**The case for election day as a holiday**

In a vibrant democracy such as India, the right to vote is not just a privilege but also a fundamental duty enshrined in the Constitution. Several countries around the world such as Australia (where voting is mandatory), South Africa, South Korea, France provide a holiday on election day to facilitate voter participation.

Recent discussions have brought to light an intriguing debate surrounding the obligation of employers, particularly Small and Medium-sized Enterprises (SMEs), to declare a holiday on election day. While some argue for the sanctity of this practice, citing constitutional principles, others question its necessity and potential infringement on individual liberties. Interestingly, several member-countries of the Organisation for Economic Co-operation and Development (made up largely of advanced democracies) conduct their national elections on a weekend. Other democratic nations such as the United States do not mandate election day as a paid holiday. Some States in the U.S. make election day as a paid holiday, while some do not. However, a study published by Princeton University, about ‘Increasing Voter Turnout’ said, “The results are clear. There is no evidence from the ‘natural experiment’ of states providing an election holiday for state employees that such holidays significantly increase voter turnout”, concluding that “having an election holiday, by itself, is not an effective strategy to increase voter turnout.”

**The issue of a balance**

The mandate for employers to declare a holiday on election day raises pertinent questions about the balance between civic responsibility and personal freedoms. Should businesses be compelled to provide a paid day off when voting is not obligatory? Is it fair to impose such obligations on employers?

Advocates for mandatory holiday declaration argue that the Constitution of India upholds the right to vote as a fundamental aspect of democratic governance. Therefore, ensuring access to polling booths by granting employees a day off is seen as a practical means to uphold this constitutional mandate. Additionally, organisations such as the Federation of Indian Chambers of Commerce and Industry (FICCI), the Associated Chambers of Commerce and Industry of India (ASSOCHAM), and National Association of Software and Services Companies (NASSCOM), as representatives of the business community, are expected to align with broader societal goals, including facilitating voter participation.

The counterargument to this perspective emphasises individual freedom and the principles of a free market economy. In a democracy, citizens are granted the liberty to choose whether or not to exercise their right to vote. By extension, employers should also have the discretion to determine their operational policies, including whether to provide a paid holiday on election day. Compelling them to do so may be perceived as an infringement on their autonomy and could potentially create undue burdens, especially for smaller businesses with limited resources. Comparisons with other democracies, such as the U.S., further complicate the matter. In the U.S., election day is not designated as a national holiday, and the onus is on individuals to manage their schedules to cast their votes. While some States have implemented provisions for paid time off to vote, it is not universally mandated at the federal level.

**What should India do?**

This raises questions about whether India should follow a similar approach, allowing for flexibility and adaptation to varying business needs and cultural contexts. The recent effort by the Home Secretary of Tamil Nadu, P. Amudha, suggesting linking paid leave to proof of voting introduces an interesting middle ground in this debate. By incentivising voter turnout while maintaining employer discretion, this proposal addresses both the importance of civic engagement and the concerns of businesses regarding operational disruptions. Employees would have the opportunity to exercise their democratic rights while also fulfilling their professional responsibilities, thereby striking a balance between individual liberties and societal obligations.

**In perspective**

Ultimately, the question of election day holiday mandates transcends mere legalities and delves into the essence of democracy itself. It is about fostering a culture of civic engagement while respecting the diverse needs and circumstances of both citizens and businesses. Rather than imposing rigid mandates, policymakers should explore innovative solutions that encourage voter participation without unduly burdening employers. As technology progresses sometime in the future, we may be able to vote, without any undue influence, in the privacy of our homes. The debate surrounding the obligation of employers to declare a holiday on election day is a nuanced one that touches upon fundamental principles of democracy, individual freedoms, and economic realities. While the Constitution underscores the importance of voting rights, it is imperative to strike a balance that respects both civic obligations and business autonomy. By fostering dialogue and exploring flexible solutions, India can uphold its democratic ethos while accommodating the dynamic needs of its diverse society.