

U.P. State Co-operative Societies Election Rules, 2014

UTTAR PRADESH

India

U.P. State Co-operative Societies Election Rules, 2014

Rule

U-P-STATE-CO-OPERATIVE-SOCIETIES-ELECTION-RULES-2014 of 2014

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U.P. State Co-operative Societies Election Rules, 2014Chapter-I PreliminaryThese Rules may be called "the Uttar Pradesh State Co-operative Societies Election Rules, 2014.They shall come into force with affect from the date or their publication in the Gazette.

1.

In these rules, unless there is anything repugnant in the subject or context: -(a)'Act' means the Uttar Pradesh Co-operative Societies Act, 1965;(b)"Commission" means the Uttar Pradesh State Co-operative Societies Election Commission;(c)"Co-operative Rules' means the Uttar Pradesh Co-operative Societies Rules, 1968(d)"Election" means election of -

1. Delegates, or

2. Members of the Committee of Management or

3. Chairman/Vice-Chairman of Co-operative Society or delegate to be sent to other society.

(e)"Voter" means a member/delegate entitled to vote under the Act, Rules and the bye-laws of the Society and includes persons nominated under section 24 or section 29(7) of the Act as also person co-opted under Rule 42(b) or 450 or nominated under Rule 451 on the Committee of Management of a Cooperative Society and whose names appear in the final voters list of the concerned society or constituency prepared for the purpose of election;(f)"Voter List' means -

- 1. In the case of election of member of the Committee of Management, the list of delegate/members of General Body as the case may be;**
- 2. In the case of election of Chairman, Vice- Chairman or Delegates of Society, the list of elected, co-opted and nominated members of the Committee of Management other than those who are Government servants;**
- 3. In the case election of Delegate of Member, the list of members of area or from where the delegate is to be elected to the General Body of the concerned Society;**
- 4. "Candidate" means a voter eligible under the Act, the rules and the bye-laws of the Society who files nomination paper to seek election-**

4.1as delegate, or 4.2as member of the Committee of Management, or 4.3as Chairman and Vice-Chairman of Co-operative Society(g)"Scheduled Castes", "Scheduled Tribes" and Other Backward Classes" of citizens shall have the same meaning as assigned to them in the Uttar Pradesh Public Service (Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) Act, 1994(h)"Divisional Co-operative Election Officer" means Divisional Joint Commissioner/ Deputy Commissioner and Divisional Joint Registrar/ Divisional Deputy Registrar of Co-operative Societies of the District of division belonging to the Headquarters of Co-operative Societies or an Officer empowered by a competent authority to discharge the duties of the said posts;(i)"District Co-operative Election Officer" means the District Magistrate of the District in which the Headquarters of the Society concerned is situated.(j)"District Assistant Co-operative Election Officer" means "Assistant Commissioner and Assistant Registrar of Cooperative Societies of the District belonging to the Headquarters of Co-operative societies or Officer empowered by a competent Authority to discharge the duties of the said posts;(k)"Election Officer' means an officer of the State Government who has been appointed as an Election Officer by the District Co-operative Election Officer at the direction of the Commission for a Co-operative Society or a class or classes of Co-operative Societies or for an area or areas in this behalf;(l)"Assistant Election Officer" means an officer or more than one officer appointed by the District Co-operative Election officer to assist the Election Officer in carrying out functions thereof;(m)"Poling Officer" means an officer appointed by the Election officer to assist him/her at the polling station in carrying out his/her functions in a particular area or areas and for such other duties as are required under these rules;(n)"Co-operative Election Supervisor" means an officer appointed by the Commission to supervise the whole election process being conducted fairly and in accordance with rules in a particular area or areas or class or classes of the co-operative societies;(o)"Election symbol" means a symbol approved by the Commission for the election of a candidate of a Co-operative society ;(p)"Constituency" means an area from where delegate of the General Body or the members of the Committee of Management are determined in a specific, number for election by the District Assistant Co-operative Election Officer or an officer authorized for the purpose;(q)"Place of Election" means the Office or the Headquarters of the society or some public place in closest possible proximity to the office or head quarters

notified by the District Assistant Cooperative Election Officer;(r)"Place of Poll" means the office or the Headquarters of the society or any public notified by the District Assistant Co-operative Election Officer and in case of the election of the delegates for the constitution of the general body, place of poll shall mean, in addition to the office or Head Quarters or Branch of the Society, any such public place as may be determined by the Election Officer;(s)"Election Suit" mean a suit, instituted after the election of the cooperative societies, under section 70 of the Act by the parties aggrieved by the election.

2.

Words and expressions used in these rules but not defined shall have the same meanings as respectively assigned to them in the Act or the co-operative rules. Chapter-II General Rules for Election in Co-operative Societies

3.

Notwithstanding anything contained in the bye-laws, the election of any Co-operative Society or Societies or class or classes of the Co-operative Societies shall be held in accordance with the provisions of the Act and these rules.

4.

It shall be duty of the Secretary or the Managing Director of a Cooperative Society to inform four months prior to the date of expiry of the term of elected committee of management, to the District Assistant Co-operative Election Officer of the District in which its registered Headquarter is situated or the Officer authorized by Commission for such purpose for a class or classes of societies in writing about the date on which the term of its elected Committee of Management is to expire and shall request for holding the election of society by submitting the certificate of depositing determination fee.

5.

(a)After receiving the information of the expiry of the term of the Committee of Management of Societies, it shall be the duty of the District Assistant Co-operative Election Officer to furnish the compiled information to the Commission pertaining to such societies whose terms are to be expired within the next four months and to recommend the date to be fixed for election.(b)It shall be the duty of the officer registering the Co-operative societies of the Co-operative and other Departments to furnish the information and records required for election of Co-operative societies of his jurisdiction to the District Assistant Co-operative Election Officer and to the Commission or to its authorized officer if required by him.

6.

Notwithstanding anything contained in the Uttar Pradesh Cooperative Societies Rules, 1968, after the constitution of the new Society or in case of supersession of the Committee of Management under section 35 or merger, division, supersession of the Society or other contingencies, it shall be the responsibility of the Registrar to inform the Commission immediately about the constituted interim Committee so as to hold the Election of the Committee of Management. In addition to the above, after the winding up of any Society and giving the order of cancellation of registration, it shall also be the responsibility of the Registrar to intimate the commission about the said information and request it not to hold the election of the concerned society.

7.

After receiving the information of holding the election from the District Assistant Co-operative Election Officer or the Registrar or the Secretary or the Managing Director of the Society, the Commission shall appoint the date of election for any class or classes of societies. Having been so done by the Commission, the District Magistrate or the District Co-operative Election Officer of the District, in which the Headquarters of the societies are situated, shall take steps to hold the election on the appointed date and for this purpose the services of any Government servant or official may be requisitioned by him and if any such orders have been issued by the District Magistrate or the District Co-operative Election Officer in respect of any official or employee, fails to comply with such orders shall be deemed to be an offence, which if proved, shall be punishable with a fine which may extend to three thousand rupees or with imprisonment which may extend to three months or with both: Provided that the authority to organize election of delegate of members of branch of the Uttar Pradesh Sahkari Gram Vikas Bank Ltd., Lucknow shall vest in the District Magistrate of the District in which such branches are located.

8.

The Election in a co-operative society or societies or a class or classes of co-operative societies shall be held on such date or dates as the Commission may fix and the District Co-operative Election Officer concerned shall on such dates being so fixed, appoint one or more Election Officers for different class or classes of societies or for different areas for this purpose: Provided that no officer/employee of the Department which is concerned with the management and administration of the society shall be appointed as Election Officer.

9.

The Election Officer shall perform such functions as are enjoined upon him under these rules or as may be incidental to or necessary for the discharge of his duties, but in absence of an Election Officer, any Assistant Election Officer or Polling Officer who has been authorized by the District Co-operative Election Officer to do so, shall perform the function of the Election Officer.

10.

Notwithstanding anything contained in any other provision these rules, the Election Officer for each constituency may depute a Polling Officer from amongst the Government servants who are not concerned with the management and administration of societies to assist him in the conduct of election.

11.

The Committee of Management of the society and every officer of the Co-operative Society concerned shall be bound to render every assistance to the Election Officer in the conduct of the election and shall make available every record that may be required by the Election Officer for this purpose.

12. [[Substituted by Notification No. 990/XLIX-01-2017-8(56)-13 TC-I, dated 18.7.2017]

(a)The Secretary or the Managing Director of the society shall in accordance with the directions given by the commission from time to time or the provisions for the time being in force, prepare a list of all the voters against whose name the disqualifications, if any, as described in the Act, these rules or bye-laws shall be mentioned in the list and the members, ordinary members or sympathizers, duly enrolled 45 days before the date of election shall only be included:Provided that the delegates of such societies which are under winding up or which have been suspended or superseded due to non-election of the Committee of Management, shall not be included in the Voters list.](b)In case of Agricultural Credit Society, only those members shall be included in the Voters list by whom transactions have been done with the society 120 days before the date of Election at least in any year during the previous three Co-operative years:Provided that in case of the societies, where general body is constituted by individual members and the delegates of the societies, or only by the delegates of the societies, the voters list shall be prepared under rule 89 and the voters list so prepared, shall be called the provisional voter list which shall bear the signature and seal of the Secretary or the Managing Director:Provided further that the delegates of such societies which are under winding up or which have been suspended or superseded due to non-election of the Committee of Management, shall not be included in the Voters list.

13.

The provisional voter list prepared in accordance with rule 12, shall be displayed by the Election Officer on the date and time and place as notified in the election programme.

14.

A candidate shall not be eligible to contest simultaneously for more than one office of the Committee of Management. If nomination papers for more than one office are found to be valid, he shall opt

only for one office and withdraw his nomination for the rest. If he fails to exercise his option before the date fixed for the withdrawal, all his nomination papers shall become invalid.

15.

An eligible ordinary or sympathizer-member of the society, whatever the amount of his interest be in the capital of Society, shall have right to give only one Vote in the election of the Society.

16.

If a candidate whose nomination is found valid under rule 49 and who has not withdrawn his candidature, dies and the information of his death has reached before the polling, then the Election officer, after satisfying himself about the facts of the death of the candidate, shall postpone the poll of the constituency concerned and shall inform the District Co-operative Election Officer and the Commission and the nomination for that constituency or post shall be filed de novo but it shall not be necessary to file additional nomination for person who was the candidate for the election at time of postponing the poll and such person who had withdrawn his candidature before such postponement shall not be disqualified to file nomination after such postponement and the polling after such postponement shall be held on the date as fixed by the Commission.

17.

When the proceeding of election of the Society has started, the election proceeding shall not be disrupted except due to the reasons mentioned in rule 16: Provided that if polling or any proceeding of election gets disrupted due to riots or open violence at the place of polling or holding election is not possible due to any natural calamity, the Election Officer appointed for such election shall declare the postponement of election till next date to be notified later. The information of such postponement shall be given to the District Co-operative Election Officer and the Commission immediately, on which the Commission shall fix the new date for election: Provided further that the election procedure shall be postponed only after narrating the whole sequence of incidents in a chronological order in the polling diary being used by the Election Officer.

18.

If for any reason the election of any Society has been disrupted by the Election Officer, the process of election shall commence from the stage at which it is disrupted or from a stage prior to that or de novo as the Commission may decide: Provided that if after the nomination symbols have been allotted on valid nomination papers, the process of election shall continue and poll shall be held on such date as the Commission may fix: Provided further that if the election of any society is postponed by the Commission under the proviso to sub-section (3) of section 29 of the Act, all the procedures of Election shall be commenced de novo.

19.

In every election after the close of the poll, counting of votes shall be held by the Election Officer in the manner prescribed in rule 44 and under the guidelines of the Commission and every candidate, his election agent and his counting agent shall have the right to be present at such counting.

20.

The provisions of the Act, Co-operative rules, orders and guidelines issued under these rules shall be applicable to every repolling in the same manner as they are applicable for original poll.

21.

(1) If the number of elected members to the Committee of Management of any society after the election is found to be less than the number prescribed to be elected, the election shall be held for the vacant seats as early as possible: Provided that for the election of the Chairman/Vice-Chairman and the delegates, the number of members shall be more than half the number of members having voting rights. (2) If the commission is satisfied that it is not possible to hold the election of any society due to its inaction or any other reason, it may recommend the authority concerned to wind up such particular society and it shall be the duty of the Authority concerned to take action in accordance with the laws to wind up the society or to cancel its registration by giving the Society an opportunity of being heard.

22.

Instructions in respect of the Co-operative Societies issued by the Commission from time to time shall be binding. Chapter-III Determination of Constituencies of General Body and the Committee of Management.

23.

After the dates of election for any Co-operative Society or class or classes of Co-operative Societies being notified by the commission, action shall be taken for determination of constituencies for the concerned Co-operative Society or class or classes of Co-operative Societies.

24.

Action shall be taken for determination of constituencies, if required for election of delegates of general body members, the Chairman, the Vice-Chairman of the committee of management of the Co-operative Society and the delegates to be sent to other Cooperative societies by the District Assistant Co-operative Election officer belonging to the registered headquarters of all types of Primary Co-operative Societies in the manner prescribed in rules 27 and 28 and the guidelines, given by the Commission: Provided that in case of the District/Central Co-operative Societies, the

action for determination of constituencies shall be taken by the Divisional Co-operative Election Officer.

25.

In case of State Level/Apex Co-operative Societies, the action for determination of constituencies shall be taken by the authorized officer of the Commission.

26.

For determination of constituencies, the Secretary or the Managing Director of the Society, as the case may be shall furnish all such information or facts as may be required by the District Assistant Co-operative Election Officer or the Divisional Cooperative Election Officer or the authorized officer of the Commission from time to time.

27.

(1) For the purpose of election of members of committee of management of a Co-operative society or as the case may be of delegates to the general body of a Co-operative Society, the District Assistant Co-operative Election Officer or the Divisional Cooperative Election Officer or the Commission or the authorized officer shall notwithstanding anything contained in the bye-laws of the Co-operative Society, or as the case may be, of a class of Cooperative Societies determine provisionally -(a) the number of constituencies in which the area of operation of the Co-operative Society shall be divided ;(b) the extent of area of each constituency;(c) the total number of seats allotted to each constituency;(d) marking of constituencies and the number of reserved seats: Provided that the names of constituencies shall be mentioned in the Hindi Alphabet.(2) The District Assistant Co-operative Election Officer/the Divisional Co-operative Election Officer/the competent authority shall thereupon publish in any major daily newspaper the provisional determination for inviting objections while fixing the date for hearing within seven days from the date of such publication. A copy thereof shall be sent to the concerned society for its comments: Provided that in case of Primary, District or Central Co-operative Societies, it shall be published in major daily newspapers being circulated from the Division and in case of the State Level Apex Cooperative Societies, it shall be published in all editions of daily newspapers at the Divisional Levels: Provided further that the provisional determination of a Primary, District or Central Co-operative Society having area of operation extending to more than one revenue Districts, shall be published in major daily newspapers having circulation in the area of operation of the Society.(3) The criteria for determination of constituency may be any one or more of the following namely -

1. Revenue Area,

2. Class or classes of membership

3. Other logical basis in relation to the area of operation of society:

Provided that the unit of determination in case of a Primary Agricultural Credit Society or Primary Sugarcane Society or Dairy Society shall as far as possible be one or more Gram Panchayats falling in the area of operation of the society.(4)(a)The objections and comments received under provisional determination shall be considered by the District Assistant Cooperative Election Officer/ the Divisional Co-operative Election Officer/ the Competent Authority on the eleventh/twelfth/ thirteenth day, as mentioned in the provisional determination of such publication after hearing the objections, he shall give a brief statement of objections and the facts found during hearing on the concerned register and get it signed by the objector while signing it himself.(b)The copy of the mentioned facts and the decision taken in the hearing referred to in clause (a) may be obtained by the objector by depositing the fee at the rate of ten rupees per page.(5)Thereafter, the District Assistant Co-operative Election Officer/ the Divisional Co-operative Election Officer /the competent authority shall write his comments as required pertaining to the resolution of objections in the concerned register and finally determine the constituencies, the number of seats and the number of reserved seats. The final determination made, shall be published on the fifteenth day of the publication of the provisional determination and a copy thereof shall be sent to the society concerned.

28.

The District Assistant Co-operative Election Officer/ the Divisional Co-operative Election Officer/ the competent authority shall under the provisions of the proviso to sub-section (5) of section 29 of the Act, reserve the constituencies/ areas for the reserved seats and such reservation shall be done by placing the names of such constituencies/areas from where the election of the members of the Committee of Management is to be, in the Hindi alphabetical order in rotation to the extent necessary for the reservation of seats:Provided that the areas so reserved shall be allotted in the Hindi alphabets order as follows: -(1)One for the Scheduled Castes/ the Scheduled Tribes;(2)One for the Other Backward Classes of the citizen;(3)Two for women:Provided further that where the letter of more than one constituency is the same, there is such cases, the reservation shall be regulated by the next letter of name of a constituency.

29.

It shall also be the duty of the District Assistant Co-operative Election Officer/ the Divisional Co-operative Election Officer/ the Competent Authority to furnish the copy of the provisional and final determination pertaining to the determination of the society to the concerned District Magistrate/ the District Co-operatives Election Officer and the Commission.Chapter-IV General Election Procedure

30.

After the issuance of notification for the election of Co-operative Society or a class or classes of Societies, the District Co-operative Election Officer/ the District Magistrate of the District in which the Headquarters of the Society is situated shall appoint the Election Officer under the guidelines of the Commission.

31.

The District Assistant Co-operative Election Officer shall after the provisional determination of constituency/ constituencies publish in the local daily newspaper the election schedule notified by the Commission for election of such societies of their jurisdictions having their Headquarters in their respective District and their election is to be held.

32.

In the publication of the said election programme the District Assistant Co-operative Election Officer/ the Divisional Co-operative Election Officer/ the Competent Authority shall determine the election site and polling site for the election and shall mention it in the notice and shall require from the Secretary or Managing Director as the case may be, get a copy of the said programme pasted on the notice board of the society: Provided that the place of polling shall be the office or headquarter of the society but the place of polling decided by the District Assistant Co-operative Election Officer/ the Competent Authority may be any place nearby to the office or headquarters of the society due to unavailable reasons: Provided further that in case of election of representative of committee as mentioned in sub-rule (4) of rule 84-A of the Cooperative rules, the place of polling may be any other public place beside the officer or headquarter or branch of the society as determined by the assistant district Co-operative election officer/ competent authority.

33.

(a) It shall be responsibility of the Secretary or the Managing Director of the society to display the information of the election programme and place of polling of the society on the notice board of society at least 15 days before the date of publication of the provisional voters list: Provided that this notice shall also be displayed on the notice board of concerned development block in case of a primary co-operative society, of the office of the district magistrate in case of district/central Co-operative society and of office of commissioner and registrar and of the commission in case of the State Level/ Apex Co-operative Society. (b) Following shall be displayed in the election programme: - (i) the date of display of provisional voters list; (ii) the date, time and place for filing objections on provisional voters list and its disposal; (iii) the date of display of final voters' list; (iv) the date, time and place for filing nominations; (v) the date, time and place of scrutiny of nominations; (vi) the date, time and place for withdrawal of nominations; (vii) the date, time and place for allocation of election symbols and display of final nominations; (viii) the date, time and place of poll; (ix) the place at which voters' list can be inspected by voters; (x) names of the

constituencies including reserved constituency and the number of persons to be elected Provided that the date and time for serial nos. (i) To (viii) shall be such as may be determined by the commission and information and place for serial no. (x) Shall be such as may be decided by the District Assistant Co-operative Election Officer/ Competent Authority.

34.

The Secretary/Managing Director of the society related with the election shall prepare a provisional voters' list subject to rule 12 on the following basis: -(i) In case of societies having individual members in their general bodies or of societies of which general bodies consists of delegates of individual members; (ii) In case of which general bodies consists of individual members and society members in triplicate indicating there in the name, parentage address noted in the books of society, disqualification, if any hereinafter referred to as provisional voters' list on such date as may be specified by the Commission and it shall be prepared, (a) Gram Panchayat wise/revenue village wise in case of primary agricultural credit Co-operative societies, primary Ganna societies and primary Dugdh societies; (b) mohalla-wise/ward-wise in primary co-operative societies including consumer co-operative societies situated in urban areas and in areas other than urban, gram-panchayat wise; (c) constituency-wise or proportionate serial-wise of all members/constituency-wise or any other rational basis as maybe decided by commission in case of any other society. Provided that in case of a Co-operative society having societies as its members or society covered under clause (ii) such list shall be submitted to Election Officer along with the names of the elected delegates of the society or of the existing delegates if names of elected delegates are not received before the publication of voters' list. Provided further that in case of branches of Uttar Pradesh Sahkari Gram Vikas Bank Ltd., Lucknow or sub-offices of societies of which area of operation extends to more than one revenue district and the membership of which consists of individual members, such lists shall be prepared by the branch manager of the concerned branch or incharge of sub-offices, as the case maybe, and shall be submitted to the Election Officer; (iii) Provisional voters' list shall be made available at the proper time to the Election Officer by the Secretary/Managing Director of the society as the case maybe after signing and putting seal on it.

35.

The Election Officer shall display the said provisional voters' list at the headquarters of the society or sub-office or branches of society at the date and time fixed in the election programme.

36.

Objections if any, shall be heard by the election officer and the date, time and place fixed by him and final voters' list shall be prepared disposing off the objections.

37.

The final voters' list which was prepared constituency wise disposing of the objections by the

Election Officer shall be displayed at the election place, headquarter of the Co-operative Society and sub-office or branch of Co-operative Society as per requirement. The voters' list can be obtained from the Election Officer or officer authorized by him from the headquarter or branch of the Cooperative Society on payment of Rs. 10/- per page or price fixed by the Commission from time to time.

38.

A copy of the final voters' list shall be made available to the District Assistant Co-operative Election Officer/competent authority by the Election Officer immediately.

39.

(1)Any candidate may obtain the nomination form (Form-K) from Election Officer on payment of fee as follows: -(a)In case of primary Co-operative societies, -(i)For nomination of a member of managing committee-Rs five hundred(ii)For nomination to the office of the Chairman/ the Vicechairman- Rs one thousand(iii)For nomination to the office of a delegate- Rs one hundred(b)In case of district/central co-operative societies, -(i)For nomination of member of the managing committee -Rs one thousand(ii)For nomination to the office of the Chairman/ the Vicechairman- Rs two thousand(iii)For nomination to the office of a delegate- Rs five hundred(c)In case of State level/apex co-operative societies,-(i)For nomination to the office of the managing committee-Rs two thousand(ii)For nomination to the office of the Chairman/ the Vicechairman- Rs five thousand(iii)For nomination to the office of a delegate- Rs one thousand(2)On payment of amount of fee prescribed in sub-rule(1) to the bank account fixed by the Commission or to the Election officer, the candidate shall receive the Form-K and obtain the receipt thereof and thereafter he shall submit the nomination papers along with such receipt.(3)It shall be the duty of the Election Officer, the Co-operative Society to deposit the nomination fee and the amount received in other items in the account of the bank fixed by the commission within one week from the declaration of the election result invariably and its details and proof shall be made available to the district assistant Co-operative Election Officer/Competent Authority.

40.

(1)The Election Officer of the Co-operative Society shall not accept nomination papers of any person, if: -(a)He is ineligible to vote(b)He is disqualified under the provisions of the Act, election rules or bye-laws of the Co-operative Society or has been declared ineligible for election by the Commission.(2)Proposal for nomination shall be addressed to the Election Officer in Form-K. Objection to nomination shall also be addressed to him and such objections must be from any voter.(3)The candidate shall present his nomination to the Election Officer in person or through his authorized agent and any entry thereof shall be made by the Election Officer in the register strictly in chronological order and he shall also acknowledge it and receipt of Form-K shall be given to the concerning candidate or his nominated agent:Provided that proposal and seconder to the nomination shall be a voter other than the candidate himself of the same constituency.(4)The Election Officer shall enter the following entries in the register: -(a)Name, father's name and

address of the candidate;(b)Name, father's name and address of the proposer and seconder.(c)The date and time of receipt of nomination papers and shall be signed by the Election Officer.(5)The Election Officer shall after the expiry of the time for filing nomination papers draw up a horizontal line underneath the entry of the last nomination paper in the register, write there-under in words(nomination closed) and affix his signature with the date and time. A list of nomination shall be displayed on the notice-board of the Co-operative Society as soon as maybe after the expiry of time.(6)The Election Officer shall take up scrutiny of nomination papers in alphabetical order on the date specified and the candidate, his proposer or seconder maybe present at the time of scrutiny.(7)While scrutinizing the nomination, the Election Officer may -(a)permit any clerical error in the nomination papers in regard to the names or numbers to be corrected in order to bring them in conformity with the corresponding entries in the voters' list;(b)Where necessary direct that any printing error in the said entries maybe overlooked.(8)At the time of scrutiny, the Election Officer shall endorse on each nomination paper the decision regarding acceptance or rejection. In case of rejection he will record in writing a brief statement of his reason for such rejection. The candidate whose nomination is rejected may obtain a copy of the order of rejection on payment of fees of Rs. ten to the Election Officer.(9)Application for withdrawal of the nomination shall be made to the Election Officer in person on the prescribed form, only by the candidate concerned.(10)Where the Election Officer finalizes the nomination after withdrawal of the nomination he shall also allot a symbol from the list of symbols approved by the commission in the same order of the symbol, as is serially indicated in the approved list to each valid nominations and in case the number of valid nominations exceeds the number of symbols approved by the commission, the Election Officer may allot any other symbol which may be different but may be available the symbols approved by the commission. The symbols so allotted shall be binding on the candidates concerned.(11)The lists of final nominations containing the names of candidates in Hindi alphabetical order indicating their respective symbols and the address as given in the nomination papers shall be displayed at the headquarters of the society if situated in the district and in other cases at the office of the branch before the date of poll according to rule 36.

41.

Every polling shall be by secret ballot paper and every officer, employee or any person who has been appointed for conducting the polls or counting of ballot papers, shall not give any such information to any such person or persons who are not authorized to receive it lawfully or shall not act in such manner which may affect the confidentiality of the polling.

42.

Any person who is Election Officer or has been appointed to conduct the elections or any officer of any Co-operative Society or any polling officer who has been appointed to assist in the election, shall not act in such manner or affect any voter or candidate in such manner which may increase or decrease the possibility of success in the election of a candidate.

43.

(1) where the number of valid nominations does not equal or exceed the number of persons to be elected, the election officer just after the withdrawal of nominations shall declare them to have been duly elected. (2) Where the number of valid nominations exceeds the number of persons to be elected, the election officer shall arrange for taking poll on the time and date fixed by the Commission. (3) Every voter shall be given a ballot paper which shall be printed by the Commission containing the election symbol allotted to contesting candidates in Hindi alphabetical order. It shall also contain a blank column for the voter to inscribe a mark 'X' against the name or names of persons to whom he wants to vote. (4) The ballot-paper shall be serially numbered and shall also bear the seal of the society and initials of the Election Officer/Polling Officer of the polling station concerned. (5) The voting shall be by secret ballot, the voter shall put a cross mark 'X' against the name of candidate for whom he desires to vote and then put the ballot-paper into the ballot-box with secrecy. (6) Every voter shall have as many votes as there are persons to be elected but no voter shall give more than one vote to any one candidate. (7) Any contesting candidate or his authorized agent may challenge the identity of the voter before the issue of the ballot-paper on payment of fee of ten rupees for each challenge to Election Officer. (8) The Election Officer shall make a summary enquiry of the challenge and if after such enquiry, he is of the opinion that the challenge is not established, he shall give to the person challenged a ballot-paper which shall be endorsed on the back with the words "Challenged Vote" by the Election Officer in his own handwriting and signed by him. (9) Every such person shall before being supplied with ballot-paper under sub- rule (3) sign his name or affix his thumb-impression if he is illiterate against the entry relating to him in a list in the specified form. (10) On receipt of ballot-paper under sub-rule (8) the person concerned shall record his vote on ballot-paper by putting a cross mark 'X' against the name of candidate for whom he wants to vote with secrecy and hand over the ballot-paper to Election Officer who shall forth with place it in a envelop specially kept for the purpose. (11) If a person representing himself to be a particular voter named in the voters' list applies for a ballot-paper after another person has already voted as such voter, he shall, on satisfying his identity to Election Officer, be supplied with a ballot-paper which shall be endorsed on the back with the words 'tendered ballot-paper' by the Election Officer in his own hand-writing and signed by him. (12) Every such person shall before being supplied with a tendered ballot-paper, sign his name or affix his thumb-impression if he is illiterate, against the entry relating to him in a list in the specified form. (13) On receipt of ballot-paper under sub-rule(11), the person shall record his vote on the tendered ballot-paper by putting a cross mark 'X' against the name of candidate for whom he wants to vote for secrecy and hand over the tendered ballot-paper to the Election Officer who shall place it in a envelop specially kept for the purpose. (14) It shall be mandatory for a voter to satisfy the Election Officer regarding his identity from one of his identity proofs specified by the Commission before using his vote. (15) If a signed ballot-paper is remained unused, it shall be kept in an envelope and information of used ballot-paper, signed remaining ballot-paper, remaining blank ballot-paper shall be filled in the prescribed Performa after the polling and shall be kept in an envelope. (16) In case of peaceful completion of polling remark shall be entered in the diary by the Election Officer and shall be kept in a separate envelop. The said diary shall be kept in safe custody along with relevant documents for a prescribed period falling after the declaration of the election result.

44.

(1)(a)The counting of votes shall take place immediately after the close of the poll and in case it is not possible to count votes immediately after the close of the poll the ballot-boxes shall be sealed by the Election Officer and kept in the safe custody at the nearest police station. The candidate or his agent, if he so desires, may also affix his seal;(b)Tendered ballot and challenged ballot shall be counted only in such a circumstance when it is not possible to declare the result from the total polled ballots, i.e., when number of ballots become equal in the case of two or more candidates.(2)A ballot-paper shall be rejected if -(a)It bears any signature to identify the voter,(b)It does not bear the seal of the society and initials of the Election Officer/Polling Officer of the polling station concerned,(c)It contains no marks indicating a vote,(d)It contains more marks than number of seat/seats to be filled.(3)If a ballot-paper contains mark or marks for a candidate or candidates in such manner that it is ambiguous as to which of the candidates the vote is given to it shall be rejected.(4)The Election Officer shall announce the result of the election as soon as the counting is completed indicating the number of votes secured by each candidate.(5)In the event of equality of votes, the matter shall be decided by draw of lots.Explanation - Election Officer shall take equal size and same colour chits and write the name of candidates on it and fold it in such manner so that the name of the candidate cannot be read and shall put the paper in the ballot box and shall cause to put a slip from the ballot box from a person other than the candidate. The candidate whose name is mentioned on the slip shall be declared elected.(6)The Election Officer shall display the list of elected candidates on the notice-board of the society and also at such public place as he may deem fit:Provided that such display in case of branches of Uttar Pradesh Sahkari Gram Vikas Bank Ltd., Lucknow or societies, of which area of operation extends to more than one District shall be made at the branch office or sub-office of such Co-operative society.(7)A copy of the list prepared under sub-rule(6) shall be sent to the District Assistant Co-operative Election officer, the Commission or an officer authorised by the Secretary/Managing Director of the Co-operative Society concerned .(8)Used ballot-papers and other records pertaining to election shall be put in an envelop or container and shall be sealed by the Election Officer/Polling Officer to the Secretary/Managing Director of the Co-operative Society who shall acknowledge the receipt and be responsible for its safe custody for two months if no dispute to election is referred to the District Magistrate or Commission.Provided that in case of non-pendency of any election suit or any petition regarding election in any court, the Secretary/Managing Director of the Co-operative Society as the case may be, shall destroy it after completion of one year.Provided further that, it shall be responsibility of the Secretary/Managing Director as the case maybe, to enter a brief details on the Performa prescribed by the Commission before destroying it and shall be kept in the Co-operative Society.(9)In special circumstances and by unavoidable reasons, the commission may direct the counting of votes of all or any class or classes or any special society of the district to another place and such counting shall be done on the date prescribed by the Commission.Chapter-V Election of Chairman/vice-Chairman and Delegates to be Sent to Other Societies

45. [[Substituted by Notification No. 662/XLIX-01-17-8 (56)-13 TC-I, dated 26.5.2017.]

(1)Immediately after the declaration of the result of the members of the committee of management of the Co-operative Society concern, the election of the Chairman/Vice-Chairman and delegates to be sent to the other societies shall be conducted under specified instructions and specified date, its complete procedure shall be such as provided under the above mentioned rules.(2)The Chairman, Vice-Chairman shall be elected from amongst the elected members of the Committee of Management.(3)The members of the Committee of Management shall elect delegates to represent the Co-operative Society in the general body of another Co-operative Society of which the Co-operative Society is a member, from amongst the qualified members of the general body.]Term of Office

46.

(1)The term of committee of management of every Co-operative society shall be five years which shall be counted from the date it assumes office.Explanation - In case of election of a Co-operative society, prior to expiry of term of Committee of Management, the charge of the newly elected Committee of Management shall be the next working day on the expiry of the term of the sitting Committee of Management and in case of election of Committee of Management after the expiry of the term of the sitting Committee of Management, the term shall be calculated from the date of declaration of result of the Committee of Management.(2)The term of the Chairman/Vice-Chairman shall be coterminus with the term of Committee of Management.(3)The term of a co-opted member shall be co-terminus with the term of Committee of Management:Provided that if the term of Committee of Management is less than half of his actual term, any casual vacancy in the Committee of Management may be filled from the qualified members of the Cooperative Society in which the casual vacancy happened by the nomination by the Committee of Management.Chapter- VI Disqualification

47.

[(1) No person shall be eligible to be or to continue as a member of the Committee of Management of any Co-operative Society, if -(a)he is under 21 years of age;(b)he is declared insolvent;(c)he is of unsound mind;(d)he has been convicted for any offence involving, in the opinion of the Commission, moral turpitude such conviction not having been set aside in appeal;(e)he, or in the opinion of the Commission, member of his family enters into or carries on, without the permission of the Commission, within, the area of operation of the Co-operative society, the same kind of business as done by the Co-operative Society itself;(f)he enters into any transaction of contract with the Co-operative Society against the provisions of the Act or the bye-laws of the Co-operative Society;(g)he accepts or holds any office of profit under the Co-operative Society or under any Co-operative Society affiliated to such Co-operative Society:Provided that this restriction shall not apply in case of such producers or workmen s society as have been permitted by the State Government to provide in their bye-laws for participation of employees in the management of the Co-operative Society;(h)he is not a member of general body of the Co-operative Society:Provided that the provision of this clause shall not apply in respect of the co-option of professional person under sub-sections (6) and (8) of Section 29.(i)he has been convicted of any offence under the Act or rules, unless a period of three years has elapsed from the date of conviction;(J)he is the person

against whom an order under Section 91 has been obtained by a Co-operative society and is pending satisfaction;(k)he is in default (at least for a period of six months), to the Co-operative Society in respect of any loans taken by him, he is a judgement debtor of the Co-operative Society;(l)If he is already a member of the Committee of Management of three Cooperative societies, i.e., one primary, one central and one apex societies at a time, but he shall be entitled to contest for the membership of the Committee of Management of more than three Co-operative societies. In case of election to the Committee of Management of more than three Co-operative Society as specified above, he shall have to resign from the Committee of Management of such Co-operative Society or Co-operative Societies within one month so that he may not remain member of the Committee of Management of more than three Co-operative Societies. In case he fails to resign within the specified period then at the expiration of such period he shall be deemed to have resigned from all except one apex Co-operative Society and one Central Co-operative Society and Primary Co-operative Society, to which he has been elected last;(m)he has been dismissed for practicing fraud or for bad or dishonest conduct from Government service or from service of a Co-operative society or of a body corporate, such order of dismissal not having been set aside in appeal;(n)he joined in the application for the registration of or was a member of the Committee of Management of a co-operative society which was subsequently wound up by the Commission under clause (a) of sub-section (2) of Section 72 on the ground that the registration of the Co-operative Society was obtained by fraud, such order of the Commission not having been reserved in appeal;(o)he is otherwise disqualified under any of the provisions of the Act or the rules or bye-laws of the Co-operative Society;(p)if he is a delegate of a non-credit Co-operative Society which is a member of a Central Co-operative Bank or Uttar Pradesh Co-operative Bank and the Cooperative Society has committed a default for a period exceeding ninety days.(q)if he has become a member of a primary agricultural credit society for the purpose of deposit only and his deposit in such society becomes less than Rupees one thousand.(r)if in the opinion of the Commission anybody has participated in the election on the basis of any corrupt practice/conduct or knowingly any deceitful Act or fabricated document consequences of which have affected his candidature and result of the election.(s)if he has been convicted for more than two years by any court for any crime and against which no stay order has been obtained or the conviction order has not been set aside by any competent court.(t)he is an ex-employee of a Co-operative Bank:Provided that this clause shall apply with respect to the Committee of Management of 16 Districts Co-operative Banks mentioned in clause (u).(u)he has been the member of Committee of Management of the following District Co-operative Banks which are receiving financial aid/grant/share capital/loan for licence preceding 10 years of the election thereof -District Co-operative Bank Ltd. Deoria, Baharaich, Sidharthnagar, Sultanpur, Jaunpur, Gorakhpur, Azamgarh, Ballia, Basti, Hardoi, Fatehpur, Sitapur, Varanasi, Allahabad, Ghazipur and Faizabad.] [Substituted by Notification No. 859/49-01-2016-8(56)/2013TC-I, dated 31.5.2016](2)A member of the Committee of Management of a Cooperative society who absents himself from three consecutive meetings of the Committee of Management without reasonable cause shall not be entitled to continue as a member of the Committee of Management.(3)The provisions of sub-rule(2) shall not apply to a nominated or an ex- officio member of the Committee of Management of a cooperative society.(4)Any person who has contested for the election to the membership of the Committee of the Management of the cooperative society , but has lost such election, shall not eligible to become such member by co-option or nomination.(5)The disqualifications laid down under sub-rule(1) shall apply subject to the following conditions-(a)the disqualification laid down under clause(h) shall not

apply to a nominated or an ex officio member of the Committee of Management or such co-opted member of the Committee of Management for whose co-option membership of the general body was not a condition under the bye-laws of the Co-operative Society;(b)the disqualification laid down in clause(d) or clause(m) of sub-rule (1) shall cease to operate on the expiry of five years after the payment of fine under the conviction or after he has served out the sentence under the conviction or after the order of dismissal, as the case may be;(c)the disqualification laid down in clause of sub-rule(1) shall not apply to a government servant nominated on the Committee of Management of a co-operative society under section 34.(d)clauses (a), (g), (i), (m) and (s) of sub-rule (1) shall not apply in relation to members of the committee of management of Cooperative Societies constituted in the Jail for Welfare and Rehabilitation of prisoners in the prison.

48.

It shall be the duty of the Committee of Management of a Cooperative society to ensure that no person incurring any of the disqualifications continues to hold office of a member of the Committee of Management. As soon as the fact that a member is subject to any disqualification whether it was incurred prior or subsequent to his being such member comes to the knowledge of the Committee of Management, the Committee of Management shall consider the matter in a meeting to be called for the purpose. A copy of the agenda of such meeting shall be served on the member (against whom action is proposed) either personally or by registered (acknowledgement due) post. Where resolution for removal of the person concerned from the membership of the Committee of Management has been passed for reasons of such disqualifications, a copy of such resolution shall also be sent to the person concerned by registered (acknowledgement due) post and thereupon such member shall not be allowed to attend any meeting of the Committee of Management or to function as the member of the Committee of Management in any other way. The office held by such member shall be declared vacant. If that person feels aggrieved by such action, he may, within thirty days from the date of the receipt of the notice seek arbitration under the provisions of the Act and the rules.

49.

(1)If an action, as prescribed is not taken at the reasonable time by the Committee of Management against any member or members in regards to their disqualification brought to knowledge, the Commission shall have the right to direct the Registrar or the Authorized Officer to remove such disqualified member or members from the Committee of Management under section 38.(2)After such direction of the Commission it shall be the duty of the Registrar or the Authorized Officer to initiate proceedings as necessary in compliance of prescribed procedure under section- 38.Chapter-VII Election Suit

50.

(1)The parties aggrieved by the election of any official or representative of any Co-operative society can file an election suit under section 70, which shall be referred to,-To the concerned District Magistrate in the case of Primary and Central/District level Co-operative Societies, who shall

himself decide the dispute or may appoint any of the Sub Divisional Magistrate under him as Arbitrator or the Chairman of the Arbitration Board as the case may be, in the case of Primary Cooperative Society and in the case of Central/District level Cooperative Societies decide the dispute himself or may appoint any of the Additional District Magistrate under him as Arbitrator or as the Chairman of the Board as the case may be. The Commission in the case of any State level / apex Co-operative Society which may decide the dispute himself or may appoint any Election Commissioner as Arbitrator or as the Chairman of Arbitration Board. (2) In regards to election of any co-operative society no objection shall be raised by arbitration or otherwise except on the ground that - (a) the election has not been fair by reason that corrupt practice, bribery or undue influence prevailed at the election, or (b) the result of election has been materially affected, - (c) by improper acceptance or rejection of any nomination. or (d) by improper acceptance or refusal or rejection of votes or (e) by gross failure to comply with the provisions of the Act, the rules or the bye-laws of the Co-operative Society. Explanation - For the purpose of this rule, corruption, bribery or undue influence shall have the same meaning as assigned to them under section-123 of the Representation of Peoples Act, 1951. (3) A dispute relating to election shall be referred by the aggrieved party within forty five days of the declaration of the result. (4) Notwithstanding anything in these rules, the applicant filing the election suit shall deposit the fees as follows in the head of account fixed by the State Government and shall enclose the original receipt with the plaint: - (a) in case of primary cooperative societies - Rs. one thousand. (b) in case of District/Central cooperative societies - Rs. two thousand (c) in case of State Level/ Apex Cooperative Societies - Rs. five thousand. Provided that, the suit shall not be accepted if the receipt of fees is not submitted. Chapter- VIII Offence and Penalties

51.

If the notice is not given within specified period under rule-4 and sub-section(4) of section 29, prior to the expiry of the tenure of the elected Managing Committee of the cooperative society, by the Secretary or the Managing Director as the case may be, or if all the required notice for determination of election constituencies is not given to the District Assistant Cooperative Election Officer or the Divisional Cooperative Election Officer or to the Commission or its authorized officer, the Commission may impose, a fine upto Rs. five thousand against the Secretary or the Managing Director concerned as the case may be, in case of primary cooperative society, a fine upto Rs. ten thousand against the Secretary or the Managing Director concerned, as the case may be, in case of District Level/Central and State Level/Apex cooperative society and the orders concerning imposition of fines shall be entered in the character roll of the employee/ officer concerned: Provided that under this rule the person concerned shall be given a reasonable opportunity by the Commission of being heard and to make his submission before imposition of fine.

52.

If information of such Co-operative societies, the tenure of managing committee whereof is to expire within coming 4 months, is not provided to the Commission within the specified period by the District Assistant Cooperative Election Officer/Authorized Officer, or if proceedings for determination of constituency are not carried out within the specified period after the date has been decided by the Commission for the election of cooperative societies of any category/categories of a

Co-operative Society or Co-operative Societies, the Commission may impose a fine upto Rs. five thousand against the officer concerned and such order of fine shall be entered in his character roll: Provided that, in case of relevant information and required documents pertaining to election of cooperative societies related to other departments not being provided to the District Assistant Cooperative Election Officer within time by the district level officer of the department concerned or by the office registering the cooperative society of its own department, the concerning officer shall be liable for a fine of Rs. five thousand and the order of imposing the fine shall be entered in the character roll of the officer concerned: Provided further that the officer concerned shall be given a reasonable opportunity by the commission of being heard and to make the submission: Provided also that, even after imposition of fine, if the officer concerned continuously makes default in his duties, the Commission may recommend to the Appointing Authority concerned for disciplinary actions against him and it shall be binding on the Appointing Authority to take action against him on such recommendation:

53.

Except for reasons beyond control, non-compliance of duty by the District Assistant Cooperative Election Officer and other appointed officer shall be considered as an offence and on conviction whereof shall be liable for penalty upto Rs. two thousand or imprisonment upto six month or with both.

54.

Any act done or information given or disclosed in violation of rule 41 shall be held as offence and person or persons against whom such offences are proved shall be punished with imprisonment upto six months or with fine upto Rs. two thousand or with both.

55.

On conviction of any act done in violation of rule 42 the Commission may impose a penalty which shall be not less than Rs. two thousand and more than Rs. ten thousand and may recommend for adverse entry to this effect in his character roll.

56.

Furnishing of facts by fraudulent means, mutilation or alteration or destruction of any election record or abetment of aforesaid deeds by the candidate contesting the election of any cooperative society shall be held as an offence and on conviction thereof shall be liable to be punished with imprisonment of upto two years or with fine of Rs. five thousand or with both.

57.

On commission of an offence mentioned in these rules the F.I.R. against the person concerned shall be lodged by the District Assistant Cooperative Election Officer concerned or by a gazetted officer authorized by him.

58.

It shall be the duty of the Election Officer/ Assistant Election Officer to deposit any sums received by the candidates or in any item for conduct of election of the Co-operative Society in the fund specified by the Commission or to the officer authorized within one week of completion of the election and on failure to do so the Commission shall recommend for disciplinary action or impose fine upto Rs. five thousand or both against the person concerned.

59.

If in the opinion of the Commission a candidate has participated on grounds of corruption or fraudulent act or false records which has a material effect on the candidature and its results, the it may declare such person/elected member to be disqualified and may declare him ineligible for future participation for which shall period be not less three years and not more than six years.

60.

(a) If a person fails to deposit the fine imposed on him by the Commission within the specified period, it shall be the duty of the Appointing Authority concerned to deduct the same from the pay of the officer/employee concerned and deposit it in the account specified by the Commission and inform the Commission. Provided that in the case of a person other than an officer /employee the amount of penalty shall be recovered as arrears of land revenue, (b) The Commission may recommend to the State Government to take action against the officer concerned for non-compliance of said duties by the Appointing Authority and authority concerned. Chapter- IX Miscellaneous

61.

(a) The Commission may appoint election supervisors for district/commissionaires/ Co-operative societies to ensure independent, transparent and fair elections of Co-operative societies. (b) The guidelines issued by the Commission regarding Rights and Duties of Cooperative Election Supervisors shall be binding.

62.

Traveling Allowance shall be paid to any Election Officer/ Assistant Election Officer, Polling Officer/ Counting Officer appointed for the election of the Co-operative Society from the budget of their own

original department.

63.

For holding the election the Secretary or the Managing Director of any cooperative society or any class or classes of cooperative societies, minor expenses, as essential incurred on any particular person authorized by the Commission on training or election articles in completion of election in a proper manner, the reimbursement of such expenses shall be done by the District Assistant Cooperative Election Officer with the approval of the District Cooperative Election Officer.

64.

(a)The determination of amount for holding the election of any cooperative society or any class or classes of cooperative societies shall be done by Commission by special or general order and this amount shall be payable from the fund of the Co-operative Society of which the election is to be held.(b)It shall be the duty of the Secretary or the Managing Director as the case may be of the Co-operative society concerned to deposit the amount in Bank Account specified by the Commission and by attaching the certificate of depositing the fees determined in the clause (a), he shall request for holding the election:Provided that in case the determination fee is not deposited the election of the Co-operative Society shall not be held and in such case, the competent authority of the department concerned shall be responsible for not holding the election.

65.

With a view to holding the election of the cooperative societies in the prescribed and fair manner the code of the cooperative election conduct shall be notified by the Commission which shall be applicable to the person or persons or authority or authorities specified by the Commission from the date of election for any society or any class or classes of societies up to the date specified by the Commission.

66.

During the process of election all officers/ employees pertaining to the election shall be under the control, supervision and guidance of the Commission.

67.

In case of doubt in respect of any provision regarding election under these rules, the decision of the Commission shall be final.

68.

If there is any subject pertaining to the election of the cooperative societies which have no clear provision mentioned in the rules in respect of such subject/ issues, the guidelines of the Commission shall be applicable.

69.

If it is brought to the notice of the Commission that any reference is not covered under any provisions of these rules, the Commission shall take proper decision on such subject which shall be final and binding.

70.

Notwithstanding anything contained in any bye-laws of the cooperative society which is inconsistent with the provisions of these rules, the provisions of these rules shall prevail.