

[THE SIND CO-OPERATIVE SOCIETIES ACT, 1925]

[4th December, 1925]

An Act to consolidate and amend the law relating to co-operative societies in ¹the Province of Sind.

WHEREAS it is expedient further to facilitate the formation and working of co-operative societies for the promotion of thrift, self-help and mutual aid among agriculturists and other persons with common economic needs so as to bring about better living, better business and better methods of production and for that purpose to consolidate and amend the law relating to co-operative societies in ¹the Province of Sind; and whereas the previous sanction of the Governor-General required by sub-section (3) of section 80—A of the Government of India Act has been obtained for the passing of this Act: It is hereby enacted as follows:—

[CHAPTER I.

PRELIMINARY.]

1. This Act may be called ¹the Sind Co-operative Societies Act, ^{Short title,} 1925].

2. ¹[This Act extends to the whole of the Province of Sind]. ^{Extent.}

3. In this Act, unless there is anything repugnant in the sub- ^{Definitions.}ject or context,

(a) "by-laws" means by-laws registered under this Act and for the time being in force and includes a registered amendment of such by-laws;

(b) "Committee" means the Committee of Management or other directing body to whom the management of the affairs of a Society is entrusted;

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1. For Statement of Objects and Reasons, see B. G.G., 1924, Part V, pp. 46-48; for Report of Select Committee, see *ibid.*, 1924, Part V, pp. 108-113 and *ibid.*, 1925, Part V, pp. 68-70; and for proceedings in Council, see Bombay Legislative Council Debates, 1924 and 1925, Vols. XII, XIII, and XV.
 2. The original words "Presidency of Bombay" have successively been amended by Sind Ordinance 5 of 1955, W.P.A.O., 1964 W.P. Ordinance 7 of 1965 and Sind Adaptation of Laws Order, 1975 to read as above.
 3. Subs. by Sind Ordinance 5 of 1955, s.7, Sch.III (w.e.f. 24th April, 1947), for "Preliminary".
 4. Subs. for "the Co-operative Societies Act, 1925" by the Sind Adaptation of Laws Order, 1975.
 5. Section 2 subs. *ibid.*

{(bb) "Financing Bank" means a society the main object of which is to make loans in cash or in kind to any other society or to an agriculturist who is not a member of a society or to both societies and such agriculturists;}

{(bbb) "loan" includes finance as defined in the Banking Tribunals Ordinance, 1984, and all cognate expressions shall be construed accordingly;}

(c) "Member" includes a person joining in the application for the registration of a society or a person admitted to membership after registration in accordance with the rules and by-laws applicable to such society;

(d) "Officer" includes a chairman, secretary, treasurer, member of committee or other person empowered under the rules or under the by-laws of a society to give directions in regard to the business of such society;

(e) "Society" means a society registered or deemed to be registered under this Act;

(f) "Registrar" means a person appointed to perform the duties of a Registrar of Co-operative Societies under this Act;

(g) "Rules" means rules made under this Act;

(h) (1) a "Resource society" means a society formed with the object of obtaining for its members the credit, goods or services required by them;

(2) a "Producers' society" means a society formed with the object of producing and disposing of goods as the collective property of its members and includes a society formed with the object of the collective disposal of the labour of the members of such society;

(3) a "Consumers' society" means a society formed with the object of obtaining and distributing goods to or of performing services for its members, as well as to other consumers and of dividing among its members and customers in a proportion prescribed by the rules or by the bye-laws of such society, the profits accruing from such supply and distribution;

(4) a "Housing society" means a society formed with the object of providing its members with dwelling houses on conditions to be determined by its by-laws;

(5) a "General society" means a society not falling under any of the four classes above mentioned.

The Registrar shall classify all societies under one or other of the above heads and his decision shall be final.

1. Subs. by Sind 20 of 1947, s. 2, for cl. (bb) which was ins. by Sind 16 of 1943, s. 2.

2. New clause (bbb) inserted by Sind Ord. LXVIII of 1974.

A society formed with the object of facilitating the operations of any one of the above classes of societies shall be classified as a society of that class.

A list of all such societies, so classified shall be published annually in the [Official Gazette].

[CHAPTER II.

REGISTRATION.]

4. [The Provincial Government] may appoint a person to be Registrar of Co-operative Societies for [the Province] or any portion of it, and may appoint a person or persons to assist such Registrar, and may, by general or special order, confer on any such person or persons all or any of the powers of a Registrar under this Act. The Registrar.

14A. (1) For the purpose of recovering any papers, documents or books of account belonging to a society, the Registrar may issue a search warrant and exercise all such powers with respect thereto as may be lawfully exercised by a magistrate under the provisions of Chapter VII of the Code of Criminal Procedure, 1898, and all such searches shall be made in accordance with the provisions of that Code. Power of Registrar to issue search warrant.

(2) The powers under sub-section (1) shall not be exercised by the Registrar before serving a notice on the society and giving it a reasonable opportunity to produce such papers, documents or books of account as are specified in such notice.]

5. Subject to the provisions hereinafter contained, a society which has as its object the promotion of the economic interests of its members in accordance with co-operative principles, or a society established with the object of facilitating the operations of such a society, may be registered under this Act with or without limited liability: Societies which may be registered.

Provided that, unless [the Provincial Government] by general or special order otherwise directs—

(1) the liability of a society of which a member is a society shall be limited;

1. Subs. by the A.O., 1937, for "B.G.G."

2. Subs. by the Sind Law (Adaptation, Revision, Repeal and Declaration) Ordinance, 1955 (Sind 5 of 1955), s. 7, Sch. III, (w. e. f. 24 th April, 1947) for "Registration."

3. Subs. by the A.O., 1937, for "Government."

4. The original word "Presidency" has successively been amended by Sind Ordinance 5 of 1955, W.P.A.O., 1964 and W.P. Ordinance 7 of 1965, to read as above.

5. Section 4-A ins. by Sind 16 of 1943, s. 3.

(2) the liability of a society of which the primary object is the creation of funds to be lent to its members, and of which the majority of the members are agriculturists and of which no member is a registered society shall be unlimited and the members of such a society shall, on its liquidation, be jointly and severally liable for and in respect of all obligations of such a society:

Provided further that when the question whether the liability of a society is limited or unlimited has once been decided by the Registrar at the time of registration his decision shall be final.

6. Where the liability of the members of a society is limited by shares, no member other than a society shall—

- (a) hold more than such portion of the share capital of the society, subject to a maximum of one-fifth, as may be prescribed by the rules; or
- (b) have or claim any interest in the shares of the society exceeding three thousand rupees: provided that if the society is a housing society a member may have or claim an interest in the shares of the society not exceeding Rs. 10,000.

Restrictions on interest of member of society with limited liability and a Share Capital.

Conditions of registration.

7. (1) No society, other than a society of which a member is a society, shall be registered under this Act, which does not consist of at least ten persons above the age of eighteen years and, where the object of the society is the creation of funds to be lent to its members, unless such persons—

- (a) reside in the same town or village or in the same group of villages; or
- (b) save where the Registrar otherwise directs, are members of the same tribe, class, caste or occupation.

[(2) No society formed after the commencement of the "Sind] Co-operative Societies (**Amendment) Act, 1943 for the purpose of carrying on business as a banking society or which uses as part of its name under which it proposes to carry on business the word 'bank' or 'banking' shall be registered under this Act unless its paid-up share capital amounts to rupees 20,000 or more;

Explanation.—For the purpose of this section the expression 'banking society' means a society which accepts deposits of money on current account of otherwise subject to withdrawal by cheque, draft or order.]

1. Subs section (2) and explanation ins. by Sind 16 of 1943, s.4.
2. Subs. by the Sind Laws (Adaptation, Revision, Repeal and Declaration) Ordinance, 1955 (Sind 5 of 1955), s. 3 (i) (w.e.f. 30th May, 1951) for "Bombay".
3. The word "Sind" omitted *ibid.*, s. 3 (iii) (b) (w.e.f. 30th May, 1951).

[(3)] The word "limited" shall be the last word in the name of every society with limited liability registered under this Act.

8. When any question arises [whether for the purposes of this Act] a person is an agriculturist or a non-agriculturist, or whether any person is resident in a town or village or group of villages, or whether two or more villages shall be considered to form a group, or whether any person belongs to any particular tribe, class, caste or occupation, the question shall be decided by the Registrar, whose decision shall be final. Power of Registrar to decide certain questions.

9. (1) For purposes of registration an application to register shall be made to the Registrar. Application for registration.

(2) The application shall be signed—

- (a) in the case of a society of which no member is a society, by at least ten persons qualified in accordance with the requirements of section 7, sub-section (1); and
- (b) in the case of a society of which a member is a society by a duly authorised person on behalf of every such society and where all the members of the society are not societies, by ten other members or, when there are less than ten other members, by all of them.

(3) The application shall be accompanied by a copy of the proposed by-laws of the society, and the persons by whom or on whose behalf such application is made shall furnish such information in regard to the society as the Registrar may require.

10. If the Registrar is satisfied that a society has complied with the provisions of this Act and the rules and that its proposed by-laws are not contrary to this Act or to the rules, he may register the society and its by-laws. Registration.

11. A certificate of registration signed by the Registrar shall be conclusive evidence that the society therein mentioned is duly registered unless it is proved that the registration of the society has been cancelled. Evidence of registration.

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1. The original sub-section (2) re-numbered as sub-section (3) by Sind 16 of 1943, s. 4.
 2. Subs. by Sind 20 of 1947, s. 3, for "whether for the purpose of the information, or registration or continuance of a society under this Act".

Annual
general
meeting.

12. Every society shall within a period of three months after the date fixed for making up its accounts for the year under the rules for the time being in force call a general meeting of its members.

Special
general
meetings.

13. A special general meeting may be called at any time by a majority of the committee and shall be called within one month—

(1) on the requisition in writing of one-fifth of the members of the society, or

(2) at the instance of the Registrar.

Change of
name: its
effect.

14. A society may, by a resolution of a general meeting and with the approval of the Registrar, change its name: but such change shall not affect any right or obligation of the society, or of any of its members, or past members and any legal proceedings pending may be continued by or against the society under its new name.

Amalgama-
tion or
transfer of
Societies.

15. (1) Any two or more societies may, with the approval of the Registrar by a resolution passed by a three-fourths majority of the members present at a special general meeting of each such society held for the purpose, amalgamate as a single society; Provided that each member has had clear fifteen days, written notice of the resolution and the date of the meeting. Such an amalgamation may be effected without a dissolution, or a division of the funds, of the amalgamating societies. The resolution of the societies concerned shall on such amalgamation be a sufficient conveyance to vest the assets and liabilities of the amalgamating societies in the amalgamated society.

(2) Any society may by a resolution passed in accordance with the procedure laid down in sub-section (1) transfer its assets and liabilities to any other society which is prepared to accept them:

Provided that when any such amalgamation or transfer of assets and liabilities involves the transfer of its liabilities by any society to any other society, it will not be made without giving three months' notice to the creditors of both or all such societies:

Provided further that if a creditor or creditors of any of the societies concerned objects or object to such amalgamation or transfer of assets and liabilities and gives or give written notice to that effect to the society or societies concerned one month before the date fixed for such amalgamation or transfer, the amalgamation or transfer shall not be made until the dues of such creditor or creditors have been satisfied.

Amendment
of the bye-
laws of a
society.

16. [(1) No amendment of the bye-law of a society shall be valid until it is registered under this Act.]

1. Subs. by Sind 16 of 1943, s.5, for the original sub-section (1).

(2) If the Registrar is satisfied that any amendment of the by-laws ¹[made by a society] is not contrary to this Act or to the rules, he may register the amendment.

(3) When the Registrar registers an amendment of the by-laws of a society ¹[under sub-section (2)], he shall issue to the society a copy of the amendment certified by him, which shall be conclusive evidence that the same is duly registered.

¶CHAPTER III.

RIGHTS AND LIABILITIES OF MEMBERS.]

17. No person shall exercise the rights of a member of a society unless or until he has made such payment to the society in respect of membership, or acquired such interest in the society as may be prescribed by the rules or the by-laws of such society.

No rights of membership to be exercised till due payments are made.

¶17A. Notwithstanding anything contained in this Act and any other law for the time being in force—

Special provisions for membership of Resource Societies.

- (i) every application made by any person for membership of an Agricultural Credit Society shall be accompanied by a declaration specifying the immoveable property on which he agrees to have a charge created for the dues of the society; and no such person shall be admitted as a member or shall exercise rights of a member of such society unless he makes such declaration;
- (ii) any member of an Agricultural Credit Society may at any time make a declaration as in clause (i) regarding immoveable property on which he agrees to have a charge created for the dues of the society of which he is a member;
- (iii) a declaration made under clause (i) or (ii) may be varied at any time by a member with the consent of the society in favour of which such charge is created;
- (iv) no member of an Agricultural Credit Society so long as he continues to remain such member shall alienate the whole or any part of the property specified in the declaration made under clause (i) or (ii);

1. Ins. by Sind 16 of 1943, s. 5.

2. Subs. by Sind Laws (Adaptation, Revision, Repeal and Declaration) Ordinance, 1955 (Sind 5 of 1955), s. 7 Sch. III (w. e. f. 24th April, 1947), for "Rights and liabilities of member".

3. S. 17-A ins. by Sind 16 of 1943, s. 6.

- (v) any alienation of any property specified in the declaration made under clause (i) or (ii) by such members shall be void;
- (vi) subject to the prior claim of '[Government] in respect of land revenue or any money recoverable as arrears of land revenue, there shall be a first charge in favour of the society on the property specified in the declaration under clause (i) or (ii) in respect of and to the extent of any debt or other outstanding demand owing by such member to the society;
- (vii) an entry regarding a charge on immoveable property created by a declaration under clause (i) or (ii) or any variation made therein under clause (iii) shall be made in the record of rights maintained under '[the Sind Land Revenue Act, 1967, not withstanding anything contained in the said Act].

Explanation.—For the purposes of this section an 'Agricultural Credit Society' means a Resource Society of which the Primary object is the creation of funds to be lent to its members and of which a majority of the members are agriculturists and of which no member is a registered society and the liability of which is limited.]

Added-
S. 17-B
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Votes of
members.

18. (1) No member of any society shall have more than one vote in its affairs, provided that in the case of an equality of votes the chairman shall have a casting vote.

(2) A society which has invested any part of its funds in the shares of another society, may appoint one of its members to vote in the affairs of such other registered society.

Disquali-
fication of
being, and
for voting at
an election of
Director,
Manager or
other officer
of the society.

'[18A. A member of the Society to which the provisions of this section have been applied by the Provincial Government by notification in the Official Gazette shall be disqualified for being, and for voting at an election of, a Director, Manager or other officer of the Society—

- (a) if he has taken a loan from the Society which has been outstanding for six months or more after it has become payable and has not been re-paid up to the day immediately preceding the date of the election, or
- (b) if he has taken a loan from the Society which is repayable by instalments and the amount of three or more instalments has been outstanding for six months or more from the date on which the amount of the last instalment became payable and has not been re-paid up to the day immediately preceding the date of the election

1. Subs. by W.P.A.O, 1964, Article 2, Part IV(C) for "the Crown".

2. Subs. by Sind Act 17 of 1975, s.3, Sch. II, for "Chapter XA of the (Sind) Land Revenue Code 1879, or the relevant provisions of any other Law relating to land revenue in force in the area not withstanding anything contained in the said chapter."

4. S. 17-B added by Sindh Act VIII of 1989, s.2.

Explanation.—The date on which the loan or instalment becomes payable is the date specified in the bond or any other instrument in writing evidencing the loan but does not include any extension thereof.]

19. (1) The transfer or charge of the share or interest of a member in the capital of a society shall be subject to such conditions as to maximum holding as may be prescribed by this Act or by the rules.

Restrictions on transfer of share or interest.

(2) A member shall not transfer any share held by him or his interest in the capital or property of any society or any part thereof unless.

(a) he has held such share or interest for not less than one year; and

(b) the transfer or charge is made to the society or to a member of the society or to a person whose application for membership has been accepted by the society.

[CHAPTER IV.

DUTIES OF SOCIETIES.]

20. Every society shall have an address registered in accordance with the rules, to which all notices and communications may be sent, and shall send notice in writing to the Registrar of any change in the said address within 30 days of such change.

Address of societies.

21. Every society shall keep open to inspection at all reasonable times at the registered address of the society—

Copy of Act etc., to be open to inspection.

(a) a copy of this Act,

(b) a copy of the rules governing such society,

(c) a copy of the by-laws of such society, and

(d) a register of its members.

22. (1) The Registrar shall by himself or by some person authorized by him in writing by general or special order in this behalf audit the accounts of every society once at least in every year.

Audit.

1. Subs. by the Sind Laws (Adaptation, Revision, Repeal and Declaration) Ordinance, 1955 (Sind 5 of 1955), s.7, Sch. III (w.e.f. 24th April, 1947), for "Duties of Societies".

(2) The audit under sub-section (1) shall include an examination of overdue debts, if any, the verification of cash balance and securities, and a valuation of the assets and liabilities of the society.

(3) The Registrar or other person auditing the accounts of any society shall have free access to the books, accounts and vouchers of such society and shall be allowed to verify its cash balances and securities.

The Directors, Managers, and other officers of the society shall furnish to the Registrar or other person appointed to audit the accounts of a society all such information as to its transactions and working as the Registrar or such person may require.

(4) The Registrar and every other person appointed to audit the accounts of a society shall have power, when necessary

(i) to summon at the time of his audit any officer, agent, servant or member of the society who he has reason to believe can give valuable information in regard to any transaction of the society or the management of its affairs, or

(ii) to require the production of any book or document relating to the affairs of any cash or securities belonging to the society by the officer, agent, servant or member in possession of such book, document, cash or securities.

[22A. Where, in the course of an audit under section 22 it appears to the Registrar that there exists any such ground as is specified in section 50A he may, of his own motion or on the application of the person authorized by him under section 22, exercise the powers specified in section 50A.]

Power of Registrar to exercise powers under section 50-A in the course of an audit.

CHAPTER V.

PRIVILEGES OF SOCIETIES.]

23. The registration of a society shall render it a body corporate by the name under which it is registered, with perpetual succession and a common seal, and with power to hold property, to enter into contracts, to institute and defend suits and other legal proceedings and to do all things necessary for the purposes of its constitution.

Societies to be bodies corporate.

1. Section 22A, ins. by Sind 16 of 1943, s. 7.

2. Subs. by the Sind Laws (Adaptation, Revision, Repeal and Declaration) Ordinance, 1955 (Sind 5 of 1955), s. 7, Sch. III (w. e. f. 24th April, 1947), for "Privileges of Societies".

24. Subject to any prior claim of [Government] in respect of land revenue or any money recoverable as land revenue or of a landlord in respect of rent or any money recoverable as rent,

Prior claim of society.

(a) any debt or outstanding demand owing to a society by any member or past member [or, in the case of a society authorised under sub-section (1) of section 34 to make loans to non-members, by a non-member] shall be a first charge (i) upon crops or other agricultural produce raised in whole or in part with a loan taken from the society by [such member, past member or non-member], and (ii) upon any cattle, fodder for cattle, agricultural or industrial implements or machinery, or raw materials for manufacture or workshops, godown or place of business, supplied to or purchased by [such member, past member or non-member] in whole or in part from any loan whether in money or goods given him by the society:

Provided that nothing contained in this clause shall affect the claims of any *bona fide* purchaser or transferee for value without notice of any such crops or other agricultural produce, cattle, fodder for cattle or raw materials for manufacture or workshops, or agricultural or industrial implements; and

(b) any outstanding demands or dues payable to a housing society by any member or past member in respect of rent, shares, loans, or purchase money or any other rights or amounts payable to such society shall be a first charge upon his interest in the immoveable property of the society.

25. A society shall have a charge upon the share or interest in the capital and on the deposits of a member or past member and upon any dividend, bonus or profits payable to a member or past member in respect of any debt due from such member or past member to the society, and may set off any sum credited or payable to a member or past member in or towards payment of any such debt.

Charge and set-off in respect of shares or interest of member.

26. Subject to the provisions of section 25, the share or interest of a member in the capital of a society or in any provident fund established under section 41 of this Act shall not be liable to attachment or sale under any decree or order of a court of justice in respect of any debt or liability incurred by such member, and [neither the Official Assignee under the Insolvency (Karachi Division) [****] Act, 1909, nor a Receiver under the Provincial Insolvency Act, 1920 shall be entitled to or have any claim on such share or interest.

Shares or interest not liable to attachment.

1. Subs. by the W. P. A. O., 1964, Art. 2, Sch., Pt. IV(c), for "the crown" which had been subs. by the A. O., 1937, for "Government".
2. Ins. by Sind 20 of 1947, s. 4(a).
3. Subs. *ibid.*, s. 4 (b), for "such member or past member".
4. Subs. by W. P. Ordinance 7 of 1965, s. 7, for "a receiver under the Provincial Insolvency Act, 1920, shall not" which had been subs. by the Sind Laws (Adaptation, Revision, Repeal and Declaration) Ordinance, 1955 (Sind 5 of 1955), s. 7, Ser. III, for "neither the official Assignee, under the Presidency Towns Insolvency Act, 1909, nor a Receiver under the provincial Insolvency Act, 1920, shall."
5. The words "and Dacca" deleted by Sind Ord. LXVIII of 1964.

Transfer of
interest on
death of
member.

27. (1) On the death of a member of a society such society may within a period of one year from the death of such member transfer the share or interest of the deceased member to a person or persons nominated in accordance with the by-laws of the society, if duly admitted a member of the society, in accordance with the rules or the by-laws of the society, or, if there is no person so nominated, to such person as may appear to the Committee to be the heir or legal representative of the deceased member if duly elected a member of the society, or may pay to such nominee, heir or legal representative, as the case may be, a sum representing the value of such member's share or interest as ascertained in accordance with the rules or by-laws:

Provided that such nominee, heir or legal representative, as the case may be, may require that payment shall be made by the society within one year from the death of the member of the value of the share or interest of such member ascertained as aforesaid.

(2) A society shall subject to the provisions of section 25 and unless prevented by an order of a competent court pay to such nominee, heir or legal representative, as the case may be, all other moneys due to the deceased member from the society.

(3) All transfers and payments made by a society in accordance with the provisions of this section shall be valid and effectual against any demand made upon the society by any other person.

[(4) Where the share or interest of a deceased member is transferred to a nominee or nominees, heir or legal representative, as the case may be, the value of such share or interest as determined by the society shall be disbursed by such nominee or nominees, heir or legal representative among all the heirs of the deceased member according to the personal law to which the deceased was subject.]

Liability of
past member.

28. The liability of a past member for the debts of a society as they existed at the time when he ceased to be a member, shall continue for a period of two years from the date of his ceasing to be a member.

Liability of
the estates
of deceased
members.

29. The estate of a deceased member shall be liable for a period of one year from the date of his decease for the debts of a society as they existed at the time of his death.

30. Any register or list of members or shares kept by any society shall be *prima-facie* evidence of any of the following particulars entered therein:—

Register of members.

(a) the date at which the name of any person was entered in such register or list as a member;

(b) the date at which any such person ceased to be a member.

31. (1) A copy of any entry in any book, register or list regularly kept in the course of business in the possession of a society shall, if duly certified in such manner as may be prescribed by the rules, be admissible in evidence of the existence of the entry and shall be admitted as evidence of the matters and transactions therein recorded in every case where, and to the same extent to which the original entry would, if produced, have been admissible to prove such matters.

Admissibility of copy of entry as evidence.

(2) In the case of such societies as [the Provincial Government] by general or special order may direct no officer of a society shall in any legal proceedings to which the society is not a party be compelled to produce any of the society's books, the contents of which can be proved under sub-section (1), or to appear as a witness to prove the matters, transactions and accounts therein recorded, unless by order of the Court or a Judge made for special cause.

XVI
of
1908.

32. Nothing in section 17, sub-section (1), clauses (b) and (c) of the * Registration Act, 1908, shall apply to—

Exemption from compulsory registration of instruments relating to shares [etc.] of society.

(1) any instrument relating to shares in a society, notwithstanding that the assets of the society consist in whole or in part of immoveable property; or

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1. Subs. by the A.O., 1937, "for Government".
 2. The word "Indian" omitted by the Sind Laws (Adaptation, Revision, Repeal and Declaration) Ordinance, 1955 (Sind 5 of 1955), s. 4 (w.e.f. 30th May, 1951).
 3. Subs. by Sind Ord. LXVIII of 1984.

(2) any debenture ¹[participation term certificate, term finance certificate, musharika certificate, modaraba certificate and such other instrument as may be approved by the State Bank of Pakistan] issued by any society and not creating, declaring, assigning, limiting or extinguishing any rights, title or interest to or in immoveable property except in so far as it entitles the holder to the security afforded by a registered instrument whereby the society has mortgaged, conveyed or otherwise transferred the whole or part of its immoveable property or any interest therein to trustees upon trust for the benefit of the holders of ²[such instruments]; or

(3) any endorsement upon or transfer of any debenture ³[Participation term certificate, term finance certificate, musharika certificate, modaraba certificate, and such other instrument as may be approved by the State Bank of Pakistan] issued by any society.

Power to exempt from income tax, stamp-duty, registration and court fees.

33. (1) The ⁴[Federal Government], by notification in the ⁵[*Official Gazette*] may, in the case of any society or class of societies, remit the income-tax or super-tax payable in respect of the profits of the society, or of the dividends or other payments received by the members of the society on account of profits or in respect of interest ⁶[or return] on securities held by the society.

(2) The ⁷[Provincial Government] by notification in the ⁸[*Official Gazette*] may, in the case of any society or class of societies, remit—

(a) the stamp-duty with which, under any law for the time being in force, instruments executed by or on behalf of a

1. Ins. by Sind Ord. LXVIII of 1984, s. 2 and Sch.

2. Subs. *ibid.*, for "such debentures".

3. Subs. by the A.O., 1937, for "G.G. in C.".

4. Subs. *ibid.*, for "*Gazette of India*".

5. Ins. by Sind Ord. LXVIII of 1984, s. 2 and sch.

6. Subs. by the W.P. Ordinance VII of 1965.

7. Subs. by the A.O., 1937, for "B.G.G.".