



Election URGENT

To
The State Election Officers

Rc.No. 1131/2013/CE-5

Dated:10.04.2013

Sir,

Sub : Election – Conduct of Election of Members of the Boards and Office Bearers of Co-operative Societies in the State – Election of Office Bearers – Clarification – Regarding.

Some of the District Election Officers have raised certain doubts regarding the Election of Office Bearers under rule 53 of the Tamil Nadu Co-operative Societies Rules, 1988.

The doubt raised is whether the Election Officer appointed under rule 53(1) A for conducting the election of Office Bearers of the Board of a society, can arrange to convene a meeting of the elected members to elect the Office Bearers when there are vacancies to be filled up on the board.

The Commission observes as follows:-

Rule 52 (9)(c) states:-

'If for any constituency there is **no contesting candidate**, the Election Officer shall immediately send a report to the District Election Officer, the State Election Officer and the Election Commission. In such case, the Election Commission may start election proceedings afresh in all respects as if for a new election to fill up the vacancy or vacancies'.

Rule 52 (9) (g) states:-

'If there are any seats **remaining to be filled** after following the procedure prescribed in clauses (a), (d), (e), and (f), the Election Officer shall send a report to the District Election Officer, the State Election Officer and the Election Commission. In such case, the Election Commission may start Election proceedings afresh in all respects as if for a new election **to fill up the vacancy or vacancies**'.

These Rule 52 (9) (c) and (g) **anticipate or foresee** a situation wherein all Members of a Board may not be elected at the same time and there may be vacancies, either by way of '**no contesting candidate**' and or '**seats remaining to be filled**'.

However, Rule 52(17) (c) states:-

'As soon as the election is over, the Election Officer shall intimate the results of the election in Form No.22 to the society, the Election Commission, the District Election Officer, the State Election Officer and the Election Officer, if any appointed under sub-rule (1) of rule 53 for conducting the election of the office-bearers of the board.

Rule 52 (17) (c) does not mention specifically about the unfilled vacancies and does not also restrict the scope of election of the Office Bearers under rule 53 when there are vacancies to be filled.

When Rule 52(9) (c) and (g) anticipates vacancies, and rule 52 (17) (c) does not mention and does not restrict the conduct of election of Office Bearers under rule 53, even though there may be unfilled vacancies, and Rule 52(17) (c) provides for conducting the election of the Office Bearers of the Board by the Election Officer appointed under 53(1), it goes without saying that the Election Officer appointed under Rule 53(1), may conduct the election of Office Bearers of the Board of society on the basis of the results of the election of the Members of the Board in Form No.22, as intimated to him by the Election Officer who conducted the election of Members of the Board of that society.

However, a situation may arise wherein the number of such elected members, may be less than the number required to form a quorum for a board meeting as prescribed in the by-laws of the society to convene such meeting of the Board subsequently.

And therefore, taking into consideration all these points and as discussed above, the Commission clarifies, that Election Officer appointed under Rule 53(1) for conducting the election of Office Bearers of the Board of a society shall conduct the same among the members elected, even though there may be unfilled vacancies, provided the number of such elected members is not less than the number to form a quorum for convening a Board meeting of the society and as prescribed in the by-laws of that society.

No election to the Office Bearers of the Board of a society, where the number of elected members to the board, and as declared as elected by the Election Officer under rule 52, is less than the quorum as prescribed under the by-laws of that society, need be conducted under rule 53 of the TNCS Rules, 1988 and which shall be reported to the concerned Society, District Election Officer, State Election Officer, and to the Tamil Nadu State Co-operative Societies Election Commission.

The action taken in this regard may be reported to the Commission.

**(Sd./-)M.R. Mohan
Commissioner**

Copy to :

1. All Observers
2. District Election Officers.
3. The Secretary to Government,
Cooperation, Food and Consumer
Protection Department,
Secretariat, Chennai – 600 009.