

THE KERALA CO-OPERATIVE SOCIETIES
(AMENDMENT) ACT, 1986

(Act 29 of 1986)

CONTENTS

Preamble

Sections:

1. Short title and commencement.
2. Amendment of section 2.
3. Insertion of new section 28A.
4. Amendment of section 69.
5. Amendment of section 70.
6. Amendment of section 80.
7. Amendment of section 88.
8. Amendment of section 89.
9. Validation.
10. Repeal and saving.

THE KERALA CO-OPERATIVE SOCIETIES
(AMENDMENT) ACT, 1986 *

(Act 29 of 1976)

An Act further to amend the Kerala Co-operative Societies Act, 1969.

Preamble—WHEREAS it is expedient further to amend the Kerala Co-operative Societies Act, 1969, for the purposes hereinafter appearing;

BE it enacted in the Thirty-seventh 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, 1986.

(2) Sections 2, 3 and 6 shall be deemed to have come into force on the 25th day of February, 1985, sections 4 and 5 shall be deemed to have come into force on the 15th day of May, 1969, sections 7 and 8 shall be deemed to have come into force on the 14th day of February, 1986 and the remaining provisions of this Act shall come into force at once.

2. *Amendment of section 2.*—In section 2 of the Kerala Co-operative Societies Act, 1969 (21 of 1969) (hereinafter referred to as the principal Act),—

(1) after clause (o), the following clause shall be inserted, namely:—

“(oa) “primary credit society” means a society other than an apex or central society which has as its principal object the raising of funds to be lent to its members;”;

(2) after clause (q), the following clauses shall be inserted, namely:—

“(qa) “Scheduled Castes” means the Scheduled Castes in relation to the State of Kerala as specified in the Constitution (Scheduled Castes) Order, 1950;

“(qb) “Scheduled Tribes” means the Scheduled Tribes in relation to the State of Kerala as specified in the Constitution (Scheduled Tribes) Order, 1950;”

* Received the assent of the Governor on the 28th day of November, 1986 and published in the Kerala Gazette, Extraordinary No. 1078 dated 30th November, 1986.

3. *Insertion of new section 28A.*—After section 28 of the principal Act, the following section shall be inserted, namely:—

“28A. *Reservation for women members and members belonging to Scheduled Castes or Scheduled Tribes in the committee.*—

(1) Notwithstanding anything contained in sub-section (1) of section 28, there shall be reserved in the committee of every primary credit society, one seat for a woman member and one seat for a member belonging to the Scheduled Castes or Scheduled Tribes and for that purpose, the society may, if they consider it necessary so to do, increase the total number of members of the committee by two more members.

(2) Nothing contained in sub-section (1) shall prevent the women members and members belonging to the Scheduled Castes or Scheduled Tribes from being elected to the non-reserved seats in the committee.”

4. *Amendment of section 69.*—In section 69 of the principal Act, to sub-section (1), the following *Explanation* shall be added, namely:—

“*Explanation.*—In this section and in section 70, the term “Registrar” means the Registrar of Co-operative Societies appointed under sub-section (1) of section 3 and includes any person on whom the powers of the Registrar under this section and section 70 are conferred.”

5. *Amendment of section 70.*—In section 70 of the principal Act, to sub-section (1), the following proviso shall be added, namely:—

“Provided that a transfer under clause (b) or a reference under clause (c) shall not be made to a person equal or superior to him in rank.”

6. *Amendment of section 80.*—In section 80 of the principal Act, after sub-section (3) the following sub-section shall be added, namely:—

(4) Notwithstanding anything contained in sub-section (1) or sub-section (2), ten per cent of the posts of employees of every society shall be reserved for appointment from persons belonging to the Scheduled Castes and Scheduled Tribes where the method of appointment to such posts is by direct recruitment

7. *Amendment of section 88.*—In sub-section (5) of section 88 of the principal Act, for the words “three years”, the words “five years” shall be substituted

8. *Amendment of section 89.*—In sub-section (6) of section 89 of the principal Act, for the words “three years”, the words “five years” shall be substituted.

9. *Validation.*—Notwithstanding anything contained in any law for the time being in force, or in any judgement, decree or order of any court or other authority, any transfer or reference of a dispute under clause (b) or clause (c), as the case may be, of sub-section (1) of section 70 of the principal Act, made before the date of publication of this Act in the Gazette by any person on whom the powers of the Registrar under sections 69 and 70 of the said Act have been conferred shall be, and shall be deemed always to have been valid and in accordance with law, and accordingly, any decision taken or award passed by any person in pursuance of any such transfer or reference, as the case may be, shall not be deemed to be invalid or ever to have been invalid merely on the ground that such transfer or reference was made by any person other than the Registrar appointed under sub-section (1) of section 3 of the principal Act and any such decision or award shall not be called in question in any court on the said ground.

10. *Repeal and saving.*—(1) The Kerala Co-operative Societies (Amendment) Ordinance, 1986 (55 of 1986) and the Kerala Co-operative Societies (Second Amendment) Ordinance, 1986 (59 of 1986), are hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the principal Act as amended by the said Ordinances shall be deemed to have been done or taken under the principal Act as amended by this Act