

ORISSA ACT 25 OF 1975

THE ORISSA CO-OPERATIVE SOCIETIES (AMENDMENT) ACT, 1975**PREAMBLE****SECTIONS**

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2. Amendment of section 16, Orissa Act 2 of 1963
3. Amendment of section 31, Orissa Act 2 of 1963
4. Amendment of section 109, Orissa Act 2 of 1963
5. Insertion of new section 133-A, Orissa Act 2 of 1963

***THE ORISSA CO-OPERATIVE SOCIETIES (AMENDMENT)
ACT, 1975**

*[Received the assent of the Governor on the 8th May 1975,
first published in an extraordinary issue of the Orissa
Gazette, dated the 16th May 1975]*

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

BE it enacted by the Legislature of the State of Orissa in the Twenty-sixth Year of the Republic of India, as follows :—

Short title 1. This Act may be called the Orissa Co-operative Societies (Amendment) Act, 1975.

Amendment of section 16 of Orissa Act 2 of 1963. 2. In section 16 of the Orissa Co-operative Societies Act, 1962 (hereinafter referred to as the principal Act), for sub-section (2), the following sub-sections shall be substituted, namely :—

“(2) No society shall, without sufficient cause, refuse admission as member to any person who is duly qualified therefor and the decision refusing admission shall be communicated by the society to the person concerned with reasons for such refusal within thirty days from the date of application for membership failing which such person shall be deemed to have been admitted as a member of the society with effect from the date following the date of expiration of the said period of thirty days.”

(2-a) Where a person is deemed to have been admitted as a member of a society in pursuance of the preceding sub-section, the society may file an application before the Registrar within sixty days from the date with effect from which such person is deemed to have been admitted as a member for cancellation of the membership, whereupon the Registrar shall, after making such enquiry as he deems fit, pass such order as he thinks proper.”

Amendment of section 31, Orissa Act 2 of 1963. 3. In section 31 of the principal Act, after sub-section (1), the following proviso shall be inserted, namely :—

“Provided that the number of members so nominated shall in no case exceed three.”

Amendment of section 109, Orissa Act 2 of 1963.

4. In section 109 of the principal Act, in sub-section (1),
(a) in clause (d), the words “or where an application for membership is deemed to have been rejected” shall be deleted ;

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

“(d-1) an order of the Registrar passed under sub-section (2-a) of section 16 ;”

*For the Bill see Orissa Gazette, Extraordinary, dated the 26th March, 1975 (No. 616).

Insertion of
new section
133-A,
Orissa Act 2
of 1963.

5. After section 133 of the principal Act, the following new section shall be inserted, namely:—

Special pro-
visions
relating to
insured co-
operative
banks.

“133-A. Notwithstanding anything contained in this Act, in the case of an insured co-operative bank—

(i) an order for winding up, amalgamation or division of the bank shall not take effect unless previous sanction therefor has been accorded in writing by the Reserve Bank of India ;

(ii) an order for winding up of the bank shall be made by the Registrar if so required by the Reserve Bank of India in the circumstances mentioned in section 13-D of the Deposit Insurance Corporation Act, 1961 ;

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(iii) if so required by the Reserve Bank of India in writing in the public interest or for preventing the affairs of the bank being conducted in a manner detrimental to the interests of the depositors or for securing the proper management thereof, the Registrar shall pass an order for the removal of the committee of the bank and for appointment of an Administrator therefor, for such period, not exceeding five years in the aggregate, as may, from time to time, be specified by the Reserve Bank :

Provided that no such order for removal shall be passed without giving the concerned committee a reasonable opportunity of being heard;

(iv) no appeal, revision or review shall lie against an order referred to in clause (i), (ii) or (iii) made or passed with the previous sanction in writing or on the requisition of the Reserve Bank of India and no such order or sanction shall be liable to be called in question in any manner;

(v) the liquidator of the insured co-operative bank or the transferee bank, as the case may be, shall be under an obligation to repay the Deposit Insurance Corporation established under the Deposit Insurance Corporation Act, 1961, in the circumstances, to the extent and in the manner 47 of 1961 provided in section 21 of that Act.

Explanation—For the purposes of this section—

(i) “insured co-operative bank” means a society which is an insured bank under the provisions of the Deposit Insurance Corporation Act, 1961;

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(ii) “transferee bank” in relation to an insured co-operative bank means a co-operative bank—

(a) with which such insured co-operative bank is amalgamated; or

(b) to which the assets or liabilities of such insured co-operative bank are transferred; or

(c) into which such insured co-operative bank is divided or converted under the provisions of section 14 ;

(iii) "Reserve Bank of India" means the Reserve Bank of India established under the Reserve Bank of India Act, of 1934."

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