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Rules about National Holidays in India

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Abstract

India has a large geographic land mass area where approximately 1.25 billion population resides having divergent believes, culture etc. National holidays play important role in public life of any nation. This is a common cause for all Indian nationals to celebrate the day so is the basis for national integration. In India there are three national holidays, i.e. on January 26, August 15 and October 2. The aim of present study is to find brief history and legal angle about national holidays in India. This article will instill awareness about national holidays to those who are unaware about this.

Keywords-National holidays, India

Introduction

Literature review – National holidays are those which are celebrated across the nation. In India at present there are three national holidays, they are celebrated on January 26, August 15 and October 2. Government of India believes that these days are of national importance and these days have special place in public life of all Indians. A brief description about these days are as follow:

January 26 – Republic day honors the date on which the constitution of India came into effect on January 26, 1950 replacing the government of India Act 1935 as the governing document of India. The constitution was adopted by the Indian Constituent Assembly on November 26, 1949 and came into effect on January 26, 1950 with a democratic government

system, completing the country's transition towards becoming an independent republic. January 26 was chosen as the Republic day because it was on this day in 1930 when Declaration of India Independence (Purna Swaraj) was proclaimed by the Indian National Congress as opposed to the Dominion status offered by British Regime.

Since 1950, India has been hosting head of state or government of another as the state guest honour for Republic Day Celebration in New Delhi. During 1950-1954, Republic Day celebrations were organized at different venues (Irwin stadium, Kingsway, Red fort and Ramlila grounds). It was only starting 1955 when the parade in its present form was organized at Rajpath. The guest country is chosen after a deliberation of strategic, economic and political interests. In 1968 and 1974, India played host to two countries on the same Republic Day.

The constitution of India is the supreme law of India. It lays down the framework defining fundamental political principles, establishes the structure, procedures, powers and duties of government institutions and sets out fundamental rights, directive principles and duties of citizens. It is the longest written constitution of any sovereign country in the world. It imparts constitutional assembly on November 26, 1949 and came into effect on January 26, 1950. As it is not created by Parliament but by a constituent assembly and adopted by its people, with declaration in its preamble. Parliament can not override the constitution.

August 15—On August 1, 1947, the UK parliament passed the Indian Independence Act 1947 transferring legislative sovereignty to the Indian constituent assembly. India still retained King George VI as head of state until its transition to full republican constitution. India attained independence following the independence movement noted for largely nonviolent resistance and civil disobedience led by the Indian National congress. Independence coincided with partition of India, in which British India was divided along religious lines into the Dominion of India and Pakistan, the partition was accompanied by violent riot and mass casualties and the displacement of nearly 15 million people due to religious violence. On August 14, 1947 the prime minister, Jawahar Lal Nehru raised the Indian National Flag above the Lahori Gate of Red Fort in Delhi. On each subsequent Independence day, the prime minister customarily raises the flag and gives an address to the nation.

The holiday is observed throughout India with flag –hoisting ceremonies, parades and cultural events. There is a national holiday.

October 2—Gandhi Jayanti is a national festival celebrated in India to mark the occasion of the birthday of Mohandas Karamchand Gandhi. The United Nations General Assembly announced on 15 June 2007 that it adopted a resolution which declared that 2 October will be celebrated as the International Day of Non-Violence. Gandhi Jayanti is celebrated yearly on October 2. It is one of the national holidays in India. Gandhi Jayanti is celebrated in all states and union territories. Gandhi Jayanti is marked by prayer services and tributes all over India, including at Gandhi's memorial at New Delhi where he was cremated. Popular activities include prayer meetings, commemorative ceremonies in different cities by colleges, local government institutions and socio- political institutions. Painting and essay competitions are conducted and best awards are granted for projects in schools and community encouraging a non-violent way of life as well as celebrating Gandhi's effort in Indian independence movement. Statues of Mahatma Gandhi throughout the country are decorated with flowers and garlands and some people avoid drinking alcohol or eating meat on the day. Public buildings, banks and post offices are closed.

Legal Stand on National Holidays

National holidays have distinct place in any nation's life. They do concern to all nationals irrespective of their region, religion, language, believes etc. It should be noted that National holiday is different than Public holiday. As per the explanation given to the section 96(2) of the Companies Act 2013, "National Holiday" means and includes a day declared as National Holiday by the Central Government.

As per section 2(38) of the Companies Act 1956, "Public Holiday" means a public holiday within the meaning of the Negotiable Instrument Act 1881 (26 of 1881). Public holiday meaning as per Negotiable Instrument Act 1881 is , the expression "public holiday" includes Sundays and any other day declared by the Central Government , by notification in the Official Gazette to be a public holiday.

On these days all institutions, irrespective of under which law they are covered, or whether they are public or private organizations or MNCs should necessarily remain closed. National and Festival Holiday Act, which is applicable to all establishments in the country, irrespective of under which law it is formed it is mandatory to grant leave on following 3 days, i.e. 26th January (Republic Day), 15th August (Independence Day) and 2nd October (Gandhi Jayanti). For rest of the festival holidays the declaration depends on the discretion of the concerned States and establishments. Number of festive holidays can differ from state to state.

What is the law relating to working on national holidays?

All the organizations need to remain closed on these three national holidays. But incase due to some reasons if the organization needs to be functioning on these days, they need to take prior approval from concerned authority. And the employees those are functioning are entitled to get double wages for the day, and some of the states have placed the provision to claim for compensatory leave. The matter concerning to national holidays is subject of Central Legislations, though some states do have made provisions for compensatory leave to the workers who have worked on these national holidays or paying them double wages.

Though these national holidays are a matter of Central legislature, some states do have made provisions for compensatory leave to the workers who have worked on these national holidays, and this is over and above double wages for that day.

Conclusion

National holidays are synonymous to national identity for particular nationals. These are the occasions when citizens feel proud about their nation. It is observe that some people do not follow rules about national holidays. Government and non government agencies should do advertisement to make people aware.

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