



TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY

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Part II—Section 2

Notifications or Orders of interest to a Section of the public
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NOTIFICATIONS BY GOVERNMENT

CO-OPERATION, FOOD AND CONSUMER PROTECTION DEPARTMENT

APPOINTMENTS AS FOUR COMMITTEES, CHAIRED BY RETIRED HIGHCOURT JUDGES TO DECIDE
PETITIONS OF OBJECTIONS / OR PETITIONS OF THE COMPLAINTS ON CO-OPERATIVE ELECTIONS.

[G.O. (D). No. 158, Co-operation, Food and Consumer Protection (CJ-1), 27th August 2018,
ஆவணி 11, விளம்பி, திருவள்ளூர் ஆண்டு-2049.]

No. II(2)/CFCP/763(d)/2018.

In pursuance of the orders dated 03-08-2018 of the Hon'ble High Court of Madras in W.P. (MD) No.7620 of 2018 and Batch of cases the Governor of Tamil Nadu hereby appoints Four Committees, Chaired by Retired High Court Judges, to decide petitions of objections/ or petitions of the complaints on Co-operative Elections filed till 03-08-2018 as follows:-

Chairperson	Zone	Head quarters	Districts comprising of	Members of the Committee nominated	
				District Collector	Additional/Joint Registrars
(1)	(2)	(3)	(4)	(5)	(6)
Thiru Justice S. Rajeswaran, (Retd.)	West	Coimbatore	Coimbatore, Nilgris, Erode, Tiruppur, Salem, Namakkal, Karur and Dindigul	1. Coimbatore	Joint Registrar, Coimbatore
				2. Tiruppur	Joint Registrar, Tiruppur
Thiru Justice K.Venkataraman, (Retd.)	North	Chennai	Chennai, Tiruvallur, Vellore, Krishnagiri, Dharmapuri, Villupuram, Tiruvannamalai and Kanchipuram	1. Chennai	Additional Registrar Chennai
				2. Thiruvallur	Joint Registrar, Thiruvallur

<i>Chairperson</i>	<i>Zone</i>	<i>Head quarters</i>	<i>Districts comprising of</i>	<i>Members of the Committee nominated</i>	
				<i>District Collector</i>	<i>Additional/Joint Registrars</i>
(1)	(2)	(3)	(4)	(5)	(6)
Thiru Justice R.S. Ramanathan, (Retd.)	South	Madurai	Madurai, Tirunelveli, Kanyakumari, Thoothukudi, Ramanathapuram, Virudhunagar, Sivagangai and Theni	1. Madurai 2. Virudhunagar	Joint Registrar, Madurai Joint Registrar, Virudhunagar
Thiru Justice G. Rajasuriya, (Retd.)	East Central	Tiruchirappalli	Tiruchirappalli, Cuddalore, Perambalur, Ariyalur, Tanjavure, Pudukottai, Tiruvarur and Nagapatinam	1. Tiruchirappalli 2. Ariyalur	Joint Registrar, Tiruchirappalli Joint Registrar, Ariyalur

2. The Terms of reference of the Committees shall be as follows:-

(i) The Committees shall decide objections and / or complaints of wrongful inclusions or omissions in the voters' lists, wrongful acceptance, non-acceptance or rejection of nomination papers, wrongful acceptance or rejection of ballot papers and other disputes with regard to the elections. When deciding disputes with regard to specific co-operative societies, the Chairperson shall co-opt the Joint Registrar of Co-operative Societies and the Collector of the District in which the co-operative society is located, unless they are already members of the Committee.

(ii) The Committees will look into the complaints of wrongful inclusions and omissions in the voter's list, if such disputes have been raised prior to the holding of elections, but not decided and / or wrongfully decided by the Election Officer concerned. Finding of wrongful omission from or inclusion in the voters' list if not material will not affect the election. For example, if one candidate has been excluded, but successful candidates have won with margin exceeding one, the election will not be affected.

(iii) Only objections and / or complaints with regard to voters' lists and nominations already made by approaching the Court or alternatively by approaching the Election Commission and / or Registrar and / or any other appropriate authority shall be entertained and no new complaints and / or objectors who never raised any objection till the date of the judgment shall be entertained by the Committees. The Committees shall check if the nomination papers comply with the requisites of Rule 52 of the Tamil Nadu Co-operative Societies Rules, 1988 and the Circular No. Na.Ka. 321/2018/Co.El.1, dated 19-07-2018 of the Election Commission. In particular, the Committee shall look into the following aspects:

(a) If the nomination of a candidate for the election is in Form No.18, and proposed and seconded by two other members whose names are included in the voters list, and is signed by the candidate, the proposer and the seconder.

(b) If the nomination paper has to be rejected on the ground that it is not signed by the candidate for election, or it is not signed by two other members whose names are included in the voters' list, one as the proposer and the other as the seconder for the nomination. Of course, where there is only one member in the voters list, the nomination need not be seconded, and where excluding the candidate there are no members in the voters' list, the nomination need not be either proposed or seconded.

(c) In case of a central or apex society which has only one society member and no individual member, for election to the board of such central or apex society to fill up the seats reserved for Scheduled Castes and Scheduled Tribes or for women, a person whose name is not included in the voters' list, shall also be eligible for being nominated as a candidate.

(d) If the seat is reserved for Scheduled Castes and Scheduled Tribes, whether the candidate seeking election to such reserved seat had furnished a declaration in the nomination form made by him specifying the caste or tribe to which he belongs and the area in relation to which that caste or tribe is notified as a Scheduled Caste or Scheduled Tribe of the State.

(e) Whether there is any contravention of the rule that the candidate may be nominated by more than one nomination paper, but not exceeding four nomination papers.

(f) Any candidate contesting as a candidate in an election to a single member constituency has signed any nomination papers as a proposer or seconder.

(g) The Committee may examine if the nomination papers was filed in time or out of time.

(iv) Objections with regard to voters' lists may only be raised by an aggrieved voter, whose name has been excluded, or by a contestant. Similarly, objections with regard to acceptance, non acceptance, withdrawal or rejection of nomination papers may only be raised by aggrieved contestants, who have filed and / or intended to file nomination papers.

(v) The Committees will go into the complaints of wrongful acceptance, non-acceptance or rejection of nomination papers only in cases where such complaints have already been made either before the Court or before the Election Commission or any other authority. The Committees will look into whether nomination papers were filed within the date stipulated in the election notification, whether the nominations forms were duly signed by the candidate and by the proposer and the seconder and whether the nomination form was complete in all respects. The Committees shall verify the nominations having regard to the requisites of Rule 52 of the Rules read with Circular No.Na.Ka.321/2018/Co.El.1, dated 19-07-2018 of the Election Commission. Nomination papers are not to be rejected for frivolous reasons such as discrepancies in signature, if the signatures are identifiable, affixing of signature at the wrong place, etc.

(vi) In disputes with regard to polling, counting of votes, etc., the Committees will look into the ballot papers to see if the votes have validly been cast. However, in the event resolution of the dispute requires detailed evidence, the Committee shall remit the complainants / objectors to their alternative remedy under Section 90 of the Tamil Nadu Co-operative Societies Act, 1983 and refer the disputes to the Registrar of the Co-operative Societies, who shall appoint a panel of three Arbitrators to adjudicate the dispute.

(vii) The Committees will not intervene in those cases where candidates have been elected and / or nominated by consensus, as no other candidate offered himself / herself for contest and / or withdrew his / her candidature. However, where nominations are alleged to have been wrongfully rejected or not accepted, it may be necessary to scrutinize the reason.

(viii) Objections / Complaints may be filed before the Committee within seven days from the date of its constitution, at the address notified by publication in one vernacular daily having circulation in the District.

(ix) The Committees shall within two weeks from the date of receipt of a certified copy of this order, publish a notice in a vernacular newspaper having circulation in the concerned zone notifying its constitution and inviting petitions of objection/ complaint within the date and at the address specified in the notice.

(x) Only petitions of objections / complaints in respect of voters' list and nominations will be entertained, which have earlier been filed before the authorities and / or before the High Court by initiation of writ proceedings and / or any other proceedings".

(xi) Disputes with regard to the conduct of elections, that is, polling, counting etc., may be raised within fifteen days from the date of publication of notice.

GIRIJA VAIDYANATHAN,
Chief Secretary.