

ORISSA ACT 11 OF 2004

THE ORISSA CO-OPERATIVE SOCIETIES (AMENDMENT) ACT, 2004

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ORISSA ACT 11 OF 2004

***THE ORISSA CO-OPERATIVE SOCIETIES (AMENDMENT) ACT, 2004**

[Received the assent of the Governor on the 20th December, 2004, first published in an Extraordinary issue of the *Orissa Gazette* dated the 27th December, 2004 (No. 1832)]

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 Fifty-fifth Year of the Republic of India as follows :-

Short title.

1. This Act may be called the Orissa Co-operative Societies (Amendment) Act, 2004.

Amendment of Section 16.

2. In the Orissa Co-operative Societies Act, 1962 (hereinafter referred to as the principal Act), after the second proviso to clause (a) of sub-section (1) of Section 16, the following proviso shall be inserted, namely :-

Orissa Act
2 of 1963.

“Provided also that nothing in this clause shall debar the Co-operative Societies to admit the Self-Help Groups as nominal member with such conditions, which the State Government may, by order, specify from time to time.”

Amendment of Section 28.

3. In Section 28 of the principal Act, in sub-section (2),-

(i) For clauses (c), (e-1) and (e-2), the following clauses shall be substituted, respectively, namely :-

“(c) In the case of a primary Society other than Large-sized Adivasi Multipurpose Co-operative Societies, two members each shall be from the Scheduled Castes and the Scheduled Tribes, three from Other Backward Classes including Socially and Educationally Backward Classes and two from Women members, 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 one woman.

(d) In the case of a Central Society, two members each shall be from the Scheduled Castes and the Scheduled Tribes, three from Other Backward Classes including Socially and Educationally Backward Classes and two from Women members, 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 one woman.

(e) In the case of an Apex Society, three members each shall be from the Scheduled Castes and the Scheduled Tribes, four from Other Backward Classes including Socially and Educationally Backward Classes and three from Women members, so that among each of the said Scheduled Castes and Scheduled Tribes members, there shall be one woman and among the Other Backward Classes including Socially and Educationally Backward Classes members, there shall be two women :

Provided that , save as provided in the aforesaid clauses there will 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 Co-operative Societies.” ; and

*For the Bill, See *Orissa Gazette*, Extraordinary, dated the 27th December 2004 (No. 1832)

(ii) in sub-clause (iv) of clause (g), for the words "thirty-six months", the words "fourty-two months" shall be substituted.

Amendment of
Section 28-B.

4. In Section 28-B of the principal Act, the following proviso shall be added, namely :-

"Provided that the Government shall have power to withhold the election process of any Co-operative Society at any stage with reasons to be recorded in writing."

Amendment of
Section 29.

5. In the principal Act, for sub-section (1) of Section 29, the following sub-section shall be substituted, namely :-

"(1) The meeting of the General Body of members of a Society shall be held at least once in every Co-operative year."

Amendment of
Section 31.

6. In the principal Act, for the proviso to sub-section (1) of Section 31, the following proviso shall be substituted, along with the explanation thereto :-

"Provided that the number of members so nominated shall, in no case exceed four, of whom, one shall be a representative of any of the Financing Banks of the Society, if any, and two shall be professionals.

Explanation—The term "professional" shall include the profession of Accountancy, Banking, Agriculture, Co-operation, Law and Economics."

Amendment of
Section 62.

7. In the principal Act, in Section 62, in sub-section (1), the following proviso shall be inserted to clause (i), namely :-

"Provided that the Auditor-General of Co-operative Societies, Orissa may engage one or more Chartered Accountants to cause the audit of the accounts of the Co-operative Society and the fees shall be paid by the Society both to the Chartered Accountant and the Government for the audit of its accounts for each Co-operative year at such rate as may be fixed by the Government."

Amendment of
Section 68.

8. In the principal Act, in sub-section (1) of Section 68, after the figure, "1947" and before the words, "shall be referred," the words and figures, "and a dispute relating to non-payment of contribution to the Co-operative Education Fund referred to in sub-section (3) of Section 56" shall be inserted.

Amendment of
Section 102.

9. In the principal Act, sub-section (1) of Section 102 shall be renumbered as Section 102 and for the words "Auditor-General" wherever they occur, the word "Registrar" shall be substituted ; and sub-section (2) thereof shall be omitted.

Amendment of
Section 103.

10. In the principal Act, in Section 103,—

(i) for the words "Auditor-General" wherever they occur, the word "Registrar" shall be substituted; and

(ii) sub-section (5), shall be omitted.

Amendment of
Section 106.

11. In the principal Act, in clause (b) of Section 106, for the words "Auditor General", the word "Registrar" shall be substituted.

Amendment of
Section 108.

12. In the principal Act, for sub-section (1) of Section 108, the following sub-section shall be substituted, namely :-

"(1) (i) All sums due from a Society to the Government other than audit fees, or from a Society to the Orissa Khadi and Village Industries

Board established under the Orissa Khadi and Village Industries Board Act, 1955, including any cost awarded under any provision of the Act and the contribution to the Co-operative Education Fund referred to in sub-section (3) of Section 56 due from a Society to the Orissa State Co-operative Union Limited, Bhubaneswar, may be recovered on an order issued by the Registrar, and

Orissa Act
3 of 1955.

- (ii) the audit fees due from a Society to the Government may, on an order issued by the Auditor-General be recovered.”.

“In the same manner as provided under sub-section (1) of Section 103.”.

13. In the principal Act, in Section 109,—

- (i) after clause (n) of sub-section (1), the following clause shall be inserted, namely :—

“(n-1) a reference of the Auditor-General of Co-operative Societies, Orissa made under Section 112-A”, and

- (ii) in clause (a) of sub-section (2), for the words, letter, brackets and semi colon ” and (n); “ the coma, brackets, letters, words, figure and semi colon ”, (n) and (n-1); and” shall be substituted.

14. In the principal Act, after Section 112, the following Section shall be inserted, namely:—

“112-A. The Auditor-General of Co-operative Societies, Orissa of his own motion or on application by any person may, call for and examine the records of any proceedings under Section 67 of the Act, pending before any authority subordinate to him or disposed of by such authority in which appeal has not been filed and may, after giving the parties a reasonable opportunity of being heard, make a reference within a period of four years from the date of his knowledge, to the Co-operative Tribunal with his views for adjudication and final decision under sub-section (1) of Section 109 of the Act.”.

15. In the principal Act, in Section 115, —

- (i) in sub-section (1), for the words “two hundred rupees”, the words “ten thousand rupees”, shall be substituted ;
- (ii) in sub-section (2), for the words “two hundred rupees”, the words “ten thousand rupees”, shall be substituted;
- (iii) in sub-section (3), for the words “two hundred rupees”, the words “ten thousand rupees”, shall be substituted;
- (iv) in sub-section (4), for the words “five thousand rupees”, the words “twenty thousand rupees”, shall be substituted;
- (v) in sub-section (5), for the words “two hundred rupees”, the words “ten thousand rupees”, shall be substituted;
- (vi) in sub-section (6), for the words “one thousand rupees”, the words “fifteen thousand rupees”, shall be substituted;
- (vii) in sub-section (7), for the words “one thousand rupees”, the words “fifteen thousand rupees”, shall be substituted;

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Amendment of
Section 109.

Insertion of
new Section
112-A.

Reference by
Auditor-
General.

Amendment of
Section 115.

(viii) in sub-section (8), for the words "two hundred rupees", the words "ten thousand rupees", shall be substituted;

(ix) in sub-section (9), for the words "two thousand rupees", the words "eighteen thousand rupees", shall be substituted;

(x) in sub-section (10), for the words "two thousand rupees", the words "eighteen thousand rupees", shall be substituted;

(xi) in sub-section (11), for the words "one thousand rupees", the words "fifteen thousand rupees", shall be substituted;

(xii) in sub-sections (12), (13), (14) and (15), for the words "two thousand rupees", the words "eighteen thousand rupees", shall be substituted;
and

(xiii) after sub-section (15), the following sub-section shall be inserted, namely :—

"(16) any office bearer, member, officer, employees of the Co-operative Society, causing wilful negligence, in maintenance and preservation of book; and accounts of the Society and in submission of the records to the Registrar, Auditor-General and other authorities requiring the same under this Act, and the rules, shall be punishable with fine which may extend to five thousand rupees or with imprisonment which may extend to one year or with both."

Amendment of
Section 116.

16. In the principal Act, in Section 116, in sub-section (3), after the word "Registrar" and before the words "or any member", the words "Auditor-General" shall be inserted.

Amendment of
Section 117.

17. In the principal Act, in Section 117, after the words "Indian Language is part" the words "without the sanction of the Government" shall be inserted.

Amendment of
Schedule-I.

18. In the principal Act, in Schedule-I, for the words "Auditor-General" wherever they occur, the word "Registrar" shall be substituted.

Amendment
of Section 19
of the Orissa
Act 28 of
1991.

19. In the Orissa Co-operative Societies (Amendment) Act, 1991, (hereinafter referred to as the Amendment Act), in Section 19,—

Orissa Act
28 of 1991.

(i) for sub-clause (viii) of clause (a), the following sub-clause shall be substituted, namely :—

"(viii) to create posts, make service conditions, leave concessions, fixation and revision of pay and allowances of the employees of Co-operative Societies with the previous approval of the Registrar and shall have power to appoint officers and other staffs to conduct the business of the Society and determine *inter alia* their duties, disciplinary matters, subject to provisions in this regard, in the Act, Rules and the Bye-laws;"

(ii) clause (k) shall be omitted.

Amendment
of Section 27
of the
Amendment
Act.

20. In the Amendment Act, the amendment made in Section 27, shall be modified in the following manner, namely :-

“33-A. the Registrar shall—

- (a) fix the number and designation of the employees to be employed by the Co-operative Societies ; and
- (b) make rules, regulating the qualification, remuneration, allowances and other conditions of service of such employees.”

Amendment
of Sections
28, 45 and 49
of the
Amendment
Act.

21. In the Amendment Act, Sections 28, 45 and sub-clause (iii) of clause (a) of Section 49 shall be omitted.

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