

The DCS Act 2003

Section 38 - (1)

a) If the records, registers or the books of account of a co-operative society are likely to be tampered with or destroyed and the funds and property of a co-operative society are likely to be misappropriated or misapplied; or (b) if the committee of a co-operative society is reconstituted at general body meeting of the co-operative society or the committee of a co-operative society is removed by the Registrar under section 37 or if the co-operative society is ordered to be wound up under section 95, section 96 or section 97 and the outgoing members of the committee refuse to hand over charge of the records and the property of the co-operative society within fifteen days of notice by the new committee or administrator or the liquidator to those having or entitled to receive such charge; (c) the newly elected committee or administrator or the liquidator, as the case may be, on expiry of fifteen days notice shall apply to the Registrar, who on application by the newly elected committee, administrator, the liquidator or suo-motu, if satisfied, may approach the Divisional Commissioner to authorise the Sub-divisional Magistrate in whose jurisdiction the registered office of the society is located, in the prescribed form setting forth the reasons therefor, to enter, search or break open any premises where such records and properties of the society are kept and seize any such records and properties of the society and to cause delivery to the new committee, administrator or the liquidator of the records and properties of the society. (2) For the purpose of the proceedings under sub-section (1), the authorization aforesaid shall be conclusive evidence that the records and properties to which it related belong to the society. (3) The officer authorised under sub-section (1) may take such police assistance as may be necessary for the said purpose and the expenses incurred under this section shall be borne from the funds of the society. (4) The provisions of section 100 to 102 (both inclusive) of the Code of Criminal Procedures, 1973 (Central Act, 2 of 1974) relating to searches and seizure shall apply, so far as may be, to searches and seizure under this section. Acts of co-operative society not to be invalidated by certain defects.