

SHRI BOMBAY HALAI BHATIA MAHAJAN

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Trust Regn. No.: A-0001341 (GBR) of B.P.T. Act 1950

Election rules of the President, Vice-President and the Trustees
as per the clause 11(f) and 11A.(g) of the constitution passed in Annual General
Meeting held on 05-09-2021

1. **These rules shall be called "Election Rules".**
2. **They apply to the Election of President, Vice-President, Holding Trustees and Trustees.**
3. **Definition: In these rules unless there be something in the subject or context inconsistent therewith.**
 - (a) 'Member' means all members of the Halai Bhatia Community who have been enrolled as a member of the Mahajan and whose name is entered in the Register of members maintained under regulation 32 A of the Constitution of the Mahajan.
 - (b) 'Election Officer' means the President or in his absence the Vice-President or in their absence such other person as may be nominated by the trustees in this behalf to regulate and supervise the election.
 - (c) 'Election Area' means any Premises and/or land which are declared as "Election Area" by the Election Officer and where the entry is regulated and where canvassing for the election is prohibited.
 - (d) 'Month' means a calendar month and shall include also un-expired part of a month.

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- (e) 'Voter' means a member on the official register of the Mahajan and who is a member 60 days before the date fixed for the election.
- (f) Any member whose name appears in register of Mahajan and who is holding Trust Identity Card / Government ID Card or in the absence of any Identity Card any two members can vouch for his Identity, provided no other member is challenging the members Identity.
- (g) 'Trustees' shall mean and be deemed to include "Holding Trustees" and/or Trustees of a group.

4. LIST OF VOTERS:

A list of eligible voters shall be prepared and kept ready on or atleast before 45 clear days prior to the date fixed for election and shall be made available for inspection to the members of the Mahajan. In case of any omission or error if detected or noticed on inspection, the same shall be notified in writing, within seven days of display of such list, for consideration by the Board of Trustees, whose decision shall be final.

5. ELECTION SCHEDULE:

- (a) On or before atleast 30 days of the date of the election year, the Managing Trustees shall prepare for information of the members only (i) The names of the members of the Board of Trustees of the previous term and (ii) the number of the monthly meetings of the Board of Trustees called, held and the number of meetings each member attended shall be kept displayed on the Notice Board till dates of election.
- (b) Nomination for the office of the President, Vice-President and Trustees shall be received during office hours on or atleast before 21 days of the date of

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election by hand delivery only and a receipt must be obtained from the authorised person of the office.

- (c) The Proposal for nomination to election shall be in prescribed form and signed by the candidate and by his proposer and seconder who also shall be members of the Mahajan eligible to vote as per Clause 3(e) herein below and shall be in such form as the Board of Trustees may from time to time prescribe.
- (d) All nomination papers shall be scrutinised by the Election Officer on the day following the last day of receiving the nominations and in the event of the nomination of any member being rejected by the Election Officer he shall inform the concerned candidate of the decision in writing.
- (e) Nomination paper shall be invalid unless it is duly proposed and seconded by a member entitled to vote at the meeting and accepted by the nominee. Provided however, that the nominee, proposer and seconder all have been members of the Mahajan for 60 days or more prior to the date of the election. In case of election of Trustees the nominee, proposer and seconder should belong to same group as mentioned in Rule 11(a) of the constitution. Once the nomination is filed by the candidate the proposer or seconder cannot withdraw the consent.
- (f) On or atleast before 18 days of the date of election the Election Officer shall prepare and put on the Notice Board of the Mahajan the names of all the persons validly nominated with the names of the proposers and seconders and stating the number of member or members to be elected from the list.
- (g) Nomination forms for election will be charged Rs. 5/- (Five) per Form.

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- (h) No member shall be allowed to contest from more than one constituency or for more than one post viz. either President / Vice-President / Holding Trustee / Trustee of any group as the case may be. In case, if he has filed more than one nomination for any post then in that case all the nominations will be invalid unless the candidate withdraws all other nominations except one nomination within 2 days of announcement of valid nomination.
- (i) Nomination shall be invalid if a proposer or a seconder proposes and/or seconds for any post viz. President / Vice-President / Holding Trustee / Trustee more than the number of persons to be elected for that office or group.
- (j) Any candidate may withdraw his candidature by writing to the Election Officer within two days of the scrutiny of the nomination paper or later on if candidate is putting his withdrawal papers, he should convince the Election Officers with the valid reasons to satisfy the Election Officers.
- (k) All members must sign and enter their names in the Register kept for the purpose before entering the Election Area where Election are held.

6. BALLOT PAPER :-

- (a) A register of eligible voters shall be kept for the respective groups as described in Regulation 11 of the Constitution and Ballot paper serially numbered and with the names of all the candidates for the post of respective group and stating the number of candidates to be elected shall be given to such eligible voter only on his signing in the Register kept for the purpose. Ballot paper shall contain instructions about filling up the Ballot paper.

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- (b) After expiry of seven days as stated above in clause 4, any accidental omission in the list of eligible voters to print the name of any member or members or any other accidental mistakes, omissions or misprint shall not in any way invalidate the election nor shall any member be entitled to take any objection to the election by reason of any such accidental mistakes or omissions or misprint stated above.
- (c) The Ballot paper shall be issued to eligible voters who shall cast their votes by placing/stamping cross opposite the name/s of the candidate whom they wish to elect.
- (d) While casting votes for electing Trustees, eligible voter shall not place a cross against more names than the numbers of candidates to be elected as set out against each group as per the clause 11(a) of the constitution. He shall not give more than one vote to one candidate. While casting a vote for electing the President and the Vice-President eligible voter shall not place a cross against more than one name in each category as per the clause 11A.(a) & (b) of the constitution.
- (e) If any eligible voter of any group found to have placed a cross mark against more name than the number of candidates to be elected in that group as per the clause 11(a), all his votes of that group shall be considered invalid.
- (f) The Ballot Paper shall not be signed by the eligible voter. In the event of any erasures, obliterations or alterations on the voting papers the said voting paper shall be deemed to have been defaced and votes purporting to have been given shall not be counted.

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- (g) In no case voting by proxy shall be allowed.
- (h) The Ballot Box shall be kept open for voting on the date of the election from 4.00 p.m. to 7.00 p.m. on Saturday and from 9.00 a.m. to 12 Noon and from 3.00 p.m. to 6.00 p.m. on Sunday.
- (i) The Ballot Box shall remain locked and shall be sealed by the Election Officer in the presence of the candidates or their respective authorised Representatives after the Election time is over. In case if nobody remains present within 15 minutes of closure of election hour, the Election Officer shall proceed further in the matter.

7. SCRUTINY OF BALLOT PAPER :-

- (a) Ballot Paper shall be scrutinised by the Election Officer and/or person appointed by him for the purpose of counting votes.
- (b) After scrutiny of the Ballot Papers and counting of votes by scrutineers is over they shall make their report and prepare a list with number of votes secured by each of the candidates.

8. RESULTS OF ELECTION :-

- (a) Results of the election shall be announced by the Election Officer immediately after the counting is over and the list of successful candidates shall be displayed on the Notice Board of the Mahajan the next day after the election is over. If the scrutiny is not completed on the day of the election it shall be completed the next day at a time fixed by the Election Officer when atleast two of the candidates or their respective authorised representative shall also be present.

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- (b) In the event of the total number of votes for any two or more candidates of the Election either as President, or as Vice-President or as a Trustee of a group being equal the result of that post or group shall be determined by the Election Officer by his casting a vote in addition to his own vote which he may use or he may decide the issue by drawing lot in the presence of the affected candidates.
- (c) If the total number of nominations for the election to the Post of a President or a Vice-President or the Board of trustees under Regulation 6 and 11 of the constitution is equal to or falls short of the number required for the election, the candidates whose valid nominations have already been received shall be considered to have been elected ipso facto.

9. FILLING VACANCIES :-

- (a) In the event of the nominations not being received by the Election Officer within the specified time for the different Post or groups or in the event of nominations received for the election falling short of the number required for election or in the event of no votes registered in any post or group the same shall be considered as Bye-vacancy or Bye-vacancies.
- (b) In the case of Bye-vacancy or Bye-vacancies they shall be filled by the newly elected Trustee Board at its first meeting by appointing member/s for that post or of the same group.

10. PRESERVATION OF BALLOT PAPER :-

After election, when the scrutiny of Papers is over, all Ballot paper shall be kept in a Box which shall be sealed and signed by the Election Officer and they shall be destroyed four months after the conclusion of the election.

11. RESTRICTIONS ON RIGHTS OF MEMBERS :-

- (a) Every member shall be bound to conform to the Election Rules of the Mahajan or any amendment thereof.
- (b) All members of the Mahajan shall be deemed to have read Election Rules and all changes made from time to time.
- (c) Candidates and their Authorised Representatives shall be prohibited from canvassing in any manner in the election Area.
- (d) No member except the Election Officer and person appointed by him to assist him for the purpose of Election shall be allowed to go into the polling room except to cast his vote.
- (e) Election Officer and person appointed by him to assist him shall not be entitled to file any nomination in any manner for any post.
- (f) Every candidate shall if so desired be entitled to nominate / appoint any two member of the Mahajan as his Authorised Representative / Polling Agent and intimate the names in writing to the Election Officer at least 48 hours before the commencement of election. However only one such Representative / Agent shall be entitled to remain in Election Area at any given time during election hours.
- (g) All members, candidates and their authorised Representative shall follow and abide by directions, instructions and decisions given by the Election Officer concerning conduct of the election, wearing badges, putting up banner, canvassing ect. Any direction / instruction given to Authorised

Representative shall be deemed to have been communicated to the candidate personally.

12. POWERS OF ELECTION OFFICER :

- (a) It shall be the duty of the Election Officer to supervise, regulate and peacefully conduct the proceeding of the election till the time they are completed and results announced.
- (b) If the Election Officer is of the opinion that any member is willfully and persistently refusing or neglecting to comply with the Election Rules of the Mahajan or is guilty of such conduct in or out of the election Area which in his opinion, is likely to endanger the harmony or affect the character or stability or interest of the Mahajan he may refuse entry to such member in the Election Area and/or debar him from exercising his voting right or he may deal with the member in any manner he thinks fit for peaceful conduct of the Election. The decision of the Election Officer on matter concerning Election and Observation of the Rules of Election shall be final and binding on all.
- (c) Election Officer shall have powers to appoint such person / persons other than those persons who have either proposed or seconded nomination of any Candidate to assist him as he may deem fit and proper for conducting and regulating election process and may assign such duties as he deems fit.
- (d) Election Officer shall deal with all matters pertaining to the election.
- (e) The Election Officer's decision of the validity of every vote tendered / cast at the election meeting shall be final and binding on all.

13. INTERPRETATION OF RULES :

The Election Officer shall be the sole authority for the interpretation of the Election Rules and his decision shall be final and binding on all the members.

14. REVISION OF RULES :

The rules may be repealed, altered, added to or amended by a resolution at any Annual or Special General Meeting provided that no such resolution shall be deemed to have passed unless it be carried by a majority of at least 2/3rd of the members present and voting at meeting.

15. COVID 19 RESTRICTION:

If the restriction by Central & State Government are not lifted than the Election will be postponed for six months and will be reviewed after that.

These Election Rules approved by general Body meeting of Mahajan shall come in force immediately.