

REGISTERED No. M - 302
L.-7646

The Gazette of Pakistan

EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, THURSDAY, OCTOBER 10, 2019

PART III

Other Notifications, Orders, etc.

GOVERNMENT OF PAKISTAN
OFFICE OF THE CHIEF COMMISSIONER
ISLAMABAD CAPITAL TERRITORY

NOTIFICATION

Islamabad, the 16th September, 2019

No. 1(19)-Law/2018-823.— In exercise of the powers conferred under Section 71 of the Cooperative Societies Act, 1925 (Act VII of 1925) read with the Justice Division's Notification No. 17(2)80- Pb, dated 31st December 1980 issued in pursuance of Article 2 of the Islamabad Capital Territory (Administration) Order 1980 (P.O. No. 18 of 1980) and all other powers enabling him in this behalf, the Chief Commissioner, Islamabad Capital Territory is pleased to promulgate and enforce the following rules, in supersession of earlier Islamabad Capital Territory Managing Committees (Election) Rules, 2014, issued *vide* S. R. O. 1(19)Law/2014-463 dated 04-02-2014:—

1733(1—17)

Price : Rs. 40.00

[1571(2019)/Ex. Gaz.]

1. **SHORT TITLES AND COMMENCEMENTS**

- (i) These rules shall be called **“Islamabad Cooperative Societies Election Rules, 2019”**.
- (ii) These shall be interpreted subject to the provision of Cooperative Societies Act, 1925 and Islamabad Cooperative Societies Rules, 2018 formed there order. These Election Rules shall come into force at once and shall extend to all Cooperative Societies registered in Islamabad Capital Territory.

2. **DEFINITIONS**

- (i) In these rules, unless there is anything repugnant in the subject or context the expression:—
 - a. “Act” means The Cooperative Societies Act, 1925.
 - b. “Appellate Authority” means the Registrar or an officer appointed by the Government to hear appeals.
 - c. “Bye-Laws” mean the Bye-Laws of the Society registered under the provisions of Cooperatives Societies Act, 1925 and Islamabad Cooperative Societies, Rules, 2018.
 - d. “Candidate” means any member of the society who is not disqualified to contest elections under these Rules.
 - e. “Committee” means the Committee of Management, Administrator or etc. to whom the management of the affairs of a Society is entrusted
 - f. “Coordinator” means an officer of the department appointed to assist and facilitate the Election Commission and the Presiding Officer on the Election Day.
 - g. “Circle Registrar” means an officer appointed to perform duties as Circle Registrar.
 - h. “Defaulter” means a member of the Society who has been declared as defaulter on account of non-payment of dues of the Society in accordance with Section-17 of Cooperative Societies Act 1925, Islamabad Cooperative Societies, Rules, 2018 and Bye-laws of the Society.

- i. "Department" means the Cooperative Societies Department, Islamabad Capital Territory.
 - j. "Deputy Registrar" means an officer appointed to perform duties as Deputy Registrar.
 - k. "Election" means election of the members of the Managing Committee of the Cooperative Societies under these Rules.
 - l. "Election Commission" means a committee constituted in accordance with these Rules to hold election of Managing Committee of the society.
 - m. "Eligible" means eligible to contest election as office bearer or member of the Managing Committee under the Bye-Laws and Rules of the Society.
 - n. "List of Voters" means the list of voters prepared and approved by the Election Commission, who are eligible to vote and/or contest the election as provided in the Election Rules and are not defaulters under Bye-laws of the Society and the Cooperative Societies Act 1925 and Islamabad Cooperative Societies Rules, 2018.
 - o. "Managing Committee" means an elected Managing Committee of the society or Care Taker Committee or Administrator, as the case may be.
 - p. "Member" means a member as defined under section 3(c) of the Cooperative Societies, Act, 1925.
 - q. "Notice Board" means Notice Board of the society placed in the office of the Society at a conspicuous place.
 - r. "Registrar" means a person appointed as Registrar Cooperative Societies, Islamabad, ICT under the Cooperative Societies Act 1925.
 - s. "Voter" means a member of the society holding requisite number of shares and plot of the society under the Bye-Laws and who is not a defaulter of the dues of the Society.
- (ii) Words and expressions used but not defined in these Rules but defined in the Cooperative Societies Act 1925, Islamabad Cooperative Societies Rules, 2018 and Bye-laws of the society, shall have the same meanings as are respectively assigned to them therein.

3. **QUALIFICATION AND DISQUALIFICATION OF CANDIDATE FOR CONTESTING THE ELECTION**

- (i) Eligibility criteria for the candidates contesting elections of the members of the Committee shall be followed as laid down in Rule 53 of the Islamabad Cooperative Societies Rules, 2018.
- (ii) Subject to the provisions of the Cooperative Societies Act 1925 and Islamabad Cooperative Societies Rules 2018, no person shall be eligible to contest the election of the Managing Committee of the society, if he/she suffers from any of the following disqualifications that is:
 - (a) He/She is not a voter as per notified voter list issued by the Election Commission.
 - (b) He/She is less than 21 years of the age.
 - (c) He/She is a defaulter in terms of dues payables towards the society *i.e.* cost of land and development charges.
 - (d) He/She is of unsound mind.
 - (e) After registering as a member in the society if a period of one year has not passed or AGM has not confirmed his / her membership in the meanwhile, whichever is earlier (for the posts of Executive members only).
 - (f) If a member is contesting for the post of President/ Vice-President/ Secretary or Finance Secretary, his tenure as member should not be less than three years after registering as a member in the society.
 - (g) He/She is a relative (spouse/children/parents/brothers/sisters) of any person who has business dealings with Society directly/indirectly or has any contract / employment in the working with or under or on behalf of the society.
 - (h) He/She is a Member/Office Bearer of the Managing Committee which has been superseded under Rule 48 of the Islamabad Cooperative Societies Rules, 2018 unless permitted to contest the election by the Registrar Cooperative Societies, Islamabad, ICT.
 - (i) He/She is practicing the profession of Real Estate *e.g.* professional property dealer, contractor, Land/property Developer.

- (j) He/She has been convicted by a Criminal Court on an offence of moral turpitude.
- (k) He/She has ceased to be a member of the society and is disqualified as per Bye-Laws of the society.
- (l) He/She is bankrupt or has been declared insolvent by any Court of Law.
- (m) He/She has interests in business of society which creates a conflict of interest with his/her proposed duties.
- (n) He/She acts for the society for any honorarium or profit or salary or is a borrower of the society unless he has cleared his liability or has relinquished the position for a period of at least 2 years at the tenure of filing of nomination papers.
- (o) If He/She is Government servant and fails to submit the No Objection Certificate (NOC) of his department for contesting the election of the Managing Committee of the society.
- (p) If He/She is already an office bearer of the Managing Committee of any other Cooperative Society and did not resign prior to submission of nomination papers from that respective Managing Committee of the Society.

4. **QUALIFICATION OF A VOTER**

Every member of the Society, who is notified as a voter by the Election Commission in the final list so prepared and notified by it, shall be qualified and eligible to cast a single vote in the election:

Provided that all such voter members have made their prescribed payments to the Society under Section 17 of the Cooperative Societies Act, 1925.

5. **TERM OF MANAGING COMMITTEE**

- (i) The term of a Managing Committee of the Society shall be three years.
- (ii) The term shall commence from the date when the Managing Committee is notified by the Registrar.

- (iii) At the end of the term of Managing Committee, a Caretaker Committee or an Administrator shall be appointed to run the affairs of society as per provisions of the Act and Rules made thereunder. After appointment of a caretaker committee or an administrator, the election commission shall be constituted by the Registrar for holding the election of that society.

6. **CONSTITUTION OF ELECTION COMMISSION**

- (i) An Election Commission shall be constituted by the Authority to hold elections of the Committee within 3 days after the expiry of the term of the existing Managing Committee. It shall consist of an Election Commissioner and two members from amongst the members of the Society other than the existing office bearers of the Society and the candidates contesting the election, who shall assist the Election Commissioner in all matters relating to conduct the election fair, free and transparent.

Explanation. If a member of the Election Commission opts to contest the election and files his nomination papers OR otherwise declines from the membership of the Commission, he shall immediately cease to be a member of the Election Commission in which case any other member of the Society shall be substituted in his place by the Authority.

- (ii) The Election Commission shall make all necessary arrangements for the election.
- (iii) The Election Commission shall convey the election schedule along-with instructions to all the members of the Society through a general circular to be delivered by Registered Post A.D and through a National Daily (Newspaper) of wide circulation, at least 7 days of the expiry of the term of the Managing Committee of the Society. The schedule shall specify all details relating to the election and the vacancies of the member of the Managing Committee to be filled through the elections.
- (iv) The Management of the society shall submit the names of two non-contesting members of the society, other than the members of the sitting Managing Committee/ Care taker Committee/ Administrator with their consent to the Registrar at least 60 days prior to the expiry of its term to constitute Election Commission for holding election of the Managing Committee of the society. However, the Registrar or Deputy Registrar may constitute an Election Commission on his own, in case a controversy arises on the nomination of member of the Election Commission.

- (v) If the Management fails to send the above mentioned requisitions or where the Registrar is of the view that the proposed names are not appropriate, he may constitute an Election Commission himself.
- (vi) The Registrar or the Deputy Registrar, as the case may be, shall constitute an Election Commission comprising the members whose names are received under Rule 6(1), the Election Commissioner, who shall be an Officer of the ICT Administration not below the rank of BPS-17 for holding elections of the society.
- (vii) In case, if any of the member of the Election Commission does not take part in the process of election/meetings of Election Commission, then Election Commissioner may in writing along-with sufficient reasons recommend replacement of such member to the Registrar.
- (viii) Election Commission shall maintain a register in which particulars of nomination papers shall be recorded.
- (ix) The Election Commission shall issue a code of conduct for holding free, fair and transparent election in the manner prescribed by Election Commission.

7. ISSUANCE OF ELECTION SCHEDULE

- (i) The duration of election schedule shall not be less than 45 days and shall not exceed 60 days.
- (ii) The election schedule shall specify:
 - (a) Date / dates for display of interim voters list at office of the Society. (Minimum three days).
 - (b) Date / dates for inviting objections on the interim list of voters. (Minimum three days).
 - (c) Date / dates for decision on the objections and display of final voters list. (Minimum three days).
 - (d) Date / dates for issuance of forms of nomination papers. (Minimum three days).
 - (e) Date / dates for receiving of nomination papers. (Minimum three days).
 - (f) Date / dates for scrutiny of nomination papers and display of the interim list of the eligible candidates. (Minimum three days).

- (g) Date / dates on or before which appeals can be decided by an appellate authority. (Minimum five days).
- (h) Date / dates fixed for display of final list of candidates (Minimum two days).
- (i) Date / dates on or before which candidate may withdraw his candidature. (Minimum two days).
- (j) A date on which polling shall be held.

Explanation. The defaulter members may produce a paid receipt or clearance certificate with respect to payment of dues to the Election Commission but not later than 48 hours before the finalization of voters list.

8. ISSUANCE OF NOMINATION PAPERS

- (i) The Nomination papers in the forms to be specified by the Election Commission shall be made available to all members of the Society at the office of the Society
- (ii) Only a member of the society whose name appears in the final voters list shall be eligible to get the nomination papers on the scheduled date and time, from the Election Commission after depositing the prescribed non-refundable fee. The Nomination Papers will be prepared in the manner prescribed by the Election Commission.
- (iii) One member may obtain nomination/application papers for only one post/seat. His/her nomination papers for more than one post/seat shall not be accepted.

9. RESPONSIBILITIES OF THE SOCIETY'S EMPLOYEES DURING ELECTION

- (i) All employees of the society shall render such assistance to the Election Commission as it may require for the purpose of holding free, fair, transparent and impartial elections. The conduct of the society staff shall be neutral, impartial and fair during the election process.
- (ii) Disciplinary action shall be taken against any employee of the society by the Registrar or person authorized in this behalf, who does not act in accordance with sub-rule (1).

10. LIST OF VOTERS

- (i) The Election Commission within 3 days of the expiry of term of Managing Committee shall requisition record of membership along-with outstanding dues etc towards memberships of society, from the administrator who shall provide the same within 5 days of the requisition letter. The provisional list of the voters shall be displayed on the notice board and the website of the society within 12 days of the expiry of term of Managing Committee.
- (ii) The Election Commission shall hear the objections of provisional voters list within three days of display and shall notify within 15 days from the date of notification of the Election Commission prior to the receiving of nomination papers.
- (iii) The Election Commission shall provide the final list of voters to the contesting candidates on payment of the prescribed fee.

11. RECEIPT OF NOMINATION PAPERS

- (i) Only an eligible voter shall propose or second the name of one candidate only.
- (ii) Every proposal for a candidate shall be made on the nomination paper supplied by Election Commission, which shall be signed by the proposer, seconder and accepted by the candidate. The nomination paper shall contain the membership number of the proposer, seconder and the candidate as per the voters list.
- (iii) Every nomination paper shall be handed over to Election Commission by the candidate, or his proposer or seconder or authorized person. The Election Commission will issue a receipt specifying the date and time of receipt.
- (iv) No proxy nomination shall be allowed.

12. ELECTION FEE

The Election Commission shall fix the fee for processing of nomination papers and to meet other expenses for holding of elections of the Society which shall not be less than Rs.10,000/- for all posts.

13. SCRUTINY AND WITHDRAWAL OF NOMINATION PAPERS

- (i) The candidate desiring to contest the election shall file their nomination papers duly filled in proposed and seconded by the members of the Society as per election schedule issued and published by the Election Commission.

- (ii) All nomination papers filed under sub-rule 13(1) shall be scrutinized and verified by the Election Commission with such assistance as it may deem necessary, in the manner prescribed in sub-rule 6(3). The result of scrutiny shall be issued by the Election Commission.
- (iii) All candidates shall deposit election fee to the Election Commission as determined by the Election Commission alongwith their nomination papers.
- (iv) The Candidates, their Proposers or their Seconders may attend the process of scrutiny of nomination papers and the Election Commission shall give reasonable opportunity for explaining any objection raised by the contesting candidates/voters.
- (v) The Election Commission shall reject a nomination paper, if it is satisfied that the candidate falls under any of the disqualifications mentioned in the Cooperative Societies Act 1925, Islamabad Cooperative Societies Rules 2018, Bye-Laws of the Society and these Rules.
- (vi) An appeal against the rejection or acceptance of the nomination papers by the Election Commission shall be preferred to the Authority within 5 days of the rejection or acceptance of the nomination papers and the same shall be decided by the appellate authority within the period prescribed in the election schedule.
- (vii) The validly nominated candidates may withdraw their candidature by giving written intimation to the Election Commission at any time before issuance of final list of candidates.
- (viii) The final list of the candidates after disqualification under Rule 3 and withdrawals under Rule 13(7) etc. shall be placed on notice board of the Cooperative Department and in the office of the Society by the Election Commission.

Explanation. In case of a public or weekly holiday, the very next working day shall be deemed to be included in the limitation prescribed for any act / omission.

14. UN-OPPOSED ELECTION

- (i) If the number of final contesting candidates is not more than the number of members to be elected, the Election Commission shall declare such candidates to be elected as un-opposed members of the Managing Committee or the office bearers of the Managing Committee, as the case may be.

- (ii) In case of un-opposed election, the Election Commission shall issue an order of the newly un-opposed Managing Committee before the date of holding election at the earliest with his signatures under intimation to Registrar.

15. PROVISION OF MATERIAL FOR ELECTION

The Election Commission shall make available the lists of voters, ballot papers, stamps, ballot boxes, sealing / de-sealing material, stationery and other required material for the purpose of election on venue of election. The expenditure thus accrued shall be borne out of Election Fee mentioned in Rule 12 supra.

16. POLLING AGENTS

The contesting candidate/panel may before the commencement of the poll appoint one polling agent for each booth and shall give authority letter thereof in writing to the Election Commission along with a specimen signature of the polling agent. Only the members of the society can be appointed as polling agent. The contesting candidate may replace polling agent.

17. POLLING HOURS

The Election Commission shall fix the polling hours in the election schedule, during which non-stop polling shall be held.

18. STOPPING OF POLLS

- (i) If at any time, the poll is interrupted or obstructed by rigging, riot, open violence, by reason of any natural calamity or circumstances beyond the control of Election Commission, they may after recording reasons thereof, stop the polling.
- (ii) The Election Commission shall decide the matter referred to it under Rule 18(1) and may extend the time for polling or decide the issue as deemed appropriate.

19. ELECTION BY SECRET BALLOT

- (i) The election under these rules shall be held through secret ballot.
- (ii) No proxy vote shall be allowed.

20. BALLOT BOX AND ITS USE

- (i) The ballot box or boxes shall be arranged by the Election Commission himself one day before the commencement of the polling.
- (ii) The Election Commission may, in case of more than one polling booth show the empty ballot boxes to the contesting candidates or their agents before sealing off the ballot boxes.

21. ADMISSION TO THE POLLING STATION

- (i) The Election Commission shall regulate the number of voters to be admitted in the polling station at one time and remove all other persons from the polling station except:—
 - a. Any person on duty in connection with the election.
 - b. A companion of disabled voter.
- (ii) Admission of each voter to the polling station shall be regulated through the Society's Allotment Letters/PAL/Membership receipts and National Identity Cards, Driving License, Passport of the Members/ voters. Each voter shall enter his name, membership number, CNIC number and signature in token of his attendance and participation in the election on the Register meant for attendance of the voters during the Voting hours fixed by the Election Commission.
- (iii) Ballot paper shall be issued to each individual voter by the Election Commission on the day of election after verification of the voter's antecedents through the documents mentioned in Rule 11(1).

22. CONDITIONS FOR VOTING AND VOTING PROCEDURE

- (i) Where a voter presents himself at the Polling Station to cast vote, the Election Commission shall, after satisfying himself about the identity of the voters through production of original Computerized National Identity Card / Driving License / Passport, and original Allotment Letter/PAL/Membership receipt shall issue him a ballot paper.

- (ii) The ballot paper shall be stamped and signed by the authorized Member of Election Commission. The voter shall sign or mark thumb impression on the Counterfoil of the ballot paper.
- (iii) The voter on receiving the ballot paper, shall forthwith enter in to the room or compartment meant for stamping. After stamping of ballot paper the voter shall insert the ballot paper into the ballot box.
- (iv) Ballot Boxes shall be kept in front of the Election Commission to maintain safety and security of the Ballot Boxes.
- (v) Where a voter is blind or incapacitated to cast vote without any assistance, the Election Commission shall allow him to avail the assistance/help of one companion.

23. VOTING AFTER CLOSE OF POLLING

No person shall be given any ballot paper or shall be permitted to cast vote after the time fixed for the close of the polling except the voters who at that time are present within the premises of Polling Station.

24. PROCEEDING AT THE CLOSE OF POLLING

- (i) After the close of polling the Election Commission as the case may be shall proceed with the counting of votes in the presence of the contesting candidates or the authorized polling agents.
- (ii) The Election Commission shall give the contesting candidates or their polling agents reasonable opportunity for observing the counting.
- (iii) No person other than the Election Commission, Officials of Cooperatives Department and contesting candidates or their polling agents, may be present at the time of counting.
- (iv) The Election Commission shall open the ballot box / boxes and count the ballot papers contained in the boxes and thereafter exclude the invalid ballot papers on following reasons:—
 - a. Which do not bear the signatures of the Election Commission or their authorize representatives,

- b. Ballot paper on which anything is marked or written by the voters by which it can be identified, or
 - c. Ballot paper on which number of mark/stamps are more than the seats.
- (v) The Election Commission shall after the counting prepare a Statement of Counting and shall announce the result of election at the spot.
- (vi) In case of equality of the votes between two contesting candidates, the decision shall be made by the Election Commission and the Election Commission through draw in presence of the contesting candidates or authorized polling agents at the spot.
- (vii) The Election Commission shall provide a signed copy of election result to the candidates or their agents.

25. RESULT OF ELECTION

- (i) The Election Commission after announcing the result of the election shall submit a statement of result of election along-with the list of successful candidates to the Registrar forthwith.
- (ii) The Election Commission shall issue the order of newly elected Managing Committee on the next working day by his signatures under intimation to the Registrar, Deputy Registrar and the Circle Registrar as the case may be. The Notification shall be issued after approval from the Registrar Cooperative Societies, ICT, Islamabad on the format prescribed.

26. QUORUM

- (i) The election will be held at the time and place on the Election Day announced by the Election Commission.
- (ii) 15% votes cast of the notified voter list shall constitute the quorum for election.
- (iii) In case of lack of quorum, election shall be repeated on a subsequent date notified by the Election Commission on the same day as per Rule 6(3).

- (iv) In case of a subsequent election, the result of election be regardless of the quorum as laid down in the Rule 26(2) shall be final.

27. PAPERS TO BE SEALED IN PACKETS

- (i) The Election Commission shall enclose and seal into separate packets in such manner as the Election Commission may direct.
 - a. The valid ballot papers cast in favour of the candidates.
 - b. The invalid ballot papers.
 - c. A statement showing result of election.
 - d. The un-used ballot papers along-with their counterfoils.
 - e. The spoilt ballot papers.
 - f. The marked copy of list of voters.
 - g. Ballot papers account.
 - h. Authority letters of candidates for the Polling Agents received by the Election Commission or any other miscellaneous papers.
- (ii) The Election Commission shall hand-over all the packets and documents duly sealed in bags provided for the purpose, to the officials of Cooperative Societies Department, ICT, Islamabad deputed in the election for placing in the record room of the Department. The Cooperative Department, ICT shall be responsible to keep the record of polling material of Election for the period of six years (Two Terms), thereafter with the approval of Registrar Cooperative, ICT may discard the same subject to confirmation by the Department that there is no litigation pending before any competent forum/court in this regards.

28. GENERAL

The newly elected Managing Committee shall assume the charge of the office of the Society immediately after the issuance of notification by the Authority.

29. **PROHIBITION ON CANVASSING**

- (i) Canvassing shall not be permitted within the premises of the polling station.
- (ii) No contesting candidate shall establish his polling camp within the premises of the polling station.
- (iii) Nobody shall be allowed to enter in the polling station / premises whilst in possession of arms/ammunition/knife/Lathi etc.

30. **SECURITY ARRANGEMENT**

The society and the Election Commission shall take effective measures for security of venue of election and maintain law and order and shall seek assistance from concerned Sub-Divisional Magistrate to avoid any untoward incident in the election of the Managing Committee of the Society.

31. **ELECTION RECEIPTS**

All the receipts collected during the Election Process shall be non-refundable and shall be utilized to meet expenditure for holding election.

32. **APPEAL**

- (i) An appeal by a candidate or a member, as the case may be, shall submit to the authority within 5 days of the decision of the Election Commission in respect of:
 - (a) Qualification or disqualification of candidate.
 - (b) Notified voter list.
 - (c) Election procedure.
 - (d) Result of the election.
 - (e) Any other issue relating to the election under these Rules.
- (ii) The decision of the authority declaring the election of any candidate or candidates as invalid shall not affect, the business conducted by the committee with the participation of such candidate or candidates, during the pendency of the appeal, unless in the opinion of the authority, the same prejudices the interest of the members of the Society or defeats any provision of the Act.

- (iii) Re-election of any candidate or candidates of the Society shall be made in accordance with the procedure laid down in Rule 6 (iii) ante”.

33. **REVISION**

A Person aggrieved by the decision of appellate authority made under Rule 32 may prefer a Revision Petition before the Secretary Cooperative, ICT, Islamabad. The decision of the Secretary Cooperative, ICT, Islamabad in Revision Petition shall be final.

34. **REPEAL AND SAVING**

(1) On the day in which these Rules come into force, the Islamabad Capital Territory Managing Committee (Election) Rules, 2014 shall stand repealed.

(2) Any matter not covered by these Elections Rules shall be settled under the provisions of Cooperative Societies Act 1925, Islamabad Cooperative Societies Rules 2018, Bye-Laws of the Society and in case there still remain some issues unsettled, the Election Commission shall consider and decide the issues subject to the right of Appeal/Revision before the competent authority—

SYED TARIF HUSSAIN,
Deputy Director (Admin).