

ORISSA ORDINANCE No. 5 OF 1970
THE ORISSA CO-OPERATIVE SOCIETIES (SECOND
AMENDMENT) ORDINANCE, 1970

[Promulgated by the Governor of Orissa on the 21st August 1970
published in an extraordinary issue of the Orissa Gazette,
dated the 25th August 1970]

AN

ORDINANCE

TO AMEND THE ORISSA CO-OPERATIVE SOCIETIES ACT, 1962

WHEREAS the Legislature of the State of Orissa is not in session;

AND WHEREAS the Governor of Orissa is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Orissa Co-operative Societies Act, 1962 in the manner hereinafter appearing ;

Orissa Act 2
of 1963.

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution, the Governor of Orissa is pleased to make and promulgate the following Ordinance in the Twenty-first Year of the Republic of India:—

1. (1) This Ordinance may be called the Orissa Co-operative Societies (Second Amendment) Ordinance, 1970.

(2) It shall come into force at once.

2. In section 2 of the Orissa Co-operative Societies Act, 1962 (hereinafter referred to as the principal Act)—

Orissa Act 2
of 1963.

(a) after clause (d) the following new clause shall be inserted, namely:—

“(d-1) ‘co-operative year’ means the period commencing on the first day of July of any year and ending with the 30th day of June of the succeeding year and in the case of any registered society or class of registered societies, the accounts of which are made up to any other date with the previous sanction of the Registrar, the year ending with such date;”

(b) after clause (f) the following new clause shall be inserted, namely:—

“(f-1) ‘near relative’ means father, mother, husband, wife son, daughter, undivided brother, unmarried sister and son’s wife;”

(c) in clause (g) after the word and comma “Secretary,” the words and comma “Assistant Secretary,” shall be inserted;

(d) after clause (m) the following new clause shall be inserted, namely:—

“(m-1) ‘standard acre’ shall have the same meaning as assigned to it under the Orissa Land Reforms Act, 1960;”

Orissa Act
16 of 1960.

Short title
and
commence-
ment.

Amendment
of section 2,
Orissa Act
2 of 1963.

Amendment
of section 16,
Orissa Act 2
of 1963.

3. In section 16 of the principal Act—

- (a) for sub-section (3) the following sub-se within six substituted, namely:—

“(3) Notwithstanding anything contained in the sub-sections—

- (a) no individual shall be eligible to be a member only to society or a Central Co-operative Bank ; and committee

- (b) no individual shall be eligible to be a member of any if he or any of his near relatives having common economic interest with him carries on any business similar to the carried on by the society.”;

- (b) in sub-section (4) for the words, figure and bracket “the provisions of sub-section (3)” the words, figure, let and brackets “the provisions of clause (a) of sub-section (3) shall be substituted;

- (c) after sub-section (4) the following new sub-section and explanation shall be inserted, namely:—

“(5) Any individual, who was continuing as a member of any society immediately prior to the date of coming into force of the Orissa Co-operative Societies (Second Amendment) Ordinance, 1970 and who is not otherwise eligible to be a member of such society in accordance with the provisions of clause (b) of sub-section (3), shall have to resign his membership within three months from such date, failing which he shall be deemed to have ceased from being a member and upon such resignation or cesser the society shall, subject to the provisions of sub-section (4) of section 23, refund his contribution to the share capital of the society.

Explanation—For the purposes of sub-section (3)—

- (a) the business of money-lending shall be deemed to be similar to the business carried on by a Primary Agricultural Credit Society, Co-operative Bank or a Land Development Bank ;
- (b) the business carried on by a trader shall be deemed to be similar to the business carried on by a marketing co-operative society ;
- (c) the business carried on by a contractor shall be deemed to be similar to the business carried on by a labour contract co-operative society or a forest marketing co-operative society; and
- (d) a near relative of an individual shall, unless the contrary is proved, be deemed to have common economic interest with such individual.”

Amendment
of section 23,
Orissa Act
2 of 1963.

4. In section 23 of the principal Act for sub-section (4) the following sub-section shall be substituted, namely:—

“(4) Notwithstanding anything contained in the preceding sub-section where a person ceases to be a member of any society by reason of resignation or expulsion or by the reason of incurring any disqualification provided under

Rules or under the bye-laws of the society,
 Or retire the shares of or the interest in the
 held by such person on payment of the face
THE OR share or interest."

[Promul^{pub}tion 28 of the principal Act—

or sub-section (2) the following sub-sections shall be substituted, namely:—

) The Committee of a society which is assisted by the State
 ment or Central Government in any of the forms specified
 o-section (1) of section 31 shall consist of not less than five
 not more than eleven members:

Provided that—

- (a) the aforesaid maximum limit in the cases of a Central Society and an apex society shall be fifteen and twenty-one, respectively;
- (b) in the case of a Regional Co-operative Marketing Society the Committee shall not include more than three members representing the individual members of the society to be chosen from among members who have marketed their produces through the society in the prescribed manner during the preceding two co-operative years and the remaining members of the Committee shall be representatives of the societies which are members of the said Marketing Society; and
- (c) in the case of Primary Agricultural Credit Co-operative Societies and Service Co-operative Societies at least one third of the members of the Committee shall be persons owning not more than three standard acres of land or persons who are landless cultivators.

(2-a) If the bye-laws of a society which were in force immediately prior to the date of coming into force of the Orissa Co-operative Societies (Second Amendment) Ordinance, 1970, are inconsistent with the provisions contained in sub-section (2), the society shall, within three months from the said date, amend the bye-laws so as to bring them in conformity with the said sub-section failing which the Registrar shall make the necessary amendment and register the same in the manner provided in sub-section (6) of section 12.

(2-b) Upon an amendment being made under sub-section (2-a) the society shall wherever necessary, reconstitute the Committee within one month from the date of enforcement of the amendment in accordance with the bye-laws as so amended failing which the Registrar shall remove the Committee and thereupon the provisions contained n

section 32, in so far as they relate to management of the affairs of the society and reconstitution of its Committee, shall apply to the society:

Provided that the Committee shall be reconstituted within six months from the date of its removal:

(b) for sub-section (4-d) the following sub-section shall be substituted, namely:—

“(4-d) Nothing in sub-sections (4) and (4-a) shall apply to any person nominated by the State Government to the Committee of any society.”

Insertion of
new section
28-A, Orissa
Act 2 of 1963

Election of
members of
Committee.

6. After section 28 of the principal Act the following new section shall be inserted, namely:—

“28-A. (1) Subject to the following provisions the election of the President and the members of the Committee of a society shall be held and conducted in the prescribed manner.

(2) The Registrar shall, by general or special order, appoint one or more election officers for holding such election and different election officers may be appointed for different societies or for different areas.

The Secretary or the Executive Officer of the society shall give the due date of expiry of the term of office of the committee to the concerned election officer at least thirty days prior to such date.

Upon receipt of the intimation as aforesaid or upon his information as to the aforesaid date the election officer shall fix the date of the general meeting of the society for holding the election and shall direct the Secretary or the Executive Officer of the society to prepare and issue notice for the meeting and deliver the same on or before a date to be specified in the notice.

(3) After receipt of the forms the election officer shall serve the same on all the members of the society under certificate of posting at the cost of the society.

(6) The election officer or if he is unable to attend, any person specially authorised by him in that behalf shall preside over, conduct and regulate the proceedings at the meeting.

(7) All casual vacancies in the Committee of a society shall be filled up in accordance with the provisions contained in the bye-laws of the society.

Amendment
of section 29,
Orissa Act 2
of 1963.

7. In section 29 of the principal Act after clause (b) the following new clause shall be inserted, namely:—

“(b-1) reviewing the loans advanced to the members of the committee or any of their near relatives having common economic interest and if necessary to direct action for recovery of such loan.”

8. After Session 33 of the principal Act the following new sections shall be inserted, namely:

Accepted

Form of

33-A. The Registrar may classify the societies in the State into different classes and may—

(2) fix the number and designation of the employees to be employed by the different classes of societies; and

(b) make rules regulating the qualification, compensation, and other conditions of service of such employees."

Amendment
of section 68
Criminal Act
1914

9. In section 68 of the principal Act, after explanation V to sub-section (1) the following new explanation shall be inserted, namely :

"Explanation V.—The question whether a person or any one of his near relatives is carrying on similar business as is done by the company or whether such near relative has common economic interest with such person shall be a dispute within the meaning of this section."

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14 In section 109 of the Principal Act in sub-section (1) after
the following new

Committee of any

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Article 11. After Section 1.15 of the principal Act the following new section shall be inserted, namely: 15-1100X to 15-1100X-10. The date of expiry of the

Committee to such

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113A. The State Government may, by general or special order, refer any matter under section 113 to any authority or

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5100-13 In section 11.5 of the principal Act, after sub-section

1. The date to be specified in the

common economic interest fails to repay the total debt by the due date, the Registrar

informed within fifteen days of such due date failing which the Chairman of the society responsible for sending such information

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