

I. Government Directions to Cooperative Housing Societies' for making documents available to members (dated 10th March 1995)

No: sagruyo 1095/15165/ P. K. 36 /14 C,
Cooperatives and Textiles Department, Mantralaya Annex,
Mumbai 400032

Dated 10th of March 1995

Since Section 32 of the Cooperative Societies Act lists the documents which can be perused by the members without any fees and also lists documents, copies of which can be provided to the members and...

Since Rule 30 of the Cooperative Societies Rules 1961 lists the documents relating to the society, which can be obtained from the office of the Registrar, on payment of the prescribed fee and...

Since several members of the cooperative housing societies have complained against their Cooperative Housing societies to the Government and the Registrar regarding non-availability of self related documents though demanded, **and refusal by them to peruse or obtain copies of the documents**, despite referring to the provision in terms of rule 30 of Article 32 and since these type of complaints are recurring frequently, and...

Since the underlying intention of Article 32 is to make mandatory the availability of documents to the members for their perusal, free of cost, and Rule 30 refers to the documents, which can be obtained from the Office of the Registrar for examination, and since the members want to examine any document related to their financial transactions with the society, then granting such permission is in consonance with the principles of cooperation and that there is no legal / regulatory bar to such examination and it is in public interest as well.

Hence in public interest, the Government, in exercise of the powers in terms of Article 79 of the Cooperatives Act, is directing the Cooperative Housing societies to make available the copies of documents to their members, on their demand , as follows :

" If any member of the Cooperative Housing society himself or through any person authorized by him, demands any documents / papers relating to his financial transactions with the cooperative housing society, other than the documents / papers permissible in terms of Section 32 Maharashtra Cooperative Societies Act 1960, and Rule 30 of the Maharashtra Cooperative Societies Rules 1961, in writing, such documents should be made available without delay and within seven days under any circumstances. Such examination should be allowed free of cost. However the executive committee (subject to the General Body's wishes) can prescribe a fee not exceeding Rs 10/- per hour, for such examination.

The copies of such documents will be made available on demand on payment of prescribed fee or at members' cost or on actual cost bearing basis by the society, without any delay and within 30 days under any circumstances. In case of conflict, as regards providing copies of documents, between the payment of fees as per the above provisions and the existing rules / byelaws of the society, the rates provided for in such rules / byelaws will prevail."

The above directions will come into effect from the date referred above.

BY order of and in the name of Governor of Maharashtra,

(S K Kalal)
Under Secretary,
Textiles and cooperatives Department,
Government of Maharashtra

II. Legal Sections & Rules mentioned in the above Govt. Order

A. Maharashtra Cooperative Societies (MCS) Act, 1960:

“Section 32 - Rights of members to see books, etc.

(1) Every member of a society shall be entitled to inspect, free of cost, at the society's office during office hours, or any time fixed for the purpose by the society, a copy of the Act, the rules and the by-laws, the last audited annual balance sheet, the profit and loss account, a list of the members of the committee a register of members, the minutes of general meeting, minutes of committee meetings and those portions of the books and records in which his transactions with the society have been recorded.

(2) A society shall furnish to a member, on request in writing and on payment of such fees as may be prescribed therefor, a copy of any of the documents mentioned in the foregoing sub-section within one month from the date of payment of such fees.

See Rules 27 & 30”

B. Maharashtra Cooperative Societies Rules, 1961:

Rule 27

“Supply of copies of documents by societies and fees therefor

1) A member of a society requiring a copy of any of the documents mentioned in sub section(1) of section 32 may apply to the society for the same. Every such application shall be accompanied by a deposit of such amount as may be decided by the committee for recovering the cost of preparing the copies according to the following scale, namely

Every 200 words or less

English 40 paise

Regional lang 50 paise

On receipt of the deposit the society shall issue a receipt for the same.

2) Where the copies are prepared, the amount due from the member according to the scale laid down in sub-rule (1) shall be retained by the society as copying fees and the surplus amount if any, remaining out of the deposit shall be returned to the member at the time of supplying copies. Where the amount deposited by the member is found to be insufficient to cover the copying fees, the member shall be called to pay the deficit before taking delivery of the copies.

3)The copies shall be certified and signed as true copies by any person duly authorized in this behalf by the committee or under the by laws of the society.”

Rule 30

“Inspection of documents in the Registrar’s office by members of societies and the scale of fees for supply of copies of documents-

A member of a society or any member of the public may inspect the following documents in the office of the Registrar free of charge, and may obtain certified copies thereof on payment of the following fees

- a) Application for registration of society*
- b) Certificate of registration*
- c) By-laws of societies*
- d) Amendment of bye-laws of a society*
- e) Order of cancellation of registration of society*
- f) Audit memorandum of a society*
- g) Annual balance sheet*
- h) Order u/s 88*
- i) Order of supersession of a committee or removal of any member thereof*
- j) Order referring a dispute for decision*
- k) Any other order against which an appeal is provided*
- l) All the above at the rate of 40 paise for every 200 words or less in English and 50 paise for every 200 words or less in Marathi”*

III. If any Society does not comply with above-mentioned Govt. Directive, Legal Sections and Rules, then Managing Committee members can be penalized by Registrar.

Maharashtra Cooperative Societies (MCS) Act, 1960, says:

“Section 79 - Registrar's power to enforce performance of obligations

(1) The registrar may direct any society or class of societies, to keep proper books of accounts with respect to all sums of money received and expended by the society, and the matters in respect of which the receipt and expenditure take place all sales and purchases of goods by the society, and the assets and liabilities of the society, and to furnish such statements and returns and to produce such records as he may require from time to time;

and the officer or officers of the society shall be bound to comply with his order within the period specified therein.

(2) Where any society is required to take any action under this Act, the rules or the byelaws, or to comply with an order made under the foregoing sub-section, and such action is not taken—

(a) within the time provided in this Act, the rules or the bye laws, or the order as the case may be, or

(b) where no time is so provided, within such time, having regard to the nature and extent of the action to be taken, as the Registrar may specify by notice in writing.

The Registrar may himself, or through a person authorised by him, take such action, at the expense of the society; and such expense shall be recoverable from the society as if it were an arrear of land revenue.

(3) Where the Registrar takes action under sub-section (2), the Registrar may call upon the officer or officers of the society whom he considers to be responsible for not complying with the provisions of this Act, the rules or the bye-laws, or the order made under sub-section (1) and after giving such officer or officers an opportunity of being heard, may require him or them to pay to the society the expenses paid or payable by it to the State Government as a result of their failure to take action and to pay to the assets of the society such sum not exceeding twenty-five rupees as the Registrar may think fit for each day until the Registrar's directions are carried out.”

For more tips, download Jeby Patel's guide for citizens:

<http://tinyurl.com/4-pt-attack-on-corrupt-mg-cmte>

Regards, Krish

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Mumbai

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