

**DRAFT MODALITIES
FOR
SECRET BALLOT ELECTIONS
FOR
RECOGNITION OF
UNIONS/FEDERATIONS
ON INDIAN RAILWAYS**

AUTHORITY: Railway Board Order nos.

(1) ERB-I/2012/23/49 dated 09.11.12&

(2) 2012/E(LR)III/LR/Misc/5(SB)-Pt. dated 08.03.13

As per Terms of Reference (ToR) no. 2. (i) (ii) & (iii) of Railway Board Order no. ERB-I/2012/23/49 dated 09.11.12, the following DRAFT modalities are proposed according to which the secret ballot elections shall be conducted.

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DRAFT MODALITIES FOR CONDUCTING SECRET BALLOT ELECTIONS 2013 FOR THE PURPOSE OF GRANTING RECOGNITION TO REGISTERED RAILWAY TRADE UNIONS/FEDERATIONS

Railway Board vide its Order no. ERB-I/2012/23/49 dated 09.11.12 has constituted a Secret Ballot Election Committee for framing modalities and for conduct & supervision of secret ballot elections over the Indian Railways, for giving recognition to trade unions/federations. As per the mandate and subsequent communication vide note no. 2012/E(LR)III/LR/Misc/5(SB)-Pt. dated 08.03.13 from the Railway Board, the Committee has framed the following modalities for conducting elections.

1. UNIONS ELIGIBLE TO CONTEST THE ELECTIONS:-

Trade unions fulfilling following conditions shall be eligible to contest the elections.

(a) All trade unions of the Railways which are registered under the Trade Union Act, 1926 for at least one year as on 31.12.2011 and which exclusively represent the interests of all non gazetted (erstwhile group 'C and 'D') employees of the concerned zonal railways.

(b) These registered trade unions must not have been formed on the basis of any caste, tribe, region, linguistic or religious denomination or of any group within or section of such caste, tribe, region, linguistic or religious denomination.

(c) The registered jurisdiction of the Union should geographically conform to the jurisdiction of the concerned zonal General Manager to whom the application is made and who is competent to recognize the union and also competent to take any action against unions as and when necessary.*

{*Para 2(c) is under contest at Hon'ble High Court of Allahabad (Lucknow Bench) in W.P.(C) 7956 (M/B) of 2007 and is subject to final outcome of the case in terms of order dated 24.10.2007. Till such time, the provisions of then Member Secretary Secret Ballot Committee letter no. 2007/SBC/Rec/22 dated 30.10.2007 addressed to all CPOs shall remain in force, vide which the "clause 2(c) of the modalities stands annulled till the courts deliver final decision in the matter".}

NB: The said clause 2 (c) appears as clause no. 1(c) in these modalities

(d) The unions contesting elections must have submitted the accounts statement and annual return for the previous year (2011) to the concerned Registrar of the trade unions. A copy of last annual return and a certificate duly signed by the concerned Registrar (or his authorised representative) of the Trade Union (as per **Annexure II**) shall be submitted to the concerned Returning Officer along with nomination papers.

(e) The union should not have been involved in any action leading to breach of the Code of Discipline during a period of one year immediately before notification of date of election.

(f) Unions participating in the election shall have their own constitution in conformity with Trade Union Act, 1926. A self attested copy shall be submitted to the Returning officer.

(g) The union shall enclose a No Dues certificate (NOC) for having paid all charges on account of office rent, electricity, telephone and water, till 31.12.12.

(i) A refundable security deposit of Rs. 25,000/- by way of demand draft drawn in f/o FA&CAO of the concerned railway. (The security deposit shall be debited in case any fine is levied on the union for violation of the Code of Conduct. Further in case the union fails to secure at least 5% of the polled votes, the security deposit would be forfeited). After conclusion of the election process, the security deposit in full or its remaining part, as the case may be, shall be refunded to the union.

2. EMPLOYEES ELIGIBLE TO VOTE:-

The following categories of employees shall be eligible to vote.

a) All regular non – gazetted (erstwhile Group ‘C and ‘D’) employees and Substitutes with Temporary Status who are borne on the muster roll of the Railway establishment as on 01.02.13.

b) Employees who are on deputation may cast vote in the office where their lien is being maintained.

c) Employees in (-1S) Pay Band who are holding working post. (This supercedes the instructions contained in letter no SBC/Union Elections/2012/2 dated 22.02.13 sent earlier in this connection.)

d) Ministerial employees working in the RPF/RPSF establishment but not belonging to RPF/RPSF cadre and who are not governed by RPF Act.

Identification of Voter: For the purpose of casting vote, Photo I-Card is to be treated as the valid document for identification of voters. All units must ensure that valid I Cards get issued to all employees well before the date fixed for polling. However in rare cases where Photo I-Card is not available due to valid reason, any other valid proof of identification bearing clear photograph such as Driving licence, Voters’ I-Card, Passport and Aadhar card may be treated as valid identity proof.

3. EMPLOYEES NOT ELIGIBLE TO VOTE:-

The following employees shall not be eligible to vote.

a) Substitutes without Temporary Status, Casual/Contract labour and those engaged on daily wage basis.

c) Employees borne on the rolls of Training Institutes/Centres and Railway Schools/ Colleges, either on substantive basis or on deputation basis.

d) If an employee is promoted to Gr.’B’ service on or after 01.02.13, his name shall stand deleted from the voters’ list.

e) If an employee has superannuated, retired or voluntarily retired on or after 01.02.13, their names shall stand deleted from the voters’ list.

f) RPF/RPSF personnel governed under the RPF Act are NOT eligible to vote.

Case of transferred employees:

Names of employees whose transfer is effected after 01.02.13, shall stand deleted from the original voters' list. These names shall be added to the voters' list at the new station of posting. This will be personally ensured by the immediate controlling officer/supervisor under whom the employee joins duty.

However such additions would be possible only till the voters list is finalised, for which the last date has been fixed as 18.03.13. In order to save the employees and the administration from any inconvenience, it may be ensured that transfers are not effected in a manner that employees have to move after this period. In rare situations where such transfers are inescapable, the employee may vote at the old station.

4. NORMS FOR RECOGNITION:-

i) All unions getting 30% or more of the single vote of the total electorate shall be considered recognized.

ii) If only one union gets 30% or more of the single vote of the total electorate and some other union polling next maximum number of votes, gets at least 35% of the valid votes polled, then both these unions will get recognition. (This is on the premise that 35% of votes polled is than 30% of the total electorate).

iii) If situations as stipulated in (i) and (ii) above does not arise, then the two unions getting maximum number of votes will be recognized provided each one individually gets more than 35% of the valid votes polled.

iv) In case there is no union fulfilling the conditions laid down in (i), (ii) and (iii) above, then union which gets maximum number of valid votes polled will be recognized provided it gets at least 20% of the valid votes polled. In this case only one union shall get recognized.

v) If no union gets even 20% of valid votes polled, then no union shall stand recognized.

vi) Once a union is recognized, it shall continue to remain recognized till its recognition is withdrawn/suspended by the competent authority for some special reason.

Elections may be held periodically, fixing a tenure of six years for the recognised body/ies in normal course.

vii) The existing recognized trade unions/federations shall continue to remain as recognized unions/federations (subject to conditions) till election process is completed and its continuance shall depend upon the outcome of the elections.

5. CODE OF DISCIPLINE:-

All the contesting registered trade unions will have to give in writing that they shall observe the Code of Discipline, as per **Annexure-I**.

Chapters XXV and XXVI of Indian Railway Establishment Manual, Volume-II, deal with the rules for recognition of unions of non-gazetted railway servants, conditions precedent to recognition of the unions and negotiating machinery for dealing with disputes between railway labour and railway administration etc. Participation in the election process is based on the premise that all the contesting trade unions accept all the rules and conditions laid down therein, except for those explicitly mentioned in these modalities.

Railway administration shall display the Code as per Annexure I on prominent notice boards as well as on the website.

6. CODE OF CONDUCT DURING ELECTION PROCEEDINGS:-

Apart from following the above Code of Discipline and provisions of Establishment Manual, all contesting unions shall follow the following Code of Conduct during the course of election process, violation of which is liable to attract penalties laid down in **Annexure III:**

- a. No appeal by any of the contesting trade unions shall be made to voters on the grounds of religion, politics, caste, community, region and language. Any such appeal will be treated as a corrupt electoral practice and may attract penal action as per Annexure III.
- b. No contesting trade union or its office bearers/representatives shall indulge in any activity which may cause tension with different categories, cadres, communities, religions etc.
- c. Criticisms of rival trade unions should be confined to their policies and programmes, past records of work. Private life of individual shall not be talked about. Similarly, activities not connected with the railway working shall not be mentioned.
- d. Criticisms of other trade unions or its office bearers or their workers based on unverified statements shall not be made.
- e. Temples, mosques, churches and other places of worship/congregations shall not be used for propaganda purposes.
- f. Campaigning by elected public representatives who are not holding post in any of the contesting unions or national federations or central trade unions to which the contesting Union is affiliated and is non-Railwaymen, is not permitted.
- g. Canvassing within 100 meters of polling stations, holding public meetings during 48 hours prior to the start of the election process, is not permitted.
- h. Intimidation of any type, threat or coercion in forcing any railway employee to vote in a particular manner is not permitted.
- i. All authorized Polling agents of the contesting unions shall be in possession of valid identification cards (issued by the Presiding Officer) while entering a polling booth area.

j. Possession of fire arms, slogan shouting, inciting communal/political/religious passions shall not be permitted at the voting booths and its violation is liable to attract action.

k. No special leave for campaigning shall be allowed to any railway employee or representative of the union.

l. If any contesting Union wants to have a gate meeting during lunch hours, prior permission of the administration would be required. However, no gate meeting will be allowed within 48 hours of election date. If more than one intimation is received the decision of the authority in-charge would be final.

m. Grant of gifts, cash etc. is strictly prohibited and such action will constitute corrupt electoral practices and attract penal action as per Annexure III.

n. Pasting of posters on stations, rolling stock, buildings and defacing including writing on the walls of office and other buildings in colonies, etc. is not allowed. However, appropriate space for this purpose shall be provided to every contesting Union by the administration till the process of election is completed.

o. No disrespect shall be shown to pictures of present and past national leaders in posters put up during canvassing and these shall be removed in proper manner after completion of the elections.

p. In addition to the above, any other campaigning activity extraneous, repugnant and contrary to the recognized sphere of Union activities and against staff tranquillity and public peace shall render the defaulter liable to penal action as per Annexure III.

q. Certain facilities which are available to the recognized unions shall continue only on the condition that these facilities shall not be used for election purposes. Misuse of such facilities shall constitute corrupt electoral practices and attract penal action as per Annexure III.

Note: Code of conduct comes into force from the date of notification of election.

7. VOTERS' LIST:-

Instructions regarding preparation of Voters' list comprising of all eligible voter was circulated vide Committee letter no. SBC/Union Elections/2012/2 dated 08.02.2013 and 22.02.13 to help the Railways start advance preparations. These are confirmed in para 3 and 4 above.

The schedule for uploading draft and final Voters' List is revised as under:

12.03.2013: Last date for uploading of draft voter's list on official website.

14.03.2013: Last date for receiving representations by the Presiding officer

18.03.2013: Last date for disposal of representations by the Presiding officer

18.03.2013: Uploading of final voter's list on official website with onsoft copy to all registered unions at this stage. (One hard copy of the voters' list shall be given after 02.05.13 to all unions whose nomination is found to be valid.)

Instructions were issued to prepare centralised Voters' list and upload it on the Railnet of the respective Railway on or before the specified date. Unions/ Individual employees may submit their representation against inclusion/non inclusion/ mistakes in the list to the Presiding officer or authorised Establishment Incharges (DPO/Sr.DPO/SPO/Dy.CPO/AEN etc.) responsible for this task.

FORMAT OF VOTERS' LIST

Name (1)	Desgn. (2)	Identity card No./ Employee No./Token No.(3)	PF No./NPS No.(4)	Working Under(5)	Station Where posted (6)

8. AUTHORITY TO CONDUCT AND SUPERVISE THE SECRET BALLOT ELECTIONS:

The structure and machinery of the Authority to conduct Secret Ballot Elections would be as under :

- i) The Secret Ballot Elections Committee (SBEC) shall be the nodal body for conducting and supervising the secret ballot elections.
- ii) The overall supervision at the zonal level will be with the respective Chief Personnel Officers (CPOs) of the zonal railways who will be designated as the Returning Officers assisted by one Assistant Returning Officer in SAG/SG at Zonal level. At divisional and workshop level where elections would be held, the designated authorities shall be ADRM/CWM who would be the Presiding Officers to be assisted by Assistant Presiding Officers (Sr.DPO/DPO/Dy.CPO/SPO), nominated Polling Officers and Polling Assistants.

At HQ division and other extra divisional units, Returning Officer may appoint Presiding officer in SAG/SG/JAG level for conducting the election.

In the contingency of CPO not being available during the period of election, the Secret Ballot Elections Committee shall nominate another Officer of the rank of PHOD as Returning Officer in his place in consultation with the General Manager of the concerned Railway. In the contingency of the concerned ADRM/CWM not being available, Returning Officer will nominate another suitable senior officer in her/his place in consultation with the concerned DRM/PHOD under advice to SBEC.

9. APPOINTMENT OF AUTHORITIES FOR CONDUCTING ELECTIONS:-

The Chairman SBEC shall appoint the Returning Officer who in turn shall appoint the Presiding officers as per **Annexure IV** under advice to SBEC. She/He shall further approve the appointment of the Polling parties as per **Annexure V** on the basis of nominations received from the Presiding Officers.

The proforma containing the appointment orders will then be sent back to Presiding Officers to get signatures of all the staff. One copy of the signed proforma will be sent to the Returning Officers to establish the service of appointment letters on all the members of the Polling parties.

Any officer who had been an office bearer of any recognised unions during the last six years shall not be deployed as Polling officer. A declaration to this effect shall be taken from each officer appointed as Polling officer. However in case of adequate number of officers not being available for polling duty, Returning Officer in consultation with Presiding officer may appoint an officer in relaxation of this condition.

10.ALLOTMENT OF ELECTION SYMBOL:-

The eligible participating Unions would be allotted a distinct 'Symbol' on which it is going to contest the election. The 'Symbol' should not have any resemblance to the symbols allotted to any political parties by Election Commission of India/ State Election Commission and it should not have resemblance to any religious or sectarian motifs/ideas. The union shall submit a declaration that the 'Symbol' chosen by them has no resemblance to any symbol allotted to the political parties by Election Commission of India/State Election Commission in the election being contested in their Zonal railway.

The union might choose its own symbol or opt for one available with the Returning Officer. However the Union shall not choose symbols like engines, track, bogie, coaches, signal etc. which have close connection with the railways. The 'symbol' allotment would be done by the Returning Officer in the following manner if a union chooses to opt for the symbols available with her/him:

The SBEC has identified a list of secular symbols as mentioned in **Annexure VI**. The Returning Officer may screen out symbols which are being used as election symbols by any of the regional political parties and make the remaining symbols available to the trade unions on first come first basis. In case any of the symbols had been used by one of the contesting unions in the last elections then the union may be given preference in allotment of that symbol. In case of conflicting demands from two or more unions the decision of RO shall be final.

11. NOTIFICATION OF SECRET BALLOT ELECTIONS:-

The Returning Officer shall notify the decision to hold elections along with the schedule of the conduct of the elections as finalised by the SBEC widely, by putting up Notices at prominent places and uploading the same on the official website.

12. FILING OF NOMINATIONS:-

12.1. The Union/s meeting the eligibility criteria as in para 2 above may apply in the Nomination Form as per Annexure VII to be obtained from the Returning Officer of the respective zonal railway administration before the last date for filing nominations as per schedule notified in the election schedule by the SBEC/Returning Officer.

12.2. Nomination papers signed by the General Secretary of the Union shall contain the following information/documents:-

i) a) Full name and address of the Union along with telephone numbers.

b) Names and addresses of the central office bearers with their designations in the Railways;

ii) A Self attested**photocopy of the accounts statement and annual returns for the previous year (2011) submitted to the concerned Registrar who has territorial control falling within the jurisdiction of the concerned Zonal Railway;

(** all self attestations to be done by General Secretary of the union)

iii) A certificate issued by the Registrar (or authorised representative) as per prescribed format in Annexure II.

iv) a Self attested copy of the Union's Constitution;

v) a declaration by the General Secretary of the union that all rules and conditions (updated) notified in chapters XXV & XXVI of IREM, Volume-II and Code of Discipline and Code of Conduct in terms of para 5 and 6 of the modalities are acceptable to them;

vi) Self attested declaration by the General Secretary of the Union that they have read and understood the Final Modalities and Code of Conduct/Discipline applicable to holding of Secret Ballot and that the same are fully acceptable to them;

vii) A clear and unequivocal undertaking by the General Secretary of the Union that the results of the Secret Ballot Elections shall be binding on the Union;

viii) Self attested declaration by the General Secretary of the Union that the said Union has never discriminated on the grounds of religion, caste, language, region, gender or any other grounds prohibited under the law of the country;

ix) a declaration by the General Secretary of the Union that all information provided by the Union is correct and that in the event of same being found incorrect, the Competent Authority shall be free to take appropriate action as per Annexure III;

x) Signatures of seven Railway employees who are members, with name, designation and posting station (subject to verification) supporting the filing of nomination by the union;

xi) A No Dues Certificate regarding payment of all dues on account of office rent, electricity charges, water charges, telephone bills etc. for offices under their possession. This NOC should cover period ending 31.12.12. Railway administrations shall immediately

raise bills, wherever they are due. Separate NOC may be submitted for each Division covering all facilities in its jurisdiction.

13. SCRUTINY OF NOMINATIONS:-

i) All the nominations received from unions shall be scrutinized by the Returning Officer and a list of Unions found eligible to contest the election shall be drawn and displayed as per election schedule notified.

ii) The ineligible Unions shall be advised of the reasons recorded by the Returning Officer regarding ineligibility, where applicable, to enable them to make representation. The decision of the Returning Officer shall be final in this regard.

14. WITHDRAWAL OF NOMINATIONS:-

A Union declared eligible to contest the election can withdraw from the same by making an application duly signed by the General Secretary, which must reach the Returning Officer on or before the specified date notified in the schedule of election.

15. POLLING DATES AND TIMING:-

The elections shall be held simultaneously on all the zonal Railways (except as specified) continuously for three days from 8.00 hrs. to 18 hrs. Election schedule once announced shall be followed even if some holiday falls on the dates announced. However in Workshops and Store Depots, which have concentrated staff and do not have issues of running staff, the elections shall be held only on one day, which shall be the first day of election.

The duration of polling in same day poll in Workshops and Stores depots may be organised from 07.00 hrs to 18.00 hrs to take care of staff working in shift duties.

16. PRINTING OF BALLOT PAPERS:-

The Ballot Paper should be in a tabular format in with five columns as per format shown below.

SERIAL NO	NAME OF UNION	ABBREVIATION IN ENGLISH	ABBREVIATION IN HINDI	ELECTION SYMBOL
1				

Ballot Papers shall be got printed as per Article 3(3) of The Official Languages Act, 1963 by the Returning Officer mentioning the names of all the participating unions in an alphabetical order, each with a distinct serial number. Serial number will be available only on the counter-foil of ballot paper merely for accountal purpose. The total number of the

ballot papers so printed along with their serial number shall be intimated to the contesting unions.

Ballot paper shall be printed in most confidential manner with greatest security using the facilities which are under contract with RRBs and RRCs, on single tender basis. Returning Officers shall have full authority in this regard.

Ballot Papers with running Serial Numbers according to the employee strength of the Zonal Railways shall be got printed and a replica of the Ballot Paper shall be prominently displayed by the Railway Administration on Notice Boards and uploaded on the website as per schedule specified.

17. POLLING BOOTHS :-

The decision about actual number of booths to be set up on each Railway will be taken by the respective Returning Officers. However, Polling Booths may be set up following the principle of one polling station for 900-1200 employees for units which have concentrated staff and for road side stations and gang huts, on the consideration that one does have to travel more than 30-35 kms.

Each polling booth shall be supervised by a team of two Polling Assistants under the charge of a Polling Officer in gazetted rank. The polling stations/booths shall be set up near the premises where the workers normally work. There shall be no canvassing/influencing of any voter within 100 metres of the polling booth on the days of election. The Returning officer shall ensure that RPF personnel are deployed at each Polling station. In sensitive areas, armed RPSF Personnel may be deployed & assistance of the State Police may also be obtained as per need.

Suitable arrangements should be made for female voters and those who are physically challenged at the booth.

The polling booth shall be so set up that entire process, except for the secret part of vote casting by the voter, is fully visible to the polling agents from their seats.

18. BALLOT BOXES :-

Adequate number of Ballot Boxes will be provided for each polling station by the Returning Officer/Presiding officer with requisite stationery, sealing wax, etc. and these would be sealed before the start of polling and after end of polling every day in the presence of Polling Agents of the Unions and the Polling Officer or his authorized representative. The Ballot Boxes may be borrowed from Chief Electoral Officer of the state, and in case of any shortfall, metal boxes used in RRB/RRC examinations may be used by making suitable modifications in it for insertion of folded ballot papers. If there is still a shortfall, then new boxes may be purchased.

Separate Ballot Boxes will be used for each day of voting. After each day's voting the boxes shall be sealed as prescribed and stored in a safe and secured room under proper lock and paper seal, bearing signatures of representative of the Polling Officer and RPF staff. The seal of the room shall be opened only for storing the next day's voting box before the presence of concerned persons and sealed once again following the same protocol. The Polling officer or an officer specifically nominated for this purpose shall be the custodian of the boxes. RPF/RPSF Guards shall be deputed for the security of ballot boxes. At the end of three days voting process the Polling officers shall make secured arrangement for safe transportation of the boxes for counting of votes to the Presiding officer.

Similar storage and security arrangements shall be made by the Presiding officer (ADRM/CWMs) when sealed ballot boxes are received from the Polling officers at the end of voting process.

Exact position concerning place for storage of ballot boxes, shall be notified by concerned Returning Officer/Presiding Officer well in advance.

19. POLLING AGENTS:-

Each contesting Union will nominate two Polling Agents (only one to be present at a time) for each polling booth. The polling agents must be regular employees of the concerned Zonal Railway. The Polling Agents shall carry their identification proof to establish their bonafides. These Agents shall be shown empty ballot boxes before commencement of polls and boxes shall be locked and sealed in their presence. The Polling Officer shall take signature of Polling Agents as a token of their having witnessed locking and sealing of ballot boxes. The Polling Agents may remain present throughout the polling; however their absence shall not hold up the election processes.

To rule out situations of counting agents of any union not recognising the signature on the sealed ballot box, it is suggested that the Trade unions may provide sample signatures of their polling agents for all booths to the Presiding officer.

Two polling agents per booth for each day of polling shall be entitled for special casual leave on behalf of each union.

20. POLLING PARTIES AND THEIR RESPONSIBILITIES:-

The vote casting process shall be supervised by Polling Officers assisted by Polling Assistants. Railway employees working as Personnel Inspectors/Welfare Inspectors and other inspectorial/ministerial staff shall be deployed as Polling Assistants. Assistant/Senior scale officers shall be deployed to work as Polling Officers.

Each ballot paper should be signed in ink on the top by the concerned Polling Officer of the polling booth.

The Polling part shall be responsible to set up the booth in a manner which does not make the voters uncomfortable while awaiting their chance to vote and allows proper secrecy for the actual vote casting process. Adequate sitting arrangement for Polling agents shall be made.

21. POSTAL BALLOT SYSTEM:-

Postal Ballot shall be permitted only for employees

- (a) who are deployed for secret ballot election duty;
- (b) those who are deputed to various training programs at different divisional/zonal and other training centres. (In this regard letter has already been sent to all Railways to ensure that training programs during the election week are kept to the minimum so that maximum number of employees are available on their working post and are free to cast vote) and
- (c) those who shall be away on train running/escort duties during the dates of polling.
 - I. The following steps may be followed for arranging postal ballots for employees **on election duty**:
 - a. The persons to be deployed for election duty may be identified atleast three weeks before the election date, with reasonable number of reserve candidates.
 - b. All such persons may be provided with a form as per **Annexure VIII** for requesting postal ballots, atleast two weeks in advance.
 - c. On the basis of such request the employees may be provided with postal ballot along with a self addressed envelope, addressed to the Returning officer.
 - d. The employee may cast her/his vote in a confidential way and send the sealed envelope containing the ballot paper to the Returning officer so as to reach her/him before 27.04.13.
 - e. The Returning officer shall account for all such postal ballots separately and add them with the votes cast at the polling booths. The result shall be declared after counting votes by both the methods together.
 - II. The following steps may be taken for arranging postal ballots for employees **on training**:
 - a. Returning officers shall arrange to deliver adequate numbers of forms as per Annexure VIII at all training centres under their jurisdiction so that all trainees may be able to apply.
 - b. The completed forms may be sent to Returning officer who shall forward them to respective Presiding officers for confirming the bonafides of the trainees requesting for postal ballot.
 - c. On receiving the confirmation Returning officer shall arrange to send postal ballots for each eligible candidate in sealed envelope to the Head of the training centre, who shall arrange to have them delivered to the trainees under clear signature of receipt.

The Returning officer may also send the envelopes containing the postal ballots to the Presiding officer for delivery to the Head of the Training centre.

- d. The trainees shall cast their vote under complete confidentiality and send it by post to the Returning officer so as to reach her/him before the last date.

III. The following steps may be taken for arranging postal ballots to staff who are likely to be away in connection with **train running duties** during the duration of the polling dates:

- a. Presiding officer shall issue guidelines to decide well in advance the names of persons who shall be deputed for train running duties on the dates of polling because of which they are likely to miss the opportunity to cast their vote.
- b. Such persons would be required to apply for postal ballot as per Annexure VIII.
- c. On the basis of their requests and confirmation of bonafides by Presiding officer the Returning officer shall issue postal ballot in sealed envelope and have it delivered to them through the Presiding officer.
- d. The employees shall cast their votes in absolute confidentiality and send it by post to reach the Presiding officer before the last date.

PROCEDURE FOR ISSUE AND CASTING OF POSTAL BALLOT

- i. Postal Ballot Papers must be delivered by 18.04.13 by respective Presiding Officers;
- ii. The words "Postal Ballot Paper" shall be stamped below the words "Secret Ballot Paper-2013" appearing in normal ballot Paper;
- iii. The name of voter as entered in marked copy of electoral roll should be noted on counter-foil of Postal Ballot Paper and then Postal Ballot Paper detached from the counter-foil;
- iv. The letter "PB" should be written against the entry of electoral roll without indicating the serial number of Ballot Paper issued;
- v. Counter-foils of Postal Ballot Papers issued should be sealed in a separate packet and brief description of the contents with serial numbers of the ballot papers dispatched to employees and date on which the packet was sealed should be indicated;
- vi. One self addressed and self stamped envelope for return of 'Postal Ballot Paper' should also be sent to the employee along with ballot papers. This envelope should be put inside the larger cover along with Postal Ballot Paper and the large cover shall be addressed to the voter;
- vii. The cover containing 'Postal Ballot Paper' and 'return envelope' should be dispatched through speed post/registered post. The voter can also collect it personally from the concerned Presiding Officer;
- viii. Postal Ballots should be sent back to the Returning Officer's office so as to reach latest by 27.04.13. Postal Ballots received after 27.04.13 shall not be entertained and will be treated as 'invalid vote';

- ix. Returning Officer will not be responsible for any postal delay or postal losses;
- x. The number of Postal ballot Papers received should be duly entered in the register maintained for the purpose;
- xi. Postal Ballots shall be counted in Returning Officer's office in presence of 'Counting Agents' of unions on 02.05.13.

22.SHORT LEAVE FOR CASTING VOTE :-

Staff should be spared invariably to enable them to cast vote by allowing short leave. The Controlling Supervisor shall decide the extent of short leave which should be sufficient to allow the staff to cast his/her vote and return to duty. However, a judicious approach is required to ensure that crucial and sensitive train operations work does not suffer. It is for this reason that voting has been allowed on 3-day basis in such cases to ensure that all can vote without affecting train running.

The Supervisor In-charge shall decide keeping in view local conditions the duration of short leave to Gangmen, Construction staff and Track Machine Organization staff for casting vote. To ensure smooth voting by such way side working staff Returning officer and Presiding officer shall hold due consultations with Heads of these organizations and identify voting booths which are in close proximity to their work place.

23. PROCESS OF CASTING OF VOTE :-

At the time of polling, the Polling Assistant will first establish the identity of the voter with the help of her/his photo I card. Then he shall score out the name of the voter from the master copy of the Voters' list and put a mark with indelible ink on the voter's left index finger and advise her/him to procure the Secret Ballot Paper from the Polling Officer. He shall also demonstrate to the voter the way to fold the ballot paper after stamping.

The Polling Officer shall again satisfy himself regarding the voter's identity by rechecking the I Card and hand over One Ballot Paper as per serial number to the concerned employee after affixing his signatures thereon. The signatures of the employee casting the vote shall also be obtained on the counterfoil of the Ballot Paper. The employee will cast her/his vote by putting a stamp mark on the ballot paper in a separate enclosure kept in polling booth for this purpose. The stamp has to be put against the symbol of the union for which the voter wishes to vote. The voter shall fold the ballot paper thereafter and put it in the ballot box in the presence of the Polling Officer/Polling Assistant who shall ensure that the Ballot Paper is properly inserted in the box.

24. RECORD OF ELECTION PROCEEDINGS:-

At each polling booth, a register (**proforma at Annexure IX**) shall be maintained wherein the entire proceedings followed during the election shall be recorded. Such entries shall

be signed by the Polling Officer & Polling Agents of the respective Unions.

25. REPOLLING:-

If a complaint is received from any union or some credible source regarding large scale electoral irregularity at some booth then the Presiding Officer shall hold an instant inquiry. On the basis of inquiry report and after holding consultation with the Returning Officer, the Presiding officer may order to conduct Re-polling at the said booth on the following day. Intimation of this decision shall be conveyed to the controlling authorities of all units for which the booth was set up. The controlling authorities in turn should arrange to put up Notice immediately and spare the voters to cast their votes again.

For Repolling the unused Ballot papers if available may be used, failing which additional ballot papers may be called for from the Returning Officer.

26. CLOSE OF THE POLLING:-

After the close of the polling, the Polling Officer shall furnish detailed Ballot Paper account in the prescribed proforma (**Annexure X**) indicating total Ballot Papers received, Ballot Papers used, unused Ballot Papers available etc. to the Presiding Officer. The sealed boxes shall then be collected and carried with adequate security to the place identified by the Presiding Officer who shall take over the custody of these ballot boxes.

27. COUNTING OF VOTES:-

The Ballot Boxes shall be opened in the presence of the Presiding Officer and authorized Polling/ Counting Agents of the Unions. If the authorized Polling or Counting Agents of any Union do not present themselves at the appointed time & place during the polling or at the time of counting of votes, it shall not invalidate the election or counting process and the polling & counting shall proceed as per schedule.

The Presiding/Assistant Presiding Officer shall grant special Casual Leave to adequate number of Counting agents for the counting of votes.

28. INVALID VOTES:-

The Ballot Paper will be considered invalid when:-

- i) Mark is put against more than one Union/Symbol;
- ii) Mark is put on the divider line in such a manner that less than two third of the stamp impression is made against any one Union/Symbol. Thus if the stamping is done in such a manner that more than two third falls on any one symbol/union name then it is to be treated as valid.
- iii) The Ballot Paper contains any doubtful indication like name of the voter, his signature,

any form of written message, etc. In case of any dispute, decision of Presiding Officer will be final.

29. ELECTION REPORT:-

A statement, as per **Annexure XI** duly signed & certified by the Presiding Officer shall be dispatched in a sealed cover to the Returning Officer through Fax/or Special Messenger on day of counting itself.

30. UNUSED BALLOT PAPERS :-

The unused Ballot Papers will also be forwarded on the last day of poll to the Returning Officer via the presiding officer for retention & record.

31. COUNTING & DECLARATION OF FINAL RESULT :-

All sealed covers received from Presiding Officers containing election report & Postal Ballots received will be opened by Returning Officer in the presence of Union representatives to prepare & compile final election result (**Proforma at Annexure XII**). The result shall be declared according to the Union name/Symbol of the Zonal Railway.

Any dispute regarding elections/counting of votes shall be raised before the Returning Officer on the last day of the election/before declaration of result. After expiry of this period, the result declared by the Returning Officer of the Zonal Railway shall be treated as final.

32. EXISTING FACILITIES TO UNIONS:-

Certain facilities have been provided to the recognised unions. In order to provide level playing field to all contesting unions the unions and possession of any railway facilities such as office premises, telephone etc. are barred from using them for their electoral purposes. Violations of these instructions shall be treated as corrupt election practices and violation of Code of Conduct. The onus shall be on the unions to prove that such facilities have not been misused.

The Railway administration shall withdraw all card passes and other type of gate passes issued to union office bearers once the election is notified by the SBEC.

The railway administration shall not hold any PNM or formal meeting with the recognised union after notification of the election.

PROPOSED SCHEDULE FOR SECRET BALLOT ELECTIONS

STAGES IN ELECTION PROCESS	SCHEDULED DATE & TIME
Uploading of Draft Modalities.	11.03.13
Last date for receiving suggestions on draft modalities	15.03.13 (5.00 pm)
Uploading of final modalities	18.03.13 (2.30 pm)
Notification of election schedule by SBEC	18.03.13 (5.00 pm)
Issue of notification by zonal Railways	19.03.13 (5.00 pm)
Last date for Filing of nomination	25.03.13
Last date for Scrutiny of nomination	01.04.13 (12.30 pm)
Last date for Display of nomination	01.4.13 (5.30 pm)
Last date for Withdrawal of nomination	2.4.13 (12.30 pm)
Last date for Display of final list of nominations	2.4.13 (5.00 pm)
Last date for Display of ballot papers	12.04.13
Last date for making request for postal ballot	12.04.13
Last date for delivery of postal ballot	18.04.13
Polling Dates for open line Railways	25,26,27.04.13
<i>Polling dates** for Workshops and Store Depots</i>	<i>25.04.13</i>
<i>Polling dates** for Metro Kolkatta</i>	<i>25 .04.13</i>
Last date for Grievances submission	28.04.13
Order regarding re-polling if any	29.04.13
Re-Polling to be held on	30.04.13
Last date for receipt of postal ballot	30.04.13
Counting of votes & declaration of results	02.05.13

** The dates for Grievance submission, ordering re-poll and holding re-poll shall be scheduled keeping similar margin as for the main elections for open line. However Counting of votes and declaration of results shall be held on same day i.e 02.05.13 for all units /organisations.