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കേരള സർക്കാർ
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KERALA GAZETTE

കേരള ഗസറ്റ്

EXTRAORDINARY

അസാധാരണം

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GOVERNMENT OF KERALA

Co-operation (B) Department

NOTIFICATION

G. O. (P) No. 12/2013/Co-op. Dated, Thiruvananthapuram, 19th January, 2013.

S. R. O. No. 40/2013.—In exercise of the powers conferred by section 109 of the Kerala Co-operative Societies Act, 1969 (21 of 1969), the Government of Kerala hereby make the following rules further to amend the Kerala Co-operative Societies Rules, 1969, the same having been previously published under Notification No. 5954/BI/2012/Co-op. dated 17th July, 2012, in the Kerala Gazette Extraordinary No. 1567 dated 23rd July, 2012 as required by sub-section (1) of section 109 of the said Act, namely:—

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RULES

1. *Short title and commencement.*-(1) These rules may be called the Kerala Co-operative Societies (Amendment) Rules, 2013.

(2) Sub-rule (8) of rule 2 shall be deemed to have come into force on the 24th day of September, 2011 and the remaining provisions shall come into force at once.

2. *Amendment of the Rules.*- In the Kerala Co-operative Societies Rules, 1969,-

(1) in rule 15, under the heading "Type", under the sub-heading "Credit Societies" for item "C. Housing Societies" the following item shall be substituted, namely:-

"1A. Housing Societies";

(2) in rule 27,

(i) in the marginal heading, after the word "credit" the words "or housing" shall be omitted;

(ii) for sub-rule(1), the following sub-rule shall be substituted, namely:-

“(1) A person applying for admission as a member of any credit society (not being a Financing Bank) shall be admitted as such member only with the previous sanction in writing of the Registrar, if on the date of such application such person is a member of any other credit society. Such sanction may be accorded by the Registrar either in relation to any individual credit society or in relation to class of credit societies”;

(iii) explanations (i) and (ii) to sub-rule (1) shall be omitted;

(3) in rule 35, in clause (a) of sub-rule (3) for the words “or by post under certificate of posting” the following words shall be substituted, namely:-

“or by registered post or speed post or such courier services approved by the High Court of Kerala/Government of Kerala ”;

(4) in rule 35A, in sub-rule(3A), for the words “by post under certificate of posting” the following words shall be substituted, namely:-

“by registered post or speed post or such courier services approved by the High Court of Kerala/Government of Kerala ”;

(5) after rule 35C, the following rule shall be inserted, namely:-

“35 D. *Procedure regarding conduct of election in the case of District Co-operative Banks:-* (1) In the case of reserved candidates specified in sub-section (1F) and (1G) of section 28 of the Act, they shall be elected from the electorate as a whole.

(2) The delegate who is contesting in the seats reserved for depositors/member societies, shall have the following qualifications, namely:-

(a) The society sends him as delegate should have a deposit of atleast ₹1 lakh deposit in the nature of term deposit with District Co-operative Bank, on the date of nomination for the election to the managing committee;

(b) in order to continue in the reserved category of depositors the society should have such deposit for a continuous period from the date of nomination for the election to the tenure of the Board of Directors.

(3) A delegate who is contesting in the seats reserved for persons who possess experience in Banking or Professional qualification shall have the following qualification, namely:-

(a) Persons who possess experience in banking should be a person who are or were in paid service of a Commercial Bank, State Co-operative Bank, District Co-operative Bank, Urban Co-operative Bank or a Service Co-operative Bank of class I or above, in the managerial cadre;

(b) Persons with professional qualification should have membership in the Institute of Chartered Accountants of India or Masters Degree in Business Administration or membership in the Institute of Cost and Works Accountants of India or Masters Degree in commerce with experience in Banking or experience in the inspection or audit of Banks including co-operative bank;

(6) in rule 53, in sub-rule(2), -

(i) in clause (a), -

(a) for letters and figures “₹40,000” the symbol and figures “₹60,000” shall be substituted;

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

“Provided that in the case of societies working in loss, the amount of contribution to Co-operative Education Fund shall be the following, namely:-

A. 1. All Apex Federations/Banks, Central Societies/Banks, Urban Banks, Primary Credit Societies/Primary Agricultural Credit Societies/Service Co-operative Banks (Class I Super Grade and Special Grade), Primary Co-operative Agricultural and Rural Development Banks - ₹5,000.

2. Primary Agricultural Credit Societies/Banks-

- | | | |
|-------|----------------|-------------|
| (i) | Class I | - ₹ 3,000/- |
| (ii) | Class II & III | - ₹ 2,000/- |
| (iii) | Class IV | - ₹ 1,000/- |

B. Societies other than Primary Credit Societies/Banks (except School Co-operative Societies and Primary Consumer Co-operative Stores) - ₹2,000.”-;

(ii) in clause (ba) for the figure and symbol “6%” the figure and symbol “8%” shall be substituted;

(7) after rule 178, the following rule shall be inserted, namely:-

“178 A. Opening of Branches:- The Kerala State Co-operative Bank, the Kerala State Co-operative Agricultural and Rural Development Bank and District Co-operative Banks shall submit application for opening new branches as per the norms fixed by Registrar from time to time, and every such application shall be accompanied by a chalan receipt for the remittance of fees calculated at the rate of two thousand rupees for each branch;

Provided that such amount shall not be refunded to the applicant bank irrespective of the fact that whether sanction is accorded or not.”

(8) in rule 182 B, the proviso to sub-rule(4) shall be omitted;

(9) in rule 185, in sub-rule (8),-

(i) in clause (b), after item (iii), the existing provisos 1 and 2 shall be omitted and the following proviso shall be substituted, namely:-

“Provided that service of five years in the feeder category can be relaxed in the case of those who have completed fifty three years of age and there should not be a qualified graduate who has completed twenty years of service in the same post in the feeder category, junior to that incumbent.”;

(ii) in clause (g);

(a) in the words “each promotion” the word “each” shall be omitted;

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

“Provided that under no circumstances exemption shall be granted from possessing the required academic qualification and experience for the purpose of effecting promotion to the post of Chief Executive of Credit Societies/Banks in sub-class A and B of class (1) of rule 15;

Provided further that the above provision shall not be applicable to those employees who are working as Assistant Secretary/Manager, Chief Accountant/Chief Cashier in regular posts in such societies/banks, as on the date of notification of this rule;

Provided also that the above exemption shall not be applicable to those employees who are holding charge of the post of Assistant Secretary/Manager, Chief Accountant/Chief Cashier in such societies/banks, as on the date of notification of this rule.”;

(10) in rule 186,-

(a) in sub-rule(1), against item (i), for sub-clause(i) of clause B the following sub-clause shall be substituted, namely:-

“ Any Bachelors Degree from a recognised University”.

(b) after sub rule(3), the following sub-rule shall be inserted, namely:-

“(4) Notwithstanding anything contained in these Rules or Orders issued there under or in the bye-laws of any society or in the feeder category rules of any society relating to the qualification, for appointments to various posts and promotions of officers and servants for which direct recruitment is resorted to through the Kerala Public Service Commission referred to in sub-section (3A) of Section 80 of the Act, the qualification prescribed for each post shall be as per the conditions laid down in the recruitment rules of the respective Apex/Central societies.”;

(11) in rule 190, -

(i) in sub-rule (8), after the words “the Kerala Service Rules, the following words shall be inserted, namely:-

“or any order issued by Government from time to time in this regard.”;

(12) in Appendix III, in serial number 1,-

(a) in column (2), for sub-item (ii) of item (a) the following sub-item shall be substituted, namely:-

(ii) State Co-operative Agricultural and Rural Development Bank”;

(b) in item (b) Central Co-operative Banks (District Co-operative Banks),-

(i) in class I, in column (3), for serial number 10, the following shall be substituted, namely:-

“10. “Audit Classification for the previous three years shall not be less than ‘B’ of which at least one year shall be ‘A’ ”;

(ii) in Class II under sub-heading ‘Staff in Sections’, against the category ‘Manager/Branch Manager’ ,-

(1) in the column ‘Inspection’ the figure “1” shall be inserted;

(2) in the column ‘Total’, for the figure “6” the figure “7” shall be substituted;

(iii) in class III under the sub-heading ‘Staff in sections’, against the category ‘Manager/Branch Manager’-

(1) in the column ‘Inspection’ the figure “1” shall be inserted;

(2) in the column “Total’ for the figure “6” the figure “7” shall be substituted.

(iv) under the heading “**STAFF FOR BRANCH**”,-

(1) under the sub-heading ‘Grade A’, in column (3), in item (v), for the figure and word “3 percentage” the figure and word “0.50 percentage” shall be substituted;

(2) under the sub-heading “Grade B”, in column (3), in item(v) , for the figure and word “3 percentage” the figure and word “0.50 percentage” shall be substituted.

(v) under the heading “ADDITIONAL POSTS FOR BRANCHES”, for the existing Note 12 the following Note shall be substituted, namely:-

“12. The revised classification will not adversely affect the existing classification of the Banks, and the staff strength for three months from the date of this notification. The period of three months may be extended for another three months, if necessary, by the Registrar of Co-operative Societies for sufficient reasons to be recorded. If any Bank does not reach these revised norms even after the above period, the classification of such Banks will be reduced and refixed accordingly.

(c) in item (c) Primary Credit Societies/Banks,-

(i) after the entries “Primary Agricultural Credit Societies/Farmers Service Co-operative Bank/ Employees Credit Societies/Regional Banks/Rural Banks/Credit Societies, the following shall respectively be inserted before Class I(Special Grade),-

(1)	(2)	(3)	(4)	(5)	(6)
1	Class I (Super Grade)	1. Working Capital ₹80 crores and above	Secretary	1	will be fixed by Government from time to time
2		2. Deposits ₹60 crores and above	Assistant Secretary/Manager	1	”
3		3. Loans outstanding ₹50 crores and above	Chief Accountant/Chief Cashier	1	”
4		4. Audit classification for the previous	Internal Auditor	1	”

5		<p>three years not less than A</p> <p>5. Should have worked on profit for the last four years, within the immediately preceding five years</p>	<p>HeadClerk/ Accountant</p> <p>Senior Clerk/Cashier Junior Clerk/Cashier</p>	<p>6</p> <p>21</p>	<p>”</p> <p>”</p>
6		<p>6. Should have declared dividend on shares at least in any three years during the preceding five years.</p>	<p>Typist/Data entry operator Attender Peons Night Watchman</p>	<p>2</p> <p>2</p> <p>3</p> <p>1</p>	<p>”</p>
7		<p>7. Overdue under loans should not exceed 15% of the demand</p>	<p>Part –time Sweeper</p>	<p>1 each for every 800 sq.feet subject to a maximum of 3.</p>	<p>”</p>

(ii) under the sub-heading 'Class I (Special Grade)' ,-

(1) in column (3) for entries in item (4), the following entries shall be substituted, namely:-

“4. Audit classification for the previous three years shall not be less than ‘B’ of which at least one year shall be ‘A’.”

(2) after category 'Night Watchman', in column (4) and the entries against it in columns (5) and (6) the following category and entries shall, respectively, be inserted, namely:-

“Part-time Sweeper	1 each for every 800 sq.feet subject to a maximum of 3	Will be fixed by the Government from time to time”
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(iii) under the sub-heading 'Class I', after the category 'Night Watchman' in column number (4) and the entries against it in columns (5) and (6) the following category and entries shall, respectively, be inserted, namely:-

“Part-time Sweeper	1 each for every 800 sq.feet subject to a maximum of 3	Will be fixed by the Government from time to time”
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(iv) under the sub-heading 'Class II', after category 'Night Watchman' in column (4) and entries against it in columns (5) and (6), the following category and entries shall, respectively be inserted, namely:-

“Part-time Sweeper	1	will be fixed by the Government from time to time”
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(v) under the sub-heading 'Class III',

(1) after the category 'Senior Clerk/Cashier, Junior Clerk/Cashier' in column (4) and entries against it in columns (5) and (6), the following category and entries shall, respectively, be inserted, namely:-

“Typist/Data Entry Operators	1	Will be fixed by the Government from time to time”
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(2) after the category 'Night Watchman' in column (4) and the entries against it in columns (5) and (6), the following category and entries shall, respectively, be inserted, namely:-

“Part-time Sweeper	1	Will be fixed by the Government from time to time”
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(vi) under the sub-heading 'Class IV', after the category 'Night Watchman' in column (4) and entries against it in columns (5) and (6), the following entries shall respectively be inserted, namely:-

“Part-time Sweeper	1	will be fixed by the Government from time to time”
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(vii) under the sub-heading 'Class V', after the category 'Peon', and the entries against it in columns (5) and (6) the following categories and entries shall respectively be inserted, namely:-

“Part-time Sweeper	1	will be fixed by the Government from time to time”
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(viii) under the sub-heading 'Class VI', after the category 'Peon' and the entries against it in columns (5) and (6), the following entries shall respectively be inserted, namely:-

“Part-time Sweeper	1	will be fixed by the Government from time to time”
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(ix) under the sub-heading ‘Class VII’, after the category ‘(Clerk) or (Peon)’, and the entries against it in columns (5) and (6), the following entries shall respectively be inserted, namely:-

“Part-time Sweeper	1	will be fixed by the Government from time to time”
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(x) under the sub-heading ‘Class VII’ ,-

(1) in Note (2), in the first sentence, for the words “and one peon”, the following words shall be substituted, namely:-

“, one Peon and one Part-time Sweeper;

(2) for Note (6), the following Note shall be substituted, namely:-

“6. The revised classification will not adversely affect the existing classification of the Banks/Societies and the staff strength for three months from the date of notification. The period of three months may be extended for another three months, if necessary, by the Registrar of Co-operative Societies for sufficient reasons to be recorded. If any society does not reach the revised norms after the above period, such society will be classified to the next below category first, and if the society does not reach the revised norms for a period of one year, the classification of such society will be reduced and refixed to the category eligible as per norms, accordingly”;

(3) in Note (8), for item (I), the following items shall be substituted, namely:-

“(i) In order to be classified as Class I (Super Grade), Class I (Special Grade), Class I and Class II, the Societies/Banks should

satisfy the conditions 1, 2, 3 and 7 and any two of the remaining conditions.”

“(ia) In order to be classified as Class III and Class IV, the Societies/Banks should satisfy the conditions 1, 2 and 3 and any three of the remaining conditions.”;

(d) in item (ii) Urban Co-operative Banks,-

(i) under the sub-heading ‘Class I(Special Grade), after the category ‘Peon/Watchman’ in column (4) and the entries against it in columns (5) and (6), the following category and entries shall, respectively, be inserted, namely:-

“Part-time Sweeper	2	will be fixed by the Government from time to time”;
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(ii) under the sub-heading ‘Class I’, after the category ‘Peon/Watchman’, in column (4) and the entries against it in columns (5) and (6), the following category and entries shall, respectively, be inserted, namely:-

“Part-time Sweeper	1	will be fixed by the Government from time to time”;
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(iii) under the sub-heading ‘Class II’, after the category ‘Peon/Watchman’, in column (4) and the entries against it in columns (5) and (6), the following category and entries shall, respectively, be inserted, namely:-

“Part-time Sweeper	1	will be fixed by the Government from time to time”;
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(iv) under the sub-heading ‘Class III’, after the category ‘Peon/Watchman’, in column (4) and the entries against it in

columns (5) and (6), the following category and entries shall respectively be inserted, namely:-

“Part-time Sweeper	1	will be fixed by the Government from time to time”;
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(v) under the sub-heading ‘Class IV’, after the category ‘Peon/Watchman’, in column (4) and the entries against it in columns (5) and (6), the following category and entries shall, respectively, be inserted, namely:-

“Part-time Sweeper	1	will be fixed by the Government from time to time”;
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(vi) under the sub-heading ‘Class V’, after the category ‘Peon/Watchman’, in column (4) and the entries against it in columns (5) and (6), the following category and entries shall respectively be inserted, namely:-

“Part-time Sweeper	1	will be fixed by the Government from time to time”;
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(vii) under the sub-heading ‘Class VI’, after the category ‘Peon/Watchman’, in column (4) and the entries against it in columns (5) and (6), the following category and entries shall, respectively, be inserted, namely:-

“Part-time Sweeper	1	will be fixed by the Government from time to time”;
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(viii) in Note (1), in the last sentence, for the words “and one peon”, the following words shall be substituted, namely:-

“, one Peon and one Part-time Sweeper;

(e) (i) in Serial number 2, in column(2) for the words “Primary Land Mortgage Bank”, the following words shall be substituted, namely:-

“Primary Co-operative Agricultural and Rural Development Bank”

(ii) after the category ‘Attender/Peon, in column (4) and the entries against it in columns (5) and (6) the following category and entries shall, respectively, be inserted, namely:-

“Part-time Sweeper	1	will be fixed by the Government from time to time”.
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By order of the Governor,
DR.V.M.GOPALA MENON
Secretary

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport)

As per rule 15, 1 (C) the housing societies are categorized as primary credit societies and the inclusion of housing societies in the category of credit societies causes restriction in taking membership in housing societies and hence it is necessary to amend the said rule.

As per rule 27 of the Kerala Co-operative Societies Rules, 1969 a person applying for admission as a member of any credit society (not being a Land Mortgage Bank, House Mortgage Bank or Financing Bank) or housing society shall be admitted as such member only with the previous sanction in writing of the Registrar, if on the date of such application such person is a member of any other such credit or housing society. As the above provision causes

or imposes restriction in taking membership in housing societies, the Government consider it necessary to amend the said rule.

As per the provisions contained in rule 35, dealing with the intimation regarding details of election are served under certificate of posting. Government consider it necessary to include registered post or such courier service approved by the High Court of Kerala. Hence rule 35 amended accordingly.

The constitution of board of directors of District Co-operative Banks has been amended by Act 13 of 2012 wherein two seats each are reserved for depositors and persons who possess experience in banking or professional qualification. The Government now consider it necessary to prescribe the eligibility criteria for these posts.

As per clause(a) of sub-rule (2) of rule 53 of Kerala Co-operative Societies Rules 1969, every society having a profit of ₹1,000/- and above shall set apart a sum calculated at 5% of the Net Profit or Contribution to the Co-operative Education Fund contemplated in clause (b) of sub-section (1) of Section 56 of Kerala Co-operative Societies Act 1969, subject to a maximum of ₹40,000/- and as per clause (ba) of Sub-rule (2) of rule 53 of Kerala Co-operative Societies Rules 1969, the Chief Executive of the Society making default in the remittance of such amount shall be liable to pay a penal interest @6% per annum on the default amount. Now the Government have decided to modify the existing limit of maximum amount of Education Fund and the rate of penal interest payable and also to collect the Fund from societies working in loss, as all the societies are getting benefit from the activities using the education fund.

It is the Registrar of co-operative Societies that issues administrative sanction to the State Co-operative Bank, the State Co-operative Agricultural and Rural Development Bank and District Co-operative Banks for opening branches in their area of operation and there is no fee prescribed for this at present. The Government have decided to fix fee for the same with a view to increase the non tax revenue.

As per the proviso to sub-rule(4) of rule 182 B of the Kerala Co-operative Societies Rules, 1969 the members of the Co-operative Service Examination Board are entitled to get salary after reducing pension, if any, in respect of any previous service under the Central or State Government. The Government have reconstituted the Board vide notification issued under G.O.(P) No. 137/2011/Co-op dated. 24th September, 2011 and published as S.R.O. No. 600/2011 in the Official Gazette Extra Ordinary on 24th September, 2011. Now, the Government have decided to grant their salary without considering whether they are service pensioners or not.

As per clause (b) of sub-rule (8) of rule 185, where the academic qualification prescribed for the promotion of an employee of a society is graduation and above, exemption may be given subject to certain conditions. The Government have decided to exclude the incumbents for the promotion to the post of chief executive of credit Societies/Banks in sub class A & B of class I of rule 15 from the ambit of this provision.

As per sub-clause (i) of clause (B) of sub-rule(1) of rule 186 the qualification prescribed is B.A., B.Sc., B.Com degree of recognised University and the Government have decided to substitute this with any degree from a recognised University.

The Government have amended the classification norms of District co-operative Banks vide notification issued under G.O.(P) No.37/2011/Co-op dated 26th February, 2011 and published in the Kerala Gazette Extra Ordinary on 26th February, 2011. As the Government have received various suggestions and objections from different angles regarding some of the norms, the Government consider it is necessary to amend the said norms.

The Government have amended the classification norms of Primary Co-operative Societies vide notification issued under G.O.(P) No.2/2010/Co-op dated 4th January, 2010 and G.O.(P) No. 225/2010/Co-op dated 31st December,2010 and published in the Kerala Gazette Extra Ordinary No.30 dated 4th January, 2010 and No.4 dated 1st January, 2011 respectively. As the Government have received various suggestions and objections from different angles

regarding some of the norms, the Government consider it is necessary to amend the said norms.

At present the post of part-time sweepers are sanctioned only for District Co-operative Banks. As the Government have received various suggestions from different angles regarding sanctioning the post to other categories also, Government consider it necessary to amend the said norms.

This notification is intended to achieve the above objects.