



Office of the Chief Electoral Officer, Karnataka

Nirvachana Nilaya, Sheshadri Road, Bangalore-560 001

No. DPAR 105 CHUVISA 20223 (P-1)

Dated: 24 -04-2023

To,
The Secretary to Government,
Labour Department,
Vikasa Soudha,
Bengaluru.

2 - 5821365
26.4.23

Sir,

Sub : General Elections to the Karnataka Legislative Assembly, 2023 – Grant of Paid Holiday to employees on the day of Poll i.e., on 10.05.2023 – reg
Ref : Letter No.78/EPS/2023, dated: 31st March 2023 of the Election Commission of India.

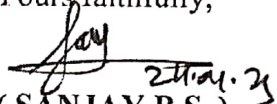
With reference to the above mentioned subject, please find enclosed herewith a copy of ECI's letter cited at reference, wherein, it has been intimated that the Commission vide ECI's Press Note No. ECI/PN/24/2023, dated: 29.03.2023, has fixed the date of Poll on 10.05.2023 (Wednesday).

In this regard, your kind attention is invited towards **Section 3A of the Karnataka Industrial Establishments (National and Festival Holidays) Act, 1963**, which states that :- “ Notwithstanding anything contained in Section 3, when a General Election 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 R.P. 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 ”.

As per the said section of the of the Karnataka Industrial Establishments (National and Festival Holidays) 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 said employees across the State, by issuing suitable instructions to all concerned on the day of Poll, which is fixed on 10.05.2023. This may be treated as MOST URGENT.

Yours faithfully,


(SANJAY B.S.,)

Under Secretary to Government
N.D.P.A & R (Elections).

Copy to :

Commissioner, Labour Department, Bannerghatta Road, Bengaluru-560029

भारत निर्वाचनआयोग
ELECTION COMMISSION OF INDIA

TEL: 011-23052246
Fax 011-23052001
Website: www.eci.gov.in

Nirvachan Sadan,
Ashoka Road, New Delhi-110001.

78/EPS/2023

Dated: 31st March, 2023

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 Secretary of Karnataka.
3. The Chief Electoral Officer of Karnataka.

Subject: General Election to the Legislative Assembly of Karnataka, 2023 – Grant of paid holiday to employees on the day of poll – Reg.

Sir,

I am directed to refer to the subject cited and to inform that the Commission has announced General Elections to the Legislative Assembly of Karnataka, 2023 vide its Press Note dated 29th March, 2023, which is available at Commission's website <https://eci.gov.in> under head 'Press Releases' at URL <https://eci.gov.in/files/file/14863-general-election-to-legislative-assembly-of-karnataka-2023/>. The date of poll has been fixed on **10.05.2023 (Wednesday)** in poll going State Karnataka.

2. In this regard, your attention 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. The Section 135B is reproduced below:-

"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 election to the House of the People or the Legislative Assembly 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 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.

(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."

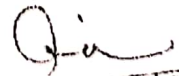
3. The above provisions require that all the electors who are employees of establishments and shops including those which work on shift basis shall be granted a paid holiday on the day of poll in the Constituency where the general election is to be held. Further, there may be cases where a person is ordinarily resident of the Constituency and registered as an elector, may be serving or employed in an industrial undertaking or an establishment located outside the Constituency having a 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.

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 should be issued to all concerned and a copy thereof be endorsed to the Commission for its information and record.

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

Yours faithfully



(Sanjeev Kumar Prasad)
Secretary

Copy to concerned Zonal Sections