

Tamil Nadu Co-Operative Societies (Appointment Of Special Officers) Act, 1976

25 of 1976

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SCHEDULE 1 :- THE SCHEDULE

Tamil Nadu Co-Operative Societies (Appointment Of Special Officers) Act, 1976

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Enacted by the President in the Twenty-seventh year of the Republic of India. An Act to provide for the appointment, in the public interest, of Special Officers for certain categories of co-operative societies in the State of Tamil Nadu. WHEREAS it is expedient to provide for the appointment of Special Officers for certain categories of co-operative societies for a limited period in the public interest for the purpose of safeguarding the interests of the members or depositors, for ensuring the proper utilisation of the amounts guaranteed by the Government, and for improving the efficiency of the administration of such societies. NOW, THEREFORE, in exercise of the powers conferred by Section 3 of the Tamil Nadu State Legislature (Delegation of Powers) Act, 1976, the President is pleased to enact as follows:-

1. Short Title, Extent And Commencement :-

(1) This Act may be called The Tamil Nadu Co-operative Societies

(Appointment of Special Officers) Act, 1976.

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

(3) It shall come into force on such date as the Government may by notification appoint and different dates may be appointed for different categories of scheduled co-operative societies.

2. Definition :-

In this Act, unless the context otherwise requires,--

(a) "appointed day" in relation to any category of scheduled co-operative societies, means the date appointed by the Government under sub-section (3) of Section 1 in relation to such category of scheduled co-operative societies:

(b) "Co-operative Societies Act" means The Tamil Nadu Co-operative Societies Act, 1961 ;*

(c) "Government" means the State Government ;

(d) "Schedule" means the Schedule to this Act ;

(e)"scheduled co-operative society" means any co-operative society specified in Part A, Part B or Part C of the Schedule and any other co-operative societies included in that Schedule under Section 8 ;

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

* Now. The Tamil Nadu Co-operative Societies Act. 1983.

3. Terms Of Office Of Members Of Committee Or Board Of Scheduled Co-Operatives To Expire On The Appointed Day :-

Notwithstanding anything contained in the Co-operative Societies Act, or in the Tamil Nadu Co-operative Land Development Banks Act, 1934, or in any other law for the time being in force, the term of office of the members of the Committee or the Board, as the case may be, of every scheduled co-operative society including its President and Vice-President, or Chairman, and Vice-Chairman, as the case may be, holding office as such immediately before the appointed day shall expire on the appointed day and the members shall vacate their office on and from such day.

4. Appointment Of Special Officers For Scheduled Co-Operative Societies :-

(1) Notwithstanding anything contained in the Cooperative

Societies Act, or in the Tamil Nadu Co-operative Land Development Banks Act, 1934, or in any other law for the time being in force, on and from the appointed day, the Government shall appoint a person as Special Officer for each scheduled co-operative society for such period or periods not exceeding 1[thirty years and two months] in the aggregate as may be specified by the Government from time to time.

(2) 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 scheduled co-operative society and to take such action as may be required in the interest of such scheduled co-operative society.

(3) 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 scheduled co-operative society as may be approved by the Registrar, shall be payable from the funds of such scheduled co-operative society.

(4) 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 or the Tamil Nadu Co-operative Land Development Banks Act, 1934, as the case may be, and the Rules made thereunder and the bye-laws of the scheduled co-operative 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.

1. After successive amendments the period was extended to thirty years and two months by the Tamil Nadu Co-operative Societies (Appointment of Special Officers) (Amendment) Act 2005 (Act 12 of 2005).

5. Co-Operative Societies Act And Rules Made Thereunder To Apply To Special Officer :-

Except as otherwise provided in Section 4, the provision 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 that section as they apply in relation to a Special Officer appointed under sub-section (1) of Section 72 of the Co-operative Societies

Act.

6. Delegation Of Powers Of Government :-

(1) The Government may, by notification, authorise the Registrar to exercise any of the powers vested in them under Section 4 in respect of any scheduled co-operative society.

(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.

7. Protection Of Action Taken In Good Faith :-

(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.

8. Power To Amend Schedule :-

(1) The Government may, by notification, from time to time, include in Part A, Part B or Part C, as the case may be, of the Schedule, any co-operative society falling under the respective category.

(2) All reference made in this Act to the Schedule shall be construed as references to the said Schedule as for the time being amended in exercise of the powers conferred by this section.

SCHEDULE 1

THE SCHEDULE

[See Sections 2 (d), (e) and 8.]

PART A

Category of Apex Societies

1. The Tamil Nadu State Co-operative Bank Limited, Chennai.
2. The Tamil Nadu Co-operative State Land Development Bank Limited, Chennai.
3. The Tamil Nadu Co-operative Union Limited, Chennai.
4. The Tamil Nadu Co-operative Marketing Federation Limited, Chennai.
5. The Tamil Nadu Consumers Co-operative Federation Limited, Chennai.
6. The Tamil Nadu Co-operative Housing Society Limited, Chennai.
7. The Tamil Nadu State Industrial Co-operative Bank Limited, Chennai.
8. The Tamil Nadu State Oil and Allied Products Co-operative Marketing Federation Limited, Chennai.
9. The Tamil Nadu State Palmgur and Fibre Marketing Cooperative Federation

Limited, Chennai.

10. The Tamil Nadu State Federation of Co-operative Sugar Factories Limited, Chennai.

11. The Tamil Nadu State Milk Producers Industrial Co-operative Marketing Federation Limited, Kancheepuram.]

PART B

Category of Central Societies

Category of Central Societies to which the provisions of Chapter IX-B of The Tamil Nadu Co-operative Societies Act, 1961 are made applicable by Notification under Section 73-1 of that Act.

1. The Primary Land Development Banks.
2. The Co-operative Marketing Societies (except the Marketing Societies for Hill Tribes).
3. The Co-operative Printing Presses.
4. The Co-operative Training Institutes.
5. The District Co-operative Supply and Marketing Societies.
6. The Co-operative Wholesale Stores.
7. The District Co-operative Unions.
8. The Central Co-operative Banks.
9. The District Co-operative Agro-Service Societies / Centres.

PART C

Other Category of Societies

1. The Co-operative Milk Supply Unions.
2. The Fisherman Co-operative Federations.
3. The Co-operative Sugar Mills.
4. The Co-operative Spinning Mills.

1 Included in the Schedule as per G.O. Ms, No 235. Handlooms Textiles Khadi (G1) dated 1-9-1987, vide Notification No 1(2)HTK/5063(i-1) 87 Published in Part II Section 2 Gazette Extraordinary No 552.