



LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

THE GOA CO-OPERATIVE SOCIETIES (AMENDMENT) BILL, 2015

(BILL No. 27 of 2015)

(To be introduced in the Legislative Assembly of the State of Goa)

GOA LEGISLATURE SECRETARIAT
ASSEMBLY HALL, PORVORIM, GOA

AUGUST, 2015

THE GOA CO-OPERATIVE SOCIETIES (AMENDMENT) BILL, 2015

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BILL

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-sixth 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, 2015.
(2)It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. Amendment of section 8. — In section 8 of the Goa Co-operative Societies Act, 2001 (Goa Act 36 of 2001) (hereinafter referred to as the “principal Act”), –
 - (i) in sub-section (2), the expression “In case no refusal is communicated within the said period of forty five days, the society shall be deemed to have been refused registration under this Act.” shall be omitted;
 - (ii) in sub-section (3), the expression “or deemed refusal, as the case may be” shall be omitted.

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3. Amendment of section 12. —In section 12 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:-

“(2) If the society fails to make the amendment within the time specified, the Registrar may, after giving the society an opportunity of being heard, register such amendment and issue to the society a copy thereof certifying that the bye-laws shall be deemed to have been duly amended with effect from the date of such registration and the same shall be binding on the society and its members subject to the appeal made to the Tribunal, if any.”.

4. Amendment of section 59. — In section 59 of the principal Act, in sub-section (6),

(i) in the second proviso, for the expression “such other office bearers as may be provided in the bye-laws”, the expression “office bearer of a Apex Society or Federal Society” shall be substituted.

(ii) for the third proviso, the following proviso shall be substituted, namely:-

“Provided also that, should the administrator be appointed or the Chairman and other office bearers are removed by no confidence motion or resign voluntarily within twenty-four months before the date on which the consecutive period of ten years would, but for such appointment or removal or resignation have been completed, the Chairman or office bearers shall be deemed to have completed the period of ten years on appointment of administrator or removal or resignation of Chairman or office bearers, as the case may be.”;

(iii) for the fourth proviso, the following proviso shall be substituted, namely:-

“Provided that no member shall hold the post of board of directors of more than one Apex society or Federal society or two other societies.”

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5. Amendment of section 60. — In section 60 of the principal Act, in sub-section (3), for the words “two years”, wherever they occur, the words “three years” shall be substituted.
6. Amendment of section 66. — In section 66 of the principal Act, in sub-section (2), the expression “Where the Registrar fails to hold election to the board of any society”, the expression “Where the Registrar or authority or body, responsible for conduct of election, fails to hold election to the board of a society where there is no Government share holding or Government loan or Government financial assistance or any guarantee given by the Government in respect of loans raised” shall be substituted.
7. Amendment of section 74. — In section 74 of the principal Act, after sub-section (4), the following proviso shall be inserted, namely:-

“Provided that if any society fails to get it’s account audited within the said period, the Registrar shall appoint an auditor from the panel of auditors constituted under sub-section (2).”.
8. Amendment of section 88. — In section 88 of the principal Act, in sub-section (1), for the expression “section 86, or under section 95,” the expression “section 82 or section 86 or section 95” shall be substituted.

Statement of Objects and Reasons

The Bill seeks to amend sub-section(2) of section 8 of the Goa Co-operative Societies Act, 2001 (Goa Act 36 of 2001) (hereinafter referred to as the “said Act”) so as to do away with the provisions regarding deemed refusal of registration of society.

The Bill further seeks to amend sub-section (2) of section 12 of the said Act so as to empower the Registrar to order the registration of the amendment of the bye-laws of the society, in case the society fails to make amendment to the bye-laws as desired by the Registrar within the time specified.

In order to encourage the people to take active part in the Co-operative sector, the Bill seeks to amend sub-section (6) of section 59 of the said Act so as to provide that the chairman and office bearers of Apex society or Federal society shall not be eligible for being re-elected for consecutive period of more than 10 years. Further, no member shall hold the post of board of directors of more than one Apex society or Federal society or of two other societies.

The Bill also seeks to amend sub-section (3) of section 60 of the said Act so as to provide that in order to be eligible for being chosen as director of the board of directors of a society which has been in existence for more than three years, a member shall have been a voting member of the society for atleast three years immediately preceding the year of election.

The Bill also seeks to amend sub-section (2) of section 66 of the said Act so as to provide that the term of the office of the members of the board of only those societies where there are no Government share holding or Government loan or Government financial assistance or any guarantee given by the Government in respect of loan raised shall be deemed to have been extended till the date immediately preceding the date of first meeting of the newly elected board where the Registrar or authority or body fails to hold elections to the Board, of any society.

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The Bill also seeks to insert a proviso after sub-section (4) of section 74 of the said Act so as to empower the Registrar to appoint an Auditor from the panel of the auditors constituted under sub-section (2) of section 74 of the said Act.

The Bill also seeks to amend sub-section (1) of section 88 of the said Act so as to empower the Registrar to direct attachment of property while taking action under section 82 of the said Act.

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.

This delegation is of normal character.

Porvorim-Goa.

August, 2015

(MAHADEV N. NAIK)

Minister for Co-operation

Assembly Hall,
Porvorim-Goa

August, 2015

Secretary to the Legislative
Assembly of Goa.

ANNEXURE

Extract of the Goa Cooperative Societies Act, 2001
(Goa Act 36 of 2001)

Section 8(2) : Where the Registrar refuses to register a proposed society, he shall communicate his decision, with the reasons thereof, to the person making the application, within forty five days from the, date of receipt of the application. In case no refusal is communicated within the said period of forty five days, the society shall be deemed to have been refused registration under this Act.

Section 8(3): An appeal against the order of refusal of registration under subsection (2) shall be filled before the co-operative tribunal within a period of sixty days from the date of such refusal or deemed refusal, as the case may be.

Section 12(2) : If the society fails to make the amendment within the time specified, the Registrar may refer the matter to the co-operative tribunal for its decision. If the co-operative tribunal, after giving the society an opportunity of being heard, orders registration of the amendment, the bye-laws shall be deemed to have been duly amended accordingly with effect from the date of the order of the Co-operative Tribunal and the bye-laws, as amended, shall, subject to appeal, if any, be binding on the society and its members.

Section 59(6): 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:

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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.

Section 60(3): In order to be eligible for being chosen as director of the board of directors of a society which has been in existence for more than two years, a member,—

(a) shall have been a voting member of the society for at least *two* years immediately preceding the year of election;

Section 66(2): Where the Registrar fails to hold election to the board of any society, the term of office of the members of the board of that society shall be deemed to have been extended till the date immediately preceding the date of the first meeting of the newly elected board.

Section 74(4): New Insertion.

Section 88(1): Where a dispute has been referred to the Registrar or his nominee or board of nominees under section 86, or under section 95, the Registrar or his nominee or board of nominees, if satisfied on enquiry or otherwise that party to such dispute with intent to defeat, delay or obstruct the execution of any award or carrying out of any order that may be made,—