



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष १, अंक ४४]

गुरुवार, जुलै २३, २०१५/श्रावण १, शके १९३७

[पृष्ठे ४, किंमत : रुपये २७.००

असाधारण क्रमांक ८१

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) Bill, 2015 (L. A. Bill No. XXXIX of 2015), introduced in the Legislative Assembly on the 23rd July 2015, is hereby published under the authority of the Governor.

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

M. A. SAYEED,
Principal Secretary and R.L.A. to Government,
Law and Judiciary Department.

L. A. BILL No. XXXIX OF 2015.

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-sixth Year of the Republic of India as follows :—

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

Insertion of
section
73CC
in Mah.
XXIV of
1961.

2. After section 73CB of the Maharashtra Co-operative Societies Act, 1960, the following section shall be inserted, namely :—

Mah.
XXIV
of
1961.

Power of
State
Government
to postpone
election.

“73CC. Where due to scarcity, drought, flood, fire or any other natural calamity or rainy season or any election programme, of the State Legislative Assembly or Council or House of the People or a local authority, coinciding with the election programme of any society or class of societies, in the opinion of the State Government, it is not in the public interest to hold elections to any society or class of societies, the State Government may, notwithstanding anything contained in this Act or the rules, or bye-laws made thereunder, or any other law for the time being in force, for reasons to be recorded in writing, by general or special order, postpone the election of any society or class of societies, for a period not exceeding six months at a time, which period may further be extended so, however, that, the total period shall not exceed one year in the aggregate.”.

STATEMENT OF OBJECTS AND REASONS

Pursuant to the amendment of Constitution by the Constitution (Ninety-seventh Amendment) Act, 2011 the Maharashtra Co-operative Societies Act, 1960 (Mah. XXIV of 1961) has been amended by Mah. XVI of 2013. Section 73CB of the Maharashtra Co-operative Societies Act, 1960, as amended by the said Act of 2013, provides that the superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to a society shall vest in the authority called as "the State Co-operative Election Authority". Sub-section (3) of section 73AAA of the said Act provides that the term of office of the elected members of the Committee and its office bearers shall be of five years from the date of election and the term of office bearers shall be co-terminus with the term of the Committee.

2. Accordingly the State Co-operative Election Authority has already conducted elections to various co-operative societies in the State and is in process of conduct of elections to certain societies.

3. It has been observed that the term of office of five years of certain societies is expiring shortly which period is coinciding with the rainy season. It has also been observed that, a large number of members of various societies are agriculturists which are likely to be engaged in the agricultural work, which may result in low turnover of the voters at the elections. This may affect the conduct of elections to such societies in a free and fair manner. It is therefore considered expedient to amend the said Act of 1961 with a view to provide that, where due to scarcity, drought, flood, fire or any other natural calamity or rainy season or any election programme, of the State Legislative Assembly or Council or House of the People or a local authority, coinciding with the election programme of any society or class of societies, in the opinion of the State Government, it is not in the public interest to hold elections to any society or class of societies, the State Government may, by general or special order, postpone the election of any society or class of societies, for a period not exceeding six months at a time, which period may further be extended so, however, that, the total period shall not exceed one year in the aggregate.

4. The Bill seeks to achieve the above objectives.

Mumbai,
Dated the 22nd July 2015.

CHANDRAKANT (DADA) PATIL,
Minister for Co-operation.

MEMORANDUM REGARDING DELEGATED LEGISLATION

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

Clause 2.—Under this clause, which seeks to insert a new section 73CC in the Maharashtra Co-operative Societies Act, 1960, the power is taken to the State Government to issue general or special order to postpone the election of any society or class of societies, for a period not exceeding six months at a time, subject to the maximum period of one year, where due to scarcity, drought, flood, fire or any other natural calamity or rainy season or any election programme, of the State Legislative Assembly or Council or House of the People or a local authority, coinciding with the election programme of any society or class of societies, in its opinion, it is not in the public interest to hold elections to such society or class of societies.

2. The above-mentioned proposal for delegation of legislative power is of a normal character.