

THE BYE-LAWS
OF

ANNEXURE -10

THE NATIONAL CO-OPERATIVE HOUSE BUILDING SOCIETY LIMITED KHARAR

NAME, ADDRESS AND AREA OF OPERATION

1. The society shall be called the *National Co-operative House Building Society Ltd. Kharar*. It shall be referred to here-in-after in these bye-laws as the society.
2. The registered address of the society shall be the National Co-operative House Building Society Limited Kharar Post Office Kharar Tehsil kharar District Mohali (S.A.S Nagar)
3. The area of the Society shall be Kharar.

3A. Definitions.

- i. 'Act' means the Punjab Co-operative Societies Act, 1961.
- ii. 'Rules' means the Punjab Cooperative Societies Rules, 1963.
- iii. 'Registrar' means the Registrar Co-operative Societies Punjab.
- iv. 'Housefed' means the Punjab State Federation of Cooperative House Building Societies Ltd.
- v. 'Committee' means the governing body of a co-operative society, by whatever name called, to which the management of the affairs of the society is entrusted.
- vi. 'Deputy Registrar' means the Deputy Registrar Cooperative Societies of the district in which the Society is registered.
- vii. 'Assistant Registrar' means the Assistant Registrar Cooperative Societies of the Sub division in which the Society is registered.
- viii. 'Member' means a person joining in the application for the registration of a cooperative society and a person admitted to membership after such registration in accordance with the Act, the Rules and the Bye-laws and includes a nominal and an associate member and the Government when it subscribes to the share-capital of a society.
- ix. 'Associate member' means a member who holds jointly a share of a cooperative society with others but whose name does not stand first in the share certificate.
- x. 'Nominal member' means a person admitted to membership as such after registration in accordance with the bye-laws.
- xi. 'Officer' means the president, vice president, chairmen, vice-chairman, managing director, secretary, manager, member of committee, treasurer, liquidator, administrator and includes any other person empowered under the rules or the bye-laws to give directions in regard to the business of a cooperative society.
- xii. 'Chairman' means chairman of the committee.
- xiii. 'Vice-chairman' means Vice-chairman of the committee.

OBJECTS

4. The objects of the society shall be: -
 - i. To purchase, take on long lease or acquire by exchange or other-wise land for construction of houses or housing colonies.
 - ii. To construct, hire or acquire buildings for the individual and collective benefit of the members.

- iii. To sell or to exchange house sites with members, rent out or lease buildings for common use, surrender or accept surrender of houses or house sites.
- iv. To purchase and sell to members requisite material for construction and repair of houses.
- v. To establish and carry sanitary, social, educational and recreation all activities for the benefit of the members.
- vi. To raise funds, and to give loans to members for the construction of houses by themselves or on their behalf.
- vii. To prescribe house plans.
- viii. To undertake measures to spread knowledge of co-operative principles and practices.
- ix. To undertake other such activities as are conducive to the attainment of the above objects.
- x. To take steps to ensure and spread awareness for effective disaster management.

5. A person may be eligible to become a member of the society if She/he is;

- i. An individual competent to contract under Section 11 of the Indian Contract Act 1872 (9 of 1872)
- ii. Over 18 years of age.
- iii. Of sound mind
- iv. A citizen of India or an NRI or has Overseas citizenship of India.
- v. Intends to build a house for his own use or for use of her/his children in the area of operation of the society.
- vi. Of good character.

6. No individual shall be eligible for admission as member of the society, if: -

- i. He has applied for bankruptcy.
- ii. He has been declared as an insolvent: or
- iii. He has been sentenced for any offence involving dishonesty or moral turpitude within 5 years preceding the date of his admission as a member.

6A. ~~After Registration it will be compulsory for the cooperative housing society to become a member of Housefed before it starts functioning. ----- Deleted-----~~

6B. No member of a cooperative house building society shall exercise voting rights of member unless she/he has: -

- i. Paid the requisite membership fees and share capital
- ii. Has no arrears regarding her/his portion of land cost due, if society has acquired land for the society, for payment, which she/he has been given adequate time as decided by the general body/committee.
- iii. Has no arrears due to the society towards share of construction cost/external development charges within the premises of the society.
- iv. Has no arrears regarding maintenance charges duly proposed by committee and finally approved by general body.

- v. Paid all such payments to the society as are due from her/him.

[For all such payments the member will be considered to have arrears pending if he fails to deposit the amount within three months or such longer period which may be decided by the committee of the society, after the society has intimated her/him in written about the amount due through registered post, email and she/he has been given adequate time (not less than three months) for payment (as decided by general body/committee), the payment is still due.]

- 7 (a). I. After registration of the society, the committee will be competent to admit new Members subject to overall limit of members defined by the general body of the society.
- II. Any person intending to take membership of the society will give a written application along with PAN/Photo ID copy to the society as well as share money and prescribed fee, if any, in form of Demand Draft (DD) or through RTGS/NEFT. No cash or cheques will be accepted for this purpose.
- III. All applications received from persons desirous of becoming member of the society will be placed before the committee through an agenda item clearly depicting name and addresses of all applicants.
- IV. The Applications will be considered by the committee to determine whether the applicants are eligible and fit to be made members. The decision of the committee will be conveyed to the applicants in writing through registered AD letter or email within 3 weeks of the decision of the committee. Reasons for the refusal to admit shall be specifically conveyed to the applicant. The Deputy Registrar Cooperative Societies concerned will also be intimated by the committee about the decision in each case both through email and letter. The decision of the committee shall also be published on the website of the society within 15 days from the date of meeting.
- V. Any person who has been refused admission shall have right of appeal before the Registrar or such officer as may be authorized by the Registrar within 60 days of the date of communication of refusal. Decision of the appeal shall be final and binding upon both society and member.

(b). Every member of the cooperative society shall have one vote in affairs of the society Provided that: -

- i. A member who has attended less than two General meetings out of the last five general meetings; or
- ii. A member who is denied voting right due to non- payment of amounts due as provided in bye-law 6B.
- iii. A person who has been a member of the cooperative society for a period less than nine months.

Shall not be eligible to participate in the general meeting of the cooperative society for election to the committee of the cooperative society.

Provided further that: -

- i. In case of equality of votes, the chairman shall have a second or casting vote.
- ii. A nominal or associate member shall not have the right of vote.

- (c). If a member does not pay cost of land or cost of dwelling unit/external development charges and continues to remain a defaulter of these even after elapse of 180 days period or such further period as may be allowed by managing committee/general body through general/special order on prescribed terms and conditions after due notice including through registered post and email has been served on her/him, she/he may be expelled as member from the society after following due procedure (as given in bye-laws 11 (b)) and any allotment made to him should be cancelled. The society shall be at liberty to forfeit up to 10% of the deposit of the member lying with the society at the time of expelling member. The notice shall also be published on the website of the committee.

- 7 A. No Cooperative Housing Society shall ordinarily refuse to grant to its member permission for transfer of his occupancy right in the property of the cooperative house society unless the transferee is otherwise not qualified to be a member.

Provided that nothing contained in any agreement, contract or the bye-laws regarding eligibility for membership stipulated therein shall apply to a nominee, heir or legal representative of the deceased member for his admission to membership of the cooperative housing society,

Provided further that the society should not refuse any member permission to transfer his membership on occupancy rights to his class-I heirs, during his life time.

Provided further that aforesaid transfer in case of leasehold land shall be governed by the provisions of the perpetual lease of land.

Provided further that General Body of the Society may impose any other conditions regarding such transfer by a majority of not less than two third (2/3rd) of its members present and voting.

Provided further that transfer fee to be collected by the society in case of transfer of members occupancy right in the property of the cooperative housing society should not in any circumstance exceeds the Collector Rate of the land of the area in which the property of the society is located in case of plots and should not exceed equivalent rate based on covered area in case of flats.

Provided further that in case of family transfer or transfer to a nominee, heir or legal representative of a deceased member no transfer fee shall be collected by the society.

A person on transfer of flat/plot from an existing member will step into his shoes subject to the provisions of Bye-laws and such other conditions that can be imposed in pursuance of the provisions mentioned herein above. All such transfers would be approved in the meeting of the Executive Committee of the Society to be held from time to time. All transfers of membership would thereafter be incorporated in the register of members of the society and also published on the website.

7 C (i). An appeal against the orders/decision of the cooperative housing society refusing permission for transfer shall lie with the Deputy Registrar Cooperative Societies concerned within Thirty days from the date of refusal.

7 D. No member of the society shall hold more than one dwelling unit or plot in her/his own name or in name of spouse or dependent children in the society. Provided that this restriction shall apply only for original allotment by the society and this restriction shall not apply if a member purchases an additional plot or dwelling unit from another member.

Provided further that if land has been allotted to the society by any government agency, then a member shall not be allowed to hold more than one plot/dwelling unit in the society.

8. The Society shall not admit members within 14 days prior to the date of Annual General Meeting.

9. Every member on admission shall sign his name or make his thumb-marking on the register of members and shall pay an admission fee of Rs.10/

10. (i) Every member of the society shall nominate a person to whom his share or interest or such sums out of share or interest as maybe specified by the members, shall on the death of the member be transferred or paid as laid down in these bye-laws.

(ii) Such nominations may, from time to time, be revoked or modified by the member.

(iii) The number of persons who may be nominated by a member shall not exceed the number of shares held by the member.

iv) When a member of the society nominates more than one person, he shall as far as practicable, specify the amount to be paid or transferred to each nominee in the terms of whole shares and the interest accruing thereon.

(v) The record of nomination shall be kept by the society in such manner as maybe laid down by the Registrar from time to time.

(vi) The value of the share or interest transferred or paid to a nominee or nominees shall be determined on the basis of the sum actually paid by the member to acquire such share or sum interest.

11. (a) A member may be expelled for one or more of the following reasons: -

- i. ceasing to possess qualification laid down in bye law no.5
- ii. failure to pay the share-money or amounts due from her/him to the society;
- iii. conviction of a criminal offence involving dishonesty or moral turpitude;
- iv. applicant for bankruptcy;
- v. an action which may be held by the general body to be dishonest or contrary or contrary to the interests reputation and stated objects of the society.

(b) No member shall be expelled except by a resolution passed by 2/3 majority in the general meeting at which not less than half the members are present and vote.

The member so expelled shall have the right of appeal to the Registrar against the decision of the general body within one month of the date of such decision.

12. A person shall cease to be member of the society in one or more of the following circumstances: -
- i. Death;
 - ii. Ceasing to hold at least one share;
 - iii. Withdrawal in accordance with the procedure laid down in bye-law No. 18 of these Bye-Laws;
 - iv. Permanent insanity;
 - v. Declaration of bankruptcy;
 - vi. Who sells her/his houses/dwelling unit/pot allotted by the society or transfer her/his interest share to some other person.

Declaration of cessation shall be made by the Deputy Registrar Cooperative Societies concerned after making due enquiry.

- 12A. After completion of allotment of land/flat to the members of the society at a particular site, the non-allottee members of the society would exercise one of the following two options:

(a) If the majority of the non-allottee members so desire by an application duly signed by them, the society will be bifurcated into two societies having the same name and followed by words (First and Second) All contributions made by these non-allottee members to the society including their share will be transferred to the new society of non-allottee members within a period of three months from the date of Bifurcation; or

(b) In case of non-allottee member do not exercise the options (a) above within three months from the date of completion of allotment of land/flats to the members of the society at a particular site, he will automatically cease to be a member of the society and the society will refund all his dues and contributions.

- 12B. I. Allotment of flat/plot/dwelling unit shall be made in the General Body meeting of the society in which 50% of the total members or 500 members, whichever is less, are present.
- II. Only those members shall be eligible for allotment of plots/flats/dwelling units who have paid the required amount called by the society through proper notice published on the website and in a leading newspaper (vernacular and English) within the specified time. Provided that a minimum period of 2 months shall be given to the members to deposit the money required for making them eligible for allotment. Provided further that if land has been allotted to the society by a government agency like PUDA, GMADA, GLADA etc, then the eligibility conditions imposed by the agency allotting land to the society will also have to be satisfied by every member seeking allotment.
- III. Allotment will be made by a draw of lots amongst eligible members (those who deposited the required amount before the specified time period as prescribed by general body/committee). Provided further that the founding members of the society shall have first right to be allotted the plots/flats/dwelling units etc subject to their being able to fulfil the laid down eligibility conditions.
- IV. Members who are absent in the general body meeting for allotment shall be considered in a subsequent general body meeting for the plots remaining after first such meeting.
- V. The proceedings of allotment shall be video-graphed.

VI. Allotment of plots/flats/dwelling units shall be made in the presence of the nominee of the Deputy Registrar concerned.

VII. Proceedings of the General Body Meeting/allotment shall be published on the website of the society within 48 hours.

12C. I. For the purpose of construction of dwelling units for the members or any other development work at the site of the society's land, tenders must be called by the Committee in a transparent manner. This must be done under written intimation to the Assistant Registrar.

II. The process of any development work in the land of the society must be undertaken only when the society is in possession of land after allotment in case of Agencies like GMADA, GLADA etc. or in case of private purchase of land in area approved by the PUDA, GMADA etc by society. It must be done only after mutation of land is recorded in the name of the society in the record of revenue department with due approvals from all concerned government departments regarding the land on which the complex of the society is to be built.

III. The committee will hire the services of an architect who is empanelled by the respective area development authority of the government (GMADA, GLADA, PUDA etc.)/ municipality to design the building plan/ site plan. The building plan/ site plan must then be duly sanctioned as per norms of the respective area development authority. Structural design must be duly approved by structural design consultants empanelled by the area development authority concerned.

IV. The DNIT (Detailed Notice Inviting Tender) framed on basis of the above, must be approved by the committee.

V. The notice for inviting tenders must be published in two leading newspapers (one in vernacular and one in English)

IV. Opening of tenders must be done in the presence of the Assistant Registrar. Technical Bid must be opened first. Financial Bid must be opened of only those firms which qualify the technical bid.

VII. A firm (whether individual proprietorship or partnership) which is either partly or fully owned by a member of committee or society/his or her relatives or a firm in which a member or his/her relatives have direct or indirect interest shall be ineligible to take part in the tendering process to ensure transparency and prevent conflict of interest. An undertaking to this effect must be taken from the firm at the time of submitting the tender bid.

VIII. The proceeding of the tendering process will be duly video- graphed.

IX. Finalization of tender must be done by keeping in mind Punjab Schedule Rates. For those commodities for which schedule rates are not in existence provisions may be decided at the time of floating of tender.

X. E-tender system.

XI. Before award of tender, it shall be duly got approved by the general body compulsory attended by the concerned Assistant Registrar Cooperative Societies or his nominee and only then should the agreement between the society and the firm (whose tender has been finalized after due process) be signed.

XII. If a matter of conflict of interest relating to any member of society or her/his relatives and the firm awarded the tender should come to light at any stage, then the decision of the general body about whether to continue or not continue the agreement shall be final.

XIII. No sub-contracting of construction work by contractor will be allowed. This will result in immediate cancellation of agreement and calling for new tenders.

XIV. The construction of the dwelling units of the members will be done in accordance with the relevant provisions of Real Estate (Regulation and Development) Act 2016 (RERA).

LIABILITY

13. The liability of a member for deficit in the assets of the society, in the event of being wound up, shall be limited to five times the value of the share capital subscribed by him.

FUNDS

14. The society may raise funds by: -

- i. Issuing of shares of value of Rs 500/- each.
- ii. Acceptance of deposits from members and non-members;
- iii. Raising of loans;
- iv. Accumulation of profits;
- v. Reserve and other funds;
- vi. Grants and subsidies.

15. Each member shall take at least one share of the value of Rs 500/- at the time of admission, payable in lump sum.

16. Every member shall hold only one share. If any member by inheritance or otherwise becomes possessed of more than the maximum share holding permitted by this rule, the managing committee shall have the power to sell the excess number or buy them on behalf of the society and to hold the proceeds at his disposal.

17. If the payment due on account of shares remains unpaid, for more than 3 months, the managing committee may declare such shares forfeited together with all payments made thereon and the rights of membership attaching to those shares shall there upon be extinguished. The committee may allow such shares to be restored provided: -

- i. That all arrears together with such interests as the committee may demand are paid up, and
- ii. That such payment is made within three months of the date of forfeiture.

18. No member of the Society shall ordinarily be permitted to seek withdrawal of refund of his share. But the Managing Committee of the Society may, after creating share transfer fund out the net profits of the Society may, after creating share transfer fund out the net profits of the Society, allow withdrawal of shares provided that such withdrawal shall not, at any time, exceed 5% of the aggregate paid up shares' capital of the Society, excluding Government contribution if any as it stood on the 30th June of the preceding year.

19. The value of shares transferred shall in no case be more than the sum received by the Society in payment thereof.

MAXIMUM CREDIT LIMIT

20. The maximum credit limit of the society shall be fixed by the General Body in accordance with the instructions laid down by the Registrar from time to time. The limit thus fixed shall be subject to the approval of the Registrar who may, at any time, reduce it.

GENERAL BODY

21. I. All the members of the society (except nominal and associate members) on a given date shall meet to discuss a specific agenda and thereby constitute the general body of the Society.
- II. The agenda shall not include any item authorizing chairman or any other member/officer/body what so ever to consider, to bring, to propose or to deliberate any item on the spot with or without the permission of the chair.
22. The general body of the members of the Society shall meet from time to time and within a period of six months of the close of the financial year every year. A meeting of the general body shall be convened by the Secretary of the society under the direction of the Managing Committee. A general meeting shall be convened, if the requisition for such a meeting is signed by not less than **one fifth (1/5)** of the total members, is received by the managing committee. If on the receipt of the requisition the managing committee fails within 30 days time to convene the general meeting the signatories who may, if he thinks fit, summon the general meeting. The Registrar, may on his own motion, at any time, summon a general meeting of the society.
23. At least a fifteen days clear notice specifying the date, place, time and agenda of the General meeting shall be given: -
- (a) By affixing a copy of the notice at the office of the Co-operative Society.
 - (b) (i) By circulation of the notice book and getting signatures of members on it.
(ii) By sending the notice to the members by Registered post and through email. It should also be published on the website of the society; or
(iii) By beat of drum in the area of operation of the Co-operative society, provided that the area of operation consists of one village only.

The quorum for the general meeting shall be **one-fourth (1/4)** of the total number of members of 500. Whichever is less. If, at the hour fixed for a general meeting, the quorum is not forth coming the Chairman of the meeting shall, if the meeting has been called on the requisition of the members, adjourn it and no further general meeting shall be convened on the strength of the requisition. If the general meeting is convened otherwise than on requisition of the Chairman shall postpone the meeting to a further date. A fresh notice for the subsequent general meeting shall be

given to all members. The business at the subsequent general meeting may be transacted with the number of members present.

24. The president or, in his absence, The Vice President shall preside over meetings of the General Body; when both of them are absent the members present shall elect a Chairman for the meeting.
25. Every member of General body shall have one vote. Voting by proxies shall not be allowed at the General Body unless otherwise provided in these bye-laws, all questions shall be decided, by a majority of votes of the members presents. When the votes are equal, the Chairman for the general body shall have a casting vote.
26. Unless otherwise provided in these bye-laws the ultimate authority in all matters relating to the Administration of the society shall vest in the General body.
27. Without prejudice the general provisions of the proceeding bye-laws, the General body shall have the following powers and duties: -
 - i. The election of the elected members of the Managing Committee.
 - ii. The consideration of the annual report of the society. Its audited balance sheet and profit and loss account and the inspection notes.
 - iii. disposal of net profits;
 - iv. the fixation of the maximum credit limit of the society consistent with these bye-laws, subject to the approval of the Registrar;
 - v. The fixation of the maximum credit for each member provided that such limit shall not be more than that laid down in the Registrar's instructions, this limit may be exceeded with the special sanction of the Registrar in each case.
 - vi. Amendment of bye-laws as per law and rules.
 - vii. Sanction of the plan of construction of house in common use of the society, and of general lay out of the housing plans and streets, roads and drains;
 - viii. To sanction contribution and levies of members for common services rendered by the Society.
 - ix. Approve the programme of the activities of the society prepared by the committee for the ensuing year.
 - x. Appoint auditor or auditing firm.
 - xi. To be informed about admission and termination of members.
 - xii. To be informed regarding amendment of bye-laws registered in the previous year.
 - xiii. Consideration of any inspection report under section 49 of the Punjab Coöperative Societies Act 1961 and any inquiry report under section 50 of the Act and action taken thereon by the concerned authority.
 - xiv. Information regarding instructions issued by the Registrar under rule 45 of the Punjab State Cooperative Societies Rules 1963.
 - xv. Approve transfer or lease or mortgage or sale of immovable assets of the society by a resolution passed by a majority of members present at the general meeting at which not less than two- third (2/3) of members for the time being are present. Such transfer or lease or mortgage or sale of immovable assets of the society shall be executed only after obtaining approval of the same from Registrar Cooperative Societies, Punjab.
 - xvi. Consideration of loans and advances made to members of the managing committee and their relatives, the defaults, if any, and the action taken for recovery thereof.
 - xvii. To be informed regarding misappropriation or embezzlement of funds, if any, and action taken against the persons responsible for the same including the civil, criminal and disciplinary actions.

- xviii. Define the overall limit for admission of new members by the committee after registration of the society.
 - xix. Allotment of flat/plot/dwelling unit.
 - xx. Approve the tender of construction or development work on site before award and agreement of the same between the society and the firm whose tender has been finalized after process.
 - xxi. Promote awareness among members of the society regarding Disaster Management and approve plans of the society to take timely action to prevent disaster and mitigate loss to the person or property of the members in case disaster strikes.
28. Each member present shall be entitled to exercise one vote only. In case of equal votes, the President shall have a casting vote.
29. All business discussed or decided at the general meeting shall be recorded in a proceedings book which shall be signed by the Chairman of the meeting.

MANAGING COMMITTEE

30. The managing Committee of the society shall consist of not more than 7 members of the society.
- 30A. The 1st Managing Committee should be nominated by the Registrar, Co-operative Societies, Punjab.
31. No person shall be eligible for election as a member of the Managing committee of the society if he: -
- a. Is below 21 years of age; or
 - b. Is a paid employee of the society or the financing bank; or
 - c. Is convicted of any offence involving dishonesty or moral turpitude or any election offence under section 71 (7) of the Punjab Cooperative Societies Act, 1961 and a period of 5 years has not elapsed since his conviction; or
 - d. Has applied for insolvency; or is declared insolvent; or
 - e. Is or of unsound mind; or
 - f. Is in default in the payment of the sum due to this or any other Co-operative Society for a period exceeding three months from the date on which the payment fell due; or
 - g. Holds any office of profit under society or recovered by honorarium; or
 - h. Is interested directly in any contract with the society in any sale or purchase made by the society privately or in auction.
 - i. He has attended less than two general meetings out of the last five general meetings of the Society provided that this condition shall not apply to such a member within whose period of membership five general meetings have not been held.
32. The committee shall be elected in the manner laid down in the Act, the Rules and the Instructions issued by the Registrar in this regard from time to time. The Committee and its office-bearers shall hold office for 5 years (both being co-terminus). Provided that the committee may fill a casual vacancy on the committee by nomination out of the same class of members in respect of which the casual vacancy has arisen, if the term of office of the committee is less than half of its original term; provided further that such casual vacancy shall be filled in a meeting of the committee held in the presence of a nominee of the Registrar.
33. A member of a Committee shall cease to hold office if he: -
- i. ceases to be a share-holder of the society; or
 - ii. applies for insolvency or is declared insolvent; or

- iii. is convicted of any offence involving dishonesty or moral turpitude; or
- iv. holds any office or office or profit under the Society or received any honorarium from the Society; or
- v. resigns and his resignation is accepted by the committee; or
- vi. absents himself from three consecutive meetings of the Managing Committee; or
- vii. defaults in the payments of his sums due to this or any other Co-operative society for a period exceeding 3 months from the date on which the payment fell due; or
- viii. becomes a paid employee of society or of the financing bank; or
- ix. acquires an interest directly or indirectly in any contract with the Society or in any sale or purchase made by the Society privately or in auction.
- x. Becomes of unsound mind.
- xi. Fails to comply with the directions given by the Registrar for sharing any information with the members of the Society or fails to produce or fails to cause to be produced any record or information required by the inquiry officer in any inquiry ordered by the Registrar.
- xii. Commits any act which is prejudicial to the interests of the Society or its members; or
- xiii. Becomes subject to any disqualification which would have prevented him from seeking election, had incurred that disqualification before election.

Note: A member of Managing Committee shall be ceased through a declaration made by the Registrar on this behalf issued after satisfying himself that the member is liable to be ceased under the bye-laws, the Act and the Rules and after giving the member concerned due opportunity to explain his position.

- 34. The members of the Managing Committee shall elect from amongst themselves the President and the Vice-President, whose term shall be coterminous with the term of the Committee.
- 35. The Meeting of the Managing Committee shall be held when necessary. Three members shall form a quorum. The President or the Vice-President or in his absence a member elected by those present in a meeting shall preside. Unless otherwise provided in these bye-laws, all questions shall be decided by a majority of votes. Each member shall have one vote. In case of equal votes, the Chairman shall have a casting vote.
- 36. The Managing Committee shall exercise all the powers and discharge all the duties of the society except those reserved for general body subject to any regulations or restrictions duly laid down by the society in general meeting or in the bye-laws. In particular the Managing Committee; shall have the following powers and duties:-
 - i. To observe in all their transactions, the Act the notified rules and the bye-laws;
 - ii. To maintain true and accurate accounts of all money received and expended and stock brought and sold;
 - iii. To keep a true account of the assets and liabilities of the society;
 - iv. To keep a register of member, correct and up-to-date;
 - v. To prepare and lay before the annual general meeting a profit and loss account and audited balance sheet;
 - vi. To examine the account, sanction contingent expenditure and supervise the maintenance of the prescribed register;

- vii. To consider inspection notes of the Registrar and his staff and the audit notes of Chief Auditor and his staff and to take necessary action.
- viii. To elect new members, to issue new and transfer old shares;
- ix. To arrange for the recovery of shares instalments and interest on overdue instalments;
- x. To give directions to Secretary to summon general meeting in accordance with these bye-laws;
- xi. To contract loans subject to any restrictions imposed by the general body or by the Registrar;
- xii. To decide the terms on and periods for which the loans are to be given, approve or reject the security, to arrange for the recovery of loans and interest and to sanction renewals when necessary.
- xiii. To decide the terms on, the period for rates of interest at which deposits are to be received and to arrange for the payment or return of deposits.
- xiv. To watch that loans are applied to the approved purpose for which they are made.
- xv. To assist the inspections of the books by any person authorised to see them;
- xvi. To appoint, suspend, dismiss or punish employees subject to any conditions laid down by the Registrar from time to time and to take proper securities from them as determined by the Registrar;
- xvii. Through any member, or officer, or employee of the society or any other persons specially authorised to institute, conduct defend compromise refer to arbitration, or abandon legal proceedings by or against the society or committee or officers or employees concerning the affairs of society;
- xviii. To acquire on behalf of the society shares in other registered Cooperative Societies;
- xix. To arrange for the safe custody of books and appoint one of its members or one of the officers of the society resident in the village to take charge of the registers and papers prescribed in these bye-laws and send the original charge report on this behalf to the office of Assistant Registrar.
- xx. To appoint one of the members of the committee to take charge of all money received and generally to carry on the duties of a treasurer in the absence of the treasurer. The person thus appointed shall handover the money thus received to the treasurer immediate on his return;
- xxi. To accept or reject the resignation from the Committee.
- xxii. To invest the surplus funds of the society in accordance with the Co-operative Societies Act or Rules framed thereunder;
- xxiii. To purchase or acquire land by exchanges, lease or otherwise for the construction of the house.
- xxiv. To sell, let out or lease house sites to members for the construction of the house subject to approval of the general body and Registrar Cooperative Societies Punjab in the same manner as laid out in bye-law 27(xv).
- xxv. To lay out roads and drains and arrange other utility service as water supply and electricity etc.
- xxvi. To purchase and sell material for construction and repair of houses.
- xxvii. To assess contributions and impose levies for common services rendered by the society subject to the confirmation of general body.
- xxviii. To sanction house plan.
- xxix. Generally, to carry on the business of the society.
- xxx. (a) The managing committee of every society having or planning to have more than 50 plots or dwelling units will be responsible for setting up at its own expense a website with a unique domain name.

(b) It will be responsible for regular maintenance and updating of the web-site and ensuring it runs securely, smoothly and uninterruptedly. The website will be hosted on a secure, reliable server through a reputed company/agency and should be easily accessible to all members on commonly used technology platforms and devices.

(c) The website will be accessible to all members of the society at all times. In case access to any information is to be restricted and made available to members only, then every member will be provided a separate user name and password through which she/he can access the information.

(d) The web-site will be updated at least once every month i.e. in the first week of every month, and the date of updating must be prominently displayed on the Home page.

(e) The following information regarding the society, its Managing Committee and membership will be displayed on the web-site:

- i. Name, Address, email and number and date of registration along with telephone number of office of the society.
- ii. A table showing name, father's name, residential address, contact details of all members of the managing committee along with the date from which they are holding office, date of last election and expiry of their term in office.
- iii. A table showing names and mobile phone numbers of officials of the society, i.e. Secretary, cashier, and other employees of the society.
- iv. A membership table showing name, father's/husband's name, residential address, contact number, email ID, date of acquiring membership (whether directly, through inheritance, or through transfer etc), seniority in the membership register and the plot/flat number allotted in respect of all persons who are members of the society as on date of last updating date.
- v. A chart displaying complete information about new members added, members deleted, transfer of membership etc during the current year, will also be displayed separately in addition to the membership table referred above.

(f) The following information about the purchase of land and project will be displayed:

- i. Total land available with the society, its location and area.
- ii. Source from which land has acquired: purchased from government agency or from private persons.
- iii. The total cost of land, cost paid and balance to be paid as on date of updating of website.
- iv. Number of flats/plots proposed to be built/allotted along with the date on which approval has been accorded by general body.
- v. Date of allotment of work to contractor for development of colony/construction of flats along with brief description of the work, total amount for which work has been allotted, target date of completion of work, brief description of work done and tentative amount spent as on date of updating of website.

(g) The following information about allotment of plot/flats to the members will be displayed as under: -

- i. Names of members who have been offered plot/flat by the society.
- ii. Names of members who have accepted the offer.

- iii. Names of members who have refused the offer.
- iv. Names of members offer to whom has been revoked by the society.
- v. Names of members who have been allotted flat/plot by the society.
- vi. Names of members whose allotment has been cancelled by the society.

(h) If the society is to take instalments from the members for purchase/development/construction of land/plot/flats, a notice regarding the payment schedule must be displayed on the website. This notice would specify the amount of instalment and due date by which payment is to be made.

(i) The following information regarding meetings will be displayed: -

- i. Dates of general body meetings held in the last three years and in the current year.
- ii. Dates of managing committee meetings held in the last one year and in the current year.
- iii. Agenda and minutes of the last three general body meeting and last three managing committee meetings. Minutes of the last meeting must be put on the website not later than 15 days from the date of meeting.
- iv. Notices of all meetings of general body shall displayed on the website at least 15 days prior to the date fixed for the meeting. Notice for meeting of the managing committee and other committees shall be displayed at least seven prior to the date fixed for the meeting. (This will be in addition to the normal mode of serving notice to the members about the meeting.)

(j) A summary of the income and expenditures incurred by the society in a quarter shall be displayed in the following format at the end of every quarter. This statement must include information on the following points: -

- i. Funds available at the end of previous quarter.
- ii. Contribution of members during the quarter.
- iii. Income from maintenance charges paid by the members during the quarter.
- iv. Income received from interest/divided etc during the quarter.
- v. Income from other sources during this quarter.
- vi. Total income in the quarter.
- vii. Expenditure on land acquisition during the quarter.
- viii. Expenditure on development of land construction in the quarter.
- ix. Expenditure on maintenance and upkeep of the colony/flats in the quarter.
- x. Expenditure on staff during this quarter.
- xi. Expenditure on government fees/taxes etc.

- xii. Other Expenditure
- xiii. Total Expenditure in the quarter.
- xiv. Funds available at the end of the quarter.
- xv. Name of the banks in which funds of the society have been placed.

(k) The audited balance sheet of the previous year shall also be displayed on the website.

(l) The personal account of each member shall be put up on the website in such a manner that it is accessible to the concerned member only. The personal account shall include information about the flat/plot offered/allotted to the member, the payment received and due from the member and the interest if any, added/due to his account.

(m) The bye-laws of the society along with the directions/instructions issued by the Registrar from time to time regarding house building societies will also be displayed on the website.

(n) The society should also display on the website information about other issues of common interest such as future plans of the society, status of sanctions/approvals obtained from various agencies, plan of colony and drawings of flat etc.

(o) It will be the joint responsibility of the President, other committee members and secretary of the society to ensure that all the information which is required to be displayed or updated is authenticated and duly provided in an intelligible format to the agency engaged by the society for updating/maintaining the website.

(p) The information displayed on the website will be deemed to be correct as on the date of updating and it will be the joint responsibility of the President and the secretary of the society expeditiously point out (through email) mistakes if any to the agency engaged for updating/maintaining the website and get the same corrected. If incorrect information continue to be displayed for more than three days on the website in spite of the agency responsible for updating/maintaining the website having been informed of the mistakes, it shall be the duty of the President and secretary to immediately bring this fact to the notice of the Registrar cooperative societies Punjab through email at rcspunjab@gmail.com.

(q) It will be the overall responsibility of the managing committee to insure implementation of the above in letter and spirit. Any lapse in this will attract serious action.

xxxi. (1) The Management Committee shall submit all such information and returns as required by Registrar by a general or a special order, in the manner and form in which these are to be submitted or displayed and provide for the person by whom such information and returns are to be submitted or displayed.

- i. Annual report of its activities:
- ii. Its audited statement of accounts:
- iii. Plan for surplus disposal as approved by the general body of the cooperative society;
- iv. List of amendments to the bye-laws of the cooperative society, if any;
- v. Declaration regarding date of holding of its general body meeting and conduct of election when due;

- vi. Misappropriation or embezzlement of funds, if any, and action taken against the persons responsible for the same including the civil, criminal and disciplinary actions;
- vii. Information regarding the admission and termination of members; and
- viii. Any other information required by the Registrar.

(2) If a cooperative society fails to provide information or file return under this rule within the specified time, the Registrar may have the same completed at the expense of the cooperative society.

xxxii. (1) It will be the primary responsibility of the managing committee to coordinate with relevant government agencies to ensure that effective Disaster Management initiatives/plans are undertaken and implemented to prevent disasters and mitigate loss to the person or property of the members of the society in case a disaster strikes.

(2) The managing committee will also promote awareness regarding disaster management and also conduct drills for members in coordination with relevant government agencies.

37. It shall be competent for the Managing Committee to frame subsidiary rules for the conduct of the business of the Society consistent with these bye-laws. Such subsidiary rules shall be entered in the minute book of the society and shall take effect only after their approval by the Registrar.

38. The Managing Committee may constitute an executive consisting of not more than 5 Managing Committee members and delegate it such of its powers and functions as it considers fit.

39. In the conduct of the affairs of the Society the members of Managing or Executive Committee shall exercise the prudence and diligence of ordinary men of business and shall be responsible for any loss sustained through Acts contrary to the laws, the bye-laws, and the stated objects of the Society.

40. All business discussed or decided at a meeting of the managing or Executive Committee shall be recorded in a proceeding book which shall be signed by the Chairman of the meeting and all the members of the committee present.

SECRETARY

41. The secretary of the society shall be appointed by the Housefed, but he will work under the supervision and control of the committee of the society. The powers and duties of the Secretary shall be: -

- i. To maintain correctly and up-to-date the prescribed papers and registers;
- ii. To procure from borrowers the due execution of bonds with security when required under these bye-laws;
- iii. To prepare all receipts, vouchers and documents required by the Rules or the bye-laws or called for by the Committee:

- iv. To sign on behalf of society and to conduct its correspondence;
- v. To summon and to attend General meeting.
- vi. To record the proceedings of such meetings and have them duly signed;
- vii. To prepare the annual statements and submit them to the Registrar within the period prescribed by him;
- viii. To control the staff under him;
- ix. To certify copies of entries in the books under the Co-operative Societies Act;
- x. To incur contingent expenditure within limits fixed by the Managing Committee.
- xi. Generally, to conduct the current business of the Society and perform all duties entrusted to him by the Committee.

TREASURER

- 42. Treasurer shall be elected by the Managing Committee out of its members and he shall take charge of all money received by the Society from any source shall take disbursement in accordance with the directions of the Committee. He shall sign the cash book in taken of its corrections and produce the cash balance whenever called upon to do so by the President. Committee or Auditor or any office of Cooperative Department. The treasurer shall be required to furnish a cash security and tangible security as may be prescribed by the Registrar.

REGISTERS

- 43. The following books and papers shall be maintained: -

- i. A register of members
- ii. Cash book
- iii. Ledger account for each member, depositor, miscellaneous and contingent income and expenditure and purchase and sale of any goods etc.
- iv. Qishtbandi.
- v. Proceedings book.
- vi. Share list or register of shares.
- vii. A register of sureties.
- viii. A register showing maximum credit of such member.
- ix. A stock Register.
- x. A pass book for each member and depositor.
- xi. Any other register prescribed by the Registrar or by the transport authorities or required by the society for its business.

44. The books of the society shall be open to inspection to any interested in the funds of the society except that no one shall be allowed to see the deposit account of any person with that person's consent in writing. Copies of bye-laws and the balance sheet shall be supplied free on demand to any member.

- 44 A. The society intending to undertake the purchase of land for construction of flats/distribution of plots to its members will prepare triplicate set of record particularly of Register of members, Proceeding book and Cash book and send a copy of the same to the concerned Assistant Registrar, Cooperative Society and District Manager, Housefed on monthly basis.

45. CONSTRUCTION OF HOUSES.

- i. The construction of houses shall be undertaken, by the members themselves, but if the members so desire, the Managing Committee may undertake construction at the expense and risk of the members. When the Managing Committee undertake construction of houses it shall require the member concerned to pay to the Society in advance the whole of estimated cost whether in lump sum or in such instalment as the Managing Committee may require. If a building is to be constructed out of a loan or loans taken from the Society, the borrowers concerned shall execute the necessary bond or bonds and authorise the Managing committee to draw the money from the Society from time to time as work progress.
- ii. The construction of a building, for which a loan is given to a member shall be commenced within two months and completed within 15 months from the date of disbursement of the first instalment of loan. If any member fails to complete or completes the construction in its own hands and complete it, debiting the expenditure to the loan account of member concerned provided the member is unable to establish to the satisfaction of the Managing Committee that the delay was due to circumstances beyond his control.
- iii. The houses constructed by the members out of loan received from the Society shall be liable to periodical checking by the Managing Committee as to its construction valuation as may be determined by it.
- iv. Allotment of plots/flats will be only made in the presence of Registrar, Cooperative Societies, Punjab or his nominee.

46. BAR AGAINST ALIENATION

No member shall alienate any house site bought or house constructed with the help of loan taken from the Society except to a member of the Society. Such alienations will be under conditions as may be laid down by Managing Committee.

47. REPAIR OF BUILDING

Every building shall, until the amount due their on to the Society is paid in full, be kept up on good repair by the owner. The Managing Committee shall have power to cause any repair

and shall debit the amount to the loan account of the member concerned.

LOANS

48. Applications for loans shall be made to the Society. Such application shall be sanctioned by the President of the Committee, the loan will be disbursed after obtaining the final sanction of the Managing Committee.
49. No loan shall be given except for the construction of new dwelling houses.

DISBURSEMENT OF LOANS

50. Loans granted for the construction of new houses shall be disbursed only in instalments as the work of construction progress. The second and subsequent instalment shall be given only after the Managing committee has satisfied itself that the instalment or instalments already drawn have been properly utilised that the work actually done together with the value of the land brought up to date represents expenditure exceeding by at least 25 percent of the actual amount already drawn from the loan sanctioned for the work.
51. Loan and cash credit shall be given only to members. No person shall claim a loan or cash credit as a matter of right. No loans shall be advanced to a member who is in arrears of his share instalment or is a persistent defaulter.

52. SECURITY FOR LOANS

- i. Loans shall be given on the security of the site or sites belonging to the borrower together with any building or other appurtenances thereon whether they exist at the time of the loan or/are constructed during the currency of the loan, where necessary the managing committee shall take additional security either in the form of personal sureties or other immovable property.
- ii. Only the first mortgage of the house sites or house buildings shall constitute the security.
- iii. Houses given in security shall be insured against fire for their full value. The insurance premium shall be paid by the borrower failing which the Society may pay and debit the amount to the concerned member.

53. REPAYMENT OF LOANS.

- i. Every member who has taken a Loan from the Society shall repay the amount together with the interest due thereon by equated monthly instalments. The monthly payments shall be paid on or before the 15th of the month succeeding that to which it relates. The maximum period of repayment shall in no case exceed 20 years.
- ii. It shall be open to the borrows to repay a large payment of whole loan borrower from the society at any time.

54. If a loan is not applied to the purpose for which it is borrowed the Managing Committee shall be competent to recollect immediately. All loans shall be issued subject to the right of the society to recall them without notice when any loss is apprehended through a weakening of the borrower's financial position.
55. The rates of interest on loans to be charged by the Society shall be fixed by the general body. Such rate or rates shall come to force after they are approved by the Registrar. The Registrar may, on his own motion direct the Society to vary its rate of interest and such direction shall be binding on the society.
56. With the previous approval of the Registrar the Society may have more than one rate of interest in respect of loans for particular object. but no discrimination shall be exercised in the rate of interest for the loans advanced for the same purpose at the same time.
57. The Society may with the prior approval of the Registrar fix, penal rate of interest to be charged in respect of loans in whose repayment there is a default.

DISTRIBUTION OF PROFITS

58. The net profits of the society, as per audited balance sheet shall be distributed as follows:
- (i) At least 10 percent shall be carried to the Reserve Fund;
 - (ii) Such proportions, not exceeding 5 percent of the net profits shall be carried to the Co-operative Education Fund to be administered in accordance with the instructions from the Registrar issued from time to time,
 - (iii) The remainder may be utilized for one or more of the following purposes:
 - (a) distribution of dividend amongst members at a rate not exceeding 10 percent per annum on the value of the shares actually paid up;
 - (b) distributions of bonus amongst employees not exceeding three month's salary;
 - (c) a sum not exceeding 5 percent of the net profits may be spent on any charitable purpose as defined in section 2 of the Charitable Endorsement Act, 1890 or beallotted to a Common Good Fund devoted to any of these purpose.
 - (d) Creation of Bad Debut Fund. Building Fund, or any other fund required by the society
 - (iv) Any surplus may be credited to Reserve Fund, or carried to the profits of the next year.
59. It shall be competent for the society to incur expenditure on such measures as are conducive to the imparting of knowledge of co-operative principles and practices. For this purpose, the society shall contribute to the Punjab State Coop. Dev. Fed. Ltd. every year such amount not exceeding Rs. 10/- as may be directed by the Registrar.
60. The Reserve Fund shall be indivisible and no member shall be entitled to claim a specific share in it, provided that, in exceptional circumstances, with prior approval of Registrar, the Reserve Fund may be utilised in meeting losses.

AMENDMENT OF BYE-LAWS

61. Subject to the provisions of the Act and Rules no amendment to these bye-laws shall be carried out save in accordance with a resolution passed at a general body meeting of which due notice of the intention to discuss the amendments have been given;

Provided further that model bye-laws or amendments previously approved by the Registrar may be adopted by a simple majority at a general meeting with an ordinary quorum.

MISCELLANEOUS

62. The society shall pay such audit fee as may be assessed from time to time by the authority competent to do so.
63. If the society is indebted to a co-operative central financing institutions. it shall be competent for a representative of the latter to inspect the books and record of the society and the Managing Committee of the society shall arrange the production of books and record before such representative.
64. The services of the members of the Managing Committee shall be honorary, but he may be paid travelling and daily allowance on a scale fixed by the committee and approved by the Registrar.
65. Should any doubt arise with regard to the interpretation on any of these bye-laws, the matter shall be referred to the Registrar whose decision shall be final.
66. (a) No person shall be employed by the society unless he satisfies the qualifications that may be laid down by the Registrar from time to time.
- (b) No person shall be employed by the Society without obtaining from him security in such form and according to such standards as may be laid down by the Registrar from time to time.
67. If any dispute, other than a dispute regarding Disciplinary action taken by the society or its managing committee against a paid servant of the society, touching construction or business of the society arises between the members and past members of the society or the persons referred to in the relevant provisions of the Punjab Cooperative Societies Act and the Rules framed thereunder. It shall be disposed of in the manner provided in such an Act and the Rules.
68. The society shall maintain such accounts and other record connected with amounts In such form or manner as may be directed by the authority competent to do under the, Cooperative Societies Act.
69. The Society shall prepare and submit such returns and statement as Registrar may from time specify.

70. The society may, in the circumstance specified by the relevant provisions of the Co-operative Societies Act, be wound up and cancelled by the Registrar in accordance with the procedure laid down by such an Act and the Rules framed thereunder.

71. In these bye-laws, unless there is anything repugnant to the context, the Registrar shall include an officer subordinate to him and authorised by him on his behalf.

