDAYS

Section 79 of the Factories Act provides that every worker who has worked for a period of at least 240 days or more or more in a factory during the calendar year shall be allowed during the subsequent calendar year, year with wages for a number of days calculated at the rate of (a) one day for every twenty days worked in the case of adults, and (b) one day for every fifteen days worked in the case of children. The leave admissible is exclusive of holidays that occur during or at either end of the leave period. Provision is also made for proportionate leave with wages for a worker who is discharged or dismissed before he has completed 240 days service. The days of lay off, by agreement or contract or as permissible under the standing orders, maternity leave in case of female workers not exceeding twelve weeks and the leave earned in the year prior to that in which leave is enjoyed shall be deemed to be the days worked in a factory for the purpose of computation of the period of 240 days or more but shall not earn leave for these days. While calculating leave, fraction of leave of half a day or more shall be treated as one full day's leave and fraction of less than half a day shall be omitted. If a worker does not take whole of leave entitled to him in anyone calendar year such leave not taken shall by him be added to the leave to be allowed to him in the succeeding calendar year. The total number of days of leave that may be carried forward to the succeeding year shall not exceed thirty in case of an adult and forty in case of a child.

5.1 Sections 79 and 53 of the Factories Act, 1948 deal with the grant of annual leave with wages and compensatory holidays respectively. Rules framed by the State Governments and Union Territories require factories to furnish information relating to number of persons employed, number of persons eligible for leave and number of persons actually granted leave during the year. It has been observed from the consolidated returns received from various States/Union Territories that 88.64 per cent of the total number of persons, entitled for annual leave with wages were granted leave during the year, 2004. Out of the total persons entitled to annual leave with wages, a vast majority were granted in all the different States/U.Ts. in the year 2004. The provisions relating to leave and compensatory holidays were reported to be generally well observed in various State/Union Territories. The statistics relating to annual leave for the year 2004 is given in Table 4.1.