

Circular No – 065 /2024

Date:11.11.2024

To

All Members of the Association

**BYE ELECTIONS TO SHIGGAON, SANDUR AND CHANNAPATNA
ASSEMBLY CONSTITUENCIES, 2024 – GRANT OF PAID HOLIDAY
TO EMPLOYEES ON THE DAY OF POLL I.E., ON 13.11.2024 - REG**

1. The paid holiday on the polling day shall have to be allowed to the employees who are eligible to vote in the forthcoming Bye-Election to the Lok Sabha in accordance with the provisions of the Section 135-B of the Representation of People Act 1951 and read along with Section 3-A of the Karnataka Industrial Establishments (National and Festival Holidays) Act.
2. Section 135-B of Representation of People Act 1951 provides as under:
 - 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 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 will be applicable to all establishments whether factory or commercial establishment.
 4. The Electoral Officer, Govt. of Karnataka, has issued the notification No. DPAR 143 CHUVISA 2024 (P-1) dated 18.10.2024 . (a copy of the notification is attached).
 5. The holiday on polling day is mandatory and not compensatory. The Management shall have to declare holiday with wages on the date of election. If the establishments want to work on any other day they can do so, but without calling that as a compensatory working day.
 6. In cases where those electors including casual workers working outside the constituency concerned should also be given the benefit of paid holiday irrespective of the fact that whether they are casual or temporary employees. The establishments may obtain a letter of request from the employees who would like to avail the holiday on the polling day in their respective constituencies outside Bengaluru within the state or outside the state and the letter of request may contain the following details:





- The constituency in which he is registered as voter in the constituency concerned.
 - The date on which the election is due to be held in the said constituency and request for granting paid holiday.
 - He/she should undertake to produce proof of voting.
7. The employee will not be entitled to leave for the period of journey.
 8. The member establishments may also get a similar direction from the Department of Labour.

For KARNATAKA EMPLOYERS' ASSOCIATION
Sd/
[B C Prabhakar]
President



Office of the Chief Electoral Officer, Karnataka

Nirvachana Nilaya, Sheshadri Road, Bangalore-560 001

No. DPAR 143 CHUVISA 2024 (P-1)

Dated: 18.10.2024

To,

The Principal Secretary to Government,
Labour Department,
Government of Karnataka
Vikasa Soudha,
Bengaluru

Respected Sir/Madam,

Sub :

Bye Elections to 83-Shiggaon, 95-Sandur and 185-Channaptna Assembly Constituencies, 2024 – Grant of Paid Holiday to employees on the day of Poll i.e., on 13.11.2024 – reg

Ref :

ECI letter No.78/EPS/2024 dated:16.10.2024.

With reference to the above mentioned subject, please find enclosed herewith copy of ECI's letter cited at reference, wherein, it has been intimated that vide ECI's Press Note No.ECI/PN/150/2024, dated:15.10.2024 has fixed the date of Poll for Bye Elections to 83-Shiggaon, 95-Sandur and 185-Channaptna Assembly Constituencies, 2024 on 13.11.2024 (Wednesday).

In this regard, your kind attention is invited towards **Section 3A of The Karnataka Industrial Establishments (National and Festival Holiday) Act, 1963**, which states that:- “ Notwithstanding anything contained in Section 3, when a General Elections to the House of People or to the State Legislative Assembly or an election to fill up any casual vacancy in the House of People or to 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 Poll day, a day's paid holiday to enable him to exercise his franchise”.

2...

As per the said section of the Karnataka Industrial Establishments (National and Festival Holiday) Act, 1963, I Am directed to request you to instruct the concerned department/authority to take necessary action in granting the paid holiday to the employees across 83-Shiggaon, 95-Sandur and 185-Channaptna Assembly Constituencies of the State, by issuing suitable instructions to all concerned on the day of Poll, which is fixed on 13.11.2024 (Wednesday).

This may be treated as MOST URGENT.

Yours faithfully,

R.V. Raghavan 18/11/24
(RAGHAVAN R.V)

Assistant Chief Electoral Officer
DPAR(Elections)

Copy to :

Commissioner, Labour Department, Bannrghatta Road, Bengaluru-560029.

By Speed Post/Email

भारत निर्वाचन आयोग

ELECTION COMMISSION OF INDIA

Tel. No. 011-23052246

Fax 011-23052001

Website: www.eci.gov.in

निर्वाचन सदन

अशोक रोड, नई दिल्ली-110001

Nirvachan Sadan

Ashoka Road, New Delhi-110001

Dated: 16th October, 2024

No.78/EPS/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 Assam, Bihar, Chhattisgarh, Gujarat, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Meghalaya, Punjab, Rajasthan, Sikkim, Uttarakhand, Uttar Pradesh and West Bengal
3. The Chief Electoral Officers of Assam, Bihar, Chhattisgarh, Gujarat, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Meghalaya, Punjab, Rajasthan, Sikkim, Uttarakhand, Uttar Pradesh and West Bengal

Subject: Bye-Elections to 2(two) Parliamentary Constituencies and 48(forty eight) Assembly Constituencies of various States – PAID HOLIDAY - regarding.

Madam/Sir,

I am directed to refer to the subject cited and to apprise that the Commission has announced Bye-Elections to 2(two) Parliamentary Constituencies and 48(forty eight) Assembly Constituencies of various States vide its Press Note No.ECI/PN/150/2024 dated 15.10.2024, available on the Commission's website under URL <https://www.eci.gov.in/issue-details-page/press-releases> The date of Poll for the said Bye-elections in all the poll going States except for Uttarakhand and Maharashtra has been fixed on **13.11.2024(Wednesday)** and the date of poll for States of Uttarakhand and Maharashtra has been fixed on **20.11.2024(Wednesday)**.

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 or Assembly Constituency or Parliamentary Constituency of a State shall, on the day of poll, be granted a holiday.
- 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 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 Bye 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 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