राज्य निर्वाचन आयोग, राजस्थान
(क्रमांक:एफ. 7(1)(1)/पंचा/रानीआ/2019/662)
दिनांक: 15.01.2020
समस्त जिला निर्वाचन अधिकारी,
(कलकट) (पंचायत) राजस्थान।
(जिला जैसलमेर को छोड़कर)

विषय:- पंचायतीराज संस्थाओं के आम चुनाव 2020 — पंच एवं सरपंच पद के निर्वाचन में मतदान दिनस को सवैयतनिक अवकाश के संबंध में।
संदर्भ:- भारत निर्वाचन आयोग का पत्रक 78/ईपीएस/2019 दिनांक 30.09.2019

महोदय,

राजस्थान पंचायतीराज अधिनियम 1994 की धारा 22 के अनुसार लोक प्रतिनिधित्व अधिनियम 1951 की धारा 135—बी के प्रावधान के अन्तर्गत लागू होती है। उक्त धारा 135—बी के अन्तर्गत मतदान के दिन कर्मचारियों को सवैयतनिक अवकाश दिये जाने की व्यवस्था है।

इस संबंध में भारत निर्वाचन आयोग द्वारा संदर्भित पत्र के माध्यम से लोक प्रतिनिधित्व अधिनियम 1951 की धारा 135—बी के अन्तर्गत उन कार्मिकों को भी मतदान के दिन सवैयतनिक अवकाश का पात्र नाम है, जो चुनाव वाले निर्वाचन क्षेत्रों में मतदाता के रूप में पंजीकृत हैं, किन्तु वे अन्यत्र पदस्थापित हैं।

अत: इस संबंध में राज्य निर्वाचन आयोग का मत है कि भारत निर्वाचन आयोग के संदर्भित पत्र (प्रति संलग्न) के बिन्दु संख्या 02 एवं 03 के अनुसार पंचायतीराज संस्थाओं के पंच एवं सरपंच हेतु होने वाले वरणार निर्वाचनों में तीनों चरणों के लिए क्रम: दिनांक 17.01.2020, 22.01.2020 एवं 29.01.2020 को ऐसे कार्मिकों को भी मतदान के दिन सवैयतनिक अवकाश प्रदान किया जाए, जो चुनाव वाले निर्वाचन क्षेत्रों में मतदाता के रूप में पंजीकृत हैं, किन्तु अन्यत्र पदस्थापित हैं।

आश्रय से,
(भारत सिंह राजपुरीहट्टी)
मुख्य निर्वाचन अधिकारी
एवं सचिव
The Commission has announced the Schedule for Bye-elections to fill casual vacancies in the Parliamentary and Assembly constituencies of various States/UTs, 2019 vide its Press Note No. ECI/PN/84/2019, ECI/PN/85/2019 and ECI/PN/87/2019 dated 21st, 22nd & 24th September 2019, which are available on Commission’s website http://eci.gov.in, under the head press releases. In this regard, I am directed to invite your attention to Section 135B of the Representation of the People Act, 1951 which provides for the grant of paid holiday to the employees on the day of poll. The Section 135B is reproduced below:

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 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."

2. 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 a bye-election is 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 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.

3. The daily wage/casual workers are also entitled for a holiday and wages on poll day as provided in Section 135B of the R.P. Act, 1951.

4. The Commission desires that suitable instructions should be issued to all concerned and a copy thereof be endorsed to the Commission for its information and record.

5. The receipt of this letter may please be acknowledged.

Yours faithfully

(SANJEEV KUMAR PRASAD)
UNDER SECRETARY

Copy to concerned Zonal Sections