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Statement on the Cooperative Identity

Definition

A Cooperative is an autonomous association of persons united voluntarily to meet their common economic, social and cultural needs and aspirations through a jointly owned and democratically-controlled enterprise.

Values

Cooperatives are based on the values of self-help, self-responsibility, democracy, equality, equity and solidarity. In the tradition of their founders, cooperative members believe in the ethical values of honesty, openness, social responsibility and caring for others.

Principles

The cooperative principles are guidelines by which cooperatives put their values into practice.

1st Principle: Voluntary and Open Membership

Cooperatives are voluntary organisations, open to all persons able to use their services and willing to accept the responsibilities of membership, without gender, social, racial, political or religious discrimination.

2nd Principle: Democratic Member Control

Cooperatives are democratic organisations controlled by their members, who actively participate in setting their policies and making decisions. Men and women serving as elected representatives are accountable to the membership. In primary cooperatives members have equal voting rights (one member, one vote) and cooperatives at other levels are also organised in a democratic manner.

3rd Principle: Member Economic Participation

Members contribute equitably to, and democratically control, the capital of their cooperative. At least part of the capital is usually the common property of the cooperative. Members usually receive limited compensation, if any, on capital subscribed as a condition of membership. Members allocate surpluses for any or all of the following purposes: developing their cooperative, possibly by setting up reserves, part of which at least would be indivisible; benefiting members in proportion to their transactions with the cooperative; and supporting other activities approved by the membership.

4th Principle: Autonomy and Independence

Cooperatives are autonomous, self-help organisations controlled by their members. If they enter into agreements with other organisations, including governments, or raise capital from external sources, they do so on terms that ensure democratic control by their members and maintain their cooperative autonomy.

5th Principle: Education, Training and Information

Cooperatives provide education and training for their members, elected representatives, managers, and employees so they can contribute effectively to the development of their cooperatives. They inform the general public - particularly young people and opinion leaders - about the nature and benefits of cooperation.

6th Principle: Cooperation among Cooperatives

Cooperatives serve their members most effectively and strengthen the cooperative movement by working together through local, national, regional and international structures.

7th Principle: Concern for Community

Cooperatives work for the sustainable development of their communities through policies approved by their members.



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Cover Page

Shri Deepak Dhavalikar, Hon'ble Minister for Cooperation, Factories and Boilers, Government of Goa inaugurating the National Conference on Housing Cooperatives held on 8th February, 2013 at Panaji - Goa by lighting the lamp. (Report at Page No. 15)

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FROM EDITOR'S DESK

EDUCATION & TRAINING

Cooperatives in the past were considered as small neighbourhood organizations engaged in simple activities based on concepts of 'self-help' and 'mutual benefit'. Today thousands of cooperatives of varying sizes are being formed which not only undertake activities involving huge financial investment, but are complex too. It is, therefore, necessary that such cooperatives should only be formed post a proper feasibility study so that after their formation, the operation is smooth sailing. The members and employees of cooperatives should have the basic education of cooperation and employees should be trained to perform their duties efficiently. Enlightening people about Cooperatives through intensive education and training is, therefore, a must for bringing the cooperative housing projects to fruition. Education concerns itself with the ideology, principles and history of the cooperation, members' rights, duties and obligations in the cooperative. Training on the other hand, consists of imparting more specific knowledge to cooperators and staff working in various cooperatives. Leadership development programmes for the directors of housing cooperatives provide useful exposure to a wide range of management and leadership related issues.

The responsibility of providing cooperative education and training in the country has been assigned to the National Cooperative Union of India and National Council for Cooperative Training through its various organs like Vaikunth Mehta National Institute of Cooperative Management, Regional Institutes of Cooperative Management and Institutes of Cooperative Management (ICM) located mostly in the State Capitals and Cooperative Training Centres which are run by the State Cooperative Unions/State Governments. The finalization of various training programmes and framing the syllabi are the responsibilities of the National Council for Cooperative Training. The area of operation of each ICM is normally a single State, whereas the Regional Institutes of Cooperative Management cater to training needs of more than one State on faculty transfer basis.

To ensure that a housing cooperative functions properly and succeeds in achieving its social and economic objectives, its members should be properly educated. Those concerned with the management and its working should all the time be updated about the developments in and around cooperatives through proper training. Before commencing a cooperative housing project, it is necessary to make the members aware about the philosophy, ideology and principles of cooperation, their rights, duties and obligations. They should also know the approximate cost of housing unit, its size, general construction techniques, common services, requirement of finance etc. The National Cooperative Housing Federation of India has evolved a member education programme to educate the existing and prospective members of housing cooperatives. Some of the concepts of housing cooperatives that the syllabi concentrate on are: Problems faced by an individual pertaining to housing and solutions provided by cooperative methods i.e. by group action; Ways to organize and form a housing cooperative; Bye-laws of housing cooperatives; Precautions to be taken to see that housing projects are not mismanaged; Rights, duties and liabilities of members of housing cooperatives, etc.

There is a long-felt need of well drawn-out training programmes for the benefit of cooperators and personnel working in different housing cooperatives. The need for cooperative education and training are grouped according to the level of education and training. They are generally categorized under the following:

- (i) Member education programme for the prospective as well as existing members of housing cooperatives.
- (ii) The training programmes for the employees of both primary housing cooperatives and apex cooperative housing federations.
- (iii) Advanced training programme for the supervisory staff of apex cooperative housing federations and orientation and study programme for the members of executive level.
- (iv) An orientation and study programme for employees of the Cooperative Departments of State Governments concerned with the supervision and administration of housing cooperatives.

Education, training and information play a vital role in cooperatives. It requires transparency. It requires honesty and openness. These three qualities feed the democratic nature of the cooperative as well as inform the abilities of the members to maintain economic control. They help the cooperative movement grow.

COMPOSITION AND COMPETENCY OF THE INFORMATION COMMISSION – IS THE JUDGMENT OF THE SUPREME COURT [NAMIT SHARMA VS. UOI] - AN OVERREACH?

– R. Muralidharan*

“Are we witnessing the death of a fundamental right? The Court has given directions that all Information Commissions shall work in Benches of two members, and one member should be a ‘judicial member’. Thus 50% of the Commissioners will now be retired judges. Effectively the disposal of pending cases will drop to about 50% of the current disposals. This will lead to Commissions deciding cases after 5 years or more in the next few years. I believe there are adequate legal grounds to challenge this judgment.”

– Mr. Shailesh Gandhi

The above astounding observations are made in his own indomitable style by the former Central Information Commissioner as a sequel to the judgment of the Apex Court in *Namit Sharma vs. Union of India, 2012 (8) SCALE 593 : 2012 (2) ID 185*. The Court was deciding the constitutionality of Section 12(5) and (6) and Section 15(5) and (6) of the Right to Information Act, 2005. Before advertizing the impact and implication of the judgment, the challenge, deliberations and salient features of the decision should be studied with profit.

THE CHALLENGE

The challenge was made to the provisions of Section 12(5) and (6) and Section 15(5) and (6) of the Right to Information Act stating that the eligibility criteria given therein is vague, does not specify any qualification, and the stated ‘experience’ has no nexus to the object of the Act. It was also contended that the classification contemplated under the Act is violative of Article 14 of the Constitution. It may be noted that the only distinction between the provisions of Sections 12(5) and 12(6) on the one hand and Sections 15(5) and 15(6) on the other, is that under Section 12, it is the Central Government who has to make the appointments in consonance with the provisions of the Act, while under Section 15, it is the State Government which has to discharge similar functions as per the specified parameters. Thus, discussion on one provision would sufficiently cover the other as well.

CRITERIA FOR APPOINTMENT TO COMMISSION

Section 12(5) concerns itself with the eligibility criteria for appointment to the post of the Chief Information Commissioner and Information Commissioners to the Central Information Commission. It states that these authorities shall be persons of eminence in public life with

wide knowledge and experience in law, science and technology, social service, management, journalism, mass media or administration and governance. Correspondingly, Section 12 (6) states certain disqualifications for appointment to these posts. If such person is a Member of Parliament or Member of the Legislature of any State or Union Territory or holds any other office of profit or connected with any political party or carrying on any business or pursuing any profession, he would not be eligible for appointment to these posts.

The provisions of Section 12(5) do not discuss the basic qualification needed, but refer to two components: (a) persons of eminence in public life; and (b) with wide knowledge and experience in the fields stated in the provision. The provision, thus, does not suffer from the infirmity of providing no criteria resulting in the introduction of the element of arbitrariness or discrimination. The provisions require the persons to be of eminence and with knowledge in the stated fields. Knowledge and experience in these fields normally shall be preceded by a minimum requisite qualification prescribed in that field. For example, knowledge and experience in the field of law would presuppose a person to be a law graduate. Similarly, a person with wide knowledge and experience in the field of science and technology would invariably be expected to be at least a graduate or possess basic qualification in science and technology. The vagueness in the expression ‘social service’, ‘mass media’ or ‘administration and governance’ does create some doubt. But, certainly, this vagueness or doubt does not introduce the element of discrimination in the provision. The persons from these various walks of life are considered eligible for appointment to the post of Chief Information Commissioner and Information Commissioners in the respective Information Commissions. This gives a wide zone of consideration and this alleged vagueness can always be clarified by the appropriate government in exercise of its powers under Sections 27 and 28 of the Act, respectively.

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SECTION 12(6) LACKS CLARITY

If the language of Sections 12(5) and 12(6) is read together, the provisions under Sub-Section (6) appear to be in conflict with those under Sub-Section (5). Sub-Section (5) requires the person to have eminence in public life and wide knowledge and experience in the specified field. On the contrary, Sub-Section (6) requires that the person should not hold any office of profit, be connected with any political party or carry on any business or pursue any profession. The object of Sub-Section (5) stands partly frustrated by the language of Sub-Section (6). In other words, Sub-Section (6) lacks clarity, reasonable classification and has no nexus to the object of the Act and if construed on its plain language, it would result in defeating the provisions of Sub-Section (5) of Section 12 to some extent. Section 12(6) does not speak of the class of eligible persons, but practically debar all persons from being appointed to the post of Chief Information Commissioner or Information Commissioners at the Centre and State levels, respectively. The rule of disqualification has to be construed strictly. If anyone, who is an elected representative, in Government service, or one who is holding an office of profit, carrying on any business or profession, is ineligible in terms of Section 12(6), then the question arises as to what class of persons would be eligible? The Section is silent on that behalf. No period has been stated for which the person is expected to not have carried on any business or pursued any profession. It could be one day or even years prior to his nomination. It is not clear as to how the persons falling in either of these classes can be stated to be differently placed. This uncertainty is bound to bring in the element of discrimination and arbitrariness.

CAN SECTION 12(6) BE DECLARED AS ULTRA VIRES THE CONSTITUTION?

Having noticed the presence of the element of discrimination and arbitrariness in the provisions of Section 12(6) of the Act, the Court has to examine whether this provision should be declared as ultra vires the Constitution or read it down to give it its possible effect, despite the drawbacks noted above. The Court will normally adopt an approach which is tilted in favour of constitutionality and would prefer reading down the provision, if necessary, by adding some words rather than declaring it unconstitutional. It is thus implicit in this provision that a person cannot hold any of the posts specified in Section 12(6) simultaneous to his appointment as Chief Information Commissioner or Information Commissioner. In fact, cessation of his previous appointment, business or profession is a condition precedent to the commencement of his appointment as Chief Information Commissioner or Information Commissioner.

ROLE OF THE ADJUDICATORY AUTHORITIES UNDER THE ACT

The authorities who have to perform adjudicatory functions of quasi-judicial content are:- (1) The Central/State Public Information Officer; (2) Officers senior in rank to the Central/State Public Information Officer to whom an appeal would lie under Section 19(1) of the Act; and (3) The Information Commission (Central/State) consisting of Chief Information Commissioner and Information Commissioners. The legislature in its wisdom has chosen not to provide any specific qualification, but has primarily prescribed 'wide knowledge and experience' in the cited subjects as the criteria for selection. It is not for the courts to spell out what ought to be the qualifications or experience for appointment to a particular post. Suffices it to say, that if the legislature itself provides 'knowledge and experience' as the basic criteria of eligibility for appointment, this per se, would not attract the rigors of Article 14 of the Constitution. It is a settled principle of law that courts would generally adopt an interpretation which is favourable to and tilts towards the constitutionality of a statute, with the aid of the principles like 'reading into' and/or 'reading down' the relevant provisions, as opposed to declaring a provision unconstitutional.

Under the provisions of the Act, particularly, Sections 4, 12, 18, 19, 20, 22, 23 and 25, it is clear that the Central or State Information Commission, as the case may be, not only exercises adjudicatory powers of a nature no different than a judicial tribunal but is vested with the powers of a civil court as well. Therefore, it is required to decide a lis, where information is required by a person and its furnishing is contested by the other. The Commission exercises two kinds of penal powers: firstly, in terms of Section 20(1), it can impose penalty upon the defaulters or violators of the provisions of the Act and, secondly, Section 20(2) empowers the Central and the State Information Commission to conduct an enquiry and direct the concerned disciplinary authority to take appropriate action against the erring officer in accordance with law. Hence, the Commission has powers to pass orders having civil as well as penal consequences. Besides this, the Commission has been given monitoring and recommendatory powers. In terms of Section 23, the jurisdiction of Civil Courts has been expressly barred.

Before the Public Information Officers, the controversy may fall within a narrow compass. But the question before the First Appellate Authority and particularly, the Information Commissioners (Members of the Commission) are of a very vital nature. Besides resolving and balancing the conflict between the 'right to privacy' and 'right to information', the Commission has to specifically determine and return a finding as to whether the case falls under any of the exceptions under

Section 8 or relates to any of the organizations specified in the Second Schedule, to which the Act does not apply in terms of Section 24. Another significant adjudicatory function to be performed by the Commission is where interest of a third party is involved. The legislative intent in this regard is demonstrated by the language of Section 11. A third party is not only entitled to a notice, but is also entitled to hearing with a specific right to raise objections in relation to the disclosure of information. Such functions, by no stretch of imagination, can be termed as 'administrative decision' but are clearly in the domain of 'judicial determination' in accordance with the rule of law and provisions of the Act.

INFORMATION COMMISSION IS A JUDICIAL TRIBUNAL

The Legislature, in its wisdom, has provided for two appeals. Higher the adjudicatory forum, greater is the requirement of adherence to the rule of judiciousness, fairness and to act in accordance with the procedure prescribed and in absence of any such prescribed procedure, to act in consonance with the principles of natural justice. Higher also is the public expectation from such tribunal. The adjudicatory functions performed by these bodies are of a serious nature. An order passed by the Commission is final and binding and can only be questioned before the High Court or the Supreme Court in exercise of the Court's jurisdiction under Article 226 and/or Article 32 of the Constitution, respectively. The various provisions of this Act are clear indicators to the unquestionable proposition of law that the Commission is a judicial tribunal and not a ministerial tribunal. It is an important cog in and is part of court attached system of administration of justice unlike a ministerial tribunal which is more influenced and controlled and performs functions akin to machinery of administration. Under the provisions and scheme of the Act, the persons eligible for appointment should be of public eminence, with knowledge and experience in the specified fields and should preferably have a judicial background. They should possess judicial acumen and experience to fairly and effectively deal with the intricate questions of law that would come up for determination before the Commission, in its day-to-day working. The Commission satisfies abecedarians of a judicial tribunal which has the trappings of a court. It will serve the ends of justice better, if the Information Commission was manned by persons of legal expertise and with adequate experience in the field of adjudication.

ORDER AND DIRECTIONS SUMMARIZED

Partly allowing the writ petition, the Court has passed the order with spate of directions. The important directions are as below:

- (i) The expression 'knowledge and experience' appearing

in Sections 12(5) and 15(5) would mean and include a basic degree in the respective field and the experience gained thereafter. Further, without any peradventure and veritably, the appointments of legally qualified, judicially trained and experienced persons would certainly manifest in more effective serving of the ends of justice as well as ensuring better administration of justice by the Commission. This is the obvious interpretation of the language of these provisions and, in fact, is the essence thereof.

- (ii) Cessation/termination of holding of office of profit, pursuing any profession precedent to the appointment of a person as Chief Information Commissioner or Information Commissioner at the Centre or State levels.
- (iii) There is an absolute necessity for the legislature to reword or amend the provisions of Sections 12(5), 12(6) and 15(5), 15(6) of the Act. It is hoped that these provisions would be amended at the earliest by the legislature to avoid any ambiguity or impracticability and to make it in consonance with the constitutional mandates.
- (iv) Direction is given to the Central Government and/or the competent authority shall frame all practice and procedure related rules to make working of the Information Commissions effective and in consonance with the basic rule of law. Such rules should be framed with particular reference to Sections 27 and 28 of the Act within a period of six months.
- (v) It will be just, fair and proper that the first appellate authority preferably should be the persons possessing a degree in law or having adequate knowledge and experience in the field of law.
- (vi) The Information Commissions at the respective levels shall henceforth work in Benches of two members each. One of them being a 'judicial member', while the other an 'expert member'. The judicial member should be a person possessing a degree in law, having a judicially trained mind and experience in performing judicial functions. A law officer or a lawyer may also be eligible provided he is a person who has practiced law at least for a period of twenty years as on the date of the advertisement. Such lawyer should also have experience in social work. The competent authority should prefer a person who is or has been a Judge of the High Court for appointment as Information Commissioners. Chief Information Commissioner at the Centre or State level shall only be a person who is or has been a Chief Justice of the High Court or a Judge of the Supreme Court of India.

- (vii) The appointment of the judicial members to any of these posts shall be made 'in consultation' with the Chief Justice of India and Chief Justices of the High Courts of the respective States, as the case may be.
- (viii) The appointment of the Information Commissioners at both levels should be made from amongst the persons empanelled by the DoPT in the case of Centre and the concerned Ministry in the case of a State. The panel has to be prepared upon due advertisement and on a rational basis. The panel so prepared by the DoPT or the concerned Ministry ought to be placed before the High-powered Committee in terms of Section 12(3), for final recommendation to the President of India. The High Powered Committee at the Centre and the State levels is expected to adopt a fair and transparent method of recommending the names for appointment to the competent authority. The selection process should be commenced at least three months prior to the occurrence of vacancy.
- (ix) The judgment shall have effect only prospectively.

HAIL AND DISAPPROVAL

The advocate for the petitioner in this case was in all praise for the judgment. The judgment will prove to be a milestone in times to come. The decision has done justice to the very object of the Right to Information Act. Also, the Supreme Court has once again clearly showed that in order to decide a petition pertaining to challenge of Constitutional validity of any provision of any Act, it is not necessary that the provisions are to be declared *ultra vires* to our Constitution but can also be dealt with otherwise as has been done in the present case.

On the positive side it was stated that henceforth the orders of the Commission would be with more judicial flair. The long shelved second appeals would see the light of the day. The indifferent and lackluster Public Information Officers would be penalized which will send positive signals to dispose the applications in a time bound manner.

The appointment process at present is opaque and non-consultative. The Government has a 2-1 majority in the selection committee and the former bureaucrats of its choice are pushed through. The judgment brings a welcome change in the matter of transparency.

In the meanwhile, the judgment is drawing lot of criticism. RTI Activist, Subhash Chandra Agrawal said, "Supreme Court verdict on appointment of Information Commissioners is a classic example of judicial overreach which if not reviewed will induce practical problems making

toothless, India's most wonderful post-independence Act drafted first time by members of civil society for simplicity and practicability in favour of common citizens aimed for transparency and accountability. However some points in the verdict like first Appellate Authorities having legal background and appointing-process of Information Commissioners to begin much before occurrence of vacancies are welcome. Verdict is not clear on date of its implementation. If it is to be effective with immediate effect, functioning of all Information Commissions will become standstill for an indefinite period till Parliament passes Bill to amend the Act. Presently Central Information Commission has eight Information Commissioners out of total sanctioned strength of eleven, with none of them from judicial background as per standards defined in the court-verdict. To constitute double-bench with compulsion to have a judicial-member, at least eight judicial members are required to be appointed to sit with present eight Information Commissioners which is impossible in present set-up having maximum strength of eleven including Chief Information Commissioner."

Another activist pointed out that the retirement age of a Supreme Court judge is 65 years whereas maximum age limit for appointment to the Information Commission is 65 years minus one day which would require immediate amendment of the RTI Act.

The very strong resentment to the judgment is that the disposal rate would drastically come down. The judgment has not laid down the time limit within which the second appeals should be disposed of by the Commission. The Commissions have already mounting second appeals for disposal. The mandate by the Court to deal with the second appeals by a Division Bench would add insult to the injury.

At the advent of the Apex Court's judgment work has halted in many Commissions and the Court has to clarify whether the existing Commissions can continue to function and dispose appeals and complaints. The Central Information Commission, however, continues to dispose the second appeals as it was doing earlier.

The judgment will have serious ramification in the working of the State Information Commissions and it is not known whether the views of the States were sought while deciding the issue by the Court. The consultation with the Chief Justice of India or the Chief Justice of the State in the matter of appointment of judicial members of the Commission is considered to be an overreach by the activists especially when no such rider is prescribed in the Act. In this count it has become a judge made law.

Prescribing a qualification in law for the first appellate authority may now work in reality. In various departments

quasi judicial functions are discharged by the authorities. No criterion of legal qualification is prescribed as prerequisite for such authorities.

The judgment appears to have blown out of proportion on the role of the Information Commissions. On scanning over the orders of the Central Information Commission over years one can see that only in very few cases the real adjudication and lis were present. In most of the cases the Commission has disposed the appeals with direction to disclose information. Except in few cases most of the appeals taken to High Courts have resulted in dismissal. It is evidence on the quality of disposal of second appeals by the Commission.

If the second appeals are to be disposed by the Division Benches of the Commission, of whom one should be a judicial member, the appeals to High Courts may have to be heard by the Division Bench, as happens in Administrative Tribunal. This will delay the disposal of appeals by the High Courts.

If the Commissions become a judicial tribunal the appellants have to resort the services of the advocates. The Commission is presently designed to be citizen friendly. The Public Information Officer can hire advocates at the cost of the State and the citizen will be at disadvantage as there will not be a level playing field.

REVIEW BY THE GOVERNMENT

Moving a petition seeking to review the judgment interpreting the nature and function of Information Commissions as well as the qualifications needed for candidates heading them, the Central Government was of the view that before rendering the judgment, the Apex Court did not consider the arguments advanced on behalf of the Centre or its written submissions on this issue. The Government said that it was a settled principle that the Court could not direct the legislature to amend the law (RTI Act) except where the law was silent on a particular subject. Various directions given by the Court are contrary to the Act and are directly in teeth of certain provisions of the Act thus rendering the smooth functioning of the Act unworkable. The Government said that the principle under the RTI Act was maximum disclosure and minimum exemptions and the role of the Information Officer is to release the information.

One can hope that a review of the judgment will render more clarity especially on the grey areas so that the Information Commission can function without any hitch or interruption. The Government shall take the judgment on the positive side especially in ensuring transparency in appointment of Commissioners.

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GANDHIJI'S IDEAS ON COOPERATIVE CREDIT SOCIETIES

‘Without Character there is no Cooperation’

The act of cooperation is as old as Man and is neither good nor bad. Cooperation means working together. It is an economic organisation with social content which fairly represents the modern concept of cooperation, is a contribution of the West of the theory of economic and social science. Its characteristic features and ideals are so different that they make the cooperative movement altogether a distinct form of organisation. It is the organisational idea of cooperation of that reflect is Joint Stock Companies, Cartels etc. But cooperation as a way of life owes its origin to the Owenism of the early nineteenth century in Britain. Out of Owenism came the ideals, doctrines, myths and much of the inspiration, which are associated with the cooperative movement, the foundations of principles and ideals of cooperation were laid by Robert Owen, William King and Rochdale of Britain, Andres Orne of Sweden and Charles Gide of France. Of our special significance to India are the theory propounded by the German Pioneers, Raiffeisen and Hermann Schulze.

The view that are expressed by most of cooperative pioneers are some what similar to those of Gandhiji on cooperation. According to Gandhiji, to whom the means as well as the goal was equally important, gave the message of cooperation as a weapon for achieving political independence, economic freedom and social justice. He wanted to inject the spirit of cooperation in every man, woman and child and to regulate all activities on cooperative basis thus making cooperation a way of life altogether.

Self help and mutual aid is the real concept of cooperation. Gandhiji's ideas on society, economics, politics and religion are quite well known. Truth, righteous conduct, peace, love, brotherhood and non-violence are the core universal values necessary both for an individual and for society. Gandhiji believed that the good individual is contained in the good of all. The social thinkers visualized an ideal form of system based on cooperation and mutual help instead of competition and exploitation. Cooperation is one of the greatest ideals of humanity. As a humanist, Gandhiji's ideals were moulded on humanism love for fellow beings, resistance of exploitation and fight against poverty. The cooperative ideology of each for all and all for each has become very dear to him because it lifts the poor masses out of poverty. He was also influenced by the thoughts and experiments of Robert Owen and Raiffeisen who were the founders and thinkers of cooperative movement. He expressed the opinion of

Reiffessen that self help and mutual aid would help the poor to obtain cheaper easier means of whip and thereby they can save themselves from the ruthless exploitation of the money leaders. In the opinion of P.R. Dubhashi, Gandhiji's contribution to cooperative movement and his remarkable ideals are more practical.

GANDHIJI - THE COOPERATOR

The famous green pamphlet entitled “ The Grievances of the British Indians in South Africa “ was published by Gandhiji on 14th August, 1896. He was in need of a sizeable number of workers to distribute the pamphalets. At Rajkot Gandhiji gathered the children in his locality for the work and invited their cooperation in exchange for African postal stamps (This is the first instance of Gandhiji to become cooperator.) To him free labour was immoral and contrary to the idea of cooperation. In the 1899 Boer war, he extended his cooperation to the British Government on consideration of mutual cooperation to participate in defence of the Empire. Gandhiji worked for Indian cooperation in preventing a plague outbreak in 1900. About the results achieved Gandhiji writes, Cooperation made work easier for them (city fathers), at the same time, lessend their hardships. Thus cooperation became a method of working together in his public duties. He said there is undoubtedly a great deal that can be done by proper cooperation and gentle coaxing. The community should rise to the occasion.

Gandhiji believed the maxim 'each for all and all for each'. On the basis of this a farm was eastablished in the middle of 1904 at Phoenix and it was later regarded as cooperative labour settlement by Gandhiji. He established another farm called Tolstoy Farm on June 4, 1910. With the generous help of a German friend, afterwards it came to be known as a cooperative settlements or a commune. The Phoenix and Tolstoy cooperative settlements worked under Gandhiji's leaderships till he left South Africa on health grounds on July 18, 1914.

According to him, the Swadeshi movement was the greatest constructive and cooperative movement in the country. In Khadi movement, Gandhiji found the panacea for India's growing pauperism and an object lesson in cooperation. In course of time this led to the opening of “Charakha” centres which he thought were cooperative societies. To him cooperation is a crime, when there is

no mutual respect and confidence and non-cooperative was a message of self-purification, 'self-sacrifice', courage and hope. Gandhiji looked at cooperation as a moral movement. He added, I cooperate with all that is good. As a cooperator, he believed that cooperation was more of practice and thereby discriminated between good and bad cooperation. In fact he himself categorically stated in 1932, "It spoke of my repeated declaration". It is not generally recognized that by instinct, I am a Cooperator.

MORAL BASIS OF COOPERATION

Gandhiji advocated the necessity of moral values of human beings. To him cooperation was more a moral movement than economics. He opined that every cooperative activity should be a means for improving the character of man in the ordinary walk of life. He was practical and practiced moral principles in the admission of members of the cooperative labour settlement for satyagrahis at Phoenix in South Africa. He preached imbibing moral values in the life of every person. If cooperation failed to give proper emphasis on morality he feared cooperative would become cooperation of scoundrels. Indian cooperative credit movement is saddled with number of problems. It has not been successfully running in many States except Gujarat, Maharashtra, Karala and Tamil Nadu. The poor recovery performance of primary agriculture cooperative credit societies has resulted in their failure. Weavers and fisherman societies have almost become defunct in many States particularly in Andhra Pradesh and attributed to the lack of moral basis of cooperation.

All this short coming, evils associated with the cooperative credit movement in India could be attributed to the neglect or lack of moral values/character in the members, as well as leaders of the managing committees. In this connection, P.R. Dubhashi has rightly said that it is perhaps because the cooperative movement in India has overlooked its moral character that we have today non-genuine and superior cooperatives dominated by vested interests. The credit which has become money power at the world has little moral basis code is not a synonym with trust or faith which is purely moral qualitative. Gandhiji expressed his serious doubts about the soundness and successful functioning of cooperative societies at gross-root level as he thought of honesty as one of the important qualities of leadership is lacking. He stressed that the cooperative efforts prove disastrous when the management has been dishonest and the goal questionable. Gandhiji has given much importance to the principle of cooperation. He advocated these principles should be applicable in letter and spirit then the cooperative credit movement will succeed. In a nutshell, he believed that without character, there was no cooperation. Gandhiji further stated that "with this moral standard set before us, we will not measure

the number of cooperative societies formed but by the moral conditions of the cooperators".

GANDHIAN APPROACH OF COOPERATION RELEVANT FOR MODERN INDIA

Gandhiji has gone but his ideas remained in the mid air. Firstly, he said that the cooperative movement stand on mutual cooperation which created brotherhood among the members of the cooperative societies, then the society seems to be a family in which good atmosphere was born thereby the society operates on a sound or viable basis. It is more visible from a simple law of mathematics which says that if parts develop, the whole will naturally develop of its own self. Similarly, if these cooperative societies are function-based on cooperative principles, India will become viable of self sufficient in their basic needs, then India will become stronger in cooperative movement. But in practical experience, mutual help is only a slogan on the lips of both the cooperative leaders and political leaders. Instead of creating a brotherhood among the members in the cooperative societies, they quarrel with one another in some societies reached the political conflict which resulted in the hindrance of their smooth functioning.

The joint cooperative farming societies are successfully functioning in States like Kerala, Gujarat, and Maharashtra. Gandhiji clearly stated that of his conception of cooperative farming as follows: "My notion of cooperator is that land would be held in cooperation by the owners and tilled and cultivated also in cooperation". This would cause saving of labour, capital, tools etc. The owners would work in cooperation and own capital, tools, animals, seeds etc., in cooperation. Cooperative farming in my conception would change the face of land and banish poverty and idleness from their midst".

Gandhiji conceived that the joint cooperative farming would safeguard the interests of the poor, weak, marginalized people, agriculture labourers and marginal farmers. It is more appropriate to quote Gandhiji's words that "I firmly believe that we shall not derive the full benefit of agriculture until we take to cooperative farming". The cooperative farming was successful in order to meet the requirements of the people in both communist and Christian Countries like Germany. The poor people who are the members of the cooperative farming societies equally participated in toll and trouble in the cultivation of the land, share the equal benefits, with the help of the financial institutions and the support from the Government. Gandhiji held the same view as he visited many countries and witnessed the successful implementation of this cooperative farming in countries". In India more than 70000 cooperative farming societies functioned for the benefit of the poor and the marginalized, particularly the weaker sections.

Unfortunately more than 80 percent of the cooperative farming societies were defunct in many parts of the country. There is total failure of cooperative farming societies in many States for want of support from financial institutions and the Government. The political and communal forces led to the failure of these societies. Cooperative farming is successfully running in few States like Kerala, Gujarat and Maharashtra. The dreams of Gandhiji were not fulfilled in the function of cooperative farming in the country.

In 1980's the single window cooperative credit delivery system was introduced in Andhra Pradesh by merging the three tier short term cooperative credit structure with two-tier long-term cooperative credit structure, with a view to reduce the interest burden on the people and to deliver the credit and non-credit service to the door steps of the poor and needy people. In fact, it is great political task to merge these two structures. Under this novel scheme, the political party enter at the stage of enrollment of the numbers of the Primary Agriculture Credit Societies (PACS). The ruling party tried to control the management of the PACS. As a result of it, more than 65 percent of the societies are saddled with huge losses. On the other hand the recovery performance of the PACS is about 38 percent. Vaidyanathan Committee clearly highlighted the problems of the cooperative credit societies. The caste and the political

dominance existing in almost all societies. But Gandhiji visualized that the members should join on the basis of moral values. Honesty and sincerity are the qualities of leadership specially mentioned by Gandhiji. At present the leadership of the cooperative societies do not have the sincerity and honesty while they are managing the affairs of the cooperative societies. "Gandhiji aptly remarked" greater the rascal greater the credit he enjoys with his banks. This is true even today in case of cooperative credit movement in India.

Gandhiji's ideas on cooperation show that he was a cooperator by instinct and he preached moral values, honesty, sincerity which are the pillars of the success of the cooperative movement. As political parties are trying to capture the management of the cooperative bodies managing from primary to the top levels, the cooperative credit movement is dictated and governed by the political parties. In Gandhiji's views cooperation gives a broader direction for the successful cooperative development. Unfortunately his noble thoughts and ideas are on paper but not translated into action. It is concluded in the words of B. K. Sinha "The life and activities of Gandhiji more than justify that he was an embodiment of cooperation and an earnest cooperator."

(COURTESY; SAHAKAR GOA, OCTOBER, 2012)

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Deposits	Exceeds Rs.321.83 Crores
Loans & Advances	Exceeds Rs.183.29 Crores
Credit Facilities	Max. Rs.4.15 Crores per Individual
Net Profit After Tax	Rs.3.00 Crores (2010-2011)
Net NPA	0% (2010-2011)
Capital Adequacy	16.20% (2010-2011)
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181 days to 364 days	8.00%	8.00%	Vehicle Loans	11.50%
1 year > < 2 years	9.50%	10.00%	Gold Loan	11.50%
2 years > < 3 years	9.75%	10.25%	S.S.I. Loans	12.50%
3 years > < 5 years (Incl. of 5 years)	10.00%	10.50%	Business	12.50%
Above 5 years	9.75%	10.25%	Self Employment	12.50%
SPECIAL DEPOSIT SCHEME for 500 DAYS	10.25%	10.75%	Education	10% to 12%
[@] Senior Citizen (person complete 60 years in age)			* After interest concession for prompt & regular repayment of loan installments -1%.	

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LEGAL COLUMN*

SUPREME COURT OF INDIA (BEFORE HON'BLE JUSTICE G.S.SINGHVI AND S.J. MUKHOPADHAYA, JJ)

Mahesh Kumar (Dead) by LRS.

.....Appellants

Vs.

Vinod Kumar and others

.....Respondents

**(CIVIL APPEAL NOS. 7587-7588 OF 2004)
DECIDED ON 13TH MARCH, 2012**

GENERAL

The case relates to inheritance of share in property of the father by three sons in their joint family (father and 3 sons) where after two separations in the joint family by two sons separately in 1965 and in 1985, father executed two Wills – one on 9.6.1989 duly registered bequeathing his share in joint family property to his three sons and other Will on 10.02.1992 (un-registered) bequeathing his full share of property to one son to the exclusion of other two sons without cancellation of earlier Will.

In 1995, two sons who had earlier separated from the joint family after taking their shares filed a civil suit for enforcement of Will dated 9.6.1989 claiming their right to father's share of property. This was contested by the son to whom father had bequeathed his full share of property by Will dated 10.02.1992 on the plea that Will dated 10.02.1992 being latest and final bearing genuine signatures and attestation is valid and enforceable. It was also argued among other points including technicalities of signing & witnessing of the Will that both the sons had already taken their respective shares at the time of family partition which took place earlier and had never cared to look after their aged and ailing father/mother.

After pleading & evidence the Trial Court dismissed the suit agreeing to the validity and enforcement of latest Will dated 10.02.1992. The aggrieved sons challenged this in the High Court of Madhya Pradesh. The learned Single Judge of High Court allowed the appeal reversing and setting aside the judgement of Trial Court on several account including procedural requirements, discrepancies in the statements of appellant and attesting witnesses, writing of Will dated 10.02.1992 after obtaining signatures on blank paper, not mentioning of date of earlier Will revoked, non-registration of Will, influencing of testator etc. etc.

The Appellant filed appeal in the Supreme Court. The Supreme Court disagreed with the above findings of learned Single Judge of High Court of Madhya Pradesh. It was held that the Single Judge was in error in reversing the finding by the Trial Court on the execution of Will dated 10.02.1992

and its genuineness and validity and allowed the appeal and set aside the High Court judgement and the one passed by the Trial Court was RESTORED.

ISSUE INVOLVED & DECISIONS HELD

1. Can an unregistered Will written by the testator under genuine signatures & proper and procedural attestation as per law subsequent to the writing & registration of an earlier Will be enforced in law.

Held Yes; can be enforced. Court has to satisfy that it is the last & final Will of the testator signed it of his own free will in full senses.

2. Will specifically non-mentioning of revocation of earlier Will & its date make the subsequent last & final Will suspicious?

Held The absence of a recital in the last and final Will that earlier Will was revoked/cancelled is not relevant as once the execution of the last Will is held as duly proved, the earlier Will automatically becomes REDUNDANT because the last Will represents the last wish of the testator.

3. When the last Will was got registered by the testator why did he not get the subsequent Will registered?

Held Registration of Will is not compulsory as per law. No inference can be drawn against the genuineness of a Will on the grounds of non-registration.

4. Can presence of the beneficiary heir with the testator at the time of the execution of a Will in which nothing was inherited to the other heirs be a decisive issue relating to genuineness and validity of a Will.

Held Cannot be decisive issue.

5. Can reason of devotedly serving father and mother during old ages justify for bequeathing father's share in joint family property by father to the serving son (heir) to the exclusion of other two sons.

Held Yes. It is justified. There is nothing unusual and unnatural in the decision.

Note : Please write to NCHF Secretariat for copy of above judgment, if required.

* Compiled by Shri S.K. Ahuja, Advocate, New Delhi

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SNIPPETS

GOVERNMENT SHOULD PROVIDE LAND TO GROUPS FOR SETTING-UP HOUSING SOCIETIES

Goa has an acute shortage of land for development limiting the number of cooperative housing societies existing in the State, pointed out Shri S.N.Sharma, Chairman, National Cooperative Housing Federation of India (NCHF).

Coming out with a solution to surmount the problem of land availability, the Chairman of the apex organisation of the Indian cooperative housing movement said that the Government needs to set up a land bank to provide affordable land to groups of individuals wishing to set up housing societies.

Drawing attention to the fact that Goa lacked a comprehensive housing policy for its residents unlike other States, Shri Sharma said that a dedicated policy was needed as it would help in coordination with central agencies and also provide a legal framework for housing cooperatives besides guidance on registration of land, payment of stamp duty, problem of recoveries from members, etc.

Making a case for exemption of stamp duty on land purchased by housing societies, he said that it was essential as experience shows that societies started by ordinary residents faced several hurdles such as paucity of land at reasonable rates, lack of funding support, high rate of interest among others.

Shri Sharma was speaking at a National Conference on Housing Cooperatives, organised by three bodies- the

NCHF, the National Cooperative Union of India and the Goa State Cooperative Housing Finance and Federation (GSCHFF) in Panaji on 8th February, 2013.

The daylong Conference was inaugurated by Shri Deepak Dhavalikar, Hon'ble Minister for Cooperation, Factories and Boilers, Government Goa who said that housing cooperatives were a relatively new concept in Goa having first come up only in the late 1990's. However it was a very good concept since it is one of the best financially viable option for middle class families to own their own homes.

Pointing out that housing societies constituting of one or more buildings were legal entities with elected members, Shri Dhavalikar said that most disputes in societies arose due to ignorance of laws, egos of members and lack of knowledge of the cooperative movement.

The Hon'ble Minister said that the Government has recently appointed a Task Force Committee of four members to study the health of all cooperatives the findings of which are currently being deliberated. He also promised to introduce Flat Owners Act, in the interest of the middle income house holders as soon as possible.

Other speakers addressing the Conference at the inaugural session were CA Shri R.K.Pikale, Chairman, GSCHFF, Shri B.S.Manhas, Vice-Chairman, NCHF, Shri J. B. Bhingui, Registrar of Cooperative Societies, Government of Goa and Shri Sukhbir Singh Panwar, Chairman, Delhi Cooperative Housing Finance Corporation.

The Conference deliberated on individual problems faced by state bodies and changes in accounting standards



Various dignitaries addressing at the inaugural function of the National Conference on Housing Cooperatives (L to R) Shri Deepak Dhavalikar, Hon'ble Minister for Cooperation, Factories and Boilers, Government of Goa; Shri S.N. Sharma, Chairman, NCHF; Shri B.S. Manhas, Vice-Chairman, NCHF; CA Shri R.K. Pikale, Chairman, GSCHFF; Shri Sukhbir Singh Panwar, Chairman, DCHFC; and Shri J.B. Bhingui, Registrar, Cooperative Societies, Government of Goa.



A view of the participants

of housing cooperatives and its impact. Shri B. S. Manhas pointed out that cooperative housing societies had made rapid strides in India increasing from 5,600 societies in 1959-60 to 1,00,000 societies at present. They contributed substantially to national development with 25 apex state level housing federations providing loans worth Rs.11,570 crore to members for construction of homes.

In Goa of housing societies comprise the chunk of all cooperatives and of 2,750 cooperatives in existence about 1,900 are housing societies.

The Conference was attended by over 130 delegates from various parts of the country, representing the Government of India, State Governments, National and State level cooperative organisations and State/District and Primary Housing Cooperatives.

HUDCO CAN BE CATALYST IN “RAJIV AWAS YOJANA” FOR CREATING A ‘SLUM FREE INDIA’ : AJAY MAKEN

Shri Ajay Maken, Union Minister for Housing & Urban Poverty Alleviation (HUPA) has said that HUDCO can be catalyst in the flagship programme “Rajiv Awas Yojana (RAY)” of the Ministry for providing consultancy support, viability gap funding as well capacity building programme for the implementing agencies. Shri Maken said this at the launch of public issue of Tax Free Bonds of Housing and Urban Development Corporation Limited (HUDCO) in the nature of secured redeemable non-convertible debentures.

Shri Maken said “building on the foundations of the learnings from JNNURM, the Government of India has come out with a new flagship programme “Rajiv Awas Yojana (RAY)” which has a vision of creating a ‘Slum-free India’ and I expect HUDCO to play an even more challenging role for the success of the programme.” He further stated that under this scheme central assistance would be provided to States who are willing to assign property rights to slum dwellers, for slum redevelopment and creation of affordable housing stock,

along with another condition of reserving 15% of the FAR or 35% of the number of dwelling units for EWS or LIG housing. Lauding the role of HUDCO, Shri Maken said that HUDCO has always been an able partner of the Government in trying to meet the emerging varied challenges of human settlements, through its lending operations, which support social housing and utility infrastructure, its design and development efforts, its national level rehabilitation programmes in almost all major natural calamities and its capacity building initiatives all over the country.

Shri Maken further said that HUDCO has been allowed to raise tax free bonds of Rs. 5,000 crore in the year 2012-13 which will enable HUDCO to lend for its social housing and core infrastructure activities. This is second successive year, the Government has permitted HUDCO to float tax-free bonds which shows the importance being given by the Government of India for the development of housing and core infrastructure in the country. He hoped that with this credit enablement measure, there will be a quantum jump in the overall supply of affordable housing and core infrastructure services in the country. The funds proposed to be raised by HUDCO through this Issue shall be utilized towards lending purposes, working capital requirements, augmenting the resource base of our Company and other operational requirements. The highest coupon rate offered by HUDCO in this Issue is 8.01%. FIIs and NRIs are also eligible to participate in the Issue, he added. (PIB, 9TH JANUARY, 2013)

ENHANCEMENT OF UNIT ASSISTANCE UNDER THE INDIRA AWAS YOJANA

The Union Cabinet has approved the proposal of the Ministry of Rural Development to provide a quality and affordable house and also taking into account numerous requests from the stakeholders for increasing the unit cost, keeping in view the steep increase in cost of materials. The assistance under the Indira Awas Yojana (IAY) has been enhanced from Rs. 45,000/- to Rs. 70,000/- per housing unit in plain areas and from Rs. 48,500/- to Rs. 75,000/- in hilly/difficult/LAP district.

Similarly the unit assistance provided for homestead site to rural Below Poverty Line (BPL) households who have neither agricultural land nor a house site for purchase/acquisition of a homestead site has been enhanced from Rs.10,000/- to Rs.20,000/-.

The IAY is a flagship scheme of the Ministry of Rural Development and aims at addressing rural housing issues by providing grant for construction/upgradation of dwelling units of BPL families especially giving priority to Scheduled Castes/ Scheduled Tribes, freed bonded labourers and physically challenged persons with financial assistance of Rs.45,000/- in plain areas and Rs.48,500/- in hilly/difficult areas.

(PIB, 10TH JANUARY, 2013)

HOUSING MINISTRY SEEKS TAX SOPS FOR AFFORDABLE HOUSING PROJECTS

The Housing Ministry has sought tax sops including a year's extension of a benefit under Section 80 IB (10) of the Income Tax Act for developers of affordable housing projects.

In its proposal to the Finance Ministry, the Housing Ministry has also suggested that the deduction allowed under Section 80 IB (10), which is to be withdrawn from April 1, should be extended to affordable housing projects approved after the current cut-off date of March 31, 2008.

According to a senior official, the Ministry has also sought service tax exemption for private developers of affordable housing projects. At present, the exemption is available under Government-run schemes including Jawaharlal Nehru National Urban Renewal Mission, Rajiv Awas Yojana and Affordable Housing in Partnership.

(THE ECONOMIC TIMES, 22ND JANUARY, 2013)

NHB LOWERS LENDING RATE

The National Housing Bank (NHB), the regulator for housing finance companies, has reduced its benchmark lending rate by 0.25 percentage point to 9.75 per cent, within hours of the RBI reducing key policy rates. "The floating rate Prime Lending Rate (PLR)-linked refinance portfolio of NHB will now be re-priced at 0.25 percentage point less," the regulator said in a statement. Also the NHB, decided to reduce the interest rate on special refinance scheme by 0.25 percentage point.

The refinance rate has now been reduced to 8.25 per cent from 8.50 per cent in respect of loan up to Rs.5 lakh and 8.50 per cent from 8.75 per cent per annum for loans up to Rs.10 lakh.

(THE HINDU, 30TH JANUARY, 2013)

STATES TO AMEND COOPERATIVE LAWS IN CONFORMITY WITH 97TH CONSTITUTIONAL AMENDMENT

Odisha

Odisha has decided to amend its cooperative law to provide more teeth to its cooperative institutions and to bring it in conformity with amended provisions of the constitution, an official said.

Shri Bishnupada Sethi, Secretary, Department of Cooperatives, Odisha said the State Cabinet, chaired by Chief Minister Shri Naveen Patnaik, on December 14 cleared a proposal to amend the State's Cooperative Law. According to the proposal, the Government will set-up a State Cooperative Election Commission to conduct elections

every five years and the Election Commissioner will be appointed by the Governor.

The Board of Directors of the cooperative societies is to be constituted with a maximum number of 21 directors with one seat reserved for Scheduled Castes or Scheduled Tribes and two seats for women, Shri Sethi said.

The term of office of the elected members of the Board shall be five years and any interim vacancy in the Board will be filled by nomination or election, he added.

Upto two professionals shall be coopted to be directors on the Board and the functional director (Chief Executive) will also be a director, in addition to the maximum 21 elected directors. The coopted and functional directors, however, will have no voting rights. Shri Sethi said the Government was likely to introduce the Bill in the ongoing session of the State Assembly.

The Constitution (Ninety Seventh Amendment) Act 2011 has come into force with effect from February 15, 2012. As per the constitutional amendment, forming of cooperative societies has been made a fundamental right for the citizens of India.

In keeping with the provisions of the Act, it becomes mandatory for the State Government to carry out necessary amendment of the Odisha Cooperative Societies Act, 1962 to bring it in conformity with the amended provisions of the Constitution, Shri Sethi said.

Odisha has about 5000 cooperative societies with a total of about 65 lakh families as members.

Maharashtra

The Maharashtra Government on December 26, 2012 proposed to amend its cooperative law to align it with the 97th Constitution (Amendment) Act by February 15.

"The Government will meet the February 15, 2013, deadline to amend the state cooperative laws," said Maharashtra Minister for Cooperatives Shri Harshvardhan Patil, who heads a Ministers' panel to prepare draft amendments to the state cooperative law.

He hoped the panel headed by him would complete the draft amendments within a month and submit it to the state cabinet for its approval. However, the State Government differs with the Central Act on key issues relating to providing reservation to weaker sections in various cooperative bodies.

The 97th Constitution (Amendment) Act has envisaged three posts to be reserved, while Maharashtra is keen to

retain its present strength of seven seats reserved for women, other backward classes, economically weaker sections, 'vimukta jatis' (nomadic tribes) and notified tribes.

Further, the Central Act envisages that elections to cooperative bodies be conducted by State Election Commissions, which currently are responsible for elections in local and civic bodies.

According to Shri Patil, the Government would lay emphasis on the training aspect as envisaged in the Central Act.

The Minister informed the Government would also put in place a separate audit panel for cooperative bodies from Maharashtra in the proposed amendment. He said with the proposed amendments to the state cooperative law, federal bodies would have to send their audit reports to the state legislature for its approval.

(COOP. BANKING TABLOID)

MAHARASHTRA TO HELP IN REGISTERING HOUSING SOCIETIES

The State Government of Maharashtra will encourage citizens in forming cooperative housing societies so that the administration of their buildings is run in a legal and professional manner and developers do not benefit from exploiting additional floor space index (FSI) for commercial gains.

The State has decided to have a Coordination Committee of its top-level officers in each district, including the city's two precincts, to ensure legal formalities. There are 27,000 private buildings and societies in Mumbai, of which 25,000 have their cooperative societies registered. The rest are managing their affairs illegally.

The Coordination Committee comprises a Deputy Registrar of Cooperatives, a Joint Registrar of Cooperatives, a District Land Records Superintendent, a District Information Officer, Municipal Commissioner/Joint/Deputy Municipal Commissioner and a Chief Officer of the Municipal Council. The Committees will monitor the applications as well as devise schemes to get societies formed and registered.

"The Coordination Committees will guide people and monitor the formation of societies. We expect legal societies to manage and maintain their properties professionally," said Minister of State for Housing Shri Sachin Ahir.

"These (ad-hoc) committees manage just the water and power supply of their buildings, which are very basic amenities," said Shri Ramesh Prabhu, Chairman of Maharashtra Societies Welfare Association (MSWA). "But

registered societies will ensure they are ruled by the laws and also facilitate development plans, if any," he added.

(THE HINDUSTAN TIMES, 17TH DECEMBER, 2012)

LIFE TIME ACHIEVEMENT IN COOPERATIVES AWARD FOR DR. DAMAN PRAKASH

Dr. Daman Prakash, a well-known professional in the Cooperative Sector, and former Director, International Cooperative Alliance Regional Office for Asia and the Pacific (ICA-ROAP) was conferred 'Life-Time Achievement in Cooperatives Award' by World Peace Development and Research Foundation at the International Conference on Cooperatives organized in collaboration with the National Cooperative Union of India at New Delhi on December 5, 2012. The Award was presented by Dr. Balram Jakhar, former Governor of Madhya Pradesh and Ex. Minister of Agriculture, Government of India, in the presence of over 150 delegates.

73 year-old Senior Consultant with the IFFCO Foundation, Dr. Daman Prakash has devoted half a century of his life as a professional to the cause of Cooperative Movement. He has served the ICA-ROAP since 1962 in various capacities and retired in 2002 as its Director. He has several books and articles to his credit and is currently advisor to the World Peace Development and Research Foundation.

बच्चे को गोद दिया तो संपत्ति पर हक नहीं होगा : कोर्ट

बंबई हाई कोर्ट ने व्यवस्था दी है कि गोद दिया गया बच्चा अपने बायोलॉजिकल पिता की संपत्ति पर दावा नहीं कर सकता। जस्टिस मुद्दुला भाटकर ने 30 नवम्बर को यह व्यवस्था दी। उन्होंने कहा कि जब बच्चे को गोद दे दिया जाता है तो बायोलॉजिकल पिता की संपत्ति से उसका अधिकार खत्म हो जाता है। मामला नासिक के एक जॉइंट हिन्दू परिवार से जुड़ा है। परिवार के मुखिया रामचंद्र महाले ने अपने सबसे बड़े बेटे राधाकृष्ण को मोरे परिवार को गोद दे दिया था। रामचंद्र के दो और बेटे त्रिम्बक और दिगंबर थे। कुछ साल बाद दिगंबर और त्रिम्बक की मौत हो गई और राधाकृष्ण के बेटे सोमनाथ ने महाले परिवार की संपत्ति में हिस्सेदारी का दावा किया था।

(नवभारत टाइम्स, 4 दिसम्बर, 2012)

हुडको ने जारी किए टैक्स फ्री बॉन्ड

हाउसिंग एंड अर्बन डेवलपमेंट कॉर्पोरेशन (हुडको) ने निवेशकों के लिए टैक्स फ्री बॉन्ड जारी किए हैं। इन बॉन्ड्स के जरिए हुडको ने लगभग पांच हजार करोड़ रुपये जुटाने का लक्ष्य रखा है। इस रकम का इस्तेमाल सस्ते मकान और इंफ्रास्ट्रक्चर

परियोजनाओं के लिए किया जाएगा। इस मौके पर आवास एवं शहरी गरीबी उपशमन मंत्री श्री अजय माकन ने कहा कि हुडको हाउसिंग और बेसिक इंफ्रास्ट्रक्चर के लिए कर्ज दे सकेगी।

(नवभारत टाइम्स, 10 जनवरी, 2013)

सहकारी अधिकारियों को अब कानून कायदों की जानकारी के साथ बैठकों में लेना होगा हिस्सा

सहकारी संस्थाओं के संचालक मंडल की बैठकों, पदोन्नती समिति की बैठकों व अन्य महत्वपूर्ण बैठकों में अब अधिकारियों को विभागीय प्रतिनिधि के रूप में कानून-कायदों की पूरी जानकारी के साथ हिस्सा लेना होगा।

राजस्थान में सहकारी समितियों के रजिस्ट्रार श्री पवन कुमार गोयल ने एक परिपत्र जारी कर बैठकों में हिस्सा लेने वाले विभागीय अधिकारियों व सहकारी संस्थाओं के लिए विस्तृत दिशा निर्देश जारी किए हैं। परिपत्र में विभिन्न राज्य स्तरीय, जिला स्तरीय व प्राथमिक स्तर की सहकारी समितियों के संचालक मंडल, डीपीसी एवं अन्य महत्वपूर्ण बैठकों की सूचना बैठक होने के कुछ समय पूर्व ही प्राप्त होने, समय पर बैठक का एजेण्डा बिन्दु व एजेण्डा नोट्स प्राप्त नहीं होने तथा कई बार तो बैठक के समय एजेण्डा उपलब्ध कराये जाने को गंभीरता से लिया है।

रजिस्ट्रार श्री गोयल द्वारा जारी परिपत्र में निर्देशित किया गया है कि संचालक मंडल व अन्य बैठकों की सूचना मय एजेण्डा नोट के एक सप्ताह पूर्व भेजा जाना आवश्यक है। इसी तरह से संस्थाओं में डीपीसी से संबंधित बैठकों की प्रश्नावली, अन्य जानकारी, पात्रता सूची तथा विभागीय निर्देशों की जानकारी बैठक की सूचना के साथ ही आना चाहिए।

श्री गोयल ने यह भी निर्देश दिए हैं कि बैठकों में भाग लेने वाले अधिकारी एजेण्डा का विस्तृत अध्ययन कर आवश्यक नियमों के परिपेक्ष में विश्लेषण कर बैठकों में भाग लेंगे और विभागीय व संस्था के हितों के विरुद्ध निर्णय लिए जाने की स्थिति में आवश्यक रूप से असहमति नोट अंकित कराना सुनिश्चित करेंगे। उन्होंने कहा कि बैठक का कार्यवाही विवरण प्राप्त होने पर संबंधित अधिकारी द्वारा कार्यवाही विवरण में अंकित निर्णयों का विश्लेषण कर जो भी निर्णय नियम विरुद्ध, विभागीय नीति निर्देशों के विरुद्ध अथवा संबंधित संस्था को अनावश्यक वित्तीय हानि पहुंचाने वाले हों तो उनके नियमानुसार अपखंडन की कार्यवाही की जावे। उन्होंने कहा कि नियम विरुद्ध कार्यवाही होने की स्थिति में संबंधित अधिकारी जिम्मेदार होंगे। इस संबंध में विस्तृत दिशा-निर्देश विभागीय वेबसाइट पर उपलब्ध हैं।

(सहकार संगम, 17 जनवरी, 2013)

लो कॉस्ट हाउसिंग को बूस्टर डोज

रिजर्व बैंक ऑफ इंडिया (आरबीआई) ने लो कॉस्ट हाउसिंग परियोजनाओं के लिए विदेश से फंड जुटाने की इजाजत दे दी है। आरबीआई के नोटिफिकेशन के मुताबिक, फाइनेंशियल ईयर 2012-13 में डेवलपर्स और हाउसिंग फाइनेंस कंपनियां सस्ती हाउसिंग स्कीम के तहत विदेशों से 1 अरब डॉलर तक फंड जुटा सकेंगी। हालांकि, आरबीआई इस सीमा की सालाना समीक्षा कर इसमें फेरबदल कर सकता है।

रेजिडेंशियल प्रोजेक्ट में कम से कम 5 साल का अनुभव रखने वाले और किसी बैंक या वित्तीय एजेंसी से डिफॉल्ट नहीं करने वाले डेवलपर्स ऐसे फंड जुटाने के काबिल होंगे। साथ ही, विदेश से फंड जुटाने के लिए प्रोजेक्ट पर किसी तरह का मुकदमा भी नहीं होना चाहिए। रिजर्व बैंक ऑफ इंडिया ने इस फंड की योग्यता के लिए संबंधित प्रोजेक्ट का मास्टर प्लान के अनुरूप होना भी जरूरी बनाया है। आरबीआई के नोटिफिकेशन में कहा गया है, 'प्रोजेक्ट का लेआउट हाउस प्रोजेक्ट से जुड़े प्लानिंग डिपार्टमेंट के लैंड यूज के नियमों के मुताबिक होना चाहिए। साथ ही, सभी संस्थाओं से लैंड यूज और पर्यावरण समेत सभी जरूरी क्लियरेंस भी रिकॉर्ड में होना चाहिए'।

कम से कम 50 करोड़ रुपये की पूंजी वाले नेशनल हाउसिंग बैंक के साथ रजिस्टर्ड हाउसिंग फाइनेंस कंपनियों को ईसीबी के जरिए फंड जुटाने की अनुमति होगी। इसके अलावा, कंपनी का बैड लोन 25 फीसदी से ज्यादा नहीं होना चाहिए और पिछले 3 साल के दौरान कंपनियों का कुल अपना फंड तकरीबन 300 करोड़ रुपये होना चाहिए। आरबीआई ने बताया, 'किसी खरीददार को लोन आवंटन के लिए अधिकतम राशि की सीमा 25 लाख रुपये की सीमा इस शर्त पर तय की जाएगी कि निजी हाउसिंग यूनिट की लागत 30 लाख रुपये से ज्यादा नहीं हो।

(इकोनॉमिक टाइम्स, 18 दिसम्बर, 2012)

“हर माँ के नाम”

घुटनों से रेंगते-रेंगते, कब पैरों पर खड़ा हुआ,
तेरी ममता की छाँव में, जाने कब बड़ा हुआ,
काला टीका दूध मलाई, आज भी सब कुछ वैसा है,
मैं ही मैं हूँ हर जगह, प्यार ये तेरा कैसा है?
सीधा-साधा, भोला-भाला, मैं ही सबसे अच्छा हूँ,
कितना भी हो जाऊँ बड़ा,
“माँ” मैं आज भी तेरा बच्चा हूँ।

योगेन्द्र अग्रवाल, लेखा अधिकारी गुड़गाव
(हरियाणा सहकारी प्रकाश, अक्टूबर, 2012)

वन और हमारा अस्तित्व

– एम.के.मिश्र *

वन अर्थात जंगल और पेड़, प्राणियों के जीवन और अस्तित्व को बनाए रखने के लिए आवश्यक है। हम सभी जानते हैं कि पेड़ों से वातावरण साफ-सुथरा और प्रदूषण रहित होता है और इससे स्वच्छ हवा मिलती है तथा हमारी धरती ठण्डी रहती है।

हमारी यह पृथ्वी अपरिमित संसाधनों से भरी पड़ी है, जो सम्पूर्ण जीव-जगत की शाश्वत जीवन स्थली है। हमारे शास्त्रों के अनुसार पृथ्वी पर 84 लाख और जैव-प्रजातियाँ हैं। क्या वनों के बिना पृथ्वी पर प्राणी-समुदाय का जीवन असुरक्षित होने लगा है? इस प्रश्न को भाँपते हुए ही हिमालय की तराई में रहने वाले पिछड़े गाँवों के लोगों ने 1970-80 के दशक में जीवन के लिए पेड़ों, वनों की अहमियत को समझ लिया था और चिपको आन्दोलन शुरू किया। चिपकों आन्दोलन ने इस पर चिंतन, मंथन और इसके लिए कोशिश को अभिव्यक्ति दी। चिपको आन्दोलन ने धरती के प्रति सोच को कई आयाम दिए। आज विश्व समुदाय में भी इसकी अहमियत को समझते हुए जोरदार प्रयत्न किए जा रहे हैं।

हमारे देश की अधिकांश आबादी गाँवों में रहती है। हमारे गांव प्रकृति की गोद में धरती के अन्य जीवों के साथ समन्वय स्थापित कर उन्हें संरक्षण प्रदान कर रहे हैं। गांव कृषि पर आधारित हैं कृषि, सिंचाई के साधनों अथवा वर्षा का पानी न होने पर जीवन दुर्लभ हो जाता है। जीवन का सबसे महत्वपूर्ण आधार पानी है। यह कोई जैव वनस्पति नहीं। परन्तु इसकी प्राप्ति भी आस-पास के जंगलों के घनत्व पर निर्भर है। बारिश की बूंदें जब धरती पर पड़ती हैं तो विकास व विनाश की लीला रचती हैं वहाँ की धरती बारिश की बूंदों को अपने में समाहित करने की क्षमता का प्रश्न उठता है।

इस प्रकार सघन वन पानी के विशाल स्पंज हैं। वनों के साथ वर्षा के संबंधों की बात की जाए तो यह विवाद रहित व निष्पक्ष है कि वन स्वच्छ और ताजा पानी की विश्वसनीयता से आपूर्ति कराते हैं। हमारे वन न केवल पानी को छानते हैं और साफ-स्वच्छ करते हैं। बल्कि मिट्टी के क्षरण को रोकते हैं, जलाशयों में अवसाद घटाने और भूस्खलन और बाढ़ को कम करने में महत्वपूर्ण भूमिका अदा करते हैं। वनों द्वारा भूमिगत जल भंडारों के पुर्नभरण में सहायता मिलती है। हमारी अधिकांश नदियों को हिम नदी, जंगलों और भू-जल भंडार से जल प्राप्त होता है।

जंगल नष्ट हो जाने से भू-जल भंडार भर नहीं पाते, जिससे स्रोत सूख जाते हैं। सदाबहार झरने मात्र बरसात के दिनों में प्रवाहित होते हैं। वनस्पतिक आवरण अर्थात वनों के नष्ट होने से पानी का संतुलन बुरी तरह से गड़बड़ा जाता है। परिणाम स्वरूप बारिश में अनियमितता पायी जाती है। मानसून के दिनों में इतना अधिक पानी बरस जाता है कि बाढ़ आने लगती है। और गर्मी के मौसम में लोग पानी की बूंद-बूंद के लिए तरस जाते हैं।

इस प्रकार, मानव जीवन के लिए अपरिहार्य हवा, पानी एवं खाद्य का जंगलों से अभिन्न रिश्ता रहा है। आज 21वीं शताब्दी में भी जंगलों की भूमिका पूर्ववत है और आधुनिक विज्ञान युग अर्थात नई सभ्यता भी उनका कोई विकल्प विकसित नहीं कर सकी है।

अब जब कि न केवल हमारे देश में बल्कि विश्व बिरादरी ने यह तय कर लिया है कि वनों के संरक्षण व संवर्धन के बिना हमारा अस्तित्व खतरे में पड़ सकता है इसके लिए ऐसे रास्ते की खोज अत्यन्त जरूरी है जो हरियाली को बढ़ाने के लिए जनता का कार्यक्रम बन सके। इसके लिए जनता को प्रोत्साहित करने की आवश्यकता है। इसके लिए सरकार का सहयोग व भागीदारी होना जरूरी है। हर गांव में ग्राम-वन विकसित किए जाने तथा वनों के संरक्षण, संवर्धन तथा उपयोग हेतु वन-पंचायतों के गठन किए जाने व वनों की सघनता में वृद्धि लाने के प्रयत्न किए जाने की आवश्यकता महसूस की जा रही है।

वनों का महत्व पहले ही था, आज वह और अधिक बढ़ गया है। इस हेतु हर स्तर पर अधिक से अधिक प्रयास हों। यदि जंगल और हरियाली का आकार बढ़ेगा तो वनस्पति के साथ जीवों की विविधता का भी संरक्षण हो सकेगा। हम व हमारी पृथ्वी समृद्ध होगी, पक्षी चहकेंगे, धरती मुस्कराएगी, समस्त जीव व प्राणी मुस्कराएंगे तथा धरती अपने बंसती रंग में गुलजार होगी। इससे मानव मन प्रफुल्लित होगा। बीमारियों पर नियंत्रण होगा। स्वच्छ हवा, जल इत्यादि मिल सकेंगे। जीवन में आनंद का संचार होगा। प्रदूषण नियन्त्रित होगा। इसके लिए देश के हर समाज, धर्म, जाति के लोगों को वृक्षारोपण, वनीकरण को सर्वोच्च प्राथमिकता देनी होगी। ऐसा कर हम एक तरह से मानव कल्याण के साथ-साथ आगे आने वाली पीढ़ी के लिए एक सुंदर प्रकृति की रचना कर सकेंगे।

* उप निदेशक, डी.एन.गाडगिल सहकारी प्रबन्ध संस्थान, नागपुर

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