



കേരള ഗസറ്റ് KERALA GAZETTE

അസാധാരണം EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
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03rd July 2021
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19th Mithunam 1196
1943 ആഷാഢം 12
12th Ashadha 1943

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No. 1954

GOVERNMENT OF KERALA Law (Legislation-H) Department NOTIFICATION

No. 6726/Leg.H2/2020/Law.

Dated, Thiruvananthapuram, 3rd July, 2021
19th Mithunam, 1196
12th Ashadha, 1943.

The following Ordinance promulgated by the Governor of Kerala on the 2nd day of July, 2021 is hereby published for general information.

By order of the Governor,

SADIQUE M. K.,
Special Secretary (Law).



ORDINANCE No. 92 OF 2021**THE KERALA CO-OPERATIVE SOCIETIES (AMENDMENT)
ORDINANCE, 2021**

Promulgated by the Governor of Kerala in the Seventy-second year of the Republic of India.

AN

ORDINANCE

further to amend the Kerala Co-operative Societies Act, 1969.

Preamble.—WHEREAS, the Kerala Co-operative Societies (Second Amendment) Ordinance, 2020 (27 of 2020) was promulgated by the Governor of Kerala on the 9th day of April, 2020;

AND WHEREAS, a Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in and passed by the Legislative Assembly of the State of Kerala during its session which commenced on the 24th day of August, 2020 and ended on the same day;

AND WHEREAS, in order to keep alive the provisions of the said Ordinance, the Kerala Co-operative Societies (Second Amendment) Ordinance, 2020 (58 of 2020) was promulgated by the Governor of Kerala on the 26th day of September, 2020;

AND WHEREAS, a Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in and passed by the Legislative Assembly of the State of Kerala during its session which commenced on the 31st December, 2020 and ended on the same day and during its session which commenced on the 8th day of January, 2021 and ended on the 22nd day of January, 2021;

AND WHEREAS, in order to keep alive the provisions of the said Ordinance, the Kerala Co-operative Societies (Amendment) Ordinance, 2021 (24 of 2021) was promulgated by the Governor of Kerala on the 9th day of February, 2021;

AND WHEREAS, a Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in and passed by the Legislative Assembly of the State of Kerala



during its session which commenced on the 24th day of May, 2021 and ended on the 10th day of June, 2021;

AND WHEREAS, under sub-clause (a) of clause (2) of Article 213 of the Constitution of India, the Kerala Co-operative Societies (Amendment) Ordinance, 2021 (24 of 2021) will cease to operate on the 5th day of July, 2021;

AND WHEREAS, difficulties will arise if the provisions of the said Ordinance are not kept alive;

AND 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, 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, 2021.

(2) Section 3 and clause (i) of section 4 shall be deemed to have come into force on the 15th January, 2020 and clause (ii) of section 4 shall be deemed to have come into force on 11th day of April, 2020.

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 and 4.

3. *Amendment of section 2.*—In section 2 of the principal Act,—

(i) for clause (ia) the following clause shall be substituted, namely:—

“(ia) “District Co-operative Bank” means a central society having jurisdiction over one revenue district and having Primary Agricultural Credit Societies and Urban Co-operative Banks as its members and the principal object of which is to raise funds to be lent to its members, including nominal or associate members, which existed under this Act



immediately before the passing of the orders by the Registrar under sub-section (1) or sub-section (1) (a) of section 74H and has ceased to exist by virtue of such orders:

Provided that if the general body of a District Co-operative Bank has not passed the resolution under section 14A, it shall continue as such for a period of two years from the date of commencement of this Ordinance or till the Registrar completes the process under clauses (a), (b) and (c) of sub-section (1) of section 74H whichever is earlier.”.

4. *Amendment of section 74H.*— In section 74H of the principal Act,—

(i) in sub-section (1) the following clauses shall be added at the end, namely:—

“(a) if the general body of a District Co-operative Bank has not passed the resolution under section 14A, the Registrar may, after consulting Reserve Bank of India, order merger of such District Co-operative Bank with Kerala State Co-operative Bank on public interest. No order shall be passed under this clause unless,—

(i) a copy of the proposed order of merger has been sent to the member society or member societies concerned by registered post and published the same in two vernacular dailies having wide circulation in the District in which the society situates, for their objections or suggestions;

(ii) the Registrar shall consider the objections/suggestions, if any, received from the society or societies concerned or from any member or creditor of such society or societies within such period, being not less than fifteen days from the date of posting of the proposed order of merger, as may be specified by the Registrar in this behalf;

(b) the Registrar may after considering the objections/ suggestions referred to in sub-clause (ii) of clause (a), make such modifications, in the proposed order as he may deem fit and the order shall contain such incidental, consequential and supplemental provisions as the Registrar may deem necessary, to give effect to the same;

(c) a member or creditor who has objected the proposed order under clause (b) shall have the option of withdrawing his share and/or deposits or close loans, as the case may be, on application, which shall be made to the society, to which its share, deposit or outstanding loan stands allocated, within a period of thirty days from such order;



(d) on merger all other relevant provisions in this chapter shall apply *mutatis mutandis* to the entities merged under clause (a).”.

(ii) after sub-section (1) following sub-section shall be inserted, namely:—

“(1A) On and from the date of the passing of the order of merger by the Registrar under sub-section (1) (a) of section 74H, all the assets and liabilities of the District Co-operative Bank as it stood immediately before the order of merger shall, without any further act, instrument or deed, stand transferred to and vested in the Kerala State Co-operative Bank.”.

5. *Repeal and saving.*—(1) The Kerala Co-operative Societies (Amendment) Ordinance, 2021 (24 of 2021) 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 Ordinance.

ARIF MOHAMMED KHAN,
GOVERNOR.

