

PROCEEDINGS OF THE LABOUR COMMISSIONER,
(Present : C.V.Sajan IAS)

Sub :- Labour Department-General Election to Lok sabha 2019-
Day of Poll-Declaration of Public holiday on 23rd April 2019
- Erratum Order issued

Read :- 1 G.O (MS) No.64/2019/GAD dated: 08/04/2019
2 This Office Order No. En(2)-5816/2019 dated:
11/04/2019

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ORDER NO. EN (2) 5816/2019 DATED : 11/04/2019

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As per the Government Order read above, Government declared Tuesday, the 23rd April 2019, as a public holiday for all Public Offices and Educational Institutions and a paid holiday for commercial undertakings in the State, in connection with the General Election to the Loksabha 2019 as per section 135 B of the Representation of the People Act, 1951.

Section 135B of the Representation of the People Act, 1951 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 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/employed in an industrial undertaking or any establishment located outside the Constituency having a general 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 135 B (1) of the Representation of the People Act, 1951.

The section 135 B of the Representation of People Act,1951 is produced below for information:-

- "1) 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.

- 2) No deduction or abatement of the wages of any such person shall be made on account of 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."

In the circumstances stated as per the G.O cited first above, it is hereby declare that all Private Enterprises, Private Industrial Centres and other Private Institutions under the Kerala Shops and Commercial Establishment Act the day of poll viz: the 23rd April 2019 (Tuesday) as a paid holiday for all their employees. No deduction or abatement of the wages of any such persons shall be made on account of a holiday having been granted in accordance with law and if such person is employed on the basis that he would not accordingly receive wages for such a day, he shall nonetheless be paid for such a day, the wages he would have drawn had not a holiday been granted to him on that day.

Employees including daily wage/casual workers who are ordinarily resident of the above Constituency where poll is taking place and registered as an Elector in that constituency but serving/employed in an industrial undertaking or an Establishment located outside the constituency where he/she is resident have to be given the benefit of paid holiday on the day of Poll.

All officers of the Department are directed to make necessary arrangements to implement the order.

(Sd/-)
Labour Commissioner

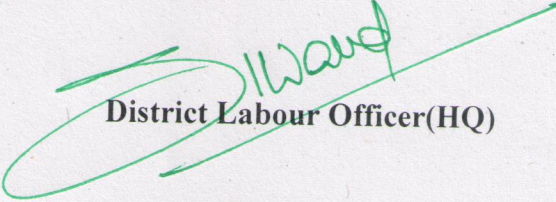
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All Regional Joint Labour Commissioners
All District Labour Officers

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District Labour Officer(HQ)

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