
Kerala Co-Operative Societies (Amendment) Act, 1974

8 of 1974

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An Act further to amend the Kerala Co-operative Societies Act, 1969 WHEREAS it is expedient further to amend the Kerala Co-operative Societies Act, 1969, for the purpose hereinafter appearing; BE it enacted in the Twenty-fifth Year of the Republic of India as follows:-

1. Short Title :-

This Act may be called the Kerala Co-operative Societies (Amendment) Act, 1974.

2. Insertion Of New Chapter X-A :-

In the Kerala Co-operative Societies Act, 1969 (21 of 1969) (hereinafter referred to as the principal Act), after Chapter X, the following Chapter shall be inserted, namely:-

"CHAPTER X-A

Insured co-operative banks.

74A. Insured co-operative banks.- Notwithstanding anything is contained in this Act, in the case of an insured co-operative bank

(i) an order for the winding up, or an order sanctioning a scheme of compromise or arrangement or of amalgamation or reconstruction (including division or reorganization), of the bank may be made only with the previous sanction in writing of the Reserve Bank of India;

(ii) an order for the winding up of the bank shall be made by the Registrar if so required by the Reserve Bank of India in the

circumstances referred to in section 13 D of the Deposit Insurance Corporation Act, 1961 (Central Act 47 of 1961);

(iii) If so required by the Reserve Bank of India in the public interest or for preventing the affairs of the bank being conducted in a manner detrimental to the interest of the depositors or for securing the proper management of the bank, an order shall be made for the supersession (removal) of the committee of management or other managing body (by whatever name called) of the bank appointment of an administrator therefore for such period or periods, not exceeding five years in the aggregate, as may from time to time be specified by the Reserve Bank of India, and the administrator so appointed shall, after the expiry of his term of office, continue in office until the day immediately preceding the date of the first meeting of the new committee;

(iv) no appeal, revision or review shall lie or be permissible against an order referred to in clause (i), (ii) or (iii) made with the previous sanction in writing or on the requisition of the Reserve Bank of India and such order or sanction shall not be liable to be called in question in any manner;

(v) the liquidator or the insured co-operative bank of transferee bank, as the case may be, shall be under an obligation to repay the Deposit Insurance Corporation established under the Deposit Insurance Corporation Act, 1961, in the circumstances, to the extent and in the manner referred to in section 21 of that Act.

Explanation.- For the purposes of this section,-

(i) "co-operative bank" means a bank as has been defined in the Deposit Insurance Corporation Act, 1961;

(ii) "insured co-operative bank" means a society which is an insured bank under the provisions of the Deposit Insurance Corporation Act, 1961;

(iii) "transferee bank", in relation to an insured co-operative bank, means a co-operative bank-

(a) with which such insured co-operative bank is amalgamated; or

(b) to which the assets and liabilities of such insured co-operative bank are transferred; or

(c) into which such insured co-operative bank is divided or converted under this provisions of section 12 or section 14 of the Kerala Co-operative Societies Act, 1969 (21 of 1969)".

3. Repeal And Saving :-

(1) The Kerala Co-operative Societies (Amendment) Ordinance,

1973 (13 of 1973), is hereby repealed.

(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 as if this Act had come into force on the 20th day of November, 1973.