

THE KERALA CO-OPERATIVE SOCIETIES
(SECOND AMENDMENT) BILL, 2013

(As passed by the Assembly)

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-fourth Year of the Republic of India, as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Co-operative Societies (Second Amendment) Act, 2013.

(2) Sections 3 and 7 shall be deemed to have come into force on the 30th day of April, 2011, section 2, clause (i) of section 4, sections 5 and 6 shall be deemed to have come into force on the 28th day of April, 2010, clause (ii) of section 4 shall be deemed to have come into force on the 5th day of June, 2007 and the remaining provisions of this Act shall be deemed to have come into force on the 13th day of August, 2012.

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

(i) in clause (b) of sub-section (1), for the words “one among them as convener, who need not be member of the society”, the words “who need not be members of the society, one among them as convener,” shall be substituted ;

(ii) in sub-section (1A), for the words “committee, administrator or administrators” occurring at both 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.

3. *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 date of acquisition with prior sanction of the General body and the Registrar.”.

4. *Amendment of section 63.*—In section 63 of the principal Act,—

(i) in sub-section (3), after the words “to his subordinate officers”, the words “or to the subordinate officers of the Registrar” shall be inserted;

(ii) after sub-section (12), the following sub-section shall be inserted, namely:—

“(13) The Government may issue notification, either prospectively or retrospectively, by publishing the same in the Gazette, to carry out the purposes of this section.”.

5. *Amendment of section 66.*—In section 66 of the principal Act, in Explanation 2 of sub-section (11), for the word, figure and brackets “sub-section (4)”, the word, figure, letter and brackets “sub-section (4A)” shall be substituted.

6. *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.

7. *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 Fund;
- (ii) powers and functions of the authority or body to be constituted thereunder; and
- (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 specified 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 terms and conditions of the services 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 Employees' 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.”.

8. *Repeal and saving.*—(1) The Kerala Co-operative Societies (Amendment) Ordinance, 2013 (25 of 2013) 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.
