

Co-operative Election Commission
Karnataka Co-operative Societies Rules,1960

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Co-operative Election Commission
Karnataka Co-operative Societies Rules,1960

Extracts

(relating to elections and connected issues)

2. Definitions

(i-1) 'District Election Officer' means an officer appointed by the Cooperative Election Commission as the district election officer for the district;

(i-2) 'Returning Officer' means any officer of the State Government or a Local Authority appointed as returning officer by the Cooperative Election Commission and includes an Assistant returning officer performing any of the functions of the returning officer.

12B. Election for representatives of general body The process of election in a co-operative society having representative general body consists of two phases one, the election of the representatives to the representative general body, known as representative election in the first phase and then the election of directors to the board known as general election in the next phase. The Co-operative Election Commission, shall appoint a Returning Officer for conducting the general election and as many Assistant Returning Officers as are required for conducting representative elections in respect of a co-operative society having representative general body.

12C. Number of representatives on the representative General Body.-

(1) Where,- (i) the area of operation of a cooperative society having representative general body in case of rural area extends to a Taluk or in the case of a city corporation and above to a assembly constituency but less than the State, or

(ii) the number of members exceeds one thousand, the minimum number of representatives to be elected, shall be two hundred and maximum number of representatives shall be one thousand. The number of representatives elected from each area or constituency, shall be as specified in the bye-laws.

(2) Where the area of operation of a cooperative society having representative general body extends to the whole of the State of Karnataka, the minimum number of representatives to be elected shall be two from each Taluka.

12D. Number of Directors to be elected at the general election in respect of the Cooperative Society whose area of operation extends to the whole of the State.–

(1) For a co-operative society whose area of operation extends to the whole of the state, the State shall be divided into four regions consisting of the revenue districts as follows,-

Sl. No. Region Districts covered

(a) Bengaluru Bangalore, Bangalore Rural, Ramanagara, Kolar, Chikkaballapura, Tumkur, Shimoga, Chitradurga and Davanagere districts

(b) Mysore Mysore, Mandya, Hassan, Chamarajanagara, Dakshina Kannada, Kodagu, Chickamagalur and Udupi districts;

(c) Belagavi Belagavi, Dharwad, Haveri, Gadag, Bijapur, Bagalkot and Uttara Kannada districts

(d) Gulbarga Gulbarga, Yadgiri, Raichur, Koppal, Bellary and Bidar districts. Each region shall constitute a separate electoral college.

(2) The number of directors to be elected by the representatives from each region at the general election of the board of such co-operative society shall be as nearly as possible in proportion to the number of members in the respective regions but however there shall not be more than one director from a district.

12E. Number of Directors to be elected at the general election in respect of other Cooperative Societies whose area of operation is less than the State.–

For a co-operative society whose area of operation extends beyond a taluk but is less than the State, the constitution of the electoral college shall be as follows:-

category jurisdiction of the electoral college

A. In respect of a cooperative society whose area of operation extend to a taluk but less than a district,

each taluk shall constitute a separate electoral college.

B. In respect of a cooperative society whose area of operation extend to a district but less than the State, each district shall constitute a separate electoral college.

The number of directors to be elected by the representatives from each electoral college at the general election of the board of such co-operative society shall be as nearly as possible in proportion to the number of members in the respective electoral college.

13A. Issue of identify card to members

The Chief Executive shall issue to every member of the society an identify card indicating the name of the society, full name, membership number, age and residential address of the member. The recent passport size photo of the member shall also the affixed on the identity card of the society duly signed by him and attested by the Chief Executive under the seal of the society.

13B. Co-operative Election Commission (CEC):-

(1) The Co-operative Election Commission may formulate guidelines for preparation of the electoral rolls and for the conduct of elections of all co-operative societies in the state.

(2) Every cooperative society shall furnish such documents and information which the Co-operative Election Commission may require from time to time.

(3) The salary and allowances of the Co-operative Election Commissioner shall,-

(a) if he is in service, he shall continue to draw the pay and allowances applicable as per his service conditions,

(b) if he is not in service, he shall be paid a salary equal to the salary of a judge of the High Court, after reducing the pension amount from the total emoluments drawn.

(c) The conditions of service relating to the payment of travelling allowance, house rent allowance, conveyance facilities, sumptuary allowance, medical facilities, leave facilities and such other conditions of service, for the time being, applicable to a judge of a High Court under Chapter IV of the High Court Judges (condition of services) Act 1954 and the Rules made thereunder shall be as far as may be applicable to the Co-operative Election Commissioner. However, he shall also be entitled to get any additional facilities like provision for rent free accommodation, as may be provided by the Co-operative Election Commission. He shall be competent to sanction his own leave.

(4) The salary and allowances of the Secretary of the Co-operative Election Commission shall be as under-

(a) if he is in service, he shall continue to draw the pay and allowances applicable as per his service conditions.

(b) if he is not in service, he shall be paid a salary drawn with basic pay at the last stage of the pay scale applicable to an Additional Registrar of Co-operative Societies from time to time after reducing the pension from the total emoluments drawn.

(c) The conditions of service relating to the payment of travelling allowance, house rent allowance, conveyance allowance, medical allowance and leave facilities as applicable to an Additional Registrar of Co-operative Societies from time to time shall be applicable to the Secretary of the Commission. The Co-operative Election Commissioner shall be competent to sanction leave to the Secretary of the Commission.

(5) The term of office of the Secretary of Cooperative Election Commission, is for a period of three years from the date of assuming office as the Secretary of the Cooperative Election Commission.

(6) The salaries, allowances, retirement benefits and the terms and conditions of service (including conduct, discipline and control) of the officers and other employees of the Co-operative Election commission shall be such as those applicable to the Corresponding category of employees of the State Government.

13C. Conduct of general elections to board.

(1) Subject to the Superintendence, control and direction of the Co-operative Election Commission, The District Election Officer of every district, shall co-ordinate and supervise all work in connection with the preparation of the electoral rolls and the conduct of all elections to the cooperative societies whose registered offices are situated within the district. The District Election Officer shall also exercise such powers and perform such other functions pertaining to the said preparation of electoral rolls and the conduct of elections as may be entrusted to him by the Co-operative Election Commission.

(2) The District Election Officer along with the officers and employees of the Government deputed to assist the Co-operative Election Commission shall be deemed to be on deputation to the Co-operative Election Commission from the date of the announcement of the calendar of events of election by the commission until the completion of the process of election and the declaration of the results thereon.

13D. Preparation of Electoral Rolls and calendar of events.

(1) The District Election Officer shall, after due verification, send a consolidated list of all cooperative societies in the district where elections are due at least 120 days before the date of expiry of the term of office of the boards to the Co-operative Election Commission indicating there in the following particulars:-

- (a) the name and address of the society;
- (b) number of elected directors of the board;
- (c) the date of expiry of the term of office of the board;

(d) the proposed places where the elections are to be held or other particulars as required by the Co-operative Election Commission.

(2) The Co-operative Election Commission shall, on receipt of such reports from the District Election Officer of the district, containing the list of cooperative societies where elections are due, publish the calendar of events for the preparation of electoral rolls and the conduct of elections of the boards of the cooperative societies in the district indicating the name and address of each society and the date and place of election;

(3) The Co-operative Election Commission shall take steps,-

(a) for publication of draft eligible electoral list, a list of defaulters, a list of members whose repayments will fall due before the date fixed for publication of final electoral roll at least forty five days before the date of general election calling for objections, if any, and calling upon the defaulter members to repay the amounts due to the Co-operative Societies at least fifteen days before the date of general election.

(b) for publication of final eligible voters list on or before fifteen clear days prior to the date of election.

Provided that the draft list of eligible members and delegates with right to vote, the list of defaulters and the list of other members and delegates who are not eligible to vote as also the final list of electoral rolls and the election calendar shall be announced on the notice board of the concerned Co-operative Society and its branches, if any, the local office of the department of co-operation, website if any of the co-operative society and such other prominent places having access to the members and delegates of the co-operative society.

(4) It shall be the duty of every society to furnish correct information required by the District Election Officer to enable him to prepare the electoral rolls, as directed by the Co-operative Election Commission or the District Election Officer from time to time.

(5) The chief executive of every cooperative society shall prepare (i) a draft list of the eligible members or representatives and delegates with right to vote, (ii) the list of members whose repayments will fall due before the date fixed for publication of final electoral roll (iii) and the list of defaulters (iv) to the society and list of other members or representatives and delegates who are not eligible to vote at a general election on the basis of entries in the updated membership register specifying,-

(a) the name of the member or representative admission number, the name of the parent or husband and the address of such member or representative in the case of an individual member;

(b) the admission number, the name of the society, name of the delegate proposed to represent the society in the case of a member society; and submit the said lists to the District Election Officer along with the related books, records documents and any other information as the District Election officer may require, at least sixty days before the date of election.

(6) The Co-operative Election Commission of the cooperative society shall call upon the chief executive of the co-operative society to obtain from the member society, the name of an authorized member of the board of such society as a delegate, together with the resolution of the board of the said society and the specimen signature along with photograph of the delegate duly attested and bearing the seal of the society and furnish all such information under sub-rule (5).

(7) The final electoral roll shall consist of the following,-

(a) all the individual members with right to vote in respect of a primary cooperative society; or

(b) all the individual members and the delegates of the members societies with right to vote in respect of a secondary cooperative society; or

(c) all the delegates of the member societies with right to vote in respect of a federal and an apex society.

(8) The copy of such electoral roll in respect of each society shall be kept open for inspection in the office of such society as also in the office of the District Election Officer.

(9) The election calendar of events for general election of directors of the board shall provide for,-

- (a) date of notification inviting nomination;
- (b) last date for receipt of nomination;
- (c) date and time for scrutiny of nomination;
- (d) date and time for publication of list of validly nominated candidates;
- (e) date and time for withdrawal of nomination papers;
- (f) Date and time for publication list of contesting candidates;
- (g) Date and time for allotment of symbols and publication of contesting candidates with symbols;
- (h) Date and time of poll;
- (i) Date and time of counting and declaration of results.

13E-Returning Officer.-

(1) For every election of the representatives in respect of a Co-operative society having representative general body, or for every general election of the board of every cooperative society or for every election of the office-bearers of every cooperative society or for an election to fill a casual vacancy in the office of a representative or a director or an office-bearer of every co-operative society, the Co-operative Election Commission shall appoint a Returning officer and many Assistant Returning officers.

(2) The following are the functions of the returning officer,- (i) Subject to the approval of the Co-operative Election Commission, the returning officer shall prepare and publish the complete time schedule for holding election;

(ii) The returning officer may, in consultation with the District Election Officer, provide for sufficient number of polling stations in such manner as the CEC may direct.

(iii) The returning officer appointed under sub-rule (1), shall publish a calendar of events for the purpose of conduct of elections of the directors, at least fifteen clear days before the date of election. The notice of the election under the signature of the returning officer or the assistant returning officer along with the calendar

of events shall be sent to all the eligible members in the following modes, namely:-

(a) by ordinary post; or

(b) by e-mail or

(c) by local delivery under proper receipt; and

(d) by publication in the newspaper having wide circulation in the area of operation.

(iv) The notice of election along with the calendar of events shall also be published on the notice board of the society and its branches, if any, the office of the returning officer and the office of the District Election Officer. The notice of election shall contain the following further information regarding –

(a) the number of vacancies to be filled by election;

(b) the area or the constituency (specified in the byelaws) from which the directors are to be elected;

(c) the qualifications, if any, specified in the Act, rules or the byelaws for being elected as a member of the board;

(v) The Chief Executive of every cooperative society shall render necessary assistance to the returning officer in this behalf.

(vi) It shall be the general duty of the returning officer at any election to do the following amongst other acts and things as may be necessary for effectively conducting the election in the manner provided by these rules-

(a) issue notice inviting the nominations,

(b) receive and scrutinise the nomination papers,

- (c) allot symbols to the contesting candidates,
- (d) publication of a list of candidates eligible to contest,
- (e) make arrangement for polling station/s
- (f) make arrangements for despatch of the polling personnel to the polling stations,
- (g) make arrangement for ballot box,
- (h) make arrangement for printing of ballot papers,
- (i) compile results of different polling stations where necessary,
- (j) declare the result of an election and issue election certificate thereof.
- (vii) The Returning Officer shall receive papers from the polling personnel in connection with the election,
- (viii) The Returning Officer may also take assistance of the Assistant Returning Officers and polling personnel as may be required in the discharge of his duties with the approval of the Co-operative Election Commission;
- (ix) The returning officer shall liaise with the district administration for maintenance of law and order during election of any cooperative society within his jurisdiction;
- (x) The returning officer shall send report or returns to the Cooperative Election Commission, Karnataka as may be directed by the commission from time to time;
- (xi) All the relevant electoral records should be preserved in custody of the concerned society with proper acknowledgement but in exceptional cases such documents are required to be kept in the sub-divisional office if the commission or returning officer or assistant returning officer orders to that effect;
- (xii) The returning officer shall keep in his custody all documents which he may receive from the assistant returning officers or which may be prepared by himself in connection with election of any cooperative society within his jurisdiction for such period as may be directed by the Co-operative Election Commission;
- (xiii) The returning officer shall perform such other functions as may be entrusted to him by the Co-operative Election Commission from time to time.

13F. Appointment of Presiding Officers and Polling Personnel:-(1) The District Election Officer, shall appoint a presiding officer for each polling station and such polling officer or officers as he thinks necessary.

(2) A polling officer shall, if so directed by the presiding officer, perform all or any of the functions of a presiding officer, under these rules.

(3) If the presiding officer, owing to illness or other unavoidable cause, is obliged to absent himself from the polling station, his functions shall be performed by such polling officer as has been previously authorized by the returning officer to perform such functions during any such absence.

(4) It shall be the general duty of the presiding officer at a polling station to maintain order there at and to see that the poll is fairly taken.

(5) It shall be the duty of the polling officer at a polling station to assist the presiding officer for such station in the performance of his functions.

(6) Every assistant returning officer shall, subject to the control of the returning officer, be competent to perform all or any of the functions of the returning officer as may be assigned to him by the returning officer or by the Co-operative Election Commission.

(7) Under the supervision and control of the returning officers or the assistant returning officers, the presiding officer and the polling officers shall take poll on the day of election and immediately after close of the poll, they shall count the votes cast by the members or representatives/delegates and prepare the reports / returns as may be directed. They shall also submit the documents or materials relating to the election to the concerned returning officer or the assistant returning officer.

14. Notification of General Election.

(1) The District Election Officer shall with the approval of the CEC notify in Form XI the intended election referred to in Section 39AA.

(2) The District Election Officer shall in such notification specify.

(i) the last date for making nominations which shall be the seventh clear day before the date of election.

(ii) the date for the scrutiny of nominations, which shall be the day immediately following the last date for making nominations.

(iii) the last date for the withdrawal of candidatures, which shall be the fifth clear day before the date of election.

(iv) the date on which the poll shall, if necessary, be taken and the hours during which the poll shall be taken; and

(v) the date before which the election shall be completed.

(3) (a) On the issue of the notification under sub-rule (1), the returning officer shall give a public notice of the intended election in Form XII by displaying it on the notice board in his office and in the office of the cooperative society and at such other places as he deems necessary, inviting nominations for such election.

(b) in the said notice, the returning officer shall specify among other things the last date for receipt of nominations, the place at which nominations are to be delivered, date of scrutiny of nominations, the last date for withdrawal of candidature, the date on which a poll shall, if necessary be taken and the hours of poll and the date before which elections shall be completed which shall conform to the dates notified in that behalf by the District Election Officer under sub-rule (2).

14A-Presentation of nomination paper.-

(1) On or before the date appointed for making nominations, each candidate shall in person deliver to the returning officer at the place specified in this behalf, a nomination paper duly completed in Form-XIII and signed by the candidate and another member with right to vote as proposer. Such nomination shall also contain a declaration signed by the candidate expressing his willingness to stand as a candidate for election to the board of the society from a general constituency or a constituency reserved for SCs or STs or Women or Backward Classes.

Provided that no member/delegate shall be a candidate for more than one constituency and that no member/delegate shall propose more than one candidate from the same constituency.

Provided further that a nomination paper filed on behalf of a cooperative society shall be accompanied by a resolution of the board of that society and shall be signed by the candidate himself / herself.

(2) If a,

(i) seat is reserved for the backward classes, scheduled castes, or scheduled tribes, a candidate shall not be deemed to be qualified to be chosen to fill that seat unless his nomination paper contains a declaration by him specifying the particular class, caste or tribe of which he is a member and the said class, caste or tribe is a backward class, scheduled caste, or scheduled tribe.

(ii) seat is reserved for women, the nomination paper shall contain a declaration that the candidate is a woman.

(3) Every such nomination paper shall be accompanied by a receipt of deposit either by way of cash or by way of pay order or demand draft drawn in favour of the cooperative society as specified below:-

(i) in respect of a primary or a secondary society- Rs.2,000/-

(ii) in respect of a federal or an apex society- Rs.5,000/-

Provided that if the candidate belongs to scheduled caste, scheduled tribes, backward classes and women group or constituency, the deposit to be paid by him shall be fifty percent of the amount specified above.

(4) On the presentation of a nomination paper, the returning officer shall satisfy himself that the names and electoral roll numbers of the candidate and his proposer as entered in the nomination paper are the same as those entered in the electoral roll.

(5) The returning officer shall on receiving the nomination paper, enter on the nomination paper its serial number, date and time of receipt and immediately give an acknowledgement for having received the same and shall also inform the candidate

of the date, time and place fixed for scrutiny of nominations. The returning officer shall, at the close of the time fixed for the receipt of the nomination papers, prepare and display on the notice board of the society a list of nominations received by him and also on the notice board of his office if need be.

14B. Scrutiny of Nominations.

(1) On the date fixed for scrutiny of nominations, the candidates or their proposers, may be present at such time and place as the returning officer may appoint, and the returning officer shall give them all reasonable facilities to examine the nomination papers of all the candidates which have been delivered within the time and in the manner laid down in this rule for satisfying themselves about their correctness, eligibility and completeness.

(2) The returning officer shall then examine the nomination papers and shall decide all objections which may be made to any nomination and may, either on such objection or on his own motion, after such summary enquiry as he thinks necessary, reject any nomination on any of the following grounds, namely:-

(i) that the candidate either is not qualified or is disqualified for being elected as a director of the board / representative under the provisions of the Act, the rules and the bye-laws;

(ii) that the signature of the candidate or the proposer on the nomination paper is not genuine. Provided that the nomination of a candidate shall not be rejected merely on the ground of an incorrect description

of his name or of the name of his proposer or of any other particulars in regard to the candidate or his proposer as entered in the electoral roll (list of the members/representatives/delegates) if the identity of the candidate or proposer, as the case may be, is established. Provided further that the returning officer shall not reject any nomination paper on the ground of any defect which is not of a substantial character.

(iii) that the nomination paper has been delivered or received after the date and time fixed for the receipt of the nomination.

(3) The returning officer shall endorse on each nomination paper his decision accepting or rejecting the same and if the nomination paper is rejected, shall record in writing a brief statement of his reasons for such rejection.

(4) Immediately after all the nomination papers have been scrutinized and decision accepting or rejecting the same have been recorded, the returning officer shall prepare a list containing the names in the alphabetical order in Kannada and addresses as given in the nomination papers of validly nominated candidates in Form XIV that is to say candidates whose nominations have been found valid and affix it on the notice board of his office. A copy of the said list shall also be published on the notice board of the society on the same day.

14C-Withdrawal of Candidature.-

(1) Any candidate may withdraw his candidature by a notice in writing in Form XV signed by him and delivered in person to the returning officer at any time after the presentation of the nomination paper but before 3.00 P.M. on the day following the day on which the nomination papers have been scrutinised.

(2) On receipt of such notice under sub-rule (1), the returning officer shall note thereon the date and time at which it was delivered.

(3) No candidate who has given notice of withdrawal of his candidature under sub-rule (1) shall be allowed to cancel the said notice. A notice of withdrawal of his candidature of a candidate, once given, shall be irrevocable and final.

14D-Preparation of the list of contesting candidates.-

(1) Immediately after the expiry of the period within which the candidatures may be withdrawn, the returning officer shall prepare and publish in Kannada language a list of contesting candidates, that is to say candidates who are included in the list of validly nominated candidates and who have not withdrawn their candidature within

the said period, in Form-XVI. A copy of the said list of the contesting candidates shall be published on the notice board of the society on the same day.

Provided that the Co-operative Election Commission may direct that in any election, the list of contesting candidates may be prepared in a language other than Kannada.

(2) The said list shall contain the names in the alphabetical order in Kannada and the addresses as given in the nomination papers of the contesting candidates.

(3) Where a poll becomes necessary, the returning officer shall consider the choice of symbols expressed by the contesting candidates in their nomination papers and shall allot the symbols in accordance with rule 14E.

(4) The allotment of any symbol to a candidate shall be final.

(5) Every candidate or his proposer shall forthwith be informed of the symbol allotted to the candidate and be supplied with a specimen thereof by the returning officer.

14E. Allotment of symbols.

(1) A candidate shall choose one of the free symbols other than those symbols which are allotted to recognized political parties in the State.

Explanation:- For the purpose of this sub-rule, a recognised political party means every political party recognised by the Election Commission of India as a National Party or as a State Party in the State of Karnataka under the Election Symbols (Reservation and Allotment) Order, 1968.

(2) Where a free symbol has been chosen by only one candidate, the returning officer shall allot that symbol to that candidate and to no one else.

(3) Where the same free symbol is chosen by more than one candidate, the returning officer shall decide by lot to which of those candidates that free symbol shall be allotted and shall allot it to the candidate, to whom the lot falls and to no one else.

(4) The returning officer shall then prepare and publish a list of validly contesting candidates with symbols containing the names arranged in alphabetical order in Kannada in Form No.XVI.

14F-Death of a candidate before the poll.-

(1) If a candidate for election to the board from any area or constituency -

(i) dies at any time after 11 a.m. on the last date for making nomination and his nomination is found valid on scrutiny; or

(ii) whose nomination has been found valid on scrutiny and who has not withdrawn his candidature dies and in either case, a report of his death is received at any time before the publication of the list of contesting candidates; or

(iii) dies as a contesting candidate and a report of his death is received before the commencement of the poll, the Returning Officer shall, upon being satisfied about the fact of the death of the candidate and with the prior approval of the Co-operative Election Commission by order announce an adjournment of the poll to a date to be announced later and send a detailed report of the facts to the Cooperative Election Commission. Provided that no order for adjourning a poll shall be made in a case referred to in clause (a) except after the scrutiny of all the nominations including the nomination of the deceased candidate.

(2) The Co-operative Election Commission shall, on receipt of a report from the Returning Officer under sub-rule (1), invite fresh nomination for the said poll from the said area or constituency within seven days of issue of such order: Provided that no person who has given a notice of withdrawal of his candidature before the adjournment of the poll shall be ineligible for being nominated as a candidate for election after such adjournment.

(3) Where a list of contesting candidates had been published before the adjournment of the poll under sub-rule (1), the returning officer shall again prepare and publish a fresh list of validly contesting candidates from that constituency so as to include the name of the candidate who has been validly nominated

14G-Procedure in contested and uncontested election.

- (1) If the number of contesting candidates in any area or constituency is more than the number of seats to be filled from that area or constituency, a poll shall be taken.
- (2) If the number of such candidates in any constituency is equal to the number of seats to be filled from that area or constituency, the returning officer shall forthwith declare all such candidates to be duly elected to fill these seats in **Form XIX** as may be appropriate.
- (3) If the number of such candidates is less than the number of seats to be filled from that constituency or place, the returning officer shall declare all such candidates to be duly elected after withdrawal is over in Form XIX as may be appropriate and the District Election Officer shall, with the approval of the Co-operative Election Commission, call upon the society to elect a person or persons to fill the remaining seat or seats. After such election to fill the casual vacancy is over, the returning officer shall forthwith declare all such candidates duly elected to fill those casual vacancy seats in **Form XX**

14H-Adjournment of poll in emergencies.-

- (1) If at an election, the proceedings at any polling station or at the place fixed for the poll are interrupted or obstructed by any riot or open violence, or if at an election it is not possible to take the poll at any polling station or such place on account of any natural calamity, or any other sufficient cause, the returning officer having jurisdiction over such polling station, or place, shall, with the prior approval of the Co-operative Election Commission, announce an adjournment of the poll from that polling station or place to a date to be announced later, and where the poll is so adjourned by a presiding officer, he shall forthwith inform the returning officer concerned. Provided that a report or certificate shall be obtained from the police or Tahsildar to the effect that the poll has been interrupted or obstructed by risk or open violence.

(2) Whenever a poll is adjourned under sub-rule (1), the returning officer shall immediately report the circumstances to the CEC, and shall, as soon as may be, with the previous approval of the Co-operative Election Commission, appoint the day on which the poll from that polling station or place shall recommence, and fix the polling station or place at which and the hours during which the poll from that polling station or place shall be taken. The returning officer shall not count the votes cast at such election to the board until such adjourned poll from that polling station or place shall have been completed.

(3) In every such case as aforesaid; the Returning Officer shall announce in such manner as the Co-operative Election Commission may direct the date, place and hours of polling fixed under sub-rule (2).

(4) If the poll at any polling station is adjourned under sub-rule (1), the Returning Officer shall provide the presiding officer of the polling station at which such adjourned poll is held, with the sealed pocket containing the marked copy of the electoral roll and a new ballot box.

(5) The provisions of rules 14 L to 14 O and 14 Q to 14 X shall apply in relation to the conduct of adjourned poll as they apply in relation to the poll before it was so adjourned.

14I-Fresh poll in the case of destruction, etc., of ballot boxes.-

(1) If at any election,

(i) any ballot box used at a polling station or at a place fixed for the poll is unlawfully taken out of the custody of the Presiding Officer or the Returning 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 or place cannot be ascertained; or

(ii) any such error or irregularity in procedure as is likely to vitiate the poll is committed at a polling station or at a place fixed for the poll; the Returning Officer shall forthwith report the matter to the Cooperative

Election Commission. Provided that a report or certificate shall be obtained from the police or Tahsildar to the effect that the polling cannot be continued or counting of votes is rendered impossible.

(2) Thereupon the Co-operative Election Commission shall, after taking all material circumstances into account, either-

(i) declare the poll at that polling station or place to be void, appoint a day, and fix the hours, for taking a fresh poll at that polling station or place and notify the day so appointed and the hours so fixed on the notice board of the returning officer or the assistant returning officer if any, and on the notice board of the society, or

(ii) if satisfied that the result of a fresh poll at that polling station or place will not, in any way, affect the result of the election or that the error or irregularity in procedure is not material, issue such directions to the Returning Officer as it may deem proper for the further conduct and completion of the election.

(3) The provisions of these rules shall apply to every such fresh poll as they apply to the original poll.

14J-Adjournment of poll or countermanding of election on the ground of booth capturing.-

(1) If at any election,-

(i) booth capturing has taken place at a polling station or at a place fixed for the poll (hereinafter in this clause referred to as a place) in such a manner that the result of the poll at that polling station or

place cannot be ascertained; or

(ii) booth capturing takes place in any place for counting of votes in such a manner that the result of the counting at that place cannot be ascertained, the returning officer shall forthwith report the matter to the Co-operative Election Commission.

Provided that a report or certificate shall be obtained from the police or Tahsildar to the effect that the result of the poll cannot be ascertained due to booth capturing which has taken place at that polling station or place.

(2) The Co-operative Election Commission shall, on the receipt of a report from the returning officer under sub-rule (1) and after taking all material circumstances into account, either,-

(i) declare that the poll at that polling station or place be void, appoint a day, and fix the hours, for taking fresh poll at that polling station or place and notify the date so appointed and hours so fixed on the notice board of the returning officer or the assistant returning officer if any, and on the notice board of the society, or

(ii) if satisfied that in view of the large number of polling stations or places involved in booth capturing, the result of the election is likely to be affected, or that booth capturing had affected counting of votes in such a manner as to affect the result of the election, countermand the election.

Explanation; In this rule, the term ‘booth capturing’ includes, among other things, all or any of the following activities, namely:-

(a) seizure of a polling station or a place fixed for the poll by any person or persons, making polling authorities surrender the ballot papers and doing of any other act which affects the orderly conduct of elections;

(b) taking possession of a polling station or a place fixed for the poll by any person or persons and allowing only his or their own supporters to exercise their right to vote and prevent others from free exercise of their right to vote;

(c) Coercing or intimidating or threatening directly or indirectly any member and preventing him from going to the polling station or a place fixed for the poll to cast his vote;

(d) seizure of a place for counting of votes by any person or persons, making the counting authorities surrender the ballot papers or voting machines and the doing of anything which affects the orderly counting of votes;

furtherance of the prospects of the election of a candidate.

14K. Manner of voting.

At every election where a poll is taken, votes shall be given by ballot and all the members or representatives or delegates voting at an election shall do so in person at the polling station and no votes shall be received by proxy.

14L. Ballot paper and ballot box.

- (1) Every ballot paper shall have a counterfoil in Form XVII.
- (2) Serial number of the ballot paper and its counterfoil shall be printed on the left hand side on the back of the ballot paper.
- (3) If two or more candidates bear the same name, they shall be distinguished by the addition of their residence or occupation or in some other manner.
- (4) The ballot paper shall contain the names of the contesting candidates arranged in alphabetical order in Kannada typewritten, cyclostyled or printed, according to convenience. The ballot paper shall also bear the seal of the returning officer or presiding officer with his initials on its reverse. Further, the ballot paper shall contain a column for the voter to inscribe mark “x” against the name or names of the candidates to whom he wants to vote.
- (5) For the purpose of printing of ballot papers, the returning officer/ Assistant returning officer shall choose any capable press.
- (6) The returning officer/assistant returning officer shall arrange the ballot box/ boxes locally. The ballot box shall be made of tin or any other metal.

14M. Arrangement at polling stations.

- (1) Outside each polling station there shall be displayed prominently.
 - (a) a notice specifying the polling area and the particulars of the voters (members / representatives / delegates) entitled to vote at the polling station ; and
 - (b) a copy of the list of contesting candidates.
- (2) At each polling station, there shall be set up one or more voting compartments in which the voters can record their votes screened from observation.

(3) The returning officer shall provide at each polling station a sufficient number of ballot boxes, copies of the electoral roll, ballot papers, instruments for stamping the distinguishing mark on the ballot papers and articles necessary for the voters to mark the ballot papers, and such other materials as are necessary for the conduct of the poll.

(4) Canvassing or soliciting of votes during the conduct of election shall be strictly prohibited within one hundred meters from the polling station or the place of polling.

14N. Admission to the polling stations.

The presiding officer shall regulate the number of voters to be admitted at any one time inside the polling station and shall exclude there from all persons other than-

- (a) polling officers;
- (b) public servants on duty in connection with the election;
- (c) persons authorized by the District Election Officer and the Co-operative Election Commission;
- (d) candidates or their authorized agents;
- (e) a child in arms accompanying a member;
- (f) a person accompanying a blind or infirm voter who cannot move without help;
- (g) such other persons as the returning officer or the presiding officer may employ for the purpose of election.

14O. Identification of voters.-

(1) A register shall be kept at the place of election and every voter shall before affixing his signature in the register kept for the purpose produce identity card issued under Rule 13 and then sign in the register and proceed to secure the identification slip.

(2) As each voter enters the polling station, the presiding officer or the polling officer authorized by him in this behalf shall check the voter's name and other particulars with the relevant entry in the electoral roll and then call out the serial number, name and other particulars of the elector.

(3) In deciding the right of a person to obtain a ballot paper, the presiding officer or the polling officer, as the case may be, shall overlook merely clerical or typing or printing errors in an entry in the electoral roll if he is satisfied that such person is identical with the voter whom such entry relates.

14P. Preparation of ballot boxes for poll.

(1) Immediately before the commencement of the poll, the presiding officer shall demonstrate to the candidates that the ballot box is empty and bears the labels.

(2) The ballot box shall then be closed, sealed and secured and placed in full view of the presiding officer and the candidates.

(3) Where a seal is used for securing a ballot box, the presiding officer shall affix his own signature on the seal and obtain thereon the signatures of such of the candidates present as are desirous of affixing the same.

(4) Every ballot box used at a polling station shall bear labels, both inside and outside, marked with,

(a) The serial number, if any, and the name of the constituency/class.

(b) the serial number and name of the polling station;

(c) the serial number of the ballot box (to be filled in at the end of the poll on the label outside the ballot box only); and

(d) the date of poll.

14Q. Issue of ballot papers to the voters.

(1) Every ballot paper before it is issued to a voter, and the counterfoil attached thereto shall be stamped on the back with such distinguishing marks as the voter may direct, and every ballot paper, before it is issued shall be signed in full on its back by the presiding officer.

(2) At the time of issuing a ballot paper to a voter, the polling officer shall,

(a) record on its counterfoil the electoral roll number of the voter and obtain his signature or thumb impression on the said counterfoil;

(b) mark the name of the voter in the electoral roll to indicate that a ballot paper has been issued to him, without, however, recording therein the serial number of the ballot paper issued to that voter. Provided that no ballot paper shall be delivered to a voter unless he has put his signature or thumb impression on the counterfoil of that ballot paper.

Provided further that all the voters who have obtained identification slips by producing the identity card before the time fixed for closing the poll and who are present at the polling station shall be issued a ballot paper and allowed to vote.

14R. Maintenance of Secrecy of voting within the polling station.

and voting procedure. Every elector, to whom a ballot paper has been issued, shall maintain secrecy of voting within the polling station and for the purpose observe the voting procedure laid down by Co-operative Election Commission.

14S. Recording of votes of blind or infirm voters.

(1) If the presiding officer is satisfied that owing to blindness or other physical infirmity, a voter is unable to recognize the symbols on the ballot paper or to make a mark thereon without assistance, the presiding officer shall permit such member to take with him a companion of not less than eighteen years of age to the voting compartment for recording the vote on the ballot paper on his behalf and in accordance with his wishes, and, if necessary, for folding the ballot paper so as to conceal the vote and inserting it into the ballot box;

Provided that no person shall be permitted to act as the companion of more than one voter at any polling station on the same day;

Provided further that before any person is permitted to act as the companion of a voter on any day under this rule, the person shall be required to declare that he will keep secret, the vote recorded by him on behalf of the voter and that he has not already acted as the companion of any other voter at any polling station on that day.

(2) The presiding officer shall keep a record in this respect as provided below,-

Statement of Illiterate, Blind and Infirm Voters

Election of the directors of(name of the cooperative society)

Sl. No. of the voter

Full name of voter

Full name of Companion

Address of companion

Signature of companion

Signature of the P.O.

14T. Closing of poll.

After the polling is over,

(i) the presiding officer shall close the polling station at the hour fixed in that behalf and shall not thereafter admit any member into the polling station. Provided that all the members present at the polling station before it is closed shall be allowed to cast their votes.

(ii) If any question arises whether a member was present at the polling station before it was closed, it shall be decided by the presiding officer and his decision shall be final.

14U-Sealing of ballot boxes after the poll.

(1) As soon as practicable after the closing of the poll, the presiding officer shall close the slit of the ballot box, seal up the slit and thereafter the ballot box shall be sealed and secured.

(2) Where it becomes necessary to use a second box by reason of the first ballot box getting full, the first ballot box shall be closed, sealed and secured before any other ballot box is put into use.

14V. Account of ballot papers.

(1) The presiding officer shall, at the close of the poll, prepare a ballot paper account in Form XVIII and enclose it in a separate cover with the words 'Ballot Paper Account' super scribed thereon.

14W. Sealing of other packets.

- (1) The presiding officer shall then make into separate packet-
 - (a) the marked copy of the electoral roll;
 - (b) the counterfoils of the used ballot papers;
 - (c) the ballot paper signed in full by the presiding officer but not issued to the members;
 - (d) any other ballot papers not issued to the voters;
 - (e) the ballot papers cancelled for violation of voting procedure;
 - (f) any other cancelled ballot papers;
 - (g) any other papers directed by the CEC to be kept in a sealed packet.
- (2) Each such packet shall be sealed with the seal of the presiding officer and with seal either of the candidate or of his authorized agent who may be present at the polling station and may desire to affix his seal thereon.

14X. Counting of votes.

(1) After the polling is over, the presiding officer/polling officer shall close the poll and deliver the sealed ballot box to the returning officer who shall arrange for counting of votes immediately. Votes shall be counted by or under the supervision of the returning officer or the assistant returning officer. Each candidate or his authorised agent shall have a right to be present at the time of counting. But the absence of any candidate or his agent at the time of counting shall not vitiate counting or announcement of results by the returning officer. The CEC has to issue guidelines in this regard.

(2) After the counting of all ballot papers contained in all the ballot boxes used in an co-operative society has been completed, the returning officer shall make the entries in a result sheet in Form-XXI and announce the particulars.

14Y. Declaration of result of election and returns to CEC.

(1) After the counting is over-

(i) the candidate who has secured the largest number of valid votes shall be declared as elected.

(ii) If equality is found to exist between the candidates to be declared elected, the Returning Officer shall forthwith decide between these candidates, by drawing lots and the candidate in whose favour the lot falls shall be considered to have received an additional vote.

(2) After the completion of the counting of votes, the Returning Officer shall declare the result of the elections immediately and publish the list of elected candidates on the notice board of his office and also on the notice board of the society and deliver a copy of it to the Chief Executive of the society on the same day in **Form XXII**. He shall immediately thereafter record the proceedings of the election in a comprehensive report which shall form part of the election records and shall be binding on all. The returning officer shall immediately also furnish a copy of such a report together with a copy of the return of the results of polling to the chief executive of the society and send signed copies thereof to the District Election Officer and the CEC.

14Z. Grant of certificate of election to the elected candidate.

As soon as may be after a candidate has been declared to be elected by the returning officer, the returning officer shall grant to such candidate a certificate of election in Form XXIII and obtain from the candidate an acknowledgement of its receipt duly signed by him and immediately send the acknowledgement to the District Election Officer.

14AA. Election expenses.

All expenditures like stationary, printing, postage, xeroxing, fax, rent for the ballot boxes, indelible ink, police security and such other items of expenditure related to the election of representatives or directors of a cooperative society shall be borne by the society. Expenditure towards preparation of electoral roll, the travelling and other allowances and also remuneration payable to the returning officer, assistant returning officer, presiding officer and other polling personnel shall also be borne by the society itself at such rates as may be fixed by the CEC from time to time.

14AB. Custody of ballot boxes and papers relating to election.

(1) All ballot boxes used at an election shall be kept in such custody as the CEC may direct.

(2) The returning officer shall keep in safe custody.

(a) the packets of unused ballot papers with counterfoils attached thereto;

(b) the packets of unused ballot papers whether valid or rejected,

(c) packets of counterfoils of used ballot papers;

(d) the packets of the marked copy of the electoral roll; and

(e) the packets of the declaration by voters and the attestation of their signatures, and

(f) all other papers relating to election.

14AC. Production and inspection of election papers.

(1) While in the custody of the returning officer,-

(a) the packets of unused ballot papers with counterfoil attached thereto;

(b) the packets of used ballot papers whether valid or rejected;

(c) packets of counterfoils of used ballot papers;

(d) the packets of the marked copy of the electoral roll and

(e) the packets of the declaration by voters and the attestation of their signatures.

shall not be opened and their contents shall not be inspected by or produced before, any person or authority except under the orders of a competent court.

(2) Subject to such conditions and to the payment of such fee as the CEC may direct.

(a) all other papers relating to the election shall be open to public inspection; and

(b) copies thereof shall on application be furnished.

(3) Copies of the returns forwarded by the returning officer shall be furnished by him on payment of a fee of two rupees for each such copy.

14AD. Disposal of election papers.

Subject to any directions to the contrary given by the CEC or by a competent Court,-

(a) the packets of unused ballot papers shall be retained for a period of six months and shall thereafter be destroyed in such manner as the CEC may direct

(b) the other packets, shall be retained for a period of one year and shall thereafter be destroyed. Provided that packets containing the counterfoils of used ballot papers shall not be destroyed except with the previous approval of the CEC.

(c) all other papers relating to the election shall be retained for such period as the CEC may direct.

14AE. Return or forfeiture of candidate's deposit.

(1) The deposit made under **rule 14A** shall either be returned to the person making it or his legal representative or be forfeited to the cooperative society;

(2) Except in cases mentioned in this rule, the deposit shall be returned as soon as practicable after the result of the election is declared.

(3) If the candidate is not shown in the list of contesting candidates or if he dies before the commencement of this poll, the deposit shall be returned as soon as practicable after the publication of the list or after the death, as the case may be.

(4) Subject to the provisions of sub-rule (3), the deposit shall be forfeited if at an election where a poll has been taken the candidate is not elected and the number of valid votes polled by him does not exceed one sixth of the total number of valid votes polled by all the candidates divided by the number of members to be elected. Provided that in the case of a candidate belonging to backward classes, scheduled castes, the scheduled tribes or women, the deposit shall not be forfeited unless the number of valid votes polled by him/ her is less than one tenth of the total number of valid votes polled.

14AF. Report of casual vacancy in a cooperative society.

When a casual vacancy occurs in the office of a representative or director the chief executive of the cooperative society shall give notice of such vacancy within seven days from the date of its occurrence, to the CEC. The CEC shall conduct elections within sixty days from the date it being notified about the occurrence of any casual vacancy in the office of a director or representative of a cooperative society to fill up such casual vacancy in the manner provided in these rules.

14AG. Election of the office-bearers.

(1) The Returning Officer appointed for the conduct of general election of directors to the board shall be the Returning Officer for the conduct of election of the office bearers also.

(2) Whenever a casual vacancy occurs in the office of the President or Vice-President, the Chief Executive shall send a communication to the CEC conveying the occurrence of such vacancy within seven days from the date of occurrence of the vacancy. The CEC shall take steps for conducting election to fill up the casual vacancy in the office of the President or Vice President the case may be,

(3) The Returning officer, appointed under sub-rule (1) or sub-rule (2), shall within fifteen days, from the date of constitution or deemed constitution of the board after a general election of the board or from the date of appointment as per sub-rule(2) convene a meeting of all the directors for electing the chairperson/President, Vice Chairperson /Vice-President and such other office-bearers as are required to be elected under the byelaws of the co-operative society. The meeting shall be convened by giving a notice of seven clear days sent by registered post, indicating the date, time and venue of meeting.

(4) Not less than two hours before the time fixed for the meeting for the election of President or Vice-President or any other office-bearers, any member of the board desirous of being elected as the president or vice president or any other office-bearer, as the case may be, may submit his nomination by delivering the nomination paper in **Form XXIV** to the Returning Officer. Such nomination shall be proposed by another member of the board and seconded by a third member of the board, eligible to do so

(5) No director shall propose or second under sub-rule (4) more than one candidate for the office of the President or vice-President or any other office bearer of the society.

Provided that if any director has proposed or seconded more than one candidate for the office of the President or Vice-President or any other office-bearer of the society, the nomination which is received first shall be considered for scrutiny.

(6) The Returning Officer appointed under sub-rule (1) shall preside over the meeting of the board convened for the purpose of electing the office bearers or filling up the casual vacancy in the office of the President or Vice President as the case may be.

(7) After the commencement of the meeting, the Returning Officer shall scrutinize all such nomination papers and shall read out to the directors present at such meeting, the names of the directors who in his opinion have been duly nominated, together with those of the proposers and the seconders.

(8) Any candidate may withdraw his candidature by notice in writing duly signed by him and delivered to the Returning Officer within thirty minutes after the scrutiny of the nomination papers.

(9) The notice of withdrawal shall be given in writing by the candidate in person.

(10) No director who has given a notice of withdrawal of his candidature under sub-rule (8) shall be allowed to cancel the notice of withdrawal.

(11) The Returning Officer shall, on being satisfied as to the genuineness of the notice of withdrawal and the identity of the director delivering it under sub-rule (9) read out to the directors present at such meeting the name/names of the person/ persons withdrawing his/their candidature.

(12) After the time fixed for withdrawal is over, if for any office for which election is to be held, the number of candidates who have been validly nominated and have not withdrawn their candidature in the manner and within the time specified, does not exceed the number of candidates to be elected for that office, the Returning Officer shall forthwith make a declaration that the validly nominated candidate shall be deemed to have been elected for that office.

(13) If the number of validly nominated candidates for any office exceeds the number of candidates to be elected for that office, the Returning Officer shall proceed to take a poll by secret ballot as hereinafter provided.

(14) The votes shall be taken by secret ballot and the directors voting for and against any candidate shall record their votes in the ballot papers supplied to them.

(15) Any director present at the meeting may refrain from voting if he so chooses to do.

(16) After the voting by all the directors present and wishing to vote is over, the Returning Officer shall count the votes and declare the candidates who have secured the highest number of valid votes to have been duly elected.

(17) When an equality of valid votes is found to exist between any two or more candidates and the addition of one vote will entitle any of those candidates to be declared elected, the Returning Officer shall forthwith decide between those candidates by lot in such manner as he may determine and proceed as if the candidate on whom the lot falls has received an additional vote. He shall thereafter declare the candidate on whom the lot falls to have been duly elected.

(18) The Returning Officer shall cause a record of the minutes of the meeting which shall contain the names of all the members present. The minutes shall be signed by the Returning Officer, the chief executive as also the directors present and wishing to sign. The minutes shall be made available to any member for inspection.

(19) The Returning Officer shall immediately thereafter record the proceedings of the election in a comprehensive report which shall form part of the records of the election and shall be binding on all. The Returning Officer shall also furnish a copy of such a report together with a copy of the return of the results of the polling to the chief executive of the society and send a report to the District Election Officer and CEC.

(20) After declaration of the result of election, the Returning Officer shall hand over the ballot papers and records relating to the election of the office-bearers to the chief

executive of the society in a sealed cover. These shall safely be preserved by the chief executive of the society for a period of six months from the date of election or till such time a dispute or an appeal regarding the election, if any, filed is disposed of whichever is later and shall thereafter be destroyed.

14AH. Elections to the first board after registration.

The provisions of Rules 13 B to 13 G and 14 to 14 AG shall, mutatis mutandis, apply to the election of the first board after registration of a society. Provided that no list of defaulters as contemplated under Rule 13E(7) is required to be published.

14AI. Election of the office-bearers in the first board.

The provisions of Rule 14AG shall mutatis mutandis apply to the election of the office-bearers of the first board of the society after registration.

14AL. Reservation in favour of S.C. / S.T.s, Women and Backward

Classes on the board.- Where the board of a cooperative society is elected on area/ constituency basis, the constituencies where reservation of seats shall be provided for in favour of S.C. / S.T.s, Women and Backward Classes on the board shall be decided in the Annual General Meeting preceding the date of the general election of the board and shall be subject to such guidelines as may be issued by the CEC in this behalf. It shall be ensured that the reservation of seats shall be so rotated that all the constituencies are covered under reservation in a phased manner.

Provided that if in a constituency reserved for SC, ST, Women or Backward Classes a member belonging to that caste or class or category residing within that constituency is not available, a member from any other constituency but within the area of operation of the society may contest from that reserve constituency.

