



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

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GOVERNMENT OF ASSAM
ORDERS BY THE GOVERNOR
COOPERATION DEPARTMENT

NOTIFICATION

The 24th May, 2018

No. Coop. 272/2013/41.- The following draft of certain rules which the Governor of Assam proposes to make in exercise of the powers conferred by sub-section (1) of Section 131 read with Section 41(3) of the Assam Cooperative Societies Act, 2007 (Assam Act No. IV of 2012) is hereby published, as required under the said sub-section (1) of section 131 of the said Act, for the information of all persons likely to be affected thereby and notice is hereby given that the said draft rules will be taken into consideration by the Governor after expiry of a period of 45 days from the date of publication of this notification in the Official Gazette.

Any objection / suggestions which may be received from any person with respect to the said draft rules before the expiry of the period of 45 days as specified above shall be considered by the Government of Assam.

Objection or suggestions, if any, may be sent to the Additional Chief Secretary to the Government of Assam, Cooperation Department, Block-C, 2nd Floor, Janata Bhawan, Dispur, Guwahati-781006.

DRAFT RULES**1. Short title and commencement.-**

- (a) These rules may be called the Assam Cooperative Societies' Election Rules, 2018.
- (b) They shall come into force from the date of their publication in the Official Gazette.

2. Definitions.-

In these rules, unless there is anything repugnant in the subject or context,-

- (a) "Act" means the Assam Cooperative Societies Act, 2007 (Assam Act No. IV of 2012);
- (b) "area of operation" means the areas as per section 6(3) of the Act or as specified in the bye laws of the Cooperative Society;
- (c) "Assistant Returning Officer" means officer / officers appointed by the Election Authority to assist the Returning Officer or to perform duties of Returning Officer in his/ her absence or inability;
- (d) "Assisting Officer" means any person to be appointed by the Election Authority to perform any duty to assist the Returning Officer in the election process;
- (e) "Ballot Box" means any box, bag or other receptacle used for the insertion of ballot papers during election. In case of State Level Cooperatives and Cooperative Societies at all levels having more than 1500 voters, Gaon Panchayat Samabai Samiti / Primary Agricultural Co-operative Society preferably handling Public Distribution System, it means the prescribed ballot box used by the Assam State Election Commission;
- (f) "Election Authority" means the Registrar of Cooperative Societies, or any officer to whom the powers of election are delegated;
- (g) "Election" means a process in which members vote to elect a person or group of persons in the Annual General Meeting to form a Board in a Co-operative Society;
- (h) "Elector" means any member whose name is included in the voters list as per section 26 (3) and section 41 (1) of the Act, who is eligible to vote in the election;
- (i) "Electoral Roll/voters' list" means the list prepared as per section 26 (3) and 41(1) of the Act;
- (j) "Form" means the forms appended to these rules, in appropriate language which includes any printed, cyclostyled, typewritten, and photocopy thereof;
- (k) "Members List" means the two separate lists of members- one having right to vote and another without right to vote prepared as per section 26 (3) of the Act;
- (l) "Marked Copy" means copy of the Electoral Roll/ voters' list set apart for the purpose of verifying the names of the electors to whom ballot papers are to be issued at an election;
- (m) "member" means a person as defined in section 2(w) of the Act;
- (n) "notified" means issue of a written public notice by the Election Authority and the Returning Officer, through print and electronic media, mike announcement,

postering, banners, individual letters to members duly acknowledged, and pasting of the notice in the office premises of the society, venue of the Annual General Meeting, Panchayat, Block and Revenue Circle Offices concerned;

- (o) "Polling Station" means the place fixed for conducting the poll at the election;
- (p) "Photo ID" for identification of voters at an election, means an Electoral Photo Identity Card (EPIC) issued by the Election Commission of India;
- (q) "Returning Officer" means an officer appointed by the Election Authority for conduct of election of a Cooperative society, not below the rank of Senior Inspector/ Auditor of Cooperative Societies to perform the duties as provided in the Act and Rules;
- (r) "Society" means a Cooperative Society as defined in the Act;
- (s) "Section" means the sections of the Act;
- (t) "State Government" means the Government of Assam;
- (u) "Strong room" means the nearest Police Station/ Outpost, or the Treasury Office of the District/ Subdivision concerned;
- (v) Words and expressions used in this Rules but not defined shall have the meanings respectively assigned to them in the Act.

3. Conduct of Election to Board of Directors of Cooperative Society.-

- (a) Subject to the superintendence, direction and control of the Registrar of Cooperative Societies, Assam the following officers shall have power to conduct elections as per section 41(1) of the Act, as delegated by the state Government from time to time, namely:-
 - (i) Registrar of Cooperative Societies for State Level Societies;
 - (ii) Joint Registrar of Cooperative Societies for Zone Level Societies;
 - (iii) Deputy Registrar of Cooperative Societies for District Level Societies;
 - (iv) Assistant Registrar of Cooperative Societies for Primary Level Societies.
- (b) The election of a Cooperative Society, for constitution of the Board of Directors, shall be held in the meeting of General Assembly as per section 29 of the Act if fallen due as per sections 31, 41 and 42 or in a Special General Meeting as per section 33, on such dates as may be notified by the Registrar of Cooperative Societies, Assam/the Election Authority.
- (c) On the notified date, the Annual General Meeting, which inter-alia shall have the election agenda, shall fix the schedule of items for discussion and decision as per section 30 of the Act, between 9:00 AM and 2 PM.
- (d) The Returning officer shall notify the date and time of vote.
- (e) Voting shall commence immediately after deliberations of the Annual General Meeting, but not later than 2 PM. All eligible members who reach the polling station within the time notified by the Returning Officer, shall be allowed to vote.
- (f) The Returning Officer shall arrange for issuance of numbered and signed coupons to members who reach the polling station in time but remain in queue up to 5:00 PM, yet to cast their votes. The coupons shall be issued consecutively from the end of the queue.
- (g) The Management shall arrange for sufficient light in the polling premises.

- (h) The concerned Chief Executive / Secretary of the society shall prepare and submit a list of members eligible to vote in the election as per section 26(3) of the Act, to the Registrar / Election Authority, for countersignature to fulfil the requirement of section 41 (1). The Registrar of Cooperative Societies (RCS) and Joint Registrar of Cooperative Societies (JRCS), Deputy Registrar of Cooperative Societies (DRCS), Assistant Registrar of Cooperative Societies (ARCS) concerned, in exercise of their delegated powers of the Registrar, shall ensure correctness of the voter list, after deleting names of dead voters in consultation with the Registrar of Deaths, incorporation of new voters, removing duplicate names etc by inviting claims and objections, and comparison with the register of membership etc.
- (i) The Election Authority shall arrange for publication of the electoral roll before 30 days of the date of election. Nominations from candidates shall be received 10 days before the election. Withdrawal of nominations shall be done 8 days before the election. List of contesting candidates shall be finalised 8 days before the election. Printing of ballot papers shall be ready 4 days ahead of the poll.
- (j) Whenever the society fails to prepare and submit the electoral roll as per rule 3 (h), the Election Authority may himself or through a person authorized by him, on this behalf prepare electoral roll as per section 41(1) of the Act.
- (k) Copies of the final electoral roll shall be kept in safe custody of the concerned Election Authority and the Chief Executive/ Secretary of the society.
- (l) The final electoral roll shall be displayed in the office of the Cooperative society and make copies of the same available to the members/ shareholders on payment. The cost to be paid for the copy shall be fixed by the Election Authority.
- (m) Wherever the bye-laws of a Cooperative society so provide, as per section 29 (2)(b) and 29 (3) of the Act, there shall be a meeting to elect the delegates to the General Assembly, in conformity with the bye-laws of the society.
- (n) The election agenda shall clearly be mentioned in the notice of Annual General Meeting / Special General Meeting, as and when due.

4. Appointment of Returning Officer.-

- (a) Returning Officer shall be appointed by the Election Authority. When there is no sufficient staff under the Election Authority, the Election Authority shall detail officer(s) from other departments/ establishments to assist the Returning Officer.
- (b) The concerned District Civil Administration shall ensure detailment of officer(s) / staff(s) upon requisition by the Election Authority.
- (c) Returning Officer shall be provided two copies of electoral rolls, one of which shall be the "Marked Copy".

5. Arrangement of Ballot Box/Ballot Paper.-

- (a) The Board of Directors/ Managing Committee and every officer of the cooperative society shall be bound to render assistance to the Returning Officer in the conduct of the election and shall make available to him such information and records of the society as may be required by the Returning Officer for the purpose.
- (b) The Election Authority and Returning Officer appointed for holding an election of a cooperative society shall arrange for ballot boxes, ballot papers and such other

accessories which are necessary for the conduct of election.

- (c) In respect of cooperative society where the election requires ballot boxes used by the Assam State Election Commission, as at rule 2 (d), the same shall be temporarily made available by the Deputy Commissioner/ Sub-Divisional Officer concerned.
- (d) The names of the contesting candidates shall appear in the Ballot Paper in the English Alphabetic Order. Printing of ballot paper shall be done in local languages of English for Karbi Anglong Autonomous Council, Dima Hasao areas, Bodo for Bodoland Territorial Council area, Bengali for Barak Valley Districts and Assamese for the Brahmaputra Valley Districts and other districts in Assam.

6. Filing and Scrutiny of Nomination paper.-

- (a) Nomination paper shall be filed in Form No. 1, upto two copies of nomination paper may be presented by a candidate to the Returning Officer on the notified date and time.
- (b) The Election Authority shall fix the date and time for-
 - (i) filing of nominations before 10 days of the date of election in one day.
 - (ii) scrutiny of nomination papers and display of the list of nomination. (same day of filing of nominations).
 - (iii) withdrawal of nomination. (within two days from submission of nomination).
 - (iv) one symbol shall be allotted to each candidate by the Returning Officer other than the symbols recognised by the Election Commission of India for the political parties. Draw of Lots shall be conducted in case of preference of the same symbol by more than one candidate:

Provided that all above stages/ tasks shall be performed and completed in the office of the Returning Officer, which shall be located in the Head Office of the society from the date of notification till the completion of the declaration of results of the poll.

7. No person shall be allowed to file nomination paper for election to fill a seat of Board of Directors of a Cooperative Society, if –

- (a) his/her name does not appear in the electoral roll of the society, or
- (b) he/she is otherwise disqualified for being elected under the provision of the Act, Rules and bye-laws of the society.
- (c) he/ she has been convicted for offences under the Indian Penal Code, 1861 (Act No.45 of 1860) or barred by any Court of Law or is mentally insane which renders him/her disqualified under the laws of the land.

8. The candidate shall present his nomination to the Returning Officer in person or through his authorized person and an entry thereof shall be made by the Returning Officer in the register maintained for the purpose strictly in chronological order and he shall also acknowledge the receipt.

The proposer(s) and seconder(s) to the nomination shall be valid electors from the electoral roll.

9. The Returning Officer shall take-up scrutiny of nomination papers immediately on closure of filing of nominations. Amongst the candidate, his proposer(s) and seconder(s), only one may be allowed to be present at the time of scrutiny.
10. While scrutinizing the nomination, the Returning Officer may,-
- (a) allow any clerical error in the nomination paper in regard to the names or number to be corrected in order to bring them in conformity with corresponding entries in the final electoral roll.
 - (b) where necessary, any printing error in the said entries may be overlooked.
 - (c) at the time of scrutiny, the Returning Officer shall endorse on nomination paper, the decision regarding acceptance and rejection. In case of rejection he shall record in writing in brief the reasons for such rejection. The candidate whose nomination is rejected may obtain a copy of the order of rejection.
 - (d) the Returning Officer shall guide the candidates in filing the Nomination Papers. He shall not reject the nomination paper of any candidate on flimsy grounds.
11. Application for withdrawal of the nomination shall be made to the Returning Officer in person by the candidate concerned.
12. A nomination paper shall accompany a receipt of non refundable nomination fee as shown below issued by the society-
- | | |
|--|--------------|
| (a) State Level Societies - | Rs. 10,000/- |
| (b) Regional Level Societies - | Rs. 7,000/- |
| (c) District Level Societies/Wholesale Cons. | Rs. 5,000/- |
| (d) Urban Cooperative Bank- | Rs. 2000/- |
| (e) Primary Level Societies- | |
| i) Primary Agricultural Credit Society (GPSS/ LAMPS) | Rs. 5000/- |
| ii) Other Cooperative Societies- | Rs. 200/- |
| iii) Women Cooperative Societies- | Rs. 50/- |
- The fees may be deposited by cash, Bank draft , RTGS/NEFT in favour of the Managing Director / Chief Executive / Secretary/ Manager of the Society concerned.
- 13. Declaration of Election Result.-**
- (a) If the number of valid nomination papers is equal to the total numbers of members to be elected to the Board of Directors, the Returning Officer shall declare such candidate to be duly elected to the Board of Directors in the Annual General Meeting.
 - (b) If there are more valid nominations against the total number of posts to be filled up, poll shall be held on the date of Annual General Meeting already notified in accordance with the provisions laid under the Act and Rules.
- 14. Ballot Paper.-**
- (a) The ballot paper shall be as per Form No. 2 and shall be printed in Assamese and Bengali /English /Bodo (as applicable)

- (b) If two or more candidates bear the same name, they shall be distinguished by the addition of their residence or any other indication as decided by the Returning Officer.
 - (c) The ballot paper with counterfoil, both, shall be serially numbered on the face. Each ballot paper shall bear the signature and seal of the Returning Officer on the reverse. The signing of the ballot papers shall be done by the Returning Officer not prior to 72 hours before the day of poll. The same shall be kept in his custody with adequate security that may be decided by the Election Authority and the District / Sub-Divisional Administration.
 - (d) There shall be as many ballot papers per voter, as there are classes of members, SC/ST and women candidates. The ballot papers shall be of different colours for transparency and fair poll.
 - (e) Printing of ballot paper shall be done in utmost secrecy by the Election Authority in Printing Establishments, approved by the Director of Printing and Stationery, or by the Deputy Commissioners or Sub-Divisional Officers for outlying subdivisions.
15. The Returning Officer shall allow one election agent per candidate on submission of formal petition by the candidate indicating name and particulars of the agent along with photograph. He shall be issued a photo identity card duly authenticated by the Returning officer. The Election Agent shall observe the compliance of the election process with relevant provisions of the Act, Rules and Bye-Laws, on behalf of, and in addition to, the candidate who has been validly nominated.

16. Voting.-

- (a) On the date of election, half an hour before the poll, the Returning Officer shall show the empty ballot box to the candidates/election agents and seal the box with paper seal and cardboard as per rules of State Election Commission and then commence the poll.
- (b) Voter/ Elector must put their signature/ thumb impression in the counterfoil of the Ballot Paper prior to casting of vote.
- (c) The voting shall be by secret ballot. The voter shall put cross mark (⊗) against the name of the candidate for whom he/she casts his vote and thereafter he/she shall drop the ballot paper into the ballot box.
- (d) Every voter shall have as many votes as there are seats to be filled up, in as many ballot papers as per rule 14(d).
- (e) Any contesting candidate or his /her authorized election agent may challenge the identity of the voter, before the issue of the ballot paper, on payment of a non refundable fee of Rs. 100 /- for each challenge for which a receipt of the society shall be issued by the Returning Officer.
- (f) The Returning Officer shall make summary enquiry of the challenge, and if after such enquiry he/she is of the opinion that the challenge is not established, he/she shall issue ballot paper to the voter.
- (g) Every voter shall have to produce Electoral Photo Identity Card (EPIC) issued by

- the Election Commission of India, to the officer responsible for establishing identity of the voters.
- (h) If the challenge is established, Returning Officer shall not issue ballot paper and shall return the challenge fee.
 - (i) Voting compartments are to be arranged in the style and manner of general election.
 - (j) Separate queue for women voter are to be facilitated. Preference is to be given to differently abled persons.
 - (k) One polling agent per candidate shall be able to sit in the polling station premises to establish identity of voters and ensure compliance with the provisions of the Act and rules.
 - (l) Declaration before the poll, must be done (in presence of the contesting candidate/ Agent, if present) in the Form No.3 by the Returning Officer and declaration from the contesting candidate/ Agents extending their satisfaction upon the Ballot Box before election to be obtained on that form.
 - (m) Declaration after the poll, must be done (in presence of the contesting candidate/ Agent, if present) in the Form No.4 by the Returning Officer and declaration from the contesting candidate / Agents extending their satisfaction upon the fairness the election after poll to be obtained before counting and after completion of the poll on that form.
 - (n) Ballot Paper account in the Form No.5 needs to be filled up by the Returning officer after the poll, copy of which is to be handed over to candidates, if sought, after obtaining acknowledgement.
 - (o) After end of the poll, the ballot boxes will be sealed as per procedure along with a copy of the ballot paper account. The candidates or their election agents shall affix their sign and seal if they so desire before depositing the ballot boxed in the strong room.
 - (p) Unused ballot papers shall be handed over to the Managing Director/ Chief Executive /Secretary/ Manager of the cooperative society by the Returning Officer who shall acknowledge the receipt in Form No.6.

17. Arrangement at Polling station.-

- (a) The Returning Officer shall provide at each polling station sufficient number of Ballot Boxes, Ballot Papers, copies of electoral roll pertaining to the society, instrument for amping and articles necessary for electors to mark the Ballot papers and other stationeries as per **Appendix- I**. He shall also provide at each polling station such other equipment, accessories and stationeries as may be necessary for taking the poll at such polling station. The Returning Officer may arrange indelible ink.
- (b) The Returning Officer may arrange for polling with more than one setup if there are more than 1500 voters/ electors in the same polling area.
- (c) Returning Officer shall ensure that the society shall arrange for video photography of the proceedings of the poll including counting, in respect of those polling stations where ballot boxes as that of State Election Commission are used, which are to be submitted to the Election Authority.

(d) The Returning Officer in each polling station shall display prominently outside the polling station.-

- (i) A notice specifying the polling area, within the area of operation of the society, and the particulars of electors to be served by the polling station and,
- (ii) A copy of the list of contesting candidates along with symbols.

18. Persons entitled to enter the Polling Station.—

The following persons shall be allowed to enter in polling station:—

- (a) Election Authority, Returning Officers and Other Staff;
- (b) each candidate, his election agent and one polling agent of each candidate at a time;
- (c) persons authorised by the Election Authority;
- (d) public Servant on duty in connection with election;
- (e) a child in arm accompanying an elector;
- (f) a person accompanying a blind or infirm voter who cannot move without help; and
- (g) such persons as the Returning Officer may allow from time to time for the purpose of identifying voters or otherwise assisting the Returning Officer in conducting the poll.

19. Adjournment of Poll.—

- (a) If the continuance of poll is disrupted by circumstances beyond the control of the Returning Officer, the Returning Officer shall adjourn the poll ordinarily to the same day in the next week at the same time and place. However, the Returning Officer may decide to adjourn the poll to a later date not later than 15 days and the Election Authority shall notify re-poll and report to the Registrar of Co-operative Society (RCS) immediately for arrangement of Departmental Officer(s) to manage the affairs of the society, if necessary.
- (b) Whenever a poll is adjourned under sub-rule (a) the Returning Officer shall immediately report to the Election Authority, the circumstances which compelled him to adjourn the poll, and also inform about fixation of new date of poll.
- (c) In every such case as aforesaid, the Returning Officer shall notify on the day of poll itself the adjournment date, place and hours of polling fixed under sub-rule (a).

20. Countermand of Poll.—

The Returning Officer may countermand the poll, if there is riot, natural calamities, gross irregularities and any situation of serious nature which is out of the control of the Returning Officer and Law and Order enforcing machineries.

21. Strong Room.—

- (a) A strong room for keeping election materials after poll shall be arranged preferably in the nearest Police Station/ Outpost or Treasury Office. All materials to be kept under seal and signature of the Returning Officer(s). Candidates or agents may also put their signature on the sealed materials at appropriate space (s).
- (b) Transit of election materials shall be done under strict police security to and from

the polling station and strong room. Candidates, their election agents may accompany and maintain vigil as per rules on the election materials kept under seal of the Returning Officer.

22. Counting of Votes.-

- (a) Counting of votes shall take place at the venue notified by the Returning Officer beforehand, with one day break after the closure of the poll. Before commencement of counting, necessary declaration from the candidates and/ or their election agents shall be taken. The Returning Officer shall declare the results after completing the counting in Form No.7. Counting of votes shall commence on the notified venue and date at 8 am.
- (b) The Returning Officer shall declare the result of election as soon as the counting is completed indicating the number of votes secured by each candidate and shall also furnish a certificate in writing under his seal and signature to the successful candidate(s) in Form No.8 . The new Board members shall take charge of office on the basis of the certificate.
- (c) The Returning Officer shall display the list of elected candidates on the notice board of the society.
- (d) A copy of the list of elected members, prepared under sub-clause (b) shall be sent to the concerned Election Authority and also to the Chief Executive/ Secretary of the society concerned.
- (e) Used ballot papers and other records pertaining to the election shall be put in a cover or container and shall be sealed by the Returning Officer. Candidates may also affix his/her seal thereon, if he/she so desires. The cover or container so sealed, shall be handed over by the Returning Officer to the Chief Executive Officer of the society who shall acknowledge the receipt in Form No.9, and be responsible for its safe custody for three months or till such time as the Election Authority directs.
- (f) In case of Cooperative Societies situated in remote areas and difficult terrain (non motor able between the venue of poll and strong room areas) where counting of votes after one day break may entail logistic difficulties in such cases, the application of above sub-rule (e) may be relaxed by the Registrar of Cooperative Societies, Assam on application of the Election Authority concerned. The Registrar of Cooperative Societies, Assam may call report from District/ Sub-Divisional Administration, wherever and whenever necessary.

23. Re-Election.-

The Election Authority may order for re-election, after declaring the election null and void for sufficient reasons, and after enquiry, if he is convinced that the process of election was grossly vitiated or violated contrary to the laws at any stage of the election process.

24. Recounting of Votes.-

- (a) The Election Authority may order for re-counting for the entire or for a particular part/ section of votes upon acceptance of complaint petition from contesting candidate(s), before the end of the counting process. Refundable fees of an amount equivalent to two times of the nomination fees are to be deposited. If the complaint is found to be with vested interest or malicious intent, the fees shall be

forfeited to the society.

- (b) If there is equality of votes of the candidates of any class/ part/ section, the Returning Officer shall re-count the votes of the particular class/ part/ section immediately. If the result remains same, the matter shall be decided by drawing of lots.

25. Rejection of Ballot Paper.-

A ballot paper shall be rejected if,-

- (a) it does not bear the signature and seal of the Returning officer concerned;
- (b) it contains no marks indicating a vote;
- (c) it contains marks more than the number of seats to be filled;
- (d) it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established; and
- (e) It cannot be conclusively established, in whose favour the vote has been cast.

26. Expenses of election.-

The amount of expenses for holding election in a Cooperative Society shall be borne by the society and all monetary transactions to be done through society's account:

Provided that a Special Allowance is to be fixed by the Registrar of Co-operative Society (RCS) for the Returning Officer and other persons connected with the conduct of election which shall be payable from the funds of the society.

27. Redressal of Dispute.-

- (a) Any dispute relating to election of a Cooperative Society may be submitted within 3 (three) days from the date of declaration of the results, before the Election Authority.
- (b) The Election Authority, shall make an enquiry upon the dispute on the basis of the relevant records and pass necessary order(s).

28. Code of Conduct for Candidate(s).-

- (a) Code of conduct is applicable to all candidates from the date of acceptance of nomination for election till the election process is over.
- (b) No candidate shall campaign or hang any poster/ banner within 100 meter radius of the polling station.
- (c) Intimidation by any Candidate/ Agent(s) to any candidate(s)/ Agent(s) or voter(s) shall be liable to punishment under the relevant provisions of Indian Penal Code, 1860 and disqualification of candidature.
- (d) Bribe, alcohol or any other gratification, proven to be extended by any candidate, directly or indirectly, in favour of voters, for influencing them to vote, shall make them liable to disqualification.
- (e) Election Authority shall impose other conditions wherever and whenever necessary for free and fair election.
- (f) Violation of any provision of the Act and Rule by the Candidate(s)/ Agent(s) shall make them liable to disqualification.

29. Code of Conduct for Officers on Election Duty.-

- (a) The Election Authority, Returning Officer(s) / Assistant Returning Officer(s),

Observers and any other officer/helper etc engaged or detailed for election duty shall maintain absolute impartiality.

- (b) They shall maintain timeliness, in strict compliance with the schedule of elections, as directed by the Election Authority.
- (c) Any Officer violating code of conduct at any time shall be liable to disciplinary action for negligence and dereliction of duties under the Assam Services (Discipline and Appeal) Rules, 1964.

30. Maintenance of Law and Order.-

- (a) The Election Authority shall seek necessary assistance from the District Administration/ Sub-Divisional Officer (Civil)/ Circle Officer and District Police/ Sub-Divisional Police Authority wherever and whenever necessary.
- (b) The District/ Sub-Divisional Administration and Departmental Authorities shall extend necessary help and assistance to the Election Authority/ Returning Officer in all matters in the election process by deputing officers and personnel for maintenance of law and order.

31. Electoral Offence.-

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

- (i) fraudulently destroys or fraudulently defaces any nomination paper; or
- (ii) fraudulently defaces, destroys or removes any list, notice or other documents affixed by or under the authority of a Returning Officer; or
- (iii) fraudulently defaces or destroys any Ballot Paper or the official mark on any Ballot Paper or any declaration of identity or official envelope used in connection with voting by person on election duty; or
- (iv) without due authority, supplied any Ballot Paper to any person or receives any Ballot Paper from any person, or is in possession of any Ballot Paper; or
- (v) fraudulently puts into any Ballot Box, anything other than the Ballot paper; or
- (vi) without due authority destroys, takes, opens or otherwise interferes with any Ballot Box or Ballot Papers than in use for the purpose of the election;
- (vii) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts or wilfully aids or abets the doing or any such acts; and
- (viii) any person guilty of an electoral offence under this rule shall be referred to the police by lodging First Information Report (FIR) by the Election Authority/ Returning Officer(s).

(32) Election of Chairman and Vice-Chairman.-

After approval of the proceedings of the Annual General Meeting/Election as per Section-45, sub-section-(1) of Assam Cooperative Societies Act-2007, the election of the Chairman and Vice-Chairman shall be done by secret ballot in the first meeting of the Board of Directors as per section-36, sub-section-(1) of the Assam Cooperative Societies Act, 2007.

Form No. 1

Nomination Paper to the Election of Director of Co-operative Society

(See Rule 6)

I, Sri / Smt. (Proposer).....hereby propose the name of Sri / Smt. (Candidate).....as a candidate for the post of director in the unreserved/ reserved for woman/ reserved for SC/ST category to the election to be held on in the AGM /Spl.AGM of the Co-operative Society Ltd.

I declare that I have no overdue debt, as on the date below, with the society, with any member society of this society or a secondary co-operative to which this society is a member

My name (Proposer) appears in the Member List with Right to Vote of the society at Sl.....

Date :

Signature (Proposer)

Address:

I, Sri /Smt. (Supporter)..... hereby seconded the above proposal.

I declare that I have no overdue debt, as on the date below, with the society, with any member society of this society or a secondary co-operative to which this society is a member.

My name appears in Member List with Right to Vote of the society at Sl.....

Date :

Signature (Supporter)

Address:

I, Sri /Smt. (Candidate)..... hereby give my consent with the above proposal. I declare that I have no overdue debt, as on the date below, with the society, with any member society of this society or a secondary co-operative to which this society is a member.

My name appears in the Member List with Right to Vote of the society at Sl..... and during the last 5 years I have attended AGM of the society held on and and I have patronized the services of the co-operative Society during the previous financial year to the extent and in the manner I am holding a *minimum sum of deposit Rs. with the society for continuous period of years from last

I declare that the above statements are true to the best of my knowledge and belief; I may be remove from the post of director as per law, in due course of time on the ground of declaration made above proves false.

Date :

Signature (Candidate)

Address:

প্ৰ-পত্ৰ নং-১

(Form No. 1)

সমবায় সমিতিৰ সঞ্চালক মণ্ডলীলৈ নিৰ্বাচনৰ বাবে মনোনয়ন-পত্ৰ

(বিধি নং ৬ (ক) অনুসাবে)

মই শ্ৰী/ শ্ৰীমতী (প্ৰস্তাৱক)

অহা তাৰিখত সমবায় সমিতিৰ সাধাৰণ/
বিশেষ সাধাৰণ সভাত অনুষ্ঠিত হ'ব লগা সঞ্চালক পদৰ নিৰ্বাচনৰ বাবে অসংৰক্ষিত / মহিলাৰ বাবে সংৰক্ষিত /
অনুসূচিত জাতি-জনজাতিৰ বাবে সংৰক্ষিত আসনৰ বাবে শ্ৰী/ শ্ৰীমতী (প্ৰাৰ্থী).....
.....ৰ নাম প্ৰস্তাৱ কৰিলোঁ।

মোৰ নামত আজিৰ তাৰিখত, সমবায় সমিতিখনত বা ইয়াৰ সদস্য সমবায় সমিতি বা ইয়াৰ উচ্চস্তৰৰ
কোনো সমবায় সমিতিত কোনোধৰণৰ খিলাপি ঋণ নাই।

সমবায় সমিতিৰ চনৰ যোগ্য সদস্যৰ (eligible) ভোটাৰ তালিকাৰ ক্ৰমিকত মোৰ
(প্ৰস্তাৱকৰ) নাম আছে।

তাৰিখ :

.....
চহী (প্ৰস্তাৱক)

ঠিকনা :

উপৰোক্ত প্ৰস্তাৱটো মই শ্ৰী/ শ্ৰীমতী (সমৰ্থক)

সমৰ্থন কৰিলোঁ।

মোৰ নামত আজিৰ তাৰিখত, সমবায় সমিতিখনত বা ইয়াৰ সদস্য সমবায় সমিতি বা ইয়াৰ উচ্চস্তৰৰ
কোনো সমবায় সমিতিত কোনোধৰণৰ খিলাপি ঋণ নাই।

সমবায় সমিতিৰ চনৰ যোগ্য সদস্যৰ ভোটাৰ তালিকাৰ ক্ৰমিকত মোৰ নাম আছে।

তাৰিখ :

.....
চহী (সমৰ্থক)

ঠিকনা :

মই শ্ৰী/শ্ৰীমতী (প্ৰাৰ্থী) উপৰোক্ত প্ৰস্তাৱত
সন্মতি প্ৰদান কৰিলোঁ। মই ঘোষণা কৰোঁ যে সমবায় সমিতিখনত বা ইয়াৰ সদস্য সমবায় সমিতি বা ইয়াৰ
উচ্চস্তৰৰ কোনো সমবায় সমিতিত মোৰ নামত কোনোধৰণৰ খিলাপি ঋণ নাই।

সমবায় সমিতিৰ চনৰ যোগ্য সদস্যৰ ভোটাৰ তালিকাৰ ক্ৰমিকত মোৰ নাম আছে
আৰু বিগত ৫ বছৰত চনত আৰু চনত অনুষ্ঠিত হোৱা সাধাৰণ সভাত মই অংশ
গ্ৰহণ কৰিছোঁ আৰু মই ৰ জৰিয়তে সমবায়খনৰ
সেৱা গ্ৰহণ কৰিছোঁ।

..... সনবায় সমিতিখনত মোৰ নিজ নামত যোৱা চনৰ

পৰা *অন্ততঃ টকা একেৰাহে জমা আছে।

উপৰোক্ত তথ্যসমূহ মোৰ জ্ঞান আৰু বিশ্বাস মতে সত্য বুলি ঘোষণা কৰিলোঁ, ইয়াৰ অসত্যতা
প্ৰমাণ হ'লে নিৰ্বাচিত হোৱাৰ পিছত মোৰ সঞ্চালক পদ আইন অনুসৰি বাতিল কৰিব পাৰিব।

তাৰিখ :

.....
চহী (প্ৰাৰ্থী)

ঠিকনা :

.....
মনোনয়ন পত্ৰ গৃহীত হয়/ অগ্ৰাহ্য হয়।

অগ্ৰাহ্য হোৱাৰ কাৰণ.....

.....
ৰিটাৰ্নিং বিষয়া / এচিট্টেণ্ট ৰিটাৰ্নিং বিষয়াৰ চহী

তাৰিখ :

*যাৰ বাবে প্ৰযোজ্য হয়।

Form No.- 2
[Rule - 14(a)]
Category.....
Ballot Paper

Sl. No.	Name of the Candidate	Symbol	Space for Voting

N. B.- No. symbol allotted/earmarked by the Election Commission of India for political parties will be used in the election of cooperative societies.

প্র-পত্ৰ নং- ২

(Form No. 2)

বেলট পেপাৰ

(বিধি ১৪ (ক))

ক্রমিক নং.....

সমবায় সমিতিৰ নাম.....

সঞ্চালক মণ্ডলীৰ সদস্য পদৰ বাবে নিৰ্বাচন।

ক্রমিক নং	পাৰ্থীৰ নাম	*প্ৰতীক চিহ্ন	ক্রমিক চিহ্ন
১	২	৩	৪

*ভাৰতীয় নিৰ্বাচন আয়োগৰ দ্বাৰা স্বীকৃত কোনো প্ৰতীক চিহ্ন সমবায়ৰ নিৰ্বাচনত ব্যৱহাৰ কৰা নহ'ব।

Form.3

[Rule.16(1)]

**DECLARATIONS BY THE RETURNING OFFICER BEFORE
THE COMMENCEMENT OF THE POLL**

Election to the BOD of

Name of Polling Station.....

Date of Poll

I hereby declare :

1. that I have demonstrated to the polling agents and other persons present that the ballot box(es) to be used for the poll is/are empty and I have allowed than to note down the serial numbers of the ballot box(es);
2. that I have demonstrated to the polling agents and others present that the marked copy of the electoral roll to be used during the poll does not contain any marks other than those given by the Election Authority; and
3. I have allowed the polling agents to note the first and the last of the serial numbers of the ballot papers and showed them bundles of ballot which will be used at the polling station.
4. that the candidate/ agents present are satisfied with the process of the polling.

Signature.....

Presiding Officer

Signature-of-candidate(s)/polling-agents:

- | | |
|----------------------------|----------------------------|
| 1..... (of candidate.....) | 2..... (of candidate.....) |
| 3..... (of candidate.....) | 4..... (of candidate.....) |
| 5..... (of candidate.....) | 6..... (of candidate.....) |
| 7..... (of candidate.....) | 8..... (of candidate.....) |
| 9.....(of candidate.....) | |

The following polling agent(s) declined to affix his/her signature(s), on this declaration :

- | | |
|----------------------------|----------------------------|
| 1..... (of candidate.....) | 2..... (of candidate.....) |
| 3..... (of candidate.....) | 4..... (of candidate.....) |

Signature.....

Date.....

Presiding Officer

Form-4
[Rule-16 (m)]

DECLARATIONS BY THE RETURNING OFFICER AT THE END OF THE POLL

Election to the BOD of

Name of Polling Station.....

Date of Poll

I have furnished to the candidate(s)/polling agents, who were present at the polling station at the close of the poll and whose signatures are affixed below, an attested copy of each of the entries Accounts of Votes Recorded to their satisfaction.

DateSignature.....Time Returning Officer.

Received an attested copy of the entries in the account of votes recorded

Signature of candidate/polling agents.

- | | |
|-----------------------------|----------------------------|
| 1. (of candidate | 2.(of candidate.....) |
| 3. (of candidate | 4.(of candidate.....) |
| 5. (of candidate | 6.(of candidate.....) |
| 7. (of candidate | 8.(of candidate.....) |
| 9. (of candidate | |

The following polling agents who were present at the close of the poll declined to receive an attested copy and to give a receipt therefor and so an attested copy of that Form was not supplied to them:

- | | |
|-----------------------------|----------------------------|
| 1. (of candidate | 2.(of candidate.....) |
| 3. (of candidate | 4.(of candidate.....) |
| 5. (of candidate | 6.(of candidate.....) |
| 7. (of candidate | 8.(of candidate.....) |
| 9. (of candidate | |

DateSignature.....Time Returning Officer.

Form.5
[Rule-16 (IV)]
Ballot Paper Account

Election to the BOD of

Name of Polling Station.....

Date of Poll

From	Total No.
Sl. No.... to.....	

1. Ballot papers received
2. Ballot papers unused

 - a. With the signature of the Returning officer, if any, and
 - b. Without the signature of the Returning officer

3. Total (a +b) =
4. Ballot papers issued to voters Ballot paper used at the polling stations but NOT INSERTED IN TO THE BALLOT BOX.
5. Ballot papers cancelled
 - a. for violation of voting procedure
 - b. for any other reason
6. Total (a+b) =
7. Ballot papers to be found in the Ballot Box) (3 - 4 = 5) =

Date

Signature of Returning Officer.

Form No.6

[Rule-16(P)]

Handing Over and Taking Over of Unused Ballot Papers

The unused Ballot Papers of different categories are hereby Handed over to the MD/CEO/ Secretary/ Manager of Cooperative Societies by the Returning Officer/ ARO for the Election held onwith following details.

Sl. No.	Category	Sl. Nos. of Ballot Papers (From..... to)	No. of Ballot Papers
	TOTAL:-	XXX	

Signature
MD /CEO/Secretary/ Manager
..... Coop: Society.

Signature
Returning Officer

Date

Time.....

Appendix - I**RETURNING OFFICER'S DIARY**

1. Election to the BOD of ---(in block letters):
2. Date of poll :.....
3. Name of the polling station :.....
4. Number of polling officers recruited locally, if any :.....
5. Appointment of polling officer made in the absence of duly appointed polling officer, if any, and the reasons for such appointment :.....
6. Number of ballot boxes used :.....
7. Number of polling agents who arrived late :.....
8. Number of candidates who had appointed polling agents at the polling stations :.....
9.
 - a. Number of ballot papers issued according to marked copy of the electoral roll
 - b. Number of ballot papers actually issued at the polling station :.....
10. Any other matter e.g. violation of code of conduct etc. should be recorded in detail, if any.....
.....

Signature of Returning Officer

11. Number of electors who voted-
 - a. Men.....
 - b. Women
 - c. Total
12. Challenged vote-
 - a. Number allowed
 - b. Number rejected
 - c. Amount forfeited Rs.

Form-7
[Rule 22(a)]
Result of Counting
(Category wise)

Election to the BOD of

Name of Polling Station.....

Date of Poll

Sl. No.	Name of Candidates	No. of votes obtained	Remarks
1.			
2.			
3.			
	Total:-		

Whether the total nos. of votes shown above tallies with the total no. of votes shown against item no.7 of the Ballot Paper Account or any discrepancy noticed between the two Totals : Yes, it tallies.

Place.....

Date.....

Signature of the Returning Officer.

Name and Signature of Candidate(s)/ Agents	Full Signature

Place.....

Date.....

Signature of the Returning Officer.

[Rule. 22(b)]

XYZ Cooperative Society Ltd.

Address

Certificate of Winner

This is to certify that Sri/ Smti, S/o/ D/o-
....., Address....., a
candidate for the post of Director ofCoop: Society
Ltd., at election held on/...../..... for the AGM.....(Year) has
securedno. of votes and is declared elected as Director
of the said Society.

Returning Officer/Asstt. Returning Officer

V. S. BHASKAR,

Additional Chief Secretary to the Government of Assam,
Cooperation Department.