



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

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मंगळवार, डिसेंबर १, २०१५/अग्रहायण १०, शके १९३७

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असाधारण क्रमांक ११३

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 (Amendment) Ordinance, 2015 (Mah. Ord. XXII of 2015), is hereby published under the authority of the Governor.

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

N. J. JAMADAR,
I/c. Secretary (Legislation) to Government,
Law and Judiciary Department.

[Translation in English of the Maharashtra Co-operative Societies (Amendment) Ordinance, 2015 (Mah. Ord. XXII of 2015), published under the authority of the Governor].

CO-OPERATION, MARKETING AND TEXTILES DEPARTMENT

Madam Cama Marg, Hutatma Rajguru Chowk, Mantralaya,
Mumbai 400 032, dated the 1st December 2015.

MAHARASHTRA ORDINANCE No. XXII OF 2015.

AN ORDINANCE

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

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

AND WHEREAS the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Maharashtra Co-operative Societies Act, 1960, for the purposes hereinafter appearing ;

Mah.
XXIV of
1961.

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely :—

1. (1) This Ordinance may be called the Maharashtra Co-operative Societies (Amendment) Ordinance, 2015.

Short title
and commence-
ment.

(2) It shall come into force at once.

Amendment
of section 2
of Mah.
XXIV of
1961.

2. In section 2 of the Maharashtra Co-operative Societies Act, 1960 (hereinafter referred to as "the principal Act"), for clause (14-A), the following clause shall be substituted, namely :—

Mah.
XXIV of
1961.

"(14-A) "functional director" means the representative of the employees of the society selected or elected under second proviso to sub-section (2) of section 73AAA ;".

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

3. In section 73AAA of the principal Act, in sub-section (2),—

(a) for the second proviso, the following proviso shall be substituted, namely :—

"Provided further that,—

(i) in case the committee, consists not more than eleven members, shall include one functional director as a member thereof ; and

(ii) in case the committee, consists more than eleven members and not more than twenty-one members, shall include two functional directors as members thereof.

Such functional directors shall be selected by the union or unions recognised under the Maharashtra Industrial Relations Act, or the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971, from amongst the employees of the society. Where there is no such recognised union or unions or where there is no union at all or where there is a dispute in relation to such issues including whether a union is recognised or not, then such functional directors shall be elected by the employees of the society from amongst themselves in the prescribed manner. No employee who is under suspension shall be eligible for being selected or elected or for being continued as a member of the committee under this proviso;" ;

XI of
1947.
Mah. I
of 1972.

(b) for the third proviso, the following proviso shall be substituted, namely :—

"Provided also that, in respect of the society having contribution of the Government towards its share capital, the committee shall also include the following two members, namely :—

(i) one Government Officer not below the rank of the Assistant Registrar of Co-operative Societies, nominated by the Government ; and

(ii) another, having such requisite experience relating the work of the society and such qualifications as may be prescribed, nominated by the Government ;"

(c) the fourth proviso shall be deleted.

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

4. In section 73CA of the principal Act, in sub-section (1), in clause (vi), for the words, brackets, figures and letter "or is nominated as functional director on the committee of a society under sub-section (2) of section 73A" the words, brackets, figures and letters "or is selected or elected as a functional director on the committee of a society under sub-section (2) of section 73AAA" shall be substituted.

STATEMENT

Section 73AAA of the Maharashtra Co-operative Societies Act, 1960 (Mah. XXIV of 1961) provides for constitution of the committees of the co-operative societies registered or deemed to be registered under the said Act.

It has been observed that, as there is no sufficient representation of employees of societies on the committees of societies where number of committee members is less than seventeen, the interest of the employees of such societies is at stake. It has also been observed that in the societies having contribution of the Government towards its share capital, there is a need to nominate a person other than an officer of the Government having experience relating to the work of such societies with a view to safeguard the interests of the Government, as well as such societies.

It is, therefore, considered expedient to suitably amend section 73AAA of the said Act by incorporating certain provisions relating to,—

(i) appointment of representatives of employees of the society as functional directors ; and

(ii) in case of the society having contribution of the Government towards its share capital, nomination of a person other than an officer of the Government having such requisite experience relating to the work of society and such qualifications as may be prescribed, as a member of the committee.

2. As both Houses of the State Legislature are not in session and the Governor of Maharashtra is satisfied that circumstances exist which render 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, this Ordinance is promulgated.

Mumbai,
Dated the 1st December 2015.

CH. VIDYASAGAR RAO,
Governor of Maharashtra.

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

DR. S. K. SHARMA,
Principal Secretary to Government.