

**GOVERNMENT OF INDIA
MINISTRY OF RAILWAY
(RAILWAY BOARD)**

SBEC/Union Elec.2012/CLARIFICATIONS/5

New Delhi 11.04.13.

**To,
Chief Personnel Officers
All Open line Railways and Metro Kolkatta**

**Sub: Clarifications on FINAL MODALITIES for Secret Ballot Elections for recognition of
Unions/Federations on India Railways: Issues arising out of meeting with Returning
officers**

Ref: Letter no. SBEC/Union Elec.2012/Modalities/1 dated 18.03.13

In terms of provisions of Para no 33 of the Final Modalities issued vide above referred letter, the following clarifications which were agreed upon in the meeting with Returning officers on 08.04.13 and minutes of which were issued on 10.04.13, may be taken note of.

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/Polling 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 Polling 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 Officerto 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 over his/her railway, 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 27th April, 2013, as notified earlier.

2. Correction of typographical errors:

- a. The word "Presiding" in 6th line of para 1.C of the minutes of meeting circulated vide letter no. SBEC/Union Elect./2012/ROs Meeting dated 10.04.2013 may be read as "Polling".
- b. The date "01.12.13" may be read as "01.02.13" in line 8 of para 3(e) of the Final Modalities issued on 18.03.13.

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