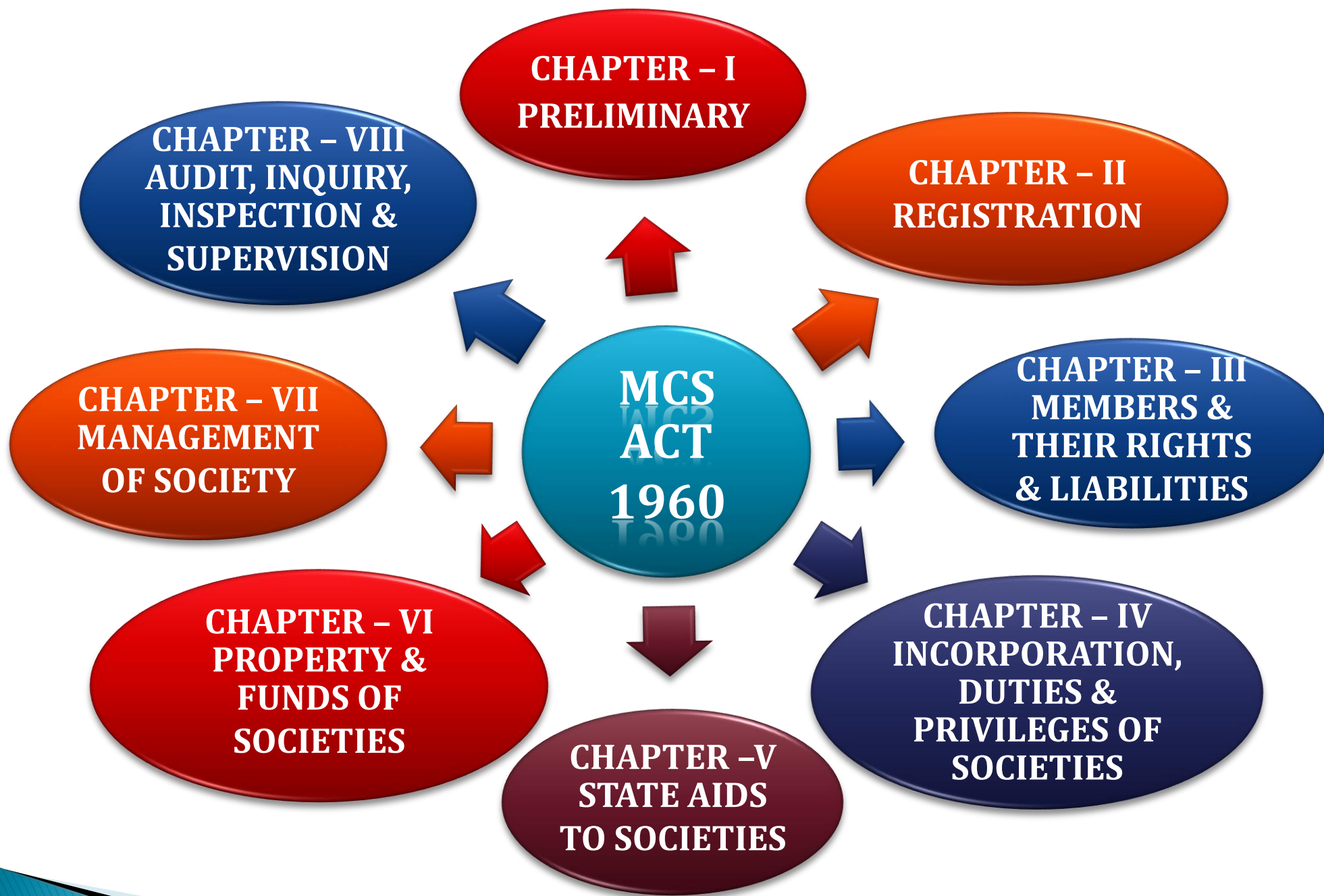


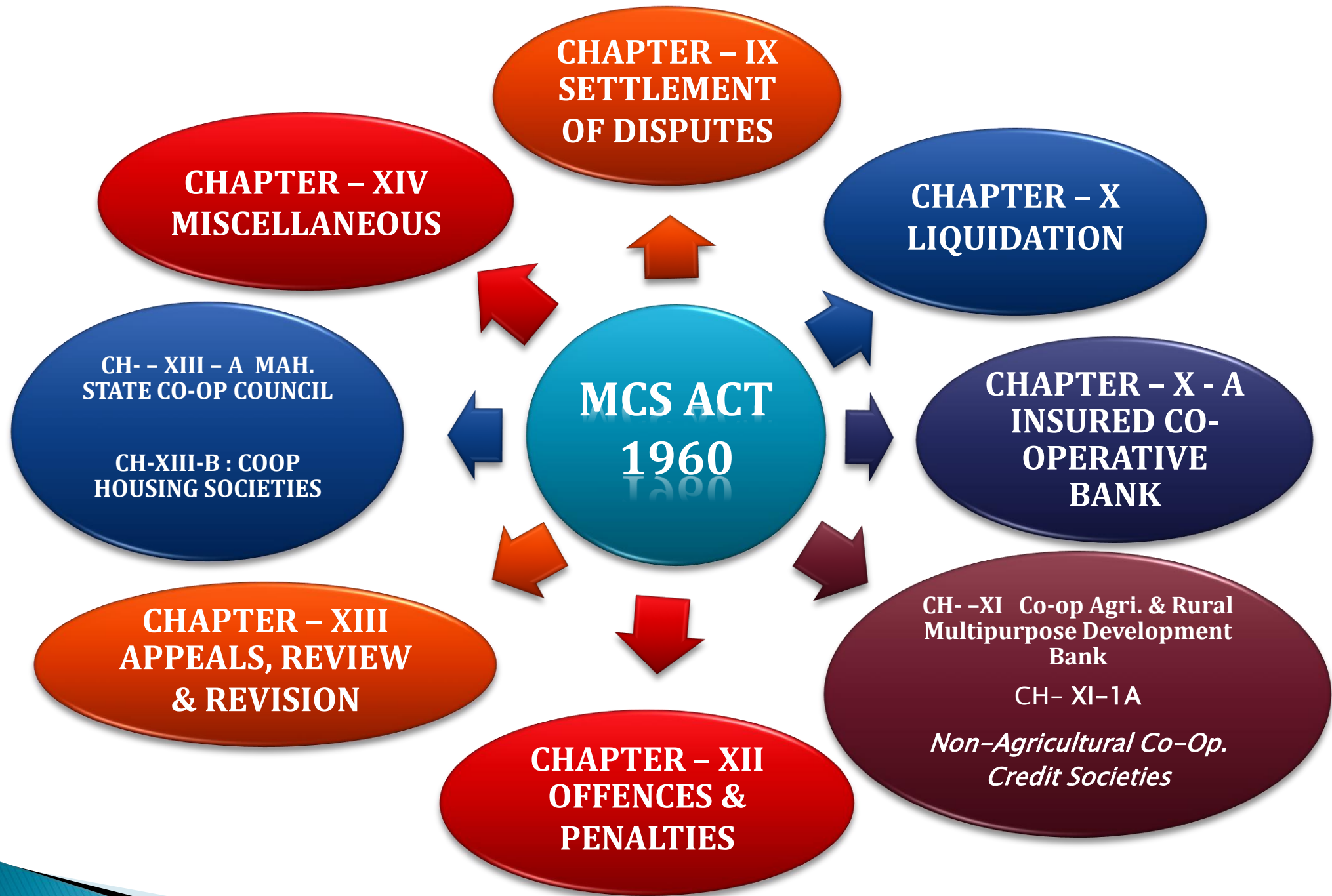
THE MAHARASHTRA CO-OP. SOCIETIES ACT - 1960



PRESENTATION BY:

CA. Ramesh S. Prabhu, Chairman - MSWA





Chapter 1 : PRELIMINARY

1. Short title, extend and commencement.

2. Definitions.



DEFINITIONS

BONUS:- [Sec 2(4)]

Payment made in cash or kind out of the profits of a society to a member or to a person who is not a member on the basis of his contribution to the business of the society but does not include any sum paid or payable to the employee of the society under the Payment of Bonus Act, 1965.

BYE LAWS:- [Section 2(5)]

means bye laws registered under the Maharashtra Cooperative Societies Act, 1960 and include registered amendments therein.

DEFINITIONS

CENTRAL BANK:- [Section 2(6)]

means a cooperative bank the object of which include the creation of funds to be loaned to other societies.

COOPERATIVE BANK:- [Section 2(10)]

means a society which is doing the business of banking as defined in Section 5(1)(b) of the Banking Regulation act, 1949

DEFINITIONS

COOPERATIVE APPELLATE COURT:- [Section 2(10-ai)]

means the Maharashtra Cooperative Appellate Court constituted under the Maharashtra Cooperative Societies Act, 1960

COOPERATIVE COURT:- [Section 2(10-a ii)]

means a court constituted under the Maharashtra Cooperative Societies Act, 1960

COOPERATIVE YEAR:- [Section 2(10-aii)]

means a year ending on 31st March for balancing of accounts. The Registrar may fix any other date as year end for any society or class of societies

DEFINITIONS

DIVIDEND:- [Section 2(11)]

means the amount paid, out of profits of a society, to a member in proportion to the shares held by him

MEMBER:- [Section 2(19)(a)]

means a person joining in an application for the registration of a co- operative society which is subsequently registered

Or

A person duly admitted to membership of a society after registration and includes a nominal, associate.

DEFINITIONS

ASSOCIATE MEMBER:-

means a member who holds jointly a share of a society with others but whose name does not stand first in the share certificate [Section 2(19)(b)]

NOMINAL MEMBER:-

means a person admitted to membership as such after registration in accordance with the bye-laws [Section 2(19)(c)]

OFFICER:-

means a person elected or appointed by a society to any office of the society according to its bye-laws to give directions in regard to the business of the society and includes a Chairman,

DEFINITIONS

Vice-Chairman, President, Managing director, Manager, Secretary, Treasurer and Member of the committee and any other person elected or appointed under this Act, the Rules or the bye-laws.

[Section 2(20)]

RECOVERY OFFICER:-

means any person empowered to exercise, in any district, the powers of Registrar under section 156.

Rule 2(h)

SALE OFFICER:-

means an officer empowered by the Registrar, by general or special order, to attach and sell the property of defaulter or to

CHAPTER – II REGISTRATION

3. Registrar and his subordinates.

3-A. Temporary vacancies.

4. Societies which may be registered.

Sec.4 - Objects : 1. promotion of economic interests/ general welfare.

2. facilitating operations of other society.

REGISTRAR - Section 3

State Govt. appoints the Registrar of Co-operative Societies (RCS) for the State and also appoints persons to assist him for the local areas or the State as may be specified and confer by specific order on any such powers of the RCS

REGISTRATION OF SOCIETY

■ (Section 4)

- A society may be registered which has as its objects,
 - promotion of the economic interests or general welfare of its members or of the public
 - in accordance with the Co-operative principles
- A society may be registered which has the object of facilitating the operations of any other society.

CHAPTER – II REGISTRATION

5. Registration with limited or unlimited.

6. Conditions of registration.

7. Power to exempt societies from conditions as to registration.

8. Application for registration

9. Registration

CONDITIONS OF REGISTRATION

(other than Federal and Agri. related societies)

Section 6

At least 10 persons who are qualified to become member as per the Act

- Each of such person should be from different family
- Such persons should be residing within the area of operation of the society
- Word 'Limited' shall be the last word of the name of the society

APPLICATION FOR REGISTRATION

Section 8 r. w. Rule 4

- Application in prescribed form signed by at least 10 persons
- Signatory to the application should be member of the committee of the society and should be authorized by the committee by resolution to sign on behalf of the society
- Application is accompanied by four copies of the proposed bye-laws
- Copy of the resolution authorizing the persons to sign the application for registration must be attached
- Prescribed fee must be paid

REGISTRATION Section 9(1) r. w. Rule 5 and 8

- **If the Registrar is satisfied that,**
 - proposed society has complied with the provisions of the Act, the rules and the applicable other laws
 - policy directions issued by the State Govt. are complied with
 - Proposed bye-laws of the society are not contrary to the Act. Registrar may ask to add missing points, if any, as per Rule 8 in bye-laws

then he shall register the society and its bye- laws within two months from receipt of application for registration

REGISTRATION -Section 9(2) r. w. Rule 5

- If the Registrar fails to dispose the application for registration within said period of two months, he shall forward the application to his next higher authority within 15 days of expiry of two month period
- If Registrar himself is the registering authority he shall forward the application to the State Govt.
- Such higher authority shall dispose of the application within two months from receipt by it.
- But in failure to do so it shall be deemed that the society and its bye-laws are registered. In such event the Registrar shall issue the registration certificate for the society within 15 days from expiry of two month period.

Section 9(2) r. w. Rule 5

REGISTRATION - REFUSAL

- **Section 9(3) r. w. rule 7**
- If the Registrar refuses the registration he shall immediately communicate his decision with reasons for refusal.
- The said communication shall be sent to the person whose signature appears first on the registration application.

CHAPTER – II REGISTRATION

10. EVIDENCE OF REGISTRATION: A certificate of registration

11. Power of registrar to decide certain questions.

12. Classification of Societies.

13. Amendment of Bye-Laws of Society:

14. Power to Direct Amendment of Bye-Laws

AMENDMENT TO BYE-LAWS

■ **Section 13 r. w. rule 12**

- No amendment of the bye-laws shall be valid until registered under the Act.
- Amendment should be passed in the General Meeting, where the issue was on agenda, notice of proposed amendment is given to the members and resolution is passed by not less than 2/3 members present and voting

AMENDMENT TO BYE-LAWS

■ **Section 13 r. w. rule 12**

- Resolution passing the amendment should be forwarded to the Registrar within two months from the date of meeting.
- Every application for amendment must be disposed of by the Registrar within two months.
- If not so disposed same procedure as it is for application for registration of the society

REGISTRAR'S POWERS TO DIRECT AMENDMENT IN BYE-LAWS

Section 14(1) r. w. rule 13(1) – Form E

- If the Registrar is of the view that in the interest of the society the bye-laws must be changed, he can direct in prescribed manner (Form - E) to make amendments in the bye-laws within a given time but such time shall not be more than 2 months. He has to give exact amendment that the society needs to make.

SOCIETY NOT EFFECTING AMENDMENT AS DIRECTED

- **Section 14(2) r. w. rule 13(2),(3) and (4)**
- If the society fails to make the amendment within specified time the Registrar may after giving hearing to the society register the amendment. He shall issue to the society a copy of the amendment certified by him. In such event it shall be deemed that the society has made the amendment

CHAPTER – II REGISTRATION

15. Change of Name of Society.



16. Change of Liability.



17. Amalgamation, transfer, division or conversion of societies of societies.



18. Power of direct amalgamation, division and reorganization in public interest, etc.



18 A. Amalgamation of Co-operative Banks.

CHANGE OF NAME OF SOCIETY

■ **Section 15 r. w. rule 14**

- A society may change its name by passing a resolution at the General Meeting and also proposing amendment in the bye-laws for that purpose.
- This needs approval from the Registrar and it is notified in Official Gazette.
- Change in name does not affect the rights or liabilities of the society and they continue in new name.
- Certificate of registration is amended to that effect by the Registrar

CHAPTER – II REGISTRATION

18 B. Amalgamation of primary agricultural Credit society

18-C. Reorganization of societies on account of alteration of limits of local areas in which they operate.

19. Reconstruction of societies.

CHAPTER – II REGISTRATION

20. Partnership of societies.

**(1) GBM Resolution 3/4th majority –
Registrar's approval.**

**(2) Nothing in the Indian Partnership Act,
1932, shall apply.**

20-A. Collaboration by societies.

CHAPTER – II REGISTRATION

21. CANCELLATION OF REGISTRATION: Grounds:

1. Transfer of whole assets and liabilities, or

2. Amalgamation with another society, or

3. Division into two or more societies, or

4. If business/affairs are wound up, or

CHAPTER – II REGISTRATION

21. CANCELLATION OF REGISTRATION: Grounds:

5. De-registered, or

6. wound up.

CHAPTER – II REGISTRATION

21A. DE-REGISTRATION OF SOCIETIES:

1. Registration on misrepresentation, or

**2. work of the society is completed or exhausted,
or**

**3. the purposes for which society was registered
are not served.**

**4. opportunity of being heard to Chief
Promoter/MC/Members.**

CHAPTER – II REGISTRATION

21A. DE-REGISTRATION OF SOCIETIES:

5. Appointment of Official Assignee.

6. Realisation of Assets/liquidation of Liabilities within 1 year. Extension from time to time - not to exceed 3 years in aggregate.

7. Powers to Joint Registrar and higher officers.

Chapter-III –Membership and Rights.

22. Person who may become member.

23. Open membership.

24. Nominal, associate and sympathizer member.

25-A. Removal of names of members from Membership registers.

25. Cessation of membership.

24A. Co-operative education and training to members, etc.

26. Rights and Duties of Members.

27. Voting powers of members.

28. Restrictions on holding of shares.

Chapter-III –Membership and Rights..

29. Restrictions on transfer or charge on share or interest.

30. Transfer of interest on death of member.

31. Share or interest not liable to attachment.

33. Liability of past member and estate of deceased member.

32-A. Certain societies to give pass books to members and entries in such book evidence of amount due.

32. Rights of members to see books, etc.

34. Insolvency of members.

35. Expulsion of members.

RIGHTS OF MEMBER

■ **Section 32(1) r. w. rule 27 and 30**

- Every member of a society shall be entitled,
 - To inspect, Free of cost, At society's office, During office hours or at any time fixed by the society,
 - 1. A copy of the Act and rules,
 - 2. Bye-laws,
 - 3. Latest audited annual balance sheet and profit and loss account,
 - 4. List of members of committee,
 - 5. Register of members,
 - 6. Minutes of General Meeting,
 - 7. Minutes of Committee Meeting and
 - 8. Portions of the books and records in which his transactions with the society are recorded

RIGHTS OF MEMBER

- **Section 32 (2) r. w. rule 27 and 30**
- Society shall furnish to a member,
 - On request in writing,
 - Payment of such fees as may be prescribed and
 - Within one month from date of payment of fees
 - A copy of any of the documents mentioned at Section 32(1)

CHAPTER IV - INCORPORATION, DUTIES PRIVILEGES OF SOCIETIES

36. Societies to be bodies corporate.



37. Address of societies.



38. Register of members.



39. Copy of Act, etc., to be open to inspection.

CHAPTER IV - INCORPORATION, DUTIES PRIVILEGES OF SOCIETIES

40. Admissibility of copy of entry as evidence.



41. Exemption from compulsory registration of instruments relating to shares and debentures of society.



42. Power to exempt from taxation; Power to refund.



43. Restrictions on borrowings.

CHAPTER IV - INCORPORATION, DUTIES PRIVILEGES OF SOCIETIES

44. Regulation of loan making policy.



44-A. Limit on interest in certain cases.



45. Restrictions on other transactions with non-members.



46. Charge and set-off in respect of share or interest of members.

CHAPTER IV - INCORPORATION, DUTIES PRIVILEGES OF SOCIETIES

47. Prior claim of society.



48. Charge on immovable property of members, borrowing from certain societies.



48-A. Deduction from sale price of certain agricultural produce to meet society's dues.

(i) Sugarcane .. 100%. (ii) cotton .. 60%. (iii) any other case .. 40%



49. Deduction from salary to meet society's claims in certain cases.

DEDUCTION FROM SALARY TO MEET CLAIM OF SOCIETY

- A member of the society may execute an agreement in favour of the society
 - That his employer shall be competent to deduct from the salary payable to him by the employer
 - Such total amount payable to the society and in such installments as specified in the agreement
 - And to pay to the society amount so deducted in satisfaction of the debtor demand of the society

Section 49(1)

DEDUCTION FROM SALARY TO MEET CLAIM OF SOCIETY

- To demand the deduction from the employer as per the agreement executed by the employee, a copy of such agreement duly attested by the officer of the society shall be forwarded by the society to the employer.

Section 49(1)

- On receipt of a copy of such agreement the employer shall make the deduction in accordance with the agreement and pay the amount so deducted to the society
- Such deduction and payment from the salary shall be treated as if it were a part of wages payable under the Payment of Wages Act, 1936

Section 49(2)

DEDUCTION FROM SALARY TO MEET CLAIM OF SOCIETY

- If the employer fails to deduct the amount from the salary or deducts but does not pay to the society, the employer shall be personally liable for payment of requisitioned amount.
- If deduction is made but payment is not done to the society, the employer is liable to pay interest to the society, from date of deduction to the date of payment to the society, at 1.5 times the interest charged by the society to the member

Section 49(3)

DEDUCTION FROM SALARY TO MEET CLAIM OF SOCIETY

- Any amount kept unpaid by the employer after the requisition by the society can be recovered by the society from the employer as if recovery of land revenue, after a certificate of recovery is issued by the Registrar
Section 49(3)
- Provisions of section 49 do not apply to employees of Railway, mines and oil fields
Section 49(4)

CHAPTER – V - STATE AID TO SOCIETIES.

- ✓ **50. DIRECT PARTNERSHIP OF STATE GOVERNMENT IN SOCIETIES:**
 - Subscription directly to the share capital of Ltd. Liab. Soc.

- ✓ **51. INDIRECT PARTNERSHIP OF STATE GOVERNMENT IN SOCIETIES:**
 - Apex Society purchases shares in other Ltd. Liab. Societies.

- ✓ **PRINCIPAL STATE PARTNERSHIP FUND:** Apex Society to establish & utilise " Principal State Partnership Fund"

- ✓ **53. SUBSIDIARY STATE PARTNERSHIP FUND:** Central Society to establish & utilise Subsidiary State Partnership Fund.

CHAPTER – V - STATE AID TO SOCIETIES.

- ✓ 54. Approval of State Government for purchase of shares.
- ✓ 55. Liability to be limited in respect of certain shares.
- ✓ 56. Restriction on amount of dividend.
- ✓ 57. Indemnity of Apex and Central societies.
- ✓ 58. Disposal of share capital and dividend, etc.
- ✓ 59. Disposal of Principal or Subsidiary State Partnership Fund on winding up of Apex or Central society.

CHAPTER – V - STATE AID TO SOCIETIES.

- ✓ 60. Principal or Subsidiary State Partnership Fund not to form part of assets.
- ✓ 61. Agreement by State Government and Apex societies.
- ✓ 62. Other forms of State aid to societies.
- ✓ 63. Provisions of this Chapter to override other laws.

CHAPTER – VI- PROPERTY AND FUNDS OF SOCIETIES.

- ✓ 64. FUNDS NOT TO BE DIVIDED AND PAID BY WAY OF BONUS OR DIVIDEND ETC. EXCEPT DIVIDEND EQUALIZATION/BONUS EQUALISATION FUNDS.
- ✓ 65. ASCERTAINMENT AND APPROPRIATION OF PROFITS:
- ✓ 66. RESERVE FUND.
- ✓ 67. RESTRICTIONS ON DIVIDEND:
- ✓ 68. CONTRIBUTION TO EDUCATION FUND OF THE STATE FEDERAL SOCIETY.

CHAPTER – VI- PROPERTY AND FUNDS OF SOCIETIES.

- ✓ **69. CONTRIBUTION TO PUBLIC PURPOSES.**
 - **After Statutory Fund. Maximum 20% of N/P – for Co-op./charitable purpose/public purpose. Approval of federal society.**

- ✓ **(69A) Deleted**

- ✓ **(69B) CONSTITUTION OF DISTRICT LEVEL AND STATE LEVEL COMMITTEES.**
 - **By State Govt. for solving problems of Group Secretaries in the state.**

CHAPTER – VI- PROPERTY AND FUNDS OF SOCIETIES.

- ✓ 70. INVESTMENTS OF FUNDS. – In:
- (a) District Central Bank/State Co-op. Bank - “A”
Audit Class- last 3 years;
 - (b) Any securities specified in section 20 of the
Indian Trusts Act, 1882;
 - (c) shares/security bonds/debentures of society -
limited liability/same classification;
 - (d) in any other mode permitted by the rules/State
Government;

CHAPTER – VII- MANAGEMENT OF SOCIETIES

- ✓ 72. FINAL AUTHORITY OF SOCIETY.
- ✓ 72A. FREEDOM OF AFFILIATION OR DISAFFILIATION WITH A FEDERAL STRUCTURE OF CHOICE – Resolution in GBM by 3/4th majority.
- ✓ 73. COMMITTEES. ITS POWERS AND FUNCTIONS.
- ✓ 73-ID. MOTION OF NO-CONFIDENCE AGAINST OFFICERS OF SOCIETIES
 - No motion within 6 months from the date of entering upon office.

CHAPTER – VII- MANAGEMENT OF SOCIETIES

- **1/3rd MC members - Requisition to Registrar for special MC meeting.**
- **Registrar to convene meeting within 7 days - meeting within 15 days.**
- **Registrar/Assistant Registrar to preside over- but no voting right.**
- **Meeting not to be adjourned for any reason.**
- **Names of MC members voting for and against are read and recorded.**
- **2/3rd majority. If rejected -no fresh motion within a period of 1 year.**

CHAPTER – VII- MANAGEMENT OF SOCIETIES

- ✓ 73A.DISQUALIFICATION FOR BEING DESIGNATED OFFICER SIMULTANEOUSLY OF CERTAIN CATEGORIES OF SOCIETIES.
- ✓ 73AAA. CONSTITUTION OF COMMITTEE.
 - Maximum MC Members 21 - Co-option-Expert Directors-maximum 2.
 - Functional Directors : MC members up to 17=1; above 17= maximum 2.
 - Term of elected committee members and office bearers = 5 years.

CHAPTER – VII- MANAGEMENT OF SOCIETIES

- ✓ **73B. RESERVATION OF CERTAIN SEATS ON COMMITTEES OF SOCIETIES AND ELECTION THERETO:**
 - **3 seats: SC/ST = 1 seat; OBC = 1 seat; DT/NT/SBC= 1 seat.**
- ✓ **73C. RESERVATION FOR WOMAN = 2 seats.**
- ✓ **73CA.DISQUALIFICATION OF COMMITTEE AND ITS MEMBERS.**
 - **Dealer/carrying similar business;**
 - **Defaulter ;**
 - **Breach of co-operative discipline;**

CHAPTER – VII- MANAGEMENT OF SOCIETIES

- **Non-active member;**
 - **Held responsible u/s 79 or 88 or 85;**
 - **Is a salaried employee of any society.**
 - **Has more than 2 children (3rd child born singly on or after 07-09-2002)**
 - **Held guilty of any offence u/s 146 and convicted u/s 147;**
 - **Imprisonment of not less than 1 year.**
- ✓ **73CB. STATE CO-OPERATIVE ELECTION AUTHORITY**

CHAPTER – VII- MANAGEMENT OF SOCIETIES

- ✓ 73F. ELECTION TO MORE THAN ONE SEAT ON THE COMMITTEE OF SOCIETY:
- ✓ 73(I), RESPONSIBILITY OF COMMITTEE OR ADMINISTRATOR OR AUTHORISED OFFICER TO INTIMATE AND ASSIST TO ARRANGE FOR ELECTION, BEFORE EXPIRY OF TERM:
- ✓ 74. QUALIFICATION AND APPOINTMENT OF MANAGER, SECRETARY AND OTHER OFFICERS OF SOCIETIES AND OF CHIEF EXECUTIVE OFFICER AND FINANCIAL OFFICER FOR CERTAIN SOCIETIES.

CHAPTER – VII- MANAGEMENT OF SOCIETIES

✓ Sec. 75. ANNUAL GENERAL BODY MEETING:

(1) Audit within 4 months and AGBM within 6 months.

(2) MC to submit before the AGM:

- a. Statement of loans to MC members/family members, society/firm/company in which MC members/their family members are members.
- b. Annual Report of its activities;
- c. Plan for disposal of surplus;
- d. List of Bye-Laws amendment;
- e. Declaration of date and conduct of MC election;
- f. Audit Report of preceding financial year;
- g. Rectification Report of earlier audit;
- h. Annual Budget for next year;

CHAPTER – VII- MANAGEMENT OF SOCIETIES

- a. Any other informed as required by the Registrar;
- b. Such other business as per Bye-Laws and due notice has been given.

✓75(2A). APPOINTMENT OF AUDITOR IN AGBM & FILING RETURN IN 30 DAYS.

✓75(3). With every Balance Sheet – Report of the Committee.

✓75(4). Audited Balance Sheet, Profit & Loss A/c, Audit Report of preceding financial year, Rectification Report of earlier audit and Committee's Report.

✓75(5). Default by Officers/MC members – Disqualification for 5 years.

CHAPTER – VII- MANAGEMENT OF SOCIETIES

✓ Default made by servant/employee – Penalty up to Rs. 5,000/-.

✓ 76. SPECIAL GENERAL BODY MEETING.

(1) Who Can call SGBM.

(2) Default by Officers/MC members – Disqualification for 5 years.

Default made by servant/employee – Penalty upto Rs. 5,000/-.

(3) If not called in accordance with the requisition, the Registrar/authorized person can call such meeting.

(4) Expenditure from the funds of the society or by person/s responsible.

CHAPTER – VII- MANAGEMENT OF SOCIETIES

✓ 77. ACTS OF SOCIETIES ETC. NOT TO BE INVALIDATED BY CERTAIN DEFECTS. - Done in good faith.

✓ 77A. APPOINTMENT OF MEMBER OF COMMITTEE, NEW COMMITTEE, AUTHORISED OFFICER, WHERE THERE IS FAILURE TO ELECT MEMBER, TO CONSTITUTE COMMITTEE OR WHERE COMMITTEE DOES NOT ENTER UPON OFFICE, ETC.

✓ 78. POWER OF SUSPENSION OF COMMITTEE.

✓ 78A. POWER OF SUPERSESSION OF COMMITTEE OR REMOVAL OF MEMBER THEREOF.

CHAPTER – VII- MANAGEMENT OF SOCIETIES

✓79. SOCIETY'S OBLIGATION TO FILE RETURNS AND STATEMENTS AND REGISTRAR'S POWER TO ENFORCE PERFORMANCE OF SUCH OBLIGATIONS:

- (1) Keeping books of accounts including electronic/any other form,
- (1A) Filing Returns within 6 months of the close of every financial year:
- *annual report of its activities;*
 - *audited statement of accounts;*
 - *plans for disposal of surplus funds as approved by GBM;*
 - *list of amendments to the bye-laws of the society, if any;*

CHAPTER – VII- MANAGEMENT OF SOCIETIES

- *declaration regarding date of GBM and conduct of election when due;*
- *any other information required by Registrar.*

(1B) Name of Auditor/Firm from panel approved by State Govt.- appointed in GBM;

- **His written consent-**
- **within a period of one month from the date of AGBM.**

✓ 79A.GOVERNMENT'S POWER TO GIVE DIRECTIONS IN THE PUBLIC INTEREST, ETC.

CHAPTER – VII- MANAGEMENT OF SOCIETIES

✓ 79AA. REGISTRAR'S POWERS TO GIVE DIRECTIONS TO FRAME REGULATIONS:

✓ 80. REGISTRAR'S POWER TO SEIZE RECORDS, ETC.

CHAPTER – VIII- AUDIT INQUIRY INSPECTION AND SUPERVISION

✓ 81. AUDIT:

- **Within 4 months of close of financial year.**
- **Responsibility of Society.**
- **Auditor/firm from a panel prepared by Registrar and approved by State Govt.**
- **possessing required qualifications and experience.**
- **Appointed by GBM of society.**
- **Audit Report to be placed before AGBM.**

CHAPTER – VIII- AUDIT INQUIRY INSPECTION AND SUPERVISION

- Apex society Audit Report before both Houses of the State Legislature.
- If society fails- Registrar may cause its accounts to be audited.
- One Panel Auditor to Audit of maximum 20 societies in a financial year- excluding societies having paid up share capital of less than rupees one lakh.

✓ 82. RECTIFICATION OF DEFECTS IN ACCOUNTS:

- Within 3 months from the date of audit report,
- To Registrar.
- Steps to rectify the defects and remedy irregularities.
- To be placed before next GBM.

CHAPTER – VIII- AUDIT INQUIRY INSPECTION AND SUPERVISION

- Registrar may make order to take action.
- If MC fails to submit audit rectification report to Registrar/AGBM;
- All MC members – committed offence u/s 146.
- Liable for penalty u/s 147.

✓ 83. INQUIRY BY REGISTRAR:

✓ 84. INSPECTION OF BOOKS OF INDEBTED SOCIETY.

✓ 85. COSTS OF INQUIRY AND INSPECTION.

✓ 86. RECOVERY OF COSTS.

CHAPTER – VIII- AUDIT INQUIRY INSPECTION AND SUPERVISION

- ✓ 87. REGISTRAR TO BRING DEFECTS DISCLOSED IN INQUIRY OR INSPECTION TO NOTICE OF SOCIETY.
- ✓ 88. POWER OF REGISTRAR TO ASSESS DAMAGES AGAINST DELINGQUENT PROMOTERS, ETC:
 - Within period of 5 years prior to Audit u/s 81 or Inquiry u/s 83 or Inspection u/s 84 or winding up of u/s 105:
 - Proceedings shall be completed within 2 years from order by Registrar:
 - Extension of maximum 6 months.

CHAPTER – VIII- AUDIT INQUIRY INSPECTION AND SUPERVISION

- ✓ **88A. DEPOSIT TOWARDS FEES OF INQUIRY.**
- ✓ **89. POWER TO ENFORCE ATTENDANCE, ETC.**
- ✓ **89A. POWER TO INSPECT WORKING OF SOCIETY.**
- ✓ **90. CONSTITUTION OR RECOGNITION OF FEDERAL
AUTHORITY TO SUPERVISE WORKING OF SOCIETIES
BY STATE GOVT.**

CHAPTER – IX- SETTLEMENT OF DISPUTES

- ✓ 91. DISPUTES:
- ✓ 91A. CONSTITUTION OF CO-OPERATIVE COURTS.
- ✓ 92. LIMITATION:
- ✓ 93. TRANSFER OF DISPUTES FROM ONE CO-OPERATIVE COURT TO ANOTHER AND SUSPENSION OF PROCEEDINGS IN CERTAIN CASES.
 - Power to Transfer Disputes to President of Co-operative Appellate Court.
- ✓ 94. PROCEDURE FOR SETTLEMENT OF DISPUTES AND POWER OF CO-OPERATIVE COURT: Court Procedure

DISPUTE – SECTION 91

- Any dispute touching the business of the society shall be referred by any of the parties to the dispute to the Co-operative Court if both the parties thereto are one or the other of the following
 - 1. society**
 - 2. a member of society**
 - 3. a surety of the member**
- Provided that, any proceeding for the recovery of the amount as arrears of land revenue on a certificate granted under section 101(1) of the Act or the recovery proceeding by the Registrar or by any such authorized
- officer who is empowered under section 156(1) of the Act shall not be a dispute under section 91

DISPUTE – SECTION 91

Following are the disputes within the meaning of section 91

1. A claim by or against the society for any debt or demand due to it from a member, past member or the nominee, heir or legal representative of a deceased member
2. A claim by a society for any loss caused to it by a member, past member or deceased member or by any officer, past officer or deceased officer

LIMITATION

The period of limitation for the dispute to be referred to the Co-operative Court (u/s 91) shall be from,

1. In case of past member or deceased member for recovery of dues from him, from the date he ceases to a member or from his death
2. For any other dispute as per the provisions of the Limitation Act, 1963

Section 92

CHAPTER – IX- SETTLEMENT OF DISPUTES

- ✓ 95. ATTACHMENT BEFORE AWARD OR ORDER AND INTER-LOCUTORY ORDERS.
- ✓ 96. DECISION OF CO-OPERATIVE COURT.
- ✓ 97. APPEAL AGAINST DECISION UNDER SECTION 96 AND ORDER UNDER SECTION 95.
- ✓ 98. MONEY HOW RECOVERED.
- ✓ 99. PRIVATE TRANSFER OF PROPERTY MADE AFTER ISSUE OF CERTIFICATE VOID AGAINST SOCIETY.
- ✓ 100. TRANSFER OF PROPERTY WHICH CANNOT BE SOLD.
- ✓ 101. RECOVERY OF CERTAIN SUMS AND ARREARS DUE TO CERTAIN SOCIETIES AS ARREARS OF LAND REVENUE.

CHAPTER – X- LIQUIDATION

- ✓ 102. WINDING UP.
- ✓ 103. APPOINTMENT OF LIQUIDATOR.
- ✓ 104. APPEAL AGAINST ORDER OF WINDING UP.
 - Against the final order of winding-up within two months – to the Registrar/State Govt.
- ✓ 105. POWERS OF LIQUIDATOR.
- ✓ 106. EFFECT OF ORDER OF WINDING UP.
- ✓ 107. BAR OF SUIT IN WINDING UP AND DISSOLUTION MATTERS.
- ✓ 108. AUDIT OF LIQUIDATOR'S ACCOUNTS.

CHAPTER – X- LIQUIDATION

- ✓ 109. TERMINATION OF LIQUIDATION PROCEEDINGS:
 - 6years + 1 years 4 terms = Total 10 years.
 - If satisfied - Further One year

- ✓ 110. DISPOSAL OF SURPLUS ASSETS.

- ✓ 110A. ORDER FOR WINDING UP, RECONSTRUCTION, SUSPENSION OR SUPERSESSION OF COMMITTEE, ETC., OF INSURED CO-OPERATIVE BANK, NOT TO BE MADE WITHOUT SANCTION OR REQUISITION OF RESERVE BANK OF INDIA.

CHAPTER – X – A – INSURED CO-OPERATIVE BANK

- ✓ Order for winding up, reconstruction, super session of committee, etc., of insured Co-operative Bank, not to be made without sanction or requisition of Reserve Bank of India.

CHAPTER – XI- CO-OPERATIVE AGRICULTURE AND RURAL MULTIPURPOSE DEVELOPMENT BANKS.

- ✓ 111. Application of Chapter XI to Co-operative Agriculture and Rural Multipurpose Development Bank.
- ✓ 112. State and other Co-operative Agriculture and Rural Multipurpose Development Bank.
- ✓ 112-A District Co-operative Agriculture and Rural Multipurpose Development Bank, its constitution, term of office of delegates, casual vacancies, power of such committee.
- ✓ 112-AA. Election of delegate as member of Co-operative Agriculture and Rural Multipurpose Development Bank from City of Bombay District and Bombay Suburban District.

CHAPTER – XI- CO-OPERATIVE AGRICULTURE AND RURAL MULTIPURPOSE DEVELOPMENT BANKS.

- ✓ 112-B. General Body and committee of Co-operative Agriculture and Rural Multipurpose Development Bank.
- ✓ 112-C. deleted
- ✓ 113. Appointment, powers and functions of Trustees.
- ✓ 114. Issue of debentures.
- ✓ 115. Guarantee by State Government.
- ✓ 116. Vesting of property in Trustee and Debenture holders, charge on assets.

CHAPTER – XI- CO-OPERATIVE AGRICULTURE AND RURAL MULTIPURPOSE DEVELOPMENT BANKS.

- ✓ 117. Powers of Co-operative Agriculture and Rural Multipurpose Development Bank to advance loans and to hold lands.
- ✓ 118. Deleted.
- ✓ 119. Order granting loan conclusive of certain matters.
- ✓ 120. Priority of Mortgage.
- ✓ 121. Mortgages executed in favour of Co-operative Agriculture and Rural Multipurpose Development Bank to stand vested in State Co-operative Agriculture and Rural Multipurpose Development Bank.

CHAPTER – XI- CO-OPERATIVE AGRICULTURE AND RURAL MULTIPURPOSE DEVELOPMENT BANKS.

- ✓ 122. Registration of Mortgage or lease, etc., in favour of Co-operative Agriculture and Rural Multipurpose Development Bank.
- ✓ 123. Mortgages not to be questioned on insolvency of mortgagors.
- ✓ 124. Deleted.
- ✓ 125. Mortgages executed by managers of joint Hindu families.
- ✓ 126. Section 8 of XXXII of 1956 to apply to mortgages to Co-operative Agriculture and Rural Multipurpose Development Bank, subject to certain modifications.

CHAPTER – XI- CO-OPERATIVE AGRICULTURE AND RURAL MULTIPURPOSE DEVELOPMENT BANKS.

- ✓ 127. Restrictions on lease.
- ✓ 128. Agriculture and Rural Development Bank to receive money and give discharge
- ✓ 129. Powers of Co-operative Agriculture and Rural Multipurpose Development Bank where mortgaged property is destroyed or security becomes insufficient.
- ✓ 130. Right of Co-operative Agriculture and Rural Multipurpose Development Bank to buy mortgaged property.
- ✓ 131. Recovery of loans by Co-operative Agriculture and Rural Multipurpose Development Bank.

CHAPTER – XI- CO-OPERATIVE AGRICULTURE AND RURAL MULTIPURPOSE DEVELOPMENT BANKS.

- ✓ 132. Powers to distrain.
- ✓ 133. Sale of mortgaged property.
- ✓ 133-A. Mortgaged or encumbered property of tribal not to be sold to non-tribal at public auction under section 133.
- ✓ 134. Confirmation of sale.
- ✓ 135. Disposal of sale-proceeds.
- ✓ 136. Certificate to purchase, delivery of property and title of purchase.

CHAPTER – XI- CO-OPERATIVE AGRICULTURE AND RURAL MULTIPURPOSE DEVELOPMENT BANKS.

- ✓ 137. Recovery of loans on certificate by Registrar.
- ✓ 138. Mode of recovery by Collector.
- ✓ 139. Officers or members of family not to bid at auction sale.
- ✓ 140. Section 40 of Bombay XXVIII of 1947 not to apply to alienation in favour of Agriculture and Rural Development Banks.
- ✓ 141. Provision for Guarantee Funds to meet certain losses.

CHAPTER – XI- CO-OPERATIVE AGRICULTURE AND RURAL MULTIPURPOSE DEVELOPMENT BANKS.

- ✓ 142. Registrars power to permit, any society to function as a Co-operative Agriculture and Rural Multipurpose Development Bank.
- ✓ 143. Service of notice.
- ✓ 143-A. Transfer of rights and liabilities of Government in respect of schemes sanctioned under BOM. 38 of 1942.
- ✓ 144. Power of Committee of State Co-operative Agriculture and Rural Multipurpose Development Bank to supervise Agriculture and Rural Multipurpose Development Bank and make regulation

CHAPTER – XI- CO-OPERATIVE AGRICULTURE AND RURAL MULTIPURPOSE DEVELOPMENT BANKS.

- ✓ 144-1A. Reorganization, amalgamation or division of Co-operative Agriculture and Rural Multipurpose Development Bank in public interest, etc

CHAPTER – XII- OFFENCES AND PENALTIES.

- ✓ 145. PROHIBITION OF USE OF THE WORD “CO-OPERATIVE”
 - No person, other than registered/deemed to be registered co-op. without sanction of State Govt. function/trade/carry on business under name/title of word "co-operative" .
 - Every such person on conviction, be punished with fine up to Rs. 500/-.

- ✓ 146. OFFENCES.

- ✓ 147. PUNISHMENTS FOR OFFENCES UNDER SECTION 146.

CHAPTER – XII- OFFENCES AND PENALTIES.

✓ 148. COGNIZANCE OF OFFENCES.

- Metropolitan Magistrate/Judicial Magistrate of the First Class;
- No prosecution except with the previous sanction of the Registrar.

✓ 148A. CONTEMPT OF CO-OPERATIVE COURT AND OF CO-OPERATIVE APPELLATE COURT.

CHAPTER – XIII- APPEALS REVIEW AND REVISION.

- ✓ 149. MAHARASHTRA STATE CO-OPERATIVE APPELLATE COURT.
- ✓ 150. REVIEW OF ORDERS OF CO-OPERATIVE APPELLATE COURT.
- ✓ 151. CO-OPERATIVE APPELLATE COURT TO HAVE POWER OF CIVIL COURT.
- ✓ 152. APPEALS.
- ✓ 152A. APPEAL AGAINST REJECTION OF NOMINATION PAPER AT ELECTION.
- ✓ 153. EXTENSION OF PERIOD OF LIMITATION BY APPELLATE AUTHORITY IN CERTAIN CASES.

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- ✓ 149. MAHARASHTRA STATE CO-OPERATIVE APPELLATE COURT.
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- ✓ 153. EXTENSION OF PERIOD OF LIMITATION BY APPELLATE AUTHORITY IN CERTAIN CASES.
- ✓ 154. REVISIONARY POWERS OF STATE GOVERNMENT AND REGISTRAR.

CHAPTER – XIII- A

MAHARASHTRA STATE CO-OPERATIVE COUNCIL

✓ 154 A. CONSTITUTION OF STATE CO-OPERATIVE COUNCIL, ITS FUNCTIONS, ETC.

(1) Members/Chairman/Vice-Chairman-Nomination by State Government.

(2) The State Government shall appoint a Secretary of the Council.

(3) The functions of the Council shall be as follows, namely:

(4) The State Govt. may provide for:

(a) Calling of the meetings of the Council and procedure at such meetings,

(b) Duties of the Secretary to the Council,

(c) Sub-committee or committees of this Council,

(d) The term of office of members of the Council and travelling and daily allowances admissible to the members of the Council.

CHAPTER – XIII- A

MAHARASHTRA STATE CO-OPERATIVE COUNCIL

- ✓ **155.RECOVERY OF SUMS DUE TO GOVERNMENT:**
 - **from Society/officer/member/past member/deceased member of society to the Govt.**
- ✓ **156. REGISTRAR'S POWERS TO RECOVER CERTAIN SUMS BY ATTACHMENT AND SALE OF PROPERTY.**
- ✓ **157.POWER TO EXEMPT SOCIETIES FROM PROVISIONS OF ACT. State Govt.**
- ✓ **158. DELEGATION OF POWER OF REGISTRAR TO CERTAIN AUTHORITIES AND OFFICERS. State Government may, by notification in the Official Gazette.**
- ✓ **159.BRANCHES, ETC OF SOCIETIES OUTSIDE THE STATE.**

CHAPTER – XIII- A
MAHARASHTRA STATE CO-OPERATIVE COUNCIL

- ✓ **160.HANDING OVER RECORDS AND PROPERTY TO NEW CHAIRMAN ON ELECTION.**
- ✓ **160A.MEMBERS OF STATE LEGISLATURE AND CERTAIN LOCAL AUTHORITIES NOT TO BE REMUNERATED WHILE HOLDING CERTAIN OFFICES IN SOCIETIES.**
- ✓ **160B. MEMBERS OF COMMITTEES NOT ENTITLED TO TRAVELING ALLOWANCE, DAILY ALLOWANCE ETC., AT A RATE HIGHER THAN THE MAXIMUM PRESCRIBED.**
- ✓ **161.REGISTRAR AND OTHER OFFICERS TO BE PUBLIC SERVANTS.**

CHAPTER – XIII- A

MAHARASHTRA STATE CO-OPERATIVE COUNCIL

- ✓ **162. INDEMNITY FOR ACTS DONE IN GOOD FAITH.**
 - No suit/prosecution/other legal proceedings against Registrar etc. in respect of anything in good faith done/purported to be done by him by or under this Act.
- ✓ **163. BAR OF JURISDICTION OF COURTS – No Civil or Revenue Court has jurisdiction to intervene in the proceedings before Registrar/Co-operative Court.**

CHAPTER – XIII- A

MAHARASHTRA STATE CO-OPERATIVE COUNCIL

- ✓ 164. NOTICE NECESSARY IN SUITS: Two months Notice.
- ✓ 165. RULES – by State Govt.
- ✓ 166. REPEAL, SAVING AND CONSTRUCTION – previous Act repealed – provisions of this Act applicable retrospectively.
- ✓ 167. COMPANIES ACT NOT TO APPLY.
- ✓ 168. POWER TO REMOVE DIFFICULTY – to State Govt.

Presented By :

**CA. Ramesh S Prabhu
(Chairman) MSWA**