

Government of West Bengal  
Labour Department, I. R. Branch  
New Secretariat Building, 12<sup>th</sup> Floor

1, Kiran Sankar Roy Road, Kolkata - 700001

No: Labr./1033/(20)/(LC-IR)/IR/7S-06/17

Date : 28.10.2024

From: Secretary to the Government of West Bengal

To: \_\_\_\_\_

(All Chambers of Commerce & Employer's Organizations)

**Sub: Bye - Elections to WB LA from 6-Sitai(SC), 14-Madarihat(ST), 104-Naihati, 121-Harua, 236-Medinipur and 251-Taldangra Assembly Constituency, 2024 in the State of West Bengal – Grant of Paid Holiday - Regarding.**

Sir,

Consequent to the Press Note No. ECI/PN/150/2024 dated 15.10.2024 read with Election Commission of India Notification No. 78/EP/2024 dated 16.10.2024, **Bye-elections to WB LA from 6-Sitai(SC), 14-Madarihat(ST), 104-Naihati, 121-Harua, 236-Medinipur and 251-Taldangra Assembly Constituency, 2024 in the State of West Bengal is going to be held on 13.11.2024 (Wednesday).**

The Governor has been pleased to make obligatory, on the part of the employers of any business, trade, undertaking, shops, commercial and industrial establishment to **declare the scheduled date of poll for the Assembly Constituencies concerned as paid holiday** under Section 135B of the Representation of Peoples Act, 1951, for their workers to enable them to exercise their franchise in the ensuing election. In case of re-poll, the employees / workers shall be allowed to cast their votes on the date of re-poll and the date of re-poll shall also be declared as paid holiday. Section 135B of the Representation of Peoples Act, 1951 is reproduced below: -

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

(1) Every person employed in any business, trade, industrial undertaking or any other establishment and entitled to vote at an 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 a holiday having been granted in accordance with Sub-section (1) and if such person is employed on the basis that she/he would not ordinarily receive wages for such day, she/he shall nonetheless be paid for such day the wages she/he would have drawn had not a holiday been granted to her/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 respect of the employment in which he is engaged.

The above provisions require that all the electors who are employee 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 Bye election 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 Constituencies having Bye poll. 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 Peoples Act, 1951.

You are therefore, requested to please instruct your constituent members to grant a paid holiday on the day of poll to the concerned Constituencies for 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 aforesaid election.

Yours faithfully,

Sd/-  
Secretary  
to the Govt. of West Bengal

NO. Labr./1033 /(20)/1(17)/(LC-IR)

Date : 28.10.2024

Copy forwarded for information to:

1. The Chief Electoral Officer, West Bengal, 21, N. S. Road, Kolkata – 700001.
2. Principal Secretary, Home & Hill Affairs Department, 'Nabanna', 325, Sarat Chatterjee Road, Shibpur, Mandirtala, Howrah – 711102.
3. Principal Secretary, The Industries Commerce & Enterprises Department, Govt. of W.B., 4, Camac Street, Kolkata – 700016.
4. Principal Secretary, Department of Micro, Small & Medium Enterprises and Textiles, Govt. of W.B., Shilpa Sadan, Camac Street, 7<sup>th</sup> Floor, Kolkata – 700016.
5. Secretary, Public Enterprise & Industrial Reconstruction Department, Govt. of W.B., 4, Camac Street, Kolkata – 700016.
6. Secretary, U. D. & M. A. Department, Govt. of W. B., Nagarayan, DF – 8, Salt Lake, Kolkata-700064.
7. Secretary, West Bengal State Election Commission, 18, Sarojini Naidu Sarani, Kolkata – 700017.
8. The District Magistrates, Cooch Bihar, Alipurduar, North 24 Pgs, Paschim Medinipur, Bankura.
9. The D.G. & I.G. of Police, Govt. of West Bengal.
10. The O.S.D. & E.O. Labour Commissioner, West Bengal, New Secretariat Building, (11<sup>th</sup> Floor), 1, K.S. Roy Road, Kolkata – 700001.
11. Chief Inspector of Shops & Establishment, West Bengal, 6, Church Lane, Kolkata- 700001.
12. The Chief Inspector of Factories, Govt. of West Bengal.
13. Director of Boilers, Govt. of W.B., N.S. Building, 8<sup>th</sup> Floor, 1, K.S. Roy Road, Kolkata – 700001.
14. The Chief of News Bureau, Directorate of Information, Govt. of West Bengal, Nabanna, Howrah – 711102.
15. The Joint Director of Publicity, Information & Cultural Affairs Department, Govt. of West Bengal, Nabanna, Howrah – 711102 with a request to give immediate publicity of the matter through A.P., Doordarshan and leading daily Newspapers.
16. Deputy Secretary, I.T. Cell, Labour Department – for uploading this Memorandum in the Department's website.
17. Office Copy.

Assistant Secretary  
to the Govt. of West Bengal