

The U.P. Co-operative Societies (Removal of Difficulties) Order, 1968

UTTAR PRADESH

India

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Rule

THE-U-P-CO-OPERATIVE-SOCIETIES-REMOVAL-OF-DIFFICULTIES-OF 1968

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The U.P. Co-operative Societies (Removal of Difficulties) Order, 1968Published vide Notification U.P. Gazette, Extraordinary, dated 5th February, 1968, pages 4-6, vide Notification No.963-C-12-CA-25(1)-68, dated February 5, 1968Whereas, sub-section (1) of Section 30 of the Uttar Pradesh Co-operative Societies Act, 1965 (U.P. Act XI of 1966) (hereinafter referred to as the Act), required that every Co-operative Society shall have a Chairman elected in accordance with the provisions contained in the rules and the bye-laws;And whereas, sub-section (1) of Section 31 of the Act, requires that there shall be a Secretary of every Co-operative Society to be appointed and removable by the Society, subject to the provisions of the rules and the regulations framed under Sections 121 and 122 of the Act, and further that the emolument's and other conditions of service of the Secretary shall be such as may be provided in the bye-laws of the Society, made in conformity with the rules and the regulations;And whereas, the existing bye-laws of some Co-operative Societies do not provide for an elected Chairman or for a paid Secretary appointed and removable by the Society;And whereas, according to the provisions of sub-sections (3) and (7) of Section 131 of the Act, the existing Co-operative Societies have been allowed within a period of one year from the date of coming into force of the Act, to amend their bye-laws to bring them in conformity with the provisions of the Act, and, to constitute its committees of management in accordance with the provisions of the Act;And whereas, sub-section (8) of Section 31 of the Act provides that notwithstanding anything in the Act, no act or proceeding of a Co-operative Society or its committee of management shall be invalid or questioned in Court merely on the ground that up to the time of adjustment of membership or reconstitution of the committee of management in accordance with the provisions of said Section 131, the membership of the Society or the constitution of its committee of management was inconsistent with the provisions of the Act and the rules made thereunder,And whereas, no provision on the lines of the provisions of sub-section (8) of Section 131, exists in the

Act, in regard to the existing Co-operative Societies which do not have Chairman and Secretaries in accordance with the provisions of the Act; And whereas, the functions of no such Co-operative Society can be carried on in accordance with the Act, till the Chairman or the Secretary, as the case may be, has been elected or appointed in accordance with the provisions of the Act and the rules made thereunder; And whereas, a difficulty has arisen in giving effect to the provisions of the Act; Now, therefore, in exercise of the powers under sub-section (1) of Section 133 of the Act, the Governor is pleased to make the following order:

1. Short title and commencement.

(1) This Order may be called the Uttar Pradesh Co-operative Societies (Removal of Difficulties) Order, 1968. (2) It shall come into force with effect from the date of its publication in the Gazette.

2.

During the period of one year from the date of coming into force of this Order, the provisions of the Uttar Pradesh Co-operative Societies Act, 1965 (hereinafter referred to as the Act) shall have effect subject to the following modifications; after sub-section (8) of Section 131 of the Act, the following new sub-section shall be added namely, - "(9) Notwithstanding anything in the Act, no act done by a person holding the office of the Chairman of a Co-operative Society, whether he is called a Chairman or as President or by any other name, shall be invalid or questioned in Court merely on the ground that such person is not the Chairman elected in accordance with the provisions of Section 30 of this Act. (10) For so long as a Secretary is not appointed by a Society in accordance with sub-section (1) of Section 31 of this Act - (a) where there is an officer already appointed by the Society, under its existing bye-laws to work as its Chief Executive Officer, whether designated as General Manager or by any other name, such officer shall be deemed to be the Secretary of the Society appointed in accordance with sub-section (1) of Section 31 of this Act; and (b) where there is no such appointed officer or where it becomes otherwise necessary for the Society to appoint such officer to fill a vacancy, any person, possessing the qualifications specified by the Registrar under Section 120 of this Act, may be appointed as such officer by the Society and such officer shall be deemed to be the Secretary of the Society appointed in accordance with sub-section (1) of Section 31 of this Act: Provided that pending the appointment by the Society of any officer under this clause, the person appointed by the Chairman of that Society to work as such officer, shall be deemed to be the Secretary of the Society appointed in accordance with sub-section (1) of Section 31 of this Act. (11) Notwithstanding anything in this Act, no act done by a person who is deemed to have been appointed as Secretary, under sub-section (10) shall be invalid or questioned in Court merely on the ground that such person is not a Secretary appointed in accordance with sub-section (1) of Section 31 of this Act".