

महाराष्ट्र शासन राजपत्र

असाधारण

प्रसिद्धित प्रकाशन

शुक्रवार, सप्टेंबर ७, २००१ / भाद्र १६, शके १९२३

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत

भाग आठ

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रस्तापित केलेले अध्यादेश व केलेले विनियम आणि विधी 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 (Second Amendment) Act, 2001 (Mah. XXXIV of 2001), is hereby published under the authority of the Governor.

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

PRATIMA UMARJI,
Principal Ssecretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XXXIV OF 2001.

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette",
On the 7th September, 2001).

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

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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 Fifty-second Year of the Republic of India as follows:-

1. This Act may be called the Maharashtra Co-operative Societies(Second Amendment) Act, 2001.

Short title

Amendment of
Section 20 of
Mah XXIV of
1961

2. In Section 20 of the Maharashtra Co-operative Societies Act, 1960 (hereinafter referred to as "the principal Act") to sub-section (1), the following proviso shall be added, namely:-

Mah. XXIV
of 1961

"Provided that, in case of a society which has not taken any financial assistance from the Government, in the form of share capital, loan or guarantee, the prior approval of the Registrar for entering into such partnership shall not be required."

Amendment of
Section 20A
of Mah XXIV
of 1961

3. In Section 20A of the Principal act, after sub-section (2), the following proviso shall be added, namely :-

"Provided that, no prior approval of the State Government shall be necessary in case of a society which has not taken any financial assistance from the Government in the form of share capital, loan or guarantee and such society may enter into collaboration with any undertaking with the prior approval of its general body if the requirements laid down in clauses (a), (b) and (c) of sub-section (2), are being fulfilled in case of such society."

Amendment of
Section 43 of
Mah XXIV of
1961

4. In Section 43 of the principal Act, to sub-section (2), the following proviso shall be added, namely :-

"Provided that, nothing in this sub-section shall apply to a society which has not taken any financial assistance from the Government in the form of share capital, loan or guarantee and such society may, adopt its own borrowing policy having regard to its financial position. However, such society shall send to the Registrar, in writing, full details about its borrowing policy; and change, if any introduced in such policy at any time."

Amendment of
Section 73-IA
of Mah XXIV
of 1961

5. In Section 73-IA of the principal Act, for the words "declare the candidate from the constituency or constituencies concerned, securing the next higher number of votes as duly elected" the words "hold a meeting of the committee for filling the vacancy by way of co-option" shall be substituted.

Amendment of
Section 73-FF
of Mah XXIV
of 1961

6. In Section 73-FF of the principal act, in sub-section (1), after clause (vi), the following clause shall be added, namely:-

(vii) has more than two children

Provided that, a person having more than two children on the date of commencement of the Maharashtra Co-operative Societies (Second Amendment) Act, 2001 (hereinafter in this clause referred to as the "date of such commencement") shall not be disqualified under this clause so long as the number of children he had on the date of such commencement does not increase :

ah.
XXIV of
2001

Provided further that, a child or more than one child born in a single delivery within the period of one year from the date of such commencement shall not be taken into consideration for the purpose of disqualification mentioned in this clause.

Explanation - For the purposes of this clause, -

(a) where a couple has only one child on or after the date of such commencement, any number of children born out of a single subsequent delivery shall be deemed to be one entity;

(b) "child" does not include an adopted child or children"

7. In section 77A of the principal act, in sub-section (1), clause (e) shall be deleted.

Amendment
of Section
77A of
Mah XXIV
of 1961

8. In section 91 of the principal Act, in sub-section (1), in the proviso, after the words "sub-section (1) of section 156" the words, figures and letter "or any orders, decisions, awards and actions of the Registrar against which an appeal under section 152 or 152 A and revision under section 154 of the Act have been provided, " shall be inserted.

Amendment
of Section
91 of Mah
XXIV of
1961

9. In section 102 of the principal Act, in sub-section (2), after the words "opportunity to the society" the words "and to the creditors of the society, if any," shall be inserted.

Amendment
of Section
102 of
Mah XXIV
of 1961

10. In section 144-E of the principal act, in sub-section (1), after clause (d), the following clause shall be inserted, namely :-

Amendment
of Section
144-E of
Mah XXIV
of 1961

"(d-1) If he has more than two children:

Provided that, a person having more than two children on the date of commencement of the Maharashtra Co-operative Societies (Second Amendment) Act, 2001 (hereinafter in this clause referred to as "the date of such commencement"), shall not be disqualified under this clause so long as the number of children he had on the date of such commencement does not increase:

Mah XXXIV
of 2001

Provided further that, a child or more than one child born in a single delivery within the period of one year from the date of such commencement shall not be taken into consideration for the purpose of disqualification mentioned in this clause.

(i) where a couple has only one child on or after the date of such commencement, any number of children born out of a single subsequent delivery shall be deemed to be one entity;

(ii) "child" does not include an adopted child or children;"

Amendment of
Section 144-F
of Mah XXIV
of 1961

11. In section 144-F of the principal Act, after sub-section (4), the following sub-sections shall be added, namely :-

"(5) Every Returning Officer at an election shall keep a separate and accurate account of all expenditure in connection with the election, incurred or authorised by him.

(6) The accounts shall contain all the particulars related to the expenses for conduct of the election.

(7) The total of the election expenditure shall not exceed such amount as may be specified by the State Government, by general or special order, published in the *Official Gazette*.

(8) Every Returning Officer at an election shall, within forty-five days from the date of election of the returned candidate shall lodge with the Collector, Registrar or concerned society, as the case may be, the account of the election expenditure which shall be a true copy of the account kept by him under sub-section (5). The Collector or as the case may be, the Registrar shall convey such election expenditure to the concerned society within ten days from the date on which he receives the account of the election expenditure from the Returning Officer.

(9) If the Returning Officer fails to perform the duties as provided in sub-section (8), he shall not be entitled to claim the remuneration for the conduct of the election and he shall also be liable to pay back all the amount taken by him from the society as advance, for conducting the election, within a period of forty-five days from the date of declaration of the result;

Provided that before passing of such order against the Returning Officer denying him the remuneration for the conduct of the election and directing him to repaying the advance taken for conducting the elections, the concerned authority shall give him, a reasonable opportunity of being heard."