

## **Uttar Pradesh Co-Operative Societies (Amendment) Act, 1989**

### **4 of 1989**

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## **Uttar Pradesh Co-Operative Societies (Amendment) Act, 1989**

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An Act further to amend the Uttar Pradesh Co-operative Societies Act, 1965 It is hereby enacted in the Fortieth Year of the Republic of India as follows: Prefatory Note--Statement of Objects and Reasons. --The term of the Administrators appointed by the Registrar for the management of the affairs of the co-operative societies under sub-section (4) of Section 29 of the Uttar Pradesh Co-operative Societies Act, 1965 and of the Committee or an Administrator or Administrators, appointed under sub-section (3) of Section 35 of the said Act was going to expire on December 31, 1988. The elections of the primary co-operative societies and District level co-operative societies were held but due to some unavoidable reasons it was not possible to hold elections of the Apex Co-operative Societies and the Co-operative Societies of Ganna Vibhag and to complete the reconstitution of the Committees of Management by December 31, 1988. It was, therefore, decided to extend the term of the existing arrangement up to June 30, 1989. To implement the above decision the Uttar Pradesh Co-operative Societies (Second Amendment) Ordinance, 1988 (U.P. Ordinance No. 18 of 1988) was promulgated on December 28, 1988. Section 34 of the said Act empowered the State Government to nominate up to two-third members of the

total number of members on the Committee of Management of a co-operative society including its Chairman on the basis of its shares in the share-capital of that society. In order to maintain the democratic character of the co-operative societies and with a view to giving them the spirit of people's movement it was considered necessary to amend the said Act so as to empower the State Government to nominate, not more than two persons, of whom one should be a Government servant, on the Committee of Management of a co-operative society. To achieve this object the Uttar Pradesh Co-operative Societies (Amendment) Ordinance, 1989 (U.P. Ordinance No. 1 of 1989) was promulgated on January 7, 1989. It has also been considered expedient to amend clause (i) of Section 2 and sub-section (2) of Section 103 of the aforesaid Act so as to bring the co-operative year in conformity with financial year and to raise the maximum limit of fine from Rs. 250.00 to Rs. 2000.00 for certain offences committed thereunder respectively. This bill is accordingly introduced to replace the aforesaid U.P. Ordinances with the above modifications. 1. Received the assent of the Governor on March 13, 1989 and published in the U.P. Gazette, Extra., Part 1, Section (ka), dated 14th March, 1989, pp. 3-4.

### **1. Short Title And Commencement :-**

(1) This Act may be called the Uttar Pradesh Co-operative Societies (Amendment) Act, 1989. (2) Section 2 shall come into force on April 1, 1989, Sections 3 and 5 shall be deemed to have come into force on December 28, 1988, Section 4 shall be deemed to have come into force on January 7, 1989 and the remaining provisions shall come into force at once.

### **2. Amendment Of Section 2 Of U.P. Act No. 11 Of 1966 :-**

In Section 2 of the Uttar Pradesh Co-operative Societies Act, 1965, hereinafter referred to as the principal Act, for clause (i), the following clause shall be substituted, namely: -- "(i) Co-operative Year means the year commencing on the first day of April and ending on the thirty-first day of March next following;".

### **3. Amendment Of Section 29 :-**

In Section 29 of the principal Act, in sub-section (6) in the first proviso, for the word and figures "December 31, 1988" the word and figures "June 30, 1989" shall be substituted.

### **4. Substitution Of Section 34 Of U.P. Act No. 11 Of 1985 :-**

For Section 34 of the principal Act, the following section shall be substituted namely: -- "34: Nominees of the Government on the

Committee of management.-- (1) Where the State Government has -- (a); subscribed/ directly to the share capital of a co-operative society under Chapter VI, or (b) assisted indirectly in the formation or augmentation of the share capital of a co-operative society as provided in Chapter VI, or (c) given loans or made advances to a co-operative society or guaranteed, the repayment of principal and payment of the interest on debentures issued by a co-operative society or guaranteed the repayment of principal and payment of interest on loans or advances to a co-operative society the State Government shall have the right to nominate on the Committee of management of such society not more than two persons one of whom shall be a Government servant, so, however, that the Government servant shall not vote at an election of an office bearer of the society. (2) A person nominated under sub-section (1) shall hold office during the pleasure of the State Government. Explanation. --For the purpose of this section any guarantee given by the Central Government on the recommendation of the State Government shall be deemed to be & guarantee given by the State Government."

#### **5. Amendment Of Section 35 :-**

In Section 35 of the principal Act, in sub-section (6), in the proviso, for the word; and figures "December 31, 1988" the word and figures "June 30, 1989" shall be substituted.

#### **6. Amendment Of Section 103 :-**

In Section 103 of the principal Act, in sub-section (2), in clause (a), for the words "two hundred and fifty rupees" the; words "two, thousand rupees" shall be substituted.

#### **7. Repeal And Saving :-**

(1) The Uttar Pradesh Co-operative Societies (Second Amendment) Ordinance, 1988 and the Uttar Pradesh Co-operative Societies (Amendment) Ordinance, 1989 (U.P. Ordinance No. 18 of 1988 and No. 1 of 1989), are hereby repealed. (2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act, as amended by the Ordinances, referred to in sub-section (1), shall be deemed to have been done or taken under the corresponding provisions of the principal Act, as amended by this Act, as if the provisions of this Act were in force at all material times.