



Tamil Nadu State Co-operative Societies Election Commission

From
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Commissioner,
TamilNadu State Co-operative Societies
Election Commission,
273, Anna Salai, 1st Floor,
Teynampet,
Chennai-18.

To
The Registrar of Co-operative
Societies.
All Functional Registrars.

Rc.No.329/2013/CE.5

Dated:10.06.2014

Sir,

Sub : Election – Conduct of Elections of the members to the Boards and Office bearers of Co-operative Societies in the State - Preparation of voters list and publications by Electoral Officer – Regarding.

Ref : 1. Commission's letter Rc.327/2013/CE5 dated 19.03.2013.
2. Commission's letter Rc. even number dated 19.03.2013.

Your kind reference is invited to the Commission's letters cited. (copies enclosed). In these letters the Commission, in order to ensure a free and fair election and also to instill confidence among the members regarding the conduct of election by the newly formed independent body, has emphasized the importance and necessity of the preparation and publication of members list, which subsequently becomes the voter list as published by the Electoral Officer as prescribed under Rule 52(7).

You may be well aware that the Commission has been mandated under section 33 (11) (b) and 33-A (1) read with Rule 52-A (1)(a) for the superintendence, direction and control of the preparation of the Electoral rolls and you also know that the member list as prepared by the society and furnished to the Electoral Officers forms the Electoral rolls, which forms the fundamentals for the fair conduct of election to any Co-operative Society.

The Commission, thus fastened with the statutory duty of ensuring the preparation of member list, in other words the Electoral rolls, therefore wants to ensure that the inclusion and exclusion of members are being carried out by the societies regularly, systematically, correctly and completely in accordance with the provisions of the Tamil Nadu Co-operative Societies Act, 1983 and the Tamil Nadu Co-operative Societies Rules, 1988 and making it easy for the

Electoral Officer to finalise the voters list and publish it after observing the due process of law.

The Commission also wants to make it known that even for a single casual vacancy which may arise at any time, election has to be conducted in the same manner as specified in the Rules (Rule 52 (20)) and therefore every Co-operative Society should always be in a position to immediately prepare a list of members and to send three copies of the same to the Electoral Officer at least fifteen clear days prior to the date of poll as per Rule 52(7)(a) to (c).

However, during the visit to certain societies by the Commissioner and discussion with the Electoral Officers, it is found that in some of these societies, proper records, registers and documents etc., relating to the admission, deemed admission, resignation, death, removal, expulsion, cessation and disqualification and as statutorily required are not maintained. This situation makes it more difficult for the Electoral Officer to complete his work in accordance with law and to justify his action, in case if any dispute is raised, before the appropriate judicial forum which may go into the correctness or otherwise of the voter list as published by him.

The Commission therefore desires that all the societies coming under your jurisdiction have necessarily to comply with all the statutory requirements relating to membership of a society supported and evidenced by proper registers, records and documents so that the societies are always ready with the corrected members list and sufficiently prepared for any election to casual vacancy that may arise at any period of time.

Though as the Registrar of Co-operative Societies, under section 3 of the Act, you may be well aware of all the legal requirements in the matter of admission, resignation and expulsion etc. of a member of a society and also the connected records, registers, and books etc. that are to be kept and maintained by a society, **some important such provisions in the matter of membership are furnished in the Annexure** for your easy and ready reference.

In view of the fact that the action of both the Commission and of the Electoral Officer regarding Electoral rolls are always subject to judicial scrutiny by High Courts and Supreme Court, the Commission wants you to issue suitable instructions to all societies coming under your jurisdiction that they follow scrupulously, with due care and diligent and comply with all the provisions of the Tamil Nadu Co-operative Societies Act, 1983 and Tamil Nadu Co-operative Societies Rules, 1988 in the matter of membership of the society and **keep them readily available without fail for verification by the Electoral Officer on demand and also to furnish to the Registrar annually a copy of the list of members as statutorily required under Rule 25 (5) and read with section 46 of the Act.**

The Commission shall be thankful for your compliance report by 30.06.2014 positively.

(Sd./-)
Commissioner

Encl: Annexure.

ANNEXURE

(Some important provisions in respect of membership of a society)

Act

Sec 21 – qualification for membership of a society

Sec 23 – Disqualification for membership of a society

Sec 25 – Expulsion

Sec 26 – Votes of Members

Sec 30 – Transfer of share or interest on death of member

Sec 46 – Register of members

Rule

Rule 20(1) (b) & (c) & (r) (Accounts, books and records to be maintained by a society)

Rule 25 (5) (Statement and returns to be furnished by a society to the Registrar)

Rule 27 Form of application for, and manner of, admission as a member

Rule 28 Procedure for removal of an individual deemed to have been admitted as a member

Rule 31 Restrictions on admission of certain individuals

Rule 34 Procedure for deciding question under sub-section (4) of section 23.

Rule 35 Removal of a member of society

Rule 38 Restrictions on defaulting member to vote at election or to represent a society in any other society

Rule 43 Transfer or refund of share or interest in the capital on death of a member

Schedule I – Form No 16 (Sub Rule (1) of Rule 27)