



The Maharashtra Specified Co-Operative Societies (Postponement of Elections due to Drought Conditions in The State) Act, 1983

Act 28 of 1983

Keyword(s):

Administrator, Specified Society, Postponement, Elections, Co-operative, Drought

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**THE MAHARASHTRA SPECIFIED CO-OPERATIVE SOCIETIES
(POSTPONEMENT OF ELECTIONS DUE TO DROUGHT
CONDITIONS IN THE STATE) ACT, 1983.**

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MAHARASHTRA ACT No. XXVIII OF 1983.¹

[THE MAHARASHTRA SPECIFIED CO-OPERATIVE SOCIETIES (POSTPONEMENT OF ELECTIONS DUE TO DROUGHT CONDITIONS IN THE STATE) ACT, 1983.]

[Received assent of the Governor on the 1st day of August 1983; assent first published in the *Maharashtra Government Gazette*, Part IV, on the 3rd August 1983.]

An Act to provide for the postponement of Elections to Committees of Specified Co-operative Societies because of widespread drought conditions in the State.

Mah. XXIV WHEREAS elections of members of committees of co-operative societies belonging **of** to the categories mentioned in section 73G of the Maharashtra Co-operative Societies Act, 1960, are required to be conducted under the control of the Collectors of **1961.** Districts;

AND WHEREAS, because of widespread drought conditions prevailing in most of the Districts of the State, the Collectors of Districts and their staff, who are necessary for holding the elections of the specified societies, were required to direct all efforts towards drought relief works and making provision for drinking water supply, and consequently would not be available for election work; and it would also be inconvenient to the people in general to have such elections during this critical period;

AND WHEREAS, for these and other reasons it was expedient to postpone general elections and bye-elections of the specified societies for a certain period;

AND WHEREAS, in consequence of such postponement, it was necessary to extend the term of office of some of the members of the committees and of the administrators;

AND WHEREAS, both Houses of the State Legislature were not in session;

Mah. Ord. VIII AND WHEREAS, the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to have a special law to provide for postponement of the elections and extension of the term of office **of** as aforesaid, and for matters connected therewith; and, therefore, promulgated the **1983.** Maharashtra Specified Co-operative Societies (Postponement of Elections due to drought conditions in the State) Ordinance, 1983, on the 12th May 1983;

AND WHEREAS, it is expedient to replace the said Ordinance by an Act of the State Legislature; It is hereby enacted in the Thirty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Maharashtra Specified Co-operative Societies (Postponement of Elections due to drought conditions in the State) Act, 1983. **Short title, commencement and duration.**

(2) It shall be deemed to have come into force on the 12th May 1983.

Bom. I of 1904. (3) It shall remain in force upto, and inclusive of, 31st October 1983, or such earlier date as the State Government may, by notification in the *Official Gazette* specify, and shall then expire. Section 7 of the Bombay General Clauses Act, 1904 shall apply upon the expiry of this Act, as if it had been repealed by a Maharashtra Act.

¹ For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1983, Part V, Extraordinary, page 266.

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

(a) “ administrator ”, “ committee ” and “ society ” shall have the meanings assigned to them in the Co-operative Societies Act;

(b) “ specified society ” means a society belonging to any of the categories mentioned in section 73G of the Co-operative Societies Act;

(c) “ the Co-operative Societies Act ” means the Maharashtra Co-operative Societies Act, 1960.

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Postpone-
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committees
of specified
societies.

3. (1) Notwithstanding anything contained in the Co-operative Societies Act and the rules and bye-laws made thereunder or in any judgement, decree or order of any Court,—

(a) during the period this Act is in force, no election to the committee or election to fill any casual vacancy in the committee, of any specified society shall be held or completed, even though at the commencement of this Act an election programme may have been announced in any case or an election may have been commenced, but the poll has not been taken, in any case, then any such programme, or any action taken thereunder, shall stand cancelled from the date of commencement of this Act;

(b) the term of office of members of the committees of specified societies, who were in office on the date of commencement of this Act (whether their term had expired before, or will expire on or after the said date at any time during the period this Act is in force) shall be deemed to have been extended, or to be extended, as the case may be; and such members shall continue to hold office during the period this Act is in force;

(c) the term of office of any administrators appointed under section 77A or sub-section (1) of section 78 of the Co-operative Societies Act, to manage the affairs of any specified societies, who were in office on the date of commencement of this Act (whether their term had expired before, or will expire on or after the said date, at any time during the period this Act is in force) shall be deemed to have been extended, or to be extended, as the case may be; and such administrators shall continue to hold office during the period this Act is in force.

(2) After the expiry of the term of office of the members or the administrators as so extended by this section, they shall continue in office, until the first meeting of the reconstituted committee is held.

Power to
co-opt.

4. The committee of every specified society shall have the power to co-opt any member, who is duly qualified in this behalf, to fill any vacancy caused due to resignation or death of its member, or otherwise.

Constitution
of provi-
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committees.

5. Notwithstanding anything contained in this Act in respect of a specified society registered before or after the date of commencement of this Act and where the first general meeting of all persons who joined in the application for registration of the society is to be held on or after the date of commencement of this Act, a provisional committee shall be constituted in accordance with rule 59 of the Maharashtra Co-operative Societies Rules, 1961; and the members of the provisional committee so constituted shall hold office during the period this Act is in force.

6. All members of the committees and all administrators appointed to manage the affairs of any specified societies, whose term of office is extended or deemed to have been extended, as the case may be, under section 3, shall, throughout their respective extended period also, be competent to exercise all powers and to perform all duties and functions as such members or administrators, as the case may be; and no acts done by any such committee, member or administrator during the relevant period, shall be deemed to be invalid, or shall be called in question in any Court, merely on the ground that the term of office was not extended in time, or was not otherwise duly extended, or that during the extended period the committee, member or administrator could not exercise all powers and perform all duties and functions of a committee, member or administrator, as the case may be.

Validation of acts of committees and of members and administrators whose term of office stands extended under section 3.

7. Except as otherwise provided by or under this Act, the Co-operative Societies Act shall in all other respects apply to the specified society concerned.

Application of Mah. XXIV of 1961.

8. If any difficulty arises in giving effect to the provisions of this Act, or by reason of anything contained therein, or in giving effect to the provisions of the Co-operative Societies Act or any other law relating to societies, in respect of any matter contained in this Act, the State Government may, as occasion arises, by order do anything which appears to it to be necessary for the purpose of removing the difficulty.

Removal of difficulties.

Mah. Ord. VIII of 1983. 9. (1) The Maharashtra Specified Co-operative Societies (Postponement of Elections due to drought conditions in the State) Ordinance, 1983, is hereby repealed.

Repeal of Mah. Ord. VIII of 1983 and saving.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken, as the case may be, under the corresponding provisions of this Act.