



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष २, अंक २८ (२)]

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असाधारण क्रमांक ४६

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 and Second Continuance) Ordinance, 2016 (Mah. Ord. VII of 2016), is hereby published under the authority of the Governor.

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

N. J. JAMADAR,
Secretary and R.L.A.
to Government,
Law and Judiciary Department.

[Translation in English of the Maharashtra Co-operative Societies (Amendment and Second Continuance) Ordinance, 2016 (Mah. Ord. VII of 2016), 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 18th April 2016.

MAHARASHTRA ORDINANCE No. VII OF 2016.

AN ORDINANCE

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

Mah. Ord. V of 2016. WHEREAS the Governor of Maharashtra had promulgated the Maharashtra Co-operative Societies (Second Amendment) Ordinance, 2016, on the 2nd March 2016 ;

AND WHEREAS upon the re-assembly of the State Legislature on the 9th March 2016, the Maharashtra Co-operative Societies (Second

Amendment) Bill, 2016 (L.A. Bill No. VII of 2016), for converting the said Ordinance into an Act of the State Legislature was passed by the Maharashtra Legislative Assembly on the 6th April 2016 and was transmitted to the Maharashtra Legislative Council ;

AND WHEREAS thereafter, as the session of the Maharashtra Legislative Council was prorogued on the 13th April 2016, the said Bill could not be passed by the Maharashtra Legislative Council ;

AND WHEREAS as provided by article 213 (2)(a) of the Constitution of India, the said Ordinance shall cease to operate at the expiration of six weeks from the date of re-assembly of the State Legislature, that is, after the 19th April 2016 ;

AND WHEREAS it is considered expedient to continue the operation of the provisions of the said Ordinance ;

AND WHEREAS 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 to continue the operation of the provisions of the said Ordinance, for the purposes hereinafter appearing ;

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 :—

Short title
and com-
mencement.

1. (1) This Ordinance may be called the Maharashtra Co-operative Societies (Amendment and Second Continuance) Ordinance, 2016.

(2) It shall be deemed to have come into force on the 2nd March 2016.

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 a Managing Director or a Chief Executive Officer by whatever designation called, nominated by the Committee;”.

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 provisos shall be substituted, namely :—

“Provided further that, the Committee may nominate one person as a functional director :

Provided also that, in the case of such societies or class of societies, as the State Government may by general or special order notify, where the number of permanent salaried employees of the society is twenty-five or more, the committee shall include,—

(i) where the committee consists of not more than eleven members, one representative of the employees of the society ; and

(ii) where the committee consists of more than eleven members and not more than twenty-one members, two representatives of the employees of the society.

XI of
1947.
Mah. I
of 1972.

Such representatives of the employees 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 representatives of the employees 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 :

Provided also that, the representative of the employees selected or elected as per the provisions of the third proviso shall have the right to take part in the meetings of the committee, but shall have no right to vote therein.” ;

(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 following two members nominated by the Government, namely :—

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

(ii) one person having such requisite experience relating to the work of the society and such qualifications, as may be specified by the Government, by an order published in the *Official Gazette* : ”;

(c) the fourth proviso shall be deleted.

4. In section 73CA of the principal Act, in sub-section (1), in clause (vi), for the figures and letter “ 73A ” the figures and letters “ 73AAA ” shall be substituted. Amendment of section 73CA of Mah. XXIV of 1961.

Mah. Ord. V of 2016.

5. (1) The Maharashtra Co-operative Societies (Second Amendment) Ordinance, 2016, is hereby withdrawn. Repeal by withdrawal of Mah. Ord. V of 2016 and saving.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under 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 Ordinance.

STATEMENT

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

2. It had been observed that, as there was no sufficient representation to the employees on the committees of societies where the number of members of such committees was less than seventeen, the interest of employees of such societies was at stake. It was also observed that in the societies having contribution of the Government towards its share capital, with a view to safeguard the interest of the Government as well as such societies, there was a need to nominate a person, other than officer of the Government, having the experience relating to the work of such societies. It was, therefore, considered expedient to suitably amend sections 2 and 73AAA of the said Act.

3. The salient features of the then proposed amendments are as follows :—

(I) *Amendment of section 2.*—Clause (14-A) of said section 2 was proposed to be substituted to provide that the functional director shall mean the Managing Director or the Chief Executive Officer of the Society.

(II) *Amendment of section 73AAA.*—It was proposed to provide,—

(a) for appointment of functional director on the Committee;

(b) for appointment of representatives of the employees of the society on the committees of such societies or class of societies having twenty-five or more permanent salaried employees, as the State Government may, by general or special order, specify ;

(c) in case of societies having contribution of the Government towards its share capital, for appointment of an officer of the Government and another person, having requisite experience relating to the work of the society and possessing the qualifications specified by the Government, by an order published in the *Official Gazette*.

(III) An incidental amendment was also proposed to section 73CA of the said Act.

4. 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 (Second Amendment) Ordinance, 2016 (Mah. Ord. V of 2016), was promulgated by the Governor of Maharashtra on the 2nd March 2016.

5. Thereafter, upon the re-assembly of the State Legislature on the 9th March 2016, the Maharashtra Co-operative Societies (Second Amendment) Bill, 2016 (L. A. Bill No. VII of 2016), for converting the said Ordinance into an Act of the State Legislature, was passed by the Maharashtra Legislative Assembly on the 6th April 2016 and was transmitted to the Maharashtra Legislative Council. However, as thereafter session of the Maharashtra Legislative Council was prorogued on the 13th April 2016, the said Bill could not be passed by the Maharashtra Legislative Council.

As the State Legislature has re-assembled on the 9th March 2016, as provided by article 213(2)(a) of the Constitution of India, the said Ordinance shall cease to operate after the 19th April 2016, and the Government of Maharashtra considers it expedient to continue the operation of the provisions of the said Ordinance.

6. 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 to continue the provisions of the Maharashtra Co-operative Societies (Second Amendment) Ordinance, 2016 (Mah. Ord. V of 2016), for the purposes aforesaid, this Ordinance is promulgated.

Mumbai,
Dated the 18th April 2016.

CH. VIDYASAGAR RAO,
Governor of Maharashtra.

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

S. S. SANDHU,
Principal Secretary to Government.