



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष २, अंक ५९(४)]

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असाधारण क्रमांक ९७

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 (Third Amendment) Ordinance, 2016 (Mah. Ord. XVIII of 2016), is hereby published under the authority of the Governor.

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

PRAKASH H. MALI,

Principal Secretary to Government,
Law and Judiciary Department.

[Translation in English of the Maharashtra Co-operative Societies (Third Amendment) Ordinance, 2016 (Mah. Ord. XVIII of 2016), published under the authority of the Governor].

CO-OPERATION, MARKETING AND TEXTILES DEPARTMENT

Mantralaya, Madam Cama Marg, Hutatma Rajguru Chowk,
Mumbai 400 032, dated the 30th August 2016.

MAHARASHTRA ORDINANCE No. XVIII OF 2016.

AN ORDINANCE

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

Mah. Ord. II of 2016. 21st January 2016 ;
WHEREAS the Governor of Maharashtra had promulgated the Maharashtra Co-operative Societies (Amendment) Ordinance, 2016, on the 2016. 21st January 2016 ;

AND WHEREAS upon the re-assembly of the State Legislature on the 9th March 2016, the Maharashtra Co-operative Societies (Amendment) Bill, 2016 (L. A. Bill No. III of 2016), for converting the said Ordinance into an Act of the State Legislature was passed by the Maharashtra Legislative Assembly on the 15th March 2016 and was transmitted to the Maharashtra Legislative Council and the motion to refer it to the Select Committee of that House had been passed ;

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 would have ceased 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 was considered expedient to continue the operation of the provisions of the said Ordinance ;

AND WHEREAS 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 to continue the operation of the provisions of the said Ordinance, for the purposes hereinafter appearing; and, therefore, promulgated the Maharashtra Co-operative Societies (Amendment and Continuance) Ordinance, 2016 (hereinafter referred to as "the said Continuance Ordinance") on the 18th April 2016 ;

Mah.
Ord. VI
of 2016.

AND WHEREAS thereafter, the State Legislature had re-assembled on the 18th July 2016 and as provided under sub-clause (b) of clause (1) of article 197 of the Constitution of India and sub-rule (1) of rule 141 of the Maharashtra Legislative Assembly Rules, the said Bill was passed by the Legislative Assembly with amendments for the second time on the 4th August 2016 and was thereafter transmitted to the Legislative Council; and the said Bill was laid before the Legislative Council on the 5th August 2016 ;

AND WHEREAS as the session of the Maharashtra Legislative Council was prorogued on the 5th August 2016, the said Bill could not be passed by the Maharashtra Legislative Council and the same is pending therein;

AND WHEREAS as provided by article 213(2)(a) of the Constitution of India, the said Continuance Ordinance has ceased to operate at the expiration of six weeks from the date of re-assembly of the State Legislature, that is, after the 28th August 2016;

AND WHEREAS it is expedient to continue the operation of the provisions of the said Continuance 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 Continuance 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 commen-
cement.

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

(2) It shall be deemed to have come into force on the 29th August 2016.

Mah.
XXIV of
1961.

2. In section 73CA of the Maharashtra Co-operative Societies Act, 1960 (hereinafter referred to as “the principal Act”), after sub-section (3), the following sub-section shall be inserted, namely :—

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

Mah.
Ord.
VI of
2016.

“(3A) In case of an insured Co-operative Bank, if an order for supersession of its Committee, as per the requisition of the Reserve Bank of India, is made under section 110A, at any time within the period of ten years before the date of commencement of the Maharashtra Co-operative Societies (Amendment and Continuance) Ordinance, 2016 or at any time after such commencement, then no member of such Committee shall be eligible for being re-appointed, re-nominated, re-elected or re-co-opted on the Committee of such bank or, for being a member, or for being appointed, nominated, elected or co-opted, as a member of Committee of such bank or any other bank, for a period of two terms of the Committee from the date of order of supersession of the Committee.”.

STATEMENT

The Maharashtra Co-operative Societies Act, 1960 (Mah. XXIV of 1961) provides for orderly development of the co-operative movement in the State. Section 110A of the said Act provides for making order for winding up, reconstruction, suspension or supersession of Committee, etc., of insured co-operative bank, with the sanction or requisition of Reserve Bank of India, in the circumstances stated therein.

The Reserve Bank of India has been pursuing the State Government for taking steps for amending the said Act to provide for disqualification of the entire superseded Board of Directors of Urban Co-operative Banks from being re-elected, re-co-opted or re-nominated as directors of concerned Urban Co-operative Banks for at least two terms so that the public may be protected against repetition of the activities resulting in supersession of the Committee. Section 73-CA of the said Act provides for disqualification of Committee and its Members on the grounds specified therein. With a view to safeguard the interests of the depositors, banks and the State Government and check irregularities in co-operative banks and to improve recovery, the Government considered it expedient to amend the said section 73-CA, suitably. For these purposes, it was proposed to provide that, in case of an insured Co-operative Bank, if an order for supersession of its Committee, as per the requisition of the Reserve Bank of India, is made under section 110A, at any time within the period of ten years before the date of commencement of the proposed provision or at any time after such commencement, then no member of such Committee shall be eligible for being re-appointed, re-nominated, re-elected or re-co-opted on the Committee of such bank or, for being a member, or for being appointed, nominated, elected or co-opted, as a member of Committee of such bank or any other bank, for a period of two terms of the Committee from the date of order of supersession of the Committee.

2. 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 (Amendment) Ordinance, 2016 (Mah. Ord. II of 2016), was promulgated by the Governor of Maharashtra on the 21st January 2016 and the Maharashtra Co-operative Societies (Amendment) Bill, 2016 (L.A. Bill No. III of 2016) for converting the said Ordinance into an Act of the State Legislature, was passed by the Maharashtra Legislative Assembly on the 15th March 2016 and the motion to refer it to the Select Committee of that House had been passed; but the said Bill could not be passed by Maharashtra Legislative Council before the said session was prorogued on the 13th April 2016.

3. However, as it was considered expedient to continue the operation of the provisions of said Ordinance, which would have ceased 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, the Maharashtra Co-operative Societies (Amendment and Continuance) Ordinance, 2016 (Mah. Ord. VI of 2016) was promulgated on the 18th April 2016.

4. Thereafter, the State Legislature has re-assembled on the 18th July 2016 and as provided under sub-clause (b) of clause (1) of article 197 of the Constitution of India and sub-rule (1) of rule 141 of the Maharashtra Legislative Assembly Rules, the said Bill was passed by the Legislative

Assembly with amendments for the second time on the 4th August 2016 and was thereafter transmitted to the Legislative Council; and the said Bill was laid before the Legislative Council on the 5th August 2016 and as the session of the Maharashtra Legislative Council was prorogued on the 5th August 2016, the said Bill could not be passed by the Maharashtra Legislative Council and the same is pending therein.

5. As the State Legislature has re-assembled on the 18th July 2016, as provided by article 213(2)(a) of the Constitution of India, the said Continuance Ordinance has ceased to operate after the 28th August 2016, and the Government of Maharashtra considers it expedient to continue the operation of the provisions of the said Continuance 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 operation of the provisions of the Maharashtra Co-operative Societies (Amendment and Continuance) Ordinance, 2016 (Mah. Ord. VI of 2016), for the purposes aforesaid, this Ordinance is promulgated.

Mumbai,
Dated the 30th August 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.