



महाराष्ट्र शासन राजपत्र

असाधारण भाग चार-ब

वर्ष ५, अंक ६६]

मंगळवार, ऑगस्ट २०, २०१३/श्रावण २९, शके १९३५

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असाधारण क्रमांक ११४

प्राधिकृत प्रकाशन

महाराष्ट्र शासनाने महाराष्ट्र अधिनियमांन्वये तयार केलेले
(भाग एक, एक-अ आणि एक-ल यांमध्ये प्रसिद्ध केलेले नियम व आदेश यांन्वितिरिक्त) नियम व आदेश.

CO-OPERATION, MARKETING AND TEXTILES DEPARTMENT

Mantralaya Annexe, Hutatma Rajguru Chowk, Madam Cama Road,
Mumbai 400 032, dated 19th August 2013

NOTIFICATION

MAHARASHTRA CO-OPERATIVE SOCIETIES ACT, 1960.

No. CSL-2013/C.R. No. 639/15 C.— The following draft of rules, which the State Government proposes to make, in exercise of the powers conferred by sub-section (2) of section 165 of the Maharashtra Co-operative Societies Act, 1960 (Mah. XXIV of 1961) and of all other powers enabling it in that behalf, is hereby published for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft rules will be taken into consideration by the Government of Maharashtra on or after 3rd day of September, 2013.

2. Any objection and suggestion, which may be received by the Secretary to the Government of Maharashtra, Mantralaya Annexe, Hutatma Rajguru Chowk, Madam Cama Road, Mumbai 400 032, from any person with respect to the said draft, before the aforesaid date, will be considered by the Government.

DRAFT RULES

No. CSL-2013/C.R. No. 639/15 C.— In exercise of the powers conferred by sub-section (2) of section 165 of the Maharashtra Co-operative Societies Act, 1960 (Mah. XXIV of 1961), and of all other powers enabling it in that behalf, and supersession of all existing rules related to elections, the Government of Maharashtra, after considering the objections and suggestions, pursuant to the Government Notification, Co-operation, Marketing and Textiles Department, No.CSL-2013/C.R. No. 639/15 C, dated 19th August 2013, published in the *Maharashtra Government Gazette*, Extraordinary, Part IV-B, dated 20th August 2013, hereby makes the following rules to regulate the conduct of elections to the Co-operative Societies, as follows :—

Part – I

PRELIMINARY

1. *Short title, extent, application and commencement.*—

- (1) These rules may be called The Maharashtra Co-operative Societies Election to Committee Rules, 2013.
- (2) These rules shall extend to the whole of the State of Maharashtra.
- (3) These rules shall come into force on such date as the State Government may, by notification in *Official Gazette*, appoint.

2. *Definitions.* – in these rules, unless the context requires otherwise,—

- (1) “ Act” means the Maharashtra Co-operative Societies Act, 1960.
- (2) “ballot box” includes any box, bag or other receptacle used for the insertion of ballot paper by voters.
- (3) “by-laws” means bylaws registered under the Act.
- (4) “CEO” means an administrative head of the society by what ever name called to which election is to be held.
- (5) “committee” means the Committee of management or board of directors or the governing body or the directing body of a co-operative society, by whatever name called, in which the management of the affairs of a society is entrusted.
- (6) “constituency” means an electoral division as specified in the bylaws of the society.
- (7) “Corrupt practice” means any of the practices specified in the Rule 75.
- (8) “District Co-operative Election Officer” means an officer or officers approved by the SCEA, not below the rank of the Deputy Registrar, Co-operative Societies of the district to assist the SCEA in performance of its functions for the conduct of elections of societies in the District under the supervision and control of the SCEA.
- (9) “Election” means an elections to elect a committee or committee members of a Co-operative Society.
- (10) “list of voters” means the list of voters as finalized in accordance with Rule 8 and Rule 11.
- (11) “observer” means a Government officer nominated to watch the conduct of election or elections and perform any such other functions as may be entrusted to him by the SCEA.
- (12) "Polling Officer" means any person appointed by the Returning Officer for the conduct of the election.
- (13) "Presiding Officer" means any person appointed by the Returning Officer for the conduct of the election.
- (14) "Public holiday" means any day which is a public holiday for the purposes of section 25 of the Negotiable Instruments Act, 1888 (26 of 1881), and include any other day which is notified by the State Government to be a holiday for Government offices in the State or by the Collector to be a local holiday for the District.
- (15) “Reserved seat” means a seat reserved for the members belonging to the Scheduled castes or Scheduled tribes, Women, De-notified Tribes (Vimukta Jatis) or Nomadic tribes or Special Backward Classes, Other Backward Classes.

- (16) "Returning Officer" means any person appointed by the SCEA or by an officer authorized by SCEA in this behalf for the conduct of the election of Societies.
- (17) "SCEA" means the State Co-operative Election Authority constituted by the State Government under section 73 CB.
- (18) "Section" means a section of the Act.
- (19) "Society" means a society as specified in the Act.
- (20) "Taluka or Ward Co-operative Election Officer" means officer approved by the SCEA who shall perform all the functions for the conduct of elections of societies in the Taluka under the supervision and control of the SCEA and District Co-operative Election Officer.

3. Powers of State Co-operative Election Authority (SCEA). —

In order to conduct the elections of the co-operative societies, the SCEA shall have the following powers, namely :—

- (i) to appoint any officer of the State Government, or any Co-operative Society, or any Local Body on any post with such designation and duties for the purpose of conducting the elections; and
- (ii) it shall be obligatory on every officer or employee, so appointed to perform the duties assigned on him, failing which, he shall be liable for prosecution for having committed contempt of the lawful authority of the public servant within the meaning of Chapter 10 of Indian Penal Code ;
- (iii) to requisition any public or private premises, vehicles, services or any other material required for holding the election, from any office of the State Government, Local Body, Co-operative Societies as he may deem necessary. On service of such requisition, it shall be obligatory on the authority to whom such requisition is made, to forthwith hand over the possession of premises, vehicles or any other material, as the case may be, to the Requisitioning Authority or any person authorized by him in that behalf ;
- (iv) to prescribe the code of conduct to be implemented in the area of operation of the society according to nature of business or class of societies ;
- (v) to appoint an Observer and Zonal officers who shall be appointed with a view to keep watch for smooth and fair conduct of elections as and when required.

PART – II

TYPES OF SOCIETIES

4. *Types of the Societies.* —

For the purpose of conduct of elections to societies, under the Act, the societies shall be classified as follows :—

The election of the members of the committees and officers of the committees of the societies of the categories mentioned below shall be subject to the provisions of sub-section (11) of section 73CB of the Act.

(I) Type 'A' Societies—

- (1) State Level Apex or Federal Co-operative Societies.
- (2) Maharashtra State Co-operative Bank.
- (3) Maharashtra State Co-operative Land Development Bank.
- (4) Maharashtra State Co-operative Housing Finance Corporation.
- (5) Maharashtra State Co-operative Tribal Development Corporation.
- (6) Maharashtra State Cotton Growers' Co-operative Marketing Federation.
- (7) All Co-operative Sugar Factories.
- (8) All District Central Co-operative Banks.
- (9) All Co-operative Spinning Mills.
- (10) All Co-operative Milk Federations or Unions having average per day milk Collection 1,00,000 or more than 1,00,000 liters during the preceding financial year.

(II) Type 'B' Societies

- (1) All Co-operative Urban Banks.
- (2) All Salary Earners' Co-operative Banks.
- (3) Primary Agriculture Co-operative Credit Societies and Adiwasi Co-op. Credit Societies having paid up share capital Rs. 10 lacs and more.
- (4) Co-operative Credit Societies having deposits of Rs.100 Lacs or more having paid up share capital of Rs. 10 Lacs and more.
- (5) Salary Earners' Co-operative Credit Societies having paid up share capital of Rs. 1 Crore and more.
- (6) All Government aided Co-operative Processing Societies excluding Sugar Factories.
- (7) All Government aided Co-operative Industrial Societies or Industrial Estates.
- (8) All District or Taluka Co-operative Sale Purchase Unions.
- (9) All District Central Co-operative Consumer Societies.
- (10) All Divisional and District Co-operative Boards.
- (11) All Co-operative Milk Federations/ Unions having average per day milk collection less than 1,00,000 liters during the preceding financial year.
- (12) Any other District/Taluka Co-operative Federations/Unions which are not included in Type 'A' Societies.

(III) Type 'C' Societies.—

- (1) All Primary Agriculture Co-operative Credit Societies and Adiwasi Co-operative Credit Societies having paid up share capital less than Rs. 10 Lacs.
- (2) All Co-operative Credit Societies having deposits not more than Rs. 100 Lacs or paid up share capital less than Rs. 10 Lacs.
- (3) Salary Earners Co-operative Credit Societies having paid up share capital of less than Rs. 100 Lacs, as per the last audit report.
- (4) Housing Societies having 100 and more than 100 members.
- (5) All Primary Consumer Co-operative Societies.
- (6) All Primary Co-operative Dairy, Poultry, Fishery, Piggery and Livestock Societies.
- (7) All non aided Co-operative Industrial Societies/ Industrial Estates.
- (8) All non aided Co-operative Processing Societies excluding Sugar Factories.
- (9) All types of Primary Co-operative Marketing Societies.
- (10) All types of Primary Weavers (Handloom and Powerloom) Co-operative Societies.
- (11) Other Agricultural Co-operative Societies.
- (12) Co-operative Lift Irrigation and Water users Societies having 100 member more than 100 members.
- (13) Any other society or class of societies not falling under Type 'A', 'B' above or Type 'D' below.

(IV) Type 'D' Societies.—

- (1) All Co-operative Housing Societies having less than 100 members.
- (2) All Co-operative Lift Irrigation and Water users Societies having less than 100 members.
- (3) All Labour/Forest Labour Co-operative Societies.
- (4) Other General Co-operative Societies.

the State Government may change the classification of a society or class of society as stated above for the purpose of conduct election from time to time.

5. Annual report of names of societies in which election are to be held.—

(1) The SCEA shall maintain a register in Form 'E-1' in his office showing the names of all societies due for election in the subsequent calendar year in its / his jurisdiction with details thereof.

(2) The committee of the society shall deliver a report in Form 'E-2' to the District Co-operative Election Officer or Taluka or Ward Co-operative Election Officer as the case may be, six months before the expiry of the period of the Committee of the society :

Provided that, the society having area of operation more than one district shall deliver a report to the District Co-operative Election Officer of the District in which the head office of the society is situated :

Provided further that, if the committee of the society fails to report as per sub section 14(a) of section 73CB, the District Co-operative Election Officer / Taluka or Ward Co-operative Election Officer shall proceed to enlist the name of such society or societies for the purpose of this rules on the basis of information available in the register and such enlisting the names shall be *prima facie* evidence that the election of the society is due to be held, unless proved to be contrary.

PART – III

PREPARATION OF ELECTORAL ROLL

6. *Provisional list of voters for co-operative societies having individuals as members.—*

(1) A provisional list of voters shall be prepared by every society in the year in which the election of such society is due to be held. The member who has completed minimum two years as member from the date of his enrollment and who is an active member shall be included in the provisional list as laid down in Section of 27 of the Act. (3) If different constituencies are provided in the bye-laws, the names of voters shall be arranged constituency-wise as laid down in the bye-laws.

(2) The period of two years stated in section 27(3-A) of the Act is to be counted from the date of enrollment of member to the date when election of the managing committee of the society becomes due :

Provided that, in case of societies where the elections could not been held before the expiry of the term of the committee due to unforeseen conditions or any other reason, provisional list of the voter shall be prepared on the basis of the date fixed by the SCEA:

Provided also that, provisional list of voters of the society having its first elections due after term of expiry of the provisional committee under section 73 (1A) (a) shall comprise of all the members as on the date of the registration.

Provided also that , the provisional list of the voters of the society on which an authorized officer is appointed under section 77A or an administrator is appointed under section 78A, shall be prepared on the basis of the date fixed by the SCEA.

(3) Four copies of the authenticated provisional lists of voters shall be delivered by the committee of the society to the District Cooperative Election Officer or Taluka or Ward Cooperative Election Officer, 120 days before the date of expiry of the term of Committee. Copies of such lists shall be displayed on the notice board of the society. The District Cooperative Election Officer or Taluka or Ward Cooperative Election Officer within 10 days from its receipt shall call for invite claims and objections from the members of the society.

(4) If any committee fails to deliver copies of the provisional lists of voters to the District Cooperative Election Officer or Taluka or Ward Cooperative Election Officer on or before the due date, the District Cooperative Election Officer or Taluka concerned Cooperative Election Officer shall himself or through any persons authorized by him in this behalf, prepare such provisional list of voters and the expenditure incurred therefor shall be recovered from the committee or other persons responsible therefore, as arrears of land revenue.

(5) In the event of the District Cooperative Election Officer or Taluka or Ward Cooperative Election Officer taking action under the last preceding sub-rule, he shall also cause copies of the provisional list of voters to be displayed on his notice board and notice board of the society within 10 days from the date of receipt of such list from the society for inviting claims and objections from the members of the society:

Provided that, such list may be published on official website of SCEA and Co-operation department.

7. Particulars to be included in the provisional list of voters for co-operative societies having individuals as members.—

The provisional list of voters in case of individual shareholders, shall contain the name, father's or husband's name, surname (in alphabetical order), if any, with address as recorded in the register of members in Form 'E-3' of every person entitled to be registered as voter with such other particulars as may be necessary to identify him.

8. Claims and objections to the provisional list of voters and the final list of voters for co-operative societies having individuals as members.—

(1) When any provisional list of voters is published for inviting claims and objections, any omission or error in respect of name or address or other particulars in the list may be brought to the notice of the concerned District Cooperative Election officer or Taluka or Ward Cooperative Election Officer in writing by any member of the society who is a voter during office hours within 10 days from the date of publication of the provisional list of voters.

(2) Every claim or objection shall be preferred in writing and state the grounds on which the claim is based or the objection is raised, as the case may be.

(3) The District Cooperative Election Officer or Taluka or Ward Cooperative Election Officer shall, after making such enquiries as deem necessary in this behalf, consider each claim or objection, and give his decision thereon in writing to the persons concerned within 10 days from the last date prescribed for receiving the claims and objections. Thereafter final voters list should be published within the period of 15 days from the last date prescribed for receiving the claims and objections. The list finalized by the election officer after deciding all claims and objection shall be final list of voters.

(4) The copies of the final list of voters shall be displayed on the notice board of the District Cooperative Election Officer and also on the notice board of the society at least 10 days before the declaration of the election programme and in no case later than 15 days from the finalization of claims and objections. The District Cooperative Election Officer may also cause it to be published on the official website of the SCEA, if any.

9. Provisional list of voters for the societies having society or society and individuals as members.—

(1) A provisional list of voters shall be prepared by every society in the year in which the elections of such society are due to be held. The active members who have completed minimum 2 years as members from the date of their, enrollment and in case of society being a active member who has completed minimum 3 years from the date of enrollment before the date of expiry of period of existing managing committee; shall be included in the provisional list as laid down in Section of 27 of Maharashtra Cooperative Societies Act 1960. If different constituencies are provided in the bye-laws, the names of voters shall be arranged constituency wise as laid down in the bye-laws.

(2) The period of three years stated in section 27(3)of the Act is to be counted from the date of enrollment of member to the date when election of the managing committee of the society becomes due ;

Provided that, in case of societies where the elections could not been held before the expiry of the term of the committee due to unforeseen conditions or any other reason, provisional list of the voter shall be prepared on the basis of the date fixed by the SCEA.

Provided also that, provisional list of voters of the society having its first elections due after term of expiry of the provisional committee under section 73 (1A) (a) shall comprise of all the members as on the date of the registration :

Provided also that ,the provisional list of the voters of the society on which an authorized officer is appointed under section 77A or an administrator is appointed under section 78A shall be prepared on the basis of the date fixed by the SCEA.

(2) Four copies of the authenticated provisional lists of voters shall be delivered by the committee of the society to the District Cooperative Election Officer or Taluka or Ward Co-operative Election Officer, 120 days before the date of expiry of the term of Committee. Copies of such lists shall be displayed on the notice board of the society. The District Cooperative Election Officer or Taluka or Ward Co-operative Election Officer shall, within 10 days from its receipt, call for inviting claims and objections from the members of the society.

(3) If any committee fails to deliver copies of the provisional lists of voters to the election officer on or before the due date, the District Cooperative Election Officer or Taluka or Ward Co-operative Election Officer shall himself or through any persons authorized by him in this behalf, prepare such provisional list of voters and the expenditure incurred therefor shall be recovered from the committee responsible therefore, as arrears of land revenue.

(4) In the event of the District Co-operative Election Officer or Taluka or Ward Cooperative Election Officer taking action under the last preceding sub-rule, he shall also cause copies of the provisional list of voters to be displayed on his notice board and on the notice board of the District Co-operative Election Officer or Taluka or Ward Co-operative Election Officer and of the society within 10 days from the date of receipt of such list from the society for inviting claims and objections from the members of the society:

Provided that, such list may be published on official website of SCEA and Co-operation department.

10. Particulars to be included in the provisional list of voters for the societies having society or society and individuals as members.—

(1) The provisional list of voters in case of individual Active members shall contain the name, father's or husband's name, surname, age, gender if any, with address recorded in the register of members in Form 'E-3' of every person entitled to be registered as voter with such other particulars as may be necessary to identify him.

(2) Where a society or firm is the member of Society, the District Co-operative Election Officer or the Taluka or Ward Co-operative Election Officer shall publish a date for calling the name of representative, 150 days prior to the date of expiry of term of office of the Committee. And such society shall send the name of representative duly authorized to vote at the election on behalf of the society or firm, so as to reach it to the office of the District Co-operative Election Officer or Taluka or Ward Co-operative Election Officer at least 120 days prior to the date of expiry of term of office of the Committee. The representative authorized by the member society shall be an active member of the member society.

(3) While communicating the name of the representative to the society the affiliated society shall enclose a copy of the resolution of the society or its committee as provided under its by-laws, where the representative is so authorized. The society shall include in the list of voters the names of all such representatives as have been communicated to it before the date fixed for publication of the provisional list by the District Co-operative Election officer or Taluka or Ward Co-operative Election Officer. In addition to the names of representatives, the list shall contain the name of the affiliated societies, their registration numbers and addresses with names of the constituency, if any, to which they belong.

(4) A society which has communicated the name of its representative shall, by like resolution, be permitted to change the name of its delegate only in case of death of the representative or where there is newly elected committee of the member society not later than five days before the last date for making nominations.

11. *Claims and objections to the provisional list of voters and the final list of voters for the societies having society or societies and individuals as members.—*

(1) When any provisional list of voters is published for inviting claims and objections, any omission or error in respect of name or address or other particulars in the list may be brought to the notice of the District Co-operative Election Officer or Taluka or Ward Co-operative Election Officer in writing by any member of the society concerned who is a voter or any representative authorized to vote on behalf of such society during office hours within 10 days from the date of publication of the provisional list of voters.

(2) Any member of the society concerned making a claim or raising objection shall do so by a separate petition, which shall be presented to the District Co-operative Election Officer or Taluka or Ward Co-operative Election Officer during office hours, before the last date published for inviting claims and objections. Such claims or objections shall be preferred in writing and state the grounds on which the claim is based or the objection is raised, as the case may be.

(3) District Co-operative Election Officer or Taluka or Ward Co-operative Election Officer shall, after making such enquiries as deemed necessary in this regard, consider each claim or objection, and give his decision thereon in writing to the persons concerned within ten days from the last date prescribed for receiving the claims and objections and final voters list should be published within the period of 15 days from the last date prescribed for receiving the claims and objections. The list as finalized by the District Co-operative Election Officer or Taluka or Ward Co-operative Election Officer after deciding all claims and objection shall be final list of voters.

(4) The copies of the final list of voters shall be displayed on the notice board of the District Co-operative Election Officer and also on the notice board of the society at least ten days before the declaration of the election programme and in no case later than fifteen days from the finalization of claims and objections. The District Co-operative Election Officer may also cause it to be published on the official website of the SCEA ,if any.

(5) If any change in the final voters list in accordance with sub rule 4 of rule 10 is required, the District Co-operative Election Officer or the person authorized by him, after making such inquiry as he deems fit, make necessary changes in the final voter list.

PART – IV

ADMINISTRATIVE MACHINERY FOR THE CONDUCT OF ELECTIONS

12. *Appointment of Returning Officers, Assistant Returning Officers and such other Officers required to conduct the elections.—*

(1) The SCEA or the officer authorized in this behalf shall appoint the Returning Officer and may also appoint one or more persons to be called as the Assistant Returning Officer to assist the Returning Officer.

(2) Every Assistant Returning Officer, shall, subject to the control of the Returning Officer and general control of SCEA, be competent to perform all or any of the functions of the Returning Officer:

Provided that, no Assistant Returning Officer shall perform any of the functions of the Returning Officer which relate to the scrutiny of nominations unless the Returning Officer is unavoidably prevented from performing the said function:

Provided further that, The SCEA may change Returning Officer if required.

13. *Appointment of an Observer.—* The SCEA may nominate an observer who shall be an officer of Government to watch the conduct of elections of a co-operative society and to perform such other functions may be entrusted to him by the State Co-operative Election Authority.

14. *General duty of Returning Officer.—* It shall be the general duty of the Returning Officer at any election to do all such acts and things as may be necessary for effectually conducting the election in the manner provided in these rules and bylaws made there of the society or societies.

15. *Polling stations.—* The Returning Officer shall, if necessary, provide sufficient number of polling stations for any constituency for which election is to be held and shall publish on the notice board of the society and in such other manner as he deems fit, a list showing the polling stations so provided and the polling areas for which they have respectively been provided.

16. *Appointment of Presiding Officers and Polling Officers.—* (1) The Returning Officer shall appoint a Presiding Officer for each polling station and such polling Officer or Officers as he thinks necessary, but shall not appoint any person who has been employed by the concerned society or on behalf of, or has been otherwise working for a candidate in or about the election:

Provided that, if a polling Officer is absent from the polling station, the Presiding Officer may appoint any person who is present at the polling station, other than a person who has been employed by the concerned society or on behalf of, or who has been otherwise working for a candidate in or about the election, to be the Polling Officer during the absence of such officer, and shall inform the Returning Officer accordingly.

(2) A Polling Officer shall, if so directed by the Presiding Officer, perform all or any of the functions of a Presiding-Officer under the Act or these rules and bye-laws made there under.

(3) If the Presiding Officer, owing to illness or otherwise or due to unavoidable cause, is absent from the polling station, his functions shall be performed by such Polling Officer as has been previously authorized by the Presiding Officer, to perform such functions during his absence.

17. General duty of Presiding Officer and Polling Officer.—

(1) It shall be the general duty of the Presiding Officer at a polling station to keep law and order and to see that the poll is fairly taken.

(2) It shall be the duty of the Polling Officers at a polling station to assist the Presiding Officer for such station in the performance of his functions.

(3) The Returning Officer, Assistant Returning Officer, Presiding Officer, Polling Officer, and other persons appointed for any of the purposes of these rules shall work under the general guidance, superintendence and control the State Co-operative Election Authority or the officer authorized in this behalf.

PART V

CONDCUT OF ELECTIONS

18. Declaration of Election Programme.—

(1) The Returning Officer, with prior approval of the SCEA, shall draw and declare a programme of various stages of election, within ten days of the display of final list of voters of the society, which shall be as follows :—

(i) Date of declaration of election programme.	Date to announced at the time of declaration of programme.
(ii) Last date for making nominations.	5 days from the date of declaration of election programme.
(iii) The date of publication of list of nominations received.	As and when received till the last date fixed for making nominations.
(iv) Date of scrutiny of nominations.	Next day of the last date for making nominations.
(v) Date of publication of list of valid nominations after scrutiny.	Next day after the date of completion of scrutiny.
(vi) Date by which candidature may be withdrawn.	Within 15 days from the date of publication of list of valid nominations after scrutiny.
(vii) Date of publication of final list of contesting candidates and allotment of election symbols	The date next succeeding the last day fixed for withdrawal of candidatures.
(viii) Date and time during which and the place/ places at which the poll shall be taken if necessary	Not earlier than 7 days but not later than 15 days from the date of publication of final list of contesting candidate (time and place to be fixed by the Returning Officer)

(ix) Date, time and place for counting of votes.	Not later than 3rd day from the date of which the poll shall be taken (Time and place to be fixed by the Returning Officer).
(x) Date of declaration of results of voting.	Immediately after the counting of votes.

Explanation :—

(a) If the date in reckoning dates as specified in the above cases is a public holiday the next succeeding working day shall be fixed for the respective events;

(b) The proportion of polling station to number of voters at each polling stations and the place of polling stations shall be fixed in consultation with the SCEA or District Co-operative Election Officer. Where the polling Stations are spread over entire district, town or village in the District, the Returning Officer shall make arrangement to get all the ballot boxes or Electronic Voting machines to the office of the Returning Officer or to the concerned Registrar's office or to the societies' or to such other safe place as he may deem fit.

19. Manner of publication of election programme.—

(1) The District Co-operative Election Officer Shall send a copy of the order made under Rule 18 in Form 'E-4' to the society either personally or by special messenger of the registrar post to the society at the registered address with instruction to display the copy of the programme on the notice board or website of the society in addition the said election programme may be displayed on the notice board or website of the office of the Returning Officer, Registrar, the SCEA and the District Co-operative Election Officer.

(2) The time during which poll shall be taken should be mentioned in the election programme.

(3) Wherever it is necessary to fix time, date and place for any stage in the election programme, it shall be fixed by the Returning Officer and shall be mentioned in the election programme declared by him.

(4) The Election Programme shall also be published at least in one local daily newspaper for a society or class of societies by SCEA or District Co-operative Election Officer as the case may be :

Provided that, the societies of which area of operation is within one village or one ward of municipal corporation, election programme may be published on the notice board of the society and local body situated in the area of operation as the case may be.

(5) Except with the previous approval of the SCEA, the dates fixed under this rule shall not be changed within 7 days of the date fixed for the poll.

20. Nomination of candidates.—

(1) Any member whose name appears in the final list may be nominated as the candidate for the election to fill a seat, if he is qualified to be chosen under the provision of the Act, rules and the bye-laws of concerned society:

Provided that, in case of joint or associate members, only the member whose name stands first in the share certificate shall be eligible to be nominated as candidate for the election.

Provided that, where the seats are reserved on the committee of any society as provided under Section 73B and 73C of the Act, any individual member of the society, or any member of the committee of a member society, whether elected, co-opted or nominated shall be eligible for being nominated as candidate.

(2) Every nomination paper presented under Rule 21 shall be completed in Form 'E-5':

Provided that, a failure to complete or defect in completing the declaration as to symbols in a nomination paper, shall not be deemed to be a defect of a substantial character within the meaning of these rules.

(3) Any person whose name is entered in the list of voters may be a proposer or seconder for nominating a candidate for election :

Provided that, in the case of election from constituency of societies, the proposer and the seconder shall be from the same constituency except reservation falling under section 73B and 73C.

(4) A nomination paper shall be supplied by the Returning Officer to any voter on demand and on payment of such deposit and fees as mentioned in Rule 23 and subject to change by the SCEA.

21. Presentation of nomination paper and requirements for valid nominations.—

(1) On or before the last date for making nominations appointed under Rule 18, each candidate shall either in person or by his proposer, deliver to the Returning Officer during the time and at the place specified in the programme declared under the said rule, a nomination paper completed as provided by Rule 20, and signed by the candidate and by two voters of his constituency, one of whom shall be a proposer and the other seconder.

(2) On the presentation of a nomination paper, the Returning Officer shall satisfy himself that the names and the numbers of the candidates and his proposer and seconder as are entered in the nomination paper are the same as those entered in the list of voters excepting in the case of nomination paper presented under the provision of sub-section (3) of section 73B for reserved constituency, the candidate shall attach the attested copy of the list of existing committee members to which he represents. If a nomination paper is rejected under this rule, the Returning Officer shall record thereon his reasons for rejecting the same:

Provided that, the Returning Officer shall permit any clerical or technical error in the nomination paper in regard to the said names or numbers to be corrected in order to bring them into conformity with the corresponding entries in the list of voters and where necessary, any clerical or printing error in the said entries shall be overlooked.

(3) Any person who is not subject to any disqualification as a voter under the Act, these rules or bye-laws and whose name is entered in the list of voters for the constituency, for which the candidate is nominated, may subscribe as proposer and seconder:

Provided that, the Nomination paper shall be accompanied by an affidavit , specified by SCEA, wherein the candidate is not disqualified under section 73CA of the Act and the attested copies of caste certificates.

(4) In the case of a reserved seat under the provisions of section 73B, a candidate shall not be deemed to be qualified to be chosen to fill the seats unless the nomination paper is accompanied with a declaration required under section 73B.

(5) On receiving nomination paper under sub-rule (1), the Returning Officer shall write or cause to be written on the nomination paper its serial number, and shall sign or cause to be signed thereon a certificate stating the date on which and exact time at which the application was delivered to him.

22. Symbols for elections.—

(1) The Returning Officer shall specify the symbols that may be chosen by the candidates at the election from among those specified by the SCEA but he shall not allot any symbols which are associated with recognized political parties for the state of Maharashtra.

(2) Where at any such election, more than one nomination papers are-delivered by or on behalf of a candidate, the declarations as to symbols made the nomination paper first delivered and no other declarations, as symbols, shall be taken into consideration under sub-rule (3) of Rule 28 even if that nomination paper has been rejected.

23. Deposit and Fees.—

(1) A Candidate shall not be deemed to be duly nominated for election from a constituency unless he deposits or causes to be deposited with the Returning Officer the nomination fee specified hereunder:

Sr. No.	Type of Society	Deposit for Candidate other than SC / ST Category	Deposit for Candidate SC / ST Category	Nomination Form Fee
1	Apex Society	Rs. 5000	Rs. 1000	Rs. 200
2	The society having an area of operation is district or more than district	Rs. 2000	Rs. 500	Rs. 100
3	Society having an area of operation is taluka or more than one taluka but not a district	Rs. 1000	Rs. 300	Rs. 100
4	Society having an area of operation not more than village or ward	Rs. 500	Rs. 200	Rs. 50

Provided that, where a candidate has been nominated by more than one nomination paper for election in the same constituency, not more than one deposit shall be required of him under this rule. However, the SCEA shall be competent to fix amount, from time to time, towards deposits as per aforesaid rule by a candidate in the case of any society or class of societies in consideration of the financial standing membership etc. by general or special order :

Provided if a candidate withdraws his nomination, the deposit will be refunded within fifteen days of his withdrawal.

24. Notice of nomination and time and place for the scrutiny.—

The Returning Officer shall on receiving the nomination paper under Rule 21, inform the person or persons delivering the same, of the day, time and place fixed for the scrutiny of nominations and shall enter on the nomination paper, its serial number and acknowledge the receipt thereof and shall sign thereon a certificate stating the date on which and the hour at which the nomination paper has been delivered to him and shall, as soon as may be therefore, cause to be affixed on the notice board in his office, a notice of the nomination containing description similar to those contained in the nomination papers, both the candidates and of the proposes.

25. Scrutiny of nomination papers.—

(1) On the date fixed, for the scrutiny of nomination papers under Rule 18, the candidates, one proposer of each candidate duly authorized in writing by each candidate, may attend at the time and place appointed in this behalf, and the Returning Officer shall give or cause to give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered as required by Rule 20. No other person shall be allowed to attend the scrutiny of nomination.

(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 inquiry, if any, as he thinks necessary reject any nomination on any of the following ground, that is to say :—

- (a) that the candidate is disqualified for being chosen to fill the seat by or under the Act, these rules and bye-laws;
- (b) that the proposer or seconder is disqualified from subscribing a nomination paper;
- (c) that there has been a failure to comply with any of the provisions of Rule 21 or 23;
- (d) that the signature of the candidate or the proposer or the seconder on the nomination paper is not genuine.

(3) Nothing contained in clause (c) or (d) of sub-rule (2) shall be deemed to authorize the rejection of the nomination of any candidate on the ground of any irregularity in respect of a nomination paper, if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed.

(4) The Returning Officer shall not reject any nomination paper on the ground of any defect which is not of a substantial character.

(5) The Returning Officer shall hold the scrutiny on the date appointed in this behalf under Rule 18, and shall not allow any adjournment of the proceedings, except when such proceedings are interrupted or obstructed by riot or open violence or by causes beyond his control :

Provided that, in case any objection is raised by the Returning Officer or is made by any other person, the candidate concerned may be allowed time to rebut it, not later than the next day before the publication of list of valid nomination and the Returning Officer shall record his decision on the date to which the proceedings have been adjourned.

(6) The Returning Officer shall endorse on each nomination paper his decision accepting or rejecting the same and, if the nomination paper is rejected, he shall record in writing, a brief statement of his reasons for such rejection, and a copy of such statement shall be immediately supplied on demand to the candidate or to the proposer concerned. The copy of such statement shall be sent invariably to the SCEA or District Co-operative Election Officer, as the case may be.

26. Publication of list of valid nomination .—

Immediately after all the nomination papers have been scrutinized and the decisions accepting or rejecting the same has been recorded, the Returning Officer shall prepare a list of candidates whose nominations have been accepted. Immediately on the next day after the scrutiny is over, the Returning Officer shall affix the list on his notice board and shall record the date on which and the time at which the list was so affixed :

Provided that, the Returning Officer shall be competent to include the names of candidates whose nominations are subsequently held valid in appeal before Registrar or the Officer specified by the SCEA.

27. Withdrawal of candidature.—

(1) Any candidate may withdraw his candidature by notice in writing subscribed by him and delivered to the Returning Officer in form 'E-6'.

(2) The notice shall be delivered to the Returning Officer before 3.00 O'clock in the afternoon on the last date fixed under Rule 18 for the withdrawal of candidature as specified in the election programme.

(3) The notice shall be given either by the candidate or by his proposer in person in writing.

(4) No person who has given a notice of withdrawal of his candidature under sub-rule (1) shall be allowed to cancel his notice.

(5) The Returning Officer shall, on being satisfied as to the genuineness of a notice of withdrawal and the identity of person delivering it under sub-rule (1), cause a notice to be affixed on the notice-board in his office.

28. Preparation of list of contesting candidates and allotment of symbols.—

(1) On the day next succeeding the last date fixed for withdrawal of candidature, the Returning Officer shall prepare and publish in Form 'E-7', a list of contesting candidates , that is to say, the candidates whose names have been finally accepted and who has not withdrawn their candidatures within the prescribed time on the notice board of his office.

(2) The said list shall contain the names in alphabetical order with reference in the names of candidates having surnames and the names proper of other candidates, in the language and manner in which the list of voters is prepared and the addresses of the contesting candidates as given in the nomination papers.

(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—

(a) allot a different symbol to each contesting candidate in conformity as far as practicable, with his choice; and

- (b) if more than one contesting candidates have indicated their preference for the same symbol, then symbols shall be allotted on the basis of 'first come first serve' and such allotment shall be final.
- (c) If more than 30% of candidates of the total contesting seats come together and form the group and demand a common symbol by common written application signed by all the concerned candidates, then the Returning Officer may allot them a common symbol.

(4) Every candidate shall forthwith be informed of the symbol allotted to him and be supplied with a specimen provided by the SCEA there of by the Returning Officer.

29. Appointment of Election Agents.—

(1) If a candidate desires to appoint any person to be his election agent, such appointment shall, subject to the provisions of sub-rule (3), be made by him in Form 'E-8'. The candidate shall give notice of such appointment to the Returning Officer by delivering or forwarding the letter of appointment to the Returning Officer at the time of presentation of the nomination paper or at any time thereafter before or at the time of allotment of the symbols.

(2) The appointment of the Election agent may be revoked by the candidate at any time by a declaration in writing signed by him and lodged with the Returning Officer. Such revocation shall take effect from the date on which it is so lodged. In the event of such a revocation or of the death of an election agent, whether that event occurs before or during the election, or after the election but before the account of the candidate election expenses has been lodged with the Returning Officer in prescribed the candidate may appoint another person to be his election agent, and notice thereof shall be given to the Returning Officer, in the same manner as in the case of the first election agent.

(3) The candidate may appoint a person as election agent whose name appears in list of voters.

(4) No person, who is subject to any disqualification as a voter under the Act, rules or by-laws, so long as the disqualification subsists, or whose name is not entered in the list of voters for the constituency for which the candidate is nominated, shall be appointed as an election agent.

30. Appointment of Polling Agents and Counting Agents.—

(1) At an election at which a poll is to be taken, any contesting candidate may appoint one agent and one relief agent to act as Polling Agents of such candidate, at each polling station. Such appointment shall be made by a letter in writing in Form 'E-8A', signed by the candidate.

(2) The candidate shall deliver the letter of appointment to Polling Agents who shall, on the date fixed for the poll, present it to and sign the declaration contained therein, before the Presiding Officer. The Presiding Officer shall retain a letter presented to him in his custody. Polling Agent shall not be allowed to perform any duty at the Polling Stations unless he has complied with the provisions of this rule.

(3) The Polling Agents may work as Counting Agents as per the authority given by the candidate in Form 'E-8A'

(4) Each contesting candidate may appoint not more than two agents to act as Counting Agents of such candidate by a letter in writing in duplicate in Form 'E-8A' signed by the candidates. Before the commencement of the counting of votes, the candidate shall give notice of the appointment of such Counting Agents to the Returning Officer by forwarding to such officer the letter of appointment. The

candidate shall also deliver the duplicate copy of the letter of appointment to the Counting Agent who shall, on the date fixed for the counting of votes, present it to, and sign the declaration contained therein before the Returning Officer. The Returning Officer shall retain the duplicate copy presented to him in his custody. No Counting Agent shall be allowed to perform any duty at the place fixed for the counting of votes, unless he has complied with these provisions.

31. *Death of candidate before poll.*—

If a contesting candidate dies and a report of his death is received by the Returning Officer before the commencement of the poll, the Returning Officer shall, upon being satisfied of the fact of the death of candidate, countermand the poll and inform the SCEA or District Co-operative Election Officer along with the proceedings with reference to the election, and the election shall be commenced in all respect, as if for a new election:

Provided that, no further nomination shall be necessary in the case of a person who was a contesting candidate at the time of the countermanding of the poll:

Provided further that, no person who has given a notice of withdrawal of his candidature Under Rule 27 before the countermanding of the poll shall be eligible for being nominated as a candidate for the election after such countermanding :

Provided further that, no fresh notice of withdrawal by the candidate whose nomination is accepted before the countermanding shall be accepted by the returning officer for the election after such countermanding.

32. *Uncontested election.*—

If after the expiry of the period within which candidatures may be withdrawn Under Rule 27, the number of candidates in the constituency whose nominations have been accepted is equal to or less than the number of seats to be filled, the Returning Officer shall forthwith declare such candidate or all such candidates to be duly elected to fill the seat or the relevant number of seats, as the case may be, and shall complete and certify the declaration in Form 'E-9' and inform the SCEA or the District Co-operative Election Officer or Taluka or Ward Co-operative Election Officer, as the case may be.

PART – VI

THE POLL

33. *Manner of voting at elections.*—

At every election where poll is taken, votes shall be given by secret ballot in the manner hereinafter provided and no votes shall be allowed by proxy.

34. *Ballot Box or Electronic voting machine.*—

Every Ballot Box or Electronic voting machine shall be of such design as may be approved by the SCEA.

35. *Form of ballot paper.*—

Every ballot paper shall be in Form 'E-10' and the names of candidates shall be arranged in the same order in which they appear in the list of contesting candidates. If candidate having any Alias/Nick name it may be inserted. However, if two or more candidates bear the same name, they shall be distinguished by addition of their occupation or residence or in some other manner which should be determined by the Returning Officer.

36. Arrangement at Polling Stations.—

(1) Outside each polling station, there shall be displayed —

(a) a notice specifying the polling area, the voters of which are entitled to vote at the polling station and where the polling station has more than one polling booth, at each of such booth, the description of the voters allotted to such booth, and

(b) a copy of the list of contesting candidates with their allotted symbols.

(2) At each polling station, there shall be set-up, one or more voting compartments in which voters can record their votes screened from observation.

(3) The Returning Officer shall provide at each polling station a sufficient number of Ballot Boxes or Electronic Voting Machine, ballot papers, copies of the list of voters in respect of the polling area or areas, the voters of which are entitled to vote at such polling station, instruments for stamping the distinguishing mark on ballot papers and articles necessary for voters to mark the ballot papers. The Returning Officer shall also provide at each polling station such other equipments and accessories as may be required for taking the poll at such polling station.

37. Admission to Polling Station.—

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 Election Officer or the Returning Officer;

(d) Candidates, their Election agents, and subject to the provisions of Rule 30, one Polling Agent of each candidate;

(e) a child in arms accompanying a voter;

(f) a person accompanying a blind or inform voter who cannot move without help;

(g) such other persons as the Returning Officer or the Presiding Officer may Employ for the purpose of identifying the voter.

38. The preparation of ballot boxes for poll.—

(1) Where a paper seal is used for securing a ballot box, the Presiding Officer shall affix his own signature on the paper seal and obtain thereon the signatures of such of the polling agents present and are desirous of affixing the same.

(2) The Presiding Officer shall thereafter fix the paper seal so signed in the space meant therefore in the ballot box and shall then secure and seal the box in such manner that the slit for the insertion of ballot paper there into remains open.

(3) The seal used for securing a ballot box shall be affixed in such manner that after the box has been closed, it is not possible to open it without breaking the seals.

(4) Where it is not necessary to use paper seals for securing the ballot box, the Presiding Officer shall secure and seal the ballot box in such a manner that the slit for the insertion of ballot papers, remains open and shall allow the Polling Agents present to affix, if they so desire, their seals.

(5) Every ballot box used at a polling station shall bear the seal both inside and outside marked with—

- (a) the serial number, if any, and the name of constituency;
- (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.

(6) Immediately before the commencement of the poll, the Presiding Officers shall demonstrate to the polling agents and other persons present that the ballot box is empty and bears the labels referred to in sub-rule (5) of this rule.

(7) The ballot box shall then be closed, sealed and secured and placed in full view of the Presiding Officer and the Polling Agents.

39. The preparation of Electronic Voting Machines for poll.—

If it is decided to use the electronic voting machine for the poll the procedure thereof shall be specified by the SCEA, which shall, as far as technically feasible be in accordance with these rules

40. Identification of voters.—

(1) The Presiding Officer may employ at the polling station such persons as he thinks fit to help in the identification of the voters or to assist him at the time of taking poll.

(2) Each voter entering the polling station shall carry with him his Photo Identity proof as prescribed by the Election Commission of India or Photo Identity Card issued by society as per provisions in byelaws of that society.

(3) 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 list of voters and then call out the serial number, name and other particulars of the voter.

(4) 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 clerical or printing errors, in any entry in the list of voters, if he is satisfied that such person is the same voter whom that entry relates.

41. Challenging of identity.—

(1) Any Polling Agent may challenge the identity of a person claiming to be a particular voter by depositing a sum of Rs. 50 in cash with the Presiding Officer for each such challenge.

(2) On such deposit being made, by that person, the Presiding Officer shall—

- (a) warn the person challenged of the penalty for personation;
- (b) read the relevant entry in the list of voters in full and ask him whether he is the person referred to in that entry;
- (c) enter his name and address in the list of challenged voters in Form 'E-11'; and
- (d) require him to affix his signature in the said list.

(3) The Presiding Officer shall, thereafter, hold a summary inquiry into the allegations and may for that purpose.

(a) require the challenger to adduce evidence in proof of the challenge and the person challenged to adduce evidence in proof of his identity;

(b) put to the person challenged any question necessary for the purpose of Establishing his identity and require him to answer them on oath; and

(c) administer an oath to the person challenged and any other person offering to give evidence;

(4) if, after the enquiry, the Presiding Officer considers that the challenge has not been established, he shall allow the person challenged to vote, and if he considers that the challenge has been established, he shall debar the person challenged from voting;

(5) if the Presiding Officer is of the opinion that the challenge is frivolous or has not been made in good faith, he shall direct that deposit made under sub-rule (1) be forfeited to the Election Fund and in the other case, he shall return it to the challenger at the conclusion of the inquiry.

42. Safeguard against personation.—

(1) With a view to prevent the personation of voters, every voter about whose identity the Presiding Officer or the Polling Officer, as the case may be, is satisfied shall, allow his left thumb to be inspected by the Presiding Officer or the Polling Officer and an indelible ink mark to be put on it.

(2) If any voter refuses to allow his left thumb to be inspected or marked in accordance with sub-rule (1) or has already such a mark on his left thumb or does any act with a view to removing the ink mark, he shall not be supplied with any ballot paper or allowed vote.

(3) Any reference in this rule to the left thumb of a voter, shall, in the case, where the voter has his left thumb missing, be construed as a reference to any other finger, or his left hand and shall, in the case where all the fingers of his left hand are missing be construed as a reference to the thumb or any other finger of his right hand, and shall in the case where all his fingers of both the hands are missing, be construed as reference to such extremity of his left or right arms as he possesses.

43. Issue of ballot paper.—

(1) No ballot paper shall be issued to any voter before the hour fixed for the commencement of the poll.

(2) No ballot paper shall be issued to any voter after the hour fixed for the closing of the poll, except to those voters, who are present at the polling station at the time of the closing of the poll. Such voters shall be allowed to record their votes even after the poll hour's close.

(3) Every ballot paper shall before issue to a voter be—

(a) Stamped with such distinguishing mark as the District Co-operative Election Officer may direct ; and

(b) Signed in full on its back by the Presiding Officer.

(4) At the time of issuing a ballot paper to a voter, the Polling Officer shall record the serial number thereof against the entry relating to the voter in the copy of the list of voters set apart for the purpose.

(5) Save as provided in sub-rule (4) no person in the polling station shall note down the serial numbers of the ballot papers issued to particular voters.

44. Voting procedure.—

(1) The voter on receiving the ballot paper shall forthwith :—

(i) Proceed to one of the polling compartments;

(ii) there make a mark on the ballot paper with the instrument supplied for the purpose on or near the symbols of the candidate for whom he intends to vote;

(iii) fold the ballot paper, so as to conceal his vote;

- (iv) if required, show the Presiding Officer the distinguished mark on the ballot paper;
- (v) insert the folded ballot paper into the ballot box;
- (vi) quit the polling station.

(2) No voter shall be allowed to enter a polling compartment when another voter is inside it.

45. Procedure for voting where there are no separate constituencies or more than one seat to be filled in one constituency.—

In cases where there are no constituencies defined in the bye-laws or where more than one seat is authorized in the by-laws for a constituency, voting in so far as these seats are concerned shall be recorded in accordance with the following provisions, namely :—

(a) every voter shall be entitled to give as many votes as there are seats for filling, which votes are to be taken but no voter shall give more than one vote to any one candidate;

(b) the voter shall make a mark on the ballot paper with the instrument supplied for the purpose on or near the symbols of the candidate or candidates for whom he intends to vote, so however, that no part of any mark so made shall appear in the space provided for other candidates. The voter shall thereafter fold the marked ballot paper, so as to conceal his vote and insert the folded ballot paper into the ballot box and without undue delay leave the polling station.

46. Recording of vote of blind or infirm voter.—

(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 the voter 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 holding 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 voter on any day under this rule, he shall be required to declare in Form 'E-12' that he shall 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 Form E-13 of all such cases under this rule.

47. Spoilt and Returned ballot papers.—

(1) A voter who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on returning it to the Presiding Officer and on satisfying him of the inadvertence, be given another ballot paper and the ballot paper so returned shall be marked 'Spoilt, cancelled' by the Presiding Officer.

(2) If a voter after obtaining a ballot paper decides not to use it, he shall return it to the Presiding Officer and the ballot paper so returned shall be marked as 'Returned cancelled' by the Presiding Officer.

(3) All ballot papers cancelled under sub-rule (1) or sub-rule (2) shall be kept in a separate packet.

48. Tendered votes.—

(1) If a person representing himself to be a voter applies for a ballot paper after another person has already voted as such voter, he shall, on satisfactorily answering such questions relating to his identity as the Presiding Officer may ask, be entitled to the following provisions of this rule, to mark a ballot paper (hereinafter referred to as a 'tendered ballot paper') in the same manner as any other voter.

(2) Every such person shall, before being supplied with a tendered ballot paper, sing his name against the entry relating to him in a list in Form E-14.

(3) Tendered ballot paper shall be than same as the other ballot papers used at the polling station, except that it shall be,—

(a) serially the last in the bundle of the ballot papers issued for use at the Polling station;

and

(b) endorsed on the back with the 'tendered ballot Paper' by the presiding Officer in his own handwriting and signed by him.

(4) The voter, after marking a tendered ballot paper in the polling compartment, and folding it, shall instead of putting it into the ballot box, give it to the Presiding Officer who shall place it in a cover specially kept for the purpose.

49. Closing of poll.—

(1) The Presiding Officer shall close a polling station at the hour fixed in that behalf under rule 18 and shall not thereafter admit any voter into the polling station:

Provided that, all voters present at the polling station before it is closed shall be allowed to cast their votes.

(2) If any question arises whether a voter was present at the polling station before, it was closed, it shall be decided by the Presiding Officer and his decision shall be final.

50. Sealing of ballot boxes after poll.—

(1) As soon as practicable after closing of the poll, the Presiding Officer shall, in the presence of any candidates or their polling agents, close the slit of the ballot box and where the ballot box does not contain any mechanical device for closing the slip, he shall seal up the slit and also show any polling agents present to affix his seal.

(2) The ballot box shall thereafter be sealed and secured.

(3) Where it becomes necessary to use a second ballot box by reason of the first box getting full, the first box shall be closed, sealed and secured as provided in sub-rules (1) and (2) before another ballot box is put into the use.

51. Account of ballot papers.—

(1) The Presiding Officer shall at the close of the poll prepare a ballot paper account in Form E-15 and enclose it in a separate cover with the words 'Ballot paper account' super scribed thereon.

(2) The Presiding Officer shall permit a polling agent, who so desires to take a true copy of the entries made in the ballot paper account and shall attest it as true copy.

52. Sealing of other packets.—

(1) The Presiding Officer shall then make into separate packets;—

(a) the Marked copy of the list of voters;

(b) the unused ballot papers;

(c) the spoilt and returned ballot paper;

(d) the covers containing the tendered ballot papers and the list of the tendered ballot papers;

(e) the list of challenged votes; and

(f) Any other papers directed by the Returning Officer to be kept in a sealed packet.

(2) Each such packet shall be sealed with the seals of the Presiding Officer and those polling agents present, who may desire to affix their seals thereon.

53. Transmission of ballot boxes, packets etc. to the Returning Officer.—

(1) The Presiding Officer shall then deliver or cause to be delivered the following to the Returning Officer at such places as the Returning Officer may direct,—

- (a) the ballot boxes;
- (b) the ballot paper account;
- (c) the sealed packets referred to in Rule 49; and
- (d) all other papers used at the poll.

(2) The Returning Officer shall make adequate arrangements for the safe transport of all ballot boxes, packets and other papers and for their safe custody until the commencement of the counting of votes.

54. Fresh poll in case of destruction etc. of ballot boxes.—

(1) If at any election :—

- (a) any ballot box used at a polling station 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 the polling station cannot be ascertained, or
- (b) any such error or irregularity in the procedure as it likely to vitiate poll is committed at a polling station, the Returning officer shall forthwith report the matter to the District Cooperative Election Officer.

(2) The District Co-operative Election Officer upon receipt of such report, or of his own motion in the circumstances stated in sub-rule (1) of this rule after taking into consideration all material, circumstances, and subject to any general or special orders issued by the SCEA either:—

- (a) declare the poll at the polling station to be void, appoint a day and fix the hours, for taking a fresh poll at that polling station and notify the day, so appointed and the hours, so fixed in such manner as may deem fit; or
- (b) if satisfied that, the result of a fresh poll at that polling station will not, in any way, affect the result of the election or that the error or irregularity in procedure is not material, then he may issue such directions to the Returning Officer or take such action as he may deem proper for the election.

(3) The provisions of the Act and the rules or bye-laws made thereunder, shall apply to every such poll as they apply to the original poll.

PART – VII

COUNTING OF VOTES AND DECLARATION OF RESULTS

55. Counting of votes.—

At every election where a poll is taken, votes shall be counted by, or under the supervision and direction of the Returning Officer and each contesting candidate and his counting agent shall have a right to be present at the time of counting. The Returning Officer may allow such no. of counting agents per candidates so as to conduct the counting process in free, fair and transparent manner.

56. Admission to the place fixed for counting.—

(1) The Returning Officer shall exclude from place fixed for counting of votes all persons except :—

- (a) Such persons as he may. appoint to assist him in the counting;
- (b) persons authorized by the District Co-operative Election Officer;
- (c) Public servants on duty in connection with the election; and
- (d) Candidates and their counting agents.

(2) No person, who has been employed by the society or has been otherwise working for a candidate in the election, shall be appointed under clause (a) of sub-rule (1).

(3) The Returning Officer shall decide which Counting Agent or Agents shall watch the counting at any particular counting table or group of counting tables.

(4) Any person, who during the counting of votes misconducts himself or fails to obey the lawful directions of the Returning Officer, may be removed from the place where the votes are being counted by the Returning Officer, or by any police on duty or by any person authorized in this behalf by the Returning Officer.

57. Scrutiny and opening of ballot boxes.—

(1) The Returning Officer may have the ballot boxes used at more than one polling station opened and their contents counted simultaneously.

(2) Before any ballot box is opened at a counting table the Counting Agent present at that table shall be allowed to inspect the paper seal or such other seal as might have been affixed thereon and to satisfy them that it is intact.

(3) The Returning Officer shall satisfy himself that none of the ballot boxes has in fact been tampered with. He shall not count the ballot papers contained in tampered box and shall follow the procedure laid down in Rule 51 in respect of that polling station.

58. Scrutiny and rejection of ballot papers.—

(1) The ballot papers taken out of each ballot box shall be arranged in convenient bundles and scrutinized.

(2) The Returning Officer shall reject a ballot paper,—

- (a) it if bears any mark or writing by which the voter can be identified, or
- (b) if no vote is recorded thereon, or
- (c) if votes are given on it in favors of more than one candidate, where only one candidate is to be elected, or
- (d) where more than one candidate is to be elected, if the voter has recorded on the ballot paper more votes than he is entitled to give, or
- (e) if the mark indicating the vote thereon is placed in such manner as to make it doubtful to which candidate the vote has been given, or
- (f) if it is a spurious ballot paper, or
- (g) if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established, or
- (h) if it bears a serial number, or is of a design different from the serial number or, as the case may be, design of the ballot papers authorized for use at the polling station.

- (i) if it does not bear the mark which it have borne under the provisions of sub-rule (3) of Rule 43.

Provided that,—

(i) where the Returning Officer is satisfied that any such defects as is mentioned in clause (h) or (i) of this sub-rule has been caused by any mistake or failure on the part of the Presiding Officer or the Polling Officer, the ballot paper shall not be rejected merely on the ground of such defect;

(ii) a ballot paper shall not be rejected merely on the ground that the mark indicating the vote is indistinct or made more than once, if the intention that the vote shall be for a particular candidate clearly appears from the way the paper is marked;

(3) Before rejecting any ballot paper under sub-rule (2) the Returning Officer shall allow each Counting Agent present a reasonable opportunity to inspect the ballot paper.

(4) The Returning Officer shall record on every ballot paper which he rejects the letter 'R' and the grounds of rejection in abbreviated form by means of a rubber stamp.

(5) All ballot papers rejected under this rule shall be bundled together.

59. Procedure for counting of votes.—

(1) Every ballot paper which is not rejected under Rule 58 shall be counted as one valid vote provided that, no cover containing tendered ballot papers shall be opened and no such paper shall be counted.

(2) After the counting of all ballot papers contained in all the ballot boxes used at a polling station has been completed, the Returning Officer shall make the entries in a result-sheet in Form E-16 and announce the particulars.

(3) The valid ballot papers shall thereafter be bundled together and kept along with the bundle of rejected ballot papers in a separate packet which shall be sealed and on which the following particulars shall be recorded, namely :—

(a) the name of the constituency;

(b) the particulars of the polling station where the ballot papers have been used; and ,

(c) the date of counting.

60. Counting to be continuous.—

The Returning Officer shall, as far as possible proceed continuously with the counting of votes and shall, during any intervals when the counting has to be suspended, keep the ballot papers, packet and other papers relating to the election sealed with his own seal and the seals of such candidates or counting agents as may desire to affix their seals and shall cause adequate precautions to be taken for their safe custody during such intervals.

61. Procedure for counting of votes where there are no Separate constituencies or more than one seat to be filled in one constituency.—

In cases where there are no constituencies defined in the bye-laws or where more than one seat is authorized in the bye-laws for a constituency, counting of votes for these seats shall be done in the following manner, namely,

(1) The counting of votes shall be done by and under the supervision of the Returning Officer, with the assistance of such persons, as he may appoint, to assist in the counting of votes.

(2) After each ballot box is opened for counting clearly valid voting papers shall be separated from invalid and doubtful voting papers. The invalid and doubtful voting papers shall be submitted to the Returning Officer for decision. The valid voting papers shall thereafter be taken for counting and the

votes recorded in favor of each candidate shall be counted with the aid of persons appointed to assist in the counting of votes.

(3) The Returning Officer shall allow the candidates and their counting agents, who be present reasonable opportunity to inspect all voting papers which in the opinion of the Returning Officer are liable to be rejected but shall not allow them to handle those or any other voting papers. The Returning Officer shall on every voting paper which is rejected endorse the letter "R". If any candidate or his counting agent questions the correctness of the rejection of any voting paper the Returning Officer shall also record briefly on such voting paper the ground, for its rejection.

(4) After the counting of all voting papers contained in all the ballot boxes used has been completed, the Returning Officer shall cause to be sealed up in separate packets with a description endorsed on each such packet of the voting papers counted and that voting papers rejected.

(5) The Returning Officer shall, as far as practicable, proceed continuously with the counting of the votes and shall during any intervals when the counting has to be suspended, keep the voting paper packets and other documents relating to the election sealed with his own seal and the seal of such candidate or Counting Agents as may desire to affix their seals and shall cause adequate precautions to be taken for their safe custody.

(6) After the counting of ballot papers contained in all the ballot boxes used at all the polling stations had been completed, the Returning Officer shall prepare a consolidated statement recording therein the total number of votes polled by each candidate.

62. *Recommencing of counting after fresh poll.*—

(1) If a fresh poll is held under Rule 54, the Returning Officer shall after completion of that poll, recommence the counting of votes on the date and at the time and place which have been fixed by him in that behalf and of which notice has been previously given to the candidates.

(2) The provisions of Rules 58 and 59 shall apply so far as may be to such further counting.

63. *Recount of votes.*—

(1) After the completion of counting, the Returning Officer shall record in the result sheet in Form E-16 the total number of votes polled by each candidate and announce the same :

Provided that, when an equality of votes is found to exist between any candidates either for the reserved or the unreserved seats and the addition of one vote will entitle any of the candidate to be declared elected, the determination of the person or persons to whom such an additional vote shall be deemed to have been given shall be made by lots to be drawn in the presence of the Returning Officer and the candidates who may desire to be present, and in such manner as the Returning Officer may determine.

(2) After such announcement has been made, a candidate or, in his absence, his election Agent may apply in writing to the Returning Officer for a recount of all or any of the ballot papers already counted stating the grounds on which the demands such recount with depositing amount with returning officer which he may deem fit.

(3) On such application being made, the Returning Officer shall decide the matter and may allow the application in whole or in part or may reject totally, if it appears to him to be frivolous or unreasonable.

(4) Every decision of the Returning Officer under sub-rule (3) shall be in writing and contain the reasons there for.

(5) If the Returning Officer decides under sub-rule (3) to allow an application either in whole or in part, he shall,—

(a) count the ballot papers again in accordance with his decision;

- (b) amend the result sheet in Form E-16 to the extent necessary after such recount; and
 (c) Announce the amendment so made by him.

(6) After the total number of votes polled by each candidate has been announced under sub-rule (1) or sub-rule (5), the Returning Officer shall complete and sign the result sheet in Form E-16:

Provided that, no steps under this sub-rule shall be taken on the completion of the counting until the candidates present at the completion thereof have been given a reasonable opportunity to exercise the right conferred by sub-rule (2).

64. Declaration of result and publication of names of the members of the committee.—

The Returning Officer shall then declare the candidate to whom the highest number of valid votes has been given as having been elected and certify the return of election in Form E-17, where the District Co-operative Election Officer himself is not the Returning Officer shall send signed copies thereof to the District Co-operative Election Officer. On receipt of the declaration, the District Co-operative Election Officer shall, subject to general or special orders issued by SCEA publish the names of all elected committee members by causing a list of such names together with their permanent addresses and the names of the constituencies from which they are elected on the notice board of his office and shall send a copy thereof to the registered address of the society concerned for affixing it on the notice board and also for its record. The District Co-operative Election Officer shall send a list of the elected committee members to the SCEA.

PART – VIII

ELECTION EXPENSES

65. Account of election expenses.—

(1) Every candidate at an election shall either by himself or by his Election Agent keep a separate and correct account of all expenditure in connection with the election incurred or authorized by him or by his Election Agent between the date of the order calling the election and the date of declaration of the result thereof, both dates inclusive within the period of thirty days from the date of declaration of the result.

(2) The account shall contain such particulars as are specified in Rule 67.

(3) The total of the said expenditure shall not exceed such amount as may be Notified by the SCEA.

(4) Every contesting candidate at an election shall, lodge with the District Co-operative Election Officer through the Returning Officer an account of his Election expenses within the time and in the manner in Rule 67.

66. Disqualification for failure of lodge account of election expenses.—

If the District Co-operative Election Officer is satisfied that a person,—

(a) has failed to lodge an account of election expenses within the time and in the manner required by the last preceding section, and

(b) has no good reason or justification for the failure, the District Co-operative Election Officer shall, by order published, in the *Official Gazette*, declare him to be disqualified for being elected as, and for being, a member of the committee of any society, and any such person shall be disqualified for a period of three years from the date of the order.

67. Particulars of account of election expenses.—

(1) The account of election expenses to be kept by a candidate or his election Agent under Rule 65 shall contain the following particulars in respect of each item of expenditure from day to day, namely :—

- (a) The date on which the expenditure was incurred or authorized;
- (b) the nature of the expenditure (as for example, travelling, postage or Printing and the like) ;
- (c) the amount of the expenditure :—
 - (i) the amount paid;
 - (ii) the amount outstanding ;
- (d) the date of payment;
- (e) the name and address of the payee;
- (f) the serial number of voucher, in the case of amount paid;
- (g) the serial number of bills, if any, in case of amount outstanding;
- (h) the name and address of the person to whom the amount outstanding is payable.

(3) All vouchers shall be lodged along with the account of election expenses, arranged according to the date of payment and serially numbered by the candidate or his Election Agent and such serial numbers shall be entered in the account under item (f) of sub-rule (1).

(4) It shall not be necessary to give the particulars mentioned in item (c) of sub-rule (1) in regard to items of expenditure for which vouchers have not been obtained.

68. Notice by Returning Officer for inspection of accounts.—

The Returning Officer may, within two days from the date on which the account of election expenses has been lodged by a candidate under Rule 65, cause a notice to be affixed to his notice board, specifying :—

- (a) the date on which the account has been lodged;
- (b) the name of the candidate ; and
- (c) the time and place at which such account can be inspected.

69. Publication of names of members of the Committee.—

(1) On receipt of the declaration under Rule 32 or of the election results under Rule 64, the SCEA or the District Co-operative Election Officer shall publish within two days the names of all elected committee members by causing a list of such names together with their permanent addresses and the names of constituencies from which they are elected, to be posted on the notice board or at any prominent place in his office.

(2) The SCEA or the District Co-operative Election Officer shall send a list of all the elected committee members to the society and to the Registrar.

70. Return of forfeiture of candidate's deposit.—

(1) The deposit made under Rule 23 shall either be returned to the person making it his representative heir or be forfeited to the Election Fund.

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

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

(4) Subject to the provisions of sub-rule (3), the deposit shall be forfeited to the Election Fund, 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-tenth* of the total number of valid votes polled by all the candidates or, in the case of election of more than one member at the election one-tenth of the number of valid votes, so polled divided by the number of members to be elected.

71. Custody of papers relating to elections.—

The Returning Officer shall keep in custody the packets referred to in Rule 51 and all other papers relating to the elections upto 6 months from the date of declaration of result or in the case of election dispute as directed by the Court.

72. Production and inspection of election papers.—

(1) While in the custody of the Returning Officer :—

- (a) the packets of unused ballot paper;
- (b) the packets of used ballot papers whether valid, tendered or rejected;
- (c) the packets of marked copies of the voters list,

shall not be opened and their contents shall not be inspected by, or produced before, any person or authority, except under the order of the Court.

(2) All other papers relating to the election shall be open to public inspection.

73. Disposal of election papers.—

(1) The packets referred to in Rule 72 shall be retained for a period of six months and shall thereafter be destroyed, subject to any direction to the contrary given by the SCEA or a Court.

(2) All other papers relating to the election shall be retained until the termination of the election for the constituency to which they relate and shall thereafter be destroyed subject to any direction to the contrary given by the Commissioner or a court or other competent authority.

74. Casual vacancies how to be filled in.—

In the event of vacancy occurring on account of death, resignation, disqualification or removal of the member of a society or through such a member becoming incapable of acting previous to the expiry of his term of office or otherwise, the Chief Executive officer of the Society shall forthwith communicate the occurrence to the SCEA and the vacancy shall be filled as soon as conveniently, according to the provisions of section 73 CB. The person so elected or co-opted or, as the case may be, nominated shall hold office so long only as the member of the committee in whose place he is elected, is co-opted or, as the case may be, nominated would have held it, if the vacancy had not occurred:

PART IX

SPECIAL PROVISIONS IN RESPECT OF ELECTION OF THE COMMITTEE TO THE TYPE C SOCIETIES

75. Election of the Committee to the Type C Societies.—

(1) The provisions of this part shall apply in respect of Type 'C' Societies, Specified in Rule 4 (III)

(2) The Election of the Committee of these type of societies shall be conducted as mentioned below :—

(A) These societies shall inform before one hundred eighty days about expiry of term of committee to the Taluka or Ward Co-operative Election Officer with four copies of list of active members.

(B) The Taluka or Ward Co-operative Election Officer shall appoint a returning officer from office of the Co-operative department or a panel approved by the SCEA and the returning officer shall prepare a election programme with the approval of Taluka or Ward Co-operative Election Officer at the earliest.

(C) The Election programme shall be prepared according to the provisions mentioned below :—

Sr. No.	Particulars	Period	Days
1	Publication of the Election programme and provisional voter list.	Next date to the day at which Taluka /Ward Co-operative Election Officer has approved the election programme.	1
2.	Inviting claims and objections on provisional voter list.	Within a period of 5 days from the date of publication of provisional voter list.	5
3.	Decisions on claims and objections on provisional voter list.	Within 2 days from the last date of making claims and objections on provisional voter list.	7
4.	Publication of the Final voter list.	Next date to the day fixed for decisions on claims and objections on provisional voter list.	8
5.	Last date for making nominations.	5 days from the date of publication of the final voter list	13
7.	Publication of the list of nominations.	On the last date and after the expiry of the time for nomination.	13
8.	Date of scrutiny.	Next date of the last date for making nomination.	14
9.	Date of publication of list of valid nominations.	Next day after the date of completion of scrutiny of nominations.	15
10.	Date by which candidature may be withdrawn.	After 15 days from the date of publication of valid nominations.	30
11.	Date of publication of Final List of contesting candidates and allotment of symbols.	The date next succeeding the last date fixed for withdrawal of candidature. (The place and time shall be fixed by the Returning Officer).	30
12.	Date and time during which and the place at which the poll shall be taken.	Minimum 5 days after the date of withdrawal of candidature.	35
13.	Date time and place for counting Votes.	Immediately after polling is over.	35
14.	Date of declaration of results.	Immediately after counting of votes is over.	35

(3) The provision of Rule 20 to 74 shall *mutatis mutandis* apply for conduct of election of such societies.

(4) (a) If the nomination is rejected by the Returning Officer, the candidate may prefer an appeal to Registrar within a period of three days from the date of rejection of nomination. Registrar shall dispose of such appeal within ten days of the date of receipt of such appeal.

(b) The Returning Officer shall submit the result to The Taluka Co-operative Election Officer within two days from the date fixed for declaration of the result.

(c) The Taluka or Ward Co-operative Election Officer shall publish a notification of elected candidate within a period of three days after receiving the result of election and give direction to Returning officer to choose office bearer within the period of ten days.

(d) Election of these type of societies shall be conducted according to procedure laid down in these rules except the time and date prescribed in this rule.

PART X

ELECTION OF THE COMMITTEE TO THE TYPE D SOCIETIES

76. *Election of the Committee to the type 'D' Societies.—*

The provisions of this Part shall apply in respect of Type 'D' Societies, specified in Rule 4(IV)

(1) The society shall prepare its list of voters and submit a copy thereof to the Taluka or Ward Co-operative Election Officer within seven days from the date of preparation.

(2) Election of these societies shall be conducted in Special General Body meeting called for this purpose. Such meeting shall be presided over by the person appointed by the SCEA for this purpose. The notice of the meeting shall be issued at least fifteen days before the date fixed for such meeting:

Provided that, the General Body of the society by resolution may submit requisition to the Taluka or Ward Co-operative Election Officer, to hold the election as prescribed in Rule 75, the Taluka or Ward Co-operative Election Officer shall proceed for the election as per procedure laid down Rule 75.

Provided that, in case of failure of the Special General Body meeting called for the purpose to choose member of the committee for any reason, the person appointed shall report to the SCEA or, District Co-operative Election Officer or, the Taluka or Ward Co-operative Election Officer, as the case may be, to conduct the election as prescribed in the rules 76.

Provided also that, the person appointed for the election purpose shall have no right to cast a vote in any circumstances.

(2) The person appointed for election Purpose shall attend the meeting and report the SCEA within two days of the meeting held for the purpose.

77. *Election of Office Bearers.—*

As soon as the members of the committee are elected, the election of office bearers of any such society shall be held within the period of fifteen days from the declaration of the result as provided in its by-laws. The meeting of the committee for this purpose shall be presided over by officer authorized by the SCEA.

PART XI

ELECTION DISPUTES REGARDING ELECTIONS

78. *Election disputes.*—

No election shall be called in question, except by an election petition presented to the Co-operative court as laid down in section 91.

PART XII

CORRUPT PRACTICES AND ELECTORAL OFFENCES

79. *Corrupt practices, offences related to election and penalties thereof.*—

The following shall be deemed to be corrupt practices for the purpose of this Chapter :—

(1) "Bribery", that is to say.—

(A) Any gift, offer or promise by a candidate or his agent or by any other person with the consent of a candidate or his election agent of any gratification, to any person whomsoever, with the object, directly or indirectly of inducing;—

(a) a person to stand or not to stand as, or to withdraw or not to withdraw from being a candidate at an election, or

(b) an elector to vote or refrain from voting at an election, or as a reward to—

(i) a person for having so stood or not stood, or for having withdrawn or not having withdrawn his candidature; or

(ii) an elector for having voted or refrained from voting;

(B) The receipt of or agreement to receive, any gratification, whether as a motive or reward—

(a) by a person for standing or not standing as, or for withdrawing or not withdrawing from being, a candidate; or

(b) by any person whomsoever for himself or any other person for voting or refraining from voting, or inducing or attempting to induce any elector to vote or refrain from voting, or any candidate to withdraw or not to withdraw his candidature.

Explanation.—for the purposes of this clause, the term "gratification" is not restricted to pecuniary gratifications or gratifications estimable in money and it includes all forms of entertainment and all forms of employment for reward, but it does not include the payment of any expenses *bona fide* incurred at, or for the purpose of, any election and duly entered in the account of election expenses .

(2) Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of the candidate or his agent, or of any other person with the consent of the candidate or his election agent, with the free exercise of any electoral right :

Provided that,—

(a) without prejudice to the generality of the provisions of this clause, any such person as is referred to therein who,—

(i) threatens any candidate or any elector, or any person in whom a candidate or an elector is interested with injury of any kind including social ostracism and excommunication or expulsion from any caste or community, or

(ii) induces or attempts to induce a candidate or an elector to believe that he, or any person in whom he is interested, will become or will be rendered an object of divine displeasure or spiritual censure, shall be deemed to interfere with the free exercise of the electoral right of such candidate or elector within the meaning of this clause

(b) A declaration of public policy, or a promise of public action, or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this clause.

(3) The hiring or procuring, whether on payment or otherwise, of any vehicle or vessel by a candidate or his agent or by any other person with the consent of a candidate or his election agent, or the use of such vehicle or vessel for the free conveyance of any elector (other than the candidate himself, the members of his family or his agent) to or from any polling station :

Provided that, the hiring of a vehicle or vessel by an elector or by several electors at their joint costs for the purpose of conveying him or them to and from any polling station shall not be deemed to be a corrupt practice under this clause:

Provided further that, the use of any public transport vehicle or vessel or railway carriage by any elector at own cost for the purpose of going to or coming from any polling station shall not be deemed to be a corrupt practice.

Explanation.— In this clause and in the next succeeding clause, the expression "vehicle" means any vehicle used or capable of being used for the purpose of road transport; whether propelled by mechanical power or otherwise and whether used for drawing after vehicles or otherwise.

(4) The use of vehicles belonging to a society for the purposes of any election.

(5) The incurring or authorizing of expenditure in contravention of Rule 65.

(6) Making special advances of loans or otherwise favoring any elector or group of electors between the date of declaration of programme for an election and the date of declaration of the result thereof.

80. Maintenance of secrecy of voting.—

(1) Every officer, clerk, agent or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain, and aid in maintaining the secrecy of the voting and shall not (except for some purpose authorized by or under any law) communicate to any person any information calculated to violate such secrecy.

(2) Any person who contravenes the provisions of sub-rule (1) shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine, or with both.

81. Officers, etc., at elections not to act for candidates or to influence voting.—

(1) No person who is a Returning Officer or an Assistant Returning Officer or a Presiding or Polling Officer at an election, or an officer or clerk appointed by the Returning Officer or the Presiding Officer to perform any duty in connection with an election shall in the conduct or the management of the election do any act (other than the giving of vote) for the furtherance of the prospects of the election of a candidate.

(2) No such person as aforesaid, and no member of a Police Force, shall endeavor to,—

(a) persuade any person to give his vote at an election, or

(b) dissuade any person from giving his vote at an election, or

(c) influence the voting of any person at an election in any manner

(3) Any person who contravenes the provisions of sub-rule (1) or sub-rule (2) shall, on conviction, be punished with fine which may be extend to one thousand rupees.

82. Prohibition of canvassing in or near polling station.—

(1) No person shall, on the date or dates on which a poll is taken at any polling station, commit any of the following acts within the polling station or in any public or private place within a distance of one hundred meters of the polling station, namely :—

- (a) Canvassing for votes; or
- (b) Soliciting the vote of any elector; or
- (c) Persuading any elector not to vote for any particular candidate; or
- (d) Persuading any elector not to vote at the election; or
- (e) Exhibiting any notice or sign (other than an official notice) relating to the election.

(2) Any person who contravenes the provisions of sub-rule (1) shall, on conviction, be punished with fine which may extend to one thousand rupees.

83. Penalty for disorderly conduct in or near polling stations.—

(1) No person shall, on the date or dates on which a poll is taken at any polling station,—

(a) use or operate within or at the entrance of the polling station, or in any public or private place in the neighborhood thereof, any apparatus for amplifying or reproducing the human voice, such as megaphone or a loud-speaker, or

(b) shout, or otherwise act in a disorderly manner, within or at entrance of the polling station or in any public or private place in the neighborhood thereof, so as to cause, annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officers and other persons on duty at the polling station.

(2) Any person who contravenes, or willfully aids or abets the contravention of, the provisions of sub-rule (1) shall, on conviction, be punished with fine which may extend to one thousand rupees.

(3) If the Presiding Officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under this section, he may direct any police officer to arrest such person and thereupon the police officer shall arrest him.

(4) Any police officer may take such steps and use such force, as may be reasonably necessary for preventing any contravention of the provisions of sub-rule (1) and may seize any apparatus used for such contravention.

84. Penalty for misconduct at the polling station.—

(1) Any person who during the hours fixed for the poll at any polling station misconducts himself or fails to obey the lawful directions of the Presiding Officer may be removed from the polling station by the Presiding Officer or by any Police Officer on duty or by any person authorized in this behalf by such Presiding Officer.

(2) The powers conferred by sub-rule (1) shall not be exercised so as prevent any elector who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

(3) If any person who has been so removed from a polling station re-enters the polling station without the permission of the Presiding Officer, he shall, on conviction, be punished with fine which may extend to one thousand rupees.

85. Penalty for illegal hiring or procuring of conveyances at elections.—

If any person is guilty of any such corrupt practice as is specified in clause (3) or (4) of **rule 79** at or in connection with an election, he shall, on conviction, be punished with fine which may extend to one thousand rupees.

86. Removal of ballot papers from polling station to be an offence.—

(1) Any person who at any election fraudulently takes, or attempts to take, a ballot paper out of a polling station, or willfully aids or abets the doing any such act, shall, on conviction be punished with fine which may extend to one thousand rupees.

(2) If the Presiding Officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under sub-rule (1), such Officer may, before such person leaves the polling station, arrest or direct a police officer to arrest such person and may search such person or cause him to be searched by a police officer:

Provided that, when it is necessary to cause a woman to be searched, search shall be made by another woman with strict regard to decency.

(3) Any ballot paper found upon the person arrested on search shall be made over for safe custody to a police officer by the Presiding Officer, or when the search is made by a police officer, shall be kept by such officer in safe custody.

87. Other offences and penalties therefore.—

A person shall be guilty of an electoral offence, if at any election he,—

(a) fraudulently defaces or fraudulently destroys any nomination paper; or

(b) fraudulently defaces; destroys or removes any list, notice or other document affixed by or under the authority of a Returning Officer; or

(c) fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper or any declaration of identity or official envelop used in connection with voting by postal ballot; or

(d) without due authority supplies any ballot paper to any person or receives any ballot paper from any person or is in possession of any ballot paper; or

(e) fraudulently puts into any ballot box anything other than the ballot paper which he is authorized by law to put in; or

(f) without due authority destroys, takes, opens or otherwise interferes with any ballot box or ballot papers then in use for the purpose of the election; or

(g) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts or willfully aids or abets the doing of any such acts.

(1) Any person guilty of an electoral offence under this section shall be punished with fine which may be extended to one thousand rupees.

(2) For the purposes of this section, a person shall be deemed to be on official duty if his duty is to take part in the conduct of an election or part of an election including the counting of votes or to be responsible after an election for the used ballot papers and other documents in connection with such election, but the expression "official duty" shall not include any duty imposed otherwise than by or under this Act.

Form E-2

[See Rule 5 (2)]

Forms of report to be delivered by the committee of the society 6 Months before of the expiry of the period of the committee of the society.

Sr. No.	Name of Co-operative society with Registration No. and Address	Date of result which last election of managing committee was held declared	Date on which term of present M C members in office to expire	Names of constituencies as per bye-law	No. of M C members to be elected against each constituency	Remarks
1	2	3	4	5	6	7

Note.— The certificate from The Chief Executive Officer/ Secretary of the society to the effect that submission of provisional voter's list will follow within 7 days.

1. That the concerned society of which term Managing Committee is to expire shall prepare provisional voter's list of the members prior to that date and on or before expiry of 120/150 days.
2. That The Chief Executive shall be required to certify about the information furnished in the above performs as corrected and derived from the records of the society.
3. The Particulars to be included in the provisional voter's list shall be according to Rule No. 6 of these rules.

Form E-3

Provisional List of Voter

(See Rule 7 & 10)

Sr. No.	Name of the member (in alphabetical order) (Surname , first Name and middle name)	Membership No.	Age	Gender	address
1	2	3	4	5	6

Society may prepare voter list considering the area of operation, branches and the convinience of the conduct of election.

Form E-3 (1)

List of Voter

(See Rule 7 &10)

Sr. No.	Name of the member Society	Name of the representative of member Society (Surname , first Name and middle name)	Membership No.	Age	Gender	address
1	2	3	4	5	6	7

Form E-4

[See Rule 19]

Office of the Returning Officer,------(Present office designation shall be mentioned)

Name of the Co-operative society: ----- Ltd.,

Tahsil

District.

In exercise of the powers conferred by Rule 19 and for the Election of the committee members of aforesaid co-operative societies as declared by the State Cooperative Election Authority or District Cooperative Election Officer, I -----(Official designation-----) and the Returning Officer appointed to conduct election of committee members Society Ltd., Tahsil.....District..... with the prior approval of the District Cooperative Election Officer, or the State Cooperative Election Authority, hereby draw and declare a program of various stages of election for electing the member/members of committee of the co-operative society, known as.....Ltd, Tahsil....., District..... and appoint in relation to the election by the constituency or constituencies specified in col. 1 of the Schedule hereto (hereinafter referred to as the respective constituency).

Schedule

Serial No.	Name of the constituency	Date for filing Nominations (place from which nomination papers are obtainable)	Publication of List Of Nominations	Date and time for Scrutiny of Nominations	Date of publication of valid Nominations	Date of which candidature may be withdrawn	Date of allotment of symbols & publication of final list of contesting candidates
1	2	3	4	5	6	7	8

Date and time during which and the place at which the poll shall be taken	Date, time and place for counting of votes	Date of declaration of result of voting
9	10	11

Address of the Office of the Returning Officer :-- -----

Contact No:-- ----- E-mail Id:- ----

Returning Officer Name and sign and seal

Approved by SCEA / DCEO

Form E-5
[See Rule 20(2)]
Form of Nomination Paper

Election to the co-operative society ltd.,..... Tahsil.....
 District.....(To be filled by the proposer)

Passport size
 Photograph

I hereby nominate Shri/Smt..... as a candidate for election from the constituency.

1. Name of the constituency
2. Name of Candidate _____
 (Surname) (Name) (father's/husband's name)
3. Age
4. Full Postal address of the candidate _____
 (Enclosed Photocopy of Residential address Proof and Photo ID)
5. Contact No. A) Residence / Office ----- B) Mobile No. -----
 C) E-mail Id----- D) Adhaar Card No.
6. Name of the constituency _____
 (i) In a constituency having a reserved seat, state the particular of the caste/tribe or other Backward class /Nomadic Tribes/Special Backward Class to which the candidate belongs.
 (ii) The Name of the constituency in which the _____
 name of the candidate is entered as a voter in the list of voters
 (iii) Serial Number of the candidate _____ in the list of voters of the
 constituency aforementioned in which his name is entered as a voter.
7. Name of the proposer _____
 (Surname) (Name) (father's/husband's name)
8. Contact No. A) Residence / Office ----- B) Mobile No. ----- C) E-mail Id -----
9. Serial Number of the proposer in the list of voters of the constituency -----

Signature of the Proposer

10. Name of the Seconder, _____
 (Surname) (Name) (father's/husband's name)
11. Serial Number of the seconder in the list of voters of the constituency.....

Signature of the seconder.

Declaration by Candidate

I hereby signify my willingness to serve as a member of the committee of the society, if I am elected.

Date :

Signature of the Candidate.

Declaration by Candidate

I hereby declare that I do not incur any disqualification under Section 73 CA of Maharashtra Cooperative Societies Act, 1960 .

Date :

:

Signature of the Candidate

Declaration to be made by the candidate for the constituency under section 73 B (SC/ ST, OBC, NT/DT/ SBC)

I hereby declare that I am a member of the..... Caste/tribe which is a scheduled caste/tribe, other Backward class/nomadic tribe/special Backward in relation to the state of Maharashtra. I am attaching herewith the attested photocopy of my caste Certificate issued by competent Authority.

Signature of the Candidate

Declaration as to choice of symbol

I do hereby declare that the symbols which I have chosen for my election are shown below in the order of my preference :- (1) (2) (3)

Signature of the Candidate

Serial number of nomination paper

This nomination was delivered to me at my office at.....(hrs) on.....(date) by the candidate/Proposer of the candidate.

Date :

Signature of Returning Officer

Receipt for Nomination paper and notice of scrutiny

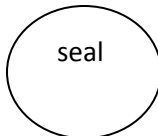
(To be handed over to the person presenting the nomination paper)

Serial number of Nomination paper..... The nomination paper of a candidate for election from the..... Constituency of..... Co-operative Society Ltd., was delivered to me at candidate/proposer of candidate.

All nomination papers will be taken up for scrutiny at.....(hour) on.....(date) at.....

Place :

Date :



Signature of Returning Office

Form E-6
[See Rule 27]
Notice of withdrawal of Candidature

Election to the committee of Co-operative Societies
Ltd..... Taluka..... District from
the..... Constituency.

To

The Returning Officer,
.....

I a candidate at the above election do
hereby give notice that I withdraw my candidature.

Place.....

Date

.....

Signature of Candidate.

This notice was delivered to me at my office at (hour) on (date) by
.....(name). the

Date

.....
Signature of Returning Officer.

Receipt for Notice of Withdrawal

(To be handed over to the person delivering the notice)

The notice of withdrawal of candidature by a
candidate at the election to the committee of Co-operative Societies Ltd., from
..... Constituency was delivered to me by the at my
office at (hour) on (date).

Date

.....
Signature of Returning Officer.

* Here insert one of the following alternatives as may be appropriate :—

(1) Candidate.

(2) Candidate's proposer who has been authorized in writing by the candidate to deliver this
notice.

(3) Candidate's election agent who has been authorized as stated above.

Form E-7
[See Rule 28]
Final list of Contesting Candidate

Election to the committee member of Co-operative Society. Ltd.,.....,Tahsil..... District.....
from the constituency.

Serial No.	Name of the Candidate	Address of the candidate	Symbol allotted to the candidate
1	2	3	4

Place :

Date :

Signature of Returning Officer

N.B.

1. Names shall be arranged in alphabetical order of surname. If no surname then first name and for other Publication of the list of contesting candidates shall be made on the notice board of the office of the Returning Officer and the registered office of the Society.

Form E-8

[See Rule 29(1)]

Appointment of Election Agents

Election to the committee of Co-operative Societies
 Ltd..... Taluka..... District from
 the..... Constituency.

To

The Returning Officer,

.....

I a candidate at the above election do
 hereby give notice that I have appointed of(Sr. No.
 of voter list) as my election agent from this day at the said election.

Place.....

Date

.....
 Signature of Candidate

I accept the above appointment

.....
 Signature of Election Agent.

Place.....

Date

Form E-8-A

[See Rule 30]

Appointment of Polling Agents / Counting Agents

Election to the Committee members of Co-operative Society.
Ltd.,....., Tahsil..... District..... from the constituency.
To The Returning officer/The Presiding officer.....

I,, a candidate of the present election do hereby request you that
I have appointed Shri....., as Polling Agent to attend Polling Station/ Polling Booth
No..... of Polling Station at.

Date :

Signature of the Candidate

I agree to act as Polling Agent.

Date :

Signature of the Polling Agent.

Declaration of the Polling/Counting Agent to be signed before the Returning/Polling Officer.

I hereby declare that I will not at election for..... (name of constituency) constituency
do anything forbidden by the Act, or these Rules or bye-laws there under.

Date :

Signature of the Polling/Counting Agent.

Signed before me

Date :

Returning Officer/Polling Officer.

Form E -9
[See Rule 32]

Form of declaration of result of uncontested election

.....Co-Operative Society Ltd.,.....

Tahsil District election for constituency
for period(years)

Year of election.....

In pursuance of the provisions contained in Rule 30 of the Maharashtra Co-operative Societies Election Rules, 2013, I declare that Shri/Smt. Has/have been duly election to fill in the seat/seats in the above constituency as he was/they were the only uncontesting candidate(s) from the constituency.

I also certify and declare that the abovementioned relevant No. of seats to be elected to form the Managing Committee are duly elected.

Place :

Date :

Signature of the Returning Officer.

Form E -10
 [See Rule 35]
Form of Ballot Paper

.....Co-Operative Society Ltd.,.....

Tahsil..... District..... Election for constituency

Year of election.....

Sr. No.

.....Co-Operative Society Ltd.,.....

Tahsil..... District..... Election for constituency

Year of election.....

Sr . No.	Name of the Candidate	Symbol assigned

Form E -11

[See Rule 41]

List of Challenged votes

Election of the Co-Operative Society Ltd.,
Tahsil District.....

- a) Name of Constituency
b) Polling Station (Place)
c) No. of Polling Station, If any.....

Sr. No. of Entry	Name of the Voter	Serial No. Voter as per voter list	Signature or thumb impression of the voter and his address	Name of person challenging	Amount of deposit made (Rs.)	Identity Proof Shown
1	2	3	4	5	6	7

Order of Presiding officer in each case	Signature of challenger acknowledging receipt of deposit when it is returned	In case deposit not returned the remarks of Presiding Officer
8	9	10

Place :

Date :

Signature of Presiding Officer.

Form E -12
[See Rule 46]

Form of declaration by companion of blind or infirm voter

Election to the committee members of..... Co-operative society
Ltd.,....., Tahsil..... District..... from the constituency.

No. and name of Polling Station :

I, Aged..... Residing at.....

Hereby declare that :—

- (a) I wish to act as companion of Shri/Smt..... Who is a blind/infirm voter at the above election and whose name is in the voters list at Sr. No.
- (b) I have not already acted as the companion of any other voter at my polling station on this day.
- (c) I will keep secret the vote recorded by me on behalf of the voter aforesaid.

Place :

Date :

Signature of the Companion.

E-13

[See Rule 46(2)]

List of Blind and Infirm voters

Election to the managing committee members of..... Co-operative society. Ltd.,....., Tahsil..... District..... from the constituency.

No. and name of Polling Station :

Serial No of voter	Full Name of Voter	Full Name of Companion	Address of Companion	Signature or thumb impression of Companion
1	2	3	4	5

Place :

Date :

Signature of Presiding Officer.

Form E-14

[See Rule 48(2)]

Tendered Voters List

Election of the Co-Operative Society Ltd.,

Tahsil District.....

- a) Name of Constituency
- b) Polling Station (Place)
- c) No of Polling Station, If any.

Serial No. of the entry	Name of the Voter	Sr. No. of the Voter in the list of Voters	Address of the voter	Sr. No. of tendered ballot paper	Sr. No. of ballot paper issued to the person who has already voted	Signature or thumb impression of the voter
1	2	3	4	5	6	7

Place :

Date :

Signature of Presiding Officer.

Form E-15
[See Rule 51]
Ballot Papers Account

Election of theCo-Operative Society Ltd.,.....

Tahsil..... District..... from the constituency.

Sr. No.	Name of Polling Station	Serial Nos	Total Nos.
I	Number of ballot papers received by the Presiding officer at the Polling Station and, if the Polling Station has more than one booth, at each booth.		
II	Number of ballot papers issued to voters		
III	Number of unused ballot papers returned		
IV	Number of ballot papers cancelled		
V	Number of tendered ballot papers used		

Place :

Date :

Signature of Presiding Officer.

Note.— If a Polling Station has more than one polling booth, separate account in this form be attached in respect of each of such polling booth.

Form E-16

[See Rule 59 and 63]
Form of Result Sheet

Election of theCo-Operative Society Ltd.,.....

Tahsil..... District..... from the constituency.

Polling Station		No of valid Votes Cast in favor of A.B.C etc				Total Valid vote	Rejected votes	Number of	
Sr. No.	Name of polling Station	A	B	C	D			Total votes at polling station	tendered votes
Total No. of votes recorded at----- polling station (s)									

Place :

Date :

Signature of the Returning Officer.

Form E-17
[See Rule 64]

Form of declaration of result and publication of names of member of the committee

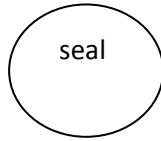
Election of theCo-Operative Society Ltd.,.....

Tahsil..... District.....

- (i) Election for (period)
(ii) **Name of constituency**

Sr No.	Name of Candidate	No of valid votes polled by the candidates
1		
2		
3		
Etc:		
a) Total No of valid votes :		
b) Total No of invalid votes :		
c) Total No of tendered votes :		

I declare that (name)(address) has been duly elected.



Signature of the Returning Officer

By order and in the name of the Governor of Maharashtra,

RAJGOPAL DEORA,
Secretary to Government.