FOOD CORPORATION OF INDIA
HEADQUARTERS; NEW DELHI

NO.-IR-S/7(1)/2014/Election Cell

Dated 11th March, 2014

NOTIFICATION.

Nominations are invited from registered Trade Unions operating in the Food Corporation of India having membership amongst category III & IV staff governed by the FCI(Staff) Regulations, 1971 for secret Ballot election to be conducted based on the guidelines laid down by the Hon'ble Supreme Court in the judgement delivered in the case of Food Corporation of India Staff Union versus Food Corporation of India & others 1995 LAB.I.C No.1606 for the purpose of assessing the relative strength of the eligible Unions.

2. Registered Trade Unions in the FCI having valid registration under the Trade Union Act, 1926 for one year with an existing valid registration on the first date of filing of nomination forms, (i.e.25.03.2014) shall only be eligible to participate in these elections. Secretary/President of the Union will be eligible to file nomination in respect of the trade Union in the prescribed proforma, which is enclosed.

3. Typed/Photostat copies of the proforma can be used for filing of nomination.

4. Nomination forms can be filed before returning Officers in the Zonal Offices and Regions. (Separated notified) in whose jurisdiction the registered office of Trade Union is situated.

5. Nominations can be filed from 11.00 AM To 03.00 pm on any working day from 25.03.2014 to 28.03.2014. If the Returning officer is not available in the Zonal Office/Region due to unavoidable reasons, the nominations can be filed before Dy.General Manager (Per.) at Zonal Office and DGM (Region) for regions or any of the officers not below the rank of AGM to be nominated by the Returning Officer. Nominations, so filed will be sent to Chief Returning Officer (Election) at Hqrs. by special messenger on or before 02.04.2014 positively by respecting Returning officers or their nominees.

6. The Chief Returning Officer and Dy.Chief Returning Officer will scrutinize the nomination papers on 02.04.2014 in FCI Hqrs. (4th floor) Room No.408 from 11.00 Hrs to 17.00 Hrs. During this scrutiny, Secretary/President of the concerned Trade Union can remain present.

7. Withdrawal of nomination will be permitted before the Chief Returning officer/Dy.Chief Returning Officer from 15.00 Hrs to 17.00 Hrs on 02.04.2014.

8. Meeting regarding allotment of symbols will be held before the Chief Returning Officer/Deputy Chief Returning Officer on 03.04.2014 and allotment of symbols will be done from 11.00 Hrs to 15.00 Hrs on this date.
**Scheduled election is as under:-**

1. Display of Electoral list : 12.03.2014  
2. Filling of objections : 19.03.2014  
3. Disposal of objections : 20.03.2014  
4. Final Electoral list display : 21.03.2014  
5. Filing of Nomination : 25.03.2014 to 28.03.2014 (upto 5PM)  
7. Withdrawal of Nomination : 02.04.2014 (upto 5 PM)  
8. Allotment of Symbols : 03.04.2014  
9. Date of Polling : 15.05.2014, 19.05.2014 & 21.05.2014 (10 AM to 4 PM)  
10. Counting of Votes : 26.05.2014  
11. Declaration of Result by the Chief Returning Officer : 28.05.2014

**Encl: As above:**

(ANAND KUMAR)  
CHIEF RETURNING OFFICER  
Tel: 011-43527576

**Distribution:**

1. Chief Nodal Officer (Election)/ED (FIN.), FCI HQRS. New Delhi...for ensuring that the copies of the notification are pasted on the notice board of all work centres of the FCI and for giving suitable publicity through the print media to this notification and the programme of election (which is enclosed with this notification).
2. DGM(Hqrs.) FCI, Hqrs. New Delhi and All EDs(Zone)/GMs (Region)/Director(IFS)/Area Managers, FCI...Notification along with its enclosures be displayed on the notice board of all work place/(s) of the Corporation within your jurisdiction. A consolidated compliance report by subscribing election matter in bold letters be sent to FCI Hqrs. by E-Mail on ID agmrs_fci@nic.in.
3. G.M(PR), FCI, Hqrs......with the request that appropriate publicity may please be given to this notification and the programme of election (copy enclosed) through the print media.
4. Chief Labour Commissioner(Central), Ministry of Labour, Shram Shakti Bhawan New Delhi for information and further guidance if any.
5. PS to ED(P), FCI, Hqrs., New Delhi.
7. All Staff Unions.
8. Notice Board.
9. Guard File.
ANNEXURE

GUIDELINES

1. The relative strength of all the eligible Unions will be determined by way of Secret Ballot under the overall supervision of Chief Returning Officer and Dy. Chief Returning Officer appointed in consultation with CLC (C).

2. Chief Returning Officer shall conduct the election with the assistance of Dy. Chief Returning Officers and the FCI Officers.

3. A list of employees (Category III & IV) as on 01.04.2014 governed by FCI (Staff) Regulations, 1971 prepared in the prescribed Performa, HQrs/Zones/Regions wise, will constitute the voters list.

4. The FCI Officers nominated by Chief Returning Officer as Returning Officers for their respective HQrs/Zones/Regions shall display the draft voters list by 12.03.2014 on the notice boards and other conspicuous places in their respective jurisdiction and shall also supply copies thereof to each of the staff unions inviting the objections, if any. The staff unions will file the objections to the Returning Officer by 19.03.2014. The objections, if any, received will be disposed of by Returning Officers by 20.03.2014 and the decision of the Returning officer shall be final. After removing objection, if required, final voters list shall be displayed by 21.03. 2014.

5. Two copies of final voters list will be sent to Chief Returning Officer. Copies of final voters list shall also be given to the staff unions functioning in their respective jurisdiction.

6. The Chief Nodal Officer shall make following arrangements to:-

   a) Give wide publicity to the date/dates of election by informing the staff unions and by affixing notices on the notice boards and also at other conspicuous places for the information of all the employees;

   b) Print requisite number of ballot papers in the prescribed Performa incorporating therein the names of all the participating unions in an alphabetical order after ascertaining different symbols of respective unions, print ballot papers in the prescribed Performa both in Hindi/English and the concerned regional language;

   c) Set-up number of requisite polling stations and booths near the premises where the workers normally work;
d) Provide ballot boxes with requisite stationary, boards, sealing wax etc.

7. The Returning Officer shall appoint Presiding Officers and Polling Officers from amongst the list of Officers provided by the field offices to conduct the election in an impartial manner.

8. The Election schedule indicating the dates for filing of nominations scrutiny of nomination papers, withdrawal of nominations, polling, counting of votes and the declaration of results shall be prepared and notified by the Chief Returning Officer in consultation with the FCI. The election schedule shall be notified by the Chief Returning officer well in advance and at least one month’s time shall be allowed to the contesting unions for canvassing before the date of filling the nominations.

9. To be eligible for participating in the election, the unions must have valid registration under the Trade Union Act, 1926 for one year with an existing valid registration on the first day of filing of nomination. The Respective Returning Officers shall ensure verification of the claim of the staff union regarding validity of its subsisting registration.

10. The Presiding Officer shall allow only one authorised representative to be present at each polling station/booth as representative of the Union.

11. At the time of polling, the polling officer will first score out the name of the employees/workman who comes for voting from the master copy of the voter’s list and advise him thereafter to procure the secret ballot paper from the Presiding Officer.

12. The Presiding Officer will hand over the ballot paper to the workman/employee’s concerned after affixing his signature thereon. The signatures of the workman/employee casting the vote shall also be obtained on the counterfoil of the ballot paper. He will ensure that the ballot paper is put inside the box in his presence after the voter is allowed to mark on the symbol of the candidate with the inked rubber stamp in camera. No employee/workman shall be allowed to cast his vote unless he produces his valid Identity Card before the Presiding Officer concerned. In the event of non-production of Identity Card due to any reason, the voter may bring an authorization letter from his controlling officer certifying that the voter is the bonafide employee of the FCI.

13. After closing of the polling, the Presiding officer shall furnish the detailed Ballot Paper Account in the prescribed Performa indicating total Ballot Papers received, Ballot Paper used, unused Ballot Papers available etc. to the Returning Officer.
14. After closing of the polling, the Ballot boxes will be opened and counted by the Returning Officer or his representative in the presence of one representative of each of the Unions. All votes which are marked more than once, spoiled, cancelled or damaged etc. will not be taken into account as valid votes but a separate account will be kept thereof.

15. The Chief Labour Commissioner (Central) would provide sufficient numbers of officers who will act as Observers on the day of polling and also at the time of counting. The counting of votes will be done in the ROs, ZOs and HQrs in the presence of Observers if provided by the CLC(C).

16. The contesting Unions through their representatives present at the counting place may be allowed to file applications for recounting of votes to the Returning Officer. The request would be considered by the Returning Officer in consultation with the Observers and in a given case if he is satisfied that there is a reason to do so he may permit recounting. However, no application for recounting shall be entertained after the results of the votes are declared.

17. The result of voting shall be compiled on the basis of valid votes polled in favour of each union in the prescribed Performa and signatures obtained therein from the representative of all the unions concerned as a proof of counting have been done in their presence.

18. After declaring the results on the basis of the votes polled in favour of each union by the Returning Officer, he will send a report of his findings to the Chief Returning Officer.

19. The Union /Unions obtaining the highest number of votes in the process of election at the National, Zonal and Regional Level shall be given recognition by the FCI for a period of five (5) year from the dates of the conferment of the recognition at National, Zonal and Regional Levels respectively.

20. It would be open to the contesting unions to object to the result of the election or any illegality or material irregularity which might have been committed during the election before the Chief Returning Officer. Such objection can only be raised after the election is over. The objection shall be heard by the Chief Returning Officer and disposed of within 30 days of the filing of the same. The decision of the Chief Returning Officer shall be final subject to challenge before a competent court, if permitted under the law.

21. No posters/banners/pamphlets will be displayed in and around polling booth during the election.
22. The Unions will keep a distance of 100 metres from the polling booth during the election.

It would be taken to the Returning Officers to deal with any situation not covered by the procedure detailed above. He may do so in consultation with the observers of the CLC (C) locally, if available, and with the Chief Returning Officer at Headquarters level.

*****

(C. R. O.)
FOOD CORPORATION OF INDIA
HEADQUARTERS, NEW DELHI

No. IR-S/7(1)/2014/Election cell

Dated 11th March, 2014

NOTE

1. Please find enclosed herewith a copy of Code of Conduct to be observed by all the parties concerned during the election as per Notification dated 11th March, 2014.

2. This Code of Conduct prepared is based on most of the provisions contained in unfair labour practice, as defined under Section 2(ra) read with Fifth Schedule appended to the Industrial Dispute Act, 1947 which has got the statutory force attracting penalty in case of violation.

3. The purpose of this Code of Conduct is to ensure free, fair and peaceful election.

4. This may kindly be given wide publicity.

(L.K. Sharma)
Deputy Chief Returning Officer
Tel.011-43527576

Copy for information etc. to the following:

1. CLC (Central), Shram Shakti Bhawan, Rafi Marg, New Delhi.
2. ED(P), FCI Hqrs., New Delhi.
3. Nodal Chief Officer (Election), FCI Hqrs., New Delhi.
4. Executive Director(North/West/South/East/North East), FCI, Z.Os
5. All General Manager (Regions), FCI, R.Os
6. Director(IFS), FCI, Gurgaon
7. GM(Hqrs), FCI, Hqrs., New Delhi.
8. All Returning Officer
9. All Staff Unions
10. AGM (IR-S), FCI Hqrs., New Delhi.
11. All Area Manager, FCI
Code of conduct to be observed by the management of FCI as well as the trade unions taking part in the secret ballot elections to be held as per elections schedule notified vide Notification No. IR-S/7(1)/2014/Election cell dated 11th March, 2014, for free, fair and peaceful elections.

Part I: On the part of management of FCI:-

1. Not to interfere with, restrain from, or coerce, workmen in the exercise of their right to organize, form join or assist a trade union or to engage in concerted activities for the purposes of election or other mutual aid or protection, that is to say—
   a) Threatening workmen with discharge or dismissal, if they join a trade union;
   b) Granting wage increase to workmen at crucial periods of trade union organization, with a view to undermining the efforts of the trade union at organization

2. Not to dominate, interfere with or contribute support, financial or otherwise, to any trade is to say:-
   a) Management taking an active interest in organizing a trade union of their workmen and
   b) Management showing partiality or granting favour to one of several trade unions attempting to organize their workmen or to its members.

3. Not to establish employer-sponsored trade unions of workmen.

4. Not to encourage or discourage membership in any trade union by discriminating against any workman, that is to say:-
   a) Discharging or punishing a workman, because of urgent other workmen to join or organize a trade union;
   b) Changing seniority rating of workmen because of trade union activities;
   c) Giving unmerited promotions to certain workmen with a view to creating discord amongst other workmen, or to undermine the strength of their trade union;
   d) Discharging office-bearers or active members of the trade on account of their trade union activities.

5. Not to discharge or dismiss workmen—
   a) By way of victimization;
   b) In the colourable exercise of the employer’s rights;
   c) By falsely implicating a workmen in a criminal case on false evidence or on concocted evidence;
   d) For patently false reasons;
   e) On untrue or trumped up allegations of absence without leave;
6. To transfer a workmen mala fide from one place to another, under the guise of following management policy.

7. To show favouritism or partiality to one set of workers regardless of merit.

8. To indulge in acts of force or violence.

9. Not to offer allurement of any Kind to any of the Cat.III-IV employees to put support in favour of any particular union.

10. Not to grant/extend any new benefit/facility otherwise not available/admissible to any Cat.III-IV employees, to the voter or to a group/section thereof.

11. Not to entertain any request for immediate intervention/decision on the demands raised, connected directly or remotely with the interest of Cat.III-IV employees, which may adversely affect or boost the prospects of any of the unions when the election process is on.

12. As far possible and unless in extreme emergencies, no transfers to be ordered from one work place to another place to another place till the result of election is declared on 30.04.2014.

Part.II: On the part of workmen and trade unions/association of workmen

1. Not to advise or actively support or serve notice of strike, or instigate any strike, deemed to be illegal under ID Act.

2. Not to coerce workmen in the exercise of their right to self-organization or to join a trade union or refrain from joining any trade union, that is to say—

   a) For a trade union or its members to picket in such a manner that non-striking workmen are physically debarred from entering the work places;
   b) To indulge in acts of force or violence or to hold out threats of intimidation in connection with a strike against non-striking workmen or against managerial staff

3. Not to stage, encourage or instigate such forms of coercive actions as willful "go slow", squatting on the work premises after working hours or "gherao" of any of the members of the managerial or other staff.

4. Not to stage demonstrations at the residences of the employers or of the managerial staff members.

5. Not to incite or indulge in willful damage to employer’s property connected with the industry.

6. Not to indulge in acts of force or violence or to hold out threats of intimidation against any workmen with a view to prevent him from attending work.
7. The Contesting union can paste its election manifesto (election address) not exceeding two pages on the official notice board at all work Centre's of F.C.I.

8. Not to hold an election meeting at the work place during working hours.

9. Not to serve any strike notice upon management of FCI at Hqrs., Zonal, Regional or District level during the period the election is in process.

10. Not to adopt coercion, intimidation, threat or the like measures to get demands fulfilled when election process is on.

11. No allurement of any kind to be offered by the Union to Cat.III-IV employees to vote or support of any particular union.

12. No posters/banners/pamphlets will be displayed in and around polling booth during the election.

13. The Unions will keep a distance of 100 metres from the polling booth during the election.

(L.K. Sharma)
Deputy Chief Returning Officer
Tel.011-43527576