

ORISSA ORDINANCE No. 1 OF 1996

THE ORISSA CO-OPERATIVE SOCIETIES (AMENDMENT)
ORDINANCE, 1996

[Promulgated by the Governor of Orissa on the 1st February 1996, first published in an extraordinary issue of the Orissa Gazette, dated the 2nd February 1996]

AN

ORDINANCE

FURTHER 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;

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

Short title
and
commence-
ment.

1. (1) This Ordinance may be called the Orissa Co-operative Societies (Amendment) Ordinance, 1996.

(2) It shall come into force at once.

Amendment
of section 2.

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

2 of 1963.

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

“(a) “Apex Society” means a Society having the whole of the State of Orissa as its area of operation, and declared as such by the Registrar; and

(ii) for clause (b-2), the following clause shall be substituted, namely:—

“(b-2) “Central Society” means a Society declared as such by the Registrar”.

Amendment
of
section 16.

3. In the principal Act, in section 16,—

(i) in sub-section (1), the proviso to clause (b) shall be omitted; and

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

“(1-a) Notwithstanding anything to the contrary contained in any other provisions of this Act, and the rules or bye-law, framed thereunder the members of the Primary Societies affiliated to a Central Society shall be deemed to be the members of such Central Society and of the Apex Society to which such Central Society is affiliated, with effect from the date of commencement of the Orissa Co-operative Societies (Amendment) Ordinance, 1996.”

Amendment
of section 20.

4. In the principal Act, in section 20, clause (a) of the proviso shall be omitted.

Amendment
of section 21.

5. In the principal Act, in section 21, in the proviso to sub-section (1), for clause (a), the following clause shall be substituted, namely:—

“(a) where the member is a society, through its—

(i) President; or

(ii) Vice-President, in case such member society does not have a President, or having a President, such President is unable to exercise the vote; or

(iii) representative, in case such member society does not have a President or Vice-President or having a President and Vice-President, none of them is able to exercise the vote;”.

Amendment of section 27. 6. In the principal Act, in the first proviso to section 27, the words "and amending the bye-laws of the society" occurring at the end shall be omitted.

Amendment of section 28.

7. In the principal Act, in section 28,—

(i) for sub-section (1-a), the following sub-section shall be substituted, namely:—

"(1-a) There shall be a President and a Vice-President of the Committee who shall have such powers, duties and responsibilities as may be described.";

(ii) In sub-section (2),—

(a) in sub-clause (i) of clause (a), after the words "President", the words "and the Vice-President" shall be inserted;

(b) after clause (e), the following clauses shall be inserted, namely:—

"(e-1) in the case of a Central Society, three members each shall be from the Scheduled Castes and Scheduled Tribes, four from other Backward Classes and five from other categories of members, so however that, among each of the said Scheduled Castes, Scheduled Tribes and Other Backward Classes of members, there shall be one woman and among the other categories, there shall be two women.

(e-2) in the case of an Apex Society, four members shall be from the Scheduled Castes, five from the Scheduled Tribes and six each from the Other Backward Classes and other categories of member, so however that there shall be one woman each from the said Scheduled Castes and Scheduled Tribes, two women among the Other Backward Classes and three women among the other categories of members.";

(c) for clauses (f) and (g), the following clauses shall respectively be substituted, namely :—

"(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 categories of members remaining 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 amongst the members of the Society to fill up such seats, and for the purpose of making such co-option, 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;

(iii) in the event of any seat in the Committee reserved for Women, Scheduled Castes, Scheduled Tribes and Other Backward Classes categories of members remaining vacant for non-availability of required number of such categories of members in the membership of a Society for the said purpose of co-option, any vacancy as a consequence thereof shall not invalidate the constitution or functioning of the Committee, provided there is a quorum.

(g) (i) Notwithstanding anything to the contrary contained in this Act, rules and bye-laws, the Committee of every Central Society and Apex Society existing immediately before the date of commencement of the Orissa Co-operative Societies (Amendment) Ordinance, 1996 shall stand dissolved with effect from the said date, and the members including the President and the Vice-President of every such Committee shall be deemed to have vacated their offices on that date :

Provided that nothing in this clause shall be construed to affect the functions and powers of the committee of a Primary Society constituted before the commencement of the Orissa Co-operative Societies (Amendment) Ordinance, 1996, as long as it continues in Office ;

(ii) Upon such dissolution the management of the Society shall vest in the Registrar, and the Registrar shall nominate a Committee from amongst the members of the Society, as far as practicable, representing the Scheduled Castes, Scheduled Tribes, Other Backward Classes and Women, to manage the affairs of the Society till the Committee is constituted in accordance with the provisions of this Act as amended by the Orissa Co-operative Societies (Amendment) Ordinance, 1996;

(iii) Every Society, the Committee of which stands dissolved under sub-clause (i), 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) Ordinance, 1996, and reconstitute the Committee within six months from the date its Committee so stood dissolved; and

(iv) In the event of 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.

8. In the principal Act, in section 28-A, in sub-section (I),—

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

"(i) The President of the Committee of every Society shall be indirectly elected in the manner prescribed, by and from among the members of the Committee."; and

(b) in clause (iii), for the words "The Vice-President of the Committee of every Primary Society," the words "the Vice-President of the Committee" shall be substituted.

Amendment
of
section 32.

9. in the principal Act, in section 32, after sub-section (6), the following sub-section shall be inserted, namely:—

"(7) Notwithstanding anything contained in this section, if, in the opinion of the Registrar, the Committee of any Society is acting in a manner prejudicial to the interest of the Society or its members, or has committed such serious irregularities or illegality that further continuance of the Committee would be detrimental to the interest of the Society, the Registrar may, at any time before or, as the case may be, after issue of a notice under sub-section (1), suspend the Committee, and make such arrangements as he thinks proper for the management of the affairs of the Society during the period of suspension of the Committee:

Provided that if the Committee so suspended is reinstated the period of suspension shall count towards its term".

Dated the 1st day of February, 1996

GOPAL RAMANUJAM
GOVERNOR OF ORISSA