

Government of West Bengal  
Labour Department, I.R Branch  
N.S Buildings, 12<sup>th</sup> Floor,  
1, K.S. Roy Road, Kolkata-1

No. Labr./1120(25)/(LC-IR)

Date-10/11/2016

IR/7S- 11/2004 (Pt.-1)

From: The O.S.D. & E.O. Deputy Secretary  
to the Govt. Of West Bengal

To: -----  
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(Chamber of Commerce & Employers' Organisation )

Sub: Bye- election to 1- Coochbehar (SC) & 30-Tamluk Parliamentary Constituencies in the districts of Coochbehar and Purba Medinipur respectively and 263-Monteswar Assembly Constituency in Burdwan district to be held on 19<sup>th</sup> November, 2016 (Saturday) in the State.

Sir,

I am directed to state that, the 19<sup>th</sup> November, 2016 (Saturday) has been fixed for polling in connection with the Bye-election to the said Parliamentary / Assembly Constituencies in this state.

It has been made obligatory on the part of the employers of any business, trade, industrial undertaking or any other establishments of the areas under the said Constituencies to grant **paid holiday** on the day of poll to their workmen who are entitled to cast vote in the election under the representation of Peoples Act, 1951.

Section 13B of the Representation of Peoples Act, 1951 read as follows:-

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

- i) Every person employed in any business trade, industrial undertaking or any other establishment and entitled to vote an election to the house of people or the Legislative Assembly of a state, shall on the day of poll, be granted a holiday.
- ii) No deduction or amendment 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 day, he shall none-the-less be paid for such day the wages he would have drawn had not a holiday been granted to him on that day.
- iii) 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.
- iv) 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.

Contd....

2) The above provisions require that all establishments and shops including those which work on shift basis shall be closed on the day of poll in the Constituency where a Bye-Election is to be held. However, 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 Bye-election. It is clarified that in such a constituency concerned would be entitled to the benefit of a paid holiday extended under the section 135B(1) of the Representation of Peoples Act, 1951.

3) The daily wages/casual workers are also entitled for a holiday and wages on poll day as provided in section 135B of the Representation of Peoples Act, 1951.

I am, therefore, directed to request you to advise your constituent members in whose units Saturday is a working day, to abide by Section 135B of the Representation of Peoples Act, 1951 and grant a paid holiday on 19<sup>th</sup> November, 2016 (Saturday) to all categories of workers and employees to enable them to exercise their right of franchise in the aforesaid election.

Yours faithfully,

*sdr*

O.S.D. & E.O. Deputy Secretary  
to the Govt. Of West Bengal

No. Labr. /1120(25)/1(14)/(LC-IR)

Date-10/11/2016

Copy forwarded for information to:-

1. The Labour Commissioner, W.B., N.S Buildings, 11<sup>th</sup> Floor, 1, K.S. Roy Road, Kolkata-1
2. The Chief Inspector of Shops & Establishments, W.B., 6, Church Lane, Kolkata-700001.
- ✓ 3. The Home (C&E) Department, Govt. of West Bengal., 21, N.S. Road, Kolkata-700001.
4. The Home (Poll) Department, Govt. of West Bengal., Kolkata-700001.
5. The Commerce & Industries Department, Govt. of West Bengal., 4, Camac Street, Kolkata-700017.
6. The Micro & Small Scale Enterprises and Textiles Deptt., Govt. of West Bengal., Writers' Buildings. Kolkata-700001.
7. The Industrial Reconstruction Deptt., Govt. of West Bengal., Writers' Buildings, Kolkata-700001.
8. The Home (Police) Department, Govt. of West Bengal.
9. Chief of the News Bureau, West Bengal, Writers' Buildings Kolkata-700001.
10. The Deputy Director of Publicity, Information & Cultural Affairs Deptt., Govt. of West Bengal., Writers' Buildings. Kolkata-700001 with a request to give immediate publicity of the matter through A. I. R, Doordarshan and Leading daily Newspapers.
11. The Chief Electoral Officer, West Bengal, 21, Netaji Subhas Road, (2<sup>nd</sup> floor), Kolkata-1.
12. The District Magistrate, Burdwan/ Coochbwehar/ Purba Medinipur.
13. The State Election Commission, 18, sarojini Naidu Sarani (Rawdon Street), Kolkata-17.
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*[Signature]*

O.S.D. & E.O. Deputy Secretary  
to the Govt. Of West Bengal