

**Uttar Pradesh Cooperative Societies (Amendment) Act,
1997**

1 of 1997

[01 May 1997]

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**Uttar Pradesh Cooperative Societies (Amendment) Act,
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An Act further to amend the Uttar Pradesh Cooperative Societies Act, 1965 It is hereby enacted in the Forty-eighth Year of Republic of India as follows :--

1. Short Title And Commencement :-

- (1) This Act may be called the Uttar Pradesh Cooperative Societies (Amendment) Act, 1997.
- (2) It shall be deemed to have come into force on April 16, 1997.

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

In Section 29 of the Uttar Pradesh Cooperative Societies Act, 1965, hereinafter referred to as the principal Act,--

- (a) in Sub-section (3) for the existing provisos, the following proviso shall be substituted, namely :--

"Provided that notwithstanding anything in this Act, the Administrator or the Committee of Administrators appointed under this section, as it stood before the commencement of the Uttar Pradesh Cooperative Societies (Second Amendment) Act, 1994 shall continue to exercise the powers and perform the duties of the

Committee of Management till the Committee of Management is reconstituted under this Act or till December 31, 1997 whichever is earlier.";

(b) after Sub-section (4), the following Sub-sections shall be inserted, namely :--

"(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 this Act or the rules, 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 the 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 a 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, as the case may be, the Committee 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 power 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 rules 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 one year 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 one year 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 Administrator or the Committee under Sub-section (5) a fresh process of election shall commence after such appointment."

3. Amendment Of Section 35 :-

In Section 35 of the principal Act,--

(a) in Sub-section (1) the following proviso shall be inserted, namely :--

"Provided that where under the prescribed circumstances it is not, feasible to convene a general meeting of the general body of the society, the Registrar may dispense with the requirement of obtaining the opinion of the general body of the society.";

(b) in Sub-section (2) the second proviso shall be omitted;

(c) in Sub-section (3),--

(i) for the words "for a period not exceeding six months" the words "for a period not exceeding one year" shall be substituted; (it) before the existing proviso the following proviso shall be inserted, namely :--

"Provided that the Registrar may, with the previous approval of the

State Government, extend from time to time the period of super session, so however, that any single extension does not exceed six months and the total extension does not exceed one year."

4. Validation :-

Notwithstanding anything contained in the principal Act, the Administrator or the Committee of Administrators appointed under Section 29 of the principal Act and exercising the powers, performing the functions and discharging the duties of the Committee of Management immediately before the commencement of this Act shall be deemed to have validity continued to be appointed as Administrator or Committee of Administrators until another Administrator or Committee of Administrators is appointed or the Committee of Management is reconstituted under the aforesaid section and anything done or any action taken by such Administrator or the Committee of Administrators on or after December 31, 1995 shall be valid as if the provisions of the principal Act as amended by this Act were in force at all material times.

5. Repeal And Savings :-

(1) The Uttar Pradesh Cooperative Societies (Amendment) Ordinance, 1997(U.P. Ordinance No. 1 of 1997) 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.