छत्तीसगढ़ सहकारी सोसाइटी नियम, 1962

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Chhattisgarh Co-operative Societies Rules, 1962

CHAPTER I
PRELIMINARY

1. Short title and extent — (1) These rules may be called the "Chhattisgarh Co-operative Societies Rules, 1962".
(2) They extend to the whole of the State of Chhattisgarh.

2. Definitions — in these rules, unless the context otherwise requires—
(a) "Act" means the Chhattisgarh Co-operative Societies Act, 1960 (17 of 1961);
(b) "Bonus" means the payment admissible to an employee under the provisions of the Payment of Bonus Act, 1965 (No. 21 of 1965);
(c) "Co-operative Year" means the year ending on the 31st March every year;
(c) "Certified copy" means a copy of any entry in the books of the society together with a certificate written at the foot of such copy that it is a true copy of such entry, that such entry is contained in one of the ordinary books of the society and was made in the usual and ordinary course of business and that such book is still in the custody of the society such certificate being dated and subscribed by the officers (mentioned in Rule 24 from (a) to (d) with his name and official title) as defined in the Act;
(d) "Chairman" means the Chairman of the Chhattisgarh State Co-operative Tribunal;
(e) "Decree" means any order, decision or award referred to in Section 85;
(f) "Director" means the Director of the Chhattisgarh State Co-operative Tribunal;
(g) "General Meeting" means the meeting of the members of a society convened and held in accordance with the provisions of the Act;
(h) "Members" means the registered members of the society;
(i) "Minutes" means the minutes of a meeting of the members of the society.

3. (1) These rules shall come into force on the date of their publication in the Official Gazette.
(2) The provisions of these rules shall, in addition to the provisions of the Act, govern the co-operative societies in the State of Chhattisgarh.

4. These rules shall be called the Chhattisgarh Co-operative Societies Rules, 1962.

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(e) "Decree-holder" means any society or any person (including the State Government) holding a decree;

(1) "Dividend" means the amount paid out of the profits of a society to a member in proportion to value of the shares held by him;

(g) "Form" means a form appended to these rules;

(2) "Government" means the Government of Chhattisgarh);

(h) "Judgment-debtor" means any society against which or any person against whom a decree has been obtained;

3[(hh) "Member" means the member of the Chhattisgarh State

(i) "President" means the President or Chairman of a society;

(j) "Recovery Officer" means any person empowered to exercise the powers of the Registrar under Section 85;

3[(k) "Sale Officer" means a person empowered by the Registrar by general or special order, to attach and sell or attach and transfer the property of judgment-debtors, or to execute any decree by attachment and sale or attachment and transfer of property;]

4[(kk) "Schedule" means a schedule appended to these rules;]

(l) "Section" means a Section of the Act;

(m) "Vice-President" means the Vice-President or Vice-Chairman of a society;

3[(n) The words and expressions used in these rules and not defined, shall have the meaning respectively assigned to them in the Act.]

CHAPTER II
REGISTRATION

3. Categories of Officers to assist the Registrar — Subject to the provisions of sub-section (1) of Section 3, the State Government may appoint Audit Officers of Co-operative Societies and senior Co-operative inspectors to assist the Registrar.

1. Subs. by notification No. F-5-4-88-XV-1, dated 28-6-88.
5. Ins. by notification dated 11-10-68.
4. Application for Registration — (1) Every application for registration of a society under sub-section (1) of Section 7 shall be made in Form A.

(2) Where any member of a society to be registered is a registered society, a member of the committee of such society shall be authorised by such committee by a resolution to sign the application for registration on its behalf and a copy of such resolution shall be appended to the application.

(3) The application shall be sent to the Registrar by registered post or delivered by hand.

1[(4) After receiving the application under sub-rule (3) the Registrar shall enter the application in the register maintained for the purpose and shall issue a receipt of such application duly signed by him, in which the date of receipt of such application shall also be mentioned.]

5. Procedure on receipt of application — The Registrar shall consider the application and may, if necessary, order further enquiry or refuse registration. Should he decide to allow registration, he shall register the society in a register of societies to be kept for the purpose. Every such entry shall be attested by the seal and signature of the Registrar. He shall also forward to the society a certificate of registration and a certified copy of the bye-laws as finally approved and registered by him.

2[(6) Matters in respect of which bye-laws of a society may be made — (1) Every application for registration under sub-section (1) of Section 7 shall be accompanied by bye-laws dealing with the following matters:—

(a) the name, address and area of operation of the society;
(b) objects of the society;
(c) the services to be provided to its members;
(d) the eligibility for obtaining membership;
(e) the procedure for obtaining membership;
(f) the terms and conditions for continuing as member;
(g) the time limit before which a potential member must seek and obtain membership in order to continue to use the services of the society;
(h) the procedure for withdrawal/transfer of membership;

1. Ins. by notification No. 5-7-94-XV-1, dated 21-7-95.
2. Subs. by notification No. 5-7-94-XV-1, dated 21-7-95.
(i) the procedure for termination and cessation of membership;
(j) the rights of members;
(k) the fixation of minimum performance required annually of each member vis-a-vis use of services, financial commitment and participation in meetings, in order to be eligible to exercise the right of membership including the right of vote;
(l) the consequences of default in payment of any sum due to a member;
(m) the nature and amount of capital, if any, of the society;
(n) the maximum capital to which a single member can subscribe;
(o) the nature and extent of the liability of the members for the debts contracted by the society;
(p) the sources and types of funds to be raised by the society;
(q) the purposes for which the funds may be applied;
(r) the extent and conditions under which deposits, loans, debentures and other funds may be mobilised;
(s) the conditions and purposes for which State aid and aid from other financial institutions may be obtained;
(t) the manner of disposal of surplus;
(u) the constitutions of various funds, reserves and their purposes;
(v) the manner of convening general and other special meetings and quorum thereof;
(w) the frequency of general meetings;
(x) the role of the general body and subjects which shall be dealt with by the general body;
(y) the manner of making or amending byelaws;
(z) the procedure for conducting elections;
(aa) the procedure for conducting election in case the Registrar fails to do so;
(bb) the constitution of the board of directors;
(cc) eligibility for becoming director;
(dd) conditions for retaining directorship;
(ee) the terms of office of the directors, chairman and office bearers;
(ff) the procedure for removal of Chairman, office bearers, directors and for filling of vacancies;

(gg) the manner of convening the board meetings and its quorum;

(hh) the frequency of board meetings;

(ii) powers and functions of office bearers including chairman;

(jj) powers and functions of Chief executive;

(kk) penalties for acting against the interest of members and for non-fulfillment of duties by members, directors and staff;

(ll) the appointment and role of auditors and procedure for conduct of audit where the society fails to make necessary arrangements and time limit for audit compliance;

(mm) the authorisation of an officer or officers to sign documents and to institute and defend suits and other legal proceedings on behalf of the society;

(nn) the terms on which a society may deal with non-members;

(oo) the terms on which a society may associate with other cooperative societies;

(pp) the terms on which a society may deal with other than cooperative;

(qq) the rights, if any, which the society may confer on any society or other federations and the circumstances under which these rights may be exercised by the federation/s;

(rr) the manner of disposal of funds under liquidation;

(ss) the accounting year for the society;

(tt) the transfer of shares and interest in the name of a nominee in case of death of a member;

(uu) the procedure of dissolution of the society;

(vv) the restriction, if any, on services to non-members;

(ww) to organise self-help groups of people living in its area and to conduct education and training programmes.

(2) The byelaws of a society may provide for such other matters not specified above, as are incidental to the organisation of the society and the management of its business.]
7. Procedure regarding amendment of bye-laws — (1) Where a society proposes to amend its bye-laws, no such amendment shall be made save by a resolution passed by a two-thirds majority of the members present and voting at a general meeting of the society.

(2) No such resolution shall be valid unless notice of the proposed amendment has been given to the members of the society in accordance with its bye-laws.

(3) In every case in which a society proposes to amend its bye-laws, an application shall be made to the Registrar together with—
   (a) a certificate in Form B;
   (b) four copies of other information in Form C; and
   (c) four copies of the proposed amendment in Form D.

(4) Every such application shall be made within one month from the date of the general meeting at which such amendment was passed:

Provided that the Registrar may condone the delay, if any, for sufficient cause.

(5) Every such application shall be sent to the Registrar by registered post or delivered by hand. After receiving the application, the Registrar shall enter the application in the register maintained for the purpose and Registrar shall issue a receipt of such application in which the date of receipt of such application, shall also be mentioned.

(6) A copy of the amendment of the bye-laws registered or deemed to have been registered by the Registrar under subsections (2) and (3) of Section 11 shall be issued to the society.

8. Manner of serving the order under subsection (1) of Section 12 — The order of the Registrar under subsection (1) of Section 12 shall state the exact amendment with reasons therefor, which the society should make and it shall be delivered personally or sent by registered post to the address of the society.

9. Procedure to be followed and conditions to be observed for change of name of society — (1) The name of a society may be changed under Section 13, so, however, that it is not inconsistent with the objects of the society.

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1. Re-numbering by notification No. 5-7-94-XV-1, dated 21-7-95.
2. Ins. by notification No. 5-7-94-XV-1, dated 21-7-95.
3. Subs. by notification No. 5-7-94-XV-i, dated 21-7-95.
(2) Every change in name of a society shall be made by an amendment of its bye-laws. In every case in which a society proposes to change its name, it shall send its original certificate of registration to the Registrar.

(3) After the change in name is approved by the Registrar, he shall amend the original certificate of registration of the society and return the same to it.

(4) The Registrar shall enter the new name in the register of societies maintained by him.

10. Procedure to be followed and conditions to be observed for change of liability — The change of liability of a society wider Section 15 shall, subject to the provisions of the said Section, be secured by passing a resolution in that behalf at a general meeting of the society indicating in clear terms the manner of changing the liability.

11. Re-organisation of societies — (1) Every society desiring to effect amalgamation, transfer of assets and liabilities, division or conversion under sub-section (2) of Section 16 shall frame a full scheme of re-organisation indicating how the proposed amalgamation, transfer of assets and liabilities, division or conversion would be useful to the society and be given effect to. Where the scheme involves a division of a society into two or more societies, it shall contain proposals regarding the name, the area of operations, draft bye-laws and the list of members and creditors of the new society or societies into which the society would be divided. Where the scheme involves conversion of the society into a class of society, the object of which is materially different from that under which it has been classified under the Act. It shall contain draft bye-laws of that class of society into which the society would be converted.

(2) After framing the scheme of re-organisation under sub-rule (1), the society shall convene a special general meeting by giving a written notice of twenty-one days to all its members along with the proposed scheme of re-organisation. In the case of the society desiring amalgamation or transfer of the assets and liabilities in whole or in part to any other society (hereinafter referred to as the other society), the society shall send a copy of the notice and the proposed scheme to the other society also for information. The society shall pass a resolution for amalgamation, transfer of assets and liabilities, division or conversion, as the case may be, by two-thirds majority of the members present and voting at the special general meeting and shall in the case of the amalgamation or transfer of assets and liabilities forward a copy of such resolution to the other society.
(3) After the receipt of the resolution the other society shall convene a special general meeting by giving a written notice of twenty-one days to all its members along with the scheme of re-organisation and draft amendment to its bye-laws, if any, and pass a resolution by two-thirds majority of the members present and voting at the special general meeting for approving the scheme of reorganisation and the amendment to its bye-laws, if any, and send a copy of its resolution in respect of the approval to the society which has decided to re-organise itself.

(4) The affected society shall, in the case of amalgamation or transfer of assets and liabilities, after the receipt of the approval under sub-rule (3) and in the case of division or conversion, after the passing of the resolution under sub-rule (2), take action under sub-sections (5) and (6) of Section 16.

(5) The affected society shall submit a report to the Registrar of the action taken by it and request him to approve the decision for amalgamation, transfer of assets and liabilities, division or conversion.

(6) On receipt of the report from the affected society under sub-rule (3), the Registrar shall, after satisfying himself that the procedure has been properly followed, approve the decision of the society and register the amalgamated, divided or converted society or societies.

(7)(a) Before issuing any direction under sub-section (3) of Section 16 for the amalgamation, transfer of assets and liabilities, division or conversion of any society or societies, the Registrar shall prepare a draft scheme of reorganisation in respect of such amalgamation, transfer of assets and liabilities, division or conversion stating in particular the manner in which the new committee or committees of the society or societies resulting from such amalgamation, transfer of assets and liabilities, division or conversion shall be constituted and the bye-laws which such society or societies shall follow. The Registrar shall send a copy of the draft of the direction proposed to be issued by him under sub-section (3) of Section 16, to the society or each of the societies concerned calling upon it or them to invite objections or suggestions from any member or class of members thereof or from any creditor or class of creditors and to submit such objections or suggestions together with its own or its own opinion within a period to be specified by the Registrar.

(b) The Registrar shall consider all such objections, suggestions and opinion and make such modifications in the draft direction as may seem to him desirable in the light of those objections, suggestions or opinion and then issue a final direction under sub-section (3) of Section 16.
12. Compromise or arrangement for repayment of liabilities —

1[(1) On receipt of the order of the Registrar under sub-section (1) of Section 17, the society or theliquidator, as the case may be, shall issue notices of the meeting at the cost of the society, to the creditors or any class of them or the members, as the case may be, stating therein the date, time and place of the meeting and enclose with such notice the latest audited balance sheet of the Society and shall also send a notice to the Deputy Registrar or Assistant Registrar of Co-operative Societies in charge of the district in which the society is situated.]

(2) The President of the society or the liquidator in the case of the society which is being wound up, shall preside over the meeting. The question of compromise or arrangement shall be discussed in all aspects. A compromise or arrangement which appears to be prima facie practical and feasible shall be put to vote. Every creditor or member who is present in the meeting shall vote in person and no proxy shall be allowed. List of creditors or members, as the case may be, shall be prepared showing the names of those who approve of the compromise and of those who oppose the compromise and their signatures shall be taken.

2[12-A. (1) Where the Registrar is taking actions under Section 18-A of the Act, he shall issue a public notice of the proceedings of the de-registration, to be published in a local daily newspaper and a copy of such notice shall also be given to the affiliated society and creditor society, if any.

(2) The official assignee appointed under sub-section (2) of Section 18-A, shall be paid such remuneration and allowances as the Registrar may determine from time to time.]

CHAPTER III
MEMBERS, THEIR RIGHTS, LIABILITIES AND PRIVILEGES

13. Form of undertaking — A written undertaking under subsection (3) of Section 19 shall be in Form E.

14. Conditions to be complied with for admission for membership — No person shall be admitted as a member of a society unless—

(i) he has applied in writing in the form laid down by the society or in the form specified by the Registrar, if any, for membership;

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1. Subs. by notification No. 5-4-88-XV-1, dated 28-6-88.
2. Ins. by notification No. 5-7-94-XV-1, dated 21-7-95.
(ii) he has purchased at least one share and paid the value thereof in full or in part in such calls as may be decided by the committee or general meeting of the society, as the case may be, according to the bye-laws of the society;

(iii) his application has been approved by the committee or the general meeting of the society, as the case may be, according to the bye-laws of the society;

(iv) he has fulfilled all other conditions laid down in the Act, the rules and the bye-laws.

1[14-A. Procedure for admission of minors as members — In accordance with the procedure laid down in its bye-laws and these rules for admission of any member, a society may admit minor acting through guardian appointed by a Court as a member of a society subject to the provisions of the Act and these rules, the members so admitted shall enjoy rights subject to liabilities through such guardian as are laid down in the bye-laws of the society.]

15. [**]

16. Admission of members or transfer of shares before annual general meeting — No society shall admit member or transfer shares within 3[forty-five] days prior to the date of its annual general meeting on which election of the committee or office bearers is to take place:

4[Provided that if there is a provision of general meeting by delegates in the byelaws of any society, such society shall not admit members or transfer shares to the members within 45 days from the date of convening the meeting for the election of the delegates.]

17. Withdrawal of a member and refund of share — (1) Subject to the provisions of the Act and Rules, a member may after giving three months’ notice to the society and with the sanction of the committee or the general meeting of the society, as the case may be, withdraw from membership of the society and claim refund of share or shares, if he is not directly or indirectly indebted to the society, either as a principal debtor or as a surety:

Provided that such withdrawal or refund is not disallowed under the bye-laws of the society or under an agreement with any other society or the State Government.

1. Subs. by notification No. 269-4858-XV-1, dated 28-6-88.
2. Omitted by notification No. 5-4-88-XV-1, dated 28-6-88.
3. Subs. by notification No. 5-3-91-XV-1, dated 16/18/4-91.
4. Subs. by notification No. 5-7-94-XV-1, dated 21-7-95.

नियम 14क-17  
छत्तीसगढ़ सहकारी सोसाइटी नियम, 1962  
(१४) उसने कम से कम एक हिस्सा न खरीदा हो तथा पूर्ण मूल्य का या अंशों में ऐसी मिली कांड, जैसा कि कंभेक अथवा सोसाइटी की साधारण सभा, जैसी दशा भी हो, द्वारा सोसाइटी की उपविधियों के अनुसार तय किया गया हो, चुकाया न किया हो।

(१५) उसका आवेदन पत्र, कंभेक अथवा सोसाइटी की साधारण सभा, जैसी दशा हो द्वारा सोसाइटी की उपविधियों के अनुसार अनुमोदित न किया गया हो।

(१६) उसने अधिनियम, नियमों तथा उपविधियों में अधिकारित सभी शर्तों को पूरा न कर दिया हो।

1[१४-क. अवस्थाओं को सदस्य के रूप में प्रवेश देने की प्रक्रिया—कोई सोसाइटी, किसी सदस्य के प्रवेश के लिए उसकी उपविधियों में तथा इन नियमों में अधिकारित लिखित के अनुसार चलाए जाने वाले अधिनियम की सक्रियता के रूप में प्रवेश दे सकती। अधिनियम तथा इन नियमों के उपवर्तकों के अध्यक्ष भी तय हुए वे सदस्य, जिन्हें इस प्रकार सदस्यवाद प्रति की गई है, ऐसे सदस्यों के माध्यम से अधिकारित उन दायियों के अध्यक्ष भी है जो सोसाइटी की उपविधियों में अधिकारित है।]

15. [**]

16. वायमिक साधारण सभा के पहले सदस्य के प्रवेश या अंशों का अन्तराल—कोई भी सोसाइटी अपने वायमिक व्यापक समिति, जिसमें सोसाइटी या पदविकारियों का भुगतान होना चाहिए हो, जा लिखित से 4[००] दिनों के पहले सदस्यों को प्रवेश या अंशों का अन्तराल नहीं करेगी।

4[परन्तु यदि किसी सोसाइटी की उपविधियों में प्रत्यवेदनों द्वारा साधारण समिति के लिए कोई उपबंध है, तो ऐसी सोसाइटी प्रत्यवेदनों के निर्लिप्त लिखित सम्मिलन बुलाए जाए के तारीख से 45 दिनों के भीतर सदस्यों को प्रवेश नहीं देगी या सदस्यों को अंश या अन्तराल का अन्तराल नहीं करेगी।]

17. सदस्य को हटाना व अंश का प्रतिद्वंद्व—(1) अधिनियम एवं नियमों के उपवर्तकों के अध्यक्ष तथा द्वारा सदस्य, सोसाइटी के तीन भागों की समाज देने के बाद तथा कंभेक या सोसाइटी की साधारण सभा जैसी दशा हो, को व्यक्तित्व से सोसाइटी की सदस्यता से हट सकेगा तथा अंश या अंशों को मिला कर सकेगा, यदि वह सोसाइटी का मूल जरूर्ती तथा ज्ञानतत्त्व के रूप में प्रवेश: या अनुभव; जा न हो,

किसी प्रतिद्वंद्व यदि है कि ऐसे हटने को सोसाइटी की उपविधियों या किसी अन्य सोसाइटी के या शासन के साथ अनुसंधान के अध्यक्ष अधिनियम न किया गया हो।

1. अधिसूचना क्र. 269-4858-पन्डौ-1, दिनांक 28-6-88 द्वारा प्रतिस्पर्धित।
2. अधिसूचना क्र. 5-4-88-पन्डौ-1, दिनांक 28-6-88 द्वारा प्रतिस्पर्धित।
3. अधिसूचना क्र. 5-3-91-पन्डौ-1, दिनांक 16/18-4-91 द्वारा प्रतिस्पर्धित।
4. अधिसूचना क्र. 5-7-94-पन्डौ-1, दिनांक 21-7-95 द्वारा प्रतिस्पर्धित।
(2) The society may withhold refund of the value of share or shares under sub-rule (1) till the expiry of two years from the date of withdrawal from membership.

(3) The total refund of share capital of the society in any co-operative year shall not exceed ten percent of the paid up share capital of the society on the last day of the co-operative year immediately preceding:

Provided that this restriction shall not apply in the case of a society having no outside liabilities or in the case of an indebted society, when the permission of its creditors has been obtained.

(4) The restrictions contained in sub-rules (1) to (3) shall not apply to the State Government, if it has subscribed to the share capital of a society, directly or indirectly through any other society, and such share capital shall be retired by the society to the State Government according to the terms of the agreement entered into by the society with the State Government.

17-A. Adjustment of share towards payment of debt etc. — A society, with a view to make a member or past member or deceased member debt free, may with the prior approval of the Registrar adjust the share of such member or his heir in or towards payment of any demand:

Provided that such adjustment shall be made by the society when so directed by the State Government:

Provided further that at least one share shall be left unadjusted to enable the member to continue his membership with the society.

18.*

19. Nomination of an heir — (1) For the purpose of transfer of his share or interest under sub-section (1) of Section 26, a member of a society may nominate a person to whom, in the event of his death, his share or interest shall be transferred. Such member may, from time to time, revoke or vary such nomination.

(2) A nomination made by a member shall not be valid and shall not, in the event of the death of the member, have effect unless—

(a) it is made in writing and is signed by the member in the presence of two witnesses attesting the same; and

1. Ins. by notification No. 5-3-91-XV-1, dated 18-4-91.
2. Omitted by notification No. F-5-4-88-XV-1, dated 28-6-88.

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2. [**] 17. Namdaran shastral co-operative ban jignasa, 1962

1. Adhisevacna Pr. 5-3-91-Pariv-1, Dinan 18-4-91
2. Adhisevacna Pr. 5-4-88-Pariv-1, Dinan 28-6-88
20. Procedure for ascertaining the value of share or interest of a member — Where the member of a society ceases to be a member thereof, the sum representing the value of his share, or interest in the capital of the society to be paid to him or his nominee, heir, or legal representative, as the case may be, shall be ascertaining in the following manner, namely —

(i) in the case of a society with unlimited liability, it shall be the actual amount received by the society in respect of such share or interest;

(ii) in the case of a society with limited liability, it shall be the amount arrived at by a valuation based on the financial position of the society as shown in the last audited balance sheet preceding the cessation of membership:

Provided that the amount so ascertained shall not exceed the actual amount received by the society in respect of such share or interest.

1. Inspection of documents in the office of the Registrar — A member of a society may inspect the following documents in the office of the Registrar free of charge and may obtain certified copies thereof on payment of the following fees —

(a) Application for registration of society — Rs. 5.00 each
(b) Certificate of registration — Rs. 5.00 each
(c) Byelaws of a society — Rs. 15.00 each
(d) Amendment of byelaws of a society — Re. 1.00 per folio
(e) Order of cancellation of the registration of a society — Re. 1.00 per folio
(f) Annual balance sheet — Re. 1.00 per folio
(g) Order of supersession of a committee under Section 53 — Rs. 1.00 per folio
(h) Order referring a dispute to arbitration under Section 64 — Rs. 1.00 per folio
(i) Any other order against which an appeal is provided — Re. 1.00 per folio.

1. Subs. by notification No. 5-7-94-XV-1, dated 21-7-95.
Provided that the copies of documents specified in clause (g) can be obtained only by a member of the committee, in clause (h) only by the parties to the dispute, and in clause (i) by the person having a right of appeal.

CHAPTER IV
DUTIES, PRIVILEGES, PROPERTY AND FUNDS OF SOCIETIES

22. Address of societies — (1) Every society shall communicate in writing to the Registrar its postal address as indicated in its bye-laws registered under the Act and wherever applicable mention the name of the district, taluk, town or village, municipal ward or mohalla, street and house number. While communicating the postal address of the society, the committee of the society shall also send a copy of a resolution passed by it for adoption of the address communicated to the Registrar.

(2) On receipt of the communication from the society under sub-rule (1), the Registrar shall register the address communicated by the society in a register to be maintained for that purpose and inform the society of such registration.

(3) Every change in its registered address shall be [communicated within thirty days] by the society to the Registrar. Any such change shall not be treated as registered unless—

(i) it is indicated in the bye-laws by amending them and the amendment so made is registered under the Act; and

(ii) the change is registered in the manner laid down in sub-rule (2).

(4) The registered address of a society or such change therein as may be registered, from time to time, shall be exhibited on the notice board of the society, immediately after registration.

23. Registers of members and shares, and list of members — (1) Every society shall keep a register of members, and enter therein the following particulars:

(a) the name, address and occupation of each member;

(b) in the case of a society having share capital, the share held by each member;

(c) the date on which each person was admitted as a member;

1. Subs. by notification No. 5-7-94-XV-1, dated 21-7-95.
The date and number of resolution of the committee or
general meetings, as the case may be, which admitted a
person as member, if he is not one of the applicants for
registration of the society;

(b) the name of the nominee of a member;

(c) the date on which the said nomination was made by a
member;

(d) the date on which any person ceased to be a member;

(h) the caste of a member if he belongs to a Scheduled Caste,
Scheduled Tribe or Other Backward Classes.

Every society, which has share capital exceeding Rs. 5,000
shall maintain a register of shares.

(3) (a) Every society shall prepare a list of members, delegates
and representatives of member societies as on the last
day of each co-operative year. The list shall be available
at the office of the society during office hours for
inspection by any member of the society;

(b) Every person who is disqualified under sub-section (7)
of Section 48 or Section 50-A shall be informed of the
fact of his being so disqualified before preparation of
the list under clause (a). A list of non-borrowing members and defaulters for a period exceeding twelve
months shall also be exhibited on the notice board of
the society under the signature of the Manager/
Secretary;

(c) Every society shall prepare a list of members, including
the members who are disqualified under sub-section
(7) of Section 48 or Section 50-A as on the date preceding
45 days prior to the date of election of delegates or in
which election of committee members is to take place,
as the case may be. The list shall indicate the defaulter
within the meaning of Section 50-A by assigning sign
and word “X-defaulter” and in case of members
belonging to Scheduled Castes, Scheduled Tribes and
Other Backward Classes, the list shall indicate the
respective category against their names. The list shall

1. Subs. by notification No. 5-7-94-XV-1, dated 21-7-95.
in case of a resource society, also indicate the non-borrowing members by assigning words “non-borrowing”. The list so prepared shall be made available to the Returning Officer appointed by the Registrar at least 33 days prior to the date fixed for the election of delegates or holding of annual general meeting/special general meeting for the election of committee members. The list shall be published by the Returning Officer at least 30 days prior to the date of the election of delegates or annual general meeting/special general meeting, as the case may be;

(d) The list to be made available shall be published by exhibiting it at the office of the society, and on the notice boards of the Deputy Registrar/Assistant Registrar of Co-operative Societies in charge of the District, and Financing Bank, and in case of a Society other than Financing Banks, Apex Institution of Society whose area of operation is for the whole district or beyond a district, Block Development Office and branch of the Financing Bank along with a notice —

(i) inviting objection thereto by him or an Officer appointed by him in writing within 6 days from the date of notice;

(ii) fixing date, time and place for hearing of such objections and claims,—

— All the members of the society shall be informed by a notice under certificate of posting that such list has been displayed at the place mentioned above to enable them to file objections, if any;

— Any person whose name is not entered in the list or is not properly entered or any person whose name is entered in the list and who objects to the inclusion of his name or name of any person in the list, may prefer a claim or object to the Returning Officer or person authorised by him in writing within 6 days from the publication of the list under this sub-clause;
(e) Claim or objection shall be accompanied by documents on which the claimant or objector relies;

(f) The Returning Officer or any person authorised by him shall, after holding such summary enquiry, into the claims or objections as he thinks fit, record his decision in writing and shall dispose of all claims and objections within 9 days from the date of publications of the list under clause (d) of sub-rule (3);

(g) No person shall be represented by any legal practitioner or counsel in any proceeding under this rule;

(h) The Returning Officer shall indicate the defaulters within the meaning of Section 50-A of the Act who continue to be so on the date of finalisation of the list by assigning "X—Defaulter" sign against their names;

(i) The decision of the Returning Officer or the person authorised under clause (f), as the case may be, shall be final and binding and the list so made available by society shall stand amended in accordance with such decision. The list so amended shall be published by exhibiting it at the office of the society under the seal and signature of the Returning Officer. The society shall prepare six copies of the list so amended and submit to the Returning Officer for his use at the polls;

(j) The list so amended shall be final and a copy of the same duly certified shall be handed over by the Returning Officer or the person authorised by him to the society and Registrar:

1[**]

Provided further that any person whose name is shown in the list with sign "X-defaulter", may, at any time before the date on which polls is to be held, after making necessary payment of the dues on account of which he had been shown as defaulter in the list to the society concerned and on production of a proof in token thereof in such form as the Registrar may provide for the purpose, get the list corrected by the Returning Officer:

विनायक 23 के अनुसार सहकारी सोसाइटी के अधिकारी —
किसी सहस्रीय सोसाइटी के साधारण निर्वाचन के समय भाग लेने के प्रावधान के लिए उसके व्यवसायिक सदस्य को लागू किया जाना चाहिए, फीस, कम्पनी का निर्माण करना या छोटीसागर सोसाइटी का अवांकरण विनियम 1973 के अनुसार रजिस्ट्रेशन कार्यक्रम अधिनियम, 1973 (क्रमांक 44 सन 1973) के अनुसार सभी सदस्य के साथ सभा विनियम के समय भाग लेने के लिए व्यवस्था किया जायेगा, अतः इसका कारण यह है।

1. ध्यान दें कि, कोई भी व्यक्ति जिसका नाम ऊपर लिखा है (ड) के अनुसार तैयार की गई अंतिम सूची में 'उभार न लेने वाला' के रूप में दर्शाया गया है, नियम 41 के प्रयोगन (2) के अनुसार निर्धारित कार्यक्रम के प्रकाशित होने के पूर्व किसी भी समय, संस्थान सोसाइटी से उदार लेने के लिए नियम में उल्लिखित सभा विनियम के संरचना करके सूची में दिलेता आफ़सर द्वारा सुनाता करया जाएगा।

(ण) ऊपर लिखा (३) के अधीन अंतिम सूची प्राप्त होने पर, धारा 48 की उपधारा (३) के अनुसार आने वाली किसी सोसाइटी के मामले में रजिस्ट्रेशन तदनुसार सहमति में जन सदस्यों की संख्या निर्मल कर्ता जो अनुमूलित जाति, अनुसूचित जनजाति, अन्य पिछड़े वर्ग के सदस्यों और महिलाओं द्वारा भी जायेगी।

(म) किसी ऐसी सोसाइटी के मामले में, जहाँ उपयोगित्व के मामले में साधारण निर्वाचन का गठन प्रतियोगियों के दोनों द्वारा लिये जाने का उपर्युक्त हो, तो संस्थान साधारण निर्वाचन स्थापित करने के अनुसूचित जनजाति और अन्य पिछड़े वर्ग के प्रतियोगियों के लिए सबक निर्धारित करेगा, जिमें से अनुमूलित जनजाति, अनुसूचित जनजाति और अन्य पिछड़े वर्ग को आवश्यकता के समय सभा विनियम के अनुसार विनियम किया जायेगा।

(न) उपरोज्य बांटन में किसी भी सदस्य का चुनाव जाति (२) के अनुसार अंतिम सूची के प्राप्त होने के पूर्व दिन का अन्धकार आफ़सर की दी जायेगी और यदि सोसाइटी ऐसी करने में असमर्थ रहती है तो दिलेती आफ़सर सभा विनियम के समय जनजाति की संख्या तथा समृद्धिजन्म के आवश्यकता का निर्धारित किया जायेगा, अतः इसका कारण है।

1. इस विनियम का अनुसार प्रतियोगियों के मामले में संबंधित के अनुसार विनियम 23ब के सभा विनियम के समय प्रतियोगियों का चुनाव करने की आवश्यकता है।

1. इन संबंधित के अनुसार प्रतियोगियों के मामले में संबंधित के अनुसार विनियम 23ब के सभा विनियम के समय प्रतियोगियों का चुनाव करने की आवश्यकता है।
24. Manner of certifying copies — For the purpose of sub-sections (1) and (2) of Section 34, a copy of entry in a book of society or of any document obtained and kept by it in the course of its business may be certified—

(a) by any two officers of the society as defined in clause (v) of Section 2; or

(b) by the Registrar assuming charge of the society under sub-section (8) of Section 49; or

(c) where an order has been passed under sub-section (1) of Section 53—

(i) by the person appointed to manage the affairs of the society; and

(ii) where the persons are appointed to manage the affairs of the society by any two of the persons so appointed; or

(d) by the liquidator under the seal of the society where a liquidator has been appointed under Section 70.

24-A. Supply of statement of account to members — (1) Every society advancing loans to its members shall at the time of advancing first loan shall issue a ‘loan pass-book’ to every member in such form as may be prescribed by the Registrar.

(2) Entries in the loan pass-book shall be up-dated and certified by the Manager of the society within three months from the date of the close of a co-operative year by entering therein the transactions of loan advanced and recoveries made during the year.

(3) In case a member fails to submit his pass-book to the society for updating within three months from the close of the co-operative year, the society shall prepare a duplicate copy of the loan pass-book of the member containing all transactions up to the close of the preceding co-operative year and furnish the same to the member concerned when he applies for the same or takes a fresh loan from the society, whichever is earlier.

2. Added by notification No. F.5-4-88-XV-1, dated 28-6-88.
25. Restrictions on grant of loan — (1) No financing bank or credit society, other than a land mortgage bank or a society, the object of which is to grant long term loans exclusively on the mortgage of immovable properties, shall grant loans for a period exceeding three years:

Provided that the Registrar may permit by a general or special order any such financing bank or credit society to grant loans for periods exceeding three years but not exceeding 'twenty' years for any of the objects to be specified by him in the order.

(2) In a society where share capital is contributed by members, a loan shall be granted to a member in proportion to the share capital paid by him as may be laid down in the bye-laws:

Provided that the proportion for any society or class of societies may be increased or decreased as may be decided by the Registrar.

3[(3) A financing bank/co-operative society may lend money to individual members in accordance with the rules approved by the Registrar in this behalf.]

3[25-A. Intimation of loan etc. to be given to Tahsildar — In addition to complying with the provisions of subsection (1-A) of Section 37, every society when so directed by the Registrar, shall send to the Tahsildar of the tahsil, in which the society is situated, in Form I, a list of its members, past, present or deceased, showing the amount of loan or advances outstanding against them at the close of the preceding co-operative year.]

26. Restrictions on borrowing from more than one society dispensing credit — (1) Every person who is or becomes a member of more than one society dispensing credit (other than a financing bank or a marketing society) shall within sixty days from the date of commencement of these rules or the date on which he becomes such member, as the case may be, if he has not already made, make a declaration in Form F that he will borrow only from one such society to be mentioned in the declaration and shall send a copy of such declaration duly attested to all societies of which he is or becomes a member.

2. Subs. by notification No. F-5-4-88-XV-1, dated 28-6-88.
(2) Any person who continues to be a member of more than one society without complying with the provisions of sub-rule (1) shall be liable to be removed from the membership of any or all such societies on a written requisition from the Registrar to that effect.

(3) If the society fails to take action within two months from the receipt of requisition from the Registrar, the Registrar may remove such member from membership of the society by an order in writing after giving him reasonable opportunity of being heard.

26-A. Borrowing by a member on entire holding in a district — If a member has an agricultural holding in the area of operation of more than one society in a district, he shall be eligible to get loan on his entire holdings from any one of the societies of which he is a member.

27. Fixation of credit limit of a member — The committee of a society shall determine the credit limit of a member within the limit fixed by a general or special order by the Registrar for the society or the class of societies to which it belongs.

28. Writing off bad debts — All loans including interest thereon and recovery charges in respect thereof which are found irrecoverable and are certified as bad debts in audit and all other dues and accumulated losses or any other loss sustained by the society which cannot be recovered and have been certified as irrecoverable in audit shall first be written off against the bad debt reserve and the balance, if any, may be written off against the reserve fund and share capital of the society:

Provided that—

(i) in the areas where Central Cooperative bank is declared as ‘weak bank’ by the Reserve Bank of India, the primary agricultural credit societies affiliated to the bank, as also such bank can write off the debt and losses on the certificate issued by the committee appointed by the State Government;

1. Added by notification No. F-5-3-91-XV-1, dated 18-4-91.
2. Added by notification No. F-5-4-88-XV-1, dated 28-6-88.
3. Subs. by notification No. F-5-3-16-78-XV-1, dated 26-7-79.
(ii) in the areas other than those mentioned in clause (i) above, no such bad debt or losses shall be written off without the sanction of the general body;

(iii) before any such bad debt or losses are so written off, the society, if it is indebted to a financing bank, shall obtain the approval of such bank in writing;

(iv) before any such bad debts or losses are so written off, the society, shall, obtain the approval of the Registrar in writing who may while giving approval, impose such conditions as to restoration of part or whole of the amount written off against the reserve fund from out of future profits, as he may deem fit;

(v) when a scheme of debt relief prepared by the State Government is implemented by a society, it may adjust its bad and doubtful reserve for writing off loans under the scheme.

29. Restrictions on transactions with non-members — No society shall enter into any transactions with a person other than a member except those referred to in Sections 36 and 37, unless—

(i) the bye-laws of the society permit it to enter into such transactions; and

(ii) previous sanction of the Registrar has been obtained by the society.

30. Rate of contribution — The contribution to be made by a society under Clause (b) of sub-section (2) of Section 43 shall be—

(a) one and one half, per cent of the net profit where the net profit does not exceed fifteen lakh rupees; and

(b) two per cent of the net profit, where the net profit exceeds fifteen lakh rupees.

31. Investment and use of funds other than reserve fund — (1) Subject to the provisions of Section 44, a society shall not, except with the previous sanction of the Registrar, invest and use the whole or any portion of its funds (other than reserve or other fund created for specified

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1. Added by notification No. F-5-3-91-XV-1, dated 18-4-91.
2. Subs. by notification No. 2561-1774-XV-1, dated 8-7-77.
3. Subs. by notification No. F-5-7-94-XV-1, dated 21-7-95.

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1[(v) when a scheme of debt relief prepared by the State Government is implemented by a society, it may adjust its bad and doubtful reserve for writing off loans under the scheme.

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1. Added by notification No. F-5-3-91-XV-1, dated 18-4-91.
2. Subs. by notification No. 2561-1774-XV-1, dated 8-7-77.
3. Subs. by notification No. F-5-7-94-XV-1, dated 21-7-95.
(2) The provisions of sub-rule (1) shall not apply—
(a) to immovable property purchased—
(i) by a society at a sale held in execution of a decree obtained by it, for the recovery of any sum due to it; or
(ii) by a financing bank at a sale held in execution of a decree obtained by a society financed by it, for the recovery of any sum due to such society or at a sale brought about by the liquidator of such society; or
(b) to the purchase or lease of lands or purchase, construction or renewal of buildings by a society whose objects according to its byelaws include such purchase, lease construction or renewal.

(3) No recoupment of the amount invested under this rule shall be necessary where the investment is made—
(a) by a society from its building fund constituted out of profits; or
(b) by a society, other than a credit society, in which the share capital raised from the members is intended to built up the special kind of business for which it has been registered.

32. State aid to societies — (1) Subject to the provisions of the Act, the State Government may—
(i) make share capital contribution to a society; or
(ii) give loans or financial assistance or other to a society; or
(iii) guarantee the payment of the principal of debentures issued by a society or interest thereon or both; or

1. Subs. by notification No. F-5-23-83-1-XV, dated 10-1-84, for the words “five thousand rupees”.  

छोटीसरोकी सहकारी सोसाइटी नियम, 1962

नियम 32

(2) उपनियम (1) के उपबंध (मिन्नतिलिखित को) लागू न होंगे—

(क) (मिन्नतिलिखित) अलग समस्ती खरीदने पर —
(एक) सोसाइटी को देय रकम की बवाली के लिये उसके द्वारा प्राप्त किये गये जयपत (Decree) के नियमादेश में बिक्री होने पर सोसाइटी द्वारा खरीदी गई; या
(दो) विभिन्न प्रबंधक बैंक से अर्थ प्राप्त संस्था को देय रकम की बवाली के लिये सोसाइटी द्वारा प्राप्त किये गये जयपत के नियमादेश में बिक्री होने पर अर्थसंपूर्ण ऐसी संस्था के परिस्थितासाधन द्वारा किये गये बिक्री में, विभिन्न प्रबंधक बैंक द्वारा खरीदी गई; या
(ख) सोसाइटी जिसके उद्देश्यों में, उसकी उपविधियों के अनुसार खरीदी, लीज, निम्न या नवीनकरण सम्मिलित हो, उसके द्वारा प्रभू की खरीदी या लीज, भवन का निम्न या नवीनकरण।

(3) जबकि विनियम—
(क) सोसाइटी के लाभ में से गतित भवन निधि में सोसाइटी द्वारा; अथवा
(ख) सार्थ सोसाइटी के अतिरिक्त ऐसी सोसाइटी जिसके सदस्यों से उगाई गई अंग्रेजी विशेष प्रकार के व्यापार, जिसके लिये खरीदने हुआ हो, उस व्यापार को ढूँढ करने के लिये किया गया हो, तो उस नियम के अधीन विनियम की पूर्ति करना आवश्यक नहीं होगा।

32. सोसाइटीयों को राज्य की सहायता — (1) अभिनयम के उपबंधों के अनुसार रहेंगे राज्य शासन—
(एक) सोसाइटी को अंग्रेजी में अंशदात बनाता; अथवा
(दो) सोसाइटी को कर्म या अर्थ प्रदाता अर्थ सहायता देना; अथवा
(तीन) सोसाइटी द्वारा जारी किये गये, ज्ञान पत्र के मुल्तन या उस पर के व्यापार अर्थ सहायता देने के लिये गारंटी की गई; अथवा

1. अधिनियमः क्र. ए.सी.सी.सी. 1962, विनियम 10-1-84 द्वारा सार्थ विभक्त हजार रुपयें के स्थान पर प्रतिस्थापित।
(iv) guarantee the payment of the principal of, and payment of interest on, loans and advances given by the Reserve Bank of India or the State Bank of India or any other authority constituted under any law for the time being in force; or

(v) grant state aid in any other form to a society under Section 45, on the following terms and conditions, namely:—

(a) When the State Government purchases shares in a society, it shall be entitled to dividend on the said shares as is declared by the society concerned and is payable to other members of that society;

(b) A society receiving state aid shall not pay any dividend or distribute or take any profit in excess of such percentage rate upon the amount of the capital of the society as the State Government may, from time to time, fix;

(c) A society receiving state aid shall, with the approval of the Registrar appoint a paid secretary or manager of the society;

(d) A society receiving state aid shall be bound—

(i) to comply with any general or special order of the State Government relative to the inspection of the society;

(ii) to permit the inspection of all accounts relative to the society;

(iii) to maintain such accounts and to furnish such statements and returns as the State Government or the Registrar may, from time to time, require; and

(iv) to comply with any order or condition issued or imposed by the State Government as may in its opinion be necessary or expedient to safeguard its interest.

1[(1-A) A society receiving state aid shall appoint employees in accordance with a staffing pattern approved by—

1. Added by notification No. F-5-3-91-XV-1, dated 18-4-91.]
33. Employee's Provident Fund — A society which has established a contributory Provident Fund for the benefit of its employees under sub-section (1) of Section 46 shall, with the previous approval of the Registrar, frame regulations for the maintenance and utilisation of such Fund. Among other matters such regulations shall provide for the following:—

(a) authority administering the contributory Provident Fund;
(b) category of employees entitled to contribute to the Provident Fund;
(c) amount of contribution to be deducted from the employee’s salary;
(d) the rate of contribution to be made by the society;
(e) mode of nomination for payment of the amount of the contributory Provident Fund in case of employee’s death;
(f) mode of investment of the contributory Provident Fund and payment of interest thereon;
(g) the purpose for which and the extent to which advances may be made against the security of the contributory Provident Fund and the period after which this could be done and number of monthly instalments in which it is to be recouped;

(1) राज्य सरकार, परंतु राज्य सरकार द्वारा ऐसा निर्देशित किया जाये, या
(2) अन्य मालिकों में रजिस्टर।।

(2) यदि कोई सोसाइटी, जिसे किसी पहले रूप में राज्य सहायता दी गई हो, अधिनियम अथवा उसके अधीन बनाने गये नियमों के अनुसार दिये गये किसी आदेश का पालन न करे अथवा राज्य सहायता प्रमाण करने के लिए लाये गये किसी निर्देशन या शर्त का उल्लंघन करे, अथवा ऐसी सोसाइटी के हिसाब, निर्वाचन पदों, पदाच्युत अथवा आडिट रिपोर्ट के निर्देशन पर राज्य सहायता का यह रहा हो कि राज्य सहायता वाला नीति जाना चाहिए तो राज्य सहायता ऐसा प्रतिबद्ध पर, जो कि सोसाइटी उन्होंने समय में प्रस्तुत करे, बिचार करने के पश्चात् ० निम्न निर्देश करते हुये आदेश दे सकेंगे—

(एक) कि किसी भी वकाला श्रेणी का कोई श्रेष्ठ तुरंत ही देय हो जाएगा,
(ब) कि ऐसे आदेश की निष्पादन से दी गई गारंटी समाप्त हो जाएगी,
(तीन) आदेश होने के निर्देशक तक दी गई तथा उपयोग में लाय गई, कोई अन्य राज्य सहायता का सम्मान मुख्य तुरंत देय हो जाएगा तथा ऐसे निर्देश के पश्चात् ऐसी राज्य सहायता बदल हो जाएगी।

(3) राज्य सहायता अन्य निवेशों अथवा शर्तों को निर्धारित कर सकेंगे, जिन पर वह सोसाइटी को सहायता देंगे।

क्रमवारियों की नियम्निर्धारणा—सोसाइटी जिसने शास्त्र 46 को उपयोग
(1) के अन्तर्गत अन्य क्रमवारियों के लाभ के लिए अंग्रेजी नियम निजी नियम का स्थापना की हो, पंजीयन की फूड स्थितियों से ऐसी नियमों को बनाये रखने तथा उपयोग में लाये के लिये विनियम बनायें। ऐसे विनियम में अन्य बातों के साथ निम्न बातों होंगे—

(क) अंग्रेजी सभावित नियम का प्रशासन करने वाला अधिकारी;
(ख) क्रमवारियों की श्रेणी, जो भविष्य क्रमवारियों में अंग्रेजी करते हैं अधिकारी होंगी;
(ग) क्रमवारियों के वेतन से बाला जाने अंग्रेजी;
(घ) सोसाइटी द्वारा दिये जाने वाले अंग्रेजी का दर;
(ङ) क्रमवारियों की मुद्रांक की मदद में अंग्रेजी नियम निर्धारण का स्थापना का प्रशासन करने के लिये नामकरण का तरीका;
(च) अंग्रेजी नियम नियम के विनियम का उपयोग द्वारा अंग्रेजी का रकम का संस्थान करके निर्धारण करने के लिये आदेश का निर्धारण का तरीका;
(छ) यह उद्देश्य, जिसके लिये, सीमा जहाँ तक कि अंग्रेजी सभावित नियम का प्रभावित अंग्रेजी देवा देवा तथा अंग्रेजी जिसके पश्चात् यह दिया जा सके तथा मालिक किसी नीति की संख्या, जिनमें कि उसकी आवश्यक हो जाने हो;
(h) refund of employee's contribution and contribution made by the society;
(i) maintenance of accounts in respect of Contributory Provident Fund, withdrawals and such other matters as may be necessary in such form as may be specified by the Registrar;
(j) the authority to which disputes, if any, between employees and the society shall be referred.

CHAPTER V
MANAGEMENT OF SOCIETIES

34. General Meetings — ¹[(1) Within a period of three months from the date of registration of a society or such further period as may be allowed by the Registrar, the first signatory to the application for registration of a society shall convene its first annual general meeting for election of members of its committee, and if he fails to do so, such meetings shall be convened by any person authorised in this behalf by the Registrar:

Provided that nothing contained in this sub-rule shall apply to the societies where there is a provision for the nomination of the committee by the Registrar for a period specified in the bye-laws of such society.]

(2) All general meetings of a society excepting the first annual general meeting shall be convened by the Secretary of the society or any other officer authorised by or under its bye-laws to convene such meetings.

⁰[(3) Unless otherwise provided in the bye-laws, notice of the general meeting stating the place, date and hour of the meeting together with a statement of business to be transacted thereat, shall be sent to every member 14 days before the date of meeting by—

¹[(a)(i) registered post in case of a society whose head-quarter is situated in urban area;

(a)(ii) ordinary post under certificate of posting or by hand delivery if number of members of the society is less than 250; or]

(b) ordinary post under certificate of posting if number of members of society exceeds 250, in which case notice shall also be published in a local Hindi newspaper in circulation in the area of the society:

1. Subs. by notification No. F-5-7-94-XV-1, dated 21-7-95.
2. Subs. by notification No. F-5-3-91-XV-1, dated 18-4-91.

34. बहाल करण का समिति — ¹[(१) किसी सोसाइटी के रजिस्ट्रेशन की तारीख से तीन महीनों का कालाबंध के भीतर या ऐसी ओर कालाबंध जती कि रजिस्ट्रेशन द्वारा अनुज्ञा की जाने, सोसाइटी के रजिस्ट्रेशन के लिए आवेदन पर योग्य हस्तांकित, क्षेत्रिय सरकार का चुनाव करने के लिए योग्य वारिक साधारण समिति समाप्त करेगा, और यदि वह ऐसा करने में असफल रहे तो रजिस्ट्रेशन द्वारा इस निर्णय प्राप्त किसी व्यक्ति द्वारा ऐसी समिति बनाया जायेगा:

परंतु इस उपनिवेशमें अन्वेषित कोई भी बाह उन सोसाइटियों की लागू नहीं होगी, जहाँ कि ऐसी सोसाइटी की उपविधियों में विनिर्देशीय कालाबंध के लिए रजिस्ट्रेशन द्वारा समीक्षा के लिए उपलब्ध हो]

(२) (३) वारिक साधारण समिति को छोड़कर सोसाइटी की सभी वारिक समिति संस्था के मंत्री अथवा उपविधियों के अधीन ऐसे आदेश करने हेतु प्राप्त किसी अन्य अधिकारी द्वारा बनाई जायेगी.

²[(३) उपविधियों में अन्य उपबंधित के सिविल, साधारण समिति को सूचना उसमें समिलित का स्थान तारीख व समय का उल्लेख करने के लिए और उस समिलित में किये जाने की त्रस्कार के विवरण के साथ, उस समिलित के दिन तक से 14 हिन पूंबेस्ट सदस्य को—

¹[(क)(एक) ऐसी सोसाइटी के मामले में, जिसका मुख्यालय गायरी क्षेत्र में हो, रजिस्ट्रेशन डाक से;

(क)(दो) डाक क्षेत्र—पट के अधीन साधारण डाक से या व्यक्तिगत प्रदत्त करके यदि सोसाइटी की सदस्य संख्या 250 से कम हो; या]

(ख) डाक क्षेत्र—पट के अधीन साधारण डाक से, यदि सोसाइटी की सदस्य संख्या 250 से अधिक हो और ऐसे मामले में सूचना सोसाइटी के क्षेत्र में प्रसारित स्वामी दैनिक न्यूज का पत्र में भी प्रकाशित कराई जायेगी;

1. अधिपत्तिक्रमक एक—५—७—९४—पद्धति—१, दिनांक 21—7—95 द्वारा प्रकाशित.
2. अधिपत्तिक्रमक एक—५—३—९१—पद्धति—१, दिनांक 18—४—91 द्वारा प्रकाशित।
35. Special general meeting called by the Registrar, or any person authorised by him — Notwithstanding anything contained in these rules or bye-laws of a society as to the mode of summoning a general meeting and the period of notice to be given for the said purpose, the Registrar or any person authorised by him in this behalf, may call a special general meeting, under subsection (2) of Section 50, in such manner and at such date, time or place as he may direct and may specify what matters shall be discussed in the meeting.

The Registrar or the person authorised by him in this behalf shall preside at such meeting and exercise all the powers and perform all the duties of the President of a meeting including the power to adjourn the meeting to a date to be specified by him, but shall have no vote unless he is a member of the society. In the event of equality of votes, he shall have a casting vote except in the matter of election of the members of the committee where the question shall be decided by drawing lots.

36. President of general meeting — The President or in his absence the Vice-President or in the absence of both a member elected by the members present at the meeting shall preside over the general meeting:

Provided that a general meeting convened under sub-rule (1) of Rule 34 shall be presided over by a member elected by the members present at such meeting:

Provided further that where the term of the committee of a society has expired under clause (in) of sub-section (7-A) of Section 49, or the powers of the committee are deemed to have been vested in Registrar under sub-section (8) of Section 49, or the committee of the society has been removed under sub-section (1) of Section 52-A, or the committee of the society has been superseded or suspended under Section 33, or a person or committee has been appointed under sub-section (13) of Section 53; the general meeting shall be presided over by such person as may be authorised by the Registrar.]
37. Quorum for general meeting — ¹[(1) Unless otherwise provided in the bye-laws of a society the quorum for general meeting shall be 1/10 or 50 of the total number of members on the date of the notice of the meeting.]

(2) No business shall be transacted at any meeting unless there is a quorum at the time when the business of the meeting is to commence.

²[(3) If within half an hour from the time fixed for the meeting, no quorum is formed, meeting unless otherwise stated in the notice for calling the meeting, shall be adjourned by the President to such date, time and place as he may announce and no quorum shall be necessary for the adjourned meeting and only those agenda items shall be discussed, which were circulated to the members along with the notice in the adjourned meetings:

Provided that the meeting which has been called on the requisition of members, under sub-section (1) of Section 50 shall not be adjourned but dissolved.]

(4) ³[** * * ]

38. Minutes of general meeting — (1) Minutes of proceedings of general meetings shall be entered in a minutes book kept for that purpose and shall be signed by the President of the meeting. The minutes so signed shall be evidence of the correctness of that meeting.

(2) Until the contrary is proved, every general meeting of a society in respect of the proceedings whereof minutes have been so recorded, shall be deemed to have been duly called and held.

⁴[(3) The minutes of general meeting or special general meeting, as the case may be, shall be sent to each member of the society under certificate of posting duly signed by the Chairman of the meeting, within 30 days from the date of such meeting.]

39. Voting in general meeting — ⁵[(1) ⁷[(a) Every member or delegate of the society, where there is a provision in the byelaws of the society to constitute a general meeting by the delegates or representatives sent from other societies shall have only one vote.] All resolutions which are put to vote at the general meeting shall be decided by a majority of members present and voting;]

1. Subs. by notification No. F-5-4-88-XV-1, dated 28-6-88.
2. Subs. by notification No. F-5-7-94-XV-1, dated 21-7-95.
3. Omitted by notification No. F-5-7-94-XV-1, dated 21-7-95.
4. Ins. by notification No. F-5-7-94-XV-1, dated 21-7-95.
5. Subs. by notification No. F-5-3-91-XV-1, dated 18-4-91.

37. साधारण समिलन के लिये गणपूर्ति (Quorum) — ¹[(1) सोसाइटी की उपविधियों में जब तक अन्यथा उपबोध्य म न हो, साधारण समिलन की गणपूर्ति समिलन का सुनना की तारीख को कुल सदस्य संख्या के एक बटा दस से या पायस से होगी]

(2) किसी भी सभा में जब तक कोई कामकाज नहीं किया जायेगा जब तक कि सभा का कामकाज प्रारंभ होने के समय गणपूर्ति न हो।

²[(3) यदि समिलन के लिये नियत समय के आधा घंटा के भीतर गणपूर्ति न हो तो, समिलन, जब तक कि समिलन बुलाये जाने के युक्तिया पद में अन्यथा दिल्लिखित न हो, सम्बन्धित हारा ऐसी तारीख, ऐसे समय और स्थान के लिए स्वतंत्र कर दिया जायेगा सी तक वह चोरित कर और स्वतंत्र समिलन के लिये गणपूर्ति आवश्यक नहीं होगी और स्वतंत्र समिलन में सदस्यों को सुनना के साथ पारंपरिकता की अवस्था से विभिन्न के विचारों पर हो जाएगा जायेगा:

परन्तु समिलन जो धारा 50 की उपधारा (1) के अधीन सदस्य की अधीनता पर इसमें सहित किया जायेगा, किन्तु विविधता कर दिया जायेगा।]

(4) ³[** * * ]

38. साधारण समिलन के कार्यक्रम — (1) साधारण समिलन की कार्यबाहिन्यों के कार्यक्रम तथा आयोजन के लिये रैख गई युक्तिया में अंकित किये जाएंगे तथा उस पर समिलन के अधीन समिलन की सही कार्यबाहिन्यों का साथ होगा।

(2) जब तक कि इसके विचारित सिद्ध न किया जाये, सोसाइटी का प्रत्येक साधारण समिलन जिसकी कार्यबाहिन्यों के संबंध में कार्यक्रम इस प्रकार लेखित दिखायें गये हों, विविधता मुक्त गई तथा उस गई सामान्य जानें।

⁴[(3) यहाँसे, साधारण समिलन या विशेष साधारण समिलन, के कार्यक्रम ऐसे समिलन की तारीख से 30 दिन के भीतर, समिलन के समय, रूप से शस्त्रसौर, सोसाइटी के प्रत्येक सदस्य का डाक प्रमाण-पत्र के अधीन भेजा जायेगा।]

39. साधारण समिलन में मतदान — ⁵[(1) ⁷[(क) सोसाइटी के प्रत्येक सदस्य या प्रत्यक्ष का, जहाँ सोसाइटी की उपविधियों में अन्तर सोसाइटीयों से जसे गई प्रत्यक्ष या प्रतिनिधियों द्वारा साधारण समिलन का भाग किये जाने का उपचार ही, केवल एकाधिक हो।] साधारण समिलन में मतदान के लिये रैख गई समस्त संबंध उपनिधित्व और मतदान करने वाले सदस्यों के बहुता द्वारा विनियमित किये जायेंगे।

1. अधिसूचना ¹ क्र. एक-५-५-८८-पन्ह-१, दिनांक २८-६-८८ द्वारा प्रतिस्पष्टित।
2. अधिसूचना ¹ क्र. एक-५-७-९४-पन्ह-१, दिनांक २१-७-९५ द्वारा प्रतिस्पष्टित।
3. अधिसूचना ¹ क्र. एक-५-७-९४-पन्ह-१, दिनांक २१-७-९५ द्वारा विनियमित।
4. अधिसूचना ¹ क्र. एक-५-७-९४-पन्ह-१, दिनांक २१-७-९५ द्वारा अन्य:स्थापित।
5. अधिसूचना ¹ क्र. एक-५-३-९१-पन्ह-१, दिनांक १८-४-९१ द्वारा प्रतिस्पष्टित।
(b) Unless otherwise required by the Act, rules or bye-laws of a society, voting shall be by show of hands unless a poll is demanded by at least ten members present at the meeting;

(c) If no poll is demanded, a declaration by the President that a resolution has been carried or lost and an entry to that effect in the minutes of the proceedings shall be conclusive proof of the fact that such resolution has been duly carried or lost but it shall not be proof of the number or proportion of the votes recorded in favour or against such resolution.

(2) If a poll is demanded the vote shall be taken by ballot in such manner as the President may direct subject to any provision in the bye-laws in this behalf and the result of this poll shall be deemed to be decision of the general meeting regarding the resolution over which the poll is demanded.

(3) When a poll is taken, the number of members voting for or against a resolution shall be recorded in the minutes of the proceedings.

(4) In the case of an equality of Votes, whether on a show of hands or on a poll, the President of the meeting at which the show of hands takes place or the poll is taken shall have a second or casting vote.

40. Election of members of committee by general body

(1) A society may, for the purpose of election of members to its committee divide its membership into different groups on a territorial or any other basis to be specified in its bye-laws:

Provided that where the membership is so divided, provision shall be made for the reservation of seats for Scheduled Castes, Scheduled Tribes, Other Backward Classes and women, as laid down in Section 48 and Section 52-B of the Act.

(2) The bye-laws of such a society may specify the number or proportion of the members of the committee who may be elected to represent each such group on the committee and may specify further that such representatives may be elected—

(a) by all the members of the society; or

(b) by only that particular group of members of the society to which such representatives belong.

1. Subs. by notification No. F-5-3-91-XV-1, dated 18-4-91.
2. Subs. by notification No. F-5-7-94-XV-1, dated 21-7-95.
41. [Procedure for election of members of the committee 2[[* * *]] — 1[(1) (a) Subject to the provisions of subsection (6) of Section 49 the election of members of the committee 2[[* * *]] shall be held in the annual general meeting or special general meeting, as the case may be, of the society:

3[Provided that where in the byelaws of any Central or Apex Society, there is a provision for suo motu formation of committee by the representatives of its affiliated societies, the provisions of the sub-rules (2) to (24) of Rule 41 shall not apply.]

(b) such election shall take place after all other matters, included in the agenda, have been considered.

(2) Not less than ten days before the date fixed for the 4[annual general meeting or the special general meeting of a society, as the case may be] the Return Officer shall paste a notice on the notice board of the society, stating—

(a) the number of members to be elected;

(a-1) 2[[* * *]]

(b) the last date for making nominations, which shall not be later than seven days before the date fixed for holding the said meeting, the hours between which, the place at which and the person to whom nomination papers shall be presented;

5[(c) The date on which, the place at which and hours between which scrutiny of nomination papers shall be made and the date and place of polling, if necessary;]

(d) the last date for the withdrawal of candidatures;

1[(d-1) the date for co-option against vacant seats of committee members, 2[[* * *]] if any;]

6[(e) the date for election of Chairman/President, Vice-Chairman/Vice-President and representatives to be sent to other societies and such other officers as specified in byelaws.]

1. Subs. by notification No. F-5-3-91-XV-1, dated 18-4-91.
2. Omitted by notification No. F-5-7-94-XV-1, dated 21-7-95.
4. Subs. by notification No. F-5-4-78-XV-1, dated 15-4-78.
5. Subs. by notification No. F-5-4-88-XV-1, dated 28-6-88.

41. [समिति के सदस्यों 2[* * *] के लिये निर्वाचन प्रक्रिया] — 1[(1) (क) धारा 49 की उपरान्त (6) के उपरबंध के अन्तर्गत इसी प्रकार हुए समिति के सदस्यों 2[* * *] का निर्वाचन, सोसाइटी के यथार्थता चार्टर्स संस्थान या विशेष संस्थान संसभा में किया जायेगा।

2[सरकार उहाँ किसी भी केंद्रीय/शीर्ष सहकारी सोसाइटी की उपविधियों में उससे संबंधित सोसाइटी के प्रतिनिधियों द्वारा स्वयं निर्देशन करने का आदेश हो, यहाँ नियम 41 के उपरिन्याय (2) से (24) तक के उपरबंध लागू नहीं होगें।]

3) ऐसा निर्वाचन कार्यक्रम में समिलित किये गए समस्त अन्य विषयों पर विचार कर लिए जाने के पर्याप्त किया जायेगा।

(2) 4[सोसाइटी के वार्षिक संस्थान संसभा या विशेष संस्थान संसभा जैसी भी स्थापित हो] के लिये निम्न दिनों से कम से कम 10 दिन पूर्व निर्वाचन प्रदर्शनकारी संस्था के सूचना बोर्ड पर सूचना चिपकायेगा, जिसमें निम्न तरह का उल्लेख होगा—

(क) निर्वाचन किए जाने वाले सदस्यों की संख्या;

(क-1) 2[* * *] निर्वाचन करने का अंतिम दिन, जो कि होने वाले कार्यक्रम संस्थान संसभा के लिये निर्धारित दिनों के सूचना के सूचना के बाद न हो, समय जिस बीच में, रथान साध्य हो पर तथा वह व्यक्ति जिसे निर्वाचन-पत्र प्रस्तुत किये गए थे;

5[(ग) वह तारीख जिस पर, वह रथान साध्य हो और वह घटना, जिसके बीच नाम निर्देश-पटों की छापाबाँ हो जायेगी और यदि अव袒हो हो 10 महीने की तारीख और रथान;]

(घ) समाप्ति कार्य करने का अंतिम दिन;

1[(घ-एक) समिति के सदस्यों 2[* * *] के लिये सूचना दी गई है, के लिये निर्वाचन जाने की तारीख]

6[(ह) सभा/अभ्यास/उपसभा/प्रश्न/उपाध्यक्ष तथा अन्य सोसाइटी में भाग लेने वाले प्रतिनिधियों तथा उपविधियों में यथा निर्दिष्ट ऐसे अन्य अधिकारियों के निर्वाचन की तारीख]

1. अधि‌सूचना क. एफ-5-3-91-पनहरा-1, दिनांक 18-4-91 द्वारा प्रशिक्षित।
2. अधি‌सूचना क. एफ-5-7-94-पनहरा-1, दिनांक 21-7-95 द्वारा विलोपित।
3. अधि‌सूचना क. एफ-5-5-97-पनहरा-1, दिनांक 12-3-97 द्वारा अन्तःस्‌मरण।
4. अधि‌सूचना क. एफ-5-4-78-पनहरा-1, दिनांक 15-4-78 द्वारा प्रशिक्षित।
5. अधि‌सूचना क. एफ-5-4-88-पनहरा-1, दिनांक 28-6-88 द्वारा प्रशिक्षित।
6. अधि‌सूचना क. एफ-5-7-94-पनहरा-1, दिनांक 21-7-95 द्वारा प्रशिक्षित।
(3) एक संयुक्त निर्देशन-पत्र पर सोसाइटी के समस्त यदि कोई हो, के दो सदस्यों के प्रति तथा अनुमोदक के रूप में हस्ताक्षर होगे तथा उस समूह का उम्मीदवार इस पर निर्वाचन के लिए खड़े होने की सहमति प्रकट करते हुए पोषण पर हस्ताक्षर करेगा।

1[प्रत्येक हस्ताक्षर तथा अनुमोदक के रूप में हस्ताक्षर होने के बाद ही निर्वाचन का प्रक्रिया शुरू किया जायेगा।]

(4) समस्त यदि कोई हो, का सदस्य प्रतापक अथवा अनुमोदक के रूप में उनके निर्वाचन-पत्र पर हस्ताक्षर कर सकता है, जिन्हें रिक्त लाख उस समूह से भी ज्ञात हो। प्रत्येक उम्मीदवार का निर्देशन अलग-अलग निर्वाचन-पत्र द्वारा होगा।

2[(5) यदि अथवा द्वारा हस्ताक्षर के लिए एक से अधिक नामांकन-पत्र दाखिल किए जाते हैं तो उन समस्त नामांकन पत्रों को दिनिन्त्र करके द्वारा संचालित की जायेगी, तथा अथवा द्वारा भी वैध नामांकन-पत्र के आधार पर निर्वाचन लगाने का हकदार होगा।]

(6) प्रत्येक उम्मीदवार या तो व्यक्तिगत रूप से अथवा उसके प्रतापक या अनुमोदक द्वारा निर्देशन-पत्र 'प्राप्त-ख' में उपयोगित से से खड़े 'ख' में निर्देशन को लीजेंगा।

3[(7) यह व्यक्ति, जिसे नाम निर्देशन पत्र दिया जाता है, नाम निर्देशन-पत्र प्राप्त करते हुए उसके उपर उसकी प्राप्ति का अनुमोदक और वह समय और तारीख द्वारा करेगा जबकि उसे वह दिया गया हो। वह नाम निर्देशन पत्र की प्राप्ति की सशक्ति देगा।

वह प्रतापक, अनुमोदक तथा अथवा के नामों और वह पत्र निकाल लेते हैं, जिसके लिए अथवा चुनाव लड़कर चाहता है, रिसर्ट में उस रूप में प्रविष्ट कराएँगे जिनके नाम निर्देशन पत्र प्राप्त हुए हो। जब किसी निर्देशन ने भी जाने वाले रिसर्टों की संख्या से अधिक संख्या में नाम निर्देशन पत्रों पर प्रतापक या अथवा अनुमोदक के रूप में हस्ताक्षर किए हो तो इस प्रतापक हस्ताक्षर उन पत्रों में से रिसर्टों भी जाने की संख्या तक प्रत्यक्ष: प्रताप करने याने निर्देशन पत्र ही वैध रखा जायेगा।]

4[(7-k) नाम निर्देशन पत्र के प्रस्तुत किये जाने पर रिटर्न अदालकी या उसके द्वारा उन पत्र द्वारा (2) के खड़े (ख) के अनुसार निर्धारित व्यक्ति अथवा यह समाचार दिने की वजह दिनिन्त्र सोसाइटी का नाम अर्थात् उसका जुड़ावस्थित क्रम, अथवा और उसके प्रतापक और अनुमोदक के नाम और सदस्य सूची का अनुमोदन वे ही हैं जो सदस्य सूची में प्रविष्ट हैं;]

1. अधिसूचना क्र. एक-5-4-88-प्रदर्श-1, दिनक 28-6-88 द्वारा अनु-स्थापित।
2. अधिसूचना क्र. एक-5-7-94-प्रदर्श-1, दिनक 21-7-95 द्वारा प्रतिस्थापित।
3. अधिसूचना क्र. एक-5-4-88-प्रदर्श-1, दिनक 28-6-88 द्वारा प्रतिस्थापित।
4. अधिसूचना क्र. एक-5-3-91-प्रदर्श-1, दिनक 18-4-91 द्वारा अनु-स्थापित।
Provided that no misnomer or inaccurate description or clerical, technical or printing error in regard to the name of the candidate or his proposer or seconder or in regard to any place mentioned in the list of members or the nomination paper and no clerical, technical or printing error in regard to the list of members, serial number of any such person in the list of members or the nomination paper shall affect the full operation of the list of members or the nomination paper with respect to such person or place in any case where the description in regard to the name of the person or place is such as to be commonly understood, and the Returning Officer or the person authorised by him shall permit any such misnomer or inaccurate description or clerical, technical or printing error to be corrected and where necessary, direct that any such misnomer, inaccurate description clerical, technical or printing error in the list of members or in the nomination paper shall be overlooked. Further that if there are any blanks in the nomination paper the Returning Officer or the person receiving the nomination paper shall get such blanks filled in before recording his endorsement on the same.

1[[(8) No nomination paper shall be received after the date and time fixed under clause (b) of sub-rule (2). The person authorised to receive nomination papers shall on each day prepare a list of candidates alongside with their proposers, seconds and officers and exhibit the same on the notice board at the place fixed for receipt of nominations.]

1[(9) (a) Nomination papers duly received shall be scrutinised by the Returning Officer on the date fixed for the scrutiny under clause (c) of sub-rule (2);

(b) It shall be open to the persons filling the nomination paper to be present at the time of scrutiny;

(c) The Returning Officer shall not reject any nomination paper on the ground of any defect which is not of a material character nor shall it be rejected on the ground of any irregularity in respect of a nomination form, if the candidate has been duly nominated by means of another nomination form, in respect of which no irregularity has been committed;]

1. Subs. by notification No. F-5-3-91-XV-1, dated 18-4-91.
(d) The Returning Officer shall for reasons to be recorded in writing, reject a nomination paper only on the following grounds—
(i) if the nomination paper is not in accordance with the preceding sub-rules;
(ii) if the candidate is disqualified to be elected or proposer/seconder is disqualified to vote by or under the Act, rules or bye-laws of the society.]

1[(e) The Returning Officer shall prepare a list of valid nominations. If in the list more than one nomination papers are found valid for one post, then first valid nomination of the candidate shall be accepted and he will sign the list in token of its correctness and shall publish and affix on the notice board of the society.]

(10) Any candidate may withdraw his candidature by notice in writing, subscribed by him and delivered either in person by the candidate or his proposer or seconder to the Returning Officer, on or before the date fixed under clause (d) of sub-rule (2). A candidate who has withdrawn his candidature shall not be allowed to cancel his withdrawal.

(11) On completion of the scrutiny of the nominations and after the expiry of the period within which candidature may be withdrawn under sub-rule (10), the Returning Officer shall prepare a list of candidates whose nominations are in order and who have not withdrawn their candidature and cause it to be published on the notice board of the society.

2[[12) If the number of duly nominated candidates for election as committee members 3[* * *] is equal to or less than the number of seats to be filled, the Returning Officer shall declare all of them elected and shall intimate this fact to the society.

(13) If the number of committee members, 3[* * *] so elected falls short of the number of seats specified in the election notice for committee member, in 3[* * *] the committee members shall fill up the remaining seats by co-option in a meeting to be presided over by the Returning Officer:

Provided that, if the number of members elected 3[* * *] falls short of the quorum fixed for the meeting of the committee in the bye-laws, co-option shall not be made and the election process shall be started afresh for the remaining seats.]

1. Subs. by notification No. F-5-7-94-XV-1, dated 21-7-95.
2. Subs. by notification No. F-5-3-91-XV-1, dated 18-4-91.
3. Omitted by notification No. F-5-7-94-XV-1, dated 21-7-95.
(14)(a) यदि समयक रूप से नाम निर्दिष्ट किये गए उम्मीदवारों की संख्या नियामक नियम किये जाने वाली सर्वसमिट की संख्या से अधिक हो तो उस कालावधि की समाप्ति के तुरंत पश्चात, जिसके बाद उपनियम (2) के खण्ड (च) के अधीन उम्मीदवारी प्रारम्भ हो जाने की आवश्यकता हो रही हो, रिटर्निंग ऑफिसर प्रारंभ-1 में निर्दीशन दर्ज करें उन उम्मीदवारों की सूची तैयार करें तथा प्रकारित करें, जिनके नाम को प्रत्येक अधिभाषित पत्र उपनियम में दिये गये पत्र से बिस्फोर कर लिये गये हैं और उन्हें निर्दिष्ट कालावधि के बाद अन्य उम्मीदवारी वापस नहीं लेंगे।

(b) खण्ड (क) में निर्दिष्ट सूची में चुनाव लड़ने वाले अभ्याधिकारियों के नाम हिन्दी में वर्णक्रम के अनुसार नाम निर्देशन पत्र में दिखाये गये पत्र सहित अन्तर्गत होंगे।

(c) निर्वाचन के प्रत्येक उम्मीदवार को उस सूची में, जो खण्ड (क) में निर्दिष्ट की गई है, प्रारंभ-1 में दी गई नियामक वस्तुएं अन्तर्गत होंगी और उसे हिन्दी में हस्ताक्षरित लिपि में तैयार किया जायेगा।

(d) खण्ड (च) में निर्दिष्ट किया गया वर्णक्रम, उपनियम बाल उम्मीदवारों के मामले में, उनके उपनियम के अन्य उम्मीदवारों के नाम में, उनके विस्फोट के संदर्भ में, अवधारित किये जायेंगे।

(e) जब प्रत्येक जाना आवश्यक हो जाए, वही रिटर्निंग ऑफिसर प्रारंभ उम्मीदवार को नीचे सूचीबद्ध किये गए अन्तर्गत जो ही चिहें देना तथा वह चिह्न मतदाता पर मुहूर्त किया जायेगा:


1. अधिसूचना क्र. एक्स-5-18-73-1-पढ़ह, दिनांक 7-11-73.
2. अधिसूचना क्र. एक्स-5-4-88-पढ़ह-1, दिनांक 28-6-88.
3. अधिसूचना क्र. एक्स-5-16-78-1-पढ़ह, दिनांक 13-12-78.
5. अधिसूचना क्र. एक्स-5-7-94-पढ़ह-1, दिनांक 21-7-95.
(f) If the list of the symbols in clause (e) is exhausted, the Returning Officer may in his discretion allot to the candidate concerned any symbol than those specified in the list:

Provided that no symbol allotted to any political party of the State by the Election Commissioner shall be allotted to any candidate;

1[(g) The symbols allotted to the contesting candidates of any group shall be printed on the ballot papers, meant for the group. The ballot paper shall show only the name of office for which the vote is being cast [1][the names] and the symbols of contesting candidates in the group in the same serial order as displayed in Form I by the Returning Officer on the notice board of the Society under clause (j) of sub-rule (14) of Rule 41;

(h) The list of names of the contesting candidates for any group and the symbols allotted to each of them in the same serial order as mentioned in clause (g) of Rule 14 shall be displayed before the ballot box kept for casting of votes of the group concerned. Such list shall also be displayed on the gate of the Polling Booth and a copy thereof shall be given to each of the contesting candidates];

(i) The allotment of any symbol by the Returning Officer to a candidate shall be final;

(j) The Returning Officer shall immediately after preparation of the list of contesting candidates to be displayed a copy thereof on the notice board of the society and shall also supply a copy thereof of each of the contesting candidates.]

(15) If the general meeting is adjourned for want of quorum, the list of duly nominated candidates shall hold good for the poll to be held in the adjourned general meeting.

1. Subs. by notification No. F-5-16-78-1-XV, dated 13-12-78.
2. Ins. by notification No. F-5-18-82-1-XV, dated 31-12-82.
(16) The Returning Officer shall appoint as many polling officers to conduct the poll and as many tellers to count the votes as may be necessary.

(17) A register shall be kept at the place of the meeting and every member that attends the meeting shall sign in such register before he enters the place of the meeting.

(18) The Polling Officer shall issue to each voter a ballot affixing the seal of the society and putting his initials on the right hand side of it after marking a mark by indelible ink on the lip of the forefinger 3 of the voter.

(19) Canvassing or soliciting votes during the conduct of elections shall be strictly prohibited within the periphery of one hundred 3 [metres] of the place where the poll is being held.

(20) The Returning Officer shall show the empty ballot boxes to the candidates, if any present, close and seal them leaving open the slit for insertion of ballot papers. Voting shall be by ballot and voters shall make a mark ‘X’ on or against the symbols of candidates whom he wishes to elect, fold the ballot papers and deposit it in the ballot box. In the case of physically disabled who requires who, the Returning Officer shall help in marking marks on the symbols of the candidates according to the desire of such voter.]  

(21) The Returning Officer shall before taking the poll fix the hours which shall not be less than two hours during which the poll will be taken, make announcement to the effect in the general meeting and on the expiry of the hours so fixed he shall close the poll. Those voters, who though present at the place have not been able to vote for want of time, shall be given reasonable opportunity to obtain ballot papers and vote even though the time fixed for the poll has expired. After the closure of the poll, the slit of the ballot boxes shall be closed and sealed and delivered to the tellers. An account of used and un-used ballot papers shall be prepared and counter foils of used ballot papers, un-used ballot papers and marked copy of voter list shall be put in an envelope and sealed kept in the box referred to in sub-rule (24).]
(22) Tellers shall arrange all ballot papers—
   (a) They shall reject a ballot paper after obtaining the approval of the Returning Officer—
      (i) if it bears signature to identify the voter;
      (ii) if it does not bear the seal of the society or the initials of Polling Officer;
      (iii) if it contains no mark indicating a vote;
      (iv) if it contains more marks than the number of seats to be filled.
   (b) A mark made in a ballot paper in such a manner that it is ambiguous to which candidate the vote is given shall be rejected:
      Provided that other correctly made marks, if any, on such ballot papers shall be counted.
1[(23) (a) Soon after the counting of votes is over, the Returning Officer shall prepare and certify a return setting forth—
      (i) the number of valid votes given to each candidate; and
      (ii) the number of ballot papers declared to be invalid or rejected.
   (b) On the basis of the said return the candidates who have secured the largest number of votes shall be declared elected by the Returning Officer at the general meeting and their names published on the notice board of the society under his signature.
   (c) In case of equality of votes polled by two or more candidates, the lots shall be drawn in such manner as the returning officer may fix to determine the name or names of the successful candidate or candidates.]
2[(d) The names of the candidates elected or co-opted, as the case may be, under sub-rules (12) and (13) and a copy of the certified return prepared under clause (a) above, shall be submitted by the Returning Officer to the Registrar forthwith.]
1[(24) The Returning Officer shall arrange to keep nomination papers and the Registers, referred to in sub-rules (7) and (17), the ballot papers and the return of election in safe custody in a sealed box with the Registrar or a person authorised by him in this regard. These records shall not be destroyed till the next elections of the society are held or till the final disposal of the election dispute filed under subsection (v) of Section 64, if any. The Registrar shall thereafter cause them to be destroyed in his presence or in the presence of an officer authorised for this purpose.]

(25) Every member of the committee and every employee of the society shall be bound to render every assistance to the Returning Officer, Polling Officer and Tellers in the conduct of elections and shall make available every record that may be required by the Returning Officer for this purpose. The society shall arrange to provide ballot boxes, locks and keys, sealing wax, tape, ballot papers, printed or typed or handwritten, and the stationary necessary for the conduct of election to the Returning Officer. All expenditure incurred in connection with such election shall be paid by the society.

2[(26) For the purposes of this rule the ‘Returning Officer’ means an officer appointed by the Registrar by general or special order or appointed by the committee from amongst the members of the society, as per second proviso of subsection (8) of Section 49, for performing the duties of a Returning Officer under the provisions of the Act and Rules thereunder.]  

2[(27) If the Returning Officer is appointed by the Committee of the society, then information of such appointment shall be sent to the Registrar in writing within 7 days from the date of such appointment.]

42. 3[* * *]

43. Appointment of committee— 1[(1) The number of members in the committee shall be specified in the bye-laws, but the number of elected members shall in no case be less than 4[five].]  

(2) 5[* * *]

1. Subs. by notification No. F-5-3-91-XV-1, dated 18-4-91.
2. Subs. by notification No. F-5-7-94-XV-1, dated 21-7-95.
5. Omitted by notification No. F-5-4-88-XV-1, dated 28-6-88.
(3) After the receipt of the resolution the other society shall convene a special general meeting by giving a written notice of twenty-one days to all its members along with the scheme of re-organisation and draft amendment to its bye-laws, if any, and pass a resolution by two-thirds majority of the members present and voting at the special general meeting for approving the scheme of re-organisation and the amendment to its bye-laws, if any, and send a copy of its resolution in respect of the approval to the society which has decided to re-organise itself.

(4) The affected society shall, in the case of amalgamation or transfer of assets and liabilities, after the receipt of the approval under sub-rule (3) and in the case of division or conversion, after the passing of the resolution under sub-rule (2), take action under sub-sections (5) and (6) of Section 16.

(5) The affected society shall submit a report to the Registrar of the action taken by it and request him to approve the decision for amalgamation, transfer of assets and liabilities, division or conversion.

(6) On receipt of the report from the affected society under sub-rule (5), the Registrar shall, after satisfying himself that the procedure has been properly followed, approve the decision of the society and register the amalgamated, divided or converted society or societies.

(7) (a) Before issuing any direction under sub-section (3) of Section 16 for the amalgamation, transfer of assets and liabilities, division or conversion of any society or societies, the Registrar shall prepare a draft scheme of re-organisation in respect of such amalgamation, transfer of assets and liabilities, division or conversion stating in particular the manner in which the new committee or committees of the society or societies resulting from such amalgamation, transfer of assets and liabilities, division or conversion shall be constituted and the bye-laws which such society or societies shall follow. The Registrar shall send a copy of the draft of the direction proposed to be issued by him under sub-section (3) of Section 16, to the society or each of the societies concerned calling upon it or them to invite objections or suggestions from any member or class of members thereof or from any creditor or class of creditors and to submit such objections or suggestions together with its own or its own opinion within a period to be specified by the Registrar.

(b) The Registrar shall consider all such objections, suggestions and opinion and make such modifications in the draft direction as may seem to him desirable in the light of those objections, suggestions or opinion and then issue a final direction under sub-section (3) of Section 16.
12. Compromise or arrangement for repayment of liabilities —
1[On receipt of the order of the Registrar under sub-section (1) of Section 17, the society or the liquidator, as the case may be, shall issue notices of the meeting at the cost of the society, to the creditors or any class of them or the members, as the case may be, stating therein the date, time and place of the meeting and enclose with such notice the latest audited balance sheet of the Society and shall also send a notice to the Deputy Registrar or Assistant Registrar of Co-operative Societies in charge of the district in which the society is situated.]

(2) The President of the society or the liquidator in the case of the society which is being wound up, shall preside over the meeting. The question of compromise or arrangement shall be discussed in all aspects. A compromise or arrangement which appears to be prima facie practical and feasible shall be put to vote. Every creditor or member who is present in the meeting shall vote in person and no proxy shall be allowed. List of creditors or members, as the case may be, shall be prepared showing the names of those who approve of the compromise and of those who oppose the compromise and their signatures shall be taken.

2[12-A. (1) Where the Registrar is taking actions under Section 18-A of the Act, he shall issue a public notice of the proceedings of the de-registration, to be published in a local daily newspaper and a copy of such notice shall also be given to the affiliated society and creditor society, if any.

(2) The official assignee appointed under sub-section (2) of Section 18-A, shall be paid such remuneration and allowances as the Registrar may determine from time to time.]

CHAPTER III
MEMBERS, THEIR RIGHTS, LIABILITIES AND PRIVILEGES

13. Form of undertaking — A written undertaking under sub-section (3) of Section 19 shall be in Form E.

14. Conditions to be complied with for admission for membership — No person shall be admitted as a member of a society unless—

(i) he has applied in writing in the form laid down by the society or in the form specified by the Registrar, if any, for membership;

1. Subs. by notification No. 5-4-88-XV-1, dated 28-6-88.
2. Ins. by notification No. 5-7-94-XV-1, dated 21-7-95.

11[(1) धारा 17 की उपरान्त (1) के अर्थानि रजिस्ट्रेशन का आदेश प्राप्त होने पर यथास्थिति, सोसाइटी या वास्तविकसित सामग्री की सुचारू प्रस्तुति सोसाइटी के व्यवस्था, लेनदेन को या उनमें से किसी वर्ण को या सर्वसम्मत सामग्री की तरीका, समय और स्थान का कारण करते हुए देना और ऐसी सुचारू के साथ सोसाइटी का स्वतंत्र संगीतित हृदय के संस्त निम्नक जताकरा और सुचारू उस लिखे की, किसी सोसाइटी रिस्टर को जिसके सोसाइटी के भाषण वर्चुअल रिजिस्टर या सहयोग रिजिस्टर तक भी भेंज जायेगी।]

(2) सोसाइटी का अध्यक्ष अथवा समाधक, उस दशा में जब सोसाइटी का समापन हो रहा हो, सभा का अध्यक्ष करेगा। समस्त का व्यवस्था के प्रारंभ पर सभी साहित्यिकों से विचार किया जाएगा। कोई समस्त का व्यवस्था प्रारंभ चूँका यथावतीक तथा समय दिखाए दें, तो उस पर मत लिये जायेंगे। प्रत्येक साहित्य के अध्यक्ष सदस्य जो फिर सभा में उपस्थित हो सकते हैं तब देना तथा प्रतिपत्र (Proxy) स्वाक्षर न की जायेंगी। साहित्य के अध्यक्ष सदस्यों जो भी देना हो, जो समस्त के लिए करने हों तथा वे जो समस्त के लिए विशेष रूप से के नाम की चुनौती करेंगे, और उनके हस्ताक्षर लिखे जायेंगे।

12-क. अधिनियम की धारा 18-क के अर्थात जरूर रजिस्ट्रेशन कार्यान्वयन करता है, तो वह राज्यकूट्ट नेतीक प्रसार वाला प्रसार कर जरियों के समाप्त किये जाने की कार्यान्वयन एक सर्वसम्मान सुचारू जारी करेगा और ऐसी सुचारू की तल समस्त सोसाइटी तथा लेनदेन सोसाइटी देने को, जो भी दी जायेगी।

12-के धारा 18-क की उपरान्त (2) के अधिन नियुक्त शासकीय समनुदारी को ऐसा नियुक्त और भालों का संदर्भ किया जायेगा जैसा कि रजिस्ट्रर सामय-समय पर अवश्यक करे।]

सदस्य, उनके अधिकार, दायित्व तथा विशेषधारीकरण

13. लिखित वचन का प्राप्त—धारा 19 की उपरान्त (3) के अनुसार लिखित वचन प्राप्त ‘ड’ में होगा।

14. मद्यपीत के प्रयास हेतु पालन की जाने वाली शर्त—किसी भी व्यक्ति को सोसाइटी के सदस्य के मूल में प्रस्तुत नहीं दिया जायेगा जब तक कि—

(एक) उसने सोसाइटी द्वारा चिन्हित रूप में अथवा पंजीकरण द्वारा चिन्हित रूप में, यदि कोई हो, सदस्यों के लिए लिखित आवेदन न किया हो?

1. अद्धियुक्त 5-4-88-पद्धत-1, दिनांक 28-6-88 द्वारा प्रस्तावित।
2. अद्धियुक्त 5-7-94-पद्धत-1, दिनांक 21-7-95 द्वारा अन्तःस्थापित।
(ii) he has purchased at least one share and paid the value thereof in full or in part in such calls as may be decided by the committee or general meeting of the society, as the case may be, according to the bye-laws of the society;

(iii) his application has been approved by the committee or the general meeting of the society, as the case may be, according to the bye-laws of the society;

(iv) he has fulfilled all other conditions laid down in the Act, the rules and the bye-laws.

1[4-A. Procedure for admission of minors as members — In accordance with the procedure laid down in its bye-laws and these rules for admission of any member, a society may admit minor acting through guardian appointed by a Court as a member of a society subject to the provisions of the Act and these rules, the members so admitted shall enjoy rights subject to liabilities through such guardian as are laid down in the bye-laws of the society.]

15. 1[**]

16. Admission of members or transfer of shares before annual general meeting — No society shall admit member or transfer shares within 3[r] forty-five days prior to the date of its annual general meeting on which election of the committee or office bearers is to take place:

4[Provided that if there is a provision of general meeting by delegates in the byelaws of any society, such society shall not admit members or transfer shares to the members within 45 days from the date of convening the meeting for the election of the delegates.]

17. Withdrawal of a member and refund of share — (1) Subject to the provisions of the Act and Rules, a member may after giving three months' notice to the society and with the sanction of the committee or the general meeting of the society, as the case may be, withdraw from membership of the society and claim refund of share or shares, if he is not directly or indirectly indebted to the society, either as a principal debtor or as a surety:

Provided that such withdrawal or refund is not disallowed under the bye-laws of the society or under an agreement with any other society or the State Government.

1. Subs. by notification No. 269-4858-XV-1, dated 28-6-68.
2. Omitted by notification No. 5-4-88-XV-1, dated 28-6-68.
3. Subs. by notification No. 5-3-91-XV-1, dated 16/18/4-91.
4. Subs. by notification No. 5-7-94-XV-1, dated 21-7-95.

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(४) उसने कम से कम एक हिस्सा न खरीदी हो तथा पूर्ण मूल्य का या अंशों में ऐसी मूल्यांकन का, जैसा कि कमेंटर अथवा सोसाइटी की साधारण सभा, जैसी दशा भी हो, द्वारा सोसाइटी की उपबिधियों के अनुसार तय किया गया हो, कुहारा न किया हो।

(तीन) उसका आवेदन पत्र, कमेंटर अथवा सोसाइटी की साधारण सभा, जैसी भी दशा हो द्वारा सोसाइटी की उपबिधियों के अनुसार अनुमोदित न किया गया हो।

(चार) उसने अधिनियम, नियमों तथा उपबिधियों में अधिकारित सभी राजी को पूरा कर दिया हो।

1[ 14-क. अधिनियम के अनुसार सदस्यों के रूप में प्रवेश देने की प्रक्रिया——कोई सोसाइटी, किसी सरकार के प्रवेश के लिये उसकी उपबिधियों में तथा इन नियमों में अधिकारित प्रदर्शन के अनुसार व्यापारी द्वारा नियुक्त गये संख्यक के माध्यम से कार्य करने वाले अधिकारित को सोसाइटी के सदस्य के रूप में प्रवेश दे सकती।

अधिनियम अथवा इन नियमों के उपबंधकों के अथध्युक्त रहती है वे सदस्य, जिन्हें इस प्रकार सदस्यता प्राप्त की गई है, ऐसे संख्यकों के माध्यम से अधिकारित का उपभोग उन दायियों के अध्युक्त रहते है। किसी सोसाइटी की उपबिधियों में अधिकारित है।]

15. 1[***]

16. वाणिज्य साधारण सभा के पहले सदस्यों का प्रवेश या अंशों का अन्तर्गत——कोई भी सोसाइटी अपने वाणिज्य व्यापार समिति, जिसमें सोसाइटी या पदाधिकारियों का चुनाव होने वाली हो, की तिथि से 3[पूर्वसूची दिन] पहले सदस्यों को प्रवेश या अंशों का अन्तर्गत नहीं करेगी:

3[प्रत्येक दिन की उपबिधियों में प्रत्यवेदन द्वारा साधारण समिति के लिके कोई उद्देश्य है, तो ऐसी सोसाइटी प्रत्यवेदनों के निर्णय के लिए समिति बूथों की ताजा से 45 दिन के भीतर सदस्यों को प्रवेश नहीं देगी या सदस्यों को अंश का अन्तर्गत नहीं करेगी।]

17. सदस्य को हटाने व अंश का प्रतिदान——(१) अधिनियम एवं नियमों के उपबंधकों के अथध्युक्त रहते है द्वारा सोसाइटी की तीन मास की सुरुआत देने के बाद तथा कमेंटर या सोसाइटी की साधारण सभा जैसी भी दशा हो, की व्यक्तिकृत से सोसाइटी की सदस्यता से हट सकेगी तथा अंश या अंशों को भी नागरिक कर सकेगी, यदि वह सोसाइटी का मूल जनों या जनातात्त्विक के रूप में प्रवेश किया जा सके किंतु प्रतिदान यह है कि ऐसे हटने को सोसाइटी की उपबिधियों या किसी अन्य सोसाइटी के या शासन के साथ अनुबंध के अधिन अथध्युक्त न किया गया हो।

1. अधिनियम क्र. 269-4858-पन्डौ-1, दिनांक 28-6-88 द्वारा प्रतिस्पर्धित।
2. अधिनियम क्र. 5-4-88-पन्डौ-1, दिनांक 28-6-88 द्वारा विशेषाधिक।
3. अधिनियम क्र. 5-3-91-पन्डौ-1, दिनांक 16/18-4-91 द्वारा प्रतिस्पर्धित।
4. अधिनियम क्र. 5-7-94-पन्डौ-1, दिनांक 21-7-95 द्वारा प्रतिस्पर्धित।
(2) The society may withhold refund of the value of share or shares under sub-rule (1) till the expiry of two years from the date of withdrawal from membership.

(3) The total refund of share capital of the society in any co-operative year shall not exceed ten percent of the paid up share capital of the society on the last day of the co-operative year immediately preceding:

Provided that this restriction shall not apply in the case of a society having no outside liabilities or in the case of an indebted society, when the permission of its creditors has been obtained.

(4) The restrictions contained in sub-rules (1) to (3) shall not apply to the State Government, if it has subscribed to the share capital of a society, directly or indirectly through any other society, and such share capital shall be retired by the society to the State Government according to the terms of the agreement entered into by the society with the State Government.

17-A. Adjustment of share towards payment of debt etc. — A society, with a view to make a member or past member or deceased member debt free, may with the prior approval of the Registrar adjust the share of such member or his heir in or towards payment of any demand:

Provided that such adjustment shall be made by the society when so directed by the State Government:

Provided further that at least one share shall be left unadjusted to enable the member to continue his membership with the society.

18. **1**

19. Nomination of an heir — (1) For the purpose of transfer of his share or interest under sub-section (1) of Section 26, a member of a society may nominate a person to whom, in the event of his death, his share or interest shall be transferred. Such member may, from time to time, revoke or vary such nomination.

(2) A nomination made by a member shall not be valid and shall not, in the event of the death of the member, have effect unless —

(a) it is made in writing and is signed by the member in the presence of two witnesses attesting the same; and

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1. Ins. by notification No. 5-3-91-XV-1, dated 18-4-91.
2. Omitted by notification No. F-5-4-88-XV-1, dated 28-6-88.
20. Procedure for ascertaining the value of share or interest of a member — Where the member of a society ceases to be a member thereof, the sum representing the value of his share, or interest in the capital of the society to be paid to him or his nominee, heir, or legal representative, as the case may be, shall be ascertaining in the following manner, namely —

(i) in the case of a society with unlimited liability, it shall be the actual amount received by the society in respect of such share or interest;

(ii) in the case of a society with limited liability, it shall be the amount arrived at by a valuation based on the financial position of the society as shown in the last audited balance sheet preceding the cessation of membership.

Provided that the amount so ascertained shall not exceed the actual amount received by the society in respect of such share or interest.

1. [21. Inspection of documents in the office of the Registrar — A member of a society may inspect the following documents in the office of the Registrar free of charge and may obtain certified copies thereof on payment of the following fees —

(a) Application for registration of society — Rs. 5.00 each
(b) Certificate of registration — Rs. 5.00 each
(c) Byelaws of a society — Rs. 15.00 each
(d) Amendment of byelaws of a society — Rs. 1.00 per folio
(e) Order of cancellation of the registration of a society — Rs. 1.00 per folio
(f) Annual balance sheet — Rs. 1.00 per folio
(g) Order of supersession of a committee under Section 53 — Rs. 1.00 per folio
(h) Order referring a dispute to arbitration under Section 64 — Rs. 1.00 per folio
(i) Any other order against which an appeal is provided — Rs. 1.00 per folio:

1. Subs. by notification No. 5-7-94-XV-1, dated 21-7-95.
Provided that the copies of documents specified in clause (g) can be obtained only by a member of the committee, in clause (h) only by the parties to the dispute, and in clause (l) by the person having a right of appeal.

CHAPTER IV
DUTIES, PRIVILEGES, PROPERTY AND FUNDS OF SOCIETIES

22. Address of societies—(1) Every society shall communicate in writing to the Registrar its postal address as indicated in its bye-laws registered under the Act and wherever applicable mention the name of the district, tahsil, town or village, municipal ward or mohalla, street and house number. While communicating the postal address of the society, the committee of the society shall also send a copy of a resolution passed by it for adoption of the address communicated to the Registrar.

(2) On receipt of the communication from the society under sub-rule (1), the Registrar shall register the address communicated by the society in a register to be maintained for that purpose and inform the society of such registration.

(3) Every change in its registered address shall be [communicated within thirty days] by the society to the Registrar. Any such change shall not be treated as registered unless—

(i) it is indicated in the bye-laws by amending them and the amendment so made is registered under the Act; and

(ii) the change is registered in the manner laid down in sub-rule (2).

(4) The registered address of a society or such change therein as may be registered, from time to time, shall be exhibited on the notice board of the society, immediately after registration.

23. Registers of members and shares, and list of members—(1) Every society shall keep a register of members, and enter therein the following particulars:

(a) the name, address and occupation of each member;

(b) in the case of a society having share capital, the share held by each member;

(c) the date on which each person was admitted as a member.

1. Subs. by notification No. 5-7-94-XV-1, dated 21-7-95.
(d) the date and number of resolution of the committee or general meetings, as the case may be, which admitted a person as member, if he is not one of the applicants for registration of the society;
(e) the name of the nominee of a member;
(f) the date on which the said nomination was made by a member;
(g) the date on which any person ceased to be a member;
1[(h) the case of a member if he belongs to a Scheduled Caste, Scheduled Tribe or Other Backward Classes.]

(2) Every society, which has share capital exceeding Rs. 5,000 shall maintain a register of shares.

1[(3) (a) Every society shall prepare a list of members, delegates and representatives of member societies as on the last day of each co-operative year. The list shall be available at the office of the society during office hours for inspection by any member of the society.
(b) Every person who is disqualified under sub-section (7) of Section 48 or Section 50-A shall be informed of the fact of his being so disqualified before preparation of the list under clause (c). A list of non-borrowing members and defaulters for a period exceeding twelve months shall also be exhibited on the notice board of the society under the signature of the Manager/Secretary;
(c) Every society shall prepare a list of members, including the members who are disqualified under sub-section (7) of Section 48 or Section 50-A as on the date preceding 45 days prior to the date of election of delegates or in which election of committee members is to take place, as the case may be. The list shall indicate the defaulter within the meaning of Section 50-A by assigning sign and word “X-defaulter” and in case of members belonging to Scheduled Castes, Scheduled Tribes and Other Backward Classes, the list shall indicate the respective category against their names. The list shall

1. Subs. by notification No. 5-7-94-XV-1, dated 21-7-95.
in case of a resource society, also indicate the non-borrowing members by assigning words “non-borrowing”. The list so prepared shall be made available to the Returning Officer appointed by the Registrar at least 33 days prior to the date fixed for the election of delegates or holding of annual general meeting/special general meeting for the election of committee members. The list shall be published by the Returning Officer at least 30 days prior to the date of the election of delegates or annual general meeting/special general meeting, as the case may be;

(d) The list to be made available shall be published by exhibiting it at the office of the society, and on the notice boards of the Deputy Registrar/Assistant Registrar of Co-operative Societies in charge of the District, and Financing Bank, and in case of a Society other than Financing Banks, Apex Institution of Society whose area of operation is for the whole district or beyond a district, Block Development Office and branch of the Financing Bank along with a notice —

(i) inviting objection thereto by him or an Officer appointed by him in writing within 6 days from the date of notice;

(ii) fixing date, time and place for hearing of such objection and claims,

– All the members of the society shall be informed by a notice under certificate of posting that such list has been displayed at the place mentioned above to enable them to file objections, if any;

– Any person whose name is not entered in the list or is not properly entered or any person whose name is entered in the list and who objects to the inclusion of his name or name of any person in the list, may prefer a claim or object to the Returning Officer or person authorised by him in writing within 6 days from the publication of the list under this sub-clause;

(७) इस प्रकार उपर्युक्त कार्य कराई गई सूची सोसाइटी के कार्यालय में, जिले के भारसाथक उप राजिस्ट्रेट्स/सहायक राजिस्ट्रेट सहकारी सोसाइटियों, वित्तदायी बैंक, वित्तदायी बैंक से भिन्न होने की दशा में किसी अन्य सोसाइटी की अपेक्षा संस्था यहाँ प्रवर्तित क्षेत्र सम्पूर्ण जिले अथवा जिलों के पेठ हैं, विकासखंड ग्रामीण और वित्तदायी बैंक की शाखा के सुनवाई फलक पर ऐसी सूची के साथ प्रकाशित की जायेंगी, जिससे—

(एक) उसके पास या उसके द्वारा नियुक्त किये गये पदाधिकारी के पास सूची को तारीख से ६ दिन के भीतर उसके बावजूद लिखित में आपत्तियाँ आमंत्रित की गयी हों;

(दो) ऐसे आपत्ति तथा दाखिली सूची के लिए तारीख से साथ तथा सूची के साथ सूची नियम, किया गया हो,

– सोसाइटी के सभी सदस्यों को डाक प्रमाण के अधीन (यु.पी.सी.) एक सूची कार्य सूची प्राप्त किया जायेगा, जब यदि कोई हो, को दाखिल करने के लिए उपर विवरण स्थान पर ऐसी सूची प्रस्तुत की गयी है।

– ऐसे कोई भी व्यक्ति जिसका नाम सूची में प्रतिष्ठित न किया गया हो या उल्लिखित तीतर पर प्रतिष्ठित न की गई हो या कोई व्यक्ति जिसका नाम सूची में प्रतिष्ठित किया गया हो जो उसके नाम का किसी अन्य व्यक्ति के नाम की सूची में समावेश किये जाने के बारे में आपत्ति कर रहा है, इस उल्लिखित के अधीन सूची के प्रकाशण की तारीख से ६ दिन के भीतर अपने दायें या आपत्ति विभाग एवं उसके द्वारा प्राप्ति किये गये किसी व्यक्ति को लिखित में प्रस्तुत कर सकेगा।
(e) Claim or objection shall be accompanied by documents on which the claimant or objector relies;

(f) The Returning Officer or any person authorised by him shall, after holding such summary enquiry, into the claims or objections as he thinks fit, record his decision in writing and shall dispose of all claims and objections within 9 days from the date of publications of the list under clause (d) of sub-rule (3);

(g) No person shall be represented by any legal practitioner or counsel in any proceeding under this rule;

(h) The Returning Officer shall indicate the defaulters within the meaning of Section 50-A of the Act who continue to be so on the date of finalisation of the list by assigning “X—Defaulter” sign against their names;

(i) The decision of the Returning Officer or the person authorised under clause (f), as the case may be, shall be final and binding and the list so made available by the society shall stand amended in accordance with such decision. The list so amended shall be published by exhibiting it at the office of the society under the seal and signature of the Returning Officer. The society shall prepare six copies of the list so amended and submit to the Returning Officer for his use at the polls;

(j) The list so amended shall be final and a copy of the same duly certified shall be handed over by the Returning Officer or the person authorised by him to the society and Registrar:

1[***]

Provided further that any person whose name is shown in the list with sign “X-defaulter”, may, at any time before the date on which polls is to be held, after making necessary payment of the dues on account of which he had been shown as defaulter in the list to the society concerned and on production of a proof in token thereof in such form as the Registrar may provide for the purpose, get the list corrected by the Returning Officer:

Provided also that any person whose name is shown as "Non-borrowing" in the final list prepared under clause (i) above may, at any time before publication of election programme made sub-rule (2) of Rule 41, on production of a documentary proof in token of having taken a loan from the resource society, get the list corrected by the Returning Officer;

(k) On receipt of the final list under Clause (i) above, the Registrar, in case of a society falling under sub-section (3) of Section 48, fix-up the number of seats in the committee to be filled by the members belonging to Scheduled Castes, Scheduled Tribes, Other Backward Classes and women accordingly;

(l) In the case of a society where the byelaws provide for the constitution of its general body by the election of delegates, the Registrar shall reserve the seats for the delegates belonging to Schedule Castes, Scheduled Tribes and Other Backward Classes as per sub-section (3) of Section 48-B and also identify the groups from which the delegates belonging to Scheduled Castes, Scheduled Tribes, Other Backward Classes and women shall be elected;

(m) The reservations made in the above clauses shall be intimated to the Returning Officer within 3 days from the receipt of final list under clause (i) and if the society fails to do so, the Returning Officer himself shall reserve the number of seats in the general body and the groups from which such delegates will be elected.

1[23-A. Voting rights of individual members in federal society— For purposes of participation in the general body meeting of a federal society, the individual members thereof other than public trust, firm, company or body corporate or society registered under the Chhattisgarh Societies Registrikaran Adhiniyam, 1973 (No. 44 of 1973), shall elect delegates in a meeting held at the headquarters of the society well before the date of the meeting of the general body and delegates so elected shall alone be eligible to take part in the general body meeting of the federal society.]

1. Ins. by notification No. 5-3-91-XV-1, dated 18-4-91.
24. Manner of certifying copies — For the purpose of sub-sections (1) and (2) of Section 34, a copy of entry in a book of society or of any document obtained and kept by it in the course of its business may be certified—

(a) by any two officers of the society as defined in clause (v) of Section 2; or

(b) by the Registrar assuming charge of the society under sub-section (8) of Section 49; or

(c) where an order has been passed under sub-section (1) of Section 53—

(i) by the person appointed to manage the affairs of the society; and

(ii) where the persons are appointed to manage the affairs of the society by any two of the persons so appointed; or

(d) by the liquidator under the seal of the society where a liquidator has been appointed under Section 70.

24-A. Supply of statement of account to members — (1) Every society advancing loans to its members shall at the time of advancing first loan shall issue a ‘loan pass-book’ to every member in such form as may be prescribed by the Registrar.

(2) Entries in the loan pass-book shall be up-dated and certified by the Manager of the society within three months from the date of the close of a co-operative year by entering therein the transactions of loan advanced and recoveries made during the year.

(3) In case a member fails to submit his pass-book to the society for updating within three months from the close of the co-operative year, the society shall prepare a duplicate copy of the loan pass-book of the member containing all transactions up to the close of the preceding co-operative year and furnish the same to the member concerned when he applies for the same or takes a fresh loan from the society, whichever is earlier.

2. Added by notification No. F-5-4-88-XV, dated 28-6-88.
25. Restrictions on grant of loan — (1) No financing bank or credit society, other than a land mortgage bank or a society, the object of which is to grant long term loans exclusively on the mortgage of immovable properties, shall grant loans for a period exceeding three years:

Provided that the Registrar may permit by a general or special order any such financing bank or credit society to grant loans for periods exceeding three years but not exceeding ‘twenty’ years for any of the objects to be specified by him in the order.

(2) In a society where share capital is contributed by members, a loan shall be granted to a member in proportion to the share capital paid by him as may be laid down in the bye-laws:

Provided that the proportion for any society or class of societies may be increased or decreased as may be decided by the Registrar.

25-A. Intimation of loan etc. to be given to Tahnildar — In addition to complying with the provisions of subsection (1-A) of Section 37, every society when so directed by the Registrar, shall send to the Tahnildar of the tahsil, in which the society is situated, in Form I, a list of its members, past, present or deceased, showing the amount of loan or advances outstanding against them at the close of the preceding co-operative year.

26. Restrictions on borrowing from more than one society dispensing credit — (1) Every person who is or becomes a member of more than one society dispensing credit (other than a financing bank or a marketing society) shall within sixty days from the date of commencement of these rules or the date on which he becomes such member, as the case may be, if he has not already made, make a declaration in Form F that he will borrow only from one such society to be mentioned in the declaration and shall send a copy of such declaration duly attested to all societies of which he is or becomes a member.

2. Subs. by notification No. F-5-4-88-XV-1, dated 28-6-88.
(2) Any person who continues to be a member of more than one society without complying with the provisions of sub-rule (1) shall be liable to be removed from the membership of any or all such societies on a written requisition from the Registrar to that effect.

[(3) If the society fails to take action within two months from the receipt of requisition from the Registrar, the Registrar may remove such member from membership of the society by an order in writing after giving him reasonable opportunity of being heard.]  

[[26-A. Borrowing by a member on entire holding in a district — If a member has an agricultural holding in the area of operation of more than one society in a district, he shall be eligible to get loan on his entire holdings from any one of the societies of which he is a member.]

27. Fixation of credit limit of a member — The committee of a society shall determine the credit limit of a member within the limit fixed by a general or special order by the Registrar for the society or the class of societies to which it belongs.

28. Writing off bad debts — All loans including interest thereon and recovery charges in respect thereof which are found irrecoverable and are certified as bad debts in audit and all other dues and accumulated losses or any other loss sustained by the society which cannot be recovered and have been certified as irrecoverable in audit shall first be written off against the bad debt reserve and the balance, if any, may be written off against the reserve fund and share capital of the society:

Provided that—

(i) in the areas where Central Cooperative bank is declared as ‘weak bank’ by the Reserve Bank of India, the primary agricultural credit societies affiliated to the bank, as also such bank can write off the debt and losses on the certificate issued by the committee appointed by the State Government;

1. Added by notification No. F-5-3-91-XV-1, dated 18-4-91.
2. Added by notification No. F-5-4-88-XV-1, dated 28-6-88.
3. Subs. by notification No. F-5-3-16-78-XV-1, dated 26-7-79.
(ii) in the areas other than those mentioned in clause (i) above, no such bad debt or losses shall, be written off without the sanction of the general body;

(iii) before any such bad debt or losses are so written off, the society, if it is indebted to a financing bank, shall obtain the approval of such bank, in writing;

(iv) before any such bad debts or losses are so written off, the society, shall, obtain the approval of the Registrar in writing who may while giving approval, impose such conditions as to restoration of part or whole of the amount written off against the reserve fund from out of future profits, as he may deem fit;

1[(v) when a scheme of debt relief prepared by the State Government is implemented by a society, it may adjust its bad and doubtful reserve for writing off loans under the scheme.]

29. Restrictions on transactions with non-members — No society shall enter into any transactions with a person other than a member except those referred to in Sections 36 and 37, unless—

(i) the bye-laws of the society permit it to enter into such transactions; and

(ii) previous sanction of the Registrar has been obtained by the society.

30. Rate of contribution — The contribution to be made by a society under Clause (b) of sub-section (2) of Section 43 shall be—

(a) one and one half, per cent of the net profit where the net profit does not exceed fifteen lakh rupees; and

(b) two per cent of the net profit, where the net profit exceeds fifteen lakh rupees.

31. Investment and use of funds other than reserve fund — (1) Subject to the provisions of Section 44, a society shall not, except with the previous sanction of the Registrar, invest and use the whole or any portion of its funds 2[other than reserve or other fund created for specified

1. Added by notification No. P-5-3-91-XV-1, dated 18-4-91.
2. Subs. by notification No. 2561-1774-XV-1, dated 8-7-77.
3. Subs. by notification No. P-5-7-94-XV-1, dated 21-7-95.
(2) The provisions of sub-rule (1) shall not apply—

(a) to immovable property purchased—

(i) by a society at a sale held in execution of a decree obtained by it, for the recovery of any sum due to it; or

(ii) by a financing bank at a sale held in execution of a decree obtained by a society financed by it, for the recovery of any sum due to such society or at a sale brought about by the liquidator of such society; or

(b) to the purchase or lease of lands or property, construction or renewal of buildings by a society whose objects according to its byelaws include such purchase, lease construction or renewal.

(3) No recoupment of the amount invested under this rule shall be necessary where the investment is made—

(a) by a society from its building fund constituted out of profits; or

(b) by a society, other than a credit society, in which the share capital raised from the members is intended to built up the special kind of business for which it has been registered.

32. State aid to societies—(1) Subject to the provisions of the Act, the State Government may—

(i) make share capital contribution to a society; or

(ii) give loans or financial assistance or other to a society; or

(iii) guarantee the payment of the principal of debentures issued by a society or interest thereon or both; or

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1. Subs. by notification No. F-5-23-83-1-XV, dated 10-1-84, for the words “five thousand rupees”.

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नियम 32

छोटीसगढ़ सहकारी सोसाइटी नियम, 1962

(2) उपनियम (१) के उपर्युक्त (स्मरितिपुर्ण) को लागू न होगे—

(क) (स्मरितिपुर्ण) अचार सम्पर्क खरीदने पर—

(एक) सोसाइटी को देय रकम की वसूली के लिये उसके द्वारा प्राप्त किये गये जरूरत (Decree) के निवारण में बिक्री होने पर सोसाइटी द्वारा खरीदी गई; या

(दो) विभिन्न प्रबंधक बैंक से अर्थ प्राप्त संस्था को देय रकम की वसूली के लिये सोसाइटी द्वारा प्राप्त किये गये जरूरत के निवारण में बिक्री होने पर अथवा ऐसी संस्था के विभिन्न प्रबंधक द्वारा किये गये विज्ञापन में, विभिन्न प्रबंधक बैंक द्वारा खरीदी गई; या

(ख) सोसाइटी जिसके उद्देश्यों में, उसकी उपविधियों के अनुसार खरीदी, लीज, निर्माण या नवीनीकरण सम्मिलित हो, उसके द्वारा भीम की खरीदी या लीज, भवनों का निर्माण या नवीनीकरण।

(3) जबकि विनियम—

(क) सोसाइटी के लाभ में से गठित भवन विनियम में सोसाइटी द्वारा; अथवा

(ख) साथ सोसाइटी के अतिरिक्त ऐसी सोसाइटी जिसके सदस्यों से उन्हीं अर्थशासी विनियम प्रकार के व्यापार, जिसके लिये प्रतिभात हुआ हो, उस व्यापार को दूर करने के लिये किया गया हो,

तो उस नियम के अधीन विनियमों का पूर्णता करना आवश्यक नहीं होगा।

32. सोसाइटी द्वारा राज्य की सहायता—(१) अधिनियम के उपबंधों के अनुसार रहने हेतु राज्य शासन—

(एक) सोसाइटी को अंशपूजी में अंशदान कर सकेगा; अथवा

(दो) सोसाइटी को उपलब्ध अर्थ अथवा अन्य सहायता दे सकेगा; अथवा

(तीन) सोसाइटी द्वारा जारी किये गये, ज्ञान पत्रों के मुल्क या उस पर के व्याप्त अर्थ अर्थनों के रूपान्तरण की गारंटी के संबंध में, अर्थातः

1. अधिनियम का अंश—F-5-23-83-1-पत्र, दिनांक 10-1-84, द्वारा लिखित ‘पॉय हजार संपूर्ण’ के स्वीकार पर प्रतिस्पष्टित।
(iv) guarantee the payment of the principal of, and payment of interest on, loans and advances given by the Reserve Bank of India or the State Bank of India or any other authority constituted under any law for the time being in force; or

(v) grant state aid in any other form to a society under Section 45, on the following terms and conditions, namely:

(a) When the State Government purchases shares in a society, it shall be entitled to dividend on the said shares as is declared by the society concerned and is payable to other members of that society;

(b) A society receiving state aid shall not pay any dividend or distribute or take any profit in excess of such percentage rate upon the amount of the capital of the society as the State Government may, from time to time, fix;

(c) A society receiving state aid shall, with the approval of the Registrar appoint a paid secretary or manager of the society;

(d) A society receiving state aid shall be bound—

(i) to comply with any general or special order of the State Government relative to the inspection of the society;

(ii) to permit the inspection of all accounts relative to the society;

(iii) to maintain such accounts and to furnish such statements and returns as the State Government or the Registrar may, from time to time, require; and

(iv) to comply with any order or condition issued or imposed by the State Government as may in its opinion be necessary or expedient to safeguard its interest.

1[(1-A) A society receiving state aid shall appoint employees in accordance with a staffing pattern approved by—

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1 Added by notification No. F-5-3-91-XV-1, dated 18-4-91.
(1) The State Government if so directed by the State Government, or
(ii) the Registrar in other cases.

(2) If the society to which state aid has been given in any form, fails to comply with any order made under the Act or the rules framed thereunder or commits any breach of any terms or conditions laid down for the grant of state aid, or if on inspection of accounts, returns, statements or audit report of such society the State Government is of opinion that state aid should be withdrawn, the State Government may after considering any representation which the society may make within such time as the State Government may allow, in this behalf, make an order directing—
(i) that the balance of any loan outstanding shall be recoverable forthwith;
(ii) that the guarantee given shall cease from the date of such order;
(iii) that the full value of any other state aid given and enjoyed till the date of the order shall be payable forthwith and the grant of such state aid beyond such date shall be discontinued.

(3) The State Government may set out other terms or conditions on which it shall provide state aid to a society.

33. Employee's Provident Fund—A society which has established a contributory Provident Fund for the benefit of its employees under sub-section (1) of Section 46 shall, with the previous approval of the Registrar, frame regulations for the maintenance and utilisation of such Fund. Among other matters such regulations shall provide for the following:

(a) authority administering the contributory Provident Fund;
(b) category of employees entitled to contribute to the Provident Fund;
(c) amount of contribution to be deducted from the employee's salary;
(d) the rate of contribution to be made by the society;
(e) mode of nomination for payment of the amount of the contributory Provident Fund in case of employee's death;
(f) mode of investment of the contributory Provident Fund and payment of interest thereon;
(g) the purpose for which and the extent to which advances may be made against the security of the contributory Provident Fund and the period after which this could be done and number of monthly instalments in which it is to be recouped.

33. कर्मचारियों की भविष्य निधि—सोसाइटी जिसने धारा 46 की उपधारा (1) के अंतर्गत अपने कर्मचारियों के लाभ के लिए अंग्रेजी भाषा में इस निधि की स्थापना की हो, पंजीकरण का पूरा तत्काल से ऐसी निधि को बनाने रखने तथा उपयोग में लाने के लिए नियम बनायें। ऐसे नियम में अन्य बातों के साथ निम्न बातों होंगी—

(क) अंग्रेजी भविष्य निधि का प्रशासन करने वाला अधिकारी,
(ख) कर्मचारियों की योजना, जो भविष्य निधि में अंशदान करने की अधिकारी होंगी;
(ग) कर्मचारी के वेतन से काटा जाने वाला अंशदान;
(घ) सोसाइटी द्वारा दिये जाने वाले अंशदान की दर;
(ङ) कर्मचारी की मृत्यु की दरमा व अंग्रेजी भविष्य निधि की रकम का भुगतान करने के लिए नामांकन का तत्काल;
(च) अंग्रेजी भविष्य निधि के विलियम तथा उस पर व्याप्त देने की रीति;
(छ) वह उद्योग, जिसके लिए, सोसाइटी जहाँ तक कि अंग्रेजी भविष्य निधि की प्रतिभूति पर अधिक देना जा सके तथा अधिक दिन के परवर्ती वह दिया जा सके तथा मासिक फिक्सर्ड किस्म की संख्या, जिनमें फिर उसकी आपूर्ति की जाना हो;
(h) refund of employee’s contribution and contribution made by the society;
(i) maintenance of accounts in respect of Contributory Provident Fund, withdrawals and such other matters as may be necessary in such form as may be specified by the Registrar;
(j) the authority to which disputes, if any, between employees and the society shall be referred.

CHAPTER V
MANAGEMENT OF SOCIETIES

34. General Meetings — [1](1) Within a period of three months from the date of registration of a society or such further period as may be allowed by the Registrar, the first signatory to the application for registration of a society shall convene its first annual general meeting for election of members of its committee, and if he fails to do so, such meetings shall be convened by any person authorised in this behalf by the Registrar:

Provided that nothing contained in this sub-rule shall apply to the societies where there is a provision for the nomination of the committee by the Registrar for a period specified in the byelaws of such society.]

(2) All general meetings of a society excepting the first annual general meeting shall be convened by the Secretary of the society or any other officer authorised by or under its bye-laws to convene such meetings.

[3] Unless otherwise provided in the bye-laws, notice of the general meeting stating the place, date and hour of the meeting together with a statement of business to be transacted thereat, shall be sent to every member 14 days before the date of meeting by—

[1](a)(i) registered post in case of a society whose head-quarter is situated in urban area;

(a)(ii) ordinary post under certificate of posting or by hand delivery if number of members of the society is less than 250; or]

(b) ordinary post under certificate of posting if number of members of society exceeds 250, in which case notice shall also be published in a local Hindi newspaper in circulation in the area of the society:

1. Subs. by notification No. F-5-7-94-XV-1, dated 21-7-95.
2. Subs. by notification No. F-5-3-91-XV-1, dated 18-4-91.
35. Special general meeting called by the Registrar, or any person authorised by him — Notwithstanding anything contained in these rules or bye-laws of a society as to the mode of summoning a general meeting and the period of notice to be given for the said purpose, the Registrar or any person authorised by him in this behalf, may call a special general meeting, under subsection (2) of Section 50, in such manner and at such date, time or place as he may direct and may specify what matters shall be discussed in the meeting.

The Registrar or the person authorised by him in this behalf shall preside at such meeting and exercise all the powers and perform all the duties of the President of a meeting including the power to adjourn the meeting to a date to be specified by him, but shall have no vote unless he is a member of the society. In the event of equality of votes, he shall have a casting vote except in the matter of election of the members of the committee where the question shall be decided by drawing lots.

36. President of general meeting — The President or in his absence the Vice-President or in the absence of both a member elected by the members present at the meeting shall preside over the general meeting:

Provided that a general meeting convened under sub-rule (1) of Rule 34 shall be presided over by a member elected by the members present at such meeting:

Provided further that where the term of the committee of a society has expired under clause (in) of sub-section (7-A) of Section 49, or the powers of the committee are deemed to have been vested in Registrar under sub-section (8) of Section 49, or the committee of the society has been removed under sub-section (1) of Section 52-A, or the committee of the society has been superseded or suspended under Section 33, or a person or committee has been appointed under sub-section (13) of Section 53; the general meeting shall be presided over by such person as may be authorised by the Registrar.
37. Quorum for general meeting — [1][1] (1) Unless otherwise provided in the bye-laws of a society the quorum for general meeting shall be 1/10 or 50 of the total number of members on the date of the notice of the meeting.

(2) No business shall be transacted at any meeting unless there is a quorum at the time when the business of the meeting is to commence.

2[(3) If within half an hour from the time fixed for the meeting, no quorum is formed, meeting unless otherwise stated in the notice for calling the meeting, shall be adjourned by the President to such date, time and place as he may announce and no quorum shall be necessary for the adjourned meeting and only those agenda items shall be discussed, which were circulated to the members along with the notice in the adjourned meetings:

Provided that the meeting which has been called on the requisition of members, under sub-section (1) of Section 50 shall not be adjourned but dissolved.]

4[(4) * * *]

38. Minutes of general meeting — (1) Minutes of proceedings of general meetings shall be entered in a minutes book kept for that purpose and shall be signed by the President of the meeting. The minutes so signed shall be evidence of the correctness of the meeting.

(2) Until the contrary is proved, every general meeting of a society in respect of the proceedings whereof minutes have been so recorded, shall be deemed to have been duly called and held.

4[(3) The minutes of general meeting or special general meeting, as the case may be, shall be sent to each member of the society under certificate of posting duly signed by the Chairman of the meeting, within 30 days from the date of such meeting.]

39. Voting in general meeting — 3[(1) (a) Every member or delegate of the society, where there is a provision in the bye-laws of the society to constitute a general meeting by the delegates or representatives sent from other societies shall have only one vote.] All resolutions which are put to vote at the general meeting shall be decided by a majority of members present and voting;

1. Subs. by notification No. F-5-4-88-XV-1, dated 28-6-88.
2. Subs. by notification No. F-5-7-94-XV-1, dated 21-7-95.
3. Omitted by notification No. F-5-7-94-XV-1, dated 21-7-95.
4. Ins. by notification No. F-5-7-94-XV-1, dated 21-7-95.
5. Subs. by notification No. F-5-3-91-XV-1, dated 18-4-91.
(b) Unless otherwise required by the Act, rules or bye-laws of a society, voting shall be by show of hands unless a poll is demanded by at least ten members present at the meeting.

(c) If no poll is demanded, a declaration by the President that a resolution has been carried or lost and an entry to that effect in the minutes of the proceedings shall be conclusive proof of the fact that such resolution has been duly carried or lost but it shall not be proof of the number or proportion of the votes recorded in favour or against such resolution.

(2) If a poll is demanded the vote shall be taken by ballot in such manner as the President may direct subject to any provision in the bye-laws in this behalf and the result of this poll shall be deemed to be decision of the general meeting regarding the resolution over which the poll is demanded.

(3) When a poll is taken, the number of members voting for or against a resolution shall be recorded in the minutes of the proceedings.

(4) In the case of an equality of Votes, whether on a show of hands or on a poll, the President of the meeting at which the show of hands takes place or the poll is taken, shall have a second or casting vote.

40. Election of members of committee by general body — 3

1. A society may, for the purpose of election of members to its committee divide its membership into different groups on a territorial or any other basis to be specified in its bye-laws.

2. Provided that where the membership is so divided, provision shall be made for the reservation of seats for Scheduled Castes, Scheduled Tribes, Other Backward Classes and women, as laid down in Section 48 and Section 52-B of the Act.

(2) The bye-laws of such a society may specify the number or proportion of the members of the committee who may be elected to represent each such group on the committee and may specify further that such representatives may be elected —

(a) by all the members of the society; or

(b) by only that particular group of members of the society to which such representatives belong.

1. Subs. by notification No. F-5-3-91-XV-1, dated 18-4-91.
2. Subs. by notification No. F-5-7-94-XV-1, dated 21-7-95.
41. [(1) (a) Subject to the provisions of subsection (6) of Section 49 the election of members of the committee shall be held in the annual general meeting or special general meeting, as the case may be, of the society:

3Provided that where in the byelaws of any Central or Apex Society, there is a provision for suo motu formation of committee by the representatives of its affiliated societies, the provisions of the sub-rules (2) to (24) of Rule 41 shall not apply.]

(b) such election shall take place after all other matters, included in the agenda, have been considered.

(2) Not less than ten days before the date fixed for the annual general meeting or the special general meeting of a society, as the case may be, the Returning Officer shall paste a notice on the notice board of the society, stating—

(a) the number of members to be elected;

(b) the last date for making nominations, which shall not be later than seven days before the date fixed for holding the said meeting, the hours between which, the place at which and the person to whom nomination papers shall be presented;

[(c) The date on which, the place at which and hours between which scrutiny of nomination papers shall be made and the date and place of polling, if necessary;]

(d) the last date for the withdrawal of candidatures;

[(d-1) the date for co-option against vacant seats of committee members, if any;]

(e) the date for election of Chairman/President, Vice-Chairman/Vice-President and representatives to be sent to other societies and such other officers as specified in byelaws.]

1. Subs. by notification No. F-5-3-91-XV-1, dated 18-4-91.
2. Omitted by notification No. F-5-7-94-XV-1, dated 21-7-95.
4. Subs. by notification No. F-5-7-98-XV-1, dated 15-4-78.
(3) प्रत्येक नियोजन-पत्र पर सोसाइटी के समूह यदि कोई हो, के दो सदस्यों के प्रतिनिधित्व तथा अनुमोदन के रूप में हस्ताक्षर होगे एवं उस समूह का उम्मीदवार इस पर निर्वाचन के लिये खाते होने की सहमति प्रकट करते हुये योग्य होते हैं प्रतिस्पर्धा करेंगे।

1[प्रदत्त समय किसी समूह में निर्वाचकों में सदस्यों की संख्या 7 से बढ़ कर वहाँ नाम निर्देशित पत्र पर उस समूह के केवल एक सदस्य द्वारा ही हस्ताक्षर किया जायेगा।]

(4) समूह यदि कोई हो, का सदस्य प्रतिस्पर्धक अथवा अनुमोदक के रूप में उन्हें नियोजन-पत्र पर हस्ताक्षर कर सकता है, जिन्हें अंकित स्थान उस समूह से भी जाना है। प्रत्येक उम्मीदवार का नियोजन अलग-अलग नियोजन-पत्र द्वारा होता है।

2[(5) यदि अधिकारी हुए किसी पद के लिये एक से अधिक नामांकन-पत्र दाखिल किए जाते हैं तो उन समस्त नामांकन पत्रों की दिरींगित अधिकारियों द्वारा संबंधित की जायेगी, तथा अधिकारी किसी भी बैठक नामांकन-पत्र के आधार पर निर्वाचन लगाने का हकदार होगा।]

(6) प्रत्येक उम्मीदवार या तो व्यक्तित्व रूप में अथवा उसके प्रतिस्पर्धक या अनुमोदक द्वारा नियोजन-पत्र 'प्रारूप-ख' में उपलब्ध रहे दो के खण्ड 'ख' में निर्देशित व्यक्ति को सूचीत करेगा।

3[(7) यह व्यक्ति, जिसे नाम निर्देशन पत्र दिया जाता है, नाम निर्देशन-पत्र प्राप्त होने पर उसके हुए उसकी प्राप्ति का अनुमोदक और यह समय और तारीख दर्ज करेंगे जबकि उसे यह दिया गया हो। यह नाम निर्देशन पत्र की प्राप्ति की सूची देगा। वह प्रतिस्पर्धक, अनुमोदक तथा अधिकारियों के नामों और वह पत्र लिखके यह अधिकारियों को चुनाव लड़ने का विवाद चलाता है, रिज़ॉर्स में उस क्रम में प्रतिदिन करेंगे जिसमें नाम निर्देशन पत्र प्राप्त हुये हों। यदि किसी व्यक्ति ने भी, जिन्होंने अपने नाम लिखके यह सांख्यिकीय व्यक्ति ने अधिकारियों के संख्या में नाम निर्देशन पत्र प्राप्त नहीं किया तथा अनुमोदक के रूप में हस्ताक्षर किये होते हैं तब इस प्रकार हस्ताक्षरित उन पत्रों में से रिस्क्यों भरी जाने की संख्या तक प्रतिपाद: प्राप्त किये गये नामनिर्देशन पत्र ही वैध समझे जायेंगे।]

4[(7-K) नाम निर्देशन पत्र के प्रस्तुत तिथियों पर रिद्धिदशी अधिकारियों या उक्त में द्वारा दिया (2) के खण्ड 'ख' के अधीन आमूलक व्यक्ति अथवा यह समाधान करें कि नाम निर्देशन पत्र में यथाप्रत्यक्ष सोसाइटी का नाम और उसका रिज़ॉर्स व्यक्ति अथवा उक्त प्रतिस्पर्धक और अनुमोदक के नाम सदस्य रूप से अनुमोदक होंगे।]

1. अधिकृत संस्कृत संख्या 1, दिनांक 28-6-88 द्वारा अनन्त स्थापित।
2. अधिकृत संस्कृत संख्या 1, दिनांक 21-7-95 द्वारा प्रस्तावित।
3. अधिकृत संस्कृत संख्या 1, दिनांक 28-6-88 द्वारा प्रस्तावित।
4. अधिकृत संस्कृत संख्या 1, दिनांक 18-4-91 द्वारा अनन्त स्थापित।
Provided that no misnomer or inaccurate description or clerical, technical or printing error in regard to the name of the candidate or his proposer or seconder or in regard to any place mentioned in the list of members or the nomination paper and no clerical, technical or printing error in regard to the list of members, serial number of any such person in the list of members or the nomination paper shall affect the full operation of the list of members or the nomination paper with respect to such person or place in any case where the description in regard to the name of the person or place is such as to be commonly understood, and the Returning Officer or the person authorised by him shall permit any such misnomer or inaccurate description or clerical, technical or printing error to be corrected and where necessary, direct that any such misnomer, inaccurate description clerical, technical or printing error in the list of members or in the nomination paper shall be overlooked. Further that if there are any blanks in the nomination paper the Returning Officer or the person receiving the nomination paper shall get such blanks filled in before recording his endorsement on the same.

1[(8) No nomination paper shall be received after the date and time fixed under clause (b) of sub-rule (2). The person authorised to receive nomination papers shall on each day prepare a list of candidates along with their proposers, seconders and offices and exhibit the same on the notice board at the place fixed for receipt of nominations.]

1[(9) (a) Nomination papers duly received shall be scrutinized by the Returning Officer on the date fixed for the scrutiny under clause (c) of sub-rule (2);

(b) It shall be open to the persons filling the nomination paper to be present at the time of scrutiny;

(c) The Returning Officer shall not reject any nomination paper on the ground of any defect which is not of a material character nor shall it be rejected on the ground of any irregularity in respect of a nomination form, if the candidate has been duly nominated by means of another nomination form, in respect of which no irregularity has been committed;

1. Subs. by notification No. F-5-3-91-XV-1, dated 18-4-91.

1. अधिसूचना क्र. एफ-5-3-91-पत्रह-1, दिनंक 18-4-91 द्वारा प्रतिस्थापित।
(d) The Returning Officer shall for reasons to be recorded in writing, reject a nomination paper only on the following grounds—

(i) if the nomination paper is not in accordance with the preceding sub-rules;

(ii) if the candidate is disqualified to be elected or proposer/seconder is disqualified to vote by or under the Act, rules or bye-laws of the society.]

1[(e) The Returning Officer shall prepare a list of valid nominations. If in the list more than one nomination papers are found valid for one post, then first valid nomination of the candidate shall be accepted and he will sign the list in token of its correctness and shall publish and affix on the notice board of the society.]

(10) Any candidate may withdraw his candidature by notice in writing, subscribed by him and delivered either in person by the candidate or his proposer or seconder to the Returning Officer, on or before the date fixed under clause (d) of sub-rule (2). A candidate who has withdrawn his candidature shall not be allowed to cancel his withdrawal.

(11) On completion of the scrutiny of the nominations and after the expiry of the period within which candidature may be withdrawn under sub-rule (10), the Returning Officer shall prepare a list of candidates whose nominations are in order and who have not withdrawn their candidature and cause it to be published on the notice board of the society.

2[[12) If the number of duly nominated candidates for election as committee members 3[* * *] is equal to or less than the number of seats to be filled, the Returning Officer shall declare all of them elected and shall intimate this fact to the society.

(13) If the number of committee members, 3[* * *] so elected falls short of the number of seats specified in the election notice for committee member, in 3[* * *] the committee members shall fill up the remaining seats by co-option in a meeting to be presided over by the Returning Officer:

Provided that, if the number of members elected 3[* * *] falls short of the quorum fixed for the meeting of the committee in the bye-laws, co-option shall not be made and the election process shall be started afresh for the remaining seats.]

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1. Subs. by notification No. F-5-7-94-XV-1, dated 21-7-95.
2. Subs. by notification No. F-5-3-91-XV-1, dated 18-4-91.
3. Omitted by notification No. F-5-7-94-XV-1, dated 21-7-95.
[(14) (a)] If the number of duly nominated candidates is greater than the number of members to be elected, immediately after the expiry of the period within which candidature could be withdrawn under clause (d) of sub-rule (2), the Returning Officer shall prepare and publish in Form-I, a list of contesting candidates whose nomination papers have been finally accepted and who have not withdrawn their candidature during the specified period;

[(b)] The list referred to in clause (a) shall contain the names of contesting candidates in alphabetical order in Hindi along with their addresses as given in nomination papers;

(c) The list of contesting candidates referred to in clause (a) shall contain the particulars set out in Form-I and shall be prepared in Hindi in Dev Nagari script;

(d) The alphabetical order referred in clause (b) shall be determined with reference to surname of the candidates having surnames and to the names proper in the case of other candidates;

(e) Where a poll becomes necessary, the Returning Officer shall assign to each candidate a symbol in serial order as listed below and the symbol shall be printed on the ballot paper—


2. Subs. by notification No. F-5-4-88-XV-I, dated 28-6-88.
5. Subs. by notification No. F-5-7-94-XV-I, dated 21-7-95.
(f) यदि सूची को जारी करने के लिए सूची का शेष न रहे, तो रिटायर्ड आयोग तथा संबंधित उम्मीदवार को अपने स्वतंत्र से सूची में निर्देशित किये गए, तो भिन्न कोई अन्य प्रत्याशी आवश्यक कर सकता है।

(1) उस समतल (सुप) के उन उम्मीदवारों को, जो किसी निर्वाचन लड़ते हैं, आवश्यक किये गये नतीजों पर, जो किसी समूह के लिए आवश्यक हो, निर्देशित किये जायेंगे। मतपत्र में उस पद का नाम दर्शाया जाएगा जिसके लिए कि मत दिया जा रहा है तथा [उस समूह के उन उम्मीदवारों के किसी निर्वाचन लड़े हैं, नाम] तथा किसी अन्य अनुक्रम में दर्शाये जायेंगे, जिस अनुक्रम में उसे निर्वाचन अभिधारक द्वारा सोसाइटी के सूचना पत्र पर प्राप्त १] में नियम ४१ के उपनियम (१४) के खंड (ज) के अधीन संदर्भित किये गये हो।

(ज) किसी समूह के, उन उम्मीदवारों के, जो किसी निर्वाचन लड़ते हैं, नामों का सूची को तथा उनमें से प्रत्येक का आवश्यक किये गये चिन्हों को, जो उसी अनुक्रम में होगा, जो किसी नियम ४१ के खंड (च) में उल्लिखित है, संबंधित समूह के नाम पदों के लिए रखी गयी मत पेटी के सामने संदर्भित किये जायेंगे। ऐसी सूची मतपत्र के नाम पदों के सामने पर भी संदर्भित किया जाएगा और उसको एक प्रत्येक निर्वाचन लड़ने वाले प्रत्येक उम्मीदवार को दिया जाएगा ।

(ज) रिटायर्ड आयोग द्वारा किसी उम्मीदवार को किया गया किसी चिन्ह का आवश्यक अभिधारक होगा।

(ज) रिटायर्ड आयोग, निर्वाचन के प्रतियोगी उम्मीदवारों का सूची तैयार करने के लिए संविधान संस्थान सूची-पत्र द्वारा उनकी कोई एक प्रति प्रदायित करवाएगा तथा उसकी एक प्रति का प्रदाय निर्वाचन लड़ने वाले प्रत्येक उम्मीदवार को भी करेगा।

(१५) यदि साधारण सम्मिलन गणतंत्र के अंतर्गत स्थापित की जाबें तो यथायथ निर्देशित उम्मीदवारों को सूची स्थिरित साधारण सम्मिलन में होने वाले बदलने के बिना बाध्य होंगे।

1. अधिसूचना के, एएफ-5-16-78-1-पत्रफॉर्म, दिनांक 13-12-78 द्वारा प्रतिष्ठापित।
2. अधिसूचना के, एएफ-5-18-82-1-पत्रफॉर्म, दिनांक 31-12-82 द्वारा अन्तर्गत स्थापित।
(16) The Returning Officer shall appoint as many polling officers to conduct the poll and as many tellers to count the votes as may be necessary.

(17) A register shall be kept at the place of the meeting and every member that attends the meeting shall sign in such register before he enters the place of the meeting.

(18) The Polling Officer shall issue to each voter a ballot affixing the seal of the society and putting his initials on the right hand side of it after marking a mark by indelible ink on the lip of the forefinger 3 of the voter.

(19) Canvassing or soliciting votes during the conduct of elections shall be strictly prohibited within the periphery of one hundred 3 metres of the place where the poll is being held.

(20) The Returning Officer shall show the empty ballot boxes to the candidates, if any present, close and seal them leaving open the slit for insertion of ballot papers. Voting shall be by ballot and voters shall make a mark ‘X’ on or against the symbols of candidates whom he wishes to elect, fold the ballot papers and deposit it in the ballot box. In the case of physically disabled who requires who, the Returning Officer shall help in marking marks on the symbols of the candidates according to the desire of such voter.

(21) The Returning Officer shall before taking the poll fix the hours which shall not be less than two hours during which the poll will be taken, make announcement to the effect in the general meeting and on the expiry of the hours so fixed he shall close the poll. Those voters, who though present at the place have not been able to vote for want of time, shall be given reasonable opportunity to obtain ballot papers and vote even though the time fixed for the poll has expired. After the closure of the poll, the slit of the ballot boxes shall be closed and sealed and delivered to the tellers. An account of used and un-used ballot papers shall be prepared and counter foils of used ballot papers, un-used ballot papers and marked copy of voter list shall be put in an envelope and sealed kept in the box referred to in sub-rule (24).

2. Subs. by notification No. F-5-3-91-XV-1, dated 18-4-91.
(22) Tellers shall arrange all ballot papers—
(a) They shall reject a ballot paper after obtaining the
approval of the Returning Officer—
(i) if it bears signature to identify the voter;
(ii) if it does not bear the seal of the society or the initials
of Polling Officer;
(iii) if it contains no mark indicating a vote;
(iv) if it contains more marks than the number of seats
to be filled.
(b) A mark made in a ballot paper in such a manner that it
is ambiguous to which candidate the vote is given shall be
rejected:
Provided that other correctly made marks, if any, on
such ballot paper shall be counted.

1[(23) (a) Soon after the counting of votes is over, the Returning
Officer shall prepare and certify a return setting forth—
(i) the number of valid votes given to each candidates;
and
(ii) the number of ballot papers declared to be invalid
or rejected.
(b) On the basis of the said return the candidates who have
secured the largest number of votes shall be declared
elected by the Returning Officer at the general meeting
and their names published on the notice board of the
society under his signature.
(c) In case of equality of votes polled by two or more
candidates, the lots shall be drawn in such manner as
the returning officer may fix to determine the name or
names of the successful candidate or candidates.]
(24) The Returning Officer shall arrange to keep nomination papers and the Registers, referred to in sub-rules (7) and (17), the ballot papers and the return of election in safe custody in a sealed box with the Registrar or a person authorised by him in this regard. These records shall not be destroyed till the next elections of the society are held or till the final disposal of the election dispute filed under subsection (v) of Section 64, if any. The Registrar shall thereafter cause them to be destroyed in his presence or in the presence of an officer authorised for this purpose.

(25) Every member of the committee and every employee of the society shall be bound to render every assistance to the Returning Officer, Polling Officer and Tellers in the conduct of elections and shall make available every record that may be required by the Returning Officer for this purpose. The society shall arrange to provide ballot boxes, locks and keys, sealing wax, tape, ballot papers, printed or typed or handwritten, and the stationary necessary for the conduct of election to the Returning Officer. All expenditure incurred in connection with such election shall be paid by the society.

(26) For the purposes of this rule the ‘Returning Officer’ means an officer appointed by the Registrar by general or special order or appointed by the committee from amongst the members of the society, as per second proviso of subsection (8) of Section 49, for performing the duties of a Returning Officer under the provisions of the Act and Rules thereunder.

(27) If the Returning Officer is appointed by the Committee of the society, then information of such appointment shall be sent to the Registrar in writing within 7 days from the date of such appointment.

43. Appointment of committee— 1[(1) The number of members in the committee shall be specified in the bye-laws, but the number of elected members shall in no case be less than 2[five].]

2[(26) इन नियमों के प्रयोजनों के लिए रिटिनिंग आमीर से अभिप्रेरित है इस अधिनियम के उपभागों और उसके अंतर्गत बनाए गये नियमों के अंतर्गत रिटिनिंग आमीर के कार्यों का पालन करने के लिए धारा 49 की उपधारा (८) के द्वितीय पर्व के अनुसार रजिस्ट्रर के साधारण या विशेष आदेश द्वारा या सोसाइटी के सदस्यों में से समिति द्वारा नियुक्त किया गया अधिकारी।]

(2) यदि सोसाइटी की समिति द्वारा कोई रिटिनिंग आमीर नियुक्त किया जाता है, तो ऐसी नियुक्ति की मूल ऐसी नियुक्ति की तारीख से 7 दिन के भीतर रजिस्ट्रर को लिखित में भेजी जायेगी।]

42. 2[***]
(2-A) A casual vacancy in the office of an elected member \(^2\) \[^{[***]}\] shall be filled by co-optation by the remaining members of the committee in a meeting to be presided over by the Returning Officer. Such co-opted member, \(^2\) \[^{[***]}\] as the case may be, shall be from the same group and class in which the vacancy occurred. The member \(^2\) \[^{[***]}\) so co-opted shall hold office until the expiry of term of the committee co-opting him:

Provided that, no co-optation shall be made in a meeting of committee unless the subject has been included in the agenda circulated for that meeting and unless there is a quorum.

\[^{(3)}\) \[^{[***]}\]

(3-A) In a primary society falling under sub-clause (i) of clause (a) of subsection (3) of Section 48, not less than half the total number of seats on the committee shall be reserved for members belonging to \[^3\) [Scheduled Castes, Scheduled Tribes and Other Backward Classes] in the proportion which the numbers of the said \[^3\) [Castes, Tribes and Classes] bears to the total membership of such society.

\[^{(4)}\) (a) The Returning Officer shall on the day fixed under clause (d-i) of sub-rule (2) of Rule 41 convene a meeting of the newly elected members \[^1\) \[^{[***]}\] for co-optation of members in the committee, if so required;

(b) Such meeting shall be presided over by the Returning Officer.

(4-A) The Returning Officer shall on the date fixed under clause (e) of sub-rule (2) of Rule 41, convene a meeting of the elected, co-opted and such members nominated under Section 48 (3) (C) and second proviso of Section 52-B, of the committee, notices whereof shall be given to each member at least three clear days before the date fixed for election of President/Chairman, Vice-President/Vice-Chairman, representatives and other officers as per byelaws of the society. Such notices shall contain—

(a) the number of officers and the representatives to be elected;

(b) the time for making nominations, the hours between which, the place at which, and the person to whom, nomination papers shall be presented;

(c) the place at which and hours between which scrutiny of nomination papers shall be made and the time and place of polling, if necessary;

1. Subs. by notification No. F-5-3-91-XV-1, dated 18-4-91.
2. Omitted by notification No. F-5-7-94-XV-1, dated 21-7-95.
3. Subs. by notification No. F-5-7-94-XV-1, dated 21-7-95.
The meetings under sub-rule (4-A) shall be presided over by the Returning Officer.

(5) The President shall preside over all meetings of the committee at which he is present. In his absence, the Vice-President shall preside or in the absence of both the President and Vice-President, the members present shall elect one amongst themselves to preside over meeting:

[Provided that a meeting of committee in which co-option of a member or representative is made or election of President/Chairman to hold shall be presided over by the Returning Officer.]

1[(6) The quorum for the meeting of the committee shall be, as provided in the byelaws, but in any case it shall be more than fifty per cent of the total number of the members.

2[43-A. Removal of the Chairman, or office bearers of the committee — (1) The Committee of a society may, by a resolution passed by a majority of not less than two-thirds of the total elected members of the committee at a meeting held for this purpose, remove from the office of the Chairman or office bearer if he—

(a) is grossly negligent in discharge of his duties imposed on him by or under this Act or Rules made thereunder or Bye-laws of the Society or has by a fraudulent act caused financial loss to the society;

(b) persistently makes default in payment of his dues to the society;

(c) has been adversely remarked by a competent Court;

(d) misuses the post held by him:

Provided that such resolution shall lie within a period of one year from the date on which he has taken charge of his respective office, or such resolution is rejected or accepted by the committee as the case may be.

1. Ins. by notification No. F-5-3-91-XV-1, dated 18-4-91.
2. Ins. by notification No. F-5-7-94-XV-1, dated 21-7-95.
]
(2) ऐसे प्रस्ताव समिति के सदस्यों में से कम से कम एक तिहाई निवारित सदस्यों द्वारा उनके हस्ताक्षर में आयोप पत्र के साथ सोसाइटी के समूह कर्मचारी अधिकारियों को प्रस्तुत किया जायेगा। ऐसे प्रस्ताव को एक प्रति रजिस्ट्रेशन, सहकारी सोसाइटी को भी भेजी जायेगी।

(3) अंतर्विचलित किसी बात के होते हुए भी, सोसाइटी का मुख्य कार्यालय अधिकारी ऐसे प्रस्ताव होने पर ऐसे प्रस्ताव की प्राप्ति की तारीख से तीस दिन के भीतर समिति का सम्मानित बलवान प्रमाणित कब्ज़ा करने वाले ऐसे चयन करना चाहिए।

(a) एक समिति के त्यागस्थित, नामाधीन/अन्यतम का अधिकारी को, समिति के ऐसे समितिलिखि में स्वयं का प्रतिवाद करने या अन्यथा का अधिकार होगा।

(5) ऐसे सम्मानित को अध्यक्ष रजिस्ट्रेशन या इस निषिद्ध उसके द्वारा प्राप्त न्यूयोर्क द्वारा की जायेगी।
45. Disqualification for representation — (1) No society shall elect any member as its representative, who suffers from any of the disqualifications mentioned in Rule 44.

(2) A representative of a society representing it in the general body or committee of another society shall cease to hold his office as such—

(a) if he suffers from any of the disqualifications mentioned in Rule 44; or

(b) if he ceases to be a member of the society which he represents; or

(c) if elections fall due and the society, which he represents, elects another representative; or

(d) if the registration of the society which he represents is cancelled under Section 18 or 18-A; or

(e) if—

(i) the Registrar or an officer authorised by him assumes charge under sub-section (8) of Section 49 of the committee of the society which he represents; or

(ii) the committee of the society which he represents is removed by the State Government under sub-section (1) of Section 52; or

1. Subs. by notification No. F-5-7-94-XV-1, dated 21-7-95.
2. Omitted by notification No. F-5-7-94-XV-1, dated 21-7-95.
4. Subs. by notification No. F-5-7-94-XV-1, dated 21-7-95, for the “18”.
5. Re-numbered by notification No. F-5-7-94-XV-1, dated 21-7-95.
46. Prohibition against being interested in contracts, etc. — (1) No officer of a society shall have any interest, directly or indirectly otherwise than as such officer—

(a) in any contract made with or by the society; or
(b) in any property sold or purchased by the society; or
(c) in any other transaction of the society, except as investment made or as loan taken from the society or the provision of residential accommodation by the society to any paid employees of the society.

(2) No officer of a society shall purchase, directly or indirectly, any property of the member of the society sold for the recovery of his dues to the society.

1. Ins. by notification No. F-5-5-90-XV-1, dated 12-5-90.
2. Re-numbered by notification No. F-5-7-94-XV-1, dated 21-7-95.
47. Restrictions on persons appearing as legal practitioners — Any officer of a society who appears as a legal practitioner in any legal proceeding against such society or against any other society which is a member of the former society shall be deemed to have vacated his office in the society.

48. Notice of meeting of the committee — The notice of a meeting of the committee of a society specifying the place, date and hour of the meeting together with an agenda of business to be transacted thereat shall be given to each member of the committee in writing or in such other manner as may be laid down in the bye-laws, before the date of the meeting:

Provided that any urgent business though not included in the agenda accompanying the notice may, however, be brought up and considered with the consent of the President of the meeting.

49. State Government nominees — A person nominated on the committee of a society under sub-section (2) of Section 52 shall hold office till such nomination is withdrawn.

49-A. Powers and duties of the Chief Executive Officer of State aided society — (1) The Chief Executive Officer of an Apex or Central Society appointed under clause (a) read with clause (c) of sub-section (1) or clause (b) of sub-section (2) of Section 49-E shall perform duties and exercise powers given below, namely:

(a) subject to the over all control and general superintendence of the committee to have general control over the administration of the society;

(b) to convene meetings of the committee and the general body in consultation with the President/Chairman;

(c) to receive all money and securities on behalf of the society and make arrangement for proper maintenance and custody of cash balances and other properties of the society;

(d) to endorse and transfer promissory notes, Government and other securities and endorse, sign and negotiate cheques and other negotiable instruments on behalf of the society;

(e) to sign all bonds and agreements in favour of the society;

1. Subs. by notification No. F-5-3-91-XV-1, dated 18-4-91.

47. विशेष व्यवसायी के रूप में उपस्थित होने वाले व्यवसायी पर प्रतिबंध— सोसाइटी का कोई अधिकारी जो ऐसी सोसाइटी के या किसी अन्य सोसाइटी के, जो पूर्ववती सोसाइटी की सदस्य है, के किसी कार्यान्वयन में व्यवहार के रूप में उपस्थित हो, तो वह मना जायेगा कि उसने सोसाइटी में अनावरण पर रिश्ता खो दिया है।

48. आयोग की सभा की सूचना— सोसाइटी की आयोग की सभा की सूचना, जिसमें उन सभा में किये जाने वाले कार्यक्रम की कार्यसूची सहित उस सभा का स्थान, दिनांक तथा समय निरीक्षक किया जायेगा, लिखित में या ऐसी अवधि में जैसी कि संबंधितों में निर्देश की गई हो, सभा के दिनांक से पूर्व आयोग के प्रत्येक सदस्य को देखा जायेगा;

किन्तु पूर्वबन्ध यह है कि कोई भी व्यवस्था कार्यक्रम भागी ही वह सूचना—पत्र के साथ भेजी गई कार्य सूची में सम्मिलित नहीं किया गया हो, सम्मिलन के अध्ययन का सहमति से प्रस्तुत एवं उस पर विचार किया जा सकेगा।

49. राज्य सरकार के नाम निरीक्षक व्यवस्था— उपरेता (2) के अधिकारी सोसाइटी की आयोग के लिये नाम निरीक्षक व्यवस्था तब तक पद धारण करेगा जब तक कि ऐसा नामांकन व्यक्ति न हो जायेगा।

49-क. राज्य सरकार के नाम सोसाइटी के मुख्य कार्यालय अधिकारी के प्रति शक्तियों और क्षमताओं— (1) भारत 49-क की उपरेता (1) के खंड (ए) के साथ पदनिर्धारण (क) या उपरेता 2 के खंड (क) के अधिकारी सोसाइटी अधिकार निरीक्षक के नियुक्त मुख्य कार्यालय अधिकारी निरीक्षित कर्मचारी का पदनिर्धारण तथा शक्तियों का आरोपण करेगा, अवधि—

(क) समिति के समय निर्बन्ध और अधिभाषण के अध्ययन करके हारे हुये सोसाइटी के प्रशासन में सामान्य निर्बन्ध रखें;

(ख) अध्ययन/भाषण के प्रवास में समिति और साधारण निकाय के सम्मान बुझाएं;

(ग) सोसाइटी की ओर से सभी भन्ने और प्रस्पर्थित व्यवहार करना तथा सोसाइटी के नायक अधिकारियों और अन्य समिति के समुचित रक्षाभरण तथा अभियुक्त का इच्छामय करना;

(घ) वचनांक, सरकारी और अन्य प्रतिभाशी का पुरस्कार और हस्ताक्षर नियुक्त तथा सोसाइटी का आरोप से जाने और अन्य प्रकार की अंतराख का पुरस्कार, हस्ताक्षर तथा प्रकार्य करना;

(ड) सोसाइटी के पद में सम्पन्न बंधन तथा करारों पर हस्ताक्षर करना;

1. अधिभाषण के एक 5-3-91 पदनिर्धारण और 18-4-91 द्वारा प्रतिक्रियाप्रदायी।
(f) to be responsible for the general conduct, supervision and management of the day-to-day business and affairs of the society;

(g) to sign all deposit receipts and operate the accounts of the society with banks;

(h) to institute, conduct, defend, compound or abandon any suit or other legal proceedings by or against the society or otherwise concerning the affairs of the society and also to compound and allow time for payment or satisfaction of any claims or demand by or against the society in accordance with the decisions of the committee;

(i) to submit such information, reports and returns concerning the affairs of the society as may be required by the Registrar or the State Government;

(j) subject to the provisions of bye-laws to determine the powers, duties and responsibilities of the employees of the society;

(k) to communicate decisions and to issue suitable directions or orders in compliance of the decisions of the committee or any other competent authority, as the case may be;

(l) to exercise such powers in respect of the employees of the society or the cadre employees as may be laid down in the service rules framed by the Registrar under Section 55 (1) or Section 54 (2) of the Act;

(m) such powers and duties as are specified by or under the bye-laws of the society;

(n) to delegate, subject to approval of Registrar, all or any of the powers and functions vested in him to any employee or employees of the society.]

1[49-B. Procedure of appointment of Managing Director and Chief Executive Officer — (1) The Managing Director and Chief Executive Officer of the Apex Society under Section 49-E of the Act shall be appointed on the recommendation of a Selection Committee consisting of—

(a) Agriculture Production Commissioner Chairman

1. Ins. by notification No. F-15-40-97-XV-1, dated 12-4-99;
(ख) संबंधित शीर्ष संस्था (एम्प्लस सोसाइटी) के सदस्य

(ग) शीर्ष संस्था (एम्प्लस सोसाइटी) के अध्यक्ष

(घ) शीर्ष संस्था के दो सचिव

(प) राजस्थान, सहकारी सोसाइटी छत्तीसगढ़ सदस्य—सचिव

(ँ) संस्था का कार्य निर्देश प्राप्त होने पर चयन समिति के सहभाग की तारीख निर्धारित करेगा।

(ू) संबंधित शीर्ष संस्था का अध्यक्ष समिति के पद का निर्देश में चयन—समिति के सदस्य सचिव को दो नाम निदिष्ट संचालकों के नाम भेजेगा।

(ृ) चयन—समिति के सदस्य की सूचना समिति के कम से कम तीन दिन पूर्व सदस्य सचिव द्वारा जारी की जाएगी।

(म) समिति की गठन पूर्तित करने से कम से कम तीन सदस्यों से होगी, जिसमें से चयन समिति के अध्यक्ष को उपस्थित अनिवार्य होगा।

(न) सदस्य—सचिव सामान्य प्रशासन विभाग तथा संबंधित शीर्ष संस्था के प्रशासनिक विभाग के प्रारंभ में से चयन—समिति के समस्त नाम का पेनल प्रस्तुत करेगा तथा इस समिति को प्रस्तुत करेगा।

(द) यदि की समानता की दशा में चयन—समिति के अध्यक्ष का द्वितीय या तिरीण का होगा।

(प) चयन के पश्चात सदस्य—सचिव राज्य सरकार के सामान्य प्रशासन विभाग को सूचित करेगा।

(ट) नियुक्त आदेश संबंधित शीर्ष संस्था के प्रशासनिक विभाग द्वारा जारी किया जाएगा।

अध्याय ४:

आडिट, जॉब्स, निरीक्षण और परीक्षण

50. लेखा परीक्षण करने की विधि—(१) धारा ५८ की उपधारा (१) के अधीन पंजीकृत द्वारा सोसाइटी के हिसाबों का आडिट करने के हेतु प्राधिकृत व्यक्ति (जिसे फक्त इस निःस्थत में आगे आडिटर के रूप में उल्लेख किया है) पंजीकृत द्वारा निरीक्षित प्रारंभ में उन्हें जॉब के लिए किये गये हिसाब तथा उस निःस्थत से उस अवधि के निःस्थत के अंतर्गत ही हिसाबों का लेखा परीक्षण किया गया हो ना-नकाशा या पर्याप्त परीक्षण के लिए संबंधित में पंजीकृत द्वारा नियत रूप में लेखा परीक्षण पर आडिट प्रस्तुत करेगा तथा
been audited and shall state whether in his opinion and to the best of his information and according to the explanation given to him, the said accounts give all the information required by the Act in the manner so required and give true and fair view—

(i) in the case of the balance sheet, of the state of society's affairs as at the end of the co-operative year up to which the accounts are made up and examined by him; and

(ii) in the case of profit and loss account, of the profit or loss for the co-operative year.

(2) The audit note shall state—

(i) whether the auditor has obtained all the information and explanations which to the best of his knowledge and belief were necessary for the purpose of his audit;

(ii) whether in his opinion proper books of accounts, as required by the Act, these rules, the bye-laws of the society and the Registrar have been kept by the society so far as it appears from the examination of these books; and

(iii) whether the balance sheet and profit and loss account examined by him are in agreement with the books or accounts and returns of the society.

(3) Where any of the matters referred to in sub-rule (2) are answered in the negative or with a qualification, the audit note shall specify the reasons for the answer.

(4) The audit note shall also contain full particulars of—

(i) all transactions which appear to be contrary to the provisions of the Act, these rules or the bye-laws of the society;

(ii) all sums which ought to have been but have not been brought into account by the society;

(iii) any material impropriety or irregularity in the expenditure or in the realisation of moneys due to the society;

(iv) any money or property belonging to the society which appears to the auditor to be bad or doubtful debt and

(v) any other matters specified by the Registrar in this behalf.

(5) The Registrar may direct that any portion of the audit note which appears to him to be of an objectionable nature or not justified by facts shall be expunged and the portion so expunged shall not form part of the audit note.
(6) The Registrar may from time to time specify the form or forms in which the statements of accounts and information shall be prepared for audit by the society.

(7) On completion of his audit, the auditor shall award an audit classification to the society whose accounts have been heard by him in accordance with the instructions issued by the Registrar from time to time. The Registrar may, if he thinks necessary, amend the audit classification for reasons to be recorded in writing.

1[50-A. Levy of audit fees — (1) Every society the accounts of which are audited under sub-section (1) of Section 58 shall [***] pay to the State Government a charge for the audit of its accounts for each co-operative year in accordance with the scale laid down in the Schedule in respect of the class of society to which it belongs.

(2) The Registrar shall communicate the charges payable by the society under sub-rule (1) by an order in writing in Form FF to be delivered personally or sent by post to the address of the society under certificate of posting:

Provided that in the case of a primary credit society affiliated to a Co-operative Central Bank, the order shall be communicated to such Bank.]

1[50-B. Procedure for conducting the audit by qualified Chartered Accountant — (1) The Chartered Accountant appointed from the panel approved by the State Government shall audit the accounts of such societies and submit an audit note to the concerned society with a copy to the Registrar in the form specified by the Registrar and on the balance sheet and profit and loss account as on the date and for the period up to which the accounts have been audited, and shall state whether in his opinion and to the best of his information and according to the explanation given to him, the said accounts give all the information required by the Act and Rules made thereunder in the manner so required and give true and fair view—

(i) in the case of the balance-sheet, of the state of society's affairs, as at the end of the co-operative year up to which the accounts are made up and examined by him; and

(ii) in the case of profit and loss account, of the profit or loss for the co-operative year.

(2) The audit note shall state the details as mentioned in sub-rule (2) to (7) of Rule 50.

1. Ins. by notification dated 26-7-1963.
3. Ins. by notification No. F-5-7-94-XV-1, dated 21-7-95.

(E) बैलेंस शीट के मामले में, सोसाइटी के विवरणों की सूची उस सहकारी व्यक्ति की संगठन पर निष्ठुर वक्त तक लेखे तैयार किए गये हैं और उनका परीक्षण उसके द्वारा की गई है; और

(इ) लाभ और हानि के शीट की दस्तावेज में, सहकारी व्यक्ति के लिए लाभ या हानि।

(2) लेखा परिसंहित प्रतिलीबन में नियम 50 के उपनियम (2) से (7) में यथावतः व्यक्ति का विवरण कैसे होगा?

1. अभिधारण दिनांक 26-7-1963 द्वारा अन्तःस्थापित।
2. अभिधारण दिनांक 6-9-1963 द्वारा विलोपित।
3. अभिधारण दिनांक 26-7-1963 द्वारा अन्तःस्थापित।
(3) The audit fee shall be paid by the society to Chartered Accountants, as mutually agreed upon.

51. Publication of a balance sheet — Every society shall publish its balance sheet by displaying it in any conspicuous place in the registered office of the society and in every branch where the business of the society is carried on.

CHAPTER VII

DISPUTES AND ARBITRATION

52. Reference of a dispute — A reference of dispute under Section 6 shall be made in writing to the Registrar in Form H. Wherever necessary, the Registrar may require the party referring the dispute on him to produce a certified copy of the relevant records on which the dispute is based and such other statements or records as may be required by him, before proceeding with the consideration of the reference.

53. Appointment of Registrar's nominee or board of nominees — (1) The Registrar may, by general or special order, appoint any person to be his nominee for deciding disputes arising in any society or class of societies within such area and for such period as may be specified in the order.

(2) The Registrar may by order appoint a board of nominees consisting of two or more nominees for deciding disputes arising in any society or class of societies within such area and for such period as may be specified in the order.

(3) Where a board of nominee is appointed under sub-rule (2), one of the nominees on the board shall be appointed by the Registrar to be the Chairman of the Board, who shall fix the date, time and place of hearing disputes referred to by board and issue notices in connection with the disposal of such disputes.

(4) Where it has been otherwise provided in the Act, in deciding the disputes where there is no unanimous decision, the opinion of the majority shall prevail. Where opinion of the nominees on the board is equally divided, the opinion of the Chairman of the board shall prevail.

54. Levy of expenses for determining disputes — (1) The Registrar his nominee or board of nominees may require the party or parties to the dispute to deposit in advance such sum as may, in his or its opinion, but necessary to meet the expenses for determining the dispute including payment of fees, if any, to the Registrar, his nominee or board of nominees.
(2) पंजीकरण, उसका नाम निर्दिष्ट व्यक्ति अथवा नाम निर्दिष्ट व्यक्तियों के माध्यम द्वारा स्थापित होगा कि शुल्क, यदि कोई हो, तथा ऐसा विवाद के निर्णय दर्ज करने में क्रिया या खर्चों का भुगतान की जाएगी। हालांकि वह वीडियो सालना को चुना जाता है तथा उसके नाम निर्दिष्ट व्यक्तियों, अथवा पंजीकरण व्यक्ति के द्वारा जैसा कि उन्होंने उत्पत्ति (1) के अंतर्गत जाना की गई रूपक को धारा में रखने पर पंजीकरण द्वारा निर्धारित मान के लिए देखते जाने का आदेश है।

(3) पंजीकरण समान्य श्रेणी अथवा उसके ऊपर अपने नाम निर्दिष्ट व्यक्तियों के माध्यम को चुनकर जाने के लिए, शुल्क, यदि कोई हो, तो उसका मान तथा विवाद का निर्णय करने के लिए व्यपारी निर्देश देंगे।

55. Procedure for execution of decisions or awards — (1) की निर्दिष्ट व्यक्ति अथवा उसके निर्दिष्ट व्यक्तियों के माध्यम से की जाती है जैसा कि उसके नाम निर्दिष्ट व्यक्ति के माध्यम पर दिया हुआ निर्णय अथवा पंजीकरण द्वारा पंजीकरण अथवा समान्य श्रेणी सालना अथवा पंजीकरण का हो अनुसार उनके अंतर्गत जाना जाएगा कि सोसाइटी अथवा संयुक्त पंजीकरण, जैसी भी रहित, घराप 85 के उपवर्तक के अंतर्गत निर्णय की कायमत का प्रतिबंध करें।

(2) यदि निर्णय अथवा पंजीकरण के अंतर्गत देय घराप 14 दिन के अंतर समय में हो जिसका आवेदन पंजीकरण के हेतु आवेदन-पत्र के संत्तुत अधिकारियों से संलग्न भेजा जाएगा। जब-पर्यंत उसके संकेताकार का निर्णय द्वारा अधिकृत व्यक्ति द्वारा वर्तमाना (8) के अधीन संयुक्त पंजीकरण अथवा पंजीकरण के अधीन संयुक्त पंजीकरण द्वारा स्थापित किसी व्यक्ति के निर्णय का निर्णय करने का निर्णय है।

(3) सम्मिलित हेतु ऐसे आवेदन-पत्र के प्राप्त होने पर पंजीकरण घराप 85 के खण्डित (8) के अनुसार पंजीकरण द्वारा संयुक्त पंजीकरण के अधीन प्रमाण-पत्र के प्राप्त होने उसे उपयुक्त अधिकारियों का और निर्देश पंजीकरण के हेतु भेजेंगे।

56. धारा [***8] 68 के अंतर्गत अधिकारियों का गई समय की अधिकारियों निर्धारित बाबू।[(1) जाति क्रृति की जाने वाली समय की तथा धारा के अधिकार की क्रृति उपर की धारा का प्राप्त होना महत्त्वपूर्ण का प्रतिपादित है, तो क्रृति समय की अधिकारियों द्वारा उपर आरोपित अथवा उपर आरोपित का धारा अथवा निर्दिष्ट व्यक्ति के माध्यम से भेजा देश, समय की उसके अधीन अधिक्षण में अथवा उसके या उसके द्वारा निर्धारित संयुक्त विभाग के किसी अधिकारियों अथवा समक्ष, यदि उपरिवर्तक (2) के अंतर्गत उन्हें जाने, के अधिकारियों में रखने तथा उसके उचित अधिकारियों के लिए उत्तरदायित्व है:]

किसी अतिक्रान्त यह है कि जब भी यह समय की उपर आरोप के संयुक्त क्रृति से क्रृति की अधिकारियों द्वारा अधिकार अथवा निर्दिष्ट व्यक्ति के माध्यम से भेजा देश, तो धारा की अधिकारियों द्वारा निर्दिष्ट में अधिकार अथवा निर्दिष्ट व्यक्ति का माध्यम, जैसी भी रहित, उसे तुरंत एवं संयुक्त।

1. अधिकारकला फ. 5-7-94-15-1, दिनमूल 21.7.95 द्वारा (6) धारा 63 का उपभाषा (6) या "लुप्त।"
CHAPTER VIII
LIQUIDATION

57. Procedure to be adopted by liquidator — Where a liquidator has been appointed under sub-section (1) of Section 70, the following procedure shall be adopted :-

(a) The appointment of the liquidator shall be intimated in writing to the society.

(b) The liquidator shall prepare an up-to-date list of—

(i) members;
(ii) past members, with dates of their withdrawal, who are subject to liability under Section 29; and
(iii) deceased members, with dates of their death, names of their legal heirs who represent their estate and who are subject to liability under Section 29.

(c) The liquidator shall, as soon as the order of winding up of the society takes effect, publish by such means as he may think proper, a notice requiring all claims against the society the winding up of which has been ordered, to be submitted to him within two months of publication of the notice. All

1. The words “Section 63 of sub-section (6) or” omitted by notification No. F. 5-7-94-XV-1, dated 21-7-95.

(2) यदि [** * * ] धारा 68 के अर्थीन संस्था कुर्क़ी का आदेश देने वाले अधिकारी को यह न्योगित तथा सूचिखात्मक दिनांक देने तो वह कुर्क़ी की यह संस्था के अधिकारी के लिए वांछनीय, कि नियुक्ति कर सकेगा तथा उसके क्षेत्र और दावेदार सम्पत्ति संदेह संग्रह, 1908 की प्रथम अनुसूची के आदर 40 के अर्थीन नियुक्ति संप्रभु के सामने देना।

3. (क) जहाँ कुर्क़ी की जाने वाली सम्पत्ति अपवाद के लिए तो कुर्क़ी एक आदेश द्वारा की जाएगी, जिसमें व्यक्ति की सम्पत्ति को दूसरी भी प्रकार हस्तांतरण अथवा प्राप्ति करने से तथा सभी व्यक्तियों को ऐसे हस्तांतरण अथवा प्राप्ति से सम्बंध उठाने से विरोध किया जाएगा।

(ख) आदेश की भोजना होटल पैटर ऐसी सम्पत्ति पर के या उससे लगे हुए स्थान पर की जाएगी तथा आदेश का एक प्रतिनिधि संपत्ति के सहजस्विक भाग पर, तथा जहाँ सम्पत्ति एवं स्वातंत्र्य आदेश देने वाली जमीन हो वहाँ तहसीलदार के कार्यालय में भी, जिसके अधिकार क्षेत्र में सम्पत्ति स्थापित हो, चिकित्सा आदेश।

आदेश आधार
परिषदस्मापन

57. परिषदस्मापन द्वारा अपनाई जाने वाली रीति—जहाँ धारा 70 की उपधारा 1 के अर्थीन परिषदस्मापन नियुक्ति किया गया हो या नियुक्तिखात्मक रीति अपनाई जाएगी—

(क) परिषदस्मापन की नियुक्ति सोसाइटी की नियुक्ति में मूल नियुक्ति की जाएगी,

(ख) परिषदस्मापन नियुक्ति की अधिकार सूची बनायेगा—

(पूर्ण) सदस्यों;
(दो) मूल सदस्यों, उनके सदस्यता से हटने के दिनांक सहित, जो कि धारा 29 के अधीन दायित्व के अभी हो, तथा
(तीन) मूल सदस्यों, उनके मृत्यु के दिनांक सहित, उनके वैध उत्तराधिकारियों
के नाम जो उनकी सम्पत्ति का प्रतिनिधित्व करते हैं, तथा धारा 29 के अधीन दायित्व के अभी हो।

(ग) परिषदस्मापन, संस्था के परिषदस्मापन के आदेश के प्रभावशील होने पर शीघ्र ही ऐसे साधनों द्वारा, जिसे वह उचित समझे, सोसाइटी, जिसके परिषदस्मापन का आदेश हुआ है, के बिच्छा समय दिन सुनीता—पत्र के प्रकाशन से दो मास के भीतर उसको प्रस्तुत किये जाने का आदेश देते हुए, समष्टि
प्रकाशित करेगा। सोसाइटी की दीवार पुस्तकाः में लेखक दल समस्त
liabilities recorded in the account books of the society shall be deemed *ipso facto* to have been duly submitted to him under this clause.

(d) The liquidator shall, after settling the assets and liabilities of the society, as they stood on the date on which the order of winding up takes effect, proceed next to determine the contribution (including debts due) to be made by each of the members, past members, or by the estates or nominees, heirs or legal representatives of deceased members or by any officers or former officers, to the assets of the society under clause (b) and as costs of liquidation determined under clause (e) of sub-section (2) of Section 71. He may also make a subsidiary order regarding such contributions and costs and such order shall be enforceable in the same manner as the original order.

(e) The liquidator shall submit to the Registrar such reports and returns in such form as the Registrar may specify showing the progress made in the liquidation of the society.

(f) The liquidator may empower any person by general or special order in writing, to make collections and grant valid receipts on his behalf.

(g) All funds in the charge of the liquidator shall be deposited in a Co-operative Bank or in the Post Office Savings Bank or with such other bank as may be approved by the Registrar and shall stand in his name.

(h) The Registrar shall fix the amount of remuneration, if any, to be paid to the liquidator. The remuneration shall be included in the cost of liquidation which shall be payable out of the assets of the society in priority to all other claims.

(i) The liquidator may issue summons to persons whose attendance is required to give evidence or to produce documents. He shall record brief notes of the evidence of such persons.

(j) If any liability cannot be discharged by the liquidator owing to the whereabouts of the claimants not being known or for any other cause, the amount covered by such undischarged liability may be deposited in a Co-operative Bank and shall be available for meeting the claims of the person or persons concerned.

(ि) परिसमाप्त, सोसाइटी की आर्थिकों तथा दायियों का, जैसे कि वे उस दिनिक को ही, जिसको परिसमाप्त प्रभावित हुआ हो, निर्दिष्ट करने के परम्परा प्रथम वर्ग, भूसूक्ष्म सर्वस्त्र तथा भूसूक्ष्म सर्वस्त्र द्वारा या मूल सर्वस्त्र की सम्मान या उनके नाम मिलले व्यक्तियों या साथी पारिवारिक कर्मीयों या भूसूक्ष्म पारिवारिक कर्मीयों द्वारा जाने 71 की उपधारा (2) के खंड (ख) के अधीन सोसाइटी की आर्थिकों में दिने जा रहे अंशाधिकारी (देख कड़ों सहित) तथा परिसमाप्त का प्रयोग, जैसा कि खंड (ख) के अधीन निर्दिष्ट किया जाए, उनका निर्णय करने की अधिकार कार्यवाही करेगा। वह ऐसे अंशाधिकारी तथा परिवारिक कर्मीयों के हेतु सहायक आदेश दे सकेगा तथा ऐसा आदेश उसी मूल आदेश की भांति ही लागू किये जाने योग्य होगा।

(ि) परिसमाप्त, सोसाइटी के परिसमाप्त में की गई प्रगति को बताते हुए ऐसे प्रदेशात्मक तथा विशेष-पत्र ऐसे प्रयोग में, जैसा कि पंजीकरण निर्दिष्ट करने, पंजीकरण का प्रत्यूत करेगा।

(ि) परिसमाप्त लिखित में सामान्य या विशेष आदेश द्वारा किसी भी व्यक्ति को चलायेंगी करते तथा अपनी ओर से वैध अभिव्यक्ति प्रदान करने का अधिकार करेंगे।

(ि) परिसमाप्त के अभिव्यक्त में की समस्त नियमान्वय सहकारी बैंक अथवा पोस्ट आफिस के सीवी बैंक में अथवा ऐसी अन्य बैंक में, जिसे कि पंजीकरण मान्य करें, जाना की जाएगा तथा उसके नाम से जाना रहेगी।

(ि) पंजीकरण, परिसमाप्त को दिने जा रहे परिश्रम को, यदि कोई हो, धारण की गिरावट करेगा। परिश्रम करने के व्यय में सम्मिलित किया जाएगा, जो सोसाइटी की आर्थिक में से, अन्य समस्त दायियों को तुलना में पूर्णता से, देने होगा।

(ि) परिसमाप्त उन व्यक्तियों की आवश्यक-पत्र जारी कर सकेगा, जिनकी उपस्थिति साध्य दे से, जिन्होंने दर्शन प्राप्त करने के लिए भेज हो, यदि ऐसे व्यक्तियों के साहित्य ज्ञानी या प्राप्त हो।

(ि) यदि दावाधिकारी के पाल-दावाकर मामले न हो जाने के कारण या किसी अन्य कारण से परिसमाप्त करते हुए, किसी दायित्व का निर्धारण नहीं किया जा सकेगा, तो वह न्याय प्रदान करेगा ऐसे व्यक्ति, जो उसी दायित्व को पूरा होता है, सहायक बैंक में जाना की जाएगी और संवैधानिक व्यक्ति या व्यक्तियों के दायियों को पूरा करने के लिए उपलब्ध होगी।
(k) The liquidator shall have power to call meetings of members of the society under liquidation.

(l) At the conclusion of the liquidation, the liquidator shall call a general meeting of the members as they existed on the date of winding up of the society. The liquidator or any person authorised by him in writing in this behalf shall summarise the results of his proceedings in the meeting and report what sum, if any, remains in his possession after meeting all the liabilities of the society. If the bye-laws of the society do not describe the object to which the surplus assets, if any, have to be applied after liquidation, the liquidator shall proceed to take a vote of the members present to determine any object of public utility to which they have to be applied.

(m) After the liquidation proceedings of the society have been closed, the liquidator shall submit a final report as laid down in sub-section (3) of Section 71, to the Registrar together with a copy of the proceedings of the general meeting, if any, referred to in clause (l) and shall subject to the provisions of the said subsection hand over all the records of the society to such person as the Registrar may direct.

(n) The liquidator may, at any time, be removed by the Registrar and he shall on such removal be bound to be hand over all the property and documents relating to the society under liquidation to such person as the Registrar may direct.

(o) The liquidator shall keep such books and accounts as may from time to time be required to be kept by the Registrar, who may at any time cause such books and accounts to be audited. The liquidator shall pay such fees for the audit as may be levied under the Act.

58. Disposal of records of society whose registration is cancelled — All the books and records of a society whose registration has been cancelled and the proceedings of liquidation may be destroyed by the Registrar after the expiry of two years from the date of the order cancelling the registration of the society.
59. Procedure to be followed for presenting of appeals, revisions and review — (1) An appeal to the Tribunal or the Registrar and revision or review to the Tribunal shall be presented by the appellant or the applicant, as the case may be, or by their duly appointed agent in the office of the appellate, revision or review authority either in person during office hours or sent to it by registered post.

(2) When such an appeal or application for revision or review is presented by an agent it shall be accompanied by the letter of authority of the appellant or applicant as the case may be, appointing him as such.

(3) Every appeal or application for revision or review shall be accompanied by a certified copy of the order against which the appeal or review is preferred.

(4) Every appeal or application of review or revision shall—
(a) be either type-written or hand written in ink legibility;
(b) specify the name and address of the appellant or applicant and also the name and address of the opponent, as the case may be;
(c) state by whom the order, against which the appeal or application of review or revision is preferred, was made;
(d) clearly state the grounds on which the appeal or application is made;
(e) state precisely the relief which the appellant or applicant claims; and
(f) give the date of the order against which the appeal or review or revision is preferred.

1. Ins. by notification No. F-5-7-94-XV-1, dated 21-7-95.
2. Subs. by notification No. F-5-2-99-XV-1, dated 1-5-99, for Chapter IX.
(5) अपील या पुनर्विलोकन अथवा पुनरीश्वरण का आवेदन प्राप्त होने पर अधिकारक या शिक्षित जैसी भी रीतित हो, उस पर उसकी प्राप्ति की तारीख को पुनर्लिखित करना।

1) सect 59-A. Salary and other allowances, term and other conditions of service of the Chairman and Members of the Chhattisgarh State Co-operative Tribunal — (1) Salary, Allowances, Pension and other perquisites payable to the Chairman and Member of the Tribunal in the case of retirement during the term of appointment in the Tribunal — When, Chairman or Member of the Tribunal, at the time of his appointment as such is a District Judge or a Departmental Member and during his tenure of Chairman or Member, he retires from the post of a District Judge, or from the Co-operative Department, as the case may be, in accordance with the terms and conditions applicable to him prior to his appointment as Chairman or Member, he shall continue as such till the completion of his tenure, for which he has been appointed and from date of retirement he shall be entitled to the last pay drawn and dearness pay and dearness allowance, interim relief and such other benefits appropriate to the last pay at the rates admissible from time to time to a District Judge, or to an officer of the Co-operative Department, minus pension (including any portion of pension which may have been commuted) and the pension equivalent of other retirement benefits if any as his pay and allowances.

(2) Pay, Allowances & Other perquisites — (i) When Chairman of the Tribunal at the time of his appointment as such, is a retired Judge of the High Court and is in receipt of or has become “entitled to receive any retirement benefits by way of pension, gratuity or otherwise, he shall be entitled to such monthly pay (including dearness allowance) as was admissible to him at the time of retirement as Judge of the High Court and all such other allowances as are admissible from time to time to a sitting Judge of the High Court, minus pension (including any portion of pension which may have been commuted) and the pension equivalent of other retirement benefits if any, as his pay and allowances.

(ii) When the Chairman of the Tribunal, at the time of his appointment as such, is a District Judge, he shall be entitled to the same pay and allowances and other perks and facilities as are admissible to him as District & Sessions Judge (as a member of a Higher Judicial Service).

(iii) A Departmental Member at the time of his appointment is an officer of Co-operative Department he shall be entitled to the same pay and allowances admissible to him as an officer of Cooperative Department.
(iv) The non-official Member shall receive an honorarium of rupees 150 per day—

(a) The officers and other employees of the Tribunal shall be entitled to draw pay and allowances at par with the State Government employees holding equivalent posts.

(b) In all matters like age of retirement, pensions, pay and allowances, other benefits and entitlements and disciplinary matters, the officers and other employees of the Tribunal shall be governed by the State Government Rules as applicable to persons holding equivalent posts.

(3) Term of Office — The Chairman and other Members of the Tribunal may hold office not more than 5 years in accordance with the provisions of clause (a) of sub-section (5) of Section 77 of the Act, or upto the age of 65 years whichever is earlier.

(4) Headquarters of the Chairperson and the Members — The headquarters of the Chairman and the Members shall be at Bhopal.

(5) Hours of work and holidays — The working hours and holidays for the Chairman and Members and their office shall be such as may be specified in the regulation:

Provided that till regulations are made the working hours and holidays for the Chairman and Member and their office shall be the same and observe such public holidays as observed by the Government of Chhattisgarh and such local holidays as are declared by the local authorities from time to time.

(6) Leave — (i) The Chairman and the Members shall be entitled to earned leave on full pay and allowance upto 1/11th of the period spent on duty:

Provided that they shall cease to earn such leave when the total leave earned exceeds 240 days*:

Provided further that the Chairman and the Departmental Member who at the time of his appointment as Chairman or Official Member was in the service of the State Government, the leave standing to his credit on the date of his appointment as Chairman or Official Member shall be carried forward and he may avail of such leave during his tenure as Chairman or Official Member:

Provided also that the Chairman and the Members who retire from the service of the Tribunal shall be entitled to the benefit of cash equivalent to leave salary in respect of earned leave at their credit on the date of their retirement subject to the maximum of 240 days.

* Author: Now should be 300 days, according to C.G. Leave Rules, 2010.
(ii) The Chairman and Members shall be entitled to casual leave of thirteen days in a year.

(iii) In the matter of other types of leave the Chairman and the Official Member shall be governed by the rules and practices applicable before such appointment.

(7) Authority competent to grant leave — The authority competent to grant leave to the Chairman shall be the State Government and for the Members and Officers and staff of the Tribunal, the Chairman.

(8) Travelling Allowances — (a) The Chairman, while on tour or on transfer (including the journey undertaken to Join the Tribunal or on the expiry of his term with the Tribunal to proceed to his home town) shall be entitled to the travelling allowance, daily allowance, transportation of personal effects and other similar matters at the same scales and at the same rates as are specified for Principal Secretary to the Government.

(b) The Members shall be entitled to the travelling allowance, daily allowance and transportation of personal effects and other similar matters, at the scale and rates as admissible to Class I Officer of the State Government.

(c) The other conditions of service of Officers and Staff Members of the Tribunal shall be governed by the rules applicable to the officers and servants of the State Government in the same cadre.

(9) Leave Travel Concession — The Chairman, or a Member shall be entitled to the leave travel concession at the same rates and the same scales and on the same conditions as are applicable to Group “A” Officer of the Central Government drawing a pay in the scale of Rs. 22,400-525-24,400 or above.

(10) Facility for Medical Treatment — The Chairman and the Members of the Tribunal and their Members of their families shall be entitled to such facilities for medical treatment and for accommodation in Government Hospitals as are admissible respectively to the Principal Secretary and the Class I Officer of the State Government and the Members of their families.

(11) Facility of accommodation — (a) The Chairman and the Members shall be entitled, for official residence, in accordance with such rules as may from time to time be made in this behalf by the State Government.

(b) The Chairman shall be entitled to the facility of official telephone at par with the head of the Departments of the Government and the Members shall be entitled to the same facility as was available to them before their appointment as Members.
(12) Conveyance Facility — (i) The Chairman shall be entitled to the facility and use of Government car within the limit fixed for Principal Secretary.

(ii) There shall be staff car also in the office of the Tribunal.

(13) Provident Fund — Till the age of superannuation the Chairman and the Departmental Member shall be entitled to subscribe the General Provident Fund in accordance with the rules regulating the Provident Fund to which they were subscribing before their appointment as Chairman or Official Member.

(14) Financial Powers — The Chairman shall have all financial powers at par with the head of the Departments as are delegated under the book of financial powers.

(15) Control & Discipline — All Officers and Employees of the Tribunal shall be subject to the superintendence and control of the Chairman.

(16) The provisions of Chhattisgarh Civil Services (Classification, Control and Appeal) Rules, 1966, and the M.P. Civil Services (Conduct) Rules, 1965, shall be applicable to the Officers and Employees of the Tribunal subject to the following:

(a) In regard to Class IV, Class III and Class II employees the disciplinary authority shall be the Registrar of the Tribunal or such other Officer or Member as may be designated in this behalf by the Chairman.

(b) In regard to Class I Officers the disciplinary authority shall be the Chairman or such Member as may be designated in this behalf by the Chairman.

(c) Appeal shall lie to the Chairman against all orders which may be passed by the authority prescribed in Clause (a).

(d) Appeal shall lie to the State Government against any order passed by the Chairman.

(e) The enquiry authority shall have power to issue notices to witnesses and to compel them to appear and give evidence or produce documents or both, as the case may be.

(17) The Members of the Tribunal shall be appointed by the Government in consultation with and prior approval of the Chairman.

(18) Miscellaneous — In respect of any other matter for which special provision is not made by these rules, the condition of service shall be governed by the rules and the orders for the time being applicable to the Judge of a High Court of Chhattisgarh and as regards persons other than High Court Judge by the rules and orders for the time being applicable to the Services from which such person is drawn.

(12) वाहन सुविधा—(एक) अध्यक्ष शासकीय कार को सुविधा तथा उपयोग का प्रमुख सचिव तक को सीमा के भीतर हककार होगा.

(बी) अधिकार के कायालय में एक स्टाफ कार भी होगी।

(13) भविष्य निधि—अध्यक्ष तथा बिभागीय सदस्य, अधिवासिकों की आयु तक, उस भविष्य निधि को, जिसमें वे अध्यक्ष या शासकीय सदस्य के रूप में उनकी निवेशता के पूरे अवसर कर रहे थे, विनियमित करने वाले नियमों के अनुसार सामान्य भविष्य निधि में अधिकार करने के हक्कर होगे।

(14) वित्तीय शक्तियाँ—अध्यक्ष को विभागाधिकारी के समान वे समस्त वित्तीय शक्तियाँ होंगी जो वित्तीय शक्तियाँ को पुरुष के अधिकार वर्तमान को गए हों।

(15) नियंत्रण तथा अनुसरण—अधिकार के समस्त अधिकारी तथा कर्मचारी, अध्यक्ष के अधिकार तथा नियंत्रण के अधिकार होंगे।

(16) छत्तीसगढ़ सरकारी सेवा (वर्गक्रम, नियंत्रण तथा अपील) नियम, 1966 और छत्तीसगढ़ सरकारी सेवा (आपराध) नियम, 1965 के उपाधिकार के अधिकारी तथा कर्मचारी को निम्नलिखित के अधिकार होते हुए लागू होंगे—

(क) ब्यापारी, वृत्तिक, वृत्तिक तथा सुनिश्चित देशी कर्मचारी के संबंध में अनुसरणात्मक प्राधिकारी अधिकार का अनुमोदन या ऐसी अनुमोदन अधिकारी या सदस्य होगा जो अध्यक्ष द्वारा इस निर्धारण पर पहलचाहिए किया जाए।

(ख) प्रथम देशी अधिकारी के संबंध में अनुसरणात्मक प्राधिकारी अध्यक्ष या ऐसा सदस्य होगा जो अध्यक्ष द्वारा इस निर्धारण पर पहलचाहिए किया जाए।

(ग) छाद (क) में विहित प्राधिकारी द्वारा पारित समस्त आदेश के विनियम अध्यक्ष के होगी।

(घ) अध्यक्ष द्वारा पारित किसी आदेश के विनियम अधिकार सरकार को होगी। जब प्राधिकारी की सन्तुष्टि को सुनचा जारी करने उहहे उपस्थित होने तथा सादा होने आदेश के दोषों के लिए, जैसे भी कि दस्ताहर, गाथां करने की शक्ति होगी।

(17) अधिकार के संदर्भ सरकार द्वारा अध्यक्ष के प्रस्ताव से एवं पूर्व अनुसरण से निर्धारित किये जाएगी।

(18) विविध—किसी अन्य मामले के बारे में,जिसके लिए इन नियमों द्वारा विशेष उद्देश्य नहीं किया गया है, सेवा लांच उन नियमों तथा आदेशों द्वारा साझा होगी जो छत्तीसगढ़ के उद्ध न्यायालय के न्यायाधीश को तत्सम्य लागा है और उद्ध न्यायालय के न्यायाधीश से भिन्न अवधिकारों के संबंध में उन नियमों तथा आदेशों द्वारा साझा होगी जो उस सेवा को, जिस सेवा से ऐसे व्यक्ति को लिया गया है, तत्सम्य लागू है।
60. Procedure to be followed in disposing of appeals by the Registrar—(1) If the appellate authority finds that the appeal presented does not conform to any of the provisions of Rule 59 it shall make a note on the appeal to that effect and may call upon the appellant or his agent to remove the defects within a period of seven days of the receipt of notice to do so or in case the appeal has not been presented within the prescribed time limit to show cause within the said period why it should not be dismissed as time-barred by the appellate authority.

(2) If the defect is removed or the cause shown by the appellant or his agent satisfied the appellate authority, the appellate authority may proceed to consider the appeal.

(3) If the appellant or his agent fails to remove the defects or to show cause to the satisfaction of the appellate authority within the said period, the appellate authority may if the appeal is not presented within the time limit dismiss the appeal as time-barred. In cases where it is considered necessary to give a hearing, the appellate authority may fix a date for hearing, of which due notice shall be given to the appellant or his agent.

(4) On the date so fixed, the appellate authority shall examine the relevant record hear the appellant or his agent, if present, and pass appropriate order.

(5) The appellate authority may, at its discretion, adjourn the hearing for any other day at any stage.

(6) When the hearing of the appeal is completed, the appellate authority shall announce the judgment forthwith or may fix another date for the judgment.

(7) Every decision or order of the appellate authority shall be in writing and a copy of the same shall be supplied to the appellant and such other parties as in the opinion of the appellate authority are likely to be affected by the decision or the order.

61. Appeal against rejection of an application for membership—(1) Where an application for membership has been rejected under sub-section (4) of Section 19 an appeal shall lie to the Registrar.

(2) The provision of Rules 59 and 60 mutatis-mutandis apply to the presentation and disposal of the appeal under sub-rule (1).
CHAPTER X
EXECUTION OF DECREES

62. Application for execution to Recovery Officer — (1) Any decree holder requiring the provisions of clause (c) of Section 85 to be applied shall apply to the Recovery Officer in whose jurisdiction the cause of action arose and shall deposit the necessary cost on a scale fixed by the Registrar. If the judgment-debtor resides or the property to be proceeded against is situated outside the jurisdiction of such Recovery Officer, the Recovery Officer shall transfer the application to the Recovery Officer in whose jurisdiction the judgment-debtor resides or the property is situated.

3[(2) Every such application shall be made in the form prescribed by the Registrar, and shall be signed by the decree-holder. The decree-holder may indicate whether he wishes to proceed in the first instance against the immovable property mortgaged to the decree-holder or other immovable property or to secure the attachment of the movable property. The decree-holder may also indicate whether he wishes to proceed for recovery under Rule 66 or 66 (A) of the rules:

Provided that it shall be open to the decree-holder at any stage of the proceedings under Rule 66 (A) to adopt the mode, of recovery under Rule 66 for reasons of quick and effective recovery. The Recovery Officer and the Sales Officer shall then act accordingly.]

(3) On receipt of the application, the Recovery Officer shall verify the correctness and genuineness of the particulars set forth in the application with the records, if any, in the office of the Registrar and prepare a demand notice in writing in duplicate in the form specified by the Registrar setting forth the name of the judgment-debtor and the amount due and forward it to the Sale Officer.

63. Procedure in execution — Unless the decree-holder has expressed a desire that proceedings should be taken in a particular order, as laid down in sub-rule (2) of Rule 62, execution shall ordinarily be taken in the following manner:

(i) movable property of the judgment-debtor shall be first proceeded against, but shall not preclude the immovable property being proceeded against simultaneously in case of necessity;

64. जमीनी पालनों सहित विशिष्ट जंगम सम्पत्ति की जस्ती और विक्रय—
जंगम सम्पत्ति की जस्ती तथा विक्रय में निम्नलिखित नियमों का पालन किया जाएगा—
(क) विक्रय पदार्थवारी जयापुत्र धारी की भुवना देने के परम्परा उस गांव को जाना जा सकता है यह प्रक्रिया के लिए निम्नलिखित नियमों का पालन किया जाएगा—
(ख) कुर्सी करने के पर्चे विक्रय पदार्थवारी जयापुत्र के अभिधरण की जस्ती धारो के पार अन्यर्थ व्यवस्था करेगा। यदि विक्रय पदार्थवारी जयापुत्र धारी की संपत्ति का अभिधरण लेने के लिए आदेश दे तो यह ऐसे करने के लिए बायज्य होगा तथा उसकी लापरवाही के कारण हुए कोई भी हानि जयापुत्रधारी हारा पूरी की जाएगी। यदि जस्ता संपत्ति में हो तो जयापुत्र धारी उसके लिए आवश्यक चार धारी की व्यवस्था करने के लिए उल्लिखित होगा। विक्रय पदार्थवारी निम्नलिखित नियमों की यह ऐसी संपत्ति में हिस्ट का उपयोग करने वाले किसी व्यक्ति के लिए है, उस संपत्ति का उस गांव में स्थान जाने को ही था, ऐसे निम्नलिखित नियमों को देखभाल में चीजें हेतु यदि वह अभिधरण जमानतवारी के सहित पंजीयक हेतु नियम रूप में बंधक पत्र लिख दें।
(c) No attachment shall be made after sunset and before sunrise.
(d) The attachment made shall not be excessive, that is to say, the property attached shall be in value as nearly as possible proportionate in the sum due by the judgment-debtor, together with interest and all expenses incidental to the attachment and sale.
(e) If crops or ungathered products of the land belonging to a judgment-debtor are attached, the Sale Officer may cause them to be sold when fit for reaping or gathering, or at his option may cause them to be reaped or gathered in due season and stored in proper place until sold. In the latter case the expenses of reaping or gathering and storing such crops or products shall be defrayed by the owner upon his redeeming the property or from the proceeds of the sale in the event of its being sold.
(f) The Sale Officer shall not work the bullocks or cattle, or make use of the goods or movables attached and he shall provide the necessary fodder for the cattle or live-stock, the expenses attending which shall be defrayed by the owner upon his redeeming the property, or from the proceeds of the sale in the event of its being sold.
(g) It shall be lawful for the Sale Officer to force upon any stable, cow-house, granary, godown, out-house or other building and he may also enter any dwelling house the outer door of which may be open and may break open the door of any room in such dwelling house for the purpose of attaching property belonging to a judgment-debtor and lodged therein, provided always that it shall not be lawful for him to break open or enter apartment in such dwelling-house appropriated for the zanana or residence of women except as hereinafter provided.
(h) Where the Sale Officer may have reason to suppose that the property of a judgment-debtor is lodged within a dwelling-house, the outer door of which may be shut or within any apartment appropriated to women, which by custom or usage are considered private, the Sale Officer shall report the fact to the Officer-in-charge of the nearest police station. On such report the Officer-in-charge of the said station shall send a police officer to the spot in the presence of whom the Sale Officer may force open the outer door of such dwelling-house or break open the door of any room within the house.
except the room appropriated by women. The Sale Officer may also, in the presence of the police officer after due notice given for the removal of women within a zenana and after furnishing means for their removal in a suitable manner, if they be women of rank who, according to the custom or usage cannot appear in public, enter the zenana apartments for the purpose of attaching the judgment-debtor's property, if any, deposited therein, but such property, if found, shall be immediately removed from such apartments after which they shall be left free to the former occupants.

(i) The Sale Officer shall cause proclamation of the time and place of the intended sale to be made by beat of drum in the village in which the judgment-debtor resides and in such other place or places as the Sale Officer may consider necessary to give due publicity to the sale. No sale shall take place until after the expiration of the period of fifteen days from the date on which the sale notice has been served or affixed in the manner prescribed in clause (a):

Provided that where the property attached is subject to speedy and natural decay or where the expenses of keeping it in custody is likely to exceed its value, the Sale Officer may sell it at any time before the expiry of the said period of fifteen days, unless the amount due is sooner paid.

(ii) At the appointed time, the property shall be put for sale in one or more lots, as the Sale Officer may consider advisable, and shall be disposed of to the highest bidder:

Provided that it shall be open to the Sale Officer to decline to accept the highest bid where the price offered appears to be unduly low or for other reasons. Where the property is sold for more than the amount due, the excess amount, after deducting the interest and the expenses of process and the other changes, shall be paid to the judgment-debtor:

Provided further that the Recovery Officer or the Sale Officer may, in his discretion, adjourn the sale to a specified day and hour recording his reasons for such adjournment. Where the sale is so adjourned for a longer period than seven days, a fresh proclamation under clause (i) shall be made unless the judgment-debtor consents to waive it.
(k) The property sold shall be paid for in cash at the time of sale, or as soon thereafter as the officer holding the sale shall appoint, and the purchaser shall not be permitted to carry away any part of the property until he has paid for it in full. If the purchaser fails in the payment of purchase money, the property shall be resold.

(l) Where it is proved to the satisfaction of any Civil Court of competent jurisdiction that any property which has been attached under these rules has been forcibly or clandestinely removed by any person, the Court may order forthwith such property to be restored to the Sale Officer.

(m) Where prior to the day fixed for sale, the judgment-debtor or any person acting on his behalf or any person claiming an interest in the property attached, pays the full amount due including interest, bhatta and other costs incurred in attaching the property, the Sale Officer shall cancel the order of attachment and release the property forthwith.

(n) The movable properties exempted from attachment by the proviso to Section 60 of the Code of Civil Procedure, 1908, shall not be liable to attachment or sale under these rules.

65. Attachment of other movable property — (1) Where the movable property to be attached is the salary or allowance or wages of a public officer or a railway servant or a servant of a local authority or a firm or a company, the Recovery Officer may, on receiving a report from the Sale Officer, order that the amount shall, subject to the provisions of Section 60 of the Code of Civil Procedure, 1908, be withheld from such salary or allowance or wages, either in one payment or by monthly instalments as the Recovery Officer may direct and upon receipt of an order, the officer or other person whose duty is to disburse such salary or allowance or wages shall withhold and remit to the Sale Officer, the amount due under the order or the monthly instalment, as the case may be.

(2) Where the property to be attached consists of the share or interest of the judgment-debtor in movable property belonging to him and another as co-owners, the attachment shall be made by a notice to the judgment-debtor, prohibiting him from transferring the share or interest or charging it in any way.

(3) The sale of such movable property shall be made on a day fixed by Court order and in the manner to be prescribed by the Court. The surplus grown shall be returned to the person who is entitled to it.

65. अन्य जिंगम समपति की जापी— (1) यदि जाप जी जाने वाली जिंगम समपति, लोक आधूनी, या रेलवे के सेवक या शरणार्थी प्रांक या से ध्वसक या किसी फर्म या कंपनी के वित्त के लिए, भारत या भारत की नियमों में इस का शीघ्रता या भ्रुम करने का मूल्य या भ्रुम करने का मूल्य या भ्रुम करने का मूल्य या भ्रुम करने का मूल्य या भ्रुम करने का मूल्य या भ्रुम करने का मूल्य या भ्रुम करने का मूल्य या भ्रुम करने का मूल्य या भ्रुम करने का मूल्य या भ्रुम करने का मूल्य या भ्रुम करने का मूल्य या भ्रुम करने का मूल्य या भ्रुम करने का मूल्य या भ्रुम करने का मूल्य या भ्रुम करने का मूल्य या भ्रुम करने का मूल्य या भ्रुम करने का मूल्य या भ्रुम करने का मूल्य या भ्रुम करने का मूल्य या भ्रुम करने का मूल्य या भ्रुम करने का मूल्य या भ्रुम करने का मूल्य या भ्रुम करने का मूल्य या भ्रुम करने का मूल्य या भ्रुम करने का मूल्य या भ्रुम करने का मूल्य या भ्रुम करने का मूल्य या भ्रुम करने का मूल्य या भ्रुम करने का मूल्य या भ्रुम करने का मूल्य या भ्रुम करने का मूल्य या भ्रुम करने का मूल्य या भ्रुम करने का मूल्य या भ्रुम करने का मूल्य या भ्रुम करने का मूल्य या भ्रुम करने का मूल्य या भ्रुम करने का मूल्य या भ्रुम करने का मूल्य या भ्रुम करने का मूल्य या भ्रुम करने का मूल्य या भ्रुम कर
(3) जहाँ जान को जाने वाली संपत्ति ऐसा पराक्रम संलेख है जो न तो न्यायालय में जमा हो और न किसी पदाधिकारी के अभिप्राय में हो, तो जान की वार्तालाख हस्तान्तरण द्वारा की जावेगी तथा संलेख जान की आज्ञा देंगे वाले वसुली पदाधिकारी के कार्यालय में लाया जायेगा तथा उसे आगे दिये जाने वाले आदेशों के अंतर्गत रख जायेगा।

(4) जहाँ जान को जाने वाली संपत्ति किसी न्यायालय या लोक अधिकारी के अभिप्राय में हो, तो जान के ऐसे न्यायालय या पदाधिकारी को सुस्कन्द-पत्र देखकर की जावेगी, जिसमें यह निवेदन किया जावेगा कि ऐसी संपत्ति तथा उस पर होने वाले प्राप्ति क्षेत्र या लाभ इत्यादि तथा वसुली पदाधिकारी के आगामी आदेश के अंतर्गत रखे जावें।

किन्तु प्रतिवेदन यह है कि जहाँ ऐसी संपत्ति किसी न्यायालय या किसी अन्य वसुली पदाधिकारी के अभिप्राय में हो, जयपत्र धारो तथा किसी अन्य व्यक्ति के बीच, जो निर्णय निर्णयों में हो और किसी वकृत्तिक जानो या अन्य आदेश पर ऐसे संबंध में हि हिन्दु का ऋष कर्तव्य हो, उत्तराण होने वाले स्तन्वत्तिकार्य या अभिसमाप्ति (priority) संबंधी किसी प्रकार का निर्देशन ऐसे न्यायालय या वसुली पदाधिकारी जैसे भी दिया हो, के द्वारा किया जाएगा।

यद्दिकारण — इस नियम में 'लोक अधिकारी' के द्वारा 70 के अधिनी नियुक्त परिसमापक भी संस्थान है।

(5) (क) जहाँ जान की जाने वाली संपत्ति या तो धारा का भुगतान करने के लिये अवधा या भुगतान के प्रवतन में व्यक्तियों के हेतु अवधा हो, तो समय अवधा, जिसकी लिये जान की जाना है, पंजीयक या नाम निर्देशित व्यक्ति या नाम निर्देशित व्यक्तियों के मद्देनजर उसका विवाद धारा 66 के अधिन पंजीयक के आदेश के अंतर्गत द्वारा अंतरित किया जाया था, दिया गया हो तो जान पंजीयक के अंतर्गत इसे जाना गया।

(दौ) जहाँ पंजीयक खाट (१) के अधिन आदेश दे तो वह धारा पार्श्व पर भी अवधा या भुगतान की निर्देशन के या रूप में निर्देशित या निर्देशित धारा 66 के अंतर्गत पंजीयक के आदेश के अंतर्गत द्वारा अंतरित किया या दिया गया हो।

(तीन) खाट (एक) में निर्देशित प्रकार के अन्य धारा को द्वारा धारा 70 द्वारा भी जाने वाला जपात्रा का धारा या उस धारा का प्रतिनिधि समझा जाता है और ऐसे धारा प्रतिनिधि के रूप में लागू हो, जिसका प्रतिनिधि का अंतरित किया गया हो।

(चार) जहाँ ऐसे धारा के प्रवतन या धारा को जाने वाला संपत्ति खाट (एक) में उल्लिखित प्रकार के धारा 70 द्वारा प्रभावित की हो, तो जाने वाले वसुली पदाधिकारी द्वारा ऐसे जमा प्रतिनिधि का अंतरित किया जा रहा या किसी भी रूप में उसे प्रभावित करने से निषिद्ध करते हुए सुरक्षित देखकर की जावेगी।
(v) The holder of a decree attached under this sub-rule, shall give the Recovery Officer executing the decree such information and aid as may reasonably be required.

(vi) On the application of the holder of a decree sought to be executed by the attachment of another decree, the Recovery Officer making an order of attachment under this sub-rule shall give notice of such order to the judgment-debtor bound by the decree attached; and no payment or adjustment of the attached decree made by the judgment-debtor in contravention of such order after receipt of notice thereof, either through the said Recovery Officer or otherwise, shall be recognised so long as the attachment remains in force.

(6) Where the movable property to be attached is—
(a) a debt due to the judgment-debtor is question;
(b) a share in the capital of a corporation or a deposit invested therein; or
(c) other movable property not in the possession of the judgment-debtor, except property deposited in or in the custody of any Civil Court, the attachment shall be made by a written order signed by the Recovery Officer prohibiting—
(i) in the case of a debt, the creditor from recovering the debt and the debtor from making payment thereof;
(ii) in the case of a share or deposit, the person in whose name the share or the deposit may be standing, from transferring the share or deposit or receiving any dividend or interest thereon; and
(iii) in the case of any other movable property except aforesaid, the person in possession of it from giving it over to the judgment-debtor.

A copy of such order shall be sent in the case of the debt to the debtor, in the case of the share or deposit to the proper officer of the corporation and in the case of the other movable property except property deposited in or in the custody of a Civil Court, to the person in possession of such property. As soon as the debt referred to in clause (a) or the deposit referred to in clause (b) matures, the Recovery Officer may direct the person concerned to pay the amount to him. Where the share is not withdrawable, the said Recovery Officer shall arrange for its sale through a broker. Where the share is withdrawable, its value shall be paid to the Recovery Officer or to the party referred to in clause (c), the person concerned shall place it in the hands of the Recovery Officer as it becomes delivered to the judgment-debtor.

नियम 65  छत्तीसगढ़ सहकारी सोजाइटी नियम, 1962
66. Attachment and sale of immovable property — (1) Immovable property shall not be sold in execution of a decree unless such property has been previously attached:

Provided that where the decree has been obtained on the basis of a mortgage of such property, it shall not be necessary to attach it.

(2) In the attachment and sale or sale without attachment of immovable property, the following rules shall be observed —

(a) The application presented under sub-rule (2) of Rule 62 shall contain a description of the immovable property to be proceeded against, sufficient for its identification and in case such property can be identified by boundaries or numbers in a record of settlement or survey, the specification of such boundaries or numbers and the specification of the judgment-debtor’s share or interest in such property to the best of the belief of the decree-holder and so far as he has been able to ascertain it.

(b) The demand notice issued by the Recovery Officer under sub-rule (3) of Rule 62 shall contain the name of the judgment-debtor, the amount due, including the expenses, if any, and the bhatta to be paid to the person who shall serve the notice the time allowed for payment and in case of non-payment, the particulars of the properties to be attached and sold or to be sold without attachment, as the case may be. After receiving the demand notice, the Sale Officer shall serve or cause to be served a copy of the demand notice upon the judgment-debtor or upon some adult male member of his family at his usual place of residence, or upon his authorised agent, or, if such personal service is not possible, shall affix a copy thereof on some conspicuous part of the immovable property about to be attached and sold or sold without attachment, as the case may be:

Provided that where the Recovery Officer is satisfied that a judgment-debtor with intent to defeat or delay the execution proceedings against him is about to dispose of the whole or any part of his property, the demand

<table>
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<tr>
<th>नियम 66</th>
<th>झसिस्राग सहकारी सोसाइटी नियम, 1962</th>
</tr>
</thead>
<tbody>
<tr>
<td>66. स्थायर संपत्ति की जानती एवं विक्रय — (1) जमयन के निम्नांक में स्थायर सम्पत्ति तब तक नहीं बेची जानेवाली जब तक कि ऐसी संपत्ति को पूर्व में जान नहीं किया गया हो;</td>
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<td>किन्तु प्रतिवेदन यह है कि जमयन ऐसी संपत्ति के बंधक के आधार पर प्राप्त किया गया हो, तो उसको जप्त करना अनिवार्य नहीं होगा।</td>
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<td>(2) स्थायर संपत्ति की जानती तथा विक्रय या बिना जानती विक्रय के संबंध में निम्नलिखित नियमों का पालन किया जायेगा—</td>
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<td>क) नियम 62 के उपनियम (2) के अधीन प्रत्येक आवेदन-पत्र में उस स्थायर संपत्ति का विवरण होगा जिसके विद्वान विवरणार्थियों का जाना है, जो उसकी पहचान के लिए पर्याप्त हो तथा उस दशा में जब ऐसी संपत्ति सीमाओं अथवा व्यवस्थापन या सर्वेक्षण के अभिलेखों के क्रमांकों से पहचानी जा सकती हो, तो ऐसी सीमाओं या क्रमांकों का विवरण हरकर के अधिकारी विवरण तक तथा उस सीमा तक जहाँ तक वह उसे निश्चित करने में समय उपस्थित हो, ऐसी संपत्ति में निर्णय के हिस्से या हित का निर्देशकरण होगा।</td>
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<td>ख) नियम 62 के उपनियम (3) के अधीन वसूली पदाधिकारी द्वारा जारी किये गये मंडी सूचना-पत्र में निर्णय अंश्य का नाम, वकाला रकम, जिसमें व्याप्त, वि, कोई हो; तथा उस व्यवहार को जो मांग-पत्र का निर्धारित दिया, दिया जाने वाला भाव भी सम्मिलित होगा, भुगतान करने के लिये दिया गया समय और भुगतान न करने की दशा में, जब जाने वाली तथा बेचने जाने वाली या बिना जाने के बेचाँ जाने वाली संपत्ति, जैसी भी रहा हो, के विवरण दिये जायेंगे।</td>
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<td>मंडी सूचना-पत्र प्राप्त होने के पर प्रत्येक विवरण पदाधिकारी निर्णय अंश्य या उसके परिचार के किसी व्यक्ति भुगतन सदस्य, उसके सामाजिक नियम स्थान पर अथवा उसके प्रतिदिन कार्य-प्रौद्योगिकी पर मंडी सूचना-पत्र का एक प्रतिदिन प्रति निर्धारित करना या करना, या वि ऐसा वैधत्तिक निर्धारित संभव न हो तो उसकी एक प्रतिदिन जप्त तथा विक्रय के जाने वाली या बिना जाने के विक्रय के जाने वाली, जैसी भी रहा हो, अड़चन सम्पत्ति के किसी सहजतावेदन भाग पर विशेषतागत।</td>
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| किन्तु प्रतिवेदन यह है कि जब वसूली पदाधिकारी की यह तुरंत हो जानेवाली कि निर्णय अंश्य अपने विवरण प्रतिदिन के वार्थाह्यों का निर्धारित करने या विद्यमान करने के अधिकार से अपनी संपत्ति के संपूर्ण या किसी भाग का व्यवस्था करने वाला है, तो वसूली
notice issued by the Recovery Officer under sub-rule (3) of Rule 62 shall not allow any time to the judgment-debtor for payment of the amount due by him and the property of the judgment-debtor shall be attached forthwith.

(c) If the judgment-debtor fails to pay the amount specified in the demand notice within the time allowed, the Sale Officer shall proceed to attach and sell, or sell without attachment, as the case may be, the immovable property specified in the demand notice for execution in the following manner.

(d) Where the attachment is required before sale, the Sale Officer shall, if possible, cause a notice of attachment to be served on the judgment-debtor personally. Where personal service is not possible, the notice shall be affixed in some conspicuous part of the judgment-debtor's last known residence, if any. The fact of attachment shall also be proclaimed by beat of drum or other customary mode of announcement at some place on or adjacent to such property and at such other place or places as the Recovery Officer may consider necessary to give due publicity to the sale. The attachment notice shall set forth that, unless the amount due with interest and expenses be paid within the date therein mentioned, the property will be brought to sale. A copy shall be sent to the decree-holder. Where the Sale Officer so directs the attachment shall also be notified by public proclamation in a local newspaper, if any.

(e) Proclamation of sale shall be published by affixing a notice in the office of the Recovery Officer, office of the Co-operative Central Bank and in the Tahlil office at least thirty days before the date fixed for the sale. It shall also be published by beat of drum in the village. Such proclamation shall, where attachment is required before sale, be made after the attachment has been affected. Notice shall also be given to the decree-holder and the judgment-debtor. The proclamation shall state the time and place of sale and specify as fairly and accurately as possible—
(i) the property to be sold;
(ii) any encumbrance to which the property is liable;
(iii) the amount for the recovery of which the sale is ordered; and
(iv) every other matter which the Sale Officer consider material for a purchaser to know in order to judge the nature and value of the property.

Where any immovable property is sold under these rules, the sale shall be subject to the prior encumbrances on the property, if any. The decree-holder shall where the amount for the realisation of which the sale is held exceeds [Rs. 5,000] furnish to the Sale Officer within such times as may be fixed by him or by the Recovery Officer, an encumbrance certificate from the Registration Department for the period of not less than seven years prior to the date of attachment of the property sought to be sold, or in cases falling under the proviso to the sub-rule (1) prior to the date of the application for execution. The time for production of the encumbrance certificate may be extended at the discretion of the Sale Officer or the Recovery Officer, as the case may be. The sale shall be by public auction to the highest bidder:

Provided that it shall be open to the Sale Officer to decline to accept the highest bid where the price offered appears to be unduly low or for other reasons:

Provided further that the Recovery Officer or the Sale Officer may, in his discretion, adjourn the sale to a specified day and hour, recording his reasons for such adjournment. Where a sale is so adjourned for a longer period than seven days, a fresh proclamation under clause (e) shall be made unless the judgment-debtor consents to waive it.
(ii) The sale shall be held after the expiry of not less than thirty days calculated from the date on which notice of the proclamation was affixed in the office of the Recovery Officer. The time and place of sale shall be fixed by the Recovery Officer and the place of sale shall be the village where the property to be sold is situated or such adjoining prominent place of public resort as may be fixed by the said Recovery Officer:

Provided that in cases where an encumbrance certificate is not obtainable owing to the destruction of the connected records, an affidavit from village Patwaria in regard to the encumbrances known to him supported by a certificate from the Registration Department that the encumbrance certificate cannot be granted owing to the destruction of the connected records, shall be accepted in the place of an encumbrance certificate.

(g) A sum of money equal to 25 percent of the price for which the immovable property is purchased in auction shall be paid by the purchaser to the Sale Officer at the time of the purchase, and in default of such deposit, the property shall forthwith be resold:

Provided that where the decree-holder is the purchaser and is entitled to set off the purchase money under clause (k) the Sale Officer shall dispense with the requirements of this clause.

(h) The remainder of the purchase money and the amount required for the general stamp for the sale certificate shall be paid within fifteen days from the date of sale:

Provided that the time for payment of the cost of the stamp may for good and sufficient reasons, be extended at the discretion of the Recovery Officer up to thirty days from the date of sale:

Provided further that in calculating the amounts to be paid under this clause, the purchaser shall have the advantage of any set-off to which he may be entitled under clause (k).
(i) In default of payment of the purchase money within the period mentioned in clause (h), the deposit may, if the Recovery Officer thinks fit, after defraying the expenses of the sale, be forfeited to the State Government and the defaulting purchaser shall forfeit all claims to the property or to any part of the sum for which it may subsequently be sold.

(j) Every resale of immovable property in default of payment of the amount mentioned in clause (h) within the period allowed for such payment, shall be made after the issue of a fresh proclamation in the manner and for the period hereinbefore prescribed for the sale.

(k) Where a decree-holder purchases the property, the purchase money and the amount due on the decree shall be set off against one another, and the Sale Officer shall enter up satisfaction of the decree in whole or in part accordingly.

(3) Where prior to the date fixed for sale, the judgment-debtor or any person acting on his behalf or any person claiming an interest in the property sought to be sold, tenders payment of the full amount due together with interest, bhatta and other expenses incurred in bringing the property to sale, including the expenses of attachment, if any, the Sale Officer shall forthwith release the property after cancelling, where the property has been attached, the order of attachment.

(4) (i) Where immovable property has been sold by the Sale Officer, any person either owning such property or holding an interest therein virtue of a title acquired before such sale may apply to have the sale set aside on his depositing with the Recovery Officer—

(a) for payment to the purchaser a sum equal to five percent of the purchase money; and

(b) for payment to the decree-holder, the amount of arrears specified in the proclamation of sale as that for the recovery of which the sale was ordered together with interest thereon and the expenses of attachment, if any, and sale and other costs due in respect of such amount, less amount which may, since the date of such proclamation, have been received by the decree-holder.
(ii) If such deposit and application are made within thirty days from the date of sale, the Recovery Officer shall pass an order setting aside the sale and shall repay to the purchaser, the purchase money so far as it has been deposited with the five percent deposited by the applicant:

Provided that, if more persons than one have made deposit and application under this sub-rule, the application of the first depositor to the Recovery Officer, shall be accepted;

(iii) If a person applies under sub-rule (5) to set aside the sale of immovable property, he shall not be entitled to make an application under this sub-rule.

(5) (i) At any time within thirty days from the date of the sale of immovable property, the decree-holder or any person entitled to share in a rateable distribution of the assets or whose interests are affected by the sale, may apply to the Recovery Officer to set aside the sale on the ground of a material irregularity or mistake or fraud in publishing or conducting it:

Provided that no sale shall be set aside on the ground of irregularity or fraud unless the Recovery Officer is satisfied that the applicant has sustained substantial injury by reason of such irregularity, mistake or fraud.

(ii) If the application be allowed, the Recovery Officer shall set aside the sale and may direct a fresh one.

(6) (i) On the expiration of thirty days from the date of sale, if no application to have the sale set aside is made or if such application has been made and rejected, the Recovery Officer shall make an order confirming the sale:

Provided that, if he shall have reasons to think that the sale ought to be set aside notwithstanding that no such application has been made or on grounds other than those alleged in any application which has been made and rejected, he may, after recording his reasons in writing, set aside the sale.

(ii) Whenever the sale of any immovable property is not so confirmed or is set aside, the deposit or the purchase money, as the case may be, shall be returned to the purchaser.
1[(iii) After the confirmation of any such sale, the Recovery Officer shall—

(a) grant a certificate of sale bearing his seal and signature to the purchaser and such certificate shall state the property sold and the name of the purchaser and it shall be conclusive evidence of the fact of the purchase in all Courts and Tribunals, where it may be necessary to prove it and no proof of the seal or signature of the Recovery Officer shall be necessary unless the authority before whom it is produced shall have reason to doubt its genuineness;

(b) Serve notice on the person or persons in possession of the immovable property mentioned in the certificate of sale, to deliver possession thereof to the purchaser within 15 days from the date of receipt of notice by him;]

(iv) An order made under this sub-rule shall be final, and shall not be liable to be questioned in any suit or other legal proceedings.

1[(7) On failure of the person in possession of the immovable property to deliver possession thereof to the purchaser within the period specified in the notice under clause (iii) of sub-rule (6) the Recovery Officer shall use such force as may be necessary to dispossess the person in possession of the immovable property and deliver the same to the purchaser.]

(8) It shall be lawful for the Sale Officer to sell the whole or any portion of the immovable property of a judgment-debtor in discharge of money due:

Provided always that so far as may be practicable, no larger section or portion of immovable property shall be sold than may be sufficient to discharge the amount due with interest and expenses of attachment, if any, and sale.

2[(66-A. Attachment and lease of immovable property — (1) Immovable property shall not be transferred by lease for a specified period in execution of a decree unless such property has been previously attached:

Provided that where the decree has been obtained on the basis of a mortgage of such property, it shall not be necessary to attach it.

1. Subs. by notification No. F-5-10-77-I-XV, dated 26-7-78.
2. Ins. by notification No. 269-4858-XV-70, dated 13-1-71.]
(2) In the attachment and transfer or transfer without attachment of immovable property, the following rules shall be observed—

(a) The application presented under sub-rule (2) of Rule 62 shall contain description of the immovable property to be proceeded against sufficient for its identification and in case such property can be identified by boundaries or numbers in a record of settlement of survey, the specification of such boundaries or numbers and the specifications of the judgment-debtor's share or interest is such property to the best of the belief of the decree-holder and so far as he has been able to ascertain it.

(b) The demand notice issued by the Recovery Officer under sub-rule (3) of Rule 62 shall contain the name of the judgment-debtor, the amount due, including the expenses, if any, and the Bhatta to be paid to the person who shall serve the demand notice, the time allowed for payment and in case of non-payment, the particulars of the properties to be attached and transferred or to be transferred without attachment, as the case may be. After receiving the demand notice, the Sale Officer shall serve or cause to be served a copy of the demand notice upon the judgment-debtor or upon some adult male member of his family at his usual place of residence, or upon his authorised agent, or, if such personal service is not possible shall affix a copy thereof on some conspicuous part of the immovable property about to be attached and transferred or transferred without attachment, as the case may be:

Provided that where the Recovery Officer is satisfied that a judgment-debtor with intent to defeat or delay the execution proceedings against him is about to dispose of the whole or any part of his property, the demand notice issued by the Recovery Officer under sub-rule (3) of Rule 62 shall not allow any time to the judgment-debtor for payment of the amount due by him and the property of the judgment-debtor shall be attached forthwith.

(c) If the judgment-debtor fails to pay the amount specified in the demand notice within the time allowed, the Sale Officer shall proceed to attach and transfer or transfer without attachment, as the case may be, the immovable property specified in the demand notice for execution in the following manner.
(d) Where the attachment is required before transfer by lease, the Sale Officer shall, if possible, cause a notice of attachment to be served on the judgment-debtor personally, where personal service is not possible, the notice shall be affixed in some conspicuous part of the judgment-debtors last known residence, if any. The fact of attachment shall also be proclaimed by beat of drum or other customary mode of announcement at some place on or adjacent to such property and at such other place or places as the Recovery Officer may consider necessary to give due publicity to the transfer by lease. The attachment notice shall set forth that, unless the amount due with interest and expenses be paid within the date therein mentioned, the property will be brought to transfer by lease. A copy shall be sent to the decree-holder. Where the Sale Officer so directs the attachment shall also be notified by public proclamation in a local news-paper, if any.

(e) Proclamation of transfer by lease shall be published by affixing a notice in the office of the Recovery Officer, Office of the Co-operative Central Bank and in the Tahsildari Office at least thirty days before the date fixed for the transfer by lease. It shall also be published by beat of drum in the village. Such proclamation shall, where attachment is required before transfer, be made after the attachment has been affected. Notice shall also be given to the decree-holder and the judgment-debtor. The proclamation shall state the time and place of transfer by lease and specify as fairly and accurately as possible—

(i) the property to be transferred by lease;
(ii) any encumbrance to which the property is liable;
(iii) the amount for the recovery of which the transfer is ordered; and
(iv) every other matter, e.g., the period of lease, the terms and conditions of lease, penalty of Rs. 10/- per day per acre to be paid by the lessee in case he detains the land beyond the period for which the lease is granted, etc., which the Sale Officer considers material for a lease-holder to know in order to judge the nature and value of the property.
Explanation — (i) The period of lease in no case shall extend beyond a period of 3 years. By virtue of this lease, the lessee shall not acquire any new tenancy rights/right of permanent lease.

(ii) At the end of the period specified in the proclamation, the land will revert to the judgment-debtor for which the Recovery Officer will issue a certificate in prescribed form. The retention of the land beyond the period will result in penalty specified above.

(iii) The terms and conditions for the said lease may include that the lessee pays entire dues of the judgment-debtor to the satisfaction of the decree-holder in one instalment, the exact period of lease, prohibition of any permanent improvement on the land involved in the lease, no right to any compensation or return on the investment made on improvement of land, etc. These terms may be decided by the Registrar under Section 84 of the Chhattisgarh Co-operative Societies (Amendment) Act, 1970.

(iv) This explanation should form part of the proclamation.

(f) Where any immovable property is transferred under these rules, the transfer shall be subject to the prior encumbrances on the property, if any. The decree-holder shall, where the amount for the realisation of which the transfer is held exceeds Rs. 5,000/- furnish to the Sale Officer within such time, as may be fixed by him or by the Recovery Officer, an encumbrance Certificate from the Registration Department for the period of not less than one year prior to the date of attachment of the property sought to be transferred or in cases falling under the proviso to sub-rule (i) prior to the date of the application for execution. The time for production of the encumbrance certificate may be extended at the discretion of the Sale Officer or the Recovery Officer, as the case may be. The transfer shall be by public auction to the highest bidder:

Provided that it shall be open to the Sale Officer to decline to accept the highest bid where the price offered appears to be unduly low or for other reasons:
Provided further that the Recovery Officer or the Sale Officer may, in his discretion, adjourn the auction for transfer by lease to a specified day and hour, recording his reasons for such adjournment. Where auction for transfer is so adjourned for a longer period than seven days, a fresh proclamation under clause (e) shall be made, unless the judgment-debtor consents to waive it:

Provided also that for want of bidders, or inadequate amount of bid, or for other reasons the decree-holder may abandon procedure of recovery by transfer by lease and apply fresh to the Recovery Officer under sub-rule (2) of Rule 62, for recovery under Rule 66 of these rules. By virtue of the new application under Rule 62, the previous application under Rule 62, for auction under Rule 66-A shall be deemed to have been cancelled.

(ii) The auction for transfer by lease shall be held after the expiry of not less than thirty days calculated from the date on which notice of the proclamation was affixed in the office of the Recovery Officer. The time and place of auction for transfer by lease shall be fixed by the Recovery Officer and the place of auction shall be the village where the property to be transferred is situated or such adjoining prominent place of public resort as may be fixed by the said Recovery Officer:

Provided that in cases where an encumbrance certificate is not obtainable owing to the destruction of the connected records, an affidavit from village Patwari in regard to the encumbrances known to him supported by a certificate from the Registration Department that the encumbrance certificate cannot be granted owing to the destruction of the connected records, shall be accepted in the place of an encumbrance certificate.

(g) A sum of money equal to 33 per cent of the price for which the immoveable property is leased out in auction shall be paid by the lessee to the Sale Officer at the time of the lease and in default of such deposit, the property shall forthwith be auctioned for leasing out against:
Provided that where the decree-holder is the lessee and is entitled to set off the lease money under clause (k) the Sale Officer shall dispense with the requirements of this clause.

(h) The remainder of the lease money and the amount required for the general stamp for the certificate of lease shall be paid within forty five days from the date of lease:

Provided that in calculating the amounts to be paid under this clause, the lessee, shall have the advantage of any set off to which he may be entitled under clause (k).

(i) In default of payment of the lease money within the period mentioned in clause (h), the deposit may, if the Recovery Officer thinks fit after defraying the expenses of the lease be forfeited to the State Government and the defaulting lessee shall forfeit all claims to the property or to any part of the sum for which it may subsequently be leased out.

(j) Every release of immovable property in default, of payment of the amount mentioned in clause (h) within the period allowed for such payment shall be made after the issue of a fresh proclamation in the manner and for the period hereinbefore prescribed for the transfer by lease.

(k) Where a decree-holder is the lessee of the property the lease money and the amount due on the decree shall be set-off against one another and the Sale Officer shall enter up to satisfaction of the decree in whole or in part accordingly.

(3) Where prior to the date fixed for transfer by lease, the judgment-debtor or any person acting on his behalf or any person claiming an interest in the property sought to be transferred tenders payment of the full amount due together with interest, Bhatta and other expenses incurred in bringing the property to lease including the expenses of attachment, if any, the Sale Officer shall forthwith release the property after cancelling, where the property has been attached the order of attachment.
(4) (a) Where immovable property has been transferred by lease by Sale Officer, any person either owning such property or holding an interest therein by virtue of a title acquired before such transfer may apply to have the transfer set aside on his depositing with the Recovery Officer—

(a) for payment to the lessee a sum equal to five per cent of the lease money, and

(b) for payment to the decree-holder, the amount of arrears specified in the proclamation of lease as that for the recovery of which the transfer by lease was ordered together with interest thereon and the expenses of attachment, if any, and transfer and other cost due in respect of such amount, less amount which may since the date of such proclamation, have been received by the decree-holder.

(ii) If such deposit and application are made within thirty days from the date of auction for lease, the Recovery Officer, shall pass an order setting aside the transfer and shall repay to the lessee the lease money so far as it has been deposited with the five per cent deposited by the applicant:

Provided that, if more persons than one have made deposit and application under this sub-rule, the application of the first depositor to the Recovery Officer, shall be accepted.

(iii) If a person applies under sub-rule (5) to set aside the transfer of immovable property, he shall not be entitled to make an application under this sub-rule.

(5) (i) At any time within thirty days from the date of the auction for lease of immovable property, the decree-holder or any person entitled to share in a ratable distribution of the assets or whose interests are affected by the lease may apply to the Recovery Officer to set aside the transfer by lease on the ground of a material irregularity or mistake or fraud in publishing or conducting it:

Provided that no transfer by lease shall be set aside on the ground of irregularity, or fraud unless the Recovery Officer is satisfied that the applicant has sustained substantial injury by reason of such irregularity, mistakes or fraud.
(ii) If the application be allowed, the Recovery Officer shall set aside the transfer and may direct a fresh one.

(6) (i) On the expiration of thirty days from the date of auction for lease, if no application to have the lease set aside is made or if such application has been made and rejected, the Recovery Officer shall make an order confirming the transfer by lease:

Provided that, if he shall have reason to think that the transfer by lease ought to be set aside notwithstanding that no such application has been made or on grounds other than those alleged in any application which has been made and rejected, he may, after recording his reasons in writing, set aside the lease.

(ii) Whenever the transfer by lease of any immovable property is not so confirmed or is set aside, the deposit or the lease money, as the case may be, shall be returned to the lessee.

(iii) After the confirmation of any such transfer by lease, the Recovery Officer shall grant a certificate of lease bearing his seal and signature to the lessee, and the judgment-debtor and such certificate shall state the property leased out, and the name of the lessee, the exact period of lease etc. It shall also state that on the expiry of this lease period, the property shall revert to the judgment-debtor automatically. The certificate shall be conclusive evidence of the fact of lease in all Courts and Tribunals where it may be necessary to prove and no proof of the seal or signature of the Recovery Officer shall be necessary unless the authority before whom it is produced shall have reason to doubt its genuineness.

(iv) An order made under this sub-rule shall be final, and shall not be liable to be questioned in any suit or other legal proceedings.

(7) Where any lawful lessee of immovable property is resisted and prevented by any person other than a person (not being the judgment-debtor) claiming in good faith to be in possession of the property on his own account from obtaining possession of the immovable property leased, any Court of competent jurisdiction on application and production of the certificate of lease provided for by sub-rule (6) shall cause the proper process to be issued for the purpose of putting such lease in possession, in the same manner as if the immovable property leased out had been decreed to the lessee by a decision of the Court.
(8) It shall be lawful for the Sale Officer to lease the whole or any portion of the immovable property of a judgment-debtor in discharge of money due:

Provided always that so far as may be practicable, no larger section or portion of immovable property shall be leased than may be sufficient to discharge the amount due with interest and expenses of attachment, if any.

**Explanation** — For the purposes of this rule and the subsequent rules ‘Lease’ means a transfer of a right to enjoy any land made for a certain time, expressed, or implied in consideration of a price paid.

66-B. No permanent right to leaseholder — Notwithstanding anything contained in these rules, the right of lease acquired under Rule 66-A shall not give any new type of tenancy right or right to permanent lease to the lessee.

66-C. Procedure for reversion of the land to the judgment-debtor — (1) Prior to the expiry of the lease period, the judgment-debtor whose land was leased out under the provisions of Rule 66-A, may apply to the Recovery Officer for reversion of his land to him. He shall enclose a certified copy of the certificate given to him under sub-rule (iii) of Rule 66-A.

(2) The Recovery Officer shall made an order directly to the leaseholder to handover the possession of the land to the original judgment-debtor.

(3) He shall also issue a certificate of termination of the lease, and reversion of the land to the original judgment-debtor bearing his seal and signature to the original judgment-debtor. The certificate shall state the property is reverting, the name of the judgment-debtor to whom the property now reverts. The certificate shall be conclusive evidence of the fact of the termination of the lease and reversion of the land to the original judgment-debtor in all the Courts and Tribunals, where it will not be necessary to prove it and no proof of the seal and signature of the Recovery Officer shall be necessary, unless the authority before whom it is produced, shall have reason to doubt its genuineness.
67. Effect of attachment on private alienation — Where an attachment has been made under these rules, any private transfer or delivery of the property attached or of any interest therein and any payment to the judgment-debtor of any debt, dividend or other moneys, contrary to such attachment, shall be void as against all claims enforceable under the attachment.

Explanation — For the purpose of this rule, claims enforceable under an attachment include claims for the rateable distribution of assets under Rule 72.

68. Bhatta, costs and receipts for payments made — (1) Persons employed in serving notices or other processes under these rules shall be entitled to Bhatta at such rates as may from time to time be fixed by the Registrar.

(2) Where the cost and charges incurred in connection with attachment and sale of movable property or the attachment and sale or sale without attachment of immovable property under these rules exceeds the amount of the cost deposited by the decree-holder, such excess shall be deducted from the sale proceeds of the property sold or the moneys paid by the judgment-debtor, as the case may be, and the balance shall be made available to the decree-holder.

(3) Every person making a payment towards any money due for the recovery of which application has been made under these rules shall be entitled to receipt for the amount signed by the Sale Officer or other officer empowered by the Recovery Officer in that behalf; such receipt shall state the name of the person making the payment and the subject-matter in respect of which the payment is made.
नियम 68क-69
छत्तीसगढ़ सहकारी सोमायडी नियम, 1962

1 [68-क. पट्टे के लिए किये गये व्यय तथा भुगतान की पाबंदियाँ—(1) इन नियमों के अन्तिम सुचारू पत्रों या अन्य आदेशकारों की तामाली में नियुक्त व्यक्ति ऐसी दरों पर भुगतान करेंगे कि जिनके सरकारी द्वारा समय—समय पर भुगतान किया जायें।
(2) जब इन नियमों के अधीन जो मामला सम्पत्ति की कुकी तथा अंतरण या स्थायी सम्पत्ति की कुकी तथा अंतरण या कुकी के बिना अंतरण के संबंध में हो गये व्यय तथा परिवर्तनीय विदेशियों द्वारा जाना किये गये व्यय को धनराशि से अंधकार हों, तो ऐसे अंधकार धन अंतरण की गई सम्पत्ति के पट्टे की राशि में से या निर्देश ज्ञानीय द्वारा भुगतान किये गये व्यय में से जैसी भी दसा हो, काट लिया जाएगा तथा शेष रकम विदेशियों को अंतःप्रभाव कराउ जायेगी।
(3) किसी भी बकाया धन के संबंध में जिसकी वस्तुली के लिए इन नियमों के अधीन आदेश—पर प्रत्यूता किया गया हो, भुगतान करने वाला प्रेषिय व्यक्ति उस धनराशि के लिए विक्रय पदाधिकारी या उस संबंध में वस्तुली पदाधिकारी द्वारा प्राप्तकृत अन्य पदाधिकारी द्वारा हस्तांतरण सर्वाधिकार प्राप्त करने के लिए हकदार होगा। ऐसी सर्वाधिकार में भुगतान करने वाले व्यक्ति का नाम तथा उस विषय वस्तु का, जिसके कं संबंध में भुगतान किया गया है, उल्लेख होगा।
69. अभियुक्त संस्थापक पर दायों की जांच—(1) जब इन नियमों के अधीन जाना की गई किसी सम्पत्ति के प्रति का संबंध में इस आदेश पर कोई दाय किया जाये या आपत्ति की जाने, कि ऐसी सम्पत्ति जब दाय करने के योग्य नहीं हैं, हो तो विक्रय पदाधिकारी दाय या आपत्ति की जांच करने तथा दाय अभाव आपत्ति को या तो अस्पष्ट करने एवं आदेश दे या उसका गुप्त—दोषों के आधार पर निर्देश करना:
किन्तु अनुसन्धान यह है कि विक्रय पदाधिकारी दाय अभाव आपत्ति की जांच करना असंभव कर सकेगा यदि वह दाय अभाव आपत्ति को आधार नहीं समझे।
(2) जब उस संस्थापन को, जो दाय अभाव आपत्ति से संबंधित है, विक्रय के लिए निर्देश प्रदान कर दी गई हो, तो विक्रय पदाधिकारी दाय अभाव आपत्ति की जांच करने के लिए निर्देश किए गए रूप में उन स्थलों को स्थापित करने के लिए निर्देश जिसे यह दाय करता है, वाद चला सकेगा, लेकिन ऐसे वाद के निर्माण के, यदि कोई हो, पालन के अधीन वह आदेश निर्देशित होगा।

1. अभियुक्त भ. 269-4858-पट्टे-70, दिनांक 13-1-71 द्वारा अन्तःस्पष्ट।
1[69-A. Investigation of claims to property attached for transfer by lease — (1) Where any claim is preferred to or any objection is made to the attachment of any property attached under these rules on the ground that such property is not liable to such attachment, the Sale Officer shall investigate the claim or objection and make an order either rejecting the claim or objection and dispose of it on merits:

Provided that the Sale Officer may refuse to investigate claim or objection if he considers that the claim or objection is frivolous.

(2) Where the property, to which the claim or objection relates has been advertised for transfer by lease, the Sale Officer may postpone the transfer by lease pending the investigation of the claim or objection.

(3) Where a claim or an objection is preferred, the party against whom an order is made may institute a suit within six months from the date of the order to establish the right which he claims to the property in dispute, but subject to the result of such suit, if any, the order shall be conclusive.]

70. Loss caused by resale due to default by purchaser at first sale — (1) Any deficiency of price which may arise on a resale held under clause (k) of Rule 64 or under clause (g) or (j) of sub-rule (2) of Rule 66 by reason of the purchaser’s default, and all expenses attending such resale shall be certified by the Sale Officer to the Recovery Officer and shall, at the instance of either the decree-holder or the judgment-debtor, be recoverable from the defaulting purchaser. The costs, if any, incidental to such recovery shall also be borne by the defaulting purchaser.

(2) Where the property may on the second sale, sell for a higher price than at first sale, the defaulting purchaser at the first sale, shall have no claim to the difference.

270-A. Loss caused by release due to default of losses at first transfer by lease — (1) Any deficiency of price which may arise on a resale held under clause (k) of Rule 64 or for reauction for lease under clause (g) or (j) of sub-rule (2) of Rule 66-A by reason of the lessee’s default and all expenses attending such retransfer by lease shall be certified by the Sale Officer to the Recovery Officer and shall at the instance of either the decree-holder or the judgment-debtor, be recoverable from the defaulting lessee. The cost, if any, incidental to such recovery shall also be borne by the defaulting lessee.

1. Ins. by notification No. 269-4858-XV-70, dated 13-1-71.
2. Ins. by notification No. 269-4858-XV-70, dated 13-1-71.
(2) Where the property may be sold to the second auction to fetch a higher price than first auction for lease, the defaulting lessee at the first auction shall have no claim to difference or increase.

71. Dismissal of application for execution for default of decreeholder — Where any property has been attached in execution of a decree, but by reason of the decree-holder's default, the Recovery Officer is unable to proceed further with the application for execution, he shall either dismiss the application or for any sufficient reason adjourn the proceedings to a future date. Upon the dismissal of such application, the attachment shall cease.

72. Distribution of assets when there are claims under several decrees — (1) Where the Sale Officer attaches or has attached under these rules, any property not in the custody of any Court, which is already under attachment in execution of a decree of any Court, such Court shall receive and realise such property and shall determine claims thereto and any objection to the attachment thereof.

Provided that where the property is under attachment in the execution of a decree of more Courts than one, the Court which shall receive or realise such property and shall determine any claim thereto and any objection to the attachment thereof shall be the Court of highest grade, or where there is no difference in grade between such Courts, the Court under whose decree the property was first attached.

(2) Where assets are held by the Sale Officer and before the receipt of such assets, demand notices in pursuance of applications for execution of decrees against the same judgment-debtor have been received from more than one decree-holders and the decree-holders have not obtained satisfaction, the assets after deducting the costs of realisation, shall be ratably distributed by the Recovery Officer among such decree-holders in the manner provided in Section 73 of the Code of Civil Procedure, 1908.

73. Death of judgment-debtor — Execution against legal representative — (1) Where a judgment-debtor dies before the decree has been fully satisfied, an application under sub-rule (1) of Rule 62 may be made or continued against the legal representative of the deceased and thereupon all the provisions of this chapter shall, save as otherwise provided in this rule, apply as if such legal representative were the judgment-debtor:

Provided that a show cause notice shall be issued to such legal representative and his objections heard, before execution is against him.
(2) Where the decree is executed against such legal representative, he shall be liable only to the extent of the property of the deceased which has come to his hands, the Recovery Officer executing the decree may, of his own motion or on the application of the decree-holder, compel such legal representative to produce such accounts as he thinks fit.

74. Fees for processes issued under these rules — Where, in connection with the proceedings on an application under clause (c) of Section 85, any person requires the issue of any process or objects to any process issued or objects to any order passed, he shall pay such fee as may be specified by the Registrar in this behalf.

CHAPTER XI
MISCELLANEOUS

75. Mode of service of summons — (1) Every summons issued under the Act of these rules shall be in writing, shall be authenticated by seal, if any, of the officer by whom it is issued and shall be signed by such officer or by any person authorised by him in writing in that behalf. The summons shall require the person summoned to appear before the said officer at a stated time and place, and shall specify whether his attendance is required for the purpose of giving evidence or to produce a document or for both purpose; and any particular document, the production of which is required, shall be described in the summons with reasonable accuracy.

(2) Any person may be summoned to produce a document, without being summoned to give evidence; and any person summoned merely to produce a document shall be deemed to have complied with the summons if he causes such document to be produced, instead of attending personally to produce the same.

(3) The service of summons under the Act or these rules on any person, may be affected in any of the following ways:—

(a) by giving or tendering it in person; or

(b) if such person is not found, by leaving it at his last known place of abode, or business or by giving or tendering it to some adult member of his family; or

(c) if the address of such person is known to the Registrar or other authorised person, by sending it to him by registered post with acknowledgment due; or

(2) जब जाप्रायटक ऐसे वैध प्रतिनिधि के विरुद्ध प्रवतलता किया जाये तो वह मुताक को सम्पत्ति की उस सीमा तक ही दायिय दीजा जो उसे प्राप्त हुई हो, जाप्रायटक का प्रवतलता करने वाला सर्वपल्लि पता लिखित विवरण की प्रेषण से या जाप्रायटकारी के आवेदन पर से ऐसे वैध प्रतिनिधि को ऐसे हिसाब प्रस्तुत करने के लिए विवरण कर सकेगा, जैसा वह उपचार समझे।

74. इन नियमों के अधीन जागी आदेशिकाओं के शुल्क—(1) जब कोई व्यक्ति धारा 85 के खंड (ग) के अधीन आवेदन—पत्र को जाने वाली कार्यालयों के संबंध में कोई आदेशिका जागी कराना चाहे अथवा जागी को रिक्त आदेशिका के संबंध में आवश्यक कर अथवा दिये गए किसी आदेश के संबंध में आवश्यक करे तो वह ऐसे शुल्कों का भुगतान करेगा, जैसे पंजीकरण द्वारा इस संबंध में निर्धारित किये जायें।

अध्याय यथार्थ
बिविध

75. समस्त तामीली की रीति—(1) अधिनियम या इन नियमों के अधीन जागी किया गया प्रतिक्रिया समय लिखित होगा, उसको जागी करने वाले पता लिखित की मुद्रा से, यदि कोई हो प्रारम्भिक अवधारणा जागीय तथा ऐसे पता लिखित का द्वारा या इस संबंध में उसके द्वारा लिखित में प्राकृतिक प्रशंसक व्यक्ति द्वारा, हस्ताक्षरित किया जाये। उसमें समस्त किये गये व्यक्ति की निर्देश समय तथा स्थान पर उत्तर पता लिखित के संबंध पर उपस्थित होने का आवश्यक होगा तथा उसमें निर्देश किया जाये कि यदि उसकी उपस्थिति साइट देने के आवश्यक के लिए या किसी लिखित को प्रस्तुत करने के लिए अपेक्षित है, या दोनों आवश्यक के लिए और कोई विशिष्ट लिखित रिक्त अवधारणा प्रस्तुत किया जाना अपेक्षित हो, समस्त में समुचित परिस्थितियों से वैधिक की जायें।

(2) कोई भी व्यक्ति, साइट देने के लिए समय किये गये बिंदु, लिखित को प्रस्तुत करने के लिए समय किया जा सकेगा तथा केवल लिखित प्रस्तुत करने के लिए समय किये गये किसी भी व्यक्ति द्वारा आवश्यक पता का पताका हुस्त कर उसमें समक्ष जाएगा, यदि वह ऐसे लिखित को प्रस्तुत करने के लिए व्यक्ति उपस्थित न हो, उसको प्रस्तुत करवा है।

(3) अधिनियम या इन नियमों के अधीन समस्त को तामिली किसी भी व्यक्ति पर निर्देशित किया है वेतन वेतन को जाने वाले किसी—

(क) उसे ऐसे व्यक्ति को देखकर या प्रस्तुत करके, या

(ख) यदि ऐसा व्यक्ति न मिले तो उसके निर्देश या कोर्टार के अवधारणा द्वारा उसको छोड़कर या उसके द्वारा तक के किसी वापस समय को देखकर वा प्रस्तुत करके,

(ग) यदि पंजीकरण या किसी अन्य प्राकृतिक व्यक्ति का ऐसा व्यक्ति का पता जाने तो रंगिनी देश अभिन्न को दृष्ट द्वारा उसको भेजकर, या
(d) if none of the means aforesaid is available, by affixing it in some conspicuous part of his last known place of abode or business, or at some place of public resort, in such place.

(4) Where the serving officer delivers or tenders a copy of the summons to the defendant personally or to an agent or other person on his behalf, he shall require the signature of the person to whom the copy is so delivered or tendered as an acknowledgment of service endorsed on the original summons.

(5) The serving officer shall in all cases in which the summons have been served under sub-rule (4), endorse or annex, or cause to be endorsed or annexed, on or to the original summons a return stating the time when and the manner in which the summons was served and the name and address of the person, if any, identifying the person served and witnessing the delivery or tender of the summons.

(6) Where the defendant to be summoned is a public officer or is the servant of a local authority, the officer issuing the summons may, if it appears that the summons may be conveniently so served send it by registered post acknowledgment due for service on the party to be summoned to the head of the office in which he is employed together with a copy to be retained by the defendant.

76. Authentication of notice or process — Every notice or process issued under the Act or these rules, shall be in writing, shall be authenticated by the seal, if any, of the officer by whom it is issued, and shall be signed by such officer or by any person authorised by him in writing in that behalf.

77. Communication of order, decision or award — Any order, decision or award required to be communicated under the Act or these rules shall, unless otherwise specifically provided in the Act or these rules, be posted to the last address of the party as given by the party under certificate of posting and under intimation to the society with instructions to display a copy thereof on its notice board.

78. Repeal and savings — The Madhya Bharat Co-operative Societies Rules, 1958, the Vindyia Prades Co-operative Societies Rules, 1949, and all other rules corresponding to these rules in force in any region of the State of Chhattisgarh, immediately before the commencement of these rules are hereby repealed:

Provided that anything done or any action taken under any of the rules so repealed shall, unless such thing or action is inconsistent with the provisions of these rules, be deemed to have been done or taken under the corresponding provisions of these rules.

1. Subs. by notification No. F-5-4-88-XV-1, dated 28-6-88.