



Government of West Bengal

Labour Department

I.R. Branch

New Secretariat Buildings, 12th Floor

1, Kiran Sankar Roy Road, Kolkata - 700001

No: Labr/950(20)/(LC-IR)/ IR/75-06/17

Date : 10.12.2018

From: The Secretary to the Government of West Bengal

To : _____

(Chambers of Commerce & Employer's Organizations)

**Sub: Bye-election to Ward No. 117 of Kolkata Municipal Corporation
to be held on 16th December, 2018 (Sunday)**

Sir,

I am to state that the 16th December, 2018 (Sunday) has been fixed for polling in connection with the Bye - Election to the Ward No. 117 of Kolkata Municipal Corporation in this state.

It has been made obligatory on the part of the employers of any business, trade, industrial undertaking or any other establishments of the areas under the said Assembly Constituency to grant **paid holiday** on the day of Poll to their workmen who are entitled to cast vote in the election under the Representation of Peoples Act, 1951.

Section 135B of the Representation of Peoples Act, 1951 reads as follows:-

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

1)i) Every person employed in any business, trade, industrial undertaking or any other establishment and entitled to vote an election to the House of 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 (1) and if such person is employed on the basis of that he would not ordinarily receive wages for such day, he shall none-the-less 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 Constituencies having an Election. It is clarified that in such a Constituency concerned he would also be entitled to the benefit of a paid holiday extended under the Section 135B(1) of the Representation of the People Act, 1951.

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3) 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 Peoples Act, 1951.

I am, therefore, directed to request you to advise your constituent members in whose units Sunday is working day, to abide by section 135B of the Representation of Peoples Act, 1951 and grant a paid holiday on 16th December, 2018 (Sunday) to all categories of workers and employees in the respective Municipal Corporation who are registered as electors in respect of the Bye - Election to the Ward No. 117 of Kolkata Municipal Corporation to enable them to exercise their right of franchise in the aforesaid election.

Yours faithfully,



Secretary

to the Govt. of West Bengal

NO. Labr/950(20)/1(14)/(LC-IR)

Date : 10.12.2018

Copy forwarded for information to:

- ✓ 01. The Labour Commissioner, West Bengal, New Secretariat Buildings, (11th Floor), 1, K.S. Roy Road, Kol-1
02. The Chief Inspector of Shops & Establishment, W. Bengal, 6, Church Lane, Kol-1
03. The Home (C&E) Department, Govt. of W. Bengal, 21, N. S. Road, Kolkata-700001.
04. The Home (Poll) Deptt., Govt. of West Bengal., 4, Camac Street, Kolkata – 700017.
05. The Industries Commerce & Enterprises Department, Govt. of W.B., 4, Camac Street, Kol-17.
06. The Micro & Small Scales Enterprises and Textiles Deptt., Govt. of W. Bengal. Hemanta Bhaban, 12, B.B.D. Bag East, Kolkata- 700001.
07. The Public Enterprise & Industrial Reconstruction Deptt., Govt. of W. Bengal, 5, Council House Street, Kolkata – 700016.
08. The Home (Police) Department, Government of West Bengal. Nabanna, Howrah-711102.
09. Chief of the News Bureau, West Bengal, Nabanna, Howrah-711102.
10. The Deputy Director of Publicity, Information & Cultural Affairs Deptt, Govt. of W. Bengal, Nabanna, Howrah-711102. with a request to give immediate publicity of the matter through A.I.R, Doordarshan and leading daily Newspapers.
11. The Chief Electoral Officer, West Bengal, 21, N. S. Road, Kolkata - 700001.
12. The District Municipal Election Officer for Kolkata Municipal Corporation and the District Magistrate, South 24 Parganas.
13. The State Election Commission, 18, Sarojini Naidu Sarani (Rawdon Street), Kolkata – 700017.
14. Guard File.



Secretary

to the Govt. of West Bengal