

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/EPS/2019

Dated: 18th November, 2019

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 Secretary of Karnataka, Bengaluru.
3. The Chief Electoral Officer of Karnataka, Bengaluru.

Subject: Bye-election to fill casual Vacancy in 15(fifteen) ACs of Karnataka – Grant of paid holiday to employees on the day of poll – reg.

Sir,

The Commission has announced the Schedule for the Bye-elections to 15(Fifteen) Assembly Constituencies namely 03-Athani, 04-Kagwad, 09-Gokak, 81-Yellapur, 86-Hirekerur, 87-Ranibennur, 90-Vijayanagara, 141-Chikkaballapur, 151-K.R.Pura, 153-Yeshvanthapura, 156-Mahalakshmi Layout, 162-Shivajinagar, 178-Hosakote, 192-Krishnarajpet, 212-Hunsur of Karnataka, 2019, vide it/s press note no.ECI/PN/84/2019, dated 21.09.2019. However, in view of the various writ petitions filed in the Hon'ble Supreme Court of India, the Commission deliberated upon the matter and vide its notification no.100/KT-LA/2019, dated **27.09.2019**, amended & extended the earlier notification which are available on Commission's Website <https://eci.gov.in/>, under the head 'Current Issues'. Consequently, the **Date of Poll** for the said bye-election is fixed on **05.12.2019 (Thursday)**.

2. 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."

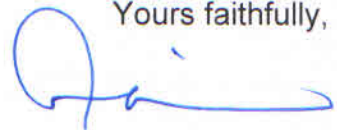
3. The above provisions require that all the electors who are employees of establishments and shops including those which work on shift basis shall be granted a paid holiday on the day of poll in the Constituency where the General/Bye-election is to be held. Further, there may be cases where a person 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.

4. 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.

5. 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.

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

Yours faithfully,



(Sanjeev Kumar Prasad)
Under Secretary

Copy to concerned Zonal Section