THE REPORT OF THE ELECTION OFFICER OF THEIRIA KERALA STATE CHAPTER - FOR THE YEAR 2021, SUBMITTED IN THE GENERAL BODY OF THE IRIA KERALA STATE BRANCH; ON 30-5-2021:

Respected Teachers, Respected Senior Members, My Dear Colleagues, and My Dear young enthusiastic Members:

I hereby submit the following report before THEGENERAL BODY OF THE IRIA KERALA STATE BRANCH for discussion and approval:

1. At first, I am inviting the attention of all the members, of IRIA KERALA, to**THE GENERAL BODY HELD ON 28-3-2021**; for which notice was given on 21-2-2021 by DR Rijo Mathew, the secretary IRIA KERALA STATE BRANCH, as advised by thepresident, DR Jayasree, (Notice for a General Body meeting is minimum 30 days).**EXHIBIT-1**.

2. The last General Body Meeting of IRIA Kerala chapter was held at Thiruvananthapuram Medical College Auditorium, on 28-3-2021. **The President informed the house that the major agenda of the meeting was about'the elections for the year 2021'**. Then, the Secretary read the National IRIA guidelines for the conduct of election for the office bearers, for the year 2021-2022:
   (1). As per constitution, each state chapter must conduct their annual election from December to March of every year and inform the central office, IRIA by 30th April, along with the proceedings of the election, failing which the state branch chapter would be debarred from the membership of the Central council of IRIA. Subsequently according to the amended central

guide lines due to the spread of Covid 19, the date was extended from 30thApril to **30th May 2021**.

(2). National IRIA decided that the matters related to E-voting and election process may be put up in the State GBM (General Body Meeting) and necessary decision may be taken.If GBM decides election to be held, then **it can be held as per the rules and byelaws of the State Chapter and according to the decision of the GBM of the state chapter.**

(3). The GBM first discussed the question, whether Election should be conducted or not. **All members, except one Member,voted for conducting the Election.**

(4). **Thenthe President requested the GB to elect the ELECTION OFFICER.**DR. P. V.GovindanNair, (Myself) was elected unanimously, and was appointed as the Election Officer, by the GBM, for the year 2021-2022. **The house discussed the mode of conduct of elections and entrusted the Election Officer to do the best in the given circumstances.**

Minutes of General Body: EXHIBIT-2.

3. After the General Body was over, I requested the Secretary to issue me a copy of the constitution,and an appointment letter.**Appointment letter EXHIBIT-3.**

4. **As an ELECTION OFFICER, I had a very tough time**; as there arose **a Court-case**, all on a sudden, in the midst of the election process, and I had to take care of the case first, in order to run the election process smoothly.Therefore in this report, I am narrating most of the facts, related to these TWO issues ; **that is,the case,and the election. Whatever I write in this Report, are**

nothing but factsand truth, and also most of the facts are supported by documents.

5. **On 8-4-2021, nominations were called by sending personal emails to all IRIA Kerala Chapter Members, for six type of Positions (a total of 15 posts):**
   1. The President Elect- one post,
   2. The Vice Presidents- two posts.
   3. The Secretary- one post,
   4.The Treasurer- one post,
   5.The State Council Members 6 posts, and

6. The Central Council Members- 4 posts.

The last dateand time to receive all the nominations, were**18-4-2021, at 5 P.M.** .

. **EXHIBIT-4.**

6. On 14-4-2021, and 16-4-2021; Dr.Venugopal M, sent two separate emails with attachments, which contained nominations for contesting to two posts, namely **state council member and the treasurer.**
   EXHIBIT-5.

7. On16-4-2021, **Dr Manoj T Pillai** sent an email with three attachments, telling : "I am forwarding the nominations of following members after scanning their proforma and attaching it to your mail id for considering in the coming elections of IRIA Kerala State." **The three attachments contained :**

(1). The nomination paper of **DR Suresh babu K, (who was our treasurerand alsothe 1st Plaintiff in the suit, filed against our Association IRIA)**, for the post of secretary; proposed by DR Manoj T Pillai and seconded by **Dr Jayasree. L , The then President of the IRIA. (she was also the 1st Defendant in the suitfiled against our association, by DR SURESH BABU and others!)**.

(2). The nomination paper of **DR Manoj T Pillai,** for the post of the President Elect; proposed **by our treasurer, DR Sureshbabu K**(**also the first Plaintiff in the suit, filed against our association**) and it was seconded by **Dr Arun Mohan** (**2nd Plaintiff in the suit, filed against our association**).

(3). The nomination paper of **DR Manoj T Pillai** for the post of Central Council Member; proposed by **Dr Jayasree. L, thethen Kerala state President of the IRIA** (also the 1st Defendant in the thesuitfiled against our association,IRIA) and seconded by **Dr .Arun Mohan**(**the 2nd Plaintiff in the suit, filed against our association**). .

EXHIBIT-6.

8. On 16-4-2021, **DR Jayasree, the then President** (1st Defendant in the suitfiled against the association) sent an e-mail, with two attachments, telling: **"sending the nomination forms proposed and seconded by me as attachment. DR Jayasree".** The two attachments were (1). Nomination paper of DR Harikumaran Nair G.S., for the post of Central Council, seconded by **Dr Jayasree. L , thethen President of the IRIA** (1st Defendant in the suit, filed against the association)(2). Nomination paper of **DR Geethakumari G R,** (**3rd plaintiff in the suit, filed against our association**) for the post of Vice President, proposed by **Dr**

Jayasree. L , the then President of the IRIA. (1st Defendant in thesuit, filed against our association, IRIA Kerala state branch.) **. EXHIBIT-7.**

9. On 16-4-2021, **DR Pradeep S,** sent an e-mail, with THREE attachments, telling : "sending you the nominations for State IRIA Elections for the year 2021."
(1).Nomination for President Elect by DR Pradeep.
(2).Nomination for Central Council Member, also by Dr. Pradeep. The nomination for Central council Member was proposed by Dr.Arun Mohan (**2nd Plaintiff in the suit**, filed against our association) and seconded by Dr. Suresh Babu (1st plaintiff in the suit, filed against our association.).
(3).Nomination **of Dr.Reshmi CP** proposed by Dr. Pradeep S and it was seconded by **Geethakumari (3rd plaintiff in the suit**, filed against our association) for the post of State Council Member..**EXHIBIT-8.**

10. On 16-4-2021, **DR Jassim,** sent an e-mail telling " I would like to contest for the post of State Council Member of IRIA Kerala 2021-22. I hereby attaching the duly filled nomination letter with this mail for your kind perusal".**EXHIBIT-9.**

11. **Dr Naufalperumpalath**, sent an e-mail on 19-4-2021, telling "attached application for state IRIA Election, state council member post". **EXHIBIT-10.**

12. **19-4-2021, was the day fixed for scrutiny;** on 18-4-2021, I wrote an e-mail to thethen President Dr Jayasree, and also to the

then Secretary Dr Rijo; and **requested them for an online meeting for scrutiny.** On that day the then President Dr Jayasree e-mailed; "**sir, you can scrutinise the nominations in the presence of one or two representatives from each panel. Please Proceed**". Dr Manoj and Dr Venugopal phoned up and said that Dr Venugopal would be attending the scrutiny at 5 pm. **At 4.30-5PM on 19-4-21,**both Dr Manoj and Dr Venugopal called me again, over phone and informed that Dr Venugopal also would not be able to attend the same; **and therefore, the scrutiny must be done, by the election officer, alone. Thus due to corona fear, no candidates or no representatives of candidates did turn up.** Hence, finally I was forced to do the scrutiny of all the nominationsby myself, with out any one to help and I completed that duty, with utmost care and,caution.

. **EXHIBIT-11.**

13. **On 19-4-2021, during scrutiny, THE NOMINATIONS OF FOUR MEMBERS WERE FOUND TO BE DEFECTIVE AND HENCE REJECTED.They are as follows:**

(1). DR MANOJ. T. PILLAI:**Dr Manoj T Pillai gave two nominations for two different posts.** As per the Constitution of IRIA, PAGE 44,Rule 39-B, Note (iii) and page 98 Note(iii);***"A member can file nomination for contesting only one post in a particular election" and " One member can file only one nomination for contesting the election in particular election".*** But DR Manoj T Pillai filed nominations for contesting for two different posts;namely **THE PRESIDENT ELECT and the CENTRAL COUNCIL MEMBER.** Hence, his**both nominations were rejected.** The matter was communicated to the candidate, thethen President and Secretary. I Talked to the candidate over phone at

5.02 PM**;** FOR THREE MINUTES and at that time he accepted his mistake. The matter was also put in the Whatsapp message, of the RADIOLOGY KERALA GROUPS, at about 5.34 PM, of which Dr Manoj was one of the Admins. Dr Manoj T Pillai was the IRIA Thiruvananthapuram District Secretary and President of , for two years. He was also the Secretary of the IRIA Kerala state Chapter for two years- during the year 2016 to 2018; and he also acted as the Election Officer IRIA Kerala state, for these two years. He said that he forgot, that particular clause.

(2). DR PRADEEP S: Dr Pradeep S also **gave two nominations for two different posts**. As per Constitution of IRIA, PAGE 44,39-B, Note (iii) and page 98 Note(iii); ***"A member can file nomination for contesting only one post in a particular election" and " One member can file only one nomination for contesting the election in particular election"***. But DR Pradeep filed nominations for contesting for TWO DIFFERENT POSTS; namely **THE PRESIDENT ELECT** and the **CENTRAL COUNCIL MEMBER**. Hence, his nominations were rejected and that fact was communicated to the candidate, the President and the Secretary over phone and also by whats app message. He was also the Secretary and the President of IRIA Thiruvananthapuram District, the Secretary of the IRIA Kerala state Chapter for two years, and he acted as the Election Officer IRIA Kerala state, for these two years. He was also elected as the Vice President of National IRIA. He also said that he just forgot that Rule.

(3). Dr VENUGOPAL: Dr.Venugopal M., also gave **nominations for two different posts**. As per Constitution of IRIA, PAGE 44,39-B, Note (iii) and page 98 Note(iii); **"A member can file nomination for contesting only one post in a particular election" and " One member can file only one nomination for contesting the election in particular election"**. But DR Venugopal filed nominations for contesting for

TWO DIFFERENT POSTS; namely **THE TREASURER and the STATE COUNCIL MEMBER.** Hence, his nominations were rejected and communicated to the candidate, the President and the Secretary. He was also the President of IRIA Thrissur District, and also the vice President of the IRIA Kerala State Chapter.

(4).Dr. JASSIM: He gave nomination for the Post of STATE CUNCIL MEMBER. But he **forgot to sign the consent** and the nomination got rejected.

Totally, nominations of FOUR MEMBERS, were Rejected due to defects in the nomination Proformas during scrutiny on 19th:.EXHIBIT-12.

14. **DR NAUFAL PERUMPALATH**:submitted a nomination for the post of STATE COUNCIL MEMBER after the last date and time; already notified earlier and hence it also got rejected. .**EXHIBIT-13.**

15. Up to this stage except for theRejection of Nominations of**FOUR MEMBERS**, due to defects as described in the constitution, everything was running smoothly. By this time corona cases and death were increasing rapidly. And by this time fewmembers, to say correctly a dozen members, began to createfew problems purposefully.

16. On 19-4-2021, Just before starting scrutiny, Dr Manoj T Pillai phoned me and talked very friendly, as usual. He informed that Dr Venugopal from Thrissur, would not be attending the scrutiny of nominations, as we decided yesterday; and thatthe scrutiny must be done by the EO himself. During scrutiny, the nominations of Dr Manoj T Pillai were rejected due to defects

and I immediately communicated the news, to Dr Manoj T Pillai. We talked about three minutes and during conversation he said that he had forgotten such a clause in the constitution. However, he requested to accept at least any one of the nominations. Thereafter Dr Harikumarannair and Dr Jayasree called me over phone and discussed, the same issue- the rejecton of the nominations of Dr Manoj T Pillai. **The then PRESIDENT TOLD ME TO REVIEW THE DECISIONS TAKEN DURING THE SCRUTINY**. Therefore, I did not publish the final list of candidates after scrutiny on that day; and instead decided to review the decisions after getting the grievances from the members who submitted nominations. I wrote in the Kerala Radiology groups requesting the members, to give me by e-mail,if they hadany grievances regarding the action taken during the scrutiny and told that I would consider their complaints and final list would be published only thereafter. On 20-4-2021, **three members gave their grievances by e-mail. Dr Manoj T Pillai also represented the matter to the National President.** The State PresidentDr.Jayasree called me over phone and asked me to consider the request of Dr Manoj T Pillai, favourably.Dr Jayasree, also sent a message stating **" Sir please consider this request favourably and do the needful to avoid further complications in the election process" "we can go for resubmission of nominations. I think it is the best way to deal with this".**

EXHIBIT-14.

17. I considered the requests of all the three members (**Dr Manoj T Pillai, Dr Venugopal, and Dr Pradeep S.**) in the light of IRIA regulations and I could not find any merit in their

arguments.Hence I did not change the earlier decision; and the original decisions were confirmed.

18. The final list of candidates was published thereafter, on 22-4-21; after the time of withdrawal.Two candidates withdrew their nominations, **DR Amel Antony and DR Vinay Vargheese**.

EXHIBIT-15.

19. Meanwhile, I was engaged in discussions to arrange E-Voting for our IRIA state Election, with the E-Voting agency approved by national IRIA The **NithyamAgencies**.They have conducted E-Voting forour Central IRIA. They expressed their willingness and we discussed the conditions in detail. They contacted over phone few times and finally requested to sign an agreement and to pay the advance. On 8-4-2021, I gave them my E-mail ID, FOR FURTHER OFFICIAL COMMUNICATIONS. But, **On13-04-2021, they sent an email stating that they were unable to execute the eVoting services to Kerala IRIA DUE TO COVID PANDEMIC and many of their staff are on leave due to Covid.**I requested them to reconsider the decision and try their best. But they said they cannot do now and if the employees get better they will reconsider.

EXHIBIT-16.

20. On 13-4-21, itself I found out another agency, by name **RIGHT2VOTE,**which is recognised by the Government of India.They submitted their credentials, features, commercials, process etc. We continued our discussions. On 23-4-21, they requested us to make the payment. Then, I wrote an urgent email to the President and Secretary. But the President, told that

she will hold an ECM meeting before deciding it. It was against her earlier stand. (Actually to hold an ECM meeting a 30 day notice is essential !).She also wanted to forward all communications between the EO and the Evoting agency. However the communications were not forwarded. During this time few members alleged in the whatsapp messages that the change in eVoting agency is for manipulations of election. All these were,totally false allegations.

EXHIBIT-17.

21. But the then President and a few members continued alleging that the change of eVoting agency is for corruption and manipulations. Luckily by this time the first agency, Nithyam Agency, informed that some of their staff have returned from leave and they have agreed to continue the work on 26-4-2021.We decided to continue a detailed discussion on 27-4-21, at 8 AM. After the discussion, they sent an e-mail acknowledging their decision to conduct the election. Then the electionwork progressed very well. The M.O.U. was signed on 29-4-2021. . EXHIBIT-18.

22. On 29th and 30th, I was very busy as many members called me over mobile to clear their doubts. I sent to all members, few letters to help them in the election process. **On 29-4-2021, at night at about 7.30 PM, our president sent me an email, requesting me to temporarily stop all the proceedings in connection with the election process.** Immediately I called my brother in law, who is a high court advocate in Bombay, and requested a legal opinion. He asked me to go through the E-COURT data of High Court and to verify whether any vakalath or

case posted in High Court. I verified the same and there was none. I asked him whether a stay petition could be filed in the TvmDistrict courts ? He said no; as there is no territorial jurisdiction at Tvm and also election petition could be filed only in High courts and that NO courts will interfere in election, after the Election process had begun.

23. **On 29-4-21:**

At11.26 AM- TAX invoice and Bank details.
At 12.53 PM- MOU was signed, and scanned copy returned.
At 02.22 PM- Returned the MOU after signing.
At 03.44 PM- Ballot paper and Validations.
At 03.58 PM- Voters list corrections.
At 04.14 PM- VOTING instructions. **EXHIBIT-19**.

24. **29-4-21, At 07.36 PM- LETTER FROM DR JAYASREE TO TEMPORARILY STOP THE ELECTION PROCESS.EXHIBIT-20.**

At 08.56 PM- Correction of the screens.
At 10.23 PM- Doubts on screens cleared.

On 30-4-2021:

At 12.08, noon-letter to all members.
At 12.23, Election schedule &Evoting procedure sent to all members.

25. **THE DISTRICT COURT THIRUVANANTHAPURAM: EMAIL ON 30-4-2021, AT 5.31 PM.** **Thehonble district court directed: ''the third counter petitioner/election officer TO STOP ALL ELECTION PROCESS WITH RESPECT TO THE PROPOSED ELECTION TO BE HELD ON 2/5/2021 FOR TWO WEEKS, TILL 16-5-2021".EXHIBIT-21.**

26. **Immediately after the order, the election process was stopped.** **How ever I like to inform you, what is written in our constitution. The byelaw of OUR ASSOCIATION, specifically provide rules for election and other disputes. The election disputes in a state chapter of the association have to be dealt withby an election tribunal as constituted under the rules. It is further mandated that no court shall deal with any election disputes in any circumstances. The suit was filed by the three members of our association suppressing these material facts and are liable for punishment; by our association. More over this suit had no territorial jurisdiction; as the registered office is at Ernakulam. It is very clear that the district court judgement was illegal and bad in law. That is why we filed an appeal.**

27. **On 7-5-21, An appeal was filed for the association by the Secretary in the Honourable High Court. The ELECTION OFFICER wasrepresented by his advocate, Adv. Augustine, and the Honourable High Court stayed the District Court Judgement. We got the order by night.**

After the honourable high court judgement, staying the Thiruvananthapuram, DISTRICT COURT ORDER, the whole election process was restored again, on 8-5-2021 itself. All the members were informed by email; with a copy of the court order and a covering letter was sent as attachment, to each and every member. **EXHIBIT-22.**

28. I AM VERY HAPPY TO SAY, THAT AFTER THE HIGH COURT-ORDER STAYING THE UNFORTUNATE JUDGEMENT OF THE VACCATION JUDGE OF THE DISTRICT COURT, THIRUVANANTHAPURAM; OUR ELECTION PROGRESSED VERY WELL. WITH ACTIVE AND GENUINE PARTICIPATION OF ALL THE MEMBERS. THE EVOTING ENDED ON 13-5-2021. WE COULD DECLARE THE RESULT ONLY ON 17th;WITH THE PERMISSION OF THE HON. HIGH COURT. THE HONOURABLE HIGH COURT DISPOSED OF THE CASES AND THE MATTER WAS CLOSED THEN AND THERE. **EXHIBIT-23.**

29. THE ELECTION RESULTS WERE PUBLISHED AFTER THE FINAL JUDGEMRNT OF THE HIGH COURT, REFERRED ABOVE; BY THE HONOURABLE JUSTICE MARY JOSEPH. EXHIBIT-24.

30. DEAR LEARNED MEMBERS IRIA, I HAVE SENT THE COPY OF PETITION FILED BY SOME IRIA MEMBERS IN THE DISTRICT COURT, AGAINST OUR ASSOCIATION, TO

EACH ONE OF YOU. IT IS FILLED WITH FALSE ALLEGATIONS, HALF TRUTHS, UNRELATED MATTERS, AND VAGUE COMPLAINTS ETC. UNFORTUNATELY THE DISTRICT COURT JUDGE PASSED AN EXPARTY ORDER STAYING THE ELECTION WITH OUT TERRITORIAL JURISDICTION. THIS UNFORTUNATE JUDGEMENT WAS PROMPTLY STAYED BY THE HON. HIGH COURT! IN THE APPEAL THE IMMEDIATE PAST PRESIDENT ENGAGED A SEPARATE ADVOCATE AND ARGUED AGAINST THE ASSOCIATION.

31. I REQUEST THE GENERAL BODY TO DISCUSS THIS MATTER VERY SERIOUSLY AND TO TAKE PROPER ACTION, AGAINST THOSE MEMBERS WHO, IGNORING THE BYELAWS, FILED A SUIT AGAINST OUR ASSOCIATION AND TRIED TO TOPPLE THE DEMOCRATIC PROCESS IN IRIA.

IN THE FINAL JUDGEMENT THE JUSTICE RECORDED:

"THE LEARNED COUNSEL ON BEHALF OF THE RESPONDENTS HAS CONTENDED THAT LOT OF ILLEGALITY IS INVOLVED IN CONDUCT OF THE ELECTION. IN THE RESULT, THE APPEAL STANDS DISPOSED OF WITH LIBERTY BEING RESERVED TO THE RESPONDENTS TO CHALLENGE THE ELECTION PROCESS, IN CASE ANY ILLEGALITY IS INVOLVED AS ALLEGED BY THE LEARNED COUNSEL".

32. THE ABOVE COMMENT OF THE HONOURABLE JUSTICE MUST BE VIEWED SERIOUSLY, PROPER ENQUIRY AND ACTION MUST BE TAKEN WITH OUT FURTHER DELAY.

33. I AM VERY HAPPY TO INFORM YOU THAT, FINALLY, I HAVE SUCCESSFULLY COMPLETED THE DUTY ENTRUSTED TO ME, AS THE ELECTION OFFICER OF KERALA IRIA; BY THE UNANIMOUS DECISION OF THE GENERAL BODY OF IRIA HELD ON 28/03/2021. I THANK EACH AND EVERY MEMBER OF MY PRESTIGEOUS ASSOCIATION FOR THAT.

JAI IRIA, JAI HIND.