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EXTRAORDINARY

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PART IV (A) — PROVINCIAL COUNCILS

Provincial Councils Notifications

RULES MADE IN TERMS OF BY-LAW 23 OF THE REGISTERED BY-LAWS OF MULTI-PURPOSE CO-OPERATIVE SOCIETY LIMITEDS OF THE NORTH WESTERN PROVINCE

BY virtue of the powers vested in me by By-law 23 of the registered *By-laws of a Multi-Purpose Co-operative Society*, I, Dissanayake Mudiyanseelage Kulamina Chandana Dissanayake, Commissioner of Co-operative Development and Registrar of Co-operative Societies, of the North Western Province, do by this Order hereby make the following Rules for the election of a Branch Committee of a Co-operative Society.

D .M.K.C. DISSANAYAKE,
Commissioner of Co-operative Development
and Registrar of Co-operative Societies.

Kurunegala,
25th February 2015.

1. *Short Title* :

These Rules may be cited as Rules for the election of a Branch Committee of Multi-Purpose Co-operative Societies in the North Western Province.

2. *Voters' List* :

2.1 For the purpose of electing the required number of Branch Committee members

under By-law 22(1) of a Multi-Purpose Co-operative Society, a list of members who are eligible to vote shall be prepared in triplicate for each year ending 31st December of every year by the Board of Directors. Such list shall be prepared prior to 15th January of the ensuing year.

One of these lists shall be exhibited in a prominent place in the office of the Branch and another copy of it in a prominent place of business in the Branch for a period from 16th January to 31st January each year.

However, a list of members of any Co-operative Society for the year ending on the last day of a month which presides three months of the date fixed for the election of the Society shall be prepared prior to the 15th day of the ensuing



month and such list shall be so exhibited from the 16th day to the last day of the ensuing month and amendments, if any, pertaining to appeals submitted shall be made in the list on or before 15th day of the ensuing month.

2.2 Any person who is qualified to have his or her name entered in the list referred to in Rule 2.1 above and whose name has not been included in such list, may appeal to the Secretary to the Society within the period from the 16th day to the last day of the month during which the list is exhibited to have his or her name included in such list. Such appeal shall be disposed of by the Board of Directors and amendments, if any, shall be made in the list on or before 15th day of the ensuing month.

2.3 Any member of the Society whose name is registered in that Branch may object in writing to the secretary of that Society and state the reasons therefor, to the appearance of a name in the list referred to in Rule 2.1 within the period from the 16th day of the month the list has been exhibited until the last day of the month. Such objections shall be disposed of by the Board of Directors and amendments, if any, shall be made in the list on or before 15th day of the ensuing month.

2.4 If the appeals referred to in Rule 2.2 and the objections referred to in Rule 2.3 are not disposed of by the Board of Directors within the stipulated, time, the Commissioner of Co-operative Development and the Registrar of Co-operative Societies may direct such Board of Directors to dispose of the objections and cause the list of members eligible to vote to be revised, if necessary. The Society should comply therewith accordingly. The Secretary of the Society shall revise the Voters' list and the President and another Director of the Society shall certify same.

2.5 At every instance where an election is held, the Board of Directors of the Society shall furnish to the Commissioner of Co-operative Development and the Registrar of Co-operative Societies a certified copy of the final Voters' list of each branch within 7 days of such certification and two copies certified by the Commissioner of Co-operative Development and the Registrar of Co-operative Societies shall be returned to the society and elections shall thereafter be held on such Voters' list.

2.6 If the list referred to in Rule 2. 1 is not prepared by the Society or is not revised by the Board of Directors in terms Rule 2.2 and 2.3 and duly certified in terms of Rule 2.4 and made available to the Commissioner of Co-operative Development and the Registrar of Co-operative Societies under Rule 2.5, the Commissioner of Co-operative Development and the Registrar of Co-operative Societies shall cause such list of members who are eligible to vote to be prepared by some other officer, certify such list and it shall be lawful to hold elections on such Voters' list. It shall also be lawful to recover the expenses incurred thereon from the defaulting Board of Directors of the Society.

General

APPOINTMENT OF CHIEF ELECTIONS OFFICER, ELECTIONS OFFICERS IN-CHARGE OF ZONES AND ASSISTANT ELECTIONS OFFICERS

3.1 The Commissioner shall appoint for every Multi-Purpose Co-operative Society a Chief Elections Officer, Elections Officers In-Charge of Zones and Assistant Elections Officers as may be necessary under these Rules. Such appointment shall be in the form Specified in Schedule "A".

3.2 The Elections Officers so appointed by the Commissioner shall exercise all such powers referred to in these Rules except those reserved for the Commissioner.

3.3 The Secretary of the Society shall furnish to the Commissioner the particulars of the Branches where the elections are to be held three months prior to the expiry of their terms and the Commissioner may fix in advance the dates before which nominations shall be called and the elections shall be held. The Commissioner shall have the power to vary such order.

3.4 The Chief Elections Officer, Elections Officers In-Charge of Zones and Assistant Elections Officers shall be responsible for the proper conduct of the elections from the time nominations are called and up to the time the results are announced and communicated to the society in terms of Rule 8.1 and 13.2 of those Rules and shall work under the direction of the Commissioner.

3.5 The Elections Officer shall give the Secretary of the Society at least 7 days notice in writing of the Date, time and place where the nomination papers and the objections to such nominations will be received by him.

3.6 The Elections Officer shall at the same time send to each Branch sufficient number of copies of such notice to be exhibited at the Head Office of the Society and at the branch and other prominent places within the area of operations of the branch.

3.7 Elections to Branch Committees shall take place at such place, or places as may be determined by the Chief Elections Officer, Elections Officers In-Charge of Zones and Assistant Elections Officers on the latest certified copy of the voters list referred to in Rule 2.5 or 2.6.

3.8 The Board of Directors of the Society and the Staff employed by such society shall render such assistance as may be required by the Chief Elections Officer/Elections Officers In-Charge of Zones/Assistant Elections Officers under these Rules.

Part II

DISQUALIFICATIONS

4.1 No member shall be nominated for election or be elected to a Branch Committee of a Society if he :-

- (a) is a person whose name does not appear in the Voters' List of the Branch ;
- (b) is below the age of 18 years ;
- (c) has within 3 immediately proceeding years been convicted of a criminal offence or has been sentenced to a term of imprisonment exceeding three months or such sentence has been suspended ;
- (d) has filed a declaration of insolvency or is adjudicated an insolvent ;
- (e) is in default for three months or above in respect of any loan or any surcharge payable under Section 44(6) of the Co-operative Law or any other dues payable in terms of any regulation made under Section 66 to this society or to any either registered co-operative society;
- (f) is registered as a trader with this Society or is carrying on business which conflicts with the interests of the society;
- (g) holds any office or place of profit under the society or receives any honorarium without the prior approval of the Commissioner;
- (h) is a paid employee of the Society or any other registered society ;
- (i) is directly or indirectly interested, save in his capacity as a member, in any contract made with the society or in any sale or purchase made by the society, or in any contract or transaction of the society which concerns the finances of the society and which is either subsisting or in the course of negotiation;
- (j) is a person who, within the last 5 years has had, to vacate his office or employment in terms of Rules made under the Co-operative Law;

- (k) is a person whose admission as a member has not been considered by the Board of Directors or by the Provisional Board of Directors or by the Branch Committee or in appeal or by the Commissioner by way of revision under Section 60(2) of the Co-operative Societies Law or under Rule 2.4 or 2.6 of these Rules, or whose name has not been included in the Voters' List;
- (l) is a member of a Branch which has not maintained any place of business within the area of operations of the branch for a period less than one year immediately preceding the date of receiving nominations, provided however, this provision shall not be applicable to any person who has not been a member of the immediate Executive Committee or the Board of Directors of the Society ;
- (m) is a person who ceased to be a member to the date specified for receipt of nomination papers;
- (n) is a person in respect of whom a period 3 years has not elapsed since he has paid the amount in full specified in the awarded of arbitration under Section 58 of the Co-operative Act, in the surcharge imposed under section 44(6) or in the ordered under section 66.

NOMINATIONS

5.1 Nomination Paper Every candidate who stands for election to the Branch Committee shall be proposed by a member of the Society and shall be seconded by another member of the Society. Each candidate, his proposer and seconder shall be members of the Society whose names appear in the Voters' List of the Branch to which elections are to be held. The nomination of each candidate shall be in writing on the form specified in Schedule "B" of these Rules.

DECLARATION BY A CANDIDATE, PROPOSER AND SECONDER

5.2 Each candidate shall attach to his nomination paper a declaration in the form specified in Schedule "c" of these Rules.

5.3 Each such Proposer and Secunder shall likewise make a declaration in the form specified in Schedule "C 1" of these Rules.

RECEIVING NOMINATION PAPERS

6.1 On the day fixed for notifications for elections to a Branch Committee of a Society the Chief Elections Officer/ Elections Officer; In-Charge of Zones/Assistant Elections Officer shall be present at the place fixed for receipt of such nominations and shall receive such nomination papers as may be handed in.

6.2 Each nomination paper shall be prepared in quadruplicate in the form set out in Schedule "B" and signed by the Proposer and Secunder and the candidate and handed in by the candidate himself or his Proposer or Secunder together with the declarations made under Schedule "C" and "CI" between the hours 9.00 am. and 10.00 pm on the day fixed for such nomination to the Chief Elections Officer/Elections Officers In-Charge of Zones/Assistant Elections Officers.

6.3 On receipt of such nomination paper, the Chief Elections Officer/Elections Officer In-Charge of Zones/Assistant Elections Officer shall verify that the candidate, the Proposer and Secunder are not disqualified under Rule 4. 1 of these Rules and shall reject the nomination of the candidate who is so disqualified or whose nomination is not in conformity with Rule 5.1 or 5.2 or 5.3 of these Rules.

6.4 The Elections Chief Elections Officer/Elections Officers In-Charge of Zones/Assistant Elections Officers shall thereafter cause two copies of each Nomination Paper as is not rejected by him under Rule 6. 3 above, to be conspicuously displayed at the place where those nominations are received.

RECEIVING OF OBJECTIONS

7.1 Any person whose name appears in the Voters' list of the Branch in which elections are to be held may file objections to any nomination. Such objections shall be in writing and shall be handed into the Chief Elections Officer/

Elections Officer In-Charge of the Zone/Assistant Elections Officer between 10.00 a.m. and 11.00 am. on the day such nomination papers are accepted by the Chief Elections Officer/Elections Officer In-Charge of the Zone/Assistant Elections Officer

7.2 The objections to any nomination shall be only on grounds specified below:

- (a) the candidate or the proposer or the seconder of the candidate is disqualified under one or more provisions or rule 4.1 above;
- (b) the candidate or the proposer or the seconder of the candidate is not a person whose name appears in the voters' list;
- (c) the candidate or the proposer or the seconder of the candidate has not submitted the nomination.

7.3 Where the Chief Elections Officer/Elections Officers In-Charge of Zones/Assistant Elections Officers upholds an objection under Rule 7(b) and (c) above, he shall reject the nomination paper in regard to which the objection was made

7.4 Notwithstanding any objection under Rule 7.2(a) above, the Chief Elections Officer/Elections Officers In-Charge of Zones/Assistant Elections Officers shall proceed with the election on the basis of nominations accepted by him. All such objections under Rule 7.2(a) shall be forwarded to the Commissioner and his decision thereon is final and conclusive.

7.5 Any objection under rule 7.2(e) is upheld by the Commissioner, the election of such candidate shall, ipso facto, be null and void. The vacancy occurring in the Committee as a result of this decision shall be filled in accordance with the By-Laws of the Society.

JOURNAL

7.6 Chief Elections Officer/Elections Officers In-Charge of Zones/Assistant Elections Officers shall maintain a journal which shall be in two parts. One copy shall be forwarded to the Society concerned and the other copy to the Assistant Commissioner of Co-operative Development of the area. The objections received in writing under 7.2(a) shall be forwarded to the Assistant Commissioner of Co-operative Development by the Chief Elections Officer/Elections Officers In-Charge of Zones/Assistant Elections Officers. The objections received in writing under 7.2(b) shall be forwarded by the Chief Elections Officer/Elections Officers In-Charge of Zones/Assistant Elections Officers to the Assistant Commissioner of Co-operative Development of the area,

Following items shall be recorded in Part I.

- (a) Name and address of the Society
- (b) Number and address of the Branch
- (c) Names of candidates whose nominations papers were received and the time of receipts
- (d) Names and addresses of persons who handed in objections under Rules 7.1 of these rules and the time of receipt of such objections.
- (e) Names of candidates whose nominations were rejected by him and the reasons for such rejection.
- (f) Names of candidates against whom objections were received under 7.2(e) and 7.2(b) separately
- (g) The symbols allotted to the candidate and the serial number allotted under Rule 9.2

7.7 Part Two of the journal shall contain the following information

- (a) Polling Station
- (b) Date and time of commencement of Poll
- (c) Date end Time of closure of Poll.
- (d) Imprint of the scale used by the Chief Elections Officer/Elections Officer In-Charge of the zone/Assistant Elections Officer with specimen signature.
- (e) Ballot Paper Account setting out-
 - (i) Number of Ballot Papers exclusive of spoilt Ballot Papers issued to Voters
 - (ii) Number of spoilt Ballot Papers
 - (iii) Number of unused Ballot Papers
 - Total =====
- (f) Number of Ballot Papers with the Chief Elections Officer/Elections Officer In-charge of the zones/Assistant Elections Officer before the commencement of the Poll-
- (g) Total number of votes polled by each candidate -
 - 1.
 - 2.
 - 3.
 - 4.
 - 5.
 - 6.
 - 7.
 - 8.
 - 9.
 - Grand Total _____
- (h) The names of candidates duly elected under 8.2 and 8.1 of these Rules.

Part III

ELECTIONS PROCEDURE

8.1 Uncontested Elections

Where the number of candidates duly nominated to nine or less and more than 5, each candidate shall be deemed to be elected and the Chief Elections Officer/Elections Officer In-Charge of the zone/Assistant Elections Officer shall issue a statement in writing to the Secretary of the Society to that effect.

8.2 Contested Elections

Where the number of candidates duly nominated is more than nine, the Elections Chief Elections Officer/Elections Officer In-Charge of zone/Assistant Elections Officer shall intimate to the Society in writing the names of each of the

candidates, the symbols, if any, allotted to each such candidate, the date when the election will be conducted, the time and place of such election to enable the Society to have the posters, copied, cyclostyled or printed and exhibited and the ballot papers to be printed and handed over to such Chief Elections Officer/Elections Officer In-Charge of zone/Assistant Elections Officer.

8.3 The Poll shall commence at 9 a.m. and close at 4. p.m. on the day notified by the Chief Elections Officer/Elections Officer In-Charge of zone/Assistant Elections Officer.

8.4 Voting shall be on ballot papers issued by the Assistant Elections Officer under Rule 11.2 of these Rules bearing his imprint of his seal in addition.

ALLOCATION OF SYMBOLS TO CANDIDATES

9.1 The Chief Elections Officer/Elections Officer In-Charge of zone/Assistant Elections Officer shall use such number of symbols as there are candidates and the symbols so selected shall be the symbols in serial order commencing from 1 as printed on the ballot paper.

For example:- if there are fifteen candidates, the symbols 1 to 15 shall be used. Each candidate shall be assigned a symbol from among these symbols by the draw of lots. The Chief Elections Officer/Elections Officer In-Charge of zone/Assistant Elections Officer shall maintain a record of the symbols assigned to each candidate.

BALLOT PAPERS

10. 1. Each Ballot Paper shall be printed as specified in Schedule 'D' of these rules.

11.1 The Chief Elections Officer/Elections Officer In-Charge of zone/Assistant Elections Officer shall preside at the elections.

11.2 Prior to the issue of Ballot Papers, the Chief Elections Officer/Elections Officer In-Charge of zone/Assistant Elections Officer shall strike off such the symbols that have not been allocated to any of the candidates and shall affix the Branch Seal on each Ballot Paper used and sign thereon.

11.3 Any person whose name appears in the Voters' List of the Branch shall be entitled so a Ballot Paper on proof of his identity by the production of his National Identity Card or valid Motor Driving License or valid Passport or valid Identity card with the photograph issued by the employer or the Pension Identity Card or other similar document acceptable to Chief Elections Officer/Elections Officer In-Charge of zone/Assistant Elections Officer.

11.4 Before a Ballot Paper is issued to a voter, the person issuing the Ballot Paper shall first satisfy himself that the voter's name appears in the Voters' List.

11.5 As and when each voter is given a Ballot Paper his name in the Voters' List shall be marked.

11.6 No voter shall be issued more than ballot paper

11.7 A voter shall be entitled to cast only one vote to each candidate of his choice and the maximum number of candidates for whom he may vote shall be nine. If a voter votes for more than nine candidates, his Ballot Paper shall be considered spoilt.

11.8 On receipt of a Ballot Paper each voter shall indicate his preference on the given ballot paper by placing a mark in the cage against each of the symbols and/or numbers of his choice and shall deposit the ballot paper in a receptacle placed within the view of the Chief Elections Officer/Elections Officer In-Charge of zone/Assistant Elections Officer.

11.9. A voter, who is not able to mark a Ballot Paper due to any physical disability, may request the Chief Elections Officer/Elections Officer In-Charge of zone! Assistant Elections Officer to mark the ballot paper on his behalf.

11.10. The Chief Elections Officer/Elections Officer In-Charge of zone/Assistant Elections Officer shall declare the poll closed at 4.00 p.m.

COUNTING

12.1. Immediately after the closure of the poll the Chief Elections Officer/Elections Officer In-Charge of zone/Assistant Elections Officer with such assistance as is available will proceed to count the votes that are in the receptacle. For this purpose all votes which are not rejected by him under Rule 12.2 and 12.3 below shall be counted with the aid of score sheets.

12.2. He shall reject any ballot paper which is marked for more than nine candidates.

12.3 Where in a ballot paper a mark is placed and it is not clear for which of two candidates the voter has voted, the Chief Elections Officer/Elections Officer In-Charge of zone/Assistant Elections Officer shall have the power to reject such vote and to accept the balance votes.

12.4 Where in a ballot paper a voter has made more than one mark in favour of a candidate, all such markings shall constitute only one vote.

12.5. Where the Chief Elections Officer/Elections Officer In-Charge of zone/Assistant Elections Officer rejects a ballot paper under Rule 12.2 and 12.5 such rejected ballot papers shall be bound together, counted and reconciled with his ballot paper account.

ELECTION RESULTS

13.1 On the completion of the count, each of the nine candidates who receive more votes than each of the remaining candidate shall be declared elected as members of the branch committee.

In the event of an equality of votes among two or more candidates, the Chief Elections Officer/Elections Officer In-Charge of zone/Assistant Elections Officer shall, where necessary, decide, by the drawing of Jots, the candidate or candidates among them to be elected to the committee. However, such drawing of lots shall not be necessary where, even with an equality of votes amongst some candidates, the required number of candidates can be declared elected as members to the Committee.

13.2 The Elections Officer/Assistant Elections Officer shall communicate the results of the election in writing to the Society specifying the names of candidates declared elected to the Committee. A copy of this communication shall be sent by the Chief Elections Officer/Elections Officer In-Charge of zone/Assistant Elections Officer to the Assistant Commissioner of Co-operative Development of the area.

13.3. The Secretary of the Society shall display conspicuously for a period not less than 10 days the names of the elected members at the place of business and at the office of the particular branch.

14.1 The decision of the Chief Elections Officer/Elections Officer In-Charge of zone/Assistant Elections Officer on any question arising in respect of the conduct of the poll, counting of votes, or communicating the results of the poll shall be final and conclusive.

Part IV

MISCELLANEOUS

15.1 After the declaration of the results of the election, the Chief Elections Officer/Elections Officer In-Charge of zone/Assistant Elections Officer shall ensure that: -

- i. the unused ballot papers, the marked Voters List, all nomination papers and one copy of the journal referred to in Rule 7.6 and 7.7 are enclosed in an envelope, sealed and sent to the Head;

- ii. the spoilt ballot papers and the original copy of the journal referred to in Rules 7.6 and 7.7 of these Rules are enclosed in a separate envelope, marked spoilt ballot papers and journal and sealed and sent to the Assistant of Co-operative Development of the area.

16. All expenses in connection with the elections to a branch committee of a Society shall be borne by that society.

17. The Commissioner shall have the power to add to, amend, to vary or to rescind these rules including all Schedules.

18. If any dispute arises regarding the interpretation of these Rules, the decision of the Commissioner shall be final and conclusive.

Part V

INTERPRETATIONS

In these Rules :

19.1. 'By-laws' mean the registered by-laws of the society for the time being in force and include registered amendments of the by-laws;

19.2 Except in Rules 7 (2) (a), 17 and 18 'Commissioner' shall mean and shall include the Commissioner of Co-operative Development or Deputy Commissioner of Co-operative Development or Senior Assistant Commissioner of Co-operative Development or Assistant Commissioner of Co-operative Development or any other person duly authorized by any of those above named,

19.3 In Rules 7 (2) (a), 17 and 18 the 'Commissioner' shall mean the North Western Provincial Commissioner / Registrar of Co-operative Development;

19.4 'The Chief Elections Officer/Elections Officer In-Charge of zone/Assistant Elections Officer' shall mean the persons appointed by the Assistant Commissioner in charge of the division for the particular branch of society under these Rules.

19.5 'Voter' shall mean the person admitted to membership in 'the Society from the area of operations of the branch whose name is included in the voters' list duly certified for-the purpose of elections to the said branch committee of the Society.

19.6 'Co-operative Act' shall mean the Co-operative Society Act or the Co-operative Society Statute for the time being in force in the North Western Province.

20. In the event of any inconsistency between the Sinhala and Tamil texts of these Rules, the Sinhala text shall prevail.

SCHEDULE "A"

SPECIMEN OF A LETTER OF APPOINTMENT TO BE USED IN APPOINTING THE CHIEF ELECTIONS OFFICER/ ELECTIONS OFFICER IN-CHARGE OF ZONE/ASSISTANT ELECTIONS OFFICER IN CONNECTION WITH ELECTIONS TO BRANCH COMMITTEES

By virtue of the powers vested in me by Rule 3 (1) of the Rules made by the North Western Provincial Commissioner / Registrar of Co-operative Development under By- laws 23 of theMulti-Purpose Co-operative Society Limited, and published in the Government Gazette No.of.....which

Society has been registered under the Co-operative Societies Law, No. 5 of 1972 read with the Co-operative Societies (Special Provisions) Act, No. 35 of 1970, I do hereby appoint Mr./Mrs./Miss. ..
as a/an Chief Elections Officer/Elections Officer In-Charge of zone/Assistant Elections Officer for theBranch
No.....of the above Society..

Date
Signature
Name:
Assistant Commissioner of Co-operative Development

SCHEDULE "B"

NOMINATION PAPER

1. Name of Society and Address :.....
2. Branch Number and Address :.....
3. Particulars of the candidate, proposer and seconder :.....

	<i>Candidate</i>	<i>Propose</i>	<i>Seconder</i>
Full Name of : Age of : Address of : Membership No.			

4. We, the above named do hereby certify that we are not incapacitated by any disqualification listed in Rule 4.1 of Rules made for the election of a branch committee a Co-operative Society ; that we are members of the this Branch and that the Declaration of candidate as required by Rule 5.2 of the said Rules is attached.

Date :.....

.....
Signature of Candidate

.....
Signature of Proposer

.....
Signature of Seconder

SCHEDULE "C"

DECLARATION UNDER RULES 5.2 OF THE RULES MADE FOR ELECTION OF A BRANCH COMMITTEE OF A
CO-OPERATIVE SOCIETY

I,..... consent to be nominated for election to the Branch
Committee No. of theCo-operative Society Limited and declare

that I am not incapacitated by any disqualification listed in Rule 4.1 of the Rules made for election of a branch committee of a Co-operative Society and appearing in Gazette No..... of

.....
Signature of Candidate

Date :.....

SCHEDULE “C 1”

DECLARATION BY THE PROPOSER AND SECONDER

I, hereby declare that I am a member ofBranch of theMulti-Purpose Co-operative Society and the particular forwarded and subscribed to by my signature in Schedule “A” are true and correct to the best of my knowledge and information.

Date :.....

.....
Signature of Candidate

.....
Signature of Proposer/Secunder

.....
Name of Proposer/Secunder

SCHEDULE “D”

BALLOT PAPER FOR ELECTION OF A BRANCH COMMITTEE OF THE CO-OPERATIVE SOCIETY

Signature of Elections Officer/Assistant Election Officer.....

Serial No.....

Seal of the Branch.....

Symbol	To mark	Symbol	To mark	Symbol	To mark	Symbol	To mark
1		9		17		25	
2		10		18		26	
3		11		19		27	
4		12		20		28	
5		13		21		29	
6		14		22		30	
7		15		23		31	
8		16		24		32	

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