

GENERAL ADMINISTRATION DEPARTMENT

Mantralaya, Madam Cama Marg, Hutatma Rajguru Chowk, Mumbai
400 032, dated [x]

MAHARASHTRA JAN VISHWAS (AMENDMENT OF PROVISIONS) BILL, 2025

A Bill to amend certain enactments for decriminalising and rationalising certain offences to further enhance trust-based governance, ease of living and doing business in Maharashtra.

Be it enacted by the legislature of Maharashtra in the seventy-sixth year of the Republic of India as follows:-

1. Short title and Commencement:-

- (1) The Act may be called the Maharashtra Jan Vishwas (Amendment of Provisions) Act, 2025.
- (2) It shall come into force on such date as the Government of Maharashtra may, by notification in the Official Gazette, appoint; and different dates may be appointed for amendments relating to different laws mentioned in the schedule.

2. Amendments of certain enactments:- The enactments mentioned in column (4) of the schedule are amended to the extent and in the manner mentioned in column (5). **[Note to Department:** Please note that, as per discussions with the State Chief Secretary, there will be one consolidated bill amending all state laws which are to be decriminalised. All such amendments will appear in the schedule to this Bill]

3. Savings:-

- (1) The amendment or repeal of any Act by this Act shall not affect any other Act in which the amended or repealed enactment has been applied, incorporated, or is referred to.

- (2) This Act shall not affect the validity, invalidity, effect or consequence of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred or any remedy or proceeding in respect thereof, or any release or discharge of, or from, any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted or any proof of a past act or thing.
- (3) This Act shall not affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, or recognised or derived by, in or from any enactment hereby amended or repealed.
- (4) The amendment or repeal of any Act by this Act shall not revive or restore any jurisdiction, office, custom, liability, rights, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

THE SCHEDULE
(See section 2)

Sl. No.	Year	No.	Short title	Amendments
(1)	(2)	(3)	(4)	(5)

1.	1960	24	The Maharashtra Co-operative Societies Act, 1960	<p>(A) In section 73CA, in sub-section (1), in clause (viii), for the words and figures “is held guilty for any offence under section 146 and convicted under section 147”, the words and figures “is convicted of any offence under section 146” shall be substituted.</p> <p>(B) In section 112A, in sub-section (7), for the words, figures and letters “clauses (j) and (k) of section 146, clauses (j) and (k) of section 147”, the words, figures and letters “clauses (l) and (m) of section 146, clause (g) of 147” shall be substituted.</p> <p>(C) In section 145, for sub-section (2), the following sub-section shall be substituted, namely:-</p> <p>“(2) Every person who, with an intention to deceive any person, contravenes the provisions of the foregoing sub-section shall be deemed to have committed an offence punishable under section 318 of the Bharatiya Nyaya Sanhita (45 of 2023)”.</p> <p>(D) For section 146, the following section shall be substituted, namely:-</p> <p>“Section 146. Offences and Punishments.- If any-</p> <p>(a) member of a society, with an intent to evade the prior claim of the society, dishonestly or fraudulently transfers any property or interest in property in contravention of</p>
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sub-section (2) of section 47 or any person, with an intent to evade the prior claim of the society, dishonestly or fraudulently acquires, or abets in the acquisition of such property; or fraudulently disposes of property over which the society has prior claim, or a member or officer or employee or any person disposes of his property by sale, transfer, mortgage, gift or otherwise with the fraudulent intention of evading the dues of the society, he shall be deemed to have committed an offence punishable under section 323 of the Bharatiya Nyaya Sanhita (45 of 2023);

- (b) employer and every director, manager, secretary or other officer or agent acting on behalf of such employer who without any sufficient cause fails to pay a co-operative society amount deducted by him from its employee within a period of fourteen days from the date on which such deduction is made, and also any person who, without sufficient cause, fails to comply with sub-section (2) of section 49, he shall, on conviction, be punished with imprisonment for a term which may extend to three years, or with fine which may extend to fifteen thousand rupees, or with both;
- (c) person, collecting the share money for a society in formation, makes use of the funds so raised for conducting any business or trading in the name of a society to be registered or otherwise, he shall, on conviction, be punished with imprisonment for a term

which may extend to one year, or with fine which may extend to fifteen thousand rupees, or with both;

- (d) person, who collects share money or any other sum by misrepresentation to the members or prospective members in the name of the society to be registered, or after registration of a society by such misrepresentation, or otherwise, he shall, on conviction, be punished with imprisonment for a term which may extend to three years, or with fine which may extend to fifteen thousand rupees, or with both;
- (e) person knowingly gives a false certificate in whatever form showing that person is or is not a “defaulter” within the meaning of that expression in the *Explanation* to clause (i) of sub-section (1) of section 73CA, he shall, on conviction, be punished with imprisonment for a term which may extend to three years, or with fine which may extend to fifteen thousand rupees, or with both;
- (f) co-operative society or an officer or member thereof wilfully makes a false return under section 75 or 79 of the Act, or furnishes false information to a person holding inquiry under section 83, person authorised under section 88 or as required under any provisions of this Act, they shall be deemed to have committed an offence punishable under section 212(a) of the Bharatiya Nyaya Sanhita (45 of 2023);

- (g) co-operative society or an officer or member thereof fails to furnish any information required from him by a person holding an inquiry under section 83, or person authorised under section 88 or as required under any provisions of this Act, they shall, on conviction, be punished with fine which may extend to rupees ten thousand;
- (h) officer or member of a society who is in possession of information, books and records, fails to furnish such information or produce books and papers to a person appointed or authorised by the State Government or the Registrar under section 77A, 78, 78A, 81, 83, 84, 88, 89A, 103, or 110A, he shall, on conviction, be punished with fine which may extend to ten thousand rupees;
- (i) officer or member of a society who is in possession of information, books and records, fails to furnish such information or produce books and papers, or give assistance to a person appointed or authorised by the State Government or the Registrar under section 94, he shall, on conviction, be punished with fine which may extend to ten thousand rupees;
- (j) officer or custodian who wilfully fails to hand over custody of books, accounts, documents, records, cash, security and any other property belonging to a co-operative society of which he is an officer or custodian,

to an authorised person or, to a person appointed under sections 77A, 78, 78A, 103 or 110A, or any other person appointed under this Act, he shall, on conviction, be punished with fine which may extend to ten thousand rupees;

- (k) committee of a society or any officer or member thereof involved in corrupt practices during the election, they shall, on conviction, be punished with fine which may extend to five thousand rupees;
- (l) person, wilfully or without any reasonable excuse, disobeys any summons, requisition or lawful written order issued under sections 81, 83 or 88, or any other provisions of the Act, or any committee of a society or an officer or member thereof wilfully neglects or refuses to do any act, or to furnish any information required for the purposes of this Act by the Registrar, or other person duly authorised by him in writing in this behalf, he shall, on conviction, be punished with imprisonment for a term which may extend to one month, or with fine which may extend to ten thousand rupees, or with both;
- (m) committee of a society, or an officer or member thereof, wilfully makes a false return or furnishes false information, they shall be deemed to have committed an offence punishable under section 212(a) of the Bharatiya Nyaya Sanhita (45 of 2023);

- (n) officer or a member of a society wilfully fails to comply with any decision, award or order passed under section 96, he shall, on conviction, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both;
- (o) officer of a society wilfully recommends, or sanctions for his own person use or benefit or for the use or benefit of a person in whom he is interested, a loan in the name of any other person, he shall, on conviction, be punished with imprisonment for a term which may extend to two years, or with fine which may extend to ten thousand rupees, or with both;
- (p) officer or member of a society destroys, mutilates, tampers with, or otherwise alters, falsifies or secretes or is privy to the destruction, mutilation, alteration, falsification or secreting of any books, papers or securities or makes, or is privy to the making of any false or fraudulent entry in any register, book of account or document belonging to the society, he shall, on conviction, be punished with imprisonment for a term which may extend to three years, or with fine which may extend to fifteen thousand rupees, or with both;
- (q) non-agricultural co-operative society, in addition to

above,-

- (i) violates section 43 or 44; or
- (ii) engages in any form of business other than those referred to in sub-section (1) of section 144-4A; or
- (iii) deals in any activity which is prohibited as per the provisions of section 144-6A; or
- (iv) acts contrary to the provisions of section 144-11A and section 144-12A, they shall, on conviction, be punished with imprisonment for a term which may extend to three years, or with fine which may extend to twenty-five thousand rupees, or with both;

(r) officer or member of a society or any person does any act in contravention of rules made under clause (xl-a) of sub-section (2) of section 165, he shall, on conviction, be punished with fine which may extend to two times the amount of contravention;

Explanation.- For the purpose of this section, an officer or a member referred to in the section shall include past officer and past member, as the case may be.”

(E) For section 147, the following section shall be substituted,

namely:-

“Section 147. Contraventions.- If any-

- (a) member of a society transfers any property or interest in property in contravention of sub-section (2) of section 47 or any person acquires, or abets in the acquisition of, such property, he shall be liable to a penalty which may extend to ten thousand rupees;
- (b) committee of a society or an officer or member thereof fails to invest funds of such society in the manner required by section 70, they shall be liable to a penalty which may extend to two times the amount in question;
- (c) person, collecting the share money for a society in formation, does not within a reasonable period deposit the same in the State Co-operative Bank, or a Central Co-operative Bank, or an urban Co-operative Bank, or a postal savings Bank, he shall be liable to a penalty which may extend to ten thousand rupees;
- (d) co-operative society or an officer or member thereof fails to furnish a return under section 75 or 79 of the Act, they shall be liable to a penalty which may extend to ten thousand rupees;
- (e) committee of a society with working capital of fifty

thousand rupees or more, or any officer or a member thereof, fails without any reasonable excuse to give any notice, send any return or document, do or allow to be done anything, which the committee, officer or member is by this Act required to give, send, do or allow to be done, they shall be liable to penalty which may extend to ten thousand rupees;

- (f) committee of a society, or an officer or member thereof, fails to maintain proper accounts, they shall be liable to penalty which may extend to twenty thousand rupees;
- (g) officer, member, agent or servant of a society fails to comply with the requirements of sub-section (4) of 81, he shall be liable to penalty which may extend to two thousand rupees;
- (h) non-agricultural co-operative society, in addition to above,-
 - (i) does not dispose of the property not required for the society within the stipulated period mentioned in section 144-7A; or
 - (ii) exceeds the limit on administrative and establishment expenses as notified as per section 144-8A; or

- (iii) fails to comply with the guidelines issued and regulations framed under section 144-22A; or
- (iv) fails to contribute towards the Stabilization and Liquidity Support Fund as per the provisions of section 144-26A, they shall be liable to penalty which may extend to fifty thousand rupees;
- (i) officer or past officer or Member or past Member of the Committee of the housing society fails to supply the copies of the documents as provided under sub-section (2) of section 154B-8 , he shall be liable to penalty of rupees one hundred per day after the expiry of period as provided in sub-section (2) of section 154B-8, which may extend to ten thousand rupees.

Explanation.- For the purpose of this section, an officer or a member referred to in the section shall include past officer and past member, as the case may be.”

- (F) After section 147, the following section shall be inserted, namely:-

“Section 147A- Adjudication-

- (1) The State Government, for the purposes of determining and imposing penalties under any provisions of this Act, or any rules thereunder, may appoint an officer not below the rank

of Assistant Registrar to be the adjudicating officer, to hold an inquiry and impose a penalty in the manner as may be prescribed:

Provided that the State Government may appoint as many adjudicating officers as may be required.

- (2) The adjudicating officer may summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document, which in the opinion of the adjudicating officer, may be useful for, or relevant to, the subject matter of the inquiry and if, on such inquiry, they are satisfied that the person concerned has failed to comply with any provisions of this Act, or any rules thereunder, they may impose a penalty:

Provided that no such penalty shall be imposed without giving the person concerned a reasonable opportunity of being heard.

Section 147B. Appeal-

- (1) Whoever is aggrieved by the order, passed by the adjudicating officer under section 147A, may prefer an appeal to an officer not below the rank of Joint Registrar, to be an appellate authority, specially authorised by that State Government in this behalf, within sixty days from the date

of receipt of order, in such form and manner as may be prescribed by the State Government.

- (2) An appeal may be admitted after the expiry of the period of sixty days if the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within that period.
- (3) The appellate authority may, after giving the parties to the appeal an opportunity of being heard, pass such an order as they may think fit.
- (4) An appeal under sub-section (1) shall be disposed of within six months from the date of filing.
- (5) The amount of penalty imposed under section 147A or this section, if not paid, may be recovered as an arrear of land revenue.”

(G) In section 160, in sub-section (3), for the words “five thousand rupees”, the words “ten thousand rupees” shall be substituted.

[DEPARTMENT OF CO-OPERATION, MARKETING AND TEXTILES TO CONFIRM/ANSWER THE FOLLOWING:

The Department of Co-operation, Marketing and Textiles must confirm and answer the following queries:

I. Please fill in/confirm all yellow highlights above.

II. As per Department comments dated 10th November, 2025, we understand that Section 146(a) of this draft Amendment has been edited to incorporate elements of Section 146(o) of the previous draft, and the erstwhile Section 146(o) has been omitted in this draft. However, we feel that section 146(a) of this draft can be further edited in order to avoid duplication. The Department must please confirm.

III. As per Department comments dated 10th November, 2025, we understand that Section 146(l) of this draft Amendment has been edited to incorporate elements of Section 147(f) of the previous draft, and the erstwhile Section 147(f) has been omitted in this draft. However, we feel that section 146(l) of this draft can be further edited in order to avoid duplication. The Department must please confirm.

IV. As per Department comments dated 10th November, 2025, we understand that the Department wishes to retain criminal sanctions for offences under Rule 107C of the Maharashtra Co-operative Societies Rules. In order to enable this, we have amended section 146(r) of this Amendment, to criminalise contravention of Section 165(2)(xl-a). Department to confirm if this is appropriate.]
