

**THE UTTAR PRADESH STATE CO-OPERATIVE SOCIETIES
ELECTION RULES, 2014**

CHAPTER-IV

General Election Procedure

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

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

32. In the publication of the said election programme the District Assistant Co-operative Election Officer/ the Divisional Co-operative Election Officer/ the Competent Authority shall determine the election site and polling site for the election and shall mention it in the notice and shall require from the Secretary or Managing Director as the case may be, get a copy of the said programme pasted on the notice board of the society:

Provided that the place of polling shall be the office or headquarter of the society but the place of polling decided by the District Assistant Co-operative Election Officer/ the Competent Authority may be any place nearby to the office or headquarters of the society due to unavailable reasons:

Provided further that in case of election of representative of committee as mentioned in sub-rule (4) of rule 84-A of the Co-operative rules, the place of polling may be any other public place beside the officer or headquarter or branch of the society as determined by the assistant district Co-operative election officer/ competent authority.

33.(a) It shall be responsibility of the Secretary or the Managing Director of the society to display the information of the election programme and place of polling of the society on the notice board of society at least 15 days before the date of publication of the provisional voters list:

Provided that this notice shall also be displayed on the notice board of concerned development block in case of a primary co-operative society, of the office of the district magistrate in case of district/central Co-operative society and of office of commissioner and registrar and of the commission in case of the State Level/ Apex Co-operative Society.

(b) Following shall be displayed in the election programme:-

- the date of display of provisional voters list;
- the date, time and place for filing objections on provisional voters list and its disposal;
- the date of display of final voters' list;
- the date, time and place for filing nominations;
- the date, time and place of scrutiny of nominations;
- the date, time and place for withdrawal of nominations;
- the date, time and place for allocation of election symbols and display of final nominations;
- the date, time and place of poll;
- the place at which voters' list can be inspected by voters;
- names of the constituencies including reserved constituency and the number of persons to be elected

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

34. The Secretary/Managing Director of the society related with the election shall prepare a provisional voters' list subject to rule 12 on the following basis:-

(i) In case of societies having individual members in their general bodies or of societies of which general bodies consists of delegates of individual members;

(ii) In case of which general bodies consists of individual members and society members in triplicate indicating there in the name, parentage address noted in the books of society, disqualification, if any hereinafter referred to as provisional voters' list on such date as may be specified by the Commission and it shall be prepared,

- Gram Panchayat wise/revenue village wise in case of primary agricultural credit Co-operative societies, primary Ganna societies and primary Dugdh societies;
- mohalla-wise/ward-wise in primary co-operative societies including consumer co-operative societies situated in urban areas and in areas other than urban, gram-panchayat wise;
- constituency-wise or proportionate serial-wise of all members/constituency-wise or any other rational basis as maybe decided by commission in case of any other society.

Provided that in case of a Co-operative society having societies as its members or society covered under clause (ii) such list shall be submitted to Election Officer along with the names of the elected delegates of the society or of the existing delegates if names of elected delegates are not received before the publication of voters' list.

Provided further that in case of branches of Uttar Pradesh Sahkari Gram Vikas Bank Ltd., Lucknow or sub-offices of societies of which area of operation extends to more than one revenue district and the membership of which consists of individual members, such lists shall be prepared by the branch manager of the concerned branch or incharge of sub-offices, as the case maybe, and shall be submitted to the Election Officer;

(iii) Provisional voters' list shall be made available at the proper time to the Election Officer by the Secretary/Managing Director of the society as the case maybe after signing and putting seal on it.

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

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

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

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

39. (1) Any candidate may obtain the nomination form (Form-K) from Election Officer on payment of fee as follows:-

(a) In case of primary Co-operative societies,-

- For nomination of a member of managing committee-Rs five hundred
- For nomination to the office of the Chairman/ the Vice-chairman- Rs one thousand
- For nomination to the office of a delegate- Rs one hundred

(b) In case of district/central co-operative societies,-

- For nomination of member of the managing committee -Rs one thousand
- For nomination to the office of the Chairman/ the Vice-chairman- Rs two thousand
- For nomination to the office of a delegate- Rs five hundred

(c) In case of State level/apex co-operative societies,-

- For nomination to the office of the managing committee-Rs two thousand
- For nomination to the office of the Chairman/ the Vice-chairman- Rs five thousand
- For nomination to the office of a delegate- Rs one thousand

(2) On payment of amount of fee prescribed in sub-rule(1) to the bank account fixed by the Commission or to the Election officer, the candidate shall receive the Form-K and obtain the receipt

thereof and thereafter he shall submit the nomination papers along with such receipt.

(3) It shall be the duty of the Election Officer, the Co-operative Society to deposit the nomination fee and the amount received in other items in the account of the bank fixed by the commission within one week from the declaration of the election result invariably and its details and proof shall be made available to the district assistant Co-operative Election Officer/Competent Authority.

40. (1) The Election Officer of the Co-operative Society shall not accept nomination papers of any person, if:-

- He is ineligible to vote
- He is disqualified under the provisions of the Act, election rules or bye-laws of the Co-operative Society or has been declared ineligible for election by the Commission.

(2) Proposal for nomination shall be addressed to the Election Officer in Form-K. Objection to nomination shall also be addressed to him and such objections must be from any voter.

(3) The candidate shall present his nomination to the Election Officer in person or through his authorized agent and any entry thereof shall be made by the Election Officer in the register strictly in chronological order and he shall also acknowledge it and receipt of Form-K shall be given to the concerning candidate or his nominated agent:

Provided that proposal and seconder to the nomination shall be a voter other than the candidate himself of the same constituency.

(4) The Election Officer shall enter the following entries in the register:-

- Name, father's name and address of the candidate;
- Name, father's name and address of the proposer and seconder.
- The date and time of receipt of nomination papers and shall be signed by the Election Officer.

(5) The Election Officer shall after the expiry of the time for filing nomination papers draw up a horizontal line underneath the entry of the last nomination paper in the register, write there-under in

words(nomination closed) and affix his signature with the date and time. A list of nomination shall be displayed on the notice-board of the Co-operative Society as soon as maybe after the expiry of time.

(6) The Election Officer shall take up scrutiny of nomination papers in alphabetical order on the date specified and the candidate, his proposer or seconder maybe present at the time of scrutiny.

(7) While scrutinizing the nomination, the Election Officer may-

- permit any clerical error in the nomination papers in regard to the names or numbers to be corrected in order to bring them in conformity with the corresponding entries in the voters' list;
- Where necessary direct that any printing error in the said entries maybe overlooked.

(8) At the time of scrutiny, the Election Officer shall endorse on each nomination paper the decision regarding acceptance or rejection. In case of rejection he will record in writing a brief statement of his reason for such rejection. The candidate whose nomination is rejected may obtain a copy of the order of rejection on payment of fees of Rs. ten to the Election Officer.

(9) Application for withdrawal of the nomination shall be made to the Election Officer in person on the prescribed form, only by the candidate concerned.

(10) Where the Election Officer finalizes the nomination after withdrawal of the nomination he shall also allot a symbol from the list of symbols approved by the commission in the same order of the symbol, as is serially indicated in the approved list to each valid nominations and in case the number of valid nominations exceeds the number of symbols approved by the commission, the Election Officer may allot any other symbol which may be different but may be available the symbols approved by the commission. The symbols so allotted shall be binding on the candidates concerned.

(11) The lists of final nominations containing the names of candidates in Hindi alphabetical order indicating their respective symbols and the address as given in the nomination papers shall be displayed at the headquarters of the society if situated in the

district and in other cases at the office of the branch before the date of poll according to rule 36.

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

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

43. (1) where the number of valid nominations does not equal or exceed the number of persons to be elected, the election officer just after the withdrawal of nominations shall declare them to have been duly elected.

(2) Where the number of valid nominations exceeds the number of persons to be elected, the election officer shall arrange for taking poll on the time and date fixed by the Commission.

(3) Every voter shall be given a ballot paper which shall be printed by the Commission containing the election symbol allotted to contesting candidates in Hindi alphabetical order. It shall also contain a blank column for the voter to inscribe a mark 'X' against the name or names of persons to whom he wants to vote.

(4) The ballot-paper shall be serially numbered and shall also bear the seal of the society and initials of the Election Officer/Polling Officer of the polling station concerned.

(5) The voting shall be by secret ballot, the voter shall put a cross mark 'X' against the name of candidate for whom he desires to vote and then put the ballot-paper into the ballot-box with secrecy.

(6) Every voter shall have as many votes as there are persons to be elected but no voter shall give more than one vote to any one candidate.

- (7) Any contesting candidate or his authorized agent may challenge the identity of the voter before the issue of the ballot-paper on payment of fee of ten rupees for each challenge to Election Officer.
- (8) The Election Officer shall make a summary enquiry of the challenge and if after such enquiry, he is of the opinion that the challenge is not established, he shall give to the person challenged a ballot-paper which shall be endorsed on the back with the words "Challenged Vote" by the Election Officer in his own handwriting and signed by him.
- (9) Every such person shall before being supplied with ballot-paper under sub- rule (3) sign his name or affix his thumb-impression if he is illiterate against the entry relating to him in a list in the specified form.
- (10) On receipt of ballot-paper under sub-rule (8) the person concerned shall record his vote on ballot-paper by putting a cross mark 'X' against the name of candidate for whom he wants to vote with secrecy and hand over the ballot-paper to Election Officer who shall forth with place it in a envelop specially kept for the purpose.
- (11) If a person representing himself to be a particular voter named in the voters' list applies for a ballot-paper after another person has already voted as such voter, he shall, on satisfying his identity to Election Officer, be supplied with a ballot-paper which shall be endorsed on the back with the words 'tendered ballot-paper' by the Election Officer in his own hand-writing and signed by him.
- (12) Every such person shall before being supplied with a tendered ballot-paper, sign his name or affix his thumb-impression if he is illiterate, against the entry relating to him in a list in the specified form.
- (13) On receipt of ballot-paper under sub-rule(11), the person shall record his vote on the tendered ballot-paper by putting a cross mark 'X' against the name of candidate for whom he wants to vote for secrecy and hand over the tendered ballot-paper to the Election Officer who shall place it in a envelop specially kept for the purpose.
- (14) It shall be mandatory for a voter to satisfy the Election Officer regarding his identity from one of his identity proofs specified by the Commission before using his vote.

(15) If a signed ballot-paper is remained unused, it shall be kept in an envelope and information of used ballot-paper, signed remaining ballot-paper, remaining blank ballot-paper shall be filled in the prescribed Performa after the polling and shall be kept in an envelope.

(16) In case of peaceful completion of polling remark shall be entered in the diary by the Election Officer and shall be kept in a separate envelop. The said diary shall be kept in safe custody along with relevant documents for a prescribed period falling after the declaration of the election result.

44. (1) (a) The counting of votes shall take place immediately after the close of the poll and in case it is not possible to count votes immediately after the close of the poll the ballot-boxes shall be sealed by the Election Officer and kept in the safe custody at the nearest police station. The candidate or his agent, if he so desires, may also affix his seal;

(b) Tendered ballot and challenged ballot shall be counted only in such a circumstance when it is not possible to declare the result from the total polled ballots, i.e., when number of ballots become equal in the case of two or more candidates.

44. (2) A ballot-paper shall be rejected if -

- It bears any signature to identify the voter,
- It does not bear the seal of the society and initials of the Election Officer/Polling Officer of the polling station concerned,
- It contains no marks indicating a vote,
- It contains more marks than number of seat/seats to be filled.

44. (3) If a ballot-paper contains mark or marks for a candidate or candidates in such manner that it is ambiguous as to which of the candidates the vote is given to it shall be rejected.

44. (4) The Election Officer shall announce the result of the election as soon as the counting is completed indicating the number of votes secured by each candidate.

44. (5) In the event of equality of votes, the matter shall be decided by draw of lots.

Explanation- Election Officer shall take equal size and same colour chits and write the name of candidates on it and fold it in such manner so that the name of the candidate cannot be read and shall put the paper in the ballot box and shall cause to put a slip from the ballot box from a person other than the candidate. The candidate whose name is mentioned on the slip shall be declared elected.

44. (6) The Election Officer shall display the list of elected candidates on the notice-board of the society and also at such public place as he may deem fit:

Provided that such display in case of branches of Uttar Pradesh Sahkari Gram Vikas Bank Ltd., Lucknow or societies, of which area of operation extends to more than one District shall be made at the branch office or sub-office of such Co-operative society.

44. (7) A copy of the list prepared under sub-rule(6) shall be sent to the District Assistant Co-operative Election officer, the Commission or an officer authorised by the Secretary/Managing Director of the Co-operative Society concerned .

44. (8) Used ballot-papers and other records pertaining to election shall be put in an envelop or container and shall be sealed by the Election Officer/Polling Officer to the Secretary/Managing Director of the Co-operative Society who shall acknowledge the receipt and be responsible for its safe custody for two months if no dispute to election is referred to the District Magistrate or Commission.

Provided that in case of non-pendency of any election suit or any petition regarding election in any court, the Secretary/Managing Director of the Co-operative Society as the case may be, shall destroy it after completion of one year.

Provided further that, it shall be responsibility of the Secretary/Managing Director as the case maybe, to enter a brief details on the Performa prescribed by the Commission before destroying it and shall be kept in the Co-operative Society.

44.(9) In special circumstances and by unavoidable reasons, the commission may direct the counting of votes of all or any class or classes or any special society of the district to another place and such counting shall be done on the date prescribed by the Commission.