

## उद्देश्य और कारण

उत्तर प्रदेश में सहकारी समितियों से संबंधित विधियों को समेकित करने और उनमें संशोधन करने के लिए, उत्तर प्रदेश सहकारी समिति अधिनियम, 1965 (अधिनियम संख्या 11 सन् 1966) अधिनियमित किया गया है। यह विनिश्चय किया गया है कि उक्त अधिनियम में संशोधन करके मुख्यतः निम्नलिखित उपबंध किये जायें:-

(क) प्रबंध कमेटी की अवधि की समाप्ति पर वहाँ उसका अस्तित्व न रह जाना, जहाँ प्रबंध कमेटी किसी भी कारण, जो भी हो, से अपने कार्यकाल के अवसान के पूर्व निर्वाचित न की जा सके;

(ख) समाप्त हुई प्रबंध कमेटी के कृत्यों को संपादित करने के लिए निबंधक द्वारा किसी अंतरिम प्रबंध कमेटी की नियुक्ति किया जाना;

(ग) समिति के कर्मचारियों का स्थानान्तरण, निलंबन और अनुशासनात्मक कार्यवाहियाँ आरंभ करने सहित उनकी शक्तियों, कर्तव्यों और उत्तरदायित्वों का अवधारण करने हेतु केन्द्रीय समिति के सचिव को सशक्त किया जाना;

(घ) समिति के कर्मचारियों के विरुद्ध स्थानान्तरण, निलम्बन और अनुशासनात्मक कार्यवाहियों आरंभ करने के लिए प्रबंध निदेशक को सशक्त किया जाना।

चूंकि राज्य विधान मण्डल सत्र में नहीं था और पूर्वोक्त विनिश्चय को कार्यान्वित करने के लिए तुरन्त विधायी कार्यवाही करनी आवश्यक थी, अतः राज्यपाल द्वारा दिनांक 07 दिसम्बर, 2017 को उत्तर प्रदेश सहकारी समिति (संशोधन) अध्यादेश, 2017 (उत्तर प्रदेश अध्यादेश संख्या 5 सन् 2017) प्रख्यापित किया गया।

यह विधेयक पूर्वोक्त अध्यादेश को प्रतिस्थापित करने के लिए पुरःस्थापित किया जाता है।

आज्ञा से,  
वीरेन्द्र कुमार श्रीवास्तव,  
प्रमुख सचिव।

No. 785(2)/LXXIX-V-1-18-1(ka)-26-17

Dated Lucknow, April 3, 2018

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Sahakari Samiti (Sanshodhan) Adhiniyam, 2017 (Uttar Pradesh Adhiniyam Sankhya 20 of 2018) as passed by the Uttar Pradesh Legislature and assented to by the Governor on April 3, 2018.

THE UTTAR PRADESH CO-OPERATIVE SOCIETIES  
(AMENDMENT) ACT, 2017

(U.P. ACT NO. 20 OF 2018)

[As passed by the Uttar Pradesh Legislature]

AN

ACT

further to amend the Uttar Pradesh Co-operative Societies Act, 1965.

IT IS HEREBY enacted in the Sixty-eighth Year of the Republic of India as follows:-

1. (1) This Act may be called the Uttar Pradesh Co-operative Societies (Amendment) Act, 2017. Short title

(2) It shall be deemed to have come into force on December 7, 2017.



Amendment of  
section 29 of U.P.  
Act no. 11 of  
1966

2. In section 29 of the Uttar Pradesh Co-operative Societies Act, 1965 hereinafter referred to as the principal Act, *after* sub-section (4) the following sub-sections shall be *inserted*, namely :-

"(4-A) Due to any reason, whatsoever, if members of the Management Committee are not elected or could not get elected before expiry of its tenure then the Management Committee shall cease to exist after expiry of its term notwithstanding anything to the contrary in any other provision of this Act, or the rules made thereunder or the bye-laws of the society.

(4-B) After the Management Committee ceases to exist under sub-section (4-A) an interim Management Committee shall as soon as possible be appointed by the Registrar for the Management of the Co-operative Society in accordance with the provisions of this Act, the rules and the bye-laws of the society. The Registrar shall have power to change the members of the interim Management Committee or appoint a new interim Management Committee in place thereof.

(4-C) The interim Management Committee appointed under sub-section (4-B) shall exercise the powers and perform the functions of the Management Committee under this Act subject to the directions given by the Registrar from time to time.

(4-D) The interim Committee appointed under sub-section (4-B) shall cease to exist after the expiry of six months from the date of its appointment or reconstitution of the Management Committee after election thereof whichever is earlier."

Amendment of  
section 31

3. In section 31 of the principal Act, in sub-section (2) *after* clause (g) the following clause shall be *inserted*, namely :-

"(h) to determine the powers, duties and responsibilities of the employees of the society including transfer, suspension and initiating of disciplinary proceeding:

Provided that the provision of this clause shall apply only to the Secretary of Central Society."

Amendment of  
section 31-A

4. In section 31-A of the principal Act,—

(a) in sub-section (4) *for* the words "as may be provided in the rules and the bye-laws of the society" the words "as may be provided in the rules" shall be *substituted* ;

(b) *after* sub-section (4) the following sub-section shall be *inserted*, namely :-

"(5) Notwithstanding anything to the contrary in any other provision of this Act or the rules and regulations made thereunder and bye-laws of society the Managing Director shall have power to transfer, suspend and initiate disciplinary proceeding against the employees of the society."

Repeal and  
saving

5. (1) The Uttar Pradesh Co-operative Societies (Amendment) Ordinance, 2017 is hereby repealed.

U.P.  
Ordinance  
no. 5 of  
2017

(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.



### STATEMENT OF OBJECTS AND REASONS

The Uttar Pradesh Co-operative Societies Act, 1965 (Act no. 11 of 1966) has been enacted to consolidate and amend the laws relating to Co-operative Societies in Uttar Pradesh. It has been decided to amend the said Act mainly to provide for,-

(a) ceasing the existence of a Management Committee on the expiry of its term even where the Management Committee could not get elected before the expiry of its tenure for, any reason, whatsoever;

(b) appointment of an interim Management Committee, by the Registrar for performing the functions of the ceased Management Committee;

(c) empowering the Secretary of Central Society to determine the powers, duties and responsibilities of the employees of the society including transfer, suspension and initiating of disciplinary proceedings;

(d) empowering the Managing Director to transfer, suspend and initiate disciplinary proceedings against the employees of the society.

Since the State Legislature was not in session and immediate legislative action was necessary to implement the aforesaid decision, the Uttar Pradesh Co-operative Societies (Amendment) Ordinance, 2017 (U. P. Ordinance no. 5 of 2017 ) was promulgated by the Governor on December 7, 2017.

This Bill is introduced to replace the aforesaid Ordinance.

By order,  
VIRENDRA KUMAR SRIVASTAVA,  
*Pramukh Sachiv.*