

<sup>1</sup>[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 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.

**135C. Liquor not to be sold, given or distributed on polling day.**—(1) No spirituous, fermented or intoxicating liquors or other substances of a like nature shall be sold, given or distributed at a hotel, eating house, tavern, shop or any other place, public or private, within a polling area during the period of forty-eight hours ending with the hour fixed for the conclusion of the poll for any election in that polling area.

(2) Any person who contravenes the provisions of sub-section (1), shall be punishable with imprisonment for a term which may extend to six months, or with fine, which may extend to two thousand rupees, or with both.

(3) Where a person is convicted of an offence under this section, the spirituous, fermented or intoxicating liquors or other substances of a like nature found in his possession shall be liable to confiscation and the same shall be disposed of in such manner as may be prescribed.]

**136. Other offences and penalties therefor.**—(1) A person shall be guilty of an electoral offence if at any election he—

- (a) fraudulently defaces or fraudulently destroys any nomination paper; or
- (b) fraudulently defaces, destroys or removes any list, notice or other document affixed by or under the authority of a returning officer; or
- (c) fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper or any declaration of identity or official envelop used in connection with voting by postal ballot; or
- (d) without due authority supplies any ballot paper to any person <sup>2</sup>[or receives any ballot paper from any person or is in possession of any ballot paper] ; or
- (e) fraudulently puts into any ballot box anything other than the ballot paper which he is authorised by law to put in; or
- (f) without due authority destroys, takes, opens or otherwise interferes with any ballot box or ballot papers then in use for the purposes of the election; or
- (g) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts or wilfully aids or abets the doing of any such acts.

(2) Any person guilty of an electoral offence under this section shall,—

- (a) if he is a returning officer or an assistant returning officer or a presiding officer at a polling station or any other officer or clerk employed on official duty in connection with the election, be punishable with imprisonment for a term which may extend to two years or with fine or with both;
- (b) if he is any other person, be punishable with imprisonment for a term which may extend to six months or with fine or with both.

(3) For the purposes of this section, a person shall be deemed to be on official duty if his duty is to take part in the conduct of an election or part of an election including the counting of votes or to be responsible after an election for the used ballot papers and other documents in connection with such election, but the expression "official duty" shall not include any duty imposed otherwise than by or under this Act <sup>3</sup>\* \* \*.

<sup>4</sup>[(4) An offence punishable under sub-section (2) shall be cognizable.]

**137.** [Prosecution regarding certain offences.] Rep. by the Representation of the People (Amendment) Act, 1966 (47 of 1966), s. 61.

**138.** [Amendment of Act 5 of 1898.] Rep. by the Repealing and Amending Act, 1957 (36 of 1957), s. 2 and the First Schedule.

## PART VIII DISQUALIFICATIONS

**139—145.** [Chapters I to III.] Rep. by the Representation of the People (Amendment) Act, 1966 (47 of 1966), s. 62.

1. Ins. by Act 21 of 1996, s. 16 (w.e.f. 1-8-1996).

2. Ins. by Act 27 of 1956, s. 70.

3. The words and figures "or by or under the Representation of the People Act, 1950" omitted by Act 58 of 1958, s. 38.

4. Subs. by Act 47 of 1966, s. 60, for sub-section (4) (w.e.f. 14-12-1966).