

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 3rd February, 2012 is published together with Statement of Objects and Reasons for general information:—

L.A. BILL NO. 8 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 (Amendment) Act, 2012.

Short title and
commence-
ment.

(2) It shall be deemed to have come into force on the 21st day of November 2011.

Tamil Nadu Act
30 of 1983.

2. In section 89 of the Tamil Nadu Co-operative Societies Act, 1983 (hereinafter referred to as the principal Act), in the proviso to sub-section (1), for the expression “ten years and six months”, the expression “eleven years” shall be substituted.

Amendment of
section 89.

Tamil Nadu
Ordinance
1 of 2012.

3. (1) The Tamil Nadu Co-operative Societies (Amendment) Ordinance, 2012 is hereby repealed.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 amended by this Act.

STATEMENT OF OBJECTS AND REASONS.

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 the 25th May 2001 in respect of primary co-operative societies and from the 26th May 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 the 24th May 2011 for a period of six months, by amending the said Act. The period of their appointment was due to expire on the 24th November 2011 in respect of primary co-operative societies and on the 25th November 2011 in respect of central and apex co-operative societies.

2. As per the schedule for conducting elections to the co-operative societies approved by the Government, elections for the first two stages in the first phase have been conducted on the 7th July 2007 and on the 11th July 2007 respectively. During these polls, occurrences of certain incidents have been brought to the notice of the Government. The Government are of the opinion that these incidents have undermined the very purpose of conducting the elections to the co-operative societies in the State. The Government have, therefore, decided to cancel the elections to the co-operative societies wherever they have been conducted and to hold fresh elections to all the co-operative societies and have ordered accordingly. A new election schedule will be announced by the Government for fresh elections in due course.

3. In view of the above fact, elections to the primary co-operative societies could not be conducted on or before the 24th November 2011. Elections to the central and apex co-operative societies could be conducted only after the elected boards are constituted in all the primary co-operative societies. The Government have, therefore, decided to extend the term of office of the Special Officers of the aforesaid co-operative societies for a further period of six months beyond the 24th November 2011 in respect of primary co-operative societies and the 25th November 2011 in respect of central and apex co-operative societies, by amending the said Act suitably for the purpose.

4. As the Legislative Assembly of the State was not in session at that time, it became necessary to promulgate an Ordinance to give effect to the above decision of the Government. Accordingly, the Tamil Nadu Co-operative Societies (Second Amendment) Ordinance, 2011 (Tamil Nadu Ordinance 4 of 2011) was promulgated by the Governor on the 20th November 2011 and the same was published in the *Tamil Nadu Government Gazette* Extraordinary, dated the 21st November 2011.

5. After the promulgation of the said Tamil Nadu Co-operative Societies (Second Amendment) Ordinance, 2011 (Tamil Nadu Ordinance 4 of 2011), the Legislative Assembly of the State re-assembled on the 15th December 2011. On that day, no other business, except passing a resolution on Mullai Periyar Dam was transacted in the Legislative Assembly. Therefore, the Bill to replace the Ordinance was not introduced in the Legislative Assembly on the 15th December 2011.

6. The six weeks time limit specified in clause (2) of Article 213 of the Constitution starts from the 15th December 2011. As a result, the Ordinance would cease to operate on the 25th January 2012 on which date the six weeks period expires. Hence, it has been decided to promulgate again an Ordinance to extend the term of office of the Special officers for a period of six months beyond the 24th November 2011 in respect of primary co-operative societies and the 25th November 2011 in respect of central and apex co-operative societies.

7. Accordingly, the Tamil Nadu Co-operative Societies (Second Amendment) Ordinance, 2011 (Tamil Nadu Ordinance 4 of 2011) was repealed and the Tamil Nadu Co-operative Societies (Amendment) Ordinance, 2012 (Tamil Nadu Ordinance 1 of 2012) was promulgated by the Governor on the 23rd January 2012 and the same was published in the *Tamil Nadu Government Gazette* Extraordinary, dated the 24th January 2012.

8. The Bill seeks to replace the said Ordinance.

SELLUR K. RAJU,
Minister for Co-operation.

A.M.P. JAMALUDEEN,
Secretary.