



GOVT OF NCT OF DELHI
OFFICE OF THE RETURNING OFFICER/DISTRICT MAGISTRATE (SOUTH)
NATIONAL COOPERATIVE CONSUMERS'
FEDERATION OF INDIA LIMITED (NCCF)
M.B. ROAD, SAKET, NEW DELHI-110068
Email: dcsouth@nic.in, Telephone No. 01129535025

PA/DM/S/RO/NCCF/203.

3rd August, 2022

BY SPEED POST

To

All Member Cooperatives of National Cooperative
Consumers' Federation of India Limited (NCCF)

Sub: Election of Directors on the Board and Chairman, Vice Chairman of NCCF
on 3rd September, 2022.

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NOTICE

Dear Sir/ Madam,

1. The Central Registrar of Cooperative Societies, Ministry of Cooperation, Govt. of India has appointed the undersigned as Returning Officer to conduct elections of members of the Board of Directors of NCCF and Chairman, Vice-Chairman of NCCF as per the provisions of Act and Rules.
2. Accordingly, the names of delegates on the General Body of NCCF were invited vide letter dated 22nd July, 2022 and it was intimated that the Special General Body Meeting of NCCF will be held on 3rd September, 2022 at NCUI Complex, 3, Siri Institutional Area, August Kranti Marg, Hauz Khas, New Delhi – 110016. In this meeting, election for constitution of new Board of Directors of the Federation shall be conducted.
3. **ELECTION OF DIRECTORS**
 - (i) In terms of Bye-law No. 25 (a) and d (i) of NCCF, the election of its 10 Directors will be held in the meeting of General Body of NCCF on 3rd Sep., 2022 at NCUI Complex, 3, Siri Institutional Area, August Kranti Marg, Hauz Khas, New Delhi – 110016.
 - (ii) 5 Directors to be elected from amongst the members admitted under Bye-law No. 5(a) & (b). 5 Directors to be elected from amongst the members admitted under Bye-law No. 5 (c) {copy of Bye-law 5 and 25 annexed at Annexure-II}.
 - (iii) Qualification for membership on Board shall be as per Bye-law No. 9 of NCCF.
(Copy of Bye-law No. 9 is annexed at Annexure-II)

Monica
3/8/22

4. The election programme shall be as follows:-

- (i) Filing of nomination papers : Upto 2.00 P.M. on 1st Sept., 2022 at O/o of the Returning Officer, District Magistrate (South) National Cooperative Consumers' Federation of India Limited(NCCF) M.B. Road, Saket, New Delhi-110068.
- (ii) Display of nomination – received papers : At 5.30 P.M. on 1st Sept., 2022 at O/o of the Returning Officer, District Magistrate (South) National Cooperative Consumers' Federation of India Limited(NCCF) M.B. Road, Saket, New Delhi-110068.
- (iii) Scrutiny of nomination papers : At 11.00 A.M. on 2nd Sept., 2022 at O/o of the Returning Officer, District Magistrate (South) National Cooperative Consumers' Federation of India Limited(NCCF) M.B. Road, Saket, New Delhi-110068.
- (iv) Display of valid nomination papers : On 2nd Sept., 2022 after the scrutiny is over.
- (v) Withdrawal of nomination papers : Upto 4.00 P.M. on 2nd Sept., 2022.
- (vi) Final list of nomination : At 5.00 P.M. on 2nd Sept., 2022.
- (vii) Polling, if required : Between 11.00 A.M. to 1.00 P.M. on 3rd Sept., 2022 at NCUI Complex 3, Siri Institutional Area, August Kranti Marg, Hauz Khas, New Delhi – 110 016.
- (viii) Counting of votes : Immediately after polling is over.
- (ix) Declaration of results : Immediately after counting of votes is over in the General Body Meeting.
- (x) Election of Chairman & Vice-Chairman : On 3rd Sept., 2022 (Notice to the members of newly constituted Board to be issued separately.

Dr. Mukesh Kumar, SDM, Hauz Khas is hereby authorized to receive the nomination papers on behalf of the Returning Officer under sub-para (c) of Para 3 of the Schedule.

5. The election of Directors under Bye-law No. 25(d) (i) will be conducted in accordance with the Subsidiary Rules for election of Directors forming part of Bye-law of NCCF and as per Rules 19 and 20 of the Multi State Cooperative Societies Rules, 2002 read with the Schedule appended to the said Rules laying down the procedure for conducting the elections. A copy of the extracts of the relevant provisions of MSCS Act, 2002 and Rules framed thereunder relating to election/constitution of Board of Directors is enclosed at Annexure-I. The qualifications and eligibility for membership on the Board shall be as per the provisions contained in Sections 43 to 46 of the Multi State Cooperative Societies Act, 2002.

Mukesh
3/9/22

6. A copy of the Nomination form (Form-III) referred to in Para 3(a) of the Schedule to the aforesaid Multi State Cooperative Societies (amendment) Rules, 2007 is enclosed at Annexure-III. However, the same can be obtained from Dr. Mukesh Kumar, SDM, Hauz Khas free of cost. Every nomination paper shall be prescribed in person or sent by Registered post with acknowledgement due, by the candidate himself so as to reach before the date and hour specified in para 4(i).
7. Members, who have not sent the names of their authorized representative supported by the proper resolution/confirmation, will not be eligible to participate in the election.
8. A copy of the list of members with their authorized representatives as required under the Multi State Cooperative Societies Rules, 2002 shall be prepared by the Management of NCCF and as approved by the undersigned will be displayed on the Notice Board of NCCF at 3, Siri Institutional Area, August Kranti Marg, Hauz Khas, New Delhi – 110016.
9. **ELECTION OF CHAIRMAN AND VICE-CHAIRMAN:**
As soon as the Directors are elected on 3rd Sept., 2022, a meeting of the newly constituted Board of Directors of NCCF will be held in the NCUI Complex, 3 Siri Institutional Area, August Kranti Marg, Hauz Khas, New Delhi – 110 016 for the purpose of election of the Chairman and Vice-Chairman in terms of Rule 20 of the Multi State Cooperative Societies Rules, 2002. The details of the time schedule for the election shall be intimated immediately to the members of the newly constituted Board.

Yours faithfully,

Monica
3/8/22

(Dr. Monica Priyadarshini I.A.S)
RETURNING OFFICER, NCCF

Dr. Monica Priyadarshini
Returning Officer/District Magistrate (South)
National Cooperative Consumers'
Federation of India Limited (NCCF)
M.B. Road, Saket, New Delhi-110068

CC:

1. Notice Board of NCCF Head Office, Branch Offices and Returning Officer NCCF
2. Central Registrar of Cooperative Societies, Ministry of Cooperation, Govt. Of India, (Atal Akshaya Urja Bhawan, New Delhi), Deptt. of Agri. & Coop., Ministry of Agriculture, Krishi Bhawan, New Delhi,
3. Managing Director, NCCF, New Delhi

**EXTRACTS FROM MULTI-STATE COOPERATIVE SOCIETIES ACT, 2002
RELATING TO ELECTION/CONSTITUTION OF THE BOARD OF DIRECTORS**

Section 28. Members not to exercise rights till due payment made. – No member of a multi-State cooperative society shall exercise the rights of a member, unless he has made the payment to the society in respect of membership, or has acquired such interest in the society, as may be specified in the bye-laws.

Section 29. Disqualification for Member of a Multi-State Cooperative Society

No person shall be eligible for being a member of the multi-state cooperative society if-

- (a) his business is in conflict or competitive with the business of such multi-state cooperative society; or
- (b) he used for two consecutive years the services below the minimum level specified in the bye-laws; or
- (c) he has not attended three consecutive general meetings of the multi-state cooperative society and such absence has not been condoned by the members in the general meeting; or
- (d) he has made any default in payment of any amount to be paid to the multi-state cooperative society under the bye-laws of such society.

Section 30. Expulsion of Members

- (1) A multi-state cooperative society may, by resolution passed by a majority of not less than two third of the members present and voting at a general meeting of members held for the purpose, expel a member for acts which are detrimental to the proper working of the society :

Provided that the member concerned shall not be expelled unless he has been given a reasonable opportunity of making representation in the matter.

- (2) No member of the multi-state cooperative society who has been expelled under sub-section (1), shall be eligible for re-admission as a member of that society, for period of one year from the date of such expulsion.

Section 41. Board of Directors:-

- (1) Subject to the provisions of this Act and the Rules, there shall be a Board of Directors for every multi-state cooperative society consisting of such number of members as specified in sub-section (3).
- (2) The members of a multi-state cooperative society, by a resolution in a general meeting, shall elect directors who shall be members of board.
- (3) The board shall consist of such number of directors as may be specified in the bye-laws:

Provided that the maximum number of directors in no case shall exceed twenty-one:

Provided further that the board may co-opt two directors in addition to twenty-one directors specified in the first proviso:

Provided also that the functional directors in the national cooperative societies 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.

Section 43. Disqualification for a member of a Board:-

1) No member of any multi-state cooperative society or nominee of a member society or a national cooperative society shall be eligible for being chosen as, or for being, a member of the board of such multi-state cooperative society or national cooperative society, or of any other cooperative society to which the multi-state cooperative society is affiliated, if such member:-

- a) has been adjudged by a competent court to be insolvent or of unsound mind;
- b) is concerned or participates in the profits of any contract with the society;
- c) has been convicted for an offence involving moral turpitude;
- d) holds any office or place of profit under the society:

Provided that the Chief Executive or such full time employee of the society as may be notified by the Central Government from time to time or a person elected by the employees of such society to represent them on the board of such society shall be eligible for being chosen as, or for being, a member of such board;

- e) has been a member of the society for less than twelve months immediately preceding the date of such election or appointment;
- f) has interest in any business of the kind carried on by the society of which he is a member;
- g) has taken loan or goods on credit from the society of which he is a member, or is otherwise indebted to such society and after the receipt of a notice of default issued to him by such, has defaulted:-
 - i) in repayment of such loan or debt or in payment of the price of the goods taken on credit, as the case may be, within the date fixed for such repayment or payment or where such date is extended, which in no case shall exceed six months, within the date of extended, or
 - ii) when such loan or debt or the price of goods taken on credit is to be paid in installments, in payment of any installment, and the amount in default or any part thereof has remained unpaid on the expiry of six months from the date of such default:

Provided that a member of the board who has ceased to hold office as such under this clause shall not be eligible, for a period of one year, from the date on which he ceased

to hold office, for re-election as a member of the board of the multi-state cooperative society of which he was a member or for election to the board of any other multi-state cooperative society;

- h) is a person against whom any amount due under a decree, decision or order is pending recovery under this Act;
- i) is retained or employed as a legal practitioner on behalf of or against the multi-state cooperative society, or on behalf of or against any other multi-state cooperative society which is member of the former society;

Explanation.- for the purpose of this clause, "legal practitioner" has the same meaning as in clause(i)of sub-section (1) of section 2 of the advocates act, 1961(25 of 1961);

- j) has been convicted for any offence under this Act;
- k) is disqualified for being a member under section29;
- l) has been expelled as a member under section30;
- m) absents himself from three consecutive board meetings and such absence has not been condoned by the board;
- n) absents himself from three consecutive general body meetings and such absence has not been condoned by the members in the general body.

2) A person shall not be eligible for being elected as a member of a board of a multi-state cooperative society for a period of five years if the board of such multi-state cooperative society fails-

- (a) to conduct elections of the board under section 45; or
- (b) to call the annual general meeting under section 39; or
- (c) to prepare the financial statement and present the same in the annual general meeting.

Section 45. Election of members of Board:-

- 1) The conduct of elections to the board of a multi-state cooperative society shall be the responsibility of the existing board.
- 2) The election of members of board shall be held by secret ballot in the manner as may be prescribed.
- 3) The election of the members of the board shall be held in the general meeting of members of the multi-state cooperative society.
- 4) The elected members of the board shall, if the bye-laws of such society permit, be eligible for re-election.

- 5) The term of office of the elected members of the board shall be such, not exceeding five years from the date of elections, as may be specified in the bye-laws of a multi-state cooperative society:

Provided that the elected members shall continue to hold office till their successors are elected or nominated under the provisions of this Act or the rules or the bye-laws assume the charge of their office.

- 6) Where the board fails to conduct elections of the members of board, the Central Registrar shall hold the elections within a period of ninety days from the date when such election became due.
- 7) No person shall be eligible to be elected as a member of the board of a multi-state cooperative society unless he is a member of the general body of that society.
- 8) The expenses for holding election by the Central Registrar shall be borne by the multi-state cooperative society.
- 9) The Central Government may make rules generally to provide for or to regulate in matters in respect of elections of members of the board.

Section 46. Holding of office in a Cooperative Society:-

Notwithstanding anything contained in this Act, no person shall be eligible to hold, at the same time, office of a President or Chairperson or Vice-President or Vice-Chairperson on the board of more than *two* multi-state cooperative societies.

Section 44. Prohibition to hold office of Chairperson or President or Vice-Chairperson or Vice President in certain cases

- (1) No member of a board shall be eligible to be elected as the Chairperson or President or Vice-Chairperson or Vice-President of a multi-state cooperative society if such member is a Minister in the Central Government or a State Government.
- (2) No member of a board shall be eligible to be elected as the Chairperson or President of a multi-state cooperative society, after he has held the office as such during two consecutive terms, whether full or part:

Provided that a member who has ceased to hold office of the Chairperson or President continuously for one full term shall again be eligible for election to the office as such.

Explanation- where any member holding the office of the Chairperson or President at the commencement of this act is again elected to that office after such commencement, he shall for the purpose of this selection be deemed to have held office for one term before such election.

**EXTRACTS FROM MULTI-STATE COOPERATIVE SOCIETIES
(AMENDMENT) RULES, 2007**

Rule 19. Procedure for conduct of Election:-

- (1) The election of members of the board shall be conducted by a returning officer appointed by the board in its meeting. The returning officer so appointed shall not be a member or an employee of the society:

Provided, that the central Registrar shall appoint the returning officer to conduct the election of the National Multi-State Cooperative societies, multi-state urban cooperatives banks, multi-stage agricultural processing cooperatives and Railway Employees Credit Societies. The Central Registrar may also appoint returning officer for the conduct of an election of a society if so requested by the board of Directors of such society.

- (2) The election of the members of the board referred to in sub-rule (1) shall be conducted by secret ballot in the manner as specified in the schedule attached with these rules.

SCHEDULE

1. Procedure for the conduct of election to the board of multi-State co-operative societies

- (a) The board of directors in office shall meet, at least, sixty clear days in advance of the date of expiration of its term and by resolution determine the date, time and place for convening a general body meeting for the conduct of elections of its successor board. This provision will also apply mutatis mutandis to such multi-state co-operative societies as are under the charge of the administrator appointed under sub-section (1) of section 123. The board of directors in this meeting shall also appoint a returning officer.
- (b) A copy of the decision referred to in paragraph (a) shall forthwith be sent to the Central Registrar.
- (c) The returning officer appointed under paragraph (a) shall, send intimation by local delivery or under postal certificate, about the date, time and place of the general meeting to each of the members of the multi-State co-operative society. Where other co-operative societies or multi-State co-operative societies are members, the returning officer shall call on such societies to send the name of their Chairperson or President or the Chief Executive or a duly authorized member of the board of such co-operative society or other multi-State co-operative society as a representative (hereinafter referred to as the delegate) in accordance with the provisions contained

in sub-section (3) of section 38 together with the resolution of the board of the society and the specimen signature of the Chairperson or President or the Chief Executive or duly authorized member of the board, duly attested and bearing the seal of the society so as to reach him at least twenty-one clear days prior to the date fixed for the general meeting. Where there is no board of such co-operative society or other multi-State co-operative society, the administrator, or duly authorized administrator if there are more than one administrators, by whatever name called, shall intimate the returning officer in writing under his signature at least twenty-one clear days prior to the date fixed for the general meeting that he or the Chief Executive shall represent such society in the general meeting. Where no such resolution or communication intimating the name of delegate is received by the date fixed or where any intimation changing the name of the delegate is received after such date, it shall not be accepted for inclusion in the list of members or delegates of member-societies. Fresh resolution shall be required for every general meeting at which election shall be held.

- (d) It shall be the duty of the board of directors in office, or the administrator, as the case may be, to bring up-to-date the register of members and such other registers, as the returning officer may require and hand over such records, register or registers to the returning officer thirty days prior to the date fixed for the general meeting for the purpose of election.
- (e) The election shall be held at a general meeting of the society convened for the purpose, of which not less than fourteen days notice shall be given to the members. Such elections shall take place after all other matters included in the agenda have been considered. For the conduct of elections, the returning officer shall preside over the meeting.
- (f) The notice of the general meeting shall be sent to the members by any of the following modes, namely:-
 - (i) by local delivery; or
 - (ii) under postal certificate; or
 - (iii) by publication in the newspaper having wide circulation.
- (g) Notice of the general meeting shall also be affixed on the notice board of the multi-State co-operative society and its branches, if any. The notice shall contain information regarding:
 - (i) the number of vacancies to be filled by election;
 - (ii) the area of the constituency (specified in the bye-laws) from which the members are to be elected;

- (iii) the qualifications, if any, specified in the bye-laws for eligibility for membership on the board;
- (iv) the name of the returning officer, date, place and hours between which nomination paper shall be filed by the members, such date being not less than one clear day before the date fixed for election or if that happens to be a holiday the day preceding which is not a public holiday.

Explanation.- For the purpose of the sub-paragraph the term “public holiday” means any day which is declared as a public holiday under section 25 of the Negotiable Instruments Act, 1881 (26 of 1881) or any day which has been notified by the Central Government, or as the case may be, the State Government to be a public holiday for the offices of the Central Government or the State Government;

- (v) the date on which and the time and place at which the nomination papers will be taken up for scrutiny;
- (vi) the date and time of which, the place at which and the time between which polling will take place.

2. Preparation of list of members/delegates

- (a) The returning officer shall prepare a list of members eligible to vote as it stood on the date, thirty days prior to the date fixed for the poll and publish copies of the list by affixing them on the notice board at the principal place of business of the society and all its branches, if any, not less than fifteen days prior to the date fixed for election. The list shall specify,-
 - (i) the admission number and name of the member, the name of the father or husband, and the address of such member in the case of an individual member; and
 - (ii) the admission number, the name of the society, name of the delegate proposed to represent the society, in the case of a member society;
 - (iii) the admission number, the name of the society, name of the delegate and the name of the constituency proposed to represent in the case of a member society and the admission number, the name of the delegate and the name of the constituency where a smaller body has been constituted under proviso to sub-section (1) of section 38.
- (b) A copy of the list shall be supplied by the society to any member on payment of such fee as may be specified by the board. Where no fees has been specified, the person authorised as per bye-laws of the society shall supply such list on payment of an amount of rupees ten.
- (c) The returning officer shall also prepare an election programme specifying the date and time of receipt of nominations, scrutiny of nominations, withdrawal of

nominations, the poll, if required and declaration of results. The election programme shall be displayed on the notice board of the society and also publish in the local newspaper at least fifteen days prior to the date of election.

3. Nomination of candidates

- (a) Nomination of the candidate for election shall be made in Form III, which on application shall be supplied by the returning officer or any other officer authorised by him in this behalf, to any member free of cost.
- (b) Every nomination paper shall be signed by two members whose names are included in the list of the members or delegates. One of the members shall sign the form as proposer and the other as seconder for the nomination. The nomination paper shall also contain a declaration signed by the candidate, expressing his willingness to stand for election.
- (c) Every nomination paper shall be presented in person or sent by registered post with acknowledgement due, by the candidate himself to the Returning Officer or any person authorised by him in this behalf, so as to reach him before the date and time specified for the election programme. The returning officer or any officer authorised by him who receives the nomination paper shall enter on 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 acknowledgement for the receipt of the nomination papers if presented in person, which shall also bear the seal of the society. The returning officer shall, at the close of the time fixed for the receipt of nomination papers, prepare and display on the notice board of the society, a list of nominations received by him. Any nomination paper which is not delivered or received on or before the date and time fixed for its receipt, shall be rejected.
- (d) No person shall be nominated as a candidate for election to fill a seat on the board if he,-
 - (i) is ineligible to vote;
 - (ii) is disqualified to be the member or delegate or a member of the board under the provisions of the Act and these rules; and
 - (iii) does not possess the necessary qualifications specified in the bye-laws of the society for election as member of the board.

4. Scrutiny of nomination papers

- (a) (i) on the day fixed for the scrutiny of nomination papers, the returning officer shall, at the appointed hours, take up the scrutiny of nomination papers. The candidate or

the proposer or seconder of each of the candidate may be present at the time and place when nomination papers are scrutinised.

- (ii) The returning officer 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 and after such summary enquiry, if any, as he thinks necessary, either accept or reject any nomination:

Provided that the nomination of a candidate shall not be rejected namely on the ground of an incorrect description of his name or the name of his proposer or seconder or of any other particulars relating to the candidate or his proposer or seconder, as entered in the list of members referred to in paragraph 4 (a) if the identity of the candidate, proposer or seconder, as the case may be, is established beyond reasonable doubt.

- (iii) The returning 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 his reasons for such rejection.
- (iv) The returning officer shall not allow any adjournment of the proceedings except when proceedings are interrupted or obstructed by riot or affray or by causes beyond his control.
- (v) The list of valid nominations as decided by the returning officer shall be published on the notice board of the society containing the names in the alphabetical order in English and address of the candidate as given in the nomination paper on the same day on which the scrutiny of the nomination paper is completed.
- (b) Any candidate may withdraw his candidature by notice in writing signed by him and delivered in person or by the person duly authorised by him at any time after the presentation of the nomination papers but before the date and time specified in the election programme for such withdrawal. A notice of withdrawal of candidate once given shall be irrevocable.

5. Voting

- (a) If for any area or 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 area or 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 board. If the number of candidate whose nominations are valid exceeds the number to be elected for any area or constituency, the returning officer shall arrange for conducting a poll on the date and time fixed for the purpose. The returning officer may appoint as many polling officers as may be necessary for conducting the poll.

- (b) A candidate contesting the election may, by a letter, in Form IV, to the returning officer, appoint an agent to represent him where polling is held, to identify the voters and to watch the recording of votes. Such letter shall contain the consent in writing of the agent concerned.
- (c) Canvassing of votes by any person at the place where election are to be conducted shall be prohibited.
- (d) 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 or his agent may also affix his own seal, if he so desires.
- (e) Every member or delegate 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 cyclostyled, according to convenience, on the ballot paper. 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.
- (f) Each polling station and where there is more than one polling booth at a station, each such booth shall contain a separate compartment in which the members or delegates can record their votes in secrecy.
- (g) Every member who desires to exercise his votes shall enter the polling station with an identity card, given to him by the society. The polling officer shall identify the member by putting questions to him with reference to the list of members or delegates eligible to vote in the polling station, furnished to him. If the polling officer is satisfied about the identity of the member and if there is no objection from any candidate or his polling agent present at the polling station, he shall issue a ballot paper to him after obtaining signature or thumb impression of the member or delegate on counterfoil perforated with the ballot paper. The counterfoil shall bear the serial number and other details of the ballot paper. On receipt of such ballot paper, the member shall proceed to the polling compartment set apart for the purpose and indicate the person or persons in whose favour he exercises his vote by inscribing a mark 'X' against the name of the candidate or candidates, as the case may be, and put the ballot paper in the ballot box kept for the purpose with utmost secrecy. If owing to blindness or other physical infirmity or illiteracy a member is unable to inscribe the mark on the ballot paper the polling officer, and where no such polling officer is appointed, the returning officer shall ascertain from him the candidate or candidates, in whose favour he desires to vote, inscribe the mark 'X' on his behalf and put the ballot paper in the ballot box.

- (h) (i) Every member whose name is entered in the list of members/delegates eligible to vote, furnished to the polling officer, is entitled to poll his vote, unless there is a challenge by the candidate or his agent against his identity. If there is such a challenge about the identity of a member or if the polling officer feels any reasonable doubt, he shall then refer the matter to the returning officer who shall make a summary inquiry and decide the question with reference to the books of the society.
- (ii) The returning officer shall not entertain any challenge by a candidate or his polling agent, of a member's identity until the person who challenges pays a fee of Rs. 5/- (Rupees five only) for every such vote, in cash. The returning officer shall thereafter entertain the challenge and ask the member who has come to poll the vote to affix his thumb-impression or signature, as the case may be, on a declaration describing his identity. If he refuses to do so, the member shall not be allowed to vote. If, on the other hand, as a result of such summary enquiry the identity of the member is established to the satisfaction of the returning officer, the polling officer shall issue ballot paper, and the member shall then be allowed to vote. In such cases the challenge fees paid shall be forfeited. At the end of the poll, the returning officer, shall render an account of challenge fees collected, fees refunded to the persons who challenged and the fees forfeited to the society together with a brief note on the decision arrived at by him after the summary inquiry in each case.
- (i) (A) 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 cancel the polling after recording his reasons for such action.
- (B) Where the poll is stopped under clause (A) 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 cancel the polling after recording the reasons for such action in the minutes book of the society.
- (j) No voter shall be admitted after the time fixed for the polling; but a voter who enters the premises where ballot papers are being issued before the close of the polling time shall be issued the ballot paper and allowed to vote.
- (k) The counting of votes shall take place immediately after close of the poll. If this is not possible for reasons beyond the control of the returning officer, the ballot box shall be sealed with the seal of the returning officer and of the contesting candidates or of their agents, if they so desire, and deposited with the society for safe custody. The returning officer shall then announce and also intimate in writing to the candidates or their agents present the time and place at which the counting shall commence next day. Votes shall be counted by or under the supervision of the returning officer. Each candidate and his authorised agent shall have a right to be present at the time of counting. But the absence of any candidate or his agent at the time of counting shall not vitiate counting or announcement of results by the returning officer.

6. General

- (a) A ballot paper shall be rejected by the returning officer, if,-
- (i) it bears any mark or writing by which the member who voted can be identified; or
 - (ii) it does not bear the seal of the society or the initial of the returning officer; or
 - (iii) the mark indicating the vote thereon is placed in such manner as to make it doubtful to which candidate the vote has been cast; or
 - (iv) is so damaged or mutilated that its identity as a genuine ballot paper cannot be established.
- (b) If after the counting of the votes is completed, an equality of votes is found to exist between any candidates and the addition of one vote will entail any of those candidates to be declared elected, the returning officer shall forthwith decide between these candidates by lot and proceed as if the candidate on whom the lot falls had received an additional vote and declare him elected.
- (c) After the returning officer has completed the counting of votes, he shall prepare a return of the results of the polling and shall forthwith declare the results. The returning officer shall immediately thereafter record the proceedings of the election in a comprehensive report which shall form part of the records of the society and shall be binding on all. The returning officer shall immediately also furnish a copy of such a report together with a copy of the return of the results of polling, to the society for onward transmission to the Central Registrar. The society shall immediately forward such report and return of the results furnished by the returning officer to the Central Registrar.

7. Election of office bearers

- (1) As soon as the members of the board have been elected the returning officer shall, notwithstanding anything contained in the bye-laws of the multi-State co-operative society, convene a meeting of the newly constituted board for the purpose of election of the President or Chairperson, Vice-President or Vice-Chairperson or other elected office bearers of the society, by whatever name they are called. Such a meeting of the board shall not be conducted unless a majority of the number of members of newly constituted board, as per bye-laws are present.
- (2) At the meeting so convened by the Returning Officer, he shall preside over the meeting for the purpose of election of the office bearers. The election of office bearers of the multi-State co-operative society shall be by secret ballot.

- (3) The returning officer shall announce the schedule of election of office bearers, stating the number of vacancies to be filled by election, date, place and time between which nominations papers shall be filled by the members; the date on which and the time and place at which the nomination papers will be taken up for scrutiny; the date and time of withdrawal; and the date on which, the place at which the polling, if required, will take place. The returning officer shall intimate the schedule of election to all the newly elected or nominated members of the board. The nomination, in Form V, shall be made to the Returning Officer at such a meeting. The returning officer shall decide the objections if any, which may be made at the time, to any nomination and after making such summary inquiry, as he thinks necessary, announce the name of valid nominations.
- (4) If for any office for which elections are to be held, the number of candidates in respect of whom valid nominations have been announced, does not exceed the number of candidates to be elected for that office, the candidates for whom valid nominations have been announced shall be deemed to have been elected for that office and the returning officer shall make a declaration to that effect. If the number of candidates in respect of whom valid nominations have been announced for any office exceeds the number of candidates to be elected a poll by secret ballot shall be taken by the returning officer. The returning officer shall, thereafter, announce the number of votes secured by each candidate and the result of the election.
- (5) The returning officer, shall immediately thereafter record the proceedings of the election in a comprehensive report which shall form part of the records of the society and shall be binding on all. The returning officer shall immediately also furnish a copy of such a report together with a copy of the return of the results of polling, to the society for onward transmission to the Central Registrar. The society shall immediately forward such report and return of the results furnished by the returning officer to the Central Registrar.

8. Custody of record of elections conducted

After declaration of the result of election, the returning officer shall hand over the ballot papers and records relating to the election of the members of the board of directors and the office bearers to the chief executive of the multi-State co-operative society in a sealed covers. These shall safely, be preserved by the chief executive of the society for a period of six months from the date of election or till such time a dispute regarding elections, if any, filed is disposed of, whichever is later, and shall thereafter be destroyed.

Extract from Multi-State Cooperative Societies (amendment) Rules, 2002

Rule 20: Election of Office Bearers:-

- (1) The election of the office bearers of the board shall be conducted as per the programme given in the election schedule.
- (2) The eligibility of the candidates for the election of office bearers shall be subject to the provisions contained in sections 43 and 44 of the Act.

**EXTRACT OF RELEVANT BYE-LAWS RELATING
TO ELECTION OF BOARD OF DIRECTORS.**

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5. MEMBERSHIP

The membership of the NCCF shall be open to the following:

- (a) Apex Level Consumer Cooperative Federation in State.

Note:

Apex Level Consumer Cooperative Federation means a federal society, the area of operation of which extends to the whole of state as may be approved by the Registrar Cooperative Societies of that State. Only one state level cooperative organization, representing the consumer sector shall be eligible for membership under this clause.

- (b) State level cooperative organizations which have distribution of consumer goods as one of their objectives, such as cooperative marketing-cum-consumer Federation in such States as do not have exclusive apex federation of consumer cooperatives and that, from any one State, only one State Level cooperative organization, representing the consumer sector, as may be approved by the Registrar of Cooperative Societies of the concerned State, shall be eligible for membership under this clause.
- (c) Consumer Cooperative Societies and other Cooperative Societies doing retail distribution of consumer goods by whatever name they may be called provided they have sales turnover of Rs. 50 lakhs and above during the cooperative year preceding the date of application of membership.

Note:

Consumer Cooperative Societies mean Wholesale/Central Consumer Cooperative Society/Store (primary consumer cooperative societies already enrolled, will continue as members).

- (d) Government of India.
- (e) National Cooperative Development Corporation (NCDC).
- (f) National Cooperative Union of India (NCUI), without any obligation to pay either admission fee or share money.

- (g) National Agricultural Cooperative Marketing Federation of India Ltd; (NAFED) or any other National Cooperative Organization on reciprocal basis.
9. State level apex society qualified for membership in accordance with the bye-law No. 5(a) and 5(b) shall not acquire rights and privileges of membership until it has paid the admission fee and share money calculated on the basis of Rs. 2,000/- per whole/central store/society for the time being affiliated to it subject to a minimum of Rs. 5,00,000/- and in case of other member cooperatives under bye-law 5(c) minimum of Rs. 30,000/-. In case of NCDC and NAFED, the contribution will be determined by the Board of Directors of NCCF.

25. BOARD OF DIRECTORS

The Board of Directors shall be constituted for a period of 5 years as per section 41 of the act in the manner prescribed in the schedule attached to the rules.

The Board of Directors shall consist of not exceeding 17 members excluding two (2) co-opted Directors as specified hereunder elected/constituted by the General Body:-

(a) 5 Directors to be elected from the members admitted under bye-law No. 5(a) and 5(b) provided that the said State Federation has transacted business worth of atleast 15% of its turnover of the items being dealt by the NCCF, excluding the business of confiscated goods, other items allotted to the State Federation by their respective State Government, under Public distribution System or under any special obligation during the preceding year, before the election.

(b) Nominee(s) of the Government of India as per Section 48(i) of the Act.

(c) One nominee each of:

(i) National Cooperative Union of India (NCUI)

(ii) National Cooperative Development Corporation (NCDC).

(iii) National Agricultural Cooperative Marketing Federation of India Limited (NAFED) on reciprocal basis.

(d) (i) Members admitted under Bye-law No. 5(c) shall form one constituency and elect five Directors from amongst themselves subject to the condition that atleast one Director is elected from each Zone and have transacted business with NCCF during the preceding year before the election.

(ii) Not more than two eminent cooperators, economists or management experts in the country may be co-opted by the Board of Directors provided

that such co-opted Directors shall have no right of vote nor shall be eligible to stand for election to the post of any office bearer.

(e) Managing Director

**SUBSIDIARY RULES FOR THE ELECTION OF DIRECTORS OF NCCF
IN ACCORDANCE WITH CLAUSE 25 (d) (i) OF THE BYE-LAWS:**

Short Title and commencement:-

1. These rules shall be called "Rules for election to the Board of Directors of NCCF."
2. The election of the Directors shall be conducted in accordance with bye-laws and Act and Rules as applicable to NCCF.
3. The members admitted under bye-law 5(c) shall form one constituency and shall elect 5 Directors from amongst themselves to the Board of directors subject to the condition that atleast one member shall be elected from amongst the representatives of the societies from each of the following zone and there shall not be more than one member from each State/U.T. So long as there is no membership, from a particular Zone, the stipulation of atleast one member being elected from amongst the representatives of societies from each of the said Zones may be dispensed with.

In view of the non-uniformity of the membership covering the zones and to make the election more wide-based, all the members from all the Zones may cast their votes together for all the five Zones.

<u>Name of Zone</u>	<u>Group of States including U.Ts.</u>
West Zone	Maharashtra, Gujarat, Goa, Daman & Diu.
Northern Zone	Rajasthan, Haryana, Punjab, H.P., J&K, Delhi & Chandigarh.
Southern Zone	A.P., Karnataka, Tamil Nadu, Kerala, Pondicherry, Lakshadwip.
Central Zone	U.P., Uttaranchal, M.P. & Chattisgarh
Eastern Zone	West Bengal, Bihar, Jharkhand, Orissa, Assam, Nagaland, Manipur, Meghalaya, Mozoram, Tripura, Sikkim, A&N Islands.

The existing Board of Directors shall be responsible for holding and conducting elections for reconstitution of the Board for the next term in a General meeting of the Members in accordance with the Subsidiary Rules for Election as indicated above.

ELECTION OF CHAIRMAN & VICE-CHAIRMAN

(f)

The Directors shall elect the Chairman and a Vice-Chairman as per Act & Rules and these bye-laws. No member of the Board shall be eligible to be elected as Chairman or Vice-Chairman if such member is a Minister in the Central Government or State Government. No member of the Board shall be eligible to be elected as Chairman after he has held the office as such during two consecutive terms, whether full or part as per provision of section 44 of MSCS Act, 2002. The term of the Chairman and Vice-Chairman shall be co-terminus with the term of the Board of Directors. In case of any casual vacancy, the Board will fill up the vacancy through election or nomination/cooption as the case may be for the un-expired term of the Board, provided that the Chairman and/or Vice-Chairman may be removed from their offices by a 2/3rd majority of the members of the Board.

(g)

- (i) Any vacancy occurring from amongst the Directors where no election is involved or in case of change of nominee of the Central Government, shall be filled by fresh nomination from the concerned organization or the Central Government.
- (ii) Any vacancy among the elected Directors under clause 25(d) (i) of these bye- law shall be filled by Fresh election from the same group of members.

26. TERM OF THE BOARD OF DIRECTORS

The term of the Board of Directors shall be five years or as provided in the Act from time to time from the date of election and they shall be eligible for re-election subject to the provision of the Act and Rules. All members of the Board of Directors including those elected/nominated in casual vacancies whether representing member institutions or who are members of the Board in other capacities shall vacate the respective offices on the same day on which their successors are selected/nominated irrespective of the date on which they were selected as members of the Board.

27. DISQUALIFICATION OF MEMBER OF BOARD

A member of the Board shall cease to hold office if he:

- (a) becomes subject of any disqualification which would have prevented him from seeking election, had he incurred that disqualification before election in his institution.
- (b) is a member of the Committee of the member-institution which elected him as a delegate has been superseded.
- (c) is a delegate of the member-institution, the affairs of which are ordered to be wound up.
- (d) Hold any office of profit under NCCF except the Managing Director in NCCF or a person elected by the employees of NCCF to represent them on the Board of NCCF.
- (e) Has directly or indirectly any interest in any contract to which the NCCF is a party except in transactions made with the NCCF, as a member in accordance with the objectives of the NCCF as stated in the bye-laws.
- (f) Ceases to be the nominee of the Government or Institution nominating them as per bye-law No. 25.
- (g) Has been convicted for an offence in involving moral turpitude.
- (h) Has been adjudged by a competent court to be insolvent or of unsound mind.
- (i) Is a person against whom any amount due under a decree, decision or order is pending recovery.
- (j) An elected member of a Board who has acted adversely to the interest of the NCCF on the basis of a report from the Central Registrar or otherwise be removed from the Board upon a resolution of the General Body passed at its meeting by majority of not less than 2/3rd of the members present and voting at the meeting provided that the member concerned shall not be removed unless he has been given a reasonable opportunity of making representation in the matter.
- (k) Has been a representative of a member, which is a member of the NCCF for less than twelve months immediately preceding the date of such election or appointment.

- (l) Has taken loan or purchased goods on credit from the NCCF or is otherwise indebted to NCCF after the receipt of a notice of default issued to him by NCCF, has defaulted in repayment of such loan or debt or in payment of the price of the goods taken on credit, as the case may be, within the date fixed for such repayment or payment or where such date is extended, which in no case shall exceed six months, within the date so extended.

Provided that a member of the Board who has ceased to hold office as such under this Clause shall not be eligible for a period of one year from the date on which he ceased to hold office, for re-election as a member of the Board of NCCF or for the election to the Board of any other Multi-State Cooperative Society.

- (m) is retained or employed as a legal practitioner on behalf of or against the NCCF or on behalf of or against any other Multi-State Cooperative Society which is a member of the NCCF.
- (n) Has been convicted for any offence under the Act.
- (o) Absents himself from three consecutive Meetings of Board and such absence has not been condoned by the Board of Directors.
- (p) Absents himself from three consecutive General Body Meetings and such absence has not been condoned by the members in the General Body.
- (q) A person shall not be eligible for being elected as member of Board for a period of five years if the Board fails:-
- (i) to conduct elections of the Board under the Act, Rules and Bye-laws.
 - (ii) to convene the Annual General Meeting under the Act, Rules and Bye-laws.
 - (iii) to prepare the financial statements and present the same in the Annual General Meeting as per provisions in the Act, Rules and the Bye-laws.

Form III
Nomination Form
[See paragraph 3 (a) of the schedule]

1. Name of the Multi-State Cooperative Society and address _____
2. Name of the candidate in case of an individual member or name of the delegate and the member cooperative society or multi-state cooperative society which he is representing -----
3. Serial No. in the register of members -----
4. Father's/ Husband's Name (in case of individual member) -----
5. Address
6. Name of the proposer in case the proposer is an individual member and the name of the society and the delegate in the case proposer is a delegate of a society -----
7. Serial no. of the proposer in the register of members -----
8. Signature of the proposer -----
9. Name of the seconder when the seconder is an individual member and the name of the society and the name of the society to which the seconder is a delegate of the society -----
10. Serial No. of the seconder in the register of members -----

11. Signature of the seconder -----

CANDIDATES DECLARATION

I declare that I am willing to stand for election and that, to the best of my knowledge and belief, I have not incurred any disqualification for membership of the Board of National Cooperative Consumers' Federation of India Limited, in terms of the Act, the Rules and the Bye-laws of NCCF.

(Signature of the candidate)

Endorsement by Returning Officer

This nomination paper was presented to me in person/received by registered post on at hrs.

Place:

Date :

Signature of the Returning Officer
Or person authorized by him