



TAMIL NADU GOVERNMENT GAZETTE

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Part VI—Section 2

Notifications of interest to a section of the public
issued by Heads of Departments, etc.

NOTIFICATIONS BY HEADS OF DEPARTMENTS, ETC.

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NOTIFICATIONS BY HEADS OF DEPARTMENTS, ETC.

TAMIL NADU STATE ELECTION COMMISSION, CHENNAI

ELECTIONS - RURAL AND URBAN LOCAL BODY ELECTIONS - SCRUTINY OF NOMINATIONS - OBJECTIONS LODGED BY THE OBJECTORS IN WRITTEN AT THE TIME OF SCRUTINY OF NOMINATION PAPERS - PROVISION OF ACKNOWLEDGEMENT FOR OBJECTIONS - ORDERS - ISSUED.

[S.O. No. 1/2018/TNSEC/PE-1]

No.VI(2)/1/2019.-WHEREAS, the superintendence, direction and control of all elections to the Panchayats and Municipalities in the State are vested with the Tamil Nadu State Election Commission as per Article 243-K and 243-ZA of the Constitution of India;

WHEREAS, the Hon'ble Madurai Bench of Madras High Court in its Judgment, dated 1-8-2017 (pronounced on 15-12-2017) in WP (MD) No.2172 of 2017 has issued direction to the first respondent, Tamil Nadu State Election Commission to include the provision in the concerned Assistant Returning Officer/Returning Officer's Guide and in the Candidate's Guide so as to make it mandatory to provide acknowledgement and written order either rejecting or accepting the objections to the candidates or their proposers or their authorised representatives while making written objection at the time of scrutiny of nomination papers in the local body elections. The extract of directions issued is as follows:

"... .."

8. However, the grievance of the petitioner that when objections are raised at the time of scrutiny, the returning officer must give a written acknowledgement deserves to be considered.

9. The learned Additional Government pleader produced a copy of the communication bearing Rc.No.6519/2016/MP1, dated 28-09-2016 addressed by The Tamil Nadu State Election Commission to all the District Election Officers containing instructions for adherence by the returning officers/assistant returning officers at the time of scrutiny of nominations. Though the instructions are fairly detailed and the importance at the process of scrutiny has been rightly highlighted, we note that there is no provision mandating that when an objection is raised it must be acknowledged in writing. If no acknowledgement is issued by the returning officer, one would be left without any means of verifying later when the issue comes up.

10. No doubt, objections can be raised at the time of scrutiny of nominations even orally. But when the objection is lodged in writing, a proper acknowledgement must be issued. Only then it will be possible for the objector to establish later during the election petition that he in fact raised the objection at the appropriate time. The objector can be asked to lodge the original objection petition before the returning officer and get an acknowledgement in his hand copy. Since a varied number of situations can be encountered, it is for the first respondent to take them into account and issue appropriate instructions in this regard. The petitioner has highlighted this important issue in these proceedings.

11. We direct the first respondent to issue a revised set of instructions with regard to scrutiny of nominations by providing for acknowledgement by the returning officer / returning officers of rural / urban local bodies when written objections are lodged at the time of scrutiny of nomination papers. Such instructions shall be issued before the notification of the next local body elections. "

WHEREAS, consequent on the orders of the Hon'ble High Court, the Tamil Nadu State Election Commission has sent necessary proposal to Government *vide* letter Rc.No.1233/2018/PE1, dated 07-03-2018 to amend sub-rule (2) of rule 29 of the Tamil Nadu Panchayats (Elections) Rules, 1995 and sub-rule (2) of rule 27 of the Tamil Nadu Town Panchayats, Third Grade Municipalities, Municipalities and Corporations (Elections) Rules, 2006 appropriately and are awaited from Government.

AND WHEREAS, in compliance with the aforesaid orders of the Hon'ble High Court and in the absence of such provisions in the laws governing election to the Panchayats and Municipalities, the Tamil Nadu State Election Commission felt duty bound to issue Statutory Order in this regard till such amendments are made in the Tamil Nadu Panchayats (Elections) Rules, 1995 and the Tamil Nadu Town Panchayats, Third Grade Municipalities, Municipalities and Corporations (Elections) Rules, 2006 as proposed by the Tamil Nadu State Election Commission.

NOW, THEREFORE, in exercise of the powers conferred by Articles 243-K and 243- ZA of the Constitution of India read with relevant Sections of the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994), Chennai City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919), Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act XV of 1971), Coimbatore City Municipal Corporation Act, 1981 (Tamil Nadu Act XXV of 1981), Tiruchirapalli City Municipal Corporation Act, 1994 (Tamil Nadu Act 27 of 1994), Tirunelveli City Municipal Corporation Act, 1994 (Tamil Nadu Act 28 of 1994), Salem City Municipal Corporation Act, 1994 (Tamil Nadu Act 29 of 1994), Tiruppur City Municipal Corporation Act, 2008 (Tamil Nadu Act 7 of 2008), Erode City Municipal Corporation Act, 2008 (Tamil Nadu Act 8 of 2008), Vellore City Municipal Corporation Act, 2008 (Tamil Nadu Act 26 of 2008), Thoothukudi City Municipal Corporation Act, 2008 (Tamil Nadu Act 27 of 2008), the Thanjavur City Municipal Corporation Act, 2013 (Tamil Nadu Act 24 of 2013), the Dindigul City Municipal Corporation Act, 2013 (Tamil Nadu Act 25 of 2013) and the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920) and rule 143 of the Tamil Nadu Panchayats (Elections) Rules, 1995 and rule 139 of the Tamil Nadu Town Panchayats, Third Grade Municipalities, Municipalities and Corporations (Elections) Rules, 2006 and as directed by the Hon'ble High Court in its order dated 01.08.2017 and all other powers enabling it in this behalf, the Tamil Nadu State Election Commission hereby makes the following order in respect of conduct of elections for rural and urban local bodies in the State:

The Returning Officer/Assistant Returning Officer, as the case may be, when the objections are lodged by the objectors in written at the time of scrutiny of nomination papers, shall acknowledge in the Form appended in the annexure. .

This order shall come into force with effect from the date of this Order.

(By Order of the Tamil Nadu State Election Commission)

Chennai-600 106
7th December 2018.

T.S. RAJASEKAR.
Secretary.

FORM

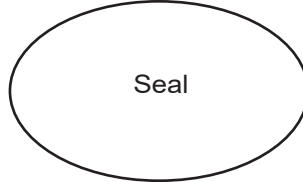
**Acknowledgement for receipt of objections lodged by the objectors
in written at the time of scrutiny of nomination papers**

Election of	Member / Councillor to Ward No. of the..... Village Panchayat / Panchayat Union / District Panchayat / Town Panchayat / Municipality / Corporation
	President to the Village Panchayat of Panchayat Union
	Chairman / Mayor to the Town Panchayat / Municipality / Corporation

Received written objections from Thiru/Tmt./Selvi
candidate / proposer / authorised representative of the
election against the nomination filed by Thiru/Tmt./Selvi, candidate
for the election of

Date:

Place:



Returning Officer / Assistant Returning Officer

(By Order of the Tamil Nadu State Election Commission)

Chennai-600 106,
7th December 2018.

T.S. RAJASEKAR.
Secretary.