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Credit Co-operative Sector- New horizon for
Women Empowerment
Legislative Analysis.

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Abstract:

Article 14 of the Indian Constitution assures that the state shall not deny to any person equality before law or the equal protection of the laws within the territory of India. Article 7 of Universal Declaration of human rights 1948 assures equality before Law and equal protection of Law without any discrimination. National and International covenants like CEDAW assures the gender equality and all were ratified by the Indian Government. Accordingly women should have opportunity to have qualitative and quantitative representation in every field of life. In fact women are marching towards new horizons in every walk of life. They have proved themselves. Still credit co-operative sector is waiting for her active and effective participation. Women are least representing in meetings, voting, leadership and managerial positions of credit co-operative societies. Representation and participation is one of the dimensions of Democracy. Democratic governance is the attribute of co-operative principles. Democracy is value embodied in our constitution. We adopted it to achieve or inculcate this value for our civilized society. For effective and sound democracy equality is precondition. To participate in democratic governance opportunities for resources should be available to all.

73rd and 74th amendment act of constitution make it available for women to participate in democratic governance. It provides 50% reservation of seats for women participation

in Panchayat Raj. But in co-operative sector 97th amendment provides very less representation of women. **Only 2 seats are reserved from 21 board of directors means only 9.52% are women can able to participate in the management of the cooperative society.** In fact 17 Sustainable Development Goals are set and adopted by UN and International Co-operative Alliance, of which SDG no 5 is Gender equality. It appears that women are not adequately represented as compare to its number, though they are approximately half of the population. Unless and until adequate representation is available, achievement of SDG no 5 will be the dream.

There are four dimensions of democracy. The first one is Democracy by the people. It means rule by the people. Second dimension is theoretical means for the people, third is structural means how to rule and fourth is what exactly in practice. Governance is not possible by all the people. Therefore body-politic or institution is required for governance, may be by election. Participation and representation of all is always not possible. Few are always left behind. These few includes 50% of population i.e. women. It is a big figure, (number) especially in credit co-operative sector.

The provisions of The Maharashtra Co-operative Societies Act, 1960 appears to be Gender neutral regarding member and elections. One Member- One Vote is basic principle of co-operative. But in practice women are far from those practices. The head of the family which is obvious a male becomes member of co-operative society. Lack of access to resources, less education, no property holdings, responsibility of reproduction, responsibility of looking after aged parents and children are the hurdles for participation in the day to day activities of credit co-operative societies. Co-operative sector having democratic feature and gender neutral structure of governance but in practice it is deprivation. It requires protection of law under Article 14(2). Accordingly laws are necessary to be enacted.

Section 73 C of The Maharashtra Co-operative Societies Act 1960 provides reservation for women- there shall be two seats reserved for women on the committee of each society. In case of no women is elected nomination is allowed. This provision itself is arbitrary. Women are not opted as members at the time of registration. Section 9 – Registration can be amended in this regard. Unless and until 50 % women are not participated as members no society shall be registered.

The author has reviewed the concern literature, Constitutional provisions and Maharashtra Co-operative Societies Act, 1960.

The author has analyzed in this article the concept & dimensions of democracy, Concept of Equality, Sustainable Development Goal – Role of Credit Co-operative societies, Challenges for gender equality of credit co-operative sector and social responsibility and legislative support.

The author has extended suggestions to have correct and appropriate data of women representation in credit co-operative societies of Maharashtra. How to improve the participation of women for effective performance and economic, social empowerment. Further suggested that how the role of regulatory authorities can be more sensitized for gender equality in credit co-operative sector for strong/sound democracy. The author urges need for constitutional mandate and legislative reforms and amendments.

Keywords:

Gender equality, Participation of women, Constitutional mandate, Credit Co-operative sector, Democratic Dimensions, Legislative support.

Introduction: Gender equality in credit co-operative sector, a democratic dimension. This issue explores the new horizon the principle of democratic member control of credit co-operative sector. "Cooperatives are autonomous associations of people who join together to meet their common economic, social and/or cultural needs and aspirations through jointly-owned and democratically controlled enterprises."¹ Cooperatives are supposed to be the best proven model for democratization. Cooperatives inculcate the value of self-reliance through collective action. It fosters the democratic member control, participatory management, transparency in decision making, delegation of power, and power of negotiation. **Co-operatives are epitome of democratic political model.** They are schools of democracy. Co-operative democracy is one of aspect of governance. It emerges the local, state, national leadership. These are the political laboratories. These are not only learning center for politics but they enable

to pool their resources to strengthen their social, economic status. But the participation of women in this field is very marginal. Due to limited access to education, training, socio-economic status, household responsibility, unawareness of credit co-operative structure and many more women cannot access the resources and unable to grab the opportunities. They are left far behind.

1 : ILO(2002), "Recommendation 193 concerning the promotion of Co-operatives", Geneva ILO
www.ilo.org/images/empent/static/coop/pdf/english.pdf

“In the developing world, cultural and religious factors often hinder women’s participation. Issues such as women’s inside role, discretion, fearing to speak in public, the tradition of men negotiating and handling financial matters, illiteracy, and social pressures make it difficult for women to play an active and visible public role in cooperatives.”¹

The 97th Amendment Act, provides, **Reservation of Only 2 seats from 21 board of directors means only 9.52% are women may be able to participate in the management of the cooperative society. Accordingly The Maharashtra Co-operative Societies Amendment Act, 2013 made provision in 73C for reservation of women.** We adopted reservation of 50% of women reservation ideologically in Panchayat Raj and for local Government. The analogy can be extended to credit co-operative sector. To enhance the effective participation and quality representation of women in committee legislative support is essential. The available literature endorses the inability of women to access the resources of credit co-operatives, simultaneously urges for reservation policy for better participation and performance of women in credit co-operative sector. The recommendation of enhancing 33% to 50% of women reservation in credit co-operative sector is valid and legitimate, but do not have legislative support for this purpose.

Identification of problem: The participation and role of women in credit co-operative sector is insignificant. One member –one vote is the democratic principle of cooperative society. Access to the membership is not easy and easily available to women. Further participation in decision making process and access to its key positions is far away. For

democratic co-operative governance, right of equality is essential.

Objectives: 1) To find the scope of women in credit co-operative sector.

2) To study the concept of democratic principle.

3) To analyze dimensions of democracy for effective participation of women.

4) To study the concept of gender equality, SDG no. 5 in Credit Co-operative Sector.

5) To analyze the Constitutional mandate and legislative support for gender equality in credit co-operative sector.

1 : Dessalew Asratie, The Socio –Economic Role of Savings And Credit Co-operatives In Promoting Gender Equality: The Case Of Estie Woreda Ethiopia, Vol. 6, Iss. 1, EJOBM, 2, e ISSN 2222-2839,1(2014)

Hypothesis: The legal and constitutional provisions are sufficient to justify gender equality in credit co-operative sector and improving participation of women in credit co-operative sector.

Research Methodology: The researcher has reviewed the literature of national and international scholars. The research methods are empirical. Primary and secondary data is used for this research. Legal research has been carried out with the help of resources from authorized library.

Scope: The researcher examines the role and scope of women in credit co-operative societies to strengthen the democratic dimensions in Maharashtra.

Purpose: Women's participation in credit co-operative sector is negligible. Their involvement in democratic control is very marginal. There is Need to study the causes and scope of legal support to strengthen the participation of women in credit co-operative sector.

Significance: This study signifies the requirement of sound democratic practices for women participation. The importance of legislative support to achieve the goal of gender equality in credit co-operative sector is also addressed.

Limitation: This study is limited to the credit co-operative sector in Maharashtra.

Analysis:

Purview of gender equality in credit co-operative sector:

It is difficult for women to access the available resources and getting opportunities in participation at meetings, voting, leadership and managerial positions in credit co-operative sector due to social and economic status in society. "Cooperatives are considered as a tested model to bring a balanced socio-economic environment among their members. The issue of gender is common in every organization, however; in cooperatives it is an especially sensitive issue because cooperatives aim to provide equal opportunity to all members regardless of gender."¹

1 : Dessalew Asratie, The Socio –Economic Role of Savings And Credit Co-operatives In Promoting Gender Equality: The Case Of Estie Woreda Ethiopia, Vol. 6, Iss. 1, EJOBM, 1, e ISSN 2222-2839,1(2014)

"Women Empowerment is the vital instrument to expand women's ability to have resources and to make strategic life choices."¹ "It is salient finding that women's representation in co-operatives at higher echelons is not significant at decision making levels though new trends, decisions, issues indicate new threshold for women."² The barriers to women's participation in credit co-operative sector can be listed as follows-

A) Social:

- 1) Patriarchal society,
- 2) cultural restrictions,
- 3) lack of education and skill,
- 4) household work and reproduction responsibility,
- 5) lack of confidence,
- 6) Responsibility of aged parents.
- 7) Inability to capture the opportunity of production resources.

B) Economic:

- 1) Less holdings of property,
- 2) Lack of business skill and negotiation skill,

- 3) Financial illiteracy,
- 4) Less knowledge of marketing and productive technology,
- 5) Lack of assets, land and collateral,
- 6) No government support.

C) Legal:

- 1) Bye-laws are not pro women, supportive provisions are not sufficient for representation,
- 2) For participation, no specific provisions are available, role of regulators.
- 3) Legislators and regulators are unaware of complexities of women issues.

1 : Rajeshwary Shettar, A Study On Issues And Challenges of Women Empowerment In India, Vol.17,Iss.I, IOSR- JBM,1, e ISSN 2278-487X,1,(2015)

2: Nandini Azad, Status Of Women In Co-operatives, <http://www.inidancooperative.com>, Nov.28,2018

D) Credit co-operative structure:

- 1) Lack of awareness regarding credit co-operative structure.
- 2) Legal illiteracy about Cooperative law.
- 3) Unawareness of banking transactions, online banking and banking laws.

These hurdles are the reasons of less or negligible participation of women in credit co-operative sector. To overcome these barriers co-operative principles are to be strengthened. There are seven principles, of which democratic member control is the most important. The term “member” includes male, female and juristic person, it is gender neutral word. Hypothetically we all are ok with theory, but in practice it does not reflect. Practice is one of the prime dimensions of democracy.

Concept of Democratic, Principle and Dimensions in Co-operatives:

Democracy can be recognized as a principle of social interaction, whereby individuals acknowledge one another as social equals. Citizens understand that their own well-being depends upon the well-being of all the other citizens, everyone in the cooperative community recognize that their own interest will safeguard only through the advancement of the interest of the community, which is to say everybody’s interests, is nothing but co-operative way of life.

“Traditionally, cooperatives come into existence because a group of like-minded individuals decide to pool their resources (as producers, consumers or workers) and share the benefits that come from their united efforts. It is in a very direct sense, a bottom-up model of collective self-help.”¹ One Member- One Vote is the unique feature and base of co-operative enterprise. Co-operatives are maintaining a level of fundamental equality built into their structure, because all members give an equal amount to the capital and have equal voting rights. The smaller the organization, the higher the level of participation. Over time fewer members may attend meetings relating to governance. “For Lambert, the presence of democratic procedures is sufficient, as he considers the “essence of democracy” to be the possibility for the expression of opposition. As long as that possibility exists, even when” the members may appear to be sunk in apathy”, the cooperative has not lost its democratic character.”²

1: Mark J Kaswan, Developing Democracy: Cooperatives and Democratic Theory, 27, www.wpsanet.org

2: Mark J Kaswan, Developing Democracy: Cooperatives and Democratic Theory, 18, www.wpsanet.org

Democracy is a concept invariably associated with politics and elections. The elected body is represented the society as a whole. Majority always rule. Safeguarding the rights of minorities, disadvantaged group of people and is the question and determining factor of good and qualitative democracy. Democracy is not only for governance but it the assurance of rights, liberty and freedom of the people living in the society. It is an obligation for democracy to maintain healthy social environment. “It is fundamental to recognize that even though democracy is a political concept, 'we cannot divorce the political order from social relations', as Touraine insists, and must consider the social factors that are necessary for a democratic political process.”¹ There are four dimensions of Democracy. "The first concern we mean by the people, and here a state is more democratic when its body-politic is more inclusive. The other three concern what it means for the people to rule, and pertain to the theoretical principle of democracy, sovereign structures that are democratic, and actual democratic practice within a state."² These dimensions are distinguished by the author Michael Perry. The last one that practice pertains to inclusiveness. The high degree of participation of all segments of society or community always be resulted into qualitative democracy. The high level of

inequality put pressure on commitment to the democratic principle. The significant conception of democracy is successful only when it is associated with procedural conception of democracy. Substantive concept and procedural concept should mitigate the problems of social environment. Ideally theoretical dimension provides the democratic ruling. It justifies democratic sovereignty in the people. Thus the question raises how the sovereignty actually implanted/ executed. The structured democracy could be the best option. "The democratic structure is one answer to this, holding that government ought to be structured so as to involve the actual, and not just theoretical or abstract, participation of people."³ One cannot be naïve to say that only by providing theoretical and structural dimensions people at large will be allowed to participate in the democratic process. Democratic dimension has practical aspect. The practice or procedural part is nothing but the inclusiveness of people from strata of community.

1: Gerardo Munk, What is Democracy? A Reconceptualization Of Quality Of Democracy, JOUR, (2014), vol.23,

<http://www.researchgate.net/publication/263506580>.,

2: Michael Perry, "Four Dimension of Democracy, Volume No-16: Iss, 1, "Essays in Philosophy, Article 2,

1,(2015), <http://dx.doi.org/10.7710/1526-0569.1518>

3: Michael Perry, "Four Dimension of Democracy, Volume No-16: Iss, 1, "Essays in Philosophy, Article 2,

16,(2015), <http://dx.doi.org/10.7710/1526-0569.1518>

For the involvement of marginalized groups, the commitment of politicians is very much needed. This value of commitment will allow people to rule.

This will drive strong and qualitative democracy. But in practice the women are left behind. Their capabilities, expertise are not used in the process of development of nation. They are not part of decision making mechanism. It is all about we can say Gender Democracy. Gender democracy is about democracy between men and women. It aims to ensure that equal rights and opportunities are open to all. Those equal opportunities are available to everyone. This means that ensuring the equal participation of women and men in social, political decision-making and equal access to resources will be key to strengthen the democratic dimensions of the society.

Sustainable Development Goal:

Women are citizens, attributed with rights and responsibilities but they are denied participation. “Poverty, discrimination and violence are still strongly present in the lives of women and girls. Under-representation in power and decision-making is still the norm. We are impatient for that to change. Equality isn’t just one quarter of the seats at the tables of power. But that’s the current reality of women’s representation. Men are 75 per cent of parliamentarians, hold 73 per cent of managerial positions, and are 70 per cent of climate negotiators and almost all peace negotiators. Only half is an equal share, and only equal is enough.”¹ To achieve this enough equal sustainable development Goal number 5, Gender equality in co-operative field is adopted by ICA. Women’s economic empowerment is important to achieving gender equality. It will play vital role.

Concept of Equality: Constitutional Aspect

Democracy in the theoretical dimension includes sovereignty. It is basically vested in the body-politic and incorporated a principle of equality. The concept of equality need to be understood, especially in the context of Indian culture. In Indian society women are worshiped as Goddess simultaneously they are victims of cruelty. The social, political, economic status of women is always secondary and unequal.

1: Phumzile, Mlambo-Ngcuka, eds. Annie Kelly, Tina Johnson, Turning Promises into Action, 2, ISBN:978-92-127072-3, (2020)

The laws for people at large are many times not accessible to women. So equal laws in unequal situation lead to discrimination. It is held in *Abdul Rehman Vs. Pinto. AIR 1951 Hyd.11*, that, “In fact identical treatment in unequal circumstances would amount to inequality.” The doctrine of reasonable classification is necessary if society is to progress, as held in *Jagjit Singh Vs. state, AIR 1954, Hyd, 28*. This doctrine will lead to have ground for legislative support for women participation in credit co-operative sector. The protection of law guarantees in Article 14, i. e. Equality before law is the aspect of Rule of Law. It is rightly held in *Rubinder Singh Vs. Union of India, AIR 1983SC 65*. “Rule of Law requires that no person shall be subjected to harsh, uncivilized or discriminatory treatment even when the object is the securing of the paramount exigencies of law and order” Article 14 of Indian constitution applies where

equals are treated differently without reasonable basis. "But where equals and unequal are treated differently article 14 does not apply."¹ Unequal treatment due to arbitrariness needs protection of law. This protection is provided in the second part of Article 14 "Equality is dynamic concept with many aspects and dimensions and it cannot be imprisoned within traditional and doctrinaire limits. Article 14 strikes at arbitrariness in state actions and ensures fairness and equality of treatment. The principle of reasonableness, which legally as well as philosophically, is an essential element of equality or non-arbitrariness, pervades Article 14 like a brooding omnipresence." *In Maneka Gandhi v. Union of India, Bhagwati, J., again quoted with approval the new concept of equality propounded by him in the E.P Royappa case.* For Gender equality the state shall ensure protection under Article 15, It refers that the State not to discriminate against a citizen on grounds only of religion, race, caste, sex or place to birth or any of them. The third clause empowers the state to make special provisions for the protection of women and children. This protection is expected for Women Participation in credit cooperative sector. Section 31(1) (a) of A. P. Co-operatives Act provides for nomination of two women in the managing committee of the co-operative society. Said provision is challenged in *Toguru Sudhakar Reddy Vs. Government of AP, AIR 1992 AP 92*, held constitutional and further endorsed that it would ensure participation of women in co-operative movement more effectively. "Varying needs of different classes of person often require separate treatment", *F.N. Balsara Vs State Of Bombay, AIR 1951, 318.*

1: Pandey J, The Constitutional Law Of India, 81, 47 Edition, Central Law Agency, (2010)

Legislative support:

The only provision for women in The Maharashtra Co-operative Societies Act, 1960 is 73-C, refers to reservation of women in co-operative societies. There shall be two seats reserved for women on the committee of each society consisting as members and having members from such class or category of person, to represent the women members, may be elected, co-opted or nominated. In practice mostly female directors are nominated. These nominations are many times partial and arbitrary. In fact Gender equality will achieve by half equal and for this equal enough, it must be enhance up to

50%. "It led to a historic milestone since the Asia Pacific Co-operative Minister's Conference accepted 33% ratio in Women's participation at all levels of co-operatives in the Asia and Pacific region for the first time."¹ Affidavit given in *Toguru Sudhakar Reddy Vs. Government of AP, AIR 1992 AP 92* by A.P. Government mentions, National convention on involvement of women in co-operative movement had suggested that 1/3rd of the seats be reserved to the women in the management committee of the societies.

Conclusion: Credit co-operative sector being driven by women strengthens only when the effective and qualitative participation of women will ensure. Democratic member control is one of the co-operative principles which has to come in practice. Available Reservation is less than 10% i.e. to only for committee member. There are so many obstacles to participate in credit co-operative sector such as social, economic. Women have dual responsibility. Lack of education. Less Access to resources, need of opportunity are some of them. Participation in decision making process is one of important dimension of the democracy. But women are far left behind. They are deprived of their right of equality and protection from being discriminated. Existing constitutional and legal provisions are inadequate for participation and representation of women. There is need to constitutional mandate and accordingly piece of legislation is to be passed for participation and representation of female member. 33% to 50% of women reservation is rising demand for all types of co-operatives. Especially for social and economic empowerment of women such provisions of reservation is need of an hour. It has to be reflected in legislation and constitutional mandate. Further the specific legislative support is needed to enhance the number of female member in credit co-operative sector.

1: Nandini Azad, Status Of Women In Co-operatives, 2, <http://www.inidancooperative.com>, Nov.28,2018

Future scope of Research: There is need to have disaggregated data for women participation and representation in credit co-operative sector. Need to search for financial literacy of women. Awareness regarding working of credit co-operative structure and capabilities as managerial level and for leadership is needed. Effectiveness of training is also scope for future research.

Suggestions:

On the basis of study carried out, following are some suggestions.

- Increase the membership of women as member and especially on board, committees up to 50%. Inculcate the leadership quality by giving trainings.
 - Unless and until 50 % women are not participated as members no society shall be registered. Section 9 of The Maharashtra Co-operative Societies' Act, 1960–Registration can be amended in this regard.
 - Need to have rational disaggregated data of women participation and performance.
 - Set indicators for equality regarding the management.
 - Good governance of credit co-operative society led by women are to be highlighted and awarded.
 - High technical quality training be delivered to member, as mandatory provision of constitution.
 - Deploy scheme and program for effective participation and performance of women as committee member.
 - Sensitization of co-operative leaders, legislators, regulators to know the complexities of gender issues.
 - Analogy of 73rd and 74th amendment be applied for enhancement of participation of women in credit co-operative sector.
 - Need for Constitutional mandate for 50% reservation of women in credit co-operative sector. Accordingly state can make laws.
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