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GOVERNMENT OF KERALA

Abstract

General Administration- Election to Kerala Legislative Assembly 2021 and Bye Election in Malappuram Parliamentary Constituency - Day of Poll - Declaration of public holiday on 6th April, 2021 to the Public Offices and Educational institutions - Orders issued.

General Administration (Co-ordination) Department

G.O(Rt)No.1295/2021/GAD. Dated, Thiruvananthapuram, 23.03.2021.

Read: 1) Letter No.78/EPS /2021/183 dated 08.03.2021 from Election Commission of India.

2) Circular No.Cdn1/253/2019/GAD, dated, 19.02.2020

ORDER

Government are pleased to declare 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 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 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.

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 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."

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/bye-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,
DR.V.P.JOY
 Chief Secretary

The Under Secretary, Election Commission of India, Nirvachan Sadan, Ashoka Road, New Delhi - 110001

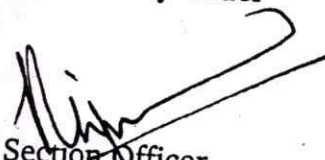
The Chief Electoral Officer, Election (General) Department, Thiruvananthapuram
 The PA to all Additional Chief Secretaries/ Principal Secretaries/Secretaries.
 All Heads of Departments/All District Collectors
 The Chief Executives of all Public Sector Undertakings
 All Government /Quasi Government Industrial concerns } Through the
 District } Collector
 All Government Commercial undertaking concerned

The Station Director, All India Radio, Thiruvananthapuram.
 The Secretary to Governor
 The Secretary, Kerala Legislative Assembly, Thiruvananthapuram
 The Principal Accountant General(Audit),Kerala, Thiruvananthapuram.
 The Labour Commissioner, Thiruvananthapuram.
 The Registrar, High Court of Kerala, Ernakulam
 The Advocate General, Ernakulam
 The Secretary, Kerala Public Service Commission, Pattom, Tvpm.
 The Registrar, University of Kerala, Thiruvananthapuram
 The Registrar, Mahatma Gandhi University, Kottayam
 The Registrar, University of Calicut, Malappuram
 The Registrar, University of Kannur, Kannur

The Registrar, Sree Sankaracharya University of Sanskrit, Kalady
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
- The Registrar, Kerala Administrative Tribunal, Vanchiyoor,
Thiruvananthapuram.
- The Registrar, Cochin University of Science and Technology, Kochi
- The Secretary, Kerala State Electricity Board, Thiruvananthapuram
- The Managing Director, KSRTC, Thiruvananthapuram
- All Departments in the Secretariat including Law and Finance
- The PA to Principal 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 Special Secretary to Chief Secretary
- 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


Section Officer

Endt: Lt. No. O.R.M.S - 20954/2021, D.H.S. Dated - 25/3/2021.

Copy of GO communicated to all smooth
for information.

For Director of Health Services.

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website, DHS