

अण्डमान एवं निकोबार प्रशासन
ANDAMAN AND NICOBAR ADMINISTRATION
सचिव (सहकारिता)-व-पंजीकार सहकारी समितियों का कार्यालय
OFFICE OF THE SECRETARY (COOP.)-CUM-RCS
वी.आई.पी रोड / V.I.P Road, पोर्ट ब्लेयर / PORT BLAIR - 744 103


Port Blair, dated the 17th Dec, 2021

ORDER No. 350

Whereas, during the pendency of Appeals before the Hon'ble Supreme Court of India against the Order dated 22/04/2013 of the Hon'ble High Court of Gujarat in the matter of the Constitution (Ninety Seventh Amendment) Act 2011, the bye-laws of the cooperative societies which were inconsistent with the provision of the A & N Islands Cooperative Societies Regulations 1973 and Rules, 1974 following registration and amendment in tune with the provisions of the Constitution (Ninety Seventh Amendment) Act, 2011, were withdrawn/cancelled by an Order No. 160 dated 27/06/2016 passed by the Secretary (Coop)-cum-RCS with an advice to follow the provisions of their earlier bye-laws, prior to amendment made in consonance with the Constitution (Ninety Seventh Amendment) Act, 2011 in all matters in accordance with the provisions of the A & N Islands Cooperative Societies Regulation 1973 and Rules 1974;

And whereas, the Hon'ble Supreme Court of India in its 2:1 majority verdict on 20th July 2021 in the matter of the Constitution (Ninety Seventh Amendment) Act, 2011 in Civil Appeal Nos. 9108-9109 of 2014 with other appeals upheld the judgment of the Gujarat High Court except to the extent that it strikes down the entirety of Part IXB of the Constitution of India. The Judgment further declared that Part IXB of the Constitution of India is operative only as far as it concerns Multi-State Cooperative Societies both within the various States and in the Union Territories of India so the provisions of the Constitution (Ninety Seventh Amendment) Act, 2011 are not applicable to the cooperative societies registered under the Andaman & Nicobar Islands Cooperative Societies Regulation, 1973;

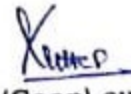
Now, therefore in continuation of this department's Order No. 160 dated 27/06/2016, all the cooperative societies which have been either registered as new or amended their bye-laws in consonance with the Constitution (97th Amendment) Act 2011 are hereby directed to amend their bye-laws **immediately** so as to bring all the provisions of the bye-laws in tune with the provisions of Andaman & Nicobar Islands Cooperative Societies Regulation, 1973 and Rules 1974.


(Sanjeev Kumar Mittal, IAS)
Secretary (Coop)-cum-RCS
F. No. RCS/26-5/2021/

OFFICE ORDER BOOK

Copy to:

1. All registered Apex, Central & Primary Cooperative Societies of Andaman & Nicobar Islands for information and necessary action and strict compliance.
2. The Deputy Registrar of Coop Societies (HQ)/ N & M Andaman and Nicobar Districts for information and necessary action.
3. All ARCS/ICS/SICS, South Andaman, N & M Andaman and Nicobar Districts for information and necessary action.
4. The ARCS (IT) to upload the Order in the Department website for information of members of cooperative societies.
5. All Sections of RCS Office, Port Blair.


Secretary (Coop)-cum-RCS