

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

CHAPTER- VI

DISQUALIFICATION

47. (1) No person shall be eligible to be or to continue as a member of the Committee of Management of any co-operative society, if-

(a) he is under 21 years of age

(b) he is declared insolvent

(c) he is of unsound mind

(d) he has been convicted for any offence involving , in the opinion of the Commission, moral turpitude such conviction not having been set aside in appeal

(e) he, or in the opinion of the Commission, member of his family enters into or carries on, without the permission of the Commission, within, the area of operation of the Co-operative society, the same kind of business as done by the Co-operative Society itself

(f) he enters into any transaction of contract with the Co-operative Society against the provisions of the Act or the bye-laws of the Co-operative Society

(g) he accepts or holds any office of profit under the Co-operative Society or under any Co-operative Society affiliated to such Co-operative Society

Provided that his restriction shall not apply in case of such producers or workmen's society as have been permitted by the State Government to provide in their bye-laws for participation of employees in the management of the Co-operative Society

(h) he is not a member of general body of the Co-operative Society:

Provided that the provision of this clause shall not apply in respect of the co-option of professional person under sub-section (6) and (8) of section 29.

(i) he has been convicted of any offence under the Act or rules, unless a period of three years has elapsed from the date of conviction

(j) he is person against whom an order under section 91 has been obtained by a Co-operative society and is pending satisfaction

(k) he is in default (at least for a period of six months), to the Co-operative Society in respect of any loans taken by him, he is a judgment debtor of the Co-operative Society

(l) If he is already a member of the Committee of Management of three Co-operative societies, i.e., one primary, one central and one apex societies at a time, but he shall be entitled to contest for the membership of the Committee of Management of more than three Co-operative societies. In case of election to the Committee of Management of more than three Co-operative Society as specified above, he shall have to resign from the Committee of Management of such Co-operative Society or Co-operative Societies within one month so that he may not remain member of the Committee of Management of more than three Co-operative Societies. In case he fails to resign within the specified period then at the expiration of such period he shall be deemed to have resigned from all except one apex Co-operative Society and one central Co-operative Society and primary Co-operative Society, to which he has been elected last;

(m) he has been dismissed for practicing fraud or for bad or dishonest conduct from Government service or from service of a Co-operative society or of a body corporate, such order of dismissal not having been set aside in appeal;

(n) he joined in the application for the registration of or was a member of the Committee of Management of a co-operative society which was subsequently wound up by the Commission under clause (a) of sub-section (2) of Section 72 on the ground that the registration of the Co-operative Society was obtained by fraud, such order of the Commission not having been reserved in appeal;

(o) he is otherwise disqualified under any of the provisions of the Act or the rules or bye-laws of the Co-operative Society.

(p) if he is a delegate of a non-credit Co-operative Society which is a member of a Central Co-operative Bank or Uttar Pradesh Co-

operative Bank and the Co-operative Society has committed a default for a period exceeding ninety days.

(q) if he has become a member of a primary agricultural credit society for the purpose of deposit only and his deposit in such society becomes less than Rupees one thousand.

(r) if in the opinion of the Commission anybody has participate in the election on the basis of any corrupt practice / conduct or knowingly any deceitful Act or fabricated document consequences of which have affected his candidature and result of the election

(s) if he has convicted for more than two years by any court for any crime and against which no stay order has been obtained or the conviction order has not been set aside by any competent court.

47. (2) A member of the Committee of Management of a Co-operative society who absents himself from three consecutive meetings of the Committee of Management without reasonable cause shall not be entitled to continue as a member of the Committee of Management.

47. (3) The provisions of sub-rule(2) shall not apply to a nominated or an ex- officio member of the Committee of Management of a co-operative society.

47. (4) Any person who has contested for the election to the membership of the Committee of the Management of the co-operative society , but has lost such election, shall not eligible to become such member by co-option or nomination.

47. (5) The disqualifications laid down under sub-rule(1) shall apply subject to the following conditions-

- the disqualification laid down under clause(h) shall not apply to a nominated or an ex officio member of the Committee of Management or such co-opted member of the Committee of Management for whose co-option membership of the general body was not a condition under the bye-laws of the Co-operative Society;
- the disqualification laid down in clause(d) or clause(m) of sub-rule (1) shall cease to operate on the expiry of five years after the payment of fine under the conviction or after he has

served out the sentence under the conviction or after the order of dismissal, as the case may be;

- the disqualification laid down in clause of sub-rule(1) shall not apply to a government servant nominated on the Committee of Management of a co-operative society under section 34.
- clauses (a), (g), (i), (m) and (s) of sub-rule (1) shall not apply in relation to members of the committee of management of Cooperative Societies constituted in the Jail for Welfare and Rehabilitation of prisoners in the prison.

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

49- (1) If an action, as prescribed is not taken at the reasonable time by the Committee of Management against any member or members in regards to their disqualification brought to knowledge, the Commission shall have the right to direct the Registrar or the Authorized Officer to remove such disqualified member or members from the Committee of Management under section 38.

(2) After such direction of the Commission it shall be the duty of the Registrar or the Authorized Officer to initiate proceedings as necessary in compliance of prescribed procedure under section- 38.