

THE ORISSA CO-OPERATIVE SOCIETIES (AMENDMENT) ACT, 2011

TABLE OF CONTENTS

PREAMBLE

SECTIONS

1. Short title and commencement.
2. Amendment of section 16.
3. Amendment of section 20.
4. Amendment of section 28.
5. Amendment of section 28-A.

The Orissa Gazette



EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 2190, CUTTACK, FRIDAY, SEPTEMBER 23, 2011 / ASWINA 1, 1933

LAW DEPARTMENT

NOTIFICATION

The 23rd September, 2011

No.9244/Legis. 27/11/L.—The following Act of the Orissa Legislative Assembly having been assented to by the Governor on the 22nd September, 2011 is hereby published for general information.

ORISSA ACT 10 OF 2011

THE ORISSA CO-OPERATIVE SOCIETIES (AMENDMENT) ACT, 2011

AN ACT FURTHER TO AMEND THE ORISSA CO-OPERATIVE SOCIETIES ACT, 1962

BE it enacted by the Legislature of the State of Orissa in the Sixty-second Year of the Republic of India as follows :—

Short title and commencement.

1. (1) This Act may be called the Orissa Co-operative Societies (Amendment) Act, 2011.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

Amendment of section 16.

2. In the Orissa Co-operative Societies Act, 1962 (hereinafter referred to as the principal Act), sub-section (1-a) of section 16 shall be omitted.

Orissa Act 2 of 1963.

Amendment
of section 20.

3. After the proviso to section 20 of the principal Act, the following proviso shall be inserted, namely :—

"Provided further that every member of an Electoral College referred to in clause (ii-a) of sub-section (1) of section 28-A shall have one vote in the matter of election of the member of the Committee of a Central and an Apex Society."

Amendment
of section 28.

4. In section 28 of the principal Act, —

- (i) in sub-section (1-aa), for the words "four years", the words "five years" shall be substituted ;
- (ii) in sub-section (1-b), for the words "four years", the words "five years" shall be substituted ; and
- (iii) in sub-section (2), for clauses (b), (c), (d), (e), (f) and (g) the following clauses shall be substituted, namely :—

"(b) In the case of a Large-sized Adivasi Multipurpose Co-operative Society, in the total number of elected members of the Committee, there shall be representation from among the members belonging to the Scheduled Tribes, which shall be proportional to the ratio between the members belonging to the Scheduled Tribes and the total numbers of member of the said Society, not less than two third, so however that said Scheduled Tribe shall also include woman members whose number shall be proportional to the ratio between the woman members belonging to the Scheduled Tribes and the total number of the members belonging to the said Scheduled Tribes which shall be not less than one third :

Provided that the offices of the President and Vice-President shall be reserved for the Scheduled Tribes.

Explanation.—The principle for determining whether a Society is a Large-sized Adivasi Multipurpose Co-operative Society or not shall be such as may be prescribed.

(c) In the case of a Primary Society other than Large-sized Adivasi Multipurpose Co-operative Society, in the total number of elected members of the Committee, there shall be representation

from among the members belonging to the Scheduled Castes, the Scheduled Tribes, the Other Backward Classes including Socially and Educationally Backward Classes and the Women which shall be proportional to the ratio between the members belonging to each said category and the total number of members of the said society, so that among each of the said Scheduled Castes, Scheduled Tribes and Other Backward Classes including Socially and Educationally Backward Classes of members, there shall be representation of woman which shall be proportional to the ratio between the woman members belonging to each said category and the total number of members of that category.

(d) In the case of a Central Society, in the total number of elected members of the Committee, there shall be representation from among the members belonging to the Scheduled Castes, the Scheduled Tribes, the Other Backward Classes including Socially and Educationally Backward Classes and the Women which shall be proportional to the ratio between the members belonging to each said category and the total number of members of the Electoral College referred to in clause (ii-a) of sub-section (1) of section 28-A, so that among each of the said Scheduled Castes, the Scheduled Tribes and the Other Backward Classes including Socially and Educationally Backward Classes of members, there shall be representation of woman which shall be proportional to the ratio between the woman members belonging to each said category in the said Electoral College and the total number of members of that category in that Electoral College.

(e) In the case of an Apex Society, in the total number of elected members of the Committee, there shall be representation from among the members belonging to the Scheduled Castes, the Scheduled Tribes, the Other Backward Classes including Socially and Educationally Backward Classes and the Woman which shall be proportional to the ratio between the members belonging to each said category and the total number of members of the Electoral College referred to in clause (ii-a) of sub-section (1) of section 28-A, so that among each of the said Scheduled Castes, the Scheduled Tribes, the Other Backward Classes including Socially and

Educationally Backward Classes of members, there shall be representation of woman which shall be proportional to the ratio between the woman members belonging to each said category in the said Electoral College and the total number of the members of that category in that Electoral College :

Provided that, save as provided in the aforesaid clauses there shall be no bar for the members belonging to the said reserved categories to contest the election against the remaining seats in the Managing Committee of the Primary, Central and Apex Societies :

Provided further that there shall be at least one representation from each said reserved category, if any.

(f) Notwithstanding anything contained in this sub-section,—

- (i) in the event of the seats in the Committee reserved for Women, Scheduled Castes, Scheduled Tribes and Other Backward Classes including Socially and Educationally Backward Classes remain unfilled in any election of a Primary, Central or Apex Society, the Committee of the Society shall co-opt. the required number of such categories of members from among the members of the Primary Society, or as the case may be, from among the members of the Electoral College of the Central or Apex Society, and for the purpose of making such co-option the vacancies in the unfilled seats reserved for the said categories shall not invalidate the constitution or functioning of the Committee, if otherwise it would be having a quorum ;
 - (ii) the term of office of every such co-opted member shall be co-terminus with the other members of the Committee.
- (g) (i) Notwithstanding anything to the contrary contained in this Act, Rules and bye-laws, the Committee (which shall include a preliminary Committee) of every Primary Society , Central Society and Apex Society existing immediately before the date of commencement of the Orissa Co-operative

Societies (Amendment) Act, 2011 shall stand dissolved with effect from the said date and the members including the President and Vice-President of every such Committee shall be deemed to have vacated their offices on that date, and where, on the date of such commencement, the management of any such Society continues to vest in the Registrar, the proceedings or actions taken, if any, for constitution of the Committee thereof shall stand cancelled;

- (ii) the management of every Society, the Committee of which is so dissolved or which so continues to vest in the Registrar, shall vest or, as the case may be, shall so continue to vest in the Registrar, and the Registrar, or a Committee nominated by him from amongst the members of the Society, or a member society affiliated to it or a Society affiliated to such member society, as far as practicable representing the Scheduled Castes, Scheduled Tribes, Other Backward Classes and Women, shall manage the affairs of the Society and take all or any policy decision including admission of members in relation to the Society till the Committee is constituted in accordance with the provisions of this Act;
- (iii) every Society referred to in sub-clause (ii) shall amend its bye-laws, as may be necessary, so as to bring them in conformity with the provisions of this Act as amended by the Orissa Co-operative Societies (Amendment) Act, 2011 and reconstitute the Committee within six months from the date of commencement of the said Act ; and
- (iv) in the event of any Society failing to so amend its bye-laws and reconstitute the Committee within the period specified in sub-clause (iii), the Registrar shall make such amendment and reconstitute the Committee within six months following the date of expiry of the period so specified."

Amendment
of
section 28-A.

5. In section 28-A of the principal Act, in sub-section (1), for clause (ii), the following clauses shall be substituted, namely :—

"(ii) Other members of the Committee of a Primary Society shall be elected in such manner by and from among the General Body of members of the Society qualified for the purpose organised into such different constituencies as may be prescribed.

(ii-a) Other members of the Committee of a Central Society and an Apex Society shall be elected in such manner by and from among the qualified members of the Electoral College formed in such manner organised into such different constituencies as may be prescribed."

By Order of the Governor

D. DASH

Principal Secretary to Government