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Government of Kerala
കേരള സർക്കാർ
2011



Reg. No. രജി. നമ്പർ
KL/TV(N)/12/2009-2011

KERALA GAZETTE
കേരള ഗസറ്റ്
EXTRAORDINARY

അസാധാരണ

PUBLISHED BY AUTHORITY

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GOVERNMENT OF KERALA

Law (Legislation-H) Department

NOTIFICATION

No. 2344/Leg. H2/2011/Law. Dated, Thiruvananthapuram, 30th April, 2011
10th Vaisakha, 1933.

The following Ordinance promulgated by the Governor of Kerala on the 28th day of April, 2011 is hereby published for general information.

By order of the Governor,

K. MADHUSUDANAN NAIR,
Special Secretary (Law).

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32/1615/2011/DTP

ORDINANCE No. 44 OF 2011

THE KERALA CO-OPERATIVE SOCIETIES
(SECOND AMENDMENT) ORDINANCE, 2011

Promulgated by the Governor of Kerala in the Sixty-second Year of the Republic of India.

AN

ORDINANCE

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

Preamble.—WHEREAS, the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Kerala Co-operative Societies (Second Amendment) Ordinance, 2011.

(2) Sections 4, 5, 7 and 8 shall be deemed to have come into force on the 28th day of April, 2010 and the remaining sections shall come into force at once.

2. *Act 21 of 1969 to be temporarily amended.*—During the period of operation of this Ordinance, the Kerala Co-operative Societies Act, 1969 (21 of 1969), shall have effect subject to the amendments specified in sections 3 to 10.

3. *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), after clause (a), the following clause shall be inserted, namely:—

“(aa) “Board” means the Kerala State Co-operative Employees’ Welfare Board constituted by the Government as per G. O. (Rt.) No. 383/86/Co-op. dated 30th September, 1986.”.

4. *Amendment of section 28A.*—In section 28A of the principal Act,—

(i) in sub-section (1), the following proviso shall be inserted, namely,—

“Provided that in respect of the committees of societies constituted prior to the commencement of the Kerala Co-operative Societies (Amendment) Act, 2010 (7 of 2010) the number of women members shall not be increased before the expiry of the term of such committees.”;

(ii) sub-sections (3) and (4) shall be omitted.

5. *Amendment of section 33.*—In section 33 of the principal Act,—

(i) in clause (b) of sub-section (1),—

(a) after the words “three individuals”, the words “who need not be members of the society” shall be inserted;

(b) the words “who need not be member of the society” shall be omitted.

(ii) in sub-section (1A), for the words “committee, administrator or administrators” occurring at two places, the words “administrator or administrative committee” shall be substituted;

(iii) in sub-section (2), for the words “committee or administrator or administrators”, the words “administrator or administrative committee” shall be substituted;

(iv) in sub-section (3), for the words “committee or administrator or administrators”, the words “administrator or administrative committee” shall be substituted.

6. *Insertion of new section 56A.*—After section 56 of the principal Act, the following section shall be inserted, namely:—

“56A. *Disposal of non-banking assets.*—The immovable property acquired by a society through a sale by the sale officer or through any legal proceedings for realisation of loan amount shall be disposed of by the society within seven years from the acquisition thereof with prior sanction of the Registrar.”.

7. *Amendment of section 66.*—In section 66 of the principal Act, in Explanation 2 of sub-section (11), for the words “sub-section (4)”, the words “sub-section (4A)” shall be substituted.

8. *Amendment of section 69A.*—In section 69A of the principal Act, in sub-section (3), for the words “sixty five years”, the words “attaining the age of sixty five years” shall be substituted.

9. *Amendment of section 70A.*—In section 70A of the principal Act, for sub-section (2), the following sub-sections shall be substituted, namely:—

“(2) A Co-operative Arbitration Court shall consist of one Presiding Officer to be appointed by the Government.

(2A) A Person shall not be qualified for appointment as the Presiding Officer of a Co-operative Arbitration Court, unless he has practised as an advocate for not less than 15 years.

(2B) The Presiding Officer of the Co-operative Arbitration Court shall hold office until he attains the age of superannuation applicable to State Government Employees.

(2C) The salary and allowances payable to the Presiding Officer of Co-operative Arbitration Court shall be determined by the Government from time to time.

(2D) Notwithstanding anything contained in the principal Act or in any rules or order or notification, the officers presiding the Co-operative Arbitration Courts on the date of commencement of this Ordinance shall be deemed to have been appointed under section 70A of the principal Act as amended by this Ordinance and continue to hold their posts till they attain the age of superannuation as applicable to State Government Employees.”.

10. *Insertion of new sections 80C, 80D and 80E.*—After section 80B of the principal Act, the following sections shall be inserted, namely:—

“80C. *The Kerala Co-operative Employees' Welfare Scheme.*—(1) The Government may, by notification in the Gazette, frame a Scheme to be called the Kerala Co-operative Employees' Welfare Scheme for the establishment and management of a Fund by name the Kerala Co-operative Employees' Welfare Fund and there shall be established, as soon as may be, after framing of the Scheme a fund in accordance with the provisions of this Act and the Scheme.

(2) The Welfare Fund established under the Scheme shall vest in the Kerala State Co-operative Employees' Welfare Board and be administered by such body or authority as may be specified in the Scheme.

(3) Subject to the provisions of this Act, the Scheme may provide for the following matters, namely:—

- (i) the management and administration of the Kerala State Co-operative Employees' Welfare Board;
- (ii) powers and functions of the authority or body to be constituted thereunder;
- (iii) the composition and pattern of the establishment set up of the Kerala State Co-operative Employees' Welfare Board constituted under the Scheme.

80D. *The Kerala State Co-operative Employees' Welfare Board.*—(1) The Government shall, by notification in the Gazette, constitute a Board to be called 'the Kerala State Co-operative Employees' Welfare Board' for implementing the welfare schemes for the regular employees, commission agents and the persons working in the capacity of any other name on commission basis in a co-operative society registered or deemed to be registered under this Act and coming under the administrative control of the Registrar of Co-operative Societies as well as other departments of the State Government in accordance with the provisions of this Act and the Scheme.

(2) The Board constituted under sub-section (1) shall provide for the constitution of a Welfare Fund and specify therein, the manner in which its fund shall be raised and administered for the welfare of the employees and the rates of contribution to be paid by the employees and the co-operative societies towards the fund.

(3) The Board may provide money and other aids to the employees in their indigent conditions and for the following purposes, namely:—

- (i) for the payment of financial assistance to the family of the deceased employees;
- (ii) for the payment of medical assistance to the employees who have undergone treatment for diseases to be specified therein;
- (iii) for refund of the contributions made by the employees on their retirement or relief on other grounds;
- (iv) for the grant of advances to the employees for meeting their medical expenses;

(v) for awarding cash prizes to the children of employees at such rates and subject to such conditions as may be prescribed therein; and

(vi) for any other purposes provided for in the Scheme or which may be found necessary or proper for the implementation of the Scheme.

(4) The Government may make Rules with regard to the staff regulations and service conditions of the employees of the Kerala State Co-operative Employees' Welfare Board.

80E. *Transfer of assets and control of the existing Kerala State Co-operative Employee' Welfare Board.*—(1) Notwithstanding anything contained in the Rules for the constitution and administration of the Kerala State Co-operative Employees Welfare Board issued under G. O. (Rt.) No. 383/86/Co-op. dated 30th September, 1986, on and from the date of constitution of the Kerala State Co-operative Employees' Welfare Board under sub-section (1) of section 80D, all assets and liabilities of the existing Kerala State Co-operative Employees' Welfare Board shall be transferred to the Kerala State Co-operative Employees' Welfare Board constituted under the said sub-section.

(2) On and from the date of constitution of the Kerala State Co-operative Employees' Welfare Board under sub-section (1) of section 80D, the existing Kerala State Co-operative Employees Welfare Fund constituted under G. O. (Rt.) No. 383/86/Co-op. dated 30th September, 1986 shall vest in the Kerala State Co-operative Employees' Welfare Board constituted under the said sub-section and the control and supervision of the existing fund shall be with the said Board."

R. S. GAVAI
GOVERNOR