



महाराष्ट्र शासन राजपत्र

असाधारण भाग चार-ब

वर्ष ७, अंक १६]

शुक्रवार, फेब्रुवारी ५, २०२१/माघ १६, शके १९४२

[पृष्ठे १०, किंमत : रुपये ९.००

असाधारण क्रमांक ४२

प्राधिकृत प्रकाशन

महाराष्ट्र शासनाने महाराष्ट्र अधिनियमान्वये तयार केलेले
(भाग एक, एक-अ आणि एक-ल यांमध्ये प्रसिद्ध केलेले नियम व आदेश यांव्यतिरिक्त) नियम व आदेश.

CO-OPERATION, MARKETING AND TEXTILES DEPARTMENT

Mantralaya (Annex), Madam Cama Marg, Hutatma Rajguru Chowk,
Mumbai 400 032, dated the 5th February 2021.

NOTIFICATION

MAHARASHTRA CO-OPERATIVE SOCIETIES ACT, 1960.

No. CSR 0818/C.R.83/13-C.—The following draft of rules further to amend the Maharashtra Co-operative Societies (Election to Committee) Rules, 2014, which the Government of Maharashtra proposes to make in exercise of the powers conferred by sub-sections (1) and (2) of section 165 of the Maharashtra Co-operative Societies Act, 1960 (Mah. XXIV of 1961), and of all other powers enabling it in that behalf, is hereby published, as required by sub-section (3) of section 165 of the said Act, for the information of all the persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration by the Government of Maharashtra on or after the 22nd February 2021.

2. Any objections or suggestions, which may be received by the Additional Chief Secretary (Co-operation), Co-operation, Marketing and Textile Department, Madam Cama Marg, Hutatma Rajguru Chowk, Mantralaya, Annexe, Mumbai 400 032, from any person with respect to the said draft before the aforesaid date, will be considered by the Government.

DRAFT RULES

No. CSR 0818/C.R.83/13-C.—In exercise of the powers conferred by sub-section (1) and (2) of section 165 of the Maharashtra Co-operative Societies Act, 1960 (Mah. XXIV of 1961), and of all other powers enabling it that behalf, the Government of Maharashtra hereby, after considering objection and suggestions, pursuant to the Government Notification, Co-operation, Marketing and Textiles Department, No. dated the, published in the *Maharashtra Government Gazette*, Extra-ordinary, Part IV-B, dated the makes the following rules further to amend to the Maharashtra Co-operative Societies (Election to Committee) Rules, 2014, namely:—

1. These rules may be called the Maharashtra Co-operative Societies (Election to Committee) (first Amendment) Rules, 2019.

2. In rule 2 of the Maharashtra Co-operative Societies (Election to Committee) Rules, 2014 (hereinafter referred to as “the principal Rules”), in clause (16), after the words “election of societies” the words “and, in case of Type “E” Societies, Returning Officers means a person appointed by its committee or the Registrar, to conduct the election, from the panel approved by SCEA” shall be added.

3. In rule 4 of the principal Rules,—

(a) in clause (III) under the heading “ Type “C” Societies”, in entry (4), for the figures and words “200 or more than 200 members” the words “more than two hundred and fifty members” shall be substituted ;

(b) in clause (IV) under the heading “ Type “D” Societies”,— entry (1) shall be deleted;

(c) after the clause (IV), the following clause shall be added, namely:—

“(V) Type “E” Societies. –

The Housing Societies having less than or upto two hundred and fifty members as on 31st March of the preceding year.”.

4. After PART-X of the principal Rules, the following PART shall be inserted, namely: –

“PART -X-1A

Provisions in respect of the Election of the Committee to Type “E” Societies.

76-A. - Election to Committee to the type “E” Societies.—The provisions of this PART shall apply in respect of Type-E Societies, specified in clause (V) of rule 4.

76-B. - Appointment of Returning Officer to conduct election.—The Returning Officer shall be appointed by the Managing Committee of such Societies from the panel of Returning

Officers approved by SCEA and maintained by Divisional Joint Registrar or from among the members of the same society who are not desirous to contest the election before sixty days of the expiry of the tenure of the existing Committee and communicate the same to the Registrar :

Provided that, no auditor, employee or any member of outgoing management committee of such Society shall be appointed as Returning Officer for conducting election to committee of such society :

Provided further that, the Returning Officer so appointed shall undergo training related to election, from any District Housing Co-operative Federation or any training institute notified by the State Government, from time to time :

Provided further that, if committee of such society fails to appoint Returning Officer, then the Registrar shall appoint the Returning Officer from the panel.

76-C. - Preparation of electoral roll.- (1) A provisional list of voters shall be prepared and published by every such society atleast sixty days before the election in the year in which the election of such society is due to be held.

(2) The provisional list of voters shall comprise of all the members on the date of the publication of provisional voters list as per the Register of members maintained by such Society in Form 'I' and List of Members maintained in Form 'J' of the Maharashtra Co-operative Societies Rules, 1961.

(3) The Secretary of such society or the Authorized Officer appointed by the Registrar in case where the Committee is superseded, shall publish the provisional list of voters on the notice board of the society and shall deliver copy of it to the Office of Registrar and also make available the same to all the members through written notice with acknowledgment or by any electronic mode.

76-D. - Particulars to be included in the provisional list of Voters.- The Provisional list of voters shall contain the surname, name, father or husband name, age, gender (in alphabetical order) with addresses as recorded in the Register of Members in FORM E- 3 of every person entitled to be registered as voter with such other particulars as may be necessary to identify the member.

76-E. - Claims and objections to the provisional list of voters and the final list of voters-

(1) When any provisional list of voters is published for inviting claims and objections, then any omissions and errors in respect of name, address or any other particulars in the list, the same may be brought to the notice of the Returning Officer of the society in writing by any Member, Associate or Joint or Provisional Member of the society

concerned during office hours within ten days from the date of publication of the provisional list of voters.

(2) Every claim, objection or correction shall be preferred in writing and state the grounds on which the claim is based or the objections are raised, as the case may be.

(3) The Returning Officer of the Society shall, after making such enquiries as deemed necessary in this behalf, consider such claims, objections or corrections and give his decision thereon in writing to the persons concerned within ten days from the last date for receiving the claims or objections and final list of voters shall be published within the period of ten days from the last date prescribed for receiving the claims or objections in FORM E-3(1). The list as finalized by the Returning Officer after deciding all claims or objections shall be final list of voters.

(4) The copies of the final list of voters shall be displayed on the notice board of society within a period of two days after its preparation.

76-F. - Written consent regarding voting rights.- (1) Any member of the society shall submit consent regarding transfer of his voting rights to Associate or Joint member, if any, in writing to the Returning Officer within a period of ten days from the date of publication of the provisional list of voters.

(2) In case of Company or firm or any other body, corporate or local authority or any association of persons or any legal Body constituted under any law of the time being in force, the authorized director or person or any one of the partners as appointed by the firm, shall send the name of representative duly authorized to vote at the election on its behalf to the Returning Officer, within ten days from the date of publication of the provisional list of voters.

76-G. - Conduct election by declaring programme of various stages- (1) The Returning officer shall draw and declare a programme of various stages of election, within 7 days of the display of final list of voters of the society, which shall be as follows.-

(i)	Date of declaration of election programme	to be announced at the time of declaration of programme with date and time for each stage.
(ii)	Last date for making nominations.	5 days from the date of declaration of election programme.
(iii)	Date of publication of the list of nominations received.	As and when received till the last date fixed for making nominations.
(iv)	Date of scrutiny of nomination.	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.
(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 day next succeeding the last day fixed for withdrawal of candidature.
(viii)	Date and time and place of special General Body Meeting in which the poll shall be taken or declaration of uncontested election.	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 Returning Officer)
(ix)	Date, time and place for counting Votes.	Not later than 3 rd days from the date of which the poll shall be taken (time and place to be fixed by Returning Officer)
(x)	Date of declaration of results of voting.	Immediately after the counting of votes .

(2) *Manner of publication of election program.*

(a) The Returning Officer shall publish election programme on the notice board of the society and circulate the same to all the members electronically or by hand delivery or by Registered post or by courier along with the notice of Special General Body meeting with date, time and venue in which the election will be conducted, if required.

(b) Notice shall contain information regarding; 1) Number of vacancies to be filled by election. 2) Number of Reserved seats as per Act and bye-laws.

76-H. - Nomination of candidates.—(1) Nomination of the candidate for election shall be made in FORM E-5 which shall be supplied free of cost by the Returning Officer to members.

(2) Every nomination paper shall be signed by two members whose names are included in final list of voters. One of the members shall sign the form as proposer and the other as seconder for the nomination of the candidate.

(3) The nomination paper shall also contain a declaration signed by the candidate expressing his willingness to stand for the election. The nomination paper shall also find attached copy of caste certificate issued by the **Competent Authority** for the candidate contesting for the reserved seats as per section 73-B.

(4) The Returning Officer who receives the nomination papers shall enter upon the nomination paper, its serial number and certify the date and time at which the nomination paper has been received by him and shall immediately give a written acknowledgment for the receipt of nomination paper.

(5) The Returning Officer shall, at the close of time fixed for the receipt of nomination papers, prepare a list of nominations received by him and declare it, as and when received till the last date fixed for making nominations.

(6) No person shall be nominated as a candidate for election if,—

(i) his name does not appear in final list of voters; or

(ii) he is disqualified to be the member of committee under the provisions of the Act, Rules or bye-laws.

76-I. - Symbols for elections.- (1) The Returning Officer shall specify the symbols that may be chosen by the candidates at the election from among those specified by the SCEA but he shall not allot any symbols which are associated with recognized political parties.

76-J. - Deposits.- A Candidate shall not be deemed to be duly nominated for election from a constituency unless he deposits or causes to be deposited, with the Returning Officer, the nomination fees specified hereunder,-

Deposit for candidate other than SC/ST Category	Rs. 500/-
Deposit for SC/ST Category	Rs. 200/-

76-k. - Scrutiny of Nomination.—(1) The Returning Officer shall at the appointed hour, take up the scrutiny of nomination papers. He shall examine the nomination papers and shall decide all objections which may be made by any candidate or his proposer or seconder in respect of any nomination and may either on such objection or on his own motion, after such summary inquiry, if any, as he thinks necessary, either accept or reject any nomination.

(2) The Returning Officer shall not reject any nomination paper on the ground of any defect which is not of a material character such as spelling and clerical mistakes, incorrect voter list number.

(3) The Returning Officer shall for the reasons to be recorded in writing, reject a nomination paper on any of the following grounds, namely:-

(a) if the nomination paper is not signed or filled; or

(b) if the candidate is disqualified to be elected under the Act, Rules or Bye-laws of the Society.

76-L.—*Withdrawal of Nomination Paper.*—Any candidate may withdraw his candidature by notice in writing, subscribed by him and delivered to the Returning Officer in FORM E-6 at any time after the presentation of nomination paper but within the time specified in the election programme for such withdrawal. The Returning Officer shall prepare a list of such candidates who have withdrawn their candidature. A notice of withdrawal of candidate once given shall be irrevocable.

76-M. —*Preparation of list of Contesting Candidates.*-(1) The Returning Officer shall prepare and declare in FORM E-7, a final list of contesting candidates, on the notice board of the society.

(2) The said list shall contain the names in alphabetical order with reference to the names of candidates having surnames and the names proper of other candidates, in the language and manner in which the list of voters is prepared and the addresses of the contesting candidates as given in the nomination papers.

(3) Where a poll becomes necessary, the Returning Officer shall consider the choice of symbols expressed by the contesting candidates in their nomination papers and shall,—

(a) allot a different symbol to each contesting candidate in conformity as far as practicable, with his choice; and

(b) if more than one contesting candidate have indicated their preference for the same symbol, then symbols shall be allotted on the basis of 'first come first serve' and such allotment shall be final.

(c) If more than 30% of candidates of total contesting seats come together and form the group and demand a common symbol by common written application signed by all the concerned candidates, then the Returning Officer may allot them a common symbol.

(4) Every candidate shall forthwith be informed of the symbol allotted to him and be supplied with a specimen provided by the SCEA thereof by the Returning Officer.

76-N. —*The poll.*-(1) If for any constituency for which election is to be held, the number of candidates whose nomination papers have been declared valid, does not exceed the number of candidates to be elected for that constituency, the returning officer shall at the general meeting convened for the purpose of the election, declare them to have been duly elected to the Managing Committee.

(2) If the number of candidate whose nominations are valid exceeds the number to be elected for any constituency, the returning officer shall arrange for conducting a poll on the date and time fixed for the purpose.

(3) The returning officer may appoint as many polling officers as may be necessary for conducting the poll.

(4) Canvassing of votes by any person at the place where elections are to be conducted shall be prohibited.

(5) Immediately before the commencement of the poll, the returning officer shall show the empty ballot box to such persons as may be present at the time and shall then lock it up and affix his seal in such manner as to prevent its being opened without breaking the seal. The candidate may also affix his own seal, if he so desires.

(6) Every member who desires to exercise his right of vote shall be supplied with a ballot paper containing the names of contesting candidates arranged in alphabetical order either printed, typewritten or copied, according to convenience. The ballot paper shall also bear the seal of the society and also the initials of the returning officer on reverse of the ballot paper and further contain a column, for the voter to inscribe mark 'X' against the name or names of the persons to whom he wants to vote.

(7) The Member on receiving the ballot paper shall forthwith.-

(i) proceed to one of the polling compartments;

(ii) there after make a mark on the ballot paper with the instrument supplied for the purpose on or near the symbols of the candidate to whom he intends to vote and every voter shall be entitled to give as many votes as there are for the seats to be filled;

(iii) fold the ballot paper, so as to conceal his vote;

(iv) insert the folded ballot paper into ballot box;

(v) quit the polling station; and

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

(8) The identity of any member whose name is entered in the final voters list and is eligible to vote, if challenged by any candidate, then the returning officer shall make a summary inquiry and decide the question of identity challenged.

(9) All voters present at the polling premises before it is closed shall be issued the ballot paper and allowed to vote.

(10) If, at any stage of the polling, the proceedings are interrupted or obstructed by any riot or affray or if at such election it is not possible to conduct poll for any sufficient cause, the returning officer shall have power to postpone the polling after recording his reasons for such action.

(11) Where the poll is stopped under clause (10) or where counting of votes is rendered impossible on account of destruction or loss of ballot boxes or any other sufficient reason, the returning officer shall postpone the polling after recording the reasons for such action in the minutes book of the society and notice in this regard shall be displayed on the notice board of society and same shall be communicated to the Registrar.

76-O. Counting of votes and declaration of result. —(1) The Returning Officer shall start counting of votes immediately after polling is completed as per declared election programme. The Returning Officer shall count number of valid votes received by each candidate, number of invalid votes and declare the names of successful candidates.

(2) When an equality of votes is found to exist between any candidate either for the reserved or the unreserved seats, the addition of one vote will entitle any of the candidate to be declared elected, 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 Returning Officer and the candidates who may desire to be present, in such manner as the Returning Officer may determine.

(3) The Returning Officer shall then declare the candidate to whom the highest number of valid vote have been given as having been elected and certify the result of election in FORM E-17 and shall submit it to the Registrar within two days from the declaration of result and published it on the notice board of society. The Registrar there after shall constitute the committee within 15 days from the receipt of Form E-17 from the returning officer.

76-P. Custody of papers relating to elections.—All the records pertaining to the election shall be carefully preserved in a box duly locked and sealed by the Returning Officer and handed over to the Secretary or an authorized Officer of the society for a period of six months and destroyed thereafter. However, if the result of the election is disputed, the records pertaining to election shall be preserved until the final decision of the dispute.

76-Q. The Returning Officer shall call meeting of elected members of committee for electing office bearers on a fixed date and its notice shall be given to every member of committee at least seven days before the date fixed therefor in writing with an acknowledgment. Such a notice shall contain.—

- (i) The number of Officers to be elected;
- (ii) Date, Place and time of the meeting.

The business transacted in this meeting shall be recorded in the minute's book of the society and the same shall be communicated to the Registrar.

76-R. (1) In addition to the above provisions, the provisions of rules 1,2,4,14,70,72,78 to 86, of these rules shall also apply in respect of election to the committee of Type “E” Societies.

(2) The provisions of rules 3, 5 to 13,15 to 69, 71 and 73 to 77 of these rules shall not apply in respect of election to the committee Type “E” Societies.”

By order and in the name of the Governor of Maharashtra,

ARVIND KUMAR,
Additional Chief Secretary to Government.