

CODE OF DISCIPLINE

All the contesting registered trade unions will have to give in writing that they would observe the Code of Discipline.

I. Management and Union(s) agree –

- i) that no unilateral action should be taken in connection with any industrial matter and that disputes should be settled at appropriate level ;
- ii) that the existing machinery for settlement of disputes should be utilized with the utmost expedition ;
- iii) that there should be no strike or lock-out without notice ;
- iv) that affirming their faith in democratic principles, they bind themselves to settle all future differences, disputes, and grievances by mutual negotiation, conciliation and voluntary arbitration ;
- v) that neither party will have recourse to (a) coercion, (b) intimidation, (c) victimization or (d) go-slow ;
- vi) that they will avoid, (a) litigation, (b) sit-down and stay in strikes and (c) lockouts ;
- vii) that they will promote constructive co-operation between their representatives at all levels and as between workers themselves and abide by the spirit of agreements mutually entered into ;
- viii) that they will establish upon a mutually agreed basis, a grievance procedure which will ensure a speedy and full investigation leading to settlement ;
- ix) that they will abide by various stages in the grievance procedure and take no arbitrary action which would by-pass this procedure ; and
- x) that they will educate the management personnel and workers regarding their obligations to each other.

II. Managements agree –

- i) not to support or encourage any unfair labour practice such as (a) interference with the right of employees to enroll or continue as Union members, (b) discrimination, restraint or coercion against any employee because of recognized activity of Trade Unions and (c) victimization of any employee and abuse of authority in any form ;
- ii) to take prompt action for (a) settlement of grievances and (b) implementation of settlements, awards, decisions and orders ;
- iii) to display in conspicuous places in the Railway offices the provisions of this Code ;
- iv) to distinguish between actions justifying immediate discharge and those where discharge must be preceded by warning, reprimand, suspension or some other form of disciplinary action and to arrange that all such disciplinary action should be subject to an appeal through normal grievance procedure ;

v) to take appropriate disciplinary action against its officers and members in cases where enquiries reveal that they were responsible for precipitation of action by workers leading to indiscipline.

III. Union(s) agree –

i) not to engage in any form of physical duress ;

ii) not to permit demonstrations which are not peaceful and not to permit rowdyism in demonstration ;

iii) that their members will not engage or cause other employees to engage in any Union activity during working hours, unless as provided for by law, agreement or practice ;

iv) to discourage unfair labour practices such as (a) negligence of duty, (b) careless operation, (c) damage to property , (d) interference with or disturbance to normal work and (e) insubordination ;

v) to take prompt action to implement awards, agreements, settlements and decisions ;

vi) to display in conspicuous places in the Union Offices, the provisions of this Code; and

vii) to express disapproval and to take appropriate action against office-bearers and members for indulging in action against the spirit of this Code.

CERTIFICATE OF REGISTRATION

This is to certify that

..... (Name of Union)

..... (Address)

is a Registered Trade Union under the Trade Union Act -1926. Its

Registration number is and is presently valid.

Registrar of Trade Union

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
A	OFFENCES ATTRACTING IMPOSITION OF MONETARY FINES				
1	Convening/holding Public Meetings in connection with election and display of any election matter through various media sources and cultural performances during period of forty eight (48) hours prior to the hour fixed for commencement of poll and during the duration of polling process.	Fine up to Rs. 5000/- on Trade Unions.	Any officer authorized to oversee free and fair conduct of polling process	Presiding officer	Returning Officer
2	Any person illegally hiring or procuring any vehicle for free conveyance of any 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

Sl. No.	Offence/Misconduct	Proposed Penalty	Authority competent to initiate action	Authority competent to impose penalty	Appellate Authority
3	Whoever prints or publishes any election pamphlets, posters, handbills or placards which do not bear on its face the name and the address of the printer and the publisher commits an offence.	Fine up to Rs. 5,000/- on Trade Unions	Sr. DPO/DPO/Deputy CPO/SPO authorized to oversee conduct of free and fair elections	Presiding officer	Returning Officer
4	Canvassing in or near polling station, soliciting votes and persuading/coercing the voters to vote in a particular manner or not to vote for a particular candidate or election on the date of poll is prohibited and its violation constitutes an offence.	Fine up to Rs. 2000/- on Trade Unions.	Polling officer or any other officer authorized to oversee free and fair conduct of polling process	Presiding officer	Returning Officer
5	Causing damage to railway property in course of canvassing by defacing/spoiling fixed and moveable assets and structures	Minimum fine of Rs. 2000/- or actual damage caused to railways; 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	OFFENCES ATTRACTING PROVISIONS OF IPC and D&A RULES 1968				
1	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 authorized officer overseeing counting of votes	As per D&A Rules	As per D&A Rules
2	Misconduct in the polling station or disobedience of directions of the polling officer shall result in 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	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

Sl. No.	Offence/Misconduct	Proposed Penalty	Authority competent to initiate action	Authority competent to impose penalty	Appellate Authority
	liable to be taken up for criminal misconduct.				
3	No person except on duty RPF/Police officials deputed to conduct elections/ maintain law and order at the polling station shall be permitted to carry arms at the voting booths and its violation shall be treated as an offence.	As per IPC/ D&A Rules	Polling officer or any other officer authorized to oversee free and fair conduct of polling process	As per IPC/D&A Rules	As per IPC/D&A Rules
4	Any person suspected to have removed ballot paper out of polling station can be searched/ detained by the Polling officer and is liable to be taken up under the criminal proceedings.	As per IPC	Polling officer or any other officer authorized to oversee free and fair conduct of polling process	As per IPC	As per IPC
5	Booth capturing viz. seizure of polling station/place fixed for polling and counting of votes, allowing only supporters to vote, preventing/coercing other voters from exercising votes and making polling authorities surrender the ballot papers/ shall constitute an offence	As per IPC	Polling officer or any other officer authorized to oversee free and fair conduct of polling process	As per IPC	As per IPC
6	Any act of fraudulently defacing/destroying any ballot paper/ official mark on any ballot paper or tampering with the ballot box in any other manner by the voter shall constitute an offence.	As per IPC	Polling officer or any other officer authorized to oversee free and fair conduct of polling process	As per IPC	As per IPC
7	Voting or applying for voting paper in a fictitious name, re-applying for voting in own name and abetting, procuring or attempting to procure voting in any such way shall constitute an offence of Personation .	Liable to attract D&AR rules 1968	Polling/Presiding/officer authorized officer overseeing counting of votes.	As per D&A Rules	As per D&A Rules

Sl. No.	Offence/Misconduct	Proposed Penalty	Authority competent to initiate action	Authority competent to impose penalty	Appellate Authority
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
Shall 9	<p>Anyone who</p> <p>i) Gives a gratification to any person with the object of inducing him or any other person to exercise any electoral right or of rewarding any person for having exercise any such right; or</p> <p>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.</p>	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
C	OFFENCES LEADING TO DISQUALIFICATION				
1	Promoting feeling of enmity or hatred on grounds of religion, race, caste, community or language amongst different classes/ categories of Railway Employees.	Individuals found guilty of such misconduct or found abetting such misconduct shall not	On days of polling the polling officer & Presiding officer and prior to that Sr. DPO/DPO/Deputy CPO/SPO of the concerned	Returning officer through Presiding	General Manager

Sl. No.	Offence/Misconduct	Proposed Penalty	Authority competent to initiate action	Authority competent to impose penalty	Appellate Authority
		be extended facilities available to office bearers of unions in the event of her/his union being recognized on the basis of election results.	division/workshop shall be responsible for initiating action	officer	
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

ANNEXURE-IV

**Secret Ballot Elections Committee
Secret Ballot- 2013**

Appointment Letter of Presiding Officer

I, _____ Returning Officer for _____ Railway appoint the following officials as Presiding officers for the division/workshop shown against the names of each official to conduct, supervise and perform all miscellaneous duties in connection with holding of secret polls for granting recognition to Registered Railway Trade Unions representing all categories of non-gazetted employees of Indian Railways notified vide _____ no.

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

Returning officer _____
Name _____
Designation _____
Date: _____

_____ Railway
Secret Ballot Elections - 2013
Appointment letters of Polling Teams

In pursuance of Secret Ballot Election Committee's decision to hold Secret Ballot on _____, _____ and _____, I hereby appoint the officers/officials specified in the Table below as Polling officers for the Polling booth specified below:

1. Dates and Hours of Secret Ballot _____
2. Polling Booth No. _____
3. Location of Polling Booth _____

S.No.	Category	Name	Designation	Office Address	Phone	Signature
1.	Polling Officer (1)					
2.	Polling Officer (2)					
3.	Polling Assistant					
4.	Polling Assistant					
5.	Polling Assistant					
6.	Polling Assistant					
7.	Polling Helper					
8.	Polling Helper					

Date and Time of briefing _____ Venue _____

(Presiding Officer)

_____ Railway
 Name _____
 Designation _____
 Date _____

(Returning Officer)

Name _____
 Designation _____
 Date _____

ANNEXURE - VI

LIST OF FREE ELECTION SYMBOLS

Returning Officer may allot from the following election symbols as per choice of the contesting Unions:

- 1. Table**
- 2. Chair**
- 3. Computer (Desktop)**
- 4. Car**
- 5. House**
- 6. Tree**
- 7. Suitcase**
- 8. Mango**
- 9. Banana**
- 10. Pen**
- 11. Flower (Rose)**
- 12. Book**
- 13. Wall Clock**
- 14. Wrist Watch**
- 15. Mobile Phone**
- 16. Telephone set**

ANNEXURE-VII

NOMINATION FORM

1. Name of the Union : _____

2. Abbreviation used by union : _____

3. Abbreviation in the local language (if any): _____

4. Registration No. : _____

5. Date of Registration :(dd)_____ (mm)____ (Year)_____

6. Name & Address of Registrar : _____

of trade unions with whom : _____
registered

7. Full Address of the Union at Zonal Hqrs, : _____

Tel.No. _____

8. Name & Address of Central Office _____

bearers with their Designations _____

in Railways. _____

9. Whether the following documents _____

as stipulated in the Modalities have _____

been enclosed _____

i. Accounts Statement and Annual

Returns as on 31.12.2011

Yes/No*

ii. Certified copy of the Union's

Constitution

Yes/No*

iii. Last Return

Yes/No*

- iv. Supporting signatures of at least SEVEN Railways employees with name, designation and posting station (this is subject to verification) Yes/No*
- v. An authenticated declaration by the General Secretary of the Union that they have read the modalities and Code of Conduct/Discipline in regard to holding of Secret Ballot and the same are acceptable to them Yes/No*
- vi. An authenticated declaration by the General Secretary of the union that it has never discriminated on the ground of religion, caste, gender, language, region or any other basis, prohibited under the law of the country. Yes/No*
- vii. A clear undertaking that the results of the Secret Ballot will be binding on the Union for the purpose of obtaining recognition from The General Manager. Yes/No*

(*Strike out whichever is not applicable)

DECLARATION

I, Shri/Km/Smt. _____(Name & designation)
S/o/D/o/W/o _____ holding the post of
General Secretary do hereby declare that all information provided as
above by the Union is correct and if any information is found incorrect,
the General Manager/ _____ Railway will be free to take any
appropriate action.

Date: _____ (Name in full)

Place: _____ General Secretary,

(Name of the Union with full address)

ANNEXURE- VIII

REQUEST FOR POSTAL BALLOT

A. (For polling staff)

I _____(Name),----- S/o/D/o/W/o _____
(Designation) _____ Working at _____(Name of
the Office) have been deputed as Polling Assistant/Polling Helper vide letter
No. _____ dated _____ issued by _____ I may
please be given Postal Ballot for casting my vote.

OR

B. (For training staff)

I _____(Name) _____ S/o/D/o/W/o _____
(Designation) have been deputed to undergo training on the
_____(name of program) at _____(Full address of
Training Centre) _____ vide _____ letter
No. _____ dated _____ with effect from _____ to
_____(period of training).. I may please be given Postal Ballot
for casting my vote.

OR

C.(For escort-duty staff)

I _____(Name) _____ S/o/D/o/W/o _____
(Designation) am working as _____ under _____
(Name of Supervisor/Office) and shall be away on train running duty during
the period _____ to _____. I may please be given Postal Ballot
for casting my vote.

(Strike out whichever is not applicable)

ANNEXURE-X

_____ RAILWAY
SECRET BALLOT ELECTIONS - 2013
BALLOT PAPER ACCOUNT

NAME OF DIVISION _____
BOOTH No. _____

DATE: _____

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

*Should match with S.No.3.

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

ANNEXURE-XI

_____ RAILWAY

SECRET BALLOT ELECTIONS -2013

PROFORMA FOR ELECTION REPORT

NAME OF DIVISION _____
BOOTH No. _____

1. Name & designation of Presiding Officer: _____
2. Number of Ballot Papers received
(with serial numbers) : _____
3. Total No. of voters : _____
4. Total No. of votes polled : _____
5. Total No. of invalid votes : _____
6. No. of votes polled in favour of each Union:

S.No.	Name of the Union	Number of votes polled

**Name(s) & signature(s) of
Polling Agents**

Name & Signature of Presiding Officer

Name **Signature**

Name **Signature**

**Secret Ballot : 2013
Compilation of final result
_____ Railway**

Division/ workshop	Total No. of voters	Total votes polled	Invalid Votes	Net Valid Votes	Total No. of Postal Ballots received	Invalid Postal Ballot	Net valid Postal Ballot	Total Valid Votes Polled	No. of Votes polled in favour of each union**				Votes polled calculated as a percentage of total Electorate i.e. col11 as %age of col.2				Votes polled calculated as a percentage of total valid votes polled i.e. col 12 as %age of col.9				
									Name of Union												
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)				(11)				(12)				
				3-4			6-7	5+8	A	B	C	D	A	B	C	D	A	B	C	D	

Signature of Returning Officer _____

Name: _____

Designation _____

Date _____

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

