

BIHAR CO-OPERATIVE SOCIETIES RULES, 1959

ELECTION

21-D. (1) An Election Officer and an Alternate Officer shall be appointed by the Conducting Officer concerned:

Provided that no Government Servant below the rank of a Co-operative Extension Officer shall be appointed Election Officer or Alternate Election Officer:

Provided further that for the Milk Producers' Co-operative Societies, no person shall be appointed Election Officer or Alternate Election Officer if he is below the rank of Milk procurement Officer posted in affiliating Milk Producers' Co-operative Unions and Bihar State Co-operative Milk Producers Federation Ltd.

(2) It shall be duty of the Election Officer to hold and conduct elections properly in accordance with these rules. He shall exercise all such powers and perform all such duties as may be necessary for an incidental to the conduct of elections.

(3) Where the Election Officer appointed under sub-rule (1) is unable to attend any stage of the election owing to illness or other unavoidable reasons, the Alternate Election Officer appointed for the purpose shall proceed to conduct the election from the stage at which the Election Officer has left and in such cases every reference to the Election Officer in this rule shall be constructed as a reference to the Alternate Officer.

21-E. The Managing Committee and every officer of the Co-operative Society concerned shall be bound to render assistance to the Election Officer in the conduct of the election and shall make available to him such information and records of the society as may be required by the Election Officer for the purpose.

21-F. The Election Officer shall appoint such number of Polling Officers as necessary and provide them with ballot boxes, ballot papers, a copy of the final voters' list and such other accessories which are necessary for the conduct of elections.

21-G. The Polling Officer appointed by the Election Officer shall be from amongst the Government servants who are not concerned with the management and administration of the societies.

21-I. (3) If the society fails to prepare and send the [voters list] within the time specified, the Election Officer may himself or through a person authorised by him on this behalf prepare the list.

21-J. (1) The Election Officer shall –

- (i) Cause the voters list to be displayed on the notice board of the society concerned and at such other place or places as may be deemed fit,
- (ii) Publish or cause to be published on the notice board of the society general notice fixing the date for filing objections to the voters list and the disposal of the objections by him :

Provided that there shall be a difference of at least seven days between the date of publication of the voters list as well as general notice and the date of filing of objections.

(iii) After disposal of objections, publish or cause to be published the final voters list at such places as specified under clause (i);

(iv) Forward a copy of final voters list to the society concerned which shall issue notice to the voters for Special General Meeting on its basis.

(2) The society shall keep a copy of the final voters list at the office of the society during office hours for perusal and the copy of voter list shall be made available on payment of the price fixed by the society.

21-K. (3) The notice shall contain the programme of election as fixed by the Conducting officer mentioning the date, time and place of every stage under Rule 21-M;

Provided that the notice shall be issued at least fifteen days before the date of nomination and there shall not be gap of less than ten days between the date of filing of nomination and the date of Special General Meeting].

(4) The notice shall also mention the name and address of the Election Officer and the Alternate Election Officer.

(5) A copy of the notice shall be sent to the Election Officer, [Conducting Officer] and the Registrar and the financing institution.

21-L. It shall be the duty of the Election Officer to satisfy himself about proper service of the notice and record his certificate on the Notice Book of the society.

21-M. The Election Authority/ Conducting Officer shall fix the date for-

- (a) filing of nominations,
- (b) scrutiny of nomination papers,
- (c) display of the list of nominations,
- (d) filing of objections,
- (e) disposal of objections,
- (f) display of the list of valid nominations,
- (g) withdrawal of nominations,
- (h) display of list nominations after withdrawal, if any, and
- (i) allotment of symbols;

Provided that all the stages shall be conducted in the head quarters of the society".]

21-N (1) No person shall file nomination paper for election to fill a seat if-

- (i) his name does not appear in the final voter's list, or
- (ii) he is otherwise disqualified for being elected under the provisions of the Act, Rules or the Bye-laws of the society.

(2) Proposal for nomination shall be addressed to the Election Officer in the prescribed form. Objection to nomination by a voter shall also be addressed to him.

(3) The candidate shall present his nomination to the Election Officer in person or through his authorized agent and an entry thereof shall be made by the Election officer in the register maintained for the purpose strictly in chronological order and he will also acknowledge receipt, if demanded :

Provided that the proposer and seconder to the nominations shall be a voter other than the candidate himself.

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

(5) While scrutinizing the nomination, the Election Officer may –

(a) Permit any clerical error in the nomination paper in regard to the name or number to be corrected in order to bring them in conformity with the corresponding entries in the final voters list :

(b) Where necessary direct that any printing error in the said entries may be overlooked.

(6) At the time of scrutiny, the Election Officer shall endorse on such nomination paper the decision regarding acceptance or rejection. In the case of rejection he will record in writing a brief statement of his reasons for such rejection. The candidate whose nomination is rejected may obtain a copy of the order rejection on payment of a fee of rupees five to the Election Officer, who deposit the amount in the society concerned.

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

21-O. If a candidate is elected simultaneously for more than one office of the Managing Committee and / or members of the Managing Committee, in that case, he shall have the option to retain one seat only and shall vacate the remaining seats of the concerned Society in writing to the Election Officer within 24 hours of the publication of the result of the election and such seat vacated by such candidate shall be filled in by the next candidate securing the next highest vote :

Provided that if the option is not exercised by such candidate within the time prescribed the Election Officer shall exercise his discretion and declare such seat to have been vacated by the said candidate.

21-P. (1) Where the number of valid nominations for any seat does not exceed the number of seats to be filled, the candidates for whom valid nominations have been received shall be deemed to have been duly elected fill such seat.

21-Q. If the number of valid nominations for any seat exceeds the number of the seats there shall be an election.

21-R. The Election Officer may make such arrangements as he may deem necessary to ensure identification of the voters and to prevent impersonation.

21-S. (1) Every voter shall be given a ballot paper, containing names of contesting candidates arranged in Hindi in alphabetical order along with their election symbol against their names. The voter shall mark "X" on the election symbol of the contesting candidate in whose favour he desires to cast his vote.

(2) The ballot paper shall be serially numbered and shall also bear the seal of the Society and initial of the Election Officer or the Polling Officer of the concerned Polling Station.

(3) The voting shall be by secret ballot. The voter shall put a cross mark (x) against the name of the candidate for whom he casts his vote and thereafter he shall put the ballot paper into the ballot box.

(4) Every voter shall have as many votes as there are seats to be filled in but no voter shall give more than one vote to any one candidate.

(5) Any contesting candidate or his authorized agent may challenge the identity of the voter before the issue of the ballot paper on payment of a fee or rupee one for each challenge.

(6) The Election Officer shall make 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 such over a ballot paper.

(7) If a person representing himself to be a particular voter named in the final voter's list applies for a ballot paper after another person has already voted as such voter, he shall, on satisfying his identity to the Election Officer, be supplied with ballot paper which shall be endorsed on the back with the words 'tendered ballot paper' by the Election Officer in his own handwriting and signed by him.

(8) 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 list of 'tendered ballot papers'.

(9) On receipt of ballot paper under sub-rule (7), 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 and hand over the tendered ballot paper to the Election Officer who shall forthwith place it in a cover specially kept for the purpose.

21-T. (1) If an election, the proceedings at any polling station are interrupted or obstructed by any riot or violence, or is not possible to take the poll at any polling station / booth on account of any natural calamity, or any other sufficient cause, the Polling Officer for such polling station/ booth shall announce an adjournment of the poll to a date to be notified later.

(2) Whenever a poll is adjourned under sub-rule (1) The Election Officer shall immediately report the circumstances to [Conducting Officer/ Election Authority] and the Registrar, and shall, as soon as may be, with the previous approval of [Conducting Officer/ Election Authority] appoint the day on which the poll shall recommence and fix the polling station/ booth at which, the hours during which, the poll will be taken and shall not count the votes, cast at such election unit such adjourned poll shall have been completed.

(3) In every such case as aforesaid, the Election Officer shall notify in such manner as the [Election Authority/ Conducting Officer] may direct, the date, place and hours of polling fixed under sub-rule (2).

(4) If any election –

(a) Any ballot box used at a polling station/ booth is unlawfully taken out of the custody of the polling officer or is accidentally or intentionally destroyed or lost, or is damaged or tampered with, to such an extent, that the result of the poll at that polling station/ booth cannot be ascertained , or

(b) Any such error or irregularity in procedure as is likely to vitiate the poll is committed at polling station/ booth the polling officer shall forthwith report the matter to the Election Officer and to [Election Authority/ Conducting Officer].

(5) Thereupon [Election Authority/ Conducting Officer] shall, after taking all material circumstances into account declare the poll at the polling station/ booth to be void, and appoint a day, and fix the hours for taking afresh poll at that polling station/ booth and notify the day so appointed and the hours so fixed in such manner as he may deem fit.

(6) The provision of this rule shall apply to every such fresh poll as they apply to the original poll.

21-U. (1) The counting of votes will 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, The candidate or his agent, if he so desired, may also affix his seal. In that case the counting of votes shall take place on the day and the place and hour appointed by the Election Officer in that behalf.

(2) A ballot paper shall be rejected if –

(i) It bears any signature to identify the voter,

(ii) If does not bear the seal of the society and initials of the Election Officer/ Polling Officer of the concerned polling station/ booth.

(iii) It contains no marks indicating a vote,

(iv) It contains no marks than the number of seats to be filled, or

(v) It is so damaged or mutilated that its identity as a genuine ballot paper cannot be established.

(3) If a ballot paper contains mark or marks for a candidate or candidates in such a manner that it is not clear as to which of the candidates the voter has cast his vote for, it shall be rejected :

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

(4) The Election Officer shall declare the result of election as soon as the counting is completed indicating the number of votes secured by each candidate and shall also furnish a

certificate in writing under his seal and signature to the successful candidate and [Election Authority/ Conducting Officer].

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

(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.

(7) A copy of the list prepared under sub-rule (6) shall be sent to the concerned officer of the Co-operative Department, [Election Authority/ Conducting Officer] and also to the Chief Executive of the society concerned.

(8) Used ballot papers and other records pertaining to the election shall be put in a cover or contained and shall be sealed by Election Officer / Polling Officer. Any candidate may also affix his seal thereon, if he so desires. The cover or contained so sealed shall be entrusted by the Election Officer/ Polling Officer to the Chief Executive of the society who shall acknowledge the receipt and be responsible for its safe custody for twelve months or till such time as the Registrar directs.

21-V. (1) The amount of expenses for holding election in a co-operative society or a class for classes of co-operative society shall be determined by [Conducting Officer] by special or general order and the same shall be payable by the society from its fund :

Provided that no. T.A./ D.A. for Election Officer / Polling Officer and other persons connected with the conduct of elections shall be payable from the funds of the society.

(2) The Chief Executive of the society concerned shall on the direction of [Conducting Officer] make payment in respect of expenditure incurred in connection with the election of the society.

21-W. The State Government shall appoint an Additional Registrar or Co-operative Societies and such other officers as it may deem necessary to aid and assist the Registrar of Co-operative Societies in the discharge of his duties with regard to the election in co-operative societies.

21-X. Any dispute relating to election of a co-operative society may be raised within 30 days from the date of declaration of the result and such dispute shall be decided under section 48 of the Bihar Co-operative Society Act, 1935.