



The Maharashtra Removal of Disqualifications (of Holders of Officers in Co-Operative Societies) Act, 1963

Act 23 of 1963

Keyword(s):

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THE MAHARASHTRA REMOVAL OF DISQUALIFICATIONS (OF HOLDERS OF OFFICES IN CO-OPERATIVE SOCIETIES) ACT, 1963.

PREAMBLE.

SECTIONS.

1. Short title.
2. Definitions.
3. Amendment of Schedule I to Bom. LII of 1956.
4. Amendment of section 27 of Hyd. XVIII of 1956.
5. Amendment of section 16 of Mah. V of 1956.
6. Insertion of new section 160-A in Mah. XXIV. of 1961.
7. Validation of elections to State Legislature and local authorities.
8. Indemnity.
9. Saving.

MAHARASHTRA ACT No. XXIII OF 1963.¹

[THE MAHARASHTRA REMOVAL OF DISQUALIFICATIONS (OF HOLDERS OF OFFICES
IN CO-OPERATIVE SOCIETIES) ACT, 1963.]

[24th April 1963]

An Act to declare that certain offices of profit in connection with the affairs of co-operative societies in the State of Maharashtra shall be deemed not to have disqualified the holders thereof for membership of the State Legislature or a local authority, and to validate the election of such persons notwithstanding their holding those offices, and to indemnify the persons aforesaid from any penal consequences which they may have incurred by sitting and voting as members of the State Legislature or the local authority, while holding those offices ; and to provide that members of the State Legislature and certain local authorities are not remunerated while holding such offices.

WHEREAS, it is expedient to declare that certain offices of profit in connection with the affairs of co-operative societies in the State of Maharashtra shall be deemed not to have disqualified the holders thereof for membership of the State Legislature or a local authority, and to validate the election of such persons notwithstanding their holding those offices, and to indemnify the persons aforesaid from any penal consequences which they may have incurred by sitting and voting as members of the State Legislature or the local authority, while holding those offices ; and to provide that members of the State Legislature and certain local authorities are not remunerated while holding such offices ; It is hereby enacted in the Fourteenth Year of the Republic of India as follows :—

1. This Act may be called the Maharashtra Removal of Disqualifications (of Holders of Offices in Co-operative Societies) Act, 1963. Short title.

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

(a) "co-operative society" means a society registered or deemed to be registered under the law for the time being in force relating to the registration of co-operative societies ; Definitions.

(b) "local authority" includes a *Panchayat Samiti* constituted under section 57 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961.

Mah.
V of
1963.

Bom.
LII of
1956.

3. In Schedule I to the Bombay Legislature Members (Removal of Disqualifications) Act, 1956, after entry 9, the following entry shall be deemed always to have been inserted, namely :— Amendment
of Schedule
I to Bom.
LII of 1956.

"9A. The office of Chairman or member of the committee of any co-operative society (which is registered or deemed to be registered under any law for the time being in force relating to the registration of co-operative societies) to which appointment is made by the State Government, or the office of liquidator or joint liquidator to which appointment is made by the Registrar of Co-operative Societies, or the office of nominee of the Registrar whether appointed individually or to a board of nominees."

¹For Statement of Objects and Reasons see Maharashtra Government Gazette, 1963, Part V, page 86

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Amendment of section 27 of Hyd. XVIII of 1956.

4. In section 27 of the Hyderabad District Municipalities Act, 1956, after sub-section (1), the following sub-section shall be deemed always to have been inserted, namely :—

Hyd. XVIII of 1956.

“(1A) A person shall not be deemed to have incurred disqualification under clause (c) of sub-section (1) by reason only of his holding the office of Chairman or member of the committee of any co-operative society (which is registered or deemed to be registered under any law for the time being in force relating to the registration of co-operative societies) to which appointment is made by the State Government, or the office of liquidator or joint liquidator to which appointment is made by the Registrar of Co-operative Societies, or the office of nominee of the Registrar whether appointed individually or to a board of nominees.”

Amendment of section 16 of Mah. V of 1962.

5. In section 16 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, in sub-section (2),—

Mah. V of 1962.

(1) in clause (a), the word “and” at the end shall be deemed always to have been deleted ;

(2) after clause (a), the following shall be deemed always to have been inserted, namely :—

“(aa) a person shall not be disqualified under clause (b) of that sub-section by reason only of such person holding the office of Chairman or member of the committee of any co-operative society (which is registered or deemed to be registered under any law for the time being in force relating to the registration of co-operative societies) to which appointment is made by the State Government, or the office of liquidator or joint liquidator to which appointment is made by the Registrar of Co-operative Societies, or the office of nominee of the Registrar whether appointed individually or to a board of nominees ;”

Insertion of new section 160A in Mah. XXIV of 1961.

6. After section 160 of the Maharashtra Co-operative Societies Act, 1960, the following section shall be inserted, namely :—

Mah. XXIV of 1961.

“160A. Notwithstanding anything contained in this Act or the rules or by-laws made thereunder, a member of the State Legislature or of a committee under the Hyderabad District Municipalities Act, 1956, or a member of a *Zilla Parishad* or *Panchayat Samiti* under the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, while holding the office of Chairman or member of the committee of a society to which appointment is made by the State Government, or the office of liquidator or the office of nominee of the Registrar whether appointed individually or to a board of nominees, shall not be entitled to receive any remuneration other than travelling allowance, the daily allowance or such other allowance which is paid to the holder of any such office for the purpose of meeting the personal expenditure incurred in attending the meeting of the committee or body, or in performing any other functions as the holder of such office.”

Hyd. XVIII of 1956. Mah. V of 1962.

Members of State Legislature and certain local authorities not to be remunerated while holding certain offices in societies.

Validation of elections to State Legislature and local authorities.

7. No person shall be deemed to have been disqualified for being chosen as or for being a member of the Legislative Assembly or Legislative Council of the State of Maharashtra, or a member or Councillor of any local authority, or to have been incapable of sitting or voting as member or Councillor of the Legislature or local authority, as the case may be, by reason only of his having at any time before the commencement of this Act held the office of Chairman or member of the committee

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of a co-operative society to which appointment was made by the State Government, or the office of liquidator or joint liquidator of any such society to which appointment was made by the Registrar, or the office of the nominee of the Registrar whether appointed individually or to a board of nominees.

8. Every person holding or who has held any of the offices mentioned in the last preceding section, shall be and is hereby freed discharged and indemnified from all penal consequences whatsoever which may have been incurred by him sitting and voting as a member of the Legislative Assembly or Legislative Council of the State of Maharashtra, or as a member or Councillor of any local authority, while holding any office mentioned in that section. Indemnity.

9. Nothing contained in this Act shall affect the judgment, decree or order of any competent Court or Tribunal or authority, passed before the commencement of this Act, holding any election to be invalid on any of the grounds mentioned in section 7. Saving.