

PROCEEDINGS OF THE LABOUR COMMISSIONER

(Present: Imbasekhar IAS)

Sub:- Labour Department- Election to Kerala Legislative Assembly 2021 and Bye Election in Malappuram Parliamentary Constituency - Day of Poll - Declaration of public holiday on 6th April, 2021 - Orders issued.
Read:- G.O(Rt)No.1295/2021/GAD. Dated, 23.03.2021.

ORDER NO EN(2) 5224/2021

DATED : 30.03.2021

As per the Government order read above, Government declared Tuesday, the 6th April 2021 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 Kerala Legislative Assembly 2021 and Bye Election in Malappuram Parliamentary Constituency as per Section 135B of the Representation of the People Act, 1951.

The Section 135B of the Representation of the People Act, 1951 is reproduced 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/UT shall, on the day of poll, be granted a holiday

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

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 Elections / 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/employed in an industrial undertaking

or an establishment located outside the Constituency having a general/by-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.

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 the People Act, 1951.

Hence it is hereby declared that all the shops and commercial establishments under Kerala Shops and Commercial Establishment Act 1960, all Private Enterprises and Private and public Industrial undertaking to declare the day of poll viz: the 6th April, 2021 (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 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.

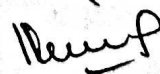
All the officers of the department are directed to make necessary arrangements to implement the order.

(Sd/-)
Labour Commissioner

Copy to

- 1.PA to Labour Commissioner
- 2.All Regional Joint Labour Commissioners
- 3.All District Labour Officers
4. All Assistant Labour Officers(Through District Labour Officers)
- 4.Publicity Officer
- 5.website

Approved for issue



Senior Superintendent(En)