



**The Puducherry Co-operative Societies (Appointment of Special Officers) Act,
1990**

Act 7 of 1990

Keyword(s):

Co-operative Society, Appointment, Delegation of powers, Term of office,

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THE PUDUCHERRY CO-OPERATIVE SOCIETIES (APPOINTMENT OF SPECIAL OFFICERS) ACT, 1990

(Act No. 7 of 1990)

ARRANGEMENT OF SECTIONS

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SCHEDULE

THE PUDUCHERRY CO-OPERATIVE SOCIETIES (APPOINTMENT OF SPECIAL OFFICERS) ACT, 1990

(Act No. 7 of 1990)

(06-11-1990)

AN
ACT

to provide for the appointment, in the public interest, of special officers for certain co-operative societies in the Union territory of Puducherry.

WHEREAS it is expedient to provide for the appointment of special officers for certain co-operative societies for a limited period in the public interest for the purpose of safeguarding the interest of the members or depositors, for ensuring the proper utilisation of the amounts invested by the Government and for improving the efficiency of the administration of such societies.

BE it enacted by the Legislative Assembly of Puducherry in the Forty-first Year of the Republic of India as follows: -

Short title, extent and commencement

1. (1) This Act may be called the Puducherry Co-operative Societies (Appointment of Special Officers) Act, 1990.

(2) It extends to the whole of the Union territory of Puducherry.

+ (3) It shall come into force on such date as the Government may, by notification in the official gazette, appoint.

Definitions

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

(a) "appointed day" means, -

(i) in relation to any co-operative society included in the Schedule in the first instance, the date appointed by the Government under sub-section (3) of section 1 ; and

(ii) in relation to any other co-operative society, the date from which it is included in the Schedule under sub-section (1) of section 8;

(b) "Co-operative Societies Act" means the Puducherry Co-operative Societies Act, 1972;

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

(d) "Scheduled co-operative society" means any co-operative society specified in the Schedule and any other co-operative society included in that Schedule under section 8;

(e) 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.

Term of office of members of committee or Board of scheduled co-operative societies to expire on the appointed day

3. Notwithstanding anything contained in the Co-operative Societies Act 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 or any person exercising the powers of such committee or Board 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.

Appointment of special officers for scheduled co-operative societies

4. (1) Notwithstanding anything contained in the Co-operative Societies Act 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 two years 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 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.

**Co-operative Societies Act and rules made hereunder
to apply to special officer**

5. Except otherwise provided in section 4, 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 that section as they apply in relation to a special officer appointed under sub-section (1) of section 83 of the Co-operative Societies Act.

Delegation of powers of Government

6. (1) The Government may, by notification, authorise the Registrar to exercise any of the powers vested in it 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.

Protection of action taken in good faith

7. (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.

Powers to amend Schedule

8. (1) The Government may, by notification, from time to time, include in the Schedule, any co-operative society registered under the Co-operative Societies Act.

(2) All references 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

[See section 2 (d)]

1. The Puducherry Co-operative Milk Producers' Union Limited. P.1.
2. The Puducherry State Co-operative Union Limited. P. 259.

STATEMENT OF OBJECTS AND REASONS FOR ACT NO. 7 OF 1990

The co-operative societies at present are formed and managed under the Puducherry Co-operative Societies Act, 1972. In spite of all the safeguards provided for in the Act, it happens sometimes, in case of certain societies, that they fall into the hands of persons who have little interest in the welfare of the society but who perpetuate themselves in the office and mismanage the affairs of the society. Very often it has also become necessary to secure the investments, if any, made by the Government in such societies. With a view to ensure proper management of these societies, improve the efficiency of their administration and for purpose of safeguarding the interest of the members and depositors, it is proposed to bring about a legislation enabling the Government to appoint special officers for such societies for a limited period of two years with powers and functions of the committee or the Board or any officer of the co-operative society.

This Bill seeks to achieve the above objects.

Constitution and Composition of District Planning Committee

*[3. (1) The Government shall constitute in every district, a District Planning Committee to consolidate the plans prepared by the Village Panchayats, Commune Panchayat Councils and the Municipal Councils and to prepare a draft development plan for the district as a whole.

(2) (a) The committee shall consist of not more than fifteen members representing the following, namely: --

- (i) such number of persons, not less than four-fifth as may be specified by the Government, elected in the prescribed manner from amongst, the elected members of Commune Panchayats and the Municipal Councils, in the district in proportion to the ratio between the population of the rural areas and of the urban areas in the district;
- (ii) Secretary to Government in-charge of the work relating to local self-Government.
- (iii) the Director, Local Administration Department, Government of Puducherry;
- (iv) the District Collector concerned, *ex-officio*.

(b) The following persons shall be permanent special invitees of the committee: --

- (i) the Member of the House of the People who represents the Union territory of Puducherry.
- (ii) the Member of the Council of States whose name is registered as an elector in the Union territory of Puducherry.
- (iii) not more than four members of the Legislative Assembly whose constituencies lie within Puducherry district and not more than two members of the Legislative Assembly whose constituencies lie within Karaikal district, as nominated, from time to time by the Speaker:

* Substituted vide Act No.3 of 2007 w.e.f 10-3-2007 and published in Extraordinary Gazette Part -II No.10 dated 20th March 2007.

Provided that where a Member of Parliament or a Member of the Legislative Assembly of the Union territory is appointed as Minister or elected as Speaker or Deputy Speaker or appointed as the Government Chief Whip or a recognised Leader of the Opposition, he may nominate a person from the area he represents as member to represent him in the committee of the district to which he was a permanent invitee;

- (iv) the Chairpersons of the Commune Panchayat Councils in the district;
- (v) the Chairpersons of the Municipal Councils in the district;
- (vi) the Secretary to Government in-charge of the work relating to finance;
- (vii) the Secretary to Government in-charge of the work relating to planning;
- (viii) such number of persons having special knowledge and experience in matters relating to local self-Government, administration, planning and other allied subjects, as nominated by the Government.

(c) The permanent special invitees referred to in clause (b) shall be entitled to take part in the proceedings of the meetings of the committee.

(3) The Chief Minister of the Union territory of Puducherry shall be the *ex-officio* Chairperson of the every District Planning Committee.

(4) The Director, Local Administration Department, Government of Puducherry shall be the Secretary to every District Planning Committee].

Functions of the District Planning Committee

4. (1) The District Planning Committee shall —

- (i) consolidate the plans prepared by the commune panchayat councils and municipal councils in the district and prepare a draft development plan for the district as a whole;
- (ii) in preparing the draft development plan, —

(a) have regard to, —

- (i) matters of common interest between the panchayats and municipal councils including co-ordinated spatial planning of the district, sharing of water and other physical and natural resources, the integrated development of infrastructure and environmental conservation;
- (ii) the overall objectives and priorities fixed by the Government;
- (iii) the extent and type of available resources, whether financial or otherwise; and

(b) consult such institutions and organisations as the Government may, by order, specify.

(2) The Chairperson of the District Planning Committee shall forward the development plans, as recommended by such Committee, to the Government.

Preparation of draft development plan by panchayats and municipal councils

5. (1) Every village panchayat shall prepare every year a development plan and submit it to the commune panchayat council before such date and in such manner as may be prescribed.

(2) Every commune panchayat council shall prepare every year a development plan of the commune panchayat after including the development plans of the village panchayats and submit it to the District Planning Committee before such date and in such form as may be prescribed.

(3) Every municipal council shall prepare every year a development plan of the municipality and submit it to the District Planning Committee before such date and in such form as may be prescribed.

Term of office

6. (1) The Committee shall continue for a term of five years from the date of its Constitution, but the members shall hold office during the pleasure of the Government.

(2) A person shall cease to be a member of the Committee if he no longer holds office by virtue of which he is a member of the Committee.

Transaction of business

7. The procedure for the transaction of business at the meetings of the Committee shall be such as may be prescribed.

Power of Government to make rules

8. (1) Without prejudice to any power to make rules contained elsewhere in this Act, the Government may, by notification, make rules to carry out all or any of the purposes of this Act.

(2) Every rule made under this Act, shall, as soon as may be after it is made, be laid before the Legislative Assembly of Puducherry while it is in session for a total period of fourteen days which may be comprised in one session or in two or more successive sessions and if before the expiry of the session in which it is so laid or the sessions aforesaid, the Assembly makes any modification in the rule or 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.

STATEMENT OF OBJECTS AND REASONS FOR ACT NO.6 OF 1994

The Constitution (Seventy-third Amendment) Act, 1992 as well as the Constitution (Seventy-fourth Amendment) Act, 1992 had been passed by the Parliament.

2. These Constitution Amendments provide a clear and close relationship between the development activities carried out by the local bodies namely, the municipalities as well as the panchayats.
3. Accordingly it is also mandatory to constitute a District Planning Committee to consolidate the plans prepared by the panchayats and municipalities in the Union territory of Puducherry.
4. The bill enables the District Planning Committee to consolidate the plans prepared by the panchayats and the municipalities and to prepare a development plan, besides attending to the matters of common interest between the panchayats and the municipalities in various activities like planning, sharing of water and natural resources, etc.
5. The Bill seeks to achieve the aforesaid objects.

STATEMENT OF OBJECTS AND REASONS FOR ACT NO.3 OF 2007

In the Puducherry District Planning Committee Act, 1994, the expression "District" in clause (2) of section 2 has been defined as the "whole of the Union territory of Puducherry". At the time of enactment of the said Act, there was only one unitary District viz., Puducherry in the Union territory of Puducherry comprising of four regions, namely, Puducherry, Karaikal, Mahe and Yanam. But on 26-5-2005, the said unitary District of Puducherry has been bifurcated into two districts namely, (i) Puducherry District comprising of Puducherry region, Mahe region and Yanam region and (ii) Karaikal District comprising of Karaikal region vide G.O.Ms. No.37, dated 26-5-2005 of the Confidential and Cabinet Department. Therefore, necessity has now arisen to constitute two District Planning Committees-one in Puducherry District and the other in Karaikal District. Hence, the expression "District" needs to be redefined as "a revenue district" so as to enable to constitute one District Planning Committee in Puducherry District and the other in Karaikal District.

2. Sub-section (2) of section 3 of the said principal Act, provides for the composition of the District Planning Committee. The erstwhile unitary District of Puducherry in the Union territory of Puducherry has been bifurcated into two districts, namely (i) Puducherry District and Karaikal District and it has been decided to fix the strength of the members of the committee at 15 and also to revise the composition of District Planning Committee by treating the Members of Parliament, Members of Legislative Assembly, Chairpersons of Commune Panchayat Councils and Municipal Councils, Secretary to Government (Finance), Secretary to Government (Planning) and experts as nominated by the Government as permanent special invitees of the Committee as was done in the neighbouring State of Tamil Nadu and Kerala.

3. Sub-section (3) of section 3 of the principal Act, provides for choosing the chairperson of the District Planning Committee in such manner as may be prescribed. But the District Planning Committee is a high level committee consisting of high profile dignitaries viz., Members of Parliament, Members of Legislative Assembly, Secretaries to Government and Collector of the District concerned besides, the Chairpersons and elected members of local bodies, it is felt that it may cause difficulties and embarrassment to choose the Chairperson. As the Chief Minister happens to be the vice-chairperson of the State Planning Board, it has been considered that it would be more appropriate in all respects, if he is the chairperson of every District Planning Committee. Accordingly, it has been decided to make the Chief Minister as the ex-officio Chairperson of every District Planning Committee.

4. Clause (1) of sub-section (2) of section 3 of the principal Act, provides to designate the Director, Local Administration Department as the Member-Secretary of the District Planning Committee. Now, it has been decided to redesignate him as the Secretary of every District Planning Committee.

5. Section 2 and section 3 are, therefore, proposed to be substituted incorporating the above-mentioned proposals.

6. The Bill seeks to achieve the above objectives.
