

भारत सरकार Government of India  
रेल मंत्रालय Ministry of Railways  
रेलवे बोर्ड ( Railway Board )

No. SBEC/Union Elect./2012/ROs Meeting

Dated 10.04.2013

**Chief Personnel Officers & Returning Officers  
All Open line Railways and Metro Kolkata**

**Sub: Minutes of the Meeting of Returning Officers with Secret Ballot Election Committee**

A meeting of Returning Officers of the Zonal Railways was held on date with Secret Ballot Election Committee (SBEC) to review the progress made in the preparations for the forthcoming Secret Ballot Elections for the recognition of unions over Indian Railways, scheduled for 25<sup>th</sup> to 27<sup>th</sup> April 2013.

List of participants present in the meeting is shown at Annexure 1 of this letter.

Welcoming the participants of the Meeting, Member Secretary gave a brief report of the tasks carried out by the Committee in formulating the final modalities and notifications of the Election Schedule etc. Member SBEC Shri A.K. Nigam appreciated the enthusiasm shown by the Returning Officers and their team in carrying forward the election work over the Indian Railways. He highlighted the importance of monitoring the court cases being filed in various courts around the country. Finally the Chairman Shri R.R. Jaruhar, congratulated the Returning Officers for the good work put in by them and in finalizing the nomination and related works and asked them to raise issues of their concern and give a brief progress receipt on their railway.

From the discussions held in the meeting the following major actionable points emerge:

1. It was decided to issue a clarification under para 33 of the Final Modalities on the following:
  - a. Regarding the last sentence of Para 3 of the Final Modalities. Employees not eligible to vote: Case of transferred employee.

The provision to allow the employee to vote at the old station is applicable only for transfers which take place within the Zonal Railway. In case an employee is transferred outside the Zonal Railway after 18.03.2013, which is the cut off date for freezing the voters' list, then the employee shall not have any right to vote at the previous station because he/she does not remain a member of that Zonal Railway. In order to minimise such situations it had been emphasised that transfers may not be affected after 18.03.2013.

- b. Regarding Re-polling under Para 25. It is confirmed that Re-polling at all units namely Open Line, Workshops and Metro Railway, Kolkata shall take place on the same day i.e. 30.04.2013 as is already notified. Further Re-polling shall be done only for the day polling is disturbed and for those days that polling has been done in an orderly manner, the same shall remain valid.

Since the polling is being kept open for 2/3 days it is presumed that the voters will have ample opportunity to cast their vote and the need for Re-polling shall arise only if there is a disturbance on the last day of the voting.

- c. Polling Agents under Para '19' : The General Secretary of the unions may be asked to nominate the names of polling agents booth wise to the Returning Officer who may forward the names to the Presiding Officer for issuing Authority Letter to them. The Polling Agent while affixing their signature on the ballot boxes should hand over a copy of their sample signature to the Presiding Officer and another copy to the union so that the same signatures can be compared by the Counting Agent at the time of counting of votes. Counting Agents of Unions whose Polling Agents do not provide their sample signature shall not be entitled to raise objection at the time of counting of votes.

Further, in Annexure XI to the Final Modalities, in place of "Names and Signatures of Polling Agents" correction may be made as "Name and Signatures of Counting Agents.

- d. Counting and declaration of final results under Para '31'. The last sentence of the first paragraph may be revised as "The result shall be declared according to the Union name/Symbol of the Zonal Railway following which the grant of recognition by the General Manager shall be issued immediately as per Annexure-2 of this letter." (Underlined portion may be added to sentence).

- e. Para 20 of Final Modalities: Polling party and their responsibilities.

It is mentioned in the said para that "Each ballot paper should be signed in ink on the top by the concerned Officer of the polling booth". Further under Para 23 of Final Modalities: Process of casting of votes, it is mentioned that the Polling Officer .....to the concerned employee **after affixing his signature on the reverse side of the ballot paper.**

As the design of ballot paper has been left to individual Returning Officer they may issue local instructions to the Polling Officer for signing the ballot paper at suitable place keeping in mind the mandatory requirement that each ballot paper must have the proper signature of the Polling Officer either on the front or the back to ensure the genuineness of the tendered ballot paper.

- f. The printing of ballot paper on some of the railways got delayed because of court cases. In order to accommodate this delay Returning Officer may extend the date for receipt of request for postal ballot by the entitled

employees and issue of postal ballot keeping local requirements in view. However the last date for receipt of postal ballot shall continue to remain as 27<sup>th</sup> April, 2013, as notified earlier.

2. The Returning Officers pointed out that all units namely big divisions such as Madras, Howrah and Delhi and small units such as workshops that have less than 500 employees have been granted same imprest of Rs.5 lacs. Some of the larger units require additional funds while the requirement of smaller divisions and workshops will be less. Returning Officers may make suitable arrangement amongst various Presiding Officers under their control for efficient utilization of funds ensuring that the overall limit of expenditure for the railway does not exceed.
3. Regarding the powers delegated by the Board to General Managers for issue of journey passes to voters for casting their vote, some Railways informed that they had got the powers further delegated to pass issuing authorities. Same procedure may be followed by all Railways this time too to facilitate matters.

However, all pass issuing authorities shall maintain record of such passes issued and send information as per following format to the Presiding Officers for record and verification if necessary

Name of Pass Issuing Authority	No. of Passes issued	
	First Class	Second Class

The Returning Officer shall send a summarised position for the entire Railway to Member Secretary/SBEC latest by 08.05.13.

4. In the list of polling materials circulated vide letter no SBC/Union Elections/2012/2 dated 04.04.13 the following items may be deleted:
  - a. At SL 1. Item no. 8: Receipt for deposit of challenged votes.
  - b. At SL III. Item no 3: Cover for tendered ballot paper and list of tendered votes.
5. In letter No. SBEC/Union Elect./2012/2 dated 04.04.2013 it had been informed that Form for companion of infirm/blind voters shall be provided by the Committee. The following norms shall be followed for the voters falling under the category of Blind/Infirm Voters.
  - a) The voter shall be allowed to take a companion of not less than 18 years of age for recording the vote in case he/she is unable to cast vote due to blindness/physical infirmity.
  - b) No person shall be permitted as companion of more than one voter at any polling station on the same day.
  - c) A companion accompanying the elector shall be required to submit a declaration as per Annexure-3 of this letter that he will keep the vote recorded by her/him a closely guarded secret and that he has not already acted as companion of any other elector as specified in Para-b above.

- d) The record of blind and infirm voters shall be kept in a packet superscribed as “Non-statutory covers” and deposited at the collection centre at the end of polling.
- e) None of the polling staff shall act as a companion to the above specified categories of voters.

The meeting ended with thanks to the chair.

(Rajiv Kishore)  
ED/ERP Railway Board &  
Member Secretary,  
Secret Ballot Election Committee

**DA: As above.**

## **Annexure -1**

### **Secret Ballot Election Committee**

1. Shri R.R. Jaruhar, Chairman/SBEC
2. Shri A.K. Nigam, Member/ SBEC
3. Shri Rajiv Kishore, Member Secretary/SBEC

### **Railway Board's office**

1. Mr. Arvind Kumar, EDN as ED/IR

### **Returning Officers/ Assistant Returning Officers**

1. Shri B.K. Bihani, CPO/Central Railway
2. Shri Angraj Mohan, CPO(A)/Eastern Railway
3. Shri Anand Mathur, CPO/Northern Railway
4. Shri S.M. Nurul Islam, CPO/North Eastern Railway
5. Shri Chandrajit Saikia, CPO/Northeast Frontier Railway
6. Shri N. Swaminathan, CPO/Southern Railway
7. Shri K. Seshasayi, CPO/South Central Railway
8. Shri Manoj Pande, CPO/South Eastern Railway
9. Shri A.K. Sinha, CPO/ Western Railway
10. Shri J.S.P. Singh, CPO/East Central Railway
11. Shri Mohd. Akhtar, CPO/East Coast Railway
12. Shri Om Prakash, CPO/North Central Railway
13. Shri G.L. Meena, CPO/North Eastern Railway
14. Shri K. Ponnuswamy, CPO/ South East Central Railway
15. Shri K. Harikrishan, CPO/South Western Railway
16. Shri Sunil Bajpayi, CPO/West Central Railway
17. Shri R.D. Choudhury, CPO/Metro Kolkata

## Annexure-2

### Sub: Recognition of Railway Trade Unions –Secret Ballot -2013

Pursuant to the Secret Ballot Committee's letter No. SBC/Union Election/Schedule2012/2 dated 18.03.2013, secret ballot was held on 25<sup>th</sup>, 26<sup>th</sup> and 27<sup>th</sup> April, 2013. As per the Election Schedule, the counting of votes was recommenced and completed on ..... It has been found that-----Contesting Unions have secured votes as under:

S. No.	Name of Union (with regn. No.	Total Electorate	Votes Cast	Votes obtained by the Union	Votes obtained as % age of Electorate	Votes obtained as % age of votes cast

As per Para 4 of the Final Modalities for conducting Secret Ballot for the purpose of granting recognition of Registered Railway Trade Unions, norms for recognition are as under:-

- 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 of these Unions will get recognition. (This is on the premise that 35% of votes polled is less than 30% of the total electorate).
- iii) If situation 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, no Union fulfils the conditions laid down in (i), (ii) and (iii) above, then Union getting 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 after following the due process

On the basis of the above.....Union which has obtained .....%age of total electorate/total votes cast with the Symbol “ “ and ..... Union which has

obtained....%age of total electorate/total votes cast with the Symbol “ ” are declared as recognized Unions on ..... Railway subject to outcome of writ petition No. 7956 (M/B) of 2007 filed by Rail Mazdoor Union in the Hon’ble High Court, Lucknow Bench.

Dated:

( )  
General Manager  
.....Railway

**Annexure-3**

**DECLARATION BY THE COMPANION OF  
BLIND OR INFIRM VOTER**

(Sl. No. and Name of Polling Station)

\_\_\_\_\_

I, \_\_\_\_\_ S/O, D/O, W/O \_\_\_\_\_ aged \_\_\_\_\_  
resident of\* \_\_\_\_\_

\_\_\_\_\_ hereby declare that

(a) I have not acted as companion of any other voter at any polling station today, the \_\_\_\_\_ (date of casting vote)

(b) I will keep the secrecy of the vote recorded by me on behalf of \_\_\_\_\_ (Name /designation/workplace of Railway Employee)

(c) The I/D proof \_\_\_\_\_ (the details of I/D proof of companion) is being produced in support of my bonafide identity.

Signature/LTI of Voter

Signature of Companion

\_\_\_\_\_  
\*Full address to be given

