

Jharkhand Co-operative Societies Rules, 2008

No..... - In exercise of the powers conferred by section 66 of the Jharkhand Co-operative Societies Act, 2008 the Governor of Jharkhand is pleased to make the following rules, the same having been previously published in the Jharkhand Gazette dated..... as required by sub section (3) of the said section of the Act.

Title and Definition

1. Title. - These rules may be called the Jharkhand Co-operative Societies Rules 2008.

2. Definitions. - (1) In these rules unless there is anything repugnant in the context.

- (i) '*The Act*' means the Jharkhand Co-operative societies Act. 2008.
- (ii) '*borrowed capital*' means the total of loans, deposits and other borrowings;
- (iii) '*owned capital*' means the total of paid up share capital, reserve and other funds created out of profits;
- (iv) '*working capital*' means the total of "borrowed capital" and owned capital";
- (v) '*form*' means a form included in the Schedule to these rules;
- (vi) '*State Level Society*' means -
 - (a) a society whose area of operation covers the whole of Jharkhand and whose members are individuals only, or
 - (b) any other society declared as State level Society by the Registrar of Cooperative Societies;
 - (c) a Co-operative Society which is declared as a Central Society by the Registrar of Co-operative Societies;
- (vii) '*Candidate*' means a voter eligible to seek election -
 - (a) as Delegate, and / or
 - (b) Member of the Managing Committee, and / or
 - (c) As an office - bearer of a Co-operative society including a self supporting society.
- (viii) '*Delegate*' means delegate of members or delegate of a society, as the context requires,
- (ix) '*Delegate of Members*' means an individual elected in accordance with these Rules in the Preliminary Meeting of a Co-operative Society including a self supporting society to participate in the General Meeting of the Society;
- (x) '*Delegate of Society*' means an individual elected in accordance with these rules in the General Meeting of a Co-operative Society / self supporting society to represent it in another Co-operative Society / self supporting society of which such society is a member;
- (xi) '*Election*' means election, in accordance with these Rules, for -
 - (a) Delegate,
 - (b) Members of the managing Committee, and/ or,
 - (c) Office-bearers of a Co-operative Society / self supporting society;
- (xii) '*Polling Officer*' means a person appointed by the Election Officer to assist him in conducting election at any polling station;

- (xiii) '*Voter*' means a person entitled under these Rules to vote for the election of a Delegate/Delegates, the members of the managing Committee and the Office-bearers thereof and whose name occurs in the final voter list;
- (xiv) '*Voters list*' means -
- (a) in the case of elections in a society in which members of the society directly participate in its General Meeting, the list of such members;
 - (b) in other cases, the list of delegates of individual members, if any, for the Preliminary Meeting; and
 - (c) the list of delegates for the General Meeting, as published by the State Co-operative Election Authority;
- (xv) '*Preliminary meeting*' means a meeting held in accordance with these Rules to elect delegates or members;
- (xvi) '*Chief Executive*' means an Officer of the society, who has ultimate control over day-to-day management of the society;
- (xvii) '*District Officer*' means Collector/Deputy Commissioner of a district;
- (xviii) '*Deputy Development Commissioner*' means Deputy Development Commissioner of a District;
- (xix) '*Sub-Divisional Officer*' means the Officer notified as such by the State Government;
- (xx) '*Organizer*' means a person who organizes a society for registration;
- (xxi) '*Promoter*' means an individual or group of persons who take steps for passage or formation of a self supporting co-operative society.
- (xxii) '*Agricultural Marketing Society*' means a society the core object of which is the marketing of agricultural produce and the supply of implements and other requisites for agricultural production of which not less than 3/4th . Of the members are agriculturalists or societies formed by agriculturalists.
- (xxiii) '*Consumer Societies*' means societies the core object of which is the procurement, processing and distribution of consumer goods to or the performance of other services for its members as also other customers.
- (xxiv) '*Co-operative Bank*' means a society registered under this Act and doing the business of banking as defined in Clause (b) of Section 5 of the Banking Regulation Act, 1949.
- (xxv) '*Credit Society*' means a society the core object of which is to encourage thrift among its members and lend money to its members.
- (xxvi) '*Farmers' Service Society*' means a society in which, with the core object of increasing agricultural production, employment and income and better utilization of resources, land is brought together and jointly cultivated by all the members, such land, (a) being owned by or leased to the members (or some of them) or (b) coming in possession of the society in nay other manner whatsoever.
- (xxvii) '*General Society*' means a society not falling in any of the classes of societies defined by other clauses of this Rule.
- (xxviii) '*Housing Society*' means a society the core object of which is to provide members with dwelling houses or facilitating them in having their dwelling houses constructed.
- (xxix) '*Fishermen society*' means a society the core object of which is to obtain fishing rights, increase fish production, providing inputs for fish production, marketing of fish, generate employment and income for its members.

(xxx) '*Weavers Society*' means a society the core object of which is to promote weaving by providing infrastructure, necessary inputs for weaving and marketing of products, generate employment and income for its members.

(xxxi) '*Labour Society*' means a society the core object of which is to organize labourers and to find suitable and profitable employment for them by obtaining contract of execution of public or private work.

(xxxii) '*Election Officer*' means an officer appointed by the State Co-operative Election Authority to assist him in conducting the election of the society and shall include Alternate Election Officer,

(xxxiii) '*general body*' means (i) in relation to a primary society all the members of that society, (ii) in relation to a Central society delegates of all the member societies, and if the bye laws so provide, individual members, (iii) in relation to a union the delegates of all member societies, (iv) in relation to the federation, the delegates of all the member unions, federations and societies.

(xxxiv) '*general meeting*' means a meeting of the general body of a society registered under this Act.

(2) Words and expressions used but not defined in these rules but defined in the Act, shall have the same meaning as assigned to them in the Act.

3. Application for registration. - (1) Every application for registration of a society shall be submitted to the Registrar in Form-1

(2) Every such application shall be accompanied by

- a. Four copies of proposed bye-laws of the Co-operative society as adopted by the founder/promoting members.
- b. A list containing names of the persons of the first Board as elected by the founder/promoting members.
- c. True copy of the minutes of the meeting, at which the bye-laws were adopted and duly signed by the Chairperson.
- d. Performance report of the proposed societies for at least twelve months.
- e. Registration fee amounting to 1% of the total authorised share capital, by whatever name called, subject to a minimum of Rs. 500/- Rupees Five Hundred only) and a maximum of Rs. 10,000/- (Rupees Ten Thousands Only).

(4) Where a society is the applicant, the application shall be signed by an officer of the society duly authorized by a resolution of its managing committee.

(5) In the case of a society with unlimited liability the application shall also be accompanied by three copies of the statement of property and debts of the applicants in Form II, signed and verified by them.

(6) Every application for the registration of a society shall be supported by a report in Form III of the person by whom the society has been organized or promoted.

4. Procedure of registration. - The Registrar shall examine every application for registration of a society and the bye-laws and other documents accompanying such application and shall satisfy himself -

(a) that the application is in conformity with the Act and these rules; and

(b) that the bye-laws are in conformity with the Act and these rules.

(2) The Registrar may require any alteration to be made in the application or in the bye-laws in order to secure conformity with the Act and these Rules or call for such further information as he may consider necessary.

(3) If the Registrar is satisfied that the bye-laws are not inconsistent with the Act and these rules, he may, if he thinks fit, register the society and its bye-laws and grant a certificate of registration in Form IV.

(4) After registration, one copy of the bye-laws together with a copy of the statement of property and debts in the case of society with unlimited liability shall be retained in Registrar's office and one copy bearing the official seal of the Registrar shall be returned to the society together with the certificate of registration, and another copy similarly sealed shall be forwarded for record to the affiliating society to which that society is affiliated or to the society from which it may borrow funds, as the case may be.

5. Classification, sub classification and minimum share capital required at the time of registration. - The minimum share capital required for registration of a society shall be as mentioned in table below against each class or sub class of society

Sl. No.	Category	Sub class	Minimum share capital required at the time of share participation (rupees in lakhs)
1	Apex/ Federation	Apex bank	500.00
		Consumer Federation	25.00
		Fruits and Vegetable Growers' Federation	10.00
		Labour Federation	5.00
		Industrial Federation	10.00
		Weavers Federation	10.00
		Fishermen Federation	5.00
		Other Federation	5.00
2	Central Societies and Union Central Bank		300.00
		Central Consumer Stores	10.00
		Labour Union	2.00
		Industrial Union	5.00
		Weavers Union	5.00
		Fishermen Union	2.00
		Other Union	2.00
3.	Primary Society Primary Urban		200.00

	Cooperative Bank		
		Primary Consumer Stores	1.00
		Labour Society	.10
		Industrial Society	1.00
		Weavers Society	.25
		Fishermen Society	.25
		Other Society	.25

6. Registered address. - (a) The Registrar shall maintain a register of registered society showing names and addresses, date of registration of all such societies and all changes/ amendments made therein.

Admission to Membership

7. Admission to Membership. - (1)(a) Every person desiring admission to membership of a registered society and who needs the services of the society, accepts the responsibilities of the membership and fulfils such other condition as may be specified in the bye laws of the society, shall apply in Form V for admission as a member. Provided that the society is in a position to extend the services to the applicant and that the applicant is not already a member of a society registered under the Act, providing the same and similar services.

- (b) The Secretary of the Society or any person duly authorized by him in this behalf shall immediately grant a receipt for the application in the form at the foot of Form- V.
- (c) In case the Secretary of the Society or any such person as aforesaid does not receive the application or grant a receipt for it, the applicant may submit his application to the Registrar who shall immediately grant him a receipt for the application in the prescribed form, and shall at once send the same to the society concerned.
- (d) The application shall be considered by a Managing committee of the society and the decision of the Committee thereon shall be communicated to the applicant within 15 days of receipt of the application and, where the application is rejected , with reasons thereof.
- (e) If no decision is communicated to the applicant within the period specified above, it shall be deemed that the application has been accepted and the applicant has been admitted to the membership of the society on the 31st Day of the submission of such application.
- (f) Admission of members and removal from membership shall be made in accordance with the procedure specified in the bye laws only by an elected board/ managing committee or by the general body where such an elected board does not exist for the time being.

(2) A person whose application for admission to membership has been rejected by the managing committee may, within sixty days of the communication of the decision to him, appeal to the Registrar in case of Co-operative Society and to the Forum or the Tribunal, as the case may be, in case of self supporting society, and the decision of the Registrar or Forum or Tribunal, as the case may be, in this regard, shall be final.

8A. Eligibility for membership. - No individual shall be eligible for admission as a member of a registered society, if he/she -

- a. is under eighteen years of age;
- b. is an employee of the society or of an affiliating society;

- c. is of unsound mind;
- d. has applied to be adjudged a bankrupt or an insolvent or is an uncertificated bankrupt or an undischarged insolvent or
- e. has been sentenced for any offence other than an offence of a political character or for an offence involving moral delinquency, such sentence not having been reversed or the offence pardoned.

8B. No primary co-operative society, central co-operative society, S.H.G, Farmers' club, Joint Liability Group, Non-Government Organisation or any other similar group, recognized by the Government of India, Reserve Bank of India, National Bank and the State Government shall be eligible for admission as a member of a registered society, if

- (i) it has been black listed by Government of India, Reserve Bank of India, National Bank and the State Government
- (ii) or is in default of any loan taken from any nationalized bank, commercial bank, cooperative bank, financial institution, NABARD or any co-operative society registered under the 2008 Act.

9. Cessation of membership. - Any member of a registered society shall cease to be a member thereof, if he subsequently incurs any of the disqualifications specified in rule 8.

10. Exception to admission as member. - No person, who is a member of a registered society, shall be admitted as a member by another registered society of a similar type without the sanction of the Registrar and the Registrar may issue an order directing either society to remove such a person from its membership and the order of the Registrar shall be binding on them.

11. Re-admission of expelled members. - No member of a registered society, who has been expelled under the provisions of its bye-laws, shall be eligible for re-admission as a member of that society, or for admission as a member of any other registered society, for a period of two years from the date of such expulsion: Provided that the Registrar may after giving the registered society concerned an opportunity of being heard in special circumstances sanction the re-admission or admission within the said period of any such member as a member of the said society or of any other society, as the case may be.

Limit of membership and shares

12. Limit of membership and shares. - Wherever, the membership of a registered society is open both to an individual and a registered society, the Registrar may, from time to time, prescribe the proportion of individual members to those of registered societies.

13. No member of a registered society, other than the State Government or any other registered society, shall hold more than one-fifth of the share capital, or shares exceeding, fifty thousand rupees, whichever is less in value, whether the liability of the society is limited or unlimited: Provided that the Registrar may relax this limit in case of any registered society or class of registered societies.

Resignation and Expulsion

14. Resignation and expulsion. - (1) Any member may resign his membership of a registered society on giving to the managing committee three months notice or such longer notice as may be prescribed in the bye-laws:

Provided that there are no debts due against him to the society and that he is not a surety in respect of any debt to the society:

Provided further that no member of a registered society shall be permitted to resign from the membership of the society before the end of one year from the date of his admission thereto.

(2) A member may be removed or expelled from the membership of a registered society for such cause and in accordance with such procedure as may be prescribed in the bye-laws.

Bye-laws of societies.

15. Bye-laws of societies. - (1) A registered society shall subject to the provisions of the Act and these rules; make bye-laws in respect of the following among other matters, namely :-

- a. the name, address and area of operation of a Co-operative Society,

- b. the objectives of the Co-operative Society explicitly (stated as a common central need of the members)
- c. the Co-operative principles as described in section 3.
- d. the services to be provided to its members.
- e. eligibility for obtaining membership
- f. procedure for obtaining membership
- g. conditions for continuing as member
- h. the time limit before which a potential member must seek and obtain membership in order to continue to use the services of the co-operative society.
- i. Procedure for withdrawal/transfer of membership,
- j. procedure for termination and cessation of membership,
- k. rights of members,
- l. fixation of minimum performance required annually of each members vis-a-vis use of services, financial commitments and participation in meetings in order to be eligible to exercise the rights of membership including the right of vote,
- m. the consequences of default in payment of any sum due by a member,
- n. the nature and amount of capital, if any, of the Co-operative Society,
- o. the maximum capital to which a single member can subscribe,
- p. the nature and extent of the liability of the members for the debts contracted by the Co-operative Society,
- q. the sources and types of funds to be raised by the Co-operative Society,
- r. the purposes for which the funds may be applied,
- s. the extent and conditions under which deposits, loans, debentures and other funds may be mobilized,
- t. the conditions and purposes for which State aid and aid from other financial institutions may be sought and obtained,
- u. the manner of disposal of surplus,
- v. the constitutions of various funds, reserves and their purpose,
- w. the manner of convening general and other special meetings and quorum thereof,
- x. the frequency of general meetings,
- y. the role of general body and the matters to be placed before the general body,
- z. the manner of amending bye-laws, aa. the procedure for conducting elections, bb. the procedure for conducting election in case the Co-operative Society fails to do so, cc. the size and constitution of the board, dd. eligibility for becoming director, ee. conditions for retaining directorship, ff. the tenure of the directors, chairperson and other office-bearers, gg. the procedure for removal of directors and for filling of vacancies, hh. the manner of convening board meetings and quorum, ii. the frequency of board meetings, jj. powers and functions of the board, kk. powers and functions of office-bearers including the chair-person, ll. powers and functions of the Chief-Executive, mm. penalties for acting against the interests of members and for non-fulfilment of duties by members, directors and the staff, nn. the appointment and role of auditor and procedure for conduct of audit where the Co-operative Society fails

to make necessary arrangements and fix the time limit for audit compliance, oo. the authorization of an officer or officers to sign documents and to institute and defend suits and other legal proceedings on behalf of the Co-operative Societies, pp. the terms on which a Co-operative Society may deal with non-members, qq. the terms on which a Co-operative Society may associate with the other Cooperative Societies, rr. the terms on which a Co-operative Society may deal with organizations other than Co-operative Societies, ss. the rights, if any, which the Co-operative Society may confer on any Co-operative Society or other federations and the circumstances under which these rights may be exercised by the federations,

tt. the manner of disposal of funds if the Co-operative Society is under liquidation, uu. the accounting year for the Co-operative Society, vv. transfer of shares and interest in the name of a nominee in case of death of a member,

ww. the manner of dissolution of the Co-operative Society, xx. restriction, if any, on service to non-members, yy. organize self-help groups of people living in its area to conduct education and training programme, zz. special measures for women, and members of scheduled castes and scheduled tribes and other weaker sections including provision for their representation on the board.

(2) If the objects of the society include the creation of funds to be lent to members, the society shall also make bye-laws in respect of -

- (a) the purposes for which and the security on which loans may be granted :
- (b) the maximum liability which the society may incur:
- (c) the maximum limit of loan which may be advanced to a member:
- (d) the terms and conditions subject to which loans may be granted and extension of time for re-payment.
- (e) the maximum rates of interest of lendings, and
- (f) the disposal of profits and the maximum dividend payable on paid up share capital.

(3) In case of a registered society having as its objects the purchase, sale, production or distribution of commodities and such other objects, the society may make bye-laws in respect of the mode of conducting the business of purchase, sale and stock taking.

(4) A registered society may make bye-laws in respect of any other matter incidental to the management of its affairs.

16. Amendment of bye laws. - A registered society may by resolution in its general body meeting, and adopted by a majority of 2/3rd of its members having voting rights, amend its bye laws.

17. (1) An application for the registration of an amendment to the bye-laws shall be made within three months from the date of the general meeting at which the resolution in respect of the amendment was adopted, to the Registrar in Form VI and shall be accompanied by four certified copies of the resolution.

Provided that no such resolution shall be passed unless at least fifteen days notice of the meeting has been given along with a copy of the proposed amendment to each member of the general body and such notice and proposed amendment is also displayed on the notice board of the co-operative society for a period of fifteen days immediately preceding the date of the meeting.

(2) On registration of the amendment, the Registrar shall retain one copy in his office, and send copies certified by him to the society concerned, to the affiliating society, if any, and to the Financing Bank of the society in Form VII, by a registered post.

(3) If the Registrar refuses to register an amendment, he shall send a copy of the order of refusal giving reasons thereof to the society concerned.

18. When the Registrar registers an amendment to the bye-law of a registered society under subsection (2) of section 26 he shall issue by registered post a copy thereof certified by him to the society concerned, affiliating society, if any, and the financing bank in Form VIII.

19. The registered name of a society shall not be changed except by an amendment of its byelaws.

General Meeting.

20. (1) General Meeting. - The general Meeting of a registered society shall be of the following kinds:-

- (a) Preliminary General Meeting.
- (b) Annual General Meeting.
- (c) Extraordinary General Meeting.
- (d) Special General Meeting.

(2) Preliminary General Meeting - (a) Within a period of ninety days from the date of the registration of a society or within such extended period as may be permitted in writing by the Registrar, the society shall hold its first Preliminary General Meeting wherein only such persons, as have signed the application for registration of the society shall be entitled to participate.

- (b) For the purposes of the meeting referred to in clause (a), at least fifteen days' notice mentioning the date, time, place and agenda of the meeting shall be issued by the Organizer of the society.
- (c) Where the Organizer is not available to convene the meeting or he fails to convene the meeting as aforesaid, it shall be convened by the Registrar or any person authorized by him by a general or special order.
- (d) At the Preliminary General Meeting the following business shall be transacted in the order given below :
 - (i) Election of the person to preside over the meeting (election to be held by show of hands)
 - (ii) adoption of the registered bye-laws.
 - (iii) Consideration of the statement of accounts since the organization of the society to the date of the meeting.
 - (iv) Fixation of maximum liability to be incurred by the society till the annual General Meeting of the society is not held.
 - (v) Any other matter which may be necessary in view of the bye-law of the society, and
 - (vi) Constitution of the Managing Committee in accordance with the Act, Rules, and bye-laws of the society.
- (e) At the Preliminary General Meeting the election of the members of the Managing Committee and the Office-bearers of the society shall be conducted by the person presiding the first General Meeting in such manner as may be conducive to fair election and all points of order relating to the election shall be decided by him.

(3) **Annual General Meeting.** - The Managing Committee of a registered society shall after the close of the co-operative year convene the Annual General Meeting at which all items of business as prescribed in the bye-laws of the society except the election of the members of the Managing Committee, Officer-bearers thereof and the delegates of the Society, shall be transacted:

Provided that if the audit report is not ready, the consideration of it by the general meeting and the disposal of profits shall be held over till an extraordinary General meeting is convened for the said purpose or till the next Annual General Meeting.

(4) **Extra-ordinary General Meeting.** - An Extraordinary General Meeting may be convened at any time by the Managing Committee or on the requisition of one-third of the members of the registered society but in the latter case the Chairman shall call the Extraordinary General Meeting within a month from the date of receipt of the requisition:

Provided that the business of the meeting shall not include election of the members of the Managing Committee, the office-bearers thereof and the delegates of the society.

(5) *Special General Meeting.* - (i) Notwithstanding anything contained in the bye-law of a registered society as to the mode of summoning General Meetings and the object, time and place of such meeting the State Co-operative Election Authority, or election officer appointed under Rule 21B may at any time, direct the summoning of a Special General Meeting of the society in such manner and at such time and place as he may fix:

- (ii) It shall be incumbent on the Chief Executive of the Society to convene a Special General Meeting after notice to the members within thirty days of the receipt of the order, under clause (i) above failing which

the State Co-operative Election Authority or the election officer appointed by the authority may summon the meeting after notice to the members of twenty-one days to the members and such meetings shall have all the powers of a special General Meeting convened according to the bye-laws of the co-operative Society.

(iii) Wherever the bye-law of a Co-operative Society so provides, there shall be a Primary Meeting to elect the delegates to the General Meeting of the Co-operative Society on the date fixed by the State Co-operative Election Authority.

21. Procedure at general meetings. - (1)(i) The general meeting shall be held at a time, date and place notified in accordance with the bye-laws of the registered society and if a quorum is present, the members present shall unless otherwise provided in the bye-laws elect from among themselves a Chairman and a Deputy Chairman of the meeting:

Provided that in case of a society where the Managing committee has either been superseded under Section 41 of the Act or has ceased to exist under section 14(5) of the Act, the administrator shall be the Chairman of the General Meeting and in his absence a person nominated by him shall be the Chairman of the meeting.

(ii) The general meeting shall exercise all the powers and perform all the duties prescribed for it in the bye-laws.

(2) The Chairman or, in his absence the Deputy Chairman or in the absence of both the Chairman and the Deputy chairman, a person elected by the members from amongst themselves shall preside over the meeting.

(3) The person presiding over the meeting shall conduct the proceedings in such manner as may be conducive to expeditious and satisfactory disposal of business and shall decide all points of order at the meeting.

(4) Unless otherwise provided in these rules or in the bye-laws the quorum for a general meeting shall be one fifth of the total membership of the society on the date of issue of the notice of the meeting.

(5) If within an hour of the time appointed for the meeting the quorum is not present, the meeting shall stand adjourned to a date not earlier than seven days and not later than twenty one days:

Provided that, if the meeting has been called on a requisition under rule 20 (4) it shall, in the absence of the quorum within an hour of the appointed time, stand dissolved.

(6) No quorum shall be necessary for an adjourned meeting.

(7) All questions before a general meeting shall be decided by a majority of votes and in the event of equality of votes, the Chairman of the meeting shall have a casting vote.

(8) Voting by proxy shall not be allowed, but the Registrar may permit this to be done in the case of any particular registered society or class of registered societies.

(9) Voting at a general meeting shall be done by show of hands and only in an exceptional case voting by ballot may be resorted to, if the Registrar so directs, on his own motion, or on the application filed by the society concerned.

(10) The minutes of proceedings of general meeting shall be recorded in a book to be kept for the purpose and the minutes shall be signed by the person presiding over the meeting and copy of such minute shall be communicated to all persons invited for the meeting within thirty days of the conclusion of the meeting.

(11) An appeal shall lie to the Registrar, Forum or Tribunal, as the case may be, on all matters relating to procedure followed at any general meeting and his decision thereon shall be final.

Provided that in case of a self supporting society an appeal shall lie to the Cooperative Forum or the State Co-operative Tribunal, as the case may be, and the decision of the Forum or the Tribunal, shall be final.

Election

21A. Notwithstanding anything contained in any Rule and Bye-laws of any Society, the election of the members of the Managing Committee, office bearers thereof and the delegates of the society shall be held in a Special General Meeting in accordance with Rule 21-B to 21-X.

Provided that the election of the members of the Managing Committee, office bearers and the delegates of a newly registered Society shall be held in the Preliminary General Meeting according to rule 20(2) (a) to (e).

21B. State Co-operative Election Authority. - (1) The Government shall appoint a Government Officer, not below the rank of Joint Registrar of the Jharkhand State Co-operative Service as the State Co-operative Election Authority on recommendation of a committee consisting of the following :-

(i) The Principal Secretary / Secretary to the	Chairman
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Government, Co-operative Department, Jharkhand	
(ii) The Principal Secretary / Secretary to the Government, Department of Personnel, Administrative Reforms & Rajbhasha-	Member
(iii) Registrar, Co-operative Society, Jharkhand	Member- Secretary

(2) The general conditions of service of the State Co-operative Election Authority, hereinafter referred to as the Authority, shall be regulated by the respective service rules applicable for him in his parent department.

(3) The tenure and other terms specific to the appointment of the Authority shall be fixed by the Government from time to time on recommendations of the committee as specified in sub-rule(1).

(4) The Government shall determine the strength of the officers and staff to be appointed to assist the Authority on the recommendations of the committee specified in sub-rule(1).

21C. Election for the members of the Committee by the Authority. - (1) The election of a society or class of societies shall be held in a special general meeting on such date as may be fixed by the authority.

(2) Election to the committee shall be held from amongst the members of the general body and by the members of the general body:

Provided that where the bye-laws of the society provide for constitution of a Delegate General Body, elections to the committee shall be held from amongst the members of such Delegate General Body and by the members of the Delegate General Body;

(3) The programme of election shall be fixed by the authority which shall clearly contain the date, time and place of all stages under Rule 21-M.

21D. (1) An election officer or any other officer provided in the rules shall be appointed by the authority to conduct the elections.

Provided that no government servant below the rank of a Co-operative Extension Officer shall be appointed as Election Officer or Alternate Election officer.

(2) It shall be the duty of the election officer to hold and conduct elections properly in accordance with these rules. He shall exercise all such powers and perform all such duties as may be necessary for and incidental to the conduct of elections.

(3) Where the election officer appointed under sub rule (1) is unable to attend at any stage of the election owing to illness or other unavoidable reasons, the alternate election officer appointed for the purpose shall proceed to conduct the election from the stage at which the election officer has left and in such cases every reference to election officer in this rule shall be construed as a reference to the Alternate Election Officer.

21E. The Chief Executive Officer of a society shall send a written request to the Authority in accordance with the provisions of the Act and these rules, to conduct elections of the member(s) of the committee specifying the following details in his letter:-

- (a) The date on which the last elections were held,
- (b) The date on which the term of the existing committee or members thereof, as the case may be, is going to expire,
- (c) The date of appointment of an Administrator under section 41 , if any;
- (d) The number of vacancies to be filled through elections,
- (e) Whether the bye-laws provide for constitution of a Delegate General Body
- (f) Other information, as may be important for conduct of the election;
 - (ii) The Chief Executive Officer shall also quote the clauses of the bye-laws which are of relevance for conduct of election, appending a complete updated set of the bye-laws to the letter,
 - (iii) The Chief Executive Officer shall render the Election Officer all such information, assistance and facilities as may be required by him under the provisions of the Act, the rules and the instructions issued by the Authority.

- (iv) It will be the duty of the existing managing committee to ensure that the Chief Executive Officer renders all the information, assistance and facilities to the Authority properly and in time.

21F. The election officer shall appoint such number of polling officer as are necessary and provide them with ballot boxes, ballot papers, a copy of the final voter list and such other accessories as are necessary for the conduct of elections.

Provided that nothing contained in these rules shall debar the Authority from making use of electronic voting machines and issuing directions for use of such machines in the elections of co-operative societies.

21G. The polling Officer appointed by the election officer shall be from amongst government servants who are not concerned with the management and administration of the society.

21H. (1) Where the bye laws of the society so provide, there shall be a primary meeting to elect the delegates of the general meeting of the society on the date or dates fixed by the authority.

(2) Notwithstanding anything contained in the bye laws of a society as to the territorial or other basis of the primary meeting the authority after hearing the society may divide its membership into different groups on territorial or any other rational basis.

(3) The decision of the authority under sub rules (1) and (2) shall be final and binding on the society concerned.

(4) The procedure of election in the primary meeting of the society shall be the same as in the meeting to elect the members of the managing committee, office bearers thereof and the delegate of the society as provided in these rules.

21I. (1) Before the close of co-operative year the authority shall cause to be prepared a list of societies in which elections shall be due in the immediate succeeding co-operative year

(2) The Chief Executive Officer of the concerned society shall submit under its seal and certificate a voter list of members who are qualified to vote at the election in accordance with the provisions of Act, rules and the bye-laws as on the last date of the preceding co-operative year in triplicate in Form-XXIII to the authority on or before 30th . April. The list shall specify the admission numbers, name of the eligible members, and in case of an individual member name of father or husband, as the case may be, address of such member and disqualification, if any.

Provided that if the society is a an affiliating society, the voter list of the society shall be submitted under its seal and certificate as on the last date of the preceding co-operative year, in triplicate in Form-XXIII and XXIV to the authority on or before 30th . April.

(3) If the society fails to prepare and send the voter list within the stipulated time the authority may himself or through a person, authorised by him on this behalf, prepare the list.

(4) The authority shall ensure that necessary copies of the voter-list are made available to the election officer.

21J. (1) The election officer shall-

(i) cause the voter list to be displayed on the notice board at the head office of the society and all its branches and at such other place or places as may be deemed fit.

(ii) publish or cause to be published on the notice board of the head quarter of the society and all its branches fixing the date for filing objections to the voter list and the disposal of the objections by him.

Provided that there shall be a difference of at least seven days between the date of publication of the voter list as well as the general notice and the date of filing of the objection:

(iii) After disposal of objections published or caused to be published, the final voter- list shall be displayed at such places as specified under Clause (i)

(iv) Forward a copy of final voters list to the society concerned.

(2) The society shall keep a copy of the final voter list at the office of the society during office hours for perusal and the copy of voters list shall be made available on payment of the price fixed by the society.

21K. (1) The special general meeting for the purpose of election in a society shall be held on a date or dates fixed by the authority

(2) The election officer shall give to the members under registered post the notice of the special general meeting

Provided that in case of society, where the primary meeting has taken place, notice of the meeting shall also be given to the delegates elected in the primary meeting.

Provided further that in such societies where the number of voters exceeds one thousand, the election officer shall publish notice of the special general meeting including the programme of election in one daily newspaper published from or having wide circulation in the area.

(3) The notice shall contain the programme of election as fixed by the authority mentioning the date, time and place of every stage under Rule 21 M.

Provided that the notice shall be issued at least fifteen days before the date of nomination and there shall be a gap of not less than ten days between the date of filing of nomination and the date of special general meeting.

(4) The notice shall also mention the name and address of the election officer and the alternate election officer.

(5) A copy of the notice shall be sent to the authority, the election officer, the Registrar and the financing institution.

21L. It shall be the duty of the authority to satisfy himself about the proper service of the notice.

21M. The authority shall fix the date for. -

- (a) filing of nomination
- (b) scrutiny of nomination
- (c) display of the list of nomination
- (d) filing of objections
- (e) disposal of objections
- (f) display of the list of valid objections
- (g) withdrawal of nominations
- (h) display of the list of nominations after withdrawal, if any, and
- (i) allotment of elections

Provided that all stages shall be conducted in the headquarters of the society.

21N. (1) No person shall file nomination paper for election to fill a seat if

- (i) his name does not appear in the final voter's list, or
- (ii) he is otherwise disqualified for being elected under the provisions of the Act, Rules or the Bye laws of the society

(2) Proposal for nomination shall be addressed to the Election Officer in the prescribed form. Objection to nomination by a voter list shall be addressed to him.

(3) (A) The candidate shall present his nomination to the Election Officer in person or through his authorised agent and an entry, thereof, shall be made by the election officer in the register maintained for the purpose, strictly in chronological order and he will also acknowledge receipt, if demanded:

Provided that the proposer and seconder to the nominations shall be a voters other than the candidate himself.

(B) Every nomination paper shall also be accompanied with the security amount as mentioned below:-

- (I) Primary Society -Rs. 250/-
- (II) Central Society- Rs.500/-
- (III) Apex Society Rs. 1000/-

(4) The election Officer shall take up scrutiny of nomination papers in alphabetical order on the date specified. The candidate, his proposer or seconder may be present at the time of scrutiny.

(5) While scrutinizing the nomination the election officer may - (a) permit any clerical error in the nomination paper in regard to the names or number to be corrected in order to bring them in conformity with the corresponding entries in the final voters- list :

(b) where necessary, direct that any printing error in the said entries be overlooked

(6) At the time of scrutiny, the election officer shall endorse on such nomination paper the decision regarding acceptance or rejection. In the case of rejection, he will record in writing a brief statement of his reasons for such rejection. The candidate whose nomination is rejected may obtain a copy of the order of rejection on payment of a fee of Rs. 5/- to the election officer, who shall deposit the amount in the society concerned.

(7) Application for withdrawal of the nomination shall be made to the election officer in person in the prescribed form by the candidate concerned.

(8)

21O. If a candidate is elected simultaneously to more than one office of the managing committee, and/or as a member of the managing committee, in that case, he shall have the option to retain one seat only and shall vacate the remaining seat of the concerned society in writing to the election officer within twenty four hours of the publication of the result of the election and such seat vacated by such candidate shall be filled in by the next candidate securing the next highest vote:

Provided that if the option is not exercised by such candidate within the time prescribed, the election officer shall exercise his discretion and declare such seat to have been vacated by the said candidate.

21P. (1) Where the number of valid nomination for any seat does not exceed the number of seats to be filled, the candidate for whom valid nomination has been received shall be deemed to have been duly elected to fill such seat:

Provided that declaration of results of such elections also shall be made in the special general meeting and the minutes of the special general meeting shall also be recorded.

(2) If no valid nominations are received for any one or more seats, such seat or seats shall be filled by co-option from amongst the members of the society.

Provided that if valid nomination is not received for the post of delegates or representatives of the society such posts shall also be filled by co-option by the managing committee from amongst the members of the society.

21Q. If the number of valid nominations for any seat exceeds the number of seats, there shall be an election :

Provided that whether the elections are uncontested or contested, in both the cases, the declaration of elections results shall be made in the special general meeting and the minutes of the meeting shall be recorded in which the results of the elections shall be made.

21R. The election officer may make such arrangement as he may deem necessary to ensure identification of the voters and to prevent impersonation.

21S. (1) Every voter shall be given a ballot paper, containing names of the contesting candidates, arranged in Hindi in alphabetical order along with their election symbols against their names. The Voter shall mark "X" on the election symbol of the contesting candidate in whose favour he desires to cast his vote.

(2) The ballot paper shall be serially numbered and shall also bear the seal of the society and initial of the election officer or the polling officer of the concerned polling station.

(3) The voting shall be by secret ballot. The voter shall put a cross mark (X) on the symbol of the candidate for whom he casts his vote and thereafter he shall put the ballot paper into ballot box.

(4) Every voter shall have as many votes as there are seats to be filled in but no voter shall cast more than one vote for any one candidate.

(5) Any contesting candidate or his authorised agent may challenge the identity of the voter before the issue of the ballot paper on payment of a fee of Re.1/- for each challenge.

(6) The election officer shall make a summary enquiry of the challenge and if after such enquiry, he is of the opinion that the challenge is not established he shall give to such voter a ballot paper.

(7) If a person representing himself to be a particular voter named in the final voters list applies for a ballot paper after another person has already voted as such voter, he shall, on satisfying his identity to the election officer be supplied with a ballot paper which shall be endorsed on the back with the words 'tendered ballot paper' by the election officer in his own handwriting and signed by him.

(8) Every such person shall before being supplied with a tendered ballot paper sign his name or affix his thumb impression if he is illiterate, against the entry relating to him in the list of 'tendered ballot papers'.

(9) On receipt of ballot paper under sub rule (7), the person shall record his vote on tendered ballot paper by putting a cross mark (x) on the symbol of the candidate for whom he wants to vote and handover the tendered ballot paper to the election officer who shall forthwith place it in a cover specially kept for the purpose.

21T. (1) If an election, proceedings at any polling station is interrupted or obstructed by any riot, or violence, or is not possible to take the poll at any polling station/ booth on account of natural calamity, or any other sufficient cause, the polling officer for such polling station/ booth shall announce an adjournment of the poll to a date to be notified later.

(2) Whenever the poll is adjourned under sub rule (1) the election officer shall immediately report the circumstances to the authority and the Registrar, and shall, as possible soon as may be with the previous approval of the authority appoint the day on which the poll shall recommence and fix the polling station/booth at which, and the hours during which, the poll will be held and shall not count the votes cast at such election unit after such adjourned poll has been completed.

(3) In every such case as aforesaid, the election officer shall notify in such manner as the authority may direct, the date, the place and hours of polling fixed under sub rule (2).

(4) If during an election-

(a) any ballot box, used at any polling station/booth, is unlawfully taken out of the custody of the polling officer or is accidentally or intentionally destroyed or lost, or is damaged or tampered with to such an extent the result of the poll at the polling station/booth cannot be ascertained, or

(b) Any such error or irregularity in procedure as is likely to vitiate the poll is committed at the polling station/booth, the polling officer shall forthwith report the matter to the election officer and to the authority.

(5) Thereupon, the authority shall, after taking all material circumstances into account declare the poll at the polling station/booth to be void, and fix a date and hours for holding a fresh poll at that polling station/booth and notify the date and the hours so fixed in such manner as he may deem fit.

(6) The provision of this rule shall apply to every such fresh poll as they apply to an original poll.

21U. (1) The counting of votes will take place immediately after the close of the poll and in case it is not possible to count the votes immediately after the close of the poll, the ballot boxes shall be sealed by the Election Officer and kept in a safe custody. The candidates or their agents, if so desire, may also affix their signatures on the seal. In that case, the counting of votes shall take place on the day and the place and hour appointed by the Election Officer in that behalf.

(2) A ballot paper shall be rejected if -

(i) it bears any signature to identify the voter,

(ii) it does not bear the seal of the society and initials of the Election Officer/Polling Officer of the concerned polling station/booth,

(iii) it contains no marks indicating a vote,

(iv) it contains no marks than the number of seals to be filled, or

(v) it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established.

(3) If a ballot paper contains mark or marks for a candidate or candidates in such a manner that it is not clear as to which of the candidates the voter has cast his vote for, it shall be rejected;

Provided that a ballot paper shall not be rejected only on the ground that the mark indicating the vote is indistinct or has been made more than once, if the intention that the vote has been cast for a particular candidate, clearly appears from the way the ballot paper is marked.

(4) The Election Officer shall declare the result of election as soon as the counting is over indicating the number of votes secured by each candidate and shall also furnish a certificate in writing under his seal and signature to the successful candidate and to the authority.

(5) In the event of equality of votes, the matter shall be decided by draw of lots by the Election Officer.

(6) The Election Officer shall display the list of elected candidates on the notice board of the society and also at such public place as he may deem fit.

(7) A copy of the list prepared under sub-rule (6) shall be sent to the concerned officer of the Co-operative Department, State Co-operative Election Authority, and also to the Chief Executive of the society concerned.

(8) The used ballot papers and other records pertaining to the election shall be put in a cover or container which shall be sealed and signed by the Election Officer/Polling Officer. Any candidate may also affix his seal and signature thereon, if he so desires. The cover or container so sealed and signed shall be entrusted by the Election Officer/Polling Officer to the Chief Executive of the society who shall acknowledge the receipt and be responsible for its safe custody for twelve months or till such time as the Authority directs.

21V. (1) The amount of expenses for holding election in a Co-operative society or a class or classes of co-operative society shall be determined by the State Co-operative Election Authority by special or general order and the same shall be paid by the society, in advance, from its fund, subject to adjustments.

Provided that no. T.A./D.A. for Election Officer/Polling Officer and other persons connected with the conduct of elections shall be payable from the funds of the society.

(2) The Chief Executive of the society concerned shall on the direction of the State Cooperative Election Authority shall also make payment in respect of other expenditure incurred in connection with the election of the society.

21W. Any dispute relating to election of a co-operative society may be raised within 30 days from the date of declaration of the result and such dispute shall be decided under section 48 of this Act.

22. (1) Subject to nominations by the State Government and/or the Registrar of such number of members to the Managing Committee as prescribed in the Act, Rules and Bye-laws of a registered society, the Managing Committee of the society shall be constituted.

Provided that the election of the members of the Managing Committee and office-bearers thereof shall be held in accordance with the procedure laid down in Rule 21-B to 21W.

(2) The members of the Managing Committee and the office bearers shall be deemed to have taken over charge immediately after the expiry of the term of the outgoing Managing Committee.

Provided that the constitution of the managing committee shall not be treated as complete unless and until the elected members together with the ex-officio members, if any, constitute fifty percent or more of the managing committee.

23. (1) No person shall be eligible for election to the Managing Committee, if -

- (a) he is not a member of the society,
- (b) he is in default to the society in respect of any loan taken by him for such period as is prescribed in the bye-laws or in any case for a period exceeding three months or is in default to the society in respect of any other dues or is in default to any other registered society on the date of filing of nomination, or
- (c) he has directly or indirectly any interest in any subsisting contract made with the society or in any property sold or purchased by the society or in any other transaction of the society except in any investment made in any other transaction of the society except in any investment made in or any loan taken from the society, or
- (d) a proceeding for surcharge relating to any registered co-operative society is pending against him, or
- (e) an enquiry relating to any transaction of the registered society to the Managing Committee of which he seeks election, is pending against him, or
- (f) a criminal proceeding relating to any transaction of a registered society is pending against him in which cognizance has been taken.

(2) No delegate / representative of an affiliated society shall be eligible for election to the managing Committee, if -

- (a) the affiliated society is in default to the society in respect of any loan taken by it for such period as is prescribed in the bye-laws or in any case for a period exceeding three months or is in default in respect of any other registered society on the date of filing of nomination, or
- (b) he / affiliated society has directly or indirectly any interest in any subsisting contract made with the society or in any property sold or purchased by the society or in any other transaction of the society, except in any investment made in, or any loan taken from the society, or
- (c) a proceeding for surcharge relating to any registered society is pending against him, or
- (d) an enquiry relating to any transaction of the registered society to the Managing Committee of which he seeks election is pending against him, or
- (e) a criminal proceeding relating to any transaction of a registered society is pending against him in which cognizance has been taken.

24. A member of the managing committee shall cease to hold office, if -

- (1) he ceases to be member of the society, or
- (2) he incurs any of the disqualifications mentioned in rule 8 or rule 23.

25. Disabilities of members. - A member shall be disqualified for elections as a representative of the society for any purpose if he suffers from any of the disqualification for election as a member of the managing committee prescribed in rule 23 and a member shall cease to be a representative of the society if subsequent to his election as such, he incurs any of the disqualifications prescribed in rule 24.

26. The managing committee may constitute sub-committees from among its members and may appoint to the sub-committees, persons who are not members of the managing committee and whether or not, they are members of the registered society, and delegate to the sub-committees any of its powers or functions:

Provided that -

- (i) the person so appointed shall not be entitled to vote;
- (ii) no member of the registered society shall be appointed if he suffers from any of the disqualifications specified in rule 23 and if any such member incurs any of the said disqualifications he shall cease to be in the sub-committee.

27. Procedure at committee meeting. - The business at a meeting of the managing committee or any sub-committee thereof shall be conducted in accordance with the procedure laid down in these rules and the bye-laws of the society.

28. (1) The Secretary or on his failure the Chairman shall convene meeting of the managing committee at least once in three months or as often as may be considered necessary for the transaction of the business of the society.

(2) A notice specifying the time, place and agenda of the meeting shall be circulated among the members.

(3) The proceedings of the meeting shall be recorded in a minute book to be kept for the purpose and shall be signed by all the members of the committee present and the names of the members voting for or against any resolution relating to an item of business involving a financial transaction shall also be recorded in that book.

29. The managing committee shall exercise and perform all such powers and duties as are conferred or imposed on it by these rules or the bye-laws of the society or by a resolution passed at a general meeting.

30. Procedure when society is superseded. - The period required to be prescribed under sub-section (3) of section 41 shall be four months from the date of order of the dissolution of the managing committee of a co-operative society.

31. Honorarium to members. - The registered society may, with the approval of the the general body, pay honorarium or amount of pocket expenses to a member for service rendered to the society and any amount paid on this behalf shall be debited to the head "Establishment Charge."

32. Rules of business. - Subject to the rules of business which may from time to time, be prescribed by the State Government, the managing committee of a registered co-operative society may frame rules for the guidance of its employees and in particular in regard to the manner of receipt and disbursement of money, and the custody of books, accounts, securities and the rules of business framed by the co-operative society shall come into force on approval by the Registrar.

Provided that the managing committee of a self supporting society may frame rules of business subject to the approval of its general body.

33. Appointment of a paid employee. - (1) The appointment of a paid shall be subject to such condition as to qualification, designation, scale of pay and traveling allowances, furnishing of security, compulsory contribution to provident fund, grant of leave, salary, increment, transfer, punishment, suspension, removal or dismissal as may from time to time, be determined by the Registrar by general or special order in case of a co-operative society and by general body of in case of a self supporting society.

(2) (a) A registered co-operative society or an employee aggrieved by any order of the Registrar under sub-rule (1) may within sixty days of the receipt of such order, prefer an appeal against the order to the State Government and the decision of the State Government thereon shall be final.

- (b) In the event of an employee of a registered self supporting society being aggrieved by an order of the or general body under sub rule (1), may, within sixty days of the receipt, of such order prefer an appeal against such order to the Co-operative Forum or the State Tribunal, as the case may be and the decision of the Co-operative Forum or Tribunal, as the case may be, shall be final.

(3) Any appointment made hereinafter in contravention of the conditions determined under sub-rule (1) shall be void as if no such appointment ever existed and salary and other allowances paid, if any, to such persons shall be recoverable in accordance with law.

34. Deputation of Government officers. - When a Government officer is deputed to a registered society, either as a managing director, executive officer or manager, or in some other similar position, he shall be in general control of the administration of the society with power to punish, suspend, remove or dismiss any paid employees of the society, subject to the general direction of the managing committee.

Provided that no government officer shall be deputed in a self supporting society unless a requisition to this effect is made by such society or there is an agreement to that effect.

35. Imposition of fine. - Where the bye-laws of a society empower the managing committee to impose a fine on a member, the fine shall not exceed Rs. 500/- (Rupees Five Hundred Only) and its recovery shall be subject to confirmation by the general meeting:

Change of Liability, Amalgamation and Division of Societies

36. Change of liability. - A registered society may, by a resolution passed at a general meeting held specially for the purpose, change its liability from limited to unlimited or from unlimited to limited, or in the case of a society of limited liability change the extent of such liability:

Provided that -

- (i) the society shall give two week's notice in writing to its members, and the federation of its intention to change the nature and extent of its liability;
- (ii) any member or federation shall have the option of withdrawing its shares, deposits or loan, as the case may be, within one month from the date of general body or until all such claims have been satisfied, and
- (iii) in the event of the decision to change the nature or extent of the liability being latter reversed, any member or federation who has withdrawn his share, deposits, or loans, as the case may be, under clause(ii), shall have the right to resume its interest in the society as share holder, depositor or creditor to the same extent as he had before the withdrawal.

37. Division of societies. - (1) Any registered society may, at a general meeting of the society held for the purpose of which at least seven days notice shall be given to its members, resolve to divide itself into two or more registered societies. The resolution (hereinafter in this rule referred to as preliminary resolution) shall contain proposal for the division of the assets and liabilities of the society among the new societies into which it is proposed to divide itself and may prescribe the area of operation of, and specify the members who will constitute, each of the new societies.

(2) A copy of the preliminary resolution shall be sent to all the members and the creditors of the society and notice thereof shall be given to all other persons whose interests may be affected by the division of the society.

(3) Any member of the society may, notwithstanding any bye-law to the contrary, by notice given to the society within a period of one month from the receipt of the preliminary resolution, intimate his intention not to become a member of any of the new societies.

(4) Any creditor of the society may, notwithstanding any agreement to the contrary, by notice given to the society within the said period, intimate his intention to demand a return of the amount due to him.

(5) Any other person whose interest may be affected by the division may, by notice to the society within the said period, object to the division, unless his claim is satisfied.

(6) After the expiry of the month from the receipt of the preliminary resolution by all the members and creditors of the society and of the notice by other persons given under sub-rule(2) of this rule, another general meeting of the society, of which at least fifteen days' notice shall be given to its members, shall be convened for considering the preliminary resolution. If at such meeting, the preliminary resolution is confirmed by a resolution passed by a majority of the members present, either without changes or with such changes as in the opinion of the Registrar are not material, he may, subject to the provisions of sub-rule(9) and rule 4, register the new societies and the bye-laws thereof; and on such registration the registration of the old society shall be deemed to have been cancelled.

(7) At the general meeting referred to in sub-rule(6) provision shall be made by another resolution for -

- I. the payment of the share capital of all the members who have given notice under sub-rule(3);
- II. the satisfaction of the claims of all creditors who have given notice under sub-rule(4); and
- III. the satisfaction of the claims of such of the other persons who have given notice under subrule(5) for securing their claims.

(8) If within such time as the Registrar considers reasonable the share capital of the member referred to in sub rule (7) is not repaid or the claims of the creditors or other persons referred to therein are not satisfied or secured, the Registrar may refuse to register the new societies.

(9) On the registration of the new societies, the assets and liabilities of the original society shall vest in the new societies in the manner specified in the preliminary resolution and confirmed under sub-rule(6):

Provided that in special circumstances in the interest of co-operative movement in general and a co-operative society or a class of co-operative societies in particular, where the State Government deems it fit and expeditious division of a society or class of societies is necessary, the Government may by special order in writing exempt a society or a class of societies from the application of any or all of the provisions of sub-rule(8)

to (9) of Rule 37 and in such cases the preliminary resolution adopted under rule 37(1) shall be deemed to be the resolution adequate to effect the division of the societies and for registration of the new society or societies in accordance with Rule 4 emerging from such division. The existing societies so divided shall continue to exist under the same registered number and date with necessary amendments as registered by the Registrar, Co-operative Societies as a result of division.

In the event of such exemption having been ordered by the State Government in respect of any co-operative society it shall be incumbent upon the old registered co-operative society as well as upon the newly registered co-operative societies created by the division to receive notices of objections by any member, creditor or other person affected by the division, up to one month from the date of registration of the divided new co-operative societies and to satisfy their claim in the proportion based upon the division of their assets and liabilities finalized by the extraordinary General Meetings of the divided co-operative societies called on 15 days notice and as approved by the Registrar Co-operative Societies, whose decision in this regard shall be final.

38. Voluntary amalgamation of societies. - (1) Any two or more registered societies may, at a general meeting of each society held for the purpose, of which at least seven days' notice has been given to their respective members, resolve to amalgamate as a new society.

(2) A copy of the resolution of each society passed under sub-rule(1) and hereinafter in this rule referred to as the preliminary resolution shall be sent to all the members, federation and creditors thereof.

(3) Any member, any such society may notwithstanding any bye-law to the contrary, by notice given to the society of which he is a member, within a period of one month from the receipt of the preliminary resolution, intimate his intention not to become a member of the new society.

(4) Any creditor of any such society may, notwithstanding any agreement to the contrary, by notice given to the society of which he is creditor within the said period, intimate his intention to demand a return of the amount due to him.

(5) After the expiry of one month from the receipt of the preliminary resolution by all the members, creditors and federation of all the societies, a joint meeting of the members of such societies of which at least fifteen day's notice shall be given to them, shall be convened for considering the preliminary resolution. If at such meeting, the preliminary resolution is confirmed by a resolution passed by a majority of the members present, either without changes or with such changes the Registrar may register the new society and the bye-laws thereof, and, on such registration, the registration of the old societies shall be deemed to have been cancelled.

(6) At the joint meeting referred to in sub-rule(5), provision shall be made by another resolution for -

I. the payment of the share capital of all the members who have given notice under sub-rule(3); and

II. the satisfaction of the claims of all the creditors who have given notice under sub-rule(4):

Provided that no member or creditor shall be entitled to such payment on satisfaction of the claim until the preliminary resolution is confirmed as provided in sub-rule(5).

(7) If within such time as the Registrar considers reasonable, the share capital of the members referred to in sub-rule (6) is not repaid or the claims of the creditors referred to therein are not satisfied, the Registrar may refuse to register the new society.

(8) On the registration of the new society, the assets and liabilities of the amalgamated societies shall vest in the new society.

39. Compulsory amalgamation of societies. - (1) If the Registrar is satisfied, after taking into consideration the financial position of two or more co-operative societies and such other matters relating to the co-operative societies as may be proper, that it is in the interest of those co-operative societies to be amalgamated into a new co-operative society, he may, by order in writing, require the managing committees of the co-operative societies concerned to convene general meeting of the share-holders and creditors thereof within six weeks from the date of the order, for the purpose of considering a proposal to amalgamate the co-operative societies into a new co-operative society.

(2) If the managing committees fail to call any such meeting for the purpose, or if the decision in any such meeting is against the proposed amalgamation, or no decision is taken at any such meeting the Registrar may on the expiry of six weeks from the date of his order and after satisfying himself that the interest of the creditors has been adequately safeguarded direct that the said co-operative societies shall be amalgamated in to a new co-operative society with effect from a date to be specified in the direction.

(3) The Registrar shall, with effect from the said date, register the new co-operative society and on such registration the assets and liabilities of the amalgamated co-operative societies shall vest in the new co-operative society.

(4) An appeal against an order passed under sub-rule(1) shall lie, within one month from the date of such order,

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(i) if the order has been passed by any officer exercising the powers of the Registrar, to Registrar;

(ii) if the order has been passed by the Registrar, to the State Government.

(5) No action under sub-rule(2) shall be taken until the disposal of the appeal under sub-rule(4).

Raising of funds

40. Borrowing. - (1) A registered society may raise funds for its business by obtaining loan or deposits from the State Government, the financing bank or members or non-members or by issuing bonds or debentures or otherwise in accordance with its bye-laws.

(2). (A) A Society may mobilise debentures, deposits, raise loans and receive grants from external sources to such extent and under such conditions as may be specified in the bye laws. Deposits and loans raised from external sources, however, shall at no time exceed ten times the sum of member funds and organisational reserves less accumulated deficits, if any,

(B) A Society may accept funds/ guarantees from the government or other financing institution for the fulfilment of its objectives on such terms and conditions as are mutually contracted upon and such conditions may include the right of the government or other financier to nominate one expert on the Board.

Provided that the acceptance of loans and deposits from members and non members shall be subject to such condition as to the maintenance of fluid resources and such restrictions as to the area and on such terms and conditions as to the amount and period of loans and deposits, dates of maturity and refund, rates of interest and notice of withdrawal, as may from time to time, be decided in the general body.

41. Loans of members. - (1) Loans may be granted by a registered society to its members only to such extent and for such purposes and on such terms and conditions as are laid down in the byelaws and subject to such direction, not inconsistent with the bye-laws, as may, from time to time, be issued by the Registrar and in case of self supporting co-operative society subject to such directions not inconsistent with the bye laws, as may from time to time, be decided by the general body.

(2) If a registered society issues a requisition on any other registered society for the realization of the loan advanced to any member or the interest thereon, it shall be incumbent on the latter society to deduct the same from any money belonging to such member with the latter society after setting off its own dues, if any, against the member.

(3) An application for loan by a member of a registered society shall be in Form IX and shall contain a declaration to the effect that the applicant pledges his property to the society for any debt due or advance to be made to him by the society subsequent to his admission as a member.

42. Salary earners society. - (1) In case of a registered society of salary or wage earners, loans may be advanced only on the execution of an authority slip authorizing in Form X the employer to deduct from the member's salary or wage the stipulated amount of instalment with interest and deductions from the member's salary or wage will continue till the loan has been fully satisfied.

(2) The society shall within a fortnight of the receipt of the authority slip forward a copy thereof duly certified in the manner specified in rule 61 to the employer or the pay disbursing authority concerned for execution of the same.

(3) A member who has executed such authority slip shall, on every occasion he becomes subject to a new employer or pay disbursing authority whether by reason of change of office or place or otherwise, within a week of his becoming so subject, furnish a fresh authority slip to the society:

43. Investment and Deposits. - Any fund of a registered society, not invested in accordance with section 19 of the Act, and not required for the business of the society shall be kept in deposit with a nationalized commercial bank, the central co-operative Bank of the area of the Jharkhand State Cooperative Bank or in the local Postal Savings Account.

44. Fifty per cent of the reserved fund of a registered society shall be invested outside the business of the society.

45. A registered society may constitute a compulsory deposit fund, provident fund or welfare fund for the benefit of its members on such conditions and terms as may be provided in its bye-law.

46. A registered co-operative society may allow rebate to its members on the value or amount of their transactions with the society, subject to such general or special instructions as may, from time to time, be issued by the Registrar. In case of a self sufficient co-operative society such rebate may be given to its members as may, from time to time, be decided by the general body.

47. Reserve fund. - At least ten per cent of the net profit of a registered insurance society and a registered co-operative farming society and at least five per cent of the profit of a registered thrift and savings society shall each year be carried to a reserve fund.

48. Subject to the provision of section 18(2) and the sanctions of the Registrar the reserve fund of a registered co-operative society shall be available for any of the purposes specified in the bye-laws of the co-operative society.

In case of a self supporting co-operative society, the reserve fund shall be available for any of the purposes, specified in the bye laws of the society, as may be decided, from time, by the general body.

49. Bad debt fund. - Any registered society may after the amount required by sub-section(1) of section 8 or rule 47, as the case may be, has been carried to the reserve fund, contribute any sum not exceeding ten per cent of its net profits to the bad and doubtful debts fund.

50. Refund of share money and transfer of shares. - (1) No member of a registered society shall be entitled to transfer his share or interest in the society until he has held the same for a year and while he is indebted to the society.

(2) Share may be transferred with the approval of the managing committee to a member or to a person who has applied for membership and is eligible for admission as member and whom the committee is willing to admit as such and no other transfer shall be permitted.

(3) In the event of the managing committee refusing to admit as member, a person nominated by a member as his heir or expelling a member the value of shares held by the member shall be paid to the heir or member concerned, as the case may be, subject to the other provision of this rule.

(4) If a person ceases to be a member of a society on any ground other than expulsion or death, the value of the shares held by him shall on the expiry of one year in general from the date on which he ceases to be a member be refunded to him or to his heir, as the case may be, subject to adjustment of dues, if any, of the society and no dividend shall be payable from the said date but interest may be allowed thereon at a rate not exceeding such rate as may be fixed for saving bank deposits by the general meeting.

(5) If a registered society is dissolved, the net value of the share held by it in any other society as ascertained in the manner laid down in rule 65 shall, subject to the provision of section 22, be paid to the liquidator of the society, within a period of three months from the date of dissolution.

50A. (1) Subject to the provision of the Act and the Rules, a society may reduce its share capital according to the scheme approved by the Registrar and adopted by the general body of the society in a General Meeting. Such a scheme may provide for -

(i) extinguishing or reducing the liability on any of its shares in respect of share capital not paid-up or

(ii) canceling any paid-up share capital, or

(iii) paying back any paid-up share capital which is in excess of the need of the society.

(2) The Registrar may direct a co-operative society desiring to reduce its share capital to issue a notice by a registered post to every creditor who shall be entitled to object to the proposed reduction within one month from the date of receipt of such notice.

(3) If a creditor does not consent to the proposed reduction of the share capital, the Registrar may dispense with the consent of the creditor, in case the society secures payment of the debt of such creditor or satisfaction of the claim within the time specified by the Registrar.

(4) The Registrar, if satisfied, with respect to any creditor of such society, who has objected to the reduction, that either his consent to the reduction has been obtained or his debt or claim has been paid or satisfied, may make an order approving the reduction on such terms and conditions as the Registrar may think fit.

(5) The resolution for the reduction of the share capital of a co-operative society shall take effect from the date on which it is approved by the Registrar under sub- Rule (4) above.

Provided that in case of a self supporting co-operative society, such prior approval of the Registrar shall not be mandatory

Provided further that nothing in sub-rules(1), (2), (3), (4) and (5) shall prevent a Co-operative Society from adjusting partially or fully the value of the shares held by an individual member against any amount due from him or from making a refund of the value of shares held by him after the dues of the society against him have been fully satisfied, in accordance with its bye laws.

51. (1) A member of a society may nominate any person to whom, in the event of his death, his share or interest in the society shall be paid or transferred subject to the provisions of section 22.

(2) A registered society shall keep a register of the nominees of members in such form as may be prescribed.

(3) A nomination made by a member shall be in writing and deposited by him with the registered society concerned or shall be made by a declaration recorded in a book kept for the purpose by the society bearing the signature or thumb impression of the member attested by two witnesses.

(4) A nomination made by a member may be revoked or varied by him in writing and another nomination similarly made.

52. Value of shares. - The value of a member's share or interest in a society shall be equal to the sum actually paid by the member to acquire such share or interest.

Provided that, if the liabilities of the society exceed its assets as shown in the latest audited balance-sheet, the value of a member's share shall not exceed the amount which would be receivable by him in respect of such share where the society to be liquidated on the last date of the preceding co-operative year.

Deceased Member's Interest.

53. Disposal of unclaimed shares. - If a member of a registered society dies and if the shares held by him are not disposed off in the manner prescribed in these rules, the society shall transfer the value of such share to a savings bank account.

54. Registers of members and shares. - (1) Every registered society shall maintain a register of members showing such particulars as may be specified in these rules. or by an order of the Registrar.

(2) A registered society, the liability of the member of which is limited to the value of shares held by them, shall, in addition to the register of members, also maintain a register of shares and shareholders in such form as may, from time to time, be prescribed by the Registrar.

55. Account books, register and forms. - A registered society shall maintain such other books and registers and use such forms and in such manner as may from time to time be prescribed by the Registrar.

56. Returns and reports. - (1) A registered society shall submit on monthly basis to the Registrar, to an affiliating society, if any and to the financing bank such returns and reports, in such form and within such time, as the Registrar may from time to time prescribe.

(2) In the event of failure of a registered society to submit the prescribed returns and reports within the prescribed time, the Registrar may impose a fine not exceeding Rs.1,000/- (Rupees One Thousand Only) and further the Registrar may by an order in writing in this behalf, authorize any person to prepare the same and the cost of preparing them shall be recoverable from the society in addition to the fine imposed by him.

Audit and Account.

57. Audit. - (1) The audit of a registered society shall be conducted and the audit report drawn up in such manner and submitted to the Registrar and such other authority as may from time to time be prescribed by the Registrar.

(2) The Registrar may revise any statement made in the audit report if, in his opinion, it does not represent the actual position of the working of the society and may order necessary modification to be made therein.

58. Statement of accounts and balance sheets. - (1)(a) The managing committee of a registered society shall prepare such statement of accounts (including balance sheet, profit and loss account and statement of receipts and expenditures) as may from time to time be prescribed by the Registrar and submit the same to the Registrar within three months of the close of the co-operative year and also produce it before the auditor.

(b) On the failure of the managing committee to prepare the account as prescribed, the Registrar may get accounts prepared and assess the cost thereof on the society and the same shall be realizable from the society as audit fee.

(c) A registered society shall exhibit at its office, its last annual balance-sheet as audited and certified by the auditor, as also audit report. The Registrar may direct the publication in the official gazette of the audited balance sheet of a registered society.

59. Audit of wound up societies. - A registered society ordered to be wound up under section 42 shall be audited on the issue of the order for winding up and again before the cancellation of the registration of the society.

60. Payment of the audit fee. - (1) The Registrar may from time to time determine the rate of audit fee payable by a registered society or a class of such societies.

(2) The Registrar may remit in part the audit fee payable by a registered society or a class of such societies.

Copies of Entries

61. Certifying copies of entries. - (1) For the purpose of section 59 (1) of the act. A copy of any entry in any book, register or list maintained by a registered society may be certified by a certificate written at the foot of such copy declaring that it is a true copy of the entry contained in the book, register or list kept by the society, and in the custody of the society. Such certificate shall be signed and dated by the Secretary of the society or by any other officer approved by the Registrar or authorized by its bye-laws and each page of the copy so certified shall bear the seal of the society.

(2) Where a registered society has been placed in charge of a liquidator under section 44 of the Act. Copies of entries of the nature described in sub-rule(1) shall be certified in like manner by the liquidator.

(3) The society or the liquidator may charge a copying fee at such rate as may be prescribed by the registrar, in case of co-operative society and general body in the case of self supporting cooperative society, from time to time for issue of a certified copy.

Custody and Preservation of Records.

62. Custody of account books and registers. - Unless otherwise provided in its bye-laws or its rules of business approved by the Registrar in case of a co-operative society and by the general body in the case of a self supporting co-operative society, the account books, registers and records of a registered society shall be kept in the custody of the secretary or such other officer or paid staff of the society as the managing committee may authorize.

63. Preservation of records. - The books and records of a registered society shall be preserved for and destroyed after such period and in such manner as may from time to time, be prescribed by the Registrar.

Liquidation

64. Appointment or removal of a liquidator and payment of remuneration to him. - (1) An order under section 42 of the Act directing that a society be wound up and an order under section 44(1) appointing a liquidator, shall be published in the official gazette and in such other manner as the Registrar may direct.

(2) The Registrar may appoint any government officer not below the rank of a Co-operative Extension officer as liquidator of a registered society in respect of which a winding up order has been passed, and may change the liquidator from time to time.

(3) A liquidator shall on removal be required to hand over all property, books, records and documents relating to the society to such person as the Registrar may direct.

(4) Liquidator shall receive such remuneration and serve on such terms and conditions as may be determined by the Registrar and the remuneration shall be payable out of the assets of the society in a priority over all other claims.

(5) The Registrar may, while appointing the liquidator, prescribe the period within which the liquidation proceeding are to close and may extend this period from time to time.

65. Procedure. - (1) The Registrar shall cause a notice to be published requiring all claims against the publication of the notice. All liabilities recorded in the accounts books of a society shall thereon be deemed to have been duly notified.

(2) The liquidator shall take immediate possession of all the assets of the society and all books, records and other documents relating to the business thereof.

(3) Subject to the approval of the Registrar, the liquidator may appoint staff to assist him in the discharge of his duties.

(4) The liquidator shall have power to convene meetings of the members of the society from time to time.

(5) The liquidator shall maintain such books and accounts as may, from time to time, be prescribed by the Registrar.

(6) In all matters, the liquidator shall be subject to the control and supervision of, and be responsible to the Registrar.

(7) The liquidator shall draw up a statement of the assets and liabilities of the society as they stood on the date of the order of winding up.

(8) The liquidator shall proceed to recover the sums due to the society and may, subject to the approval of the Registrar, institute suits for the purpose.

(9) The liquidator shall next determine the contribution to be made to the assets of the society by members, past members and nominees, heirs or legal representatives of the deceased members or by any officers or

past officer of the society and shall also determine by what person and in what proportion costs of the liquidation are to be borne.

(10) The liquidator shall send all processes issued by him for service to the Collector or the Sub Divisional Officer concerned, who on receipt thereof, shall proceed as if such processes had been issued by him as a revenue court and shall return the service report to the liquidator.

(11) The liquidator shall keep a summary of the deposition of witnesses recorded by him and a list of the documents admitted by him as evidence in the liquidation proceedings.

(12) The liquidator shall issue a notice in Form no XI to the persons concerned demanding the proposed amount of contribution payable by each and, if an objection is filed there to within one month of the service of the notice he shall hear and decide the objection in a summary manner.

(13) This order which shall be called the contribution order together with all papers connected with it shall be submitted to the Registrar for his approval; and the Registrar may if he thinks fit, modify or return it to the liquidator for further inquiry or other action.

(14) When the Registrar has approved of the contribution order the liquidator may file a requisition in respect thereof before the Certificate Officer of the district or subdivision in which the society is situated in the manner provided for the recovery of a public demand under the Jharkhand Public Demand Recovery Act, 1914(Act IV, 1914).

(15) If the Certificate Officer is unable to recover the sum assessed against any person, the liquidator may, from time to time, make a fresh contribution order against the said person to the extent of the liability for the debts of the society, until the whole amount due to the society is realized and such fresh order shall be executed in the same manner at the original order.

(16) The liquidator shall maintain a record of the liquidation proceedings as well as an account of all money received and all payments made by him.

(17) The decision of the liquidator with regard to a claim against the society, including claim for priority of payment as claimants, shall be subject to the approval of the Registrar and no payment shall be made to any claimant without the general or special sanction of the Registrar. If any liability cannot be discharged by the liquidator owing to the whereabouts of a person entitled to payment being not known, or for any other reason, the amounts representing such undischarged liability shall be deposited in such a registered society or bank as may be approved by the Registrar.

(18) The liquidator shall submit to the Registrar such periodical reports and statements showing the progress made in the liquidation proceedings as the Registrar may require.

(19) All funds in charge of the liquidator and all collections made by him shall be deposited with such registered society or banks as may be approved by the Registrar.

(20) (a) If after the recovery of all sums due the society and realization on the contribution and the cost of liquidation from the members, past members and heirs, nominees or legal representatives of the deceased members and if after meeting the liquidators of the society there is any surplus left the liquidators shall call a meeting of the members. At such a meeting the liquidator shall make a statement of the action taken by him in the liquidation proceedings. He shall submit to the Registrar a final report which shall, if there is any surplus left after payment of all liabilities of the societies, also contain proposal for the disposal thereof. The Registrar shall pass final orders for the disposal of the surplus and after the same has been disposed of, the liquidator shall submit a further report to the Registrar.

(b) The cost of liquidation shall be the first charge on the assets of a liquidated society. The arrears of remuneration of the employees for services rendered shall rank next in the order and thereafter Government demand and audit fees, and the dues of the other creditors shall rank next and follow the order that may be laid down by the Registrar.

(21) On the close of the liquidation proceedings the liquidator shall deposit all the books and records of the society and all the papers connected with the liquidation proceedings with the financing bank or in the office of the Assistant Registrar of the area in which the society is situated or as the Registrar may direct.

(22) After all the books and records have been deposited in the manner prescribed in sub-rule(21), the Registrar shall cancel the registration of the society.

Appeal and Revision.

66. Appeal and Revision. - (1) Every petition of appeal or revision under the Act shall be in the form of memorandum signed by the appellant and shall be presented to the appropriate authority and the memorandum shall be accompanied by a copy of the order or decision against which the appeal or revision is preferred.

- (2) The memorandum shall set forth the grounds of objection to the order of decision and the relief claimed.
- (3) In the case of any appeal or revision under the Act the appropriate authority shall give the parties affected an opportunity of being heard and shall dispose of the objection in a summary proceeding.
- (4) For the purpose of this rule the appellate authority shall have all the powers of a court of appeal as provided in the Code of Civil Procedure, 1908.
- (5) A copy of the order in appeal or revision only certified to be a true copy only shall be supplied to the party concerned free of cost.

67. Sanction for appeal. - An application for special sanction to file an appeal under section 44(5) of the Act shall be made in writing to the Registrar within six weeks from the date of the communication of the order of the liquidator and the application shall be accompanied by a copy of the memorandum of appeal. After the Registrar disposes off the application, he shall send a copy of this order duly certified to be a true copy to the applicant and the liquidator.

68. Disputes : arbitration. - (1) A dispute under section 48 shall be referred to the Registrar in case of a co-operative society and to a Co-operative Forum or Tribunal, in case of a self supporting co-operative society, in writing and the reference may be made -

- (a) by the managing committee of the registered society interested in the dispute or by any party to the dispute, or
- (b) by any member of the society if the dispute relates to the society from a member of the managing committee.

(2) Where the dispute relates to a sum due from a registered society to an affiliating society, the reference shall contain the names of the members of the managing committee and a list of the debtor members of the former society along with the amounts outstanding against each of them.

Provided that in case of a registered society with unlimited liability it shall also contain a list of all the members of the society and the amounts due to it from each member:

(3) (a) On receipt of such reference, the Registrar in case of a co-operative society, and to a Cooperative Forum or Tribunal, in case of a self supporting co-operative society, shall cause a notice to be served on the opposite party requiring him to show cause within such time as may be specified therein as to why the dispute shall not be decided in favour of the applicant. On the expiry of the time so specified, whether or not the opposite party has filed a written statement showing cause, the Registrar in case of co-operative society may decide the dispute himself or transfer it for disposal to any person exercising the powers of the Registrar on his behalf or refer it for decision to an arbitrator or arbitrators appointed by him.

- (b) In the case of a self supporting co-operative society, on receipt of such reference, the Cooperative Forum or Tribunal, shall send a notice to be served on the opposite party requiring him to show cause within such time as may be specified therein, as to why the dispute shall not be decided in favour of the applicant. On the expiry of the time so specified, whether or not the opposite party has filed a written statement showing cause, the Forum or the Tribunal, as the case may be, may decide the dispute.
- (c) The Registrar shall, in case there is more than one arbitrator, nominate one of them to be Chairman who shall preside over their meetings and act in the name of the arbitrators and carry on necessary correspondence in connection with the disposal of the case.

(4) If an arbitrator dies or refuses or neglects to act or by absence or otherwise becomes incapable of acting or if the Registrar, for any reason, considers it necessary, he shall nominate another person in his place to act as an arbitrator.

(5) When a dispute is referred to arbitration, the Registrar may fix a time limit for the submission of their award together with the record of the case.

(6) If during the pendency of a dispute under section 48 of the Act, any person who is a party to the dispute dies, the Registrar or the arbitrator, in case of a co-operative society and Co-operative Forum or the Tribunal, in case of self supporting society, may on an application made in this behalf, substitute the name of the nominee, heir or legal representative of the deceased person as a party and may order the issue of fresh summons to such substituted person. Where the nominee, heir or legal representative is a minor the Registrar or the arbitrator on being satisfied of the fact of his minority, shall appoint a person to be his next friend or guardian for the case in the manner provided under the Code of Civil procedure, 1908. Where a question arises as to whether any person is or is not the legal representative of the deceased person such question shall be determined by the Registrar or the arbitrator, as the case may be.

(7) The Registrar or the arbitrator or the co-operative Forum or the Co-operative Tribunal, shall after consideration of any evidence adduced by the parties give a decision in writing and the decision shall contain the number of reference, the names and the description of the parties, particulars of the dispute, summary of evidence, if any and the ground of decision or award and shall specify clearly the relief granted, the amount decreed, future interest, if any, allowed, the costs awarded, the party from whom the costs shall be realized and the party in whose favour the costs are awarded.

(8) If any party duly summoned to appear or produce any evidence before the Registrar or arbitrator or the co-operative Forum or the Co-operative Tribunal fails to comply with the summons, the dispute may be decided ex-parte or otherwise on the basis of the materials available.

(9) When a dispute is referred to a board of arbitrators or the co-operative Forum or the Cooperative Tribunal the opinion of the majority shall prevail.

(10) In proceedings before the Registrar or arbitrator or the co-operative Forum or the Co-operative Tribunal, a party may be represented by a legal practitioner,

(11) The Registrar or a person exercising the powers of the Registrar or before an arbitrator or arbitrators or the co-operative Forum or the Co-operative Tribunal may, at any stage of the proceedings, call for and examine the records of the proceeding and may at any stage of the proceeding but before a decision or award is given withdraw the case transferred or referred under clause (b) or clause (c) of sub section (2) of section 48.

(12) If any sum recoverable from a registered society is recovered under section 54 from a member, a past member, or the estate of a deceased member or a surety, it shall be the duty of the society to make a corresponding adjustment in the account of the member concerned and the debt of the member if any, to such society, shall be deemed to have been automatically reduced to the extent of the amount recovered from him, his estate or his estate or his surety.

(13) (a) Reference of a dispute to the Registrar or co-operative Forum or co-operative Tribunal shall be made in Form no. XII. Application for decision shall be made in Form no. XIII, notice to parties shall be issued in Form no XIV and summons shall be issued in Form no XV.

(b) Notice for attachment of property and order for attachment thereof under section 50 shall be issued in Form no XXI and Form no XXII respectively.

(c) For the purpose of a mortgage award, the following forms shall be used:-

(i) Application for a mortgage decree - Form no. XVI.

(ii) Notice on defaulting member - Form no XVII.

(iii) Preliminary mortgage decree - Form no XVIII.

(iv) Notice before final mortgage decree - Form no XIX.

(v) Final mortgage decree - Form no. XX

69. Reference to State Co-operative Tribunal. - (1) Any party to a dispute under section 48 desiring that the case may be stated and referred to the State Co-operative Tribunal, for decision under sub-section(8) of the said section shall, within thirty days from the date of occurrence of the notice of reference under the section, make a petition in writing to the Registrar to that effect.

(2) Any person exercising the power of a Registrar or any arbitrator appointed under section 48 may, at any stage of the reference or hearing of the dispute, if he considers it advisable, move the Registrar for action under sub-section(8) of the said section and for this purpose forward the record of the case to him with statement of the reasons for making a reference to the State Co-operative Tribunal, on receipt of which the Registrar shall give a decision thereon.

Service of Summons or Notice.

70. Service of summons or notice. - (1) Every notice or summon issued under the Act or these rules shall be in writing and in such form as prescribed in sub-rule (13) of rule 68 and shall be authenticated by the signature and seal of the authority by whom it is issued. It may be served by a registered post or through the nearest Civil or Revenue Court having jurisdiction in the area in which the society operates or by such other means as the Registrar, or the Co-operative Forum or the Tribunal, may think fit.

(2) A summon shall require the person summoned to appear before the said authority at a stated date, time and place and shall also specify whether his attendance is required to furnish any information or for the purpose of giving evidence or to produce a document, cash or other property or for all these purposes; and the document, cash or other property required to be produced shall be described in the notice or summons. Any

person summoned merely to produce a document, cash or other property may be deemed to have complied with the summon if he causes the same to be produced instead of attending personally to produce the same.

Requisition for Dues

71. Certificate at proceedings. - A Requisition in respect of any sum payable by any person or by any registered society under section 52, shall be sent to the certificate Officer by the Registrar or the Co-operative Forum or the Tribunal as contemplated in section 5 of the Jharkhand Public Demands Recovery Act, 1914 (Act IV of 1914)

Provided that in the case, if an order made by the liquidator under the Act, the written requisition shall be sent by the Registrar.

Creditor's Meetings

72. Procedure at meetings. - (1)(a) Where a compromise or arrangement is proposed between a society and its creditors generally or, if compromise or arrangement is proposed between the society and any class of its creditors and the Registrar orders a meeting to be held under section 24-A, he shall cause a notice to be sent by the registered society concerned, or by the liquidator where the registered society has been ordered to be wound up, to each creditor concerned informing them of the date, time and place of the meeting.

(b) The society concerned shall send a copy of such notice together with a copy of the document containing the compromise or arrangement, to each creditor and other than a creditor on whom the compromise or arrangement, if sanctioned, would be binding under sub-section (2) and (3) of section 24-A.

(c) The Registrar shall cause such notice together with a copy of document containing the proposed compromise or arrangement to be sent by a registered post or messenger at least one month before the date fixed for the meeting to each creditor to the address noted against the name of such creditor in the books of the society.

(2) On the date, time and place appointed for the meeting under sub-rule(1), the creditors present shall choose a person to be a Chairman of the meeting.

Provided that the Chairman shall not be entitled to vote, if he is not one of the creditors concerned.

(3) The Chairman shall preside over in the meeting and his decision on any point of order shall be final.

(4) Immediately after his election the Chairman shall cause a statement in duplicate to be prepared showing the names of those creditors to whom notice under sub-rule(1) or rule 72 has been issued and who are present either in person or by proxy at the meeting. The statement shall show the amount both on account of principal and interest due to each creditor to whom the said notice has been issued and who is present at the meeting either in person or by proxy. The extent of value of each creditor required for the purpose of sub-section (1) of section 24-A shall be the total of the principal and the interest calculated up to the close of preceding co-operative year. The statement shall be authenticated by an officer authorized in this behalf by the Registrar and it shall form a part of the proceeding. The Chairman shall put in the meeting the question that the proposed compromise arrangement be agreed to.

(5) (a) Any creditor present to whom a notice under rule 72(1) has been issued may move an amendment to the proposed arrangement or compromise.

(b) Any creditor desirous of moving an amendment to the proposed arrangement or compromise shall send to the person issuing the notice under rule 72 a copy of the proposed amendment at least 14 days before the date of the meeting and such person shall cause copies of such amendment to be sent by an ordinary post or by a messenger to each creditor to whom the notice under rule 72 has been sent;

Provided that the Chairman may allow any amendment proposed by a creditor of which such notice has not been given to be considered in the meeting, if a majority of the creditors present agree to this being done.

(6) Every amendment to the proposed arrangement of compromise shall be put up at the meeting in such form as the Chairman considers most convenient for the purposes of discussion.

(7) (a) Persons present at the meeting shall speak on the question put by the Chairman or on any amendment in such order as the Chairman may direct.

(b) The Chairman may fix a time for speeches.

- (8) (a) The Chairman shall cause minutes to be prepared of the proceeding of the meeting and shall sign them.
- (b) The minutes shall contain the names of all creditors present at the meeting and the name of each creditor voting for or against the question put by the Chairman or on any amendment.
- (9) If the proposed compromise or arrangement is agreed to with or without modification, the Chairman shall forthwith forward a copy of the minutes signed by him together with a copy of the draft of such compromise arrangement to the Registrar.
- (10) Creditors on whom notice has been issued under sub-rule(1) of rule 72, may remain present at the meeting and may with the permission of the Chairman take part in the discussion but shall not be entitled to vote.
- (11) Any member of the managing committee, any officer of the society concerned, the liquidator and any person authorized in writing in this behalf by the Registrar , may attend the meeting and may, if so required by the Chairman, take part in the discussion but shall not be entitled to vote.
- (12) The Registrar may refer any question for consideration and decision at the meeting and the Chairman shall put such question to the meeting.
- (13) (a) A creditor on whom the compromise or arrangement, if sanctioned would be binding, but who is unable to be present in person at the meeting , may appoint another person as his proxy for such meeting.
- (b) Every proxy shall be appointed in such form as may be prescribed by the Registrar.
- (c) The appointment of a proxy shall not be valid unless the form duly filed in is deposited at the registered office of the society at least 48 hours before the time fixed for holding the meeting.
- (14) The proceeding of any meeting held under these rules shall not be invalid by reason only of the fact any notice required to be issued under these rules was not received by any person.

Miscellaneous

73. Power to attend meetings. - The Registrar or any person authorized by him may attend any meeting of a registered society called in accordance with these rules or the bye-laws of the society and take part in the deliberation but shall not be entitled to vote.

74. The following categories of government servants are authorised to exercise in their respective jurisdiction the power under clause (c) of section 38 and section 45-A. - The Registrar, all Additional Registrars Joint Registrars, Deputy Registrars, District Co-operative Officers, Assistant Registrars, Block Co-operative Extension Officers, Co-operative Extension Officers, Inspectors, Deputy Chief Auditors, District Audit Officers, Sub-Divisional Audit Officers, Senior Audit Officers and Managing Directors and General Managers of the Central Co-operative Banks.

75. Contribution to Co-operative Conferences. - A registered society shall not contribute any money towards the expenses of any conference unless such conference is held under the auspices of a registered society which is authorized by its bye-laws to undertake the holding of such a conference. The society holding the conference shall keep separate account of the income and expenditure of such conference and such account shall be subject to an audit. The Registrar may convene any conference of the co-operative societies.

76. Registrar's power of condonation. - The Registrar may condone the failure on the part of any registered society to comply with any rule which requires his previous sanction for any purpose.

77. Savings. - Any action taken or order made before the commencement of these rules shall, so far as it is consistent with these rules, be deemed to have been taken or made under the appropriate provisions of these rules.

Form No. 1

[Rule 3 (1)]

Form of application to register a society

To,
The Registrar,
Co-Operative Societies,

.....
Dated the20...

We, the undersigned, agree to the enclosed by-laws and under section 9 (1) of the Jharkhand Co-operative Societies Act, 2008 apply to be registered as a Co-operative Society with limited/unlimited liability, under the name and title of the registered office being at in thana

..... post office sub-division and district

.....
We submit four copies of the bye-laws of our society.

Sl. No.	Name of the applicant	Age	Father's Name	Occupation or class	Residence	Signature or thumb impression duly attested	Share participation	Remarks
1	2	3	4	5	6	7	8	9

Form No. II

Statement of property and dates of applicant for registration of Co-operative Society with unlimited liability.

[Rule 3 (5)]

The Society, recommended for registration, lies within area and will start with members.

Rs.

I. Assets -

..... bighas/acres of land -
are held by the applicant
which have been valued at
Rs. Value of
other properties.

Total -

II. Liabilities -

Rent due to Landlord -
Cash debts -
Interest due on each debts -
Mortgage debts -
Interest due on mortgage debts -
Other liability, if any -

Total -

III. Annual income of member -

1. Amount profits from -
lands

2. Other income from lands - -----

Total - -----

I S/o of police station district..... do hereby solemnly affirm that the foregoing statements are true to the best of my knowledge and belief.

Verified at This day of

Signature of applicant

A separate form should be used for each applicant.

Form No. III

[Rule 3 (5)]

Report of organisation of Society with Limited/unlimited liability.

Name of organizer/ Promoter

1. Date or dates of local inquiry and by whom held.
2. Do all the applicants understand the main principles of co-operation ?
3. How the bye-laws been fully explained to the applicants ?
4. How many literate persons have been Enrolled.

Note - "Literate a person who can write and read a letter. At least two or three literate persons should join the society, one of whom must be capable of keeping the accounts.

5. What are the antecedent and character of the applicants? Are they litigious and to what do you ascribe their indebtedness if any?
6. Are the applicants in arrears of rent and if so, Why ?

Note - Raiyats who are unpunctual in the payment of rent do not usually make good members of co-operative societies.

7. Has a statement of property and debts been drawn up and enclosed with the organization papers? Has the amount of loan recommended for each applicant been entered in the remarks column of the application ?

Note - The statement must be personally verified and attested by the organizer. Reference should be made to the records-of-rights and also; if possible, to the landlord's papers. Valuation of land must be put at a low figure, i.e., that which it would fetch at an involuntary sale. If there is no custom of transfer, it may be fixed at two thirds of the amount for which, it could be mortgaged. These information are required in respect of agricultural credit society only.

8. How the society to be financed ?

What is the initial capital with which it is proposed to start work.

(If it is proposed to pay off old debts at the start, special reasons for this course should be given).

9. What are the chief crops in the locality in which the society is situated? What are the means of irrigation and what is the distance of the village from the headquarters of the Central Co-operative Society or Organiser ?

Is it easily accessible ?

10. Does it belong to any group of co-operative societies in existence ?
11. What provision has been made for its local supervision ?
12. Have you any other remarks to make?

Signature of Organiser/ Promoter

Recommended for registered by the Directors of Central Bank/Union, vide Resolution no. dated

Honorary Secretary
..... Co-operative Society

Form No. IV

[Rule 4 (3)]

Form of Certificate of Registration

Office of The Registrar, Co-Operative Societies, Jharkhand

In the matter of application for registration of a Co-operative Society at..... police station

..... in the district of

I do hereby certify that pursuant to section of the Jharkhand Co-operative Societies Act, 2008
..... Co-operative Society has been registered in my office as a Co-operative Society with
limited liability under the name and title of the and the bye-laws of the society have also
been registered.

The following is the area of operation of the society :-

Seal of office.

Registrar,

Co-operative Societies, Jharkhand

Dated this day of one thousand nine hundred and

Form No. V

[Rule 7 (1)]

Form of application for Membership

To,
The Committee of Management
Co-Operative Society.

Sir,

I hereby apply for admission as a member of the Society. I have carefully read the bye-
laws and rules of the society/the bye-laws and rules have been read out and explained to me and I hereby
agree to abide by the same.

I request that you will allot me Shares and I hereby agree to accept the same or any less number
that you may allot to me.

I am/am not a member of Society.

I also do hereby nominate the person named below as the person to whom shall be transferred my shares,
deposits and loans or any other interest in the society after my death.

Yours faithfully

Signature -----

Father's or
husband's name -----

Age -----

Profession -----

Permanent
Address -----

Present Address -----

Name of nominee -----

Relationship -----

Age of nominee -----

Address of
nominee -----

We (members of the society) recommend that be admitted as a
member of the Society signature of

(1), and

(2)

Form No. VI

[Rule 17 (1)]

Form of application for the registration of amendment to the bye-laws of a registered Society

To,
The Registrar,
Co-Operative Societies,
Jharkhand
Dated the20...

Sir,

We, the undersigned submit herewith four copies of the enclosed amendment to the bye-laws of the society bearing registered no in the district of under section 25 of the Jharkhand Co-operative Societies Act, 2008 and the rules framed by the State Government there under. Due notice of the bringing forward of the amendment was given in accordance with the bye-laws of the society.

The necessary particulars about the ordinary/extraordinary or special/general meeting at which the amendment was passed are noted below and three certified copies of the resolution adopting the amendment are enclosed herewith :-

(1) Date of the meeting.

(2) Number of members present.

(3) The total number of members of the Society at the time of the general meeting.

(4) Number of members who voted in support of the amendment.

Secretary

Members of the Managing Committee -

1.

2.

3.

The following are the amendments referred to above :-

Members of Managing Committee -

1.

2.

3.

Secretary

Note - The amendment should be submitted in four copies with the following heading :- Present bye-laws, amendment proposed, reasons for the amendment.

Form No. VII

[Rule 17 (2)]

Certificate of Registration of amendment

I do hereby certify that the amendments of the bye-laws of the, Co-operative Society registered under the Jharkhand Co-Operative Societies Act, 2008 as contained in the enclosed document have been registered under section 25 of the said Act, in token of which necessary certificate duly signed and sealed bearing number Dated day20.... has been accordingly amended.

Seal of office.

Registrar,

Co-operative Societies, Jharkhand

Dated this day of one thousand nine hundred and

Form No. VIII

[Rule 18]

Certificate of amendment of bye-laws

In the matter of the a Cooperative Society registered under the Jharkhand Co-operative Societies Act, 2008.

In exercise of the powers vested in me under sub-section (2) of section 26 of the Jharkhand Co-operative Societies Act, 2008, I do hereby certify that amendment to the bye-laws of the above mentioned society as contained in the enclosed document have been registered under section 26 of the said Act in token of which necessary certificate duly signed and sealed bearing number Dated20..... has been appended on the document.

The copy of the bye-laws deposited in this office has been accordingly amended. I hereby call upon the Secretary of the said Society to get the amendment noted in the registered copy of the bye-laws deposited with society.

Seal of office.

Registrar,
Co-operative Societies,

Dated this day of one thousand nine hundred and

Form No. IX

[Rule 41 (3)]

Application for loan along with declare of property of the member/applicant

The Honorary Secretary,

.....Co-Operative Society Limited/unlimited.

I, S/o a member of your society request you to sanction a loan of Rs. as short-term/ medium term for meeting miscellaneous agricultural expenses and for purchases of bullock, repayable in one/three to five years. Every kist along with interest at the rate of Percent will be paid in time.

Bullock purchased with the loan from the society will not be sold by me during the pendency of the loan till it is fully satisfied.

At present I possess bullocks and I pledge the following property as specified below. I am the sole proprietor/Karta of the purchase under the sale deed from and it /are free from encumbrances.

Details of the property

Name of mouza	-
Sub-registry office	-
District	-
Annual rental	-
Khata no.	-
Area	-
Thana	-
Sub-division	-
Touzi no.	-
Khasra no.	-

I am indebted to the extent noted below :-

Amount of loan	Amount repaid till to date	Balance	Name of lender with residence etc.
----------------	----------------------------	---------	------------------------------------

1.

2.

3.

I certify that the information given above is true to the best of my knowledge and belief.

Date:-

Signature of member-application

Form No. X

[Rule 42]

Authorising deduction from pay

Authority Slip

Whereas I, S/o Resident of Post office police station district, employed in the office of and a member (no) of Co-operative Society registered under the () only from the said society under loan bond no. dated and have agreed to repay the loan in installments fixed by the society.

I do hereby, of my free will and accord and in full enjoyment of my senses and without any coercion, authorise my employer to deduct from my pay/ wage the full amount of installments and interest thereon till such time as the said loan is fully repaid and to remit the same to the said registered society which has granted me the loan. These amounts shall continue to be deducted from my pay/wage by disbursing officer unless otherwise modified or remitted by the Board of Directors of the society, till the full payment is made.

Date

Signature -

Address -

Form No. XI

[Rule 65 (12)]

Notice to persons demanding the amount of contribution

In the matter of Co-operative Society in the district of under liquidation. Notice is hereby given that the above mentioned society has been placed under liquidation in notification no dated and the undersigned has been appointed a liquidator of the said Society under section of the Jharkhand Societies Co-operative Act, 2008. The persons against whom the amount of contribution is made and detailed below are hereby required to pay the amount of the contribution immediately to the society. Any objection thereto may be preferred before the undersigned within one month of the date of service of this notice. If no objection is preferred within the said period, the matter shall be disposed of *ex-parte*.

Sl. No.	Name of members, past members and nominees, heirs, legal representatives or deceased members or officer or past officer of society	Amount of principal	Interest	Contribution to wards the cost of liquidation	Total	Remarks
1	2	3	4	5	6	7

Registrar,

Form No. XII

[Rule 68 (13)]

Form of reference under section 48 of the Jharkhand
Co-operative Societies Act, 2008

(For dispute between Societies and Individual members)

To,

The First party versus

(1)

(2)

(3)

We, the members of first party, hereby beg to refer for your decision, a dispute which exists parties no. on the one side and the above named opposite parties no on the other side who jointly and severally own to the society the amounts shown in the attached statement of claim in respect of declaration and loss amounting to Rs. Due to their willful defaults, gross negligence and management.

They should have repaid the amount under claim but they have not done so inspite of repeated demands.

We are satisfied that they are in a position to pay and we, therefore, pray for a decision directing them jointly and severally to pay up the amounts detailed in the statement of claim.

A copy of the resolution of the Committee authorizing the reference under section 41 of the Jharkhand Co-operative Societies Act, 2008 is annexed.

Signature -

(1)

(2)

(3)

Date -

Form of statement of claim to accompany reference

In the matter of reference under section 48 of the Jharkhand Co-operative Societies Act, 2008

Name of society -

Vs.

(1)

(2)

(3)

Members of Ltd.

Details of claim

1- Principal - Rs.

2- Interest due - Rs.

3- Rate of interest payment per annum - Rs.

4- Date up to which interest due has has been calculated - Rs.

5- Other dues, if any, with description - Rs.

6- Total of items 1, 2 and 5 Rs.

above -

7- Remarks, if any - Rs.

Audit note and copy of the resolution attached.

Signature of three members of the committee of the applicant society -

(1)

(2)

(3)

Date -20.....

Certified that I have personally enquired into this applications and examined the books of the society and am satisfied that the amount claimed against the members noted above is correct and the that no reference was made or decision obtained before, in respect of this claim.

Signature -

Secretary -

Director -

Dated the 20

Form No. XIII

[Rule 68 (13) read with Explanation (1) thereto.]

Form of application for decision

From,
The Registrar,
Co-Operative Societies,
.....

Dated the20...

Sir,

I am submitting herewith the necessary papers, from of reference under section 48 of the Jharkhand Co-operative Societies Act, 2008, statement of claims, form of notice and true copy of resolution passed by the society for an award against -

(1)

(2)

(3)

for Rs. Recoverable jointly and severally from the aforesaid members as per resolution no. (copy enclosed) passed in the meeting of the Board of Directors of Co-operative Society Ltd. held on It is requested that you may be pleased to pass a decree for the above amount claimed by the society against the persons concerned.

Yours faithfully,

Chairman/Honorary Secretary

Form No. XIV

[Rule 68 (13)]

Notice to parties under section 48 of the Jharkhand Co-operative Societies Act, 2008
Before the Registrar/Assistant Registrar, Co-operative Societies

To,

Whereas Co-operative Society has preferred a claim before me under section 48 of the Jharkhand Co-operative Societies Act, 2008 for a sum of Rs. as principal and Rs. As interest thereon upto which are due from you on account of in spite of demands. Now, therefore, notice is hereby given to show cause, if any, by a registered letter, within three weeks of the receipt of this notice why the claim shall not be allowed.

Take notice that if no cause is shown within the period before mentioned, the matter shall be decided *ex-parte*.

Registrar/Assistant Registrar,

Co-operative Societies

Forwarded to the Honorary Secretary, Co-operative Society, for service and return by

Registrar/Assistant Registrar,
Co-operative Societies

Form No. XV

[Rule 68 (13)]

Before the Registrar/, Co-operative Societies,

Summon to witness

Case onof 20...

Applicant

versus

Respondent

Whereas the aforesaid Award cases will come up for hearing on he is directed under section 49 of the Jharkhand Co-operative Societies Act, 2008 to appear before the court on the said date at as witness to the case and bring with him.

If he fails to appear before the court on the aforesaid date and time without giving sufficient reasons in writing for his non-appearance, action will be taken against him under the law.

Registrar,
Co-operative Societies,

Form No. XVI

[Rule 68 (13)]

Before the Registrar/Assistant Registrar of Co-operative Societies,

.....

Applicant

versus

Opposite party

This petition on behalf of the applicant respectfully sheweth -

- 1- That a dispute regarding the recovery of dues of the society from the opposite party exists in as much as the opposite party has inspite of the expiry of the due day of payment and demands made by the society, refused to repay the dues.
- 2- That the amount claimed in this petition is due from the opposite party on the basis of a mortgage bond, the details of which are the following -
 - (a) date of mortgage bond;
 - (b) name of the mortgagor and mortgagee;
 - (c) sum secured;
 - (d) rate of interest;
 - (e) property mortgaged as described in Schedule I;
 - (f) amount due as described in Schedule II;
 - (g) name of witness who attested.
- 3- That according to the terms of the mortgage bond Rs. by way of principal and Rs. by way of interest upto have fallen due as per account given in Schedule II.
- 4- It is, therefore, prayed that an award for the amount claimed be made against the opposite party and the said opposite party be directed to pay the same within three months of the award and it be further directed that in case of default the amount shall be realized by sale of the mortgaged property or portion thereof.
- 5- In case the proceeds of the sale are found to be insufficient to pay the amount due from the applicant, the liberty be reserved to the application to apply for a personal decree against the opposite party.

Schedule I

Description of mortgaged properties

Schedule II

Details of claim

Signed

Form No. XVII

[Rule 68 (13)]

Form of notice of defaulting members/mortgagor
Before the Registrar/Assistant Registrar, Co-operative Societies

To,

Whereas Co-operative Society has preferred a claim before me under section 48 of the Jharkhand Co-operative Societies Act, 2008 for a sum of Rs. as principal and Rs. as interest thereon upto which are due from you on the mortgaged bond, date inspite of demands.

Now, therefore, notice is hereby given to show cause, if any, by a registered letter, within three weeks of the receipt of this notice why the claim shall not be allowed.

Take notice that if no cause is shown within the period before mentioned, the matter shall be decided ex-parte.

Registrar/Assistant Registrar,
Co-operative Societies

Forwarded to the Honorary Secretary, Co-operative Society, for service and return by

Registrar/Assistant Registrar,
Co-operative Societies

Form No. XVIII

[Rule 68 (13)]

Form of Preliminary Mortgage, Award

Before the Registrar/Assistant Registrar, Co-operative Societies Mortgage award case no. of 20.....

In the matter of the Co-operative Society..... Applicant
Versus

(1)

(2)

Opposite parties

This proceeding coming in this day etc, it is hereby declared that the amount due to the applicant on the mortgage mentioned in the petition calculated upto this day of is the sum of Rs. for principal the sum of Rs. for interest on the said principal, the sum of Rs. for cost, charges and expenses (other than the cost of the mortgage security together with interest thereon, and the sum of Rs. for the cost of the proceeding award to the applicant making in all the sum of Rs.

2- And it is hereby ordered and decided as follows :

(i) That the opposite party to pay in my office on or before the day of the said sum of Rs.

(ii) That, on such payment of such amount as is adjudged due in respect of such costs of the proceeding any such costs, charges and expenses as may be payable under rule 10m, together with such subsequent interest as may be payable under rule 11 of Order XXX IV of the First Schedule to the Code of Civil Procedure 1908, the applicant shall bring into my office all documents inn his possession or power relating to mortgaged property in the petition mentioned and all such documents shall be delivered over to the opposite party or to such person as he appoints, and the applicant shall, if so required, re-convey or re-transfer the said property free from the said mortgage and clear of and from all encumbrances person under whom he claims and shall, if so required, deliver up to the opposite party quite and peaceable possession the said property.

- (iii) And it is hereby further ordered and decreed that in default of payment as the aforesaid, the applicant may apply to me for a final decree for the sale of the mortgaged property and no such application being made, the mortgaged property of a sufficient part thereof shall be directed to be sold; and for the purposes of such sale the applicant shall produce before me or such officer as may be appointed on this behalf all documents in his possession or power relating to the mortgaged property.
- (iv) And it is hereby further ordered and decreed that the money realized by such sale shall be duly paid into Court which has held the sale and shall be applied (after deduction there from of the expenses of the sale) in payment of the amount payable to the applicant under this award and under any further orders that may be passed on this proceeding and in payment of any amount which the Court may adjudge due to the applicant in respect of such costs of the proceeding, and such costs, charges and expenses as may be payable under rule 10, together with such subsequent interest as may be payable under rule 11, or Order XXXIV of the First Schedule to the Code of Civil Procedure, 1908, and that balance, if any, shall be paid to the opposite or other person entitled to receive the same.
- (v) And it is hereby further ordered and decreed that, if money realised by such sale shall not be sufficient for payment in full of the amount payable to the applicant as aforesaid, the applicant shall be at liberty (where such remedy is open to him under the terms of his mortgage and is not barred by any law for time being in force) to apply for a personal decree against opposite party for the amount of balance; and that the parties are at liberty to apply to the Court from time to time as they may occasion, on such application or otherwise the Court may give such direction as it thinks fit.

Registrar/Assistant Registrar,
Co-operative Societies

Dated the200.....

Schedule

Description of the mortgaged property
Registrar/Assistant Registrar,
Co-operative Societies

Memo no.

Form No. XIX

[Rule 68 (13)]

Form of notice before issue of Final Mortgage Award

By order of the Registrar/Assistant Registrar of Co-operative Societies,
..... Circle,

Notice is hereby given in the name of member of Society.

Whereas Co-operative Society has reported to me that you have not paid the amount decreed in terms of the preliminary award passed against you on and that Rs. in principal and Rs. as interest upto is still due from you to the Society, and

Whereas the Co-operative Society has applied for a final mortgage decree being passed against you; I do hereby give notice that within three weeks of the receipt of this notice you should show cause why a final mortgage award should not be made in favour of the society against you.

Treat this as urgent.

Registrar/Assistant Registrar,
Co-operative Societies
..... Circle

Dated the200.....

Memo No.....

Forwarded to the Honorary Secretary, Central, Co-operative Bank/Union for service and return by Registrar/Assistant Registrar of

..... Co-operative Societies

Registrar/Assistant Registrar,
Co-operative Societies

..... Circle

Form No. XX

[Rule 68 (13)]

Form of Final Mortgage Award

Before the Registrar/Assistant Registrar, Co-operative Societies

Mortgage Award Case no. of in the matter of the
..... Co-operative Society.....

Applicant

Versus

(1)

Opposite party.

(2)

Upon reading the preliminary mortgage award passed on this proceeding on theday of and any further order (if any) dated the day of and the application of the applicant, dated the day of for a final mortgage award and after hearing the parties and if appearing that the payment directed by the said award has not been made by the opposite party or any person on his behalf or any other person entitled to redeem the mortgage.

It is hereby ordered and decreed that the mortgage property in the aforesaid preliminary award mentioned or a sufficient part thereof be sold, and that for the purposes of such sale the applicant shall produce before the Court which holds the sale or such officer as it appoints, all documents in his possession or power relating to the mortgage property.

2. And it is hereby further ordered and decreed that the money realized by such sale be paid into the Court and shall be duly applied (after deduction there from of the expense of the sale) in payment of the amount payable by the applicant under the aforesaid preliminary award and in payment of any amount which the Court may have adjudged due to the applicant for such cost of the proceeding including the costs of this application and such cost, charges and expenses as may be payable under rule 10 together with such subsequent interest as may be payable under rule 11 or Order XXXIV of the First Schedule to the Code of Civil Procedure, 1908 and that the balance, if any, shall be paid to the opposite party or other person entitled to receive the same.

Registrar/Assistant Registrar,
Co-operative Societies
..... Circle

Date the200.....

Schedule

Description of Mortgage property

Memo No.

Form No. XXI

[Rule 68 (13)]

(Notice)

Before the Registrar/Assistant Registrar,
Co-operative Societies,.....

To,
Village
P.S.
District

You are hereby informed that a sum of Rs. of Co-operative Society is due against you, the details of which are given below. You are required to pay the entire dues within three week of the receipt of the notice or show cause, if any; otherwise legal action will be taken through civil or revenue court against you and you will be put to unnecessary trouble.

1. Principal.
2. Interest due.
3. Bank's contribution.
4. Cost of suit.

5. Total amount.

Registrar/Assistant Registrar,
Co-operative Societies,

List of Property Mortgaged

(a) Movable property.

(b) Immovable property.

Thana no. village where the property lies and full
description Plot no. Khata no. Area
boundary.

Registrar/Assistant Registrar,

Co-operative Societies,

Seal of
Registrar/Assistant Registrar,
Co-operative Societies,

Form No. XXI
[Rule 68 (13)]

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Form No. XXII

[Rule 68 (13)]

Order of attachment of property before the issue of award under section 50 of the Jharkhand Co-operative society Act, 2008

Before the Registrar/Assistant Registrar, Co-operative Societies,.....

In the matter of award case no, of the

Applicant

versus

(1)

Opposite party.

(2)

To,

Whereas the applicant in this proceeding has applied to me to call upon the opposite party to furnish security to fulfill any award that may be passed against him in this proceeding and whereas I have called upon the said to furnish such security, which he has failed to do. These are to command you to attach The property of the said and keep the same under safe and secure custody until further order and you are further commanded to return this warrant on or before the day of 200 with and endorsement certifying the date on which and the manner in which it has been executed, or the reason why it has not been executed.

Given under my signature and seal, this dy of200....

Registrar/Assistant Registrar,
Co-operative Societies,

Schedule 'A'

List of Property to be attached

Moveable property
Immoveable property

P.S. no.	Name of the village with full Address	Where property is situated Area
Plot no.	Khata no.	Boundary
	Seal of the	

Registrar/Assistant Registrar, Co-operative Societies.

Registrar/Assistant Registrar,
Co-operative Societies,

Form No. XXIII

[See Rule 21.1 (2)]

Form of Voters List In Respect of Individual Members

Serial No.	Name of the Member	Father's Name	Address	Disqualification (if any)	Remarks
1	2	3	4	5	6

Form No. XXIV

[See Rule 21.1 (2)]

Form of Voters List In Respect of Delegates/representatives

Serial No.	Name and address of member society	Name of delegates/representative	Father's Name	Address	Date of election of delegate/representative	Disqualification of Member/society (if any),	Disqualification of Delegates/Representative (if any),	Remarks
1	2	3	4	5	6	7	8	9

[Form No. XXIII]

[See Rule 21-N (2)]

Nomination Form

1. Name of the office for which election is sought.
2. Full registered name of the Co-operative society to which the office relates.
3. Candidate's -
 - (i) Serial number in the voter's list.
 - (ii) Full name (as in the voters list)
 - (iii) Whether he is an individual member of the co-operative society.
 - (iv) Whether he is a representative of any, affiliated society/body or authority.
If so, name of such affiliated society/body/authority.
4. (i) Father's name (in case of male Candidate and unmarried female Candidate).
 - (ii) Husband's name (in case of married female candidate)
5. Proposer's -
 - (i) Serial number in the voters list,
 - (ii) Full name (as in the voters list)
 - (iii) Whether he is an individual member of the Co-operative society.
 - (iv) Whether he is a representative of any affiliated society/body or authority.
If so, name of such affiliated society/authority.
 - (v) Signature or thumb impression

6. Secunder's -

- (i) Serial number in the voter's list.
- (ii) Full name (as in the voters list)
- (iii) Whether he is an individual member of Co-operative Society.
- (iv) Whether he is a representative of any affiliated society/body or authority.

If so name of such affiliated society/body/ authority.

- (v) Signature or thumb impression.

Candidate's Declaration

I declare that I am willing to contest the election and that I am eligible according to the rule and bye-laws of the society to contest for the office to which I am a candidate.

Signature or Thumb impression of Candidates,

Form No. XXIV

[See Rule 21-N (7)]

Form of Withdrawal of Nomination

- 1. Name of the office for which election is sought.
- 2. Full registered name of the Co-operative society to which the office relates.
- 3. Candidate's -

- (i) Serial number in the voter's list.
- (ii) Full name (as in the voters list)
- (iii) Whether he is an individual member of the co-operative society.
- (iv) Whether he is a representative of any, affiliated society/body or authority.

If so, name of such affiliated society/body/authority.

- 4. (i) Father's name (in case of male Candidate and unmarried female Candidate).
- (ii) Husband's name (in case of married female candidate)

I do not intend to contest the election of the aforesaid office/seat and accordingly withdraw my candidature without any duress and pressure.

- II. It shall come into force immediately.

Signature or Thumb impression of Candidates"]