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Government of Kerala
2017



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കേരള ഗസറ്റ്
KERALA GAZETTE

അസാധാരണം
EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
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GOVERNMENT OF KERALA

Law (Legislation-H) Department

NOTIFICATION

No. 7932/Leg.H2/2017/Law.

10th April, 2017

Dated, Thiruvananthapuram, 27th Meenam, 1192

20th Chaithra, 1939.

The following Ordinance promulgated by the Governor of Kerala on the 10th day of April, 2017 is hereby published for general information.

By order of the Governor,

B. G. HARINDRANATH;
Law Secretary.

ORDINANCE No. 4 OF 2017**THE KERALA CO-OPERATIVE SOCIETIES
(AMENDMENT) ORDINANCE, 2017**

Promulgated by the Governor of Kerala in the Sixty-eighth 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 (Amendment) Ordinance, 2017.

(2) It 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) (hereinafter referred to as the principal Act), shall have effect subject to the amendments specified in sections 3 to 10.

3. *Amendment of section 2.*—In section 2 of 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 and

individuals having, jurisdiction over one revenue district and having as its members only primary agricultural credit societies and urban co-operative banks;”.

4. *Omission of section 16 A.*—Section 16A of the principal Act shall be omitted.

5. *Amendment of section 18.*—In section 18 of the principal Act, to sub-section (1) after the second proviso, the following proviso shall be added, namely:—

“Provided also that a District Co-operative Bank may admit any co-operative society registered under the provisions of this Act other than Primary Agricultural Credit Societies and Urban Co-operative Bank functioning within its area of operation as nominal or associate members.”.

6. *Omission of section 19 A.*—Section 19A of the principal Act shall be omitted.

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

(i) in sub-section (1), the third proviso shall be omitted;

(ii) in sub-section (1H), for the words “at least one” the words “at least two” shall be substituted;

(iii) sub-section (1I), shall be omitted.

8. *Amendment of section 28 AB.*—In section 28 AB of the principal Act, after sub-clause (2), the following sub-clause shall be inserted, namely:—

“(3) No member of a society shall be eligible to hold office as its President or Vice-President for more than two consecutive terms:

Provided that the provisions contained in sub-section (3) shall not apply to the President or Vice-President of the societies holding office as such on the date of commencement of this Ordinance, till the completion of their present term.”.

9. *Amendment of section 32.*—In section 32 of the principal Act, in sub-section (1), after the third proviso, the existing Explanation shall be numbered as *Explanation II* and before the *Explanation II*, as so numbered, the following Explanation shall be inserted, namely:—

“Explanation I:—For the purposes of this proviso, financial assistance includes any financial assistance from Kerala Co-operative Development and Welfare Fund Board, Deposit Guarantee Scheme implemented by Kerala State Co-operative Deposit Guarantee Fund Board, Risk Fund Scheme implemented by Kerala Co-operative Development and Welfare Fund Board, NABARD, National Co-operative Development Corporation and any other financial institution under the control of the State or Central Government and also any financial assistance guaranteed by the said institutions.”.

10. *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 the Kerala Co-operative Societies (Amendment), Ordinance, 2017 (4 of 2017),—

(a) the members of a District Co-operative Bank other than Primary Agricultural Credit Societies and Urban Co-operative Banks as on the date of commencement of this Ordinance shall become nominal or associate members of such District Co-operative Banks at such commencement ;

(b) the committees in office of the 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 Bank 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 the administrator or the 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 interest of the society.

(3) The committees 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 Bank.

P. SATHASIVAM,
GOVERNOR.