

भारत सरकार (GOVERNMENT OF INDIA)
रेल मंत्रालय (MINISTRY OF RAILWAYS)
रेलवे बोर्ड (RAILWAY BOARD)

No.2019/E(LR)III/SBE/1

New Delhi, Dated 16.08.2019

The General Managers,
All Zonal Railways
including
Metro Railway, Kolkata

Sub: “Secret Ballot Election-2019” (for short, ‘SBE-2019’) for verification of membership of Trade Unions (i.e. TUs) in order to grant them recognition on Zonal Railways – reg. “Final Modalities”.

Ref: Railway Board’s letter Nos. 2017/E(LR)II/LR/Misc/1 dt.31.05.2019; ERB-I/2019/23/24 dt.10.06.2019; 2019/E(LR)III/ SBE/1 dt.26.06.2019; dt.04.07.2019 & 01.08.2019.

Attention is drawn to Railway Board’s letter No. E(LR) III/2000/LR 1-30 dated 26.06.2002 on the subject of grant of recognition to Trade Unions. This letter was issued in supersession of earlier letter No. E(LR)I/83/NM1-23 dated 28.10.1985, and, therefore, by implication, it superseded Railway Board’s letters No. E(L)61 UT 1-95-I dated 19.09.1961 & E48UT1-17A dated 27.05.1949.

2. However, aforementioned letter dated 26.06.2002 came under judicial scrutiny before High Court, Madras in Writ Appeal 3168/2002 - date of Judgment 17.10.2003(SRMU vs Railway Board and Ors.). Afterwards, pursuant to Supreme Court’s orders dated 08.03.2004 in “Railway Board vs. Southern Railway Mazdoor Union & Ors” [SLP (C) Nos. 3780/2004 & 23578/2003] followed by High Court, Delhi’s orders dated 22.03.2007 in “UOI vs Bhartiya Railway Mazdoor Sangh” [LPA 23/2007], Zonal Railways have been holding ‘Secret Ballot Elections’(i.e. SBE) for the purpose of verification of membership of the TUs and consequent granting of ‘Recognition’ to successful TUs. Such SBEs have been held, on previous occasions in Nov.-Dec., 2007 and Mar.-Apr. 2013, in accordance with respective “Final Modalities” for conduct of SBEs.

3. Railway Board, vide referred letter dated 10.06.2019, constituted a “Secret Ballot Election Committee” (SBEC) to (i) frame the “Modalities” for SBE-2019 and, *inter alia*, (ii) be a nodal body for conduct and supervision of SBE-2019.

4. Thereafter, SBEC, vide referred letter dated 04.07.2019, has invited comments/suggestions, on “Draft Modalities”, from registered Trade Unions desirous of participating in SBE-2019. A number of TUs have sent numerous comments/suggestions. SBEC has taken into account (*wherever feasible, justified and*

practical) these comments/suggestions received up to 10.07.2019 and framed “**Final Modalities for holding of Secret Ballot Elections for recognition of Trade Unions in Indian Railways, 2019**”- i.e., for short, ‘**Final Modalities-2019**’.

5. The question of validity of constitution of a committee (i.e. SBEC) for deciding “Modalities” for holding of Secret Ballot Elections has already been decided in Railways’ favour vide judgment dated 18.09.2007 of High Court of Delhi in “Dakshin Railway Employees Union vs UOI” [WP(C) 6846/2007 & CM 12988-989/2007].

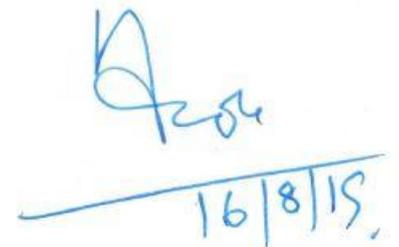
6. Furthermore, the question - “Whether a Trade Union registered on All-India basis has any right to fight all Zonal level election?” - has been settled in Railways’ favour by the High Court, Delhi vide their Judgment dated 10.03.2017 in “All India Railway Employees Confederation vs The Chairman, Railway Board & Ors” [WP(C) No. 8212 of 2007] with these observations:

“..The action of respondent Railways...of not allowing the petitioner, an All India level Trade Union, to seek recognition at Zonal level is thus not found to be contrary to the Manual or otherwise bad in law. As aforesaid, recognition is not a right of the petitioner as a Trade Union and the respondent Railways, as employer, is of the view that the negotiations should be at different levels with different Unions and so lays down procedure for recognition thereof, is entitled to do so...”

7. ‘**Final Modalities-2019**’, duly approved by the Railway Board, is enclosed for information and necessary action by all concerned. It has been uploaded on the official website i.e. <http://indianrailways.gov.in> → Railway Board → Directorates → Secret Ballot Election Committee. It is directed that ‘**Final Modalities-2019**’ should be re-circulated and be given wide publicity by uploading it on Zonal Railways’ websites.

The dates etc. of SBE-2019 will be advised later on.

DA: As above



(Alok Kumar)
Executive Director Estt.(IR)
&
Convener,
Secret Ballot Election Committee

**Final Modalities
for holding of
Secret Ballot Elections
For
Recognition of
Trade Unions
in Indian Railways
2019**

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Final Modalities-SBE-2019 ##
Circulated vide Railway Board's Letter No. 2019/E(LR)III/SBE/1 dated 16.08.2019

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01. ELIGIBILITY CONDITIONS FOR TRADE UNIONS (i.e. TUs) TO CONTEST 'SECRET BALLOT ELECTIONS' (i.e. SBE-2019) ON ZONAL RAILWAYS:-

(a) TU should be registered under the Trade Union Act, 1926, for at least one year as on 31.12.2018 (i.e. date of registration should be on or prior to 01.01.2018). It must represent the interests exclusively of all Non-Gazetted Railway servants (i.e. not of any category/cadre/section etc of Railway Servants) of the Zonal Railways concerned.

Note: TU must submit a copy of "Certificate of Registration" of Trade Union issued by 'Registrar of Trade Unions' as per section 9 of the Trade Union Act, 1926. Copy should be self-certified by the President or General Secretary of the TU concerned.

(b) TU must not have been formed on the basis of any caste, tribe, region, linguistic or religious denomination or of any group/section/sub-class within such caste, tribe, region, linguistic or religious denomination.

(c) The registered jurisdiction of the TU should geographically conform to the jurisdiction of the Zonal General Manager concerned.

Note: (i) Respective General Managers of the Zonal Railways shall be the competent authority to recognize the TU over that Zonal Railway.

(ii) If a TU is registered within the geographical jurisdiction of a 'Zonal Railway' as notified under Section 3 of the Railways Act, 1989, that particular TU would be deemed to meet aforementioned condition for that particular Zone(s). For example, if a TU is registered in Kolkata, it can file nomination in ER, SER and Metro Railway Kolkata but in no other Zone(s). Similarly, if a TU is registered in Nagpur, it can file nomination in CR and SECR (as Nagpur falls under geographical jurisdiction of both the Zonal Railways i.e. CR & SECR) but in no other Zone(s).

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(d) TU must have submitted the “Return” (in conformity with section 28 of the Trade Unions Act, 1926) for the Year 2018 to the Registrar of the TU concerned.

Note: TU must submit a copy of duly acknowledged “Return” [i.e. acknowledged by the Registrar of TU], for the year 2018, filed before the Registrar of TU concerned, as per applicable statutory provisions. Copy should self-certified by the President/General Secretary of the TU concerned.

(e) TU should not have been involved in any action leading to a breach of the Code of Discipline (Annexure I) on or after 01.07.2018.

Note: Returning Officers should satisfy themselves as they deem fit, in this regard.

(f) “Rules of the Trade Union” should be in conformity with section 6 of the Trade Union Act, 1926.

Note: TU shall submit, to the Returning officer, a copy of the “Rules of the Trade Union”. It should be duly certified by the President/General Secretary of TU concerned.

(g) TU should not have any dues pending with Railway, as on 31.12.2018, on account of basic charges billed to it for Office Rent, Electricity, Telephone and Water.

Note: (i) TU should submit “No-Dues Certificate”, obtained from the Railways’ departments concerned, for having paid all basic charges/bills on account of Office Rent, Electricity, Telephone and Water, due till 31.12.2018.

(ii) In case any dispute(s) is subsisting about (a) interest charges; or/and (b) damages(if applicable); or/and (c) the basis of tariff/charging rate(i.e. whether commercial rate or otherwise) to be paid by a TU on account of not having paid the basic charges on due dates as mentioned in the duly raised timely bills of Office Rent, Electricity,

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Telephone and Water, an unambiguous undertaking must be furnished by the TU concerned to the Returning Officer that any such disputed amount, after settlement with Zonal administration, will be paid latest by 31.12.2019. On the basis of such undertaking (as per format Annexure-II), Returning Officer shall permit such TU to contest in SBE-2019. Decision of the Returning Officer shall be final in this matter.

(iii) A TU, which is not in legal/authorised possession of any facility/property in Zonal Railways, shall submit a declaration to this effect. Returning Officer shall verify such claim(s) about non-possession of Railway facility/property in the manner, as deemed fit by her/him. Decision of the Returning Officer shall be final in such matters.

(h) TU should have submitted a refundable Security Deposit of ₹ 1,00,000/- (one lakh only), along with nomination papers, by way of either (i) Demand Draft drawn in favour of FA & CAO of the Zonal Railway concerned or, (ii) Money receipt obtained from Cash Office of the Zonal Railway concerned.

Note: (i) In case a TU fails to secure at least 5% [No rounding off permissible] of the total valid votes polled in SBE-2019, full security deposit would be forfeited.

(ii) The security deposit/part thereof may be forfeited appropriately, by Returning Officer, after passing a speaking order, for violation of the "Code of Conduct" as per section 6 of these modalities. Decision of the Returning Officer shall be final in such matters.

(iii) After conclusion of the SBE-2019, the security deposit (in full or its remaining part, as the case may be) shall be refunded to the TU concerned.

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02. FOLLOWING CATEGORIES OF RAILWAY SERVANTS SHALL BE ELIGIBLE TO VOTE IN SBE-2019:-

(a) All Non-Gazetted Railway Servants (Group 'C' inclusive of erstwhile Group 'D'), serving as on 01.07.2019.

(b) Substitutes with Temporary Status, serving as on 01.07.2019.

(c) Non-Gazetted Railway Servants, who are serving on deputation, as on 01.07.2019.

Note: They shall be eligible to vote in the office where their lien is being maintained.

(d) Non-Gazetted Railway Servants on deputation, as on 01.07.2019, to Railway Electrification (RE)/Construction projects or any other project where cadre has not been closed.

Note: They shall be eligible to vote in the Polling booth of office where their lien is being maintained. However, in cases where such staff are deputed to work in the construction/RE organization of same Zonal Railway (i.e. their lien Railway and the office/Zonal Railway where they are working are same), they can vote in Polling Booths set up in Construction Organization/RE organization/ or any booth decided by the Presiding Officer concerned..

(e) Railway Servants in (-1S) Pay Band (if any), serving as on 01.07.2019.

(f) Non-Gazetted Railway Servants, serving as on 01.07.2019, in Training Centres/Schools and Railway Schools/Colleges, who are permitted to be members of TUs.

(g) Ministerial/clerical Railway Servants serving, as on 01.07.2019, in the RPF/RPSF establishment but not belonging to RPF/RPSF cadre and who are NOT governed by the Railway Protection Force Act, 1957.

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Note: (i) Only those Railway Servants whose names are borne on the Voters' list of a particular booth shall be eligible to vote at that particular polling booth.

(ii) Aforementioned eligibility criteria has already been circulated vide para 3 of Railway Board letter No. 2019/E(LR)III-SBE/1 dated 26.06.2019.

03. RAILWAY SERVANTS NOT ELIGIBLE TO VOTE, CASES OF TRANSFER & IDENTIFICATION OF VOTERS:

03A. CATEGORIES OF RAILWAY SERVANTS/EMPLOYEES/PERSONS NOT ELIGIBLE TO VOTE IN SBE-2019:-

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

(b) Such Academic staff, which are not permitted to be members of the TUs, and borne on the rolls of Training Institutes/Centres and Railway Schools/Colleges.

(c) A Railway Servant, who is promoted and has assumed charge of a Group 'B' post on or before the date of polling.

Note: Her/his name shall stand deleted/deemed to be deleted from the Voters' list.

(d) A Railway Servant, who has superannuated or prematurely retired or voluntarily retired or compulsorily retired or dismissed or removed or resigned or is no more, on or before the date of polling.

Note: (i) Her/his name shall stand deleted/deemed to be deleted from the Voters' list.

(ii) Date of retirement of Railway Servants retiring before date of polling should be indicated in the Voters' List as they are ineligible to cast their vote.

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(e) RPF/RPSF personnel governed under Railway Protection Force Act, 1957.

Note: Aforementioned ineligibility criteria has already been circulated vide para 4 of Railway Board letter No. 2019/E(LR)III-SBE/1 dated 26.06.2019.

(f) Newly-recruited staff i.e. those who (i) are yet to join a post in Railways and; (ii) are getting training as Trainees as on 01.07.2019 and; (iii) are in receipt of Stipend (i.e. not in regular pay scale/pay matrix).

03B.CASES OF TRANSFER

(a) Names of Railway Servants, whose transfers are carried out after publication of Voters' list, shall stand deleted/deemed to be deleted from the original Voters' list. However, names of such transferred Railway Servants shall be added to the Voters' list at her/his new station of posting. This should invariably be ensured by the Presiding Officer/immediate controlling officer/supervisor under whom the Railway Servant assumes duty.

(b) In order to avoid any confusion/ inconvenience, it may be ensured that transfers are normally not effected in a manner that Railway Servants have to carry out transfer after publication of final Voters' list.

(c) In rare situations where such transfers are inescapable and names are not possible to be included in the Voters' list of relevant booth, the Railway Servant may vote at the old station/booth (provided that her/his Zonal Railway has not changed) where his name was figuring in Voters' list. Decisions of Presiding Officers, in such cases, shall be final.

Note: Aforementioned provisions have already been circulated vide para 5 of Railway Board

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03C. IDENTIFICATION OF VOTERS

(a) Photo Identity-Card, issued by Railways, is to be treated as the valid document/proof for identification of voters. Therefore, all units must ensure that all Railway Servants should possess Railway Identity-Cards (valid on date of polling) well before the dates fixed for polling. Only on production of such an I-card, a voter shall be permitted to cast his vote.

Note: No other I-card/proofs of identity issued by any authority other than Railways shall be entertained for casting of vote.

(b) In rare cases where Photo Identity-Card issued by Railways is not available for any reason whatsoever, such Railway Servants, who are eligible to vote, should be permitted to vote only on production of a "Voting Authority" along with some other Identity proof as listed in note below. This "Voting Authority", apart from having other requisite details of Voter, must have a pasted photograph (signed and stamped across the photo by the Controlling Official), duly forwarded by the Controlling Gazetted officer and countersigned by Personnel Officer concerned (eg Sr.DPO/DPO/Dy. CPO/SPO/WPO/APO) with clear mark of her/his official stamp.

Note: Such Railway Servants should also bring along with "Voting authority" another proof of identity (i.e. either Aadhar/UIDAI card or valid Passport or Valid Driving License or Valid EPIC Card).

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04. NORMS OF RECOGNITION OF TRADE UNION/(S) AND TENURE:-

(a) TUs securing 30% or more of the number of 'Total Electorate' of Zonal Railway shall be considered for recognition.

Note: 'Total Electorate' means total number of Railway Servants eligible to vote on polling dates in a Zonal Railway, as published in Final Voters' list.

(b) In case only one TU secures 30% or more of 'Total Electorate' and some other TU [securing next maximum number of votes (i.e. runner-up) of the 'Total Electorate'] secures 35% or more of the "Total Valid Votes Polled" (i.e. TVVP), both TUs shall be considered for recognition.

Note: In case there are two runners-up securing equal number of TVVP (while also securing 35% or more of TVVP), only one of the two runners-up TUs shall be considered for recognition (apart from the winner securing 30% or more of the Total Electorate) on the basis of draw of lots.

(c) In case situations as stipulated in preceding sub-sections (a) and (b) do not arise, two TUs securing 35% or more of the TVVP shall be considered for recognition.

(d) In case situations as stipulated in preceding sub-sections (a), (b) and (c) do not arise, the TU securing maximum number of TVVP shall be considered for recognition provided it secures 20% or more of the TVVP.

Note: Under this sub-section, only one TU shall be considered for recognition. However, in case two or more TUs secure equal number of valid votes polled, only one TU shall be considered for recognition on the basis of draw of lots.

(e) If no TU secures at least 20% of TVVP, none of the TUs shall be considered for recognition.

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(f) Recognition of TU shall normally be valid for six years from the date of grant of recognition by the General Manager. Secret Ballot election for the purpose shall normally be held every six years.

(g) The recognition so granted, can be withdrawn/suspended by the General Manager for any justifiable reason, after issuing a show-cause notice and after passing a speaking order.

(h) The existing recognized TUs and their Federations shall continue to remain as recognized (subject to conditions, if any) till a fresh election process is completed.

05. CODE OF DISCIPLINE:-

(a) All the contesting TUs must furnish in writing that they shall observe the “Code of Discipline”, as laid down in Annexure-I.

(b) Chapters XXV and XXVI of “Indian Railway Establishment Manual, Volume-II” (IREM-II) deal with the rules for (i) recognition of Unions of Non-Gazetted Railway Servants; and (ii) Conditions precedent to recognition of the Unions and (iii) Negotiating machinery for dealing with disputes between Railway labour/staff and Railway Administration etc. Therefore, participation in this SBE-2019 would signify unconditional acceptance by the contesting TUs of these rules and conditions and related instructions issued by Railway Board/Administration including these modalities. In case of any dispute, provisions of these modalities (and any related clarifications) shall have primacy over IREM in the matters covered by these modalities.

(c) Railway Administration shall display the “Code of Discipline” prominently on Notice Boards as well as on the websites.


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06. CODE OF CONDUCT DURING SBE-2019:-

- (a) “Code of conduct” comes into force from the date of Notification of election.
- (b) Apart from adhering to “Code of Discipline”, provisions of “Indian Railway Establishment Manual” (IREM) and related instructions issued by Railway Board/Administration including these modalities, all contesting TUs shall obey the following provisions of “Code of Conduct” during the course of the election process. Violation of these would make them liable to attract penalties as laid down in Annexure III.
- (c) Any contesting TU would NOT make any appeal to voters on grounds of religion, politics, caste, community, region and language etc.
- (d) Any contesting TU or its office bearers/representatives would NOT indulge in any activity which may cause tension/rift amongst different categories, cadres, communities, religions etc.
- (e) Criticism of rival TUs should be confined to their policies, programmes and past records of work. Private life of individual/office bearers and activities not connected with the railway working shall not be raised during canvassing.
- (f) Criticism of other TUs or its office bearers or their workers based on unverified statements shall not be made.
- (g) Temples, mosques, churches etc and other places of worship/congregation and also Railway Station platform(s) shall not be used for propaganda/meeting purposes.
- (h) Campaigning by elected public representatives (who are not holding any post in any of the contesting TUs or National Federations or Central Trade Unions to which the contesting Union is affiliated) is not permitted.
- (i) Campaigning within 100 metres of polling booths and holding public meetings during 48 hours prior to the start of the polling is not permitted.
- (j) Intimidation of any type / threatening or coercing any Railway Servant to vote in a particular manner is not permitted.

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- (k) All authorized Polling agents of the contesting TUs shall be in possession of valid identification cards (issued by the Presiding Officer) while entering polling booth area.
- (l) Possession of fire-arms, slogan shouting, inciting communal/political/religious passions shall not be permitted.
- (m) No special leave for campaigning/canvassing etc shall be allowed to any Railway Servant or representative of the TU.
- (n) Contesting TU must obtain prior permission of the Railway administration for holding a Gate Meeting during lunch hours. However, no Gate meeting will be allowed within 48 hours of the date of polling.
- (o) Grant of gifts, cash etc. is strictly prohibited.

Note: Principal CPOs should issue an advisory to Railway Co-operative Societies located within the jurisdiction of the Zonal Railway concerned to refrain from granting special loans (other than Compulsory Monthly Thrift Deposit loans) or/and Special Dividends during the period from the date of notification of SBE-2019 to the last day of polling.

- (p) Railway Administration should provide/designate appropriate space for pasting of posters/campaigning material to the contesting TUs. However, TU shall remove any poster (pasted on permitted/designated place) after completion of the elections.
- (q) It may be noted that (i) pasting of posters/ campaigning material on stations/station buildings, rolling stock, official buildings and/or; (ii) defacing in any manner, including writing on the walls of office and other buildings in colonies, etc. is strictly prohibited. TUs shall not disfigure the walls within Railway premises, Railway Stations and boundary walls, by sticking posters or painting on them. In cases of infraction of this section, Returning Officer may pass appropriate speaking orders for (i) forfeiture of Security deposit - in full or any part thereof; and/or (ii) imposition of fine on TU concerned; and/or (iii) any other penalty as deemed fit in cases of serious violations.

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(r) No disrespect shall be shown to pictures of present and past national leaders in the posters put up during campaigning.

(s) Any other activity during campaigning which is extraneous, repugnant, contrary to the recognized sphere of Trade Union activities, against tranquility and public peace shall be prohibited.

07. VOTERS' LIST:-

(a) Railway Board has issued detailed directives regarding Voters' list, format etc by letter No. 2019/E(LR)III-SBE/1 dated 26.06.2019.

(b) Format of Voters' list is reproduced as under: -

Name (1)	Post/ Desgn. (2)	Identity card No./ Employee No./ Token No. (3)	PF No./ NPS/PRAN No. (4)	Working Under (5)	Station/ place where posted (6)	Remarks (if any)

Note: Date of retirement of Railway Servants retiring before date of polling should be indicated in the Voters' List, as those who are retired are ineligible to cast their vote.

8. AUTHORITIES TO CONDUCT AND SUPERVISE SBE-2019:

The structure and machinery of the Authority to conduct SBE-2019 is as under:

(a) "Secret Ballot Elections Committee" (SBEC) shall be the nodal body for supervision and conduct of SBE-2019.

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(b) Secret Ballot Election, at Zonal level, shall be held under the overall supervision of the respective 'Principal Chief Personnel Officers' (PCPOs i.e. either in the rank of PHOD or CHOD or whoever is discharging the duties of the post of PCPO) of the Zonal Railways who shall be the "Returning Officer" (RO) for the respective Zonal Railway. ROs shall be assisted by one "Additional Returning Officer"(ARO) who will be an SAG/SG officer at Zonal level to be appointed by the respective RO.

Note: Since ROs are nominated on ex-officio basis under these modalities, there shall not be any requirement for issue of any separate orders for their appointment as RO by Railway Board/SBEC.

(c) At Zonal Hqrs/Divisional/Workshop/Extra-divisional Unit (EDU) level, ROs shall appoint "Presiding Officers"(PO) for each of these units. POs can be either CPO (for Hqrs), ADRM(for Divisions), CWM/Head of Workshop(for Workshops) and an appropriate SAG level Officer(for EDUs). These POs shall appoint "Assistant Presiding Officers"(Sr.DPO/DPO/Dy.CPO/SPO/Any other Officer).

Note: (i) In the contingency of ADRM/CWM/Head of EDU concerned not being available, RO shall appoint another suitable senior officer.

(ii) Letters of appointment of Presiding Officers shall be as per the format given in Annexure IV.

(d) POs shall also appoint Polling Teams comprising Polling Officers (either Gazetted or Senior Sub-ordinate) and Polling Assistants/Polling Helpers of appropriate levels.

Note: Letters of appointment of Polling Teams shall be as per the format given in Annexure V.

09. APPOINTMENT OF AUTHORITIES FOR CONDUCTING SBE-2019:-

(a) Appointment of Presiding Officers shall be as per format given at Annexure IV and appointment of Polling Teams shall be as

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per format given at Annexure V i.e. as already mentioned in notes in preceding section.

(b) It should be ensured that Polling Officers/Polling Assistants are not serving as present office-bearers of any contesting TU.

(c) Moreover, any official who had been an office bearer of any recognised TU during the last six years (preceding date of notification of SBE-2019) shall not be deployed as Polling Officer/Polling Assistant/Polling Helper. A declaration to this effect shall be taken from each official appointed as Polling Officer/Polling Assistant/Polling Helper.

Note: However, in case adequate number of officials is not available for polling duty, Presiding Officer, in consultation with Returning Officer, may appoint such an official in relaxation of this condition.

10. ALLOTMENT OF ELECTION SYMBOL:-

(a) Contesting TUs would be allotted a distinct 'Symbol' for the election.

(b) A TU may choose its own symbol or opt for one which is available with the Returning Officer. However, it cannot choose symbols like Engines, Track, bogie, coaches, signal etc. i.e. which have close connection with the working of Railways.

(c) A TU may use a symbol that was used by it in the previous election, provided that that the chosen symbol does not have/bear any connection/resemblance with Railways. For example, a 'Bogie/Coach/Locomotive/Track etc' used as a symbol would NOT be permissible even if the same was used in previous elections by such TU.

Note: However, it is clarified that a TU may be permitted to use its established logo as symbol even if that established logo bears pictures of any object concerning Railways, provided that it was permitted as a symbol for that TU in the last elections held in year 2013..

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(d) The 'Symbol' should not have any resemblance to the symbols allotted to any political party by "Election Commission of India" or by "State Election Commission" in the States served by Zonal Railway concerned.

(e) It should not have resemblance to any religious or sectarian motifs/ideas.

(f) No two contesting TUs shall be allotted similar looking symbols. Whether two symbols are similar looking or not shall be decided by the Returning Officer, whose decision shall be final.

Note: The contesting TU shall submit a declaration that the 'Symbol' chosen by them fulfils aforementioned conditions indicated in preceding sub-sections (b) to (f).

(g) The symbol may carry the name of the TU/Federation.

(h) In case, a TU applies for allotment of a symbol, the Returning Officer shall allot as per (i) below:

(i) An illustrative list of symbols is given in Annexure VI. The Returning Officer may leave out/exclude symbols (from this list) which are being used as election symbols by any of the regional political parties in the states being served by the Zonal Railway concerned. Thereafter, she/he would make remaining symbols available to the TUs on first-come-first serve-basis. In case any of the requested symbols had been used by one of the contesting TUs in the previous elections in year 2013; that TU may be given preference in allotment of that particular symbol. In case of conflicting requests from two or more TUs, the decision of Returning Officer shall be final.

(j) The Returning Officer shall be the final authority in all matters regarding allotment of symbols.

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11. NOTIFICATION OF SBE-2019:-

The respective Returning Officer shall issue a notification to hold elections. The schedule of the conduct of the elections would be as per the schedule communicated by the SBEC/Railway Board.

Such notification should be given wide publicity by putting up Notices at prominent places and publishing/uploading the same on the official websites.

Code of Conduct/Code of Discipline shall come into force in the respective Zonal Railways with issue of such notification.

12. FILING OF NOMINATIONS:-

(a) The TUs meeting the eligibility criteria listed in section 1 of these modalities and willing to contest SBE-2019 may apply in the Nomination Form as per Annexure VII (to be obtained from the Returning Officer of the Zonal Railway concerned) as per notified schedule.

(b) Nomination papers must contain the following information/documents:-

- i. Full name, address and telephone/mobile numbers of the TU;
- ii. Names and addresses of the Central Office Bearers with their designations in the Railways;
- iii. A copy of “Certificate of Registration” of Trade Union issued by ‘Registrar of Trade Unions’ as per section 9 of the Trade Union Act, 1926. Copy should be self-certified by the President or General Secretary of the TU concerned. **[Ref: Section 1(a)].**
- iv. A copy of duly acknowledged “Return” [i.e. acknowledged by the Registrar of TU], for the year 2018, filed before the Registrar of TU concerned, as per applicable statutory provisions. Copy should be self-certified by the President/General Secretary of the TU concerned. **[Ref: Section 1(d)]**


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- v. A copy of the “Rules of the Trade Union” of TU concerned self-certified by the President or General Secretary of TU concerned. **[Ref: Section 1(f)]**
- vi. “No-Dues Certificate”, from the Railways’ departments concerned, for having paid all basic charges/bills on account of Office Rent, Electricity, Telephone and Water, due till 31.12.2018. **[Ref: Note (i) under Section 1(g)].**
- vii. An unconditional undertaking (as per format Annexure-II) that in case of any disputed amount, the same shall be paid latest by 31.12.2019. **[Ref: Note (ii) under Section 1(g)].**
- viii. A TU, which is not in legal/authorised possession of any facility/property in Zonal Railways, shall submit a declaration to that effect. **[Ref: Note (iii) under Section 1(g)].**
- ix. A refundable Security Deposit of Rs. 1,00,000/-(one lakh only), by way of either (i) Demand Draft drawn in favour of FA & CAO of the Zonal Railway concerned or, (ii) Money receipt obtained from Cash Office of the Zonal Railway concerned. **[Ref: Section 1(h)]**
- x. A declaration that it shall observe the “Code of Discipline”, as per Annexure-I. **[Ref: Section 5(a)]**
- xi. A declaration by the General Secretary of the TU that they have read and understood the Final Modalities and Code of Conduct/Discipline applicable to holding of SBE-2019 and that the same are fully acceptable to the TU;
- xii. A declaration by the General Secretary of the TU that the said TU has never discriminated on the grounds of religion, caste, language, region, gender or any other grounds prohibited under the law of the land;


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- xiii. A declaration by the General Secretary of the TU that all information provided by the TU 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;
- xiv. Signatures of seven Railway Servants who are members of TU concerned, with name, designation and posting station supporting the filing of nomination by the TU;
- xv. A declaration that the ‘Symbol’ chosen by them fulfils indicated in sub-sections (b) to (f) of Section 10.
- xvi. A declaration that its participation in SBE-2019 would signify its unconditional acceptance of the outcome of Secret Ballot would be binding for the purposes of “Recognition” to be accorded by the General Manager.

Note: Participation in this SBE-2019 would signify, ipso facto, unconditional acceptance by the contesting TU of these rules and conditions and related instructions issued by Railway Board/Administration including these modalities. [Ref: Section 5(b)]

13. SCRUTINY OF NOMINATIONS:-

- (a) Nominations received from the TU shall be scrutinized by the Returning Officer and a list of TUs found eligible to contest SBE-2019 shall be drawn and displayed as per notified schedule.
- (b) Any TU found ineligible (i.e. whose nominations are rejected) shall be advised of the reasons of the same, by passing a speaking order by the Returning Officer so as to enable them to make representations within stipulated time, if any. The decision of the Returning Officer on such representations shall be final.


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14. WITHDRAWAL OF NOMINATIONS:-

A TU declared eligible to contest SBE-2019 is permitted to withdraw from the elections by making an application duly signed by the General Secretary of the TU concerned, which must reach the Returning Officer on or before the specified date & time as per notified schedule. On such an application, the decision of the Returning Officer shall be final.

15. POLLING DATES AND TIMING:-

Polling for SBE-2019 shall be held simultaneously on all the Zonal Railways consecutively for two days as per schedule to be notified. Election schedule once announced shall be followed even if some holiday falls on the dates announced.

16. PRINTING OF BALLOT PAPERS:-

(a) The Ballot Paper should be in the following format:-

SERIAL NO	NAME OF TRADE UNION	ABBREVIATION IN ENGLISH	ABBREVIATION IN HINDI	ELECTION SYMBOL
1	Full Name	AAA		
<i>(A blank row to be inserted between two rows bearing details of TUs)</i>				
2	Full Name	BBB		
<i>(A blank row to be inserted between two rows bearing details of TUs)</i>				

Note: (i) A blank row of sufficient height should be inserted between two rows (bearing names of TUs) so as to avoid overlapping stamping by careless voters. It should reduce invalidation (on account of overlapping stamping) of Ballot Papers.

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(ii) *No separate space/column for putting stamp is being provided in the Ballot paper as it may lead to invalidation of votes if a voter inadvertently stamps on the symbol or name of the union, instead of stamping on the given allotted space/column. Therefore, a voter may affix stamp on any of the five columns (including on 'Serial No' column) against any one TU in the aforementioned format of the ballot paper.*

(b) Names of all the contesting TUs shall be mentioned in alphabetical (English Alphabets) order.

(c) Ballot paper shall be printed in confidential manner. Services of RRB/RRCs may be used for the purpose of confidential printing. It may be ensured that the Ballot Paper, so printed, conforms to relevant and extant provisions of "The Official Languages Act, 1963".

(d) Ballot papers shall be printed with distinct running Serial Number in accordance with the staff strength of the Zonal Railways concerned. The distinct Serial Number shall be available only on the counter-foil for accountal purposes.

(e) The total number of the ballot papers so printed along with their serial number shall be intimated to the contesting TUs.

(f) A replica of the Ballot Paper shall be prominently displayed by the Railway Administration on the Notice Boards and published/uploaded on the official websites as per notified schedule.

17. POLLING BOOTHS:-

(a) Under overall superintendence/control of the Returning Officer, the Presiding Officers shall have the absolute discretion in determining the number and location of polling booths to be set up under her/his jurisdiction over Zonal Railway concerned. Booths will be decided by striking an optimum balance between administrative requirements/compulsions and voters' concerns.

(b) Following guidelines may be kept in view :

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- i. Approximately 900-1200 Voters per polling Booth.
 - ii. Voters do not have to travel for more than 30-35 kms.in order to vote.
- (c) Returning officer and Presiding officer shall hold necessary consultations with appropriate officials and identify number and locations of voting booths.
- (d) Each Polling Booth shall be supervised by a team of two Polling Assistants and two Polling Helpers under the charge of a Polling Officer.
- (e) The Polling Booths shall be set up near the premises where the Railway Servants normally work. There shall be no campaigning/ influencing of any voter within 100 metres of the polling booth on the days of election.
- (f) The Presiding Officer shall ensure that RPF personnel are deployed at each Polling Booth. In sensitive areas, armed RPSF Personnel may be deployed & assistance of the State's law & order machinery may also be obtained if a need is so felt.
- (g) Suitable arrangements should be made at the Polling Booth for female voters and also for those who are covered under "The Rights of Persons with Disabilities Act, 2016."
- (h) A 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.
- (i) No Voter, Polling agent, Polling Assistant or Polling Helpers etc shall be allowed to use Smartphone/mobile phone/Camera inside the booth. Only Polling Officer shall be authorised to use Smart phone/mobile phone and that too for urgent requirements relating to conduct of poll only.
- (j) All the eligible voters must leave out their Mobile phones/ Smart phones/Camera before entering the polling booth as these

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devices are not permitted inside the Polling Booth. Notice to this effect shall be displayed prominently outside the booths.

18. BALLOT BOXES:-

(a) Adequate number of Ballot Boxes will be provided for each Polling Booth by the Returning Officer/Presiding officer with requisite stationery, sealing wax, Paper seal with serial numbers etc. and these would be sealed before the start of polling and after end of polling every day in the presence of (i) Polling Agents of the TUs and (ii) the Polling Officer or his authorized representative.

(b) The Ballot Boxes may be borrowed from Chief Electoral Officer of the state(s) or neighbouring state(s). 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 arranged/purchased.

(c) 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 place of storage shall be decided by the Presiding Officer concerned.

(d) The seal of the room shall be opened only for storing the next day's ballot boxes and sealed again following the same protocol.

(e) The Polling officer or an officer specifically nominated by the Presiding Officer for this purpose shall be the custodian of the ballot boxes. RPF/RPSF Guards shall be deputed for the security of ballot boxes. At the end of final polling, the Polling officers shall make secured arrangement for safe transportation of the ballot boxes to the Presiding Officer for counting of votes.

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


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- (g) Place identified for storage of ballot boxes, shall be notified by concerned Presiding Officer well in advance.
- (h) In these matters, decision of Presiding Officer shall be final.

19. POLLING AGENTS:-

- (a) Each contesting TU will nominate two Polling Agents (out of whom one only can be present in Polling Booth at a time) for each Polling Booth. The Polling Agents must be regular Railway Servants of the Zonal Railway concerned. These Polling Agents must carry their identification proof to establish their bona fide.
- (b) 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 obtain 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/delayed arrival shall not hold up the election/voting processes.
- (c) To rule out situations of 'Counting Agents' of any TU not able to recognize the signature of Polling Agents on the sealed ballot box, TUs must provide sample signatures of their Polling Agents for all booths to the Presiding officer.
- (d) Two Polling Agents of each contesting TU, per booth per day of polling, shall be entitled for "Special Casual Leave".

20. POLLING PARTIES AND THEIR RESPONSIBILITIES:-

- (a) The vote casting process shall be supervised by Polling Officers assisted by Polling Assistants/ Polling Helpers. Railway Servants working as Personnel Inspectors/Staff & Welfare Inspectors and other Inspectorial/Ministerial staff etc shall be deployed as Polling Assistants. In these matters, Presiding Officers will have complete discretion.
- (b) Each ballot paper should be signed in ink, on the top, by the Polling Officer concerned.


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(c) The Polling Party shall be responsible to set up the Polling Booth in a manner which does not make the voters uncomfortable while awaiting their turn to vote and allows proper secrecy for the actual vote casting process. Adequate seating arrangement for Polling Agents shall be made.

21. POSTAL BALLOT SYSTEM:-

21A. CATEGORIES OF PERMITTED RAILWAY SERVANTS:

Postal Ballot shall be permitted only for following three categories of Railway Servants who are deputed/deployed for :-

(a) Secret Ballot Election Duty;

(b) Various training programs at different divisional/zonal and other training centres; and

Note: In this regard, Zonal Railways should ensure that training programs during the election week are kept to the minimum so that maximum number of Railway Servants are available on their working posts and are free to cast vote.

(c) Train running/escort duties during the dates of polling.

21B. ARRANGEMENT FOR THOSE BOOKED ON ELECTION DUTY:

(a) Such Railway Servants may be identified well in advance, with reasonable number of reserve candidates.

(b) They may be provided with a form as per Annexure VIII for requesting postal ballots. Their requests must be obtained, provided they wish to cast their Postal Ballot.

(c) On the basis of such request, they shall be provided with postal ballot along with an envelope –

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with address of the Returning officer mentioned clearly.

(d) The Railway Servant 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 latest by closing hour of the last date of polling.

(e) The Returning officer shall account for all such postal ballots separately and add them (before finalizing result) with the votes cast at different Polling Booths.

(f) The final result shall be declared after counting votes by both the methods together (i.e. normal voting +Postal Ballots)

21C. ARRANGEMENT FOR THOSE RAILWAY SERVANTS UNDERGOING TRAINING:

(a) Returning Officers shall arrange to deliver either directly or through Presiding officer, adequate numbers of forms as per Annexure VIII at all training centres under their jurisdiction so that all eligible regular Railway Servant trainees (i.e. those wishing to cast their vote) may be able to apply.

(b) The completed forms shall be sent to the Presiding officer who shall forward them to Returning Officer after confirming the bonafides of such trainees requesting for postal ballot.

(c) On receiving the confirmation, Returning Officer shall arrange to send postal ballots for each such Railway Servant in sealed envelope to the Head of the training centre either directly or through the Presiding officer, who shall arrange to have them delivered under clear signature of receipt.


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(d) Such Railway Servants shall cast their vote under complete confidentiality and send it by post to the Returning Officer so as to reach her/him latest by closing hour of the last date of polling.

(e) The Returning officer shall account for all such postal ballots separately and add them (before finalizing result) with the votes cast at different Polling Booths.

(f) The final result shall be declared after counting votes by both the methods together(i.e. normal voting +Postal Ballots)

21D. ARRANGEMENT FOR THOSE RAILWAY SERVANTS LIKELY TO BE AWAY IN TRAIN RUNNING/ESCORT DUTIES DURING THE DATES OF POLLING:

(a) Presiding Officer shall frame/issue guidelines to decide well in advance the names of Railway Servants who shall be deputed for train running duties (with suitable number of reserves) on the dates of polling, because of which they are likely to miss the opportunity to cast their vote.

(b) Since voting shall take place only on two days, Controlling officials of aforementioned staff are directed to book Railway Servants in such a manner, as far as possible, so as to not to deprive them opportunity to cast vote.

(c) Such Railway Servants would be required to apply for postal ballot as per Annexure VIII.

(d) On the basis of their requests and confirmation of bona fide by respective Presiding officer, the Returning officer shall issue postal ballot in sealed envelope and have it delivered to requesting voters through their Presiding officer.

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(e) Such Railway Servants shall cast their votes in absolute confidentiality and send it by post to Returning Officer so as to reach her/him latest by closing hour of the last date of polling.

(f) The Returning officer shall account for all such postal ballots separately and add them (before finalizing result) with the votes cast at different Polling Booths.

(g) The final result shall be declared after counting votes by both the methods together (i.e. normal voting +Postal Ballots)

21E. PROCEDURE FOR ISSUE AND CASTING OF POSTAL BALLOT:

(a) 'Postal Ballot Papers' (i.e PBP) must be delivered/despached by due date as per Schedule to be notified by respective Returning Officer(RO). List of such Railway Servants in favour of whom postal ballot is being issued may be put on website.

(b) The words PBP shall be stamped below the words "Secret Ballot Paper-2019" appearing in normal ballot Paper;

(c) The name of voter (as entered in Voters' List) should be noted on counter-foil of PBP. Thereafter, PBP should be detached from the counter-foil;

(d) The acronym PBP should be written against the entry of Voters' List without indicating the serial number of Ballot Paper issued;

(e) Counter-foils of PBP issued should be sealed in a separate packet and brief description of the contents with serial numbers of the PBPs dispatched to voters and date on which the packet was sealed should be indicated;







(f) Returning Officer shall arrange to send to eligible voters (i) One self-addressed (i.e. addressed to RO) and pre-stamped envelope (i.e. 'Return Envelope') so as the voter can send back to RO the voted/stamped PBP; and (ii) Postal Ballot Paper. These two items should be put inside a larger envelope. Such large envelope shall be addressed to the voter;

(g) Aforementioned large envelope should be dispatched to voters through Speed post/Registered Post/by dasti/ any other safe mode to be decided by RO. The voter can also collect it personally.

(h) PBP, after voting, should be sent back (in sealed envelope) to the Returning Officer so as so as to reach her/him latest by closing hour of the last date of polling. PBP received after closing hour of the last date of polling shall not be entertained and will be treated as 'invalid vote';

(i) The details of PBP received should be duly entered in the register maintained for the purpose;

(j) PBPs shall be counted in Returning Officer's office in presence of 'Counting Agents' of TUs on fixed day of counting so notified.

(k) PBPs may be handled through Speed post/Registered post/any other mode to be decided by RO to ensure firm and timely delivery/receipt.

(l) Railway Administration/Returning Officer will not be responsible for any postal delay or postal losses;

(m) The ROs should ensure that the number PBPs received back should not exceed the number of PBPs issued to eligible voters. A register should be maintained to ensure that non-eligible voters should not exercise ballot through PBPs.


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(n) Returning Officer shall be final authority to decide any dispute(s) in this regard.

22. SHORT LEAVE/PERMISSION FOR CASTING VOTE:-

(a) Railway Servants should invariably be spared to enable them to cast vote by allowing short leave. The Controlling Supervisor-in-charge shall decide the extent of short leave which should be sufficient to allow a Railway Servant to cast her/his vote and return to duty. However, a judicious approach is required to ensure that crucial and sensitive train operations work does not suffer.

(b) The Supervisor In-charge shall decide, the duration of short leave to Trackmen, Construction staff and "Track Machine Organization" Staff and also to all essential staff of various categories, keeping in view local conditions and exigencies.

23. PROCESS OF CASTING OF VOTE :-

(a) 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/Voting Authority as per section 3C of these modalities.

(b) 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 educate/demonstrate to the voter the way to fold the ballot paper after stamping.

(c) The Polling Officer shall again satisfy himself regarding the voter's identity by rechecking the Identity Card/Voting Authority and hand over One Ballot Paper as per serial number to the Railway Servant after affixing his signatures on the reverse side of the ballot paper. The signature of the Railway Servant casting the vote shall also be obtained on the counterfoil of the Ballot Paper.

(d) Thereafter, the Railway Servant will cast her/his vote by putting a stamp mark on the ballot paper. Stamping should be done in a separate enclosure kept in polling booth for this purpose. The voter shall fold the

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ballot paper and, thereafter 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.

Note: No separate space/column for putting stamp is being provided in the Ballot paper as it may lead to invalidation of votes if a voter inadvertently stamps on the symbol or name of the union, instead of stamping on the given allotted space/column. Therefore, a voter may affix stamp on any of the five columns (including on 'Serial No' column) against any one TU in the ballot paper.

24. RECORD OF ELECTION PROCEEDINGS:-

At each Polling Booth, a register (pro forma at Annexure IX) shall be maintained wherein the entire proceeding followed during the election/voting shall be recorded. Such entries shall be signed by the Polling Officer concerned & by the available Polling Agents of the respective contesting TUs.

25. REPOLLING:

(a) If a complaint is received from any contesting TU or some credible source regarding substantial electoral irregularity at some Polling Booth, the Presiding Officer shall hold an instant fact-finding inquiry. On the basis of inquiry report and after holding consultations with the Returning Officer, the Presiding officer may order to conduct Re-polling at the said Polling Booth on the following day.

(b) Intimation of this decision shall be conveyed to the controlling authorities of all units for which such booth(s) was set up. The controlling authorities, in turn, should arrange to put up Notice immediately and spare the voters to cast their votes again.

(c) For re-polling, the unused Ballot papers, if available, may be used. If these are found to be insufficient, additional ballot papers may be called for from the Returning Officer.

26. CLOSE OF POLLING:-

(a) After the close of the polling, the Polling Officer shall furnish detailed Ballot Paper account in the prescribed pro forma (Annexure X)


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indicating total Ballot Papers received, Ballot Papers used, unused Ballot Papers available etc. to the Presiding Officer.

(b) 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:-

(a) The Ballot Boxes shall be opened in the presence of the Presiding Officer and “Authorized Counting Agents”(ACA) of the TUs.

(b) The number of ACA should not be more than four per contesting TU, to be authorized by the Presiding Officer on the recommendation of contesting TUs.

(c) If the ACAs do not present themselves at the appointed time & place during the time of counting of votes, such absence shall not invalidate the election or counting process and counting shall proceed as per schedule.

(d) The Presiding/Assistant Presiding Officer shall grant special Casual Leave to ACAs for counting of votes on counting days.

28. INVALID VOTES:-

The Ballot Paper/vote will be considered invalid when:-

(a) Stamp is put against more than one Trade Union/Symbol;

(b) Stamp is put on the dividing line (of rows or columns) in such a manner that less than two-third of the stamp impression is made against any one Trade Union/Symbol. Thus, if the stamping is done in such a manner that more than two-third of stamp falls on any one symbol/Trade Union name or its row, it is to be treated as valid.

(c) The Ballot Paper contains any indication (other than stamp) viz. name of the voter, his signature or any form of written message etc.







(d) In case of any dispute in this regard, decision of Presiding Officer shall 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 :-

Unused Ballot Papers will also be forwarded on the last day of poll to the Returning Officer through the Presiding Officer for retention (up to 2 months) & record.

31. DECLARATION OF FINAL RESULT:-

(a) All Sealed Covers (containing Election Report from Presiding Officer & Postal Ballots) will be opened by Returning Officer in the presence of contesting TUs' representatives to prepare and compile "Final Election Result" (Pro forma at Annexure XII). Thereafter, result of the election shall be declared accordingly.

(b) Any dispute/representation regarding elections/counting of votes shall be raised before the Returning Officer well before the declaration of result. Thereafter, the result declared by the Returning Officer shall be final.

(c) Participation in SBE-2019 would signify unconditional acceptance of the outcome of Secret Ballot by the TUs. It would be binding on the contesting TU for the purposes of 'Recognition' to be accorded by the General Manager.

32. EXISTING FACILITIES TO TRADE UNIONS:-

(a) Certain facilities have been provided to the existing recognised TUs. In order to provide level playing-field to all contesting TUs for SBE-2019, the existing recognised TUs which are in possession of any railway facilities such as office premises provided free of rent under PREM (erstwhile CEG) scheme, card


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passes etc. are barred from using them for their electoral purposes. Trade Unions would not use such premises provided under PREM scheme for storing advertising or election-related material. No election meeting shall be held at these premises.

Note: However, such TUs may be permitted to use Telephone/Mobiles provided they agree to pay for their use during election period and till fresh recognition is granted (if they win).

(b) Violations of these instructions shall be treated as corrupt election practices and violation of “Code of Conduct”. The onus shall be on the TUs to prove that such facilities have not been misused.

(c) The railway administration shall not hold any PNM or formal meeting with the existing recognised TUs after the date of notification of the election.

33. AUTHORITY TO ISSUE CLARIFICATION etc

Within the overall frame work of these Modalities, SBE Committee or the Returning Officer will have the authority to issue necessary clarification, administrative instructions in administrative convenience, without changing the underlying spirit and tenets of these Modalities.

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ANNEXURE-I

SECRET BALLOT ELECTIONS-2019

CODE OF DISCIPLINE

All the contesting Trade Unions undertake in writing that they will observe the Code of Discipline.

I. Management and Union(s) agree –

- (a) that no unilateral action should be taken in connection with any industrial matter and that disputes should be settled at appropriate level ;
- (b) that the existing machinery for settlement of disputes should be utilized with utmost sincerity and commitment;
- (c) that there should be no strike or lock-out without notice;
- (d) that affirming their faith in democratic principles, they bind themselves to settle all future differences, disputes, and grievances by mutual negotiation, conciliation and voluntary arbitration ;
- (e) that neither party will have recourse to (i) coercion; and (ii) intimidation; and (iii) victimization or (iv) go-slow ;
- (f) that they will avoid, (i) litigation, (ii) sit-down and other coercive measures in strikes and (iii) lockouts ;
- (g) that they will promote constructive co-operation between their representatives at all levels and as between workers themselves and abide by the spirit of agreements mutually entered into ;
- (h) that they will establish upon a mutually agreed basis, a grievance-redressal procedure to ensure a speedy and fair investigation leading to settlement ;

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(i) that they will abide by various stages in the grievance-redressal procedure and take no arbitrary action which would bypass the same ; and

(j) that they will educate the management personnel and workers regarding their obligations to each other.

II. Managements agree –

(a) not to support or encourage any unfair labour practices such as:

(i) interference with the right of employees to enroll or continue as Union members,

(ii) discrimination, restraint or coercion against any employee because of recognized activity of Trade Unions and

(iii) victimization of any employee and abuse of authority in any form ;

(b) to take prompt action for (i) settlement of grievances and (ii) implementation of settlements, awards, decisions and orders;

(c) to display the provisions of this Code in conspicuous places in the Railway offices ;

(d) to distinguish between actions justifying immediate discharge and those where discharge must be preceded by warning, reprimand, suspension or some other form of disciplinary action and to arrange that all such disciplinary action should be subject to an appeal through normal grievance-redressal and statutory procedure ;


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(e) to take appropriate disciplinary action under statutory procedure against its officials in cases where enquiries reveal that they were responsible for precipitation of action by workers leading to indiscipline.

III. Trade Union(s) agree –

- (a) not to engage in any form of physical duress ;
- (b) not to engage in or permit its members demonstrations which are not peaceful. Unions agrees not to permit rowdyism/Goondaism in demonstration ;
- (c) that their members will not engage or cause other employees to engage in any Union activity during working hours, unless as provided for by law and/or agreement;
- (d) to discourage unfair labour practices such as (i) negligence of duty, (ii) careless operation, (iii) damage to property , (iv) interference with or disturbance to normal work and (v) insubordination ;
- (e) to take prompt action to implement awards, agreements, settlements and decisions ;
- (f) to display in conspicuous places in the Union Offices, the provisions of this Code; and
- (g) to express disapproval and to take appropriate action against office-bearers and members for indulging in action against the spirit of this Code.


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ANNEXURE-II
SECRET BALLOT ELECTIONS-2019

Undertaking by TUs as per Note (ii) under Section 1(g) of Modalities

I have gone through and understood the provisions contained in Note(ii) under section 1(g) of the Final Modalities for SBE-2019. I give an unconditional undertaking that the Trade Union will pay any such amount calculated under Note(ii) under section 1(g) of Final Modalities by 31.12.2019.

(Signature)

Name of General Secretary:

Name of Trade Union:

Zonal Railway:


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ANNEXURE- III

SECRET BALLOT ELECTIONS-2019

PROVISIONS RELATED TO ENFORCEMENT OF “CODE OF CONDUCT/DISCIPLINE”

S. No.	Offence/ Misconduct	Proposed Penalty	Authority competent to initiate action	Authority competent to impose penalty	Appellate Authority
	(A) OFFENCES ATTRACTING IMPOSITION OF MONETARY FINES				
1.	Convening/holding public meetings in connection with election and display of any election matter through various media sources and cultural performances during period of forty eight (48) hours prior to the hour fixed for commencement of poll and during the duration of polling process.	Fine up to Rs.10,000/- on Trade Unions.	Any officer authorized to oversee free and fair conduct of polling process	Presiding Officer	Returning Officer
2.	Any person illegally hiring or procuring any vehicle for free conveyance of any voter other than self and the polling agent, to or from	Fine up to Rs.10,000/- on Trade Unions.	Polling officer or any officer authorized to oversee free and	Presiding Officer	Returning Officer

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S. No.	Offence/ Misconduct	Proposed Penalty	Authority competent to initiate action	Authority competent to impose penalty	Appellate Authority
	any polling station commits an offence.		fair conduct of polling process		
3.	Whoever prints or publishes any election pamphlets, posters, handbills or placards which do not bear on its face the name and the address of the printer and the publisher commits an offence.	Fine up to Rs.10,000/- on Trade Unions.	Sr. DPO/DPO/ Deputy CPO/ SPO authorized to oversee conduct of free and fair elections	Presiding Officer	Returning Officer
4.	Canvassing in or near polling station, soliciting votes and persuading/coercing the voters to vote in a particular manner or not to vote for a particular candidate or election on the date of poll is prohibited and its violation constitutes an offence.	Fine up to Rs.5,000/- on Trade Unions.	Polling officer or any officer authorized to oversee free and fair conduct of polling process	Presiding Officer	Returning Officer
5.	Causing damage to Railway Property in course of canvassing by defacing/spoiling fixed	Fine up to Rs.20,000/- levied on Trade	Polling officer or any officer authorized	Presiding Officer	Returning Officer

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S. No.	Offence/ Misconduct	Proposed Penalty	Authority competent to initiate action	Authority competent to impose penalty	Appellate Authority
	and moveable assets and structures	Unions.	to oversee free and fair conduct of polling process		
6.	Lodging false/incorrect complaint against another Trade Union	Fine up to Rs. 10,000/- on the complainant Unions.	Sr. DPO/DPO/ Deputy CPO/ SPO authorized to oversee conduct of free and fair elections	Presiding Officer	Returning Officer
(B)OFFENCES ATTRACTING PROVISIONS OF IPC and RAILWAY SERVANTS(D&A) RULES, 1968					
1.	All officials performing duty of recording/counting of votes is liable to maintain secrecy of the voting and its violation constitutes an offence.	Liable to attract D&AR Rules 1968	Polling/Pre siding authorized officer overseeing counting of votes	As per D&A Rules	As per D&A Rules
2.	Misconduct in the polling station or disobedience of directions of the polling officer shall result in	As per Indian Penal Code (IPC)	Polling officer or any other officer authorized	As per IPC	As per IPC

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S. No.	Offence/ Misconduct	Proposed Penalty	Authority competent to initiate action	Authority competent to impose penalty	Appellate Authority
	removal of the voter from polling station and any such voter attempting to re-enter the polling station without the permission of polling officer is liable to be taken up for criminal misconduct.		to oversee free and fair conduct of polling process		
3.	No person except on duty RPF/Police officials deputed to conduct elections/ maintain law and order at the polling station shall be permitted to carry arms at the voting booths and its violation shall be treated as an offence.	As per IPC/ D&A Rules	Polling officer or any other officer authorized to oversee free and fair conduct of polling process	As per IPC/ D&A Rules	As per IPC/ D&A Rules
4.	Any person suspected to have removed ballot paper out of polling station can be searched/ detained by the Polling officer and is liable to be taken up under the criminal proceedings	As per IPC	Polling officer or any other officer authorized to oversee free and fair conduct of polling	As per IPC	As per IPC

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S. No.	Offence/ Misconduct	Proposed Penalty	Authority competent to initiate action	Authority competent to impose penalty	Appellate Authority
			process		
5.	Booth capturing viz. seizure of polling station/place fixed for polling and counting of votes, allowing only supporters to vote, preventing/coercing other voters from exercising votes and making polling authorities surrender the ballot papers/ shall constitute an offence	As per IPC	Polling officer or any other officer authorized to oversee free and fair conduct of polling process	As per IPC	As per IPC
6.	Any act of fraudulently defacing/destroying any ballot paper/official mark on any ballot paper or tampering with the ballot box in any other manner by the voter shall constitute an offence.	As per IPC	Polling officer or any other officer authorized to oversee free and fair conduct of polling process	As per IPC	As per IPC
7.	Voting or applying for voting paper in a fictitious name, re-applying for voting in own name and abetting,	Liabile to attract D&A Rules	Polling/Pre siding/officer authorized officer	As per D&A Rules	As per D&A Rules

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S. No.	Offence/ Misconduct	Proposed Penalty	Authority competent to initiate action	Authority competent to impose penalty	Appellate Authority
	procuring or attempting to procure voting in any such way shall constitute an offence of impersonation.		overseeing counting of votes.		
8.	Whoever voluntarily causes simple or grievous hurt or assaults to deter a public servant from discharging his duty	As per IPC/ D&A Rules	Polling officer or any other officer authorized to oversee free and fair conduct of polling process	As per IPC/ D&A Rules	As per IPC/ D&A Rules
09.	Anyone who i) gives a gratification to any person with the object of inducing him or any other person to exercise any electoral right or of rewarding any person for having exercise any such right; or ii) accepts either for himself or for any other person any	As per IPC/ D&A Rules	Polling officer or any other officer authorized to oversee free and fair conduct of polling process	As per IPC/ D&A Rules	As per IPC/ D&A Rules

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S. No.	Offence/ Misconduct	Proposed Penalty	Authority competent to initiate action	Authority competent to impose penalty	Appellate Authority
	gratification as a reward for exercising any such right; or for inducing or attempting to induce any other person to exercise any such right, commits the offence of bribery: constitutes an offence.				
(C) OFFENCES LEADING TO DISQUALIFICATION					
1.	Promoting feeling of enmity or hatred on grounds of religion, race, caste, community or language amongst different classes/categories of Railway Servants.	Individuals found guilty of such misconduct or found abetting such misconduct shall not be extended facilities available to office bearers of unions in the event of her/his union being recognized	On days of polling the polling officer & Presiding officer and prior to that Sr. DPO/ DPO/Deputy CPO/SPO of the concerned division/workshop shall be responsible for initiating	Returning officer through Presiding officer	General Manager

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S. No.	Offence/ Misconduct	Proposed Penalty	Authority competent to initiate action	Authority competent to impose penalty	Appellate Authority
		on the basis of election results.	action		
2.	Filing of false affidavit/undertaking, or concealing any information in the affidavit filed by the TRADE UNION	Disqualification to contest the elections/revocation of recognition granted of Trade Union.	Returning officer	General Manager through Returning officer	General Manager

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ANNEXURE – IV

SECRET BALLOT ELECTIONS-2019

Letter of Appointment of Presiding Officer

ZONAL RAILWAY:

I, _____ (Returning Officer) appoint the following officials as Presiding Officers for the division/workshop/EDU etc shown against the names of each official to conduct, supervise and perform all miscellaneous duties in connection with holding of SBE-2019.

S. No.	Name of Division/ Workshop/EDU	Name of Officer	Designation of Officer	Elections to be held on _____, _____

(Signature of Returning officer)

Name _____

Designation _____

Date: _____

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ANNEXURE – V

SECRET BALLOT ELECTIONS-2019

Zonal Railway and Unit:

Appointment letters of Polling Teams for SBE-2019

I hereby appoint following officials specified in the Table below as Polling Officers/Assistant/Helpers for the Polling Booth specified below:

1. Dates and Hours of Secret Ballot _____

2. Polling Booth No. _____

3. Location of Polling Booth _____

SN	Category	Name	Designation	Office Address	Phone	Signature
1.	Polling Officer					
2.	Polling Assistant					
3.	Polling Assistant					
4.	Polling Helper					
5.	Polling Helper					

Date and Time of briefing _____ **Venue** _____

**Signature and stamp of
Presiding Officer**

Name & Designation







ANNEXURE – VI

SECRET BALLOT ELECTIONS-2019

ILLUSTRATIVE LIST OF ELECTION SYMBOLS

Returning Officer may allot from the following election symbols as per choice of the contesting Unions, subject to provisions of section 10 of the Modalities:

01. Table
02. Chair
03. Computer (Desktop)
04. House
05. Tree
06. Suitcase
07. Mango
08. Banana
09. Pen
10. Flower (Rose)
11. Book
12. Mobile Phone
13. Telephone set
14. Spectacles

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ANNEXURE - VII

SECRET BALLOT ELECTIONS-2019

NOMINATION FORM

1. Name of the Trade Union (TU) : _____
2. Abbreviation used by TU : _____
3. Abbreviation (if any) in the local language: _____
4. Registration No. : _____ -- _____
5. Date of Registration : (dd) _____ (mm) _____ (Year) _____
6. Name & Address of 'Registrar
of Trade Unions' with whom
registered : _____

7. Full Address of the TU : _____

- Tel.No. _____
8. Name & Address of Central Office : _____
bearers with their Designations _____
in Railways. _____
9. Name of the Federation (if affiliated to) : _____
10. Checklist regarding stipulated declarations/enclosures being submitted with
Nomination papers as per sections of Final Modalities of SBE-2019:

DECLARATION/ENCLOSURES		
1.	"Certificate of Registration" as per Section 12(b) iii.	YES/NO

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2.	“Return” as per Section 12(b) iv.	YES/NO
3.	“Rules of the Trade Union” as per Section 12(b) v.	YES/NO
4.	“No-Dues Certificate” as per Section 12(b) vi.	YES/NO
5.	An unconditional undertaking (regarding disputed amount) as per Section 12(b) vii.	YES/NO
6.	Declaration (non-possession) (if applicable) as per Section 12(b) viii.	YES/NO /N.A.
7.	Security Deposit as per Section 12(b) ix.	YES/NO
8.	Declaration (observance of Code of Discipline) as per Section 12(b) x.	YES/NO
9.	Declaration (Read, understood & accepted Modalities and Code of Discipline/Code of Conduct) as per Section 12(b) xi.	YES/NO
10.	Declaration (about Non-discrimination etc) as per Section 12(b) xii.	YES/NO
11.	Declaration (about correctness etc) as per Section 12(b) xiii.	YES/NO
12.	Signatures of at least SEVEN Railways Servants as per Section 12(b) xiv.	YES/NO
13.	Declaration(regarding symbol) as per Note under Section 12(b) xv.	YES/NO
14.	Declaration(regarding acceptance of the outcome of SBE-2019) as per Section 12(b) xvi.	YES/NO

(Name & Signature of General Secretary)

Stamp

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ANNEXURE - VIII

**SECRET BALLOT ELECTIONS-2019
REQUEST FOR POSTAL BALLOT**

A. (For Polling Staff: Ref. Section 21B.)

I _____(Name), _____(Designation)
_____ working at _____(Name of the Office) have been
deputed as as a member of Polling Team vide letter No.
_____ dated _____ issued by _____ .

I may please be given Postal Ballot for casting my vote.

OR

B. (For Railway Servant undergoing training: Ref Section 21C.)

I _____(Name), _____ (Designation) have been deputed to
undergo training on the _____(name of program) at _____(Full
address of Training Centre) _____vide letter
No. _____ dated _____ with effect from _____ to
_____ (period of training).

I may please be given Postal Ballot for casting my vote.

OR

B. (For Railway Servant on running/escort duty: Ref Section 21D.)

I _____(Name), _____ (Designation) am working as
_____ under _____ (Name of Supervisor/Office) and shall be
away on train running duty/escort duty during the period
_____ to _____.

I may please be given Postal Ballot for casting my vote.
(Strike out whichever is not applicable)

(Signature) & Forwarded By:

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ANNEXURE - IX

SECRET BALLOT ELECTIONS-2019

_____ **RAILWAY**

RECORD OF ELECTION PROCEEDINGS

NAME OF DIVISION _____

BOOTH No. _____

DATE: _____

	Time In hrs. (1)	Total No. of Ballot Papers (2)	Ballot Papers used (3)	Serial No. of Ballot Papers used (4)	Balance No. of Ballot Papers (5) (2-3)	Signature of Polling Officer (6)	Signature of Polling Agents (7)			
Position as at	8.00									
			8 to 13 Hours							
	13.00									
			13 to 18 Hours							
	18.00									

(Signature)

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ANNEXURE - X
SECRET BALLOT ELECTIONS-2019
_____ **RAILWAY**
BALLOT PAPER ACCOUNT

NAME OF DIVISION/UNIT _____

BOOTH No. _____

DATE: _____

1. Name & designation of Polling Officer :
2. Number of Ballot Papers received
(with serial numbers) :
3. Total No. of votes polled :
4. Ballot Papers used*
(with serial numbers) :
5. Unused Ballot Papers (S.No.2 – S. No.4) :

*Should match with S.No.3.

(Name, designation & Signature
of Polling Officer with date)

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Final Modalities-SBE-2019

Circulated vide Railway Board's Letter No. 2019/E(LR)III/SBE/1 dated 16.08.2019


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ANNEXURE - XI
SECRET BALLOT ELECTIONS-2019

_____ **RAILWAY**
PRO FORMA FOR ELECTION REPORT

NAME OF DIVISION/UNIT _____

BOOTH _____

1. Name & designation of Presiding Officer : _____

2. Number of Ballot Papers received

(with serial numbers) : _____

3. Total No. of voters : _____

4. Total No. of votes polled : _____

5. Total No. of invalid votes : _____

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6. Total No. of valid votes(4-5) : _____

7. No. of valid votes polled in favour of each Trade Union:

S. No.	Name of the Trade Union	Number of valid votes polled
		Total:

(Total should match with total given in row no 6)

Name(s) & Signature(s) of Counting Agents **Name & Signature of Presiding Officer**

Name **Signature** **Name** **Signature**

[Handwritten Signature]
16/8/19

[Handwritten Signature]
16/8/19

[Handwritten Signature]
16/8/19

ANNEXURE-XII

SECRET BALLOT ELECTIONS-2019 Compilation of Final Result for _____ Railway

Division/ workshop/Unit	Total No. of Voters /Total Electorate	Total votes polled	Invalid Votes	Net Valid Votes	Total No. of Postal Ballots received	Invalid Postal Ballot	Net valid Postal Ballot	Total Valid Votes Polled (TVVP)	No. of Votes polled in favour of each Union**				Votes polled calculated as a percentage of Total Electorate i.e. col.11 as %age of col.2				Votes polled calculated as a percentage of TVVP i.e. col.12 as %age of col.9				
									Name of Union												
(1)	(2)	(3)	(4)	(3)-(4)=(5)	(6)	(7)	(6)-(7)=(8)	(5)+(8)=(9)	(10)				(11)				(12)				
									A	B	C	D	A	B	C	D	A	B	C	D	

**Number and names of unions will vary from Railway to Railway

Signature of Returning Officer _____

Name: _____

Designation _____

Date _____

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16/8/19

Asst
16/8/19

Asst
16/8/19