

MOST IMMEDIATE
GENERAL / BYE-ELECTION.



Labour Welfare and Skill Development Department
Letter No.418/J1/2024 -1, Dated: 26.03.2024

From
Thiru. Kumar Jayant, I.A.S.,
Additional Chief Secretary to Government.

To
The Principal Secretary / Commissioner of Labour,
Chennai-600 006. (w.e)

The Director of Industrial Safety and Health,
Chennai-600 032. (w.e)

Sir,

Sub: ELECTIONS - General Elections to Lok Sabha, 2024 and Bye-Election to TNLA from 233. Vilavancode Assembly Constituency to be held on 19.04.2024 - Grant of Paid Holiday to workers and other employees of all categories - Instructions - Regarding.

- Ref. 1. From the Election Commission of India, New Delhi, Press Note No. ECI/PN/23/2024, dated: 16.03.2024.**
- 2. From the Election Commission of India, New Delhi, Letter No.78/EPS/2024, dated: 16.03.2024.**
- 3. From the Chief Electoral Officer & Principal Secretary to Government, Public (Elections-I) Department, Letter No 4082/Ele-I/2024-2, dated: 20.03.2024.**

I am directed to enclose a copy of the references second and third cited and to state that the Election Commission of India has announced the poll day of General Elections to Lok Sabha, 2024 and Bye-Election to Tamil Nadu Legislative Assembly from 233. Vilavancode Assembly Constituency, as 19.04.2024 (Friday). Hence, the poll day, 19.04.2024 (Friday).

2. The Section 135-B 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

- I. Every person employed in any business, trade, industrial undertaking or any other establishment and entitled to vote at an election to the house of the People or the Legislative Assembly or a State / UT shall, on the day of poll, be granted a holiday.
- II. 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 / she would not ordinarily receive wages for such a day, he/she shall nonetheless be paid for such day the wages he/she 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.

3) Further it is stated that, 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-elections are 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 and the daily wage / casual workers are also entitled for a holiday and wages on poll day as provided in Section 135B of the Representation of the People Act, 1951.

4. I am, therefore, to request you to issue necessary instructions to advise all the employers of Industrial and Commercial Establishments, Shops, Factories and other public / private sector undertakings including IT/BPO, etc., to declare paid holiday to all their employees/ casual workers/ Daily wagers on the poll day i.e. 19.04.2024 (Friday).

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Letter No.4082/Ele-I/2024-2, Dated: 20.03.2024.

From
Thiru. Satyabrata Sahoo, I.A.S.,
Chief Electoral Officer &
Principal Secretary to Government

To
The Additional Chief Secretary to Government,
Labour Welfare and Skill Development Department,
Secretariat, Chennai - 9. (w.e)



Sir,

Sub: ELECTIONS - General Elections to Lok Sabha, 2024 & Bye-Election to TNLA from 233.Vilavancode Assembly Constituency to be held on 19.04.2024 - Grant of Paid holiday to employees on the day of Poll-Regarding.

- Ref:
1. From the Election Commission of India Press Note No.ECI/PN/23/2024 dated 16.03.2024.
 2. From the Election Commission of India, letter No.78/EPS/2024, dated: 16.03.2024.

I am directed to invite your attention to the references cited and to enclose a copy of the reference 2nd cited, wherein it has been stated that the Commission has announced schedule for General Elections to Lok Sabha, 2024 & Bye-Election to TNLA from 233.Vilavancode Assembly Constituency to be held on 19.04.2024.

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 an election to the house of the People or the Legislative Assembly or a State/UT 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/she would not ordinarily receive wages for such a day, he/she shall nonetheless be paid for such day the wages he/she would have drawn had not a holiday been granted to him on that day.

Send to COL for issuing circular & family control money monitoring team.

[Signature]
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- (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”

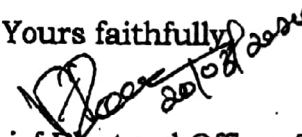
3. In this connection the Commission also stated that the above provisions require that all the electors who are employees of establishments and shops including those which work on shift basis shall be granted a paid holiday on the day of poll in the Constituency where the General/Bye-elections are to 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 and 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. In view of the above, I am to request you to issue necessary instructions to the Commissioner of Labour to advise the employers of industrial and commercial establishments and shops to declare paid holiday to all their employees on the poll day, i.e.19.04.2024 (Friday) to enable them to exercise their franchise.

5. The Commissioner of Labour is requested to open a State Level Control Room and District Level Control Rooms to ensure the compliance of paid holiday to all employees by all the employers. I am to request that wide publicity should be made about the Control Rooms and to ensure that the Control Rooms are fully functional without leading to any complaints.

6. A copy of the instructions issued in this matter may kindly be marked to this office for information and record.

Yours faithfully,


for Chief Electoral Officer &
Principal Secretary to Government.

Copy To:

The Commissioner of Labour,
DMS Complex, Teynampet,
Chennai- 600 006.

Shri Brejesh Kumar,
Under Secretary,
Election Commission of India,
Nirvachan Sadan,
Ashoka Road, New Delhi - 110 001.