

**28.Appointment of committee.**-(1)The general body of a society shall <sup>33v</sup>[constitute a committee, for a period <sup>33c</sup>[of] <sup>33r</sup>[five years]] in accordance with the bye-laws and entrust the management of the affairs of the society to such committee;

<sup>33d</sup>[**Explanation:** Notwithstanding anything contained in the bye-laws, for the purpose of calculating the term of committee, five years from the date of election will be taken to be the term of the committee.]

Provided that, in the case of a society registered after the commencement of this Act, the persons who have signed the application to register the society may appoint a committee to conduct the affairs of the society for a period of three months from the date of registration or for such further period as the Registrar may consider necessary, but the committee appointed under this proviso shall cease to function as soon as a committee has been constituted in accordance with the bye-laws:

<sup>33z</sup>[Provided further that where the bye-laws so provide, the Government or the Registrar may nominate all or any of the members of the first committee, including the president or chairman, for a period not exceeding <sup>33w</sup>[twelve months.]]

<sup>33e</sup>[<sup>33</sup>[Provided also that the election to the committees of the societies shall not be conducted on ward basis irrespective of any provisions to the contrary contained in the bye-laws of any society.]

<sup>33z</sup>[<sup>33x</sup>[<sup>33r</sup>[<sup>33k</sup>[xxx]  
xxx]]]]

<sup>33y</sup> [<sup>33s</sup>[<sup>33m</sup>[(1A) Notwithstanding anything contained in the bye-laws of a Society, the number of the members of the committee shall not be less than seven and shall not exceed <sup>33f</sup>[fifteen] in the case of Primary Co-operative Societies and <sup>33f</sup>[twenty one] in the case of all other types of co-operative

societies.]

<sup>33t</sup><sup>33s</sup>[xxx]

<sup>33n</sup>[Provided that in the case of committees of Primary Co-operative Societies constituted prior to the commencement of the Kerala Co-operative Societies (Amendment) Act,2010 the maximum number of members shall be fifteen:]

<sup>33g</sup>[Provided further that this section shall not be applicable to the committees of Primary Co-operative Societies and all other types of Co-operative Societies constituted prior to the commencement of the Kerala Co-operative Societies (Amendment) Act,2013:

Provided also that this section shall not be applicable to the societies where election notification was issued and election procedure was started on the basis of the existing provisions of the Act, prior to the commencement of the Kerala Co-operative Societies (Amendment) Act,2013;]

(1B)Notwithstanding anything contained in the bye-laws of any Federal Co-operative Society, the number of individuals in the society and the Committee thereof shall not exceed twenty five percent of the total number of members in the society or in the Committee, as the case may be, <sup>33h</sup>[subject to the limit specified in <sup>33u</sup>[sub section (1A) xxx] of section 28;]]]

<sup>33o</sup>[(1C)Notwithstanding anything contained in the bye-laws of a Primary Credit Society or an Urban Co-operative Bank, one seat in the committee of each such society shall be reserved for the members having a deposit of ten thousand rupees and above.]

<sup>33k</sup>[(1D)Notwithstanding anything contained in this Act or in any Judgment, decree or order of any court, the registration of any Primary Co-operative Agricultural and Rural Development Bank without the bifurcation of area, assets and liabilities of the society and the constitution of the committee pursuant to any such a registration without such bifurcation shall be void and

the Registrar shall appoint Special Officer for each of such societies which were registered without bifurcation of area, assets and liabilities.

(1E)The Special Officer so appointed shall ,-

(i)take into custody or bring under his control, the property, effects and actionable claims to which the erstwhile society is, or appears to be entitled to and shall take steps as may be necessary or expedient to prevent loss or deterioration of or damage to, such property, effects and claims;

(ii)take such steps for the bifurcation of area, assets and liabilities of the society and also shall take steps to register new society with the members of the society so bifurcated and constitute the committee;

(iii)such bifurcation shall be completed within a period of one year from the date of commencement of the Kerala Co-operative Societies (Amendment) Ordinance, 2012 (9 of 2012).

(1F)Notwithstanding anything contained in the bye-laws of the District Co-operative Bank, two seats in the committee of each District Co-operative Bank shall be reserved for depositor member societies in the Bank;

<sup>33i</sup>[(1G)Notwithstanding contained in the bye-laws of a society, the committee in office shall co-opt two persons or representatives who are having experience in the field of banking, management, finance or specialization in any other field, relating to the objects and activities undertaken by the Co-operative society as members of the Board of such society:

Provided that number of such co-opted members shall not exceed two in addition to maximum limit specified in sub-section (1A):

Provided further that such co-opted members shall not have the right to vote in any election of the co-operative society in their capacity as such member and is not eligible to be elected as office bearers of the board;

Provided also that such co-opted members of a co-operative

society shall also be members of the board and such members shall be excluded for the purpose of counting the total number of directors specified in sub-section (1A).]

(1H)Notwithstanding anything contained in the bye-laws of the District Co-operative Bank, <sup>33a</sup>[at least two] seat in respect of each taluk shall be reserved for the representatives of Primary Agricultural Credit Societies in the committee of the District Co-operative Bank.

<sup>33b</sup>[(1I)Omitted]]

<sup>33j</sup>[(1J) Notwithstanding anything contained in the bye-laws of the society, casual vacancy of an elected member of the committee shall be filled up by nomination by the Committee out of the same class of members, if the term of office of the board is less than half of its original term.]

(2) Notwithstanding anything contained in any law for the time being in force, a person shall be disqualified for appointment as, or for being, a member of a committee—

(a)if he is a member of the committee of <sup>33p</sup>[more than one society of the same type, or]

(b)if he is a member of the committees of <sup>33q</sup>[more than two societies of different types]:

Provided that nothing contained in this sub-section shall be deemed to disqualify a person for election as, or for being, a delegate of a society.

(3) Nothing contained in clause (a) of sub-section (2) shall be deemed to disqualify a member of the committee of a society for appointment as, or for being, a member of the committee of the apex or central society of the same type:

Provided that no member of a committee shall be the president or chairman of more than one society of the same type.

(4)The members of a committee may be paid honorarium, at such rates as may be prescribed.

<sup>33aa</sup>[(5)The quorum for a meeting of a committee shall be such number of members just above fifty per cent of the total number of members of that committee.]

33, 33a substituted & 33b omitted by [Act 14 of 2017](#)

33c, 33f, 33i substituted & 33d, 33e, 33g, 33h, 33j inserted by [Act 8 of 2013](#)

33k inserted by [Act 13 of 2012](#)

33l omitted , 33m, 33p, 33q substituted & 33n, 33o inserted by [Act 7 of 2010](#)

33r, 33s substituted by [Act 1 of 2000](#)

33t inserted & 33u substituted by [Act 16 of 1993](#)

33v, 33w, 33x substituted & 33y inserted by [Act 5 of 1992](#)

33z substituted & 33aa inserted by [Act 19 of 1987](#)