



ELECTION RULES -DRAFT
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**CO-OPERATION, MARKETING AND TEXTILES
DEPARTMENT**

Mantralaya Annexe, Hutatma Rajguru Chowk, Madam
Cama Road, Mumbai 400 032.

ELECTION RULES - 19.08.2013

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

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Powers of State Co-operative Election Authority (SCEA)

- (i)* To appoint any officer of the State Government, or any Co-operative Society, or any Local Body
- (ii)* He shall be liable for prosecution for having committed contempt of the lawful authority of the public servant,
- (iii)* To requisition any public or private premises, vehicles, services or any other material required for holding the election, from any office of the State Government, Local Body, Co-operative Societies as he may deem necessary.
- (iv)* To prescribe the code of conduct to be implemented in the area of operation of the society according to nature of business or class of societies ;

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Powers of State Co-operative Election Authority (SCEA)

- (v) To appoint an Observer and Zonal officers who shall be appointed with a view to keep watch for smooth and fair conduct of elections as and when required.

TYPES OF SOCIETIES

(I) Type 'A' Societies—

- (1) State Level Apex or Federal Co-operative Societies.
- (2) Maharashtra State Co-operative Bank.
- (3) Maharashtra State Co-operative Land Development Bank.
- (4) Maharashtra State Co-operative Housing Finance Corporation.
- (5) Maharashtra State Co-operative Tribal Development Corporation.

TYPES OF SOCIETIES

- (6) Maharashtra State Cotton Growers Co-operative Marketing Federation.
- (7) All Co-operative Sugar Factories.
- (8) All District Central Co-operative Banks.
- (9) All Co-operative Spinning Mills.
- (10) All Co-operative Milk Federations or Unions having average per day milk Collection 1,00,000 or more than 1,00,000 liters during the preceding financial year.

TYPES OF SOCIETIES

(II) Type 'B' Societies

- (1) All Co-operative Urban Banks.
- (2) All Salary Earners' Co-operative Banks.
- (3) Primary Agriculture Co-operative Credit Societies and Adiwasi Co-op. Credit Societies having paid up share capital Rs. 10 lacs and more.
- (4) Co-operative Credit Societies having deposits of Rs.100 Lacs or more having paid up share capital of Rs. 10 Lacs and more.
- (5) Salary Earners' Co-operative Credit Societies having paid up share capital of Rs. 1 Crore and more.

TYPES OF SOCIETIES

- (6) All Government aided Co-operative Processing Societies excluding Sugar Factories.
- (7) All Government aided Co-operative Industrial Societies or Industrial Estates. (8) All District or Taluka Co-operative Sale Purchase Unions.
- (9) All District Central Co-operative Consumer Societies. (10) All Divisional and District Co-operative Boards.
- (11) All Co-operative Milk Federations/ Unions having average per day milk collection less than 1,00,000 liters during the preceding financial year.
- (12) Any other District/Taluka Co-operative Federations/ Unions which are not included in Type 'A' Societies.

TYPES OF SOCIETIES

(III) Type 'C' Societies.—

- (1) All Primary Agriculture Co-operative Credit Societies and Adiwasi Co-operative Credit Societies having paid up share capital less than Rs. 10 Lacs.
- (2) All Co-operative Credit Societies having deposits not more than Rs. 100 Lacs or paid up share capital less than Rs. 10 Lacs.
- (3) Salary Earners Co-operative Credit Societies having paid up share capital of less than Rs. 100 Lacs, as per the last audit report.
- (4) Housing Societies having 100 and more than 100 members.
- (5) All Primary Consumer Co-operative Societies.

TYPES OF SOCIETIES

- (6) All Primary Co-operative Dairy, Poultry, Fishery, Piggery and Livestock Societies.
- (7) All non aided Co-operative Industrial Societies/ Industrial Estates.
- (8) All non aided Co-operative Processing Societies excluding Sugar Factories.
- (9) All types of Primary Co-operative Marketing Societies.
- (10) All types of Primary Weavers (Handloom and Power loom) Co-operative Societies.
- (11) Other Agricultural Co-operative Societies.
- (12) Co-operative Lift Irrigation and Water users Societies having 100 member more than 100 members.
- (13) Any other society or class of societies not falling under Type 'A', 'B' above or Type 'D' below.

TYPES OF SOCIETIES

(IV) Type 'D' Societies.—

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

CONDCUT OF ELECTIONS

(i) Date of declaration of election programme.	Date to announced at the time of declaration of programme.
(ii) Last date for making nominations.	5 days from the date of declaration of election programme.
(iii) The date of publication of list of nominations received.	As and when received till the last date fixed for making nominations.
(iv) Date of scrutiny of nominations.	Next day of the last date for making nominations.
(v) Date of publication of list of valid nominations after scrutiny.	Next day after the date of completion of scrutiny.

CONDCUT OF ELECTIONS

(vi) Date by which candidature may be withdrawn.	Within 15 days from the date of publication of list of valid nominations after scrutiny.
(vii) Date of publication of final list of contesting candidates and allotment of election symbols	The date next succeeding the last day fixed for withdrawal of candidatures.
(viii) Date and time during which and the place/ places at which the poll shall be taken if necessary	Not earlier than 7 days but not later than 15 days from the date of publication of final list of contesting candidate (time and place to be fixed by the Returning Officer)


CONDCUT OF ELECTIONS

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

ELECTION TO THE HOUSING SOCIETIES


For the purpose of conduct of elections to societies, under the Act, the societies shall be classified into type A, B, C and D. The election of the members of the committees and officers of the committees of the societies of the categories mentioned below shall be subject to the provisions of sub-section (11) of section 73CB of the Act.

Housing Societies having more than 100 members are classified into C type societies and members having less than 100 members are classified into D type Societies.



**APPOINTMENT OF RETURNING
OFFICERS, ASSISTANT
RETURNING OFFICERS AND SUCH
OTHER OFFICERS REQUIRED TO
CONDUCT THE ELECTIONS.—**

1. The SCEA or the officer authorized in this behalf shall appoint the Returning Officer and may also appoint one or more persons to be called as the Assistant Returning Officer to assist the Returning Officer.
2. Every Assistant Returning Officer, shall, subject to the control of the Returning Officer and general control of SCEA, be competent to perform all or any of the functions of the Returning Officer:
3. Provided that, no Assistant Returning Officer shall perform any of the functions of the Returning Officer which relate to the scrutiny of nominations unless the Returning Officer is unavoidably prevented from performing the said function:
4. Provided further that, The SCEA may change Returning Officer if required.



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

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

1. The provisions of this part shall apply in respect of Type 'C' Societies, Specified in Rule 4 (III)
2. The Election of the Committee of these types of societies shall be conducted as mentioned below:—
 - a. These societies shall inform before one hundred eighty days about expiry of term of committee to the Taluka or Ward Co-operative Election Officer with four copies of list of active members.
 - b. The Taluka or Ward Co-operative Election Officer shall appoint a returning officer from office of the Co-operative department or a panel approved by the SCEA and the returning officer shall prepare a election programme with the approval of Taluka or Ward Co-operative Election Officer at the earliest.

c. The Election programme shall be prepared according to the provisions mentioned below :—

Sr. No.	Particulars	Period	Days
1	Publication of the Election programme and provisional voter list.	Next date to the day at which Taluka / Ward Co-operative Election Officer has approved the election programme.	1
2	Inviting claims and objections on provisional voter list.	Within a period of 5 days from the date of publication of provisional voter list.	5
3	Decisions on claims and objections on provisional voter list.	Within 2 days from the last date of making claims and objections on provisional voter list.	7
4	Publication of the Final voter list.	Next date to the day fixed for decisions on claims and objections on provisional voter list.	8

Sr. No.	Particulars	Period	Days
5	Last date for making nominations.	5 days from the date of publication of the final voter list	13
6	Publication of the list of nominations.	On the last date and after the expiry of the time for nomination.	13
7	Date of scrutiny.	Next date of the last date for making nomination.	14
8	Date of publication of list of valid nominations.	Next day after the date of completion of scrutiny of nominations.	15
9	Date by which candidature may be withdrawn.	After 15 days from the date of publication of valid nominations.	30

Sr. No.	Particulars	Period	Days
10	Date of publication of Final List of contesting candidates and allotment of symbols.	The date next succeeding the last date fixed for withdrawal of candidature. (The place and time shall be fixed by the Returning Officer).	30
11	Date and time during which and the place at which the poll shall be taken.	Minimum 5 days after the date of withdrawal of candidature.	35
12	Date time and place for counting Votes.	Immediately after polling is over.	35
13	Date of declaration of results.	Immediately after counting of votes is over.	35

Election of the Committee to the Type C Societies.—

- (3) The provision of Rule 20 to 74 shall *mutatis mutandis* apply for conduct of election of such societies.
- (4)
 - (a) If the nomination is rejected by the Returning Officer, the candidate may prefer an appeal to Registrar within a period of three days from the date of rejection of nomination. Registrar shall dispose of such appeal within ten days of the date of receipt of such appeal.
 - (b) The Returning Officer shall submit the result to The Taluka Co-operative Election Officer within two days from the date fixed for declaration of the result. rule.

Election of the Committee to the Type C Societies.—

- (c) The Taluka or Ward Co-operative Election Officer shall publish a notification of elected candidate within a period of three days after receiving the result of election and give direction to Returning officer to choose office bearer within the period of ten days.
- (d) Election of these type of societies shall be conducted according to procedure laid down in these rules except the time and date prescribed in this rule.

Election of the Committee to the Type D Societies.—

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

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

(2) Election of these societies shall be conducted in Special General Body meeting called for this purpose. Such meeting shall be presided over by the person appointed by the SCEA for this purpose.

The notice of the meeting shall be issued at least fifteen days before the date fixed for such meeting:

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

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

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

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

77. *Election of Office Bearers.*—

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

Election of the Committee to the Type D Societies.—

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

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

(2) Election of these societies shall be conducted in Special General Body meeting called for this purpose. Such meeting shall be presided over by the person appointed by the SCEA for this purpose.

The notice of the meeting shall be issued at least fifteen days before the date fixed for such meeting: