
Uttar Pradesh Co-Operative Societies (Second Amendment) Act, 2007

46 of 2007

CONTENTS

1. Short Title And Commencement
2. Amendment Of Section 29 Of U.P. Act No. 11 Of 1966
3. Repeal And Saving

Uttar Pradesh Co-Operative Societies (Second Amendment) Act, 2007

46 of 2007

An Act further to amend the Uttar Pradesh Co-operative Societies Act, 1965 It is hereby enacted in the Fifty-eighth Year of the Republic of India as follows:-- 1. Received the assent of the Governor on December 9, 2007 and published in the U.P. Gazette, Extra., Part 1, Section (Ka), dated 10th December, 2007, pp. 4-7

1. Short Title And Commencement :-

- (1) This Act may be called the Uttar Pradesh Co-operative Societies (Second Amendment) Act, 2007.
- (2) It shall be deemed to have come into force on September 5, 2007.

2. Amendment Of Section 29 Of U.P. Act No. 11 Of 1966 :-

I n Section 29 of the Uttar Pradesh Co-operative Societies Act, 1965, hereinafter referred to as the principal Act,--

(a) in sub-section (2),--

(i) in clause (a) for the words "five years" the words "two years" shall be substituted.

(ii) in clause (b) for the words and figures "the Uttar Pradesh Co-operative Societies (Amendment) Act, 2002" the words and figures "the Uttar Pradesh Co-operative Societies (Second Amendment) Act, 2007" shall be substituted.

(iii) after clause (b) the following clause shall be inserted, namely:--

-

"(c) The term of the Committee of Management, which has completed, on or before the date of commencement of the Act referred to in clause (b), the period of two years from the date of its constitution and the term of its elected members, shall expiry on such commencement."

(b) for sub-sections (3), (4), (5), (6) and (7) the following sub-sections shall be substituted, namely:--

"(3) Election to reconstitute the Committee of Management of a Co-operative Society shall be completed in the prescribed manner under the superintendence, control and direction of the Registrar at least fifteen days before the expiry of the term of the Committee of Management and the members so elected shall replace the Committee of Management whose term expires under sub-section (2):

Provided that where the Registrar is satisfied that circumstances exist which render it difficult for him to hold the election on the date fixed, he may postpone the election, and all proceedings with reference to the election shall be commenced afresh in all respects.

(4) It shall be the duty of the Secretary or the Managing Director of the Co-operative Society, as the case may be, to send to the Registrar, four months before the expiry of the term of Committee of Management, a requisition for conducting the election and to furnish all such information as may be required by him within such period as may be fixed by him.

(5) (a) Where, for any reason whatsoever, the election of the elected members of the Committee of Management has not taken place or could not take place before the expiry of the term of elected members, the Committee of Management shall, notwithstanding anything to the contrary in any other provision of this Act or the rules made thereunder, or the bye-laws of the society, cease to exist on the expiry of such term.

(b) On or as soon as may be after the expiry of such term, the Registrar shall appoint an Administrator or a Committee of Administrators (hereinafter, in this section, referred to as the Committee) for the Management of the affairs of the society until the reconstitution of the Committee of Management in accordance with the provisions of this Act, the rules and the bye-laws of the society and the Registrar shall have the power to change the Administrator or, as the case may be, any member of the Committee or to appoint Committee in place of an Administrator or vice versa from time to time."

(c) Where a Committee is appointed under clause (b), it shall consist of a Chairman and such other members not exceeding eight as may be nominated by the Registrar out of which at least two shall be Government servants.

(d) The procedure for summoning and holding of meetings of the Committee the time and place of holding such meetings, the conduct of business at such meetings and the number of members necessary to form quorum thereof shall be such as may be prescribed.

(e) So long as no Administrator or the Committee, as the case may be, is appointed under clause (b), the Secretary or the Managing Director, as the case may be, of the society shall be in charge only of the current duties of the Committee of Management.

Explanation.--Where results of the election of members of the Committee of Management have not been or could not be declared, for any reason whatsoever, before the expiry of the term of the elected members of the outgoing Committee of Management, it shall be deemed that the election of the elected members of the Committee of Management has not taken place within the meaning of this sub-section.

(6) The Administrator or the Committee appointed under sub-section (5) shall, subject to any directions which the Registrar may from time to time give, have the powers to perform all or any of the functions of the Committee of Management or of any officer of the society and shall be deemed for all purposes under this Act, the rule and the bye-laws of the society to be the Committee of Management and the Chairman of such Committee shall exercise the powers and perform the functions of the Chairman of the Committee of Management.

(7) The Administrator or the Committee, as the case may be, appointed under sub-section (5), shall as soon as may be, but not later than the expiry of six months from the date of appointment, arrange for the reconstitution of the Committee of Management in accordance with the provisions of this Act, the rules and the bye-laws of the society to take over the Management of the society from the Administrator or the Committee, as the case may be:

Provided that where an Administrator is replaced by a Committee or a Committee by an Administrator as provided in clause (b) of sub-section (5), the period of six months shall count from the date the Administrator or the Committee, as the case may be, was originally appointed.

Explanation.--Notwithstanding that the process of election may

have commenced before the appointment of an Administrator or the Committee under sub-section (5), a fresh process of election shall commence after such appointment."

3. Repeal And Saving :-

(1) The Uttar Pradesh Co-operative Societies (Second Amendment) Ordinance, 2007 (U.P. Ordinance No. 34 of 2007) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act as amended by the Ordinance 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.