

**The Goa Co-Operative Societies
(Amendment) Bill, 2016**

(Bill No. 23 of 2016)

A

BILL

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

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

1. **Short title and commencement.**— (1) This
Act may be called the Goa Co-operative Societies
10 (Amendment) Act, 2016.

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

2. **Amendment of section 45.**— In section 45
15 of the Goa Co-operative Societies Act, 2001 (Goa
Act 36 of 2001) (hereinafter referred to as the
“principal Act”), sub-section (5) shall be omitted.

3. **Amendment of section 52.**— In section 52
of the principal Act, in sub-section (2), for clause
20 (c), the following clause shall be substituted,
namely,—

25 “(c) *Not less than 2% with a maximum limit of
rupees fifty thousand towards contribution to
the Co-operative Education Fund which shall be
transferred to the Co-operative Education Fund
as maintained by the Registrar of Cooperative
societies;.*”

4. **Amendment of section 58.**— In section 58 of the principal Act, in sub-section (3), in clause (d), the expression “of mutually aided society” shall be omitted.

5. **Amendment of section 61.**— In section 61 of the principal Act, for the expression “shall be ineligible to continue as directors of the society”, the expression “shall be ineligible to continue as directors of any society” shall be substituted. 5

6. **Amendment of section 81.**— In section 81 of the principal Act, after the expression “to the Registrar”, the expression “alongwith the filing fees as prescribed,” shall be inserted. 10

7. **Amendment of section 83.**— In section 83 of the principal Act, — 15

(i) in sub-section (1), after the words “the Board of Directors”, the words “or office bearers” shall be inserted;

(ii) in sub-section (2), the expression “elections of the office bearers,” shall be omitted. 20

8. **Amendment of section 120.**— In section 120 of the principal Act, in sub-section (3), the expression “by an officer authorized in this behalf, by the Government by a general or special order” shall be omitted. 25

Statement of Objects and Reasons

The Bill seeks to omit sub-section (5) of section 45 of the Goa Co-operative Societies Act, 2001 (Goa Act 36 of 2001) (hereinafter referred to as the "said Act") so as to make the provisions of section 45 applicable also to the surety of a loanee member.

The Bill further seeks to amend sub-section (2) of section 52 of the said Act, so as to provide that a sum not less than 2% of the balance net surplus, not exceeding rupees fifty thousand, shall be appropriated and transferred to the Co-operative Education Fund as maintained by the Registrar of Co-operative Societies.

The bill also seeks to amend sub-section (3) of Section 58 of the said Act so as to bring it in line with section 74 of the said Act.

The bill also seeks to amend section 61 of the said Act so as to refrain a member from continuing as the director of any society consequent upon his disqualification.

The bill also seeks to amend section 81 of the said Act, so as to make provision for payment of fees while filing returns.

The bill also seeks to amend sub-section (1) and sub-section (2) of section 83 of the said Act, so as to provide that the dispute about the election of the office bearers shall also be referred to the Co-operative Tribunal.

The bill also seeks to amend sub-section (3) of section 120 of the said Act, so as to do away with the provision regarding deciding sanction for prosecution by authorized officer and empower the Registrar to decide about such sanction.

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 empower the Government to appoint a date for bringing into force the Act by Notification in the Official Gazette.

This delegation is of normal character.

Porvorim-Goa,
4th August, 2016.

MAHADEV N. NAIK
Minister for Co-operation

Assembly Hall,
Porvorim-Goa
4th August, 2016.

NILKANT SUBEDHAR
Secretary to the Legislative
Assembly of Goa.

ANNEXURE

Sr. No.	Section	Text of Existing Section
1	45(5)	This section shall not apply to the surety of a loanee member.
2	52(2)(c)	Not less than 2% with a maximum limit of Rupees Fifty Thousand contribution to the Co-operative Education Fund which shall be transferred to the Goa State Co-operative Union
3	58(3)(d)	appointment and removal of statutory auditors of mutually aided society;
4	61	Disqualification of all directors of the board. — Notwithstanding anything contained in the foregoing section, all the directors of the board shall, be deemed to have incurred disqualification for a period of five years for being chosen as directors and shall be ineligible to continue as directors of the society, if, during their term as directors of the society,—
5	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:—
6	83(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 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:

Sr. No.	Section	Text of Existing Section
83(2)		Notwithstanding anything contained in any other law for the time being in force, any dispute touching the constitution, elections of the office bearers, conduct of general meetings, management or business of a society shall be referred by any of the parties to the dispute, or by a federal society to which the society is affiliated, or by a creditor of the society, as the case may be, to the Registrar, if both the parties thereto are one or other of the following:—
7	120(3)	No prosecution under this Act shall be lodged except with the previous sanction of the Registrar. Such sanction shall not be given except after hearing the parties concerned by an officer authorised in this behalf, by the Government by a general or special order.



LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

**THE GOA CO-OPERATIVE
SOCIETIES (AMENDMENT)
BILL, 2016**

(Bill No. 23 of 2016)

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

**GOA LEGISLATURE SECRETARIAT,
ASSEMBLY HALL, PORVORIM, GOA
AUGUST, 2016**

