



Tamil Nadu State Co-operative Societies Election Commission

From
Thiru. M.R. Mohan, I.A.S., (Retd)
Commissioner,
TamilNadu State Co-operative Societies
Election Commission,
Kamadhenu Super Market Building
(1st Floor),
273, Anna Salai,
Teynampet,
Chennai-18.

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

Rc.No.1671/2014/CE.5

Dated:10.10.2014

Sir,

Sub : Co-operative Election - Election of Members and Office
Bearers of Boards of Co-operative Societies –
Compliance and preparedness of the Societies for the
Conduct of Election – Visit to Societies – Regarding.

During the visits to Co-operative Societies it has been observed that some of the societies are not maintaining even some basic records related to election which are statutorily imposed on and expected of them.

It is well known that consequent to the Tamil Nadu Co-operative Societies (Amendment) Act, 2013 (Tamil Nadu Act 4 of 2013), in consonance with the provisions of the Constitution (Ninety Seventh Amendment) Act 2011, Election to Co-operatives have become the order of the day and have come to stay.

However the Tamil Nadu State Co-operative Societies Election Commission which has been constituted as an independent body with the sole mandate of conducting the Elections to Co-operatives desires to convey that the Administrative officers should not take things lightly in the matter of maintaining proper records pertaining to the various process of election and which matters most for the Electoral Officers and Election Officers at the time of scrutiny of Members / Voters List and filing of nomination.

The Commission therefore desires that all the Co-operative Societies may be sensitized about the importance and the necessity of the basic records that are associated with the various processes of election and that are to be maintained by them for the conduct of a free, fair and orderly poll.

The Commission, towards this direction, requests that all the Administrative Officers who are having jurisdictional control and making visits to Co-operatives as routine, casual and / or cursory inspection etc., may bear it in mind to examine these election related aspects also and satisfy themselves to the proper and up to date maintenance of the prescribed records.

A model format, containing the various points that the Commissioner, during his visits to societies, wants to analyse, examine and ascertain that the societies are maintaining the prescribed election records, is enclosed.

The Commission sincerely hopes that the enclosed format may be useful and helpful to all the Administrative Officers to study the election related aspects during their visits to the society under their control and to initiate appropriate steps for rectifying things if need be.

The Commission requests that all officers / societies may be instructed accordingly.

The Commission shall be thankful for an action taken report by 31.10.2014

(Sd./-)
Commissioner

Encl: Format.

Copy to:

All Regional Joint Registrars of Co-operative Societies / Observers.

Additional Registrar of Co-operative Societies / Observers,
Chennai Region.

Tamil Nadu State Co-operative Societies Election Commission

Notes of Visit to Co-operative Societies

By the Commissioner / Secretary / Other Officers of Election Commission

<u>I. Preliminary</u>	
1) Name and Designation of the Visiting Authority	
2) Date of Visit	
3) (1) Number and Name of the Society (2) Registered Address (To be in conformity with section 37 of the Act and Rule 12 of the Rules) (3) Class and Category of the Society (Rule 14)	
4) (1) Designation of the officer under whose Territorial / functional jurisdiction the society is working (2) Address	
5) (1) Whether the society is keeping a copy of the Tamil Nadu Co-operative Societies Act, 1983, The Tamil Nadu Co-operative Societies Rules, 1988 Bylaws of the society, Register of its members? (2) Are they open to inspection (as required u/s 38 of the Act.)? (3) Whether the bylaws are being kept with all subsequent amendments there to arranged in the order in which the amendments are registered as per Rule12 (1). (with specific reference to election related amendments)	
<u>II.Administration</u>	
1) Name of the President Date of Election Date of Assumption of Charge	
2) Name of the Vice President Date of Election Date of Assumption of Charge (minute book to be verified)	

<p>3) If the office of the President is vacant (1) Date from which it is vacant</p> <p>(2) If the Vice President is performing the functions of the President whether arrangements have been made for the election of a successor (Rule 57 (1))</p> <p>(3) If any other member of the Board is performing the functions of the President and if such period exceeds three months whether specific approval of the Registrar is obtained. Rule 57 (3)</p>											
<p>4) Managing Director (appointment u/s 33 (7) of the Act)</p> <p>(1) Name (2) Designation</p>											
<p>5) Secretary /General Manager / Chief Executive Officer (Rule 146)</p> <p>(1) Name (2) Designation</p>											
<p><u>III. Constitution of the Board (Sec 33)</u></p> <p>1)<u>Type of the Society</u></p> <p>(1) Primary / (2) Central / (3) Apex /</p> <p>(If it is a Scheduled Society, Serial Number in the Schedule to be mentioned (Rule 59 – Schedule – II Part A & Part B)</p>											
<p>2) <u>Number of Members of the Board</u></p> <p>(1) No of Members through election</p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td style="text-align: center;">General</td> <td style="text-align: center;">As per Bylaw (Specify By Law No)</td> </tr> <tr> <td style="text-align: center;">Women</td> <td style="text-align: center;">As per the Act</td> </tr> <tr> <td style="text-align: center;">SC/ST</td> <td style="text-align: center;">As existing in the Society</td> </tr> </table> <p>(2) No of Members through Co-option</p>	General	As per Bylaw (Specify By Law No)	Women	As per the Act	SC/ST	As existing in the Society	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%;">As per Bylaw (Specify By Law No)</td> <td style="width: 25%;">As per the Act</td> <td style="width: 25%;">As existing in the Society</td> <td style="width: 25%;">Vacancies if any to be filled</td> </tr> </table>	As per Bylaw (Specify By Law No)	As per the Act	As existing in the Society	Vacancies if any to be filled
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<p>(3) No of Functional Directors</p> <p>(4) Is there any inconsistency between the provisions of the Bylaws and the Act</p> <p>(5) If so the action taken</p> <p>3) If there is vacancies to be filled the reason for such vacancies and the steps taken to fill up</p>	
<p><u>IV. Members list / Voters list</u></p> <p>(1) Whether a Register of application for Membership is maintained containing the Name and address of the Applicant, the date of receipt of application, the date of admission. In the case of refusal of admission the date of communication of the decision refusing admission (Rule 20 (1) (b)).</p> <p>(2) For Admission of members who are qualified to become members as per S.21 whether the membership Application in Form No.16 (Rule 27 (1))is being obtained and the procedure as laid down under Rule 27 is followed</p> <p>(3) Whether an Admission Book showing the Name and address of each member, the date of admission is maintained (Rule 20 (1) (c))</p>	
<p><u>V. Casual Vacancies</u></p> <p>(1) Are there any Casual Vacancies and Date from which such vacancies are there</p> <p>(2) How the casual vacancies occurred</p> <p>(3) (To be examined)</p> <p>(4) Whether the same has been reported within 15 days from the date of occurrence (Rule 52 (1) (a) and 53(14)) and if not the reasons.</p> <p>(5) Election of Casual Vacancies was received by the society and the election was held after following all the due process of election and as specified under Sl.No.5</p>	

VI.Qualification and disqualification of Members:

- 1) While preparing the members list as required under rule 52 (7) (a) **what is the procedure** adopted by the society to identify those members who, on the date thirty days prior to the date of poll were qualified in accordance with provisions of the Act and Rules to vote at election?
- 2) What are the records that are maintained for the purpose of identifying members who are not qualified to vote? (verify records)
- 3) For the purpose of identification as in (2) above whether, among other Registers, the following registers are maintained?
 - (1) **Register of over due loans** (Rule 21 Sl.No.36)
 - (2) **Register of fore closed loans** (Rule 21 Sl.No.37)
 - (3) **Diary of due dates of loans taken by members** (Rule 21- Sl.No.20 Read with Rule 38)
- 4) Register in respect of advances taken by members and in default (**Suspense Recoverable Register or Ledger** – Rule 21 – Sl.No.21)
- 5) Register in respect of dues under credit purchases made by member and in default
- 6) Register showing the default of members in utilizing the services of the society up to the minimum level as specified in the bylaws.
(Section 23 (2) (h))
- 7) Register showing the names of members who have absented themselves from attending three consecutive general meeting of the society
(Sec 23 (2) (i))
- 8) Any other register to show the details of members who have ceased to be member by any of the reasons mentioned u/s 23(2) other than those as stated above and for cases of death or expulsion or permanent shifting of residence
(Section 29))

9) Whether any resignation has been tendered and under acceptance by the Board.

10) Date of receipt of such resignation

11) The Date of the subsequent meeting of the Board and whether the resignation was placed before the meeting and if not the reasons.

12) Any disqualification of the members of the Board u/s 34 (2) has been brought to the notice of the board u/s 34 (3) and the action taken by the board action for disqualification by the Register u/s 34 (6)