

Fifteenth Kerala Legislative Assembly

Bill No. 110

**THE KERALA CO-OPERATIVE SOCIETIES
(AMENDMENT) BILL, 2022**

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further to amend the Kerala Co-operative Societies Act, 1969.

Preamble.—WHEREAS, it is expedient further to amend the Kerala Co-operative Societies Act, 1969 (Act 21 of 1969) for the purposes hereinafter appearing;

BE it enacted in the Seventy-third Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Co-operative Societies (Amendment) Act, 2022.

(2) It shall be deemed to have come into force on the 12th day of February, 2021.

2. *Amendment of section 28.*—In section 28 of the Kerala Co-operative Societies Act, 1969 (Act 21 of 1969) (hereinafter referred to as the principal Act), to sub-section (8), following proviso shall be added, namely:—

“ Provided that nothing contained in this sub-section shall affect the voting right of a member Anand Pattern Milk Co-operative Society, which is managed by an administrator or administrative committee and a delegate nominated by the administrator or administrative committee, as prescribed, shall have the limited right to participate in the general body meeting of Regional Co-operative Milk Producers' Union and to vote in the election to constitute the Managing Committee of a Regional Co-operative Milk Producers' Union.”.

STATEMENT OF OBJECTS AND REASONS

Sub-section (8) was added to section 28 of the Kerala Co-operative Societies Act vide Kerala Co-operative Societies (Amendment) Act, 2021.

This sub-section was inserted only to ensure that the President of the member of Anand Pattern Co-operative Society can attend the General Body Meeting and contest the election to the Managing Committee of the Regional Co-operative Milk Producers' Union, in exclusion of other members. This provision was not intended to deal with a situation where the Anand Pattern Co-operative Society is under the control of an Administrator/Administrative Committee.

2. In the spirit of the democratic process and Article 43B of the Constitution of India as well as sections 20 and 21 of the Kerala Co-operative Societies Act, 1969, it is imperative that all the Anand Pattern Co-operative Societies which are members of the Central Societies, vote for the appointment of the Managing Committee of the Regional Co-operative Milk Producers' Union. Sub-section (8) of section 28 was not intended to curtail the voting rights of the such Anand Pattern Co-operative Societies, which are under the control of an Administrator/Administrative Committee.

3. But it is felt that a clarification is required to be given in this regard. In order to provide necessary clarification to sub-section (8) of section 28, the Government have decided to add a proviso to sub-section (8) of section 28 of the Kerala Co-operative Societies Act to the effect that in case of member Anand Pattern Co-operative Societies which are governed by the Administrator/Administrative Committee, the delegate appointed as per the Kerala Co-operative Societies Rules shall have the right to participate in the general body meeting of the Regional Co-operative Milk Producers' Union and vote in the election to constitute the Managing Committee of the Regional Co-operative Milk Producers' Union.

4. The Bill seeks to achieve the above object.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any recurring or non-recurring additional expenditure from the Consolidated Fund of the State.

V. N. VASAVAN

EXTRACT OF THE RELEVANT PORTIONS FROM THE KERALA
CO-OPERATIVE SOCIETIES ACT, 1969 (ACT 21 OF 1969)

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28. *Appointment of committee.*—(1) The general body of a society shall constitute a committee, for a period of five years in accordance with the bye-laws and entrust the management of the affairs of the society to such committee:

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(8) Notwithstanding anything contained in this Act or the rules made there under or the bye-laws of a Regional Co-operative Milk Producers' Union or in any other law, judgement or Decree or Orders of any court or Tribunal, for the time being in force, the delegate of the member Anand Pattern Milk Co-operative Society to attend the general body meetings and to contest the elections to the managing committee of the Regional Co-operative Milk Producers' Union shall be the President of member Anand Pattern Milk Co-operative Societies only.

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