

भारत निर्वाचन आयोग
ELECTION COMMISSION OF INDIA

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निर्वाचन सदन,
अशोक रोड, नई दिल्ली-110001
Nirvachan Sadan,
Ashoka Road, New Delhi-110001.

No. 78/2016/EPS

Dated: 2nd November, 2016

To

1. The Secretary to the Govt. of India, M/o Personnel Public Grievances & Pensions, Department of Personnel and Training North Block, New Delhi.
2. The Chief Secretaries to the Govt. of Assam, Arunachal Pradesh, Madhya Pradesh, West Bengal, Tamil Nadu, Tripura, and Puducherry,
3. The Chief Electoral Officers of Assam, Arunachal Pradesh, Madhya Pradesh, West Bengal, Tamil Nadu, Tripura, and Puducherry.

Subject : Bye Elections to the Parliamentary Constituencies of Assam, West Bengal, Madhya Pradesh and Assembly Constituencies of State Legislative Assemblies of Assam, Arunachal Pradesh, Madhya Pradesh, Pudducherry, Tamil Nadu, and Tripura – **Grant of paid holiday to employees on the day of poll** – regarding.

Sir/Madam,

The Commission has announced Schedule for Bye Elections to fill the casual vacancies in the Lok Sabha from Parliamentary Constituency of Assam, West Bengal, Madhya Pradesh and Assembly Constituencies of State Legislative Assemblies of Assam, Arunachal Pradesh, Madhya Pradesh, Pudducherry, Tamil Nadu and Tripura vide it's Press Note dated 17th October, 2016. In this regard, I am directed to invite your attention to Section 135B of the Representation of the People Act, 1951 which provides for the grant of paid holiday to the employees on the day of poll. The Section 135B is reproduced below:-

"135B. Grant of paid holiday to employees on the day of poll.

(1) Every person employed in any business, trade, industrial undertaking or any other establishment and entitled to vote at election to the House of the People or the Legislative Assembly of a State shall, on the day of poll, be granted a holiday.

(2) No deduction or abatement of the wages of any such person shall be made on account of a holiday having been granted in accordance with sub-section (1) and if such person is employed on the basis that he would not ordinarily receive wages for such a day, he shall nonetheless be paid for such day the wages he would have drawn had not a holiday been granted to him on that day.

(3) If an employer contravenes the provisions of sub-section (1) or sub-section (2), then such employer shall be punishable with fine, which may extend to five hundred rupees.

(4) This section shall not apply to any elector whose absence may cause danger or substantial loss in respect of the employment in which he is engaged."

2. The above provisions require that all the electors who are employees of establishments and shops including those which work on shift basis shall be granted a paid holiday on the day of poll in the Constituency where a General/bye-election is to be held. Further, there may be cases where a person is ordinarily resident of the Constituency and registered as an elector, may be serving/employed in an industrial undertaking or an establishment located outside the Constituency having a general/bye-election. It is clarified that in such a situation, even those electors including casual workers working outside the constituency concerned would be entitled to the benefit of a paid holiday extended under the Section 135B(1) of the Representation of the People Act, 1951.

3. The daily wage/casual workers are also entitled for a holiday and wages on poll day as provided in Section 135B of the R.P. Act, 1951.

4. The Commission desires that suitable instructions should be issued to all concerned and a copy thereof be endorsed to the Commission for its information and record.

5. The receipt of this letter may please be acknowledged.

Yours faithfully



(Sumit Mukherjee)
Secretary

Copy to concerned Zonal Sections