

(1993) 02 KL CK 0015
In the High Court Of Kerala
Case No : O. P. No. 2377 of 1993

V.S.S.C. Employees Co-op. Society

APPELLANT

Vs

Registrar and others

RESPONDENT

Date of Decision : 24-02-1993

Acts Referred:

Kerala Co-operative Societies Rules, 1969 — Rule 16A, 16B

Citation : (1993) 2 KLJ 89

Hon'ble Judges : G.H. Guttal, J

Bench : Single Bench

Advocate : Anil Sivaraman, for the Appellant; D. Somasundaram, for the Respondent

Final Decision : Dismissed

Judgement

G.H. Guttal J.

1. The petitioner, Vikram Sarabhai Space Centre Employees Co-operative Society Ltd. is a society registered under the Kerala Co-operative Societies Act, hereinafter referred to as the "Act". The petitioner who has about 7000 members seeks a direction that respondents 1 and 2, the Registrar of Co-operative Societies, Thiruvananthapuram and the Joint Registrar of Co-operative Societies, Thiruvananthapuram shall not insist upon the production of identity cards by members in Form No: 6A for the purpose of exercising the right to vote at the election to the managing committee of the society. The only ground urged in support of the petition is this. The Indian Space Research Organisation - ISRO for brevity is a Government of India organisation. Its employees including the members of the petitioner have been issued identity cards for the purpose of entry into the premises of the ISRO. These identity cards set out elaborate particulars such as the name of the employees, card number, designation, date of birth, identity marks, blood group and height. A photograph of concerned employee is also affixed on the identity card. Rules 16A and 16B read with clause (o) of Sub rule (3) of Rule 35 of the Kerala Co-operative Societies Rules, the

rules for short compel members to hold identity cards for the purpose of voting at the elections. The cards issued by the ISRO held by the petitioner's members which display details set out above, will serve the same purpose which is intended to be served by Rules, 16 A, 16 B and clause (o) of sub rule (3) of Rule 35 of the Rules. Therefore respondents 1 and 2 should be directed to permit the petitioner's members who possess the identity cards issued by the ISRO to vote at the elections without securing and producing identity cards under clause (o) of sub rule (3) of Rule 35 of the Rules.

2. Rule 16A and 16B require that the society shall issue identity cards to its members. The members themselves have a right to apply for identity cards if the society does not issue them. The effect of these rules and clause (o) of sub rule (3) of Rule 35 is that a member who does not possess the identity card cannot vote at the elections. The statute has laid down that a member may apply and secure identity cards. If he does not hold identity card, he shall not vote at the elections. This statutory provision admits of no exception. The identity cards possessed by the petitioners from their employer are not a substitute for the identity cards issued under the statutory rules. The statutory rules have laid down that polling shall take place in the manner prescribed in the rules. It means that members of the petitioner shall not vote except by production of identity cards issued by the society. No doubt printing of 7000 identity cards means expenditure and perhaps inconvenience to the petitioner. But the statutory rules have to be followed even if they are inconvenient. The language of clause (o) of sub rule (3) of Rule 35 is that "No ballot paper shall be issued to a member unless he produces the identity card." The negative imperative language clearly suggests that this requirement of production of identity cards issued under the rules is mandatory and admits of no exception. Identity card means the identity card issued under Rule 16A and 16B. These rules do not leave any scope for recognition of identity cards issued by any other authority even if such identity cards contain greater details of the member for the purpose of his identification.

Form No : 6A has been prescribed by the rules. The identity card means the identity card in Form No : 6A and not the identity card issued by the employer of the member concerned

3. If the petitioner's members are permitted to use their identity cards instead of the identity cards issued under the rules, a parallel system of identity cards will emerge. The Act and the Rules do not permit such a substitution of their provisions. For all these reasons the petition is dismissed. Issue photo copy on usual terms.