

The U.P. Co-Operative Societies (Removal of Difficulties) Order, 1969

UTTAR PRADESH

India

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Rule

THE-U-P-CO-OPERATIVE-SOCIETIES-REMOVAL-OF-DIFFICULTIES-ORDER, 1969

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The U.P. Co-Operative Societies (Removal of Difficulties) Order, 1969Published vide Notification U.P. Gazette, Extra, dated 6th August, 1969, pages 2-3, vide Notification No. 5610-C-12-CA-5(1)-69, dated August 6, 1969Whereas, sub-section (1) of Section 131 of the Uttar Pradesh Co-operative Societies Act, 1965 (U.P. Act XI of 1966), (hereinafter referred to as the Act), provides that the bye-laws of any Co-operative Society existing on the date of coming into force of the Act, continue into force until altered or rescinded according to the provisions of the Act;And whereas, sub-section (3) of the said section provides that any co-operative society shall within a period of one year from the date of coming into force of the Act delete or amend such bye-laws as are inconsistent with the provisions of the Act and the Rules, and shall make such further bye-laws as may be necessary having regard to the provisions of the Act and the rules;And whereas sub-section (4) of the said section provides that in default of action on the part of any co-operative society as required by sub-section (3) of the said section, the Registrar may make necessary amendments in the bye-laws of the society;And whereas sub-section (7) of the said section provides that every Co-operative Society shall, within one year of the coming into force of the Act, constitute its Committee of Management in accordance with the provisions of the Act and the rules, and in default thereof, the Registrar shall in the manner prescribed constitute the Committee of Management of the Society;And whereas, according to sub-section (8) of the said section, 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 re-constitution of the Committee of Management in accordance with the provisions of the Act, the membership of the society or the constitution of its Committee of Management was inconsistent with the provisions of this Act or rules;And whereas the Act came into force on the 26th day of January, 1968;And whereas certain co-operative societies have not been able so far to make necessary amendments in their bye-laws or

to reconstitute their Committees of Management in accordance with the provisions of the Act and the rules, and the Registrar has also not been able to take action in respect of such societies as required by sub-sections (4) and (7) of the said section; And whereas the term of the Committees of Management of certain Co-operative Societies is about to expire and in view of fact that the existing bye-laws, to the extent of inconsistency with the express provisions of the Act and the rules, have become inoperative by virtue of the provisions of sub-section (1) of the said section and new bye-laws have not been made so far, there remains no provisions either for the continuance of the existing committees or for their reconstitution; And whereas, a difficulties have, thus, arisen in giving effect to the provisions of the Act; Now, therefore, in exercise of the powers under sub-section (1) of Section 133, 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, 1969. (2) It shall come into force with effect from the date of its publication in the Gazette and shall continue in force up to January 25, 1970.

2.

During the period of operation of this Order, the provisions of Uttar Pradesh Co-operative Societies Act, 1965 hereinafter referred to as 'the Act' shall have effect subject to the following Adaptations; (1) After sub-section (8) of Section 131 of the Act, the following new sub-section shall be inserted, namely: "(9) Where the term of the Committee of Management of a Co-operative Society expires at any time during the period of operation of the Uttar Pradesh Co-operative Societies (Removal of Difficulties) Order, 1969 and the bye-laws of such Society have not been amended under sub-section (3) or sub-section (4) the term of the Committee of Management of the Society may be extended or, as the case may be, Committee may be reconstituted in accordance with the provisions of the bye-laws of the Society, as in force immediately preceding the date of commencement of the Act, and, notwithstanding anything in this Act, no act or proceeding of the Committee of Management which is so reconstituted or the term whereof is so extended shall be invalid or questioned in Court merely on the ground that the bye-law under which its term has been so extended or it has been so reconstituted had become inoperative by virtue of the provisions of sub-section (1) of Section 131, or that up to the time of the reconstitution of the Committee of Management in accordance with the provisions of this section, the extension of the term of the Committee of Management or the reconstitution was inconsistent with the provisions of this Act, or the rules".