

**ODISHA COOPERATIVE SOCIETIES (ELECTIONS TO THE
COMMITTEES) RULES, 1992**

1. **Short title and commencement-** (1) These rules may be called the Odisha Cooperative Societies (Elections to the Committees) Rules, 1992.

(2) They shall come into force on such date as the State Government may, by notification, appoint.

2. **Definitions-** (1) in these rules, unless the context otherwise requires-

(a). “**Act**” means the Orissa Cooperative Societies Act, 1962;

(b). “**Chief Executive**” includes the Managing Director or the Secretary or any other designated officer appointed by the Committee under Sub-sec (3-b) of section 28 of the Act;

(c). “**Constituency**” means a constituency organised in accordance with Sub-rule (3) of Rule 6;

(d) “**Election Officer**” includes Assistant Election Officer;

(d-1) “**Electoral College**” means Electoral College formed under clause

(ii-a) of Sub-section (1) of Section 28-A and prescribed in Rule 4-A;

(e) “**Form**” means a form appended to these rules;

(f) “**Public Servant**” shall carry the same meaning as defined in Section 21 of the Indian Penal Code;

(g) “ **Reserved constituency**” or “**Specified constituency**” means a constituency reserved for the members belonging to the Scheduled Castes, Scheduled Tribes, other Backward Classes, women, as the case may be;

NOTE- The expression” **Other Backward Classes** “ shall carry the same meaning as assigned to it under orders of the Government issued from time to time and includes the Socially and Educationally Backward Classes.

(h)“**Section**” means a section of the Act;

(i) “**Voter**” means the member of the Primary Society, excluding its nominal members , and members of the Electoral College in case of Central or apex

Society, as the case may be , whose name appears in the final electoral roll of the respective Society.

(2) Words and expression used but not defined in these rules, shall have the same meaning as respectively assigned to them in the Act and the Orissa Cooperative Societies Rules, 1965.

3. Election of the President and Members of the Committee-

(1) The election of the President Vice-President and members of the Committee of a Society shall be held in the manner specified hereinafter.

(1-a) the State Government shall , by one or more notifications, publish, in the Odisha Gazette , the date or dates as may be recommended by the State Co-operative Election Commission calling upon the Co-operative Societies to elect Members of the Committee of the Society in accordance with the provisions of the Act and the rules made thereunder.

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

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

(3)(a) The Chief Executive of the Society, by whatever designation called, or the Administrator of the Society shall send the intimation as required under sub-section (2) of Section- 28 A and, as the case may be, under sub-section

(3) of Section 32 to the State Co-operative Election Commission along with other information, if any, under registered post or in person under proper acknowledgement or otherwise.

(b) The Chief Executive of the Society by whatever designation called, shall furnish to the Election Officer concerned at least 40 (forty) days prior to the date fixed for election. If the membership of the Primary Society and in case of a Central or Apex Society, the membership of the Electoral College has been organised into Constituencies by the Committee with particulars of all such Constituencies as well as the office or offices in respect of which elections are required to be held duly supported by the resolution of the Committee and where no such Constituency has been organised, the said Chief Executive shall send a requisition to the Election Officer concerned for organisation of such Constituency under sub-rule (3) of Rule 6 under intimation to the State Co-operative Election Commission.

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

(2) The Election Officer shall also ensure that the notification fixing the date of election under Sub-rule (1) is duly published in the manner so provided by the said Chief Executive of the Society and failure to do so by such Chief

Executive shall be brought to the notice of the State Co-operative Election Commission.

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

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

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

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

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

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

4-A. The Electoral College for the purpose of clause (ii-a) of Sub-section (1) of Section – 28-A of the Act, to elect the members of the Committee of a Central or apex Society, shall consist of the elected members of the Committee including the President and the Vice-President of the Society affiliated to the Central Society or as the case may be, the Apex Society and the head of local authorities and Body Corporate, other than the Societies , who are its members as on the date of publication of the notification under sub-rule (1) of Rule 4:

Provided that a person shall not be eligible to represent more than one institution or Society or Body Corporate to become member of the Electoral College, but in case his name appears at more than one place of the provisional Electoral Roll of the Electoral College, such person shall exercise his option in writing before the Election Officer, on the date fixed for filing of objection to the provisional Electoral Roll, to retain any one , failing which it would be lawful for the Election Officer to decide from which he shall represent.

5. Notice for various stages of election- (1) The form referred to in Sub-rule (6) of Rule 4 for election of the members of the Committee shall, subject to the direction of the State Co-operative Election Commission, if any, contain full particular of the Constituency, the offices in respect of which elections shall be held, and the date , place and time in which-

- (a) the provisional electoral roll shall be published;
- (b) objections, concerning anything published , not published or wrongly published in the provisional electoral roll, shall be filed , heard and disposed of;
- (c) the final electoral roll shall be published;
- (d) nomination papers shall be filed;

(e) nomination papers shall remain open for scrutiny, filing of objections and furnishing of proof in support of the objections and the objections to be enquired into , heard and disposed of;

(f) the list of valid nominations to be published;

(g) withdrawal of nominations to be made;

(h) list of contesting candidates to be published;

(i) polling, if necessary , shall take place ; and

(j) the counting of votes and the declaration of results of election to be made.

(2) On receipt of the form referred to in Sub-rule (6) of Rule 4, the Election Officer shall, subject to the direction of State Co-operative Election Commission, if any , through the Chief Executive of the Society , cause publication, for information of the members of the Society, by publishing it in a daily Oriya Newspaper having wide circulation in the area of operation of the Society or in the notice board of the Society, its branches, if any, in the office of the Gram Panchayat, Panchayat Samiti, Tahasildar, Sub- Collector, Collector, Deputy Registrar of Cooperative Societies and Assistant Registrar of Cooperative Societies in the area of operation of the Society or by beat of drums in the aforesaid areas, by whatever mode he may deem proper at least thirty five days prior to the date fixed for elections and failure on the part of the Chief Executive for compliance of the same shall be intimated to the State Co-operative Election Commission and to the Registrar by the Election Officer forthwith.

6. Electoral roll- (1) The Chief Executive of the society, subject to the directions of the State Co-operative Election Commission , shall prepare the provisional electoral roll for each Constituency incorporating therein:-

(a) in case of Primary Society, the name of individual members and head of the Self-Help Groups except the nominal members , who are members as on the date of publication of the notification under sub-rule (1) of Rule 4 and are qualified to vote, with their address as entered in the Membership Registrar,

along with their father/mother's or husband's names, as the case may be, sex and other particulars regarding whether they belong to the Scheduled Caste, Scheduled Tribe or Other Backward Classes; and

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

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

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

Provided that if the Constituency is organised numerically, it shall be organised serially as per the membership number of the members in the membership register of the Co-operative Society maintained under Section 124

and if the Constituency is organized on territorial basis, the Constituency shall be serially numbered by taking geographically contiguous areas.

(3-a) Where the Committee has not organised the membership of the Society into Constituencies as provided in Sub-rule (3) , it shall be lawful for the Election Officer of the Primary, Central or Apex Society to organise the Constituencies in accordance with the provisions of the Act and the Rule framed thereunder.

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

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

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

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

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

(5) Objections to the provisional electoral rolls published under Sub-rule (4) shall be filed before the Election Officer in writing showing therein the details

of the objections, and full particulars of the objectors within four days from the date of publication of the said electoral rolls, and the same shall be heard and decided by the Election Officer after such enquiry as he may deem necessary. The Election Officer shall correct the electoral roll after deciding all claims and objections and finalise the same within three days from the last date of receipt of objections.

(6) The electoral rolls finalised under Sub-rule (5) shall be displayed by the Election Officer on the notice – boards of head office of the Society, within two days immediately following the day the electoral roll is so finalised and furnish a copy of the same to the State Co-operative Election Commission.

(7) Copies of the final electoral roll shall be supplied by the Chief Executive to any member of the society on payment of such fees as may be specified by him from time to time.

7. Nomination of Candidates – (1) Subject to Sub-rule (4) nomination for the election of the members of the Committee shall be filed in Form I before the Election Officer by the candidate or through the proposer within three days from the date of publication of the final electoral roll. The forms shall, on application to the Chief Executive, be supplied on payment of such fees as may be fixed by the State Co-operative Election Commission from time to time:

Provided that in case of joint membership as provided in the Explanation to Sub-clause (i) of Clause (b) of Sub-sec (2) of Section 6 of the Act, the nomination first filed either by husband or wife shall be acceptable.

(1-a) The nomination for the office of President and Vice-president shall be filed in Form-I before the Election Officer by the candidate or through the proposer within the time fixed by the Election Officer. The forms shall, on application to the Chief Executive, be supplied on payment of such fees as may be fixed by the State Co-operative Election Commission from time to time.

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

(3) All nominations shall be filed alongwith the fees and security deposits fixed, if any, by the State Co-operative Election Commission, duly filled in, complete in all respects, and signed by the Candidate, his proposer and seconder.

(4) (1) A voter belonging to Scheduled Castes/Scheduled Tribes/Other Backward Classes and Women, whether in his/her individual or representative capacity, whose name appears in the final electoral roll of any Constituency shall be eligible to become a candidate for the office of member of Committee from any of the Constituencies reserved for the category of members to which he/she belongs.

Provided that a voter whether in his/her individual or representative capacity, whose name appears in the final electoral roll of any Constituency of the Society shall be eligible to become a candidate for the office of member of the Committee from any of the unreserved Constituencies.

Provided further that a voter shall not be eligible to contest at an election from more than one Constituency.

(ii) A voter, whose name appears in the final electoral roll of any particular Constituency shall be eligible to become a proposer or seconder for a candidate for the said office from that Constituency.

Provided that a candidate shall not be a proposer and seconder for any other candidate of the same Constituency, and that no voter shall be either a proposer or seconder for more than one candidate.

(5) where the number of candidates for the office of member from any particular constituency becomes equal to the number of voters or where the number of voters are less than six in the final electoral roll for that constituency, the requirements of Sub-rules (3) and (4) in regard to signing of the nomination by the proposer and the seconder shall be waived by the Election Officer after recording the reasons therefor.

(6) Notwithstanding anything contained in these rules, a voter shall not be a candidate in the election if he is ineligible for being chosen as a member or president of the society under the Act and rules framed thereunder.

8. Register of nomination – (1) The Election Officer subject to the direction of State Co-operative Election Commission shall maintain a register in which all nomination papers received by him shall be entered strictly chronologically as soon as they are received, and he shall acknowledge receipt thereof if demanded by the candidate concerned. No nomination paper shall be entertained after the specified date and time. The register shall ordinarily reflect the following information:

- (i) Name and number of the constituency and the office for which the nomination is filed;
- (ii) Name of the candidate;
- (iii) Name of the Proposer;
- (iv) Name of the seconder;
- (v) Date and time of receipt of the nomination paper;
- (vi) Whether the nomination is in respect of reserved seat and if so the category and number of Constituency;
- (vii) Signature of the Election Officer in the relevant columns thereof.

(2) At the expiry of the time specified for the receipt of the nomination papers, the Election Officer shall draw up horizontal line under the last nomination paper received in the register, and write underneath “Nominations Closed” and affix his signature with the date and time. No nomination papers shall be accepted after the nominations have been closed.

(3) As soon as may be after the closure of the nominations, the Election Officer shall cause to be affixed in some conspicuous place, of the place fixed for filing of nomination papers, a list of nominations entered in the register under Sub-rule (1) in Form 1-A.

9. Scrutiny of nomination – (1) At the place, and on the date and time fixed under Sub-rule (a-1) of Rule 4 and Sub-rule (1) of Rule -5 for scrutiny of nomination papers, the candidates or their election agents or one proposer of each candidate may remain present, and the Election Officer shall give them all reasonable facilities for examining the nomination papers and raising objections, if any writing to the validity thereof with proof in that regard within two days from the last date fixed for filing nomination.

(2) The Election Officer shall examine the nomination papers and shall decide all objections which have been made to nay nomination and may either on such objection or on his own motion, after such summary inquiry, if any, as he think necessary, give his decision on the day immediately following the last date fixed for filling objections .

He may where considered necessary defer his decision to one day more and give his decision after affording the candidate concerned and opportunity to rebut the objections.

(3) The Election Officer shall endorse on each nomination paper his decision accepting or rejecting the same, as the case may be , and if the nomination

paper is rejected, he shall record in writing a brief statement of the reasons for such rejection.

(4) The Election Officer shall be the final authority to accept or reject a symbol proposed in any nomination and to allot any symbol to any candidate.

10. Valid nomination and symbol – The list of valid nomination and symbol allotted to the candidates shall be displayed on the notice boards of the Head Office of the Society concerned by the Election Officer in Form II on the date immediately next to the last date of disposal of objections to the nominations and copy thereof shall be furnished to the State Co-operative Election Commission.

11. Withdrawal of nomination – (1) Any nomination may be withdrawn by the candidate concerned by written application addressed and delivered to the Election Officer either in person or through his proposer and under his signature during the office hours of the date next to the date of publication of the list of valid nomination . An application for withdrawal of nomination once delivered to the Election Officer shall be final and irrevocable.

(2) The Election Officer, on being satisfied as to the genuineness of a notice of withdrawal shall permit the same on the date next to the date fixed for filing of application for withdrawal of nomination under Sub-rule (1) and notify the final list of contesting candidates on the notice-boards of the head office of the society. The nomination so withdrawn shall cease to be a nomination for the purpose of these rules.

12. Appointment of election agents and revocation of such appointment-(1) if a contesting 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 III. The candidate shall give notice of such appointment to the Election Officer delivering or forwarding the letter of appointment to the

Election Officer at any time before filing of nominations. The candidate shall also deliver a duplicate copy of the letter of appointment to the election agent so appointed.

(2) 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 Election Officer. Such revocation shall take effect from the date on which it is so lodged. In the event of such revocation or the death of an election agent, the candidate may appoint another person to be his election agent, and notice thereof shall be given to the Election Officer, in the same manner as provided in Sub-rule (1).

(3) No person, whose name does not appear in the final electoral roll of the constituency from which the candidate is contesting, shall be appointed as an election agent by the candidate.

13. 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 for each Polling Station. Such appointment shall be made by a letter in Form IV signed by the candidate.

(2) The candidate shall deliver the letter of appointment to the Polling Agent 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 the letter presented to him, in his custody.

(3) The Polling Agent may also work as Counting Agent as per the authority if given by the candidate in Form IV.

(4) Each contesting candidate may appoint not more than four agents to act as Counting Agents of such candidate by a letter in writing in duplicate in Form IV signed by the candidate. Before the commencement of the counting of votes, the candidate shall be given notice of the appointment of the counting of votes, the

candidate shall be given notice of the appointment of such Counting Agents to the Election Officer by forwarding him 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 Election Officer. The Election Officer shall retain the duplicate copy presented to him in his custody.

(14) Uncontested election - After publication of the list of valid nomination under Rule 10 if the number of candidates in the constituency is found to be equal to or less than the number of seats to be filled, the Election Officer shall forthwith declare such candidates to be duly elected and shall complete and certify the declaration in Form V. A signed copy of the declaration shall be sent forthwith to the State Co-operative Election Commission, Deputy Registrar of Cooperative Societies and Assistant Registrar of Cooperative Societies in whose jurisdiction the head office of the Society is located.

(15) Manner of voting at elections- At every election where a poll is taken, votes shall be given by secret ballot in the manner hereinafter provided and no votes shall be received by proxy.

(16) Supply of election materials- The Chief Executive of the Society shall supply the required number of ballot boxes, ballot papers, copies of the final electoral rolls and all other materials required for conducting the election, to the Election Officer or such other person as the Election Officer may direct.

(17) Ballot Box- Every ballot box shall be of such design as may be approved by the State Co-operative Election Commission.

(18) Form of Ballot Papers – (1) Every ballot paper shall be in Form VI or VI-A as the case may be.

(2) The names of the candidates shall be arranged on the ballot paper in alphabetical order.

(3) If two or more candidates bear the same name , they shall be distinguished from each other by the addition of their occupation or residences or in some other manner.

(19). Arrangement at polling stations –(1) Outside each polling station, there shall be displayed prominently –

(a) a notice, specifying the polling area, the list of voters 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 alongwith the symbols allotted to each of them.

(2) At each polling station, there shall be set up a voting compartment in which voters can record their votes screened from observation.

(3) The Election Officer shall provide at each polling station sufficient number of ballot boxes, 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 Election 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.

20. 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 therefrom all persons other than-

(a) Polling Officers

- (b) public servants on duty in connection with the election;
- (c) Persons authorized by the Election Officer;
- (d) candidates, their Election Agents, and subject to the provisions of Rule 12 one Polling Agent, of each candidate;
- (e) a child in arms carried by a voter;
- (f) a person accompanying a blind or infirm voter who cannot move without help;
- (g) such other persons as the Election Officer or the Presiding Officer may employ for the purpose of identifying the voters.

21. Preparation of ballot boxes for the 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 signature of such of the Polling Agents as are present and desirous of affixing the same.

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

(3) The seals 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 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 a label both inside and outside marked with -

(a) The serial number , if any, and the name of the 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, under the signature and seal of the Presiding Officer.

(6) Immediately before the commencement of the poll, the Presiding Officer shall demonstrate to the Polling Agent and other persons present that the ballot box is empty and bears the labels referred to in Sub-rule(5).

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

22. Identification of Voters-(1) The Presiding Officer may employ at the polling station such person as he thinks fit to help in identification of the voters or to assist him otherwise , in conducting the poll.

(2) As each voter enters polling station, the Presiding Officer or the Polling Officer authorised by him in this behalf, shall check the voters name and other particulars with the relevant entry in the copy of the final electoral roll with him, and then call out the serial number, name and other particulars of the voter, and if satisfied that the voter fulfils the description read out and there is no challenge to his identity, shall, issue ballot paper of the Constituency to which he/she belongs:.

(3) In deciding the right of a person to obtain a ballot paper, the Presiding Officer or the Polling Officer , as the case may be , shall overlook merely clerical or printing errors in any entry in the final electoral roll if he is satisfied that such person is identical to the voter to whom such entry relates.

23. Challenging of identity –(1)Any Polling Agent may challenge the identity of a person claiming to be any particular voter, by first depositing a sum of rupees five in cash with the Presiding Officer for each such challenge.

- (2) On such deposit being made, the Presiding Officer shall.
 - a) Warn the person challenged of the penalty for personation;
 - b) Read the relevant entry in the final electoral roll 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 VII ; and
 - d) Required him to affix his signature in said roll .
- (3) The Presiding Officer shall thereafter, hold a summary inquiry into the challenge and may for that purpose-
 - a) Require the challenger to adduce evidence in proof of the challenge and the person challenge 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 oath to the person challenged and any other person offering to give evidence.
- (4) If, after the inquiry, 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 the deposit made under Sub-rule(1) be forfeited to the society concerned, and in other case, he shall return it to the challenger at the conclusion of the inquiry.

24. Safeguards against personation – (1) With a view to preventing 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 forefinger 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 allot his left forefinger to be inspected or marked in accordance with Sub-rule (1) or has already such a mark on his left forefinger or does any act with a view to removing the ink mark, he shall not be supplied with nay ballot paper or allowed to vote.

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

25. Issue of ballot papers- (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 closes.

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

(a) Stamped on its back with such distinguishing mark as the State Co-operative Election Commission may direct, as well as the seal of the Society; 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 final electoral roll 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 ballot paper issued to particular voters.

26. Voting procedure- (1) The voter, on receiving the ballot paper shall forthwith-

- (i). proceed to the polling compartment;
- (ii). there, make a mark on the ballot paper with the instrument supplied for the purpose on or near the name or symbol of the candidate for whom he intends to vote;
- (iii). Fold the ballot paper so as to conceal his vote;
- (iv). If required, show to the Presiding Officer the distinguishing mark on the ballot paper;
- (v). insert the folded ballot paper into the ballot box; and
- (vi). quit the polling –station;

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

27. Voter to cast vote against the candidate of his/her Constituency

- A voter of a Constituency shall cast his/her vote against a candidate contesting election from his/her Constituency only.
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28. 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/her wishes, and, if necessary, for folding the ballot paper so as to conceal the vote and inserting it into the ballot box:

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

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

(2) The Presiding Officer shall keep a record in Form IX of all cases under this rule.

29. 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- Rules (1) and (2) shall be kept in a separate packet.

30. Tendered Votes- (1) if a person representing himself to be a particular 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, subject to Sub- rules (2), (3) and (4) 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, sign his name against the entry relating to him in a list in Form X.

(3) A tendered ballot paper shall be the same as the other ballot papers used at the polling station, except that it shall be-

(a) Serially the last in the bundle of ballot papers issued for use at the polling- station; and

(b) endorsed on the back with the words “tendered ballot paper” by the Presiding Officer in his own hand 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.

31. Closing of poll- (1) The Presiding Officer shall close a polling-station at the hour fixed in that behalf 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.

32. Sealing of ballot boxes after poll- (1) As soon as practicable after the closing of the poll, the Presiding Officer shall, in the presence of any candidates or their election agents or polling agents present, if any at the time, close the slit of the ballot box and where the ballot box does not contain any mechanical device for closing the slit, he shall seal up the slit and also allow any polling agent to affix his seal thereon.

(2) The ballot 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 use.

33. Account of ballot papers- (1) The Presiding Officer shall at the close of the poll, prepare a ballot paper account in Form XI and enclose it in a separate cover with the word “Ballot Paper Account” superscribed 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 atleast it as “true copy”.

34. Sealing of other packets- (1) The Presiding Officer shall then make into separate packets-

(a). the marked copy of the electoral roll;

(b). the unused ballot papers;

(c). the cancelled ballot papers;

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

(e). the list of challenged voters; and

(f) any other papers directed by the State Co- operative Election Commission to be kept in a sealed packet.

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

35. Transmission of ballot boxes, packets etc. to the Election Officer-

(1) The Presiding Officer shall then deliver or cause to be delivered the following to the Election Officer at such place as the Election officer may direct-

- (a) the ballot boxes;
- (b) the ballot paper account;
- (c) The sealed packets, referred to in Rule 34; and
- (d) all other papers used in the poll.

(2) The Election 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.

36. 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 Election 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) the election could not be conducted otherwise for any reason or for any error or irregularity in the procedure poll is likely to be vitiated at a polling – station.

The Election Officer shall forthwith report the matter to the State Co-operative Election Commission.

- (2) The State Co-operative Election Commission upon receipt of such report, or on his own motion in the circumstances stated in sub-rule (1) after taking all materials circumstances in to account 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 poling-station and notify the date so appointed and the hours so fixed in such manner as he may deem fit; or

- (b) issue such directions to the Election Officer, or take such action as he may deem proper for smooth completion of the election.

- (3) The provisions of the Act , the Orissa Co-operative Societies Rules, 1965, bye –laws made there under and these rules shall apply to every such fresh poll as they apply to the original poll.

38. Counting of votes- At every election where a poll is taken, votes shall be counted by or under the supervision and direction of the Election Officer and each contesting candidates, his Election Agent and his Counting Agents shall have a right to remain present during counting.

39. Admission to the place fixed for counting- (1) The Election Officer shall exclude from the place fixed for counting of the voters all persons except.

- (a) such persons as he may appoint to assist him in the counting.

- (b) persons authorized by the State Co-operative Election Commission or Election Officer;
 - (c) public servants on duty in connection with the election;
 - (d) the candidates and their election Agents and Counting Agents.
- (2) No person who has been employed by or on behalf of or has been otherwise working for a candidate in connection with the election shall be appointed under Clause (a) of Sub-rule(1)
- (3) The Election Officer shall decide which Agent shall watch the counting at which counting table or group of counting tables.
- (4) Any person who, during the counting of votes misconducts himself or fails to obey the directions of the Election Officer may be removed from the place where the votes are being counted by the Election Officer or by any Police Officer on duty or by any person authorized in this behalf by the Election Officer.

40. Scrutiny and opening of ballot boxes- (1) The Election Officer may have the ballot boxes used at more than one polling-stations opened and their contents counted simultaneously.

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

(3) The Election Officer shall satisfy himself that none of the ballot boxes has in fact been tampered with.

(4) If the Election Officer is satisfied that any ballot box has in fact been tampered with, he shall not count the ballot papers contained in that box and

shall follow the procedure laid down in Rule – 36 in respect of that polling station.

41. Scrutiny and rejection of ballot papers- (1) The ballot papers taken out of each ballot box shall be arranged in convenient bundles of a fixed number of ballot papers and scrutinized bundle wise.

(2). The Election Officer shall reject a ballot paper if-

- (a) it bears any mark of writing by which the voter can be identified; or
- (b) no vote is recorded thereon ; or
- (c) Votes are given on it in favour of more than one candidate where only one candidate is to be elected; or
- (d) the voter has recorded on the ballot paper more marks than he is required to make where more than one candidate is to be elected; or
- (e) 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) it is a spurious ballot paper; or
- (g) it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established; or
- (h) it bears a serial number, or is of a design, different from the serial numbers or, as the case may be , design of the ballot papers authorized for use at the polling – station; or
- (i) it does not bear mark and signature which it should have borne under the provisions of Sub- rule (3), Rule 25:

Provided where the Election Officer is satisfied that any such defect as is mentioned in Sub-clause (h) or (i) 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;

Provided further that a ballot paper shall not be rejected merely on the ground that the mark indicating the vote is not distinct 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 Election Officer shall allow each candidate and his Election and Counting Agent present, a reasonable opportunity to inspect the ballot paper.

(4) The Election Officer shall record on every ballot paper which he rejects the letter, "R" and the ground of rejection in abbreviated form either in his own hand, or by means of a rubber stamp.

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

42. Procedure for counting votes- (1) Every ballot paper which is not rejected under Rule 41 shall be counted as one valid vote for the candidate for whom it has been recorded in the ballot paper:

Provided that where more than one candidate are required to receive votes from the ballot paper used by a voter in situation envisaged in Rule 27, the votes recorded in such ballot papers not so rejected, shall be counted as valid votes of the candidates in favour of whom they have been so recorded respectively:

Provided further that no cover containing tendered ballot papers shall be opened and no such ballot papers shall be counted.

(2) After the counting of all ballot papers, contained in all the ballot boxes used at all polling stations, has been completed, the Election Officer shall make the entries in a result sheet in form XII and announce the particulars.

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

43. Counting to be continuous- The Election Officer shall , as far as practicable, proceed continuously with the counting of votes and shall during any intervals when the counting has to be suspended, keep the ballot papers, packets and other papers relating to the election sealed with his own seal and the seals of such candidates or Election Agents 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.

44. Recommencing of counting after fresh poll- (1) If a fresh poll is held under Rule 36 or Rule 37 the Election Officer shall, after completion of that poll, recommence the counting of votes on the date, time and place which have been fixed by him in that behalf and of which notice has been previously given to the candidate.

(2) The provisions of Rule 41 and 42 shall apply so far as may be to further counting of votes.

45. Recounting of votes- (1) After the completion of the counting, the Election Officer shall record in the result sheet in Form XII, 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 candidate and the addition of one vote will entitle any of the candidate to be

declared, the determination of the person or persons to whom such and additional vote shall be deemed to have been given shall be made by lots to be drawn in the presence of the Election Officer and the candidates who may desire to be present, and in such manner as the Election 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 Election Officer for a recount of all or any of the ballot papers already counted stating the grounds on which he demands such recount.

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

(4) Every decision of the Election Officer under Sub-rules (3) shall be in writing and contain the reasons therefor.

(5) If the Election 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 XII to the extent necessary after such recount; and

(c) announce the amendment so made by him.

(6). In case no application for recount under Sub- rule (2) is made, or after disposal of such application made, if any , in the manner specified under Sub-rules (3), (4) and (5), the Election Officer shall sign the result sheet in Form XII and no application of any further recount shall be entertained thereafter.

46. Declaration of result- (1) The Election 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 XIII:

Provided that where more than one candidate are required to be elected from any single constituency, that number of candidates as are found to be the highest receivers of votes within that number, shall be declared as elected, and in case of equality of votes between the candidates for the last such seat, the procedure laid down in the proviso to Sub- rule (1) of Rule 45 shall be followed to decide which of the said candidates shall be declared elected for the said seat.

(2) The Election Officer shall thereafter, forthwith, send copies of the Return of Election in Form XIII, under his signature and seal to the Chief Executive of the Society, State Cooperative Election Commission, the Registrar of Cooperative Societies and the Deputy Registrar of Cooperative Societies and Assistant Registrar of Cooperative Societies in whose jurisdictions the head office of the Society is located.

47. 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 publication of the date of election and the date of declaration of the result thereof, both dates inclusive.

(2) The account shall contain such particular as are specified in Rule 48.

(3) The total of the said expenditure shall not exceed such amount as may be notified by the State Government under Sub-para (5) of Para 1 of Schedule III to the Act.

(4) Every contesting candidate at an election shall lodge with the Election Officer an account of his election expenses within thirty days of the date

on which he is declared elected or not elected, as the case may be, in such election.

48. Particulars of account of election expenses- (1) The account of election expenses to be kept by a candidate or his Election Agent under Rule 47 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 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.
- (2) All vouchers shall be lodged alongwith 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 as provided under Clause (f) of Sub- rule (1).

49. Notice by Election Officer for inspection of account- The Election Officer shall, within two days from the date on which account of election

expenses has been lodged by a candidate under Rule 47 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.

50. Inspection of account and the obtaining of copies thereof – Any member of the society shall, on payment of a fee of rupees five be entitled to inspect only such account and on payment of such fee as may be fixed by the State Co-operative Election Commission in this behalf, be entitled to obtain attested copies of such account or of any part thereof.

51. Publication of the statement of lodging accounts of election expense by candidates- (1) As soon as may be after the expiration of the time specified in Rule 47 for the lodging of the accounts of election expenses at any election, the Election Officer shall, publish a Statement under his signature and seal, showing therein-

- (a) the name of the each contesting candidates;
- (b) whether such candidate has lodged his account of election expenses and if so, the date on which such account has been lodged; and
- (c) whether in his opinion, such account has been lodged within the time and in the manner required by Rule-47, by displaying it on the notice-board of the head office of the Society.

(2) The office-copy of the statement so published shall be kept in a packet on the day it is published under Sub-rule (1) and the packet sealed with the seal of the Election Officer and of such candidate, or agent as may be present at that time and desire to affix his seals.

52. Custody of papers relating to elections- (1) The election Officer shall handover the sealed packets and all other papers relating to the elections, to the Chief Executive of the Society as soon as may be after the statement referred to in Sub- rule (1) of Rule 51 is published securing them in a container duly locked and sealed with his seal and the seal of the Society, and such contesting candidates, or their agents as may be present at the time and desire to affix their seals thereon.

(2) While in the custody of the Chief Executive of the Society , the said papers shall not be opened and their contents shall not be inspected by , or produced except before a Court or other authority having jurisdiction, or a person duly authorized by any such court or other authority in that behalf.

53. Disposal of election papers- The election papers referred to in Rule 52 shall be retained for a period of six months and shall thereafter be destroyed subject to any direction to the contrary given by the State Cooperative Election Commission or by any Court or other authority having jurisdiction in a proceeding in which any matter relating to the election may be at dispute.

54. Certified copies of election papers- Copies of orders passed by any competent authority during the course of election proceedings shall be supplied to the candidates concerned or their agents, and also to any member of the Society, on application and payment of the requisite fees, fixed if any, by the State Cooperative Election Commission duly certified by the said authorities.

Provided that no application for any such copy shall be entertained after the said election papers are sealed in accordance with the provisions of these rules.

55. Assistance to Election Officer- The officers, office- bearers, employees or any members of the society concerned, shall render every assistance to the Election Officer, or any person appointed or authorised by the Election Officer,

in the holding and conduct of the elections and shall make available any record or information in his custody or knowledge that may be required by him for the purpose.

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

57. Election disputes- Subject to the provision of section 28-B, disputes regarding any matter relating to election of the president or members of the committee of a society may be raised before any authority competent in that regard under the Act and in that case the provisions of the rules under Chapter VII of the Orissa Co-operative Societies Rules, 1965 shall mutatis-mutandis apply in respect of such disputes.

58. Applicability of the bye-laws- The by-laws of a society not inconsistent with the provisions of these rules shall apply to elections held and conducted under these rules.

59. Interpretation of rules (1) if any question arises relating to the interpretation of these rules it shall be referred to Government for decision.

(2). The Government may from time to time, issue such orders not inconsistent with these rules, as occasion may require, for-

(a) Smooth implementation of these rules; and

(b) Removal of any doubt or difficulty out of implementation of these rules or otherwise.

60. Repeal and Savings - (1) Rules 30-A, 30-B and 30-C and all other provisions not specifically mentioned here of the Orissa Co-operative Societies Rules, 1965 relating to the elections of the President and members of the committee of Societies are hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the rules so repealed shall be deemed to have been done or taken under these rules.