



Tamil Nadu State Co-operative Societies Election Commission

From
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Commissioner,
TamilNadu State Co-op.Societies
ElectionCommission,
Kamadhenu Super Market Building(1st Floor),
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Chennai-18.

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

Rc.No.931/2013/CE.5

Dated:14.08.2014

Sir,

Sub : Election – Conduct of Elections of the Members to the Boards and Office Bearers of Co-operative Societies in the State - Preparation of Members List – Voters List – Amendments to Bylaws - Regarding.

During the visits to the Co-operatives by the Commissioner where elections are being held for casual vacancies certain inconsistencies were brought to his notice in the matter of preparation of members list and voters list and their voting rights Vis-a-Vis the relevant provisions in the bylaws, the Tamil Nadu Co-operative Societies Act, 1983 and Rules 1988 as amended.

Some of them are:-

- (1) The Minimum and Maximum Number of Members that a Board of a Society shall consist as provided in the Bylaw of the society differ from that of numbers as specified under sub rule (1), (2) and (3) of Section 33 and read with Rule 59 in respect of Scheduled Co-operative Societies.
- (2) In certain Employees Co-operative Societies as per the bylaws of the society when the members cease to be the employees (By retirement, resignation, dismissal, removal etc.) of the particular department or institution, they also cease to be the members of that society. But they still continue as members as per the Admission Book of the society and their names are included in the members list / voters list.
- (3) Societies which are having members but with restricted rights (eq: owning the agricultural land in the area of operation of the society but not having residence with no voting right)

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(4) Societies having individual depositors, groups depositors and group borrowers with voting right through delegates (under section 21 (1)(a) (iv) read with first proviso and section 136-D(1) (a) to (c))

(5) Societies having no member from the category of women or from the class of Scheduled Castes and Scheduled Tribes as the case may be (G.O (Ms) No.49, Co-operation, Food and Consumer Protection (CJ1) Department dated 04.04.2013).

When Rule 52 (7) requires the preparation of members list and voters list as per the provisions of the Act and Rules, **preparation of members list by a society only as per the provisions of the bylaws of the society with apparent discrepancies and inconsistencies**, with that of the Act and Rules, may not stand to the test of judicial scrutiny. This position may also lead to unnecessary legal complications, claims and objections at the time of publication of members list and voters list by the Electoral Officer and also at the time of scrutiny of nominations by the Election Officer for the members of the Board on the basis of such voters list.

The Commission also wishes to point out that section (9) (c) and section 11 (3) clearly stipulate that the bylaws are not contrary to the provisions of the Act or the Rules.

In these facts and circumstances the Commission considers it fit and proper that all the provisions in a bylaw in respect of qualification, disqualification of members, their voting rights, and constitution of the Committee etc., relating to the Election of Members and Office Bearers of the Board of a society should be in accordance with the amended provisions of the Tamil Nadu Co-operative Societies Act, 1983 and the Tamil Nadu Co-operative Societies Rules, 1988, without any omission.

The Commission therefore requests that the **existing bylaw provisions** of every class or category of societies relating to election of members and Office Bearers of the Board of a society under your jurisdiction may kindly be **gone through and appropriate corrective measures by way of suitable amendments to the bylaws in tune with the provisions of the Act and Rules** may kindly be directed to be carried out at the earliest.

The Commission shall be thankful for an action taken report and desires to discuss the issues on 20.08.2014 during the meeting with the second level officers of Functional Registrars.

(Sd./-)
Commissioner.