Sub: Bye Election from 23-Darjeeling Assembly Constituency, 29-Islampur Assembly Constituency, 43-Habolpur (ST) Assembly Constituency, 68-Kandi Assembly Constituency, 74-Nawda Assembly Constituency, 74-Nawda Assembly Constituency and 105-Bhutpara Assembly Constituency-Grant paid holiday on poll day regarding.

Endorsed please find herewith a copy of Memo.No. 3273-Home (Elec) dated 06.05.2019 received from the Deputy Chief Electoral Officer & No. Labr./441(20)/LC-IR/75-05/17 dated 02.05.2019 & Notification vide no. Labr./442/(LC-IR)/IR/75-06/07 dated 02.05.2019 of Additional Chief Secretary to the Government of West Bengal regarding Grant of paid holidays on poll day which is self explanatory.

This is for favour of your information and necessary action.

Enclosed: - As stated

Copy forwarded to:
1. The Returning Officer & Sub-Divisional Officer, Sadar, Darjeeling for Information
2. The Block Development Officer/Jorebunglow Sukhiapokhari/ Darjeeling Pulbazar for information and necessary action. / Kurimation/ Darjeeling
3. D.I.O, NIC Darjeeling, with request to upload the same in the 23-Darjeeling A.C website.
4. C.A to the District Magistrate & District Election Officer, Darjeeling.

Additional District Magistrate, Darjeeling
Dated 18/5/2019
Government of West Bengal  
Home and Hill Affairs Department  
Election Branch  
21 Netaji Subhas Road, Kolkata 700001

Memo No: 3273-Home(Elec)  
R3E-37/2019  
Date: 06.05.2019

From: Deputy Chief Electoral Officer, West Bengal

To:  The District Election Officer – Darjeeling/Uttar Dinajpur/Malda/Murshidabad/ North 24 Parganas

Subject: Bye-elections from 23-Darjeeling Assembly Constituency, 29-Islampur Assembly Constituency, 43-Habibpur(ST) Assembly Constituency, 68-Kandi Assembly Constituency, 74-Nowda Assembly Constituency and 105-Bhatpara Assembly Constituency – Grant of paid holiday on poll day—regarding

Sir/Madam

I am directed to forward herewith copies of the Notifications bearing no Labr./441(20)/(I.C-I.R.)/IR/75-06/17 dt 02.05.2019 and No Labr./442/(I.C-I.R.)/IR/75-06/17 dt 02.05.2019 issued by Labour Department, I.R.Branch, Government of West Bengal on the subject cited above and to request you to circulate these to the respective authorities under your control immediately.

Yours faithfully,

Deputy Chief Electoral Officer  
West Bengal
Sub: Bye-election to 23-Darjeeling Assembly Constituency, 29-Islampur Assembly Constituency, 43-Habibpur (ST) Assembly Constituency, 105-Bhatpara Assembly Constituency to be held on 19th May, 2019 (Sunday) and 68-Kandi Assembly Constituency, 74-Nowda Assembly Constituency to be held on 20th May, 2019 (Monday).

Sir,

I am to state that the 19th May, 2019 (Sunday) has been fixed for polling in connection with the Bye-Election to the 23-Darjeeling Assembly Constituency, 29-Islampur Assembly Constituency, 43-Habibpur (ST) Assembly Constituency, 105-Bhatpara Assembly Constituency and the 20th May, 2019 (Monday) has been fixed for polling in connection with the Bye-Election to the 68-Kandi Assembly Constituency, 74-Nowda Assembly Constituency in this state.

It has been made obligatory on the part of the employers of any business, trade, industrial undertaking or any other establishments of the areas under the said Assembly Constituency to grant paid holiday on the day of Poll to their workmen who are entitled to cast vote in the election under the Representation of Peoples Act, 1951.

Section 135B of the Representation of Peoples Act, 1951 reads as follows:-

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 an election to the House of people or the Legislative Assembly of a State, shall, on the day of Poll, be granted a holiday.

ii) 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 of that he would not ordinarily receive wages for such day, he shall none-the-less be paid for such day the wages he would have drawn had not a holiday been granted to him on that day.

iii) 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.

iv) 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 establishments and shops including those which work on shift basis shall be closed on the day of poll in the Constituency where a General/Bye-election is to be held. However, 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 an Election. It is clarified that in such a Constituency concerned he would also 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 Representation of Peoples Act, 1951.

I am, therefore, directed to request you to advise your constituent members in whose units Sunday and Monday are working days, to abide by section 135B of the Representation of Peoples Act, 1951 and grant a paid holiday on 19.05.2019 (Sunday) and 20.05.2019 (Monday) to all categories of workers and employees in the respective Assembly Constituency who are registered as electors in respect of the Bye-Election to the 23-Darjeeling Assembly Constituency, 29-Islampur Assembly Constituency, 43-Habibpur (ST) Assembly Constituency, 105-Bhatpara Assembly Constituency, 68-Kandi Assembly Constituency, 74-Nowda Assembly Constituency to enable them to exercise their right of franchise in the aforesaid election.

Yours faithfully,

Additional Chief Secretary

to the Govt. of West Bengal

Date: 02.05.2019

NO. 441(20)/ 1(14) - I.R

Copy forwarded for information to:
01. The Labour Commissioner, West Bengal, New Secretariat Buildings (11th Floor), 1, K.S. Roy Road, Kol-1
02. The Chief Inspector of Shops & Establishment, W. Bengal, 6, Church Lane, Kol-1
03. The Home (C&E) Department, Govt. of W. Bengal, 21, N. S. Road, Kolkata-700001.
04. The Home (Poll) Deptt., Govt. of West Bengal, 4, Camac Street, Kolkata – 700017.
05. The Industries Commerce & Enterprises Department, Govt. of W.B., 4, Camac Street, Kol-17.
06. The Micro & Small Scales Enterprises and Textiles Deptt., Govt. of W. Bengal, Hemanta Bhaban, 12, B. B. D. Bag East, Kolkata-700001.
07. The Home (Police) Department, Government of West Bengal, Nabanna, Howrah-711102.
08. Chief of the News Bureau, West Bengal, Nabanna, Howrah-711102.
09. The Deputy Director of Publicity, Information & Cultural Affairs Deptt., Govt. of W. Bengal, Nabanna, Howrah-711102. with a request to give immediate publicity of the matter through A.I.R, Doordarshan and leading daily Newspapers.
10. The Chief Electoral Officer, West Bengal, 21, N. S. Road, Kolkata - 700001.
11. The District Magistrate, Darjeeling, Uttar Dinajpur, Maldah, Murshidabad, N. 24 Pags.
12. The State Election Commission, 18, Sarojini Naidu Sarani (Rawdon Street), Kolkata – 700017.

Deputy Secretary

to the Govt. of West Bengal

02/05/19
NOTIFICATION

WHEREAS, the Governor thinks fit so to do in the interest of Public Service;

NOW, THEREFORE, in exercise of the power conferred by Sub-Section (2) of Section 4 of the West Bengal Shops & Establishments Act, 1963 (West Bengal Act XII of 1963), the Governor is pleased hereby to exempt, where the said Act applies in the State, all classes of petrol and diesel pumps (filling station) situated within the areas of the Constituencies as per the schedule enclosed on the occasion of holding Bye election to the 23-Darjeeling Assembly Constituency, 29-Islampur Assembly Constituency, 43-Habibpur (ST) Assembly Constituency, 105-Bhatpara Assembly Constituency, 68-Kandi Assembly Constituency, 74-Nowda Assembly Constituency.

The filling stations are granted exemptions from the operations of provision of Sub-Section (2) of Section 6 of the said Act, subject to the condition that any work done beyond eight and a half hours a day or forty eight hours a week shall be regarded as over time work for payment of over time wages under section 13 of the said Act.

By order of the Governor

Additional Chief Secretary

No. Labr./442/1(13)/(LC-IR) Date: 02.05.2019

Copy forwarded for information to:-
01. The Labour Commissioner, W.B., New Secretariat Buildings, 11th Floor, 1, K.S. Roy Road, Kol - 1.
02. The Chief Inspector of Shops & Establishment, W.B., 6, Church Lane, Kol - 1.
03. The Home (C&E) Department, Govt. of W.B., 21, N.S. Road, Kol - 1.
04. The Home (Poll) Department, Govt. of W.B., Nabanna, Howrah-711102.
05. Industry, Commerce & Enterprises Department, Govt. of W.B., Shilpa Sadan, 4, Camac Street, Kol - 16.
06. Micro, Small and Medium Enterprise and Textiles Deptt., Govt. of W.B., Hemanta Bhawan, 12, BBDO Bag (East), Kol - 1.
07. The Chief of News Bureau, W.B., Nabanna, Howrah-711102.
08. The Deputy Director of Publicity, Information & Cultural Affairs Deptt., Govt. of W.B., Nabanna, Howrah-711102, with a request to give immediate publicity of the matter in A.I.R., Doordarshan & leading daily Newspapers.
09. Urban Development and Municipal Affairs Department, Govt. of W.B., Nagarayan, DF - 8, Salt Lake, Kol - 64.
10. The Home (Police) Department, Govt. of W.B., Nabanna, Howrah-711102.
11. The Chief Electoral Officer, West Bengal, 21, N.S. Road, Kol – 1.
12. The State Election Commission, 18, Sorojini Naidu Sarani (Rawdon Street), Kol – 17.

To the Govt. of West Bengal
Schedule for holding Bye Elections to the Assembly constituency of West Bengal.

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