

Under Rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the State of Tamil Nadu on 1st November 2012 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 49 of 2012

A Bill 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 Sixty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Tamil Nadu Co-operative Societies (Fourth Amendment) Act, 2012.

Short title and commencement.

(2) It shall be deemed to have come into force on the 6th day of October 2012.

Tamil Nadu
Act 30 of
1983.

2. After section 33 of the Tamil Nadu Co-operative Societies Act, 1983 (hereinafter referred to as the principal Act), the following section shall be inserted, namely:—

Insertion of
New section
33-A.

“33-A. Tamil Nadu State Co-operative Societies Election Commission.—

(1) The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to a co-operative society shall vest in the Tamil Nadu State Co-operative Societies Election Commission consisting of a Tamil Nadu State Co-operative Societies Election Commissioner.

(2) The Tamil Nadu State Co-operative Societies Election Commissioner shall be appointed by the Government.

(3) No person shall be qualified for appointment as Tamil Nadu State Co-operative Societies Election Commissioner unless he is or has been an officer of the Government not below the rank of Secretary to the Government.

(4) The Tamil Nadu State Co-operative Societies Election Commissioner shall hold office for a term of five years from the date on which he enters upon his office:

Provided that a person appointed as Tamil Nadu State Co-operative Societies Election Commissioner shall retire from office if he completes the age of sixty-five years during the term of his office.

(5) Subject to the provision of sub-section (3), the conditions of service of the Tamil Nadu State Co-operative Societies Election Commissioner shall be such as may be prescribed.

(6) The Government may make available to the Tamil Nadu State Co-operative Societies Election Commission such staff as may be necessary for the discharge of the functions conferred on the Tamil Nadu State Co-operative Societies Election Commission by sub-section (1).".

Tamil Nadu
Ordinance
17 of 2012.

3. (1) The Tamil Nadu Co-operative Societies (Fourth Amendment) Ordinance, 2012 is hereby repealed.

Repeal and
saving.

(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 amendment by this Act.

STATEMENT OF OBJECTS AND REASONS.

As per clause (2) of Article 243 ZK in Part IXB of the Constitution of India, as inserted by the Constitution (Ninety-seventh Amendment) Act, 2011, the superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to a co-operative society, shall vest in such authority or body, as may be provided by the Legislature of a State, by Law.

2. The Government decided to constitute a separate Co-operative Societies Election Commission to conduct free and fair elections to all co-operative societies in this State, by amending the Tamil Nadu Co-operative Societies Act, 1983 (Tamil Nadu Act 30 of 1983) suitably for this purpose. Accordingly, the Tamil Nadu Co-operative Societies (Fourth Amendment) Ordinance, 2012 (Tamil Nadu Ordinance 17 of 2012) was promulgated by the Governor on the 6th October 2012 and the same was published in the *Tamil Nadu Government Gazette* Extraordinary, dated the 6th October 2012.

3. The Bill seeks to replace the said Ordinance.

SELLUR K. RAJU,
Minister for Co-operation.

FINANCIAL MEMORANDUM

The Bill when enacted would involve expenditure from the Consolidated Fund of the State.

2. It is not, however, possible to estimate at this stage with any degree of accuracy the expenditure to be incurred in giving effect to the provisions of the Bill.

SELLUR K. RAJU,
Minister for Co-operation.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Section 33-A of the Tamil Nadu Co-operative Societies Act, 1983 (Tamil Nadu Act 30 of 1983) proposed to be inserted by clause 2 of the Bill authoritises the Government to make rules prescribing the conditions of service of the Tamil Nadu State Co-operative Societies Election Commissioner.

2. The powers delegated are normal and not of an exceptional character.

SELLUR K. RAJU,
Minister for Co-operation.

A.M.P. JAMALUDEEN,
Secretary.