

ELECTION COMMISSION OF INDIA
Nirvachan Sadan , Ashoka Road, New Delhi110001.

No. 78/99/PLN.I

Dated:- 6th April, 99

TO

1. The Chief Secretaries to the Government of all States and Union Territories.
2. The Chief Electoral Officers of all States and Union Territories.
3. The Secretary to the Govt. of India, Ministry of P.P.&P, Department of Personnel & Training, New Delhi.

Subject: **Grant paid holiday to employees on the day of polling regarding.**

Sir,

I am directed to invite your attention to Commission's letters No. 78/84, dated 9.11.84 and No. 78/87 dated 31.3.1987 as reproduced in Compendium of Instructions on Conduct of Elections-1998 as items No.85 & 86 regarding declaration of holiday(s) on the poll day(s) by the Central/State Governments in connection with General Elections and Bye-Elections to the House of the People and State Legislative Assemblies.

2. The representation of the People Act, 1951 has been amended in August, 1996 and a new Section 135B has been added to the Act. 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.*

3. The above provisions require that all establishments and shops shall to be closed on the day of poll in the Constituency where a General Election/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 having genera/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 R.P. Act, 1951.**

4. Further, there are industrial undertakings/establishments which are working on shift basis. A doubt has been raised whether paid holiday is to be declared only for the period/shift during which a poll is to be taken and not for other shifts which may commence after the conclusion of the poll. **It is clarified that a holiday may be declared only for the shift during which a poll is to be taken. However, it should be ensured that there should be sufficient time gap between the close of poll and commencement of the shift duty.**

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

6. 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.

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

Yours faithfully,

(SHARAN PAL SINGH)
SECRETARY

Standard distribution