



GOVERNMENT OF KERALA
PERSONNEL & ADMINISTRATIVE REFORMS DEPARTMENT



WORK STUDY REPORT ON
CO-OPERATIVE ARBITRATION COURTS
2013



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ON
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Members of the Study Team

Prepared by:

1. Sri. Chandrachooden Nair Assistant Section Officer
P&AR (AR-3) Department
2. Sri. Udayakumar P. Assistant (formerly)
P&AR (AR-3) Department
3. Sri. Binod K. Section Officer
P&AR (AR-3) Department

Guided by:

- Sri. Johnson K. James Under Secretary (formerly)
P&AR Department
- Sri. N. Jaisukhlal Under Secretary (formerly)
P&AR Department
- Sri. G. Ramprakash Joint Secretary
P& AR Department
- Sri. P.S. Gopakumar Additional Secretary
P&AR Department

Finalised by:

- T.J. Mathew IAS Secretary, P&AR Department

TABLE OF CONTENTS

CHAPTER	TITLE	PAGE NO.
1.	INTRODUCTION	1-9
2.	METHODOLOGY	10
3.	FACTS & ANALYSIS	11-45
4.	PERSONNEL& FINANCIAL IMPLICATIONS	46
5.	PLAN FOR IMPLEMENTATION	47
6.	SUMMARY OF RECOMMENDATIONS/ CONCLUSIONS	48-53
7.	ACKNOWLEDGEMENT	54
8	ANNEXURES	
	Annexure-1	55-58
	Annexure-2	59
	Annexure-3	60

CHAPTER-1

INTRODUCTION

Government have decided to constitute Co-operative Arbitration Court for disposing non-monetary disputes in the Co-operative Sector. Accordingly in exercise of the powers conferred by Section 70A of the Kerala Co-operative Societies Act, 1969 (21 of 1969), read with rule 67 of the Kerala Co-operative Societies Rules, 1969, the Government of Kerala constituted a Co-operative Arbitration Court with jurisdiction over the entire state of Kerala, to exercise the powers and discharge the functions conferred on it under the said Act, as per the Notification issued under G.O.(P) No. 1/2003/Co-op dated 02.01.2003. In the Notification, Government also appointed a Presiding Officer as the head of the Co-operative Arbitration Court.

1.2 Subsequently, in view of the inordinate delay in disposing off the Arbitration cases by the Co-operative Arbitration Court due to heavy work load, the persistent demand from the Co-operative Societies to set up one more Co-operative Arbitration Court centered around the northern district of the State and the observation made by the Hon'ble High Court of Kerala, in its Judgment dated, 26th March, 2009 in W.P.(C) No. 9764 of 2009 that it is high time for Government to consider appointment of more Presiding Officers for the Co-operative Arbitration Court, Government constituted one more Arbitration Court with jurisdiction over the revenue districts of Thrissur, Palakkad, Malappuram, Kozhikkode, Wayanadu, Kannur and Kasaragod, namely Co-operative Arbitration Court (Northern) with headquarters at Kozhikkode, by bifurcating the area of jurisdiction of the existing Co-operative Arbitration court, as per the Notification issued under G.O.(P) No. 147/2010/Co-op dated 11.08.2010. In that Notification, the existing Co-operative Arbitration Court was renamed as Co-operative Arbitration court(Southern) and limited its jurisdiction over the revenue districts of Thiruvananthapuram, Kollam, Pathanamthitta, Alappuzha, Kottayam, Idukki and Ernakulam with headquarters at Thiruvananthapuram.

1.2.1 The period before the establishment of Co-operative Arbitration Court (ie. from 1969 to 2003), the disputes under Section 69 of the Act were heard and decided by the officers of the Co-operative Department. By an Ordinance No.12 of 1997, which was replaced by Act 15 of 1997, all the disputes were to be decided by the Court constituted by this Act.

Genesis of the Study

1.3 The Presiding Officer of the Arbitration Court at Thiruvananthapuram since informed the Registrar of Co-operative Societies that (i) a post of Part-Time sweeper alone was created by Government at the Arbitration Court at Thiruvananthapuram (ii) all other officials (viz. Assistant Registrar/ Secretary, Senior Co-operative Inspector, Confidential Assistant and Class IV employee) were on working arrangement from the Registrar's office on administrative convenience (iii) the Driver was working on Daily Wages basis. The Presiding Officer therefore requested the Registrar to convert these posts as permanent posts. In view of the above request, the Registrar of Co-operative societies requested Government to create Permanent Posts in the Arbitration Courts at Thiruvananthapuram and Kozhikode, as detailed below:

Sl. No.	Name of post to be created	No. of post required at the	
		Arbitration Court at Thiruvananthapuram	Arbitration Court at Kozhikode
1	Assistant Registrar/ Secretary	1	1
2	Senior Co-operative Inspector	1	1
3	Confidential Assistant	1	1
4	Lower Division Clerk	1	1
5	Typist	1	1
6	Driver	1	1
7	Class IV Employee	2	2
8	Part- Time Sweeper	*NIL	1
*This Post was already created by Government			

1.4 When the matter, of creation of posts, was taken up with the Finance Department by the Administrative Department (i.e. Co-operation Department), the Finance Department remarked as follows:

“സർക്കാരിന് അധിക സാമ്പത്തിക ബാധ്യതയുണ്ടാകുന്ന ഒരു നിർദ്ദേശമെന്ന നിലയ്ക്കു പുതിയ തസ്തികകൾ ഉടൻ സൃഷ്ടിക്കാൻ കഴിയില്ലെന്നും P&ARD യുടെ പഠന റിപ്പോർട്ട് ലഭിച്ച ശേഷം ഉചിതമായ തീരുമാനം കൈക്കൊള്ളാമെന്നും അതുവരെ നിലവിലുള്ള സ്ഥിതി തുടരണമെന്നും ഭരണ വകുപ്പിനെ അറിയിക്കുന്നു.”

1.5 Accordingly, the Administrative Department (Co-operation Department) has proposed this Department to conduct Work Study for the said purpose.

Evolution of Co-operative Concept

1.6 In the ordinary sense, co-operation means working together jointly. It is an instinct in man which enables him to live together, to work together and to help each other. The method of co-operation has always permeated the life of human beings. In that sense co-operation is as old as human society and it is preliminary to social life. The reverse of co-operation is conflict. co-operation is a noble and lofty idea and therefore it is superior to conflict or competition. The history of modern civilization is, in fact, the history of co-operation, because without it, social and economic life would become impossible. According to Charles Gide, a noted French economist, “*competition is essentially a kind of warfare which means a triumph of the strong and the ruin of the weak, while co-operation is more than an economic system and it supersedes capitalism by mutual aid*”.

Co-operative movement in the world

1.7 In the modern technical sense, the genesis of the co-operative movement and its application in the economic field can be traced to the industrial revolution of the 18th century. But the teaching of co-operation can be found in the writings of the ancient philosophers like Plato and Aristotle. Plato says, “*In seeking the good of others, we find our own*”. In the primitive societies, the idea of co-operation could be observed in religious institutions and traditional customs. The working of these customs and institutions throw light on the instinct of co-operation, mutual assistance, joint action,

joint possession and joint management. In India, for instance, the co-operative methods have been practised from time immemorial. The spirit of village community in India was almost entirely co-operative in character. The joint family system, which prevailed in India, until very recently and is continuing to exist to a certain extent even now, is an extension of the principle of co-operation.

1.7.1 Co-operation is described as a method of promoting economic progress and social justice. The term 'co-operation' implies a common endeavour with a common end. Those who join together should have some economic aim which they cannot normally achieve by individual, isolated action. "Union is strength" and hence they associate together to achieve the common end through self help and mutual help. They are guided by the principle "**each for all and all for each**".

1.7.2 The co-operative system has its own significance and benefits. The spread of co-operation in the various countries and its recognition as an international movement is itself the best testimony to its wide acceptance. Being one of the oldest movements in the world, it has stood the test of time. Co-operation finds a solution for almost all of the present day economic problems. It has now been accepted as a tool for development by almost all countries in the world. In the present day context, it has greater relevance to the conditions of developing countries. Co-operation finds a place both in socialist and capitalist economies. It can claim definite advantages in the spheres of economic activities.

Co-operative movement in India

1.8 Unlike in European Countries, the co-operative movement in India was introduced as a State policy. It was formally inaugurated by the enactment of the Co-operative Credit Societies Act of 1904. Government was the prime mover of the co-operative movement in India.

1.8.1 To some extent, the idea of co-operation was borrowed from Western Countries. It must be said that it was grafted from Western Countries. It was initiated and supported by the Government. This character is still dominant in the movement.

1.8.2 While the co-operative movement in Britain is concerned with the consumer sector, in Scandinavian countries with the marketing sector, in the erstwhile U.S.S.R. and Israel with co-operative farming, in India it is related to co-operative credit. The socio-economic condition which prevailed in the countries at that time were mainly responsible for such an origin and development of the movement.

1.8.3 In 1892, the Government of India deputed Sir Frederick Nicholson to Europe to study the working of co-operative societies and report on the advisability of starting similar societies in India. In 1895, he submitted his report, 'Find Raiffeisen', in which he recommended 'Raiffeisen type of Co-operative Credit Societies to India'. The 'Famine Commission Report' of 1901 endorsed the same view.

1.8.4 In 1901, a committee under the chairmanship of Sir Edward Law was appointed by the Government of India to consider the question of introducing co-operative societies in India. The Committee also recommended that the 'Raiffeisen type of Societies' are the best to our conditions. As a result of this, first Co-operative Credit Societies Act of 1904 was passed.

1.8.5 A new Act was passed in 1912 which removed the defects of the previous Act and provided scope for the all round progress of the movement. The important changes brought about by the new Act were the following: (i) It made the registration of non-credit societies possible, (ii) Classified societies on the basis of liability (iii) The terms co-operative could not be used by organizations other than co-operatives.

1.8.6 The publication of the 'All India Rural Credit Survey Committee Report' in 1954 was an important land-mark in the history of the co-operative movement in India. The committee could bring out the real position of the movement upto the time. "Co-operation has failed, it must succeed" was the synopsis of this report. The committee gave a number of recommendations for making the movement strong and viable. In the light of these recommendations the co-operative movement in the later years was completely re-organised. Some of the outstanding features now found in the movement are the out-come of this committee report.

1.8.7 Of late, co-operative movement has become an important segment of our economy. It has embraced almost all spheres of economic activities such as production, processing, marketing, distribution, transport, irrigation, public health and so on. The movement has expanded and diversified its activities. Now there are co-operative societies for persons of all walks of life such as farmers, artisans, workers, students, Government servants and literary men. Thus, from birth to death, all our requirements are met by the co-operatives.

Co-operative movement in Kerala

1.9 The Kerala State came into existence on November 1st 1956. The geographical area of the State mainly consists of three parts namely, the former Travancore, Cochin Princely States and Malabar area of former Madras province. These three parts had their own 'Co-operative Societies Act'.

1.9.1 The first Co-operative legislation in the former Travancore State was the 'Travancore Co-operative Societies Regulation Act of 1914'. On the merger of Travancore -Cochin State in 1949, it was found necessary to have a uniform Co-operative Law. Accordingly, in 1951, 'Travancore - Cochin Co-operative Societies Act' was passed.

1.9.2 Before the re-organisation of the State, the present Malabar area was a part of former Madras State. The Madras province, in 1932, passed 'Madras Co-operative Societies Act of 1932'. The Act continued in that area until the present 'Kerala Co-operative Societies Act' came into force in 1969.

1.9.3 When the State of Kerala was formed in 1956, two different Co-operative laws were in operation. Hence there was necessity for a uniform legislation for the whole State of Kerala. Thus the 'Kerala State Co-operative Societies Act' was passed in 1969.

1.9.4 The growth of Co-operative movement in Kerala was insignificant during pre-independent era. Only 1669 co-operative bodies were functioning in the state with a total working capital of Rs.92.21 lakh. The membership and paid up share capital were Rs.2.05 and Rs. 31.79 lakh, respectively. Credit and non-credit operations during the period were also nominal. Loan disbursed during the year 1946 was Rs.10.62 lakhs only. Performance

in the area of Consumer, Marketing etc. were also not remarkable when compared to the exquisite achievements during the succeeding years.

The Department of Co-operation in Kerala

1.10 Now under the Minister of 'Co-operation, Khadi&Village Industries and Pollution Control' and the Secretary to Government, Co-operation, the Department of Co-operation is headed by the 'Registrar' of Co-operative Societies who looks after the administrative matters relating to 13766 Co-operative Societies (as on 31.03.2012) in the state. A statement showing type wise/district wise co-operative societies existing in the state as on 31.03.2012 is annexed as **Annexure-1.**

1.10.1 There are some co-operative societies which are under the administrative control of other departments, such as Khadi, Coir, Hand loom, Dairy, Industries and Fisheries, and the respective head of department are the functional Registrars, in respect of the above societies. Some of them are mentioned below:-

Sl No.	Types of Co-operative Societies	Functional Registrar
1	Khadi & Village Industries Co-operative Societies	Secretary, Khadi & Village Industries Board
2	Coir Co-operatives	Director of Coir Development
3	Hand loom Co-operatives	Director of Hand loom Development
4	Dairy Co-operatives	Director of Dairy Development
5	Industrial Co-operatives	Director of Industries & Commerce
6	Fisheries Co-operatives	Director of Fisheries

1.10.2 There are also other important bodies in the field of Co-operation, constituted as per the provisions of the Kerala Co-operative Societies Act, 1969, details of which are as follows:-

Sl. No.	Name of Institution	Provision by which instituted
1	Co-operative Tribunal	Sec.81
2	Co-operative Arbitration Court	Sec.70A
3	Co-operative Ombudsman	Sec 69A

4	Co-operative Election Commission	Sec.35B
5	Co-operative Vigilance Wing	Sec.68A

1.10.3 In addition to this, there are some Organisations which are under the administrative control of the Department of Co-operation. Some of them are as under:-

Sl. No.	Name of Organisations/institutions	Provision by which established
1	Co-operative Service Examination Board - Kerala	Sec.80B of the Kerala Co-operative Societies Act,1969 G.O.(P) No.5/2001/Co-op dated 05/01/2001 and G.O.(P) No.18/2001/Co-op dated 25.01.2001
2	Kerala State Co-operative Employees Welfare Board	G.O.(Rt) No.383/86/Co-op dated 30.08.1986
3	Kerala State Co-operative Employees Pension Board	Sec.80A of the Co-operative Societies Act,1969 G.O.(P) No. 44/95/Co-op dated 14.03.1995
4	Kerala Co-operative Development and Welfare Fund Board	Sec.57A of the Kerala Co-operative Societies Act, 1969 G.O.(P)No.108/2000/Co-op dated 03.06.2000
5	State Co-operative Union Following Institutions are coming under the Union i. Kerala Institute of Co-operative Management(KICMA) ii. Training Centres/Colleges/JDC Extension Centres	Sec.89 of the Kerala Co-operative societies Act, 1969
6	Co-operative Academy of Professional Education(CAPE)	Registered under Travancore-Cochin Literacy, Scientific & Charitable Societies Act, 1955

1.10.4 In addition to this, the 'Institute of Co-operative Management' is functioning at Thiruvananthapuram and Kannur in association with the National Council for Co-operative Training and the State Government.

Co-operative Arbitration Courts

1.11 As the number of Co-operative Societies increased over the years, the number of Disputes has also increased. The Disputes as applicable to the Co-operative sector are specified under Section 69 of the Kerala Co-operative Societies Act, 1969.

1.11.1 The period before the establishment of Co-operative Arbitration Court (ie. from 1969 to 2003), the disputes under Section 69 of the Act were heard and decided by the officers of the Co-operative Department. By an Ordinance No.12 of 1997, which was replaced by Act 15 of 1997, all the disputes were to be decided by the Court constituted by this Act. But this provision was not given effect. Similar provision was again introduced by Act No.1 of 2000, directing all the 'monetary disputes' to be decided by the Registrar and 'non-monetary disputes' by Arbitration courts, but again not given effect to for three years. This provision was given effect from 02.01.2003 by SRO 369/03 published in KG Ex. No.48 dated 12.05.03.

Constitution of Co-operative Arbitration Courts

1.11.2 The Co-operative Arbitration Courts are purely Government institutions under the control of the Registrar of Co-operative Societies. The only difference is that the Presiding Officers are not appointed by the Registrar but the Government. No autonomy is granted to the Co-operative Arbitration Courts in any matter. The day to day expenditure of the Co-operative Arbitration Courts is met from the Head of Account 2425-00-101-93.

1.11.3 The 'disputes' to be settled under the Co-Operative Arbitration Courts are filed in the Arbitration Courts directly. The disputes are not filed before any of the authority of Co-operation Department before being filed before the Co-operative Arbitration Courts.

CHAPTER-2

METHODOLOGY

The Work Study Team employed Work Study Techniques such as **Self Logging**, for **Organisational Analysis**. For doing **Method Study**, the performers were **interviewed**, in order to supplement the data collected from the files, registers and other records kept at the relevant offices. **Analytical Estimation** and **Direct Observation** were adopted for **Work Measurement**.

Reference to Previous Reports

2.2 The work Study team referred the Administration Reports, Citizen Charter, Circulars and other guidelines issued by the Registrar of Co-operative Societies for the conduct of the study. Various Notifications, Government Orders issued by Government are also made use of for the study.

2.3 The Work Study was conducted by collecting data from the Co-operative Arbitration Courts at Thiruvananthapuram and Kozhikode. The Work Study Team directly observed the camp sittings of these Courts at different districts. Offices of the Joint/Assistant Registrar of Co-operative Societies at a few districts selected at random were visited for collecting data. The Office of the Registrar of Co-operative Societies was also visited by the Team to collect General information on Co-operative Sector and relevant statistics.

2.4 The year 2012 is chosen as the base year for the study.

Chapter 3

FACTS AND ANALYSIS

ORGANISATION ANALYSIS

Statutory Provisions concerning Co-operative Arbitration Courts

Section 69, 70, 70A and 70B of the Kerala Co-operative Societies Act, 1969, inter-alia, relate to the Co-Operative Arbitration Courts. These provisions were substituted/inserted in the above Act by Act No.1 of 2000, published in K.G.Ex.No.1 dated 01.01.2000. These provisions were given effect from 02.01.2003, by SRO 369/03, published in K.G.Ex.No.48 dated 12.05.2003. The above Sections are quoted below:-

Kerala Co-operative Societies Act, 1969

Section 69 :- Disputes to be decided by the Co-operative Arbitration Court and Registrar.-

(1) Notwithstanding anything contained in any law for the time being in force, if a dispute arises,-

- (a) among members past members and persons claiming through members, past members and deceased members; or
- (b) between a member, past member or person claiming through a member, a past member or deceased member and the society, its committee or any officer, agent or employee of the society; or
- (c) between the society or its committee, and any past committee or any officer, agent or employee or any past officer, past agent or past employee or the nominee, heirs or legal representative of any deceased officer, deceased agent or deceased employee of the society; or
- (d) between the society and any other society; or
- (e) between a society and the members of a society, affiliated to it; or
- (f) between the society and a person, other than the member of a society, who has been granted a loan by the society or with whom the society has or had business

transactions or any person claiming through such a person; or

(g) between the society and a surety of a member, past member, deceased member or employee or a person, other than a member, who has been granted a loan by the society, whether such a surety is, or is not a member of a society; or

(h) between the society and a creditor of the society; such dispute shall be referred to the Co-operative Arbitration Court constituted under Sec70(A) in the case of non-monetary disputes and to the Registrar, in the case of monetary disputes and the Arbitration Court or the Registrar, as the case may be, shall decide such dispute and no other court or other authority shall have jurisdiction to entertain any suite other proceedings in respect of such dispute.

(2) For the purposes of sub-section(1), the following shall also be deemed to be disputes, namely:-

(a) a claim by the society for any debt or demand due to it from a member of the nominee, heirs or legal representatives of a deceased member, whether such debt or demand be admitted or not;

(b) a claim by a surety against the principal debtor, where the society has recovered from the surety any amount in respect of any debt or demand due to it from the principal debtor, as a result of the default of the principal debtor, whether such debt or demand is admitted or not;

(c) any dispute arising in connection with the election for the board of management or any officer of the society;

(d) any dispute arising in connection with employment of officers and servants of the different classes of societies specified in sub-section(1) of Sec. 80, including their promotion and *inter se seniority*.

(3) No dispute arising in connection with the election of the Board of Management or an officer of the society shall be entertained by the Co-operative Arbitration Court unless it is referred to it within one month from the date of the election.

Section 70 A :- Co-operative Arbitration Courts.-

- (1)The Government shall constitute such number of Co-operative Arbitration Courts, as are necessary to exercise the powers and discharge the functions conferred on it under this Act;
- (2)The qualification, term, salary and allowances and other conditions of service of the person to be appointed as the Co-operative Arbitration Court shall be such, as may be decided by the Government from time to time;
- (3)The Government shall make rules for regulating the procedure and disposal of business of the Co-operative Arbitration Court;
- (4)The Registrar or the Government shall lend the services of such number of officers and employees as may be necessary, to assist the Co-operative Arbitration Court;
- (5)The officers and employees referred to in sub-Section (4) shall continue to be Government Servants for all purposes and their terms and conditions of service shall continue to be the same as applicable to them under the Government.

Section 70 B:- Provisions as to pending proceedings.-

On the constitution of a Co-operative Arbitration Court, every dispute pending before the Registrar or any person invested with the power to dispose of the dispute by the Government or the arbitrator appointed by the Registrar, in respect of non- monetary disputes, relating to the local area of jurisdiction of the Arbitration Courts, shall be transferred to such Arbitration Courts and the Court shall dispose of the same as if it were a dispute referred to it under Section 69.

Section 70:- Award on Disputes:-

- (1)The Co-operative Arbitration Court, on receipt of reference of a dispute under sub-section(1) of Sec.69, shall pass an award within one year in accordance with the provisions of this Act and the rules and the bye-laws made thereunder and such award shall, subject to the provisions of Sec.82, be final
- (2)The Co-operative Arbitration Court may, pending award of a dispute referred to it under section 69, make such interlocutory orders as it may deem necessary in the interests

of justice.

(3)The Co-operative Arbitration Court shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908(Central Act 5 of 1908), while trying a suit in respect of the following matters, namely:-

- (i) the summoning and enforcing the attendance of any defendant or witness and examining the witness on oath;
- (ii)the discovery and production of any document or other material object producible as evidence
- (iii)the reception of evidence on affidavits
- (iv)issuing of any commission for the examination of any witness; and
- (v) any other matter which may be prescribed.

(4)The Registrar may on receipt of the reference of a dispute under sub-section(1) of Sec.69-

- (a) elect to decide the dispute himself: or
- (b) transfer it to for disposal to any person who has been invested by the Government with powers in that behalf: or
- (c) refer it for disposal to any arbitrator appointed by the Registrar:

Provided that a transfer under clause(b) or a reference under clause(c) shall not be made to a person equal or superior to him in rank.

(5) The Registrar may withdraw any reference transferred under clause(b) of sub- section (4) or referred under clause(c) of that sub-section and he may elect to decide the dispute himself or transfer it to any other person under clause(b) of sub-section (4) or refer it to any other arbitrator under clause(c) of that sub-section.

(6) The Registrar or the person invested with powers in this behalf shall, decide the dispute or the arbitrator shall pass an award in accordance with the provisions of this Act and the rules and the bye-laws and such decision or award shall, subject to the provisions of Sec.82, be final. Pending decision or award, the Registrar, such person or the arbitrator, as the case may be, may make such interlocutory orders, as he may deem necessary, in the interest of justice.

3.2 The Work Study team closely examined whether all the above provisions have been invariably implemented. The findings of the Study Team on relevant issues are as follows:-

Provision in the Act	Status of implementation	Remarks/Recommendations of the Study Team
<p>(1)The Government shall constitute such number of Co-operative Arbitration Courts, as are necessary to exercise the powers and discharge the functions conferred on it under the Kerala Co-operative Societies Act;</p>	<p>The Government of Kerala constituted a Co-operative Arbitration Court with jurisdiction over the entire state of Kerala, as per the Notification issued under G.O.(P) No. 1/2003/Co-op dated 02.01.2003.</p> <p>Subsequently, in view of the inordinate delay in disposing off the Arbitration cases by the Co-operative Arbitration Court due to heavy work load, the persistent demand from the Co-operative Societies to set up one more Co-operative Arbitration Court centered around the northern district of the State and the observation made by the Hon'ble High Court of Kerala, in its Judgment dated, 26th March, 2009 in</p>	<p>The Work Study team find that the provision is fully implemented.</p>

	<p>W.P.(C) No.9764 of 2009 that it is high time for Government to consider appointment of more presiding officers for the Co-operative Arbitration Court, Government constituted one more Arbitration Court with jurisdiction over the revenue districts of Thrissur, Palakkad, Malappuram, Kozhikkode, Wayanadu, Kannur and Kasaragod, as Co-operative Arbitration Court(Northern) with headquarters at Kozhikkode, by bifurcating the area of jurisdiction of the existing Co-operative Arbitration Court, as per the Notification issued under G.O.(P) No. 147/2010/Co-op dated 11.08.2010. In that Notification, the existing Co-operative Arbitration Court was renamed as Co-operative Arbitration</p>	
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	<p>Court(Southern) and limited its jurisdiction over the revenue districts of Thiruvananthapuram, Kollam, Pathanamthitta, Alappuzha, Kottayam, Idukki and Ernakulam with headquarters at Thiruvananthapuram.</p>	
<p>(2)The qualification, term, salary and allowances and other conditions of service of the person to be appointed as the Co-operative Arbitration Court shall be such, as may be decided by the Government from time to time</p>	<p>Government appointed Presiding Officers at the Co-operative Arbitration Courts at Thiruvananthapuram and Kozhikode as per the Notifications issued under G.O.(P) No.1/2003/Co-op dated 02.01.2003 and other notifications issued subsequently.</p> <p>The qualifications/tenure etc. fixed for the post of Presiding Officer, amended from time to time, are as follows:-</p> <p>(i) the Presiding Officer shall be an Advocate having not less than seven years bar experience and who shall be</p>	<p>The mode of selection of the presiding officer is not seen to have been mentioned anywhere. Hence the study</p>

appointed by Government for a period of three years:

(ii) The presiding officer shall be entitled to a consolidated amount of Rs. 40,000/- (Rupees Forty Thousand only) as salary mensem.

team recommend that some kind of a selection process may be issued by Government.

Rule 67(4) of the Kerala Co-operative Societies Rule, 1969, inter-alia states that the Presiding officer shall be assisted by a Secretary not below the rank of an Assistant Registrar of Co-operative Societies. In the Arbitration Court at Kozhikode, the Work Study team find that the Assistant Registrar, who was put on additional charge, is getting gross salary (i.e. Pay and allowances) greater than that of the Presiding Officer. That means, the officer assisting the Presiding officer is getting salary more than the consolidated pay admissible to the Presiding Officer. Since this situation may badly affect the morale of the Presiding Officer, **the**

	<p>(iii) The Presiding Officers shall be Governed by the Provisions of the Kerala Service Rules for the purpose of leave. The power to grant or refuse leave shall be vested with Government</p>	<p>Study Team recommend to grant wages to the Presiding Officer equivalent to the minimum basic pay admissible to the Civil Judge(Junior Division)(Entry Level) plus Dearness Allowance(Central rate) applicable from time to time, in accordance with G.O.(Ms) No. 179/2010/Home dated 05.08.2010. No other allowances,viz. H.R.A., C.C.A. etc. shall be granted.</p> <p>It is not clear, what provisions of the Kerala Service Rules are applicable to the Presiding Officer. Further, the nature of appointment of the Presiding Officer is not known. The Work Study team therefore recommend that the Presiding Officer</p>
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	<p>(iv)The Presiding Officer shall be entitled to the medical facilities and other benefits of service including traveling allowance and conveyance facilities as is admissible to a class I officer of the state.</p>	<p>may be appointed as per Rule8, Part I, of the Kerala Service Rules and an agreement may be executed in the model form of agreement shown in Appendix I of the Kerala Service Rules</p> <p>The term 'medical facilities' has not been defined in the notifications appointing the Presiding Officers.</p> <p>Moreover, as per G.O. (Ms)No.430/09/(149)/Fin dated 06.10.2009, State Government have dispensed with the existing classification as class I, II, III & IV. The work study team therefore recommends that whatever the facilities Government desire to extend to the Presiding officer, may be mentioned clearly in the aforesaid agreement.</p>
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	<p>(v) The Co-operative Arbitration Court(Northern) shall have occasional sittings at Palakkad, Wayanad, Thrissur and Kannur and the Co-operative Arbitration Court (Southern) shall have occasional sittings at Alappuzha, Ernakulam and Idukki, respectively, as and when required.</p>	<p>The occasional sitting at Wayanad sanctioned by Government has not been materialised so far, owing to the non availability of Vehicle in the Co-operative Arbitration Court (Northern). The sitting at Idukki has also not been materialised owing to the dilapidated condition of the vehicle available in the Co-operative Arbitration Court(Southern). The Work Study team therefore recommends to sanction a new vehicle to the Co-operative Arbitration Court (Northern) and repair/replace the existing vehicle at the Co-operative Arbitration Court(Southern)</p>
<p>(3)The Government shall make rules for regulating the procedure and disposal of business of the Co-operative Arbitration Court;</p>	<p>Section 70(3) of the Kerala Co-operative Societies Act, 1969 stipulates that the Co-operative Arbitration Court shall have the same powers</p>	<p>From Section 70(3) of the Kerala Co-operative Societies Act, 1969, it is evident that Code of Civil Procedure,1908 is to be</p>

	<p>as are vested in a civil Court under the Code of Civil Procedure, 1908 (Central Act 5 of 1908) , while trying a suit in respect of following matters, namely:-(i) the summoning and enforcing the attendance of any defendant or witness and examining the witness on oath;</p> <p>(ii)The discovery and production of any document or other material object producible as evidence;</p> <p>(iii) In reception of evidence on affidavits;</p> <p>(iv) issuing of any commission for the examination of any witness;</p> <p>and</p> <p>(v) any other matter which may be prescribed. In addition to this, Government have issued Rule 67 under the Kerala Co-operative Societies Rules, 1969, detailing the settlement of</p>	<p>followed in Co-operative Arbitration Courts. Further, settlement of disputes has been detailed in Rule 67 of the Kerala Co-operative Societies Rules,1969. Hence the Work Study team feels that no further clarification needed for the time being.</p>
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	disputes.	
<p>(4) The Registrar or the Government shall lend the services of such number of officers and employees as may be necessary, to assist the Co-operative Arbitration Court;</p> <p>The officers and employees referred to in sub-Section (4) shall continue to be Government Servants for all purposes and their terms and conditions of service shall continue to be the same as applicable to them under the Government.</p>	<p>Rule 67 of the Kerala Co-operative Societies Rules, 1969 inter- alia states that the Presiding Officer shall be assisted by a Secretary not below the rank of an Assistant Registrar of Co-operative Societies. No other posts in the Co-operative Arbitration Court has been mentioned either in the Act or Rules. In the Co-operative Arbitration Court at Thiruvananthapuram, a post of part Time sweeper alone was created by the Government. The services of all other officials (viz., Assistant Registrar/Secretary, Junior Co-operative Inspector, Confidential Assistant and Office Attendant) are spared by the Registrar of Co-operative Society. The Driver is working on daily wage basis.</p>	<p>The proposal for creation of posts is examined by the Study team and its recommendations are detailed in Para 3.15</p>

	<p>In the Co-operative Arbitration Court at kozhikode, no post is sanctioned. An Assistant Registrar of the Co-operative Department is put on additional charge of the Secretary. In addition to this, the services of a Senior Co-operative Inspector is also spared by the Registrar of Co-operative Society. A Confidential Assistant is working on daily wage basis and a Part-Time Sweeper is working on contract basis.</p>	
<p>(5) On the constitution of a Co-operative Arbitration Court, every dispute pending before the Registrar or any person invested with the power to dispose of the dispute by the Government or the arbitrator appointed by the Registrar, in respect of non- monetary disputes, relating to the local area of jurisdiction of the</p>	<p>As per Section 69 (h), 70 B of the Kerala Co-operative Societies Act, 1969 and Rule 67(3) of the Kerala Co-operative Societies Rule, 1969, 'non-monetary' disputes are to be filed before the co-operative Arbitration Court and 'monetary' disputes are to be filed before the Registrar of Co-operative Societies. The</p>	<p>The work study team suggest that instead of classifying the disputes as 'monetary' and 'non – monetary', a Circular may be issued by the Registrar of Co-operative Societies clarifying the disputes which come under the Co-operative Arbitration Court as has</p>

<p>Arbitration Courts, shall be transferred to such Arbitration Courts and the Court shall dispose of the same as if it were a dispute referred to it under Section 69.</p>	<p>term 'monetary disputes' and 'non-monetary disputes' have not been defined either in the Act or in the Rule. The word 'non- monetary' makes a little confusion. It is learnt that matters which has direct association with money, such as default in repayment of loan etc. comes under 'monetary' and all service matters which has financial and non financial implications comes under the term 'non- monetary'. The case of an employee of the co-operative society who is aggrieved by non-disbursement of salary comes under Non-monetary case even though it has association with money. Disputes on 'monetary' issues regarding loan repayment, high interest on loan etc. are dealt by the Registrar of Co-operative Societies</p>	<p>been done in the case of Co-operative Ombudsman, issued vide Circular No.37/11 dated 21.05.2011. The Work Study Team suggest that the following disputes may be brought under the ambit of the Co-operative Arbitration Court:</p> <p>(i) Disputes relating to all service matters and disciplinary action cases against the employees/ retired employees of co-operative Societies;</p> <p>(ii)Dispute on area of operation; and</p> <p>(iii)Election Disputes.</p> <p>Item No.(x) of the disputes mentioned in the above circular (i.e. non-disbursement of pension and delay in disbursement of pension), presently brought under the ambit</p>
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		<p>of the Co-operative Ombudsman, may be transferred and brought under the ambit of the Co-operative Arbitration Court. The disputes which neither come under the co-operative Arbitration Court nor under the Co-operative Ombudsman may be brought under the Registrar of Co-operative Societies. The relevant Act and Rules may be amended accordingly.</p>
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3.3 The powers entrusted to the Presiding Officer, Statutory requirements for filing a Plaint before the Co-operative Arbitration Court and the procedure to be followed till the passing of the 'Award' is clearly illustrated in Rule 67 of the Kerala Co-operative Societies Rules, 1969.

3.4 The 'Awards' passed by the Co-operative Arbitration Court as in the case of the Registrar is appealable before the 'Co-operative Tribunal' under Section 82 of the Co-operative Societies Act, 1969. However the orders passed by the Co-operative Ombudsman are not appealable before the Co-operative Tribunal.

3.5 Generally the following check lists are used to examine the effectiveness of an organisation to achieve its goals.

Item	Check List
a	Have objectives been carefully enunciated? Does every member of the staff understand clearly the detailed objectives of his own section and his own position and the general objectives?
b	Does each organisational unit have within its areas of responsibility all the major activities involved in achieving its objectives?
c	Does the supervisor delegate his powers properly? Does he appear to be overloaded with work coming from the staff? Is there any evidence of assignment of authority without adequate responsibility?
d	Is centralisation of authority and responsibility at an optimum degree? Is there sufficient decentralisation to utilise the thinking ability of personnel at the various levels and to expedite disposal of work?
e	Is there any evidence of conflict between the line and staff personnel?
f	Are the various units in balance? Is each adequately in proportion for meeting the goal?
g	Is one individual reporting to more than one supervisor? If so, is the administrative supervisor clearly designated? Does the individual have to report to others for some special guidance?
h	Is the span of control too wide or too narrow? How many individuals are reporting to each supervisor? Is the nature of work simple or complex?
i	Is there sufficient flexibility in organisational units and personnel to permit ready adjustment to temporary changes in work volume?

3.5.1 Keeping in mind, all the above check list, the Work Study Team suggest a revised procedure of work, which may be seen in Para No. 3.8. In Para No. 3.12 the Study Team also suggest that an order assigning duties and responsibilities of each member of staff in the Co-operative Arbitration Court may be issued, common to both Arbitration Courts, by the Registrar in consultation with them. Once these are implemented, these objectives can be achieved.

METHOD STUDY

3.6 The Work Study Team find that the 'Disputes' dealt under the Co-operative Arbitration Court are as follows:-

- (i) Service matters including Disciplinary Action Cases against employees of Co-operative bodies;
- (ii) Area of operation;and
- (iii) Election.

The disputes under Sl.No.1 & 3 make more than 80% of the total disputes. The Study Team therefore selected disputes under Sl.No.1 & 3 for the Study.

Existing Procedure:

3.7 The Procedures being followed in the Co-operative Arbitration Court till the despatch of the 'Award' in an Arbitration Reference Case (ARC), recorded in Procedure Narrative, is as follows. This is applicable to a case where the plaint filed is in order. The procedure is narrated in a case where the same is disposed in the second day of posting itself. If the case is posted on a subsequent date(s) owing to file affidavit, counter affidavit, producing evidence, cross examination, adjournment requested by the counsel etc, the steps 10 and 11 in the Procedure Narrative will continue.

Person	Activity	Details	Remarks
1.Bench Clerk	Receives	The Plaint	
	Acknowledges	Receipt of the Plaint	
	Submits	The Plaint to the Secretary	
2.The Secretary	Stamps	On the Plaint	
	Affixes	Initial on the plaint	
	puts	Date under the initial on the plaint	
	Scrutinises	The plaint	Scrutinises whether the plaint contains sufficient number of

			copies, application fee etc.
	Submits	The plaint to the Presiding Officer	
3.The Presiding Officer	Examines	The Plaint	Such as legality, Jurisdiction etc.
	Enforces	The Plaint	
	Returns	The Plaint to the Secretary	In case he finds any defect in the plaint, he will order to send an official memorandum to the plaintiff for correction.
4.The Secretary	Transmits	The Plaint to the Bench Clerk	
5.The Bench Clerk	Makes entries	In the ARC (Arbitration Reference Case) Register	ARC number, Names and Address of Plaintiff, Defendants etc.
	Puts	ARC Number in the Plaint	
	Submits	The Plaint to the Presiding Officer	For posting date for appearance
6.The Presiding Officer	Posts	The date of hearing on the Plaint	
	Instructs	To issue summons to the Defendants on the plaint	
	Returns	The Plaint	
7.The Bench Clerk	Makes entries	In the 'A Diary'	
	Prepares	Summons	
	Submits	The Case File to the Secretary	
8.The Secretary	Authenticates	The Summons	

	Returns	The Case File to the Bench Clerk	
9.The Bench Clerk	Makes entries	In the Despatch Register	
	Despatches	The Summons	
	Stores	The Case File till the first posting of the case	
	Submits	The Case File to the Presiding Officer on the date of Posting of case.	
10.The Presiding Officer	Hears	The case	
	Posts	The case to a subsequent date for Filing Affidavit, producing evidence, Cross examination etc.	
	Returns	The Case file to the Bench Clerk	
11.The Bench Clerk	Makes Entries	In the relevant registers	
	Stores	The Case File till the next date of posting	
	Submits	The case File to the Presiding officer on the next date of posting of the case	
12.The Presiding Officer	Hears	The Case	If the case is posted on a subsequent date, for the aforesaid reasons, Step 10 and 11 will continue.

	posts	the next date for pronouncing the 'Award' in the case File	
	Dictates	The draft Award to the Confidential assistant	
13. The Confidential Assistant	Transcribes	The draft Award	
	returns	The draft Award to the Presiding Officer	
	approves	The draft Award	
14. The Presiding Officer	stores	The case file with the Award	
	pronounces	The Award in the next date of hearing	
	Returns	The case file with Award to the bench Clerk	
15.The Bench Clerk	Makes entries	In the relevant Registers	
	transmits	The case file to the Confidential Assistant	
16.Confidential Assistant	Takes Fair copies	Of the Award	
	Returns	The Case File With Award to the bench Clerk	
17.The Bench Clerk	Submits	The Fair Copy of the Award with Case File to the Secretary for authentication	
18.The Secretary	Authenticates	The Award	
	Returns	The Award with Case File to the Bench Clerk	

19.The Bench Clerk	despatches	The Award	
	Stores	The Case File in the Records	

3.8 The study team examined, critically, the above procedures being followed in the Co-operative Arbitration Courts. The Study Team also compared the functioning of the Co-operative Arbitration Court with other similar bodies and find the following defects in the organisation setup and the existing procedure being followed in the Co-operative Arbitration Courts.

(a) Lack of Clarity in demarcation of duties & responsibilities:

It is important that an officer knows the areas of his work and the nature of his responsibilities. Clear demarcation of responsibility tends to encourage initiative and resourcefulness. Besides, if an employee knows what is expected of him, he not only becomes conscious of his duties and responsibilities, he also endeavors to discharge them. Since only a skeleton staff, as spared by the Registrar of Co-operative Societies, are available in the Co-operative Arbitration Courts, there is lack of clarity in demarcation of duties and responsibilities among the staff.

(b) Separation of Line & Staff functions:

There should be a clear division of line and staff functions. Line functions are concerned with the primary objectives for which an organisation exists. On the other hand the staff only counsel and assist the line functionaries. It helps the line to work more effectively in accomplishing the primary objectives of the organisation. The study team find that since only a skeleton staff, as spared by the Registrar of Co-operative Societies, are available in the Co-operative Arbitration Courts the duties of line and staff overlap, resulting in misunderstanding of specific authorities and responsibilities.

(c) Improper Span of Control:

Span of Control means span of attention which a supervisor pays to his subordinates. No officer should have too many or too few subordinates under his immediate supervision. Since only a skeleton staff, as spared by the Registrar of Co-operative Societies, are

available in the Co-operative Arbitration Courts, the Study Team find that the supervisor has too few persons to supervise and therefore he is tend to do other people's work. This is not a healthy practice.

3.8.1 In view of the above defects noticed by the Study Team, a Revised Procedure of work is suggested by the Study Team, which is as follows:

Revised Procedure:

Person	Activity	Details	Remarks
1. Clerk	Receives	The Plaintiff	
	Acknowledges	The Plaintiff	
	Affixes	Office Seal on the plaintiff	
	Checks	The Plaintiff	whether the plaintiff contains sufficient number of copies, application fee etc.
	Submits	The Plaintiff to the Secretary	
2. The Secretary	Affixes	Initial on the plaintiff with date	
	Scrutinises	The plaintiff	whether the plaintiff contains sufficient number of copies, application fee etc.
	Submits	The plaintiff to the Presiding Officer	
3. The Presiding Officer	Examines	The Plaintiff	Such as legality, Jurisdiction etc.
	#Enforces	The Plaintiff	
	Posts	The date of posting of the case on the plaintiff	
	Instructs	To issue summons to the Defendants on the plaintiff	

	Returns	The Plaint to the Secretary	
4.The Secretary	Transmits	The Plaint to the Bench Clerk	
5.The Bench Clerk	Makes entries	In the ARC (Arbitration Reference Case) Register	ARC number, Names and Address of Plaintiff, Defendants etc.
	Puts	ARC Number in the Plaint	
	Makes entries	In the 'A Diary'	
	Prepares	Summons	
	Submits	The Case File to the Secretary	
6.The Secretary	Authenticates	The Summons	
	Transmits	The Case File with summons to the Clerk	
7.The Clerk	Despatches	The summons	
	Transmits	The case File to the Bench Clerk	
8.The Bench Clerk	Stores	The Case File till the first posting of the case	
	Submits	The Case File to the Presiding Officer on the date of Posting of case.	
9.The Presiding Officer	Hears	The case	
	Posts	The case to a subsequent date for Filing Affidavit, producing evidence, Cross examination etc.	

	Returns	The Case file to the Bench Clerk	
10. The Bench Clerk	Makes Entries	In the relevant registers	
	Stores	The Case File till the next date of posting	
	Submits	The case File to the Presiding officer on the next date of posing of the case	
11. The Presiding Officer	Hears	The Case	If the case is posted on a subsequent date, for the aforesaid reasons, Step 9 and 10 will continue.
	posts	the next date for pronouncing the 'Award' in the case File	
	Dictates	The draft Award to the Confidential assistant	
12. The Confidential Assistant	Transcribes	The draft Award	
	returns	The draft Award to the Presiding Officer	
13. The Presiding Officer	approves	The draft Award	
	stores	The case file with the Award at his chamber	
	pronounces	The Award in the next date of hearing	
	Returns	The case file with Award to the bench Clerk	

14.The Bench Clerk	Makes entries	In the relevant Registers	
	transmits	The case file to the Lower Division Typist	
15.Lower Division Typist	Takes Fair copies	of the Award	
	Returns	The Case File With Award to the Bench Clerk	
16.The Bench Clerk	Submits	The Fair Copy of the Award with Case File to the Secretary for authentication	
17.The Secretary	Authenticates	The Award	
	Transmits	The Award with Case File to the Clerk	
18.The Clerk	Despatches	The Award	
	Transmits	The Case File to the Bench Clerk	
19.Bench Clerk	Makes Entries	In the relevant Registers	
	Stores	The Disposal of Case File in the Records.	
<p>^s Name of the post of 'Lower Division Clerk' re-designated as 'Clerk', as per G.O.(Ms)No.120/2013/ (138)/Fin dated 04.03.2013</p> <p>#Orders to take it into file</p>			

Need for Counseling:

3.9 The Study Team observed that majority of the case coming under the Co-operative Arbitration Courts are (i) Service matters including Disciplinary Action Cases against the employees of Co-operative Societies and (ii) Election Cases. In some cases relating to Disciplinary Action matters, the study team observed that the Disciplinary Authority took action against the employees without observing the statutory formalities

such as granting natural justice to the employees while holding inquiry etc. In such cases, any Judicial/Quasi judicial authority usually order to conduct a fresh inquiry in the matter by observing all the legal procedures.

3.9.1 Section 70 of the Co-operative Societies Act,1969 inter- alia states that the Arbitration Court shall pass an Award within One year. But the Award passed by the Co-operative Arbitration Court is appealable before the Co-operative Tribunal. Writ Petition and SLP may also be filed before the Hon'ble High Court and the Supreme Court, respectively, if aggrieved by the decisions of the appellate forums. The process is time consuming and in some cases, especially in election cases, the cases remain pending even after five years, i.e. the term of the elected body. By the time the next election might be due.

3.9.2 The situations mentioned in para **3.9** and **3.9.1** underline the need of bringing compromise between the Plaintiffs and the Defendants. Even though the word 'Arbitration' means a 'form of alternative dispute resolution', which is a technique for the resolution of dispute outside the Courts, such efforts is not much carried out in the Co-operative Arbitration Courts, at present. The power and joy of compromise can be learnt from the words of Mahatma Gandhi *“My joy was boundless. I had learnt the true practice of law. I had learnt to find out the better side of Human nature and to enter men's heart. I realised the true function of a lawyer was to unite parties riven asunder. The lesson was so indelibly burnt into me that a large part of my time during the twenty years of practice as a lawyer was occupied in bringing about private compromises of hundreds of cases. I lost nothing thereby - not even money, certainly not my soul.”*

3.9.3 In view of the above facts, the Study Team is of the opinion that the Presiding officers may pay earnest efforts to bring the parties under a compromise . **The Study Team therefore recommend that before proceeding the actual trial, the case may be posted for a counseling by the Presiding officers.**

Need for Virtual Courts and e-filing:

3.10 The Work Study team find that an appreciable period of time is spent by the Presiding Officers and Bench Clerks in performing journeys in connection with the Camp sittings being held at different district headquarters. The bundle of case files and other bulky evidence such as Registers etc. have to be transported as part of conducting camp sittings. This makes lot of inconveniences to the Presiding officers and the Bench Clerks. **Hence the Work Study team recommend that separate website for the Co-operative Arbitration Courts may be launched and Virtual Court facilities may be provided at the Arbitration Court headquarters. Necessary facilities (viz. facilities like video conferencing) may be provided at every district Head Quarters under the control of the Registrar of Co-operative Societies.** These facilities can also be spared for the sittings of the Co-operative Tribunal, Co-operative Ombudsman etc. For Hearings, trials, cross-examinations etc., this facilities may be made use of. For submission of evidences, such as Registers etc., the parties may be directed to appear at the head quarters of Co-operative Arbitration Court. The Work Study Team is of the firm opinion that the above suggested reform will be economical in terms of both money and time.

3.10.1 The Work Study team also recommend that 'e-filing' facility may be provided at the head quarters of the Co-operative Arbitration Court for filing Plaint, for which the model adopted by the Motor Vehicles Department and the Civil Supplies Department, in providing various services such as Registration of Vehicles, Ration Cards etc., may be adopted. The Registrar of Co-operative Societies may take necessary steps to take up the project in the coming budget to implement the above two recommendations.

Manpower Requirement- Existing Setup

3.11 The existing man power available in the Co-operative Arbitration Courts are illustrated in the table below:

Sl. No.	Designation	No. of persons working	
		Arbitration Court at Thiruvananthapuram	Arbitration Court at Kozhikode
1	Assistant Registrar/ Secretary	\$1	#1
2	Senior Co-operative Inspector	\$1	\$1
3	Confidential Assistant	\$1	+1
6	Driver	+1	NIL
7	Class IV Employee	\$1	NIL
8	Part- Time Sweeper	*1	%1

\$ On working arrangement
Additional charge
+ On daily Wages basis
*This Post was created by Government
% On consolidated pay

3.12 The Study Team recommend that the Registrar of Co-operative Societies may issue necessary orders specifying the duties and responsibilities to be assigned to each of the employee, applicable to both Arbitration Courts.

WORK MEASUREMENT

Details of Cases pending before the Co-operative Arbitration Courts:

3.13 The Co-operative Arbitration Court at Thiruvananthapuram was started functioning in the year 2003. The number of cases pending as on 31.12.2012 are as follows:

Sl.No.	Nature of Cases	No. of cases pending as on 31.12.2012
1	Service Cases including Disciplinary Action Cases	237
2	Area of operation	0
3	Election	43
Total		280

3.13.1 The Co-operative Arbitration Court at Kozhikode was started functioning in the year 2011. The number of cases pending as on 31.12.2012 are as follows:

Sl.No.	Nature of Cases	No. of cases pending as on 31.12.2012
1	Service Cases including Disciplinary Action Cases	170
2	Area of operation	0
3	Election	21
Total		191

3.14 The annual work load of Clerk, Bench Clerk, lower Division Typist are measured based on the revised procedure recommended by the Work Study team, which is as Follows. In the case of Clerk and Lower Division Typist, other routine office works, namely establishment, accounts etc. are also measured for arriving the annual Work Load. In the case of Presiding Officer, Secretary and the Confidential Assistant are not measured, as these are positional posts.

Co-operative Arbitration Court, Thiruvananthapuram						
Sl.No.	Designation	Work Load(in Man-Hour)				Remarks
		File Works + Routine Works	P&F Allowance	Non File Works	Total Work Load in Man-Hours	
1	Clerk	655	98	120	873	
2	Bench Clerk/ Junior Co-operative Inspector	104	16	*1185	1305	*including the work done during the camp sittings.
3	Lower Division Typist	The work Load of Typist is 280 lines per day in English				

Co-operative Arbitration Court, Kozhikode						
Sl.No.	Designation	Work Load(in Man-Hour)				Remarks
		File Works + Routine Works	P&F Allowance	Non File Works	Total Work Load in Man-Hours	
1	Clerk	648	97	120	865	
2	Bench Clerk/ Junior Co-operative Inspector	90	14	*1560	1664	*including the work done during the camp sittings.
3	Lower Division Typist	The work Load of Typist is 308 lines per day in English				

3.14.1 From the above calculations, it is revealed that the annual work load of Clerk and Bench Clerk/ junior Co-operative Inspector are within the limit of 1700 Man Hour per year and in the case of Lower Division Typist the Work Load is within the limit of 704 lines in English per day.

Details of Creation of Posts

3.15 In view of the direction issued by Government, as per Circular no. 1015/D2/92/P&ARD dated 15.01.1992 that all working arrangements should be terminated forthwith, the revised procedure specifies at para **3.8.1** and the above Work Load, the Study Team recommend for the creation of the following posts, under the Presiding Officer, in the Co-operative Arbitration Courts, which are found absolutely necessary for the smooth and effective functioning of these Courts. The details are as follows:-

Sl.No.	Name of Post	Number of Post		Total No. of post	Remarks
		Arbitration Court at Thiruvananthapuram	Arbitration Court at Kozhikode		
1	Secretary/Assistant Registrar	1	1	2	
2	Bench Clerk/Junior Co-operative Inspector	1	1	2	
3	Confidential Assistant Grade II	1	1	2	
4	Clerk	1	1	2	Post Re-designated from 'Lower Division Clerk' to 'Clerk', as per G.O. (Ms)No.120/2013/(138)/Fin dated 04.03.2013
5	*Driver Grade II	1	1	2	
6	*Office Attendant	1	1	2	*Subject to further orders, as per G.O.(Ms) No.72/2013/GAD Dated 14.03.2013
7	Sweeper	*0	1	#1	*A post of Part Time Sweeper has already been created by Government at the Co-operative Arbitration Court, Thiruvananthapuram. #Part Time or Full Time based on the sweeping area
Total				15	

3.15.1 Since the Work Load of Lower Division Typist in both the Arbitration Courts is far less as compared to the standard norm of 704 lines in English per day, the **Study Team do not recommend for the creation of post of Lower Division Typist, for**

the time being. Hence for fair copying work, the service of the Confidential Assistant Grade II may be utilised.

3.15.2 The Posts recommended for creation under Sl. No. 1 to 6 in para 3.15 may be filled up by the Registrar of Co-operative Societies, as in the case of filling up of staff under the Department of Co-operation in Kerala. The post under Sl. No.7 may be filled up as per Government norms.

3.16 The Organisation Chart (Positional) for the Co-operative Arbitration Courts, as proposed by the study team, is annexed in Annexure No. 2

Forms and Registers

3.17 The Work Study Team find that no specified form is fixed for filing plaints before the Co-Operative Arbitration Courts. In the absence of a specified form, uniformity can not be achieved. **The Study Team therefore recommend that a standard 'Form' for Complaint to be filed before the Co-operative Arbitration Courts may be issued by the Registrar in consultation with the Presiding Officers at the earliest. In the form, a field may be provided for writing the synopsis of the case. Other forms like form for issuing summons, form of Award etc. may also be specified by the Registrar. The forms applicable to public may be published in the website along with other details.**

3.18 The work Study team also find that the Registers, viz. IA Register, Civil A Diary, Civil B Diary, Posting Book, Filing Register, Disposal Register, Pendency Register etc., as regard to Civil Cases, are not maintained properly in the Arbitration Courts. **The work study Team therefore recommend that the Registrar of Co-operative Societies may issue a Circular, specifying the mandatory registers to be maintained in the Co-operative Arbitration Court in connection with the filing of complaints and take necessary arrangements to issue printed registers to the Arbitration Courts.**

Other Recommendations/ suggestions:

Adherence of Time Limit

3.19 Section 70 of the Co-operative Societies Act,1969 inter- alia states that the Arbitration Court shall pass an 'Award' within One year. But this provision is not seen to have been adhered to. **The Study Team therefore recommend that the time limit fixed for passing Award, as per Section 70 of the Co-operative Societies Act,1969, may strictly be adhered to.**

Law Library

3.20 The Study Team recommend to set up a full fledged Law Reference Library in each of the Arbitration Court. Necessary Law Books may be purchased and Journals and periodicals may be subscribed for the library. For this necessary Funds may be provided to the Arbitration Courts by the Registrar.

Publishing a Journal

3.21 The Study Team recommends that a quarterly e-journal may be published from the Arbitration Court at Thiruvananthapuram by collecting and compiling important 'Awards' issued from both the Arbitration Courts in Kerala, important judgments of the Co-operative Tribunal, judgments of the Hon'ble High Court and the Supreme Court on matters relating to Co-operative arbitration and the Award/judgment of similar bodies of other state. The important Awards issued from the Co-operative Arbitration Courts may be made available to the Co-operative Information Bureau for being published in the 'Sahakaranaveedhi'.

Records Room

3.22 The study team recommend to set up a well equipped 'Record Room' in each of the Arbitration Court, for keeping Records/disposals in an organised manner. For which necessary furniture and almirahs may be provided.

Other Infrastructure

3.23 The Study Team recommend that necessary infrastructure may be

provided at the Arbitration Courts to create the ambiance of a Court Room. Other infrastructure like dress changing room for legal practitioners, clean toilets, drinking water facility etc. may also be provided.

Link in the Web Portal

3.24 The Study Team recommend that the details of the Arbitration Court may be included in the web portal of Government of Kerala, for wide publicity.

Implementation of e-office

3.25 The study team recommend that e-office may be implemented in the Arbitration Courts for all business.

TA claims of Officers

3.26 The Work study Team observed that claim for Traveling Expenses of the Presiding Officers/ former Presiding Officers and Bench Clerks are pending in both the Arbitration Courts. The Study Team, therefore, recommend that necessary fund may be provided, for clearing the arrear TA claims.

Chapter 4

PERSONNEL AND FINANCIAL IMPLICATIONS

4.1 The creation of additional posts, as suggested by the work Study team in para 3.15, are as follows:

Sl. No.	Designation	No. of posts
1	Secretary/Assistant Registrar	2
2	Bench Clerk/Junior Co-operative Inspector	2
3	Clerk	2
4	Confidential Assistant Grade-II	2
5	Office Attendant	2
6	Driver Grade II	2
7	Sweeper	1

Financial Implications

4.2 The financial implications anticipated, for the implementation of recommendations regarding the creation of additional posts and enhancement of wages to the Presiding Officer, are illustrated in the table annexed as **Annexure-3**. It is seen that the total anticipated expenditure is Rs. 28,88,820/- (Rupees Twenty Eight Lakh Eighty Eight Thousand Eight Hundred and Twenty only) per year.

Chapter-5

PLAN FOR IMPLEMENTATION

The plan for implementation of recommendations made by the Study Team is classified under recommendation for (i) Short Term and (ii) Long Term. The recommendations, already elaborated in Chapter 3, are summarised in Chapter 6. The recommendations under 'Short Term' may be implemented immediately. For the implementation of recommendations under 'Long Term', the Registrar of Co-operative Societies may take action to include the proposal in the next coming budget and take earnest effort to complete the Work in the estimated time.

Chapter-6

Summary of Recommendations/ Conclusions

The Work Study Team recommend:

SHORT TERM	
6.1	that the Presiding Officer may be appointed as per Rule 8, Part I of the Kerala Service Rules and an agreement may be executed in the model form of agreement shown in Appendix I of the Kerala Service Rules (Para 3.2)
6.2	that whatever the facilities Government desire to extend to the Presiding officer, may be mentioned clearly in the aforesaid agreement (Para 3.2)
6.3	to grant wages to the Presiding Officer equivalent to the minimum basic pay admissible to the Civil Judge (Junior Division)(Entry Level) plus Dearness Allowance(Central rate) applicable from time to time, in accordance with G.O.(Ms) No. 179/2010/Home dated 05.08.2010. No other allowances,viz. H.R.A., C.C.A. etc. shall be granted (Para 3.2)
6.4	that some kind of a selection process for the appointment of Presiding Officer may be issued by Government (Para 3.2)
6.5	that instead of classifying the disputes as 'monetary' and 'non – monetary', a Circular may be issued by the Registrar of Co-operative Societies , clarifying the disputes which come under the Co-operative Arbitration Court as has been done in the case of Co-operative Ombudsman, issued vide Circular No.37/11

	<p>dated 21.05.2011. The Work Study Team suggest that the following disputes may be brought under the ambit of the Co-operative Arbitration Court:</p> <p>(i) Disputes relating to all service matters and disciplinary action cases against the employees/ retired employees of co-operative Societies;</p> <p>(ii) Dispute on area of operation; and</p> <p>(iii) Election Disputes.</p> <p>Item No.(x) of the disputes (i.e. non-disbursement of pension and delay in disbursement of pension) mentioned in the above circular (i.e. Circular No.37/11 dated 21.05.2011of the Registrar of Co-operative Societies) , presently brought under the ambit of the Co-operative Ombudsman, may be transferred and brought under the ambit of the Co-operative Arbitration Court. The disputes which neither come under the Co-operative Arbitration Court nor under the Co-operative Ombudsman may be brought under the Registrar of Co-operative Societies. The relevant Act and Rules may be amended accordingly (Para 3.2)</p>
6.6	a revised Procedure for the conduct of cases in the Co-operative Arbitration Courts (Para 3.8)
6.7	that before proceeding the actual trial, the case may be posted for a counselling by the Presiding officers (Para 3.9,3.91, 3.9.2&3.9.3)
6.8	that the time limit fixed for passing an Award, as per Section 70

	of the Co-operative Societies Act,1969, may strictly be adhered to (Para 3.20)
6.9	for the creation of the following posts in the Co-operative Arbitration Courts (i) Secretary/Assistant Registrar (2 Post); (ii) Bench Clerk/ Junior Co-operative Inspector (2 Post); (iii) Clerk (2 Post); (iv) Confidential Assistant Grade II (2 Post); (v) Driver Grade-II (2 Posts) (vi) Office Attendant (2 Post); and (vii) Sweeper (1 Post) (Para 3.11&3.15)
6.10	the Posts recommended for creation under Sl. No. 1 to 7 in para 3.15.2 may be filled up by the Registrar of Co-operative Societies, as in the case of filling up of staff under the Department of Co-operation in Kerala. The post under Sl. No.8 may be filled up as per Government norms.
6.11	a revised organisation structure (positional) [Annexure-2]
6.12	that the Registrar of Co-operative Societies may issue necessary orders specifying the duties and responsibilities to be assigned to each of the employee, applicable to both Arbitration Courts (Para 3.12)
6.13	that a standard 'Form' for Plaint to be filed before the Co-operative Arbitration Courts may be issued by the Registrar in consultation with the Presiding Officers, at the earliest. In the 'Form', a field may be provided for writing the synopsis of the

	<p>case. Other forms like Form for issuing summons, Form of Award etc. may also be specified by the Registrar. The forms applicable to public may be published in the website along with other details (Para 3.17)</p>
6.14	<p>that the Registrar of Co-operative Societies may issue a Circular, specifying the mandatory registers to be maintained in the Co-operative Arbitration Court in connection with the filing of complaints and take necessary arrangements to issue printed registers to the Arbitration Courts (Para 3.18)</p>
6.15	<p>To sanction a new vehicle to the Co-operative Arbitration Court (Northern) and repair/replace the existing vehicle at the Co-operative Arbitration Court(Southern) (Para 3.2)</p>
6.16	<p>that necessary fund may be provided, for clearing the arrear TA claims of the Presiding Officer and the Bench Clerk (Para 3.26)</p>
6.17	<p>that a quarterly e-journal may be published from the Arbitration Court at Thiruvananthapuram by collecting and compiling important Awards issued from both the Arbitration Courts in Kerala, important judgments of the Co-operative Tribunal, judgments of the Hon'ble High Court and the Supreme Court on matters relating to Co-operative arbitration and the award/judgment of similar bodies of other state. The important Awards issued from the Co-operative Arbitration Courts may be made available to the Co-operative Information Bureau for being published in the 'Sahakaranaveedhi' (para 3.22)</p>

6.18	that the details of the Arbitration Court may be included in the web portal of Government of Kerala, for wide publicity (Para 3.25)
LONG TERM	
6.19	that a separate website for the Co-operative Arbitration Courts may be launched and Virtual Court facilities may be provided at the Arbitration Courts headquarters. Necessary facilities (viz. facilities like video conferencing) may be provided at every district Head Quarters for this purpose (Para 3.10)
6.20	that 'e-filing' facility may be provided at the head quarters of the Co-operative Arbitration Courts for filing Plaint, for which the model adopted by the Motor Vehicles Department and the Civil Supplies Department, in providing various services such as Registration of Vehicles, Ration Cards etc., may be adopted (Para 3.10.1)
6.21	e-office may be implemented in the Arbitration Courts for all business (Para 3.25)
6.22	the Registrar of Co-operative Societies may take necessary steps to take up the projects of 'Virtual Court','e-filing' and 'e-office' in the coming budget to implement the above three recommendations (Para 3.10.1 and 3.25)
6.23	to set up a full fledged Law Reference Library in each of the Arbitration Court. Necessary Law Books may be purchased and Journals and periodicals may be subscribed for the library. For this necessary funds may be provided to the Arbitration Courts

	by the Registrar (Para 3.21)
6.24	to set up a well equipped 'Record Room' in each of the Arbitration Court, for keeping Records/disposals in an organised manner. For which necessary furniture and almirahs may be provided (para 3.23)
6.25	that necessary infrastructure may be provided at the Arbitration Courts to create the ambience of a Court Room. Other infrastructure like dress changing room for legal practitioners, clean toilets, drinking water facility etc. may also be provided (Para 3.24)

Chapter- 7

Acknowledgement

The Personnel and Administrative Reforms Department acknowledges with sincere thanks the co-operation extended to the Study Team by the staff of Co-operation Department in the Government Secretariat, Presiding Officers and staff of the Co-operative Arbitration Courts at Thiruvananthapuram and Kozhikode, District Joint/Assistant Registrars, the staff of the office of the Registrar of Co-operative Society, especially the Additional Registrar(Credit), for the successful conduct and completion of the work study.

Sd/-

Secretary to Government

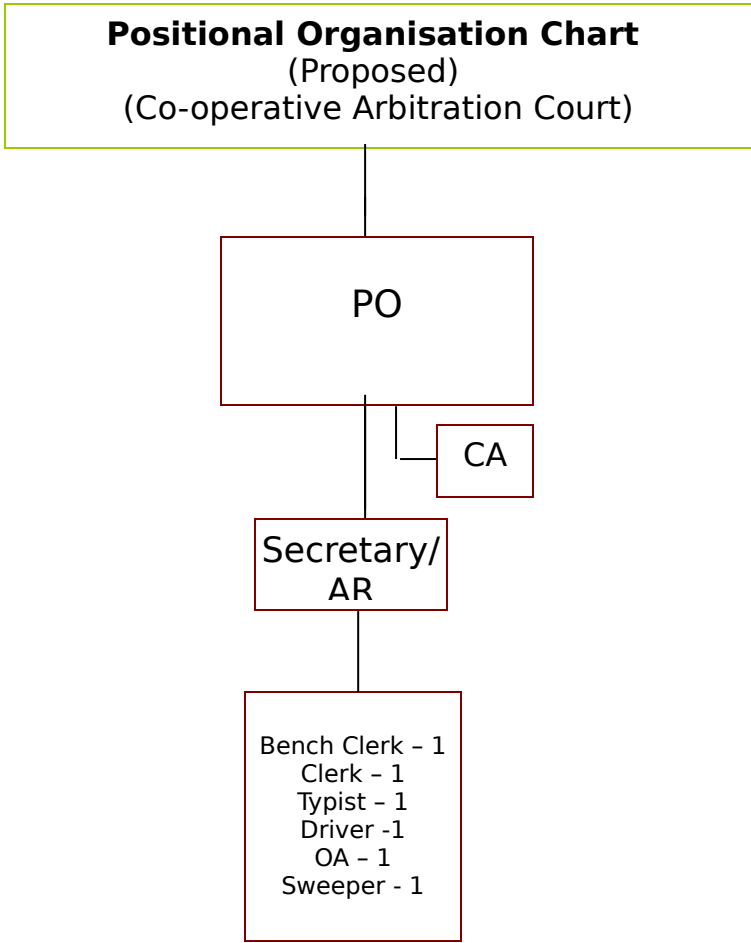
Personnel and Administrative Reforms (A R)Department

Annexure- 1

Department of Co-operation		GOVERNMENT OF KERALA														Statistics Section			
		NUMBER STATEMENT OF TYPE WISE CO-OPERATIVE SOCIETIES AS ON 31/03/ 2012																	
Sl. No	Type of Societies	DISTRICTS														Total	Of which		
		TVM	KLM	PTA	ALP	KTM	IDK	EKM	TSR	PKD	MLP	KKD	WYD	KNR	KSD		Working	Under Liquidation	
i	Apex Societies / Banks	5	0	0	0	0	0	5	0	0	0	0	0	0	0	0	10	0	0
1	Kerala State Co-operative Bank	1															1	1	
2	Kerala State co-op. Agrl. Development Bank	1															1	1	
3	Kerala State SC/ST Federation	1															1	1	
4	Kem Karshaka Sahakarana Federation	1															1	1	
5	Kerala State co-op. Marketing Federation							1									1	1	
6	Kerala State Rubber Marketing Federation							1									1	1	
7	Kerala State co-op. Consumer Federation							1									1	1	
8	Kerala State co-op. Housing Federation							1									1	1	
9	Kerala State co-op. Hospital Federation							1									1	1	
10	Kerala State Women co-op. Federation	1															1	1	
																	0	0	
																	0	0	
ii	Federal Societies	0	0	0	0	0	0	0	0	0	0	0	0	4	0	4	3	1	0
11	Regional Agro Industrial Development Co-op. of Kerala															1	1	1	
12	Kerala State Integrated Marketing & Processing Soc.															1	1	1	
13	Kerala State Agro Co-operative Societies															1	1	1	
14	Kerala State Rubber Co-operative Ltd.															1	1	1	
																	0	0	
																	0	0	
iii	Central Banks	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	14	0	0
15	Distriet Co-operative Bank	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	14	14	
																	0	0	

Sl No	Type of Societies	DISTRICTS														Total	W
		TVM	KLM	PTA	ALP	KTM	IDK	EKM	TSR	PKD	MLP	KKD	WYD	KNR	KSD		
iv	Credit Societies / Banks	469	271	166	334	279	144	461	301	281	261	260	86	281	127	3721	3307
16	Primary Agricultural Development Bank	4	5	5	6	6	4	9	5	5	6	3	3	3	2	66	57
17	Primary Agricultural Credit Societies	113	128	104	187	139	72	164	150	96	124	102	32	126	61	1598	1533
18	Farmers Service Co-operative Societies	6	3	1	2	4	1	5	9				1	1	3	36	36
19	Rural Co-operative (a) Banks	1						8	2		25	6		10		52	52
	(b) Societies	18	35	1			1	8	2	5	16					86	82
20	Agricultural Improvement Societies	14		2		2		3	2	36		13	10	20	8	110	93
21	Urban Co-operative Banks BR Act	5	5	3	1	6	2	5	4	5	7	8	1	5	2	59	58
22	Urban Co-operative Banks Non BR Act	2	2	1	3	3	1	7	11	14	9	28	3	15	11	110	103
23	Employees Credit Co-op. Societies BR Act	1				1										2	2
24	Employees Credit Co-op. Soes Non BR Act	208	63	39	89	85	48	165	73	69	43	65	26	71	28	1072	898
25	Primary Non Agrl. Credit Societies Others	21	5	3	15	11		25	16	29	14	6	2	3	2	152	117
26	Primary Housing Co-operative Societies	76	25	7	31	22	15	62	27	22	17	29	8	27	10	378	276
																0	
																0	
v	Consumer Societies	3	1	1	1	2	1	1	1	1	2	2	1	1	1	19	13
27	Regional Central Co-op. Soes. for School Soes.	1										1				2	1
28	Central Co-operative Stores	1				1					1					3	3
29	Wholesale Consumer Stores	1	1	1	1	1	1	1	1	1	1	1	1	1	1	14	9
																0	
																0	
vi	Primary Societies	479	423	249	337	363	218	455	448	297	386	382	102	380	156	4675	4070
30	Primary Consumer Stores	140	91	8	30	33	61	52	61	30	31	25	21	48	12	643	195
31	College Co-operative Stores	18	14	9	13	25	4	18	21	10	13	14	7	15	8	189	161
32	School Co-operative Stores	321	318	232	294	305	153	385	366	257	342	343	74	317	136	3843	3714
																0	
																0	

Sl. No	Type of Societies	DISTRICTS														Total	Of which		
		TVM	KLM	PTA	ALP	KTM	IDK	EKM	TSR	PKD	MLP	KKD	WYD	KNR	KSD		Total	W	D
vii	Marketing & Processing Soc.	35	39	32	34	71	95	30	51	55	26	20	44	44	16	592	250	304	38
33	General Marketing Societies	19	16	25	25	43	57	19	43	35	18	19	22	30	12	383	157	203	23
34	Special Marketing Societies	16	12	7	7	28	29	9	7	20	4		15	14	4	172	74	84	14
35	Processing Co-operative Societies		11		2		9	2	1		4	1	7			37	19	17	1
																0			
																0			
viii	Miscellaneous Societies	782	405	135	294	247	242	302	546	216	306	294	172	559	231	4731	2795	1629	307
36	Poultry Co-operative Societies	7	1	1	7	1	1	2	4				16	2	1	43	13	28	2
37	Other Live Stock Co-operative Societies	4				1							1			6		6	
38	Collective Farming Co-operative Societies			1					1				4	2		8	4	1	3
39	Joint Farming Co-operative Societies	30	4	1	9	6	3	5	5	4	5	1	2	1		76	29	31	16
40	Labour Contract Co-operative Societies	85	116	20	57	13	18	28	33	8	27	44	46	29	18	542	235	265	42
41	Forest Labourers Co-operative Societies		1				1						1			3		1	2
42	Irrigation Co-operative Societies				1			3	9							13	6	6	1
43	Other Industrial Co-operative Societies					1										1	1		
44	Transport Ex-Servicemen Societies				2			1	1	1			1			6	1	4	1
45	Transport Co-operative Societies Others	17	14	3	13	14	17	21	7	3	14	8	4	5	4	144	47	71	26
46	Land Colonisation Co-operative Societies								2							2	1	1	
47	Better Farming Co-operative Societies			1	3			3	17							24	12	10	2
48	Rubber Plantation Co-operative Societies								1							1	1		
49	Rubber Karshaka Co-operative Societies	1		1	1	1			1							5	1	3	1
50	Agricultural Others Co-operative Societies	1		1		2	5	4	20		5			7	1	46	29	11	6
51	Scheduled Caste Co-operative Societies	116	66	40	65	40	19	66	87	66	68	40	8	15	22	718	350	341	27
52	Scheduled Tribe Co-operative Societies	16	4	5	3	6	10	4	4	11	2	3	17	7	4	96	55	39	2
53	Women's Co-operative Societies	112	90	16	36	46	61	47	79	50	100	95	27	218	61	1038	762	244	32
54	Auto rickshaw Co-operative Societies	6	15	2	5	4	1	5	8	1	1	3	4	4	2	61	21	28	12



LEGEND

PO : Presiding Officer
 CA : Confidential Assistant
 AR : Assistant Registrar
 OA : Office Attendant

SUMMARY

P.O. - 1
 Secretary - 1
 Bench Clerk - 1
 Clerk - 1
 CA - 1
 Typist - 1
 Driver- 1
 OA - 1
 Sweeper - 1

FINANCIAL IMPLICATIONS FOR THE CREATION OF POSTS AND ENHANCEMENT OF WAGES RECOMMENDED IN THE CO-OPERATIVE ARBITRATION COURTS (AS ON 31.12.2012) [See para 3.15]

Sl. No.	Designation	Basic pay Rs.	Dearness Allowance as on 31.12.12 Rs.	House Rent Allowance Rs.	City Compensatory Allowance Rs.	Total salary per month Rs.	Total Salary per post per year Rs.	No. of posts	Total Amount required for salary per year Rs.	Amount Already being Disbursed Rs.	Balance amount to be met Rs.
1	Presiding Officer	27700	Central DA@72% 19944	0	0	47644	571728	2	1143456	960000	183456
2	Assistant Registrar/Secretary	19240	8658	840	350	29088	349056	2	698112	0	698112
3	Bench Clerk/Junior Co-operative Inspector	14620	6579	840	300	22339	268068	2	536136	0	536136
4	Confidential Assistant Grade-II	10480	4716	560	250	16006	192072	2	384144	0	384144
5	Clerk	9940	4473	560	250	15223	182676	2	365352	0	365352
6	Driver Grade II	9190	4136	560	200	14086	169032	2	338064	0	338064
7	Office Attendant	8500	3825	350	200	12875	154500	2	309000	0	309000
8	Part Time Sweeper	4250	1913	0	50	6213	74556	1	74556	0	74556
TOTAL		103920	34300	3710	1600	163474	1961688	15	3848820	960000	2888820