



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ४, अंक ८१]

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असाधारण क्रमांक १५९

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 (Fourth Amendment) Bill, 2018 (L.A. Bill No. LXXVII of 2018), introduced in the Maharashtra Legislative Assembly on the 29th November 2018, 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. LXXVII OF 2018.

A BILL

further to 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 Sixty-ninth Year of the Republic of India as follows :—

1. This Act may be called the Maharashtra Co-operative Societies (Fourth Short title. Amendment) Act, 2018.

(१)

Amendment of section 24A of Mah. XXIV of 1961.

2. In section 24A of the Maharashtra Co-operative Societies Act, 1960 (hereinafter referred to as "the principal Act"), for sub-section (3), the following sub-sections shall be substituted, namely :—

Mah. XXIV of 1961.

“(3) (a) Every society from such class of society or societies as may be prescribed shall contribute annually towards the Co-operative Education and Training Fund, within such period and at such rates as may be prescribed and different rates may be prescribed for different societies or classes of societies and such contribution shall be paid in the manner as may be prescribed.

(b) The Co-operative Education and Training Fund shall be used for the purpose of promotion of co-operative movement in the State by way of education of the members and training of officers of the co-operative societies on co-operative principles and management practices, and for the training and incidental expenses borne by the institutions notified under sub-section (1).

(c) The Co-operative Education and Training Fund shall be maintained by such Authority or the Institution as may be notified by the State Government, in this behalf, and shall be administered, utilised and audited in such manner as may be prescribed.

(4) Where any society fails to pay,—

(a) the contribution as required under paragraph (a) of sub-section (3); or

(b) the contribution towards the Co-operative Education and Training Fund as specified under sub-section (3) of this section as well as the amount to be recovered as the contribution recoverable under sub-section (5) of section 68, as they existed prior to the date of commencement of the Maharashtra Co-operative Societies (Fourth Amendment) Act, 2018,

Mah..... of 2018.

then the amount of such contribution shall be recoverable as an arrears of land revenue; and upon the Authority or the Institution notified under paragraph (c) of sub-section (3) making a report of such failure to the Registrar, the Registrar shall, after making such enquiry as he deems fit, grant a certificate for recovery of the amount due as an arrears of land revenue.”.

Deletion of section 68 of Mah. XXIV of 1961.

3. Section 68 of the principal Act shall be deleted.

STATEMENT OF OBJECTS AND REASONS

Section 24A of the Maharashtra Co-operative Societies Act, 1960 (Mah. XXIV of 1961), inserted by the Maharashtra Co-operative Societies (Amendment) Act, 2013 (Mah. XVI of 2013) in view of the Constitution (Ninety-seventh Amendment) Act, 2011, provides for the Co-operative, Education and Training to Members, etc. Sub-section (1) of the said section 24A provide that, every society shall organise co-operative education and training, for its members, officers and employees through such State federal societies or the State Apex Training Institutes, as the State Government may, by notification in the *Official Gazette*, specify. Sub-section (2) of the said section 24A provides that, every member of the Managing Committee, whether elected or co-opted, shall undergo such co-operative education and training for such period and at such intervals as may be prescribed. Sub-section (3) thereof provides that, every society shall contribute annually towards the Co-operative Education and Training Fund of the State Federal Societies or State Apex Training Institutes, notified under sub-section (1), at such rates as may be prescribed, and different rates may be prescribed for different societies or classes of societies.

Section 68 of the said Act also provided for contribution to education fund of the State Federal Society and in view of sub-section (4) of the said section 68, the provisions of sub-sections (1), (2) and (3) thereof have been ceased to be in force with effect from the date of commencement of the Maharashtra Co-operative Societies (Amendment) Act, 2013 (Mah. XVI of 2013).

2. In view of the provisions of said section 24A, the State Government has notified certain State Federal Societies or the State Apex Training Institutes for the purpose of imparting co-operative education and training to the members, officers and employees of the co-operative societies and for that purpose, rule 20B and rule 30A have been incorporated in the Maharashtra Co-operative Societies Rules, 1961. It is observed that, under sub-section (1) of section 68 of the said Act, the Maharashtra Rajya Sahakari Sangh Limited was imparting training as stipulated thereunder. Thereafter, the State Government has, under sub-section (1) of section 24A, notified ten institutions for imparting co-operative education and training. In view of this, difficulties are faced in implementation of sub-section (3) of the said section 24A.

Therefore, to bring the clarity expeditiously, in this regard, it is proposed to amend the said section 24A, suitably.

3. Consequent upon the amendment to section 24A, it is also proposed to delete section 68 of the said Act.

4. The Bill seeks to achieve the above objectives.

Mumbai,
Dated the 28th November 2018.

SUBHASH DESHMUKH,
Minister for Co-operation.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves the following proposals for delegation of legislative power, namely :—

Clause 2.—Under this clause, which seeks to substitute sub-section (3) of section 24A of the Maharashtra Co-operative Societies Act, 1960,—

(a) under sub-clause (a) power is taken to the State Government to prescribe by rules,—

(1) the class of society or societies who will contribute towards the Co-operative Education and Training Fund ;

(2) the period within which and rates at which such class of society or societies shall contribute towards the said Fund ;

(3) the different rates for different societies or classes of societies ;

(4) the manner in which said contribution shall be paid ;

(b) under sub-clause (b) power is taken to the State Government,—

(1) to notify the authority or the institution by whom the Co-operative Education and Training Fund shall be maintained ;

(2) to prescribe by rules, the manner in which the said Fund shall be administered, utilized and audited.

2. The above-mentioned proposals for delegation of legislative power are of normal character.