

The DCS Act 2003

Section 137 - (1) The Government may, by notification published in the official Gazette, make

rules for carrying out all or any of the purposes of this Act and for any class of co-operative societies. (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely - (a) prescription of viability norms for registration of a co-operative society; (b) the maximum number of shares or proportion of the capital of a co-operative society which may be held by a member; (c) the form to be used and conditions to be complied with in making of application for the registration of a co-operative society and the procedure in the matter of such applications; (d) the procedure to be followed in making, altering and abrogating the bye-laws and the conditions to be specified prior to such making, alteration and abrogation and compulsory amendment of the bye-laws by the Registrar; (e) the procedure and conditions for change in the form and extent of liability of a co-operative society; (f) procedure for amalgamation, transfer of assets and division of co-operative society; (g) classifications of co-operative societies with reference to their objects, area of operation, membership or any other matter by the Registrar; (h) conditions to be complied with by a person applying for admission or admitted as member; (i) admission of any person as nominal, associate or joint member and the terms and conditions and the procedure to be followed therefor; (j) right of membership to be acquired only on payment made towards membership and interest to be acquired to exercise the right of membership and the manner in which vote can be exercised; (k) restriction on transfer of shares or interest; (l) transfer of interest on death of a member, procedure and liability of past member and estate of the deceased member; (m) the proportion of individual and co-operative society in the constitution of the committee and the general body of co-operative society of which other co-operative society is a member and the power exercisable by such committee or general body; (n) the procedure for holding of annual general body meeting, time to be given for finalising the accounts at the close of the co-operative year, consequence of failure of a committee to conduct the annual general body meeting in time and action by the Registrar to conduct the same and recovery of the expenses as arrears of land revenue from the defaulting persons; (o) details of the returns and their format to be filed relating to the constitution, business and allied matters by a co-operative society within thirty days of holding of the annual general body meeting; (p) the procedure for holding a special general body meeting and recovery of expenses from delinquent officers of the committee; (q) the constitution of the committee of a co-operative society for its management, procedure for nomination of members on the committees where the Government has contributed equity share capital and the Government guarantees have been given for loans or floating of bonds; (r) the procedure for holding of the elections and the steps to be initiated for such election before the expiry of the term, appointment of an administrator on failure to conduct elections and to conduct election within ninety days, recovery of expenses from the delinquent officers of the committee in cases of default; (s) prescribing reservation of seats for schedule castes, other backward classes and woman on the committee, where share capital is subscribed by the government and reservation of two seats for woman in all types of co-operative societies; (t) rules and procedure for conducting the election of the committees; (u) the procedure for making a motion expressing lack of confidence in the committee or any of its officer in the special general body meeting convened for the purpose and setting up an ad-hoc committee to conduct fresh elections within the period of ninety days; (v) the modalities to be complied with before supersession of the committee of a co-operative society and constitution of the new committee by the administrator before the expiry of his term; (w) procedure for authorisation to Sub-divisional Magistrate for securing possession of records of a co-operative society; (x) the manner in which funds may be raised for running the business of a co-operative society; (y) the procedure to be followed for cessation of membership in a cooperative society; (z) procedure to be followed for expulsion of members other than members of co-operative housing societies; (za) the procedure for certifying any entries in the books of a co-operative society and charges to be levied for supply of copies thereof; (zb) the formation and maintenance of reserve fund and other funds, and the objects to which such funds may be applied and allocation and distribution of the net profit arrived

thereafter;(zc) the amount and percentage of net profit to be contributed by a co-operative society for Co-operative Education Fund and its utilisation;(zd) manner in which a co-operative society may invest or deposit its funds;(ze) the limit up to which a co-operative society can receive deposits and loans, conditions for it;(zf) prohibitions and restrictions subject to which co-operative societies may transact business with the persons who are not members;(zg) the manner of getting the audit conducted by an auditor on the panel of the Registrar within the prescribed time limit, action by the Registrar on failure to comply with the time limit by a co-operative society and recovery of expenses for getting the audit conducted as arrears of land revenue from the officers of the committee;(zh) the manner in which a copy of audit report to be sent to the Registrar and rectification of defects by a co-operative society reported in the audit report by an auditor;(zi) the manner in which inspection, inquiry and inspection of books of indebted co-operative society is to be conducted, the security money to be deposited by a creditor for such inspection and the follow up action to be taken on the findings including the rectification thereof;(zj) the accounts and books to be kept by a co-operative society during the course of its business and on failure to do so, to get them completed by the Registrar by engaging other persons as a charge on the committee recoverable as arrears of land revenue, the procedure and fee to be charged for it;(zk) the manner in which disputes to be referred for arbitration and fee for it;(zl) the procedure for selection and appointment of members of arbitrator (substituted vide Notification No. F.14(31)/LA- 2004/16 dated 17/01/2005), their terms and conditions of service and related matters;(zm) the procedure to be followed before the Registrar or arbitrator (substituted vide Notification No. F.14(31)/LA- 2004/16 dated 17/01/2005) for settlement of disputes and guidelines and the format for announcing the award;(zn) the manner in which the affairs of a co-operative housing society shall be managed, rights and privileges of members on allotment of plot or flat, issue of certificate of allotment giving therein the details of plot or flat and the rights and privileges of member therein and member's obligations towards the co-operative society;(zo) the procedure for the allotment of plot or flat by draw of lots and for the verification of membership or change in the membership, with special reference to co-operative housing societies which have been allotted land on leasehold right basis by the lessor;(zp) the manner in which membership can be transferred in a co-operative housing society to heir or a nominee subject to the terms and conditions of the lease of land;(zq) the manner in which occupancy rights may be transferred in a co-operative housing society subject to right of the lesser in terms of lease deed of the land;(zr) the guidelines for the creation, maintenance and utilisation of the building maintenance fund and replacement fund in a co-operative housing society;(zs) the manner in which a mortgage in favour of a co-operative housing society or apex can be registered, its procedure and format;(zt) the procedure and manner of settling disputes in a co-operative housing society;(zu) the procedure for recovery of outgoings and arrears of dues of co-operative housing society or the apex by the Registrar as arrears of land revenue;(zv) the recovery of dues and foreclosure of properties in respect of dues of a co-operative housing society, apex and other approved housing finance institutions;(zw) the manner and procedure in which a member of a co-operative housing society may be expelled;(zx) the manner and procedure in which the membership of a member of co-operative housing society can be ceased;(zy) the guidelines for the management of co-operative housing societies;(zz) the guidelines for the maintenance of essential services in a co-operative housing society;(zza) the form of register of the properties to be maintained by co-operative housing society;(zzb) the manner of regularisation of membership of persons who have acquired property in a co-operative housing society as power of attorney holder or purchaser of property through agreement of sale and purchase subject to right of lessor and procedure for enforcement of time limit for conversion of property to freehold;(zzc) the prescription of the guidelines for execution of co-operative housing projects and procedure for initiating action in case of default; (zzd) the prescription of the guidelines for the management of co-operative housing complex by the co-operative housing societies; (zze) the manner in which a house building co-operative society which has achieved its objects is to be wound up and the scheme therefor subject to the prior consent of the lessor; (zzf) the procedure to be followed in respect of co-operative societies which have decided for the dissolution or where liquidator has been appointed for winding up proceedings by the Registrar and finalisation thereof; (zzg) the manner of service of notice regarding the procedure for enforcement of charge; (zzh) the manner of effecting execution of orders and attachment; (zzi) attachment before award and authorisation of officers by the Registrar for taking custody, preservation and sale of property under attachment, recovery of debt as arrears of land revenue, specifying officers who can be delegated powers of the Registrar to attach property before announcement of the award; (zzj) recovery of dues as arrears of land

revenue procedure for it; (zzk) the procedure to be followed in presenting and disposing of appeals; (zzl) the procedure for selection of members of the Tribunal, laying down the qualifications and the terms of the Chairman and the members of the Tribunal, and framing of regulations for the working of Tribunal; (zzm) the procedure for submission of application for review; (zzn) the procedure for making submission for revision; (zzo) issuing directions to the co-operative societies to frame service rules for employees; (zzp) fee to be fixed for supply of documents and information to a member or a creditor; (zzq) the method of communication or publishing any order, decree or award required to be communicated or published under this Act or the rules; (zzr) any other matter which is required to be, or may be, prescribed under this Act.(2) Every rule made under this Act shall be laid as soon as may be after it is made, before the Legislative Assembly of the National Capital Territory of Delhi while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, the Legislative Assembly agrees in making any modification to the rule or the Legislative Assembly agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule. Power of the Registrar to give directions to the co-operative banks.

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