



தமிழ்நாடு மாநில தேர்தல் ஆணையம்

சென்னை - 106

TAMIL NADU STATE ELECTION COMMISSION,

Chennai - 106

சட்டபூர்வ ஆணை STATUTORY ORDER

சுருக்கக் குறிப்பு
ABSTRACT

ELECTIONS – Ordinary Elections to Rural Local Bodies, 2019 – Cuddalore District – Cuddalore Panchayat Union – Kumalankulam Village Panchayat President Election – Election conducted – Non compliance of instructions and guidelines issued by the Tamil Nadu State Election Commission and Election Rules – Wrong symbols allocated - Proceedings of the Returning Officer and Assistant Returning Officer - Cancelled – Fresh Poll - Orders Issued.

S.O.No.10/2020/TNSEC/PE-1

Dated the 22nd June, 2020

Read:

1. Tamil Nadu State Election Commission's Statutory Order No.62/2019/TNSEC/PE-1, dated 7.12.2019.
2. From the District Election Officer/District Collector, Cuddalore, letter Rc.No.பஇ4/10131/2019, Dated 7.1.2020.
3. Tamil Nadu State Election Commission's letter Rc.No.641/2020/PE-1, Dated 28.2.2020.
4. Thiru சி. Subramanian, Returning Officer/Block Development officer (Block Panchayat), Cuddalore Panchayat Union, Cuddalore, statement submitted before the Tamil Nadu State Election Commissioner, Chennai on 3.3.2020.
5. Tmt. A. Kavithai, Assistant Returning Officer/Deputy Block Development Officer (Zone 3), Cuddalore Panchayat Union, Cuddalore, statement submitted before the Tamil Nadu State Election Commissioner, Chennai on 3.3.2020.

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ORDER:

WHEREAS, the Tamil Nadu State Election Commission *inter-alia* notified Ordinary Election to the office of the President of Kumalankulam Village Panchayat, Cuddalore Panchayat Union, Cuddalore District scheduled to be held on 27.12.2019 in the Notification first read above;

WHEREAS the District Election Officer/District Collector, Cuddalore District has reported in the reference 2nd read above that the election to the office of the President of Kumalankulam Village Panchayat, Cuddalore Panchayat Union was not held as per the Tamil Nadu Panchayats (Elections) Rules, 1995, and that also requested to declare the result of the above said election as null and void and recommended to conduct fresh poll for the above said office;

WHEREAS, the Tamil Nadu State Election Commission before taking the decision on the recommendation of the District Election Officer/District Collector, Cuddalore ordered to call for the election records and to appear the Returning Officer and Assistant Returning Officer of the said election before the Commission for the inquiry of the factual incident of the President election of Kumalankulam Village Panchayat, Cuddalore Panchayat Union as read above;

WHEREAS, the Returning Officer of Village Panchayats President and Village Panchayat Ward Member Elections of Cuddalore Panchayat Union has given a written statement before the Commission on 3.3.2020 stating that the notice of election for the election of Presidents and Ward Members of Village Panchayats have been published by the Returning Officer and that one Tmt. Kavithai, Zonal Deputy Block Development Officer, Cuddalore Panchayat Union who has been appointed as Assistant Returning Officer for the election of Kumalankulam Village Panchayat President Election received nominations for the said elections. The Returning Officer further stated that on 19.12.2019, the date of the withdrawal of candidature, the Assistant Returning Officer has handed over the published Form 9 duly signed by her to Returning Officer. As per the said published Form 9, the symbol "Lock and Key" was allotted to the candidate Tmt. Jeyalakshmi and the symbol "Auto rickshaw" was allotted to the candidate Tmt. Vijayalakshmi. On 27.12.2019, the poll day, the poll for above said election was conducted and the polled votes were counted on 2.1.2020. At the end of counting, as per the said Form 9 wherein the name and symbol published by the Assistant Returning Officer, the contesting candidate Tmt. Jeyalakshmi has secured 1478 votes and the contesting candidate Tmt. Vijayalakshmi has secured 2524 votes. As per the above said Form 9, as Tmt. Vijayalakshmi has secured more votes than Tmt. Jeyalakshmi, the Declaration of Result was issued in Form 25 to Tmt. Vijayalakshmi electing her as President of Kumalankulam Village Panchayat and added that the declaration of said result for the election of Kumalankulam Village Panchayat President was issued based on the Form 9 published by the Assistant Returning Officer on 19.12.2019;

WHEREAS, the Assistant Returning Officer of Kumalankulam Village Panchayat President Election Tmt. A. Kavithai, Zonal Deputy Block Development Officer, Cuddalore Panchayat Union has given a written statement before the Commission on 3.3.2020 stating that the symbols were allotted to the candidates by lot. Accordingly the symbol "Lock and Key" was allotted to Vijayalakshmi and the symbol "Auto rickshaw" was allotted to Jeyalakshmi and based on which they have also made campaign with their allotted symbols. The symbol "Auto rickshaw" was elected and the symbol "Lock and Key" was lost in the election. The Assistant Returning Officer has further stated that the rival candidate Tmt. Vijayalakshmi was announced by the Returning Officer as elected and the returned candidate Tmt. Jeyalakshmi was lost in the election and that the declaration of result was issued to the candidate Tmt. Vijayalakshmi. The Assistant Returning Officer has also stated that she has requested the Returning Officer not to declare the result and that it may be issued after the perusal of election records, but the Returning Officer has not considered her request. The Assistant Returning Officer further stated that how the corrections/score out of name of symbol made in the Form 9 has not been known to her;

WHEREAS, on perusal of the records pertaining to election to the President of Kumalankulam Village Panchayat, Cuddalore Panchayat Union and the written statements given by the Returning Officer and the Assistant Returning Officer, the Commission found the following errors:

- 1) The Assistant Returning Officer has prepared Form for allocation of symbols as given in the Annexure 4 of the Hand Book 3 (Instructions to the Assistant Returning Officers for the election of Village Panchayat President and Village Panchayat Ward Member) without following the procedures and the instructions issued for the allocation of symbols as given in Part - 4 of the said Hand Book;
- 2) In the list of contesting candidates published in Form 9 by the Assistant Returning Officer on 19.12.2019, it is found that the symbol name which was initially written against the candidate Tmt. Jeyalakshmi in column 6 of the said Form 9 was struck off and another symbol name was re-written in the said published Form as allotted symbols; and

3) It is found that the statutorily issued Form 9 is contrary to the symbols already allocated to the candidates for which the signature of the candidates duly obtained.

WHEREAS, it is evident from the available records and the records produced before the Commission that the allocation of symbols to the contesting candidates were not made as prescribed in the Annexure 4 of the Hand Book 3 (Instructions to the Assistant Returning Officers for the election of Village Panchayat President and Village Panchayat Ward Member) and also the publication of Form 9 were not issued as per the sub-rule (5) of rule 35 of the Tamil Nadu Panchayats (Elections) Rules, 1995;

WHEREAS, after considering the report of the District Election Officer/District Collector, Cuddalore and available records and evidences, the Commission has decided that the election of the office of the President of Kumalankulam Village Panchayat, Cuddalore Panchayat Union, Cuddalore District was not conducted in free and fair manner as per the provisions envisaged under rule 31 to 69 of the Tamil Nadu Panchayats (Elections) Rules, 1995;

AND WHEREAS, it is expedient to rectify the above commission of errors made by the Returning Officer and the Assistant Returning Officer in recording and the allocation of symbols in the relevant Forms;

NOW, THEREFORE, in exercise of the powers conferred under Art. 243-K of the Constitution of India read with the relevant Section of the Tamil Nadu Panchayats Act, 1994 and rule 35 of the Tamil Nadu Panchayats (Elections) Rules, 1995 and para 6 of the Tamil Nadu Local Bodies Symbols (Reservation and Allotment) Order, 2019, the Tamil Nadu State Election Commission hereby cancels the poll held on 27.12.2019 in respect of the election of the office of the President of Kumalankulam Village Panchayat, Cuddalore Panchayat Union, Cuddalore District and orders that all the proceedings of the recording of allocation of symbols to the contesting candidates, publication of list of contesting candidates in Form 9 and declaration of results in Form 25 made by the Returning Officer and Assistant Returning Officer for the election of the office of the President of Kumalankulam Village Panchayat, Cuddalore Panchayat Union, Cuddalore District in pursuance of rules 31 to 69 of the Tamil Nadu Panchayats (Elections) Rules, 1995, so far as it relates to the above office be held to be null and void and the process be adjourned to a later date for fresh election under conducive atmosphere after the prevailing situation caused by pandemic covid-19 become normalcy.

(தமிழ்நாடு மாநில தேர்தல் ஆணைய ஆணைப்படி)
(By Order of the Tamil Nadu State Election Commission)


27/6/2020
Dr. L. SUBRAMANIAN
செயலாளர்
Secretary

To

The District Election Officer/District Collector, Cuddalore.

The Returning Officer/Block Development Officer (BP),
Village Panchayat President and Village Panchayat Ward Member Elections,
Cuddalore Panchayat Union, Cuddalore.

The Assistant Returning Officer/Zonal Deputy Block Development Officer,
Kumalankulam Village Panchayat President Election, Cuddalore Panchayat Union, Cuddalore.

Tmt. T. Vijayalakshmi W/o. Thirugnanasambantham,
Candidate of Kumalankulam Village Panchayat President Election,
Naduveerappattu Colony, Kumalankulam Village Panchayat,
Cuddalore Panchayat Union .. through Dist. Election Officer, Cuddalore

Mt. R. Jeyalakshmi W/o Rajabaskaran,
Candidate of Kumalankulam Village Panchayat President Election,
Naduveerappattu Colony, Kumalankulam Village Panchayat,
Cuddalore Panchayat Union .. through Dist. Election Officer, Cuddalore

Copy to:

The State Election Officer/Director of Rural Development and Panchayat Raj, Ch - 15
The Addl. Chief Secy. to Govt., Rural Development and Panchayat Raj Dept., Ch - 9.
The Legal Adviser/Superintendent(Legal)/Legal Section, TNSEC, Ch-106
PE-2 and ME-1/ME-2 Sections, TNSEC.. for documentation
Computer Programmer, TNSEC .. to upload the website
Stock file/Spare