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CO-OPERATION DEPARTMENT

NOTIFICATION

The 25th August, 2012

S.R.O. No. 479/2012— The following draft of certain rules further to amend the Odisha Co-operative Societies (Election to the Committees) Rules, 1992, which the State Government propose to make in exercise of the powers conferred by the Section 134, read with Section 28-A of the Odisha Co-operative Societies Act, 1962 (Odisha Act 2 of 1963), is hereby published as required by sub-section (1) of the said Section 134 for information of all persons likely to be affected thereby, and the notice is hereby given that the said draft will be taken into consideration on or after the expiry of a period of thirty days from the date of publication of this notification in the *Odisha Gazette*.

Any objection or suggestion which will be filed before the Registrar of Co-operative Societies, Odisha, Bhubaneswar, by any person with respect to the said draft before the period so specified will be considered by the State Government.

DRAFT

1. (1) These rules may be called the Odisha Co-operative Societies (Election to the Committees) Amendment Rules, 2012.

(2) They shall come in to force on the date of their publication in the *Odisha Gazette*.

2. In the Odisha Co-operative Societies (Election to the Committees) Rules, 1992, (here-in-after referred to as the said 'rules') in rule 2, in sub- rule (1),

(i) for clause (b -1), the following clause shall be substituted, namely:—

“(b-1) A “class” means the members of a primary society excluding nominal members and members of the Electoral College of a Central or Apex Society belonging to Scheduled Caste, Scheduled Tribe, OBC and Women respectively, and includes a sub-class of members within a class like the male among the Scheduled Caste members and female among the

Scheduled Caste members and so on, each constituting a separate Constituency.”;

(ii) after clause (d), the following clause shall be inserted namely:—

“(d-1)“Electoral College” means, Electoral College formed under clause (II-a) of sub-section (1) of Section 28-A of the Act and rule 4-A of these rules.”;

and

(iii) after clause (h), the following clause shall be inserted, namely:—

“(i)“Voter” means the member of the primary society, excluding nominal members; and members of the Electoral College in the case of Central or Apex Society, as the case may be, appearing in the final Electoral Roll of the respective society”;

3. In the said rules, in rule 3, in sub rule (3), for clause “(b)”, the following clause shall be substituted, namely:—

“(b) The Chief Executive / Chief Executive Officer, shall furnish to the Election Officer at least 40(Forty) days prior to the date fixed for election, if the membership of the primary society and in case of a Central or Apex Society, the membership of the Electoral College, has been organized into Constituencies by the Committee with particulars of all such Constituencies as well as the office or offices in respect of which elections are required to be held duly supported by the resolution of the Committee and where no such Committee has been organized, the Chief Executive / Chief Executive Officer shall send a requisition to the Election Officer for organization of such Constituency(s) under sub-rule (3) of rule 6”.

4. In the said rules, after rule 4, the following rule shall be inserted, namely:—

“4-A – The membership of Electoral College for the purpose of clause (ii-a) of sub-section (1) of Section 28-A of the Act to elect the members of the Committee of a Central or Apex Society, shall consist of delegates of Societies, local authorities and Body Corporate, other than the Societies, who are its members as on the date of publication of the date of election of the Society under clause (a) of sub-section (4) of Section 28-A of the Act. Each delegate shall be a member of the Electoral College, who shall be:—

- (i) in case the member is a Society, all the elected members including the President and Vice-President of such Society;
- (ii) in case the member is a Body Corporate, other than a Society, or a Local Authority, the head of such Body Corporate or Local Authority:

Provided that a person shall not be eligible to be a delegate of more than one of the institutions mentioned in clause (i) or (ii) of this rule to become member of the Electoral College but in case his/her name appears at more than one place of the provisional Electoral Roll, such person shall have the option in writing before the Election Officer on the date fixed for filing of objection to the provisional Electoral Roll, to retain any one, failing which it would be lawful for the Election Officer either on his own motion or on objections, not to include his/her name in the final Electoral Roll”.

5. In the said rules, for rule 6 excluding sub-rules (4) to (7) thereof, the following shall be substituted, namely:—

“6.(1) (a) The words “in case of individual members, the name of persons” shall be substituted by the words “in case of primary society, the name of individual members and Head of the Self Help Groups except the nominal members”.

(b) In case of Central or Apex Society, the name of the members of the Electoral College as on the date of publication of notice for election under clause (a) of sub-section (4) of Section 28-A of the Act, and are qualified to vote with their address along with their father's or husband's name, as the case may be, sex along with the name of the Society, Body Corporate or Local Authority, which he/she represents in the Electoral College and whether he/she belongs to scheduled caste, scheduled tribe or OBC.

(2) The Chief Executive / Chief Executive Officer of the Society, the head of the Local Authority or Body Corporate other than the Society shall intimate to the Chief Executive/ Chief Executive Officer of the Central or Apex Society, where it is a member, the name and address of the respective delegates who shall exercise vote as member of the Electoral College to elect the members of the Committee of such Central or Apex Society at least 50 (Fifty) days prior to the date fixed for election.

(3) In case of primary society, the membership and in case of Central or Apex Society, the membership of the Electoral College may be organized into different constituencies on such numerical or territorial basis as may be determined by the Committee having regard to the provisions of the Act, the OCS rules and these rules in that regard to ensure that where

any specified number of members from any class like SC, ST, OBC and Woman are required to be elected, there shall be designated constituencies for each member of such class. In case the constituency is organized numerically, it shall be organized chronologically as per the serial number of the members in the membership register of the Co-operative Society maintained under section 124 of the Act. If the constituency is organized on territorial basis, the constituency shall be serially numbered by taking geographically contiguous areas.

(3-a) Where the Committee has not organized the membership of the Society into constituencies as provided in sub rule (3), it shall be lawful for the Election Officer of Primary, Central or Apex Society to organize the constituencies as per the provisions of the Act, the OCS Rules, 1965 and these rules.

(3-aa) While determining the number of seats for the purpose of proportional representation of the reserve class of members or members of the Electoral College, in the Primary, Central or Apex Societies as provided under section 28(2) (b) (c) (d) and (e) of the Act, if the number arrived at after the whole number is less than one, it shall be counted as zero;

Provided that, in no case such numbers shall be less than one for any reserved class and sub-class within such class of members taken together”.

6. In the said rules, in FORM I after PART II before PART III the following part shall be inserted, as namely:—

“ PART II -A
A F F I D A V I T

(to be submitted by the candidate to the Election Officer along with form for nomination for election (to the Office of Member/President/Vice President) in non judiciary stamp bearing minimum of Rs.10.00 and be sworn in before the Executive Magistrate/Notary Public).

I, Shri _____ aged about _____ years, son of
Village- _____ P.O. _____ P.S. _____ Dist. _____ Filing nomination for
contesting as a candidate for Member/President/Vice President of the Committee of
Management of _____ Coop. Society Ltd.

do hereby solemnly affirm and state on oath as under :

(Please strike off the ones not applicable)

1. That, I am a bonafide member of Society bearing membership No._____.

2.
 - (i) That I am not an applicant to be adjudicated an insolvent or an on discharged insolvent;
 - (ii) That I have not been sentenced for any offence involving moral turpitude;
 - (iii) That I am not of unsound mind;
 - (iv) That I am not a family member of any paid employee of the Society;
 - (v) That I have not failed to pay any amount due whether in cash or in kind to the Society, its financing Bank, or any other society, on account of any loan or otherwise;
 - (vi) That I am not representing a society which ceases to be a member of _____ Society;
 - (vii) That I am not representing the _____ society which is ordered to be wound up or dissolved.
 - (viii) That I am not interested directly or indirectly in any contract made with the _____ Society or in any sale or purchase made by the society or in any contract or transactions of the Society (other than investment or borrowing) involving financial interest; (if the contract or transaction, sale or purchase be not complied);
 - (ix) That I have not been expelled from any society under Section 21-A of the OCS Act, 1962 for acting adversely or for being detrimental or prejudicial to the interest of the Society;
 - (x) That I have not been convicted on charge of misappropriation or defalcation or funds of any society (or if any offence under OCS Act) nor have been found liable in a surcharge proceeding;
 - (xi) That I have not been dismissed, discharged or removed from the service of the Government, Public Sector undertaking, Local Body, a Co-op. Society or any other Body Corporate as a result of disciplinary proceeding on charge of embezzlement, misappropriation or any other misconduct involving moral turpitude;

- (xii) That I am not holding any office of profit under the State or Central Government, any Public Sector Undertaking, Local Authority, Education Institution or a Co-op. Society ;
- (xiii) That I am not debarred under the representation of the peoples Act 1951 to contest in the election;
- (xiv) That I am not retained or employed as a legal practitioner against _____ Society; or on behalf of the _____ society, except in an honorary capacity;
- (xv) That I do not have more than two children within the meaning of clause (p) of Sec. 28(3) of the O.C.S. Act, 1962;
- (xvi) That I am not a representative of any Society / Body Corporate which has failed to pay any amount due to the Society, its financing Bank or any other Society, on account of any loan or otherwise, within three months from the date of notice by the society or the Financing Bank concerned for payment of such dues. (Strike out which is not relevant)

3. That I have a deposit of Rs. _____ in my S.B. Account No. _____ with _____ Society for a period of _____ years and _____ months as on today which is the minimum requirement for being eligible for a candidate to contest in the election.

4. That I am not debarred from contesting election as per the provisions u/s 32(9) of the O.C.S.Act, 1962.

5. That my educational qualification is _____.

6. That the moment I am found disqualified for contesting as a candidate for election of office of the Member/President/Vice-President, I am liable to be punished as per law.

DEPONENT

VERIFICATION

I, the deponent, above named, do hereby verify and declare that the contents of this affidavit are true and correct to the best of my knowledge and, no part of it is false and nothing materials has been concealed there from.

Verified at _____ this the _____ day of _____,2012.

DEPONENT”.

[No. 7543-II-Legal-4/12/Coop.]

By Order of the Governor

MONA SHRMA

Commissioner-*cum*-Secretary to Government