



LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

THE GOA CO-OPERATIVE SOCIETIES (AMENDMENT) BILL, 2013

(BILL No. 33 of 2013)

(As introduced in the Legislative Assembly of the State of Goa)

GOA LEGISLATURE SECRETARIAT

ASSEMBLY HALL, PORVORIM, GOA

OCTOBER, 2013

THE GOA CO-OPERATIVE SOCIETIES (AMENDMENT) BILL, 2013

(BILL No. 33 of 2013)

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further to amend the Goa Co-operative Societies Act, 2001 (Goa Act, 36 of 2001)

BE it enacted by the Legislative Assembly of Goa in the Sixty-fourth Year of the Republic of India, as follows:-

1. Short title and commencement . — (1) This Act may be called the Goa Co-operative Societies (Amendment) Act, 2013.

(2) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. Amendment of section 2. —In section 2 of the Goa Co-operative Societies Act, 2001 (Goa Act 36 of 2001) (hereinafter referred to as the “principal Act”), —

(i) after clause (5), the following clause shall be inserted, namely:-

“(5a) “authorised person” means a person authorised under the provisions of this Act;”;

(ii) for clause (6), the following clause shall be substituted, namely:-

“(6) “board” means the board of directors or the governing body of a society, to which the direction and control of the management of the affairs of a society is entrusted to;”;

(iii) after clause (9), the following clauses shall be inserted, namely:-

“(9a) “Committee” means the managing committee or other body, to which the management of the affairs of a society is entrusted;

(9b) “Co-operative Society” means a society registered or deemed to be registered under this Act;”;

(iv) clause (16) shall be omitted;

(v) after clause (19), the following clause shall be inserted, namely:-

“(19a) “Executive Magistrate” means an Executive Magistrate appointed by the Government;”;

(vi) after clause (20), the following clauses shall be inserted, namely:-

“(20a) “Financing Bank” means a co-operative bank, the objects of which includes the creation of funds to be lent to other co-operative societies;

(20b) “firm” means a firm registered under the Indian Partnership Act, 1932 (Central Act 9 of 1932);”;

(vii) after clause (26), the following clause shall be inserted, namely:-

“(26a) “Limited Liability Partnership” means a firm registered under the Limited Liability Partnership Act, 2008 (Central Act 6 of 2009);

(viii) for clause (29), the following clause shall be substituted, namely:-

“(29) “Multi-State Co-operative Society” means a co-operative society with objects not confined to one State and registered or deemed to be registered under any law for the time being in force relating to such co-operatives;”;

(ix) clause (30A) shall be renumbered as clause (30a) and after clause (30a) as so renumbered, the following clause shall be inserted, namely:-

“(30b) “office bearer” means a President, Vice-President, Chairperson, Vice-Chairperson, Secretary, Treasurer, of a co-operative society and includes any other person to be elected by the board of any co-operative society;”;

(x) for clause (31), the following clause shall be substituted, namely:-

“(31) “Officer” means the person empowered under this Act or under the rules or under the bye-laws to give directions in regard to day to day business of a co-operative society;”;

(xi) after clause (38), the following clause shall be inserted, namely:-

“(38a) “Recovery Officer” means any person empowered to exercise in any district, the powers specifically delegated by the Registrar in relation to the recovery of debts under this Act;”;

(xii) after clause (41), the following clauses shall be inserted, namely:-

“(41a) “Sale Officer” means any person empowered by the Registrar by general or special order, to attach and sell the property of defaulters or to execute any decree by attachment and sale of property;

(41b)“section” means a section of this Act;”;

(xiii) after clause (42) ,the following clause shall be inserted, namely:-

(42a) “State level co-operative society” means a co-operative society having its area of operation extending to the whole of a State and defined as such in any law made by the Legislature of a State;”;

(xiv) after clause (45), the following clause shall be inserted, namely:-

“(45a) “surety” means a guarantor to the principal debtor of the society who may or may not be a member of the society;”;

(xv) after clause (46), the following clauses shall be inserted, namely:-

“(46a) “surplus fund account” means the account maintained by the Registrar;

(46b) “working capital” means funds at the disposal of a society inclusive of paid-up share capital, funds built-up out of profits and money raised by borrowing and/or by other means;”.

3. Insertion of new section 7A.— After section 7 of the principal Act, the following section shall be inserted, namely:-

“7A Power of the Registrar to decide certain questions.— Where any question arises at the stage of registration, whether a person resides in the area of operation of a co-operative society or not, or whether a co-operative society is of same type as another co-operative society or of different type, such question shall be decided by the Registrar whose decision shall be final.”.

4. Insertion of new section 10A.— After section 10 of the principal Act, the following section shall be inserted, namely:-

“10A. Bye-laws of Co-operative Society – (1)Every Co-operative Society may make its bye-laws in accordance with the provisions of this Act and the rules made thereunder.

(2)In particular and without prejudice to the generality of the foregoing provision, such bye-laws may provide for all or any of the following matters, namely:-

(a) the name, address and area of operation of the society;

(b) the objects of the society;

(c) the services to be provided to its members;

(d) the eligibility for obtaining membership;

(e) the procedure for obtaining membership;

(f) the conditions for continuing as member;

(g) the procedure for withdrawal of membership;

- (h) the transfer of membership;
- (i) the procedure for expulsion from membership;
- (j) the rights and duties of the members;
- (k) the nature and amount of capital of the society;
- (l) the manner in which the maximum capital to which a single member can subscribe;
- (m) the sources from which the funds may be raised by a society;
- (n) the purpose for which the funds may be applied;
- (o) the manner of allocation or disbursement of net profits/surplus of society;
- (p) the constitution of various reserves;
- (q) the manner of convening general meetings and quorum thereof;
- (r) the procedure for notice and manner of voting in general body meeting and other meetings;
- (s) the procedure for amending the bye-laws;
- (t) the number of elected members of the board not exceeding twenty one;
- (u) the term of office of elected members of a board not exceeding five years;
- (v) the qualification and disqualification for member of board of the society;
- (w) the procedure for removal of members of the board and for filling of vacancies;
- (x) the manner of convening board meetings, its quorum, number of such meetings in a year and venue of such meetings;
- (y) the frequency of board meetings;
- (z) the powers and functions of the Chief Executive;
- (za) the manner of imposing the penalty;
- (zb) the appointment, rights and duties of internal auditors and procedure for conducting audit;
- (zc) the authorisation of officers to sign documents, operate bank accounts and to institute and defend suits and other legal proceedings on behalf of the society;

- (zd) the terms on which a co-operative society may deal with persons other than members;
 - (ze) the terms on which a co-operative society may associate with other co-operative society;
 - (zf) the terms on which a co-operative society may deal with organizations other than co-operative societies;
 - (zg) the procedure and manner for transmission of shares and interest in the name of a nominee in case of death of a member;
 - (zh) the educational and training programme to be conducted by the co-operative society;
 - (zi) the principal place and other places of business of the co-operative society;
 - (zj) the minimum level of services to be used by its members;
 - (zk) any other matter which may be specified by the Registrar from time to time.”.
5. Amendment of section 11.—In section 11 of the principal Act, in subsection (1), for the expression “alongwith the prescribed fee”, the expression “alongwith the prescribed fee, within a period of forty-five days from the date of such meeting” shall be substituted .
6. Amendment of section 21.—In section 21 of the principal Act, in subsection (2),-
- (i) in clause (a), the expression “ who is a citizen of India and” shall be omitted.
 - (ii) in clause (b), for the word “firm”, the expression “ firm, limited liability partnership” shall be substituted.
7. Amendment of section 23.—In section 23 of the principal Act, in subsection (5), the following proviso shall be inserted, namely:-
- “Provided that, the joint member shall not be eligible for being chosen as a director.”.

8. Insertion of new section 23A.— After section 23 of the principal Act, the following section shall be inserted, namely:-

“23A. Nominal member.—(1)Notwithstanding anything contained in section 21, a society may admit any person as nominal member on payment of entrance fee as specified in the bye-laws.

(2) A nominal member shall not be entitled to any share, in any form whatsoever, in the profits or assets of the society and shall ordinarily not have any of the privileges and rights of a member.”.

9. Amendment of section 51.— In section 51 of the principal Act,—

(i) for the heading thereof, the following heading shall be substituted, namely:-
“Restrictions on loans”;

(ii)for sub-section (2), the following sub-section shall be substituted, namely:-

“(2)The total amount of deposits received and /or loans raised during any financial year shall not exceed ten times of the sum of paid up share capital, reserve fund, building fund and accumulated profit less accumulated loss, if any, of the society:

Provided that, with prior written approval of the Registrar, the society may specify the limit of borrowings upto twenty-five times of it’s paid-up share capital, reserve fund, building fund and accumulated profit less accumulated loss, if any.”.

10. Amendment of section 52.—In section 52 of the principal Act,—

(i) the existing provision shall be numbered as sub-section (2) thereof and before sub-section (2) as so numbered, the following sub-section shall be inserted, namely:-

“ (1) A society earning profit, shall calculate the net profits by deducting from the gross profits for the financial year, all accrued interest which is overdue for more than six months, establishment charges, interest payable

on loan and deposits, audit fees, rebate, discount, bonus or patronage or any other incentive, working expenses including repairs, rent, taxes, depreciation

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and funds provided for promotion of objectives and after providing for or writing off bad debts and losses not adjusted against any funds created out of profit.”.

(ii) in sub-section (2), as so numbered, in clause (c), for the expressions “Rupees one lakh” and “Goa Rajya Sahakari Sangh”, the expressions “rupees fifty thousand” and “Goa State Co-operative Union” shall be respectively substituted.

11. Amendment of section 54.—In section 54 of the principal Act, in sub-section (2), the expression “An annual interest equal to the Bank rate shall be credited to the accounts of such funds annually.” shall be omitted.

12. Substitution of section 59.—For section 59 of the principal Act, the following section shall be substituted, namely:—

“59. Board of directors.—(1) The management of every society shall vest in a board which shall exercise such powers and perform such duties as may be conferred or imposed by this Act, rules and bye-laws.

(2) The term of office of elected members of the board and its office bearers shall be five years from the date of election and the term of office bearers shall be conterminous with the term of the board:

Provided that, the board may fill a casual vacancy on the board by nomination out of the same class of members in respect of which the casual vacancy has arisen, if the term of office of the board is less than half of its original term.

(3) The size of the board shall be in accordance with the bye-laws, subject to a maximum of twenty-one directors. The Chief Executive shall be an ex-officio director of the board.

(4) There shall be reservation of one seat for Scheduled Castes or the Scheduled Tribes and two seats for women on board of every co-operative society

consisting of individuals as members and having members from such class or category of persons.

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(5) The society shall make provisions for co-option of persons to be members of the board having experience in the field of banking, management, finance, accounts, audit, human resource or specialization in any other field relating to the objects and activities undertaken by the co-operative society, as members of the board of such society:

Provided that, the number of such co-opted members shall not exceed two in addition to twenty-one directors specified in sub-section (3) of this section as such co-opted directors may or may not be the members of the society and shall not have the right to vote in the affairs and in any election of the co-operative society in their capacity as such member or to be eligible to be elected as office bearers of the board:

Provided further that, the functional directors of a co-operative society shall also be the members of the board and such members shall be excluded for the purpose of counting the total number of directors.

(6) The board shall have a chairman and such other office bearers as may be provided in the bye-laws who shall be elected from amongst the elected directors/ appointed directors in terms of section 67A of this Act, in the manner provided in the bye-laws:

Provided that, member of the board shall file the return about their loan transactions and their dealings with the society in the form specified by the Registrar from time to time depending upon the type of society.

Provided further that, no person shall be, or shall continue to be, chairman and such other office bearers as may be provided in the bye laws, for a consecutive period of more than ten years and at the expiration of that period any such person shall cease to be chairman and or the office bearer of that society, and shall not be eligible for being re-elected or reappointed as a Chairman or office bearer, until a period of five years has elapsed after expiry of the aforesaid period of ten years:

Provided also that, should the administrator is appointed or the Chairman is removed by no confidence motion within twenty-four months from the date on which the consecutive period of ten years would, but for such appointment or removal, have been completed, the Chairman shall be deemed to have completed the period of ten years on appointment of administrator or removal of Chairman, as the case may be:

Provided also that, no member shall hold the post of office bearer of more than one Apex or Federal society.

(7) The board may constitute sub committees from among it's directors and other office bearers for specific purpose and such committees shall submit their reports with recommendations or observations to the board for action, within the time specified by the board.

(8) Every director and employee of a society while exercising his power and discharging his duties shall,-

(a) act honestly and in good faith and in the best interest of the society; and

(b) exercise such care, diligence and skill as a reasonably prudent person would exercise in similar circumstances.

(9) A director or employee who is guilty of misappropriation, breach of trust or any other omission or commission, resulting in loss to the society shall be personally liable to make good that loss, without prejudice to such criminal action to which he is liable under the law.

(10) The members of the board and/or committee, as the case may be, shall be jointly liable for the decisions taken by the board and/or committee during it's term relating to the business of the society. The members of the board and/or committee shall be jointly liable for all the acts and omissions detrimental to the interest of the society:

Provided that, before fixing any responsibility mentioned above, the Registrar shall inspect the records of the society and decide as to whether the losses incurred by the society are on account of acts or omissions on the part
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of the members of the board or of the committee or on account of any natural calamities, business complications, economic fluctuations, market fundamentals, accident or any circumstances beyond the control of such members:

Provided further that any member of the board or member of the committee who does not agree with any of the resolution or decision of the board or of the committee, as the case may be, may express his dissenting opinion which shall be recorded in the proceedings of the meeting and such member shall not be held responsible for the decision embodied in such resolution/decision and/ or for any act or omission committed by the board or the committee as per such resolution/decision. Such dissenting member if he so desires may also communicate in writing his dissenting opinion to the Registrar within seven days from the date of such resolution/ decision:

Provided also that any member who is not present for the meeting of the board or committee in which the business of the society was transacted, and who has not subsequently confirmed the proceedings of that meeting, such member shall also not be held responsible for any of the business transacted in such meeting.

(11) If the Auditor, Enquiry Officer or Inspecting officer during the course of audit or enquiry or inspection has found certain discrepancies in the working of the society which are irregular, illegal in nature and detrimental to the interest of the society, the Registrar may take the cognizance of such irregularities or illegalities and after giving due opportunity to the Directors concerned of being heard, may disqualify him to continue on the board.”.

13. Amendment of section 59A.—In section 59A of the principal Act, in sub-section (1), the words “or Director”, wherever they occur, shall be omitted.

14. Amendment of section 60.—In section 60 of the principal Act, in sub-section (3),—

(i) for clause (b), the following clause shall be substituted, namely:-

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“(b) shall have attended three annual general meetings of the society during the period of five years preceding the election;”;

(ii) after clause (b), the following clause shall be inserted, namely:-

“(c) shall have availed for three years in the preceding period of five years the service of a society to a minimum level as specified in the bye-laws.”.

15. Amendment of section 61.—In section 61 of the principal Act,—

(i) in clause (a), for the words “nine months”, the words “six months” shall be substituted;

(ii) after clause (c), the following clause shall be inserted, namely:-

“(d) they willfully allow any of the disqualified director to continue on the board .”.

16. Amendment of section 62.— In section 62 of the principal Act, in sub-section (2), for the expression “elected members”, the expression “elected members /directors appointed under section 67A of the Act” shall be substituted.

17. Amendment of section 66.—In section 66 of the principal Act,—

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

“(1) The election of a board shall be conducted before the expiry of the term of the board so as to ensure that the newly elected members of the board assume office immediately on the expiry of the office of members of the outgoing board.”;

(ii) for sub-section (5), the following sub-section shall be substituted, namely:-

“(5) The elections to the board and office bearers of all the societies, shall be conducted by the Registrar or by such authority or body as may be authorized by the Government by a notification in the Official Gazette and in such manner, as may be prescribed.”;

(iii) after sub-section (5), the following sub-section shall be inserted, namely:-

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“(6) The election of the office bearers shall be conducted by the authorized person/authority/body within thirty days from the date of declaration of the result of the election to the board.”.

18. Amendment of section 67.—In section 67 of the principal Act, for sub-section (4), the following sub-section shall be substituted, namely:—

“(4) Any member of the board may resign his office by writing under his hand addressed to the Chairman and the Chairman may resign his office by writing under his hand addressed to the Chief Executive Officer who shall place the same in meeting of the board for consideration and acceptance. In the event of resignation of office bearer and acceptance of the same, the election of new office bearer shall be done in accordance with the provisions of bye-laws of the society. In the event where the resignation is from majority of the members on the board including the Chairman, or otherwise such resignations shall be handed over to the Chief Executive Officer who shall forward the same to the Registrar. The Registrar, after receiving the resignations of the majority of the members of the board shall assess the situation and decide the course of action in accordance with the provisions of the Act.”.

19. Amendment of section 67A.—In section 67A of the principal Act, after clause (e), the following clauses shall be inserted, namely:-

“(f) any member of board attracts disqualification under the Act;

(g)majority of the members of the board resigns.”.

20. Substitution of section 69.—For section 69 of the principal Act, the following section shall be substituted, namely:—

“69.Directions by the Registrar for successful conduct of business.- The Registrar may, from time to time, issue such directions or directives to a co-operative society or a class of co-operative societies as he considers necessary

for successful conduct of business and on all matters incidental thereto and such directions or directives shall be binding on them.”.

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21. Substitution of section 71.—For section 71 of the principal Act, the following section shall be substituted, namely :—

“71. Supersession and suspension of board and interim management.—
(1)Notwithstanding anything contained in any law for the time being in force, no board shall be superseded or kept under suspension for a period exceeding six months :

Provided that, the board may be superseded or kept under suspension in case, —

(a) of it’s persistent default ; or

(b) of it’s negligence in the performance of duties; or

(c) the board has committed any act prejudicial to the interests of the Co-operative society or it’s members; or

(d)there is stalemate in the constitution or functioning of the board; or

(e) the Registrar or authority or body as referred to in sub-section (5) of section 66 of the Act failed to conduct elections in accordance with this Act:

Provided further that the board of any such society shall not be superseded or kept under suspension where there is no Government shareholding or loan or financial assistance or any guarantee by the Government:

Provided further that in case of a co-operative society carrying on the business of banking, the provisions of the Banking Regulation Act, 1949 (Central Act 10 of 1949) shall also apply:

Provided also that in case of a co-operative society, other than a multi-State Co-operative society, carrying on the business of banking, the provisions of this section shall have the effect as if for the words “six months”, the words “one year” had been substituted.

(2) Before making such order the Registrar shall give an opportunity to the board of being heard in the matter, within fifteen days, from the date of issue of notice and by order supersede the board and appoint one or more administrator, who may or may not be the member of the society, to manage the affairs of the society for the period specified in sub-section (1).

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(3) In case of supersession of board, the administrator appointed to manage the affairs of such society shall arrange for conduct of elections within the period specified in sub-section (1) and handover the management to the elected board.

(4) The administrator so appointed shall have power to execute all or any of the functions of the board and to take all such actions as may be required in the interest of the society except admission of members.

(5) The Registrar may fix the remuneration payable to the administrator which shall be paid from the funds of the society.”.

22. Amendment of section 72.—In section 72 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) Every society shall hold the annual general body meeting of its members within six months from the close of the co-operative year. At every annual general meeting of a society, the board shall lay before the society an audited balance sheet and profit and loss account for the year in the manner specified by the Registrar by general or special order in this behalf.

Explanation- In the case of a society not carrying on business for profit, an income and expenditure account shall be placed before the society at the annual general meeting instead of profit and loss account; and all the references to “profit and loss account”, “profit” and “loss” in this Act, shall be construed in relation to such society as references, respectively, to the “income and expenditure account”, “income over expenditure” and “excess of expenditure over income.”;

(ii) in sub-section (3), the expression “or one tenth of the representatives of a representative general body of the society constituted under section 69 of the Act” shall be omitted;

(iii) sub-section (6) shall be omitted.

23. Amendment of section 73.—In section 73 of the principal Act, for sub-section (4), the following sub-section shall be substituted, namely:-

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“(4) Every society within forty-five days of the close of the financial year, shall prepare the Receipt and Payment statements/Trial Balance, Trading/ Manufacturing Accounts, Profit and Loss Account/Income and Expenditure Account and Balance Sheet and within fifteen days from such preparation submit a copy thereof to the Registrar and the auditor.”.

24. Substitution of section 74.— For section 74 of the principal Act, the following section shall be substituted, namely:—

“74. Audit.- (1) Every society shall maintain accounts and records as provided under section 73 and such accounts shall be audited atleast once in each financial year.

(2)The Registrar shall, with prior approval of the Government, constitute a panel of auditors from among the departmental auditors, chartered accountants within the meaning of the Chartered Accountants Act, 1949 (Central Act 38 of 1949) and who are members of the Institute of Chartered Accountants of India, holding certificate of practice and having their registered address within the State of Goa, and certified auditors from amongst the retired officers of the Government, who are holding diploma in co-operation of a institute of repute or having working experience of atleast ten years in co-operative Audit.

(3) Every society shall cause to be audited by an auditor referred in sub-section (2), appointed by the general body of the society:

Provided that, no society shall appoint same auditor consecutively for more than two years.

(4)The accounts of every society shall be audited within six months of the close of the financial year to which such accounts relate.

(5) The remuneration of all auditors from the panel of auditors and audit fees for those societies audited by the departmental auditors shall be fixed by the Registrar.

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(6) The auditor shall be given notice of every general meeting and he shall be entitled to attend the meeting.

(7) The audit report of the accounts of an apex society shall be laid before the State Legislature in such manner as may be prescribed.

(8) If the Registrar finds it necessary or expedient to re-audit any or all accounts of the society, he may, by order, direct such re-audit and the provisions of this Act, applicable to audit of accounts of society, shall apply to such re-audit.”.

25. Amendment of section 75.—In section 75 of the principal Act, after sub-section (6), the following sub-sections shall be inserted, namely:—

“(7) The Auditor shall discuss his findings during the course of audit with the board and issue certificate to the effect that he has duly notified his findings/observations to the board of the society.

(8) The Auditors shall be responsible for willful omission or failure to report to the Registrar, of mismanagement, misappropriation of societies funds or violation of any provision of the Act.”.

26. Substitution of section 81.— For section 81 of the principal Act, the following section shall be substituted, namely:-

“81.Filing of returns.- Every co-operative society shall file returns, within six months of the close of every co-operative year, to the Registrar, including the following matters, namely:-

(a) annual report of it’s activities;

(b)it’s audited statement of accounts;

(c) it's audit rectification report, if any;

(d) plan for surplus disposal as approved by the general body of the co-operative society;

(e) list of amendments to the bye-laws of the co-operative society, if any;

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(f) declaration regarding date of holding of it's general body meeting alongwith notice, proceedings and number of members who attended such meetings;

(g) declaration regarding date of conduct of elections when due;

(h) names and addresses of the directors and their term of office;

(i) any other information required by the Registrar in pursuance of any of the provisions of this Act.”.

27. Amendment of Section 83. — In section 83 of the Principal Act, existing sub-section (1), (2) and (3) shall be re-numbered as sub-section (2), (3) and (4) respectively, and before sub-section (2) as so numbered, the following sub-section shall be inserted, namely:-

“(1) Notwithstanding anything contained in any other law for the time being in force, any dispute touching the election to the Board of Directors of society and representative General Bodies specified in section 69 shall be referred by any of the parties to the dispute, to the Co-operative Tribunal within a period of 30 days from the date of declaration of the result of the election:

Provided that, the Co-operative Tribunal may entertained such dispute after expiry of such period if the party aggrieved satisfies the Co-operative Tribunal that he had sufficient cause for not referring the dispute within aforesaid period.”.

28. Amendment of section 85.—In section 85 of the principal Act, in sub-section (1), in clause (d), for the expressions “election of an office bearer” and “one month”, the expressions “election of the board and office bearers” and “sixty days” shall be respectively substituted.

29. Amendment of section 91D.—In section 91D of the principal Act, in sub-section (1), in clause (b), after the expression “a decision, award”, the expression “or certificate granted under section 91C” shall be inserted.

30. Amendment of section 102.—In section 102 of the principal Act, after clause (m), the following clause shall be inserted, namely:-

“ (ma) “other co-operative housing society” means a co-operative housing

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other than defined under clauses (e), (f), (g), (h) and (i) of this section;”.

31. Amendment of section 110.—In section 110 of the principal Act,

(i) in sub-section (2), for the expression “maintenance of the building”, the expression “maintenance of the building, common facilities and amenities’ shall be substituted;

(ii) in sub-section (3), for the expression “apex housing finance society of the State”, the expression “apex housing finance society of the State or as per the provisions contained under section 55 of this Act” shall be substituted.

32. Insertion of new section 114A.— After section 114 of the principal Act, the following section shall be inserted, namely:-

“114A. Appeals – (1) An appeal against an order or decision under section 10, 15, 16, 19, 20, 22(3), 25, 26, 59A, 66, 67A,71, 88 and 92 shall lie to the Co-operative Tribunal .

(2) An appeal under this section shall be filed within 60 days of the date of the order or decision.

(3) Save as provided in this Act, no appeal shall lie against any order, decision or award passed in accordance with this Act, and every such order, decision or award shall be final, and where any order is passed on appeal, the same shall be final and no further appeal shall lie against it.”.

33. Amendment of section 118.—In section 118 of the principal Act, for clauses (b) to (f), the following clauses shall be respectively substituted, namely:-

“(b) Any co-operative society or any officer or member thereof, willfully makes a false return or furnishes false information or willfully or without any reasonable excuse disobeys any summons, requisition or lawful written order issued under the provisions of this Act, or willfully does not furnish the information required from it or him under the provisions of this Act;

(c) Any employer, without sufficient cause, fails to pay to a society the amount deducted by him under section 45 within a period of fourteen days from the date on which such deduction is made;

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(d) Any officer or person having custody of the records, cash, etc, of any co-operative society willfully fails to handover the custody of books, accounts, documents, records, cash, security and other property belonging to a co-operative society to a person authorised to have a custody of the same under this Act;

(e) Any person who acts in contravention of the provisions of this Act and whoever, before, during or after the election of members of the board or office bearers, adopts any corrupt practice;

(f) The board or any officer or employee of a co-operative society falsify or tamper with the records of the co-operative society;

(g) Any officer or employee of a co-operative society who dishonestly or fraudulently misappropriates, misuses or otherwise converts for his own use or intentionally causes loss to, the property of a society entrusted to him or under his control as such officer or employee or allows another person to do so.”.

34. Amendment of section 119.—In section 119 of the principal Act, —

(i) for the figures “100/-”, the figures “500/-” shall be substituted;

(ii) the following expression shall be added at the end, namely:-

“The penalty so imposed shall be paid by the offender within thirty days from the date of passing of the order. On conviction, a member of a society shall be debarred from contesting election of a board for a period of six years.”.

35. Amendment of section 123A.—In section 123A of the principal Act, in sub-section (1), after the expression “the new chairman of the Board of Directors”, the expression “immediately after assuming office by him ” shall be inserted.

36. Insertion of new section 123B.—After section 123A of the principal Act, the following section shall be inserted, namely:-

“123B.Power to delegate.— (1) The Registrar may, by notification in the Official Gazette and subject to such conditions as he may deem fit, delegate any of his powers under this Act to any institution or to any officer thereof, and such

Contd...

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institution or officer shall work under the general guidance, superintendence and control of the Registrar as specified in the notification.

(2) The Government may, by notification in the Official Gazette and subject to such conditions as it may think fit to impose, appoint a retired officer not below the rank of Assistant Registrar of Co-operative Societies having working experience of at least five years, to decide the disputes as specified under section 83 of this Act and to exercise such powers as specified in the notification. The Officer so appointed shall work under the general guidance, supervision and control of the Registrar.”.

Statement of Objects and Reasons

The Goa Co-operative Societies (Amendment) Bill, 2013 seeks to amend the Goa Co-operative Societies Act, 2001 (Goa Act 36 of 2001) so as to bring it in conformity with the provisions contained in the Constitution (Ninety Seventh Amendment) Act, 2011.

This Bill seeks to achieve the above objects.

Financial Memorandum

No financial implications are involved in this Bill.

Memorandum Regarding Delegated Legislation

Clause 1 (2) of the Bill empowers the Government to issue notification for appointing the date to bring into force the Act.

Clause 4 of the Bill empowers the Government to frame the rules specifying the manner in which the Byelaws of the co-operative societies are to be proposed in consonance with provisions of the Act.

Clause 17 of the Bill empowers the Government to frame the rules specifying the manner in which the elections to the board and office bearers of the society to be conducted.

Clause 24 of the Bill empowers the Government to frame the rules specifying the manner in which the audit report of the accounts of apex society shall be laid before the State Legislature.

These delegations are of normal character.

Porvorim-Goa.

October, 2013

(Pandurang alias Deepak M. Dhavalikar)

Minister for Co-operation

Assembly Hall,
Porvorim-Goa

Secretary to the Legislature
Assembly of Goa.

October, 2013