



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

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असाधारण क्रमांक ५९

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (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 (Second Amendment) Bill, 2020 (L. A. BILL No. XXXVIII of 2020), introduced in the Maharashtra Legislative Assembly on the 7th September 2020, is hereby published under the authority of the Governor.

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

RAJENDRA G. BHAGWAT,
Secretary (Legislation) to Government,
Law and Judiciary Department.

L. A. BILL No. XXXVIII OF 2020.

A BILL

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

WHEREAS both Houses of the State Legislature were not in session ;

AND WHEREAS the Governor of Maharashtra was satisfied that
Mah. XXIV of 1961. circumstances existed which rendered it necessary for him to take immediate action further to amend the Maharashtra Co-operative Societies Act, 1960, for the purposes hereinafter appearing ; and, therefore, Mah. Ord. XII of 2020. promulgated the Maharashtra Co-operative Societies (Amendment) Ordinance, 2020 on the 10th July 2020 ;

AND WHEREAS it is expedient to replace the said Ordinance, by an Act of the State Legislature ; it is hereby enacted in the Seventy-first Year of the Republic of India as follows :—

1. (1) This Act may be called the Maharashtra Co-operative Societies (Second Amendment) Act, 2020. Short title and commencement.
- (2) It shall be deemed to have come into force on the 10th July 2020.

Amendment of section 73AAA of Mah. XXIV of 1961. **2.** In section 73AAA of the Maharashtra Co-operative Societies Act, 1960 (hereinafter referred to as “the principal Act”), to sub-section (3), the following proviso shall be added, namely :—

“ Provided that, if the election to the Committee of the society could not be held for any reason not attributable to the members of the Committee of such Society, the existing members of the Committee shall be deemed to have continued till new committee is duly constituted. ”.

Amendment of section 73CB of Mah. XXIV of 1961. **3.** In section 73CB of the principal Act, in sub-section (15), after the second proviso, the following proviso shall be inserted, namely :—

“ Provided also that, where the election of the Committee of any society which was due but has not been conducted before the date of commencement of the Maharashtra Co-operative Societies (Second Amendment) Act 2020, then election of Committee of such society shall be conducted,—

(a) within six months from the date of commencement of the said Amendment Act ; or

(b) where the period within which such election should have been conducted is extended by the State Government by general or special order, then within six months from the date on which such extended period expires:”.

Repeal of Mah. Ord. XII of 2020 and saving. **4.** (1) The Maharashtra Co-operative Societies (Amendment) Ordinance, 2020, is hereby repealed. Mah. Ord. XII of 2020.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the principal Act, as amended by the said Ordinance, shall be deemed to have been done, taken or, as the case may be, issued under the corresponding provisions of the principal Act, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

Due to the outbreak of pandemic Covid-19 disease, social and economic activities have suffered a setback since 24.03.2020 in the light of the declaration of lockdown in the country. Due to lockdown functioning of the Co-operative societies in the State has also been adversely affected. The functioning of the co-operative societies is now being carried out with the help of restricted manpower.

As per the provisions of the Maharashtra Co-operative Societies Act, 1960 (Mah. XXIV of 1961) and the rules framed thereunder, it is mandatory to conduct the elections to the committees of the co-operative societies within specified time-frame. However, due to outbreak of pandemic Covid-19, it was not possible to conduct such elections within the specified time-frame.

As per the provisions of sub-section (3) of section 73AAA of the said Act, the term of the elected members of the committee of the co-operative society is five years from the date of their election co-terminus with the term of the committee.

Sub-section (15) of section 73CB of the Act, provides for conducting elections to committees of co-operative societies within certain stipulated time frame.

Considering the outbreak of Covid-19, the State Government has already issued an order on the 17th June 2020 for postponing the elections to all co-operative societies in the State for a period of three months from the 17th June 2020.

As in the present scenario, it was not possible to conduct elections to committees of co-operative societies within stipulated period, it was considered expedient to suitably amend sections 73AAA(3) and 73CB of the said Act, with a view to enable the existing members of the committees of co-operative societies to continue in office until committees are duly constituted and to postpone elections to such committees.

2. As both Houses of the State Legislature were not in session and the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Maharashtra Co-operative Societies Act, 1960 (Mah. XXIV of 1961), for the purposes aforesaid, the Maharashtra Co-operative Societies (Amendment) Ordinance, 2020 (Mah. Ord. XII of 2020), was promulgated by the Governor of Maharashtra on the 10th July 2020.

3. The Bill is intended to replace the said Ordinance by an Act of the State Legislature.

Mumbai,
Dated the 3rd September 2020.

BALASAHEB PATIL,
Minister for Co-operation.