

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;

+ This Act came into force w.e.f 08.11.1990 vide notification published in the EG. Pt-I No.154 dated 8.11.1990.

(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.

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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.
