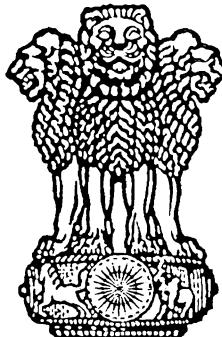


The



Kolkata Gazette

सत्यमेव जयते

*Extraordinary*  
Published by Authority

PHALGUNA 20]

MONDAY, MARCH 11, 2013

[SAKA 1934]

PART IV—Bills introduced in the West Bengal Legislative Assembly; Reports of Select Committees presented or to be presented to that Assembly; and Bills published before introduction in that Assembly.

**GOVERNMENT OF WEST BENGAL**

**LAW DEPARTMENT**

**Legislative**

**NOTIFICATION**

No. 443-L.—11th March, 2013.—The Governor having been pleased to order, under rule 66 of the

Rules of Procedure and Conduct of Business in the West Bengal Legislative Assembly, the publication of the following Bill, together with the Statement of Objects and Reasons which accompanies it, in the *Kolkata Gazette*, the Bill and the Statement of Objects and Reasons are accordingly hereby published for general information:—

**Bill No. 9 of 2013**

**THE WEST BENGAL CO-OPERATIVE SOCIETIES  
(AMENDMENT AND VALIDATION) BILL, 2013.**

**A  
BILL**

*to amend the West Bengal Co-operative Societies Act, 2006.*

WHEREAS it is expedient to amend the West Bengal Co-operative Societies Act, 2006, for the purpose and in the manner hereinafter appearing;

West Ben. Act  
XL of 2006.

It is hereby enacted in the Sixty-fourth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

Short title and commencement.

1. (1) This Act may be called the West Bengal Co-operative Societies (Amendment and Validation) Act, 2013.

(2) It shall be deemed to have come into force with effect from the 4th day of February, 2013.

*The West Bengal Co-operative Societies (Amendment and Validation) Bill, 2013.*

(Clauses 2-6.)

Amendment of  
section 6 of West  
Ben. Act XL of  
2006.

**2.** In section 6 of the West Bengal Co-operative Societies Act, 2006 (hereinafter referred to as the principal Act),—

(1) in sub-section (2), for words “when such thing was done or suffered or such action was taken”, the words “when such thing was done or suffered or such action was taken, unless otherwise specifically provided in this Act:” shall be substituted;

(2) to sub-section (2), the following proviso shall be added:—

“Provided that such thing done or suffered or action taken shall not be deemed to have conferred any right which had not vested or accrued before the date of commencement of this Act or have extended any right which had vested or accrued before the date of commencement of this Act, to the board of a Co-operative Society registered or deemed to have been registered under the Co-operative Societies Act, 1912, or the Bengal Co-operative Societies Act, 1940, or the West Bengal Co-operative Societies Act, 1973, or the West Bengal Co-operative Societies Act, 1983, with the effect of such repeal.”.

Amendment of  
section 29.

**3.** For the first proviso to clause (a) of sub-section (5) of section 29 of the principal Act, the following proviso shall be substituted:—

“Provided that such election shall be held—

(a) in case the election of directors of the board held before the date of commencement of this Act, within three years from the date of such election;

(b) in any other case, within five years from the date of last election.”.

Amendment of  
section 32.

**4.** After second proviso to clause (a) of sub-section (5) of section 32 of the principal Act, the following proviso shall be inserted:—

“Provided also that a director elected or nominated in any board prior to the date of commencement of this Act, shall hold office throughout a term of three years of the board or till the board is dissolved under sections 34 or 35 or 36, whichever is earlier.”.

Amendment of  
section 36.

**5.** In clause (a) of section 36 of the principal Act, for the words, figures and brackets “or within a period of thirty six months from the date of their election under sub-section (8) of section 27 of the West Bengal Co-operative Societies Act, 1983”, the words and figures “or within a period of thirty six months from the date of their election where such election has been held before the date of commencement of this Act” shall be substituted.

Validation.

**6.** The amendments made in the principal Act by section 2, section 3, section 4 and section 5 shall be deemed to have been made with effect from the date of commencement of the principal Act, i.e. from the 18th day of January, 2011 and accordingly anything done or any action taken or purported to have been taken or done not inconsistent with or repugnant to the provisions of the principal Act, so amended, on or after the said date and before the commencement of this Act, shall, notwithstanding anything contrary contained in any judgement, decree or order of any court, tribunal or other authority, be deemed to be, and to have always been, for all purposes, as validly and effectively taken or done as if the said amendments had been in force at all material time.

2 of 1912.  
Ben. Act XXI of  
1940.  
West Ben. Act  
XXXVIII of  
1973.  
West Ben. Act  
XLV of 1983.

*The West Bengal Co-operative Societies (Amendment and Validation) Bill, 2013.*

(Clause 7.)

Repeal and saving.

7. (1) The West Bengal Co-operative Societies (Amendment and Validation) Ordinance, 2013, is hereby repealed.

West Ben. Ord. I of 2013.

(2) Notwithstanding such repeal, anything done or any action taken under the West Bengal Co-operative Societies Act, 2006, as amended by the said Ordinance, shall be deemed to have been validly done or taken under the principal Act, as amended by this Act.

West Ben. Act XL of 2006.

**STATEMENT OF OBJECTS AND REASONS.**

It is considered necessary and expedient to amend the West Bengal Co-operative Societies Act, 2006 (West Ben. Act XL of 2006), with a view to making the said Act more effective.

2. The Bill, therefore, *inter alia*, seeks—

- (a) to clarify status of the board of directors of Co-operative Society elected under the provision of section 27 of the West Bengal Co-operative Societies Act, 1983 (West Ben. Act XLV of 1983), since repealed, in so far as the term of such board is concerned;
- (b) to validate elections of the board of directors of several Co-operative Societies already commenced or held between 18th January, 2011 to 3rd February, 2013, after expiry of their term of 36 months of the respective board of directors of Co-operative Society, where previous elections have been held in terms of section 27 of the West Bengal Co-operative Societies Act, 1983, since repealed.

3. As the West Bengal Legislative Assembly was not in session and it was necessary to take immediate action, in the matter, an ordinance, namely, the West Bengal Co-operative Societies (Amendment and Validation) Ordinance, 2013 (West Ben. Ord. I of 2013), was promulgated.

4. The Bill seeks to replace the said Ordinance by an Act of the State Legislature.

5. The Bill has been framed with the above objects in view.

6. There is no financial implication involved in the Bill.

KOLKATA,

*The 11th March, 2013.*

HAIDER AZIZ SAFWI,

*Member-in-charge.*

By order of the Governor,

MALAY MARUT BANERJEE,  
Secy. to the Govt. of West Bengal,  
Law Department.