

THE WEST BENGAL TRADE UNIONS RULES, 1998

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

LABOUR DEPARTMENT

I.R. Branch

No. 907-IR

Calcutta, the 4th August, 1998.

NOTIFICATION

In exercise of the power conferred by section 281 of the Trade Unions Act, 1926 (16 of 1926), as amended by the Trade Unions (West Bengal Amendment) Act, 1983 (West Ben. Act XLVIII of 1983), the Governor is pleased hereby to make the following rules:—

CHAPTER I

Preliminary.

1. **Short title and application.**—(1) These rules may be called the West Bengal Trade Unions Rules, 1998.

(2) They shall apply to the Trade Unions registered by the Registrar of Trade Unions for the State of West Bengal.

2. **Definitions.**—In these rules, unless the context otherwise requires,—

- (a) "the Act" means the Trade Unions Act, 1926 (16 of 1926), as amended by the Trade Unions (West Bengal Amendment) Act, 1983 (West Ben. Act XLVIII of 1983);
- (b) "ballot box" includes any box, bag or other receptacle used for insertion of ballot papers by voters;
- (c) "election" means an election held under section 28B;
- (d) "electoral roll" means a final list published by the Returning Officer containing the names and other particulars of the workmen eligible to cast votes in an election under the Act, in the manner provided in these rules;
- (e) "Form" means a Form appended to these rules;

- (f) "General Secretary" means any person elected as General Secretary by the members of any contesting Trade Union in an annual general meeting or special general meeting, and includes a Secretary or Joint General Secretary where the constitution of the Trade Union provides for such post in place of the General Secretary;
- (g) "industrial establishment" shall have the same meaning as in the *Explanation* to section 25A of the Industrial Disputes Act, 1947 (14 of 1947);
- (h) "Polling Officer" means an officer, being an employee of the State Government, appointed by the Returning Officer to assist the Presiding Officer in conducting the election in the manner provided in these rules;
- (i) "polling station", in relation to an election, means the place for taking poll of that election;
- (j) "Presiding Officer" means an officer, being an employee of the State Government, appointed by the Returning Officer for a polling station to do all such acts and things as may be necessary for conducting an election in that polling station in the manner provided in these rules, and includes a Polling Officer who performs any of the functions of a Presiding Officer;
- (k) "Registrar" means the Registrar of Trade Unions as defined in the Act;
- (l) "Returning Officer" means an officer, being an employee of the State Government, empowered by the Registrar to do all such acts and things as may be necessary for conducting an election under the Act in the manner provided under these rules, and includes an Assistant Returning Officer, being an employee of the State Government, appointed by the Registrar and performing the functions of a Returning Officer;
- (m) "section" means a section of the Act;
- (n) "voter", in relation to an election, means any workman whose name is included in the finally published electoral roll.

CHAPTER II

Application for recognition etc.

3. **Form and Fee for application.**—Every application by a registered Trade Union under sub-section (1) of section 28A for recognition as a recognised Trade Union for an industrial establishment or a class of industry in a local area shall be made in Form I together with a fee as specified below:—

- (a) if the number of workmen employed in an industrial establishment on any day in a calendar year—

(i) does not exceed 25	— Rs. 10/-;
(ii) exceeds 25 but does not exceed 50	— Rs. 20/-;
(iii) exceeds 50 but does not exceed 250	— Rs. 50/-;
(iv) exceeds 250 but does not exceed 500	— Rs. 100/-;
(v) exceeds 500 but does not exceed 1000	— Rs. 200/-;
(vi) exceeds 1000	— Rs. 400/-;

(b) if the number of workmen employed in a class of industry in a local area on any day in a calendar year—

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| (i) does not exceed 1000 | — Rs. 200/-; |
| (ii) exceeds 1000 but does not exceed 5000 | — Rs. 500/-; |
| (iii) exceeds 5000 | — Rs. 1000/-. |

4. Notice by Registrar.—(1) Every notice under sub-section (1) of section 28B to other Trade Unions functioning in the concerned industrial establishment or the class of industry in a local area, as the case may be, shall be given by the Registrar in Form J. Simultaneously, the notice shall be published by the Registrar in the *Official Gazette*. The notice shall also specify the date within which the application for recognition shall be made by the willing Trade Unions together with the prescribed fees.

(2) On receipt of the copy of the notice, the Manager or the General Manager or any other functionary, as the case may be, on behalf of the management of the company, shall display it in the general notice board for information of all concerned.

5. Verification of conditions to be fulfilled by Trade Unions.—

(1) In determining whether an applicant Trade Union fulfils the conditions laid down in sub-section (2) of section 28A and for ascertaining whether there is any other Trade Union interested in submitting application for recognition, the Registrar—

- (a) shall consult the records available in his office;
- (b) may call for and verify the records of the concerned Trade Unions either personally or through other officers authorised in this behalf; and
- (c) may make such enquiry by deputing one or more officers for the purpose as he may consider necessary.

(2) All concerned Trade Unions shall be bound to produce all relevant records as may be called for and to answer all queries as may be made during an enquiry under sub-rule (1).

6. Notice of election.—The notice of election specifying the date and time of poll of any election shall be not later than 90 days before the actual date of poll, and shall be published by the Registrar in Form N by affixing a copy of such notice in his office notice board and endorsing a copy thereof to each of the contesting Trade Unions and also to the management(s) of the industrial establishment(s), where such election is to be held.

7. Where a notice of election has been published by the Registrar under rule 6, every employer of the establishment to which a copy of the notice has been endorsed, shall—

- (a) make all arrangements (that is to say, printing of electoral rolls, making available space for polling booths, necessary furniture, other facilities to the polling personnel including transport, where necessary, as may be required for smooth conduct of election) for holding election in the premises of the establishment under the general superintendence and guidance of the Returning Officer of the said election; and

- (b) print electoral rolls, both draft and final, ballot papers and all other forms required for holding the election under rule 6 under the superintendence and guidance of the Registrar or an officer authorised by him, and supply them as per the time schedule fixed for the conduct of election.

8. Maintenance of registers.—A register of the sole bargaining agent and the principal bargaining agent or other constituents of the joint bargaining council in respect of an industrial establishment and also a class of industry in a local area shall be maintained in Forms K and L respectively.

9. Certificate for sole bargaining agent etc.—The certificate for the sole bargaining agent or the principal bargaining agent or other constituents of the joint bargaining council in an industrial establishment or a class of industry in a local area shall be in Form M or Form MM as may be applicable.

CHAPTER III

Electoral Roll.

10. Preparation of electoral roll.—The electoral roll for each election shall be prepared in the manner provided in these rules immediately after the announcement of such election and shall come into force immediately upon its final publication under rule 28.

11. Preparation of electoral roll in parts.—The electoral roll shall be prepared in Form O and shall be divided into convenient parts, which shall be numbered consecutively and shall contain the names of every eligible workman with all particulars enumerated in the said Form.

12. Order of names.—The names of electors in the roll shall be arranged in accordance with their work places unless the Registrar or the Returning Officer determines that any other arrangement is more convenient or that the names shall be arranged partly in one way and partly in another.

The names of the electors in each part of the roll shall be numbered consecutively with a separate series of numbers beginning with the number 1 in consultation with the contestant Trade Unions.

13. Information to be supplied by the management of different industrial establishments and Trade Unions.—The Returning Officer or his authorised representative may, for the purpose of preparing an electoral roll, send letters of request in Form P to the Trade Union and the management(s) of any industrial establishment which is in any way concerned with the election, and every person receiving such letter shall furnish ten copies of the information called for therein within one month from the date of receipt of the request.

14. Access to certain registers.—For the purpose of preparing any electoral roll or deciding any claim or objection to such roll, the Returning

Officer or his authorised representative shall have access to any register or record maintained by the management of any industrial establishment or the Trade Union which is concerned with the election, and it shall be the duty of the person in charge of such register or records to give to the said officer or representative such information and such extracts from the registers or records as he may require.

15. Publication of electoral roll in draft.—As soon as the electoral roll is ready, the Returning Officer shall publish it in draft by making a copy thereof available for inspection at his office and displaying a copy thereof in his office notice board and at such other places of industrial establishment or such other industrial establishment(s) or a class of industry in a local area, as the case may be, as he may deem fit and proper.

16. Further publicity of the electoral roll and notice.—The Returning Officer shall supply, free of cost, a copy of such draft electoral roll to all contesting Unions and management.

17. Period of lodging claims and objections.—Every claim for inclusion of a name in the electoral roll and every objection to an entry therein shall be lodged within 10 working days from the date of publication of the roll in draft under rule 15.

18. Forms for claims and objections.—(1) Every claim shall be—

- (a) in Form Q,
- (b) signed by the person desiring his name to be included in the electoral roll, and
- (c) countersigned by another person in whose roll the claimant desires his name to be included.

(2) Every objection to the inclusion of a name in the electoral roll shall be—

- (a) in Form Q₁,
- (b) preferred only by a person whose name is already included in the electoral roll, and
- (c) countersigned by another person whose name is already included in the electoral roll to which it relates.

(3) Every objection to a particular in any entry in any electoral roll shall be—

- (a) in Form Q₂,
- (b) preferred only by the person to whom the entry relates.

19. Manner of lodging claims and objections.—Every claim or objection shall be presented either to the Returning Officer or to such other officer as may be authorised by him in this behalf, but shall not be sent by post.

20. Procedure of disposal of claims and objections.—The Returning Officer or such other officer as may be authorised by him in this behalf shall—

- (a) maintain, in duplicate, a list of claims in Form R,
- (b) maintain a list of objection to the inclusion of name in Form R₁,
- (c) prepare a list of objections to particulars in Form S, entering therein particulars of every claim or objection as and when it is received, and
- (d) keep exhibited one copy of each list on a notice board in his office.

21. Rejection of certain claims and objections.—Any claim or objection which is not lodged within the period or in the form and manner specified herein shall be rejected by the Returning Officer.

22. Acceptance of claims and objections without enquiry.—If the Returning Officer is satisfied as to the validity of any claim or objection, he may allow it without further enquiry on the expiry of one week from the date on which it is entered in the list exhibited by him under clause (d) of rule 20:

Provided that where before any such claim or objection has been allowed and a demand for enquiry has been made in writing to the Returning Officer by any person, it shall not be allowed without further enquiry.

23. Notice of hearing of claims and objections.—(1) Where a claim or objection is disposed of under rules 21 and 22, the Returning Officer shall—

- (a) specify in the list maintained by him under clause (a) of rule 20 the date, time and place of hearing of the claim or objection, and
- (b) give notice of hearing,—
 - (i) in the case of a claim, to the claimant in Form T₁;
 - (ii) in the case of an objection to the inclusion of a name, to the objector in Form T₂ and to the person objected to in Form T₃; and
 - (iii) in the case of an objection to the particular or particulars of any entry, to the objector in Form T₄.

(2) A notice under this rule may be given either personally or by affixing the same in the notice board of the Returning Officer.

24. Enquiry into claims and objections.—Returning Officer or his authorised representative shall hold a summary enquiry into every claim and objection in respect of which a notice has been given under rule 23 and shall record his decision thereon. In making the summary enquiry, the Returning Officer or his authorised representative may, at his discretion, require any claimant, objector, person objected to or representative of the concerned management to appear in person before him and examine him and also call for all such documents and papers as he may consider necessary for the purpose.

25. Inclusion of names inadvertently omitted.—If it appears to the Returning Officer that owing to inadvertence or error during preparation, the name of any elector has been left out of the roll and that remedial action should be taken under this rule, the Returning Officer shall—

- (a) prepare a list of names and other details of such electors;
- (b) exhibit a copy of the list together with a notice as to the time and place at which the inclusion of the names in the roll will be considered, on the notice board of his office and in such other manner as he may think fit; and
- (c) decide, after considering any verbal or written objections that may be preferred, whether all or any of the names in the list should be included in the electoral roll.

26. **Deletion of names.**—If it appears to the Returning Officer at any time before final publication of the roll that owing to inadvertence or error or otherwise, the name of any dead or retired workman or other workman or person who is otherwise not entitled to be registered in that electoral roll, has been included in the electoral roll and that remedial action should be taken under these rules, the Returning Officer shall delete the name of such workman or person, as the case may be, from the electoral roll.

27. **Procedure for correction of entries and inclusion of names in electoral roll.**—(1) Every application for lodging claims and objections under rule 17 shall be made in duplicate, in such one of the Forms Q, Q₁, Q₂ as may be appropriate.

(2) Every such application shall be presented to the Returning officer, either personally or through his authorised representative, within 10 days from the date of publication of the draft electoral roll under rule 15.

28. **Final publication of electoral roll.**—(1) The Returning Officer shall, after correction of entries in the electoral roll,—

- (a) prepare a list of amendments to carry out his decision under rules 21, 22, 24, 25 and 26 and correct any clerical or printing error or inaccuracy subsequently discovered in the electoral roll;
- (b) publish the electoral roll, together with the list of amendments, by making a complete copy thereof available for inspection at his office and displaying a copy thereof on his office notice board and at such places of industrial establishment or industrial establishments, as the case may be, of a class of industry in a local area as he may deem fit and proper; and
- (c) supply, free of cost, a copy of the electoral roll, finally published with the list of amendments, if any, to every contesting union and the management.

(2) On such publication of the electoral roll together with the list of amendments, it shall be the electoral roll for election.

29. **Custody and preservation of rolls and connected papers.**—After an electoral roll has been finally published, the following papers shall be kept in the office of the Registrar for a period of six months from the date of announcement of election result of that particular election to which the electoral roll relates and may be destroyed on the expiry of the said period in such manner as the Registrar may deem fit and proper—

- (i) one complete copy of the electoral roll finally published;
- (ii) all applications in regard to the preparation of electoral rolls;
- (iii) papers relating to claims and objections; and
- (iv) application under rule 27.

All the other papers may be destroyed after the expiry of 3 months in such manner as may be determined by the Registrar.

CHAPTER IV

Conduct of election.

30. **Various stages of election such as scrutiny etc.**—(1) (a) The Registrar shall, by an order in Form U, appoint the date for scrutiny of applications received in Form I under rule 3 which shall be the second day after the last date of receipt of the applications in Form I or, if that day is a public holiday, the next succeeding day which is not a public holiday.

(b) Only one representative from each contestant union shall be allowed to remain present at the time of scrutiny.

(c) Where, on scrutiny, more than one application is found to be valid, the Registrar shall issue notice of election in terms of rule 6.

(2) (a) The last day of withdrawal of application for recognition shall be the 3rd day after the date of scrutiny of the application and if that day is a public holiday, the next succeeding day which is not a public holiday.

(b) Every notice of withdrawal of candidature shall be served in Form U.

(3) No Trade Union shall be allowed to make any correction/alteration after submission of its application in Form I, and any incomplete application containing fake or incorrect information shall be liable to be rejected.

31. **Procedure in contested and uncontested election.**—(1) If at any election, the number of contesting unions is more than one, a poll shall be taken.

(2) If the number of contesting Trade Unions is reduced to one owing to withdrawal of candidature after announcement of an election in terms of rule 6, no poll shall be taken and the Registrar shall proceed to issue a certificate to the said Trade Union directing its recognition by the employer as the sole bargaining agent of the industrial establishment or the class of industry in the local area, as the case may be, in Form M.

32. Preparation of the list of contesting Trade Unions.—

(1) Immediately after the expiry of the period within which candidatures may be withdrawn under rule 30, the Returning Officer shall prepare a list of the contesting Trade Unions, that is to say, the Trade Unions whose applications have been finally accepted and have not been withdrawn within the period mentioned in the said rule.

(2) The list shall be prepared in Nepali and English in the hill subdivisions of the district of Darjeeling and in Bengali and Hindi in all other districts including Calcutta.

33. **Symbols and their classifications.**—(1) Each contesting Trade Union shall contest the election on a symbol.

(2) For the purpose of this rule symbols may either be reserved or free.

(3) (a) A reserved symbol shall mean a symbol which has been chosen by a Central Trade Union Organisation and is registered as such with the Registrar on an application made to him in Form V_A with a fee of Rs. 100/-.

Provided that such reserved symbol shall be allowed to a Central Trade Union on the fulfilment of the conditions that the Central Trade Union

functions in at least three sectors of the industries (other than the agriculture sector) in West Bengal and that the number of members of the said Central Trade Union is not less than 50,000 (fifty thousand) in West Bengal (other than in the agriculture sector).

(b) Application for registration of the symbol as aforesaid shall be made within three months from the date of commencement of these rules.

(c) Any contesting Trade Union, on an application to the Registrar with a letter of authority from a Central Trade Union authorising the use of its reserved symbol, shall be allowed to use that symbol:

Provided that the conditions for allotment of reserved symbol to a Central Trade Union shall be based on the returns submitted to the Registrar during the year preceding the year of claim and that these conditions shall be taken into consideration only for allotment of a reserved symbol in connection with an election under section 28B and for no other purpose.

(4) Other non-affiliated Trade Unions shall apply for allotment for a free symbol of their choice from the Schedule to these rules.

(5) In each case, the Registrar shall, on an application from a contesting Trade Union, by order, allot either the reserved symbol or a free symbol in conformity with its choice as far as practicable.

(6) The allotment by the Registrar of any symbol to a contesting Trade Union shall be final.

34. Publication of the list of contesting unions.—The Returning Officer shall immediately after its preparation in accordance with rule 32 cause a copy of the list to be affixed on his noticeboard and shall send a copy of such list to each of the contesting Trade Unions. The Returning Officer shall also send a copy of such list to each of the concerned industrial establishment.

35. Requisition of premises, vehicles, etc. for election purpose.—

(1) If it appears to the Registrar that in connection with an election,—

(a) any precinct within any factory premises or industrial establishment, for which an election is being held, is required or likely to be required for the purpose of, or for being used as, the polling stations or for the purpose of storage of ballot boxes after the polling has been taken or for any other purpose, or

(b) any vehicle is required or is likely to be required for the purpose of transport of ballot boxes to and from any polling station or transport of any officer or other person for performance of any duty in connection with such election,

he may, by an order in writing, requisition such premises or such vehicle, as the case may be, and make such further order as may appear to him to be necessary in connection with the said requisition.

(2) Whenever in pursuance of sub-rule (1), any premises or any vehicle is requisitioned, the employer shall pay to the owner reasonable compensation as may be determined by the Registrar.

36. Power of Returning Officer to appoint any person not connected with election.—The Returning Officer shall have the power to appoint any person, not being connected or interested in any way with the election, for any job in connection with the conduct of any election.

37. Duties of election personnel.—(1) (a) It shall be the general duty of the Returning Officer at any election to do all such acts and things as may be necessary for effectively conducting the election in the manner provided in these rules.

(b) The Returning Officer shall, with the prior approval of the Registrar, provide sufficient number of polling stations for an election in consultation with the contesting Trade Unions and shall publish, not later than 12 days before the date of the poll, a list showing such polling stations and the area for which they shall be set up. The Returning Officer shall also display the list in his office notice board and send copies thereof to the contesting Trade Unions as well as the management of the concerned establishments.

(c) The Returning Officer shall appoint a Presiding Officer for each polling station and such other Polling Officer or Officers to assist the Presiding Officer as he may think necessary.

(d) A Polling Officer shall, if so directed, in writing, by the Presiding Officer, perform all or any of the functions of the Presiding Officer under these rules.

(e) If the Presiding Officer, owing to his illness or any other reason whatsoever, absents himself from the polling station, the functions of such Presiding Officer shall be performed by such Polling Officer as has been previously authorised by the Returning Officer to perform such functions during any such absence.

(f) It shall be the general duty of the Presiding Officer at a polling station to keep order there and to see that poll is freely and fairly taken and counting of votes is freely and fairly done.

(2) (a) The Returning Officer shall work under the general guidance, superintendence and control of the Registrar.

(b) An Assistant Returning Officer, Presiding Officer or Polling Officer or any other person, appointed in connection with an election, shall work under the general guidance, superintendence and control of the Returning Officer.

38. Appointment of election agent.—(1) Each of the contesting unions may appoint an election agent in Form V and send the same to the Returning Officer at the time of scrutiny of the applications.

(2) The appointment of the election agent may be revoked at any time by a declaration in writing in Form V₁.

(3) A new election agent may also be appointed thereafter in the manner provided in sub-rule (1).

39. Appointment of polling agent.—(1) At an election at which poll is to be taken, a contesting Trade Union or its election agent may appoint one agent and two relieving agents to act as polling agents of such Trade Union at each polling station. Only one polling agent of any contesting Trade Union shall be allowed to stay inside the polling station at any point of time. Such appointment shall be made in Form V₂ in duplicate.

(2) The Trade Union or its election agent shall deliver the duplicate copy of the letter of appointment to the Presiding Officer.

40. Appointment of counting agent.—(1) Each contesting Trade Union or its election agent may appoint by a letter in writing, in duplicate, in

Form V₂, signed by the General Secretary or the election agent, not more than two agents for each polling station to act as counting agents of such Trade Union. Only one counting agent of any contesting Trade Union shall be allowed to stay inside the polling station at any point of time.

(2) Before the commencement of the counting of votes, the contesting Trade Union or its election agent shall give notice of the appointment of such counting or counting agents to the Presiding Officer concerned by forwarding to such Presiding Officer the letter of appointment referred to in sub-rule (1).

(3) The contesting Trade Union or its election agent shall deliver the duplicate copy of the letter of appointment to the counting agent who shall, on the date fixed for counting of votes, present the same, and sign the declaration contained therein, before the Presiding Officer. The Presiding Officer shall retain in his custody the duplicate copy presented to him. No counting agent shall be allowed to perform any duty at any place fixed for the counting of votes unless he has complied with the provisions of this sub-rule.

41. Revocation of appointment on the death of polling agent/ counting agent.—(1) The appointment of the polling agent or counting agent may be revoked at any time before the commencement of the poll by a declaration, in writing, signed by the General Secretary or the election agent in Form V₃. Such declaration shall be lodged with the Presiding Officer of the polling station where the polling agent or counting agent was appointed for duty.

(2) Where the appointment of a polling agent or counting agent is revoked under sub-rule (1) or where the polling agent or counting agent dies before completion of the polling of votes or counting of votes, as the case may be, the contesting Trade Union or its election agent may appoint a new polling agent or counting agent, as the case may be, in the manner provided in rules 39 and 40.

42. Manner of voting.—At every election where a poll is taken, votes shall be given by ballots in the manner hereinafter provided and no vote by proxy shall be received.

43. Ballot box and form of ballot papers.—(1) Every ballot box shall be of such design as may be approved by the Registrar.

(2) (a) Every ballot paper shall be in Form W and shall be of such design as may be approved by the Registrar.

(b) The name of the contesting Trade Unions shall be arranged on the ballot paper alphabetically or in such other manner as may be approved by the Registrar.

44. Arrangement of polling stations.—(1) There shall be displayed prominently outside each polling station a notice specifying the polling areas, the voters of which are enlisted to vote at the said polling station.

(2) The Returning Officer shall cause to be provided at every polling booth one or more polling compartments in which the voters may record their votes, screened from observation.

(3) The Returning Officer shall provide at each polling station sufficient number of ballot boxes, copies of the list of voters in respect of the polling area

or areas, the voters of which are entitled to vote at such polling stations, instrument for stamping the distinguishing marks on ballot papers and articles necessary for voters to mark in ballot papers. The Returning Officer shall also provide at each polling station such other equipment and accessories as may be required for taking the poll at such polling station.

(4) The Presiding Officer shall regulate the number of voters at any time inside the polling station and exclude therefrom all persons other than (a) polling officers, (b) public servants on duty in connection with the election, (c) persons authorised by the Returning Officer, (d) the President of the contesting Trade Union or the General Secretary or one polling agent of each contesting Trade Union at a time, and (e) a child in arms accompanying a voter. For the purpose of identification, the Presiding Officer shall have to depend on identity card or such other document as will establish the identity of the voter.

(5) (a) The Presiding Officer shall, immediately before the poll, satisfy all persons that the ballot box is empty.

(b) Every ballot box used at a polling station shall bear on the outside labels marked with—

- (i) the serial number, if any, and the name of the particular election,
- (ii) the serial number and the name of the polling station,
- (iii) the serial number of the ballot boxes where more than one ballot box is used, and
- (iv) the date of the poll.

(c) Immediately before the commencement of the poll, the Presiding Officer shall demonstrate to the polling agent and other persons present that the ballot box bears the label referred to in clause (b).

(d) The ballot box shall be closed, sealed and secured immediately after the poll. The polling agents, as may be present, may also affix their seals. The ballot box shall then be placed in full view of the Presiding Officer, Polling Officers, and polling agents.

45. Facilities for women voters.—(1) Where a polling station is both for male and female voters, the Presiding Officer may direct that such voters shall be admitted into the polling station alternately in separate batches.

(2) The Returning Officer or the Presiding Officer may appoint a woman to serve as an assistant at a polling station to assist generally in taking the poll in respect of female voters, if it becomes so necessary.

46. Identification of voters.—(1) The Presiding Officer may employ at the polling station such persons as he thinks fit to help him in identification of the voters or to assist him otherwise in taking a poll.

(2) The Presiding Officer or the Polling Officer authorised by the Presiding Officer in this behalf shall check the voter's name and other particulars with the relevant entry in the list of voters and call out the serial number, name and other particulars of the voter.

(3) In deciding the right of a person to obtain a ballot paper, the Presiding Officer and the Polling Officer, as the case may be, shall overlook merely clerical or printing errors in any entry in the list of voters, if he is satisfied that such person is the same person and voter to whom such entry relates.

(4) In the case of any doubt regarding the identity of a person, the Presiding Officer shall have the right to call for such documents as he may consider necessary for the purpose of identification.

47. Challenging of identity.—(1) Any polling agent may challenge the identity of a person claiming to be a particular voter by first depositing a sum of rupees five in each case with the Presiding Officer for each such challenge.

(2) On such deposit being made, the Presiding Officer shall—

- (a) warn the person challenged of the penalty for impersonation;
- (b) read out the relevant entry in the list of voters in full and ask him whether he is the person as referred to in that entry;
- (c) enter his name and address in the list of challenged voters in Form Z;
- (d) require him to affix his signature or thumb impression in the said list.

(3) The Presiding Officer shall thereafter hold a summary enquiry into the challenge and may, for that purpose,—

- (a) require the challenger to adduce evidence in proof of the challenge and the person challenged to adduce evidence in proof of his identity;
- (b) put to the person challenged any question for the purpose of establishing his identity and require him to answer the same on oath;
- (c) administer oath to the person challenged and any other person offering to give evidence.

(4) If, after the enquiry, the Presiding Officer is satisfied that the challenge has not been established, he shall allow the person challenged to vote; and if he is of the opinion that the challenge has been established, he shall debar the person challenged from voting.

(5) If the Presiding Officer is of the opinion that the challenge is frivolous or has not been made in good faith, he shall direct that the deposit under sub-rule (1) be forfeited to the Government of West Bengal and, in any other case, he shall return it to the challenger at the conclusion of the enquiry.

48. Safeguard against personation.—(1) Every voter about whose identity the Presiding Officer or the Polling Officer, as the case may be, is satisfied, shall allow his left forefinger to be inspected by the Presiding Officer or the Polling Officer, as the case may be, and an indelible ink mark to be put on it.

(2) If the voter refuses his left forefinger to be inspected or to be marked in accordance with the provisions of sub-rule (1) or if the voter has already such a mark on his left forefinger or does any act with a view to removing the ink mark, he shall not be supplied with any ballot paper or allowed to vote.

(3) Any reference in this rule to the left forefinger of a voter shall, in the case where the voter has the left forefinger missing, be construed as a reference to any other finger of his left hand and shall, in the case where all the fingers of his left hand are missing, be construed as a reference to the forefinger or any other finger of his right hand.

49. Issue of ballot papers.—(1) No ballot paper shall be issued to any voter before the hour fixed for the commencement of the poll.

(2) No ballot paper shall be issued to any voter after the hour fixed for closing of the poll except to those voters who are present at the polling station at the time of closing of the poll. Such voters shall be allowed to record their votes even after the poll closes.

(3) Every ballot paper shall, before it is issued to a voter, be stamped with such distinguishing mark as the Registrar may direct, and signed in full on the back by the Presiding Officer.

(4) (a) At the time of issuing a ballot paper to a voter, the Polling Officer shall—

- (i) record on its counterfoil electoral roll number of the voter as entered in the marked copy of the electoral roll; and
- (ii) mark the name of the voter in the marked copy of the electoral roll to indicate that a ballot paper has been issued to him, without, however, recording therein the serial number of the ballot paper issued to the voter.

(b) Save as otherwise provided in this sub-rule, no person in the polling station shall note down the serial number of a ballot paper issued to a particular voter.

50. Voting procedures.—(1) The voter, on receiving the ballot paper, shall forthwith—

- (a) proceed to one of the polling compartments;
- (b) make a mark on the ballot paper therewith the instrument supplied for the purpose on or near the symbol of the trade union for which he intends to vote;
- (c) fold the ballot paper so as to conceal his vote;
- (d) insert the folded ballot paper into the ballot box; and
- (e) quit the polling station.

(2) Every voter shall vote without undue delay.

(3) No voter shall be allowed to enter into polling compartment when another voter is inside it.

(4) If an elector to whom a ballot paper has been issued refuses, after a warning given by the Presiding Officer, to observe the procedure as laid down in sub-rule (1), the ballot paper issued to him, whether he has recorded his vote thereupon or not, be taken back from him by the Presiding Officer or the Polling Officer under the direction of the Presiding Officer.

(5) After the ballot paper has been taken back, the Presiding Officer shall record on its back the words "Cancelled: Voting procedure violated", and put his signature below the said words. He will also give on the back of the ballot paper the details of such violation.

(6) All the ballot papers on which the words "Cancelled: Voting procedure violated" are recorded shall be kept in a separate cover, which shall bear on it the words "Ballot papers: Voting procedure violated".

(7) Without prejudice to any other penalty to which a voter, from whom a ballot paper has been taken back under sub-rule (4), may be liable, the vote, if any, recorded by him on such ballot paper shall not be counted.

51. Spoiled and returned ballot papers.—(1) A voter, who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper, may, on returning it to the Presiding

Officer and after satisfying him of the inadvertence, be given another ballot paper, and the ballot paper so returned and the counterfoil thereof shall be marked "Spoiled: Cancelled" by the Presiding Officer.

(2) If a voter, after obtaining a ballot paper, decides not to use it, he shall return it to the Presiding Officer, and the ballot paper so returned and the counterfoil thereof shall be marked "Returned: Cancelled" by the Presiding Officer.

(3) All ballot papers cancelled under sub-rule (1) or sub-rule (2) shall be kept in a separate packet marked "Spoiled and returned ballot papers".

52. Tendered votes.—(1) If a person representing himself to be a particular voter asks for a ballot paper after a person has already voted as such voter, he shall, on satisfactorily answering such questions relating to his identity as the Presiding Officer may ask, be entitled, subject to the provisions of this rule, to mark a ballot paper (hereinafter referred to as the tendered ballot paper) in the same manner in which any other voter marks the ballot paper.

(2) Every such person shall, before being supplied with a tendered ballot paper, sign his name or put his thumb impression against the entry relating to him in the list in Form X.

(3) A tendered ballot paper shall be the same as the other ballot paper used at the polling station except that—

(a) such tendered ballot paper shall be serially the last in the bundle of ballot papers issued for use at the polling stations; and

(b) such tendered ballot paper and its counterfoil shall be endorsed on the back with the words "Tendered ballot paper" by the Presiding Officer in his own hand and signed by him.

(4) The voter, after marking a tendered ballot paper in the polling compartment and folding it, shall, instead of putting it into the ballot box, give it to the Presiding Officer who shall place it in a cover kept for the purpose.

53. Closing of poll.—(1) The Presiding Officer shall close a polling station at the hour fixed in that behalf and shall not thereafter admit any voter into the polling station, provided all voters present at the polling station before its close shall be allowed to cast their votes.

(2) If any question arises whether a voter was present at the polling station before it was closed, it shall be decided by the Presiding Officer, and his decision shall be final in this regard.

54. Sealing of ballot boxes after poll.—(1) As soon as practicable after the closing of the poll, the Presiding Officer shall, in the presence of the election agents/polling agents of the contesting Trade Unions who may be present at the polling station at that time, close the slit of the ballot box and seal and secure it and also allow the election agents/polling agents present to affix their seals on it.

(2) Where it becomes necessary to use a second ballot box by reason of the first box getting full, the first box shall be closed, sealed and secured as provided in sub-rule (1) before another ballot box is put to use.

55. **Accounts of ballot papers.**—The Presiding Officer shall, at the close of the poll, prepare a ballot paper account in Form Y and place it in a cover with the words "Ballot Paper Account" superscribed thereon.

56. **Sealing of other packets.**—(1) The Presiding Officer shall make separate packet for each of the following:

- (a) the copy of the electoral roll;
- (b) the counterfoils of used ballot papers;
- (c) the ballot papers signed in full by the Presiding Officer but not issued to the voters;
- (d) any other ballot papers not issued to the voters;
- (e) the ballot papers cancelled for violating the voting procedure;
- (f) any other cancelled ballot papers;
- (g) the cover containing the tendered ballot papers and the list in Form X;
- (h) the list of challenged votes in Form Z; and
- (i) such other papers as may be directed by the Registrar to be kept in sealed packets.

(2) Each packet as aforesaid shall be sealed with the seal of the Presiding Officer and with the seals of either the contesting Trade Unions or their election agents or polling agents who may be present at the polling station and may desire to affix their seals thereon.

CHAPTER V

Counting of Votes.

57. **Place of counting.**—(1) At every election, unless otherwise directed by the Returning Officer by an order in this regard specifying an alternative place of counting, votes shall be counted at the polling station immediately after the poll by the Presiding Officer with the assistance of the Polling Officers appointed for that polling station.

(2) Where an order specifying an alternate place of counting under sub-rule (1) has been issued by the Returning Officer, he shall arrange to exhibit a copy of the notice—

- (a) in his office noticeboard, and
- (b) at such other places as he may deem fit and proper.

58. **Admission to the place fixed for counting.**—(1) The Presiding Officer shall exclude from the place of counting of votes all persons except—

- (a) persons authorised by the Registrar,
- (b) public servants on duty in connection with the election, and
- (c) the President or the General Secretary of the contesting Trade Union or the election agents and one of the counting agents for each of the contesting Trade Unions at a time.

(2) Any person who, during the counting of votes, misconducts or fails to obey the lawful direction of the Presiding Officer, may be removed from the place of counting of votes by the Presiding Officer or any police officer on duty or any person authorised in this behalf by the Presiding Officer.

59. Maintenance of secrecy at places of counting.—(1) Every officer, agent, or other person who performs any duty in connection with the recording of counting of votes at an election, shall maintain, and shall aid in maintaining, the secrecy of voting and shall not, except for such purpose as is authorised by or under any law for the time being in force, communicate to any person any information calculated to violate such secrecy.

(2) The Returning Officer shall, before he commences the counting, read out and explain the provisions of sub-rule (1) to such persons as may be present.

60. Opening of ballot box.—The Presiding Officer shall then open ballot boxes in the presence of the President or the General Secretary or the election agent or the counting agent of the contesting Trade Unions who may be present at that time.

61. Scrutiny and rejection of ballot papers.—(1) The ballot papers taken out of the ballot box shall be arranged in convenient bundles and scrutinised.

(2) The Presiding Officer shall reject a ballot paper—

- (a) if it bears any mark or writing by which an elector may be identified, or
- (b) if, to indicate the vote, it bears no mark at all or bears a mark made otherwise than with the instrument supplied for the purpose, or
- (c) if votes are given in favour of more than one Trade Union, or
- (d) if it is a spurious ballot paper, or
- (e) if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established, or
- (f) if it bears a serial number or is of a design, different from the serial number or design, as the case may be, of the ballot paper authorised for use at the particular election at the particular polling station, or
- (g) if it does not bear both the mark and the signature which it should have borne under the provisions of sub-rule (3) of rule 49:

Provided that—

- (i) where a Presiding Officer is satisfied that any such defect as are mentioned in clause (a) or clause (g) have been caused by any mistake or failure on the part of the Presiding Officer or the Polling Officer, the ballot paper shall not be rejected merely on the ground of such defects; and
- (ii) a ballot paper shall not be rejected merely on the ground that the mark indicating the vote is indistinct

and is made more than once, if the intention that the vote shall be for a particular candidate appears from the way the paper is marked.

(3) Before rejecting any ballot paper under sub-rule (2), the Presiding Officer shall allow either the General Secretaries of the contesting Trade Unions or their election agents or counting agents who are present a reasonable opportunity to inspect the ballot paper but shall not allow them to handle such ballot paper or any other ballot paper.

(4) The Presiding Officer shall record on every ballot paper which he rejects the letter "B" and the ground(s) for such rejection in abbreviated form, either in his own hand or by means of a rubber stamp, and his decision in this regard shall be final.

62. Counting of votes.—(1) For the purpose of counting of votes in respect of an election, each voting mark in the ballot paper which is not rejected under rule 61 shall be counted as one valid vote for the union in favour of which the voting mark has been validly given.

(2) After the counting of all ballot papers contained in all the ballot boxes used at a polling station has been completed, the Presiding Officer shall make the entries in the counting sheet in Form Z, and the particulars.

(3) The valid ballot papers and the rejected ballot papers shall thereafter be bundled separately and sealed, and on the sealed covers the following particulars shall be recorded:—

- (a) name of the election;
- (b) the particulars of the polling station where the ballot papers have been used; and
- (c) the date of counting.

63. Counting to be continuous.—As far as practicable, the Presiding Officer shall proceed continuously with the counting of votes and shall, during any interval where the counting has to be suspended, keep the ballot paper packets and other papers relating to the election sealed with his own seals and the seals of such election agents or counting agents as may desire to affix their seals, and shall cause adequate precautions to be taken for their safe custody during such intervals.

64. (1) Immediately after completion of the counting, the Presiding Officer shall record in the counting sheets in Form Z, the total number of votes polled by each union and announce the same. He shall give the result of the counting in writing with official seal to all contesting unions or their agents.

(2) After such announcement has been made, the President or the General Secretary of any contesting union or, in his absence, his election agent or counting agent may apply, in writing, to the Presiding Officer for recount of votes, either wholly or partly, stating the ground/grounds of such recount.

(3) Upon such application, the Presiding Officer shall decide the matter and may allow the application in whole or in part or may reject it, if it appears to him to be frivolous and unreasonable, and every decision of the Presiding

Officer under this sub-rule shall be in writing, containing the reasons thereof, and shall be final.

(4) If the Presiding Officer decides to allow a recount of votes, either wholly or in part, he shall—

- (a) do the recounting in accordance with the provisions of rule 62;
- (b) amend the counting sheets in Form Z₁ to the extent necessary after such recount; and
- (c) announce the amendment so made by him.

(5) After the total number of votes polled in favour of each of the contesting Trade Unions has been announced under sub-rule (1) or sub-rule (4), the Presiding Officer shall complete and sign the counting sheet in Form Z₂, and no application for recount shall be entertained thereafter.

65. Declaration of results.—(1) As soon as the counting of votes is completed and the counting sheet is signed, the Presiding Officer shall send the same in sealed cover, along with all other sealed packets under sub-rule (3) of rule 62, the ballot boxes and other materials to the concerned Returning Officer at such places as the Returning Officer may direct.

(2) The Returning Officer shall, immediately on receipt of all the counting sheets in Form Z₁ in respect of all the polling stations, compile the result in a result sheet in Form Z₃, sign it and declare the result. He shall hand up immediately thereafter one copy of such result sheet at his office or camp office and sent another copy of the same in a sealed cover to the Registrar and all unions contesting the election.

(3) The Registrar shall, on receipt of the result sheet from the Returning Officer, proceed to issue a certificate directing in the said certificate the employer or employers concerned to grant recognition to the Trade Union as the sole bargaining agent or principal bargaining agent, as the case may be, in relation to the industrial establishment or class of industry in a local area, as the case may be, in Form M or Form MM as may be appropriate.

CHAPTER VI

Miscellaneous.

66. Adjournment of polls in emergency.—(1) If, at an election, the proceedings at any polling station are interrupted or obstructed by any riot or open violence or if, at any election, it is not possible to take the poll on account of any natural calamity or any other sufficient cause, the Returning Officer or the Presiding Officer for such polling station shall announce an adjournment of the poll to a date to be fixed later on and, where the poll is so adjourned by the presiding Officer, he shall forthwith inform the Returning Officer concerned.

(2) Where a poll is adjourned under sub-rule (1), the Returning officer shall immediately report the circumstances to the Registrar who may, if the

circumstances so require, report the matter to the State Government and fix the date on which, and the hour at which, the poll shall recommence by issuing a notice in this behalf and publishing the same in the manner provided in rule 6.

67. Procedure on adjournment of poll.—(1) If the poll is adjourned at any polling station under rule 66, the provisions of rules 54 to 56 shall, as far as practicable, apply as if the poll was closed at the hour fixed in this behalf, under rule 6.

(2) At an adjourned poll, the voters who have already voted at the poll so adjourned shall not be allowed to vote again.

(3) The Returning Officer shall provide the Presiding Officer of the polling station at which such adjourned poll is to be held with the sealed packets containing the marked copy of the list of votes, the sealed packets, the original ballot box containing the polled ballots and a new ballot box.

(4) The Presiding Officer shall open the sealed packets in the presence of the polling agents and use the marked copy of the list of voters at the adjourned poll.

(5) The provisions of rules 31 to 56 shall apply in relation to the conduct of an adjourned poll as they apply in relation to the poll before it is so adjourned.

68. Fresh poll in case of destruction etc. of ballot boxes.—(1) If, in any election,—

- (a) any ballot box used at a polling station is unlawfully taken out of the custody of the Presiding Officer or is accidentally or intentionally destroyed or is lost or is damaged or tampered with to such an extent that the result of the poll at that polling station cannot be ascertained, or
- (b) any such error or irregularity in procedure as is likely to vitiate the poll is committed at a polling station, the Presiding Officer shall forthwith report the matter to the Returning Officer and the Registrar.

(2) Thereupon, the Registrar shall, after taking all material circumstances into account,—

- (a) declare the poll at the polling station to be void, or
- (b) on being satisfied that the result of a fresh poll at that polling station will not in any way effect the result of the election or that the error or irregularity in the procedure is not material, issue such directions to the Returning Officer as he may deem fit and proper for the further conduct and completion of the election.

(3) Where a poll at a polling station is declared void under clause (a) of sub-rule (2), the Registrar shall fix a date and time for fresh poll at that polling station in the same manner as is provided in sub-rule (2) of rule 66.

69. Safe custody and preservation of polling materials.—(1) The Returning Officer shall make adequate arrangement for the safe transport of all ballot boxes, packets of used and unused ballot papers and other papers in their safe custody.

(2) All materials under sub-rule (1) shall, unless otherwise directed by a competent court, be preserved for a period of three months from the date of election and shall be destroyed thereafter in such manner as the Registrar may prescribe.

70. Miscellaneous.—(1) Every employer shall give protection to a member or office-bearer of a Trade Union for lawful trade union activities.

(2) Every employer shall grant special leave with wages to any two representatives of the sole bargaining agent or the principal bargaining agent and each constituent of a joint bargaining council, as the case may be, in relation to the industrial establishment or the class of industry in a local area for attending meeting or meetings for negotiation or conciliation, both at bipartite and tripartite levels.

71. Office accommodation.—The management of an industrial establishment employing more than 250 workmen on any day in a calendar year shall provide suitable office accommodation to the Trade Union recognised as the sole bargaining agent or principal bargaining agent.

FORM I

[See rules 3 and 30(1)(a)/30(3)]

Application for recognition of a registered Trade Union

Name of the Trade Union

Registration No.

The above named trade union hereby applies for its recognition as a
recognised Trade Union for M/s.
(the name and address of the industrial
establishment or the class of industry and its local area to be specified here)

2. The prescribed fee of Rs. (Rupees
.....) has been deposited in the office of
the Registrar of Trade Unions, West Bengal vide receipt No.
dated, a xerox copy of which is enclosed.

Given this day, the

General Secretary.

To
The Registrar of Trade Unions, West Bengal.

*Strike out the portion not applicable.

FORM J

[See rule 4(1)]

Notice to other functioning Trade Unions

Take notice that the
(the name and address of the union(s) to be specified here)
..... has applied for its recognition as a recognised
Trade Union in
(the name and address of the industrial establishment or
.....
the class of industry and its local area to be specified here)

If any other registered Trade Union functioning in the aforesaid industrial establishment/class of industry in the said local area is interested in submitting its application for recognition, it may do so, in the prescribed manner, [with prescribed fees] so as to reach the undersigned on or before
.....

Be it noted that applications received after the aforesaid date shall not be entertained.

*Registrar of Trade Unions,
West Bengal.*

To
The General Secretary,

- 1.
- 2.
- 3.

(the names and addresses of the unions
to be specified here)

FORM K

[See rule 8]

Register of sole bargaining agent and principal bargaining agent or other constituents of the Joint Bargaining Council in respect of an industrial establishment.

1. Name and address of the Union :
2. Name and address of the industrial establishment :
3. Date of election, if held :
4. Percentage of votes secured :
5. Status granted to the Union and its effective date :
6. Date of issue of certificate of the Registrar :
7. Remarks, if any :
8. Signature of the Registrar :

FORM L

[See rule 8]

Register of sole bargaining agent and principal bargaining agent or other constituents of the Joint Bargaining Council in respect of a class of industry in a local area.

1. Name and address of the Union :
2. Name of the class of industry and its local area :
3. Date of election, if held :
4. Percentage of votes secured :
5. Status granted to the Union and its effective date :
6. Date of issue of certificate of the Registrar directing recognition :
7. Remarks, if any :
8. Signature of the Registrar :

FORM M

[See rules 9, 31(2) and 65(3)]

Certified that being the only
(name and address of the union to be specified here)
valid applicant for recognition/having secured more than 50 per cent of votes
cast in the election held on has been found to be eligible for
recognition as the sole bargaining agent in
(here specify the name and address of the
industrial establishment)/the class of industry and its local area,
as may be applicable.

The concerned employer(s) is/are hereby directed to recognise the
aforesaid union as the sole bargaining agent in the above mentioned
industrial establishment/the class of industry in the said local area for a
period of two years with effect from

FORM MM

[See rules 9 and 65(3)]

Certificate for principal bargaining agent/a constituent of the bargaining council

Certified that
(name and address of the union to be specified here)
having secured more than per cent of the votes cast
in the election held on has been found to be
eligible to be recognised as the principal bargaining agent/a constituent of
the bargaining council in
(here specify the name and address of the industrial establishment/the
class of industry and its local area, as may be applicable)

The concerned employer(s) is/are hereby directed to recognise the
aforesaid union(s) as the principal bargaining agent/a constituent of the
bargaining council in the above mentioned industrial establishment/class of
industry in the said local area for a period of two years with effect from

FORM N

[See rule 6]

Notice of Election

Notice is hereby given that an election is to be held to determine the question of recognition of the following registered Trade Unions in

.....
(here specify the name and address of the industrial establishment/the class of
.....
industry and its local area, as may be applicable)

In the event of the election being contested the poll will be taken on

..... between hours of and

1.

2.

3.

(here specify the names and
addresses of the eligible
registered Trade Unions)

*Registrar of Trade Unions,
West Bengal.*

FORM O

[See rule 11]

Electoral Roll

PART NO.

- | | |
|---|-------|
| 1. Serial No. | ..... |
| 2. Name of the workman | ..... |
| 3. Sex | ..... |
| 4. Father's/Husband's name | ..... |
| 5. Age | ..... |
| 6. Designation | ..... |
| 7. Department/Section with Code No./
Token No. | |
| 8. Remarks, if any | ..... |

FORM P

[See rule 13]

Letter of Request

To

Sir/Madam,

The preparation of electoral roll for recognition of trade union(s) in
(name and address of the industrial establishment/the class of industry and its local area to be specified here)
has been taken in hand. It will greatly facilitate my work if you kindly
complete the statement below and hand it over to my representative,
Shri/Shrimati
who will call for it on

Shri/Shrimati may be
allowed to inspect all relevant records, and given all facilities as he/she may
require for effective discharge of his/her duties in connection with the
preparation of the said electoral roll.

Yours faithfully,

*Registrar of Trade Unions,
West Bengal.*

Statement :

Name and particulars of the workman employed:

- | | | |
|--|---|-------|
| 1. Name of the workman | : | ..... |
| 2. Sex | : | ..... |
| 3. Father's/Husband's name | : | ..... |
| 4. Age | : | ..... |
| 5. Date of joining the establishment/industry | : | ..... |
| 6. Designation | : | ..... |
| 7. Department/Section with Code No./
Token No. etc., if any | : | |
| 8. Remarks, if any | : | ..... |

N.B. : The particulars of all workmen employed in the establishment must be furnished.

FORM Q

[See rules 18(1)(a) and 27(1)]

Claim application for inclusion of name

To
The Returning Officer,
Election for recognition of Trade Unions,

in
(here specify the name of the industrial establishment or the class of industry and its local area as may be applicable)

Sir,

I request that my name be included in the electoral roll for the election for recognition of Trade Unions in
(here specify the name of the industrial establishment or the class of industry and its local area as may be applicable) in part No.

My name (in full) Sex Age

Father's name/Husband's name

Particulars of my place of work
(here specify designation, department, section, code No., ticket No., token No., if any)

Date of joining

I hereby declare that the above statements are true to the best of my knowledge and belief,

Place :

Date :

.....
Signature or T.I. of the Claimant

I am an elector in the electoral roll in which the claimant applied for inclusion and my name is enrolled at serial No. in part No.

I support this claim and countersign it.

.....
Signature or T.I. of the Elector
(name in full)

*T.I. to be attested on the form by a competent authority (MP/MLA/Commissioner/Councillor of any Corporation or Municipality/Prodhan/Sabbapati or any Gazetted Officer of the Central/State Govt. or a representative of the employer).

Intimation of action taken

The claim in Form 'Q' lodged by Shri/Shrimati/Kumari

(address) has been

(a) accepted and the name of Shri/Shrimati/Kumari
..... as appearing at serial No.
part No. has been included,

(b) rejected for the reason

Returning Officer
.....
.....

Receipt for Application

Received the application in Form 'Q' from Shri/Shrimati/Kumari

(address)*

Returning Officer
.....
.....

Date :

* To be filled in by the applicant.

FORM Q₁

[See rules 18(2)(a) and 27(1)]

Objection to inclusion of name

To
The Returning Officer,
Election for recognition of Trade Unions,

in
(here specify the name of the industrial establishment or the class of industry and
its local area as may be applicable)

Sir,

I object to the inclusion of the name of
at serial No. in part No. of the electoral roll
for for the following reason:
(specify the name of the election)

.....
.....
.....

I hereby declare that facts mentioned above are true to the best of my
knowledge and belief. My name has been included in the electoral roll for the
said election as follows:

Name (in full) Sex
Father's name/Husband's name
Part No. Serial No.

Place:

Date:

**Signature or T.I. of the objector*

*** (Full details of the work place)*

I am elector in the electoral roll in which the name objected to appear
and my name is enrolled at serial No. in
part No. of the electoral roll.

I support this objection and countersign it.

**Signature or T.I. of the elector
(name in full)*

*** (Full details of the work place)*

Intimation of action taken

The objection in Form 'Q₁' lodged by Shri/Shrimati/Kumari
.....address

(**full details or work place) has been

- (a) accepted and the name of Shri/Shrimati/Kumari
.....as appearing at serial No.
part No.has been deleted,
(b) rejected for the reason

Returning Officer

Date :

Receipt for Application

Received the application in Form 'Q₁' from Shri/Shrimati/Kumari
(address)***

Returning Officer

Date :

* T1. to be attested on the form by a competent authority (MP/MLA/Commissioner/
Councillor of any Corporation or Municipality/Prodhan/Sabhapati or any Gazetted
Officer of the Central or State Govt. or a representative of the employer).

** Here specify name of industrial establishment, designation, department, section, code
No., ticket No., etc., other details, if any

*** To be filled in by the applicant.

FORM Q₂

[See rules 18(3) and 27(1)]

Objection to particulars in any entry

To
The Returning Officer,
Election for recognition of Trade Unions,

in
(here specify the name of the industrial establishment or the class of industry and its local area)

Sir,

I submit that the entry relating to myself which appears at serial
No. in part No. of the electoral roll
as "....." is not correct. It should be corrected
as follows:

"....."

Place:

**Signature or T.I. of the elector*

Date:

***Full details of the work place*

Intimation of action taken

The objection in Form 'Q₂' lodged by Shri/Shrimati/Kumari

.....Address (work place)
..... has been

(a) accepted and the relevant entry has been corrected to as follows:

.....
.....

(b) rejected for the reason

.....

Date:

Returning Officer
Election for recognition of
Trade Unions.....
(here specify the name of the industrial establishment or
the class of industry and its local area)

Receipt of application

Received the application in Form Q₂ from Shri/Shrimati/Kumari.....

.....Address*** (work place).....

Date:

Returning Officer
Election for recognition of
Trade Unions.....

* Thumb impression to be attested by a competent authority (MP/MLA/Commissioner/
Councillor of any Corporation or Municipality/Pradhan/Sabhapati or any Gazetted
Officer of the Central or State Government or a representative of the employer).

** Here specify the name of the industrial establishment, department, section, code No.,
ticket No., etc., and other details, if any.

*** To be filled in by the applicant.

FORM R
[See rules 20(a)/20(b)]

List of claims

Date of receipt	Serial Number	Name of Claimant	Name of father/ husband/mother	Address of work place	Date, time and place of hearing
1	2	3	4	5	6

*Here specify the name of the industrial establishment, (& its address) department & section, Code No./Ticket No./Token No. etc. other details, if any.

FORM R₁
[See rule 20(b)]

List of objection to inclusion of names

Date of receipt	Serial Number	Full name of the objector	Particulars of name objected to			Reason in brief for objection	Date, time and place of hearing
			Part No.	Serial No.	Name in full		
1	2	3	4	5	6	7	8

*To be filled in only by the competent officer.

FORM S
[See rule 20(c)]

List of objections to particulars in entries

Date of receipt	Serial Number	Name of elector objecting	Part No. and Serial No. of entry	Nature of objection	Date, time and place of hearing
1	2	3	4	5	6

*To be filled in only by the competent officer.

FORM T₁

[See rules 23(1)(b)(i)]

Notice of hearing of a claim

Original

(To be served on the claimant)

To

.....
.....
(here specify full name and address of the work
place of the claimant)

Reference: Claim No.

Take notice that your claim for the inclusion of your name in the electoral roll will be heard at (place)
at o'clock in the day of 19.....

You are directed to be present at the hearing with such evidence as you may like to adduce.

Date:

Returning Officer,
Election for recognition of Trade Unions,
in
(specify the name of the industrial establishment or
the class of industry and its local area)

Certificate of Service of Notice

Received notice of the date of hearing

Date:

.....
Claimant's Signature in full or
Thumb Impression.

Certified that the notice of the claimant has been duly served by me this
..... day of of on (name)
personally/by affixing on residence.

Place:

Serving Officer

Date:

N.B.: If this notice is served by post, attach the receipt here.

FORM T₁
[See rule 23(1)(b)(i)]

Notice of hearing of a claim

Duplicate
(Office copy)

To

.....
(here specify full name and address of the work
place of the claimant)

Reference: Claim No.

Take notice that your claim for the inclusion of your name in the electoral roll will be heard at (place)
at o'clock on the day of 19.....

You are directed to be present at the hearing with such evidence as you may like to adduce.

Returning Officer,
Election for recognition of Trade Union,
in
(specify the name of the industrial establishment or
the class of industry and its local area)

FORM T₂
[See rule 23(1)(b)(ii)]

Original
(To be served on the objector)

To

.....
(Full name and address of the work place of the objector)

Reference: Objection No.

Take notice that your objection to the inclusion of the name of
.....
will be heard at (specify the name in full and mention serial No. & part No.) (place)
at o'clock on the day of 19.....

You are directed to be present at the hearing with such evidence as you may like to adduce.

Returning Officer,
Election for recognition of Trade Union,
in
(specify the name of the industrial establishment or
the class of industry and its local area)

FORM T₂

[See rule 23(1)(b)(ii)]

Duplicate
(Office copy)

To

.....
(full name and address of the work place of the objector)

Reference: Objection No.

Take notice that your objection to the inclusion of the name of.....
(specify the name in full and mention serial No. & Part No.)
will be heard at..... (place)
at..... o'clock on the..... day of..... 19.....

You are directed to be present at the hearing with such evidence as you may like to adduce.

Returning Officer,
Election for recognition of Trade Unions,
in
(specify the name of the industrial establishment or
the class of industry and its local area)

Certificate of Service of Notice

Received notice of the date of hearing

Date:

Objector
(Signature in full / Thumb Impression)

Certified that the notice on the objector has been duly served by me this
..... day of on personally/
by affixing on residence. (Specify name)

Place:

Date:

Serving Officer

N.B.: If this notice is served by post, attach the receipt here.

FORM T₃

[See rule 23(1)(b)(ii)]

Notice to the person in respect of whom objection has been made

Original

(To be served on the person objected to)

To

.....

 (full name and address of work place of the Person objected to)

Reference: Objection No.

Take notice that the objection to the inclusion of your name of serial
 No. in part No. of the electoral
 roll for filed by
(name of the election) (full name and address of work place of the objector)
 will be heard at (place)
 at o'clock on the day of 19.....

You are directed to be present at the hearing with such evidence as you
 may like to adduce. The grounds of objection (in brief) are:

(a)

(b)

(c)

(d)

Place:

Date:

Returning Officer,
Election for recognition of Trade Unions,
in
(specify the name of the industrial establishment or
 the class of industry and its local area)

FORM T₃

[See rule 23(1)(b)(ii)]

Notice to the person in respect of whom objection has been made

Duplicate
(Office copy)

To

(full name and address of work place of the Person objected to)

Reference: Objection No.

Take notice that the objection to the inclusion of your name of serial No. in part No. of the electoral roll for (name of the election) filed by (full name and address of work place of the objector) will be heard at (place) at o'clock on the day of 19.....

You are directed to be present at the hearing with such evidence as you may like to adduce. The grounds of objection (in brief) are:

- (a)
- (b)
- (c)
- (d)

Place:

Date:

Returning Officer,
Election for recognition of Trade Unions,
in
(specify the name of the industrial establishment or the class of industry and its local area)

Certificate of Service of Notice

Received notice of the date of hearing

Date:

Signature / Thumb Impression
of the person objected to

Certified that the notice on the Person, the entry relating to whose name has been objected to, has been duly served by me this day of 19..... on (name) personally/by affixing on the residence.

Place:

Date:

Serving Officer

N.B. If this notice is served by post, attach the receipt here.

FORM T₄

[See rule 23(1)(b)(iii)]

Original

(To be served on objector)

To

.....
.....
(full name and address of work place of the objector)

Reference: Objection No.

Take notice that your objection to certain particulars in the entry relating to you will be heard at (place)
at o'clock on the day of 19

You are directed to be present at the hearing with such evidence as you may like to adduce.

Place:

Date:

Returning Officer,
Election for recognition of Trade Union,
in
(here specify the name of the industrial establishment
or the class of industry and its local area)

FORM T₄

[See rule 23(1)(b)(iii)]

Duplicate

(Office copy)

To

(full name and address of work place of the objector)

Reference: Objection No.

Take notice that your objection to certain particulars in the entry relating to you will be heard at (place) at o'clock on the day of 19.....

You are directed to be present at the hearing with such evidence as you may like to adduce.

Place:

Date:

*Returning Officer,
Election for recognition of Trade Union,
in
(specify the name of the industrial establishment or
the class of industry and its local area)*

Certificate of Service of Notice

Received notice of the date of hearing

Date:

*Objector
Signature / Thumb Impression*

Certified that the notice on the objector has been duly served by me this day of on
personally/by affixing on the residence,
(specify name)

Place:

Date:

Serving Officer

N.B.: If this notice is served by post, attach the receipt here.

FORM U

[See rule 30(1)(a)]

Take notice that the applications received in Form T under rule 3 of "the West Bengal Trade Union (Amendment) Rules, 1998", from the registered Trade Unions functioning in M/s.

(the name and address of the industrial establishment or the class of industry and its local area to be specified here)

a list of which is shown below, will be taken for scrutiny at of at
(specify date) (specify date) (specify hour)

*Registrar of Trade Unions,
West Bengal.*

Name of the Union

- 1.
- 2.
- 3.
- 4.

*Registration number under the
T.U. Act, 1926.*

FORM U₁

[See rule 30(2)(b)]

Notice of withdrawal of candidature by a union

.....
(Name of the Trade Union)

.....
(Registration No.)

The above named Trade Union does hereby give notice to withdraw its candidature from the election scheduled to be held on

General Secretary

To

The Returning Officer,
Election for recognition of Trade Union(s) in

.....
(specify the name of the industrial estab./the
class of industry and its local area)

FORM V

[See rule 38(1)]

Appointment of Election Agent

To

The Returning Officer,
Election for recognition of
Trade Union(s) in

.....

.....

(specify the industrial establishment/
class of industry and its local area)

Shri/Shrimati/Kumari.....

is hereby appointed as election agent of from
(here specify the name of the union)
this day of 19..... at the election scheduled to be
held on

Place:

General Secretary

Date :

I accept the above appointment

Place:

Date :

.....
Signature of the election agent

FORM V₁

[See rule 38(2)]

Revocation of Appointment of Election Agent

To

The Returning Officer,
Election for recognition of
Trade Union(s) in

.....

.....
(specify the industrial establishment/
class of industry and its local area)

The appointment of Shri/Shrimati/Kumari..... as
election agent of for the election scheduled to be
(union)
held on..... is hereby revoked.

Place:

General Secretary

Date :

.....

.....

FORM V₂

[See rules 39(1) and 40(1)]

Appointment of Polling Agent/Counting Agent

To

The Returning Officer,
Election for recognition of
Trade Union(s) in

.....
(specify the name of the industrial establishment/
the class of industry and its local area)

Shri/Shrimati/Kumari.....

..... is hereby appointed as a polling agent/
counting agent in connection with the election for recognition of Trade Unions
in to attend
(specify the name of the industrial establishment/class of industry and its local area)
the Polling Station No. at (place) fixed for
the poll/counting on at (time).....

General Secretary / Election Agent

Place:

Date:

I agree to act as Polling Agent/Counting Agent

Place:

Date:

*Signature of the polling agent /
counting agent*

**Declaration of Polling Agent/Counting Agent to be signed before the
Presiding Officer**

I hereby declare that, at the above election, I shall not do anything
forbidden by the West Bengal Trade Union (Amendment) Rules, 1998, which
I have read/has been read over to me.

Place:

Date:

*Signature of the polling agent /
counting agent*

Signed before me.

Place:

Date:

Signature of the Polling Officer

FORM V₁A

[See rule 33(3)(a)]

Application for a reserved symbol (other than a free symbol) by a central Trade Union on behalf of
(name and address of the central Trade Union)
 I hereby request to allot as a reserved symbol to us for the
(name of the symbol)
 purpose of an election u/s 22B of the Trade Union (West Bengal Amendment) Act, 1983. Necessary particulars are given below.

President / General Secretary

.....
(name of the Central Trade Union)

1. Drawing of the specimen of the symbol.....
2. List of unions claimed to be affiliated to the Central Trade Union:

Name and address of the union	Registration No.	No. of members in the preceding year	Industry to which the union belongs
----------------------------------	---------------------	---	--

To the Registrar of Trade Unions, West Bengal.

FORM V₁

[See rules 41(1)]

Revocation of Appointment of Polling Agent/Counting Agent

To
 The Returning Officer,
 Election for recognition of
 Trade Union(s) in

.....
(industrial establishment/class of
 industry and its local area)

The appointment of Shri/Shrimati/Kumari

.....as polling agent/counting agent of
(union)
 for the election scheduled to be held on at the polling station
 No. is hereby revoked.

General Secretary / Election Agent

Place:

Date:

.....
(union)

N.B. Strike off the inappropriate word.

FORM W
[See rule 43(2)(a)]
BALLOT PAPER

Serial No.

.....
(here specify the name of the election)

Electoral Roll Part No.

Serial No.

Name of the Union	Symbol
1.	
2.	
3.	

Instruction:

1. One vote shall be cast.
2. Voting mark should be placed by the instrument provided for the purpose on or near the symbol against the name of the union for whom the voter desires to vote.

FORM X

[See rules 52(2) and 56(1)(g)]

List of Tendered Votes

Election for recognition of Trade Unions in

(here specify the name of the industrial establishment/the class of industry and its local area)

(no. and name of the polling station)

Part No., Serial No. and name of the voter	Address of the voter	Serial number of the tendered ballot paper	Serial number of ballot paper issued to the person who has already voted	Signature or thumb impression of person tendering vote
1	2	3	4	5

Place:

Signature of Presiding Officer

Date:

FORM Y

[See rule 55]

Ballot Paper Account

Election for recognition of Trade Unions in

.....
(here specify the name of the industrial establishment/the class of industry and its local area)

.....
(no. and name of the polling station)

<u>Serial No. to</u>	<u>Total Number</u>
---------------------------------	---------------------

- | | |
|---|--|
| 1. Ballot Papers received | |
| 2. Ballot Papers unused— | |
| (a) with the signature of the
Presiding Officer, if any | |
| (b) without the signature of the
Presiding Officer | |
| 3. Ballot Papers issued to voters | |
| 4. Ballot Papers cancelled— | |
| (a) for violation of voting procedure
under rule————— and; | |
| (b) for any other reason | |
| 5. Ballot Papers used as tendered votes | |

Place:

.....
Signature of Presiding Officer

Date:

FORM Z

[See rules 47(2)(c) and 56(1)(h)]

List of Challenged Votes

Election for recognition of Trade Unions in

(here specify the name of the industrial establishment/the class of industry and its local area)

(no. and name of the polling station)

Serial No. of entry	Name of the voter	Serial Number of Part No. Voter's name in that part	Signature or thumb impression of the person challenged	Workplace and address of the person	Name of identifier, if any	Name of challenger	Order of Presiding Officer	Signature of challenger on receiving refund of deposit	
1	2	3	4	5	6	7	8	9	10

Place:

.....
Signature of Presiding Officer

Date :

FORM Z₁

[See rule 62(2), 64(1), 64(4)(b), 64(5) and 65(2)]

Counting Sheet

.....
(name of the election)

No. and name of polling station	No. of ballot papers received from the Presi- ding Officer	No. of valid ballot papers	No. of tendered ballot papers	No. of rejected ballot papers	Serial No.	Votes secured by the Candidate	
						Name of the contesting unions	Valid votes secured
1	2	3	4	5	6	7	8
					1.	A	
					2.	B	
					3.	C	
					4.	D	
					5.	E	

.....
Signature of the Polling Officer

.....
Signature of Presiding Officer

Date:

Place:

FORM Z₂
[See rule 65(2)]

Result Sheet

Election for recognition of Trade Unions in

.....
(here specify the name of the industrial establishment/the class of industry and its local area)

Date of Poll

Table—I

No. and name of polling station	Number of ballot papers found in ballot box(es)	Number of valid ballot papers	Number of rejected ballot papers	Number of tendered votes
(1)	(2)	(3)	(4)	(5)

Grand Total

Table—II

Votes secured by the Unions

Sl. No. and name of polling station	Name of the unions with registration numbers			
	(1)	(2)	(3)	(4)
1.	A	B	C	D
2.				
3.				

Grand Total

Place:

.....
Signature of Returning Officer

Date :

THE SCHEDULE
List of Free Symbols

[See rule 33(4)]

- | | | |
|---------------|---------------|-------------------|
| 1. Boat | 2. Cart | 3. Hurricane Lamp |
| 4. Palki | 5. Mango | 6. Plough |
| 7. Banana | 8. Lock & Key | 9. Cycle |
| 10. Chair | 11. Hammer | 12. Electric Lamp |
| 13. Rose | 14. Rickshaw | 15. Door |
| 16. Hut | 17. Mug | 18. Chimney |
| 19. Telephone | 20. Sparrow | 21. Deer |
| 22. Bucket | 23. Axe | 24. Table |
| 25. Sun | 26. Radio | 27. Cock |
| 28. Elephant | 29. Tiger | 30. Lion |

By order of the Governor,

Sd/-
V. Subramanian,
*Secretary to the
Government of West Bengal*