

**BYE LAWS OF THE
CHANDIGARH CO-OPERATIVE KITCHEN GARDENING SOCIETY
LIMITED, CHANDIGARH.**

(to be registered under the Punjab State Co-operative Societies
Act of 1961.)

NAME, ADDRESS AND AREA OF OPERATION.

1. The Society shall be called The Chandigarh Co-operative Kitchen Gardening Society Ltd., Chandigarh. It shall be referred to hereinafter as the "Society".
2. The registered address of the Society shall be Shop Cum Flat No. 2 Sector 17-E, Chandigarh.
3. The area of operation of the Society shall be the area covered by Capital Project, Chandigarh.

OBJECTS.

4. The objects of the Society shall be :—
 - (i) to popularise kitchen gardening in Chandigarh with a view to augment supply of nutritive and subsidiary foods;
 - (ii) to inculcate the habit of kitchen gardening in the citizens of Chandigarh;
 - (iii) to provide facilities for growing vegetables, flowers and fruits in the house compounds by providing inputs like seeds, fertilisers, seedlings at appropriate time and at reasonable rates;
 - (iv) to create healthy competition between the growers by organising shows and exhibitions; and
 - (v) to arrange for training of family members and the Malies in the art of growing vegetables;

- (vi) to undertake measures to spread knowledge of Co-operative principles and practices;
- (vii) to undertake such other activities as are conducive to the attainment of the above objects.

5. DEFINITIONS.

Defaulter :—Defaulter in these Bye Laws shall mean a member who has not paid his quarterly service charges within 3 months of the due date. Provided that a member who does not utilise the services of the Society for the period of 3 months because of his transfer or being out of Chandigarh under previous intimation to the Secretary of the Society will not be considered a defaulter.

MEMBERSHIP.

6. (a) The membership of the Society shall be open to individuals who are :—
 - (i) over 18 years of age of sound mind;
 - (ii) of good character;
 - (iii) who own or occupy a plot of house in Chandigarh ;
 - (iv) other associations or societies interested in Kitchen Gardening subject to the approval of the Registrar.
- (b) The following may be admitted as Ex-Officio members without incurring any liability of holding any share ;
 - (i) Landscaping Officer, Chandigarh.
7. Application for admission as member shall be addressed to the Hony. Secretary of the Society. Every such application shall be disposed of by the Board of Directors.
8. No member shall be admitted during 15 days preceding the date fixed for any general body meeting of the Society at which office bearers are to be elected.
9. Every individual member on admission shall sign or make his thumb mark in the register of members or on a form specially provided for the purpose.

10. Every member shall on admission pay an admission fee of Re. 1/-.
11. A member of the Society may be expelled by a resolution passed by 3/4 majority of Board of Directors for actions which may be held to be dishonest or contrary to the interest, reputation and stated objects of the Society.
12. A person shall cease to be a member of the Society in one or more of the following circumstances :—

- (A) (i) Death.
- (ii) Permanent insanity.
- (iii) If he is a defaulter as defined in these Bye Laws.
- (B) (i) In the case of a member Society, the membership shall be terminated if the registration of the member Society is cancelled.
- (ii) If the member Society is a defaulter as defined in the Bye Laws.
- (iii) Withdrawal after 6 months notice to the Secretary of the Society.
12. (A) A member may be expelled for one or more of the following reasons :—
- (i) If his conduct is prejudicial to the interest, reputation and stated objects of the Society or otherwise.
- (ii) If he fails to pay the amounts due from him from the Society.
- (iii) If he is convicted of an offence involving dishonesty or moral turpitude.
- (iv) If he has applied for declaration of bankruptcy.
- (B) No such expulsion shall be brought about except by a resolution passed by a majority of members at a general meeting at which not less than half the members are present and vote. The member so expelled shall have the right of appeal to the Registrar within one month of the decision of the general meeting. The order of the Registrar on the appeal shall be binding on the Society and the aggrieved person.

3. Unless otherwise provided in these Bye Laws, the ultimate authority in all matters relating to the administration of the Society shall vest in the General Body of members.

14. A general meeting of the members of the Society shall be held at least once a year.

15. At least a fortnight's notice specifying the date, place, time and agenda of the general meeting shall be given to all members. Such notices of a general meeting shall be given to all members by post under a certificate of posting at the address of the member given by him in his application for membership or the change, if any, in his address intimated by him in writing to the Secretary.

The quorum of the general meeting shall be 1/3rd of the total members or 30 whichever is less.

16. The Chairman or in his absence, the Vice-Chairman shall preside over meeting of the General Body. When both of them are absent the members present shall elect a Chairman for the meeting. Voting by proxies shall not be allowed at the General Body except in the case of a member of the Society which may appoint one of its members to vote on his behalf. Unless otherwise provided in these Bye Laws all questions shall be decided by a majority of votes of the members present. When the votes are equal, the Chairman of the General Body shall have a casting vote.

17. Without prejudice to the general provision of the preceding bye laws, the general body of the Society shall have the following powers and duties :—

- (i) The election, suspension and removal of the elected members of the Board of Directors ;
- (ii) The consideration of the annual report of the Society its Audited Balance-sheet and Profit and Loss Account and Inspection Notes ;
- (iii) Disposal of profits ;
- (iv) The fixation of the M. C. L. of the Society consistent with these bye laws subject to the approval of the Registrar ;
- (v) Amendments of bye laws, subject to the approval of the Registrar ;
- (vi) Expulsion of members.

(vii) Transaction of any other business with the permission of Chairman of the General Body.

18. Each member present at a general body meeting shall be entitled to exercise one vote only, (provided he holds at least one fully paid up share) voting by proxies, except in the case of Societies shall not be allowed. The Chairman shall have a casting vote.

19. All business discussed or decided at a general meeting shall be recorded in a proceedings book which shall be signed by the Chairman of the meeting.

LIABILITIES.

20. The liabilities of the members of the Society for the deficits in the assets of the Society shall be limited to the subscribed share capital.

21. The share or shares held by the member shall not be transferrable. But if a member is transferred from Chandigarh or he personally gives up his residence, at Chandigarh, he may transfer his share to any other member of the Society.

22.

BOARD OF DIRECTORS.

a) Ex-Officio Members ;

b) Atleast 7 members to be elected by the General Body out of the share-holders. The number shall not exceed 12.

23. The attendance of atleast 1/3 Directors shall be required for the disposal of any business.

24. The Chairman and the Vice-Chairman and Treasurer of the Society shall be elected annually by the Board of Directors from among themselves.

25. No person shall be eligible for election a member of the Board of Directors of the Society if he is :—

a) below 21 years of age ; or

b) paid employee of the Society ; or

c) convicted of any offence involving dishonesty or moral turpitude ;
or

d) holds an office of profit under the Society or receives any honorarium ;

e) if he is a defaulter as defined in these bye laws.

26. The elected member of the Board of Directors shall cease to hold office if he :—

- i) becomes paid employee of the Society ; or
- ii) is convicted of any offence involving dishonesty or moral turpitude ; or
- (iii) becomes of unsound mind; or
- (iv) receives any honorarium from the Society ;
- (v) or ceases to be a representative of the Society ; he represents or the Society he represents is cancelled ;
- (vi) residings and his resignation is accepted by the Board of Directors ; or
- (vii) absents himself from four consecutive meetings of Board of Directors without sufficient reasons ;
- (viii) he is a defaulter ;
- (ix) incurs any other disqualification laid down in the Punjab Co-operative Society Rules, 1963 ;

27. The elected members of the managing committee shall hold office for two years and shall be eligible for re-election, provided if for any reason, a general meeting is not held within this time, the existing committee shall continue to hold office till the election of a new committee, but such election shall ordinarily be held within thirty months after the election of the previous committee.

28. Meetings of the Board of Directors shall be held when necessary. The Chairman or Vice-Chairman or in his absence a member elected by these present in a meeting shall preside. Unless otherwise provided in these bye-laws all questions shall be decided by a majority of votes. Such member shall have one vote. In case of equality of votes, the Chairman shall have a casting vote.

29. The Board of Directors shall exercise all the powers and discharge all the duties of the Society except those reserved for General Body subject to any regulation or restrictions duly laid down by the Society in the General meeting or in the bye laws. In particular, the Board of Directors shall have the following powers and duties :—

- (i) to observe in all their transactions, the Act, the notified rules and the bye laws ;
- (ii) to maintain true and accurate accounts of all money received and expended and all stock bought and sold ;
- (iii) to keep a true account of the assets and liabilities of the Society ;
- (iv) to keep a register of members correct and up to date ;
- (v) to prepare and lay before the annual general meeting, a profit and loss account and audited balance sheet ;
- (vi) to examine all accounts, sanction contingent expenditure and supervise the maintenance of the prescribed registers ;
- (vii) to consider the inspection notes of the Registrar or his staff and the audit notes of the Chief Auditor or his staff and take necessary action ;
- (viii) to admit new members ;
- (ix) to arrange for the recovery of contribution ;
- (x) to assist in the inspection of the books by any person authorised to see them ;
- (xi) to appoint, suspend, dismiss or punish its employees ;
- (xii) through any member, or officer, or employee of the Society or any other persons specially authorised to institute, conduct, defend, compromise, refer to arbitration, or abandon legal proceedings by or against the Society or Board of Directors or employees concerning the affairs of the Society ;
- (xiii) to acquire on behalf of the Society shares in other registered co-operative societies and to appoint Directors to represent the Society in the meetings of the Managing Committee or General Body of any other Co-operative institution or any other institution of which it is shareholder ;
- (xiv) to arrange for the safe custody of books and to appoint one of its members or one of the employees of Society to take charge of all the registers and papers prescribed in these bye laws ;

-) to appoint one of the members or one of the employees of the Society to take charge of all money received and generally to carry on the duties of a treasurer in the absence of the treasurer. The persons thus appointed shall hand over the money thus received to the treasurer immediately on his return.
- (xvi) to accept or reject the resignation from a Director and in case of acceptance, to co-opt another Director till the election of a Director by the General Body in his place ;
- (xvii) to open and authorise the operation of bank account and to invest the surplus funds of the Society in accordance with the Co-op. Societies Act or Rules framed thereunder ;
- (xviii) to purchase land, machinery, other equipment and stores required for the working of the Society and to erect buildings ;
- (xix) to dispose of property belonging to the Society ;
- (xx) to supervise the general working of the Society ;
- (xxi) to execute all deeds, agreements and other documents that may be necessary for the business of the Society.

30. It shall be competent for the Board of Directors to delegate to one or more Directors, Honorary Secretary or any other officer of the Society such of its own powers of functions as the Board of Directors may deem expedient.

31. All business discussed or decided at meetings of the Board of Directors shall be recorded in the proceeding book which shall be signed by the Chairman of the meeting and all the members of the Board present.

32. No member of the Board of Directors shall vote in any case in which he himself is interested directly or indirectly.

FUNDS

33. The Society may raise funds by :—

- (i) issue of shares of value of Rs. 10/- each;
- (ii) receiving service charges from members as fixed by the Board of Directors to be paid in 1st week of every quarter.

- (iii) acceptance of deposits from members;
- (iv) raising of deposits and loans from non-members;
- (v) accumulation of profits;
- (vi) Grants and subsidies from Government and other sources;
- (vii) donations from members and non-members.

SHARES

34. Each member shall take at least one share of the value of Rs. 10/- payable in full.

35. No individual member shall hold shares the nominal value of which exceeds rupees 10,000/- on 1/5th of total paid up share capital of the Society whichever is less.

36. A share certificate bearing a distinctive number and seal of the Society signed by the Chairman/Honorary Secretary and one Director shall be issued in token of the purchase of shares.

MAXIMUM CREDIT LIMIT.

37. The Maximum Credit Limit of the Society shall be fixed by the General Body in accordance with the instructions laid by the Registrar, from time to time. The limit thus fixed shall be subject to the approval of the Registrar, who may at any time reduce it.

HONORARY SECRETARY

38. The Hony. Secretary shall be elected by the Board of Directors from among themselves.

39. The books of the Society shall be open to inspection to any one interested in the funds of Society except that no person shall be allowed to see the deposit account of any person without that person's consent in writing. Copies of bye laws and the balance sheet shall be supplied free on demand to any member.

DISTRIBUTION OF PROFITS.

40. The net profits of the Society as per Audited Balance Sheet shall be distributed as follows :—

- (i) at least 10% shall be carried to reserve funds;

(ii) such proportion not exceeding 5% of the net profits as may be specified by the Registrar shall be carried to Co-operative Education fund;

(iii) the remainder may be utilised for the promotion of the stated objects of the Society by the Board of Directors subject to the prior approval of the General Body.

41. The reserve fund shall be indivisible and member shall be entitled to claim a specific share in it, provided that, in exceptional circumstances, with the prior approval of Registrar, the Reserve fund may be utilised in meeting losses.

AMENDMENT OF BYE LAWS.

42. No amendment to these by laws shall be carried out save in accordance with the resolution passed at a general body meeting of which due notice of the intention to discuss the amendment has been given;

Provided that no such resolution shall be valid unless it is passed by a majority of members present at a general meeting at which not less than 2/3 members for the time being of the Society are present;

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

MISCELLANEOUS

43. The Society shall pay such audit fee as may be assessed from time to time by the authority competent to do so.

44. If the Society is indebted to a Financing Institution it shall be competent for a representative of the latter to inspect the books and record of the Society and the Board of Directors of the Society shall arrange the production of books and record before such representative.

45. Should any doubt arise with regard to the interpretation of any of these bye laws, the matter shall be referred to the Registrar whose decision shall be final.

46. If any dispute, other than a dispute regarding disciplinary action taken by the Society on its managing committee against a paid servant of the

Society, touching the constitution or business of the Society arises between the members and past members of the Society or other persons referred to in the relevant provisions of the Punjab Co-operative Society's Act and the Rules framed thereunder, it shall be disposed of in the manner provided in such an act and the rules.

47. The Society shall maintain such accounts and other records connected with accounts in such form or manner as may be directed by the authority competent to do so under the Co-operative Society Act.

48. The Society shall prepare and submit such returns and statements as the Registrar may from time to time specify.

49. The Society may, in the circumstances specified by relevant provisions of the Punjab Co-operative Societies Act be wound up and can be called by the Registrar in accordance with the procedure laid down by such an Act and the Rules framed thereunder.

50. In these bye laws, unless there is anything repugnant to the context, Registrar shall include an Officer subordinate to him and authorised by him in this behalf.

We the undersigned who have been authorised to sign the three copies of model bye laws certify that we have read, heard and understood these bye laws and promise to abide them.

Sd/-

R. S. Randhawa.

Sd/-

Justice Jindra Lal.

(i) Certified that these are the model bye laws duly approved by the Registrar ;

(ii) All the amendments made so far by the Registaar has been incorporated in these bye laws.

- (iii) Certified that all the three copies tally with each other and nothing is contrary to the Act and Rules.

Sd/-
Sub Inspector.
Cooperative Societies,
Chandigarh.

Countersigned.

Sd/-
Inspector.
Cooperative Societies,
Chandigarh.

SPECIMEN

Registered this 19th day of July,
1966.

Sd/-
Assistant Registrar,
Cooperative Societies, Ruar.
Exercising the power of Registrar,
Co-operative Societies, Punjab.