

Pradip Kumar Dasgupta & Anr.

- Versus -

UCO Bank Pensioners Association &  
Ors

Proposed Election Guidelines on behalf of the Plaintiffs/Petitioners

**1. Preparation of Electoral Roll**

The names of all ordinary members shall be included in the electoral roll and all members on such roll shall be eligible to vote.

The spouse of an ordinary member who at the time of his/her death was an Associate Member of the Association automatically becomes an ordinary member as his/ her's spouse death and is entitled to elect and be elected in the election of the Association and will also be entitled to second the nomination of one candidate.

Electoral Roll as of 09.11.2022 to be prepared and published on the Notice Board at the offices of the defendant No. 1 by 09 <sup>12</sup> 2022 or such date as may be prescribed by the Hon'ble High Court at Calcutta. A copy of the final Electoral Roll shall also be made over to the plaintiffs and the defendant No. 1 in C.S. No. 211 of 2022.

## 2. Nomination

- i. A fresh call for nominations of ordinary members willing to offer themselves for election will be circulated during the period 14.12.2022 to 16.12.2022.
- ii. The circular to be issued calling for fresh nominations will include the following information: -
  - a) Prescribed form for nomination
  - b) Last date for filing nomination
  - c) Date for scrutiny of nominations filed
  - d) Date for submitting objection to rejection of nomination (if any)
  - e) Date for decision of Election Commission on objections to rejected nominations
  - f) Date of publication of list of candidates on notice board of the defendant No. 1
  - g) Date of Polling
  - h) Venue of Polling
  - i) Date of Counting of Votes
  - j) Date of declaration of election result
- iii. **Eligibility for candidates:**
  - a) Any ordinary member, who has not been declared as a defaulter for a payment of subscription fees may offer himself to be elected in any election of the ASSOCIATION by filling up the nomination form to be prescribed.
  - b) Any associate member who is entitled to become an ordinary member due to death of spouse who was an ordinary member, will also be allowed to offer themselves to be elected.

#### IV Proposing and Seconding

a) Since the Constitution and Rules of the Association entitles every ordinary member to offer himself to elect or to be elected as well as second a nomination, each ordinary member has the right to: -

i) Propose himself/herself or any other ordinary member as a candidate for election.

And

ii) Second a nomination.

#### 3. Manner and Method of Election:

##### i. Ballot Box:

The election commission shall be responsible for ensuring that the ballot box is of such design that it cannot be tampered with. The election commission shall ensure that the ballot box is empty prior to election and/or polling and that the same has not been tampered with.

##### ii. Ballot papers:

No ballot paper shall be issued to any voter prior to the time fixed for commencement of poll.

The Chief Election Commissioner and the other members of the Election Commission shall all sign the ballot paper at the time at the venue for being issued to a voter at the election to be held in the terms of the order dated 4<sup>th</sup> November, 2022.

At the time of issuance of ballot paper to any voter, the election commission or member thereof issuing the ballot paper

- a) shall record on its counterfoil, the electoral roll number of the voter as entered in the copy of the electoral roll and
- b) shall mark the name of the voter in the copy of the electoral roll to indicate that a ballot paper has been issued to him, without recording therein the serial number of the ballot paper issued to the voter.
- c) No person in the polling booth shall note down the serial number of a ballot paper issued to a particular voter.

iii. **Voting procedure: -**

The voter, on receiving the ballot paper, shall forthwith do as follows:-

- a) The mark to be made in the ballot paper who cast vote against the names of the candidates contesting the election for whom a voter intends to vote should be CROSS (X) mark.
- b) Fold the ballot paper to conceal his vote
- c) Insert the folded ballot paper into the ballot box
- d) Quit the polling booth/station.
- e) Every voter shall vote without undue delay
- f) No other voter shall be allowed to enter into the polling compartment while another voter is inside it.
- g) If any person to whom a ballot paper has been issued refuses to observe the procedure as above, the election commission or member thereof who is present shall take the ballot paper back from him/her.
- h) After the ballot paper has been taken back the member of the election commission present shall record the words "cancelled: voting procedure violated" and shall keep such ballot paper separately.
- i) Cancelled votes shall not be counted.

- j) The election commission or member thereof who is present shall make every endeavour to ascertain the correct identity of persons who wish to vote and shall refer to the electoral roll for such purpose. The election commission or member thereof will overlook merely clerical or printing errors in the electoral roll if otherwise satisfied that the person is the same person and not impersonating someone else.
- k) In case of doubt regarding identity of any person, the election commission or member thereof who is present shall have the right to call for such documents as he may consider necessary for the purpose of identification. For this purpose, Aadhar Card/PAN Card will be treated as satisfactory document of identity.

#### **iv. Closing of Poll: -**

The Chief Election Commissioner shall close the polling station/booth at the hour fixed in that behalf and shall not thereafter admit any voter into the polling station, provided all voters present at the polling station before its close shall be allowed to cast their votes.

If any question arises as to whether a voter was present at the polling station before it was closed, it shall be decided by the chief election commissioner and his decision shall be final in that regard.

#### **v. Sealing of Ballot Boxes after poll: -**

As soon as practicable after the closing of the poll, the Chief Election Commissioner shall, in the presence of the other members of the election commission, close the slit of the ballot box and seal and secure it.

Where it becomes necessary to use a second ballot box by reason of the first box getting full, the first box shall be closed, sealed and secured before another ballot box is put to use.

The Chief Election Commissioner shall, at the close of the poll, prepare a ballot paper account which shall reflect accurately, the number of ballot papers used.

**vi. The Chief Election Commissioner shall keep separate packets for each of the following: -**

- a) The copy of the electoral roll;
- b) The counter-foils of used ballot papers;
- c) The ballot papers signed by the Chief Election Commissioner or member of the Election Commission but not issued to the voters;
- d) Any other ballot paper not issued to voters;
- e) The ballot papers cancelled for violating voting procedure;
- f) Any other cancelled ballot papers;
- g) List of challenged votes

**vii. Counting of Votes: -**

**Place of counting: -**

Votes shall be counted immediately after the poll by the members of the election commission and no other person shall be admitted at the place of counting during the time of counting of votes.

## Opening of ballot box: -

The Chief Election Commissioner in the presence of the other members of the election commission, shall open the ballot boxes.

## Scrutiny and rejection of ballot papers: -

- 1) The ballot papers taken out of the ballot box shall be arranged in convenient bundles and scrutinised.
- (2) The Chief Election Commissioner shall reject a ballot paper-
  - (a) if it bears any mark or writing by which an elector may be identified, or
  - (b) if, to indicate the vote, it bears no mark at all or bears a mark made otherwise than with the instrument supplied for the purpose, or
  - (c) if votes are given in favour of more than one candidate contesting for the same post, or
  - (d) if it is a spurious ballot paper, or
  - (e) if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established, or
  - (f) if it bears a serial number or is of a design, different from the serial number or design, as the case may be, of the ballot paper authorised for use at the particular election at the particular polling station, or
  - (g) if it does not bear both the mark and the signature which it should have borne or
  - (h) where a Chief Election Commissioner is satisfied that any such defect as are mentioned in clause (a) or clause (g) have been caused by any mistake or failure on the part of the Chief Election Commissioner or the Election Commissioners including Chief Election Commissioner, the ballot paper

shall not be rejected merely on the ground of such defects, and

(i) a ballot paper shall not be rejected merely on the ground that the mark indicating the vote is indistinct and is made more than once, if the intention that the vote shall be for a particular candidate appears from the way the paper is marked.

**viii. Counting: -**

- a) Each voting mark against a name of a candidate appearing on the ballot paper shall be counted as one vote in favour of such candidate.
- b) The valid ballot papers and the rejected ballot papers shall thereafter be bundled separately and sealed.
- c) Counting shall be continuous and as far as practicable, no interval shall be called for. In case of any interval, the ballot packets shall be kept sealed by the Chief Election Commissioner and the Chief Election Commissioner shall cause adequate precautions to be taken for their safe custody during such interval.
- d) The election commission shall prepare a counting sheet as soon as the counting is done. The counting sheet shall be signed by all members of the election commission to signify that fair counting has taken place.
- e) As soon as the counting is over and counting sheet is signed, the results will be announced to the Ordinary members then present at the venue of the election.
- f) If recount is sought for by any candidate and if Election Commission decides to allow a recount, then the recounting shall be done in accordance with the rules as above.



ix. Declaration of results: -

- a) As soon as the counting of votes is completed and the counting sheet is signed, the Chief Election Commissioner shall announce the results of the election by way of a notice to be drawn up and put up on the notice board at the office of the defendant No. 1.

4. Costs

All costs, charges and expenses of holding election, issuance of circulars and other incidental expenses, to be paid from the funds of the UCO Bank Pensioners' Association, West Bengal.

For the said purpose, the bank account of the UCO Bank Pensioners' Association, West Bengal must be operated only by those members of the Governing Body and/or Office Bearers who are already empowered to do so and control and/or right to operate such bank account or accounts shall not be transferred or relinquished or ceded to any member of the Election Commission.

5. Timelines:

Apart from what has been stated above, the specific timelines for the Election of UCO Bank Pensioners' Association West Bengal would appear from an order dated 09.11.2022 passed by the Hon'ble High Court at Calcutta in C.S. No. 211 of 2022 being Annexure "A" hereto, which shall be treated as a part and parcel of the Election Guidelines.

Tapan Kumar Banerjee  
for Plaintiffs

Sudhakar Sarkar  
for Defendant NO 1  
Dibyendu Sekhar Bhattacharya  
Defendant NO. 2  
Gopal Krishna Bhattacharya  
Defendant no. 3

S. J. & M. J.  
for Plaintiffs

-Sd/-  
Sudhakar Sarkar  
for Defendant no. 1, 2, 3

## ORDER SHEET

IN THE HIGH COURT AT CALCUTTA  
ORDINARY ORIGINAL CIVIL JURISDICTION  
ORIGINAL SIDE

IA NO.GA 1 OF 2022  
IN  
CS 211 OF 2022

PRADIP KUMAR DASGUPTA AND ANR.

Versus

UCO BANK PENSIONERS' ASSOCIATION, WEST BENGAL AND ORS.

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date : 9<sup>th</sup> November, 2022.

Appearance:  
Mr. Rajarshi Dutta, Adv.  
Mr. Rahul Poddar, Adv.  
For petitioners  
Mr. Probal Mukherjee, Adv.  
Mr. Sutanu Chakrabarti, Adv.  
Mr. Ankita Dey, Adv.  
For respondent nos. 1 to 3  
Mr. Jayanta Sengupta, Adv.  
For respondent no 4

The Court:- In terms of the order dated 4<sup>th</sup> November, 2022, the parties have finalised the proposed election guidelines for holding the election of UCO Bank Pensioners' Association being the defendant no.1 in the suit. The voter list comprising of the voters eligible as on 9<sup>th</sup> November, 2022 shall be finally prepared and published after deciding on the objections, if any, raised in respect thereof by 7<sup>th</sup> December, 2022. The final electoral list shall be published in the official website of the defendant no.1 as also be displayed at the notice board in the main office of UCO Bank at the district headquarter of each districts in West Bengal by 9<sup>th</sup> December, 2022. The nomination papers will be issued jointly by

the Election Commissioners including the Chief Election Commissioner from the office of the association between 10.30 A.M. and 4.30 P.M. on 14<sup>th</sup>, 15<sup>th</sup> and 16<sup>th</sup> December, 2022. The duly filled in nomination papers will be submitted at the office of the association (defendant no.1) on 19<sup>th</sup>, 20<sup>th</sup> and 21<sup>st</sup> December, 2022 between 10.30 A.M. and 4.30 P.M. The last date of withdrawal of the nomination forms will be 23<sup>rd</sup> December, 2022. The scrutiny of the nomination forms by the Election Commissioners including the Chief Election Commissioner shall take place on 26<sup>th</sup> & 27<sup>th</sup> December, 2022 at the office of the defendant no.1, association. The list of the contesting candidates shall be displayed in the website of the association as also in the notice board of the main offices of UCO Bank at the district headquarters of all the districts of West Bengal by 29<sup>th</sup> December, 2022. The election shall be held at a venue to be fixed by the Election Commissioners having sufficient space for holding the same on 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> January, 2023.

The entire schedule for holding the election, the venue with dates and timing shall be published in three newspapers, namely, the "Ananda Bazar Patrika", Kolkata Edition and all its district editions, "The Telegraph" and "Sanmarg" as also in the official website of the association on 19<sup>th</sup> November, 2022.

The costs and expenses for the publication and holding the elections shall be borne out of the funds of the association being the defendant

Let this matter appear in the list on 11<sup>th</sup> November, 2022 under the heading "For Orders" when a final copy of the election guidelines for holding the election of the defendant no.1 shall be brought to Court duly signed by the plaintiffs, their advocates, the defendants and their advocates so that the same can be treated as an authentic copy of the guidelines for the purpose of holding the election of defendant no.1 as aforesaid.

(ARINDAM MUKHERJEE, J.)