



The Madhya Pradesh Swayatta Sahakarita (Sanshodhan) Adhiniyam, 2010

Act 16 of 2010

Keyword(s):

Principal Co operative, Co operative, Bye Laws

Amendment appended: 13 of 2013

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भोपाल, दिनांक 20 अप्रैल 2010

क्र. 2529-157-इक्कीस-अ (प्रा.).—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में मध्यप्रदेश स्वायत्त सहकारिता (संशोधन) अधिनियम, 2010 (क्रमांक 16 सन् 2010) का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्वारा प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
राजेश यादव, अपर सचिव.

MADHYA PRADESH ACT

No. 16 OF 2010.

THE MADHYA PRADESH SWAYATTA SAHAKARITA (SANSHODHAN) ADHINIYAM, 2010

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MADHYA PRADESH ACT

No. 16 OF 2010.

THE MADHYA PRADESH SWAYATTA SAHAKARITA (SANSHODHAN) ADHINIYAM, 2010

[Received the assent of the Governor on the 15th April, 2010; assent first published in the "Madhya Pradesh Gazette (Extra-ordinary)", dated the 20th April, 2010.]

An Act further to amend the Madhya Pradesh Swayatta Sahakarita Adhinyam, 1999.

Be it enacted by the Madhya Pradesh Legislature in the Sixtyfirst Year of the Republic of India as follows:—

1. This Act may be called the Madhya Pradesh Swayatta Sahakarita (Sanshodhan) Adhinyam, 2010. Short title.

2. Throughout the Madhya Pradesh Swayatta Sahakarita Adhinyam, 1999 (No. 2 of 2000) (hereinafter referred to as Principal Act), for the words "secondary co-operative" wherever they occur, the words "principal co-operative" shall be substituted. Substitution of certain words throughout the Act.

Amendment of Section 4. 3. In Section 4 of the Principal Act, in sub-section (5), for clause (d), the following clause shall be substituted, namely:—

“(d) a list of names of all the applicants with their photos and such proof of their permanent residential address as specified by the Registrar;”.

Amendment of Section 10. - 4. In Section 10 of the Principal Act,—

(i) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) Every co-operative shall have the same registered address which has been mentioned in its bye-laws and the co-operative shall carry on day to day business at its registered address mentioned in the bye-laws and shall maintain records pertaining to the co-operative at its registered address.”;

(ii) for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) The board may, by resolution, change the address of its head office and it shall give notice of such change by registered post to its members, creditors, the Registrar and to any principal co-operative to which it is affiliated, within fifteen days of the passing of such resolution.”;

(iii) after sub-section (4), the following sub-section shall be inserted, namely:—

“(4-A) If the co-operative does not—

- (i) communicate the changed address to the Registrar; or
- (ii) carry on the business at its registered address; or
- (iii) maintain the records at its registered address,

the Registrar may impose penalty not exceeding ten thousand rupees on the Officer responsible after giving a reasonable opportunity of being heard.”.

Amendment of Section 31. 5. In Section 31 of the Principal Act, in sub-section (1), for clause (e), the following clause shall be substituted, namely:—

“(e) consideration of audited financial statements of accounts, the auditor's report relating to the previous financial year and compliance report along with the action taken on it;”.

Amendment of Section 35. 6. In Section 35 of the Principal Act, for clause (i), the following clauses shall be substituted, namely:—

- “(i) to prepare the annual financial statement of accounts;
- (j) to file returns and information in accordance with the provisions of sub-section (1) and (2) of Section 52;
- (k) to convene annual general meeting or special general meeting under section 32;
- (l) to prepare the business policy for co-operative and to conduct the work in accordance with the business policy;
- (m) to consider the audit report of accounts of the previous financial year and to take action on its recommendations and to submit the compliance report along with the details of action taken before the annual general meeting.”.

7. In Section 41 of the Principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

Amendment of Section 41.

- “(1) Every co-operative shall, in its minute book, record, in Hindi or in any other language prescribed in the bye-laws, the minutes of all proceedings of every general meeting, delegate general body meeting and board meeting and the names of the member, delegates or directors present thereat and shall confirm it at the same or ensuing meeting and it shall be the responsibility of the Chief Executive of co-operative to send the copy thereof within fifteen days of every such meeting to all delegates or members or directors, as the case may be.”

8. For Section 45 of the Principal Act, the following Section shall be substituted, namely:—

Substitution of Section 45.

- “45. (1) A co-operative may raise funds in shape of equity capital from its members to such extent and under such conditions as may be specified in the bye-laws.
- (2) A co-operative may raise funds from its members in shape of deposits and loans to such extent which shall not be more than 25 times of the share capital and reserve fund.
- (3) A co-operative may borrow funds only from any Scheduled bank or financial institution as defined in the Reserve Bank of India Act, 1934 (No. 2 of 1934) or co-operative bank or regional rural bank as defined in the Banking Regulation Act, 1949 (No. 10 of 1949) and to such extent and under such conditions as may be specified in the bye-laws.
- (4) A co-operative shall not accept any deposits from non-member or institutions and shall not perform any work relating to banking business unless such co-operative has obtained licence under the Banking Regulation Act, 1949 (No. 10 of 1949).”

Mobilisation of Funds.

9. In Section 51 of the Principal Act, in sub-section (14), in clause (g), for full stop, the semi-colon shall be substituted and thereafter the following new clause shall be inserted, namely:—

Amendment of Section 51.

- “(h) state whether the loss incurred in the business of the co-operative is the result of gross negligence or serious irregularities.”

10. In Section 52 of the Principal Act, for sub-section (3), the following sub-section shall be substituted, namely:—

Amendment of Section 52.

- “(3) If the returns and information as specified in sub-section (1) and (2) are not filed with or furnished to the Registrar within the period specified in sub-section (1), the Registrar may, by an order, impose penalty of not exceeding ten thousand rupees, on the board which was responsible, after giving the board a reasonable opportunity of being heard and all the Directors of the board shall be jointly liable for such penalty.”

11. In Section 55 of the Principal Act—

Amendment of Section 55.

- (i) for the words “one thousand” wherever they occur, the words “ten thousand” shall be substituted;
- (ii) after sub-section (4), the following sub-section shall be inserted, namely:—

“(4-A) Every person who—

- (a) destroys, mutilates or alters any book or securities, or is privy to the making of any false or fraudulent entry in any register, book of account or document belonging to the co-operative; or

(b) invests fund of co-operative other than as provided in this Act and the bye-laws, shall be guilty of an offence and shall on conviction be punishable with imprisonment which may extend to three months or with fine which may extend to ten thousand rupees or with both.”.

Insertion of Section 55-A. 12. After Section 55 of the Principal Act, the following Section shall be inserted in Chapter VII, namely:—

Cognizance of offences. “55-A (1) No court inferior to that of a Magistrate First Class shall try any offence under this Act.

(2) No court shall take cognizance of any offence punishable under this Act except on a report in writing of the facts constituting such offence by the Registrar or by a person specially authorised by him in this behalf.”.

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मध्यप्रदेश राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 47]

भोपाल, मंगलवार, दिनांक 5 फरवरी 2013—माघ 16, शक 1934

विधि और विधायी कार्य विभाग

भोपाल, दिनांक 5 फरवरी 2013

क्र. 620-47-इक्कीस-अ-(प्रा.)-अधि.—मध्यप्रदेश विधान सभा का निम्नलिखित अधिनियम जिस पर दिनांक 4 फरवरी 2013 को महामहिम राज्यपाल की अनुमति प्राप्त हो चुकी है, एतद्वारा सर्वसाधारण की जानकारी के लिये प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
राजेश यादव, अपर सचिव.

मध्यप्रदेश अधिनियम

क्रमांक १३ सन् २०१३

मध्यप्रदेश स्वायत्त सहकारिता (निरसन) अधिनियम, २०१२

[दिनांक ४ फरवरी, २०१३ को राज्यपाल की अनुमति प्राप्त हुई; अनुमति "मध्यप्रदेश राजपत्र (असाधारण)", में दिनांक ५ फरवरी, २०१३ को प्रथम बार प्रकाशित की गई.]

मध्यप्रदेश स्वायत्त सहकारिता अधिनियम, १९९९ को निरसित करने हेतु अधिनियम.

भारत गणराज्य के तिरसठवें वर्ष में मध्यप्रदेश विधान-मंडल द्वारा निम्नलिखित रूप में यह अधिनियमित हो :—

- (१) इस अधिनियम का संक्षिप्त नाम मध्यप्रदेश स्वायत्त सहकारिता (निरसन) अधिनियम, २०१२ है.
- (२) यह ऐसी तारीख को प्रवृत्त होगा, जिसे राज्य सरकार, अधिसूचना द्वारा, नियत करे.

संक्षिप्त नाम और
प्रारंभ.

२. इस अधिनियम में जब तक कि संदर्भ से अन्यथा अपेक्षित न हो,—

परिभाषाएं.

(क) "नियत दिन" से अभिप्रेत है, धारा १ की उपधारा (२) के अधीन इस अधिनियम के प्रारंभ होने की तारीख;

(ख) “निरसित अधिनियम” से अभिप्रेत है मध्यप्रदेश स्वायत्त सहकारिता अधिनियम, १९९९ (क्रमांक २ सन् २०००).

निरसन
व्यावृत्ति.

तथा

३. (१) नियत दिन को, मध्यप्रदेश स्वायत्त सहकारिता अधिनियम, १९९९ (क्रमांक २ सन् २०००) निरसित हो जाएगा.

(२) इस निरसन से,—

- (क) किसी अन्य अधिनियमिति पर, प्रभाव नहीं पड़ेगा जिसमें निरसित अधिनियमिति लागू की गई है, सम्मिलित अथवा निर्दिष्ट की गई है; अथवा
- (ख) किसी ऐसे अधिकार, विशेषाधिकार, बाध्यता व दायित्व पर प्रभाव नहीं पड़ेगा, जो इस प्रकार निरसित अधिनियम के अधीन अर्जित, प्रोद्भूत या उपगत किया गया हो; अथवा
- (ग) इस प्रकार निरसित अधिनियम के पूर्व प्रवर्तन पर या उसके अधीन पूर्व में की गई या भुगती गई किसी बात के परिणामों पर प्रभाव नहीं पड़ेगा; अथवा
- (घ) इस प्रकार निरसित अधिनियम के विरुद्ध कारित किए गए किसी अपराध के संबंध में उपगत किसी शास्ति, सम्पहरण या दण्ड पर प्रभाव नहीं पड़ेगा; अथवा
- (ङ) यथापूर्वोक्त किसी ऐसे अधिकार, विशेषाधिकार, बाध्यता या दायित्व के संबंध में किन्ही विधिक कार्यवाहियों या उपचार पर प्रभाव नहीं पड़ेगा और कोई भी ऐसी विधिक कार्यवाहियां या उपचार इस प्रकार जारी रखे जा सकेंगे या प्रवर्तित किए जा सकेंगे मानों कि यह अधिनियम पारित ही नहीं हुआ हो.

(३) निरसन के या तत्समय प्रवृत्त किसी विधि या किसी संविदा में अंतर्विष्ट किसी बाद के होते हुए भी, नियत दिन को तथा से निरसित अधिनियम के अधीन रजिस्ट्रीकृत सहकारिताएं मध्यप्रदेश सहकारी सोसाइटी अधिनियम, १९६० (क्रमांक १७ सन् १९६१) के अधीन रजिस्ट्रीकृत समझी जाएंगी तथा उक्त अधिनियम के उपबंध ऐसी सहकारिताओं को विनियमित करने हेतु लागू होंगे.

(४) निरसन के होते हुए भी, किसी भी प्रकृति की ऐसी समस्त संविदाएं, बंधपत्र, विलेख, करार और अन्य लिखतें जो नियत दिन को विद्यमान या प्रभावी हों, और जिनमें निरसित अधिनियम के अधीन रजिस्ट्रीकृत सहकारिता एक पक्षकार हो, ऐसी तारीख से पूर्णतया प्रवृत्त और प्रभावशील होंगी.

(५) निरसन के होते हुए भी, निरसित अधिनियम के अधीन सहकारिता के निदेशक बोर्ड द्वारा बनाई गई उपविधियां और विनियम, जहां तक वे मध्यप्रदेश सहकारी सोसाइटी अधिनियम, १९६० (क्रमांक १७ सन् १९६१) और उसके अधीन बनाए गए, नियमों के उपबंधों से असंगत न हों, तब तक प्रवृत्त बने रहेंगे जब तक कि वे मध्यप्रदेश सहकारी सोसाइटी अधिनियम, १९६० (क्रमांक १७ सन् १९६१) के अधीन परिवर्तित या विखंडित न कर दिए जाएं.

भोपाल, दिनांक 5 फरवरी 2013

क्र. 621-47-इक्कीस-अ-(प्रा.)-अधि.—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में, मध्यप्रदेश स्वायत्त सहकारिता (निरसन) अधिनियम, 2012 (क्रमांक 13 सन् 2013) का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्द्वारा प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,

राजेश यादव, अपर सचिव.

MADHYA PRADESH ACT

No. 13 OF 2013

THE MADHYA PRADESH SWAYATTA SAHAKARITA (NIRSAN) ADHINIYAM, 2012

[Received the assent of the Governor on the 4th February, 2013; assent first published in the "Madhya Pradesh Gazette (Extra-ordinary)", dated the 5th February, 2013.]

An Act to repeal the Madhya Pradesh Swayatta Sahakarita Adhiniyam, 1999.

Be it enacted by the Madhya Pradesh Legislature in the sixty-third year of the Republic of India as follows :—

1. (1) This Act may be called the Madhya Pradesh Swayatta Sahakarita (Nirsan) Adhiniyam, 2012.

Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appointed day" means the date of commencement of this Act under sub-section (2) of Section 1.

(b) "repealed Act" means the Madhya Pradesh Swayatta Sahakarita Adhiniyam, 1999 (No. 2 of 2000).

3. (1) On the appointed day, the Madhya Pradesh Swayatta Sahakarita Adhiniyam, 1999 (No. 2 of 2000) shall stand repealed.

Repeal and savings.

(2) The repeal shall not affect,—

(a) any other enactment in which the repealed enactment has been applied, incorporated or referred to; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the Act so repealed; or

(c) the previous operation of the Act so repealed or consequences of any thing already done or suffered thereunder; or

(d) any penalty, forfeiture or punishment incurred in respect of any offence committed against the Act so repealed; or

(e) any legal proceedings or remedy in respect of any such right, privilege, obligation or liability as aforesaid and any such legal proceedings or remedy may be continued or enforced as if this Act had not been passed.

(3) Notwithstanding the repeal or anything contained in any law for the time being in force or in any contract, on and from the appointed day, the cooperatives registered under the repealed Act shall be deemed to be registered under the Madhya Pradesh Co-operative Societies Act, 1960 (No. 17 of 1961) and the provisions of the said Act shall be applicable for regulation of such cooperatives.

(4) Notwithstanding the repeal, all contracts, bonds, deeds, agreements and other instruments of whatever nature subsisting or having effect on the appointed day and wherein the co-operative registered under the repealed Act is a party shall from such date of full force and effect.

(5) Notwithstanding the repeal, the bye-laws and regulations made by the Board of Directors of the Cooperative under the repealed Act shall in so far as they are not inconsistent with the provisions of the Madhya Pradesh Co-operative Societies Act, 1960 (NO. 17 of 1961) and the rules made thereunder, continue in force until altered or rescinded under the Madhya Pradesh Co-operative Societies Act, 1960 (No. 17 of 1961).