

L. A. BILL No. XXIX OF 2023.

A BILL

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

(As Passed by the Legislative Assembly on the 28th July, 2023.)

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

AND WHEREAS 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, for the purposes hereinafter appearing ; and, therefore, promulgated the

Mah.
XXIV of
1961.

Mah.
10 Ord. V of
2023.

Maharashtra Co-operative Societies (Second Amendment) Ordinance, 2023, on the 10th July 2023 ;

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

(G.C.P.) HB 1239-1 (545-7-2023)

Short title and commencement.

1. (1) This Act may be called the Maharashtra Co-operative Societies (Third Amendment) Act, 2023.

(2) It shall be deemed to have come into force on the 10th July 2023.

Amendment of section 73 of Mah. XXIV of 1961.

2. In section 73 of the Maharashtra Co-operative Societies Act, 1960, (hereinafter referred to as "the principal Act"), in sub-section (1A), in clause (a), for the words "three months from the date of its registration", the words "three months from the date of its registration or reconstruction, as the case may be" shall be substituted.

Mah. XXIV of 1961.

Amendment of section 101 of Mah. XXIV of 1961.

3. In section 101 of the principal Act, in sub-section (1), the word "individual" shall be deleted.

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Repeal of Mah. Ord. V of 2023 and saving.

4. (1) The Maharashtra Co-operative Societies (Second Amendment) Ordinance, 2023, is hereby repealed.

Mah. Ord. V of 2023.

(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 issued, as the case may be, under the corresponding provisions of the principal Act, as amended by this Act.

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STATEMENT OF OBJECT AND REASONS

Section 19 of the Maharashtra Co-operative Societies Act, 1960 (Mah. XXIV of 1961) provides for reconstruction of a society on application to the Registrar, after such proposal is approved at a special general meeting of such society. Clause (a) of sub-section (1A) of section 73 of the said Act provides for appointment of provisional committee to exercise the powers and perform the duties of the committee of newly registered society. However, there was no such similar provision in the said Act for appointment of provisional committee of reconstructed society.

Therefore, it was considered expedient to suitably amend clause (a) of sub-section (1A) of section 73 of the said Act, to provide for appointment of provisional committee in case of reconstructed society.

2. Sub-section (1) of section 101 of the said Act *inter alia* empowers the District Central Co-operative Bank to recover the sums advanced by it to its individual members only. Therefore, in order to enable the District Central Co-operative Bank to recover certain sums advanced by the District Central Co-operative Bank to its society members also, it was considered expedient to amend sub-section (1) of section 101 of the said Act, suitably.

3. 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, for the purposes aforesaid, the Maharashtra Co-operative Societies (Second Amendment) Ordinance, 2023, was promulgated by the Governor of Maharashtra on the 10th July 2023.

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

Mumbai,
Dated the 21st July, 2023.

DILIP WALSE-PATIL,
Minister for Co-operation.

*ANNEXURE TO THE L.A. BILL NO. XXIX OF 2023.—THE
MAHARASHTRA CO-OPERATIVE SOCIETIES
(THIRD AMENDMENT) BILL, 2023*

(Extracts from the Maharashtra Co-operative Societies Act, 1960)

(Mah. XXIV of 1961)

1. to 72 A.	*	*	*	*	
73. (1)	*	*	*	*	Committee, its power and functions.
(1AB)	*	*	*	*	

(1A) Notwithstanding anything contained in this Act, the rules made thereunder or in the bye-laws of any society or class of societies,—

(a) the first general meeting of a society shall be convened within three months from the date of its registration to appoint a provisional committee and to transact other business as may be prescribed. The term of the members of such provisional committee shall be for a period of one year from the date on which it has been first appointed or till the date on which a regular committee is duly constituted in accordance with the provisions of the rules or bye-laws made under this Act, whichever is earlier ; and all the members of such provisional committee shall vacate office on the date of expiry of such period or such constitution of the committee ;

(b) notwithstanding anything contained in clause *(a)*, the provisional committees for the Co-operative Sugar Factories and Co-operative Spinning Mills and such other class of society, as the State Government may, by special or general order, in the *Official Gazette*, specify in this behalf, shall be appointed by the State Government ; and the members thereof shall hold office for a period of three years, which period may be extended by one year, at a time, so however that, the total period shall not exceed five years, in the aggregate :

Provided that, the State Government shall have the power to change or reconstitute such committee or, any or all members thereof at its discretion even before the expiry of the period for which a member or members were nominated thereon :

Provided further that, the member or members assuming office on such change or re-constitution of the committee shall hold office for the period for which the provisional committee has been appointed under this clause ;

<i>(c)</i>	*	*	*	*	
73-ID. to 73-1.	*	*	*	*	
74. to 100.	*	*	*	*	

101. (1) Notwithstanding anything contained in sections 91, 93 and 98, on an application made by a resource society undertaking the financing of crop and seasonal finance as defined under the Bombay Agricultural Debtors Relief Act, 1947 or advancing loans for other agricultural purposes repayable during a period of not less than eighteen months and not more than five

Recovery of certain sums and arrears due to certain societies as arrears of land revenue.

years for the recovery of arrears of any sum advanced by it to any of its members on account of the financing of crop or seasonal finance or for other agricultural purposes as aforesaid or by a crop-protection society for the recovery of the arrears of the initial cost or of any contribution for obtaining services required for crop-protection which may be due from its members or other owners of lands included in the proposal (who may have refused to become members) or by a lift irrigation society for the recovery of arrears of any subscription due from its members for obtaining services required for providing water supply to them or by a Taluka or Block level village artisans multi-purpose society advancing loans and arranging for cash credit facilities for artisans for the recovery of arrears of its dues, or by a co-operative dairy society advancing loans for the recovery of arrears of any sum advanced by it to any of its members or by an urban co-operative bank for the recovery of arrears of its dues or any sum advanced by the District Central Co-operative Bank to its individual members or by non-agricultural co-operative credit society for the recovery of the arrears of its dues or by salary-earners co-operative society for the recovery of arrears of its dues or by a fisheries co-operative society for the recovery of arrears of its dues or by any such society, class of societies, as the State Government may, from time to time, notify in the *Official Gazette*, for the recovery of any sum advanced to, or any subscription or any other amount due from, the members of the society or class of societies so notified and on the society concerned furnishing a statement of accounts in respect of the arrears, the Registrar may, after making the inquiry in such manner as may be prescribed, grant a certificate for the recovery of the amount stated therein to be due as arrears. The application for grant of such certificate shall be made in such form and by following such procedure, accompanied by such fees and documents as may be prescribed.

Explanation.— For the purposes of this sub-section, the expression "other agricultural purposes" includes dairy, pisciculture and poultry.

(2) to (4)	*	*	*	*
102. to 168.	*	*	*	*

**MAHARASHTRA LEGISLATURE
SECRETARIAT**

[L. A. BILL No. XXIX OF 2023.]

**[A Bill further to amend the Maharashtra
Co-operative Societies Act, 1960.]**

**[SHRI DILIP WALSE-PATIL,
Minister for Co-operation.]**

**[As Passed by the Legislative Assembly on
the 28th July, 2023.]**

**JITENDRA BHOLE,
Secretary (1) (I/C),
Maharashtra Legislative Assembly.**