

TAMILNADU CO-OPERATIVE SOCIETIES ACT 1983 AND
TAMILNADU CO-OPERATIVE SOCIETIES RULES 1988
RELATED TO CO-OPERATIVE ELECTIONS

TAMILNADU CO-OPERATIVE SOCIETIES ACT 1983

Section 33- A Tamil Nadu State Co-operative Societies Election Commission:-

(1) “The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to a co-operative society shall vest in the Tamil Nadu State Co-operative Societies Election Commission consisting of a Tamil Nadu State Co-operative Election Commissioner”.

(2) The Tamil Nadu State Co-operative Election commissioner shall be appointed by the Government.

(3) No person shall be qualified for appointment as Tamil Nadu State co-operative Election Commissioner unless he is or has been an officer of the Government not below the rank of Secretary to the Government.

(4) The Tamil Nadu State Co-operative Election Commissioner shall hold office for a term of five years from the date on which he enters upon his office:

Provided that a person appointed as Tamil Nadu State Co-operative Election Commissioner shall retire from office if he completes the age of sixty-five years during the term of his office.

(5) Subject to the provision of sub-section (3), the conditions of service of the Tamil Nadu State Co-operative Election Commissioner shall be such as may be prescribed.

(6) The Government may make available to the Tamil Nadu State Co-operative Election Commissioner such staff as may be necessary for the discharge of the functions conferred on the Tamil Nadu State Co-operative Election Commission by sub-section (1).

TAMILNADU CO-OPERATIVE SOCIETIES RULES 1988

Rule 51

Election of members of the board of a primary society other than a scheduled co-operative society.--- Notwithstanding anything contained in the bye-laws of a primary society other than a scheduled co-operative society, the election of the members of the board shall be by all the members of the society entitled to vote:

Provided that where there is provision in the bye-laws of any society for the formation of constituencies, otherwise than on the basis of area, the election of a member or members of the board in respect of each such constituency shall be by all the members from among themselves of that constituency only.

Rule 51-A

Eligibility to vote at, or stand for, election.--- Notwithstanding anything contained in the bye-laws of a society, the members who are not otherwise disqualified to vote at, or stand for, any election in accordance with the provisions of the Act, or these rules, shall be eligible to vote at, or stand for, any election to the society.

Rule 52

Election of members of the board.---- (1)(a) Every society shall report to the Election Commission, the date of expiry of the term of office of the members of the board for which elections are to be held and the number of members to be elected and the particulars of casual vacancy in the office of the members of the board which may arise and which have to be filled up by election as per the provisions of the Act, within fifteen days of its occurrence.

(b) On receipt of such report, the Election Commission shall appoint as many officers of the Government or officers subordinate to the Registrar not below the rank of Deputy Registrar of Co-operative Societies in the Co-operative Department or not below such rank in other departments of the Government as may be necessary, as District Election Officers for each district or for a part of a district for conducting the election of members of the board of co-operative societies in the respective district or part of a district. The District Election Officer shall take necessary steps for the conduct of election to the society or societies concerned and the society shall render all necessary assistance to the District Election Officer for the conduct of election to the board.

(c) The District Election Officer shall appoint as many officers of the Government not below the rank of Senior Inspector in the Co-operative Department or not below such rank in other departments as may be necessary as Electoral

Officers. The Electoral Officers shall be responsible for preparation and publication of voters list of the society or the societies concerned.

(d) Notwithstanding anything contained in clause (a), the Election Commission may, at any time, arrange for the conduct of election of members of the board of a society to fill up the existing or future vacancies in accordance with the provisions of the Act and Rules.

(2) The election of the members of the board of every society shall be conducted in the manner specified in this rule.

(3) (a) The District Election Officer appointed for a district or a part of a district by the Election Commission shall appoint as many officers of the Government or officers subordinate to him or officers and employees of co-operative societies or local authorities or undertakings owned by the State or Central Government or educational institutions as may be necessary as Election Officers for conducting the election of members of the board of co-operative societies in the district or a part of the district. The District Election Officer may also appoint alternative election officer or officers.

(b) Where the Election Officer appointed under clause (a) is unable to attend any stage of the election owing to illness or other unavoidable reason, the alternative Election Officer, if any, appointed for the purpose shall proceed to conduct the election from the stage at which the Election Officer had left and in such cases every reference to the Election Officer in this rule shall be construed as a reference to the alternative Election Officer.

(c) Subject to the superintendence, direction and control of the Election Commission, and under the supervision and guidance of the State Election Officer, and the District Election Officer, the Election Officer shall be responsible for the proper conduct of the elections in the manner provided in the Act, the Rules, and any other orders or guidelines issued by the Election Commission, from time to time.

(4) (a) The Election Officer may appoint one or more persons, as may be necessary, as Polling Officers to assist him in the conduct of the election.

(b) Subject to the provisions of the Rules, it shall be the general duty of the Election Officer and the Polling Officers at a polling station, to keep order thereat and to ensure that the poll is freely and fairly conducted.

(5) (a) The Election Commission shall fix the date of election and draw up a programme for the conduct of election to the society or group of societies and send a copy of the programme so drawn to the State Election Officer and the District Election Officer concerned at least twenty-one days prior to the date of poll and also to the society or group of societies:

Provided that the date of poll shall not be fixed on any date earlier than sixty days prior to the date of expiry of the term of office of the members of the board.

(b) The programme for conduct of election shall contain information regarding,---

(i) the date on which,---

(A) the society shall prepare and furnish the member's list to the Electoral Officer appointed by the District Election Officer under sub-rule (1) and shall publish the member's list in the notice board at the office of the society;

(B) the Electoral Officer shall prepare and publish the voters' list in the notice board at the office of the society;

(C) the members shall make claims or raise objections to the voters list; and

(D) the decision of the Electoral Officer on the claims made or objection raised to the voters' list shall be published;

(ii) where the society fails to prepare and furnish the member's list within the time specified in item (i) (A), the date on which.---

(A) the Electoral Officer shall prepare and publish the voters' list in the notice board at the office of the society;

(B) the members shall make claims or raise objections to the voters' list; and

(C) the decision of the Electoral Officer on the claims made or objections raised to the voters' list shall be published;

(iii) the date on which, the place at which and the time during which,-

(A) the nomination papers shall be filed ;

(B) the nomination papers shall be scrutinized and list of valid nominations shall be published ;

(C) the nomination may be withdrawn ;

(D) final list of contesting candidates shall be published; and

(E) polling, if required, will take place ;

Provided that there shall be an interval of not less than three clear days between the date fixed for filing of nomination and the date of poll ;

Provided further that difference timings can be fixed for different constituencies on the same date and that more than one date may be fixed for polling, where polling cannot be held on the same date in the same place or different places.

(6) (a) The District Election Officer or the Election Officer shall send notice of election to the members who, on the date thirty days prior to the date of poll, were the members of the society. The notice shall contain information regarding---

(i) the total number of vacancies to be filled up by election and of which the

number of seats reserved under the Act or Rules for Scheduled Castes and Scheduled Tribes and Women, if any, and the number of unreserved seats to be filled up by election ;

(ii) constituency, if any from which the members are to be elected ;

(iii) the date, place and time fixed for filing, scrutiny, withdrawal and publication of valid list of nominations ;

(iv) the date, place and time specified for polling ; and

(v) the time, date and place in which counting of voter shall take place ;

Provided that the withdrawal and publication of valid list of nominations shall be on the next day after the date fixed for scrutiny of nominations ;

(b) The election notice shall be sent at least fifteen days prior to the date of the poll by one or more of the following modes, namely :---

(i) by giving or tendering it to such member and if he is not found, by giving or tendering it to some adult members of his family under his acknowledgement ; or

(ii) by e-post ; or

(iii) by publication in one or more local newspapers having circulation in the area of operation of the society and approved by the Government for the issue of Government advertisements ;

Provided that where the District Election Officer or the Election Officer considers it necessary, the election notice may be displayed in one or more prominent public places within the area of operation of the society, in addition to being sent in one of the modes aforesaid.

(c) The election notice shall also be published,----

(i) in the notice board at the office of the society ; and

(ii) in cases where the elections are held in a place outside the headquarters of the society---

(A) in the notice board at the branch of the society in that place ; or

(B) in such other place as the District Election Officer or the Election Officer may specify in this behalf.

(d) Where the District Election Officer or the Election Officer so directs, the Chief Executive or where there is no such Chief Executive, the President or Chairperson of the society shall arrange to serve the notice of election on the members.

(e) The expenditure, if any, in sending or publishing such notice shall be borne by the society.

(7) (a) On receipt of the election programme, the society shall immediately prepare a list of members who, on the date thirty days prior to the date of poll, were qualified in accordance with the provisions of the Act and Rules to vote at the

election. If different constituencies are provided in the rules or bye-laws, such member's list shall be prepared constituency-wise. The list shall be prepared in Vernacular. The names of the members in each part of the member's list shall be arranged according to member's admission numbers as entered in the admission book.

(b) The member's list shall contain---

(i) in the case of an individual member, the name, the surname (if any), the admission number, father's or husband's name and address of the member as entered and available in the admission register and the name of the constituency, if any, to which he belongs ; and

(ii) in the case of an affiliated society, the name of the society, its registration number, address and admission number, together with the name of the delegate and the date of expiry of the current term of the delegate.

(c) The society shall send three copies of the member's list to the Electoral Officer at least fifteen clear days prior to the date of poll.

(d) The Electoral Officer shall verify the member's list sent by the society with reference to the available records and prepare a list of members who on the date thirty days prior to the date of poll, were qualified in accordance with the provisions of the Act and Rules to vote at election (hereinafter called the voters' list). The voters' list shall be prepared in Vernacular. The names of the members in each part of the voters' list shall be arranged according to member's admission number as entered in the admission book.

(e) the voters' list shall contain---

(i) in the case of an individual member, the name, the surname, (if any) the admission number, father's husband's name and address of the member as entered and available in the admission register and the name of the constituency; if any. to which he belong: and

(ii) in the case of an affiliated society, the name of the society, its registration number, address and admission number, together with the name of the delegate and the date of expiry of the current term of the delegate.

(f) The electoral Officer shall publish the voter's list on the notice board at the office of the society not less than ten clear days prior to the date of poll requiring the members to make their claims or raise their objections, if any, by a petition setting out the grounds on which the claim is based or the objection is raised, as the case may be, and present it to the Electoral Officer within two days of such publication.

(g) The Electoral Officer shall decide in writing the claims made or objections raised, if any, to the voters' list, after making such enquiry as he considers

necessary and make such corrections as may be deemed necessary and shall publish in the notice board at the office of the society or at such other places as he may consider necessary such corrections at least two days prior to the date fixed for filing of nomination. For the purpose of deciding the claims or objection, the Electoral Officer shall have free access to verify the accounts, books, records and documents belonging to or in the custody of the society.

(h) If any society fails to prepare and send the member's list within the time specified in clause (c), the Electoral Officer shall himself or through any person authorised by him in this behalf, prepare the voter's list and the society shall pay the expenses there for. In such cases, the Electoral Officer shall also publish the voters list in the notice board at the office of the society at least seven clear days prior to the date of poll requiring the members to make their claims or raise their objections, if any, by a petition setting out the grounds on which the claim is based or the objection is raised, as the case may be, presented to the Electoral Officer within one day of such publication. The provisions in clause (g) shall apply with the modification that the correction so made shall be published in the notice board at the office of the society or at such other place as he may specify, at least on the date prior to the date fixed for filling of nomination.

(7-A) Notwithstanding anything contained in the Rules or the bye-laws, in the case of a central society or an apex society where there is only society member and no individual member, for the election of members of the board to fill up the seats reserved for Scheduled Castes and Scheduled Tribes or Women, the central society or the apex society concerned shall prepare a list of members of the boards of societies affiliated to it and belonging to Scheduled Castes and Scheduled Tribes or Women, respectively, and who were qualified in accordance with the provisions of the Act and the Rules for being elected as a member of the board of such central or apex society, as the case may be, and send three copies of such lists to the Election Officer concerned at least ten days prior to the date of poll.

(8)(a) No person shall be eligible for being nominated as a candidate for election to the board unless he is qualified for being elected under the provisions of the Act and these Rules, and his name is included in the voters' list. The nomination of a candidate for the election shall be in Form No. 18 and shall be signed by the candidate. The nomination paper shall be signed by two other members whose names are included in the voter' list, one as the proposed and the other as the seconder for the nomination ;

Provided that where, excluding the candidate or candidates seeking election, only one member is in the voters' list, the nomination need not be seconded ;

Provided further that where, excluding the candidate or candidates seeking

election, no member is in the voters' list, the nomination need not be proposed or seconded ; and

Provided also that in the case of a central or apex society which has only society member and no individual member, for election to the board of such central or apex society to fill up the seats reserved for Scheduled Castes and Scheduled Tribes or for women, a person whose name is not included in the voters ' list, shall also be eligible for being nominated as a candidate, if such person is a member of the board of society affiliated to such central or apex society and belongs to Scheduled Castes and Scheduled Tribes or a women, as the case may be, and whose name is included in the list referred to in sub-rule (7-A).

Provided also that if the seat is reserved for Scheduled Castes and Scheduled Tribes, the candidate seeking election to such reserved seat shall furnish a declaration in the nomination form made by him specifying the caste or tribe of which he belongs and the area in relation to which that caste or tribe is notified as a Scheduled Castes or Scheduled Tribes of the State.

(aa) Nothing contained in this sub-rule shall prevent any candidate from being nominated by more than one nomination paper for any one election;

Provide that not more than four nomination papers shall be presented by or on behalf of any candidate for any one election.

Provided further that a person who wishes to stand as a candidate in an election to a single member constituency shall not sign any nomination as a proposer or seconder ;

Provided also that the maximum number of nomination papers signed by a person who wishes to stand as a candidate in a multi-member constituency as a proposer or seconder shall be one less than the number of members to be elected to that constituency.

(b) Every nomination paper shall be presented in person to the Election Officer by the candidate himself or by his proposer or seconder on the date and time specified in the notice of election.

(c) The Election Officer receiving the nomination paper shall enter on the nomination paper its serial number and certify the date and hour at which the nomination paper has been presented to him and also immediately acknowledge receipt of the nomination paper.

(d) On the date and time fixed in the election notice for the scrutiny of nomination papers, the Electoral Officer shall decide in writing the objections, if any, which may be made to any nomination and may, either on such objection or on his own motion, after making such summary enquiry, as he considers necessary, reject any nomination on any of the following grounds:---

(i) that on the date fixed for filing of nomination papers, the candidate either was not qualified or was not qualified or was disqualified for being elected to fill the vacancy under any of the provisions of the Act or the Rules ; or

(ii) that there has been a failure to comply with any of the provisions in clause (a) or clause (aa) or this rule ; or

(iii) that the signature of the candidate or the proposer or seconder on the nomination paper is not genuine ; or

(iv) that where the election is solely for a seat or for seats reserved for Scheduled Castes and Scheduled Tribes or Women, the candidate does not belong to such reserved category ;

Provided that the nominations of a candidate shall not be rejected only on the ground of an incorrect description of his name or of the name of his proposer or seconder or of any other particulars relating to the candidate or his proposer or seconder as entered in the voters ' list, if the identity of the candidate or proposer or seconder, as the case may be, is established beyond reasonable doubt.

(e) The Election Officer shall give all reasonable facilities to the candidates or the persons duly authorised by the candidates as their representatives in this behalf to examine all the nomination papers and satisfy themselves that the inclusion of the candidates is valid.

(f) The Election Officer shall endorse on each nomination paper his decision accepting or rejecting the same and if the nomination paper has been rejected, he shall record in writing a brief statement of grounds for such rejection.

(g) After all the nomination papers have been scrutinized and decisions accepting or rejecting the same have been recorded, the Election Officer shall prepare a list of candidates whose nominations have been accepted as valid and such list shall be published in the notice board at the office of the society or at such other place as the Election Officer may specify on the date and time fixed in the election notice for such publication.

(h) Any candidate may before the date and time fixed in the election notice, withdraw his candidature by notice in Form No. 19 signed by him and delivered to the Election Officer either by such candidate in person or by his proposer or seconder who has been duly authorised in this behalf in writing by the candidate. the notice of withdrawal of candidature once given shall be final.

(i)The Election Officer shall prepare in Form No. 20 a list of candidates whose nomination papers have been finally accepted as valid and who have not withdrawn their candidature within the time fixed for withdrawal and such list shall be published in the notice board at the office of the society or at such other place as the Election Officer may specify on the date and time fixed in the election notice.

(9) (a) If for any constituency for which the election is to be held, the number of candidates in respect of whom valid nominations have been filed but have not been withdrawn does not exceed the number of candidates to be elected for that constituency, such candidates shall be deemed to have been duly elected for the constituency and the names of such candidates shall be published in the notice board at the office of the society or at such other place as the Election Officer may specify, after a declaration by the Election Officer to the effect that they have been duly elected. The Election Officer shall immediately send a report to the District Election Officer, the State Election Officer and the Election Commission.

(b) If the number of candidates for any constituency exceeds the number of members to be elected, the Election Officer shall allot a serial number to each candidate according to their names in the alphabetical order in English language and arrange for taking a poll on the date fixed for the purpose.

(c) If for any constituency, there is no contesting candidate, the Election Officer shall immediately send a report to the District Election Officer, the State Election Officer and the Election Commission. In such case, the Election Commission may start election proceedings afresh in all respects as if for a new election to fill up the vacancy or vacancies.

(d) In respect of reserved seats, if the number of contesting candidates qualified to be chosen to fill them is not larger than the number of vacancies, the Election Officer shall declare the candidate or all such candidates, as the case may be, duly elected and the names of such candidate or candidates shall be published in the notice board at the office of the society or at such other place as the election officer may specify. The Election Officer shall immediately send a report to the District Election Officer, the Election Officer and the Election Commission.

(e) If the number of contesting candidates qualified to be chosen for the reserved seats exceeds the number of seats reserved, while the total number of all contesting candidates for election is less than or equal to the total number of seats to be filled at the election, the Election Officer shall, after notice to the candidates concerned, decide by drawing lots, which of the candidates so qualified to fill the reserved seats shall be declared elected to the reserved seats and which of them to the non-reserved seats. Thereafter, he shall cause a copy of the list of contesting candidates in Form No. 20 to be affixed in the notice board at the office of the society and shall then declare all such candidates duly elected. The Election Officer shall immediately send a report to the District Election Officer, the State Election Officer and the Election Commission.

(f) If all the vacancies in the reserved seats to be filled at the election have been filled under clause (d) or (e) and if the number of contesting candidates remaining

after the exclusion of the candidates so declared elected under the said clauses is not larger than the number of non-reserved seats to be filled at the election, the Election Officer shall cause a copy of the list of contesting candidates in Form No. 20 to be affixed in the notice board at the office of the society and after such affixation shall declare them duly elected to the non-reserved seats. The Election Officer shall immediately send a report the District Election Officer, the State Election Officer and the Election Commission.

(g) If there are any seats remaining to be filled after following the procedure prescribed in clauses (a), (d), (e), and (f), the Election Officer shall send a report to the District Election Officer, the State Election Officer and the Election commission. In such case, the Election Commission may start election proceedings afresh in all respects as if for a new election to fill up the vacancy or vacancies.

(h) In respect of vacancies not filled under clauses (d), (e) and (f) or where the number of contesting candidates is more than the number of seats to be filled, a poll shall be held for election from among the candidates remaining after excluding those declared elected under the said clauses.

(10)(a) At every election where poll is taken, the society shall provide each Election Officer with sufficient number of ballot boxes, ballot papers, copies of the voters' list in respect of the polling area, instruments for stamping the distinguishing mark x or + on ballot papers and other articles as may be necessary for taking the poll.

(b) The ballot box shall be so constructed that ballot paper can be introduced therein but cannot be taken out there from without the box being unlocked. Every ballot box used at a polling station shall bear labels and address tags both inside and outside marked with---

(i) name of the society and the name of the constituency, if any, for which the election relates ;

(ii) the name of the polling station ;

(iii) the serial number of the ballot box (to be filled in, at the end of the poll on the label and addressed tag outside the ballot box only) ; and

(iv) the date of poll.

(c) A candidate contesting the election may appoint an election agent to represent him at every booth where polling is held and shall give notice of such appointment to the Election Officer by delivering or forwarding the letter of appointment. Such letter of appointment shall be in Form No. 21.

(d) Immediately before the commencement of the poll, the Election Officer or the Polling Officer shall show the empty ballot box to the candidates or their election agents as may be present at the time and shall then lock it up and place

his seal upon it in such a manner that after the box has been closed, it is not possible to open it without breaking the seal. Any candidate or his agent may also affix his own seal, if he so desires.

(e) The serial numbers allotted together with the names of the candidates shall be displayed prominently at the polling station and at each polling booth. Each polling booth shall contain one or more separate voting compartments in which the voters can record their votes screened from observation.

(f) Each ballot paper shall contain the serial numbers allotted to the candidates together with their names, the reserved / unreserved seat to which he is contesting and sufficient space for making the mark x or + on the ballot paper by the voter. The ballot paper shall also contain on the top of it the name and address of the society and the constituency, if any, for which the election is held and the seal and signature of the Election Officer on the reverse of it. Serial number of each ballot paper shall also appear at the top or the reverse of it.

(11)(a) The Election Officer may employ at the polling station such number of officers or employees of the society as he considers necessary to help in the identification of voters. He may also make such other arrangements as he may deem necessary to ensure identification of voters and to prevent impersonation.

(b) The Election Officer or the Polling Officer shall regulate the number of voters to be admitted at any one time inside the polling station and shall exclude therefrom all persons other than---

- (i) persons appointed by the Election Officer to assist him in the conduct of election.
- (ii) each candidate and one election agent of each candidate,
- (iii) a child in arm accompanying a voter,
- (iv) a person accompanying a blind or inform voter who can not move without help, and
- (v) officers or employees of the society appointed under clause (a) ;

Provided that where a polling station is for both men and women voters, the Election Officer may direct that they shall be admitted into the polling station in separate batches.

(c) No person including the candidate and his election agent shall canvass vote, within the polling station in any manner.

(cc) At every election, where a poll is taken, votes shall be given by ballot and all voters voting at an election shall do so in person at the polling station and no votes shall be received by proxy.

(d) As each voter enters the polling station, the Election Officer or the Polling Officer, as the case may be, shall issue a ballot paper to him. No ballot paper shall

be issued, if the Election Officer or the Polling Officer, as the case may be, is not satisfied that the voter concerned is the same person as noted in the voters' list furnished to him.

(e) In deciding the right of a person to obtain a ballot paper, the Election Officer or the Polling Officer, as the case may be, shall overlook any clerical or printing or typographical error in any entry in the voters' list, if he is satisfied that such person is identical with the voter to whom such entry relates.

(f) The Election Officer shall decide, in writing, the objections, if any, which may be made by a candidate or his election agent as to the right of any person to vote at the election after making such summary enquiry as he considers necessary.

(g) Each voter shall be given only one ballot paper for each election. On receiving the ballot paper, the voter shall forthwith proceed in to one of the voting compartment, make the mark x or + on the ballot paper against the name or names of the candidate or candidates whom he desires to vote, fold the ballot paper so as to conceal his vote and put the ballot paper in the ballot box with utmost secrecy. No voter shall enter a voting compartment when another voter is inside it.

(h) If owing to blindness or other physical infirmity or illiteracy a voter is unable to mark the ballot paper, the Election Officer or the Polling Officer shall ascertain from him the candidate or candidates in whose favour he desires to vote, make the mark on his behalf and put the ballot paper in the ballot box.

(12) Every voter shall be entitled to as many votes as there are vacancies relating to the constituency to which he belongs, but no voter shall give more than one vote to any candidate.

(13)(a) The Election Officer shall close the polling station at the hour fixed for the closure of polling and shall not thereafter admit any voter into the polling station :

Provided that all the voters present at the polling station before it is closed shall be allowed to record their votes.

(b) If any question arises whether a voter was present at the polling station before it was closed, it shall be decided by the Election Officer or the Polling Officer, as the case may be, and his decision shall be final.

(c) As soon as the voters present at the time fixed for the closure of voting have recorded their votes, the Election Officer or the Polling Officer, as the case may be, shall close the slit of the ballot box or shall seal up the slit and also allow any candidate or his election agent to affix his own seal, if he so desires.

(14)(a) The counting of votes shall take place on the day and at the place and hour specified in the election notice.

(b) Each candidate, one election agent of each candidate and as many counting

agents of each candidate as the Election Officer specify shall have a right to be present at the time of counting. No other person shall be allowed to be present, except such other person appointed by the Election Officer to assist him in counting the votes and the persons already on duty in connection with the election.

(c) The Election Officer shall open the ballot box in the presence of the candidates and their election and counting agents present and the votes shall be counted by or under the supervision of the Election Officer.

(15)(a) A ballot paper shall be rejected,---

(i) if it bears any mark or writing by which the voter can be identified, or
(ii) if no vote is recorded thereon, or
(iii) if votes are given on it in favour of more candidates than the number of members to be elected, or

(iv) if ballot paper is not the one issued by the Election Officer or the Polling Officer, as the case may be, or

(v) if the mark indicating the vote thereon is placed in such manner as to make it doubtful to which candidate the vote has been cast, or

(vi) if it does not bear the seal and signature of the Election Officer, or

(vii) if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established, or

(viii) if it is not the relevant ballot paper :

Provided that where the Election Officer is satisfied that any such defect as is mentioned in sub-clause (vi) has been caused by any mistake or failure on the part of the Election Officer, or the Polling Officer, the ballot paper shall not be rejected only on the ground of such defect :

Provided further that a ballot paper shall not be rejected only on the ground that the mark indicating the voter is indistinct or made more than once, if the intention that the vote shall be for a particular candidate clearly appears from the way the paper is marked.

(b) The authority competent to reject the ballot paper shall be the Election Officer.

(c) All ballot papers taken out of ballot box used at a polling station and rejected under this rule shall be made into a separate bundle.

(16) The votes recorded in every ballot paper other than those rejected under sub-rule (15) shall be counted. The Election Officer shall, as far as practicable, proceed continuously with the counting and shall during any interval when the counting has to be suspended, keep the ballot papers, packets and all other papers relating to elections sealed with his own seal and the seals of such candidates or election agents as may desire to affix their seals and take sufficient precaution for

their safe custody during such interval. As soon as the counting of the votes is completed, the Election Officer shall announce the number of valid votes secured by each candidate and declare the candidate who has secured the largest number of valid votes as elected. In the case of equality of votes, the results of the election shall be decided by casting lots by the Election Officer.

(17)(a) The results of the election shall be recorded in a register opened by the Election Officer for this purpose and attested by him.

(b) The names of the duly elected candidates shall be published in the notice board of the office of the society or at such other place as the Election Officer may specify.

(c) As soon as the election is over, the Election Officer shall intimate the results of the election in Form No.22 to the society, the Election Commission, the District Election Officer, the State Election Officer and the Election Officer, if any appointed under sub rule (1) of rule 53 for conducting the election of the office-bearers of the board.

(d) (. . .)

(18)(a) If at any stage of the election, the proceedings are interrupted or obstructed by any riot or open violence or if it is not possible to proceed with the election on account of any natural calamity, the Election Officer shall have power to stop the election recording his reasons for such action.

(b) The fact that election has been so stopped shall be immediately announced and reported to the District Election Officer, the State Election Officer and the Election Commission forthwith by the Election Officer.

(c) Proceedings with reference to the election so stopped shall be resumed from the stage it was stopped or resumed at an earlier stage as may be decided by the (the Election Commission).

(d) Notwithstanding anything contained in sub-rules (a) to (c), the Election Commission may, for special reasons, empower the District Election Officer to fix dates and a periods, other than those notified earlier under the Rules, for all or any of the stages of any election under the Rules.

(19) The board and every officer of the society concerned shall be bound to render every assistance to the Election Officer in the conduct of elections and shall make available every record that may be required by him for this purpose.

(20) Any casual vacancy in the office of an elected member of the board has arisen if the remaining term of office of the board is not less than half of its original term, the vacancy shall be filled up in the same manner as specified in this rule.

(21)(a) Every election under this rule shall be held at the premises where the office of the society is located or in any other public place at the headquarters of the

society, to which all the voters shall have access :

Provided that where a member of the board is to be elected by the members of the society within a specified constituency outside the headquarters of the society, the election may be held at any public place in such constituency to which all the voters shall have access :

Provided further that where the (Election Commission) or the Election Officer considers necessary, polling may be held in different public places within the area of operation of the society to which all the voters have access :

Provided also that where polling is held in different public places, the members allotted to each place of polling shall be specified in the notice of the election and the members so allotted shall cast their votes only at the respective place of polling so specified.

Provided also that notwithstanding anything contained in this sub-rule, in any election under this Rule in respect of any Primary Co-operative Society, if the (Election Commission) so decides, filing, scrutiny and withdrawal of nominations of candidates and publication of valid nominations or counting of votes polled and declaration of election results may be held in any public place within the area of operation of the society or in any public place within the limits of the revenue taluk within which the headquarters of the society is located to which all the voters shall have access.

(b) Notwithstanding anything contained in the Rules, a notified polling station can be used for the purpose of conducting election for seats reserved for Scheduled Castes and Scheduled Tribes or seats reserved for women or for open (unreserved) seats either individually or simultaneously. The Election Officer, Polling Officer and such other officers appointed for the purposes of conducting one election shall be deemed to have been appointed for the purposes of holding all other elections so held simultaneously at that polling station. Unless otherwise directed by the Election Commission, the polling materials like ballot boxes, rubber stamps, distinguishing marks, etc., as well as records like voters list, covers, etc. used for one election may also be used for other such elections.

(22) (a) The records relating to the election shall be secured in a container which shall be affixed with the seal of the Election Officer and of the candidates or their election agents, who desire to affix their seals.

(b) After the election is over, the election officer shall hand over the election records to the District Election Officer or to any person authorised by him in this behalf under acknowledgement who shall preserve the same for a period of one year from the date of election in the event of there being no election dispute or if an election dispute is referred to the Registrar till the date of final disposal of the said

dispute, whichever is later.

(c) They shall be destroyed after the said period of one year if no dispute relating to, or in connection with the election is referred to the Registrar or in the event of an election dispute, after the final disposal of the dispute, whichever is later.

(23) Notwithstanding anything contained in the Rules, where the Election Commission suo-motu or on compliant or on the report of the District Election Officer or observer is of the opinion that, it is not possible to hold free and fair election on account of the prevailing law and order problem, or riot or open violence, or communal clash or on account of natural calamity or bundh or such other sufficient cause, the Election Commission shall have the power to cancel the election to Co-operative Societies recording the reasons there for. In such a case, the Election Commission may start election proceedings afresh in all respects as if for a new election to fill up the vacancy or vacancies.

Rule 52-A

Powers and functions of the Election Commission.--- (1) (a) The preparation of electoral roll and the conduct of elections to the boards and office bearers of the boards of all co-operative societies shall be held under the superintendence and control of the Election Commission. It shall have power to give such directions as may deem necessary to the District Collector or District Superintendent of Police or any Executive Magistrate or any Police Officer.

(b) The Election Commission shall have the power to issue any directions or guidelines or instructions for the conduct of election to the boards and office bearers of boards of co-operative societies and also to officers and staff appointed to perform the election duty.

(2) The Election Commission may, subject to control and revision, delegate its powers to such officers as it may deem necessary.

(3) The Election Commission may appoint the officers appointed as the Registrars of Co-operative Societies by the Government under section 3 of the Act as the State Election Officers in respect of the co-operative societies under their respective administrative control. Subject to the superintendence, direction and control of the Election Commission, the State Election Officers, shall co-ordinate and supervise the preparation and publication of voters' list and also the conduct of elections of members of the boards and the office bearers of the boards of societies under their respective administrative control. They shall also perform such other functions as may be entrusted to him by the Election Commission, from time to time.

(4) The Election Commission may appoint as many Officers of the Government

not below the rank of a Deputy Registrar of Co-operative Societies in the Co-operative Department of the Government or not below such rank in other departments of the Government as the District Election Officers. Subject to the superintendence, direction and control of the Election Commission, the District Election Officers shall co-ordinate and supervise the preparation and publication of electoral rolls and the conduct of elections of members of the boards and office bearers of the boards of societies under their respective administrative control as specified by the Election Commission. They shall also perform such other functions as may be entrusted to them by the Election Commission, from time to time.

(5) The District Election Officers, Electoral Officers, Election Officers, Poling Officers and any other officers appointed under the Rules, any police officers designated for the time being by the State Government for the conduct of any elections, shall be deemed to be on deputation to the Election Commission for the period commencing on and from the date of preparation of electoral rolls till its completion and from the date of notification calling for such elections and ending with the date of completion of such elections and such officer shall, during that period, be subject to the control, superintendence and discipline of the Election Commission.

(6) (a) The Election Commission may nominate an Observer, who shall be an officer of the Government to watch the conduct of election or elections to a co-operative society or a group of co-operative societies within a District or a Revenue Division or a part of a Revenue Division and to perform such other functions as may be entrusted to him by the Election Commission.

(b) The Observer nominated under clause (a), shall have the power to direct the Election Officers concerned, to stop the counting of votes at any time before the declaration of the result or not to declare the result, if in the opinion of the Observer, booth capturing has taken place at a large number of polling stations or at places fixed for the poll or counting of votes or any ballot papers used at a polling stations or at places fixed for the poll are unlawfully taken out of the custody of the Election Officer or if at any time before the counting of the votes is completed, ballot papers used at a polling station are unlawfully taken out of the custody of the Election Officer or are accidentally or intentionally destroyed or lost or are damaged or tampered with to such an extent that the result of the poll at that polling station or place cannot be ascertained.

(c) Where an observer has directed the Election Officer under this rule to stop counting of votes or not to declare the result, the Observer shall forthwith report the matter to the District Election Officer, State Election Officer and the Election Commission and thereupon, the Election Commission shall, after taking all material

circumstances into account, issue appropriate directions as may deem proper for the further the conduct and completion of the election.

Explanation.— For the purposes of this sub-rule, “Observer” shall include any officer of the Election Commission as has been assigned under this rule the duty of watching the conduct of election or elections to a co-operative society or a group of co-operative societies within a District or a Revenue Division or a part of a Revenue Division.

(7) Subject to the superintendence and control of the Election Commission, and under the supervision and guidance of the State Election Officer and the District Election Officer, the Election Officer shall be responsible for the proper conduct of the elections in the manner provided in the Act, the Rules and any other orders issued by the Election Commission, from time to time.

(8) Where the Election Commission, suo-motu or on complaint or on the report of the Observer is of the opinion that a District Election Officer or Electoral Officer or Election Officer by an act of omission or commission has done anything detrimental to the conduct of free and fair election, the Election Commission may recall such District Election Officer or Electoral Officer or Election Officer, as the case may be, and appoint another eligible officer in his place who shall proceed the election as per the election programme already drawn by the Election Commission.

(9) The Election Commission may issue such general or special directions, as may in its opinion, be necessary, for the purpose of giving due effect to these rules, or holding any election under the Act and the Rules.

(10) If any difficult arises in giving effect to the provisions of rules 52, 52-A and 53 or in holding any election, the Election Commission, as occasion may require, may, by order, do anything which appears to it necessary for the purpose of removing the difficulty.

(11) All orders , direction, etc., issued by the Election Commission or the State Election Officer or District Election Officer or the Electoral Officer, for the preparation of electoral rolls and for the conduct of elections under the Rules shall, unless repugnant to the Rules, be deemed to have been issued or made under the Rules.

Rule 53 Election of Office Bearers :

(1) (a) The District Election Officer appointed by the Election Commission for the conduct of election of members of the board of a society shall appoint an officer of the Government of officer subordinate to him or officer or employee of co-operative societies or local authorities or undertakings owned by the State or Central Government or educational institutions as may be necessary as the

Election Officer for conducting the election of office bearers of the board of the society. The District Election Officer may also appoint an alternative Election Officer for conducting the election.

(b) Where the Election Officer appointed under clause (a) is unable to attend any stage of the election owing to illness or other unavoidable reason, the alternative Election Officer, if any, appointed for the purpose shall proceed to conduct the election from the stage at which the Election Officer had left and in such cases, every reference to the Election Officer in this rule shall be construed as a reference to the alternative Election Officer.

(2) As soon as the members of the board have been elected, the Election Officer shall arrange to convene a meeting of such elected members of the board for conducting the election of office-bearers of the board.

(3) (a) Not less than three clear days' notice shall be given for a meeting convened under sub-rule (2).

(b) The notice of the meeting shall be sent by the Election Officer to the members of the board by one or more of the following modes, namely:-

(i) by giving or tendering it to such member of the board and if the member of board is not found, by giving or tendering it to some adult member of his family under his acknowledgement ; or

(ii) by post under certificate of posting.

(c) The notice shall also be published,----

(i) in the notice board at the office of the society ; and

(d) The Election Officer may call upon the Chief Executive or where there is no Chief Executive, the President of the society to arrange to serve the notice of election meeting on the members of the board.

(e) The expenditure, if any, in sending such notice shall be borne by the society.

4 (a) The Election Officer shall preside over the meeting convened under sub-rule (2).

(b) The nomination of a candidate for the election of an office bearer shall be in Form No. 23. The nomination paper shall be presented to the Election Officer at the meeting by the candidate or the proposer or the seconder.

(c) The Election Officer shall decide in writing, the objections, if any, which may be made to any nomination after making such summary enquiry as he considers necessary and announce the names of the eligible candidate or candidates. Any candidate may withdraw his candidature by notice in writing signed by him and delivered to the Election Officer in person, by the candidate himself ; or by his proposer or seconder at any time after the presentation of his nomination

paper, but within the time fixed for withdrawal of nomination. A notice or withdrawal of candidature once given shall be final.

(5) When there is not more than one eligible candidate for any office, the Election Officer shall declare such eligible candidate to be duly elected to such office.

(6) (a) Where there is more than one eligible candidate for any office the Election Officer shall allot a serial number to each eligible candidate according to their name in the alphabetical order in English language, and forthwith arrange for taking poll by providing the ballot papers and a ballot box. At every election where poll is taken, votes shall be recorded by secret ballot in the following manner and no vote shall be recorded by proxy. The serial numbers, as allotted, together with the names of the eligible candidates, shall be displayed prominently in the place of meeting. Each ballot paper shall contain the serial number allotted to the eligible candidate for each office and the seal and signature of the Election Officer. The members shall make the mark x or + on the ballot paper against the serial number of the candidate of each office for whom they desire to vote and put the ballot papers in the ballot box.

(b) The Election Officer shall decide in writing the objection, if any, which may be made in regard to the right of any member to vote at the election after making such summary enquiry as he considers necessary.

(7) As soon as the members present and voting have recorded their votes, the Election Officer shall open the ballot box in the presence of the members present and count the votes.

(8)(a) A ballot paper shall be rejected,---

- (i) if it bears any mark by which the member who voted can be identified, or
- (ii) if no vote is recorded thereon, or
- (iii) if votes are given on it in favour of more than one candidate, or
- (iv) if it is a ballot paper not issued by the Election Officer, or
- (v) if the mark indicating the vote thereon is placed in such manner as to make it doubtful to which candidate the vote has been cast, or
- (vi) if it does not bear the seal and signature of the Election Officer, or
- (vii) if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established:

Provided that where the Election Officer is satisfied that any such defect as is mentioned in item (vi) has been caused by any mistake or failure on the part of the Election Officer, the ballot paper shall not be rejected only on the ground of such defect :

Provided further that a ballot paper shall not be rejected only on the ground that

the mark indicating the voter is indistinct or made more than once, if the intention that the vote shall be for a particular candidate clearly appears from the way the paper is marked.

(b) The authority competent to reject the ballot paper shall be the Election Officer.

(9) As soon as the counting of the votes is completed, the Election Officer shall announce the number of valid votes secured by each candidate and declare the candidate who has secured the largest number of valid votes as elected. In the case of equality of votes, the results of the election shall be decided by casting lots by the Election Officer.

(10)(a) The results of the election shall be recorded in a register opened by the Election Officer for this purpose and attested by him.

(b) The names of the duly elected candidates shall be published in the notice board of the office of the election officer and the office of the society concerned.

(c) As soon as the election is over, the Election Officer shall intimate the results of the election to the society concerned, the District Election Officer, the State Election Officer and the Election Commission.

(11)(a) If at any stage of the election, the proceedings are interrupted or obstructed by any riot or open violence or if it is not possible to proceed with the election on account of any natural calamity, the Election Officer shall have power to stop the election recording his reasons for such action.

(b) The fact that election has been so stopped shall be immediately announced and reported to the District Election Officer, the State Election Officer and the Election Commission by the Election Officer.

(c) Proceedings with reference to the election so stopped shall be resumed from the stage it was stopped or resumed at an earlier stage as may be decided by the Election Commission.

(12) Every election under this rule shall be held at the premises where the office of the society is located or in any other public place at the headquarters of the society, to which the voters shall have access :

(13) (a) The records relating to the election shall be secured in a container which shall be affixed with the seal of the Election Officer and of the candidates who desire to affix their seals.

(b) After the election is over, the election officer shall hand over the election records to the District Election Officer or to any person authorised by him in this behalf under acknowledgement who shall preserve the same for a period of one year from the date of election in the event of there being no election dispute or if an election dispute is referred to the Registrar, till the date of final disposal of the said

dispute, whichever is later.

(c) They shall be destroyed after the said period of one year if no dispute relating to, or in connection with, the election is referred to the Registrar or in the event of an election dispute, after the final disposal of the dispute, whichever is later.

(14) Every casual vacancy of an office-bearer shall be reported to the Election Commission by the society within fifteen days of its occurrence, which shall be filed up in the same manner as specified in this rule.

(15) Nothing contained in this rule shall apply to the election of president or vice president or chairperson or vice chairperson, as the case may be, of an interim board referred to in sub-clause (ii) of clause (d) of sub-section (1) and of sub-section (2) of section 13 and the fourth proviso to sub-section (1) of section 33.

(16) Notwithstanding anything contained in this rule, the Election Commission may, for sufficient reasons, direct the postponement of the election of office bearers of further postponement of the date so postponed and the District Election Officer and the Election Officer shall give effect to such direction. Further proceedings with reference to the election so postponed shall be resumed from the stage it was postponed or resumed at an earlier stage as may be decided by the Election Commission.

Rule 53-A

53-A. Manner of election of delegate.----For the purpose of clause (b) of sub-section (2) of section 26, the delegate of a society to the general body of another society shall be elected by the members of the board in the former society from among themselves by a resolution passed at a meeting of the board present and voting at the meeting.