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शुक्रवार, डिसेंबर ८, १९७८/अग्रहायण १७, शके १९००

MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill was introduced in the Maharashtra Legislative Assembly on 8th December 1978 :—

L. A. BILL No. LVIII OF 1978.

A BILL

further to amend the Maharashtra Co-operative Societies Act, 1960.

WHEREAS it is expedient further to amend the Maharashtra Co-operative Mah. Societies Act, 1960, for the purposes hereinafter appearing ; It is hereby enact-
XXIV of ed in the Twenty-ninth Year of the Republic of India as follows:—
1961.

1. This Act may be called the Maharashtra Co-operative Societies (Amend- Short title.
ment) Act, 1978.

Amendment of section 65 of Mah. XXIV of 1961. 2. In section 65 of the Maharashtra Co-operative Societies Act, 1960 (hereinafter referred to as "the principal Act"), in sub-section (1), after the words "which may be notified by the State Government in this behalf," the words, figures and letter "provision for payment of contribution to the Co-operative State Cadre Employment Fund established under section 69A," shall be inserted. Mah. XXIV of 1961.

Amendment of section 69A of Mah. XXIV of 1961. 3. In section 69A of the principal Act, for sub-section (4), the following sub-section shall be substituted, namely:—

"(4) (a) Every society or class or classes of societies, which in the opinion of the State Government, derive any benefit, directly or indirectly, from the services of any Secretary belonging to the Co-operative State Cadre of Secretaries, and

(b) every other body corporate carrying on any trade, business or industry or class or classes of such corporate bodies, which in the opinion of the State Government, derive such benefit as aforesaid,

and which are notified by the State Government in this behalf, from time to time, by general or special order, shall, with effect from the 1st day of July 1977, contribute annually to the said Fund, at such rate and in such manner as may be prescribed, and different rates may be prescribed for different societies or other corporate bodies or class or classes of societies or class or classes of other corporate bodies. In determining the rate or rates of contribution, the State Government shall take into consideration the expenditure referred to in sub-section (3), the services likely to be rendered and the financial condition of the societies or other bodies concerned.

Explanation.—Notwithstanding anything contained in any law for the time being in force, for the purposes of levy and collection of the contribution to the said Fund by any other corporate body to which this section applies, such corporate body shall be deemed to be a society governed by this Act."

Amendment of section 165 of Mah. XXIV of 1961. 4. In section 165 of the principal Act, in sub-section (2), after clause (xxvii), the following clause shall be inserted, namely:—

"(xxvii-a) prescribe the rate or rates at which, and the manner in which, the societies (including other corporate bodies) shall contribute towards the Co-operative State Cadre Employment Fund under section 69A;".

STATEMENT OF OBJECTS AND REASONS.

With a view to bring efficiency and system in the services of the Secretaries of the primary co-operative societies, the institution of caderised Secretaries introduced in 1971 was put on statutory basis by inserting new section 69A in the Maharashtra Co-operative Societies Act, 1960, by the Amendment Act XXXVI of 1975. Under section 69A (4) of the Act, every agricultural credit society, multi-purpose co-operative society and service co-operative and every society belonging to any class of societies as may be prescribed by rules made in this behalf are required to contribute annually to the Co-operative State Cadre Employment Fund established for meeting the expenses on the salaries, etc. of the persons appointed to the Co-operative State Cadre of Secretaries.

2. It is, however, experienced that only the co-operative banks and the primary agricultural credit societies, multipurpose societies and service co-operatives are not in a position to meet the cost on the establishment of these Secretaries. It is considered necessary that co-operative societies as well as other institutions like the private sugar factories deriving direct or indirect benefit from the services of these Secretaries should bear their share in meeting the establishment cost of these Secretaries. It is, therefore, proposed to amend section 69A (4) to compel every notified society and every other notified corporate body which derives any benefit from the services of the Secretaries directly or indirectly to contribute their share to the Fund for meeting the cost of establishment of the Secretaries and to make consequential amendments in sections 65 and 165 (2) of the 'Act.

3. The Bill is intended to achieve these objects.

Nagpur, dated the 7th December 1978.

N. D. PATIL,
Minister for Co-operation.

MEMORANDUM REGARDING DELEGATED LEGISLATION.

The Bill involves certain proposals for the delegation of legislative powers, which are explained below :—

Clauses 3 and 4.—It is proposed to empower the State Government to notify by general or special order the societies or other corporate bodies, which derive any benefit, directly or indirectly, from the services of the Co-operative State Cadre Secretaries and which will be liable to pay contribution to the Co-operative State Cadre Employment Fund.

Power is proposed to be given to the State Government to make rules to prescribe the rates at which and the manner in which, the contribution shall be made to the Fund by the societies and other corporate bodies concerned. The guidelines for determining the rates of the contribution on the basis of the expenditure, services likely to be rendered and financial condition of the bodies concerned, are given in clause 3.

The proposals are of a normal character.

G. S. NANDE,

Secretary,

Nagpur, dated the 8th December 1978. Maharashtra Legislative Assembly