

THE KERALA CO-OPERATIVE SOCIETIES (AMENDMENT)
ACT, 1971

(Act 38 of 1971)

CONTENTS

Preamble.

Sections

1. Short title and commencement
2. Amendment of section 33
3. Amendment of section 72.
4. Substitution of new sections for section 81.
5. Amendment of section 82.
6. Amendment of section 89.
7. Repeal and saving.

THE KERALA CO-OPERATIVE SOCIETIES (AMENDMENT)
ACT, 1971 *

(Act 38 of 1971)

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

Preamble.—WHEREAS it is expedient to amend the Kerala Co-operative Societies Act, 1969 (21 of 1969), for the purposes hereinafter appearing ;

BE it enacted in the Twenty-second 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, 1971.

(2) It shall come into force at once.

2 **Amendment of section 33.**—In section 33 of the Kerala Co-operative Societies Act, 1969 (21 of 1969), (hereinafter referred to as the principal Act), in sub-section (1),—

(1) for the words “where the Registrar is satisfied”, the words “where a no confidence motion is passed by the general body against the existing committee or where the existing

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committee resigns en bloc or where vacancies occur in the committee either by resignation or otherwise and the number of remaining members cannot constitute the quorum for the meeting of the committee, or where the committee fails to hold its regular meeting consecutively for six months or where the Registrar is satisfied" shall be substituted ;

(ii) in clause (b), for the word "consulting", the word "intimating" shall be substituted ;

(iii) after the second proviso, the following shall be inserted, namely :—

"Explanation.—For the purposes of this sub-section a tender of resignation by a member of the committee shall have the effect of terminating his membership from the committee."

3. **Amendment of section 72.**—In section 72 of the principal Act, in sub-section (3), for the figures "82", the figures "83" shall be substituted.

4. **Substitution of new sections for section 81.**—For section 81 of the principal Act, the following sections shall be substituted, namely :—

"81. Tribunal.—(1) The Government shall constitute a single member Tribunal to exercise the powers and discharge the functions conferred on the Tribunal under this Act.

(2) A person shall not be qualified for appointment as a member of the Tribunal unless he is or has been holding the post of a District Judge in the State.

(3) The term, salary and allowances and other conditions for service of the member shall be such as may be decided by Government from time to time.

(4) The Government shall make rules for regulating the procedure and disposal of the business of the Tribunal.

81A. Provisions as to certain pending Proceedings.—Every proceeding pending before the Tribunal immediately before the commencement of this Act shall stand transferred to and will be decided by the Tribunal constituted under this Act :

Provided that all such proceedings relating to orders passed by the Registrar under sections 32 and 33 of the Act, shall be sent to the Government for their decision.

Explanation.—'Proceeding' includes any appeal, revision petition or application for review "

5 Amendment of section 82.—In section 82 of the principal Act, in sub-section (1), clauses (b) and (c) shall be omitted

6. Amendment of section 89.—In section 89 of the principal Act, in sub-section (4), in clause (a) for the words "nine members, one from each Revenue District in the State", the words "one member from each Revenue District in the State" shall be substituted,

7. Repeal and saving.—(1) The Kerala Co-operative Societies (Amendment) Ordinance, 1971 (19 of 1971), 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
