

Model Code of Conduct for observance by the Candidates during Election of Members to the Committee of Management of Cooperative Societies

The Model Code of Conduct shall become operational from the date of issue of election notification by the State Cooperative Election Commission, **Odisha** and shall **remain in** force till completion of counting to the three-tier Cooperative Institutions.

Prohibition of Corrupt Practices

1. The following shall constitute “corrupt practices”, namely:

(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 agent, of any gratification, to any person whom so ever with the object of directly or indirectly inducing –

(a). a person 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 a person for having so stood or not stood or for having withdrawn or not having withdrawn his candidature; or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 a 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 whom so ever 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 whose candidature.

Explanation: - For the purposes of this clause, the term” gratification” is not restricted to pecuniary 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 for any other person with the consent of the candidate or his election agent , with the free exercise of any electoral right:

Provided that without prejudice to the generality of the provision of this clause any such person as is referred to there in who threatens any candidate or an elector or any person in whom a candidate or an elector is interested, with injury of any kind including social ostracism and ex-communication or expulsions from any caste or community, or divine displeasure or spiritual censure shall be deemed to interfered with the free exercise of the electoral right of such candidate or elector within the meaning of this clauses:

Provided further that 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 clauses:

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 corrupt practice under this clause:

Provided further that the use of any public transport vehicle or vessel or railway carriage by any elector at his 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 transport, whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise.

4. The use of vehicles belonging to a society for the purpose of any election.

5. The incurring or authorizing of expenditure by a candidate at or in connection with any election of society in excess of the limits as the State Government may, by general or special order published in the Official Gazette, specify, or non maintenance of accounts or non-submission of reports and returns by such candidate in the manner prescribed.

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

7. Non-maintenance or non-aiding the maintenance of the secrecy of voting or unauthorized or unlawful communication of information to any person calculated to violate such secrecy, by any officer, employee, agent or other person performing any duty in connection with the conduct of or recording or counting of votes at an election.

8. The doing of any act other than the giving of his vote, for the furtherance of the prospects of election of a candidate, by the Election Officers, or any person appointed to perform any duty, in connection with the election, or endeavour on the part of any such person to-

(a) persuade any person to give his vote, or dissuade him from giving his vote at an election; or

(b) influence the voting of, in any person at an election in any manner.

2. **“Prohibited Act”** shall mean-

(i) Canvassing for, or soliciting the vote of any elector, or persuading such elector not to vote at the election, or not to vote for any particular candidate; and

(ii). exhibition of any notice or sign , other than an official notice, relating to the election by any person on the date of poll at any place of polling or any public or private place within one hundred meters of such place of polling .

3. The following shall constitute “Disorderly conduct “namely:

(i). use or operation of loud speaker and other voice amplifying or reproducing devices; or

(ii). shouting or acting otherwise, in a manner disturbing the tranquility and order at a place of polling or any public or private place within the periphery of such place of polling so as to cause annoyance to, or to interfere with, any person , visiting the place of polling or on election duty.

4. The following shall constitute “**Misconduct**” namely:

(i). disobedience of the lawful directives of the State Cooperative Election Commissioner or the Election Officer or any other person authorized by the State Cooperative Election Commissioner or Election Officer in regard to the Election: and

(ii). acts, designed to influence or disturb or actually influencing or disturbing any process of election at, or within the periphery of the place of election.

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