

The DCS Act 2003

Section 40 - Any member of a co-operative society

other than a co-operative housing society) may be expelled by a resolution passed by the committee of the co-operative society subject to the approval of such resolution by the Registrar if : (i) the member has wilfully deceived the co-operative society by false document to obtain the membership of such co-operative society; or (ii) the member incurs any of the disqualifications for being a member of the co- operative society; or (iii) the member has brought disrepute to the co-operative society or has done any other act detrimental to the interest and proper working of the co-operative society: Provided that the member concerned shall not be expelled unless he has been given a reasonable opportunity to represent himself in the matter: Provided further that no member shall be expelled unless the resolution for such expulsion is passed by a majority of not less than three-fourths of the members present and entitled to vote in the meeting of the committee and no resolution for expulsion shall be valid unless approved by the Registrar. (2) After the resolution for expulsion is passed as above by the committee, the resolution shall be referred to the Registrar for approval within a period of thirty days. (3) On receipt of the resolution for expulsion, the Registrar shall take cognizance of such resolution within thirty days and pass a final order either approving the expulsion or rejecting the proposal for expulsion within a period of one hundred and eighty days and if the matter is not decided by the Registrar within the aforesaid period, the expulsion of such a member shall be deemed have been approved: Provided that the Registrar, before approving the resolution, shall hear the parties in the manner prescribed and shall have power to summon and enforce attendance of witness including the parties interested or any of them and compel them to give evidence on oath, affirmation or affidavit and to compel production of documents by the same means as far as possible in the same manner as provided in the case of a civil court under the Code of Civil Procedure, 1908 (5 of 1908) and the order under this section so passed by the Registrar shall be final with a right for appeal before the Tribunal. (4) Any party aggrieved by the order of the Registrar or deemed approval of expulsion, as the case may be, under sub-section (3) may, within sixty days from the date of such order, appeal to the Tribunal. Section 41 - Cessation of membership of Cooperative Society