

## ANNEXURE- III

### MACHINERY TO ENFORCE CODE OF CONDUCT

As per Terms of Reference (ToR) no. 2. (ii) of Railway Board Order no. ERB-I/2012/23/49 dated 09.11.12 the following machinery is being put in place for enforcing the Code of Conduct/Code of Discipline for the Secret Ballot Elections.

### **MACHINERY FOR ENFORCING CODE OF CONDUCT / DISCIPLINE DURING SECRET BALLOT ELECTIONS ON INDIAN RAILWAYS**

Sl. No.	Offence/Misconduct	Proposed Penalty	Authority competent to initiate action	Authority competent to impose penalty	Appellate Authority
<b>OFFENCES ATTRACTING IMPOSITION OF MONETARY FINES</b>					
<b>1</b>	Convening/holding Public Meetings in connection with election and display of any election matter through various media sources and cultural performances during period of forty eight (48) hours prior to the hour fixed for commencement of poll and during the duration of polling process.	Fine up to Rs. 5000/- on Trade Unions.	Any officer authorized to oversee free and fair conduct of polling process	Presiding officer	Returning Officer
<b>2</b>	Any person illegally hiring or procuring any vehicle for free conveyance of any elector other than self and the polling agent, to or from any polling station commits an offence.	Fine up to Rs. 5000/- on Trade Unions.	Polling officer or any officer authorized to oversee free and fair conduct of polling process	Presiding officer	Returning Officer

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<b>3</b>	Whoever prints or publishes any election pamphlets, posters, handbills or placards which do not bear on its face the name and the address of the printer and the publisher commits an offence.	Fine up to Rs. 5,000/- on Trade Unions	Sr. CPO/SPO authorized to oversee conduct of free and fair elections	Presiding officer	Returning Officer
<b>4</b>	Canvassing in or near polling station, soliciting votes and persuading/coercing the voters to vote in a particular manner or not to vote for a particular candidate or election on the date of poll is prohibited and its violation constitutes an offence.	Fine up to Rs. 2000/- on Trade Unions.	Polling officer or any other officer authorized to oversee free and fair conduct of polling process	Presiding officer	Returning Officer
<b>5</b>	Causing damage to railway property in course of canvassing by defacing/spoiling fixed and moveable assets and structures	Fine upto Rs. 5000/- levied on the Trade Unions.	Polling officer or any other officer authorized to oversee free and fair conduct of polling process	Presiding officer	Returning Officer
<b>6</b>	Lodging false/incorrect complaint against another union	Fine upto Rs. 5000/- on the complainant Union	Sr. CPO/SPO authorized to oversee conduct of free and fair elections	Presiding officer	Returning Officer
<b>B</b>	<b>OFFENCES ATTRACTING PROVISIONS OF IPC and D&amp;A RULES 1968</b>				
<b>1</b>	Every officer /clerk/agent or other person performing duty of recording/counting of votes is liable to maintain secrecy of the voting and its violation constitutes an offence.	Liable to attract D&AR Rules 1968	Polling/Presiding officer authorized to oversee counting of votes	As per D&A Rules	As per D&A Rules

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<b>2</b>	Misconduct in the polling station or disobedience of directions of the polling officer shall result in removal of the voter from polling station and any such voter attempting to re-enter the polling station without the permission of polling officer is liable to be taken up for criminal misconduct.	As per Indian Penal Code (IPC)	Polling officer or any other officer authorized to oversee free and fair conduct of polling process	As per IPC	As per IPC
<b>3</b>	No person except on duty RPF/Police officials deputed to conduct elections/ maintain law and order at the polling station shall be permitted to carry arms at the voting booths and its violation shall be treated as an offence.	As per IPC/ D&A Rules	Polling officer or any other officer authorized to oversee free and fair conduct of polling process	As per IPC/D&A Rules	As per IPC/D&A Rules
<b>4</b>	Any person suspected to have removed ballot paper out of polling station can be searched/ detained by the Polling officer and is liable to be taken up under the criminal proceedings.	As per IPC	Polling officer or any other officer authorized to oversee free and fair conduct of polling process	As per IPC	As per IPC
<b>5</b>	Booth capturing viz. seizure of polling station/place fixed for polling and counting of votes, allowing only supporters to vote, preventing/coercing other voters from exercising votes and making polling authorities surrender the ballot papers/ shall constitute an offence	As per IPC	Polling officer or any other officer authorized to oversee free and fair conduct of polling process	As per IPC	As per IPC
<b>6</b>	Any act of fraudulently defacing/destroying any ballot paper/official mark on any ballot paper or tampering with the ballot box in any other manner by the voter shall constitute an offence.	As per IPC	Polling officer or any other officer authorized to oversee free and fair conduct of polling process	As per IPC	As per IPC

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7	Voting or applying for voting paper in a fictitious name, re-applying for voting in own name and abetting, procuring or attempting to procure voting in any such way shall constitute an offence of <b>Personation</b> .	Liable to attract D&A Rules	Polling/Presiding/officer authorized officer overseeing counting of votes.	As per D&A Rules	As per D&A Rules
8	Whoever voluntarily causes simple or grievous hurt or assaults to deter a public servant from discharging his duty	As per IPC/ D&A Rules	Polling officer or any other officer authorized to oversee free and fair conduct of polling process	As per IPC/D&A Rules	As per IPC/D&A Rules
<b>Sha II 9</b>	Anyone who i) Gives a gratification to any person with the object of inducing him or any other person to exercise any electoral right or of rewarding any person for having exercised any such right; or ii) Accepts either for himself or for any other person any gratification as a reward for exercising any such right; or for inducing or attempting to induce any other person to exercise any such right, commits the offence of bribery: constitutes an offence.	As per IPC/ D&A Rules	Polling officer or any other officer authorized to oversee free and fair conduct of polling process	As per IPC/D&A Rules	As per IPC/D&A Rules

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<b>C</b>	<b>OFFENCES LEADING TO DISQUALIFICATION</b>				
<b>1</b>	Promoting feeling of enmity or hatred on grounds of religion, race, caste, community or language amongst different classes/categories of Railway Employees.	Individuals found guilty of such misconduct or found abetting such misconduct shall not be extended facilities available to office bearers of unions in the event of her/his union being recognized on the basis of election results.	On days of polling the polling officer & Presiding officer and prior to that Sr. DPO/DPO/Deputy CPO/SPO of the concerned division/workshop shall be responsible for initiating action	Returning officer through Presiding officer	General Manager
2	Filing of false affidavit, or concealing any information in the affidavit filed by the TRADE UNION	Disqualification of Union to contest the elections	Returning officer	General Manager through Returning officer	General Manager