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**Tamil Nadu Co-Operative Societies (Amendment) Act, 2004****13 of 2004**

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Statement of Objects and Reasons<sup>2</sup> Special Officers were appointed under sub-section (1) of Section 89 of the Tamil Nadu Co-operative Societies Act, 1983 (Tamil Nadu Act 30 of 1983) for a period of one year from 25.5.2001 in respect of Primary Co-operative Societies and from 26.5.2001 in respect of Central and Apex Co-operative Societies. Since elections to the said Co-operative Societies could not be conducted within the above said period, the term of the Special Officers appointed under the said Section was last extended beyond 25.5.2003, by amending the said Act. The period of their appointment was due to expire on 24.5.2004 in respect of Primary Co-operative Societies, and on 25.5.2004 in respect of Central and Apex Co-operative Societies. Section 89-A of the said Act, which empowers the Special Officers and Administrators to admit individuals as new members, has been challenged in the High Court of Judicature at Madras by a batch of writ petitions. The above case has been referred to a "Full Bench" of the High Court and the case is still pending. In view of the above, election to the Primary Co-operative Societies can be conducted only after its disposal. 2. Elections to the Central and Apex Co-operative Societies can be conducted only after the elected boards are constituted in all Primary Co-operative Societies. It could not be possible to conduct elections to Primary, Central and Apex Co-operative Societies on or before 24.5.2004 or 25.5.2004, as the case may be. Hence, it became necessary to extend the term of the Special Officers for a further period of one year from 25.5.2004. Therefore, the Government decided to amend the said Act, suitably, for the

purpose. Accordingly the Tamil Nadu Co-operative Societies (Amendment) Ordinance, 2004 (Tamil Nadu Ordinance 5 of 2004) was promulgated by the Governor on the 21st May 2004 and the same was published in the Tamil Nadu Government Gazette Extraordinary, dated the 21st May 2004. 3. The Bill seeks to replace the said Ordinance. PREAMBLE An Act further to amend the Tamil Nadu Co-operative Societies Act, 1983. BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fifty-fifth Year of the Republic of India as follows:- 1. Received the assent of the Governor on the 5th August, 2004 - Published in Tamil Nadu Government Gazette, Extraordinary, Part IV, Section 2, Issue No.207, Page 61, dated 5th August, 2004. 2. Vide T.N. Bill No.7 of 2004 - Published in Tamil Nadu Government Gazette, Extra., Part IV, Sec.1, Issue No. 185, pages 33-34, dated 23rd July, 2004.

### **1. Short Title And Commencement :-**

(1) This Act may be called the Tamil Nadu Co-operative Societies (Amendment) Act, 2004.

(2) It shall be deemed to have come into force on the 21st day of May 2004.

### **2. Amendment Of Section 89 :-**

In Section 89 of the Tamil Nadu Cooperative Societies Act, 1983 (Tamil Nadu Act 30 of 1983) (hereinafter referred to as the principal Act), in the proviso to sub-section (1), for the expression "three years", the expression "four years" shall be substituted.

### **3. Repeal And Saving :-**

( 1 ) The Tamil Nadu Co-operative Societies (Amendment) Ordinance, 2004 (Tamil Nadu Ordinance 5 of 2004) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.