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## GOVERNMENT OF KERALA

### Abstract

General Administration- General Election to Lok Sabha 2019 - Day of Poll - Declaration of public holiday on 23<sup>rd</sup> April, 2019 to the Public Offices and other institutions - Orders issued.

### **General Administration (Co-ordination) Department**

G.O (Ms) No.64/2019/GAD.

Dated, Thiruvananthapuram, 08.04.2019.

Read:- 1) Letter No.78/2019/EPS dated 22.03.2019 from Election Commission of India.

2) Letter No.130/EL3/2019/Elec, dated, 05.04.2019 from Office of the Chief Electoral Officer, Kerala

### **ORDER**

Government are pleased to declare Tuesday, the 23<sup>rd</sup> 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 Lok Sabha 2019 as per Section 135B of the Representation of the People Act, 1951.

The Labour Commissioner will make necessary arrangements with all Private Enterprises, Private Industrial centres and other Private Institutions under the Shops and Commercial Establishment Act to declare the day of poll viz: the 23<sup>rd</sup> 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.

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 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 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.”



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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 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 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.

(By Order of the Governor)  
**BISWANATH SINHA**  
PRINCIPAL SECRETARY

To

The Chief Electoral Officer, Election (General) Department,  
Thiruvananthapuram (with C/L)  
All Heads of Departments/All District Collectors  
The Chief Executives of all Public Sector Undertakings  
All Government /Quasi Government Industrial concerns } Through the District  
All Government Commercial undertaking. } Collector concerned  
The Station Director, All India Radio, Thiruvananthapuram.  
The Secretary to Governor (With CL)  
The Secretary, Kerala Legislative Assembly, Thiruvananthapuram (With CL)  
The Principal Accountant General(Audit),Kerala, Thiruvananthapuram.  
The Labour Commissioner, Thiruvananthapuram.  
The Registrar, High Court of Kerala, Ernakulam (With CL)  
The Advocate General, Ernakulam (With CL)  
The Secretary, Kerala Public Service Commission, Pattom, Thiruvananthapuram.(With CL)  
The Registrar, University of Kerala, Thiruvananthapuram (With CL)  
The Registrar, Mahatma Gandhi University, Kottayam (With CL)  
The Registrar, University of Calicut, Malappuram (With CL)  
The Registrar, University of Kannur, Kannur (With CL)  
The Registrar, Sree Sankaracharya University of Sanskrit, Kalady (With CL)  
The Registrar, Kerala University of Health and Allied Sciences, Thrissur – 680596  
The Registrar, Kerala Veterinary and Animal Sciences University,  
Camp Office, Kerala Agricultural University Campus, Mannuthi, Thrissur.  
The Registrar, Kerala University of Fisheries and Ocean Studies, Panagad, Kochi.  
The Registrar, Kerala Agricultural University, Thrissur (With CL)  
The Registrar, Kerala Administrative Tribunal, Vanchiyoor, Thiruvananthapuram.  
The Registrar, Cochin University of Science and Technology, Kochi (With CL)  
The Secretary, Kerala State Electricity Board, Thiruvananthapuram  
The Managing Director, KSRTC, Thiruvananthapuram

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All Departments in the Secretariat including Law and Finance  
The PA to Secretary to Chief Minister  
The Private Secretary to Chief Minister  
The Private Secretary to Leader of Opposition.  
The Private Secretary to Speaker/Deputy Speaker.  
The Private Secretary to Ministers  
The Additional Secretary to Chief Secretary  
The PA to all Additional Chief Secretaries/ Principal Secretaries/Secretaries.  
The Web & New Media (for publishing in the Government Website)  
The Director, Information & Public Relations Department  
(for wide publicity through media)  
Stock File / Office Copy.

Forwarded/By Order

A handwritten signature in blue ink, appearing to be 'Ajay', written over a horizontal line.

Section Officer