

Circular No : TN 03/2014-2015

08th April 2014.

To:

Members in Tamilnadu

Sub: Elections - General Elections to Lok Sabha, 2014 and Bye-election to Tamilnadu Legislative Assembly from 28. Alandur Assembly Constituency - Paid holiday to the workers and other employees of all categories - Regarding.

As members are aware, Election Commission of India have notified that Lok sabha Elections, to the Tamilnadu and by election to Alandur Assembly Constituency have been fixed for **Thursday, the 24th April 2014 and the polling hours are 7.00 am to 6.00 pm.**

The Election Commission of India have also notified that General Elections- Lok sabha to Puducherry will also held on **Thursday, the 24th April 2014 .**

After the amendment in 1996, inserting a New Section 135-B in the Representation of the People Act 1951, the Polling day has to be a paid Holiday for employees in all industrial, trade and business establishments and other establishments.

We are enclosing herewith a copy of the Letter No. S4/ 14269/ 2014, dated 07.04.2014, received from the Commissioner of Labour, Government of Tamilnadu, for your information.

In the view of above, Thursday, the 24th April 2014 has to be a paid Holiday for employees in all industrial, trade and business establishments and other establishments.



T M Jawaharlal

Secretary

ENCL-

Labour Department

From
The Commissioner of Labour,
Chennai – 6

To
The Employers Organisation
(As per list)

S4 / 14269 / 2014, dated 07.04.2014

Sir,

Sub: Elections - General Elections to Lok Sabha, 2014 and Bye-election to Tamilnadu Legislative Assembly from 28. Alandur Assembly Constituency - Paid holiday to the workers and other employees of all categories - Regarding.

Ref: 1. Election Commission of India, New Delhi Letter No.78/2014/EPS Dated: 18.03.2014.
2. D.O.Letter No. 4004/2014-2 Dated: 25.03.2014 of Chief Electoral Officer and Principal Secretary to Government Public (Elections-I) Department, Chennai -9.
3. Letter No. 7539/J1/2014-1, Labour and Employment (J1) Department dated 03.04.2014

The Election Commission of India has announced 24.04.2014 (Thursday) as the day of poll for the General Elections to Loksabha, 2014 and Bye-election to Tamil Nadu Legislative Assembly from 28. Alandur Assembly Constituency in Tamil Nadu.

Section 135B of the Representation of the People Act 1951 provides for the grant of holiday on the poll day, with wages for every person employed in any business, trade, industrial undertaking or any other establishment. The Section further provides that no deduction or abatement of the wages of any person shall be made on account of a holiday having been granted on the day of poll.

The Election Commission of India in its letter No.78/2014/EPS dated: 18.03.2014 has informed that the provisions of Section 135B require that all establishments and Shops including those which work on shift basis shall be closed on the day of poll in the constituency where General Election / Bye-election is to be held. The Election Commission of India has further said that in 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, even those electors including casual workers working outside the Constituency concerned would be entitled to the benefit of a paid holiday extended under Section 135B(1) of the Representation of the People Act 1951. Further, 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.

In view of the provisions of Section 135B of the Representation of the People Act 1951 and the instructions given by the Election Commission of India, it is mandatory on the part of every employer in Tamil Nadu to grant a holiday with wages on 24.04.2014 to all persons employed by them.

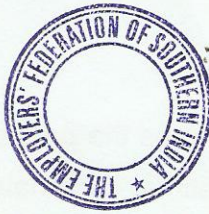
In this regard, I request you to advise the employers of Industrial and Commercial Establishments and Shops including IT / BPO Sectors, Factories who are your members to grant holiday with wages on 24.04.2014 (Thursday) to all their employees including daily wages /casual / contract workers.

Commissioner of Labour.

Copy to
The Chief Electoral Officer &
Principal Secretary to Government,
Public (Elections-I) Department, Chennai - 9

The Principal Secretary to Government,
Labour and Employment Department, Chennai – 9

All Zonal Joint Commissioner of Labour
All Regional Deputy Commissioner of Labour



By Camp Bag/Speed Post

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001.

No.78/2014/EPS

Dated: 18th March, 2014

To

1. The Chief Secretaries to the Government of All States/Union Territories.
2. The Chief Electoral Officers of All States/Union Territories
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 Elections to the Lok Sabha, 2014 and General Election to the Legislative Assemblies of Andhra Pradesh, Odisha, Sikkim and Arunachal Pradesh and Bye Elections to fill the clear vacancies in Assembly Constituencies of various States – Grant of Paid Holiday – 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.

- (i) 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.
- (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 (i) 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.

(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."


2. The above provisions require that all establishments and shops including those which work on shift basis shall be closed on the day of poll in the Constituency where a General/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 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 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 information and record.

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

Yours faithfully



(Sumit Mukherjee)
Secretary

Copy to concerned Zonal Sections