

THE WEST BENGAL CO-OPERATIVE SOCIETIES ACT, 2006

(Chapter I.—Preliminary.—Sections 1-3.)

An Act to consolidate and amend the law relating to Co-operative societies in West Bengal.

WHEREAS in order to infuse a new life into the Co-operative movement of West Bengal on the face of the new challenge of globalisation and liberalization of Indian Economy, it is necessary and expedient to make provisions to give healthy impetus and a sense of purpose for the Co-operative movement in West Bengal, to facilitate the voluntary formation and democratic functioning of the Co-operative societies in the State, to ensure members' involvement in making decisions, to make the Co-operative societies self-reliant and vibrant by changing the vision and mission of the institutions as required to face a new competitive economic scenario to promote thrift, self-help and mutual aid amongst the people with needs and interest in common, to provide for transparent, devoted and efficient management and services relevant to the needs of the Co-operatives, to diversify their activities, to put them on sound financial footing and to increase production in all sectors of life including agriculture and industry and above all to bring about economic and social regeneration including better and happier conditions of living for the weaker and poorer section of the community including womenfolk and to bring them within the fold of Co-operative movement and for that purpose to consolidate and amend the law relating to the Co-operative societies in West Bengal.

It is hereby enacted in the Fifty-seventh Year of the Republic of India, by the Legislature of West Bengal, as follows:—

CHAPTER I

Preliminary

Short title, extent and commencement.

1. (1) This Act may be called the West Bengal Co-operative Societies Act, 2006.

(2) It extends to the whole of West Bengal.

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint, and different dates may be appointed for different provisions of this Act.

State policy on Co-operative societies.

2. (1) It shall be the policy of the State to promote Co-operative societies, which are instruments of equity, social justice and economic development in fulfilment of the Directive Principles of the State Policy as enshrined in the Constitution of India.

(2) Save as otherwise expressly provided in this Act, the State shall not interfere in the management and operation of the Co-operative societies and shall recognise Co-operative societies as democratic institutions owned, managed and controlled by members for their economic and social betterment, operating their business based on mutual aid and Co-operative principles.

Co-operative principles.

3. The following shall constitute the Co-operative principles:—

- (i) membership in Co-operative societies shall be voluntary and available irrespective of caste, creed, race and religion to all persons who can make use of its services and are willing to accept the responsibilities of membership;

*The West Bengal Co-operative Societies Act, 2006.**(Chapter I.—Preliminary.—Section 4.)*

- (ii) Co-operative societies are democratic organisations controlled by their members who actively participate in setting their policies and making decisions. Their affairs shall be managed and administered by persons elected or appointed in the manner agreed by the members and accountable to them. Every member of a Co-operative society, other than a nominal member, shall have equal right of voting in accordance with the principle of "one member, one vote";
- (iii) member holding share capital shall only receive a strictly limited compensation, by way of dividend, if any;
- (iv) the economic results, arising out of the operations of a Co-operative society belonging to the members of that Co-operative society shall be distributed in such a manner as to avoid one member gaining at the expenses of other.

This may be done by decision of the members as follows:—

- (a) by provision for development of the business of the Co-operative societies;
- (b) by provision of common services; and
- (c) by distribution among the members in proportion to their transactions with the Co-operative societies;
- (v) as autonomous, self-help organisations, controlled by their members, Co-operative societies, if they enter into agreements with other organisations, including Governments or raise capital from external sources, they can do so on terms that ensure democratic control by their members and maintain their Co-operative autonomy;
- (vi) all Co-operative societies shall make provision for the education of their members, officers and employees and of the general public, in the principles and techniques of co-operation, both economic and democratic;
- (vii) all Co-operative societies, in order to serve better the interest of their members and their communities, shall actively co-operate in every practical way with other Co-operative societies at a local, national and international levels having as their aim the achievement of unity of action by co-operators throughout the world; and
- (viii) all Co-operatives shall have concern for the communities and shall work for the sustainable development of their communities through policies approved by their members.

Definitions.

4. In this Act, unless there is anything repugnant in the subject or context,—
- (1) "administrator" means an administrator appointed under section 35;
 - (2) "apex Co-operative society" means a Co-operative society whose area of membership extends to the whole of West Bengal and the primary object of which is to promote the objects and to provide facilities for the operation of other Co-operative societies which are its members and includes West Bengal State Co-operative Bank Limited and West Bengal State Co-operative Agriculture and Rural Development Bank Limited;
 - (3) "arbitrator" means an arbitrator appointed under section 103 and includes a board of arbitrators and a forum of arbitrators;
 - (4) "area of membership" means the area as specified in the by-laws of a Co-operative society from which the membership is drawn;

*The West Bengal Co-operative Societies Act, 2006.**(Chapter 1.—Preliminary.—Section 4.)*

- (5) "auditor" means a person appointed or authorised to act as an auditor under section 97;
- (6) "audit range" means an area over which an audit officer not below the rank of an Assistant Director of Co-operative Audit exercises his jurisdiction;
- (7) "block-level *mahila* self-help group Co-operative societies" means a credit Co-operative society formed by the self-help groups consisting of women members only within the administrative jurisdiction of a community development block;
- (8) "board" means a board of directors, the governing body of a Co-operative society constituted under section 32;
- (9) "borrowed capital" means the total of loans, deposits and such other borrowings as the Board of a Co-operative Society may decide;
- (10) "by-law" means a by-law registered under this Act and includes an amendment thereof;
- (11) "Central Co-operative bank" has the same meaning as in the National Bank for Agriculture and Rural Development Act, 1981;
- (12) "State Co-operative agriculture and rural development bank" means a Co-operative, the primary object of which include the creation of funds for lending money to its members and to the Co-operative agriculture and rural development banks;
- (13) "Central Co-operative society" means a Co-operative society, the primary object of which is to facilitate the working of other Co-operative societies which are its members within an area as may be prescribed and includes a Central Co-operative Bank Ltd.;
- (14) "consumer Co-operative society" means a Co-operative society, the primary object of which is to supply consumer goods and to render such other services to its members and other consumers as may be required in the matter of supply and production of consumer goods and includes a federation of such Co-operative societies;
- (15) "Co-operative society" means a Co-operative society registered under this Act and includes all Co-operative societies registered under the previous Acts;
- (16) "Co-operative agriculture and rural development bank" means a primary Co-operative society, the object of which include the creation of funds for lending money to its members on long-term basis and also to the beneficiaries of long-term loan on short-term basis for improvement of agricultural land and for other productive purposes and for construction of house and higher education of members or their wards.

61 of 1981.

Explanation.—In this clause—

- (i) "long-term" shall mean a term exceeding five years;
- (ii) "productive purposes" shall mean such effort, activity or construction as may be provided in the by-laws;
- (17) "Co-operative farming" means a Co-operative society, the principal object of which is to organise cultivation of lands held by it or by its members jointly or otherwise with a view to increasing agricultural production and employment by proper utilisation of land, labour and other resources;

*The West Bengal Co-operative Societies Act, 2006.**(Chapter I.—Preliminary.—Section 4.)*

- (18) "Co-operative society with limited liability" means a Co-operative having the liability of its members limited by its by-laws to the amount, if any, unpaid on the shares respectively held by them or to such amount as they may have respectively thereby undertaken to contribute to the assets of the Co-operative in the event of its being wound up;
- (19) "Co-operative society with unlimited liability" means a Co-operative having, subject to its by-laws, an unlimited liability of its members to contribute jointly and severally in any deficiency in the assets of the Co-operative;
- (20) "Co-operative Credit Society" means a Co-operative society, the primary object of which is to create funds for lending money to its members;
- (21) "Co-operative range" means such area over which an officer not below the rank of an Assistant Registrar of Co-operative societies exercises his jurisdiction;
- (22) "chief executive" means a person, by whatever designation he may be called, who being appointed by the board, manages the affairs of the Co-operative, subject to the superintendence, control and direction of the board and includes Chief Executive Officer appointed by the State Government or the Registrar of Co-operative societies under section 33;
- (23) "Co-operative year" means the year commencing on the 1st day of April;
- (24) "Director of Co-operative audit" means the person appointed under section 12 and includes Additional Director of Co-operative Audit, Deputy Director of Co-operative Audit, Assistant Director of Co-operative Audit or any other officer who are appointed under that section to assist him and on whom all or any of the powers of the Director under this Act are conferred;
- (25) "dispute" means any matter capable of being the subject of civil litigation, and includes a claim in respect of any sum payable to or by a Co-operative society;
- (26) "district Co-operative union" means a Co-operative society which has an area of membership extending to the whole of a Co-operative range and the primary object of which is to assist the State Co-operative Union in implementing its object and includes a central society;
- (27) "distraîner" means a person who is empowered by a Registrar to distrain and sell the produce of mortgaged land including the standing crops thereon, in accordance with the provisions of section 120;
- (28) "electric Co-operative society" means a Co-operative society, the primary object of which is to provide electricity through generation, distribution or otherwise to its members and also to others if approved by the Board;
- (29) "engineers' Co-operative society" means a Co-operative society formed of unemployed—
- (i) degree holders in any branch of engineering, technology, science, commerce, arts or agriculture; or
 - (ii) diploma holders in any branch of engineering, technology, agriculture; or
 - (iii) certificate holders in any industrial trade.

*The West Bengal Co-operative Societies Act, 2006.**(Chapter II.—Registration.—Sections 12-15.)*

CHAPTER II

Registration

Appointment of Registrar and Director of Co-operative Audit and other persons to assist them.

12. (1) The State Government may appoint a person to be the Registrar of Co-operative Societies for West Bengal and such number of other persons to assist him as it may deem fit.

(2) The State Government may appoint a person to be the Director of Co-operative Audit for West Bengal and such number of other persons to assist him as it may deem fit.

Conferral of powers and duties of Registrar and Director of Co-operative Audit on other persons.

13. (1) Subject to the rules, the State Government may, by general or special order in this behalf, confer all or any of the powers, or impose all or any of the duties, or the Registrar under this Act, other than those specified in the First Schedule, on any person appointed under sub-section (1) of section 12 to assist the Registrar.

(2) Subject to the rules, the State Government may, by general or special order in this behalf, confer all or any of the powers, or impose all or any of the duties, of the Director of Co-operative Audit under this Act, other than those specified in the Sixth Schedule, on any person appointed under sub-section (2) of section 12 to assist the Director of Co-operative Audit.

Co-operative society which may be registered.

14. (1) Subject to the provisions of this Act and rules, a Co-operative society established with the object of social and economic betterment of its members in their common interest through self-help and mutual aid in accordance with the Co-operative principles and facilitating the operation of such Co-operative society including a Co-operative society formed by division of an existing Co-operative society or by amalgamation or reorganisation of two or more Co-operative societies with the approval of their members may be registered under this Act with limited liability.

(2) A Co-operative society shall be registered with limited liability:

Provided that a Co-operative society with unlimited liability functioning immediately before the commencement of this Act may continue to function as such or may convert itself into a Co-operative society with limited liability if the members of such Co-operative society want:

Provided further that a Co-operative society registered under this Act may, subject to the provision of this Act, by amendment of its by-laws change the form or the extent of its liability.

(3) The word "Limited" shall be the last word in the name of a Co-operative society registered under this Act.

Bar to registration.

15. (1) No Co-operative society, the by-laws of which permit admission as its member of a person carrying on transaction or business of the same kind or nature as carried on by its, shall be registered under this Act or violate the provisions of existing laws of the land.

(2) In particular and without prejudice to the generality of the provisions of sub-section (1):

(a) no Co-operative credit society shall be registered if the by-laws thereof do not specifically debar admission as its member of a person who is a money lender by profession;

(b) no consumers' Co-operative society shall be registered if the by-laws thereof do not specially debar admission as its member of a person who is a grocer by profession; and

*The West Bengal Co-operative Societies Act, 2006.**(Chapter II.—Registration.—Section 16.)*

- (c) no industrial Co-operative society shall be registered if the by-laws thereof do not specifically debar admission as its member of a person who is carrying on, on his account, or has any interest in, any business of the kind carried on by it:

Provided that the registration of an industrial Co-operative society shall not be refused merely on the ground that its by-laws provided for admission as its member of a person who is an ordinary artisan or a small entrepreneur carrying on business of the same kind carried on by it.

- (3) No Co-operative society established or organised for the promotion of the economic interests of any particular community, class or group of people exclusively through any specific activity shall be registered if the by-laws thereof permit admission as its members of persons other than those to be directly benefited such activity.

- (4) No Co-operative society established by tribal or farmers or females exclusively for their benefit shall admit as its member a person who is not tribal or farmer or female as the case may be.

Application for registration.

16. (1) An application for registration of a Co-operative society in Form as prescribed and its by-laws shall be submitted to the Registrar by hand or by registered post with acknowledgement due with one copy to the District Co-operative Union in the case of the Co-operative society having its area of membership within a district and to the State Co-operative Union in more than one Co-operative range.

- (2) Every such application shall be accompanied by—

- (a) four copies of the proposed by-laws of the Co-operative society as adopted by the promoting members;
- (b) a list of names of the members with their addresses, occupations and equity participations and signatures;
- (c) a list of members of the first board elected by the promoting members;
- (d) a true copy of the minutes of the meeting at which the by-laws were adopted and election was held, duly signed by the chairman; and
- (e) a scheme of the project, if any, to be undertaken by the proposed Co-operative society.

- (3) Every such application shall be signed by at least ten individuals from different families in the case of a proposed primary Co-operative society and by the authorised representatives of at least five primary Co-operative societies in the case of a proposed Federal Co-operative society:

Provided that in the case of a housing Co-operative society the number of applications shall not be less than eight.

Explanation.—For the purpose of this sub-section, a family shall be deemed to consist of husband, wife, minor sons and daughters dependant widow of a predeceased son, minor sons and daughters of a dependant widow of a predeceased son, husband's and wife's dependant parents and dependant divorcee daughter.

- (4) The State Government may prescribe the extent to which a Co-operative society shall limit the minimum number of its members.

- (5) The Registrar shall register the Co-operative society and also its by-laws and communicate by hand or by registered post with acknowledgement due the certificate of registration in Form as prescribed and a copy of the registered by-law, within sixty days from the date of receipt of the application to the applicant or the chief promoting member. A copy of the certificate of registration in prescribed form may be sent to the District Co-operative Union or the State Co-operative Union as the case may be:

THE SOCIETIES REGISTRATION ACT, 1860

ARRANGEMENT OF SECTIONS

PREAMBLE.

SECTIONS

1. Societies formed by memorandum of association and registration.
2. Memorandum of association.
3. Registration and fees.
4. Annual list of managing body to be filed.
5. Property of society how vested.
6. Suits by and against societies.
7. Suits not to abate.
8. Enforcement of judgment against society.
9. Recovery of penalty accruing under bye-law.
10. Members liable to be sued as strangers.
Recovery by successful defendant of costs adjudged.
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12. Societies enabled to alter, extend or abridge their purposes.
13. Provision for dissolution of societies and adjustment of their affairs.
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THE SOCIETIES REGISTRATION ACT, 1860

ACT NO. 21 OF 1860¹

[21st May, 1860.]

An Act for the Registration of Literary, Scientific and Charitable Societies.

Preamble.—WHEREAS it is expedient that provision should be made for improving the legal condition of societies established for the promotion of literature, science, or the fine arts, or for the diffusion of useful knowledge, ²[the diffusion of political education] or for charitable purposes; It is enacted as follows:—

1. Societies formed by memorandum of association and registration.—Any seven or more persons associated for any literary, scientific, or charitable purpose, or for any such purpose as is described in section 20 of this Act, may, by subscribing their names to a memorandum of association, and filing the same with the Registrar of Joint-stock Companies ^{3***}, form themselves into a society under this Act.

1. Short title given by the Indian Short Titles Act, 1897 (14 of 1897).

The Act (with the exception of the first four sections) is based on the Literary and Scientific Institutions Act, 1854 (17 and 18 Vict., c. 112), ss. 20 *et seq.*

It has been declared to be in force in the whole of India, except the Scheduled Districts, by s. 3 of the Laws Local Extent Act, 1874 (15 of 1874).

It has been extended to the New Provinces and Merged States by Act 59 of 1949.

It has been declared, by notification under s. 3(a) of the Scheduled Districts Act, 1874 (14 of 1874), to be in force in the following Scheduled Districts, namely:—

West Jalpaiguri	See Gazette of India,	1881, Pt. I, p. 74.
The Districts of Hazaribagh, Lohardaga (now the Ranchi District, see Calcutta Gazette, 1899, Pt. I, p. 44), and Manbhum and Pargana Dhalbhum and the Kolhan in the District of Singhbhum	Ditto	1881, Pt. I, p. 504.
The Scheduled portion of the Mirzapur District	Ditto	1879, Pt. I, p. 383.
JaunsarBawar	Ditto	1879, Pt. I, p. 302.
The Scheduled Districts in Ganjam and Vizagapatam.	Ditto	1898, Pt. I, p. 870.
Assam (except the North Lushai Hills).	Ditto	1897, Pt. I, p. 299.
It has been extended, by notification under s. 5 of the last-mentioned Act, to the following Scheduled Districts, namely:—		
Kumaon and Garhwal.	See Gazette of India,	1876, Pt. I, p. 606.
Ajmer and Merwara.	Ditto	1878, Pt. I, p. 380.

The Act has been extended to Goa, Daman and Diu with modifications by Reg. 12 of 1962, s. 3 and the Schedule to Dadra and Nagar Haveli with modifications by Reg. 6 of 1963, s. 2 and the First Schedule (w.e.f. 1-7-1965) and to the Union territory of Lakshadweep, by Reg. 8 of 1965, s. 3 and Sch. (w.e.f. 1-10-1967).

It has been amended in—

C. P. and Berar by C. P. and Berar Act 3 of 1940,

Assam by Assam Acts 14 of 1948, 15 of 1948, 1 of 1952, 7 of 1957 and 11 of 1958,

Bihar by Bihar Acts 30 of 1948, 4 of 1951 and 2 of 1960,

Punjab by East Punjab Acts 32 of 1948, 6 of 1949 and Punjab Act 21 of 1961,

West Bengal by West Bengal Act 16 of 1950,

Andhra by President's Act 10 of 1954,

Madras by Mad. Act 9 of 1960,

Orissa by Orissa Acts 21 of 1958, 8 of 1969 and 9 of 1979,

Maharashtra by Maharashtra Acts 11 of 1968 and 49 of 1971,

Himachal Pradesh by H. P. Act 23 of 1973,

Uttar Pradesh by U. P. Acts 25 of 1959, 52 of 1975, 13 of 1978 and 11 of 1984,

Bombay by Bom. Act 76 of 1958,

Haryana by Haryana Act 23 of 1974,

Pondicherry by Act 9 of 1969, and

Union territory of Delhi by Act 26 of 1983.

The Act came into force in Pondicherry *vide* Reg. 7 of 1963 and the First Schedule (w.e.f. 1-10-1963).

The Act has been repealed in its application to Bellary District by Mysore Act 14 of 1955 and in Mysore by Mysore Acts 17 of 1960 and 19 of 1973.

It has been repealed in its application to Mahakoshal, Vindhya Pradesh and Bhopal regions of Madhya Pradesh by Madhya Pradesh Act 1 of 1960 (when notified).

2. Ins. by Act 22 of 1927, s. 2.

3. The words and figures "under Act 19 of 1857" rep. by Act 16 of 1874, s. 1 and Sch., Pt. I. See now the Companies Act, 1956 (1 of 1956).

2. Memorandum of association.—The memorandum of association shall contain the following things (that is to say)—

the name of the society;

the objects of the society;

the names, addresses, and occupations of the governors, council, directors, committee, or other governing body to whom, by the rules of the society, the management of its affairs is entrusted.

A copy of the rules and regulations of the society, certified to be a correct copy by not less than three of the members of the governing body, shall be filed with the memorandum of association.

3. Registration and fees.—Upon such memorandum and certified copy being filed, the Registrar shall certify under his hand that the society is registered under this Act. There shall be paid to the Registrar for every such registration fee of fifty rupees, or such smaller fee as ²[the State Government] may, from time to time, direct; and all fees so paid shall be accounted for to ³[the State Government].

4. Annual list of managing body to be filed.—Once in every year, on or before the fourteenth day succeeding the day on which, according to the rules of the society, the annual general meeting of the society is held, or, if the rules do not provide for an annual general meeting, in the month of January, a list shall be filed with the Registrar of Joint-stock Companies, of the names, addresses and occupations of the governors, council, directors, committee, or other governing body then entrusted with the management of the affairs of the society.

5. Property of society how vested.—The property, movable and immovable, belonging to a society registered under this Act, if not vested in trustees, shall be deemed to be vested, for the time being, in the governing body of such society, and in all proceedings, civil and criminal, may be described as the property of the governing body of such society by their proper title.

6. Suits by and against societies.—Every society registered under this Act may sue or be sued in the name of the president, chairman, or principal secretary, or trustees, as shall be determined by the rules and regulations of the society, and, in default of such determination, in the name of such person as shall be appointed by the governing body for the occasion:

Provided that it shall be competent for any person having a claim or demand against the society, to sue the president or chairman, or principal secretary or the trustees thereof, if on application to the governing body some other officer or person be not nominated to be the defendant.

7. Suits not to abate.—No suit or proceeding in any Civil Court shall abate or discontinue by reason of the person, by or against whom such suit or proceedings shall have been brought or continued, dying or ceasing to fill the character in the name whereof he shall have sued or been sued, but the same suit or proceeding shall be continued in the name of or against the successor of such person.

8. Enforcement of judgment against society.—If a judgment shall be recovered against the person or officer named on behalf of the society, such judgment shall not be put in force against the property, movable or immovable, or against the body of such person or officer, but against the property of the society.

The application for execution shall set forth the judgment, the fact of the party against whom it shall have been recovered having sued or having been sued, as the case may be, on behalf of the society only, and shall require to have the judgment enforced against the property of the society.

1. This section was amended in its application to Berar by s. 14 of the Central Provinces and Berar Vidya Mandir Act, 1939 (C. P. & B. Act 3 of 1940).

2. The words "the Governors-General of India in Council" have been successively adapted by the A.O. 1937 and the A.O. 1950 to read as above.

3. The word "Govt." has been successively adapted by the A.O. 1937 and the A. O. 1950 to read as above.

9. Recovery of penalty accruing under bye-law.—Whenever by any bye-law duly made in accordance with the rules and regulations of the society, or, if the rules do not provide for the making of bye-laws, by any bye-law made at a general meeting of the members of the society convened for the purpose (for the making of which the concurrent votes of three-fifths of the members present at such meeting shall be necessary), any pecuniary penalty is imposed for the breach of any rule or bye-law of the society, such penalty, when accrued, may be recovered in any Court having jurisdiction where the defendant shall reside, or the society shall be situate, as the governing body thereof shall deem expedient.

10. Members liable to be sued as strangers.—Any member who may be in arrear of a subscription which according to the rules of the society he is bound to pay, or who shall possess himself of or detain any property of the society in a manner or for a time contrary to such rules, or shall injure or destroy any property of the society, may be sued for such arrear or for the damage accruing from such detention, injury, or destruction of property in the manner hereinbefore provided.

Recovery by successful defendant of costs adjudged.—But if the defendant shall be successful in any suit or other proceeding brought against him at the instance of the society, and shall be adjudged to recover his costs, he may elect to proceed to recover the same from the officer in whose name the suit shall be brought, or from the society, and in the latter case shall have process against the property of the said society in the manner above described.

11. Members guilty of offences punishable as strangers.—Any member of the society who shall steal, purloin or embezzle any money or other property, or wilfully and maliciously destroy or injure any property of such society, or shall forge any deed, bond, security for money, receipt, or other instrument, whereby the funds of the society may be exposed to loss, shall be subject to the same prosecution, and, if convicted, shall be liable to be punished in like manner, as any person not a member would be subject and liable to in respect of the like offence.

12. Societies enabled to alter, extend, or abridge their purposes.—Whenever it shall appear to the governing body of any society registered under this Act, which has been established for any particular purpose or purposes, that it is advisable to alter, extend, or abridge such purpose to or for other purposes within the meaning of this Act, or to amalgamate such society either wholly or partially with any other society, such governing body may submit the proposition to the members of the society in a written or printed report, and may convene a special meeting for the consideration thereof according to the regulations of the society;

but no such proposition shall be carried into effect unless such report shall have been delivered or sent by post to every member of the society ten days previous to the special meeting convened by the governing body for the consideration thereof, nor unless such proposition shall have been agreed to by the votes of three-fifths of the members delivered in person or by proxy, and confirmed by the votes of three-fifths of the members present at a second special meeting convened by the governing body at an interval of one month after the former meeting.

13. Provision for dissolution of societies and adjustment of their affairs.—Any number not less than three-fifths of the members of any society may determine that it shall be dissolved, and thereupon it shall be dissolved forthwith, or at the time then agreed upon, and all necessary steps shall be taken for the disposal and settlement of the property of the society, its claims and liabilities, according to the rules of the said society applicable thereto, if any, and, if not, then as the governing body shall find expedient provided that, in the event of any dispute arising among the said governing body or the members of the society, the adjustment of its affairs shall be referred to the principal Court of original civil jurisdiction of the district in which the chief building of the society is situate; and the Court shall make such order in the matter as it shall deem requisite:

Provided that no society shall be dissolved unless three-fifths of the members shall have expressed a wish for such dissolution by their votes delivered in person, or by proxy, at a general meeting convened for the purpose:

Provided that ¹[whenever any Government] is a member of, or a contributor to, or otherwise interested in any society registered under this Act, such society shall not be dissolved ²[without the consent of the Government of the State of registration].

14. Upon a dissolution no member to receive profit.—If upon the dissolution of any society registered under this Act there shall remain after the satisfaction of all its debts and liabilities any property whatsoever, the same shall not be paid to or distributed among the members of the said society or any of them, but shall be given to some other society, to be determined by the votes of not less than three-fifths of the members present personally or by proxy at the time of the dissolution, or, in default thereof, by such Court as aforesaid:

Clause not to apply to Joint-stock Companies.—Provided, however, that this clause shall not apply to any society which shall have been founded or established by the contributions of shareholders in the nature of a Joint-stock Company.

15. Member defined. Disqualified members.—For the purposes of this Act a member of a society shall be a person who, having been admitted therein according to the rules and regulations thereof, shall have paid a subscription, or shall have signed the roll or list of members thereof, and shall not have resigned in accordance with such rules and regulations; but in all proceedings under this Act no person shall be entitled to vote or be counted as a member whose subscription at the time shall have been in arrear for a period exceeding three months.

16. Governing body defined.—The governing body of the society shall be the governors, council, directors, committee, trustees or other body to whom by the rules and regulations of the society the management of its affairs is entrusted.

17. Registration of societies formed before Act.—Any company or society established for a literary, scientific, or charitable purpose, and registered under ³Act 43 of 1850, or any such society established and constituted previously to the passing of this Act but not registered under the said ³Act 43 of 1850, may at any time hereafter be registered as a society under this Act; subject to the proviso that no such company or society shall be registered under this Act unless an assent to its being so registered has been given by three-fifths of the members present personally, or by proxy, at some general meeting convened for that purpose by the governing body.

In the case of a company or society registered under ³Act 43 of 1850, the directors shall be deemed to be such governing body.

In the case of a society not so registered, if no such body shall have been constituted on the establishment of the society, it shall be competent for the members thereof, upon due notice, to create for itself a governing body to act for the society thenceforth.

18. Such societies to file memorandum, etc., with Registrar of Joint-stock Companies.—In order to any such society as is mentioned in the last preceding section obtaining registry under this Act, it shall be sufficient that the governing body file with the Registrar of Joint-stock Companies ⁴*** a memorandum showing the name of the society, the objects of the society, and the names, addresses and occupations of the governing body, together with a copy of the rules and regulations of the society certified as provided in section 2, and a copy of the report of the proceedings of the general meeting at which the registration was resolved on.

1. Subs. by the A.O. 1937, for "whenever the Government".

2. Subs., *ibid*, for "without the consent of Government".

3. Rep. by the Indian Companies Act, 1866 (10 of 1866), s. 719, *see now* the Companies Act, 1956 (1 of 1956).

4. The words and figures "under Act 19 of 1857", rep. by Act 16 of 1874, s. 1 and the Schedule, Pt. 1, *see now* the Companies Act, 1956 (1 of 1956).

19. Inspection of documents, Certified copies.—Any person may inspect all documents filed with the Registrar under this Act on payment of a fee of one rupee for each inspection; and any person may require a copy or extract of any document or any part of any document, to be certified by the Registrar, on payment of two annas for every hundred words of such copy or extract; and such certified copy shall be *prima facie* evidence of the matters therein contained in all legal proceedings whatever.

20. To what societies Act applies.—The following societies may be registered under this Act:—

Charitable societies, the military orphan funds or societies established at the several presidencies of India, societies established for the promotion of science, literature, or the fine arts, for instruction, the diffusion of useful knowledge, ¹ [the diffusion of political education], the foundation or maintenance of libraries or reading-rooms for general use among the members or open to the public, or public museums and galleries of paintings and other works of art, collections of natural history, mechanical and philosophical inventions, instruments, or designs.

1. Ins. by Act 22 of 1927, s. 2.

OFFICE OF THE :



Phone : 2538-3653 (Direct)

2538-2664 / 0203

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E mail : chmgram@yahoo.com

MADHYAMGRAM MUNICIPALITY

P.O. : Madhyamgram

Dist. : North 24 Parganas, Kolkata - 700129

Memo. No. MM/CHAIR/NULM/2424/18-19

14
Date: 12.12.2018

To,
The Director
State Urban Development Agency
Ilgus Bhavan HC Block
Sector-III, Bidhannagar
Kol-700106.

Sub: Regarding formation of City Level Federation (CLF) under West Bengal Co-operative Societies Act.

Ref: SUDA-37/2016/307, dated 21/05/2018

Madam,

I would like to approach to your good self to draw your kind attention to the fact that in reference to above mention letter, the City Level Federation will not be able to do any profitable business if those are registered under Society Registration Act. But there will be no such problem if registered under West Bengal Co-operative Societies Act.

In view of above situation, I would request you to take necessary action so that the CLF may be registered under the said act.

Your cooperation in this regard is highly solicited.

Yours faithfully,


Chairman

Madhyamgram Municipality

CHAIRMAN

Madhyamgram Municipality
North 24-Parganas

This AGREEMENT for Lease of Electric Cars (hereinafter referred to as AGREEMENT) is executed on _____ by and between:

AGREEMENT FOR WET LEASE OF ELECTRIC CARS

- 2.4.5 Support the formation of new SHGs and monitor and evaluate functioning of its member SHGs (An indicative checklist for a functional SHG is at **Annexure III**);
- 2.4.6 Resolve issues raised by member SHGs in accessing credit from banks;
- 2.4.7 Raise issues of importance at the level of the City Level Federations (CLFs);
- 2.4.8 Regularly report to the ULB about the SHGs functioning.

3. Federations of SHGs at the city-levels

3.1 The ALFs will come together to form a City Level Federation (CLF). It is expected that each city will have at least one CLF. The CLFs should be registered as societies/association under the relevant law of the State. All ALFs in a city should be represented at the CLF. Bigger Cities may have more than 1 CLF based on the size and population. The CLF is expected to work with ALFs, member SHGs, city administration and financial institutions to ensure social and economic empowerment of the urban poor.

3.2 Responsibilities of a CLF

- 3.2.1. To represent the needs of the urban poor at various levels;
- 3.2.2. Advocacy with the ULB and State Government for pro-poor planning, master plans, vendor planning, etc.;
- 3.2.3. To facilitate access of member ALFs' and member SHGs' to banking services;
- 3.2.4. New group formation and support;
- 3.2.5. To identify specific training and capacity building needs of its member ALFs;
- 3.2.6. Work closely with the respective ULB to facilitate identification of beneficiaries for various government programmes;
- 3.2.7. Facilitate marketing of SHG produce/products.

4. Formation of SHGs: Engagement of Resource Organisations (ROs)³

4.1 The experts hired under City Mission Management Unit (CMMU) along with the Community Organizers will work at the field level for formation of SHGs under DAY-NULM. The services of ASHA / Anganwadi workers and other community level functionaries under various schemes / programmes of the Central and State Governments may also be utilised for this purpose. The expenditure on handholding,

³ As amended vide erstwhile M/o HUPA O.M. No. 14012/15/2016-UPA/FTS-16320 dated 22nd August 2016

- a. This Agreement may be renegotiated if at any time during its term, the work or environment of the CLIENT, and EESL, is so altered that the contents of the Memorandum are no longer appropriate.
- b. This Memorandum embodies the entire understanding of the parties as to its subject matter and shall not be amended except in writing executed by all the Parties to this agreement. Any changes are to be recorded in writing and inserted or attached to this Bilateral Agreement and this will have the effect of updating the Bilateral Agreement.

6. PROCEDURES FOR AMENDMENT, CANCELLATION, ARBITRATION AND EXCLUSIVITY:

- a. The contract agreement (Agreement) will be valid for a period of EIGHT (8) years from the date of deployment of the first E-Car to the client/ payment of 96 monthly lease rentals from the date of deployment of electric vehicles.
- b. Upon expiration of this Agreement by efflux of time or termination under this Agreement, the Client shall handover the leased E-Cars to the officer(s) of the EESL, who are assigned/ authorised by EESL to receive such vehicles on her behalf, at the premises of the CLIENT <<Address of the Client>>.

5. TERM OF THE AGREEMENT:

- a. **Setting up charging stations:** The client will provide, without any charges; EESL with dedicated location(s), space and all the necessary approval(s) for installation of charging station(s). The CLIENT will be responsible for electrical and preparatory works related to installation/Commissioning of charging station, viz, providing electrical connection to the charging stations, etc.
- b. **Payment to EESL:** The CLIENT will make the necessary payments to EESL as per the SCHEDULE OF RATES as enumerated in terms of clause 9 of this agreement.
- c. **Documentation:** The CLIENT needs to sign the necessary documents related to registration and de-registration of the vehicle, as the case may be. The CLIENT is also required to sign the vehicle acceptance certificate during the delivery of the vehicle.
- d. **Upkeep and Security:** The chargers for e-vehicles would be installed in CLIENT'S premises, therefore CLIENT shall be responsible for proper upkeep and security of the E-cars and chargers when the vehicle is parked in their premises. The Client shall hold the E-Cars as the bailee of EESL and not claim any right, title or interest in the E-Cars or contest the EESL'S sole and exclusive ownership thereof.

4. OBLIGATION OF CLIENT:

- a. **Insurance of E-car:** The cost of insurance of vehicles would be borne by EESL for the period of the contract. The insurance agency would be selected by EESL at its own discretion. The insurance would be comprehensive in nature.
- b. **Maintenance and Warranty:** The E-Cars carry a warranty of 3 years against any manufacturing defect. The car batteries too carry warranty up till 8 years or 1,60,000 kms whichever is earlier.
- c. **Registration and De-registration:** All the cost and steps associated with the registration and de-registration of E-cars with the regional transport authority including Motor Vehicle Tax would be borne by the EESL.
- d. **Provision of chargers:** EESL would supply and install one charger (wall mount only) per car in the client locations as per requirement of the CLIENT. However, the CLIENT will provide requisite support in accordance to clause 4 (a).
- e. **Raising of monthly invoice:** EESL would raise an invoice in the first week of every month for the preceding month.
- f. **Nodal Officer:** EESL would assign one nodal officer for the client to manage client queries and urgencies. EESL would through e-mail inform name and contact details of the nodal officer to the client

training, nurturing of SHGs formed by CMMU/COs can be made from SM&ID funds, within the limit of Rs. 10,000/- per SHG.

4.2 However, for catalysing the formation of SHGs and their federations and to promote the financial inclusion of SHG members under DAY-NULM, autonomous registered agencies set up by State or Central Government or well established long-standing federations of SHGs or non-government organisations may be engaged as Resource Organisations (RO). The Resource Organisations will facilitate the formation of SHGs and their development, bank-linkages, their federation at the area and city-levels, training and capacity building, and establishing links to ULBs.

4.3 An amount of Rs.10,000/- can be spent per SHG for its formation, hand holding, training of all the members, bank linkage, formation of federation and other related activities. The ULB will decide on the area to be covered per RO depending on their capacity. An RO should cover a minimum of 50 SHGs. States or the ULB will be expected to enter into an agreement with RO and payment will be made on the basis of milestones like SHG formation, training of members, bank linkage, formation of federation at the area and city levels and access to benefits under DAY-NULM, including revolving fund. The RO will handhold the SHG for a period of two years.

5. The functions of the RO⁴

5.1. **Identifying Affinity Groups:** ROs should identify prior relationships of trust and mutual support and encourage those individuals to form SHGs. The membership should be preferably through participatory approach and self-selection.

5.2. **Capacity Building:** Once the SHG is formed, ROs will be expected to train all members of the SHG (not just the leaders/representatives) in: (a) The basic concepts of functioning of a SHG like how to conduct meetings; basics of savings, lending money, repayment habits; responsibilities of group members; (b) book-keeping and accounting, fund management, building bank and credit linkages; (c) communication, decision making, conflict resolution, self-assessment, etc.; and (d) accessing government benefits under DAY-NULM and other programmes on savings of the Government.

5.3. **Handholding support for at least 15 months:** Once the groups are formed, ROs will be required to attend their meetings on a regular basis. The ROs will also bring in bankers, government officials from various departments, and members from established SHGs (for cross-learning) to interact with the SHGs. The ROs will assist the Community Organiser in the evaluation of the performance of SHGs being supported by it. Within a month of

⁴ As amended vide erstwhile M/o HUPA O.M. No. 14012/15/2016-UPA/FTS-16320 dated 22nd August 2016

Energy Efficiency Services Ltd., JV company of central PSUs (NTPC Ltd, Power Grid Corporation of India Ltd. (PGCIL), Rural Electrification Corporation (REC) and Power Finance Corporation (PFC)) under Ministry of Power Government of India, registered under the Companies Act 1956 with registered office at NFL Building, 5th & 6th Floor, Core - III, SCOPE Complex, Lodhi Road, New Delhi - 110003 (which term includes its successors, assigns and nominees) (hereinafter referred to as "ESL")

<<Name of the Client and details>>, represented by its <<Designation of the Competent Authority>>, and having its Office at <<Address of the Client>> (hereinafter referred to as "CLIENT", which expression shall, unless repugnant to the context or meaning thereof, mean and include its successors and assigns) of the other party, "ESL" and "<Name of the client>", individually will be referred to as "Party" and collectively referred to as "Parties"

AND WHEREAS the CLIENT has accepted the proposal for leasing <<number of vehicles>> electric vehicles (Hyundai KONA Electric) from ESL on the terms and conditions stated herein.

NOW IT IS AGREED BETWEEN THE PARTIES AS FOLLOWS

1. DEFINITIONS:

- **E-Car:** Battery operated Electric Vehicle (Hyundai KONA Electric).
- **Charging Station:** Slow charger compatible with Hyundai KONA Electric.
- **Notice Period:** The time period between receipt of letter for taking action and the day action will be taken.
- **Lock in Period:** The period of 48 (Forty Eight) months, during which Client cannot terminate this Agreement.
- **Asset:** Asset here is defined as -
 - E-Car and its accessories as provided by the ESL
- **Wet Lease:** Provision of E-Cars/E-Vehicles with uniformed chauffeur, without fuel costs.
- **Miscellaneous Expenses:** All expenses other than not covered under this agreement are Miscellaneous and to be borne by the CLIENT.
- **Hours of Duty:** The "hours of duty" shall be reckoned from the place of reporting or place of release, as the case may be.

2. CONDITIONS OF LEASE:

- a. ESL hereby gives on lease and the CLIENT hereby takes on lease <<number of vehicles>> electric vehicles (hereinafter referred to as 'E-Cars/E-Vehicles') on a Wet lease basis subject to the terms, conditions, covenants and stipulations contained in the present Agreement hereunder written.
- b. The E-cars so leased would be privately registered in the name of ESL. The ownership of the E-Cars will remain with ESL and the Client shall have no right, title or interest therein otherwise than as a lessee in accordance with the terms and conditions of the present Agreement hereunder written.
- c. The ESL shall be responsible for compliance of the legal provisions/statutory requirements in respect of the vehicle and shall indemnify the CLIENT against any damages/claims arising out of the agreement or by virtue of the registration of vehicle in the name of the CLIENT.

3. OBLIGATIONS OF ESL:

ESL, shall have the following obligations under this AGREEMENT:

- a. **Provision of E-car:** ESL will provide Hyundai KONA Electric for the use of CLIENT for official purposes.

F. No. K-11/12/2017-UPA-III (E-3146312)

Government of India
Ministry of Housing and Urban Affairs
(UPA Division)

Nirman Bhawan, New Delhi,
Dated the 18th July, 2018

SUBJECT:-Revised Operational Guidelines for Social Mobilization and Institution Development (SM&ID) under the Deendayal Antyodaya Yojana- National Urban Livelihoods Mission (DAY-NULM).

Reference is invited to this Ministry's O.M. No. K-14011/1/2013-UPA dated 24th September, 2013, vide which the operational guidelines of Social Mobilization and Institution Development (SM&ID) under the National Urban Livelihoods Mission (NULM) were issued. The printed guidelines were issued in December, 2013.

2. Over a period of time certain amendments have been made to these Guidelines. After incorporating the amendments, made so far, the consolidated Revised Guidelines are being issued for ease of use by all stakeholders. Revised guidelines have also been uploaded on the website of Ministry- <http://mohua.gov.in>.


(Sanjay Kumar)

Mission Director & Joint Secretary to the Govt of India
Ministry of Housing and Urban Affairs

STATE URBAN DEVELOPMENT AGENCY

“উন্নয়ন জব্দ”, গুট-সি ব্লক, সেক্টর-৩, বিধাননগর, কলকাতা-৭০০ ১০৬, পশ্চিমবঙ্গ

“ILGUS BHAVAN”, H-C Block, Sector - III, Bidhannagar, Kolkata - 700 106, West Bengal

স্মারকসংখ্যা-২০৪/২০১৯/

08.10.2019

From : Sri Joly Chaudhuri WBCS (Exe.)

Joint Secretary, UD & MA Department

& Additional Mission Director PMAY-HFA (U)

To : The Director,

Institute of Local Govt. And Urban Studies

ILGUS Bhavan, Sector-III, Block-HC, Kolkata - 700 106

Sub: Arrangement of Conference room for Training, Food arrangements and Night Stay for CLTC members

Sir,

You may be aware State Urban Development Agency (SUDA), Urban Development & Municipal Affairs Department, Government of West Bengal, has appointed City Level Technical Cell (CLTC) at all ULBs across the state for smooth and speedy implementation of the Pradhan Mantri Awas Yojana - Housing for All (Urban) [PMAY - HFA (U)] programme.

As the CLTC members are coming from different location across the state to participate in the training programme which will be conducted for 6 days, in two batches, we would have to arrange for a class room for training purposes, with 20 laptops with internet connections, their night stay and food during this period. The arrangement of food will be as follows:

1. Morning snacks
2. Lunch
3. Evening snacks
4. Dinner
5. Tea (Twice)

We would request you to kindly arrange for night stay of 24 members from the participants for CLTC training and food for 50 persons, during the period of 21st October-23rd October and 24th October-26th October, 2019, in two batches. The cost per trainee per day, with break-ups, may kindly be intimated to us. Sri Kuntal Mahata and Sri Kingshuk Mazumdar of SLTC will coordinate with ILGUS.

Yours faithfully,

Joint Secretary, UD & MA Department

& Additional Mission Director PMAY-HFA (U)

Date: 8/10/2019

Memo: SUDA-208/2018/

Copy to: The Additional Director, Institute of Local Govt. And Urban Studies, ILGUS Bhavan, Sector-III, Block-HC, Kolkata - 700 106.

Yours faithfully,

Joint Secretary, UD & MA Department

& Additional Mission Director PMAY-HFA (U)

Box 2: Panchsutra for a good SHG²:

1. Regular meetings
2. Regular savings
3. Regular internal lending
4. Regular loan repayments
5. Regular book keeping

2. Federations of SHGs at the area level

2.1 An Area Level Federation (ALF) is an association of SHGs consisting of representatives from all member SHGs, with the objective of supporting member-SHG, (guiding and monitor the functioning of SHGs and forming and training new SHGs). The federation of SHGs is essential to deal with larger issues like bank-linkage, inter-group lending, negotiations with higher level structures and to gain greater bargaining power over the rights and privileges of SHGs.

Membership of Area Level Federation

2.2 An Area Level Federation (ALF) may be formed with 10 to 20 SHGs covering an area of a ward or slum or such other geographical unit with a minimum of 2 members (nominated representatives) per SHG. However the Urban Local Body (ULB) may decide the number of SHGs in a federation as per the local conditions.

2.3 An ALF should be registered as a society/an association under the relevant law of the State. Model bye-laws for ALFs are at Annexure II. However these are only indicative and ALF should be encouraged to make their own bye-laws.

2.4 Responsibilities of an ALF

- 2.4.1 Facilitate bank linkages for member SHGs i.e. opening of their accounts and helping them getting loans;
- 2.4.2 Providing hand-holding support in the development of loan proposals by member SHGs;
- 2.4.3 Capacity Building of new SHGs as well as existing member SHGs for their successful functioning;
- 2.4.4 Facilitate member SHGs access to benefits under DAY-NULM as well as access to social assistance benefits under various government programmes;

² As amended vide erstwhile M/O HUPA OM No. 14012/15/2016-UPA/FTS-16320 Dt. 22nd August, 2016



राज्य नगर विकास प्रज्ञा



STATE URBAN DEVELOPMENT AGENCY

“राज्य नगर विकास”, एच-ए-ब्लॉक, सेक्टर-III, बिधाननगर, कोलकाता-700 106, पश्चिम बंगाल

“ILGUS BHAVAN”, H-C Block, Sector - III, Bidhannagar, Kolkata - 700 106, West Bengal

SUDA-
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08.10.2019

From : Sri Joly Chaudhuri WBCS (Exe.)

Joint Secretary, UD & MA Department
& Additional Mission Director PMAY-HFA (U)

To : The Vice President,
MARS Planning & Engineering Services Private Limited,
Kolkata - 700091, West Bengal

Sub : Training of CLTC members

Sir,

With reference to the Letter of Award issued vide letter no 208/2018/5930 dated 22nd August, 2019, and subsequent letter informing the list of 87 selected candidates, you are hereby informed that SUDA has decided to conduct a training programme for the selected CLTC members from 21st October – 23rd October and 24th October - 26th October in two batches for 3 days each. Necessary travel expenses at actual and arrangements for lodging and fooding shall be made by SUDA. You are hereby directed to inform the selected CLTC members to make it convenient to attend the same without fail. Arrange the candidates in two batches and send it in the format attached.

Please ensure the candidates are assigned their respective ULBs and joins by 1st November, 2019.

Yours faithfully,

Joint Secretary, UD & MA Department
& Additional Mission Director PMAY-HFA (U)