

Maharashtra Co-operative Societies Act, 1960 – Amendments 2013 vide Ordinance dated 14 February, 2013

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1. The recital of an Act gives the rationale, objectives and the good to be achieved. Normally these things do not come in the main body. One must appreciate how the Legislature has brought these things in the body of the Act. Clause (27) of section 2 epitomises the cooperative philosophy by newly added words about a cooperative society – “which is an autonomous association of persons, united voluntarily to meet their common needs and aspirations through a jointly owned and democratically controlled enterprise and adhering to the cooperative principles and values”.
2. Members : Only those who attend at least one general body meeting in consecutive five years and utilise minimum level of services (to be specified by government) are considered as `active members' and will be eligible for voting. Non active members, if fulfill above conditions can become active members (section 2, new clause a-1 definition of `active member’).
3. A new State Co-operative Election Authority (SCEA) will be set up. The superintendence, direction and control of elections of the cooperative societies will vest in this authority (new section 73 B). The committee of every co-operative society is required to inform the SCEA about the expiry of its term of office at least six months before the date of expiry of its term, as also about the occurrence of a casual vacancy within fifteen days of its occurrence.
4. Term of the managing committee will be of five years [Section 73 AAA – Sub section (3)].
5. Two seats shall be reserved for women on the committee if there are women members of the society. The 97th CAA mandates reservation of one seat each for the Scheduled Castes and Scheduled Tribes, if persons belonging to this category are members. The M.C.S. Act, already has such provision (Section 73 B).
6. Annual General Meeting, to be now called Annual General Body meeting is required to be held by 30th September. Failure to do shall result in disqualification of the committee [Section 75, Sub-section (1)].
7. Two Experts members are to be co-opted, those having qualification and experience in banking, finance or the field relevant to the society (Expert director definition, section 2, new clause 11-A). For a cooperative housing society, civil engineering, electrical engineering, structural engineering are very relevant, as such qualified persons from these fields could be co-opted as “expert members”.
8. General body to appoint auditor of prescribed qualification and experience from a panel approved by the Registrar.
9. Audit Report to be placed before the Annual General Body Meeting, along with returns. (Section 75, Sub-section (2)).
10. Every Society to constitute Grievances Settlement and Redressal Committee –an in-house panel to redress members grievances (new Section 89 AB).
11. The Registrar will have power of supersession of committee or removal of a member in case of persistent default or negligence in performance of duties etc. (new Section 78 A).
12. A new sub-section (4) in section 166 provides that “the committees of which the elections become due after 31st March, 2013, shall continue till the elections to such societies are held under the provisions of this Act, as amended by the said Ordinance or till the expiration of their term, whichever is earlier.