

BIHAR CO-OPERATIVE SOCIETIES (AMENDMENT) ACT, 2008

(5) 14A after Section-14 of the Act 6 of 1935. – The following Section-14A shall be inserted after Section -14 in the Bihar Co-operative Societies Act 1935, namely.

14A. Election to the managing committee of certain registered societies.— (1) The Government may by notification in the official gazette prescribe that election to the managing committee of a class or classes of registered societies shall be conducted by an authority, by whatever name such an authority may be known, create for the purpose of conduct of election to the managing committee of registered societies under this Act and/ or for any other body, organization, committee etc. and in the manner prescribed for the conduct of election by such authority.

(2) Notwithstanding anything contained in any provision of this Act, rules made there under and by laws of a registered society, the election to the managing committee for such class or classes of registered societies notified under sub-section (1), shall, after the date of such notification, be held in terms of the provision of this section, even if the process of election has commenced but the result of such election has not been declared prior to that date.

(3) Notwithstanding anything contained in sub-section (9) of section-14 of this Act, rules made there under and the bye laws of registered society, the election to the managing committee of the class or classes of registered societies notified under sub-section (1) shall be held within six months from the date of such notification which may be extended for a period of six months.

(4) Notwithstanding anything contained in sub-section (9) of section-14 of this Act, rules made there under and the bye laws of a register society, if the term of the managing committee of such registered societies notified under sub-section (1) expires after the notification under that sub-section, shall get extended till such time the managing committee is constituted after elections in terms of the provision contained in that sub-section.

(5) Any registered society notified under sub-section (1) and after the constitution of its managing committee under sub-section (2) is superseded or ceases to exist for whatever reason, before the expiry of its terms under sub-section (9) of section-14, the election to the managing committee for such society shall be conducted by the same authority as prescribed under sub-section (1). The term of such managing committee including the term held by earlier managing committee along with the period due to supersession or otherwise, if any, shall not exceed the period prescribed under the provision of sub-section (9) of section-14.

(6) No election to any class or classes of registered societies notified under sub-section (1) shall not be called in question except by way of an election petition filed within ninety days from declaration of the result of such election and the same shall be decided as a dispute under section-48 of this Act. Such an election petition shall be filed before the Registrar or such other office appointed to assist the Registrar under section-6 of this Act.

(6) **Amendment in Section-44AQ of the Act 6 of 1935**– The following amendments shall be made to the section-44AQ of the Bihar Co-operative Societies Act, namely

(1) The sub-section (2) of Section-44AQ shall be substituted by the following namely

(2)(a) In order to achieve the objective of this Act, to bring uniformity in the operation of the societies under this Chapter, to enhance their strength and usefulness and to make them viable for the purpose of development of agriculture, the area of a Primary Agriculture Credit Society shall be co-terminus with that of a panchayat and there will be only one such society in each panchayat.

(b) Notwithstanding anything to the contrary contained in this Act, If the area of a Primary Agriculture Credit Society is found not to be that of a panchayat as provided under sub-clause (a) of this sub-section, the Registrar or an officer authorized by Registrar to act on his behalf, who shall not be below the rank of Assistant Registrar, may order for reorganization including amalgamation or division of one more such societies as the case may be and register the new society/ societies after such reorganization."