

Tamil Nadu Agricultural Service Co-Operative Societies (Appointment of Special Officers) Act, 1986

TAMILNADU

India

Tamil Nadu Agricultural Service Co-Operative Societies (Appointment of Special Officers) Act, 1986

Act 17 of 1986

- Published on 17 February 1986
- Commenced on 17 February 1986
- [This is the version of this document from 17 February 1986.]
- [Note: The original publication document is not available and this content could not be verified.]

Tamil Nadu Agricultural Service Co-Operative Societies (Appointment of Special Officers) Act, 1986(Tamil Nadu Act 17 of 1986)Statement of Objects and Reasons. - The members of the Committees or boards of tire agricultural service cooperative societies, who were elected prior to 1976, were continuing as such. The comprehensive Tamil Nadu Co-operative Societies Act, 1983 and the rules to be made thereunder will be brought into force soon and the elections to the agricultural service co-operative societies will be conducted under the provisions of the said Act and the rules made thereunder.2. The agricultural service co-operative societies are the vital cooperative organisations which play a crucial role in helping the farmers at tire village level. Government considered that the continuance in office of tire members of the committees or tire boards of the above societies elected prior to 1976 would not be conducive to the orderly development of the co-operative movement at the village level. Government also considered that in order to conduct free and fair elections to these societies, there should be some agency other than the members of the committees or the boards who were continuing for about ten years without any election, to administer these societies. Government, therefore, decided to appoint Special Officers in the place of the committees or the boards of the agricultural service co-operative societies for a period of three months and accordingly the Tamil Nadu Agricultural Service Co-operative Societies (Appointment of Special Officers) Ordinance, 1985 were promulgated by the Governor on tire 27th September, 1985 and it was published in the Tamil Nadu Government Gazette Extraordinary, dated the 28th September 1985.3. As the terms of office of the Special Officers appointed under sub-section (1) of section 4 of the said Tamil Nadu Ordinance 6 of 1985 was due to expire on the 27th December 1985, the Government decided to extend the term of office of the Special Officers for a period of six months beyond the 27th December 1985. Accordingly, the Tamil Nadu Agricultural Service Co-operative Societies (Appointment of Special Officers) Amendment Ordinance, 1985 (Tamil Nadu Ordinance 15 of 1985) was promulgated by the Governor on the 25th December 1985 and it was published in the Tamil nadu Government Gazette Extraordinary, dated the 26th December 1985.4.

The Bill seeks to replace the said Ordinance.[Received the assent of the Governor on the 17th February 1986 and published in Part IV-Section 2 of the Tamil Nadu Government Gazette Extraordinary, dated 18th February 1986]An Act to provide for the appointment, in the public interest, of Special Officers for agricultural service co-operative societies in the State of Tamil Nadu. Whereas the agricultural service co-operative societies are vital cooperative organisations which play a crucial role in helping farmers at the village level; And Whereas no elections for the committees or the boards of the agricultural service co-operative societies have been held after the year 1975; And Whereas the continuance of the committees or the boards of such agricultural service co-operative societies for a long period without elections will not be conducive to the orderly development and growth of the co-operative movement at the village level; And Whereas it is expedient to provide for the appointment of Special Officers for such co-operative societies for a limited period, in the public interest, to manage the affairs of such co-operative societies and for the purpose of conducting free and fair elections to the committees or the boards under the Tamil Nadu Co-operative Societies Act, 1983 (Tamil Nadu Act 30 of 1983); Be it enacted by the Legislature of the State of Tamil Nadu in the Thirty-seventh Year of the Republic of India as follows:-

1. Short title, extent and commencement.

(1) This Act may be called the Tamil Nadu Agricultural Service Co-operative Societies (Appointment of Special Officers) Act, 1986. (2) It extends to the whole of the State of Tamil Nadu. (3) It shall be deemed to have come into force on the 28th September 1985.

2. Definitions.

- In this Act, unless the context otherwise requires, - (a) "agriculture" includes horticulture, floriculture, raising of crops (including plantation, tree crops and garden produce), seed farming and forestry and the word "agricultural" shall be construed accordingly; (b) "agricultural service co-operative society" means a primary co-operative society, which has as its principal object the raising of funds to be lent to its members primarily for agricultural production, animal husbandry, pisciculture including fish catching, apiculture and sericulture and all activities incidental or ancillary thereto or for such other purposes as the Government may, by notification, specify in this behalf, but does not include a financing bank; (c) "committee" or "board" means the governing body of an agricultural service co-operative society to whom the management of its affairs is entrusted; (d) "Co-operative Societies Act" means the Tamil Nadu Co-operative Societies Act, 1961 (Tamil Nadu Act 53 of 1961) [***] [This Act was repealed and re-enacted as the Tamil Nadu Co-operative Societies Act, 1983 (Tamil Nadu Act 30 of 1983).]; (e) "Government" means the State Government; (f) "primary co-operative society" means a registered society, but does not include - (i) an apex society, or (ii) a central society Explanation. - For the purposes of this clause - (i) "apex society" means a registered society whose area of operation extends to the whole of the State of Tamil Nadu and which has as its principal object, the promotion of the principal objects of, and the provision of facilities for the operations of, other registered societies affiliated to it and includes any registered society notified by the Government as an apex society; (ii) "central society" means a registered society whose area of operation is confined to a part of the State of Tamil Nadu and which has as its principal object, the promotion of the principal objects of, and the provision of facilities for the

operations of, other registered societies affiliated to it and includes any registered society notified by the Government as a central society;(g)words and expressions 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.

3. Term of office of members of committee or board of agricultural service cooperative societies to expire.

- Notwithstanding anything contained in the Cooperative Societies Act, or in any other law for the time being in force or in any decree or order of any Court, tribunal or other authority, the term of office of the members of the committee or the board, as the case may be, of every agricultural service co-operative society, including its president and vice-president, or chairman and vice-chairman or secretary or treasurer (not being a paid employee), as the case may be, holding office as such immediately before the 28th September 1985 shall expire on the 28th September 1985 and such members shall vacate their office on and from the 28th September 1985.

4. Appointment of Special Officers.

(1)(a)Notwithstanding anything contained in the Co-operative Societies Act, or in any other law for the time being in force, or in any decree or order of any Court, tribunal or other authority, on and from the 28th September 1985, the Registrar shall appoint Special Officers to manage the affairs of the agricultural service co-operative societies referred to in section 3.(b)Notwithstanding anything contained in this Act, any Special Officer appointed under sub-section (1) of section 72 of the Co-operative Societies Act to manage the affairs of an agricultural service co-operative society and holding office as such on the 28th September 1985 shall be deemed to be the Special Officer appointed under clause (a) in respect of that society.(c)Nothing in this sub-section shall prevent the appointment of the same person as Special Officer for two or more agricultural service co-operative societies.(2)Each Special Officer appointed or deemed to be appointed under sub-section (1) shall hold office upto and inclusive of the 9th day of October, 1990:Provided that if any vacancy arises in the office of the Special Officer, the vacancy shall be filled up by the Registrar and the person appointed in the vacancy shall hold office for the remainder of the said period.(3)The Special Officer appointed or deemed to be 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, of any officer of the agricultural service co-operative society and to take such action as may be required in the interest of such co-operative society.(4)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 agricultural service co-operative society as may be approved by the Registrar, shall, subject to such directions as the Government may give in this regard, be payable from the funds of such co-operative society.(5)The Special Officer appointed or deemed to be 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 Tamil Nadu Co-operative Societies Act, 1983 (Tamil Nadu Act 30 of 1983) and the rules made thereunder and the by-laws of such agricultural service 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.

5. Law on co-operative societies for the time being in force and the rules made thereunder to apply to Special Officer.

- Except as otherwise provided in section 4, the provisions of the Co-operative Societies Act and the rules made thereunder or, as the case may be, the Tamil Nadu Co-operative Societies, Act, 1983 (Tamil Nadu Act 30 of 1983) and the rules made thereunder shall apply in relation to a Special Officer appointed or deemed to be 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 or, as the case may be, under sub-section (1) of section 88 of the Tamil Nadu Co-operative Societies Act, 1983 (Tamil Nadu Act 30 of 1983).

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 all or any of the agricultural service co-operative societies.(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. Saving.

- Nothing contained in this Act shall apply to any scheduled co-operative society specified in Part A, Part B or Part C of the Schedule to the Tamil Nadu Co-operative Societies (Appointment of Special Officers) Act, 1976 (President's Act 25 of 1976) or any other co-operative society included in that Schedule under section 8 of that Act.

9. Repeal and saving.

(1)The Tamil Nadu Agricultural Service Co-operative Societies (Appointment of Special Officers) Ordinance, 1985 (Tamil Nadu Ordinance 6 of 1985) and the Tamil Nadu Agricultural Service Co-operative Societies (Appointment of Special Officers) Amendment Ordinance, 1985 (Tamil Nadu Ordinance 15 of 1985), are hereby repealed.(2)Notwithstanding such repeal, anything done or any action taken under the Tamil Nadu Agricultural Service Co-operative Societies (Appointment of

Special Officers) Ordinance, 1985 (Tamil Nadu Ordinance 6 of 1985), as amended by the Tamil Nadu Agricultural Service Co-operative Societies (Appointment of Special Officers) Amendment Ordinance, 1985 (Tamil Nadu Ordinance 15 of 1985), shall be deemed to have been done or taken under this Act.