
REPORT OF THE SUBJECT COMMITTEE
ON
THE KERALA CO-OPERATIVE SOCIETIES
(AMENDMENT) BILL, 2017
AND
THE BILL AS REPORTED BY THE SUBJECT COMMITTEE

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SUBJECT COMMITTEE XI
(FOOD, CIVIL SUPPLIES AND CO-OPERATION)
(2016-2018)

Composition

Chairman:

Shri Kadakampally Surendran,
Minister for Co-operation, Tourism and Devaswom.

Ex-Officio Member

Shri P. Thilothaman
Minister for Food and Civil Supplies.

Members:

Shri Abdul Hameed. P., M.L.A.
Shri Anoop Jacob, M.L.A.
Shri Eldose P. Kunnappillil, M.L.A.
Shri George M. Thomas, M.L.A.
Shri P. C. George, M.L.A.
Shri V. Joy, M.L.A.
Shri Muhammed Muhassin. P., M.L.A.
Shri Murali Perunelli, M.L.A.
Shri K. K. Ramachandran Nair, M.L.A.

Legislature Secretariat:

Shri V. K. Babu Prakash, Secretary.
Smt. P. K. Girija, Special Secretary.
Shri B. Reji, Deputy Secretary.
Shri V. G. Riju, Under Secretary.

**THE KERALA CO-OPERATIVE SOCIETIES
(AMENDMENT) BILL, 2017**

(Report of the Subject Committee)

The Kerala Co-operative Societies (Amendment) Bill, 2017 (Bill No. 75) was referred to Subject Committee XI Food, Civil Supplies and Co-operation. The meeting of Subject Committee XI considered the Bill clause by clause and now submits this Report with the Bill as reported by the Subject Committee annexed thereto.

2. The Kerala Co-operative Societies (Amendment) Bill, 2017 was published as a Gazette Extraordinary dated 31st July, 2017. The Bill was introduced in the Assembly on 7th August, 2017 and was referred to the Subject Committee XI on the same day.

3. The Committee considered the Bill clause by clause at its meeting held on 8th August, 2017. The Committee recommends to adopt the Bill with the following modifications:

Clause 6

The third proviso in Sub-section (1) proposed to be omitted by item (a) of Clause 6 the following clause shall be substituted, namely:—

“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 bylaws of any society”.

4. All other changes are either verbal or consequential.
5. The minutes of dissent are appended.

Thiruvananthapuram,
8th August, 2017.

KADAKAMPALLY SURENDRAN,
Chairman,
Subject Committee XI.

2017-ലെ കേരള സഹകരണ സംഘം (ഭേദഗതി) ബിൽ സംബന്ധിച്ച സബ്ജക്ട് കമ്മിറ്റി റിപ്പോർട്ടിനുള്ള വിധേയനക്കറിപ്പ്

ജനാധിപത്യരീതിയിൽ തെരഞ്ഞെടുക്കപ്പെട്ട 14 ജില്ലാസഹകരണ ബാങ്കുകളുടെ ഭരണസമിതികളെ പിരിച്ചുവിട്ട് അഡ്മിനിസ്ട്രേറ്റർ ഭരണം ഏർപ്പെടുത്തുന്നതിനുവേണ്ടി കൊണ്ടുവന്ന ഓർഡിനൻസിനപകരമുള്ള ഈ ബില്ലിലെ വ്യവസ്ഥകളോടുള്ള ശക്തമായ വിധേയജിപ്പ് രേഖപ്പെടുത്തുന്നു.

3, 5 വകുപ്പുകൾ—മൂലനിയമത്തിലെ 16 എ, 19 എ എന്നീ വകുപ്പുകൾ നീക്കം ചെയ്യുന്നതിന് കൊണ്ടുവന്നിട്ടുള്ള ഭേദഗതി സഹകരണസംഘത്തിന്റെ ഉദ്ദേശ്യലക്ഷ്യങ്ങളെയും പ്രവർത്തനത്തേയും അട്ടിമറിക്കുന്നതിനുള്ളതാണ്.

7 വകുപ്പ്—മൂലനിയമത്തിലെ 28 എബി വകുപ്പിൽ കൊണ്ടുവന്നിട്ടുള്ള ഭേദഗതി സംഘത്തിന്റെ പ്രസിഡന്റും, വൈസ് പ്രസിഡന്റും തുടർച്ചയായി രണ്ടു തവണയിൽ കൂടുതൽ പ്രസ്തുത സ്ഥാനം വഹിക്കുന്നത് തടയുന്നതിനുള്ള നിർദ്ദേശമാണ്. നിലവിൽ തദ്ദേശഭരണസ്ഥാപനങ്ങളിലേക്കോ, നിയമസഭാ/പാർലമെന്റ് തെരഞ്ഞെടുപ്പിലോ ഇല്ലാത്ത ഈ പുതിയ നിബന്ധന നിക്ഷിപ്ത താൽപര്യം മാത്രം മുൻനിറുത്തിയുള്ളതാണ്. അതിനാൽ തന്നെ ഈ ഭേദഗതിനിർദ്ദേശത്തോടും വിധേയജിപ്പ് രേഖപ്പെടുത്തുന്നു.

അബ്ദുൽ ഹമീദ്. പി. (ഒപ്പ്)

അനൂപ് ജേക്കബ് (ഒപ്പ്)

എൽദോസ് പി. കുറുപ്പിള്ളിൽ (ഒപ്പ്)

THE KERALA CO-OPERATIVE SOCIETIES
(AMENDMENT) BILL, 2017

(As reported by the Subject Committee)

[The words underlined/sidelined indicate the modifications suggested by the committee. Omissions as indicated by asterisks]

A

BILL

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 Sixty-eighth 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, 2017.

(2) It shall be deemed to have come into force on the 10th day of April, 2017.

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 and individuals having jurisdiction over one revenue district and having as its members only Primary Agricultural Credit Societies and Urban Co-operative Banks;”.

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

4. *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 Banks, functioning within its area of operation as nominal or associate members.”.

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

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

The third proviso in sub-section (1) proposed to be omitted by item (a) of clause 6 the following clause shall be substituted, namely:—

(a) “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 bylaws of any society.”

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

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

7. *Amendment of section 28 AB.*— In section 28 AB of the principal Act, after sub-section (2), the following sub-section 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 of this sub-section shall not apply to the President or Vice-President of the societies holding office as such on the date of commencement of the Kerala Co-operative Societies (Amendment) Ordinance, 2017 (4 of 2017), till the completion of their present term.”.

8. *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 *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 the Kerala Co-operative Development and Welfare Fund Board, Deposit Guarantee Scheme implemented by the Kerala State Co-operative Deposit Guarantee Fund Board, Risk Fund Scheme implemented by the 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.”.

9. *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 date of 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, shall become nominal or associate members of such District Co-operative Banks;

(b) the committees in office of the District Co-operative Banks 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 shall 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.

10. *Repeal and Saving.*—(1) The Kerala Co-operative Societies (Amendment) Ordinance, 2017 (17 of 2017) is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been 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.

Secretariat of the Kerala Legislature,
Thiruvananthapuram,
8th August, 2017.

V. K. BABU PRAKASH,
Secretary.