

PRELUDE

Pursuant to the Constitution (Ninety Seventh Amendment) Act, 2011 of India, Article 243ZI provided “Subject to the provisions of this part, the Legislature of a State may, by law, make provisions with respect to the incorporation, regulation and winding up of Co-operative Societies based on the principles of voluntary formation, democratic member-control, member-economic participation and autonomous functioning.”

Article 243ZK provided “(1) Notwithstanding anything contained in any law made by the Legislature of a State, the election of a board shall be conducted before the expiry of the term of the board so as to ensure the newly elected members of the board assume office immediately on the expiry of the office of members of the outgoing board.”

(2) “The Superintendence, direction and control of the preparation of electoral rolls for, and the conduct of all elections to a Co-operative Society shall vest in such an authority or body, as may be provided by the Legislature of a State, by law:

Provided that the Legislature of a State may, by law, provide for the procedure and guidelines for the conduct of such elections”.

In accordance with the Constitutional Amendment, the Legislature of the State of Odisha enacted the OCS (Amendment) Act, 2012 and notified the same in the Gazette on 30.01.2013 incorporating the constitution of State Co-operative Election Commission.

Thus, a new section 28 AA was inserted in the said Act which envisaged “ The superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of, all elections to a Co-operative Society shall vest in the State Co-operative Election Commission consisting of a State Co-operative Election Commissioner appointed by the Governor and shall hold office for a period of five years from the date of his appointment or he attains the age of sixty five years, whichever is earlier .

The State Government shall make available to him such officer and staff as may be necessary for discharge of the functions conferred on the State Co-operative Election Commission. The officers and staff appointed as Election Officer, Presiding Officer, Polling Officer or any other Officer or otherwise designated for the time being, for conduct of election shall be deemed to be on deputation to the State Co-operative Election Commission and are subject to the control, superintendence and discipline of the State Co-operative Election Commission for the entire period of election. The conduct of election to the office of the member and President to all Societies shall be in accordance with the rules made in consultation with the State Co-operative Election Commission.

Accordingly, the State Government made necessary amendments in the OCS (Elections to the Committees) Rules, 1992 published in Odisha Gazette vide SRO No.404 dated 20.08.2014 to carry out the purposes of the Act for conduct of such elections.

PART-I

Sl No.	SUBJECT	ARTICLE/ SECTION/ RULE	Page No.
<u>CONSTITUTIONAL PROVISION</u>			
1.	Role & Responsibility of State	43.B	8
2.	Incorporation of Co-operative Societies	243ZI	8
3.	Number and term of members of board and its office bearers	243ZJ	8
4.	Election of members of Board	243ZK	9
5.	Right of a member to get information	243ZO	9
<u>OCS ACT, 1962</u>		SECTION	
6.	Definitions	2	10
7.	Person who may become member	16	13
8.	Admission and Continuance as member	16-A	16
9.	Exercise of membership rights	19	17
10.	Vote of members	20	17
11.	Manner of exercising vote	21	18
12.	Society to have a Committee	28	19
13.	Filling up of vacancy by reason of death, Resignation or removal of Members of Committee/President	28 (6)	31
14.	Election of members of Committee	28-A	32
15.	Superintendence, direction, and Control of election to a Society vest in the State Co-operative Election Commission	28-AA	33
16.	Election Process not to be held up	28-B	34
17.	Supersession of Committee and power to disqualify officers of the Society	32	34
18.	Power of the Tribunal	67-B Sub	37
19.	Offences and Penalties	Sec5(b), 11, 12, 13 of Section 115	37
20.	Cognizance of offence	116	38
21.	Bar of jurisdiction of Courts	121	38
22.	Power to exempt class of Societies	123	39
23.	Register of Members	124	39
24.	Power to remove difficulties	137	39

Sl No.	SUBJECT	ARTICLE/ SECTION/ RULE	Page No.
<u>OCS (Elections to the Committees) Rules,1992</u> Rules			
25.	Definitions	2	40
26.	Election of the President and Members of the Committee	3	41
27.	Fixing dates of election and Polling Station	4	42
28.	Notice for various stages of election	5	44
29.	Electoral Roll	6	45
30.	Nomination of Candidates	7	47
31.	Register of nomination	8	49
32.	Scrutiny of nomination	9	50
33.	Valid nomination and symbols	10	50
34.	Withdrawal of nomination	11	50
35.	Appointment of election agents and revocation of such appointment	12	51
36.	Appointment of Polling agents and Counting agents	13	51
37.	Uncontested election	14	52
38.	Manner of Voting at elections	15	52
39.	Supply of election materials	16	52
40.	Ballot Box	17	52
41.	Form of Ballot papers	18	52
42.	Arrangement of Polling Station	19	53
43.	Admission to Polling Station	20	53
44.	Preparation of ballot boxes for the poll	21	54
45.	Identification Voters	22	54
46.	Challenging of identity	23	55
47.	Safeguard against personation	24	56
48.	Issue of ballot papers	25	56
49.	Voting Procedure	26	57
50.	Voter to cast vote against the Candidate of his/her Constituency	27	57
51.	Recording of vote of blind or infirm Voter	28	57
52.	Spoilt and returned ballot papers	29	58
53.	Tendered Votes	30	58
54.	Closing of Poll	31	59
55.	Sealing of ballot boxes after poll	32	59
56.	Account of ballot papers	33	59
57.	Sealing of other packets	34	59

Sl No.	SUBJECT	ARTICLE/ SECTION/ RULE	Page No.
58.	Transmission of ballot boxes, packets etc. to the Election Officer	35	60
59.	Fresh Poll in case of destruction etc. of ballot boxes	36	60
60.	Counting of votes	38	61
61.	Admission to the place fixed for counting	39	61
62.	Scrutiny and opening of ballot boxes	40	62
63.	Scrutiny and rejection of ballot papers	41	62
64.	Procedure for Counting of Votes	42	63
65.	Counting to be continuous	43	64
66.	Recommencing of Counting after fresh poll	44	64
67.	Recounting of votes	45	64
68.	Declaration of Result	46	65
69.	Account of election Expenses	47	66
70.	Particulars of account of Election expenses	48	66
71.	Notice by Election Officer for inspection of account	49	67
72.	Inspection of account and the obtaining of Copies thereof	50	67
73.	Publication of Statement of lodging accounts of election expenses by Candidates	51	67
74.	Custody of papers relating to elections	52	68
75.	Disposal of election papers	53	68
76.	Certified Copies of election papers	54	68
77.	Assistance to Election Officer	55	68
78.	Offences	56	69
79.	Election Disputes	57	69
80.	Applicability of the byelaws	58	69
81.	Interpretation of Rules	59	69
82.	Repeal and Savings	60	69

RELEVANT CONSTITUTIONAL AMENDMENT TOUCHING
TOCO-OPERATIVE ELECTION.

Role and responsibility of State:

Article 43B of Constitution of India inserted as “The State shall endeavor to promote voluntary formation, autonomous functioning, democratic control and professional management of Co-operative Societies.”

Incorporation of Co-operative Societies: -

243ZI. Subject to the provisions of this part, the legislature of a State may, by law, make provisions with respect to the incorporation, regulation and winding up of co-operative societies based on the principles of voluntary formation, democratic member-control, member-economic participation and autonomous functioning.

Number and term of members of board and its office bearers: -

243ZJ. (1). The board shall consist of such number of directors as may be provided by the Legislature of a State, by law:

Provided that the maximum number of directors of a co-operative society shall not exceed twenty-one:

Provided further that the Legislature of a State shall, by law, provide for the reservation of one seat for the Scheduled Castes or the Scheduled Tribes and two seats for women on board of every co-operative society consisting of individuals as members and having members from such class or category of persons.

(2). The term of office of elected members of the board and its office bearers shall be five years from the date of election and the term of office bearers shall be coterminous with the term of the board:

Provided that the board may fill a casual vacancy on the board by nomination out of the same class of members in respect of which the casual vacancy has arisen, if the term of office of the board is less than half of its original term.

(3). The Legislature of a State shall, by law, make provisions for co-option of persons to be members of the board having experience in the field of banking, management, finance or specialization in any other field relating to the objects and activities undertaken by the co-operative societies, as members of the board of such society :

Provided that the number of such co-opted members shall not exceed two in addition to twenty-one directors specified in the first proviso to clause (1):

Provided further that such co-opted members shall not have the right to vote in any election of the co-operative society in their capacity as such member or to be eligible to be elected as office bearers of the board:

Provided also that the functional directors of a co-operative society shall also be the members of the board and such members shall be excluded for the purpose of counting the total number of directors specified in the first proviso to clause (1).

Election of members of Board: -

243ZK. (1). Notwithstanding anything contained in any law made by the Legislature of a State, the election of a board shall be conducted before the expiry of the term of the board so as to ensure that the newly elected members of the board assume office immediately on the expiry of the office of members of the outgoing board.

(2). The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of all elections to a co-operative society shall vest in such an authority or body , as may be provided by the Legislature of a State, by law:

Provided that the Legislature of a State may, by law, provide for the procedure and guidelines for the conduct of such elections.

Right of a member to get information: -

243ZO. (2).The Legislature of a State may, by law, make provisions to ensure the participation of members in the management of the Co-operative society providing minimum requirement of attending meetings by the members and utilising the minimum level of services as may be provided in such law.

RELEVANT PROVISIONS OF
ODISHA CO-OPERATIVE SOCIETIES ACT, 1962

Section 2. Definitions – In this Act, unless the context otherwise requires:

- (a) “**Apex Society**” means a Society having the whole of the State of Orissa as its area of operation, and declared as such by the Registrar;
- (a-1) “**Auditor General**” means a person appointed as such to perform the functions of the Auditor-General of Co-operative Societies under this Act, and includes any person appointed to assist the Auditor-General when exercising all or any of the powers of the Auditor- General;
- (b) “**Bye-laws**” means the registered bye-laws for the time being in force “in relation to a Society”;
- (b-1) “**Central Co-operative Bank**” shall have the same meaning as assigned under the Reserve Bank of India Act 2 of 1934;
- (b-2) “**Central Society**” means a Society declared as such by the Registrar.
- (c) “**Committee**” means the managing committee of a Society by whatever name called , to which the management of the affairs of the Society is entrusted by or under this Act or by the Bye-laws of the Society;
- (c-1) “**Co-operative Bank**” shall have the same meaning as assigned under the “Deposit Insurance and Credit Guarantee Corporation Act, 1961”;
- (c-2) “**Co-operative Credit Society**” means the Orissa State Co-operative Bank, Central Co-operative Bank, Primary Agricultural Credit Co-operative Society, Large-sized Adivasi Multipurpose Co-operative Society, Service Co-operative Society and Farmers’ Service Co-operative Society by whatever name they are called and registered under this Act;
- (d) “**Co-operative farming Society**” means a society in which, with object of increasing agricultural production employment and income and better utilisation of resources, lands are pulled together and are jointly cultivated by the members on behalf of the Society;
- (d-1) “**Co-operative Year**” means the period commencing on the first day of April dany year and ending with the 31st day of March of the succeeding year, and in the case of any registered Society or class of registered Societies, the accounts of which are made up to any other date with the

previous approval of the Auditor- General, the year ending with such date;

- (d-2) **“Co-operative Principle”** means the principles specified in Schedule-II;
- (d-3) **“Family”** means an individual, his or her spouse, sons, daughters and other near relatives dependent on, and jointly residing with him or her;
- (e) **“Financing Bank”** in relation to a Society means a Society engaged in Banking business under the Banking Regulation Act, 1949 or a Scheduled bank as defined under the Reserve Bank of India Act, 1934 or the Reserve Bank of India, the National Bank for Agriculture and Rural Development, the Industrial Development Bank of India Limited or any similar Bank or any financial institutions regulated by the Reserve Bank of India and includes such financing institutions like the National Dairy Development Board and National Co-operative Development Corporation to which the Society is indebted in cash or in kind ;
- (e-1) **“Joint Member”** means a husband and wife-team joining as such in an application for registration of a Society which is subsequently registered, or admitted as joint member after the registration of a Society in accordance with the provisions of this Act, Rules and Bye-laws of a Society and holding a share or shares in the Society jointly;
- (f) **“Member”** means a person joining in the application for the registration of a Society and a person admitted to membership after such registration in accordance with this Act, the Rules and the Bye-laws, and includes a joint and nominal member;
- (f-1) **“Near relative”** means father, mother, husband, wife, son, daughter, undivided brother, unmarried sister and son’s wife;
- (f-2) **“Nominal Member”** means a person admitted as such to a Society after its registration, in accordance with the Bye-laws;
- (f-3) **“National Bank”** means the National Bank for Agriculture and Rural Development established under Section 3 of the National Bank for Agriculture and Rural Development Act, 1981;
- (g) **“Officer”** means any officer of a Society who is appointed under this

Act, Rules or the Bye-laws of a Society, and Competent to give directions in regard to the business of the Society:

Provided that the expression ‘officer’ occurring in any provision of this Act as it stood prior to the commencement of the Orissa Co-operative Societies (Amendment) Act, 1991 not amended by the said Amendment Act, or, having been so amended, not been brought into force, shall carry the same meaning as assigned to it prior to such commencement, until such provision is amended, or, as the case may be, such amended provision is brought into force;

- (g-1) **“Office –bearer”** means a person elected or nominated to the committee or appointed under this Act, Rules or Bye-laws of a Society to give directions in regard to the policy concerning the affairs or business of the Society, and includes the President and members of the Preliminary Committee of a Society;
- (h) **“Prescribed”** means prescribed by Rules made under this Act;
- (h-1) **“President”** of the Committee means a person elected or nominated as such in accordance with the provisions of this Act, Rules and Bye-laws of the Society who shall be responsible, foremost among the members of the Committee, for the over-all development and progress of the Society and its members, the implementation of the policy decisions of the Committee and due observance by the Society of the provisions of this Act, Rules and Bye-laws;
- (h-2) **“Primary Society”** means a Society, membership of which consists of individuals and may include the State or Central Government, or both such Governments, as the case may be, or a person admitted as joint or a nominal member;
- (i) **“Registrar”** means a person appointed to perform the functions of the Registrar of Co-operative Societies under this Act, and include any person appointed to assist the Registrar when exercising all or any of the powers of the Registrar;
- (j) **“Rules”** means the Rules made under this Act;

- (k) **“Society”** means a Co-operative Society registered or deemed to be registered under this Act;
- (l) **“Society with limited liability”** means Society, in which the liability of its members, for the debts of the Society in the event of its being wound up is limited by its Bye-Laws-
 - (i) to the amount, if any, unpaid on the shares respectively held by them;, or
 - (ii) to such amount as they may, in accordance with such Bye-Laws , respectively, undertake to contribute to the assets of the Society;
- (m) **“Society with unlimited liability”** means a Society, the members of which are, in the event of its being wound up, jointly and severally liable for and in respect of all its obligations and to contribute to any deficit in the assets of the Society; and
- (m-1) **“Standard acre”** shall have the same meaning as assigned to it under the Orissa Land Reforms Act,16 of 1960;
- (n) **“State Co-operative Union”** means the Society registered under the Orissa Co-operative Societies Act, 11 of 1951 by the name of the Orissa State Co- operative Union Limited.
- (n-1) **“State Co-operative Election Commission”** means the Odisha State Co-operative Election Commission consisting of Odisha ‘State Co-operative Election Commissioner appointed by the Governor under Section 28-AA”
- (O) **“Tribunal”** means Co-operative Tribunal constituted under Section 67-A.

Section 16- Persons who may become members-(1) No person shall be admitted as a member of-

- (a) a Primary Society, except individuals competent to enter into a contract under Section 11 of the Indian Contract Act, 9 of 1872, residing in the areaof operation of the Society as specified in its Bye-Laws, and the State or Central Government, or both such Governments, as the case may be:

Provided that nothing in this clause shall debar a student, who is a minor, from becoming a member of a Society formed for the benefit of the students of

an educational institution, or a person who is not an individual, from becoming a nominal member:

Provided further that not more than three individuals from the same family shall be admitted as members.

Provided also that nothing in this clause shall debar the Co-operative Societies to admit Self-Help Groups as member;

Explanation – A joint Member consisting of two individuals related to each other as husband and wife shall be deemed to be one individual for the purpose of this clause;

- (b) a Society other than a Primary Society, except the following, namely:
 - (i) any Society;
 - (ii) the State Government;
 - (iii) the Central Government; and
 - (iv) any other person as may be prescribed;
 - (v) a Co-operative registered under the Orissa Self-Help Co-operative Act, 2001.

(1-b) (i) The members of the Primary Societies who were deemed to be the members of their respective Central Society or, as the case may be, the Apex Society or both, prior to the date of the commencement of the Orissa Co-operative Societies (Amendment) Act, 1997, shall be deemed to have ceased to be members of such Societies with effect from the date of such commencement.

(ii) Upon such cessation:

- (a) the Central or Apex Society, as the case may be, shall refund the share capital contribution made and membership fees paid, if any, to the said members.
- (b) the member shall liquidate the liabilities incurred, if any, in the capacity as deemed member of the Central Society or as the case may be, Apex Society in accordance with the schedule of repayments determined or to be determined by the said Society.

(2) No Society shall, without sufficient cause, refuse admission as a member to any person who is duly qualified therefor and the decision refusing admission

shall be communicated by the Society to the person concerned with reasons for such refusal within ninety days from the date of the application for membership failing which such person shall be deemed to have been admitted as a member of the Society with effect from the date following the date of expiration of the said period of ninety days.

(2-a) Where a person is deemed to have been admitted as a member of a Society in pursuance of the preceding sub-section, the Society may file an application before the Registrar within Sixty days from the date with effect from which such person is deemed to have been admitted as a member for cancellation of the membership, where upon the Registrar shall, after making such enquiry as he deems fit, pass such order as he thinks proper.

(3) Notwithstanding anything contained in Sub-section (1), no individual shall be eligible to become a member of a Society-

(a) which is organized for promotion of the economic interests of any particular professional or occupational group of individuals, unless such individuals, pursues such profession or occupation; or

(b) if he or any member of his family having common economic interest with him carries on any business as is likely to be prejudicial to the business or interest of the Society.

Explanation – For the purposes of this Sub-section-

(a) the business of money – lending shall be deemed to be prejudicial to the business or interest of a Primary Agricultural Credit Society, Co-operative Bank or a Co-operative Agricultural and a Rural Development Bank;

(b) the business carried on by a trader shall be deemed to be prejudicial to the business or interest of a Marketing Co-operative Society and Consumers Co-operative Society;

(c) the business carried on by a contractor shall be deemed to be prejudicial to the business or interest of a Labour Contract Co-operative Society and a Forest Marketing Co-operative Society;

- (d) the business in milk and milk- product carried on by a person shall be deemed to be prejudicial to the business or interest of a Milk Co-operative Society;
 - (e) the business in oil seeds and oil- seeds-products carried on by a person shall be deemed to be prejudicial to the business or interest of an Oil Seeds Growers Co-operative Society; and
 - (f) a family member of an individual shall, unless the contrary is proved be deemed to have common economic interest with such individual.
- (4) Any person continuing as a member of a Society in contravention of the provisions of this Section shall cease to be such member with effect from the date of commencement of Section 12 of the Orissa Co-operative Societies (Amendment) Act, 1991;

Section 16-A. Admission and Continuance as members- (1) No person shall be eligible for being admitted or for continuing as a member of a Society, if he-

- (a) does not satisfy the requirements of this Act, Rules and Bye-laws made thereunder; or
- (a-1) has not attended three consecutive general meetings of the society and such absence has not been condoned by the members in the general meeting; or
- (a-2) has not used for two consecutive years the services, below the minimum level specified in the bye-laws; or
- (b) has been sentenced for an offence involving moral turpitude, or sentenced to fine or imprisonment or both for any other offence by a Court in India, unless any such sentence is annulled or reversed or, in the latter cases until expiry of a period of five years from the date the fine is paid if the sentence is for fine, or where the sentence is for imprisonment or both fine and imprisonment, from the date he is released from the imprisonment, as the case may be; or
- (c) is an applicant to be adjudicated as a bankrupt or an insolvent or is an undischarged bankrupt or insolvent; or
- (d) is a paid employee of the Society or its financing Bank;

Provided such an employee may be admitted or retained as a nominal member; or

(e) has been expelled by the Society or any other Society, unless a period of two years has expired from the date of such expulsion.

(2) Any member of a Society incurring any of the disqualifications specified in Sub-section (1) shall cease to be such member with effect from the date he incurs such disqualification.

Section 19 – **Exercise of membership rights** – (1) No member of a Society shall be entitled to exercise his rights as such unless he has made such payments to the Society in respect of membership, acquired such interest in the Society or fulfilled such obligation of members, as is required by this Act or as may be provided in Rules and Bye-Laws.

(2) Save as provided in Sub-section (1), a member of a Primary Agricultural Credit Co-operative Society, Large-sized Adivasi Multipurpose Co-operative Society, Service Co-operative Society and Farmers' Service Co-operative Society shall not have the right to vote unless he has deposited such amount for such period as may be specified by the Registrar from time to time.

Provided that the provisions of this Section shall not apply to the members of the Committee of the Primary Societies who shall, be deemed to be members of the Central Society or as the case may be the Apex Society in accordance with the provisions of Sub-section (1-a) of Section 16.

(3) Every member of a Society shall have right to access to the books, information and accounts of a Society kept in regular transaction of its business during business hours.

Section 20. Vote of members – Every member of a Society shall have one vote in the affairs of the Society:

Provided that –

(b) Where two individuals have been admitted as joint members, they shall have one vote which may be exercised by any one of them;

(c) Where the State Government or the Central Government is a member of the Society, each person nominated by or on behalf of such Government on the Committee shall have one vote;

(d) Where there is an equality of votes at a meeting on the affairs of the Society other than election of its office-bearers or amendment of its Bye-Laws, the person presiding over the meeting shall have a second and deciding vote; and

(e) Where a member of the Society is simultaneously electing the President and the member of the Committee from his constituency, he shall have one vote for electing the President and another for the member.

Provided further that every member of an Electoral College referred to in clause (ii-a) of sub-section (1) of Section 28-A shall have one vote in the matter of election of the member of the Committee of a Central and an Apex Society.

Section 21. Manner of exercising vote – (1) Every member of a Society shall exercise his vote in person and no member shall be permitted to vote by proxy.

Provided that such vote shall be exercised –

- (a) where the member is a Society, through its –
 - (i) President; or
 - (ii) Vice-president in case such member Society does not have a President, or having a President, such President is unable to exercise the vote, or
 - (iii) representative, in case such member Society does not have a President or Vice-President or having a President and Vice-President, none of them is able to exercise the vote;
- (b) where the member is a Local Authority or a Body Corporate, through the head of such Authority or Body, as the case may be; and
- (c) where the member is the State or the Central Government, through its nominees to the Committee;
- (d) where the member is a Self-Help Group, through the head of such Group.

Section 28. Society to have a committee: (1). The management of a Society shall vest in a Committee constituted in accordance with this Act, Rules, and Bye-laws, and the Committee so constituted shall exercise such powers and perform such duties as may be necessary or expedient for the purpose of carrying out its functions under this Act which shall include –

(a) the power to-

- (I). admit members and dispose of applications for shares;
- (ii). interpret the organisational objectives and set specific goals to be achieved towards those objectives;
- (iii). prepare annual and supplementary budgets and get approval of the General Body thereto;
- (iv). raise and invest funds in accordance with the Bye-Laws;
- (v). sanction all expenditure above the prescribed level, and the plan of capital development for the coming year or years;
- (vi). enforce any debt or demand of the Society and institute, defend or compromise legal proceeding for or against the Society;
- (vii). assess the existing man-power resources and future requirements in the context of changes that might have taken place and the measures to be taken to ensure availability of the required resources consider and remove constraints in the process or progress of manpower planning atleast once at the beginning of every year;
- (viii). to create posts, make service conditions, leave concessions, fixation and revision of pay and allowances of the employees of Co-operative Societies with the previous approval of the Registrar and shall have power to appoint officers and other staff to conduct the business of the Society and determine inter alia their duties, disciplinary matters, subject to provisions in this regard, in the Act, Rules and the Bye-Laws;
- (ix). arrange for the education and training of members and employees and review the programmes and the progress, relating thereto, atleast once at the beginning of every year;
- (x). dispose of applications for loans in the case of Credit

Societies, fix rates of interest subject to the directions of the Reserve Bank of India and the National Bank for Agriculture and Rural Development and determine securities to be taken for such loans;

(xi). appoint Sub-Committees as may be deemed necessary:

Note: The manner of constituting Sub-Committees, their functions the term of office of members and their removal and other related matters shall be regulated by the Bye-Laws;

(xii). make periodical appraisal of its operations;

(xiii). acquire, hold and dispose, in the prescribed manner of property; and (xiv). take such other measures or do such other acts as may be prescribed or required under this Act, Rules and Bye-Laws; and

(xv) decide its own internal control system such as internal inspection, delegation of authority, safe custody of valuables, fraud prevention measures depending upon its scale of business and appoint auditors for audit of the accounts of the Co-operative Credit Society and determine the payment to be made for such audit:

Provided that the Committee of a Co-operative Credit Society while taking action under sub-clauses(vii) and (viii) shall give due regard to the guidelines issued by the Registrar under Sub-section (2) of section 33-A.

(b) The duty of-

(i). observing, in all affairs, the provisions of this Act, Rules and Bye-Laws; (ii). causing –

(a) proper receipt and disbursement of moneys of the Society and maintenance of the accounts, assets and liabilities of the Society;

(b) preparation of Annual Report of the Society for every year;

(c) preparation of Annual Returns prescribed by the Registrar and the Auditor General;

(d) preparation of the statement of accounts required at audit and placement of the same before the auditors;

(e) preparation of all other statements and returns and submission

of the same to the Registrar and the Auditor –General in such forms as they may direct;

(f) maintenance of the accounts of the Society regularly in proper Books;

(g) maintenance of the Register of members up-to-date;

(ii-a) providing co-operative education and training to its members;

(ii-b) save as provided in Sub-clause(ii), filing of return of the society every year within six months of the closure of the financial year, to the Registrar or, as the case may be, to the Financing Bank, which shall include, -

(a) annual report of its activities;

(b) Its audited statement of accounts;

(c) plan for surplus disposal as approved by the General Body;

(d) list of amendments to its bye-laws, if any;

(e) declaration regarding date of holding its General Body meeting and conduct of election when due; and

(f) Any other information required by the Registrar or, as the case may be, Financing Bank.

(iii). formulating recommendation for appropriation of the net profits declared as distributable under the provisions of this Act and Rules, and submitting the same to the General Body;

(iv). facilitating the inspections, inquiries and audits under this Act and considering the Audit, inspection and inquiry Reports received from the concerned authorities and furnishing compliance thereto in accordance with the provisions of this Act and Rules;

(v). convening the meeting and special meetings of the General Body in time;

(vi). watching that the loans and advances are utilized for the purposes for which they are meant and also that they are repaid punctually;

(vii). examining and taking prompt action in cases of all arrears and

defaults in repayment of loans and advances;

(viii). liaising with the members in all matters of the Society and ensuring the observance of the co-operative principles;

(ix). making arrangements for holding elections in time; and

(x). performing such other functions as may be entrusted to it by the General Body or required by or under this Act, Rules and the Bye-Laws;

(1-a) There shall be a President and a Vice-President of the Committee who shall have such powers, duties and responsibilities as may be prescribed.

(1-aa) Every Committee, unless sooner superseded under the provisions of this Act, shall continue for five years from the date of election and the term of office of elected members including the office bearers and co-opted members thereof shall be co-terminus with the terms of the committee.

Explanation- For the purpose of this sub-section the expression “the date of election” mean the date of election of the President of the Committee.

(1-b) An election, to constitute a Committee, shall be completed, -

(a) before expiration of its term specified in sub-section (1-aa)

(b) before expiration of a period of one year from the date of its supersession in case of Society carrying on the business of banking.

(c) before expiration of a period of six months from the date of its supersession in case of Society other than a Society carrying on the business of banking;

(1-c) Notwithstanding anything contained in this Act, in the case of a Society registered after the commencement of the Orissa Co-operative Societies (Amendment) Act, 1991, a preliminary Committee consisting of the President and members indicated in the application for registration of the Society shall manage the affairs of the Society, and if necessary, take all or any policy decision including admission of members in relation to the Society for a period not exceeding one year or till a Committee is constituted in accordance with the provisions of this Act, Rules and the Bye-Laws, whichever is earlier:

Provided that if such Society is an Apex or Central Society, including a Central Co-operative Bank, and is assisted by the State or Central Government in any manner specified in Sub-section (1) of Section

31, the State Government or any person authorized by it may nominate the members and President of the Preliminary Committee to manage the affairs of the Society and if necessary, take all or any policy decision including admission of members in relation to the Society for a period not exceeding two years so, however , that not less than half of the members thereof shall be from among the members of the Society.

(2)(a) Subject to the provisions of this Act, the Committee of a Society, excluding the member under Sub-section (3-b) and co-opted members under Section 31, shall consist of,-

- (i) twenty-one members in the case of an Apex Society including the President and the Vice-President; and
- (ii) fifteen members in the case of Central Society, a Primary Society including Large Sized Adivasi Multipurpose Co-operative Society including the President and the Vice-President of such Society.

(b) in the case of a Large Sized Adivasi Multipurpose Co-operative Society, in the total number of elected members of the Committee , there shall be representation from among the members belonging to the Scheduled Tribes, which shall be proportional to the ratio between the members belonging to the Scheduled Tribes and the total numbers of member of the said Society, not less than two third, so however that said Scheduled Tribe shall also include woman members , whose number shall be proportional to the ratio between the woman members belonging to the Scheduled Tribes and the total number of the members belonging to the said Scheduled Tribes which shall be not less than one third:

Provided that the offices of the President and Vice-President shall be reserved for the Scheduled Tribes.

Explanation- The principle for determining whether a Society is a Large-sized Adivasi Multipurpose Co-operative Society or not shall be such as may be prescribed.

(c).In the case of a Primary Society other than Large-sized Adivasi Multipurpose Co-operative Society, in the total number of elected members of the Committee , there shall be representation from among the members

belonging to the Scheduled Castes, the Scheduled Tribes , the Other Backward Classes including Socially and Educationally Backward Classes and the Women which shall be proportional to the ratio between the members belonging to each said category and the total number of members of the said society , so that among each of the said Scheduled Castes, Scheduled Tribes and Other Backward Classes including Socially and Educationally Backward Classes of members , there shall be representation of woman which shall be proportional to the ratio between the woman members belonging to each said category and the total number of members of that category.

(d) In the case of a Central Society, in the total number of elected members of the Committee , there shall be representation from among the members belonging to the Scheduled Castes, the Scheduled Tribes, the Other Backward Classes including Socially and Educationally Backward Classes and the woman which shall be proportional to the ratio between the members belonging to each said category and the total number of members of the Electoral College referred to in clause (ii-a) of sub-section (1) of section 28-A, so that among each of the said Scheduled Castes, the Scheduled Tribes and the Other Backward Classes including Socially and Educationally Backward Classes of members, there shall be representation of woman which shall be proportional to the ratio between the Woman members belonging to each said category in the said Electoral College and the total number of members of that category in that Electoral College.

(e) In the case of an Apex Society, in the total number of elected members of the Committee, there shall be representation from among the members belonging to the Scheduled Castes, the Scheduled Tribes , the Other Backward Classes including Socially and Educationally Backward Classes and the Woman which shall be proportional to the ratio between the members belonging to each said category and the total number of members of the Electoral College referred to in clause (ii-a) of sub section (1) of section 28-A, so that among each of the said Scheduled Castes, the Scheduled Tribes , the Other Backward Classes including Socially and Educationally Backward Classes of members, there shall be representation of Woman which shall be

proportional to the ratio between the woman members belonging to each said category in the said Electoral College and the total number of the members of that category in that Electoral College:

Provided that, save as provided in the aforesaid clauses there shall be no bar for the members belonging to the said reserved categories to contest the election against the remaining seats in the Managing Committee of the Primary, Central and Apex Societies:

Provided further that a Society shall provide reservation of one seat for the Scheduled Castes or the Scheduled Tribes and two seats for woman to the Committee consisting of individuals as members and having members from such class or category of persons.

(f) Notwithstanding anything contained in this sub-section,

(i). in the event of the seats in the Committee reserved for Women, Scheduled Castes, Scheduled Tribes and Other Backward Classes including Socially and Educationally Backward Classes remain unfilled in any election of a Primary, Central or Apex Society, the Committee of the Society shall co-opt the required number of such categories of members from among the members of the Primary Society, or as the case may be, from among the members of the Electoral College of the Central or Apex Society, and for the purpose of making such cooption the vacancies in the unfilled seats reserved for the said categories shall not invalidate the constitution or functioning of the Committee, if otherwise it would be having a quorum;

(ii). the term of office of every such co-opted member shall be co-terminus with the other members of the Committee.

(g) (i). Notwithstanding anything to the contrary contained in this Act, Rules and Bye-Laws, the Committee (which shall include a preliminary Committee) of every Primary Society, Central Society and Apex Society existing immediately before the date of commencement of the Orissa Co-operative Societies (Amendment) Act, 2011 shall stand dissolved with effect from the said date and the members including the President and Vice-President of every such Committee shall be deemed to have vacated their offices on that date, and where, on the date of such commencement, the management of any such Society

continues to vest in the Registrar, the proceedings or actions taken, if any, for constitution of the Committee thereof shall stand cancelled;

(ii) the management of every Society , the Committee of which is so dissolved or which so continues to vest in the Registrar , shall vest or, as the case may be , shall so continue to vest in the Registrar, and the Registrar , or a Committee nominated by him from amongst the members of the Society, or a member society affiliated to it or a Society affiliated to such member society, as far as practicable representing the Scheduled Castes, Scheduled Tribes, Other Backward Classes and Women, shall manage the affairs of the Society and take all or any policy decision including admission of members in relation to the Society till the Committee is constituted in accordance with the provisions of this Act;

(iii) every society referred to in sub-clause (ii) shall amend its bye-laws, as may be necessary, so as to bring them in conformity with the provisions of this Act as amended by the Orissa Co-operative Societies (Amendment) Act, 2011 and reconstitute the Committee within six months from the date of commencement of the said Act; and

(iv) in the event of any Society failing to so amend its byelaws and reconstitute the Committee within the period specified in sub-clause (iii), the Registrar shall make such amendment and reconstitute the Committee within six months following the date of expiry of the period so specified.

(2-a) (i) A Society , the Bye-Laws and the Committee of which , are not in conformity with the provisions of this Act as amended by the Orissa Co-operative Societies (Amendment) Act ,1991 shall amend its Bye-Laws and notwithstanding anything to the contrary in this Act, reconstitute in the manner provided under thisAct , Rules and the Bye-Laws its Committee within a period of eight months from the date of commencement of the said Amendment Act so as to bring them in conformity with the provisions as so amended.

(ii) in the event of a Society failing to so amend and reconstitute within the period mentioned in clause(i), the Registrar shall make such amendment and reconstitution within a period of four months following the date of expiry of

the period mentioned in the said Clause;

(2-b) The provisions of Sub-section (2-a) shall mutatis mutandis apply to a Society, the Committee of which may be standing dissolved under Section 28 or superseded under Section 32 as on the date of commencement of the Orissa Co-operative Societies (Amendment) Act, 1991;

(3) No individual shall, whether by himself or as a representative of the Society, be eligible for being chosen or for continuing as a member or the President or as the Vice-President, if any of the Committee of a Society, if he

(a) is an applicant to be adjudicated an insolvent or an undischarged insolvent; or

(b) has been sentenced for an offence involving moral turpitude such sentence not having been reversed; or

(c) is of unsound mind or is a deaf-mute or is suffering from leprosy; or

(d) is a family member of any paid employee of the Society; Provided that nothing in this clause shall debar-

(i) any person specifically permitted by the Registrar in that behalf from becoming the Secretary of the Society; or

(ii) the paid employees of societies from becoming members of the Committee of a society composed exclusively of such employees; or

(e) has failed to pay any amount due, whether in cash or in kind, to the Society; its Financing Bank, or any other Society, on account of any loan or otherwise within three months from the date of notice by the Society or the Financing Bank concerned for payment of such dues:

Provided that nothing in this clause shall debar any such person from being chosen as member or President if he makes payment of the dues before the date of filing his nomination at an election of any Society;

(f) is interested directly or indirectly in any contract made with the Society or in any sale or purchase made by the Society or in any contract or transactions of the Society (other than investment and borrowing) involving financial interests, if the contract or transaction, sale or purchase be not complied; or

(g) has been expelled from a Society under Section 21-A:

Provided that this disqualification shall not apply where more than two years have elapsed from the date of such expulsion or where the Registrar has sanctioned the re-admission or admission within the said period of any such member as a member of the same Society or any other Society, as the case may be;

- (h) has been convicted on charge of misappropriation or defalcation of funds of any Society or of any offence under this Act or has been found liable in a surcharge proceeding until such conviction or liability is reversed; or
- (i) has been dismissed, discharged or removed from the service of the Government, Public Sector Undertaking, Local Body, a Co-operative Society or any other body corporate as a result of disciplinary proceedings on charge of embezzlement, misappropriation or any other misconduct involving moral turpitude unless the order of such dismissal, discharge or removal has been reversed; or
- (j) is holding any office of profit under the State or Central Government, any Public Sector Undertaking, Local Authority, educational institution for a Co-operative Society:

Provided that nothing in this clause shall debar –

- (i) any such person from becoming a member or the President of the Committee of a Society composed exclusively of such persons; and
 - (ii) a person nominated under Sub-section (1) of Section 31, or appointed under this Act to manage the affairs of a Society from becoming a member but not the President of the Committee of a Society;
- (k) is debarred under the Representation of the Peoples Act, 43 of 1951 to contest election; or
 - (m) is retained or employed as a legal practitioner;
 - (a) against the Society; or
 - (b) on behalf of the Society, except in an honorary capacity; or
 - (n) abstains himself, while remaining member or President, from attending the meetings of the Committee of a Society over a continuous period of six

months;

(i) without prior intimation in respect of every such meeting;

or

(ii) with prior intimation if, upon such intimation, the Committee disapproves the abstention in the meeting to which the intimation relates or the meeting next following:

Provided that nothing in this clause shall debar such person from becoming a member or President after the expiry of a period of two years from the date immediately following the date on which the said period of six months expires; or

(o) abstains himself from attending the meetings or special meetings of the General Body or the Representative Smaller General Body, as the case may be, over a continuous period of one year-

(i) without prior intimation for every such meeting; or

(ii) with prior intimation if, upon such intimation, the General Body, or as the case may be, Smaller General Body disapproves the abstention in the meeting to which the intimation relates or the meeting next following:

Provided that nothing in this Clause shall debar such person from becoming a member or President after the expiry of a period of two years from the date immediately following the date on which the said period of one year expires or;

(p) has more than two children:

Provided that nothing in this clause shall apply to a person who has more than two children as on the 1st day of January, 1995, or as the case may be, within a period of one year of the said date, unless such person begets an additional child ~~at~~ the said period of one year.

(3-a) A representative of a Society or a body corporate shall not be eligible for being chosen or for continuing as a member or President of the committee of any other Society in cases where the Society or the body corporate which he represents-

(i) has failed to pay any amount due, whether in cash or in kind, to the

Society, its Financing Bank or any other Society, on account of any loan or otherwise, within three months from the date of notice by the Society or the Financing Bank concerned for payment of such dues:

Provided that nothing in this Clause shall debar any such representative from being chosen as a member or President of the Committee of any other Society if the Society or body corporate he represents, makes payment of the dues, before the date of filing his nomination at an election of any such other Society.

- (ii) ceases from the membership of the Society; or
- (iii) is ordered to be wound up or dissolved.

(3-aa) Any individual continuing as a Member or President of the Committee, whether by himself or as a representative of another Society, incurring any of the disqualifications specified in Sub-section (3) or Sub-section (3-a) shall cease to hold his office as such with effect from the date he incurs such disqualification;

(3-b) (1) Notwithstanding anything contained in this Act, there shall be a Chief Executive for every society, by whatever designation called, who shall be appointed on whole time basis by the Committee subject to the approval of the Registrar. Such Chief Executive shall be deemed to be a member of the Committee in the case of an apex society and any other society or class of societies as the State Government may, by notification from time to time, specify.

(2) Subject to the overall control of the Committee, the Chief Executive shall –

- (a) manage the day-to-day business of the Society;
- (b) operate the accounts of the Society;
- (c) be responsible of making arrangements for safe custody of cash;
- (d) sign on the documents for and on behalf of the Society;
- (e) make arrangements for the proper maintenance of various books and records of the Society, for the correct preparation, timely submission of periodical statements and returns in accordance with the provisions of this Act and the Rules and Bye-Laws made thereunder.

- (f) be competent to convene meetings of the General Body, the Committee and Sub-Committee, if any, and maintaining proper records for such meeting;
- (g) be competent to make appointments to posts in the Society in accordance with the rules prescribed excepting the posts relating to which the power of appointment vests in the Committee;
- (h) assist the Committee in the formulation of policies, objectives and plannings etc;
- (i) furnish to the Committee periodical information necessary for apprising the operation and function of the Society; and
- (j) perform such other duties and exercise such other powers, as may be prescribed or as may be specified in the Bye-Laws of the Society.

(3) Where a Chief Executive Officer appointed by the Committee of a State Co-operative Bank or Central Co-operative Bank, does not possess the requisite qualifications laid down in the proviso to clause (b) of Sub-section (1) of Section 33 A, the said Bank shall, at the request of National Bank or the Reserve Bank of India, remove the Chief Executive Officer after giving him a reasonable opportunity of being heard.

(3-c) The Chief Executive shall be deemed to be public servant within the meaning of Section 21 of the Indian Penal Code, 5 of 1860.

(5) If in the opinion of the Registrar, any officer or office-bearer of a Society who having the power, by or under the Bye-Laws, to remain in custody of any cash belonging to the Society, keeps in his custody, without reasonable cause, any such money in excess of the permissible limit beyond the period allowed under the Bye-laws or in any other manner not permitted thereunder, the Registrar may, by order in writing, after giving such officer or office-bearer a reasonable opportunity of being heard remove him from his office and thereupon he shall be deemed to have vacated his office with effect from the date of the said order.

(6) where any vacancy in the office of a member or the President of a Committee arises by reasons of death, resignation or removal of any member or the President or (otherwise) such vacancy-

- (a) shall be filled up in the same manner as it was originally filled up;
- (b) shall, within fifteen days from the date of its occurrence, be intimated by the Chief Executive of the Society to the State Co-operative Election Commission to fill up the vacancy on receipt of intimation:

Provided that where a casual vacancy occurs in the office of the member and the term of that member remains less than half of his original term, the committee shall fill up such vacancy by nomination out of the same class of members in respect of which the casual vacancy has arisen.

Section 28-A. Election of members of Committee (1)(i) The President of the Committee of every Society shall be indirectly elected, in the manner prescribed, by and from among the members of the Committee;

(ii) Other members of the Committee of a Primary Society shall be elected in such manner by and from among the General Body of members of the Society qualified for the purpose organized into such different constituencies as may be prescribed.

(ii-a) Other members of the Committee of a Central Society and an Apex Society shall be elected in such manner by and from among the qualified members of the Electoral College formed in such manner organized into such different constituencies as may be prescribed.

(iii) The Vice-president of the Committee shall be elected by, and from amongst, the elected members of the Committee in the prescribed manner:

Provided that where the President of the Committee of such a Society elected under this Section is not a woman, the office of the Vice-president of the Committee shall be reserved for women.

(2) The Chief Executive of the Society, by whatever designation called, shall intimate the State Co-operative Election Commission, the date of expiry of the term of a committee six months before such expiry.

(8) Any expenditure required to be incurred in holding of election of members and President of a Committee or in connection with matters incidental thereto shall be met by the Society under the direction of the State Co-operative Election Commission.

Section 28AA. Superintendence, direction and control of elections to a Society vest in the State Co-operative Election Commission-

The superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of, all elections to a Co-operative Society shall vest in the State Co-operative Election Commission consisting of a State Co-operative Election Commissioner appointed by the Governor and shall hold office for a period of five years from the date of his appointment or he attains the age of sixty-five years whichever is earlier.

(2) No person shall be qualified for appointment as State Co-operative Election Commissioner unless he is or has been an officer of the Government not below the rank of Secretary to the Government, having experience in co-operative sector.

(3) A person appointed as State Co-operative Election Commissioner shall before he enters upon his office, make and subscribe before the Governor an oath or, affirmation in the form as may be prescribed.

(4) The salary and allowance payable to, and other terms and conditions of service of, the State Co-operative Election Commission shall be such as may be prescribed:

Provided that the conditions of service shall not be varied to his disadvantage after his appointment.

(5) The State Co-operative Election Commissioner may be removed from his office by the Governor on the ground of corruption or misdemeanor after the Lokpal on a reference being made to it by the Governor, has, on inquiry held in accordance with the procedure prescribed in that behalf, reported that the State Co-operative Election Commissioner ought, on any such ground, to be removed.

(6) The State Government shall make available to him such officer and staff as maybe necessary for discharge of the functions conferred on the State Co-operative Election Commission under Sub-section (1).

(7) Any officer and employees of the State Government, made available to the State Election Commission for the purpose of discharge of the functions conferred on it under Sub-section (1), when appointed by the State Co-operative

Election Commission as the election officer, presiding officer, polling officer or any other officer or otherwise designated for the time being, for the conduct of any election under this Act, shall be deemed to be on deputation to the State Co-operative Election Commission for the period commencing on the date of notification calling for such election and accordingly such officer and employees shall, during that period, be subject to the control, superintendence and discipline of the State Co-operative Election Commission.

(8) For the purpose of election under Sub-section (1-b) of Section 28, the Chief Executive of the Society, by whatever designation called, shall by notification published on such date as may be recommended by the State Co-operative Election Commission, call upon the society to elect members to the Committee of such Society in accordance with the provisions of this Act and the rules or orders made thereunder.

(9) The preparation of electoral roll and the conduct of election to the office of the members and President to all Societies shall be in accordance with the rules made in consultation with the State Co-operative Election Commission.

(10) Without prejudice to the provisions of Sub-section (1), the State Co-operative Election Commission may issue directives to ensuring smooth conduct of election free from any corrupt practice, prohibited act, disorderly conduct and misconduct, subject to the provisions of this Act and the rules.

Explanation – For the purpose of this sub-section the expression ‘corrupt practice’, ‘prohibited act’, ‘disorderly conduct’ and ‘misconduct’ shall have the meanings respectively assigned to them in Schedule-III.

Section 28-B Election process not to be held up – Notwithstanding anything contained in this Act and Rules, election process of a Society; once started, shall not be held up, and no matter relating to election of the President or members of the Committee shall be called in question before any authority under this Act until the declaration of the result of such election.

Section 32. Supersession of Committee and power to disqualify officers of the Society –

(1) If in the opinion of the Registrar, the committee of any society, -

(i) Is in persistent default; or

- (ii) Is in negligence in the performance of its duties imposed on it by this Act, rules or by-laws; or
- (iii) Has committed any act prejudicial to the interest of the Society or its members; or
- (iv) Is stalemate in its constitution or functions,

the Registrar may after giving the committee a reasonable opportunity of being heard within twenty-one days from the date of issue of the notice in that behalf and after consulting, in case of a State Co-operative Bank or Central Co-operative Bank, the Reserve Bank of India and in case of any other society, Financing Bank of such Society, by order in writing stating reasons therefor, supersede the Committee for a period not exceeding one year in case of Society carrying on the business of banking and in case of other Society for a period not exceeding six months from the date of such order, and appoint an “Administrator” on such terms and conditions as may be prescribed to manage the affairs of the Society who can take all or any policy decision including admission of members in relation to the Society:

Provided that the committee of any such Society shall not be superseded or kept under suspension under Sub-section (7) where there is no Government shareholding or loan or financial assistance or any guarantee by the Government.

Provided further that in case of a Society carrying on the business of banking, the provisions of the Banking Regulation Act, 1949 shall also apply.

Explanation- For removal of doubt, it is hereby declared that if the State Co-operative Election Commission failed to conduct the election for any reason before expiry of the term of a committee, the committee shall be deemed to have been superseded immediately on completion of its term and the management shall stand vest in the Registrar.

(1-a) Notwithstanding anything contained in Sub-section (1) , the Committee of a Primary Agricultural Credit Co-operative Society, Large-sized Adivasi Multipurpose Co-operative Society , Service Co-operative Society and Farmers Service Co-operative Society shall be superseded , only if the Society incurs loss for a consecutive period of three years or if serious

financial irregularities in the functioning of the society have been detected or there is a judicial order to this effect there is perpetual lack of quorum in the meetings of the Committee of the society. **Explanation-** “perpetual lack of quorum” means failure of holding three consecutive meetings for want of quorum.

(2) The Administrator so appointed shall, subject to the control of the Registrar and to such instructions as he may from time to time give have power to exercise all or any of the functions of the Committee or of any office-bearer of the Society and take all such actions as may be expedient in the interest of the Society and shall be deemed for all purposes of this Act and the rules and Bye-Laws to be the Committee of such Society.

(3) The Administrator shall, within fifteen days from the date of supersession of a Committee intimate to the State Co-operative Election Commission for constitution of a new committee in accordance with the provisions of this Act and rules.

(4) If the Financing Bank of the Society does not tender its opinion in writing within thirty days of a reference made to it under Sub-section (1), it shall be deemed that it has no objection if the Committee is removed.

(5) If the Registrar, while making an order under Sub-section (1), is of the opinion that any past or present officer of the Society has been party to, or responsible for the mismanagement thereof or has failed to perform any duty lawfully assigned to him, he may, by order in writing after giving such officer an opportunity to state his objection, disqualify him from being a member of a Committee in respect of the Society for a period not exceeding three years to be specified in the order and every order made under the Sub-sections shall state the reasons for which it is made and shall be communicated to the Society and the officer concerned.

(7) Notwithstanding anything contained in this Section, if in the opinion of the Registrar, the Committee of any Society is acting in a manner prejudicial to the interest of the Society or its members, or has committed such serious irregularities or illegality that further continuance of the Committee would be detrimental to the interest of the Society the Registrar may, at any time before

or, as the case may be, after issue of a notice under Sub-section (1), suspend the Committee, for a period not exceeding one year in case of society carrying on the business of banking and in case of other society for a period not exceeding six months and make such arrangements as he thinks proper for the management of the affairs of the Society, during the period of suspension of the Committee:

Provided that if the Committee so suspended is reinstated the period of suspension shall count towards its term.

(8) Notwithstanding anything contained in this section, if, in the opinion of the Registrar, any member of the Committee of a Society, delegated or entrusted with any of the powers or responsibilities of such Committee, persistently makes default or is negligent in exercise of powers or in discharge of responsibilities or commits any act prejudicial to the interest of the Society or its member, the Registrar may after giving an opportunity to state his objections, if any, by order in writing stating reasons therefor remove him from office.

(9) The office-bearer of the superseded Committee referred to in Sub-section (1-a) shall not be eligible for being chosen as office-bearer of any Society until expiry of a period of three years from the date of such supersession.

Section 67-B. Powers of the Tribunal – (1) (i) Notwithstanding anything contained in any law for the time being in force, any dispute arising in connection with the election of any office-bearer of a Society, or the disciplinary action taken by a Society or its committee against any paid servant of the Society who is not a workman within the meaning of Clause(s) of Section (2) of the Industrial Dispute Act, 1947, shall be referred to the Tribunal in the manner and within the period prescribed in that behalf.

Section 115.

(5) (b) An officer or member of a Society or any other person who does any act or omission declared by the rules to be an offence, shall be punishable with fine which may extend to ten thousand rupees.

(11) Any person disobeying a lawful written directive of the {State Co-operative Election Commission, issued under Section 28-AA in connection with the holding or conduct of any election under this Act, shall be punishable with fine which may extend to fifteen thousand rupees, or with imprisonment

which may extend to one ~~year~~ or with both.

(12) Any person willfully indulging in any corrupt practice, prohibited act, disorderly conduct or misconduct within the meaning of Section 28-AA shall be punishable with fine which may extend to eighteen thousand rupees, or with imprisonment which may extend to one year, or with both.

(13) Any person required under this Act, Rules or the Bye-Laws to hold or conduct elections for constituting a successor-Committee of an outgoing Committee or a Committee ceasing to exist or standing dissolved in accordance with the provisions of this Act or for filling up a vacancy in an existing Committee in the manner and within the time prescribed, willfully avoiding to take action as aforesaid shall be punishable with fine which may extend to eighteen thousand rupees, or imprisonment which may extend to one year, or with both.

Section 116. Cognizance of offence – (1) No Court inferior to that of a Magistrate of the first class shall try any offence under this Act.

(2) Offences specified in Sub-sections. (5) (a), (6), (10), (11), (12), (13) and (15) of Section 115 shall be cognizable.

(3) Without prejudice to the provisions of any other law for the time being in force, in regard to the institutions of prosecutions, the Registrar, Auditor General or any member of the concerned Society, shall be the person competent to institute prosecution for any offence under this Act.

Provided that where any member of the concerned society intends to institute prosecution against, -

- (i) the Registrar, he shall obtain prior approval of the State Government, and
- (ii) any officer subordinate to the Registrar, he shall obtain prior approval of the Registrar.

Section 121. Bar of jurisdiction of Courts – Save as provided under this Act, no Civil or Revenue Court shall have any jurisdiction on any ground whatsoever in respect of any proceeding under this Act or Rules or any order, decision, determination or award, by whatever expression called, made or given thereunder.

Section 123. Power to exempt class of Societies –The State Government may, by general or special order, exempt any Society or any class of Societies other than a Co-operative Credit Society from any of the provisions of this Act, or may direct that such provisions shall apply to such Society or class of Societies with, such modifications as may be specified in the Order.

Section 124. Register of members – Any register or list of members or shares kept by any Society shall be prima facie evidence of any of the following entered therein–

- (a) the date on which the name of any person was entered in such register or list as a member;
- (b) the date on which any such person ceased to be a member

Section 137. Power to remove difficulties – (1) If any doubt or difficulty arises in giving effect to the provision of this Act the State Government may, as occasion may require, by order do anything not inconsistent with the provisions of this Act or the Rules made thereunder which appears to them necessary for the purposes of removing the doubt or difficulty.

(2) An order made under Sub-sec. (1) shall be laid as soon as may be before the State Legislature.

ODISHA CO-OPERATIVE SOCIETIES
(ELECTIONS TO THE COMMITTEES) RULES, 1992

1. **Short title and commencement-** (1) These rules may be called the Odisha Co-operative 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 Co-operative 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 organized 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 Co-operative 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 organized into Constituencies by the Committee with particulars of all such Constituencies as well as the office or offices in respect of which elections are required to be held duly supported by the resolution of the Committee and where no such Constituency has been organized, the said Chief Executive shall send a requisition to the Election Officer concerned for organization of such Constituency under sub-rule (3) of Rule 6 under intimation to the State Co-operative Election Commission.

4. 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 Co-operative Election Commission, by publication of a notification at least two months prior to the date of election so fixed and the Chief Executive of the Society, by whatever designation called, publish the same either in the daily newspaper having wide circulation in the area of operation of the society or in the notice board of the society, its branches, if any, the offices of the Gram Panchayat, Panchayat Samiti, Tahsildar, Sub-Collector, Collector, Deputy Registrar of Co-operative Societies and Assistant Registrar of Co-operative Societies in the area of operation of the Society or by beat of drums in the aforesaid area, by 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 Co-operative Election Commission, if any, shall fix the date of election of the President within two days from the date of declaration of the result of the election of the members of the Committee and of the Vice-President within two days from the date of

declaration of the result of the election of the President.

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

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

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

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

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

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 Corporates 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 Co-operative Societies and Assistant Registrar of Co-operative Societies in the area of operation of the Society or by beat of drums in the aforesaid areas, by 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 Register, 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 organized into different constituencies so as to elect one member for each Constituency , on such numerical or territorial basis as may be determined by the Committee having regard to the provisions of the Act and the rules framed 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 members 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 a 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 any nomination and may either on such objection or on his own motion, after such summary inquiry, if any, as he thinks necessary, give his decision on the day immediately following the last date ~~for~~ 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 symbols 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 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 Co-operative Societies and Assistant Registrar of Co-operative 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 equipment 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 ~~with~~ 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 ~~in~~ 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 ~~who~~ 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 ~~the~~ 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 construed 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 construed 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.

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~~ 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 at least it as "true copy".

34. Sealing of other packets- (1) The Presiding Officer shall then make into ~~one~~ 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 an 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 Co-operative Election Commission, the Registrar of Co-operative Societies and the Deputy Registrar of Co-operative Societies and Assistant Registrar of Co-operative 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 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 Co-operative 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 Co-operative 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 sub-section (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.