



**The Tamil Nadu Co-Operative Societies (Appointment of Special Officers) Act,
1989**

Act 38 of 1989

Keyword(s):

Committee or Board, Co-Operative Societies Act, Primary Society

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The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 17th November 1989 and is hereby published for general information :—

ACT No. 38 OF 1989.

An Act to provide for the appointment, in the public interest, of Special Officers for certain primary societies in the State of Tamil Nadu.

WHEREAS it is expedient to provide for the appointment of Special Officers for certain primary societies for a limited period, in the public interest, to secure free and fair elections to committees or boards of management of such societies in an atmosphere of impartiality ;

Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fortieth Year of the Republic of India as follows :—

1. (1) This Act may be called the Tamil Nadu Co-operative Societies (Appointment of Special Officers) Act, 1989.

Short title, extent and commencement.

(2) It extends to the whole of the State of Tamil Nadu.

(3) (a) The provisions of this Act, except clause (b) of sub-section (1) of section 11, shall be deemed to have come into force on the 3rd day of July 1989.

(b) Clause (b) of sub-section (1) of section 11 shall be deemed to have come into force on the 23rd day of October 1989.

2. In this Act, unless the context otherwise requires,

Definitions.

(a) "appointed day" means the date on which this Act comes into force ;

(b) "committee" or "board" means the governing body of a primary society by whatever name called, to which the direction and control of the management of its affairs is entrusted ;

(c) "Co-operative Societies Act" means the Tamil Nadu Co-operative Societies Act, 1983 ;

(d) "Government" means the State Government ;

(e) "primary society" means a primary society as defined in clause (2) of section 2 of the Co-operative Societies Act ; but does not include the Staff and Students Co-operative Stores and the House Service Co-operative Societies ;

(f) words and expressions used and not defined in this Act, but defined in the Co-operative Societies Act shall have the meanings respectively assigned to them in that Act.

3. Notwithstanding anything contained in the Co-operative Societies Act or in any other law for the time being in force or in any decree or order of any court, tribunal or other authority, the term of office of every member (whether elected or nominated) of the committee or the board, as the case may be, of every primary society, including its president and vice-president or chairman and vice-chairman or secretary or treasurer (not being a paid employee), as the case may be, holding office as such, immediately before the appointed day, shall expire on the appointed day and such members shall vacate their office on and from the appointed day.

Term of office of members of committee or board of certain primary societies to expire.

4. (1) (a) Notwithstanding anything contained in the Co-operative Societies Act, or in any other law for the time being in force, or in any decree or order of any court, tribunal or other authority, on and from the appointed day, the Government shall appoint a person as Special Officer to manage the affairs of any primary society referred to in section 3.

Appointment of Special Officers.

(b) Nothing in this sub-section shall prevent the appointment of the same person as Special Officer for two or more primary societies.

(2) Each Special Officer appointed under sub-section (1) shall hold office upto and inclusive of the 28th day of February 1990, or such earlier date as the Government may, by notification, specify in this behalf :

Provided that if any vacancy arises in the office of the Special Officer, the vacancy shall be filled up by the Government and the person so appointed in the vacancy shall hold office for the remainder of the said period.

(3) The Special Officer appointed under sub-section (1) shall, subject to the control of the Registrar and to such directions as he may, from time to time, give, have power to exercise all or any of the functions of the committee or the board, as the case may be, or of any officer of the primary society and to take such action as may be required in the interest of such primary society.

(4) The Government may fix the remuneration payable to the Special Officer appointed under sub-section (1) and the amount of remuneration so fixed and such other expenditure incidental to the management of the primary society as may be approved by the Registrar, shall, subject to such directions as the Government may give in this regard, be payable from the funds of such primary society.

(5) The Special Officer appointed under sub-section (1) shall arrange for the constitution of a new committee or board, as the case may be, in accordance with the provisions of the Co-operative Societies Act and the rules made thereunder and the by-laws of such primary society, so that the new committee or board, as the case may be, may be constituted and the members thereof come into office at the expiry of the period of appointment of the Special Officer.

Appointment of advisory board.

5. (1) Notwithstanding anything contained in the Co-operative Societies Act, the Tamil Nadu Co-operative Societies (Appointment of Special Officers) Act, 1976 or the Tamil Nadu Agricultural Service Co-operative Societies (Appointment of Special Officers) Act, 1986, where a Special Officer is appointed under sub-section (1) of section 4 or under sub-section (1) of section 88 of the Co-operative Societies Act or under sub-section (i) of section 4 of the Tamil Nadu Co-operative Societies (Appointment of Special Officers) Act, 1976 or under sub-section (1) of section 4 of the Tamil Nadu Agricultural Service Co-operative Societies (Appointment of Special Officers) Act, 1986, the Government may appoint an advisory board consisting of not more than five non-official members to advise such Special Officer.

President's Act 2 of 1976.

Tamil Nadu Act of 1986.

President's Act of 1976.

Tamil Nadu Act of 1986

(2) The members of the advisory board shall be entitled to receive such allowances or fees and other amenities as may be prescribed.

(3) The advisory board shall be consulted by the Special Officer on all matters relating to the affairs of the primary society.

Law on co-operative societies for the time being in force and the rules made thereunder to apply to Special Officer.

6. Except as otherwise provided in sections 4 and 5, the provisions of the Co-operative Societies Act and the rules made thereunder shall apply in relation to a Special Officer appointed under sub-section (1) of section 4 as they apply in relation to a Special Officer appointed under sub-section (1) of section 88 of the Co-operative Societies Act.

Delegation of powers of Government.

7. (1) The Government may, by notification, authorise the Registrar to exercise any of the powers vested in them under section 4 or section 5 in respect of all or any of the primary societies.

(2) The exercise of any power delegated under sub-section (1) shall be subject to such restrictions and conditions as may be specified in the notification and subject also to control and revision by the Government.

Protection of action taken in good faith.

8. (1) No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act.

(2) No suit or other legal proceedings shall lie against the Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act.

9. (1) The Government may make rules to carry out the purposes of this Act.

Power to make rules.

(2) All rules made under this Act shall be published in the *Tamil Nadu Government Gazette* and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(3) Every rule made under this Act shall, as soon as possible after it is made, be placed on the table of the Legislative Assembly, and if, before the expiry of the session in which it is so placed or the next session, the Assembly makes any modification in any such rule or the Assembly decides that the rule should not be made, the rule shall thereafter have effect only in such modified form, or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

10. Nothing contained in this Act, except sections 5 and 9, shall apply to,—

Savings.

(a) any registered co-operative society to which a Special Officer has been appointed under section 88 of the Co-operative Societies Act;

President's Act 25 of 1976.

(b) any scheduled co-operative society specified in Part A, Part B or Part C of the Schedule to the Tamil Nadu Co-operative Societies (Appointment of Special Officers) Act, 1976 or any other co-operative society included in that Schedule under section 8 of that Act; and

Tamil Nadu Act 17 of 1986.

(c) any agricultural service co-operative society to which a Special Officer has been appointed under the Tamil Nadu Agricultural Service Co-operative Societies (Appointment of Special Officers) Act, 1986.

Tamil Nadu Ordinance 4 of 1989.

11. (1) (a) The Tamil Nadu Co-operative Societies (Appointment of Special Officers) Ordinance, 1989, is hereby repealed. Repeal and saving

Tamil Nadu Ordinance 11 of 1989.

(b) The Tamil Nadu Co-operative Societies (Appointment of Special Officers) Amendment Ordinance, 1989, is hereby repealed.

Tamil Nadu Ordinance 4 of 1989.

(2) Notwithstanding such repeal, anything done or any action taken under the Tamil Nadu Co-operative Societies (Appointment of Special Officers) Ordinance, 1989, as amended by the Tamil Nadu Co-operative Societies (Appointment of Special Officers) Amendment Ordinance, 1989, shall be deemed to have been done or taken under this Act.

Tamil Nadu Ordinance 11 of 1989.

(By order of the Governor)

P. JEYASINGH PETER,
Secretary to Government, Law Department.