

THE KERALA CO-OPERATIVE SOCIETIES (AMENDMENT)  
ACT, 2002

(Act 3 of 2002)

*Preamble*

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THE KERALA CO-OPERATIVE SOCIETIES  
(AMENDMENT) ACT, 2002\*

**ACT 3 OF 2002**

*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 Fifty-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, 2002

(2) It shall be deemed to have come into force on the 4th day of May, 2002

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), for clause (ia), the following clause shall be substituted, namely —

“(ia) “District Co-operative Bank” means a Central Society, the principal object of which is to raise funds to be lent to its members, with jurisdiction over one revenue district and having as its members any type of primary societies and Federal and Central Societies having headquarters in such district.”

3. *Amendment of section 18* — In section 18 of the principal Act, in sub-section (1),—

(a) the first and second provisos shall be omitted,

(b) in the third proviso, the word “also” shall be omitted

4. *Amendment of section 20* — In section 20 of the principal Act,—

(a) In the opening paragraph, for the words “every active member”, the words “every member” shall be substituted,

(b) the second proviso shall be omitted;

(c) the *Explanation* shall be omitted.

5. *Insertion of new section 28AA* — In the principal Act, after section 28A, the following section shall be inserted, namely:—

“28AA. *Election and Removal of President, Vice-President, etc* — (1) A committee constituted under sub-section (1) of section 28 shall elect from themselves a President, a Vice-President, a Treasurer or any other officer, by whatever name he is designated, in the manner as may be prescribed

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(2) A committee shall remove from office the President, Vice-President or the Treasurer or any other officer of the committee if a motion expressing want of confidence in any or all of them is carried with the support of the majority of the members of such committee in accordance with the procedure as may be prescribed ”

6 *Amendment of section 80A* —In section 80A of the principal Act after sub-section (1), the following sub-section shall be inserted, namely.—

“(IA) The Self Financing Pension Scheme framed under sub-section (1) may also provide for payment of pension from the pension fund, at such rates and subject to such conditions and restrictions as may be specified therein, to persons retired from service of any society during the period between 1st January, 1974 and 3rd June, 1993 and are alive ”

7 *Special provision in respect of the existing District Co-operative Banks* —(1) Notwithstanding anything contained in the principal Act or in any judgment, decree or order of any court, tribunal or other authority, on the commencement of this Act,—

(a) any primary society which had ceased to be a member of any District Co-operative Bank on the commencement of the Kerala Co-operative Societies (Second Amendment) Act, 1997 (15 of 1997), shall be deemed to have become a member of such District Co-operative Bank and the share amount, if any, of such society transferred to suspense account shall be deemed to be the share amount in respect of the said society,

(b) any primary society enrolled as a nominal or associate member of the District Co-operative Bank after the commencement of the Kerala Co-operative Societies (Second Amendment) Act, 1997 (15 of 1997), shall cease to be such nominal or associate member and such society may apply for membership in the District Co-operative Bank afresh,

(c) the Committee in office of a District Co-operative Bank at such commencement shall cease to exist and the Registrar shall be competent to appoint a new committee or one or more administrator or administrators, who need not be 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, be extended from time to time, so however that the aggregate period does not exceed one year

(2) The committee or administrator or administrators appointed under sub-section (1) shall, subject to the control of the Registrar and to such instructions as he may from time to time give, have power to exercise the powers and perform the functions of the committee or of any officer of the society and take such action as may be required in the interests of the society

(3) The committee or administrator or administrators shall, before the expiry of its or his or their term of office, arrange for the constitution of a new committee in accordance with the provisions contained in the principal Act and the bye-laws of the society

8 *Repeal and saving* —(1) The Kerala Co-operative Societies, (Amendment) Ordinance, 2002 (6 of 2002), 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