



महाराष्ट्र शासन राजपत्र

असाधारण

प्राधिकृत प्रकाशन

शुक्रवार, नोव्हेंबर २३, २००७/अग्रहायण २, शके १९२९

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग आठ

(अध्यादेश, विधेयके व अधिनियम यांचा इंग्रजी अनुवाद)

In pursuance of clause (3) of Article 348 of the Constitution of India, the following translation in English of the Maharashtra Co-operative Societies (Third Amendment) Bill, 2007 (L.A. Bill No. LXXV of 2007), introduced in the Maharashtra Legislative Assembly on the 22nd November 2007, is hereby published under the authority of the Governor.

By order and in the name of the
Governor of Maharashtra,

A. M. SHINDEKAR,
Secretary to Government,
Law and Judiciary Department.

L. A. BILL No. LXXV OF 2007.

A BILL

furtherto amend the Maharashtra Co-operative Societies Act, 1960.

Mah. XXIV of 1961. WHEREAS, it is expedient further to amend the Maharashtra Co-operative Societies Act, 1960, for the purposes hereinafter appearing; It is hereby enacted in the Fifty-eighth year of the Republic of India as follows :—

1. This Act may be called The Maharashtra Co-operative Societies (Third Amendment) Act, 2007. Short title

Mah. XXIV of 1961. 2. Section 73F of the Maharashtra Co-operative Societies Act, 1960 (hereinafter referred to as "the principal Act"), shall be re-numbered as sub-section (1) thereof; and,— Amendment of section 73F of Mah. XXIV of 1961.

(a) in sub-section (1) as so re-numbered,—

(i) for the words "who or whose near relation is a dealer in such goods or is a director of a company or a partner in a firm carrying on business in

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(४६३)

[किंमत : रुपये ९.००]

such goods", the words "who is a dealer in such goods or is a director of a company or a partner in a firm carrying on business in such goods, in the area of operation of the society" shall be substituted;

(ii) the Explanation shall be deleted;

(b) after sub-section (1) as so re-numbered, the following sub-section shall be added, namely :—

"(2) Any member who desires to carry on the business of the kind carried on by the society outside the area of operation of the society may apply to the society for permission to carry on such business. The society may grant such permission subject to such conditions as may be prescribed."; and

(c) in the marginal note, the words "or whose near relation" shall be deleted.

Amendment
of section
73FF of Mah.
XXIV of
1961.

3. In section 73-FF of the principal Act, in sub-section (1), for clause (v), the following clause shall be substituted, namely :—

"(v) carries on business of the kind carried on by the society either in the area of operation of the society or in contravention of the provisions of sub-section (2) of section 73F ; or ".

Amendment
of section
165 of Mah.
XXIV of
1961.

4. In section 165 of the principal Act, in sub-section (2), after clause (xxxv-d), the following clause shall be inserted, namely :—

"(xxxv-d-1) prescribe the conditions, on which the society may grant permission to a member to carry on the business of the kind carried on by it, outside its area of operation, under section 73F (2) ; ".

STATEMENT OF OBJECTS AND REASONS

Section 73F of the Maharashtra Co-operative Societies Act, 1960 provides that in the case of a society, which gives loans to members for purchasing machinery, implements, equipments, commodities or goods or which deals in such goods, no member who or whose near relation is dealer in such goods or is a director of a company or partner in a firm, carries on business in such goods, shall be eligible for being elected or appointed as a member of the committee of such society. Clause (v) of sub-section (1) of section 73-FF of the said Act provides that a person who carries on business of the kind carried on by the society either in his name or in the name of any member of his family, or he or member of his family is a partner in a firm or director in a company which carries on business of any kind carried on by the society shall be disqualified for being appointed, nominated, co-opted or for being a member of the committee of the society.

2. It has been brought to the notice of the Government that in this era of privatization, liberalisation and globalisation, the aforesaid provisions, which disqualifies the member of the society for being appointed, nominated, co-opted or for being a member of the committee of the society for the reason that his near relation or any member of his family is dealing in goods for purchase of which loans are given by a society or carries on business or is a partner in a firm or director in a company which carries on business of the kind carried on by the society, have started adversely affecting the co-operative societies since such members have started disassociating themselves from the co-operative societies and thereby depriving the societies from the benefit of expertise of such members. The Government therefore considers it expedient to provide that a member who is dealing in such goods or is a director of a company or partner in a firm, carrying on business in such goods and the member who is carrying on the business of the kind carried on by the society either in the area of operation of the society or without permission of the society outside the area of operation of the society, shall be disqualified for being appointed, nominated, co-opted or for being a member of the committee of the society.

3. The Bill is intended to achieve the above objectives.

Mumbai,

PATANGRAO KADAM,

Dated the 14th November, 2007.

Minister for Co-operation.