

12 of 1984

Received assent on 15/9/84
Manipur Act No. 12/84

**THE MANIPUR CO-OPERATIVE SOCIETIES
(AMENDMENT) BILL, 1984**

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**To amend the Manipur Co-operative Societies Act, 1976
(Manipur Act No. 14 of 1976).**

BE it enacted by the Legislature of Manipur in the **Thirty-fifth** Year of the Republic of India as follows:

1. (1) This Act may be called the Manipur Co-operative Societies (Amendment) Act, 1984.

Short title and commencement.

(2) It shall come into force on the date of its publication in the Official Gazette.

Amendment of section 47. 2. In section 47 of the Manipur Co-operative Societies Act, 1976 (hereinafter referred to as the principal Act),—

- (i) in the Explanation of sub-section (1), for the word "estats" the word "assets" shall be substituted;
- (ii) in clause (b) of sub-section (3), for the word "branch", the word "breach" shall be substituted.

Amendment of section 48. 3. In clause (e) of section 48 of the principal Act, for the word "contravent" the word "contravention" shall be substituted.

Amendment of section 68. 4. For sub-sections (1) and (2) of section 68 of the principal Act, the following shall be substituted, namely,—

"(1) Every society shall contribute annually towards the Education Fund of the Manipur State Co-operative Union which may be notified in this behalf by the State Government at such rate as may be prescribed and different rate may be prescribed for different societies or classes of societies depending on their financial conditions.

(2) Every society shall pay its contribution to the said fund, within two months from the date on which its accounts are adopted by the general meeting. Any officer wilfully failing to comply with the requirement of this section shall be personally liable for making good the amount to the Manipur State Co-operative Union."

Amendment of section 73. 5. In the proviso to sub-section (2) of section 73 of the principal Act, for the word "will", the word "till" shall be substituted and the sub-section (4) shall be substituted by the following, namely,—

"(4) If the society fails to call the general meeting to elect the members of the Board of management as provided in sub-section (2), the Registrar may nominate such persons as under the rules and bye-laws are qualified for being elected as members of the Board of management and the members so nominated shall replace the elected members of the Board of management on the expiry of their terms.

The Board so nominated will manage the affairs of the society for a period specified in the order, which period may, at the discretion of the Registrar, be extended from time to time; so, however, that the total period does not exceed two years in the aggregate."

6. In section 73A of the principal Act,—

Amendment
of section
73A.

- (i) in last proviso to sub-section (1), for the word "may", the words "of the concerned co-operative institution shall" shall be substituted.
- (ii) for sub-sections (2), (3) and (4) the following sub-sections shall be substituted, namely,—

"(2) Where the State Government—

- (a) has assisted indirectly in the formation or augmentation of the share capital of a society, or
- (b) has subscribed to the share capital of a co-operative society, or
- (c) has guaranteed in repayment of principal and payments of interest on loan and advances to a co-operative society,

the State Government or any authority specified by it in this behalf, shall have the right to nominate to the Board, Government officials expert in the line (of the activities of the co-operative societies) to the extent of one third of the total number of its members or three members whichever is less:

Provided that the nominees of the State Government or of the financing bank or other co-operative institutions shall not be entitled to vote at election.

(3) No person shall, at the same time, be a member of the Board of more than one society of the same type or category and more than three societies of different is in types or categories.

(4) No person shall be eligible for being elected or appointed or continued as a member of the Board or any committee if he is in default in repayment or payment to any society, including co-operative bank,

in respect of any loan or any sum due from him either as borrower or surety for a period exceeding three months and no member of the Board or committee who has ceased to hold office as such under this sub-section shall be eligible for a period of one year from the date on which he ceased to hold office, for re-election or appointment as member of the Board or, as the case may be, committee of that society or for election or appointment to the Board or committee of any other society."

Amendment
of section
74.

7. In sub-section (2) of section 74 of the principal Act,—

- (i) in clause (a), in between the words "general" and "over", the word "control" shall be inserted;
- (ii) in clause (e), for the word "attention", the word "transaction" shall be substituted;
- (iii) in clause (i), for the word "conduce", the word "conduct" shall be substituted.

Amendment
of section
75.

8. For sub-section (7) of section 75 of the principal Act, the following shall be substituted, namely,—

"(7) No defaulting member or his surety, who is in default in repayment of any loan or payment of any sum due to any society, including co-operative bank, for a period exceeding three months shall be entitled to vote in the general meeting of the society, including co-operative bank, and no such person shall be eligible to be a member of the Board or committee of any co-operative institutions."

Amendment
of section
76.

9. In sub-section (1) of section 76 of the principal Act, the words "of the time" shall be omitted.

Amendment
of section
84.

10. For sub-sections (1) and (2) of section 84 of the principal Act, the following shall be substituted, namely,—

"(1) The Registrar may, of his own motion or on the application of a creditor of a society inspect or direct any person, authorised by him by order in writing in this behalf, to inspect books, cash and other property of the society :

Provided that no such inspection shall be made on the application of a creditor unless the applicant satisfies the Registrar that a debt is still due to him and that he has demanded payment thereof and has not received satisfaction within a reasonable time.

(2) The Registrar shall communicate the results of any such inspection,—

(a) where the inspection is made of his own motion, to the society; and

(b) where the inspection is made on the application of a creditor, to the creditor and the society.”

11. In clause (a) of sub-section (1) of section 85 of the principal Act, for the word “appointment”, the word “apportionment” shall be substituted. Amendment of section 85.

12. In sub-section (1) of section 95 of the principal Act, for the words “intent and defeat”, the words “intent to defeat” shall be substituted. Amendment of section 95.

13. For section 96 of the principal Act, the following shall be substituted, namely,— Substitution of section 96.

“Decision of Registrar or his nominee or board of nominees. 96. The Registrar or his nominee or the board of nominees may, after giving the parties to the dispute reasonable opportunity of being heard, make an award on the dispute, on the expenses incurred by the parties to the dispute in connection with the proceedings, and the fees and expenses payable to the Registrar or his nominee or, as the case may be, board of nominees; and such an award shall not be invalid merely on the ground that it was made after the expiry of the period fixed for deciding the dispute by the Registrar, and shall, subject to appeal or review or revision, be binding on the parties to the dispute.”

Substitution
of section
154.

14. For section 154 of the principal Act, the following shall be substituted, namely,—

"Power of State Government and Registrar to call for proceedings of subordinate officers and to pass orders thereon.

154. (1) The Registrar may, of his own motion or on application, call for and examine the records of any officer subordinate to him not being Additional Registrar or Joint Registrar, and the State Government may, of its own motion or on application, call for and examine the records of the Registrar, Additional Registrar or Joint Registrar, in respect of any proceedings not being a proceeding in respect of which an appeal lies to the Tribunal, to satisfy himself or itself as to the regularity of such proceedings or legality or propriety of any decision or order made therein; and if, in any case, it appears to the Registrar or the State Government that any such decision or order should be modified, annulled or remitted for reconsideration, he or it may order accordingly.

(2) No order prejudicial to any person shall be passed under subsection (1) unless such person has been given an opportunity of making his representation.

(3) The Registrar or the State Government, as the case may be, may suspend the execution of the decision or order pending the exercise of his or its power under sub-section (1).

(4) The Registrar or the State Government, may award cost in proceedings under this section to be paid out of the funds of the society or by such other party as the Registrar or the State Government may deem fit.

Explanation :—The State Government may nominate an officer not below the rank of Secretary to the Government to exercise the powers of the State Government under this section and section 152."

Amendment
of section
167.

15. In section 167 of the principal Act, for the words "Deposit Insurance Corporation" wherever they occur, the words "Deposit Insurance and Credit Guarantee Corporation" and in clause (ii) thereof, for the word and figures "section 130", the word, figures and letter "section 13-D" shall be substituted.