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CO-OPERATION DEPARTMENT

NOTIFICATION

The 12th February, 2014

No.1303-II-Legal-4/2014/Co-op.— The following draft of certain rules further to amend the Odisha Co-operative Societies (Elections to the Committees) Rules, 1992, which the State Government propose to make in exercise of the powers conferred by Section 134 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 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 by the State Government 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 may be received by the Registrar of Co-operative Societies, Odisha, Bhubaneswar, from any person in respect of the said draft before the period so specified will be considered by the State Government.

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1. (1) These rules may be called the Odisha Co-operative Societies (Elections to the Committees) Amendment Rules, 2014.

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

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

(i) clause (b-1), shall be omitted;

(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 and prescribed in rule 4-A, these rules.

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

(i) “Voter” means the member of the Primary Society, excluding its nominal members, and members of the Electoral College in case of Central or Apex Society, as the case may be, whose name appears in the final Electoral Roll of the respective Society.

3. In the said rules, in the rule 3,—

(i) after sub rule (1), the following sub-rule shall be inserted, namely:— “(1-a) The State Government shall, by one or more notifications, publish, in the *Odisha Gazette*, the dates or dates as may be recommended by the State Co-operative Election Commission calling upon the Co-operative Societies to Elect Members of the Committee of the Society in accordance with the provisions of the Act and the rules made thereunder”;

(ii) for sub-rule (2), the following sub-rule shall be substituted, namely:—

“(2) The State Co-operative Election Commission shall, by general or special order, appoint one or more Election Officer and such other officer as presiding officer, pooling officer or any other officer as may be required for holding such election and such different Officers may be appointed for different Societies from out of the officers and staff made available to him under sub-section (6) Section 28-AA and the Officers so appointed shall perform the duties entrusted to them in accordance with the directives of the State Co-operative Election Commission :

Provided that the appointment of such different Officers shall be published in the *Odisha Gazette* by the State Co-operative Election Commission and communicated to the said Officers, the Society concerned and the concerned person appointed under section 3 in whose local limit, the Headquarters of the Society is located:

(iii) in sub-rule (3), for clauses (a) and (b), the following clauses shall be substituted, namely:—

“(a) The Chief Executive, of the Society, by whatever designation called, or the Administrator of the Society shall send the intimation as

required under sub-section (2) of Section 28-A and, as the case may be, under sub-section (3) of Section 32 to the State Co-operative Election Commission along with other information, if any, under registered post or in person under proper acknowledgement or otherwise”.

“(b) The Chief Executive of the Society by whatever designation called, shall furnish to the Election Officer concerned 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 Constituency has been organized, the said Chief Executive shall send a requisition to the Election Officer concerned for organization of such constituency under sub-rule(3) of rule 6 under intimation to the State Co-operative Election Commission.”

4. In the said rules, for rule 4, the following rule shall be substituted, namely:—

“(1) The Election Officer of the Society shall fix the date of election of the members of the Committee, on the recommendation of the State Co-operative Election Commission, by publication of a notification at least two months prior to the date of election so fixed and the Chief Executive of the Society, by whatever designation called, publish the same either in the daily newspaper having wide circulation in the area of operation of the Society or in the notice board of the Society, its branches, if any, the offices of the Gram Panchayat, Panchayat Samiti, Tahasildar, Sub-Collector, Collector, Deputy Registrar of Co-operative Societies and Assistant Registrar of Co-operative Societies in the area of operation of the Society or by beat of drums in the aforesaid area, by whichever mode, he may deem proper, in consultation with the Election Officer.

(2) The Election Officer shall also ensure that the notification fixing the date of election under sub-rule (1) is duly published in the manner so provided by the said Chief Executive of the Society and failure to do so by such Chief Executive shall be brought to the notice of the State Co-operative Election Commission.

(3) The Election Officer, subject to the direction of the State Co-operative Election Commission, if any, shall fix the date of election of the President within two days from the date of declaration of the result of the election of the Members of the Committee and of the Vice President within two days from the date of declaration of the result of the election of the President.

(4) For the purpose of election, the Election Officer shall fix the date on which,—

- (i) nomination papers shall be filed;
- (ii) nomination papers shall remain open for scrutiny, filing of objections and furnishing of proof in support of the objections shall take place, and the objections shall be enquired into, heard and disposed of;
- (iii) the list of valid nomination shall be published;
- (iv) withdrawal of nomination shall be made;
- (v) list of contesting candidates shall be published;
- (vi) polling, if necessary, shall take place; and
- (vii) the counting of votes and the declaration of result of election shall be made;

at least fifteen days prior to the date of election so fixed and the Chief Executive shall publish the same in the notice board of the Society and shall cause service of the same on the members of the Committee by Registered Post with due acknowledgement.

(5) The Election Officer shall, subject to directions of the State Co-operative Election Commission, if any, after making necessary enquiries where deem proper, finalize the number and locations of polling stations having regard to the principle of allotting at least one polling station per one thousand voters.

(6) The Election Officer shall direct the Chief Executive of the Society to prepare the forms required for the purpose of election and deliver those to him on or before such date as may be specified in that direction”.

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

“4-A- The 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 the elected members of the Committee including the President and the Vice President of the Society affiliated to the Central Society or as the case may be, the Apex Society and the Head of Local Authorities and Body

Corporates, other than the Societies, who are its members as on the date of publication of the notification under sub-rule (1) of rule 4 :

Provided that a person shall not be eligible to represent more than one Institution or Society or Body Corporate to become member of the Electoral College, but in case his name appears at more than one place of the provisional Electoral Roll of the Electoral College, such person shall exercise his 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 decide from which he shall represent.

6. In the said rules, for rule 5, the following rule shall be substituted, namely:—

“5(1) The form referred to in sub-rule(6) of rule 4 for election of the members of the Committee shall, subject to the direction of the State Co-operative Election Commission, if any, contain full particulars of the Constituency, the offices in respect of which elections shall be held, and the date, place and time in which,—

- (a) the provisional Electoral Roll shall be published;
- (b) objections, concerning anything published, not published or wrongly published in the provisional Electoral Roll, shall be filed, heard and disposed of;
- (c) the final Electoral Roll shall be published;
- (d) nomination papers shall be filed;
- (e) nomination papers shall remain open for scrutiny, filing of objections and furnishing of proof in support of the objections and the objections to be enquired into, heard and disposed of;
- (f) the list of valid nominations to be published;
- (g) withdrawal of nominations to be made;
- (h) list of contesting candidates to be published;
- (i) polling, if necessary, shall take place; and
- (j) the counting of votes and the declaration of results of election to be made.

(2) On receipt of the form referred to in sub-rule (6) of rule 4, the Election Officer shall, subject to the direction of State Co-operative Election Commission, if any, through the Chief Executive of the Society, cause publication, for information of the members of the Society, by publishing it in a daily oriya newspaper having wide circulation in the area of operation of the Society or in the notice boards of the

Society, its branches, if any, the offices of the Gram Panchayat, Panchayat Samiti, Tahasildar, Sub-Collector, Collector, Deputy Registrar of Co-operative Societies and Assistant Registrar of Co-operative Societies in the area of operation of the Society or by beat of drums in the aforesaid areas, by whichever mode he may deem proper at least thirty-five days prior to the date fixed for elections and failure on the part of the Chief Executive for compliance of the same shall be intimated to the State Co-operative Election Commission and to the Registrar by the Election Officer forthwith”.

7. In the said rules, in rule 6, —

(i) for sub-rule(1), the following sub-rule shall be substituted, namely : —

“(1) The Chief Executive of the society, subject to the directions of the State Cooperative Election Commission, shall prepare the provisional Electoral Roll for each constituency incorporating therein:—

(a) in case of Primary Society, the name of individual members and Head of the Self Help Groups except the nominal members, who are members as on the date of publication of the notification under sub-rule (1) of rule 4 and are qualified to vote, with their address as entered in the Membership Registrar, along with their father/mother’s or husband’s names, as the case may be, sex and other particulars regarding whether they belong to the Scheduled Caste, Scheduled Tribe or Other Backward Classes.

(b) in case of Central or Apex Society, the name of the members of the Electoral College as on the date of publication of notification for election under sub-rule(1) of rule 4 and are qualified to vote, with their address along with their father/mother’s or husband’s name as the case may be, sex along with the name of the Society, Body Corporate or Local Authority to which he represents in the Electoral College and whether he belongs to Scheduled Castes, Scheduled Tribes or Other Backward Classes”;

(ii) In for sub-rule (2), the following sub-rule shall be shall be substituted, namely:—

(2) The Chief Executive of the Society, by whatever designation called, the Head of the Local Authority or Body Corporate other than the Society shall intimate to the Chief Executive of the Central or Apex Society, where it is a member, the name and address of the respective person 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 fifty days prior to the date fixed for election.”;

(iii) for sub-rule (3) the following sub-rule shall be substituted, namely: —

“(3) In case of Primary Society, the membership of the Primary Society, and in case of Central or Apex Society, the membership of the Electoral College may be organized into different Constituencies so as to elect one member for each Constituency, on such numerical or territorial basis as may be determined by the Committee having regard to the provisions of the Act and the rules framed thereunder to ensure that there shall be designated Constituencies for Scheduled Caste, Scheduled Tribe, Other Backward Classes and Woman where any specified number of members from such category are required to be elected :

Provided that if the Constituency is organized numerically, it shall be organized serially as per the membership number of the members in the membership register of the Co-operative Society maintained under section 124 and if the Constituency is organized on territorial basis, the Constituency shall be serially numbered by taking geographically contiguous areas.”;

(iv) after sub-rule (3), the following sub- rules shall be inserted, namely : —

“(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 the Primary, Central or Apex Society to organize the Constituencies in accordance with the provisions of the Act and the Rules framed thereunder.

(3-ab) While determining the number of seats for the purpose of proportional representation of members or members in the Primary Society of the Electoral College in the Central or Apex Societies as provided under clauses (b), (c), (d) and (e) of sub-section (2) of Section 28 of the Act, the number arrived after the decimal shall be ignored:

Provided that, in every Society, in the Committee of management, one seat shall be reserved for Schedule Caste or Schedule Tribe and two seats for women consisting of individuals as members and having members from such categories of persons:

Provided further that the Society shall reserve the seat for Schedule Caste or Schedule Tribe taking in to consideration the highest number of member from the category in the Society:

Provided also that for calculating seat meant for different categories, the State Co-operative Election Commission may issue general or special instructions as and when necessary.”;

(v) for sub-rule (4), the following sub-rule shall be substituted, namely:—

“(4)The Chief Executive shall furnish authenticated copies of the provisional Electoral Rolls to the Election Officer at least forty days prior to the date fixed for elections and the Election Officer shall publish the same through the Chief Executive of the Society by affixing it on the notice boards of the head office of the Society and its branches, if any, thirty days prior to the date of election.”; and

(vi) in sub-rule (6), the words “and furnish a copy of the same to the State Co-operative Election Commission” shall be inserted at the end.

8. In the said rules, in rule 7, for sub-rule (2), the following sub-rule shall be substituted, namely: —

“(2). The Election Officer shall allot the symbols specified by the Election Commission, to the candidates but he shall not allot any symbols which are associated with political parties.”

9. In the said rules in sub-rule (1) of rule-8, for the words “Election Officer”, the words “Election Officer subject to the direction of the State Co-operative Election Commission” shall be substituted.

10. In said rules, in rule 10, the words “and a copy thereof shall be furnished to the State Co-operative Election Commission,” shall be inserted at the end.

11. In the said rules, in sub-rule (1) of rule 36, for the words “Electoral Officer” the words “Election Officer” shall be substituted.

12. In the said rules, in sub rule(2) of rule 46, after the words “Chief Electoral Officer and”, the words “the Registrar of Co-operative Societies” shall be inserted.

13. In the said rules, for rule 56, the following rule shall be substituted, namely: —

“56. Disobedience of any order of the State Co-operative Election Commission, or any officer authorized by him to hold, conduct and supervise the election, under the provisions of the Act, and the rules framed thereunder or personation of a voter by any person including another voter, during the course of an election, shall be an offence for the purposes of clause (b) of sub-section (5) of Section 115 of the Act”.

14. In the said rules, for the words “Chief Electoral Officer” whenever they occur, the words “State Co-operative Election Commission” shall be substituted.

By Order of the Governor

BISHNUPADA SETHI

Commissioner-*cum*-Secretary to Government