



# TAMIL NADU GOVERNMENT GAZETTE

**EXTRAORDINARY**

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## Part IV—Section 2

**Tamil Nadu Acts and Ordinances**

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The following Ordinance which was promulgated by the Governor on the 3rd August 2012 is hereby published for general information:—

TAMIL NADU ORDINANCE No. 13 OF 2012.

**An Ordinance further to amend the Tamil Nadu Co-operative Societies  
(Appointment of Special Officers) Act, 1976.**

WHEREAS the Legislative Assembly of the State is not in session and the Governor of Tamil Nadu is satisfied that circumstances exist which render it necessary for him to take immediate action for the purposes hereinafter appearing;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution, the Governor hereby promulgates the following Ordinance:—

Short title and  
commence-  
ment.

**1.** (1) This Ordinance may be called the Tamil Nadu Co-operative Societies (Appointment of Special Officers) Second Amendment Ordinance, 2012.

(2) It shall come into force at once.

Amendment of  
section 4.

**2.** In section 4 of the Tamil Nadu Co-operative Societies (Appointment of Special Officers) Act, 1976, in sub-section (1), for the expression “thirty six years and two months”, the expression “thirty six years and eight months” shall be substituted.

President's  
Act 25 of  
1976.

3rd August 2012

K. ROSAIAH,  
*Governor of Tamil Nadu.*

**EXPLANATORY STATEMENT.**

Special Officers were appointed under sub-section (1) of section 4 of the Tamil Nadu Co-operative Societies (Appointment of Special Officers) Act, 1976 (President's Act 25 of 1976) for Scheduled co-operative societies, for a period of two years in the first instance. The period of their appointment had been extended from time to time and it is due to expire on the 9th August 2012.

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 were conducted on the 7th July 2007 and 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. As such, the conduct of elections to the said Scheduled co-operative societies will take some more time. The Government have, therefore, decided to extend the period of appointment of the Special Officers of the said Scheduled co-operative societies for a further period of six months beyond the 9th August 2012 and to amend the said Act suitably for the purpose.

4. The Ordinance seeks to give effect to the above decision.

(By order of the Governor)

G. JAYACHANDRAN,  
*Secretary to Government,  
Law Department.*



The following Ordinance which was promulgated by the Governor on the 3rd August 2012 is hereby published for general information:—

TAMIL NADU ORDINANCE No. 14 OF 2012.

**An Ordinance further to amend the Tamil Nadu Co-operative Societies Act, 1983.**

WHEREAS the Legislative Assembly of the State is not in session and the Governor of Tamil Nadu is satisfied that circumstances exist which render it necessary for him to take immediate action for the purposes hereinafter appearing;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution, the Governor hereby promulgates the following Ordinance:—

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

Short title and commencement.

(2) It shall come into force at once.

Tamil Nadu  
Act 30 of  
1983.

2. In section 21 of the Tamil Nadu Co-operative Societies Act, 1983, in sub-section (2), in clause (i),—

Amendment of section 21.

(a) after the expression “by the board”, the expression “or by the general body, where there is no board” shall be inserted;

(b) in the first proviso, after the expression “the board” in two places where it occurs, the expression “or the general body, as the case may be,” shall be inserted;

(c) in the second proviso, after the expression “the board”, the expression “or the general body, as the case may be,” shall be inserted.

3rd August 2012 .

K. ROSAIAH,  
*Governor of Tamil Nadu.*

**EXPLANATORY STATEMENT.**

Under the Tamil Nadu Co-operative Societies Act, 1983 (Tamil Nadu Act 30 of 1983) the Board of Directors of a registered society is vested with the power to admit, any individual eligible for admission, as a member of the society. At present Special Officers are managing the affairs of the registered society. When the Special Officers were empowered, by making specific provision in the said Tamil Nadu Act 30 of 1983, to admit any individual eligible for admission, as a member of the Co-operative Society, the full Bench of the High Court of Madras in *K. Nithyanandam Vs. State of Tamil Nadu and Others* (2006-1-L.W.363) declared the said provision as arbitrary, unreasonable, ultravires and unconstitutional, by observing as follows:—

“In view of the above discussion, this Court is of the view that the Co-operative Societies are constituted to function through the democratic management by the General Body through its elected board which alone is empowered to enroll the new members.”.

In view of the above, new members could not be admitted in the Co-operative Societies for the past 11 years.

2. Article 43-B in Part IX-B of the Constitution envisages that the State shall endeavour and promote voluntary formation, autonomous functioning, democratic control and professional Management of Co-operative Societies. In order to pave the way for democratic functioning of the Co-operative Societies in tune with the provisions of the Constitution, the Government have considered to admit new members in the Co-operative Societies by empowering the General Body of the Co-operative Societies to admit, any individual eligible for admission, as a member of the Society and have decided to amend the said Tamil Nadu Act 30 of 1983 suitably for the said purpose.

3. The Ordinance seeks to give effect to the above decision.

(By order of the Governor)

G. JAYACHANDRAN,  
*Secretary to Government,*  
*Law Department.*