

Government of West Bengal
Labour Department, I.R. Branch

New Secretariat Buildings, 12th Floor

1, Kiran Sankar Roy Road, Kolkata - 700001

No: Labr/331 (20)/(LC-IR)/ IR/75-06/17

Date : 27/3/2019

From: The Additional Chief Secretary to the Government of West Bengal

To : _____

(All Chambers of Commerce & Employer's Organizations)

Sub: Parliamentary Elections, 2019 and Simultaneous Bye-elections to 2 (two) Assembly Constituencies in the State of West Bengal – Grant of Paid Holidays – Regarding.

Sir,

Consequence upon the Press Note, released by the Election Commission of India vide No- ECI/PN/23/2019, dated 10.03.2019, the 17th General Election to the House of the People 2019 (Parliamentary Election 2019) and simultaneous Bye- election to 2(two) Assembly constituencies in different areas in the state of West Bengal is going to be held as per the following schedule:

Phase	Date of Poll (Day)	No. & Name of Parliamentary Constituencies with Total No. of PCs involved	No. & Name of Assembly Constituencies For Bye-elections
Phase- I	11.04.2019 (Thursday)	1 – Coochbehar (SC), 2 – Allipurduar (ST).	2 ...
Phase- II	18.04.2019 (Thursday)	3 – Jalpaiguri (SC), 4 – Darjeeling, 5 – Raiganj.	3 ...
Phase- III	23.04.2019 (Tuesday)	6 – Balurghat, 7 – Maldaha Uttar, 8 – Maldaha Dakshin, 9 – Jangipur, 11 – Murshidabad	5 ...
Phase- IV	29.04.2019 (Monday)	10 – Baharampur, 12 – Kishnanagar 13 – Ranaghat (SC), 38 – Bardhaman Purba (SC), 39 – Bardhaman-Durgapur, 40 – Asansol, 41 – Bolpur(SC), 42 – Birbhum.	8 88-Krishnaganj(SC)
Phase- V	06.05.2019 (Monday)	14 – Bangaon (SC), 15 – Barrackpur, 25 – Howrah, 26 – Uluberia, 27 – Sreerampur, 28 – Hooghly, 29 – Arambag (SC).	7 176-Uluberia Purba
Phase- VI	12.05.2019 (Sunday)	30 – Tamluk, 31 – Kanthi, 32 – Ghatal 33 – Jhargram(ST), 34 – Medinipur, 35-Purulia, 36-Bankura, 37-Bishnupur(SC)	8 ...
Phase- VII	19.05.2019 (Sunday)	16 – Dum Dum, 17-Barasat, 18- Basirhat, 19 – Jaynagar (SC), 20 – Mathurapur (SC), 21 – Diamond Harbour, 22 – Jadavpur, 23 – Kolkata Dakshin, 24 – Kolkata Uttar.	9 ...



In view of the above and as per direction of the OSD & EO Special Secretary, Finance Department Government of West Bengal vide their Memo No -1787-F(P2)FA/0/2M/74/16(NB), dated 10.03.2019, the under signed is directed to intimate that, the Governor has been pleased to make obligatory on the part of the Employers of any business, trade, under taking, shops, commercial and industrial establishment including Tea Gardens to declare the scheduled dates of poll for the concerned Parliamentary and Assembly Constituencies as **paid holiday** for their workers to enable them to exercise their franchise in the ensuing election under Representation of People 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.

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.

You are therefore, requested to please advise your constituent members to grant a paid holiday on the day of poll to the concerned Constituencies for their all categories of workers and employees abiding by the section 135(B) of the Representation of Peoples Act, 1951, so that, they can exercise their franchise in the afore said election.

Yours faithfully,

Sd/-

Special Secretary
to the Govt. of West Bengal