
Kerala Co-Operative Societies (Amendment) Act, 1993

16 of 1993

CONTENTS

1. Short Title And Commencement
2. Amendment Of Section 28
3. Amendment Of Section 33
4. Amendment Of Section 56
5. Amendment Of Section 61
6. Insertion Of New Section 80 A
7. Substitution Of New Section For Section 88
8. Substitution Of New Section For Section 89
9. Amendment Of Section 90
10. Transitory Provision
11. Validation
12. Repeal And Saving

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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- fourth 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, 1993.

(2) Sections 2 and 3 shall be deemed to have come into force on the 6 th d ay of February, 1993 and the remaining provisions of this Act shall be deemed to have come into force on the 3rd day of June, 1993, and any reference in any such provision to the commencement of this Act shall be construed as a referen ce to the coming into force of that provision.

2. Amendment Of Section 28 :-

In section 28 of the Kerala Co-operative Socie ties Act, 1969 (21 of

1969) (hereinafter referred to as the principal Act),

(i) after sub-section (1A), the following sub-section shall be inserted, namely;

"(1AA) Notwithstanding anything contained in sub-section (1A), where on receipt of a report from the Registrar, the Government are satisfied that a new committee cannot be constituted or cannot enter upon office of a society before the expiry of the term of office of the committee, administrator or administrators, as the case may be, appointed by him under sub-section (1A) and that it is necessary in the public interest to manage the affairs of the society and to enable a new elected committee to enter upon office, the Government may, by notification in the Gazette, for reasons to be recorded, permit the Registrar to extend the term of office of such committee, administrator or administrators for a further period not exceeding three months in aggregate or till a new committee enters upon office, whichever is earlier.";

(ii) in sub-section (1B), for the word, figure, letter and brackets sub-section (1A)", the words, figures, letters and brackets "sub-sections (1A) and (1AA)" shall be substituted.

3. Amendment Of Section 33 :-

In section 33 of the principal Act,

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

"(1A) Notwithstanding anything contained in sub-section (1), where on receipt of a report from the Registrar, the Government are satisfied that a new committee cannot be constituted or cannot enter upon office of a society before the expiry of the term of office of the committee, administrator or administrators, as the case may be, appointed by the Registrar under sub-section (1) and that it is necessary in the public interest to manage the affairs of the society and to enable a new elected committee to enter upon office, the Government may, by notification in the Gazette, for reasons to be recorded permit the Registrar to extend the term of the said committee, administrator or administrators, as the case may be, for a further period not exceeding one year in the aggregate or till a new committee enters upon office, whichever is earlier.";

(ii) in sub-section (2) for the word, figure and brackets "sub-section (1)", the words, figures, letter and brackets "sub-sections (1) and (1A)" shall be substituted.

4. Amendment Of Section 56 :-

In section 56 of the principal Act, in clause (a) of sub-section (2), for the words "not exceeding ten per cent", the word "not exceeding twenty per cent" shall be substituted.

5. Amendment Of Section 61 :-

In section 61 of the principal Act,¹ (i) to sub-section (1), the following proviso shall be added, namely:

"Provided that the contributory provident fund established under this sub-section shall not apply to the employees of such society to which the provisions of the Self Financing Pension Scheme framed under sub-section (1) of section 80A are made applicable and such society shall establish a Provident :Fund in such manner and subject to such conditions or restrictions, as may be prescribed, for the benefit of such employees.";

(ii) in sub-section (2), for the words "A contributory provident fund the words "A provident fund, whether contributory or not," shall be substituted;

6. Insertion Of New Section 80 A :-

After section 80 of the principal Act , the following new section shall be inserted, namely:

"80A. Pension Scheme.-(1) The Government may, by notification in the Gazette, frame a Self Financing Pension Scheme for the establishment of a Pension Fund for payment of pension to the employees of the societies in the manner provided therein and may appoint different dates for the application of the scheme to different classes of societies.

(2) The Pension Fund established under the Self Financing Pension Scheme framed under sub-section (1) shall vest in, and be administered by, such body or authority as may be specified in the said scheme".

7. Substitution Of New Section For Section 88 :-

For section 88 of the principal Act, the following section shall be substituted, namely:

"88. Establishment of circle co-operative unions. -(1) The Government shall, by notification in the Gazette, establish a circle co-operative union for each circle in the State.

(2) Each circle co-operative union shall consist of

(a) eight members elected, in such manner as may be prescribed, by the members of the committees of the societies within the circle, namely:

(i) two members from among the members of the committees of the primary credit societies under the control of the Registrar of Co-operative Societies appointed under sub-section (1) of section 3;

(ii) one member from among the members of the committees of the societies, other than the primary credit societies, under the control of the Registrar of Co-operative Societies appointed under sub-section (1) of section 3;

(iii) one member from among the members of the committees of the Dairy Co-operative Societies;

(iv) one member from among the members of the committees of the Fishery Co-operative Societies;

(v) one member from among the member of the committees of the Industrial Co-operative Societies;

(vi) one member from among the woman members of the committees of the societies referred to in items (i) to (v);

(vii) one member belonging to the Scheduled Castes or Scheduled Tribes from among the members of the committees of the societies referred to in items (i) to (v);

Explanation. For the purposes of this clause, Dairy Co-operative Society shall be a society under the control of the Dairy Department, Fishery Co-operative Society shall be a society under the control of the Fisheries Department and an Industrial Co-operative Society shall be a society other than a society specified in items (i) to (iv);

(b) two representatives, elected in such manner as may be prescribed by the employees of the societies within the circle from among themselves, of whom

(i) one shall be by the employees of the societies under the control of the Registrar appointed under sub-section (1) of section 3 ; and

(ii) the other shall be by the employees of the societies other than those under the control of the Registrar appointed under sub-section (1) of section 3;

one member elected from among themselves by the members of the Board of Directors of the District Co-operative Bank having jurisdiction over the circle;

the Taluk level officer of the Industries Department in charge the Industrial Co-operative Societies within the circle, ex-officio;

the Taluk level officer of the Dairy Development Department in charge of the Dairy Co-operative societies within the circle, ex-

officio;

The Taluk level officer of the Fisheries Department in charge of the Fisheries Co-operative societies within the circle, ex-officio; and

The Assistant Registrar of Co-operative Societies (General) having jurisdiction over the circle, ex-officio.

The Assistant Registrar of Co-operative Societies (General) member ex-officio, shall be the Secretary of the circle co-operative union.

Each circle co-operative union shall elect one of the members other than an ex-officio member, to be its Chairman.

The term of office of the members, other than the ex-officio members, of the circle co-operative union shall be for a period of three years from the date on which they enter upon office.

The ex-officio members shall have all the powers of the elected members."

8. Substitution Of New Section For Section 89 :-

For section 89 of the principal Act, the following section shall be substituted, namely:

"89. Establishment of State Co-operative Union.-(1) The Government shall, by notification in the Gazette, establish a State Co-operative Union.

(2) The State Co-operative Union shall consist of
a general body; and
a managing committee.

(3) Each of the circle co-operative unions, apex societies, District Co-operative Banks and central societies other than the District Co-operative Banks shall elect a delegate, in such manner as may be prescribed, and all such delegates, the employees representatives, the ex-officio members and the Government nominee in the managing committee of the State Co-operative Union shall constitute the general body of the State Co-operative Union.

(a) The managing committee referred to in clause (b) of subsection (2) shall consist of the following members, namely:

(b) one member from each Revenue District in the State elected, in such manner as may be prescribed, by the members of the circle co-operative unions in that District from among their delegates to the general body of the State Co-operative Union;

(c) one member elected, in such manner as may be prescribed, by the delegates of the apex societies other than the State Co-operative Bank from among themselves;

(d) two members elected, in such manner as may be prescribed, by

the delegates of the District Co-operative Banks from among themselves;

(e) one member elected, in such manner as may be prescribed, by the woman members under item (vi) of clause (a) of sub-section (2) of section 88 of the circle co-operative unions, from among themselves;

(f) one member, belonging to the Scheduled Castes or Scheduled Tribes, elected in such manner as may be prescribed, by the members under item (vii) of clause (a) of sub section (2) of section 88 of the circle co-operative unions from among themselves;

(g) one member elected in such manner as may be prescribed, by the representatives of the employees under item (i) of clause (b) of sub-section (2) of section 88, from among themselves;

(h) one member elected, in such manner as may be prescribed, by the representatives of the employees under item (ii) of clause (b) of sub-section (2) of section 88 from among themselves;

(i) the Registrar of Co-operative Societies, ex-officio;

(i) the Director, Industries and Commerce Department, ex-officio;

(j) the Director, Dairy Development Department, ex-officio;

(k) the Director, Fisheries Department, ex-officio;

(l) the President, Kerala State Co-operative Bank, Thiruvananthapuram, ex-officio;

(m) the Secretary, State Co-operative Union , ex-officio; and

(n) one member to be nominated by the Government.

(4) The managing committee shall elect one of its members, other than an ex-officio member, to be the Chairman of the State Co-operative Union.

(5) The term of the office of the members, other than the ex-officio members and the nominated member, of the general body, and of the managing committee of the State Co-operative Union shall be for a period of three years from the date on which they enter upon office. The nominated member shall hold office during the pleasure of the Government.

(6) The Registrar of Co-operative Societies appointed under sub section (i) of section 3 or any other officer, not below the rank of an Additional Registrar of Co-operative Societies, nominated by him shall be the Secretary of the State Co-operative Union.

(7) The ex-officio members and the nominated member shall have all the powers of the elected members of the managing committee."

9. Amendment Of Section 90 :-

In section 90 of the principal Act, in sub-section (4), for the words "by or under this Act", the words and figure "under Chapter V of this Act" shall be substituted.

10. Transitory Provision :-

Notwithstanding anything contained in the Principal Act or in any judgement, decree or order of any court

(i) every circle co-operative union in existence at the commencement of this Act shall continue for a period of six months from such commencement or till a new circle co-operative union in accordance with the provisions of the principal Act as amended by this Act is constituted whichever is earlier; and

(ii) the State Co-operative Union in existence at the commencement of this Act shall continue for a period of nine months from such commencement or till a new State Co-operative Union in accordance with the provisions of the principal Act as amended by this Act is constituted whichever is earlier.

11. Validation :-

Notwithstanding anything contained in the principal Act or in any judgement, decree or order of any court, any order or notification issued by the Government before the commencement of this Act enabling or purporting to enable the Registrar to extend the period for which he may appoint a committee, administrator or administrators under sections 28 or 33 of the principal Act beyond a total period of one year shall be and shall be deemed always to have been issued by the Government permitting the Registrar to extend the term of office of the committee, administrator or administrators appointed by him under the said provisions beyond a total period of one year in accordance with the provisions of the principal Act, as amended by this Act, as if such provisions were in force at the relevant time and all notifications or orders issued or purported to have been issued by the Registrar before the commencement of this Act extending the term of office of such committee, administrator or administrators beyond a total period of one year shall be and shall be deemed always to have been issued by him in accordance with the provisions of the principal Act as amended by this Act, and the continuance in office of such committee, administrator or administrators for the period as so extended by the Registrar shall be and shall be deemed always to

have been in accordance with law and accordingly, all acts, proceedings or things done or taken or purported to have been done or taken by the committee, administrator or administrators in exercise of powers or discharge of duties shall, for all purposes be deemed to be and deemed always to have been done or taken in accordance with the provisions of the principal Act as amended by this Act.

12. Repeal And Saving :-

(1) The Kerala Co-operative Societies (Amendment) Ordinance, 1993 (6 of 1993) 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.