

109. Power to make rules.- (1) The Government may, for the whole or, any part of the State and for any class of societies, after previous publication, by notification in the Gazette, make rules⁹⁸[either prospectively or retrospectively] to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

(i) the applicant to whom the order refusing the registration of a society may be sent by Registrar;

(ii) the procedure and conditions for change in the form and extent of the liability of a society;

(iii) the matters in respect of which a society shall or may make bye-laws;

(iv) the procedure to be followed for amendment of bye-laws by a society;

(v) the qualifications or disqualifications of individuals who may be admitted as members of societies;

(vi) the payment to be made and the interests to be acquired before the exercise of the right of membership;

(vii) the appointment by a society of one of its members to represent and vote on its behalf at a meeting of another society of which it is a member;

(viii) the maximum number of shares or portion of the share capital of a society which may be held by an individual member;

(ix) the procedure for the nomination of a person to whom the share or interest of a member on his death may be transferred or the value thereof may be paid;

(x) the mode in which the value of a deceased member's share shall be ascertained;

(xi)the election of members of the committee by the general body of a society;

(xii)the requisitioning of a general body meeting of a society;

(xiii)the remuneration payable to a new committee or administrator or administrators appointed by the Registrar under section 32 or section 33;

(xiv)the qualifications or disqualifications for membership of the committee of a society;

(xv)the qualifications of employees of societies;

(xvi)the prohibition against officers of a society being interested in contracts with the society;

(xvii)the matters connected with the direct and indirect partnership of the Government in societies;

(xviii)the rate at which dividend maybe paid by societies;

(xix)the constitution of the Co-operative Education Fund, the payment to be made to the fund by a society out of its net profit and the mode of its investment;

(xx)the mode of investment of funds of a society;

(xxi)the objects of the reserve fund of a society and the mode of its investment;

(xxii)the mode of disposal of the reserve fund of a society on its winding up;

(xxiii)the extent to which and the conditions subject to which a society may receive deposits and loans;

(xxiv)the restrictions on transactions by a society with non members;

(xxv)the restrictions on grant of loans by a society against its shares;

(xxvi)the form and standards of fluid resources to be maintained by societies accepting deposits and granting cash credits;

(xxvii)the procedure to be followed in proceedings before the Registrar, arbitrator or other person deciding disputes;

(xxviii)the conditions subject to which the assets of a society shall vest in a liquidator and the procedure to be adopted in the winding up of a society;

(xxix)the procedure for the recovery of amounts due or payable to a society;

(xxx)the mode of making attachment before judgment;

(xxxi)the manner of registering the address of a society;

(xxxii)the account books and registers to be kept by a society and power of the Registrar to call for any returns or to direct the accounts and books to be written up;

(xxxiii)the manner of certification of entries in the books of a society and of copies of documents kept by it in the course of its business;

(xxxiv)the statements and returns to be furnished by a society to the Registrar;

(xxxv)the restrictions on persons appearing as legal practitioners;

(xxxvi)the inspection of documents and the levy of fees for granting certified copies thereof;

(xxxvii)the procedure to be followed in, and the fees for, audit and arbitration under this Act; and

(xxxviii)any other matter required or allowed by this Act to be prescribed.

(3)Every rule made under this section shall be laid as soon as may be after it is made before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly agrees that the rule should be either modified or annulled, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

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