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NCHF

बुलेटिन

Bulletin

2012  
International  
Year of



Co-operatives

खण्ड चौबीस

सं. 12

जून 2012

Vol. XXIV

No.12

June, 2012



# 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.



# NCHF BULLETIN

6A/6, SIRI FORT INSTITUTIONAL AREA, AUGUST KRANTI MARG,  
NEW DELHI - 110 049 PHONE : 2649 0535

Vol. XXIV

No. 12

June, 2012

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## FROM EDITOR'S DESK

### MODEL BYE-LAWS AND SUBSIDIARY RULES FOR HOUSING COOPERATIVES

The cooperative housing movement, over the years, has progressed well and emerged as one of the most vibrant sector. There is a strong realization, among the members that the concepts of cooperative housing need further study and analysis from the point of view of research and practice. The solution lies in setting up a forum of researchers, experts, professionals, which will be able to meet and discuss the burning issues of cooperative housing periodically. There is also a feeling that cooperative sector in general and housing cooperatives in particular must effectively advocate the strength of cooperative concept, principles and values to both existing and prospective members. Accordingly, a Cooperative Housing Connect Forum has been set-up by the National Cooperative Housing Federation of India (NCHF) to penetrate into various aspects of housing cooperatives.

The Bye-laws are important mandates and act as a framework for orderly development of cooperative institutions. The business of a society is regulated by the Bye-laws and action contrary to its provisions might be held ultra vires. As the Bye-laws bind the society and the members hence constitute a contract between the society and the members.

What the Registrar of Cooperative Societies registers, is not only the society but its bye-laws also. As the cooperative society is a voluntary organization therefore it is permitted under the law to frame its own bye-laws with necessary substance, consistent with the Act before registration.

The bye-laws besides defining the sources of funds and their custodial matters contain the name and address of the society, its area of operation, its objectives. They prescribe the qualifications of members, their rights, duties and liabilities. They also provide for the composition of the managing committee, processes and procedures of conducting business etc. Methods of recruitment of the staff, conditions of service of employees are mentioned in bye-laws. They cover all aspects which have a bearing on the internal working of the society.

Further, housing cooperatives have to maintain estate and various services such as parking space, open terrace, structural audit, transfer of flats, payment of property tax to local authorities, etc. and collect maintenance charges, recover loans for repayment to financing institutions. All these activities require effective Subsidiary Rules.

In view of the above, matter related to formation of uniform Bye-laws and Subsidiary Rules for Primary Housing Cooperatives has been engaging the attention of NCHF for quite some time. Therefore, it has decided to draft Model Bye-laws and Subsidiary Rules for the smooth and efficient functioning of primary housing cooperatives.

Consequently, a set of Model Bye-laws and Subsidiary Rules of Primary Housing Cooperatives have been finalized after detailed deliberations of the members of the Cooperative Housing Connect Forum, the Chairmen & Managing Directors of State Cooperative Housing Federations and other experts at various meetings. These Model Bye-laws and Subsidiary Rules will act as a guideline to assist Registrar of Cooperative Societies to draft their own Model Bye-laws and Subsidiary Rules keeping in view their local requirements and cooperative law.

This initiative of NCHF will go a long way in strengthening the cooperative housing at the grass root level which is the back-bone of the cooperative housing movement.

# COOPERATIVE ENTERPRISES BUILD A BETTER WORLD

– Dr. M.L.Khurana \*

2012 is the International Year of Cooperatives as pronounced by The United Nations General Assembly. The year will see and highlight contributions of cooperatives towards socio-economic development. It has been noted that cooperatives impact poverty reduction, employment generation and social integration which contributes toward creating better lives.

A cooperative is an autonomous voluntary association of people who unite to meet common economic, social and cultural needs and aspirations, through a jointly owned and democratically controlled enterprise. In general, they contribute to socio-economic development.

The International Year of Cooperatives has come with a special theme of 'Cooperative Enterprises Build a Better World', which will catapult the focus on the need, importance and implementation of improving socio-economic lives of people in general. The idea is to spread awareness and imbibe the concept of cooperatives, its aim, operations, and importance in the minds of every citizen of a nation. An urge is being arisen in people so that they take a step forward to join the crusade of better living. The goodness of cooperatives lies in the fact that it is empowered, run and reaped by the common people. The primary aim of cooperatives has always been to better the precarious lives of those who struggle to get a foot hold in the mean world. Housing Cooperatives have excelled in providing housing solution to the down trodden. Constructing low cost and economic housing has been Housing Cooperatives' forte. Similarly, various other cooperatives have been extending their services to strive towards a holistic societal development.

Cooperative system is one of the strongest pillars on which India's agriculture and allied sector is flourishing; they have significantly contributed in achieving the record food grain production of about 250 million tonnes during 2011-12. The Gujarat Cooperative Milk Marketing Federation (GCMMF) is India's largest food products marketing organization. It is a state level apex body of milk cooperatives in Gujarat, which aims to provide remunerative returns to the farmers and also serve the interest of consumers by providing affordable quality products. GCMMF markets and manages the Amul brand. The dairy cooperatives have been able to maintain democratic structure at least at the grass-root level with the management committee of the village level unit elected from among the members in majority of

the villages. The dairy cooperatives have also been instrumental in bridging the social divide of caste, creed, race, religion & language at the villages, by offering open and voluntary membership. Similarly, Shri Mahila Griha Udyog Lijjat Papad, popularly known as Lijjat, is an Indian women's cooperative involved in manufacturing of various fast moving consumer goods. The organization's main objective is empowerment of women by providing them employment opportunities.

Cooperative societies have taken up the enormous responsibility of uplifting the socio-economic condition in its own area of operation. In India, it has created over a million job opportunities both in villages and towns; slums have given way to affordable houses for the slum-dwellers-over 4 lakh housing units have been constructed; women empowerment has been a key achievement through cooperative movements like AMUL, Annapurna Mahila Credit Cooperative Societies etc. Apart from the core activities, cooperatives actively provide reliefs to victims of natural disasters and assist in restoring the nature; Conservation of environment, planting saplings, eco-friendly operations are also given utmost importance.

The year 2012 will celebrate cooperatives. It will serve as a unique opportunity to campaign for brand 'cooperatives'. The awareness will permeate through small towns to cities to states and finally to the nation as a whole. It can be achieved through conferences, seminars, workshops, publications, media events, preparation of films, video series, radio programmes and others. It can also focus on initiating a change in policies requiring short and long-term lobbying campaigns, undertaking research, collecting statistics, and working with authorities at all levels. This will also open doors to opportunities to develop new relationships and partnerships with institutions, citizen groups, and other business enterprises. It can be the year where cooperative foundations or support programmes and funds are launched. International Year of Cooperatives should also reach out to the public - and so commemorative stamps, coins, and events able to introduce various groups of people to cooperatives through sporting events, concerts, fairs, etc are also appropriate.

As the year sees seeking for path of advancement for cooperatives, it also commemorates the actions taken all those who believe in the worth of cooperatives. The Government of India, passed the Constitution (Ninety Seventh Amendment) Act, 2011, which includes a new

\* Managing Director, National Cooperative Housing Federation of India (NCHF), New Delhi

Chapter IXB on 'Cooperative Societies', in Lok Sabha on 22.12.2011 and in Rajya Sabha on 28.12.2011. The Hon'ble President of India has given her assent to the aforesaid Act on 12.01.2012. The Act has come into force w.e.f. 15.02.2012. This came as a very important and major initiative to strengthen and reinvigorate the cooperative sector in our country, which has emerged as a unique institution to service economically weaker sections of people with widest reach. The objective of the Constitutional Amendment is to ensure that the cooperative societies in the country function in a democratic, professional, autonomous and economically sound manner. The amendment, in addition to including the right to form Cooperative Societies as a Fundamental Right also empowers the Parliament in respect of multi-state cooperative societies and the State Legislatures in case of other cooperative societies to make appropriate law.

Shri Sharad Pawar, Minister of Agriculture and Food Processing Industries has urged the State Governments to amend their Cooperative Acts to ensure compliance with the 97th Constitution (Amendment) Act. Addressing the National Conference on Cooperatives held on 15<sup>th</sup> May, 2012 at New Delhi, while emphasizing on the need for restoring confidence of the people in the cooperative sector, Shri Pawar said "the issue of good governance has assumed importance as large numbers of cooperatives are experiencing serious problems. There is an urgent need to revamp the cooperative governance structure through necessary legal and policy reforms." Referring to problems and challenges faced by cooperatives, he said that there are serious inadequacies in governance preventing the cooperatives to function in democratic manner; some of them were inadequate resources for modernization and latest technology, inability to achieve higher level of professionalization required to survive in the competitive environment and dependence on the government. He said that cooperatives, by and large, suffer from dependency syndrome that has curbed their efficiency and autonomy.

While addressing the above Conference on 'Synergy and Harmony through Cooperative Movement – Cooperatives for Inclusive Growth', Former President of India Dr. A.P.J. Abdul Kalam highlighted the idea of cooperatives as a business model. Dr. Kalam referred to the achievements of cooperatives primarily in fertilizer distribution, sugar production, dairy cooperatives, housing cooperatives, agriculture credit etc. He applauded the role played by cooperatives in national development and empowering the community. At the same time, he expressed that much needs to be done to enhance the vibrancy of cooperatives in the country and suggested some possible cooperative structures in the rural sectors which can enhance the production of food grains, pulses, vegetables, fruits and floriculture products and enable the farmer to enhance his earning capacity.

Few of the many action areas unanimously identified in the Conference to take immediate action to strengthen the cooperative movement in the country are listed as:

- The States will take necessary measures for effective dissemination of information for improving credit flow to the farmers and ensure that all the eligible farmers are able to access institutional credit in hassle free manner.
- To strengthen and revitalize the Cooperative Sector, State Governments, cooperative institutions and other stakeholders will work in close collaboration for celebration of International Year of Cooperatives – 2012.
- The States will create conducive environment for the facilitating flow of credit to farmers through joint liability groups, Self Help Groups of farmers for expanding the outreach of institutional credit to farmers, not being covered by institutional credit.

The cooperatives' strength lies in the fact that they operate on the values of 'Voluntary and Open Membership', 'Autonomy and Independence' and 'Democratic Member Control'. That is the foundation concept of any cooperative. These are voluntary organizations, wherein members are able to use their services and willing to accept the responsibilities of membership, irrespective of gender, social, racial, political or religious discrimination. They also operate as democratic entities controlled by their members, who actively participate in setting their policies and making decisions. In primary cooperatives members have equal voting rights (one member, one vote) and cooperatives at other levels are also organized in a democratic manner. Apart from that, cooperatives strongly believe in imparting, sharing and growing with the power of education and knowledge, this is all the more reason that one of its principles talk about '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 co-operatives. They inform the general public - particularly young people and opinion leaders - about the nature and benefits of cooperation. Apart from the aforesaid principles, 'Concern for Community', 'Co-operation among Cooperatives' and 'Member Economic Participation' are equally vital.

Though good deeds are independent of any specific day or time; by raising awareness about cooperatives, the International Year of Cooperatives will help to encourage support and development of cooperative enterprises by individuals and their communities. It serves an opportunity to celebrate that members of cooperatives use their services and willing to accept the responsibilities of membership, without gender, social, racial, political or religious discrimination. ■

# RIGHT TO SHELTER, AN URGENT NEED

– Ranbir Singh & Ajay Kumar\*

The Right to Shelter or the Right to Housing has been universally recognised as one of the basic Human Rights. Shelter or housing is a necessary requirement for the life of every human being. That is why it has been accepted as an inherent part of the Right to Life which is a part of the Chapter on Fundamental Rights enshrined in the Indian Constitution. The historic decision of the Ministry of Rural Development, Government of India, for designing a road map on 'Housing for All by 2017' and the organisation of Workshop on 'State Action Plans for Eradication of Shelterlessness' by it on 29<sup>th</sup> and 30<sup>th</sup> September, 2010 at National Institute of Rural Development, Hyderabad, has to be seen in this perspective.

It is pertinent to mention that the emphasis on the Right to Shelter by the Ministry of Rural Development has to be perceived in the perspective of the UPA Government in the Centre for improving the lot of the Aam Admi. It is a continuation of the process that had been initiated by the National Rural Employment Guarantee Act (2006), now the Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS), which aims at providing the Right to Work, the Right to Education Act (2009) which provides for education for all, and the proposed Food Security Bill that seeks to ensure the Right to Food. It goes without saying that the agenda of the Right to Life would remain incomplete without the Right to Shelter.

For providing the needed perspective to the Right to Shelter, we will have to trace, the history of housing programmes in India. The first initiative in this direction was the building of five lakh houses for the rehabilitation of the refugees from West Pakistan by the Ministry of Rehabilitation, Government of India in 1948. This was followed by the launching of Village Housing Scheme under Community Development Programme in 1957 under which individuals and cooperative societies were given loans up to Rs. 5000. As many as 67000 houses were built under it. After this the House Site-cum-Construction Assistance Programme was started in the Fourth Five Year Plan. Later on, the housing was made a component of National Rural Employment Programme in 1980. Subsequently, Indira Awas Yojana (IAY) was added to Rural Landless Employment Guarantee Programme in 1985. After this six percent share of Jawahar Rozgar Yojana was reserved for

building houses for SC/ST, Below Poverty Line (BPL) families in 1989. Later on it was increased to 10 percent to add general category BPL families. In 1996, IAY was made an independent programme. This was followed by the adoption of National Housing and Habitat Policy in 1998, Schemes for Upgradation of Kachha Houses & Credit and Subsidy and Samagra Awas Yojana in 1989 and by the Pradhan Mantri Gramodaya Yojana in 2000.

Among the above programmes/schemes, the IAY has been accorded the status of Flagship Programme. The first priority is to be given to freed bonded labour, the second to those SC/ST households. Among them victims of atrocities and calamities, widows and unmarried women have to be prioritized. Families and widows of defence persons killed in action are covered as general category. After this non-SC/ST BPL households, handicapped persons, ex-servicemen and displaced persons are to be considered in the above order.

Besides, there is a provision for Credit-cum-Subsidy Scheme under IAY for rural households having annual income up to Rs. 32000. The subsidy ceiling under it is Rs.12500 and upper loan limit under Differential Rate of Interest (DRI) Scheme @ 4% is Rs. 50,000. Other essential conditions of the IAY include the allotment of house in the name of female or in joint names, payment through beneficiary bank non-frill account, ban on contractors, insistence on the use of local material and compulsion for the display of IAY Board/Logo on the houses constructed under the scheme.

Now let us deal with the funding and achievements in housing during various plans. Under the Seventh Five Year Plan (1985-90), an amount of Rs. 780.63 crores had been earmarked and 705966 houses were constructed. During the two Annual Plans (1990-1992), the funds earmarked were Rs. 676.80 crores and the number of constructed houses was 389099. Under the Eighth Five Year Plan (1992-97) an amount of Rs. 3772.52 crore had been earmarked and 2625781 houses had been built. During the Ninth Five Year Plan (1997-2002) the funds allotted were Rs. 9638.36 crores and the number of houses built was 4874392. Whereas, under the Tenth Five Year Plan (2002-2007), an amount of Rs.1468.26 crore had been earmarked and 6799137 houses had been built. Thus from the Seventh Five Year Plan to the Tenth Five Year Plan the total amount earmarked was Rs. 29351.84 crores and the

\* The first author is Consultant, Haryana Institute of Rural Development, Nilokheri and the second author is Project Officer, DRDA, Panipat.



number of constructed houses was 15394375. In the Eleventh Five Year Plan, an amount of Rs. 26882.21 crores has been earmarked for construction of houses under IAY. This is going to bring India closer to the goal of housing for all.

The year-wise progress in terms of expenditure incurred and the number of houses constructed during 2007-08 to 2010-11 is given in the table below:

Year	Expenditure (Rs. in crore)	No. of Houses (in lakh)
2007-08	3223.15	10.92
2008-09	8348.34	21.34
2009-10	7024.63	21.18
2010-11 Up to Feb. 2011	10684.82	19.39

Among the above programmes IAY has been declared as a flagship programme. Its objectives is to have construction, upgradation of dwelling units for members of SC/ST, freed bonded labour, minorities and other non-SC/ST rural households. The Government of India gives 75%

share of the funds and the remaining 25% are to be supplemented by the State Government. In case of North-Eastern States the share of the Government of India is 90% and that of States 10%. In the Union Territories 100% funding is done by the Government of India.

The tangible and intangible benefits of the IAY include dignification of the poor, extension of an identity to them, stopping migration, providing privacy and protection to the family of the poor. It has also helped in hygiene maintenance and provision of basic amenities for the poor.

A mass awareness campaign in mission mode too shall have to be launched by the Government of Haryana with the help of the NGO's and other agencies such as National Literacy Mission for creating awareness among the rural masses on the Houses for All programme.

But far more important than the above steps is the need for convergence of IAY with other rural development schemes such as Total Sanitation Campaign, Rajiv Gandhi Grameen Vidyutikaran Yojana, National Rural Water Supply Programme, Janshree Bima Yojana of LIC, Swarnajayanti Gram Swarozgar Yojana (SGSY), MGNREGA and Social Forestry.

(Courtesy : Kurukshetra, January, 2012)

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	₹ in Crores
Share Capital	69.23
Reserves	276.31
Deposits	2192.58
Advances	1383.44
Investment	1058.01
Working Capital	2748.72
Net Profit	53.22
CRAR	18.79%
Gross NPA	2.46%
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# TRADITIONAL INDIAN WAYS OF SUSTAINABLE CONSTRUCTION

– S. K. Dhawan\*

## INTRODUCTION

Our country is witnessing a boom in the construction sector and in real estate development. The construction sector constitutes about 10% of India's GDP. This has led to a rapid rise in energy demand in urban areas. Urban areas have emerged as one of the biggest sources of green house gas emission. Buildings are contributing to around 40% of the total green house gas emission. As per the latest U.N. Report, one million people are moving to urban areas every week. It is estimated that around two third of the world population will be living in cities by 2050. This requires a tremendous shift in energy resources in urban areas. Rapid urbanization and industrialization have resulted in enormous increase in the use of energy and fuel, aggravating the atmosphere pollution through the release of toxic pollutants. With rapidly deteriorating environment, it is imperative to save the atmospheric hazards and have eco-friendly construction to save the humanity. There is a compelling need to aim for sustainability.

## WHAT IS GREEN BUILDING?

A building is said to be 'green' or sustainable when conscious steps are taken during its construction and operation to keep natural resource depletion minimal. The aim of green building design is to minimize the demand on non-renewable resources to maximize utilization efficiency of non-renewable resources and maximize reuse through recycling and use of renewable resources. A green building is evolved through a design process that requires all the stakeholders i.e. the architect, the landscape designer, and the air conditioning, electrical, plumbing and energy consultants to work in unison considering carefully all aspects of the building and associated systems. A green building's liabilities to the environment are minimized by the use of efficient building materials and construction practices. The deployment of efficient equipment and management practices ensures lighting, heating, cooling, water and other needs to the optimum level.

## WHY GO FOR GREEN BUILDING?

Green building aims at reduced energy consumption without sacrificing comfort levels while ensuring reduced

water consumption thereby leading to reduced water pollution. Reduced depletion of natural habitats and bio diversity leads to limited waste generation and reduced pollution loads.

## SIMPLE TRADITIONAL WAYS TO GO GREEN

Since ages our ancestors have worked out many ways to keep their homes cool in the blistering summer month as well as keep the houses warm in biting cold winter season. These were simple, sensible, time tested ways to make living in house comfortable by adopting the traditional methods.

- **The Courtyard** – Most of the houses had a central courtyard which was very conducive to our climate and allowed circulation of air from all parts of the house which is the one of the best cooling device in summer. Planting shedding trees in and around the courtyard provided added advantage. Recently we started building concrete boxes and furnish them in ways which are more suited to cold climates.
- **Verandah** – A shaded verandah is one of the hall marks of traditional Indian home. It prevents direct heat from coming in and also allows air flow.
- **Walls** – Earlier particularly in small towns/villages, homes used to have thick walls, often walls made of mud on the inside and stone on the outside. Mud has insulating and cooling property. With change of technology nowadays thick walls are not being adopted however same benefit can be derived by having insulated walls i.e. two walls with cavity in between. Insulated walls are good to check the dry heat of north. The western side walls used to have more trees as in the western side the sun is the strongest, North facing walls were whitewashed or plastered with lime.
- **Windows** – Through windows we need to keep out the heat but let the diffused light come in for which chinks are considered better option. In order to prevent the sun from heating the glass chinks can be provided on the outside sunshades/chhajjas on windows were provided to help in keeping houses cool.

---

\* Former Chief Engineer, CPWD.

*(Contd. on page 16 )*



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## About us

Year of Establishment: 1965

Branches: 8 +1 Extn. Counter

### Financial Figures As on 31.03.2011

* Share Capital	Rs. 7.23 crores
* Deposits	Rs. 203.77 crores
* Advances	Rs. 106.90 crores
* Working Capital	Rs. 242.09 crores
* Own Funds	Rs. 31.09 crores
* Net Profit	Rs. 2.56 crores
* Net NPA	0.50%
* CRAR	24.25%

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General Manager

# LEGAL COLUMN\*

## SUPREME COURT OF INDIA

(BEFORE HON'BLE JUSTICE R.V. RAVEENDRAN, A.K. PATNAIK AND H.L. GOKHALE, JJ)

Suraj Lamp & Industries Pvt. Ltd.

.....Petitioner

Vs.

State of Haryana & Anr.

.....Respondents

(SPECIAL LEAVE PETITION (C) NO. 13917 OF 2009)

DECIDED ON 11TH OCTOBER, 2011

### GENERAL

This case deals with the validity of the transfer of the property made on the basis of General Power of Attorney, Sale Agreement and Will etc.

### ISSUE INVOLVED

Whether the transfer of immovable property would be valid/legal if such transfer is effected on the basis of Power of Attorney, Agreement of Sale and living Will?

### FACTS

This case arise from an earlier direction issued by Hon'ble Supreme Court in a case between the same parties. The petitioner which is a company incorporated under the Companies Act, 1956 claimed that one Ram Nath and his family members sold 2.5 acre of lands in village Wazirabad, Gurgaon (Haryana) to them by means of a Agreement of Sale. General Power of Attorney and a Will in the year 1991 for a valuable consideration of Rs.7,16,695/-. Subsequently, the company entered into an oral agreement to sell a part of the property to one Dharamveer but the said Dharamveer instead of proceeding with the transaction with the company, got in touch with Ram Nath directly and got another General Power of Attorney executed in his favour in the year 1997 with respect to entire 2.5 acre of the property which had earlier been sold to the company by virtue of General Power of Attorney, Sale Agreement and the Will. Subsequently, when company approached Dharamveer, he apologized and issued a cheque of Rs.10 lakhs towards part payment and promised to pay balance Rs.50 lakhs shortly thereafter. However, the said cheque of Rs.10 lakhs was dishonoured and the company filed a complaint under Section 138 of the Indian Negotiable Instruments Act against Dharamveer. The company also

\* Compiled by Shri S.B. Upadhyay, Advocate, Supreme Court

lodge a criminal complaint against Ram Nath and other members of his family for committing fraud under Sections 406, 420, 467, 468, 471 and 120(B) of IPC. Since, nothing was happening, the company sought an information under the Right to Information Act, 2005 regarding status of his complaint case. The SHO gave some misleading information. The company was not satisfied with the information and accordingly the company filed an appeal which was disposed of by the Chief Information Commission by an Order dated 27.12.1997 directing the administration to lodge the FIR. The company, therefore, filed a writ petition in the High Court and since the High Court held that the provisions of Section 20 of the RTI Act was not mandatory, the company moved the Supreme Court in Special Leave Petition. The Supreme Court appreciated the seriousness of the matter in getting the property transferred on the basis of GPA, Sale Agreement and Will which was rampant in the country. Such transactions are not valid transaction in law, the Supreme Court requested Solicitor General to give suggestions on behalf of the Government of India on certain issues framed by the Court also eliciting views of the State Government with respect to such transactions.

Subsequently, on suggestions provided by the Solicitor General, the matter was considered by the Supreme Court.

### HELD

The immovable property can be lawfully transferred only by a registered deed of conveyance. Transactions of the nature of GPA or Sale Agreement or Will do not confer title and do not amount to transfer nor can they be recognized valid mode of transfer of immovable property. Such transactions can not even be relied or made on the basis of modification in Municipal or Revenue records. ■

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





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## FINANCIAL HIGHLIGHTS AS ON 31-12-2011

Members / Own Fund	35947 / Rs. 50.00 Crores
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)
Dividends	16% (2010-2011)

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## INTEREST RATES

DEPOSITS			LOANS	p.a. *
PERIOD	GENERAL	Sr. Citizen <sup>®</sup>	Personal Loans	14% /17%
			Housing Loans	10.50% to 12.00%
15 days to 180 days	7.00%	7.00%	Vehicle Loans	11.50%
181 days to 364 days	8.00%	8.00%	Gold Loan	11.50%
1 year > < 2 years	9.50%	10.00%	S.S.I. Loans	12.50%
2 years > < 3 years	9.75%	10.25%	Business	12.50%
3 years > < 5 years (Incl. of 5 years)	10.00%	10.50%	Self Employment	12.50%
Above 5 years	9.75%	10.25%	Education	10% to 12%
<b>SPECIAL DEPOSIT SCHEME for 500 DAYS</b>	10.25%	10.75%		
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# SNIPPETS

## SYNERGY AND HARMONY THROUGH COOPERATIVE MOVEMENT

Shri Sharad Pawar, Minister of Agriculture and Food Processing Industries has urged the State Governments to amend their Cooperative Acts to ensure compliance with the 97th Constitution (Amendment) Act. Addressing the National Conference on Cooperatives on 15<sup>th</sup> May, 2012 at New Delhi, Shri Pawar said that the Central Government has enacted this Constitution (Amendment) Act to ensure democratic, autonomous and professional functioning of the cooperatives in the country. He said that the Centre has taken a number of initiatives for laying a strong foundation for development of cooperative movement. The Agriculture Minister emphasized that unless the cooperatives develop their internal strengths in the form of professional management, enlightened and active membership, inspiring leadership and innovative vision, it will be difficult for the cooperatives to protect and maintain their identity, particularly in the present economic scenario.

On the need for restoring confidence of the people in the cooperative sector, Shri Pawar said “the issue of good governance has assumed importance as large number of cooperatives are experiencing serious problems. There is an urgent need to revamp the cooperative governance structure through necessary legal and policy reforms.” Referring to problems and challenges faced by cooperatives, he said that there are serious inadequacies in governance preventing the cooperatives to function in democratic manner, inadequate resources for modernisation and latest technology, inability to achieve higher level of professionalization required to survive in the competitive environment



The Union Minister of Agriculture and Food Processing Industries, Shri Sharad Pawar addressing the National Conference on Cooperatives for the celebration of International Year of Cooperatives, 2012.

and dependence on the government. He said that cooperatives, by and large, suffer from dependency syndrome that has adversely affected their independence and autonomy. Most of the time this syndrome is due to restricted provisions in the cooperative laws hindering mobilisation of resources from non-governmental sources. The Agriculture Minister asked the cooperatives to aim for striking a balance between a member driven institution and an enterprise that has business function.

Shri Pawar impressed upon the State Governments to take action to expedite the implementation of package for revamping the short-term cooperative credit structure. He said “credit cooperatives have an important role to implement the policies of the Government to ensure flow of credit to financially excluded farmers. This is particularly essential in Eastern States where governments are implementing a number of initiatives for substantially increasing agricultural production. Unless the farmers are extended necessary credit support from the banks as well as the credit cooperatives, such efforts will not bear fruit. This needs to be closely monitored in view of the share of cooperatives in total farm credit flow being still less than 20%.”

Shri Pawar pointed out that the cooperatives have significantly contributed in achieving the record foodgrain production of about 250 million tonnes during 2011-12. He said, cooperative system is one of the strongest pillars on which India's agriculture and allied sector is flourishing.

Former President of India Dr. A.P.J. Abdul Kalam in his address highlighted the idea of cooperatives as a business model. Dr. Kalam referred to the achievements of cooperatives primarily in fertilizer distribution, sugar production, dairy cooperatives, housing cooperatives, agriculture credit etc. He applauded the role played by cooperatives in national development and empowering the community. At the same time, he expressed that much needs to be done to enhance the vibrancy of cooperatives in the country and suggested some possible cooperative structures in the rural sectors which can enhance the production of food grains, pulses, vegetables, fruits and floriculture products and enable the farmer to enhance his earning capacity.

Minister of State for Agriculture Shri Harish Rawat and Secretary, Department of Agriculture & Cooperation Shri P.K. Basu also addressed the Conference.

The Conference was attended by the Principal Secretaries/Secretaries (Cooperation), Registrar of Cooperative Societies, RBI, NABARD, Chief Executives of national level cooperative organizations, MDs of State Cooperatives, International Cooperative Alliance (ICA).

The Conference unanimously resolved to take

immediate action in the following areas to strengthen the cooperative movement in the country –

- (i) Constitution Amendment – The States will amend their Cooperative Societies Act in tune with the provisions of the amendments to the Constitution of India (97th Amendment) in respect of Cooperatives before 14.02.2013.
- (ii) States will initiate measures for bringing in legal, institutional and systematic reforms through amendment of cooperative act.
- (iii) They will take necessary measures for effective dissemination of information for improving credit flow to the farmers and ensure that all the eligible farmers are able to access institutional credit in hassle free manner.
- (iv) To strengthen and revitalize the Cooperative Sector, State Governments, cooperative institutions and other stakeholders will work in close collaboration for celebration of International Year of Cooperatives – 2012.
- (v) The States will create conducive environment for facilitating the flow of credit to farmers through joint liability groups, Self Help Groups of farmers for expanding the outreach of institutional credit to farmers, not being covered by institutional credit.
- (vi) The States will formulate schemes for rehabilitation and reconstruction of potentially viable sick cooperatives through appropriate institutional mechanism in their States.

#### **AMENDMENT TO THE CONSTITUTION OF INDIA IN RESPECT OF COOPERATIVES**

The Constitution (Ninety Seventh Amendment) Act, 2011 was passed in Lok Sabha and Rajya Sabha on 22<sup>nd</sup> and 28<sup>th</sup> December, 2011 respectively. The Hon'ble President of India has given her assent to the aforesaid Act on 12.01.2012. The Act has come into force w.e.f. 15.02.2012 vide Gazette Notification dated 08.02.2012.

Amendment of the Constitution by adding a new Chapter IXB on 'Cooperative Societies' is a very important and major initiative to strengthen and reinvigorate the cooperative sector in our country, which has emerged as a unique institution to service economically weaker sections of people with widest reach. The objective of the Constitutional Amendment is to ensure that the cooperative societies in the country function in a democratic, professional, autonomous and economically sound manner. The amendment in the Constitution, in addition to including

the right to form Cooperative Societies as a Fundamental Right under Article 19 also empower the Parliament in respect of multi-state cooperative societies and the State Legislatures in case of other cooperative societies to make appropriate law, laying down the following manners, namely:-

- (i) Provisions for incorporation, regulation and winding up of cooperative societies based on the principles of democratic member-control, member-economic participation and autonomous functioning.
- (ii) Specifying the maximum number of directors of a cooperative society to be not exceeding twenty-one members.
- (iii) Providing for a fixed term of five years from the date of election in respect of the elected members of the Board and its office bearers; and an authority or body for the conduct of elections to a cooperative society.
- (iv) Providing for a maximum time limit of six months during which the board of directors of a cooperative society could be kept under supersession or suspension.
- (v) Providing for independent professional audit.
- (vi) Providing for right of information to the members of the cooperative societies.
- (vii) Empowering the State Governments to obtain periodic reports of activities and accounts of cooperative societies.
- (viii) Providing for reservation of one seat for the Scheduled Castes or the Scheduled Tribes and two seats for women on the board of every cooperative society, which have individuals as members from such categories.
- (ix) Providing for offences relating to cooperative societies and penalties in respect of such offences.

The Constitutional amendment provides for a maximum period of one year from the date of its commencement to amend the State Cooperative Laws.

#### **MINISTER INFORMS LOK SABHA ABOUT STEPS BEING TAKEN TO REVIVE SICK COOPERATIVE SOCIETIES**

Shri Harish Rawat, Minister of State for Agriculture and Food Processing Industries in written reply to a question in the Lok Sabha on May 8 informed that the Multi-State Cooperative Societies (Amendment) Bill, 2010 introduced in Lok Sabha, inter-alia, includes provision for establishment



of Cooperative Rehabilitation & Reconstruction Fund (CRRF) for rehabilitation and strengthening of cooperative societies. The Fund is proposed to be constituted with the contribution from multi-state cooperative societies, grants and donations given to the Fund and interest or other income received out of the investment made from the Fund.

The National Cooperative Development Corporation (NCDC), statutory organisation under the Ministry of Agriculture also provides assistance for modernization/expansion of cooperative spinning mills, in case the concerned State Government works out a package to bring back its net worth to positive, the Minister said.

Assistance is also available to potentially viable sick sugar undertakings both in cooperative and private sectors under Sugar Development Fund (SDF) by way of loans for their rehabilitation/modernization, cane development and restructuring of outstanding SDF dues.

A Revival, Reform and Restructuring Package for Handloom Sector has also been approved to open the choked credit lines of Weavers Cooperative Societies by waiving off the overdue of such sick cooperative societies and refinance them at low rate of interest with interest subsidy.

(Coop. Banking Tabloid, 6-12 May, 2012)

## **END OF PREPAYMENT PENALTY ON LOANS**

In a relief to borrowers, the RBI has asked banks to immediately stop charging penalty on prepayment of home loans taken on floating interest rates. The RBI noted that the Damodaran Committee had observed that foreclosure charges levied by banks on prepayment of home loans were resented by home loan borrowers. The removal of the charges or penalty, the RBI said, will lead to reduction in the discrimination between existing and new borrowers, while competition among banks will result in finer pricing or the floating rate home loans.

(The Economic Times, WEALTH - June 11-17, 2012)

## **LIMIT FOR INDIRECT HOUSING FINANCE UNDER PRIORITY SECTOR RAISED FOR UCBS**

Till now, loan assistance of up to Rs.5 lakh per dwelling unit given by Primary (Urban) Cooperative Banks (UCBs) to a non-governmental agency approved by the National Housing Bank (NHB) for the purpose of refinance for construction/reconstruction of dwelling units or for slum clearance and rehabilitation of slum dwellers was eligible for classification under priority sector.

In pursuance to the announcements made by the Union Finance Minister in the Budget Speech for the year 2012-13, the Reserve Bank of India has decided to increase

the above limit from Rs.5 lakh to Rs.10 lakh w.e.f. 18th May, 2012. (Coop. Banking Tabloid, 20-26<sup>th</sup> May, 2012)

## **TAKE LIC HOUSING LOAN, GET SHARES FOR DAUGHTER**

LIC Housing Finance Ltd. is examining the feasibility of introducing a differentiated home loan product to encourage the parents of girl children to own a house.

The mortgage lender is envisaging a loan product whereby the girl child gets some shares of the company either free or at a notional value once her parents take a home loan.

On the one hand, the parents of the girl child are likely to be attracted to the home loan scheme due to the incentive of getting shares in their child's name. On the other, in the context of the burning issue of female infanticide, it will encourage parents to consider the girl child as an asset.

For example, if a young couple with a girl child gets a loan from LIC Housing Finance then their child will get some shares of the company either gratis or at a notional value.

When the child turns 18, the shares could be liquidated. This could fetch a substantial amount.

(Builders' Friend, April, 2012)

## **CHINA ISSUES LEGAL INTERPRETATION ON HOUSING EXPROPRIATION RIGHTS**

China's Supreme People's Court (SPC) has issued a judicial interpretation ensuring that homeowners' legitimate rights will be protected in Government-led land expropriation and housing demolition practices.

Local courts can reject Government housing demolition requests if the compensation for homeowners is deemed unfair, according to the new legal interpretation posted at [www.court.gov.cn](http://www.court.gov.cn), the SPC website.

The rule specifies circumstances under which courts should reject Government requests for forced relocation, including where the proposed compensation "violates the principle of fairness" and where land expropriation "obviously lacks factual or legal basis" or has "severely violated the procedures provided by law".

In its request, the Government should submit a series of documents, including those that reflect homeowners' views on the planned expropriation and an assessment on how the expropriation could influence social stability, according to the rule.

It said that after requests have been approved by a court, demolitions should “normally be carried out by administrative bodies” to distinguish judicial approval from law enforcement.

The rule supplements the existing regulation on housing expropriation, which, promulgated by the State Council in January last year, forbids local Governments from executing their administrative rights to demolish housing without residents’ consent, unless approved by a court.

However, the regulation fails to specify which party is responsible for carrying out demolition after judicial approval.

(News from China April, 2012)

### **HOMELESSNESS IN ENGLAND JUMPS BY 14% IN A YEAR**

The number of people officially classed as homeless in England has jumped by 14% – the biggest increase for nine years – as what charities have described as a ‘perfect storm’ of rising repossession rates and unemployment drives thousands more families into temporary accommodation.

Across England, 48,510 households were accepted as homeless by local authorities in 2011, according to

figures published by the DCLG on March 8. The data shows 69,460 children or expected children are in homeless households, with three-quarters of the households accepted containing children. (International Union of Tenants)

### **RUSH FOR RENTALS IN USA**

The homeownership rate has fallen from its peak of 69.4 percent in 2004, according to census data.

By the fourth quarter of 2011, it was down to 66 per cent. That means about 2 million more households are renting. Although many families crushed by the recession have doubled up, and plenty of underemployed 20+ are living with their parents. Nearly 60 per cent of job gains in the last two years have gone to people who are 20 to 34, a crucial rental group according to an analysis based on data from the Labour Department. The limited supply is pushing up prices in some markets like in Boston, Austin TX and New York. In San Francisco, rents jumped close of 5 per cent last year.

(New York Times)

### **YEARS OF NEGLECTED PUBLIC HOUSING IN ISRAEL**

Public housing in Israel is in dismal condition after years of neglect. According to the Housing Ministry, there

## **WORLD HABITAT AWARDS 2013 - BSHF**

The Building & Social Housing Foundation (BSHF) is now accepting entries for the 2013 edition of the World Habitat Awards. The Awards recognise innovative and sustainable housing and habitat projects worldwide.

The World Habitat Awards were established in 1985 by the BSHF as part of its contribution to the United Nations International Year of Shelter for the Homeless. Two awards are given annually to projects that provide practical and innovative solutions to current housing needs and problems. Every year an award of £10,000 is presented to each of the two winners at the annual United Nations global celebration of World Habitat Day.

Projects & approaches are sought that :

- Demonstrate practical, innovative and sustainable solutions to current housing issues faced by countries all around the world.
- Can be transferred or adapted for use as appropriate.
- View the term habitat from a broad perspective and bring other benefits as well, such as energy or water saving, income generation, social inclusion, community and individual empowerment, capacity building or education.

The World Habitat Awards (WHA) competition has a two-stage entry process:

**Stage I** submissions need only comprise a summary of the key aspects of the project. From these preliminary submissions, ten projects are selected by an Assessment Committee to go forward to Stage II of the competition.

**Stage II** submissions are evaluated by an independent advisory group before being put to a panel of international judges, which includes the Executive Director of the United Nations Human Settlements Programme (UN-HABITAT) and the Rector of the United Nations University, Tokyo. Evaluation visits are carried out to some of the projects prior to the final judging.

For more details please visit BSHF website : [www.bshf.org](http://www.bshf.org)

has been no public housing constructed anywhere in the country over the past 20 years. Since the year 2000, the stock of state-owned apartments available for those eligible for public housing has fallen, due to privatization, from 107,000 to about 64,000 today, a drop of about 40 percent in a little over a decade.

The official waiting list says that more than 2,400 are listed for public housing, according to official figures. But Community Advocacy points out that new immigrants needing housing are the responsibility of the Absorption Ministry, which currently has nearly 40,000 immigrants on its public housing waiting list.

(The Jerusalem Post)

## राज्य अपने सहकारी अधिनियमों को संशोधित करें: श्री पवार

कृषि और खाद्य प्रसंस्करण उद्योग मंत्री श्री शरद पवार ने राज्यों का आह्वान किया है कि वह 97वें संविधान (संशोधन) अधिनियम के अनुपालन को सुनिश्चित करते हुए अपने सहकारी अधिनियमों में संशोधन करें। श्री पवार 15 मई, 2012 को नई दिल्ली में आयोजित सहकारी समितियों के राष्ट्रीय सम्मेलन को संबोधित कर रहे थे। उन्होंने कहा कि देश में सहकारी समितियों के जनतंत्रीय, स्वायत्ता और व्यावसायिक कार्य प्रणाली सुनिश्चित करने हेतु केन्द्र सरकार ने इस संविधान (संशोधन) अधिनियम को लागू किया है। उन्होंने कहा कि केन्द्र ने सहकारी आंदोलन के विकास के लिए मजबूत बुनियाद रखने हेतु अनेक प्रयास किए हैं।

श्री पवार ने राज्य सरकारों से जोर देकर कहा कि वे अल्पकालिक सहकारी ऋण ढांचे के पुनर्निर्माण के पैकेज के कार्यान्वयन को तेजी देने के लिए कार्य करें। जब तक कि किसानों को बैंकों के साथ-साथ बैंक सहकारी समितियों द्वारा आवश्यक ऋण सहायता नहीं मिलेगी तब तक उचित परिणाम नहीं निकल कर आएंगे।

सहकारिता क्षेत्र में लोगों का भरोसा फिर से जीतने की आवश्यकता पर श्री पवार ने कहा कि चूंकि अनेक सहकारी समितियां गंभीर समस्याओं का सामना कर रही हैं इसलिए इस मामले में सुशासन का मुद्दा काफी महत्व रखता है। उन्होंने कहा कि कानूनी और नीति सुधारों के जरिए सहकारिता प्रशासन के ढांचे को नया रूप देने की बेहद जरूरत है। श्री पवार ने कहा कि सहकारिताओं ने वर्ष 2011-12 के दौरान करीब 25 करोड़ टन का रिकार्ड खाद्यान्न उत्पादन करके महत्वपूर्ण योगदान दिया है। उन्होंने कहा कि सहकारिता प्रणाली सबसे मजबूत स्तंभों में से एक है जिसमें भारत का कृषि और उससे जुड़े क्षेत्र फल-फूल रहे हैं।

पूर्व राष्ट्रपति डा. ए.पी.जे. अब्दुल कलाम ने अपने भाषण में सहकारी समितियों की उपलब्धियों खासतौर से उर्वरक वितरण, चीनी उत्पादन, डेयरी, सहकार समितियां, आवासीय सहकारी समितियां, कृषि ऋण आदि की चर्चा की। उन्होंने राष्ट्र के विकास और समुदाय को मजबूत बनाने में सहकारी समितियों की सराहना की। साथ ही उन्होंने कहा कि देश में सहकारी समितियों को प्रोत्साहित करने की जरूरत है। उन्होंने ग्रामीण क्षेत्रों में कुछ सहकारी ढांचों की संभावनाओं का सुझाव दिया था ताकि खाद्यान्न, दालों, सब्जियों, फलों और फूलों का उत्पादन बढ़ाया जा सके और किसानों की आमदनी बढ़ सके।

कृषि राज्य मंत्री श्री हरीश रावत और कृषि विभाग में सचिव श्री पी.के.वसु ने भी सम्मेलन को संबोधित किया।

## राजस्थान आवास संघ की एकमुश्त समझौता योजना

राजस्थान राज्य सहकारी आवास संघ के सदस्यों ने राज्य सरकार से आग्रह किया है कि आम नागरिकों को सहकारिता के माध्यम से सस्ते आवास उपलब्ध कराने के लिए राज्य सरकार आवास संघ को भूमि एवं आवासों के निर्माण के लिए राशि उपलब्ध करायें। आवास संघ के प्रशासक श्री महेश चंद गुप्ता की अध्यक्षता में आयोजित आम सभा की बैठक में सदस्यों द्वारा यह आग्रह किया गया ।

आवास संघ के प्रशासक ने आमसभा को संबोधित करते हुए बताया कि संघ के अवधिपार बकाया ऋणों की वसूली के लिए एकमुश्त समझौता योजना लागू की गई है। योजना के अनुसार दंडनीय ब्याज में पूरी छूट के साथ ही ब्याज राशि में 25 प्रतिशत की रियायत दी गई है। शिविरों में ही समझौता योजना का लाभ दिया जा रहा है। उन्होंने बताया कि आवास संघ द्वारा दौसा में भूमि प्राप्त कर आवासीय योजना को चालू करने का कार्यक्रम है, वहीं बारां जिले के अटरू में आवास संघ की भूमि पर भूखंड आवंटन के लिए जिला कलक्टर से अनुमति ली जा रही है। आवास संघ के प्रबन्ध संचालक श्री मोहन लाल ने बताया कि 1344 सदस्यीय आवास संघ की हिस्सा पूंजी 253 लाख 14 हजार रुपये है। उन्होंने बताया कि संघ की बेबी ब्लैंकेट एवं व्यक्तिगत आवासीय ऋणों की वसूली 90 प्रतिशत तक हो रही है, वहीं ग्रामीण क्षेत्र में वितरित पुराने ऋण बकाया होने से संघ की गतिविधियां प्रभावित हो रही है।

आमसभा की बैठक में अतिरिक्त रजिस्ट्रार, उपरजिस्ट्रार हाऊसिंग एवं सदस्यों ने हिस्सा लिया।

(सहकार समाचार बुलेटिन, 10 फरवरी, 2012)



## किफायती मकान की मुहिम में हुडको

हाउसिंग एंड अर्बन डेवलपमेंट कारपोरेशन (हुडको) आर्थिक रूप से कमजोर वर्गों और कम आय वर्ग वालों के लिए मकान बनाने पर जोर दे रहा है। बीते साल में उसने ऐसे चार लाख से ज्यादा मकान बनाने के लिए मंजूरी दी है जबकि इससे पिछले साल उसने इस श्रेणी के 2.76 लाख आवासीय इकाईयां बनाने के लिए अपनी मंजूरी दी थी। यही नहीं पिछले वित्तीय साल में हुडको के मुनाफे में भी 14 फीसदी से ज्यादा की बढ़ोतरी हुई है।

हुडको के चेयरमैन श्री वी.पी.बलिंगार ने बताया कि हुडको का जोर शहरी गरीबों के लिए मकान मुहैया कराने पर तो है ही, साथ ही वह जवाहरलाल नेहरू राष्ट्रीय शहरी नवीनीकरण मिशन योजना के तहत 4566 करोड़ रुपये की लागत के 55 प्रोजेक्ट मंजूर किए हैं। (नवभारत टाइम्स, 6 जून, 2012)

## कानून ने दी फ्लैट मालिकों को सौगात

अमूमन हर अपार्टमेंट में सुविधाओं और शुल्क को लेकर खटपट चलती रहती है। भोपाल में मल्टी स्टोरीज में रहने वाले लोग और सोसायटी संचालक इसी तरह की दिक्कतों से परेशान हैं। कहीं पर ग्राउंड फ्लोर में रहने वाला फ्लैट मालिक मेंटेनेंस में लिफ्ट की राशि नहीं देना चाहता तो ऊपरी मंजिल में रहने वाला व्यक्ति मेंटेनेंस राशि देने के बाद भी लिफ्ट चालू न होने से खफा है। फ्लैट मालिक और सोसायटी के बीच अच्छी सेवाएं न देने को लेकर भी झगड़े हैं। फ्लैट मालिक सोसायटी में साफ-सफाई न होने, स्ट्रीट लाईट चालू न होने और पर्याप्त पानी सप्लाई न होने से नाराज हैं, लेकिन अब ये दिक्कतें आसानी से सुलझ सकेंगी। राज्य सरकार ने भोपाल और इंदौर में मध्य प्रदेश प्रकोष्ठ स्वामित्व अधिनियम-2000 (अपार्टमेंट एक्ट) को लागू कर दिया है।

अब फ्लैट मालिकों, सोसाइटी और बिल्डर्स के बीच होने वाले झगड़ों का निपटारा, दोषी व्यक्ति के खिलाफ कार्रवाई और अपार्टमेंट में व्यवस्था बनाने के लिए राजस्व विभाग के एसडीओ को सक्षम प्राधिकारी बनाया गया है। साथ ही अपर कलेक्टर को अपीलीय अधिकारी बनाया गया है।

फ्लैट मालिकों को ये होगा फायदा:

- अपार्टमेंट के किसी भी हिस्से के क्षतिग्रस्त होने पर सोसायटी उसकी मरम्मत करेगी।
- मेंटेनेंस चार्ज की वसूली में पारदर्शिता आएगी।

- सोसायटी पर सक्षम प्राधिकारी का दबाव होने से समय पर चुनाव और ऑडिट हो सकेंगे।

साथ ही, धारा 18 के तहत अपार्टमेंट के कॉमन एरिया के मेंटेनेंस, सेवाओं और सुविधाओं का उत्तरदायित्व सोसायटी का होगा। सोसायटी मेंटेनेंस चार्ज का निर्धारण व वसूली, भू राजस्व का बकाया और निगम के टैक्स जमा करेगी।

भले ही एक्ट अभी लागू हो गया है, लेकिन जब तक इसके नियम नहीं बन जाते हैं, तब तक लोगों को इसका फायदा नहीं मिल सकेगा। आवास एवं पर्यावरण विभाग के मुताबिक करीब 2 माह में इसके नियम तैयार हो जाएंगे। इन नियमों में सक्षम अधिकारी के पास शिकायत, आवेदन का प्रारूप, शुल्क आदि तय होंगे। यही नहीं सोसायटी अपार्टमेंट के संचालन के लिए मॉडल बायलॉज भी तैयार करेगी। (Source : www.bhaskar.com)

*(Contd. from page 7)*

- **Floors** – Ancient houses used brick tiles or natural local stone covered with jute durries which were cost effective as well as environment friendly.
- **Roof** – Old houses necessarily had a sort of sky light through which hot air/gases used to escape and houses remained cool. Kitchens had a chimney to let hot gases pass through it thus providing comfort to those working in front of chulhas. These houses also had a good ceiling height which helped in keeping the house cool. In humid regions the challenges to keep small houses cool can be met with by having good circulation i.e. by keeping the roof open on both sides for circulation. Roof used to be shaded with bamboo trellis and green cover to reduce external solar heat gains.
- **Surroundings** – The area surrounding the house used to have lot of shedding trees and lawns to reduce heat island effect. The houses used to have a small water body which helped in keeping the temperature effect moderate.

## CONCLUSIONS

Basic concept was to construct the houses with locally available natural material in its natural form as far as possible keep balance and harmony with nature, planning the house taking full advantage of topography, wind direction and site conditions. Many of the ancient concepts can still be adopted with little changes while planning and designing the modern houses without compromising the concept of sustainability.

(Courtesy : IBC News, Jan.-March, 2012)

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# भवनों में दीमक नियंत्रण हेतु इथिऑन 50 ई. सी. की उपयोगिता

- बीरेन्द्र सिंह रावत\*

## सारांश

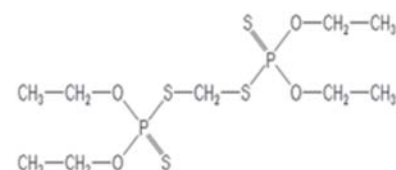
भवनों में पाए जाने वाले हानिकारक जीवों में दीमक को सबसे ज्यादा विनाशक माना गया है। पृथ्वी के 70% भूभाग में दीमकों की हजारों प्रजातियाँ पायी जाती हैं। दीमक सेलुलोज से बनी सभी वस्तुओं के अतिरिक्त फोम, प्लास्टिक, कपड़ा, चमड़ा आदि, यहां तक कि मुलायम धातुओं को भी छतिग्रस्त करने की छमता रखता है। बैंकों के लाकर में रखे करेंसी नोट हों या कीमती दस्तावेज कुछ भी दीमक की पहुँच से अछूता नहीं है। भवनों में दीमक नियंत्रण हेतु इथिऑन 50 ई. सी. की उपयोगिता परखने के उद्देश्य से, इस कीटनाशक केमिकल की चार सान्द्रताओं की तीन विभिन्न प्रयोगों द्वारा पांच वर्षों की दीर्घकालिक जाँच की गयी। अंततः यह निष्कर्ष निकला, कि इथिऑन 50 ई. सी. की 1.0% सान्द्रता भवनों में दीमक नियंत्रण हेतु 100% सक्षम है। मृदा में छिड़काव करने के पांच वर्षों बाद प्रयोगशाला में मृदा के नमूनों की जाँच की गयी। जाँच में पाया गया कि भू सतह से अधिकतम 45-60 से. मी. नीचे तक के नमूनों में ही इस केमिकल के अंश थे। उससे नीचे के नमूनों में नहीं।

कीट जगत में दीमक को एक बहुत ही विनाशक कीट की संज्ञा दी गई है। यह न केवल बहुतायत में फसलों, बागबानी, नर्सरियों व पेड़-पौधों को क्षति पहुँचाता है। बल्कि इसकी पहुँच गाँवों के मिट्टी गारे से बने घरों से लेकर शहरों की बहुमंजिला इमारतों तक है। भारत में दीमकों द्वारा प्रतिवर्ष करोड़ों रुपये की क्षति का आँकलन किया गया है। मूल रूप से सेलुलोज से बनी वस्तुओं के साथ-साथ कपड़ा, फोम, प्लास्टिक, चमड़ा, बिजली की तार आदि अनेक वस्तुओं को भारी क्षति पहुँचाता है। विश्व में दीमक के 300 वर्गों की लगभग 2761 प्रजातियों के होने का उल्लेख मिलता है, जिसमें से लगभग 350 प्रजातियाँ भारत में पाई जाती हैं।

## प्रस्तावना

हिन्दुस्तान में पायी जाने वाली दीमकों की 110 प्रजातियाँ ऐसी हैं, जो कि भवनों की इमारती लकड़ी को अत्यधिक नुकसान पहुँचाती हैं, दुर्भाग्यवश हिन्दुस्तान में भवनों को दीमकों से बचाव के लिए विषैले कीटनाशकों के अतिरिक्त जो भी विकल्प है, वो दीर्घकालिक नहीं है, अपितु उनसे पर्यावरण के साथ-साथ भूमिगत जल प्रदूषण की संभावना से इनकार नहीं किया जा सकता है। पूर्वनिर्मित भवनों में दीमकों के उपचार हेतु, भारतीय मानक संख्या 6313 (दूसरा पुनरीक्षण, 2001) में क्लोरपाईफास 20 ई. सी. तथा लिंडेन 20 ई. सी. 1.0% सांद्रता के घोल

के उपयोग का अनुमोदन किया गया है। जो कि विदेशों में वर्षों से प्रतिबंधित है प्रस्तुत शोधपत्र में दीमकों हेतु प्रभावी, लेकिन मनुष्य हेतु तुलनात्मक रूप से कम विषैले कीटनाशक इथिऑन 50 ई. सी. (केमिकल फार्मूला -  $C_9H_{22}O_4P_2S_4$ ) के शोध परिणामों को संकलित कर प्रस्तुत किया गया है। इथिऑन 50 ई. सी. एक आर्गेनोफास्फोरस कीटनाशक है, जिसको खेतीबाड़ी में टिक्स (Ticks) व माइट्स (Mites) के उन्मूलन हेतु विश्वसनीय एवं कारगर माना जाता है। (चित्र -1)



चित्र-1: इथिऑन 50 ई. सी. की केमिकल संरचना

## सामग्री व विधि

इथिऑन 50 ई. सी. भवनों में दीमकों के उपचार हेतु कितना कारगर है? इसके परीक्षण हेतु इसकी 0.25%, 0.50%, 1.0% तथा 1.5% सान्द्रताओं का उपयोग किया गया तथा निम्नलिखित प्रयोग किये गये:

- मोडिफाइड ग्राउंड बोर्ड टेस्ट (Modified Ground Board Test):** इस प्रयोग के अंतर्गत, इथिऑन 50 ई. सी. की उपरोक्त वर्णित चार सान्द्रताओं के पानी में घोल का उपयोग परीक्षण हेतु तैयार भूमि के 43 वर्ग से. मी. क्षेत्र पर 03 लीटर/वर्गमीटर की दर से घोल का छिड़काव किया गया। छिड़काव के पश्चात केमिकल से सिंचित उपरोक्त भूमिक्षेत्र को पालीथीन शीट से ढक दिया गया, तत्पश्चात उस के ऊपर 1.5 इंच मोटाई के सीमेंट-कंक्रीट स्लैब बनाया गया, स्लैब के मध्य में 4 इंच गोलाई व 6 इंच लम्बाई का प्लास्टिक पाईप को इस प्रकार फिट किया गया, ताकि प्रेक्षण आसानी से लिए जा सके, स्लैब के मध्य में स्थित प्लास्टिक के पाईप के अंदर, आम की लकड़ी (*Mangifera indica*) का एक 2 इंच वर्गाकार टैस्ट ब्लॉक रखा गया। इस प्रकार इथिऑन 50 ई. सी. की प्रत्येक सांद्रता के तीन-तीन प्रतिरूप तैयार किये गये। यह प्रयोग भारत की विभिन्न मृदा व जलवायु वाले तीन स्थानों यथा - रूड़की, देहरादून तथा उदयपुर में किये गये तथा प्रयोग की पंचवर्षीय अवधि के दौरान प्रत्येक छमाही प्रेक्षण लिए गये। (चित्र-2, तालिका-01)

- उपचारित मृदा में इथिऑन 50 ई. सी. की विषाक्ता की जाँच हेतु परीक्षण:** उपचारित मृदा में इथिऑन 50 ई. सी. की

\* वरिष्ठ वैज्ञानिक, सीएसआईआर - केंद्रीय भवन अनुसंधान संस्थान, रूड़की-247 667





चित्र-2: मोडिफाइड ग्राउण्ड बोर्ड टेस्ट का रेखाचित्र

विषाक्ता की जाँच हेतु, मोडिफाइड ग्राउंड बोर्ड टेस्ट के सदृश ही सीमेंट-कंक्रीट के सपाट स्लैब बनाये गये, लेकिन उनके मध्यभाग में टेस्ट-ब्लॉक रखने की व्यवस्था नहीं की गयी। प्रत्येक सान्द्रता के पानी में घोल का 03 लीटर/वर्गमीटर की दर से तैयार भूमि के 43 वर्ग से. मी. क्षेत्र पर स्प्रे किया गया। प्रत्येक सांद्रता के तीन-तीन प्रतिरूप तैयार किये गये। यह टेस्ट भी मोडिफाइड ग्राउंड बोर्ड टेस्ट की भाँति तीन अलग-अलग स्थानों पर किया गया। पांच वर्षों की प्रयोगावधि के पश्चात, प्रत्येक सांद्रता के तीनों प्रतिरूप स्लैबों के नीचे की विभिन्न गहराई से 75 ग्राम मृदा ली गयी, उसको कूटा, पीसा तथा छाना गया और उसमें इतना आसुत जल मिलाया गया कि उसमें आद्रता लगभग 20% हो जाए। तत्पश्चात तैयार मृदा को बराबर मात्रा में लेकर 15 से. मी. व्यास वाली बोरोसिल कांच की तीन पैट्रीडिशों में पतली परत के रूप में जमाकर, माईक्रोसिरोटर्मिस बीसोनी (Microcerotermes beelsoni,

Snyder) प्रजाति के 25 सक्रिय दीमकों के वर्करी को कोमल ब्रश द्वारा धीरे-धीरे छोड़ा गया। सक्रिय दीमकों की मृत्युदर का प्रति 2 घंटे के अंतराल पर 75 घंटों तक निरीक्षण किया गया। (तालिका संख्या - 02)

- (iii) पूर्व निर्मित तथा दीमकों से ग्रसित भवनों का इथिऑन 50 ई. सी. द्वारा उपचार : पूर्वनिर्मित तथा दीमकों से प्रभावित भवनों में (कुल लगभग 1000 वर्ग मी. क्षेत्रफल), भारतीय मानक संख्या-6313 (भाग-3, 2001) के अनुसार, इथिऑन 50 ई. सी. की प्रतिएक सान्द्रता के घोल से लगभग 250 वर्ग मी. के भवन में दीमकों का उपचार किया गया। इस कार्य हेतु संस्थान की आवासीय कालोनी के दीमकों से प्रभावित भवनों का चयन किया गया। उपचार के दौरान, भवनों के प्रत्येक कमरे में अंदर तथा बाहर की ओर से मृदा में केमिकल अवरोधक बनाए गये, जिसके लिए अंदर की ओर दीवारों व फर्श की संधी पर, एक-एक फीट की दूरी पर, तथा 45° के कोण पर ड्रिलिंग मशीन की सहायता से 19 मि.मि. मोटाई तथा 12 इंच गहरे छिद्र किये गये, प्रत्येक छिद्र में मानक के अनुसार इथिऑन 50 ई. सी. की एक सांद्रता का एक लीटर घोल भरा गया और उनको सीमेंट-रेत व घोल के मिश्रण से सील कर दिया गया। भवनों में बाहर की ओर 14 इंच चौड़ाई तथा 18 इंच गहरी नाली (trench) बनाई गयी। नाली में 1.75 लीटर प्रति रनिंग मीटर की दर से केमिकल डाला गया।

तालिका-01: मोडिफाइड ग्राउण्ड बोर्ड टेस्ट के पंचवर्षीय आंकड़े

क्र. स.	केमिकल की सांद्रता %	प्रयोग स्थल*	प्रेक्षण माह									
			06	12	18	24	30	36	42	48	54	60
1	कंट्रोल	R	X	XXX	XXX	***	***	***	NR	***	***	***
		D	X	XXX	XXX	***	***	***	NR	***	***	***
		U	X	XXX	XXX	***	***	***	NR	***	***	***
2	0.25%	R	--	--	--	--	--	X	NR	X	XXX	***
		D	--	--	--	--	--	X	NR	XX	XXX	XXX
		U	--	--	--	--	--	--	NR	X	XX	XXX
3	0.50%	R	--	--	--	--	--	--	NR	--	XX	XXX
		D	--	--	--	--	--	--	NR	--	X	XX
		U	--	--	--	--	--	--	NR	--	X	XX
4	1.00%	R	--	--	--	--	--	--	NR	--	--	--
		D	--	--	--	--	--	--	NR	--	--	--
		U	--	--	--	--	--	--	NR	--	--	--
5	1.50%	R	--	--	--	--	--	--	NR	--	--	--
		D	--	--	--	--	--	--	NR	--	--	--
		U	--	--	--	--	--	--	NR	--	--	--

\* R = रूड़की, D = देहरादून तथा U = उदयपुर

तालिका-02: सक्रिय दीमकों की मृत्युदर के प्रति 2 घंटे के अंतराल पर लिए गये आंकड़े

क्र. स.	केमिकल की सांद्रता %	प्रयोग स्थल*	सक्रिय दीमकों की 100% मृत्युदर (घंटों में)					
			गहराई (से.मी. में)					
			0-15	15-30	30-45	45-60	60-75	75-90
		R	72	72	72	72	72	72
1	कंट्रोल	D	72	72	72	72	72	72
		U	72	72	72	72	72	72
		R	72	72	72	72	72	72
2	0.25%	D	72	72	72	72	72	72
		U	72	72	72	72	72	72
		R	72	60	58	72	72	72
3	0.50%	D	72	58	58	72	72	72
		U	72	58	56	72	72	72
		R	36	30	30	72	72	72
4	1.00%	D	32	28	30	72	72	72
		U	48	34	36	60	72	72
		R	24	12	10	48	72	72
5	1.50%	D	26	12	12	48	72	72
		U	26	10	10	50	72	72

\* R = रूड़की, D = देहरादून तथा U = उदयपुर

आवश्यकता पड़ने पर स्टील की 12 मि. मि. व्यास की राड से, एक-एक फीट की दूरी पर 8-10 इंच गहरे छिद्र किये गये, ताकि केमिकल ठीक प्रकार से मृदा को प्रभावित कर सके। खड़ी दीवारों व बैकफिल की मृदा में 7.5 लीटर प्रति मीटर की दर से केमिकल का छिड़काव किया गया। सभी प्रकार के लकड़ी के अवयवों यथा-खिड़की, दरवाजों, रोशनदानों तथा अलमारियों आदि का उपचार करने के लिए इथिऑन 50 ई. सी. की उचित सांद्रता के घोल को पेट्रोलियम पदार्थ (मिट्टी के तेल अथवा डीजल) में बनाकर उपयोग किया गया। इस प्रकार दीमक से प्रभावित भवनों का उपचार करने में भारतीय मानक संख्या - 6313 (भाग-3, 2001) का अनुपालन किया और उपचारित भवनों का पांच वर्षों तक लगातार, दीमकों की पुनरावृत्ति की जाँच हेतु निरीक्षण किया जाता रहा।

### परिणाम एवं विवेचना

भवनों में दीमक उन्मूलन हेतु इथिऑन 50 ई. सी. के प्रभावीपन की जाँच हेतु उपरोक्त अनुसार तीन भिन्न-भिन्न प्रयोग किये। प्रथम प्रयोग भारत की विभिन्न मृदा व जलवायु वाले तीन स्थानों पर किया गया। दूसरा प्रयोग संस्थान के प्रयोगशाला में तथा तीसरा प्रयोग आवासीय कालोनी के दीमकों से प्रभावित भवनों में किया गया। पांच वर्षों की परीक्षण अवधि के उपरान्त जो परिणाम मिले वो इस प्रकार हैं- (i) इथिऑन 50 ई. सी. की परीक्षित सभी सान्द्रताओं में से 1.0% (तथा उपर की सान्द्रताओं) को

भवनों में दीमक उन्मूलन हेतु 100% कारगर पाया गया, क्योंकि परीक्षण अवधि के दौरान प्रथम प्रयोग में प्रयुक्त काष्ठ के सभी टेस्ट ब्लाक तीनों स्थानों पर सही स्थिति में पाए गये, उनपर दीमक का प्रभाव बिलकुल नहीं था जबकि कंट्रोल के सभी टेस्ट ब्लाक दीमक समाप्त कर चुकी थी। (ii) दूसरे प्रयोग में केमिकल से अभिसिंचित मृदा के ऊपर (जो कि भिन्न-भिन्न गहराई से ली गयी थी), सक्रिय दीमकों की मृत्युदर से यह संकेत मिलता है, कि केमिकल मृदा के नीचे अधिकतम 45-60 से. मी. तक ही जा पाया क्योंकि उससे नीचे की मृदा में दीमकों की मृत्युदर तथा कंट्रोल मृदा (बिना केमिकल से अभिसिंचित) में दीमकों की मृत्युदर के बराबर थी। इसके अतिरिक्त इथिऑन 50 ई. सी. की दो सान्द्रताओं-1.0% तथा 1.5% को पांच वर्षों के बाद भी प्रभावी पाया गया, क्योंकि केमिकल से अभिसिंचित मृदा के ऊपर सक्रिय दीमकों की मृत्युदर 24-48 घंटों में ही 100% हो गयी थी। (iii) तीसरे प्रयोग, जिसमें पूर्वनिर्मित तथा दीमकों से प्रभावित भवनों में दीमक का उपचार किया गया। इथिऑन 50 ई. सी. की कम से कम 1.0% सांद्रता को 100% प्रभावी माना गया, क्योंकि इस सांद्रता व इससे अधिक की सांद्रता से उपचारित भवनों में पांच वर्षों के बाद भी दीमक का पुनः प्रकोप नहीं देखा गया।

### आभार

उपरोक्त अनुसंधान से सम्बंधित सुविधाएँ प्रदान करने के लिए लेखक, निदेशक, सी.एस.आई. आर-केन्द्रीय भवन अनुसंधान संस्थान, रूड़की के प्रति आभार व्यक्त करता है।

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