

By Speed Post/Email

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/2024

Dated: 16th March, 2024

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 Secretaries of All States and UTs
3. The Chief Electoral Officers of All States and UTs



Subject: General Election to Lok Sabha, 2024 and Bye-elections to ACs of various States - PHASE WISE PAID HOLIDAY - regarding.

Madam/Sir,

I am directed to refer to the subject cited and to inform that the Commission has announced General Election to Lok Sabha, 2024 and Bye-elections to ACs of various States vide its Press Notes No. ECI/PN/23/2024 and No. ECI/PN/24/2024 respectively dated 16.03.2024 available on the Commission's website under URL <https://elections24.eci.gov.in/docs/press-note-no-23.pdf>

2. In this regard, your attention is invited 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. Section 135B of Representation of the People Act, 1951 is reproduced below:

Section 135B: Grant of paid holiday to employees on the day of poll:

- a) 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 of a State shall, on the day of poll, be granted a holiday.

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- b) 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 she/he would not ordinarily receive wages for such a day, she/he shall nonetheless be paid for such day the wages she/he would have drawn had not a holiday been granted to her/him on that day.
- c) 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.
- d) 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 employee 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 Elections to Lok Sabha and 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 or employed in an industrial undertaking or an establishment located outside the Constituency having General poll. 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 shall be issued to all concerned for **all phase wise election schedules as mentioned in the Commission's Notification(s) for respective State/UT** and a copy thereof be endorsed to the Commission for its information and record.

The receipt of this letter may kindly be acknowledged.

Yours faithfully


(BREJESH KUMAR)
UNDER SECRETARY

(5) "Inspector" means an Inspector appointed under sub-section (1) of section 6;

(6) "notification" means a notification published in the official Gazette;

(7) "wages" means all remuneration capable of being expressed in terms of money, which would, if the terms of employment, express or implied, were fulfilled, be payable to an employee in respect of his employment or of the work done by him in such employment, and includes,—

(i) such allowances (including dearness allowance) as the employee is for the time being entitled to;

(ii) the value of any house accommodation, or of supply of light, water, medical attendance or other amenity or of any service or of any concessional supply of foodgrains or other articles;

but does not include,—

(a) any bonus;

(b) any contribution paid or payable by the employer to any pension fund or provident fund, or for the benefit of the employee under any law for the time being in force;

(c) any gratuity payable on the termination of his service;

(d) any sum paid to an employee to defray special expenses entailed on him by the nature of his employment;

(e) any travelling concession.

3. Grant of National and festival Holidays.—(1) Every employee shall be allowed in each calendar year, a holiday of one whole day on the 26th January, 15th August, 2nd October and five other holidays each of one whole day for such festivals as the employer may specify, from out of the list of festivals specified in the Schedule appended to this Act in consultation with the trade unions or in the absence of any trade union in consultation with the employees or their authorised representatives in such manner as may be prescribed:

Provided that except in the case of Industrial establishments owned or controlled by the Government of India, the number of such other holidays shall be seven including first day of May and first day of November.

(2) Whenever there is any disagreement between the employer and employees or the trade Unions concerned as to the festivals to be allowed as holidays during each calendar year the employer or the employees of the concerned Trade Union shall refer the dispute to the Inspector, having jurisdiction over the area in which the Industrial establishment is situated, for his decision and his decision shall be final.

3A. Grant of Holidays on the polling day, for House of the People or to the State Legislative Assembly.—Notwithstanding anything contained in section 3, when a general election to the House of the People or to the State Legislative Assembly or an election to fill up any casual vacancy in the House of the People or the State Legislative Assembly is held under the Representation of the People Act, 1951 (Central Act 43 of 1951), every employee (other than an employee in an Industrial establishment owned or controlled by the Government of India) whose name is included in the electoral roll of the constituency where such election is held, shall be allowed on the polling day, a day's paid holiday to enable him to exercise his franchise.]¹

1. Section 3 and 3A substituted by Act 28 of 1997 w.e.f. 30.9.1997

