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शुक्रवार, जुलै ८, १९८८/आषाढ १७, शके १९१०

## MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill was introduced in the Maharashtra Legislative Assembly on 8th July 1988 :—

## L. A. BILL No. XVIII OF 1988.

## A BILL

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

WHEREAS, it is expedient to amend the Maharashtra Co-operative Societies Act, 1960 for the purposes hereinafter appearing; It is hereby enacted in the Thirty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Maharashtra Co-operative Societies (Second Amendment) Act, 1988.

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

Short title  
and  
commence-  
ment.

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 (2), after the words "on their shares" the words, "to the payment of bonus in the form of gift to members except nominal members irrespective of number of shares held by them" shall be inserted.

Amendment of section 67 of Mah. XXIV of 1961. 3. In section 67 of the principal Act, for the words and figures "12 per cent", the words and figures "15 per cent" shall be substituted.

Amendment of section 91 of Mah. XXIV of 1961. 4. In section 91 of the principal Act, after sub-section (2) the following shall be inserted, namely :—

"(3) Notwithstanding anything contained in this Act, a Civil Court shall have jurisdiction to entertain any dispute between the proposed housing society and the private individual, land-lord, builder or firm regarding purchase of land or building by the society for its members.

(4) Notwithstanding anything contained in this Act, or any other law for the time being in force, Lok Adalats constituted under the provisions of the Legal Services Authorities Act, 1987 shall have jurisdiction to entertain a claim to the extent of rupees ten thousand by or against a society for debt or demand due to it from a member or due from it to a member including ex-member or the nominee, heir or legal representative of a deceased member or servant or employee."

Amendment of section 145 of Mah. XXIV of 1961. 6. In section 145 of the principal Act, in sub-section (1), after the word "Co-operative", the word "Society" shall be added.

## STATEMENT OF OBJECTS AND REASONS.

The Maharashtra Co-operative Societies Act, which has been amended from time to time needs certain further changes to improve its effectiveness. Section 65 of the Act authorises payment of dividend to members on their shares and bonus to members and persons who are not members on the basis of support received to its business from them. It is observed that Co-operative institutions do make certain gifts to their members occasionally or on annual basis. But these gifts are not recognised by the Act. It is felt that it would be advisable to make provisions for such gifts in the Act itself to legalise such payments. Section 65 is sought to be amended accordingly. Similarly, it is proposed to raise the present limit of dividend to 15 percent from 12 percent. Section 91 is proposed to be amended so as to bring the disputes between the proposed Co-operative Housing Societies and private individuals, landlord, builder etc., under the purview of Civil Courts. The section 91 is also sought to be amended to provide for jurisdiction of Lok Adalats to entertain disputes regarding claims by or against the Co-operative Societies to the extent of Rs. 1,000. Section 145 is sought to be amended to provide for prohibition on use of term. "Co-operative Society" as a name or title of any business or trade etc., without the permission of the State Government.

The bill proposes to amend the principal Act to achieve the objectives stated above.

Hence this Bill.

Bombay, dated the 7th June 1988.

ARUN GUJARATHI,  
Member-in-charge.

Bombay, Dated the 8th July 1988.

BHASKAR SHETYE,  
Secretary (I),  
Maharashtra Legislative Assembly.