

General Election Vidhan Sabha, 2014
Most Immediate Date Bound

No. 4/36/2009-1 Election
Government of Haryana
Chief Secretary Office
(Election Branch)

Dated, Chandigarh, the 30th September, 2014.

To

The Chief Secretary to Govt., Haryana, General Administration Department
(in GS-II Branch).

Subject: - General Elections to the Haryana Vidhan Sabha, 2014- Grant of paid holiday to employees on the day of poll-reg.

Sir/Madam,

I am directed to refer to the subject noted above and to enclose a copy of letter No. 78/2014/EPS/717, dated 24.09.2014 received from Sh. Sumit Mukherjee, Secretary, Election Commission of India, Nirvachan Sadan, Ashoka Road, New Delhi for immediate appropriate action. It is requested that suitable instructions may be issued to all concerned and a copy thereof be endorsed to the Election Commission of India for information and record under intimation to this Department.

Yours faithfully,

Jarnail Singh
Superintendent Election.

Endst.No. 4/36/2009-1Election

Dated, Chandigarh the 30th September, 2014.

A copy is forwarded to Sh. Sumit Mukherjee, Secretary, Election Commission of India, Nirvachan ~~Sadan~~, Ashoka Road, New Delhi w.r.t. their letter No 78/2014/EPS/717, dated 24.09.2014 for information.

Jarnail Singh
Superintendent Election.

Endst.No. 4/36/2009-1Election

Dated, Chandigarh the 30th September, 2014.

A copy is forwarded to the following for information and compliance:-

1. The Additional Chief Secretary to Govt., Haryana, Labour Department.
2. The Labour Commissioner, Haryana.
3. All the Divisional Commissioner in Haryana.
4. All the Deputy Commissioner-cum- District Elections Officer in Haryana.

Jarnail Singh
Superintendent Election.

परिचालन सचिवालय
चण्डीगढ़
26 SEP 2014
ELECTION COMMISSION OF INDIA
EPABX: 011-23712321-98
Fax 011-23713412/23739944
Website: www.eci.nic.in

भारत निर्वाचन आयोग
ELECTION COMMISSION OF INDIA

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

No. 78/2014/EPS

Dated: 24th September, 2014

To

1. The Chief Secretaries to the Govt. of Haryana, Maharashtra, Odisha, Arunachal Pradesh, Manipur, Nagaland, Uttar Pradesh and Gujarat.
2. The Chief Electoral Officers of Haryana, Maharashtra, Odisha, Arunachal Pradesh, Manipur, Nagaland, Uttar Pradesh and Gujarat.
3. The Secretary to the Govt. of India, M/o Personnel Public Grievances & Pensions, Department of Personnel and Training North Block, New Delhi.

Subject : General Election to the State Legislative Assemblies of Haryana and Maharashtra and Bye – Elections to fill the clear vacancies in Parliamentary Constituencies from the State of Maharashtra & Odisha and Assembly Constituencies in various State Legislative Assemblies – Grant of paid holiday to employees on the day of poll – regarding.

Sir/Madam,

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

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दिनांक 30/09/2014

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