
Kerala Co-Operative Societies (Amendment) Act, 1992

5 of 1992

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Kerala Co-Operative Societies (Amendment) Act, 1992

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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 purposes hereinafter appearing; BE it enacted in the Forty-third Year of the Republic of India as follows:-

1. Short Title And Commencement :-

(1) This Act may be called the Kerala Co-operative Societies (Amendment) Act, 1992.

(2) It shall be deemed to have come into force on the 7th days of February, 1992.

2. Amendment Of Section 28 :-

In section 28 of the Kerala Co-operative Societies Act, 1969 (21 of 1969) (hereinafter referred to as the principal Act),-

(1) in sub-section (1),-

(i) for the words "constitute a committee", the words "constitute a committee, for a period not exceeding three years," shall be substituted;

(ii) in the second proviso, for the words "six months", the words "twelve months" shall be substituted;

(iii) for the third proviso, the following proviso shall be substituted, namely:-

"Provided also that the committee of a society, already constituted and in existence at the commencement of the Kerala Co-operative Societies (Amendment) Act, 1992, shall,-

(a) if that committee has completed three years or more, cease to be in existence at such commencement; and

(b) if that committee has not completed three years or the term as provided in the bye-laws, cease to be in existence on the expiry of three years or the term as provided in the bye-laws, whichever is earlier,";

(2) after sub-section (1), the following sub-sections shall be inserted namely:-

"(1A) Where the committee of a society has ceased to be in existence as provided in the third proviso to sub-section (1), the Registrar shall appoint-

(i) a new committee consisting of not more than three members of the society; or

(ii) one or more administrator or administrators, who need not be a member or members of the society,

to manage the affairs of the society for a period not exceeding six months as may be specified in the order, which period may, at the discretion of the Registrar and for reasons to be recorded in writing, be extended from time to time, so, however, that the aggregate period shall not, in any case, exceed one year or till the new committee enters upon office, whichever is earlier.

(1B) The committee or administrator or administrators appointed under sub-section (1A) shall, subject to the control of the Registrar and to such instructions as he may from time to time give, have power to exercise all or any of the functions of the committee of the society under sub-section (1) or of any officer of the society and take all such action as may be required in the interests of the society and shall arrange for the constitution of a new committee."

3. Amendment Of Section 28A :-

In section 28A of the principal Act,-

(1) in sub-section (1),-

(i) for the words "in the committee of every primary credit society", the words "in the committee of every primary credit society, every District Co-operative Bank, the Kerala State Co-operative Bank Ltd., and the Kerala State Co-operative Agricultural and Rural Development bank Ltd.," shall be substituted;

(ii) for the words "the society", the words "the society or the Bank,

as the case may be," shall be substituted;

(2) after sub-section (2), the following sub-sections shall be inserted, namely:-

"(3) Where there is no representation of woman or of a member belonging to the Scheduled Castes or Scheduled Tribes to the committee of a society or a Bank referred to in sub-section (1) at the commencement of the Kerala Co-operative Societies (Amendment) Act, 1992 or thereafter,-

(i) in the case of the Kerala State Co-operative Bank Ltd, and the Kerala State Co-operative Agricultural and rural Development Bank Ltd., the Government, and

(ii) in the case of a primary credit society or a District Co-operative Bank, the Registrar,

may nominate a woman member or a member belonging to the Scheduled Castes or Scheduled Tribes to the committee of such Bank or Society, if necessary, by increasing the total number of members of such committee by two more members.

(4) A person nominated to the committee of a society or Bank shall have all the powers of a member elected to such committee and shall hold office during the pleasure of the Government or the Registrar, as the case may be."

4. Amendment Of Section 33 :-

In sub-section (1) of section 33 of the principal Act,-

(1) in sub-clause (ii) of clause (b), for the words "till a new committee enters upon office", the words "for a period not exceeding six months as may be specified in the order, which period may, at the discretion of the Registrar and for reasons to be recorded in writing, be extended, from time to time, so, however, that the aggregate period shall not, in any case, exceed one year or till a new committee enters upon office, whichever is earlier" shall be substituted;

(2) after the second proviso, the following proviso shall be added, namely:-

"Provided also that, where a committee, administrator or administrators, as the case may be, is in office at the commencement of the Kerala Co-operative Societies (Amendment) Act 1992, the Registrar may extend the term of such committee administrator or administrators, as the case may be, for a further period not exceeding one year from the date of such commencement."

5. Amendment Of Section 89 :-

In section 89 of the principal Act,-

(1) in sub-section (4),-

(i) in clause (d), the word "and " at the end shall be omitted;

(ii) in clause (e), the word "and" shall be inserted at the end;

(iii) after clause (e), the following clause shall be inserted, namely:-

"(f) The Secretary of the State Co-operative Union, ex-officio.";

(2) in sub-section (5), for the words, "its members", the words "its members, other than ex-officio member," shall be substituted.

(3) after sub-section (7), the following sub-section shall be inserted, namely:-

"(8) The ex-officio member, shall have all the powers of an elected member of the managing committee.".

6. Repeal And Saving :-

(1) The Kerala Co-operative societies (Amendment) Ordinance, 1992 (3 of 1992), 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.