CO-OPERATIVE RULES- ELECTION OF CO-OPERATIVE SOCIETIES

Procedure for conduct of elections in Cooperative Societies

49-C: Preparation of member list for election -

(1) Every society shall prepare a list in Form G-1 of members for the election of its Board of Directors/Delegates including members disqualified under sub-section (7) of Section 48 or Section 50-A or as per bye-laws.

The list shall indicate the defaulter within the meaning of Section 50-A by assigning sign "X" and word "Defaulter", and in case of members belonging to Scheduled Castes, Scheduled Tribes, the respective category shall be indicated against their names. The society shall present, with the list so prepared and prescribed process fee, before the Authority or an officer so authorized in this behalf by a general or specific order of Authority, an application for the election of new Board of Directors at least four months prior to expiry of term of Board of Directors in Form G-2 with the following documents :-

(a) true copy of resolution of Board of Directors;
(b) copy of the byelaws;
(c) the date on which the last elections were held;
(d) the date on which the term of existing Board of Directors is expiring;
(e) the date of Administrator appointed under Section 53, if any;
(f) the date of registration of society, in case of newly registered society;
(g) the numbers of vacant posts to be filled up by election;
(h) whether the byelaws provide for the creation of wards or constitution of general body of delegates before the election of Board of Directors, and action taken therefor, if any;
(i) any other information which is relevant for the conduct of election.

(2). Appointment of Registration Officer.- After examining the applications received under sub-rule (1), the Authority shall appoint Registration Officer for obtaining objections, disposing of such objections and to prepare final
member list. For further action, the Authority shall provide such appointment letter and member list to Registration Officer.

(3) **Publication of list of membership**

(a) Registration Officer, after receiving member list as envisaged in sub-rule (2), and for adding name in the list and for inviting objections on any such entry, shall make available the same to all members of society in Form G-3 by means of publication in newspapers and of one of the following means:-

(i) through acknowledgement of personal written notice.
(ii) by Registered post.
(iii) by ordinary post.

(b) The Registration Officer shall cause to publish the voter list in Form G-4;

(i) On notice board of the office of society;
(ii) On notice board of office of block Panchayat;
(iii) On notice board of nearest branch of District Central Cooperative Bank;
(iv) On the notice board of office of the Deputy/Assistant Registrar of the district;

(c) The objections may be presented before the Registration Officer during the period of minimum 7 days as described in the information referred to above, and date, time and venue shall be fixed by Registration Officer for hearing such objections, if any.

(d) Registration Officer, with the publication of information referred to above, shall make available one copy of member list in the office of coordinator, and in the office of concerned society for inspection, and communicate the Authority the intimation of publication by registered post.
(4) **Presentation of objections**

(a) Any such person whose name is not entered in the voter list or is entered at the wrong place or with incorrect specifications or any such person whose name is entered in the list and who objects to the inclusion of his own name or name of any person in that list may prefer a claim or objection and receive acknowledgement for the same by giving a written application to the Registration Officer, with signature/thumb impression upto the last date till the office hours as specified from the date of issue notice as envisaged under sub-rule (3), and no objection/claim shall be received after the specified time period. Registration Officer shall maintain a register in Form G-5 for receiving objections.

(b) Every claim or objection may be accompanied with such documents on which the claimant relies. The objection so preferred with the corroborating documents shall be conclusive and final for claimant.

(5) **Disposal of objections**

(a) Registration officer shall, after holding such summary enquiry into the claim or objection as he thinks fit, record his decision in writing and shall make available on demand immediately a copy of such decision to the claimant free of cost.

(b) No claimant shall be represented by any legal practitioner or counsel in any proceeding under this rule.

(c) Registration officer shall amend the voter list in accordance with his decision.

(d) The voter list so amended shall be subject to decision in appeal if any, be final and one copy thereof duly signed by the Registration officer shall be kept in his office in Form G-6, and second copy shall be deposited in office of Authority:
Provided that any person whose name is shown in the list with sign "X - Defaulter", may, at any time before the date on polling is to be held, after making necessary payment of his dues on account of which he had been shown as defaulter in the list of the society concerned and on production of a proof in token thereof in Form G-7, get the list corrected by the Returning Officer.

(e) Any person aggrieved by the decision of Registration officer may prefer an appeal before Authority or any officer so authorized/specified by him, within three days of such decision. Every appeal shall be preferably in writing with the copy of decision of Registration Officer. Appellant Authority after giving the appellant an opportunity of being heard and conducting an enquiry as he deems fit, shall pass an appropriate order within seven days and in case the appeal having been allowed shall direct the Registration officer to amend the voter list to give effect to the decision. The decision of Appellant Authority shall be final:

Provided that if the appeal is not disposed of in time period of 07 days by Appellant Authority, the voter list finalized by Registration officer shall be binding and conclusive:

Provided further that no amendment, modification, addition or deletion in any entry of voter list after such finalization thereof shall be allowed until the election process is completed.

(f) Inspection of certified copies and issuance thereof - Every member of society shall have right to inspect the list of membership on payment of fees of Rs. Five and certified copies thereof may be issued on the payment of Rs. Two per page by the society or Authority or an officer authorized by him.
(g) Two copies of final list of membership so prepared by the Registration officer shall be presented before the Authority in maximum period of three days.

49-D **Appointment of Returning Officer** - The Returning officer shall be appointed by the authority to conduct the election before minimum 20 days of the expiry of the tenure of the Board of Directors. Such appointment order shall consist of the final voter list duly signed by the Registration Officer, which will be a marked copy, the order of reservation of seats in the Board of Directors as per the provision of Section 48(3) of the Act and the programme to conduct elections. Subject to the provisions of the Act and as specified in these rules, the Returning Officer shall conduct the election under the direction of the Authority and according to byelaws of the society:

Provided that no member and employee of the society shall be appointed as Returning Officer.

49-E **Procedure for election of members of the Board of Directors.**

(1) (a) Subject to the provisions of sub-section (c) of section 49, the election of members of Board of Directors shall be held by the members in the Annual General Meeting or Special Annual general meeting, as the case may be, of the society convened by the Returning Officer:

Provided that where in the bye-laws of society, there is a provision of constitution of the General body by the election of delegates, then election of Board of Directors shall be held amongst the delegates and by the delegates.

(b) Such election shall take place after all other matters, if any, included in the agenda of annual general meeting have been considered.

(2) Subject to the provision of sub-section (3) of section 48 where seats are to be reserved in the Board of Directors for women members, the Returning officer shall reserve such seats for women members by drawing a lot before the Board of Directors/Administrator of the Society. For this purpose, chits will
be prepared equal to the total number of seats in the Board of Directors
describing thereon unreserved and Scheduled Caste or Scheduled Tribe, as the
case may be, two chits shall be picked up and seats shall be reserved for
women accordingly.

(3) **Issuing election programme** - The Returning officer shall affix the notice on
the notice board of the society in Form G-8 at least 14 days before the date fixed
for annual general meeting or special general meeting of the society, as the case
may be, and shall contain :-

(a) the class-wise number of members to be elected;
(b) last date of nominations (the last date for nominations, which shall be not
less than 7 days before the date fixed for holding the said Annual General
Meeting), the hours between which, the place at which nomination papers
shall be presented;
(c) the date on which and the place at which and hours between the scrutiny
of nomination papers shall be made and the last date for withdrawal of the
candidatures;
(d) If necessary, the date and place of Polling and the date for co-option
against vacant seats of members of the Board of Directors, if any.
(e) the date for election of Chairman/President, Vice-Chairman/Vice
President and representatives to be sent to other societies and such other
officers as specified in the bye-laws.

Such notice shall be served to the members of the society in Form
G – 9 by publication of notice in newspaper and by one of the following
methods –

(a) through acknowledgement of personal written notice,
(b) by registered post,
(c) by ordinary post,
Such notice issued for election shall be displayed on the notice board of the society and in the office of authority and Coordinator and at such local offices such as Gram Panchayat/Janpad Panchayat/Tehsil/Office of the Collector.

(4) **Presentation of nomination papers.**

(a) Every nomination paper shall be signed by two members of the society, group, if any, as proposer and seconder and the candidate of the groups shall sign a declaration on it expressing his willingness to stand for election.

(b) A member of a group, if any, may sign as proposer and seconder, as many nomination papers as there are vacancies to be filled in the group. Each candidate shall be nominated by a separate nomination paper.

(c) If a candidate files more than one nomination paper for any post, then all the nomination papers shall be scrutinized by the Returning Officer.

(d) Each candidate, either personally or through his proposer or seconder, shall deliver a nomination paper in Form G - 10 to the Returning Officer.

(e) At the time of presentation of nomination paper under clause (a) above, amount of security deposit, as prescribed by the State Government in consultation with the authority for classified societies, shall be deposited in favour of society before the Returning officer. The Returning Officer, shall on receiving the nomination paper, enter thereon the serial number of its receipt and shall endorse thereon the date on which and the time at which the nomination paper was delivered to him. He shall also acknowledge receipt of the nomination paper. He shall also enter the name of the proposer, seconder and the candidate and the office for which the candidate seeks to contest in a
register in Form G-11 in the order to which nomination papers are received. When any person has signed as proposer or seconder, on the larger number of nomination papers than vacancies are to be filled, those of the papers so signed which have been first received up to the number of vacancies to be filled, shall only be deemed to be valid.

On presentation of nomination papers, the Returning Officer shall satisfy himself that the name of the society and its registration number, names and serial numbers in the list of the members of the candidate and his proposer and seconder as entered in the nomination paper are the same as those entered in the list of members:

Provided that the Returning Officer shall permit any misnomer or inaccurate description or clerical, technical or printing error in regard to the name of the candidate or the proposer or seconder or in regard to any serial number of any such person mentioned in the list of members or the nomination papers such as to be commonly understood, and the Returning officer shall permit any such misnomer or inaccurate description or clerical, technical or printing error to be corrected and when necessary, shall overlook any such misnomer, inaccurate description, clerical, technical or printing error in the list of members or in the nomination papers, the Returning officer shall get such blanks filled in before recording his endorsement on the same.

(f) No nomination paper shall be received after the date and time fixed under clause (b) of sub-rule (3). The Returning officer shall on each day prepare a list of nominee persons in Form G-12 along with their proposers, seconders and officers, exhibit the same on the notice board at the place fixed for receipt of the nominations.
(5) (a) Nomination papers duly received shall be scrutinized by the Returning officer on the date fixed for the scrutiny under Clause (c) of sub-rule (3).

(b) It shall be open to the persons filling the nomination paper to be present at the time of scrutiny.

(c) The Returning Officer shall not reject any nomination paper on the ground of any defect which is not of a material character nor shall it be rejected on the ground of any irregularity in respect of a nomination Form, in which no irregularity has been committed,

(d) The Returning Officer shall for reasons to be recorded in writing, reject a nomination paper only on the following grounds -

(i) if the nomination paper is not in accordance with the preceding sub-rule,

(ii) if the candidate is disqualified to be elected or proposer/seconder is disqualified to vote by or under the Act, rules or bye-laws of the society.

(e) The Returning officer shall prepare a list of valid nomination papers in Form G-13.

(6) Any candidate may withdraw his candidature by notice in writing, subscribed by him on a date fixed under clause (d) of sub-rule (3) or by submitting in Form G-14 to the Returning Officer in personal capacity or through his proposer or seconder. The Returning Officer shall prepare a list of such candidates in Form G-15, who has withdrawn his candidature. A candidate shall not be allowed to cancel his withdrawal.

(7) On completion of the scrutiny of the nomination paper and after his candidature may be withdrawn under sub-rule (6), the Returning Officer shall prepare a list of candidatures in Form G-16, whose nominations are in order and who have not withdrawn their candidature. If there is more than one valid nomination for a single candidate in the list, then the first nomination of such
candidate shall be accepted and he will put his signature on the list as a symbol of it being true and shall get it published and get it exhibited on the notice board of the society.

(8) If the number of duly nominated candidates for election as members or Board of Directors is equal to or less than the number of seats to be filled, the Returning Officer shall declare in Form G -17 that there is no need for polling for such members and he shall intimate this fact to the society.

(9) If the number of members of the Board of Directors, so elected falls short of number of seats, specified on the notice of election for members of Board of Directors shall fill up the remaining seats by co-option in a meeting to be presided by the Returning Officer:

Provided that, if the number of members elected falls short of the quorum fixed for the meeting of the Board of Directors, co-option shall not be made and the election process shall be started afresh for the remaining seats.

10 (a) If the number of duly nominated candidates is greater than the number of members to be elected, immediately after the expiry of the period within which candidature could be withdrawn under Clause (c) of sub-rule (3), then the Returning Officer shall prepare and publish a list of contesting candidates whose nomination papers have been finally accepted and who have not withdrawn their candidature during the specified period.

(b) The list referred to in Clause (a) shall contain the names of contesting candidates along with names of Father/Husband, in alphabetical order in Hindi along with their addresses as given in nomination papers.

(c) The list of contesting candidates referred to in clause (a) shall contain the particulars in the list and shall be prepared in Hindi in Devnagari script.
(d) The alphabetical order referred in clause (b) shall be determined with reference to surname of the candidates having surnames and to the names proper in the case of other candidates.

(e) Where a poll becomes necessary, the Returning Officer shall assign to each Scheduled Caste, Scheduled Tribe, Women and unreserved candidate a symbol in serial order as listed below and the symbol shall be printed on the ballot paper –


(f) If the list of the symbols in clause (e) is exhausted, the Returning Officer may in his own discretion allot to the candidate concerned any symbol other than those specified in the list: Provided that no symbol shall be allotted to any candidate, which is allotted to any political party by the Election Commission of India.

(g) The symbol allotted to the contesting candidates of any group shall be printed on the ballot papers, meant for the group. The ballot paper shall show only the name of the Office for which the vote is being cast, the names and the symbols of contesting candidates in the same serial order as displayed in Form G - 18 by the Returning Officer on the notice board of the society under clause (g) of sub-rule (10): Provided that where the candidates have similar/identical names, then their names shall contain their fathers name.

(h) The list of names of the contesting candidates for any group and the symbols allotted to each of them in the same serial order as
mentioned in clause (e) of rule 10 shall be displayed before the ballot box kept for casting of votes of the group concerned, such list shall also be displayed on the gate of the Polling Booth.

(i) The Returning Officer shall immediately after preparation the list of the contesting candidates in Form G-18, cause to be displayed a copy thereof on the notice board of the society and shall also supply a copy thereof to each of the contesting candidates.

(11) If the general meeting is adjourned for want of quorum, the list of valid candidates shall hold good for the Poll to be held in the next general meeting;

(12) The Returning Officer shall appoint in Form G-19 as many polling officers to conduct the poll and as many tellers to count the votes as may be necessary.

(13) A register shall be kept at the place of the general meeting and every member who attends the meeting shall sign such register before he enters the place of the meeting.

(14) The Polling Officer shall issue to each voter as assigned a ballot affixing the seal of the society and putting his initials on the right hand side of it and back after marking a mark by indelible ink on the tip of the forefinger of the voter.

(15) Canvassing or soliciting votes during the conduct of elections shall be strictly prohibited within the periphery of one hundred meters of the place where the poll is being held.

(16) The Returning Officer shall show the empty ballot boxes to the candidates or the authorised Polling agents, if any, present, close and seal them leaving open the slit for insertion of ballot papers. Voting shall be by ballot and voters shall make a mark ‘x’ on or against the symbol, one in case of one office and symbols in case of more than one office of candidates whom he wishes to elect, fold the ballot paper in such a manner that his intention remain clear about the particular candidate and deposit it in the ballot box. In the case of physically disabled who requires help, the Returning Officer shall authorise a
person in marking marks on the symbols of the candidates according to the written application of such voter.

(17) The Returning Officer shall before taking the poll fix the hours which shall not be less than two hours during which the poll will be taken, make announcement to that effect in the general meeting and on the expiry of the hours so fixed he shall close the poll. Those voters, who are present at the voting place have not been able to vote for want of time, shall be given reasonable opportunity to obtain ballot papers even though the time fixed for the poll has expired. After the closure of the poll, the slit of the ballot boxes shall be closed and sealed and delivered to the tellers. An account of used and un-used ballot papers shall be prepared and counter foils of used ballot papers; unused ballot papers and marked copy of voter list shall be put in an envelope and sealed kept in the box referred to in sub-rule (25).

(18) Tender ballot paper - If a person, who claims to be a nominated member in the list of members and complains in writing that his vote has already been voted as such, the applicant shall be after duly answering such question as the Presiding Officer may ask, be entitled to receive a ballot paper, referred to hereinafter called "Tender ballot paper" as other members. Each voter shall, before being supplied with a tender ballot paper affix his signature or thumb impression against the entry relating to him in a prescribed form.

A Tender ballot paper shall be serially the last in the bundle of ballot papers issued for polling. Such tendered ballot papers and its counterfoil shall be endorsed on the back with the words 'Tendered ballot paper' by the Presiding Officer in his hand and signed by him, the voter instead of putting it into the ballot box, give it to the Presiding Officer by folding it properly, which shall be kept in an envelope specifically kept for this purpose.

(19) Ballot Paper accounts : The Returning Officer/Presiding Officer shall, at the close of the poll prepare a separate ballot paper account for each class separately in Form G-20. One certified true copy of entries made in such
ballot paper account shall be given to each candidate or his poll agent, who is present at the closure of polling on receipt of acknowledgement. The prepared ballot paper accounts shall be kept class-wise in separate envelopes and marked as “Ballot Papers Account (name of Class) thereupon.

(20) Tellers shall arrange and count all ballot papers –
   (a) They shall reject a ballot paper after obtaining the approval of the Returning Officer. Provided that –
       (i) if it bears signature to identify the voter;
       (ii) if it does not bear the seal of the society or the initials of Polling Officer;
       (iii) If it contains no mark indicating a vote;
       (iv) If it contains more marks than the number of seats to be filled.
   (b) A seal mark made in a ballot paper in such manner that it is ambiguous to which candidate the vote is given shall be rejected: Provided that other correctly made marks, if any, on such ballot paper shall be counted.

(21) Re-counting: When the counting under rule (20) is over, a candidate may apply in writing to the Returning Officer or such officer authorised by him for recounting mentioning the grounds for recounting of all the votes caste or any other vote cast:

   Provided that such applications may be made within 30 minutes after the polling is closed. The Returning officer shall accept the application by subscribing “wholly” or “partially” on the application or he may reject application if it appears to him as illogical.

   The Returning Officer or such officer authorised by him shall order for recounting in case of accepting the application “wholly” or “partially” and after completion of recounting shall amend/modify the ballot paper upto a reasonable limit and shall make an announcement about such amendment/modification. Such recounting can take place only once.
(22) The Returning Officer shall immediately after completion of counting of votes, prepare the details in Form G-21 and certify, it mentioning –

(i) number of valid votes received by each candidate, and

(ii) number of invalid votes;

(iii) declaration of the name(s) of successful candidate and in case of two or more than two candidates, who have secured equal number of votes by lottery system;

(iv) The Returning Officer on the basis of such details shall declare such candidate as elected, who secured maximum votes, in the Annual General Meeting in Form G-22 and shall paste it on the notice board of the society.

(v) The Returning Officer shall send the certified copy of details prepared under this sub-rule containing names of elected or co-opted members under sub-rule (8) and (9) to the authority and a copy of which shall be sent to the Co-ordinator.

(23). The Returning Officer, shall, under clause(d) of sub-rule (3) of rule 49-E, convene under his chairmanship, the meeting of the newly elected members of the Board of Directors on a fixed date for the purpose of co-option of members. If the required number of members are present in the quorum, co-option of the members shall be made.

(24) The Returning Officer shall send the certified copy of details prepared under sub-rule (22) containing names of elected or co-opted members under sub-rule (8) and (9) to the authority and a copy of which shall be sent to the Co-ordinator.

(25) The Returning Officer shall make arrangements to keep in safe custody of authority or its designated person the sealed Box containing referred nomination papers, registers and Ballot papers and details of election under sub-rule (4), (5) and 13). These documents shall not be destroyed until the next election of the society or final settlement of the presented election dispute.
under sub-section (2) (v) of Section 64. Thereafter, the Authority shall get
them destroyed either in his own presence or in the presence of an authorised
officer.

(26) If there is a provision in the bye-laws of a society regarding constitution of
General Body through election of delegates, then the election of such
delegates of the society shall be held in accordance with the procedure of rule
49-c, 49-d and 49-E:

Provided that the election of delegates shall be held before submitting
the application for election of the Board of Directors.

(27) Every member of the Board of Directors and all the employees of the Society,
Registration officers, Returning Officers, Tellers and persons related to
conduct the work of election shall be bound to extend all kind of
help/assistance and shall make available each records to the Returning Officer
as desired by him. The Society shall make available all necessary logistics
and resources to the Returning Officers well in advance of election. All
expenses incurred in such election shall be borne by the Society.

49-F. The election of chairman, vice chairman and representatives by the
members of Board of Directors.

(1) Subject to the provisions of clause (e) of sub rule (3) of rule 49-E, the
Returning Officer shall convene a meeting of elected and co-opted members
of Board of Directors on a fixed date and its notice will be given to every
member of Board of Director at least 3 days before the date fixed for election
by getting there receipt in writing in Form G-23 and such notice shall contain-
(a) the number of officers and representatives to be elected.
(b) date, place at which and hours between which and person to whom the
nomination papers shall be presented.
(c) place at which and hours between which scrutiny of nomination papers shall
be made and the date and place of polling, if necessary;
(d) time for withdrawal of candidature;
(e) the time for election of Chairman/President /Vice-Chairman/Vice President and representatives and such other officers as may be specified in the byelaws, such meeting shall be presided over by the Returning Officer.

(2) The nomination paper in form G-24 shall be presented to the Returning officer. The Returning Officer after short scrutiny which he deems fit, consider the objections, if any, and which are raised on the specified time with regard to any nomination paper and declare the names of valid candidates.

(3) Where more than one valid nomination papers are not received for a post, the returning officer shall declare such candidate duly elected with regard to whom valid nomination paper has been received.

(4) Where more than one valid nomination papers are received for a post, the Returning Officer shall make arrangements for voting in prescribed manner under rule 49-E.

(5) As all members present, finish to cast their votes or after the expiry of the time fixed for voting, the Returning Officers shall open the ballot box in the presence of members, count the votes, and by way of declaring the result of election declare the candidate elected who has secured largest number of votes and display the number of votes received by each candidate. In case of two or more candidate getting equal number of votes, lots shall be drawn in such a manner as may be determined by the Returning Officer.

(6) The proceedings of meeting alongwith result of election shall be recorded in the proceeding book of the society and shall be certified by the Returning Officer.

(7) Valid nomination papers and other records shall  be kept safely, whereon seal of society and candidate if they desire so shall be put and it will be kept safe till three months from the date of election. If no dispute with regard to election, is referred to the Registrar, then after expiry of that period it shall by destroyed giving its information to the Authority. The Returning Officer, shall
in form G-25 maintain a diary of Returning Officer and shall send its copy and result of election in form G-26 to the Authority.
49-G. In contingent situation and in case of destruction of ballot box or any wrongdoing with ballot paper the postponement of voting -

(1) If in any election, proceeding for the poll are interrupted or obstructed by any riot or open violence or if at an election, it is not possible to take the poll at any polling booth on account of any natural calamity or any other sufficient reason, or ballot box used on polling booth is taken away unlawfully from custody of the Presiding officer or the Returning Officer or eventually or intentionally destroyed, or ballot papers are torn off or destroyed, or it is damaged to the extent that its originality is spoiled and because of which the result of the election of that polling booth cannot be decided, then the Returning Officer or the Presiding Officers shall declare to postpone the polling to be held on other date and where the Presiding Officer postpones the polling for aforesaid reasons, he shall immediately inform the Returning officer.

Thus when the polling is postponed the Presiding Officer shall immediately send a report of circumstance to the Returning Officer who shall, as soon as possible, fix the date on when the polling will recommence and fix the polling booth at which and hour during which voting will be conducted. the Returning Officer or the Presiding Officer shall as far as practicable follow the provision of rules in respect of sealing ballot box and other envelops, in preparing ballot paper accounts and in giving ballot box and other materials of elections.

In each case as aforesaid the Returning Officer shall publish the place, date and hour for voting and provision of rules governing original voting shall mutatis mutandis apply subsequent voting with necessary changes.

(2) When a poll, which has been postponed under sub rule (1) is re-continued, all voters shall be entitled to vote again. In event of postponed polling recommence, an additional copy of marked copy of voter list, a new ballot box and ballot papers shall be made available. The Presiding Officer in the
presence of candidate or their election agents shall open the sealed packet of marked copy of voter list which will be used to mark name of voters to whom the ballot paper will be issued. The provision of rules shall apply to re-polling in the same way as it was applicable before the postponement of voting.

(3) Fresh polling/election because of procedural irregularity-
(a). If on any polling booth any error or irregularity in procedure as is likely to vitiate the poll is committed at the polling booth, the Returning Officer shall inform the matter immediately to Authority and shall also give a copy of the same to coordinator.

(b). The authority shall on receipt of report and after taking all material circumstances into account, either -

(i) declare the poll at the polling booth to be void, appoint a day and fix the hour, for taking a fresh poll at that polling booth and direct the Returning Officer to notify the day so appointed and the hours so fixed in such manner as it may deem fit; or

(ii) if the authority is satisfied that the result of a fresh poll at the polling booth will not, in any way affect the result of the election or that the error or irregularity is not material, issue such direction to the Returning Officer as it may deem proper for further conduct and completion of the election;

(iii) when the authority expected, after consideration the matter immediately the Returning Officer shall give his opinion to the authority. In every case, the Returning Officer shall proceed to conduct the fresh poll, in accordance with the direction of the authority and the provision of this chapter shall apply to such fresh poll.

49-H. Election by Authority on its own motions - According to sub section (3) of section 57-D of the Act, four months before the expiry of the term of outgoing Board of Directors of any cooperative society if a request in writing by the
Board of Director of that society is not received, then on receiving quarterly return presented by coordinator or on the ground of his own information, the Authority shall conduct the election suo moto.

For this purpose it shall be mandatory for the coordinator that at the end of every quarter the information regarding expiry of the term of Board of Directors of societies for next four months shall be sent to the Authority and the Authority shall also maintain this information properly at his level

49-I. **Return or forfeiture of security deposit** - Security deposit shall be returned to the candidate as soon after the result of the election is declared. The deposit shall be forfeited in favour of the society if at election, where a poll has been taken the candidate is not elected and the total number of valid votes polled by him does not exceed one sixth of valid votes received by all the candidates.

49-J. **The pay, other allowances, terms and conditions of service of the Authority** –

(1) The terms and conditions of service of Madhya Pradesh. State Cooperative Election Authority appointed under the provision of section 57-C of the Madhya Pradesh Cooperative Societies Act, 1960–

   If the Authority at the time of his appointment being the rank of secretary or above getting pension, gratuity or any other retirement benefit or is entitled to get the same, such gross pay after deducting the gross pension (basic pension and dearness allowance) at the time of retirement from gross pay (pay +grade pay+ dearness allowance) in the capacity of secretary or above will be given to him.

(2) The officer and employees posted under the Authority will get the pay and dearness allowance equal to the officer and employees holding analogous posts in the Government.

   In the matter of retirement age pension, pay, dearness allowance and other benefits and disciplinary matters the officers and the employs posted
under the control of the Authority will be governed by the same rules as the employees of the Government holding the analogous posts.

(3) Working hours and Leave- Working hours and Leave of the Authority and officers/employees in its office will be the same as declared by the state government and local holidays as declared by the local authorities from time to time.

(4) Competent authority to sanction leave.— State government will be the competent authority for sanctioning leave to authority and authority shall sanction leave to officers and employees, subordinate to it.

(5) Entitlement for Travelling Allowance and Medical Treatment – Travelling allowance and Medical facilities will be same for the Authority which were in practice at the time of its retirement. Travelling allowance and Medical allowance for the officers and employees of the Authority will be as per the State Government rules amended from time to time.

(6) Residence Telephone and Vehicle facility – Rules for residence, telephone and vehicle for the Authority will be same which were in practice at the time of retirement. Rules for residence, telephone and vehicle for the officer/employees posted in the office of the authority shall be the same as followed by the Government and as amended from time to time.

(7) Financial Powers – Financial powers of the authority shall be the same as delegated to the head of cooperative department in the book of financial powers.

(8) Control and Discipline - All officers and employees in the office of the authority will be under control and supervision of the authority.

(9) Provision of the Madhya Pradesh Civil Service (Classification, control & appeal) Rules, 1966 and the Madhya Pradesh Civil Service (conduct) Rules, 1965 shall be applicable to the officers and employees of the authority subject to the following –
(a) Disciplinary authority for class – IVth, IIIrd and IInd employees will be secretary or any officer subordinate to the authority who shall be nominated by him for this purpose.

(b) State Government will be disciplinary authority for class-I officers.

(c) Appeal against orders passed by the nominated officer under clause (a) shall lie to the Authority.

(d) Appeal against any order passed by the authority shall lie to the State Government.

(10) Officers/Employees under the Authority will be appointed by the State Government in consultation with the Authority:

If no intimation regarding consultation is received within 30 days from the date when such consultation was sought from Authority, it will be assumed that the Authority has given its consent regarding the same and government will take decision as it deems fit.

(11) Secretary, Deputy Secretary and Under Secretary posted under the Authority will be Additional Registrar/ Additional Commissioner, Joint Registrar/Joint Commissioner and Deputy Registrar/Deputy Commissioner of cooperative Department of State Government, Other regular employees will be on deputation to the Authority from cooperative Department on the same posts. Contract employees will be appointed by the Authority.

49-K. (1) Administrative Control of the Coordinator.- The Returning Officer, Assistant Returning Officer, Presiding Officer, Polling Officer and all other persons appointed in accordance with these rules shall work under the administrative control of the coordinator with overall direction and control of the Authority.

(2) Returning Officer, Presiding Officer etc. deemed to be on Deputation.– Returning Officer, Assistant Returning Officer, Presiding Officer,
Polling Officer and any other officers appointed under this chapter for the conduct of any election shall be deemed to be on deputation for that period which starts on and from the date on which election is announced to the date when the result is declared to the extent of the election work and shall be under the control, superintendence and regulation of the Authority for the said work.

(3) Role of Collector in the election.- Under the direction of the Authority Collector shall make necessary arrangement for the smooth conduct of election of a cooperative society in different phases such as filing of nomination papers, scrutiny, polling, counting etc, and also ensure supervision & maintenance of law & order. Collector shall also requisite government vehicles and buildings at the expenses of the concerned society.

(4) Election code of conduct.- Authority will issue direction for enforcing amending and implementing code of conduct in election of a cooperative society.

(5) Issuing of direction by Authority.- Authority will issue general or specific directions from time to time for free fair and transparent election regarding Identity cards of voters, election requisite directives and for posting of officers/employees in election work.

(6) Coordination between Authority and Registrar office- For the smooth election of Cooperative Society, necessary coordination will be established by Authority and Registrar office."