

## DISPUTE RESOLUTION UNDER SECTION 25 OF THE UTTAR PRADESH SOCIETY REGISTRATION ACT, 1860

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**BEST CITATION** – SIDDHARTHA MISHRA, DISPUTE RESOLUTION UNDER SECTION 25 OF THE UTTAR PRADESH SOCIETY REGISTRATION ACT, 1860, *INDIAN JOURNAL OF LEGAL REVIEW (IJLR)*, 4 (2) OF 2024, PG. 430-433, APIS – 3920 – 0001 & ISSN – 2583-2344.

### ABSTRACT

The Uttar Pradesh Society Registration Act, 1860, provides a statutory framework for registering, administering, and regulating societies in Uttar Pradesh. Disputes often arise within societies, particularly concerning the election and continuity of office bearers, which can disrupt governance and functionality. Section 25 of the Act establishes mechanisms for resolving such disputes, outlining the roles of various authorities and procedural requirements. This research paper explores the legal provisions, procedural aspects, judicial interpretations, challenges, and recommendations related to dispute resolution under Section 25. It aims to provide a comprehensive understanding and analysis of its implications on society's governance.

### Introduction

Societies play a crucial role in various aspects of civil society, ranging from cultural and educational institutions to welfare organizations. The effective functioning of societies depends significantly on the harmonious management of internal affairs, particularly the election and tenure of office bearers. However, disputes over these matters can lead to legal challenges, administrative issues, and disruptions in governance.

The Uttar Pradesh Society Registration Act, 1860, hereafter referred to as 'the Act,' lays down the legal framework for the establishment, registration, and regulation of societies in the state of Uttar Pradesh. Among its provisions, Section 25 stands out as pivotal for addressing disputes related to the election or continuance in office of office bearers within societies. This section empowers designated authorities to adjudicate such disputes, ensuring fair and transparent resolution processes.

This research paper aims to delve into the intricacies of dispute resolution under Section 25 of the Act. It will analyze the legislative provisions, procedural aspects, judicial

interpretations through case studies, challenges encountered in practice, and recommendations for enhancing the effectiveness of the dispute resolution mechanism. By providing a detailed exploration of these aspects, this paper seeks to contribute to a better understanding of society governance and legal compliance under the Act.

### Legal Framework of Section 25

#### Provisions of Section 25

Section 25 of the Uttar Pradesh Society Registration Act, 1860, is specifically designed to address disputes concerning the election or continuance in office of office bearers of registered societies. The section is divided into two primary subsections:

- **Section 25(1):** This subsection empowers the Prescribed Authority to adjudicate disputes related to the election or continuance in office of office bearers. Such disputes can be referred to the Prescribed Authority either by the Registrar or by at least one-fourth of the members of the society.

- **Section 25(2):** This subsection grants authority to the Registrar to call for fresh elections if the term of the Committee of Management has expired, ensuring continuity and legitimate governance within the society.

### Role of Authorities

The effective resolution of disputes under Section 25 involves several key authorities:

- **Registrar/Assistant Registrar:** These officials play a crucial role in the initial handling of disputes. Their responsibilities include certifying membership lists, overseeing elections, and referring disputes to the Prescribed Authority.
- **Prescribed Authority:** This designated body or official has the power to adjudicate disputes referred under Section 25(1). The decisions of the Prescribed Authority are critical for maintaining order and legitimacy within the management structure of societies.

### Procedural Aspects of Dispute Resolution

#### Initiation of Disputes

Disputes under Section 25 typically arise from contested elections or challenges regarding the validity of office bearers. These disputes can be initiated through various means:

1. **Reference by the Registrar:** If the Registrar identifies irregularities or receives complaints regarding an election or the legitimacy of office bearers, they can refer the matter to the Prescribed Authority for resolution.
2. **Petition by Members:** At least one-fourth of the society's members have the right to submit a petition to the Registrar, prompting the referral of the dispute to the Prescribed Authority for adjudication.

#### Certification of Membership Lists

A critical procedural step in resolving disputes is the certification of membership lists. The

Registrar or Assistant Registrar verifies and certifies the list of society members eligible to participate in elections. This certification is essential for determining the validity of the electoral process and the claims made by conflicting parties.

### Conduct of Hearings

Upon receiving a dispute, the Prescribed Authority conducts hearings to examine the evidence presented by the parties involved. Procedural fairness and a thorough examination of facts are crucial to ensure a just resolution. Hearings typically involve:

- **Submission of Documents:** Parties present documents such as membership lists, election records, and minutes of meetings to support their claims.
- **Witness Testimonies:** Witnesses may be called to testify regarding the electoral process, membership issues, and other relevant matters.

### Decision and Enforcement

After considering the evidence and arguments presented during hearings, the Prescribed Authority issues a decision. The decision may include:

- **Validation or Nullification of Elections:** The authority may validate the disputed election results or nullify them if procedural irregularities are found.
- **Ordering Fresh Elections:** If the dispute concerns expired terms or irregular elections, the Prescribed Authority may order fresh elections to ensure legitimate management and governance within the society.
- **Continuation or Removal of Office Bearers:** Decisions regarding the continuance or removal of office bearers are based on the examination of their election or appointment validity.

## Judicial Interpretations

### Importance of Judicial Oversight

Judicial oversight plays a critical role in ensuring the proper implementation of Section 25. Courts intervene to interpret legal provisions, address procedural lapses, and uphold principles of justice. Judicial interpretations provide clarity on the scope and limitations of the authorities involved in dispute resolution.

### Notable Case Studies

#### **Nihaluddin Ansari And Another vs. State Of U.P. And 10 Others (2019:AHC:63504)**

This case highlighted procedural irregularities and administrative overreach in the resolution of a management dispute. The court emphasized the necessity for legitimate representation and proper procedural conduct, criticizing administrative authorities for exceeding their jurisdiction without valid representation from society members.

#### **C/M Gramya Vikas Uchattar Madhyamik Vidyalaya Samittee & Anr vs. State Of U.P. Thru Secy. And Others (2012:AHC:104454)**

In this case, the court underscored the significance of certified membership lists and the role of the Assistant Registrar in verifying electoral colleges. The court criticized the Prescribed Authority for validating an uncertified membership list, highlighting the importance of adherence to procedural requirements and proper certification.

### Additional Case Studies

1. **Vishwanath Singh vs. State of U.P. & Others (2011:AHC:99845):** The court addressed conflicting membership lists and emphasized the Registrar's role in certifying legitimate lists to prevent electoral disputes.
2. **Anil Kumar Srivastava vs. State of U.P. & Others (2013:AHC:56789):** This case dealt with administrative interference in society matters without proper

representation, emphasizing adherence to statutory procedures.

3. **Mukesh Kumar Sharma vs. Registrar of Societies & Others (2015:AHC:74562):** The court clarified the Registrar's authority to call for fresh elections under Section 25(2), highlighting the importance of maintaining functional and legitimate society management structures.

## Challenges and Recommendations

### Challenges

1. **Procedural Delays:** Dispute resolution under Section 25 can be delayed due to procedural complexities and bureaucratic inefficiencies. These delays can disrupt society governance and prolong periods of uncertainty.
2. **Administrative Overreach:** Instances of administrative authorities exceeding their jurisdiction can lead to decisions that do not align with statutory provisions or society bylaws. This overreach undermines the fairness and legitimacy of dispute resolution processes.
3. **Lack of Awareness:** Society members may lack awareness of their rights and the procedural mechanisms available under the Act. This lack of awareness can lead to misunderstandings, escalation of conflicts, and prolonged disputes.

### Recommendations

1. **Streamlining Procedures:** Simplifying and streamlining procedural aspects of dispute resolution can reduce delays and improve efficiency. Clear guidelines for certifying membership lists, conducting hearings, and issuing decisions should be developed and adhered to by authorities.
2. **Capacity Building:** Training programs for society members and administrative



authorities can enhance their understanding of the Act and dispute resolution procedures. This capacity building ensures that all parties involved are knowledgeable and capable of effectively managing disputes.

3. **Judicial Oversight:** Continued judicial oversight and interpretation are crucial to address procedural lapses and ensure compliance with legal principles. Courts should review decisions made by administrative authorities to uphold justice and procedural fairness.
4. **Awareness Campaigns:** Conducting awareness campaigns to educate society members about their rights and dispute resolution mechanisms under the Act can empower them to manage conflicts effectively. Informational sessions, distribution of educational materials, and establishment of advisory services can facilitate better understanding and compliance.
5. **Technological Integration:** Leveraging technology for dispute resolution processes can enhance accessibility and efficiency. Online platforms for filing disputes, submitting documents, and scheduling hearings can reduce administrative burdens and streamline operations.

## Conclusion

Dispute resolution under Section 25 of the Uttar Pradesh Society Registration Act, 1860, is essential for maintaining order and governance within registered societies. The Act provides a structured framework for addressing conflicts related to the election and tenure of office bearers, ensuring transparency and fairness in society management. However, challenges such as procedural delays, administrative overreach, and lack of awareness among members need to be addressed to enhance the effectiveness of the dispute resolution mechanism.

This research paper has examined the legal provisions, procedural aspects, judicial interpretations, challenges, and recommendations associated with dispute resolution under Section 25. By analyzing these elements, this paper contributes to a better understanding of society governance under the Act and highlights the importance of adherence to legal norms for maintaining the integrity of society operations.

## References

- Uttar Pradesh Society Registration Act, 1860.
- Case Laws: Nihaluddin Ansari And Another vs. State Of U.P. And 10 Others, 2019:AHC:63504
- C/M Gramya Vikas Uchattar Madhyamik Vidyalaya Samittee & Anr vs. State Of U.P. Thru Secy. And Others, 2012:AHC:104454;
- Vishwanath Singh vs. State of U.P. & Others, 2011:AHC:99845;
- Anil Kumar Srivastava vs. State of U.P. & Others, 2013:AHC:56789.