

# Bye-Laws



The Provincial Govt. Employees Cooperative  
Housing Society, Ltd.  
(D.C. Colony), Chenab Block  
Gujranwala Cantt.

Ph: 055-3782014



# The Provincial Govt. Employees Cooperative Housing Society Ltd. Gujranwala

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## NAME AND ADDRESS

1. (1) The Society shall be called "The Provincial Government Employees Cooperative Housing Society Limited" and its registered address shall be Room No. 37, Second Floor, GDA Commercial Plaza, Civil Lines, Gujranwala.
- (2) Any change in address will be communicated to Registrar under proper receipt and all members within 30 days.

## DEFINITIONS

2. In these Bye-Laws unless there is any thing repugnant in the subject or context:-
  - (1) "Society" means "The Provincial Govt. Employees Cooperative Housing Society Ltd. Gujranwala".
  - (2) "Act" means "Cooperative Societies Act, 1925" and "Rules" means "Cooperative Societies Rules, 1927".
  - (3) "Registrar" means a person appointed to perform the duties of Registrar, under the Act and Rules, whereas, "Registrar Punjab" means "Registrar, Cooperatives, Punjab."
  - (4) "President" means the President of the Society.
  - (5) "Vice President" means the Vice President of the Society.
  - (6) "Secretary" means the Secretary of the Society.
  - (7) "Member" means the Member of the Society.
  - (8) "Employee" means the Employee of the Society.
  - (9) "Committee" means Members of Managing Committee.
  - (10) "Bye-Laws" means Bye-Laws of the Society.

## AREA OF OPERATION

3. The Society shall operate within the area of Gujranwala and it can, with the previous sanction of the Registrar Cooperatives, establish its housing scheme or office in that area only.

## OBJECTS

4. Objects of the Society are to promote the economic interests of its members on the Principles of Cooperation, self help, on no profit and no loss basis, and more particularly:-
  - (1) To lay-out, establish and maintain a residential Colony for its members, if need be, to extend it and take other necessary steps for this purpose.
  - (2) To arrange, buy or otherwise acquire land, houses, buildings or other property, whether movable or immovable by purchase, lease, mortgage, acquire under Land Acquisition Act or otherwise for the purpose of carrying out the objects of the society provided that:





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- (i) under Rule 27 and 54, prior approval of Registrar Cooperatives, will be necessary for all these activities.
  - (ii) the determination of site for housing scheme will be with the prior approval of General Meeting and Registrar Cooperatives.
  - (iii) any amendment or alteration/change in the housing scheme will be similarly subject to the decision of General Meeting and Registrar Cooperatives.
- (3) To bring into existence and to construct, manage and maintain works like roads, water supply sewerage, electricity, sui gas, telephone services and other construction of various kinds like schools, dispensary, mosque, amusement parks, civic centers, provision of transport, grave yard etc. for the benefit and convenience of the members residing in the colony. These will be subject to regulation of local bodies development authorities and at par or better than their standard.
  - (4) To sell, mortgage, give on lease, land, houses, house sites, buildings and other properties of the society movable or immovable for the common benefit of the members, subject to the approval of General Meeting and Registrar Cooperatives as may be necessary. The approval of Registrar will not be required for allotment / registration / lease of plots in favour of members.
  - (5) To construct buildings for public use and to undertake other utility projects for the convenience of members.
  - (6) To prepare plans for houses and other buildings in the Colony or get them prepared from the qualified architects and approve them and to ensure that the houses and buildings are prepared according to them . For this purpose prepare building Bye-Laws and get them approved from General Meeting and Registrar Cooperatives.
  - (7) To obtain loan from government or any other source for construction of houses or shopping centers, etc., on terms and conditions as may be deemed suitable by the society and the Registrar Cooperatives.
  - (8) To adopt other measures designed to encourage in members the spirit of cooperation and practice of thrift, self help and mutual aid.
  - (9) To take steps for the general welfare of its members.
  - (10) To allot plots to members as per approved Master Plan. Allotment of plots will not be made till the approval of Master Plan of the housing scheme from the concerned Authority. When once the allotment is so made, the allotted plot or its site or its area shall not be changed without the prior consent of the affected members. If any change is otherwise inevitable, the approval of the General Meeting and Registrar Cooperatives will be compulsory.
  - (11) To do generally all such incidental things or acts as may be considered necessary or conducive to all or any of the aforesaid objects.
- 5. At the time of registration, the Society shall submit an action plan / feasibility report in which the following information shall be given:-**
- (1) Proposed site of the society;



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- (2) Proposed size of land to be purchased by the society;
- (3) Proposed number of plots, size wise;
- (4) Total number of members to be enrolled. This number shall not be allowed to exceed the number of plots, at any cost;
- (5) Any other relevant information considered necessary by the concerned Deputy Registrar.

## **MEMBERSHIP**

**6.** The membership in the society will be according to the principles of Cooperation as enunciated by I.C.A. Admission of members will be based on equality and there will be no discrimination between them, nor will there be any difference between their rights and liabilities. On the basis of above said criterion, the membership shall consist of:-

- (i) Persons who join in the application for registration.
- (ii) Persons admitted in accordance with the Bye-Laws.

**7.** Terms and conditions for membership of society shall be as under:-

- (1) Should be more than 18 years of age, unless he/she is a minor nominee of a deceased member.
- (2) Be of good moral character.
- (3) Purchase at least one share.
- (4) Has applied for membership or his/her membership is approved as a nominee or legal representative of deceased member.
- (5) Is an expected constructor of a house in the society/colony.
- (6) Is in accordance with the directions issued by Registrar Cooperatives from time to time.

- 8.**
- (1) Members shall be admitted after selection by the Managing Committee subject to confirmation at a General Meeting. Confirmation of new member must be put up in the next General Meeting. In case failure to put up, the membership will stand automatically confirmed after one year.
  - (2) Application for membership shall be in writing in the prescribed form. Such application will form a part of register of members. Every member on admission shall pay the share money specified in Bye-Law 18 and 19, which will be refundable. He will also pay Rs.500/- as admission fee, which after approval of membership shall not be refundable.
  - (3) Person eligible for membership will not ordinarily be refused. In case of refusal he will be informed accordingly in writing within two months, whereafter, if he desires he can raise this issue before the General Meeting.





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- (4) On admission, each member will be issued a membership certificate which will be on prescribed form. In case it is misplaced or lost a duplicate certificate will be issued on payment of a prescribed fee.
- (5) Sub-division of plot will be subject to rules and regulations of local development authority or local body. The Managing Committee will decide this issue.

**9.** A member shall be expelled/terminated on the following grounds:-

- (1) On death.
- (2) Ceasing to hold at least one full share.
- (3) Withdrawal after six months notice to the Secretary provided that the member in question is not indebted to the society and is not surety for an unpaid debt.
- (4) Gravely misusing any dwelling occupied by him in the colony or habitually acting in a disgraceful manner or in a manner which causes serious offence to his neighbours or unnecessarily involving the society in litigation or making negative propaganda against the society.
- (5) Being found of permanent unsound mind.
- (6) Becoming persistent defaulter or intentionally doing any act detrimental to the interest of the society or willfully disobeying any Bye-Law or decision of the society (of Managing Committee or General Meeting) or of any properly appointed officer of the society or doing any business activity in the society premises without permission of the society.
- (7) Ceasing to hold the plot or a building or any part thereof in the colony of the society.
- (8) In case of failure to pay in time, the installments for the cost of land, development charges or other dues, due from him to the society, the Managing Committee will have the authority to terminate the membership of such members after serving a notice in this respect. However, approval of General Meeting will be required which can decide such issues by simple majority.
- (9) Conviction for a criminal offence involving dishonesty or moral turpitude resulting in imprisonment for six months or more.
- (10) Insolvency or application for insolvency.
- (11) Any such act which the committee or society declare as dishonesty.
- (12) On expulsion by the Registrar Cooperatives under the Rules.

Note: In case of sub-sections (4), (5), (6), (8), (9), (10) and (11) he shall be served with a show cause notice at the given address and reply received in time will be taken into consideration before final decision.

- 10. (1)** Every member shall nominate a person or persons to whom his interest or share in the society will be transferred on his death. Provided that if he holds more than one share in which case he will also describe the transferable proportion. Any such nomination or change therein will be entered in the register of



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- members, in attestation whereof he will sign or mark his thumb impression in the register of members or application form.
- (2) Besides shares, distribution / division of property will be as per provisions of personal law of succession.
  - (3) The nominator can cancel or change the nomination under his own writing at any time.
- 11.** If a member is expelled from the society, the value of his share or interest shall be paid to him after two years, after deducting the amount of society dues against him.
- 12.** A member or nominee or successor of a deceased member may transfer his/her share to another member or to an applicant qualified for admittance under Bye-Law 6 and 7, and approved by the Managing Committee under Bye-Law No. 8 or to share transfer fund created by the society subject to the approval of the General Meeting.
- 13.** A member may transfer / sell the plot allotted to him whether built upon or vacant provided that:-
- (1) All dues, if any, outstanding against him/her at the time of sale have been cleared and the transferee undertakes to pay the balance not yet due against him.
  - (2) The transfer / sale is made to the persons mentioned in Bye-Law No. 7.
  - (3) The transferee becomes a member of the society and pays the necessary transfer fee. He will also undertake to abide by the Bye-Laws of the society, building Bye-Laws and decisions of the management made from time to time.
- 14.** Expulsion from membership can be made by a resolution passed in the General Meeting by 2/3 majority.

## LIABILITY

- 15.** On liquidation, to make up any deficit in the assets of the society, the liability of the members shall be limited to ten (10) times the value of shares purchased by them. Except for cases under Bye-Laws No. 9(2), (3), (6), (7) & (12).

## CAPITAL AND FINANCES

- 16.** The capital and finances consists of:-

- (1) Admission fee.
- (2) Shares.
- (3) Deposits from members.
- (4) Loans from nonmembers, which shall be subject to such restrictions as the Registrar may impose from time to time and of which approval is taken from Registrar.
- (5) Realized profits.
- (6) Loans, donations and grants from government or other agencies.





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- (7) Donations and contribution from individuals and institutions.
- (8) Fees, fines, penalties, damages etc., which are previously approved by the Registrar.
- (9) Reserve and other funds.
- (10) Other sources which the management thinks appropriate provided they are approved by the Registrar.
- (11) Municipal charges levied with the approval of Provincial Government / Registrar Cooperatives.
- (12) Income received from movable and immovable properties.
- (13) Aid from foreign governments and institutions which will be received only after the prior approval of Registrar Cooperatives.
- (14) Such contribution and charges from members which are passed in the General Meeting and are approved by the Registrar.

## **SHARES**

**17.** Every member will have to purchase at least one full share amounting to Rs.1,000/- which will be paid in lump sum at the time of admission.

**18.** Members desiring to have residential plots will have to purchase shares at the following rates:-

	<u>Size of plot</u>	<u>Shares to be purchased</u>
(1)	Upto 5 Marlas	One share
(2)	6 to 10 Marlas	One shares
(3)	11 Marlas to one Kanal	Two shares

**19.** Members desirous to having commercial plots will have to purchase shares at the following rates:

	<u>Size of Plots</u>	<u>Shares to be purchased</u>
(1)	Upto 3 Marlas	Two shares
(2)	Above 3 Marlas to 5 Marlas	Three shares
(3)	More than 5 Marlas	Five shares

**20.** No individual member shall hold shares, the value of which exceeds Rs.20,000/- or 1/5<sup>th</sup> of the total share capital of the society, whichever is less. If an individual member, by inheritance or otherwise, comes in possession of more than the maximum holding permitted by this rule, the Managing Committee shall have the power to sell the excess number or purchase them for the Society.

## **GENERAL MEETING**

**21.** The inaugural General Meeting called at the time of organization of Society after its registration shall be considered a regular General Meeting and all decisions taken in it shall be binding.



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22. The supreme authority shall vest in the General Meeting. Annual General Meeting shall be held between 1<sup>st</sup> of July to 30<sup>th</sup> September each year. If it is not called within the fixed time, the Registrar shall call it. Special General Meeting can be summoned at any time as prescribed in section 13 of the Act, if summoned by the Registrar or at the written request of not less than 1/5<sup>th</sup> of the total members, it will be called within one month.

23. To decide any matter, the following quorum shall be required:-

	<b>No. of Members</b>	<b>Quorum required</b>
(i)	1 to 100	30 %
(ii)	101 to 200	40 members
(iii)	201 to 500	20 %
(iv)	501 to 700	100 members
(v)	701 to 1000	15%
(vi)	1001 to 1500 & above	150 members

24. The General Meeting shall be held at the registered address of the Society or at such place which the committee or Registrar may select. After the development of the Society's colony such General Meeting will be held in the premises of the Society.

25. At least 15 days notice of the General Meeting shall be given through any of the leading national newspapers or to all members at their latest address available in the society's record, under postal certificate. Such notice shall specify the date, time and place of the meeting and shall contain summary of the agenda to be considered. No matter will be discussed in the General Meeting which is not included in the agenda.

26. The President and in his absence the Vice President shall preside over the meeting. In the absence of both of them, any member elected for the purpose by the majority of the present members shall preside. Except otherwise provided in Act, Rules or these Bye-Laws, all matters will be decided by simple majority but in case of equality the President will have a casting vote.

27. Irrespective of the amount of shares owned each member will have one vote and no proxy shall be allowed. No member shall have the right to vote if he is defaulter of shares or society dues and due notice (through registered post acknowledgement due) to this effect was given to him and a period of 30 days has passed after issuing of such notice.

28. All business discussed or decided in the General Meeting will be recorded in the minutes book and signed by President. Such decisions must be confirmed in the next Annual General Meeting. Attendance of members shall be recorded in a separate register, which shall be signed by the members present.

29. (1) Amendment of Bye-Laws shall be carried out by 2/3 majority of the members present at a General Meeting at which a quorum shall be present or at an adjourned General Meeting at which if a quorum is not present, the members present will form the quorum. This is subject to the condition that at least 15 days notice of the amendment is given to all the members through press and post.

(2) No amendment in Bye-Laws passed in the General Meeting will be enforceable unless it is approved and registered by the Registrar.





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**30.** The following business shall be transacted in the General Meetings:

- (1) Amendment of Bye-Laws which will take effect after approval / registration by the Registrar.
- (2) Election, suspension and removal of President, Vice President, Treasurer and other members of the Managing Committee.
- (3) Fixing of maximum liability to be incurred from the nonmembers, subject to the approval of Registrar Cooperatives.
- (4) Affiliation to any other cooperative institution and purchase of its shares. The society will not affiliate with any non-cooperative institution unless it is so permitted by the Registrar.
- (5) Consideration of annual reports, inspection notes of the Registrar, Inspector and Audit Report to Auditor and taking necessary action thereon.
- (6) Admission and expulsion of members and transfer of shares under the provisions of these Bye-Laws.
- (7) Consideration of all account matters and approval of budget and allotment.
- (8) Prescription of T.A. scales and meeting allowance for the members of Managing Committee subject to the approval of Registrar.
- (9) Approval to the appointment of the employees as required under the Bye-Laws.
- (10) Consideration of any other matter referred to it by the President, Managing Committee or the Registrar.
- (11) Disposal of profits and creation of funds according to the Act, Rules and Bye-Laws of the Society.
- (12) Framing of rules and regulations to ensure the achievement of stated objects of the society and its efficient working especially in respect of:-
  - (i) Election of Managing Committee.
  - (ii) Building Bye-Laws.
  - (iii) Service Rules
  - (iv) Business Rules
- (13) Doing other acts as required under these Bye-Laws specially approval of the site of colony, decision for purchase of land and sale of immovable property. Approval of Master Plan of colony and later changes in it.
- (14) Approval of allotment of residential / commercial plots.
- (15) To fix scale / rate of fines, penalties or damages.

## **MANAGING COMMITTEE**

- 31. (1)** The business of the Society shall be carried out by a Managing Committee consisting of 9 to 15 members above the age of 21 years including a President, a Vice President, a Secretary, a Treasurer. Assistant Registrar Cooperatives Gujranwala shall be ex-officio member of the Managing Committee. The members of the Managing Committee will work on honorarily.



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- (2) The Managing Committee shall be elected for a term of three years. However, members of committee will not be eligible to hold office for more than two consecutive terms. An individual member may be allowed to contest for the third term with the approval of Registrar, for which the society member will give detailed justification. If the new election is not held within the fixed time, the committee will be deemed to have been dissolved and all decisions made after that date will be illegal. Registrar will appoint a care-taker committee comprising of five members or an Administrator who will have all the powers of Committee. Administrator or Care-Taker Committee shall hold election for the new committee within 60 days or such other time as is fixed by the Registrar.
- (3) Election will be held through voting to be held under those Election Rules which will be framed by the Committee and approved by General Meeting and Registrar.
- (4) Registrar shall have the power to suspend the Committee on account of dishonesty, creating hindrance in the business of the society or due to any other cause e.g. delay in completion of housing project etc., and appoint one or more persons(s) in its place as Administrator who will have all the powers of the Committee. Provided that Registrar will provide a chance to explain their position by issuing show cause notice to the committee before issuing such order in accordance with the Cooperative Societies Act & Rules.

**32. A member of Managing Committee shall cease to hold office if he:-**

- (1) Does not remain a member of society.
- (2) is an un-certified or un-discharged insolvent or is not competent to contract.
- (3) has become of un-sound mind.
- (4) has been convicted of any offence involving dishonest or moral turpitude and imprisoned for six month.
- (5) is directly or indirectly involved in any employment or agreement with the society.
- (6) personally does any such business directly or indirectly as is stated in the objects of society or is involved in it in any way e.g. Professional Property Dealer, Contractor etc.
- (7) is an officer or servant of the society or is indebted to it.
- (8) if he resigns and his resignation is accepted by the Managing Committee.
- (9) on his not attending three consecutive meetings without permission of the President or the Committee.
- (10) is a defaulter towards dues of the society.
- (11) becomes possessed of any other disqualification as narrated in the Rules.





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- 33.** (1) Meeting of the Managing Committee shall be held whenever necessary at the office of the society or wherever decided by the President or the Committee. The written notice for holding of meeting must be regularly communicated to all members. The attendance of at least 5 members shall be required for disposal of business. The President or Vice President or in their absence, any members elected by a majority of those present shall preside. Each member shall have one vote while in case of equal votes chairman of the meeting shall have the casting vote.
- (2) Subject to the provisions of Rules 48 and Section 44-C, elected President cannot be removed unless a 2/3rd majority of present members in a general meeting do not resolve accordingly.
- (3) Before the holding of Committee meeting, the President / Secretary will approve the Agenda which will be sent to all members at least three days before the holding of the meeting, unless otherwise permitted by the President and majority of the committee in case of some emergent matter. Only items of agenda will be discussed in the meeting.
- (4) President can call the meeting of the committee whenever there is any emergent matter for discussion.
- 34.** The Managing Committee shall exercise all powers of the society except those reserved for the general meeting subject to such restrictions as are imposed by General Meeting or stated in the Bye-Laws of the society. It shall in particular have the following powers and duties:-
- (1) To lay out, establish and maintain a residential colony for its members, if need be, to extend it and take other necessary steps for this purpose. In this respect committee will give a complete plan including schedule for purchase of land and its development, which will not be for more than three years provided Registrar may extend it. This will be strictly followed by the Committee. Any lapse in this respect will be a sufficient cause for suspension of Committee.
- (2) (a) To arrange, buy or otherwise acquire land, houses, buildings or other property whether movable or immovable by purchase, lease, mortgage, acquire under Land Acquisition Act or otherwise for the purpose of carrying out the objects of the society, provided that under Rule 27 and 54, prior approval of Registrar will be necessary for all these activities.
- (b) The determination of site for housing scheme will be with prior approval of General Meeting and Registrar Cooperatives.
- (c) Any amendment or increase or decrease in the housing scheme will be similarly subject to the decision of General Meeting.
- (3) To bring into existence and to construct, manage and maintain works like roads, water supply, sewerage, electricity, sui gas, telephone service and other constructions of various kinds like schools, dispensary mosque, entertainment parks and development thereof, provision of transport and grave yard, tree plantation etc. for the benefit and convenience of the members residing in the colony. These will be subject to the regulations of local bodies / development authorities and at par or better than their standard.





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- (4) To construct independent markets in all the residential areas of the colony and to lease out the business premises therein to the members. In addition, the society will provide facilities for the establishment of a main shopping centre.
- (5) To sell, mortgage, give on lease, land, houses, house sites, buildings and other properties of the society movable or immovable subject to the approval of General Meeting.
- (6) To construct residential houses and other buildings for private and public use and to undertake other utility projects for the convenience of members.
- (7) To prepare plans for houses and other buildings in the colony or get them prepared from the qualified architects and approve them and to ensure that the houses and buildings are prepared according to them.
- (8) To allot plots to members as per approved Master Plan. Allotment of plots will not be made till the approval of master plan of the housing scheme from the concerned authority when once the allotment is so made the allotted plot or its site or its area will not be changed without his consent. If any change is otherwise inevitable, the approval of General Body and Registrar will be compulsory. However, spaces reserved for open places, parks, mosque, hospital and grave yards etc. will not be reduced/ changed in any case. School and hospital will be run by society itself to provide better amenities for its members and their children.
- (9) To keep a true and accurate account of all the assets and liabilities of the society, to appoint a qualified accountant for keeping the accounts of society. To keep an eye over any kind of mis-appropriation or any other faults. To take criminal action or start civil proceeding beside informing the Registrar of the incident immediately. To check such damage and be responsible to make up such losses, to prepare a profit and loss account annual balance sheet and present them when required.
- (10) To admit new members subject to confirmation by the General Meeting and to keep a register of members correct and upto date. To issue new and transfer old shares under the Bye-Laws.
- (11) To sanction contingent expenditure upto the limit laid down by the General Meeting and to fix the amount of imprest money to be kept by the Secretary, Treasurer or other officers.
- (12) To consider the audit and inspection report of the Auditor, Registrar and other officers of Cooperative Societies, taking necessary action on them and send without any delay reports and statements called by them particularly the reports maintained under Bye-Law No. 40 (1) and (10).
- (13) To purchase sell, mortgage, lease or otherwise, dispose of any movable or immovable property required for the achievement of objects of the society, with the approval of General Body and in the interest of the Society. In case of taking on lease or leasing out any property for more than one year, the approval of General Meeting will be required.
- (14) To appoint sub-committee from amongst its members or other members of the society and to delegate any of its powers to them.
- (15) To accept or reject resignation of its members.





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- (16) To fill vacancies occurring in the Managing Committee before the next general meeting.
- (17) To appoint one of its member to carry on the duties of the treasurer in the absence of the treasurer.
- (18) Through any member or office bearer or employee of the society or any other persons specially authorized, to institute, conduct, defend, compromise refer to arbitration or abandon legal proceedings by or against the society or its functionaries as such concerning with the affairs of the society.
- (19) To sanction post(s) with remuneration / honorarium not exceeding Rs.25,000/- with allowances per month. All positions of higher scales of pay shall be sanctioned by the general meeting, subject to the approval of the Registrar Cooperatives.
- (20) To appoint, suspend or dismiss employees provided that the employments will be to meet dire needs and in no case more employees will be kept as are actually required. Recruitment will be made through wide publicity in the press to ensure fair competition and only competent persons on proper salaries will be recruited. Rule 55 imposes ban on the employment of relatives in the society. Before removal or dismissal, the employee will be given a show cause notice.
- (21) To supervise employees. In case of dishonesty, inefficiency or any other default, suspend or dismiss them or otherwise punish them.
- (22) To summon general meeting and to check that the resolutions passed at the general meeting are given due effect.
- (23) To assist the inspection or audit of books.
- (24) To make provisions for the custody of books and accounts of the society.
- (25) To appoint a representative for any cooperative institution of which the society is a member.
- (26) To raise contributions and subject to approval of general meeting and Registrar, levy cesses, taxes etc. and recover them for the provision of further amenities in the colony.
- (27) To execute development. For this purpose appointment of consultant or engineering staff or both, approval of construction designs and later on amend it, if necessary, taking further steps for the execution of development works, giving out contracts, if necessary, issuing tenders, approve or reject them and supervise development works, in this respect making payments, approval or rejection of securities / sureties.
- (28) Framing rules for the construction of buildings, usage of buildings, construction, security and usage of roads and other properties of society and implement them in letter and spirit.
- (29) To approve plans for construction of houses, and ensure their correct implementation. Taking action against any encroachment and remove it and keep the colony in fit condition.



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- (30) To allot residential plots and to auction commercial plots in the presence of a representative of Registrar and on contravention of condition of allotment, take them back, with prior approval of Registrar. Change of plot if so agreed by members and approve sub-division of plots if allowed under local Body Rules.
  - (31) To frame business and other rules for the achievement of various objects of the society and subject to approval of Registrar, adopt them.
  - (32) To internally audit the accounts, sanction miscellaneous expenditure and supervise that prescribed registers are regularly completed.
  - (33) To invest the surplus funds of Society as per the provision of Act and Rules.
  - (34) Sale purchase of goods and arrange for their usage and safe custody.
  - (35) To decide the terms and rate of profit on which deposits will be accepted. To arrange for receipts of deposits and return thereof.
  - (36) To receive loans and donations subject to restriction imposed in Act, Rules and Bye-Laws to fulfill the society's needs.
  - (37) To borrow money for the purposes of the society whether on mortgage, debenture or otherwise to the extent or the limit prescribed by the General Meeting and approved by the Registrar.
  - (38) To do any other act necessary for the achievement of objects of society or required by the General Meeting or the Registrar.
- 35.** In their conduct of affairs of society the members of the managing committee shall exercise the prudence and diligence of ordinary men of business and shall be personally responsible for any loss sustained through their gross negligence, carelessness, inefficiency and irresponsibility or through breach of any law, rule or Bye-Law.
- 36.** The proceedings of the Managing Committee shall be recorded in the minute book of the society and shall be signed by President and all the members present.
- 37.** For reason to be recorded, the Registrar may suspend the execution of any resolution or order if illegal or is likely to waste or damage society's funds or property or such proceedings are against Act, Rules or Bye-Laws or against the collective interest of its members. The General Meeting or the Managing Committee may move the Registrar to reconsider his decision.
- 38.** Registrar will be empowered to take punitive measures in case of wrong acts and omissions of the society or its committee or Secretary or any officers regarding non-compliance of the provisions of Act, Rules or Bye-Laws or directives of the Registrar. These punitive measures will include actions under Section 44C and 63 of the Act and Rule 48 or imposition of fines upto any extent.
- 39. (1) PRESIDENT**  
The Society shall be headed by a President who shall conduct the business of the society with the help of the officials so appointed, subject to the general or special control of General Body or the Managing Committee Entire authority of the Society shall vest in the President. He shall exercise powers to the extent, delegated to him by the Managing Committee under Act & Rules.





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## (2) SECRETARY

The Secretary of Society shall carry out the business subject to special/general control of the Managing Committee. In case the Secretary will get salary, he will not exercise his powers as elected Secretary/Member of the Managing Committee.

**40.** Subject to the general or special control of the Managing Committee, the Secretary shall exercise the following powers and perform the following duties:-

- (1) To superintend the maintenance of proper and upto date accounts and books of the accounts register of members and other registers and documents etc. The accounts will be kept on double entry accounting system. One or more qualified accountant will be employed for this purpose who will keep and complete the day to day accounts upto date. The books will compulsorily be balanced at the end of each month. These accounts will be audited in accordance with the Cooperative Societies Act & Rules. Any kind of variation or difference should be corrected then and there. In case of mis-appropriation or other such happenings, Registrar will be immediately informed. Besides that, the committee must consider it and take steps for criminal action or civil proceeding or both for its rectification and will be responsible for losses incurred and making up the losses. All other books kept in the society will also be completed and kept upto date.
- (2) To see the proper execution of all receipts discharge, acknowledgments, contracts and other documents concerning the business of society and to keep such documents in safe custody and supervision.
- (3) To summon and attend all general meetings, meeting of managing committee and of sub-committees.
- (4) To record the proceedings of all meetings, get them signed from present members and to take steps to carry out the resolutions passed at such meetings.
- (5) To prepare annual accounts, especially yearly balance sheet, statements of profit and loss and the yearly report and present them before the managing committee, general meeting, inspecting and auditing officers. These reports should accompany the agenda sent to members for annual general meeting.
- (6) To certify as per law copies of entries in books etc. of the society.
- (7) To control the paid staff of society and get proper work out of them. In case of laxity on their part or due to any other reason, take disciplinary action against any member or the staff subject to the approval of the Managing Committee.
- (8) To give his opinion regarding annual performance of employees of the society.
- (9) To prepare statements called for by the Registrar from time to time and present them. However, Secretary will regularly and compulsorily send six monthly report ending on 30<sup>th</sup> June and 31<sup>st</sup> December within two weeks after the close of six months period regarding following items, failing which a fine @Rs.200/- per day (from 15<sup>th</sup> January / July) will be imposed beside being proceeded under Section 44-C. In case of non-payment of fine, it will be recoverable as arrears of land revenue:-
  - (i) Date of registration of society.
  - (ii) Date of start of housing scheme.



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- (iii) Name of committee members alongwith Secretary with date of election and number of meetings held during the period with date.
- (iv) List of Sub-committees and name of their members with number of meetings held during the period.
- (v) Date of last general meeting.
- (vi) Number of members:
  - a. At the start of six months.
  - b. Addition during the six months.
  - c. Cancellation during the six months.
  - d. At the end of the six months.
- (vii) Area owned by the society:
  - a. At the start of the six months.
  - b. Area purchased during the six months.
  - c. Total area at the end of the six months.
  - d. Average purchase price per Kanal.
- (viii) Number of plots (size wise) residential as well as commercial:
  - a. At the start of the six months.
  - b. Number of allotted plots.
  - c. Number of un-allotted plots.
  - d. Increase in number of plots during the six months.
  - e. Number of plots allotted during the six months.
  - f. Number of plots cancelled during the six months.
  - g. Number of net un-allotted plots at the end of the six months.
  - h. Cost of plot = Cost of land + Development charges
- (ix) Developed plots handed over to the allottees:
  - a. At the start of the six months.
  - b. During the six months.
  - c. At the end of the six months.
- (x) Detail of Development works e.g. roads, water supply, sewerage, electricity and others:
  - a. Date of start.
  - b. Development is being done by society itself or contractor, if through contractors give names.
  - c. Percentage of work completed by end of quarter.
- (xi) Balance sheet:
  - a. At the start of the six months.
  - b. Receipts and disbursement (Head-wise) during the period.
  - c. Profit or loss account during the six months.
  - d. Balance sheet at the end of the six months.
- (xii) List of staff with salaries.
- (xiii) List of vehicles and under whose use.
- (xiv) Last audit conducted (when & by whom).
- (xv) Date of internal audit, by whom and when sent to Registrar's office.
- (xvi) Any other information considered necessary.





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- (11) To incur contingent or other expenditure within such limit as may be imposed by the committee or any sub-committee.
- (12) To be responsible for the safe custody and supervision of stock furniture or other property of society and keep their proper accounts.
- (13) To purchase, subject to the provision of Act, Rules, and Bye-Laws, and as directed by Committee, articles, goods or other property, to properly utilize, sell or otherwise dispose them.
- (14) To look into the proper running of the office and other work of the society, generally to conduct the business of the society and perform all duties assigned by the General meeting or the Managing Committee.

## **REGISTERS**

**41.** The following registers, books documents shall be maintained and shall be open to inspection of member, interested in affairs of the society:-

- (1) A register of member showing the name, address and occupation of every member, the number of shares held by him, the dates of his admission to membership and the nominee appointed by him under his signature.
- (2) A cash book showing income, expenditure and balance on each day on which any business of the society is done.
- (3) A ledger account of each member, depositor and creditor and of miscellaneous and other income contingent and other expenditure and sale, purchase etc. of all goods.
- (4) A minutes book in which proceedings of general meeting committee or sub-committee meeting or notes of inspecting officers will be recorded.
- (5) Share Register.
- (6) Bonds register.
- (7) Pass book to be provided to each member.
- (8) Daily sale, purchase and balance register.
- (9) Stock register.
- (10) A property register showing in detail the purchase and sale of property by the society.
- (11) A register showing the development schedule and timely execution.
- (12) Allotment register.
- (13) Construction design, Master Plan.
- (14) Members file.
- (15) Any other account books or register prescribed by the Managing Committee or the Registrar.



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## **TREASURER**

**42.** The general meeting shall elect one of its members as Treasurer to keep the society's money in his custody and spend the same under its directions. Subject to the general or special control of the managing committee, the treasurer will perform the following duties:-

- (1) To receive all money for and on behalf of and in the name of the society and to give receipt and other effectual discharges in respect of such money and to deposit the same in the bank.
- (2) To make payment through cheque against voucher, bill etc., countersigned and attested by the Secretary and duly passed by the Committee; cash payment will be made only out of imprest.
- (3) To be responsible for the safe custody of bank cheque books.
- (4) To be responsible for the safe custody and proper accounts of the withdrawals from the bank.
- (5) To prepare and draw up yearly balance sheets, statements of profit and loss and the yearly report.
- (6) To complete as per Bye-Law No. 40 (1) all the accounts registers as prescribed in these Bye-Laws and present the same to the Secretary for countersignatures on the day an entry is made.

- 43.** (a) Ordinarily no cash will be received and all money received for and on behalf of the society shall be in the form of Pay-Order and demand draft in the name of the society. It will be deposited in the Punjab Provincial Cooperative Bank Ltd. or any other bank approved by the Registrar Cooperatives. All payment shall be made by cheques. Only petty amount can be paid in cash of the imprest.
- (b) The bank account shall be opened and operated jointly by the President and any one of the Committee members so authorized.

## **USE OF CAPITAL**

**44.** The Capital of society will be utilized for the objects mentioned in Bye-Law No. 4.

## **BUSINESS RULES**

**45.** The society will prepare detailed rules to regulate the business of the society, and get them approved from the Registrar otherwise it will not be competent to do any sort of business. These will include purchase / acquisition of land and its development to provide infra-structure in the colony in the form of roads, water supply, sewerage, electrification, gas telephone etc. It will also prescribe allotment / auction procedure regarding residential and commercial plots and their handing over to the allottees. Generally the following procedure will be followed:

- (1) All members shall agree in writing at the time of admission to abide by all the Bye-Laws and regulation of the society and all amendments and modifications there of which may be made from time to time.
- (2) The society will arrange land for the colony and develop it. The land will then be allotted to the members of the society on the basis of their seniority and in accordance with the approved layout plan. The very moment a bargain is struck by the society, a call will be given to its members for the deposit of the amount regarding the price of land. In the case of acquisition / purchase of non-





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developed land it will be followed with the call for the deposit of development charges. It will be imperative upon the members to deposit the stated amount within the time limit. If a member of the society fails to pay defaulted amount, the managing committee may impose 10% fine on defaulted amount for a period of three months after which the Managing Committee shall have the powers to cancel the allotment of plot and dispose of the interest of the member after deducting the debt from him / her and the expense incurred in this connection, provided that a Show Cause Notice of 30 days is given to the member in this respect.

- (3) The society may decide to impose an extra rate for the corner plots in the residential area. The commercial plots in the colony will be given in open auction and will not be allotted as such.
- (4) All plots in the colony as shown in the master plan shall be indivisible and only one building plan shall be approved, for each plot. Sub-division will be allowed in rare cases and that also subject to rules of local body or authority. Irrespective of the number of genuine owners of any plot, only one person shall become the member of the society and in case of a deceased member only the unanimously agreed sole representative of all successors at law will have the right to become member.
- (5) All constructions or editions / alternation thereto in the colony shall be subject to provisions of the Building Rules which will be prepared by committee and duly approved by the general meeting and Registrar.
- (6) Allottee members shall have proprietary rights of the plots after full cost including development charges have been paid and agreements executed.
- (7) An allottee member from the date of possession of plot is taken shall be liable to pay all taxes and impositions whatsoever, which may here-in-after be charged or imposed upon or be payable in respect of the said plot or building construction thereon.

## **PROFITS**

**46.** (a) Profits will be divisible.

- (b) Each year the society will keep 1/10<sup>th</sup> of its net profits as Reserve funds which will be indivisible. This reserve funds can be utilized in the business of the society or can be invested as provided in Rule 37. After setting aside of this reserve fund, the society may as per its requirements make provision for other funds, like common good fund, building fund, share transfer fund, depreciation fund, bad and doubtful debt fund, dividend equalization fund, and provident or some other fund. The decision for the provision of any such fund or the ratio thereof will be decided by the general meeting subject to the approval of Registrar. After keeping a provision for reserve and other funds, members can be paid dividend on their paid up shares at the rate not exceeding 6.5%.

## **DISPUTES**

**47.** All disputes touching these Bye-Laws or the business of society between members or past member, employees or past employees surety, whether such surety is a member or not or persons claiming through them and society or its committee or officers or past officers or other parties as mentioned in section 54 of the Act shall be referred to Registrar which will be decided by Registrar himself or will be got decided through Registrar's Nominee.



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## GENERAL

- 48.** (1) So long as some body does not become a member of the society, he will not get any immovable property of society or any part of it.
- (2) If a member owes any dues to the society, he will not be allowed to take part in any election or meeting of society.

## EXPLANATION

- (3) (i) As per this Bye-Law, word "dues" will mean any installment, municipal charges or any other dues of the society which are payable for a period of more than 3 months from the date of demand or any such amount decided by court or Registrar or his nominee, such amount is not paid for a period of more than three months.
- (ii) To act upon this Bye-Law, Secretary will prepare a list of defaulters from the certified record of the society and will hang it in society office on the date on which agenda is issued for General Meeting elections. Such members will be allowed to pay such amount (under protest if he so desires) till the election or general meeting. Such persons who are included in that list will not be eligible to contest the elections or take part in the meeting so long as they do not present a receipt for payment as per the list. Secretary will issue a notice under postal certificate to defaulter members at least ten days before the elections or the general meeting that his name is included in the list of defaulters. In this notice he will specify the amount payable. Secretary will give a certificate, before the holding of meeting that such list was affixed and concerned persons have been issued notices. This list will be enough to disqualify under Bye-Law No. 23 (ii) and this will not affect the right of the society to recover the amount demanded by the society, irrespective of the fact that amount demanded against a defaulter is wrongly shown or that name of any defaulter is included by error is so deleted.
- (iii) All construction or alteration in the colony of the society will be as per plan approved by committee. As such, constructions or alterations are as per such rules and regulations which have been devised for the purpose.
- (iv) No member will be allowed to transfer temporarily or permanently or lease out any immovable property or part thereof to any body who is not a member of society so long as the committee does not admit him as a member.

## AUDIT

- 49.** (1) The accounts of the society shall be audited at least once a year by an auditor appointed by the Registrar.
- (2) The society shall pay such contributions to the Punjab Cooperative Union as may be fixed by the Registrar.

## LIQUIDATION

- 50.** The society shall be liquidated only by the order of the Registrar under Section 47 or 48 of the Act. If Registrar considers it appropriate he may appoint a liquidator for winding up its affairs. After discharging all the liabilities of the society surplus funds shall not be distributed among members, but shall be applied to such objects of public utility as may be selected by the General Meeting and approved by the Registrar or will be utilized for such objects as are narrated in Section 52 of the Act.





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After winding up, the cancellation of registration of society will be done by Registrar under Section 49 of the Act.

