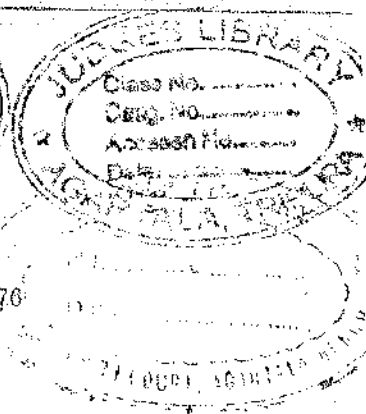
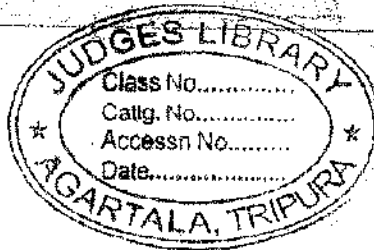


Tripura Cooperative Societies Rules, 1976.

(As Amended upto 4th Amendment dt. 05.01.2013).



TRIPURA CO-OPERATIVE SOCIETIES RULES, 1970

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Agartala, Friday, December 17, 1976 A. D.

**GOVERNMENT OF TRIPURA
DEPARTMENT OF CO-OPERATION**

NO. F 1(31)/COOP/STAT/74(II) Dated, Agartala, the 30th Oct., 1976.

NOTIFICATION

Whereas a draft of the Tripura Cooperative Societies Rules, 1975, was published, as required by Section 165 of the Tripura Cooperative Societies Act 1974 (Tripura Act No. 8 of 1974), at Pages 1 to 92 of the extraordinary issue of the Tripura Gazette Part I dated the 17th December 1975 with the notification of Government of Tripura in the Department of Co-operation NO. 1(31)/COOP/STAT/74 dated 8th September, 1975 inviting objections and suggestions likely to be effected thereby within thirty days from the date of publication of the notification in the Official Gazette;

And whereas the said Gazette was made available to the public on the 17th December 1975;

And whereas objections and suggestions received from the public on the said draft have been considered by the State Government;

Now, therefore, in exercise of the powers conferred by Section 165 of the said Act, the State Government hereby makes the following rules, namely:—The Tripura Cooperative Societies Rules, 1976.

Chapter I

Preliminary

Short title,
extent and
commence-
ment.

1. (1) These rules may be called the Tripura Co-operative Societies Rules, 1976.

(2) They extend to the whole of the State of Tripura.

(3) They shall come into force on and from the date of their publication in the official Gazette.

Definitions.

2. In these rules, unless the context otherwise requires,—

(a) "Act" means the Tripura Co-operative Societies Act, 1974;

(b) "Chief promotor" means a person who has signed first on the application for registration or the person named by the Society to whom any communication in respect of registration of a society may be made.

(c) "Co-operative year" means the year ending on the 30th day of June or, in the case of any Society or class of Societies, the accounts of which are with the previous sanction of the Registrar, balanced on any other day, the year ending on such day ;

(d) "decree" means any decree of a civil court, and includes any order, decision or award referred to in sub-section (1) of section 155 ;

(e) "decree holder" means any person holding a decree ;

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

(g) "person" includes a body of person corporate or otherwise ;

(h) "Recovery Officer" means any person empowered to exercise, in any district, the powers of the Registrar under section 155 ;

(i) "Registered Society" means a society registered or deemed to be registered under the Act ;

(j) "State Co-operative Bank" means a federal Co-operative Bank having jurisdiction over the whole of the Tripura State and recognised as such by the State Government for the purpose ;

(k) "Sale Officer" means an Officer empowered by the Registrar by general or special order, to attach and sell the property of defaulters or to execute any decree by attachment and sale of property ;

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

(m) "Tehsildar" means an Officer as appointed by the Government in accordance with Section 4 of the Tripura Land Revenue & Land Reforms Act, 1960 ;

(n) Other words and expressions not defined shall have the meaning as assigned to them in the Act.

Chapter II

Registration

Designation of persons appointed to assist Registrar.

3. Persons appointed to assist the Registrar under section 3 may be designated as Additional Registrar, Joint Registrar, Deputy Registrars or Assistant Registrars.

Application for Registration.

4. (1) Every application for registration of a society under sub-section (1) of section 8 shall be made in Form 'A' in English or Bengali, and shall subject to the provision of sub-rules (2) and (3), be duly signed by the applicants and be accompanied by—

(a) four copies of the proposed bye-laws of the Society ;

(b) a certificate from the bank or banks stating the credit balance in favour of the proposed society therein ;

(c) the application shall also mention the name and address of one of the applicants to whom any communication may be sent by the Registrar ;

(d) the scheme showing the details explaining how the working of the society will be economically sound and, where the scheme envisages the holding of immovable property by the society, the description of immovable property proposed to be purchased, acquired or transferred to the society ; and

(e) such other documents as may be specified by the Registrar.

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

(3) Where any member of a society to be registered is a firm, company, corporate body, society registered under Societies Registration Act, 1860, or public trust registered under any law for the time being in force relating to registration of public trust or a local authority, then such firm, company, corporate body, society, public trust or local authority shall duly authorise any person to sign the application for registration and the bye-laws on its behalf, and a copy of the resolution giving such authority shall be appended to the application.

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

Registration

5. (1) On receipt of an application under rule 4, the Registrar shall enter particulars of the application in the register of applications to be maintained in Form 'B', give a serial number to the application and issue a receipt in acknowledgement thereof.

(2) The Registrar may give, wherever necessary, opportunity to the promoters to modify the proposed bye-laws before finally registering the society or rejecting the application for registration of the society.

(3) On registering a society and its bye-laws under sub-section (1) of section 9, the Registrar shall as soon as may be, notify the registration of the society in the Official Gazette and grant to the society, a certificate of registration in Form 'C' signed by him and bearing his official seal and containing the registration number of the society, and the date of its registration. The Registrar shall also furnish the society with a certified copy of the bye-laws approved and registered by him.

Form of report under section 9(2)

6. The report to be made by the Registrar to the State Government under sub-section (2) of section 9 shall be in Form 'D'.

Refusal of Registration

7. Where any society does not furnish the information in regard to the society as required by the Registrar or fulfil any of the conditions laid down in the Act or these rules, the Registrar may refuse to register that society.

Matters in respect of which Registrar may direct society to make bye-laws or society may make bye-laws.

8. (1) The Registrar may require a society to make bye-laws in respect of all or any of the following matters that is to say—

(a) the name of the society and address of the society and its branches ;

(b) area of operation ;

(c) objects of the society ;

(d) the manner in which and the limit upto which the funds of the society may be raised, the maximum share capital which any member may hold and the purpose to which the funds will be made applicable ;

- (e) the terms and qualifications for admission to membership ;
- (f) the privileges, rights, duties and liabilities of members including nominal and sympathiser member ;
- (g) The consequences of default in payment of any sum due by a member ;
- (h) conditions regarding sale or disposal of produce of members wherever applicable ;
- (i) in the case of credit societies—
 - (i) the maximum loan admissible to a member ;
 - (ii) the maximum rates of interest on loans to members ;
 - (iii) the conditions on which loans may be granted to members and penalties for misapplication of loans so advanced ;
 - (iv) the procedure for granting extension of time for the repayment of loans and advances ;
 - (v) the consequences of defaults in payment of any sum due ;
 - (vi) the circumstances under which a loan may be recalled ;
- (j) in the case of non-credit societies, the mode of conducting business such as manufacture, sale, stock-taking and other like matters ;
- (k) in the case of composite society, that is to say, society having both credit and non-credit functions, matters referred to in clauses (i) and (j) ;
- (l) the mode of holding meetings of the general body and of the committee ;
- (m) the procedure for expulsion of members ;
- (n) the manner of making, altering and abrogating bye-laws ;
- (o) the mode of appointment either by election or otherwise and removal of members of the committee and other officers, if any, their duties and powers ;
- (p) the Chairman's powers, duties and functions and his removal on his losing support of the majority ;
- (q) the method of recruitment, the conditions of service and the authority competent to fix, revise or regulate the scale of pay and allowances of salaried officers and servants of the society and the procedure to be followed in the disposal of disciplinary cases against them ;
- (r) the mode of custody and investment of funds and mode of keeping the accounts and records ;
- (s) the disposal of net profits ;
- (t) the manner in which penalty should be levied on a member who is found to be guilty of breach of bye-laws ;
- (u) appointment of a provisional committee, where necessary ;
- (v) the mode of appointment and removal of the committee and its powers and duties ;
- (w) the mode of convening annual and special general meetings, issue of notices, and the business which may be transacted there-at ;

(x) in the event of winding up of the society, the purpose for which surplus assets, if any, shall be utilised ;

(y) the number of members to be elected in the committee, appointment of Returning Officer, and election of other bodies of the society ;

(z) any other matters incidental to the management of its business.

(2) A society may make bye-laws for all or any of the following matters that is to say

(a) the circumstances under which withdrawal from membership may be permitted ;

(b) the procedure to be followed in cases of withdrawal, ineligibility and death of members ;

(c) the conditions, if any, under which the transfer of share or interest of a member may be permitted ;

(d) the method of appropriating payments made by members from whom moneys are due ;

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

(f) the constitution and maintenance of various funds as required to be maintained under the provisions of the Act, rules and bye-laws ;


(g) constitution of representative body consisting of delegates of members of the society and the mode of election of such delegates to exercise the powers of the general body of members and to specify the powers which may be exercised by such smaller body.

First bye-laws of a society.

9. When a society has been registered the bye-laws of the society as approved and registered by the Registrar shall be the bye-laws of the society.

Classification and Sub-Classification of societies.

10. (1) After registration of a society, the Registrar shall classify the society into one or other of the following classes and sub-classes of societies prescribed below according to the principal object provided in its bye-laws :—

Class	Sub class	Examples of societies falling in the class or sub-class, as the case may be.
1	2	3
(1) Agricultural Marketing Society		All Marketing Societies and all Purchase and Sale Societies of agricultural produce.
(2) Consumers society		Stores, Canteen and all Non-Agricultural Purchase and Sale Societies.
(3) Co-operative Bank		State Co-operative Banks, District Central Banks, Land Development Banks and other banks having provisions in their bye-laws to advance loans to Co-operative Societies.
	(a) State Co-operative Bank.	
	(b) Central Co-operative Bank.	
	(c) Other Banks.	

1	2	3
(4) Farming society	(a) Collective Farming Society	Farming Societies where major area of lands is acquired from outside agency for cultivation by members.
	(b) Joint Farming Society.	Societies where the major area of land brought together for cultivation is held by members.
(5) Housing Society	(a) Tenant ownership Housing Society	Housing Societies where land is held either on lease-hold or free-hold basis by societies and houses are owned or are to be owned by members.
	(b) Tenant Co-partnership Housing Society	Housing Societies which held both land and buildings either on lease-hold or free-hold basis and all of them to their members.
	(c) Other Housing Society	House Mortgage Societies and House Construction Societies.
(6) Processing society	(a) Agricultural Processing Society	Societies which process agricultural produce like Co-operative paddy-husking, oil-crushing cotton-ginning, fruit-canning societies.
	(b) Industrial Processing Society	Tanners' Co-operative Society.
(7) Producers' Society	(a) Industrial producers' society.	Weavers', Carpenters, Potters, Tailors, Brass-makers Societies.
	(b) Labourers' Industrial Society	Forest Labourers' Societies and Labour Contract Societies.
	(c) Agricultural producer's Society.	Cattle-breeding, Poultry, Dairy and Piggery Societies.
(8) Resource Society	(a) Credit resource Society	Agricultural Credit, Thrift and Urban Credit Societies.
	(b) Non-credit Resource Society.	Seeds and Implements and Agricultural Requirements Societies.
	(c) Service resource Society.	Service Cooperatives and Multi-purpose Cooperative societies.
(9) General society	(a) Social	Better Living Societies and Education Societies.
	(b) Commercial	Insurance and Motor Transport Societies.
	(c) Others.	Not falling in either of the above sub-classes.

(2) If the Registrar alters the classification of a society from one class of society to another, or from one sub-class thereof to another, he shall issue to the society a copy of his order as in the case of an amendment of the bye-laws.

Maintenance of Register,

11. (1) The register to be maintained by the Registrar under sub-section (4) of section 9 shall be in form "E".

Amendment of bye-laws.

(2) The Registrar shall divide the register into parts, one for each district in the State. A society shall be registered in that part for a district in which its head is situated.

(3) The Registrar shall assign for each district and each class or sub-class of societies, a code symbol for giving registration numbers to the societies and the societies shall be registered from the dates specified by him.

12. (1) Subject to the provision of this rule, bye-laws of a society may be amended by passing a resolution at a general meeting of the society held for that purpose.

(2) The society shall give due notice in accordance with its bye-laws to all the members for considering any amendment thereof;

(3) An amendment shall be deemed to have been duly passed if a resolution in that behalf is passed at a general meeting by not less than two thirds of the members present thereat, and voting.

(4) After the resolution is passed, a copy thereof shall, within a period of two months from the date of the meeting at which the resolution was passed, be furnished to the Registrar along with—

- (a) an application in Form "F"
- (b) a copy of the relevant bye-laws in force with amendments proposed to be made in pursuance of the resolution, together with reasons justifying such amendments.
- (c) four copies of the text of the bye-laws as it would stand after amendment, signed by the officers duly authorised in this behalf by the committee of the society.
- (d) a copy of the notice given to the members of the society of the proposal to amend the bye-laws,
- (e) such other information as may be required by the Registrar.

(5) On receipt of a copy of the resolution and other particulars referred to in sub-rule (4), the Registrar shall examine the amendment proposed by the society and if he is satisfied that the amendment is not contrary to the Act or the rules and is in the interest of the society and Co-operative movement, he may register the amendment and grant to the society a certificate of registration in Form G and issue to the society a copy of the amendment certified by him under sub-section (2) of section 13. Where the Registrar is of opinion that the proposed amendment may be accepted subject to any modification, he may indicate to the society such modification after explaining in writing his reasons therefor.

Manner of
calling upon
society to
make amend-
ment to
bye-laws.

13. (1) Subject to the provisions of this rule, the Registrar may by serving a notice in Form 'H' call upon a society to make such amendment to the bye-laws of the society as he considers to be necessary or desirable in its interest, within a period not exceeding two months from the date of service of notice. The notice shall state the exact amendment which the society should make.

(2) For the purpose of sub-section (2) of section 14, the Registrar shall send a copy of the notice to the federal society duly notified under that sub-section with a request to offer its comments on the amendment within such time as may be specified by him. If the federal society fails to offer its comments within the specified time, it may be presumed by the Registrar that the said society has no objection to the amendment.

(3) If, after considering the comments of the federal society, if any, the Registrar considers that there is no objection to registering the amendment, he shall send a written notice in Form 'I' by registered post to the registered address of the society calling upon it to show cause in writing, or through a properly authorised representative to appear before the Registrar on the date specified in the notice, as to why the proposed amendment should not be registered within the time specified in the notice in Form 'H'.

(4) After the expiry of the period specified in the notice in Form 'H' and after considering the reply, if any, of the society and the views, if any, of the federal society on such reply, the Registrar may, after duly considering the objections of the society (if any) to the proposed amendment, register the amendment.

Change in
name of
society.

14. (1) The name of a society may be changed under section 15 so-however that it does not refer to any caste or religious denomination and is not inconsistent with the objects of society.

(2) Every change in the name of a society shall be made by an amendment of its bye-laws and shall be notified in the official Gazette.

(3) After the change in the name is approved by the Registrar, the society shall send the original registration certificate for amendment to the Registrar who shall return the same to the society duly amended.

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

Change of
liability.

15. (1) The change of liability of a society from unlimited to limited, and vice-versa or in terms of multiple of share capital, shall be secured by passing a resolution in that behalf at a general meeting of the society indicating in clear terms the manner of changing the liability. The society shall give thirty days' notice in writing of such meeting to all its members and creditors and shall furnish therewith copies of the resolution proposed to be moved at the meeting. After the resolution is duly moved and passed a copy thereof shall be sent to the Registrar within thirty days of its passing.

(2) Every notice to be given by the society under sub-section (2) of section 15 shall be sent by post under certificate of posting or

otherwise to the address of each of its members and creditors as recorded in the books of the society. A copy of such notice shall be exhibited on the notice board of the society and a copy shall also be sent to the Registrar for exhibition on the notice board in his office, and thereupon, notice of the resolution to change the form or extent of its liability shall be deemed to have been duly given to all its members and creditors, notice not being sent to their correct address or notice not being received by them, notwithstanding.

(3) For the purpose of determining the claims of a member under clause (b) of sub-section (4) of section 16 the value of a share of a member in a society shall be ascertained as follows:—

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

(b) in the case of a society with limited liability, the value of a share shall be the amount arrived at by a valuation based on the financial position of the society as shown in the last audited balance sheet, provided that it shall not exceed the actual amount received by the society in respect of such share.

(4) Any member or creditor desiring to exercise his option under sub-section (2) of section 15 shall inform the society accordingly in writing, and when he does not propose to withdraw his entire shares or deposits, the member or creditor shall clearly indicate in writing the extent of his withdrawal. The society shall examine and draw up a scheme for orderly payment of all claims in an equitable manner including shares, the value of which shall be ascertained in accordance with the provisions of sub-rule (3). The scheme may also provide for settlement of claims by mutual agreement. Where the Registrar does not approve the scheme on the ground of impracticability or undesirability, the resolution passed by the society under sub-rule (1) shall be ineffective, and the form and extent of liability of a society shall not be deemed to be changed in accordance with resolution passed aforesaid.

(5) After the Registrar approved the scheme, the society shall make payments to members and creditors as provided in clause (b) of sub-section (4) of section 16, make a report to that effect to the Registrar and furnish the Registrar with a proposal to amend the bye-laws of the society duly passed in that behalf. On receipt of the proposal, the Registrar shall register the amendment in accordance with the provisions of section 18.

Amalgamation,
transfer of
assets and
liabilities,
division or
conversion
of societies.

16. (1) Every society desiring to effect amalgamation, transfer of assets and liabilities, division or conversion shall make an application to the Registrar in that behalf giving full details about such amalgamation, transfer, division or conversion, as the case may be.

(2) On receipt of such application, the Registrar may, after examining the details furnished in the application and other particulars which he may call upon the society to furnish, give his approval to the amalgamation, transfer, division or conversion, if he considers such amalgamation, transfer, division or conversion, as the case may be, to be in the interest of the society.

(3) After the receipt of the Registrar's approval under sub-rule (2), the society shall convene a special general meeting by giving notice of at least 15 clear days to all its members and creditors and pass a resolution for amalgamation, transfer of assets and liabilities, division or conversion, as the case may be by two thirds majority of the members present and voting at the meeting. The resolution so passed shall contain the purpose and the full scheme indicating how the proposed amalgamation, transfer or division or conversion would be useful to the society and be given effect to. Where the scheme does not involve transfer of liabilities of the society to another society, a statement to that effect shall be made in the application to be made under sub-rule (1). Where the scheme involves transfer of liabilities of the society, the society shall give written notice in Form 'J', to all its members, creditors, and other persons whose interests are likely to be effected by such transfer. The notice shall also be published in at least one news paper in circulation in the district in which the society's office is situated and a copy thereof shall be exhibited on the notice board in the society's and Registrar's office.

Provided that, the State Government may, in the case of any society, dispense with the giving of such notice, regard being had to the extent of liabilities, the financial position of the society and its members and other relevant factor pertaining to such society.

(4) Within one month from the date of notice referred to in sub-rule (3), the members, creditors and other persons whose interests are likely to be effected by the transfer of the society's liabilities may exercise their option as required by clause (i) of the proviso to sub-section (1) of section 17 failing which they shall be deemed to have assented to the transfer of liabilities of the society to another society.

(5) The society shall meet in full or otherwise satisfy all claims of members and creditors and other interested persons who exercise the option.

(6) The society shall submit a report to the Registrar of the action taken by it and request him to give effect to its decision for amalgamation, transfer, division or conversion by registering the amalgamated or converted society or the new society, as the case may be, and cancelling the registration of the societies which have been amalgamated, divided or converted.

(7) On receipt of the report from the society under sub-rule (6), the Registrar shall, after satisfying himself that the procedure has been properly followed, register the amalgamated, divided or converted societies and cancel the registration of the societies which have been amalgamated, divided or converted.

Direction by
Registrar for
amalgamation,
division and
reorganisation
of societies.

17. (1) Before issuing any order under sub-section (1) of section 18 providing for the amalgamation, division or reorganisation of any society or societies, the Registrar shall prepare a draft scheme in respect of such amalgamation, division or reorganisation stating in particular the manner in which the new committee or committees of the society or societies resulting from such amalgamation, conversion or reorganisation shall be constituted and the bye-laws which such society or

societies shall follow. The Registrar shall then consult such federal society as may be notified by the State Government in the Official Gazette, and after considering the suggestions, if any, that will be made by the federal society or societies shall send a copy of the draft of the order proposed to be issued by him under sub-section (1) of section 18, to the society or each of the societies concerned calling upon it or them to invite objections or suggestions from any member or class of members thereof or from any creditor or class of creditors and to submit such objections and suggestions together with its own or their own suggestions and objections within a period of not less than two months from the date on which the copy of the draft aforesaid was received by it or them.

(2) The Registrar shall consider all such suggestions and objections and make such modifications in the draft order as may seem to him desirable in the light of those suggestions or objections and then issue a final order under sub-section (1) of section 18 with the prior approval of the State Government.

(3) Any member or creditor of each of the societies to be amalgamated, divided or reorganised, who has objected to the scheme of amalgamation, division or reorganisation within the period specified in sub-rule (1), may apply to the Registrar for payment of his share or interest, if he be a member, and the amount in satisfaction of his dues, if he be a creditor. Such application shall be separate and distinct from the objection or suggestion which he may have submitted to the society or the Registrar under clause (b) of sub-section (2) of section 18. It shall be competent for the Registrar to nominate an officer not below the rank of an Assistant Registrar to investigate such application and to determine the payments required to be made to the members or creditors, as the case may be.

(4) Subject to the provisions of the Act, the rules and the bye-laws, the Registrar may by order require the society concerned to meet in full or satisfy otherwise all due claims of the members and creditors and thereupon the society shall be bound to meet in full or satisfy otherwise all due claims of the members and creditors within such time as may be specified by the Registrar in the order.

Reconstruction
of a society.

18. (1) An application for reconstruction of a society under section 10 may be made in Form 'K'. On receipt of such application the Registrar may, taking into consideration the compromise or arrangement for reconstruction of the society, if he thinks fit, prepare a draft order indicating,—

- (i) the manner in which the amounts payable by the society to its creditors should be paid and the amounts recoverable from its debtor members should be recovered,
- (ii) the manner in which the share capital, if any, of such members should be reduced,
- (iii) the manner in which the scheme of reconstruction should be implemented and
- (iv) the manner in which the bye-laws of the society will stand amended in order to give effect to the scheme of reconstruction.

societies shall follow. The Registrar shall then consult such federal society as may be notified by the State Government in the Official Gazette, and after considering the suggestions, if any, that will be made by the federal society or societies shall send a copy of the draft of the order proposed to be issued by him under sub-section (1) of section 18, to the society or each of the societies concerned calling upon it or them to invite objections or suggestions from any member or class of members thereof or from any creditor or class of creditors and to submit such objections and suggestions together with its own or their own suggestions and objections within a period of not less than two months from the date on which the copy of the draft aforesaid was received by it or them.

(2) The Registrar shall consider all such suggestions and objections and make such modifications in the draft order as may seem to him desirable in the light of those suggestions or objections and then issue a final order under sub-section (1) of section 18 with the prior approval of the State Government.

(3) Any member or creditor of each of the societies to be amalgamated, divided or reorganised, who has objected to the scheme of amalgamation, division or reorganisation within the period specified in sub-rule (1), may apply to the Registrar for payment of his share or interest, if he be a member, and the amount in satisfaction of his dues, if he be a creditor. Such application shall be separate and distinct from the objection or suggestion which he may have submitted to the society or the Registrar under clause (b) of sub-section (2) of section 18. It shall be competent for the Registrar to nominate an officer not below the rank of an Assistant Registrar to investigate such application and to determine the payments required to be made to the members or creditors, as the case may be.

(4) Subject to the provisions of the Act, the rules and the bye-laws, the Registrar may by order require the society concerned to meet in full or satisfy otherwise all due claims of the members and creditors and thereupon the society shall be bound to meet in full or satisfy otherwise all due claims of the members and creditors within such time as may be specified by the Registrar in the order.

Reconstruction
of a society

18. (1) An application for reconstruction of a society under section 19 may be made in Form 'K'. On receipt of such application the Registrar may, taking into consideration the compromise or arrangement for reconstruction of the society, if he thinks fit, prepare a draft order indicating,—

- (i) the manner in which the amounts payable by the society to its creditors should be paid and the amounts recoverable from its debtor members should be recovered;
- (ii) the manner in which the share capital, if any, of such members should be reduced;
- (iii) the manner in which the scheme of reconstruction should be implemented; and
- (iv) the manner in which the bye-laws of the society will stand amended in order to give effect to the scheme of reconstruction.

(2) No resignation from membership shall be accepted by the society unless the member has paid in full, his dues, if any, to the society and has also cleared his liability, if any, as surety to any other member or otherwise.

(3) The withdrawal from membership shall also be subject to such restrictions regarding the maximum amount of share capital that can be refunded in a year or as may have been provided for in the Act, the rules or bye-laws of the society.

(4) Any member, whose resignation has been accepted by the society, or any heir or legal representative of a deceased member, may demand refund of the share capital held by such member or deceased member and the society shall, subject to the provisions of sub-section (3) of section 29 and subject to the provisions of the bye-laws, refund the amount within six months from the acceptance of the resignation or, as the case may be, the date of demand made by the heir or legal representative of the deceased member.

(5) In all cases where share capital is to be refunded, valuation of the shares to be refunded shall be made in accordance with the provisions contained in rule 25.

Voting rights
of individual
members in a
Federal society.

22. (1) In the case of federal societies, the voting rights of individual members (which term shall include firm, company or body corporate, society registered under societies Registration Act, 1860, State Government, local authority, and public trust registered under any law for the time being in force relating to registration of public trusts but shall not include a society) may be regulated as follows :—

- (a) Immediately after the 30th June of every year and as soon as possible before the Annual general meeting, individual members admitted to membership upto the 30th June of the preceding year, shall elect delegates equal to one-fourth of the number of societies admitted to membership upto the relevant date. The delegates so elected will continue in office till their successors are elected after 30th June next.
- (b) Every society through its properly authorised representative and every delegate referred to in clause (a) above shall have one vote in the general meeting.
- (c) The quorum for the meeting shall be one-fifth of the total number of delegates and representatives of the societies or 25 whichever is less.

Provided that the delegates shall not at any time in the meeting exceed one-fourth of the number of representative of the societies.

- (d) The election of delegates shall be held in accordance with the provision of the bye-laws.
- (e) Any vacancy of a delegate caused on account of cessation of membership shall be filled by the delegates by co-opting one of the individual members.

(2) Unless otherwise provided by the Registrar in respect of any particular society, the delegates on the committee or the Board of Directors, as the case may be, shall not at any time exceed one-third of the number of representatives of societies (fraction being neglected).

Valuation of
shares.

23. (1) Where a member of society ceases to be a member thereof, the sum representing the value of his share or interest in the share capital of the society to be paid to him or his nominee, heir, or legal representative, as the case may be, shall be ascertained in the following manner, namely :—

- (i) In the case of a society with unlimited liability, it shall be the actual amount received by the society in respect of such share or interest ;
- (ii) In the case of a society with limited liability, it shall be the amount arrived at by a valuation based on the financial position of the society as shown in the last audited balance sheet preceding the cessation of membership :

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

(2) Where a person is allotted a share by a society, the payment required to be made therefor shall not exceed the face value of the share notwithstanding anything contained in the bye-laws of the society.

(3) When a share is transferred by a member to another member duly admitted as a member of a society, the transferee shall not be required to pay anything in excess of the value of the share determined in accordance with sub-rule (1).

Procedure for
transfer of
shares.

24. (1) No transfer of shares shall be effective unless :

- (a) It is made in accordance with the provisions of bye-laws ;
- (b) A clear fifteen days' notice in writing is given to the society indicating therein the name of the proposed transferee his consent, his application for membership, where necessary, and the value proposed to be paid by the transferee ;
- (c) All liabilities of the transferor due to the society are discharged; and
- (d) The transfer is registered in the books of the society.

(2) Any charge in favour of the society on the share so transferred will continue unless discharged otherwise.

Nomination of
persons.

25. (1) For the purpose of transfer of his share or interest under sub-section(1) of section 30, a member of a society may, by a document signed by him or by making a statement in any book kept for the purpose by the society, nominate any person or persons. Where the nomination is made by a document, such document shall be deposited with the society during the member's life time and where the nomination is made by a statement, such statement shall be signed by the member and attested by one witness.

(2) The nomination made under sub-rule(1) may be revoked or varied by any other nomination made in accordance with that sub-rule.

(3) (i) Where a member of a society has not made any nomination, the society shall, on the member's death, by a public notice exhibited at the office of the society, invite claims or objections for the proposed transfer of the share or interest of the deceased within the time specified in the notice.

(ii) After taking into consideration the claim or objections received in reply to the notice or otherwise, and after making such inquiries as the committee considers proper in the circumstances prevailing, the committee shall decide as to the person who in its opinion is the heir or the legal representative of the deceased member and proceed to take action under section 30.

Registration of nomination.

26. The name and address of every person nominated for the purposes of sub-section(1) of section 30 and any revocation or variation of such nomination shall be entered in the register kept under rule 32.

Supply of copies of documents by societies and fees therefor.

27. (1) A member of a society requiring a copy of any of the documents mentioned in sub-section(1) of section 32, may apply to the society for the same. Every such application shall be accompanied by a deposit of such amount as may be decided by the committee, for recovering the cost of preparing the copies according to the following scale, namely:—

for every 200 words or less	English	50 Paise
	Bengali	50 Paise

On receipt of the deposit, the society shall issue a receipt for the same.

(2) Where the copies are prepared, the amount due from the member according to the scale laid down in sub-rule(1), shall be retained by the society as copying fees and the surplus amount, if any, remaining out of the deposit shall be refunded to the member at the time of supplying copies. Where the amount deposited by the member is found to be insufficient to cover the copying fees, the member shall be called upon to pay the deficit before taking delivery of the copies.

(3) The copies shall be certified and signed as true copies by any person duly authorised in this behalf by the committee or under the bye-laws of the society.

Expulsion of Members.

28. Any member who has been persistently defaulting payment of his dues or has been failing to comply with the provisions of the bye-laws regarding sales of his produce through the society or, other matters in connection with his dealings with the society or who, in the opinion of the committee, has brought disrepute to the society or has done other acts detrimental to the interest or proper working of the society may, in accordance with the provisions of sub-section(1) of section 35, be expelled from the society. Expulsion from membership may involve forfeiture of shares held by the member.



Procedure for
expulsion of
members.

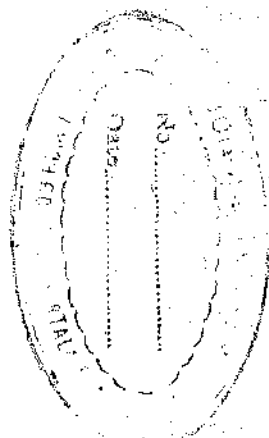
29. (1) Where any member of a society proposes to bring a resolution for expulsion of any other member he shall give a written notice thereof, to the Chairman of the society. On receipt of such notice or when the committee itself decides to bring in such resolution, the consideration of such resolution shall be included in the agenda for the next general meeting and a notice thereof shall be given to the member against whom such resolution is proposed to be brought, calling upon him to be present at the general meeting, to be held not earlier than a period of one month from the date of such notice and to show cause against expulsion to the general body of members. After hearing the member, if present or after taking into consideration any written representation which he might have sent, the general body of members shall proceed to consider the resolution.

(2) When a resolution passed in accordance with sub-rule(1) is sent to the Registrar or otherwise, brought to his notice, the Registrar may consider the resolution and, after making such inquiries as he may deem fit, give his approval and communicate the same to the society and the member concerned. The resolution shall be effective from the date of such approval.

30. A member of a society or any member of the public may inspect the following documents in the office of the Registrar, free of charge, and may obtain certified copies thereof, on payment of the following fees :—

(i) Application for registration of a society	50 paise each
(ii) Certificate of registration	50 paise each
(iii) Bye-laws of societies	200 words or less 50 paise
(iv) Amendment of bye-laws of a society	200 words or less 50 paise
(v) Order of cancellation of the registration of a society	200 words or less 50 paise
(vi) Audit memorandum of a society	200 words or less 50 paise
(vii) Annual balance sheet	200 words or less 50 paise
(viii) Order under section 88	200 words or less 50 paise
(ix) Order referring a dispute for decision	200 words or less 50 paise
(x) Order of supersession of a committee or removal of any member thereof	200 words or less 50 paise
(xi) Any other order against which an appeal is provided	200 words or less 50 paise

Inspection of
documents in
the Registrar's
office by mem-
bers of societies
and the scale
of fees for
supply of
copies of
documents.



CHAPTER IV.

Incorporation, Duties and Privileges of Societies.

Procedure for
change of
address of
Societies

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

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

(3) Every change in its registered address shall be communicated by the society to the Registrar in the manner laid down in sub-rule(1). Any such change shall not be treated as registered unless,—

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

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

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

Register of
Members.

32. The register of members to be kept by every society under sub-section(1) of section 40 shall be in Form "L".

List of
Members.

33. The list of members to be kept by every society under section 41 in Form "M".

Certified
copies of
entries in
books of
societies.

34. For the purposes of section 42, copies of any entries referred to in that section may be certified by any officer of the society duly authorised in that behalf by the committee under the seal of the society.

Conditions
for borrowing
by societies
with limited
liability.

35. (1) No society other than those referred to in rules 36 and 37 with limited liability shall, without the previous sanction of the Registrar, incur liability exceeding in total ten times the total amount of its paid-up-share capital, accumulated reserve fund and building fund minus accumulated losses.

Provided that Urban Banks and Producers' Societies shall not, except with the previous sanction of the Registrar, incur liabilities exceeding fifteen times the total of their paid up share capital, accumulated reserve fund and building fund minus accumulated losses.

Explanation.— In calculating the total amount of liability for the purposes of this sub-rule, in the case of any society or class of societies the bye-laws of which permit borrowing or granting credit facilities on the pledge of agricultural produce or other goods, specified in that

behalf by the Registrar, by general or special order, a sum equal to the amount borrowed by such society or class of societies, on the security of agricultural produce or other goods of such society or its members, shall be excluded from the amount of the actual liability under this rule.

- (2) Any society may incur liabilities in excess of the limit specified in sub-rule(1) by receiving deposits or borrowing loans subject to the condition that the amount received as deposits or borrowed as loans in excess of the said limit shall not be utilised in the business of the society but shall be invested in Government securities. No society shall borrow against such securities.

Conditions for borrowing of Tripura State Co-operative Bank.

36. Except with the previous sanction of the Registrar, the Tripura State Co-operative Bank Ltd. shall not incur liabilities exceeding in total fifteen times the total amount of its paid up share capital, and all reserves minus accumulated losses actual bad debts, if any, and overdue interest :

Provided that the Bank may incur liabilities in excess of the aforesaid limit by receiving deposits or borrowing loans subject to the condition that the amount received as deposits or borrowed as loans in excess of the said limit shall not be utilised in the business of the Bank but shall be invested in Government securities which shall be deposited with the Reserve Bank of India. The Bank shall not borrow against such securities.

Explanation :— In calculating the total amount of liability for the purposes of this rule, a sum equal to the amount borrowed by the Bank on the security of agricultural produce or other goods of the members of the Bank shall be excluded from the amount of the actual liability under this rule.

Conditions for borrowing of Land Development Banks.

37. Land Development Banks may incur liabilities not exceeding in total twenty times the total amount of their paid-up share capital, accumulated reserve and building funds minus accumulated losses.

Loans and deposits from non-members in unlimited liability societies.

38. Every society with unlimited liability shall, from time to time, fix in a general meeting the maximum liability which it may incur in loans and in deposits from non-members. The maximum so fixed shall be subject to the sanction of the Registrar, who may at any time reduce it, for reasons to be communicated by him to the society in writing, and may specify a period not being less than four months, within which the society shall comply with his orders. No such society shall receive any loan or deposit from a non-member, which will make its liability to non-members exceed the limit sanctioned by the Registrar.

Raising of Funds by Societies.

39. (1) Every society, which has a share capital, shall provide in the bye-laws the maximum amount of such share capital, the number of shares into which it is divided, the class of shares, the face value of each share of each class and the rights and liabilities attaching to each class of shares and where the full amount of the share is not payable on allotment, the amount and the number of instalments in which it is required to be paid and such other incidental matters.

(2) Any society, which is authorised under its Bye-laws to raise funds by the issue of debentures and bonds may, with the prior sanction

of the Registrar, frame regulations regarding the maximum amount to be raised by the issue of debentures and bonds, the class or classes of debentures and bonds, the face value of each debenture or bond, the date on which the debentures or bonds are to be redeemed, the rate which interest is payable, the terms and conditions regarding transfer of debentures and bonds and other incidental matters.

(3) The total amount of debentures and bonds issued at any time together with the other liabilities incurred by the society shall not exceed the maximum amount which the society can borrow under the provisions of rule 35, 36, 37 or 38 as the case may be, and its bye-laws.

Additional conditions for raising funds by societies.

40. The Registrar may, by general or special order, lay down such additional conditions as he deems fit, subject to which and the extent upto which any society or class of societies may receive deposits, issue debentures or raise loans from any creditor other than a financing bank.

Maintenance of liquid resources and distribution of assets.

41. Every society which obtains any portion of its working capital by deposits shall,—

- (a) maintain such liquid resources and in such form as may be specified from time to time by the Registrar, and
- (b) Utilise only such portion of its working capital in lending business and distribute its assets in accordance with such standards as may be specified from time to time by the Registrar.

Regulations of loans to be granted by societies.

42. (1) In case of grant of loans against security of movable or immovable property, the lending society shall maintain such margin as the Registrar may, with the approval of the State Co-operative Bank, by general or special order, direct from time to time with reference to different commodities, securities or classes of societies.

(2) In case of cash credit, the amount of loan shall not exceed such multiple of owned funds of the borrowing society as may be laid down by the Registrar with the approval of concerned financing agency from time to time.

(3) It shall be lawful for a society to grant loans without taking security of movable or immovable property if the purpose for which the loan given is considered production-worthy or credit-worthy and it is reasonably expected that the loans will be repaid by the loanee. The Registrar may, with the approval of the State Co-operative Bank, issue directions to societies to ensure that credit-worthy purposes indicated above receive finance from the societies without any difficulties, on the one hand, without being detrimental to the financial interest of the societies on the other.

(4) The Registrar may recognise any financing Bank for financial credit requirements of all credit-worthy purposes through the credit societies in its jurisdiction. On such recognition, such Bank shall be responsible for making all possible efforts to mobilise local resources for making loans available to the societies in its area. Such loans may be granted for credit-worthy purposes, giving due importance to the production plans and requirements of various status of the producers and Co-operative discipline with reference to linking up of credit with Co-operative processing or Co-operative marketing.



(5) Except with the general or special permission of the Registrar, the loan advanced to a member by a society, or to a society by a Bank, shall be subject to such conditions as may be laid down by the Registrar, with the approval of the State Co-operative Bank, including the maximum amount to be advanced and the period of repayment, both in regard to total advances to members and societies as also against different types of securities.

(6) No society shall carry on transactions on credit or sanction trade credit to its members or to non-members except in accordance with the general directions that may be issued by the Registrar in that behalf.

(7) In the matter of grant of loans to societies by State Co-operative Banks or to members by Primary Societies, the Registrar may lay down with the approval of the State Co-operative Bank, the procedure regarding receiving applications, assessing credit needs, making inquiries in respect of the production programme for which such loan is required and the procedure for finally sanctioning the loan as also the rates of finance to be followed from year to year and the nature of enquiries to be made for the purpose of financing of different crops and imposition of certain conditions regarding proper utilisation of loan and sale of agricultural produce through specified Co-operative organisation, before such finance is granted.

(8) The Registrar may with the approval of the State Co-operative Bank by general or special order prohibit or regulate grant of loans by a financing bank or a society where such grant is considered neither in the interest of the society nor in the interest of the development of Co-operative movement on sound lines.

Conditions to be complied with by members applying for loans.

43. (1) Every member of a society applying for a loan from the society shall be required to hold shares in such manner and in such proportion to the amount of loan applied for by him as may be specified in the bye-laws of the society.

(2) Subject to the maximum limit specified in the bye-laws, a loan to be granted to a member of a resource society and the period of its repayment shall be in accordance with the standard laid down by the Registrar in consultation with the State Co-operative Bank and the federal society. A loan in excess of the maximum amount may be granted to a member with the previous sanction of the State Co-operative Bank and the federal society to which the society is affiliated :

Provided that, where the amount of the loan exceeds twice the maximum limit contained in the bye-laws, prior sanction of the Registrar shall also be obtained.

Credit limits by non-credit societies.

44. (1) No society whose objects do not include grant of loan or financial accommodation to its members shall grant loans or sanction credit to any member without the sanction of the Registrar :

Provided that any society which has, as one of its objects, supply of goods or services required by members for production purposes, may supply goods or provide services on credit against sufficient security on condition that the cost of the goods supplied or services provided shall be recoverable from the amount of the sale proceeds of the agricultural produce or other goods produced by the member.

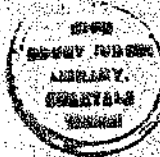
(2) A consumer society may sell goods on credit to its members and other customers upto the extent of deposits received from them.

Restrictions
on borrowing
from more
than one
credit
society.

45. (1) Every person who is a member of more than one resource society (other than a Land Development Bank or a Co-operative Bank or a Marketing society) dispensing credit shall, if he has not already made, make a declaration in Form "N" that he will borrow only from one such society to be mentioned in the declaration and shall send a copy of such declaration duly attested to all societies of which he is or has become a member.

(2) Any person who continues to be a member of more than one such society without complying with the provision of this rule shall be liable to be removed from the membership of any or all such societies upon receiving a written requisition from the Registrar to that effect:

Provided that the society from which a person has borrowed may permit him to borrow from any other society of which he is a member to such extent and subject to such conditions as may be laid down by it.



(3) The Registrar may, for reasons to be recorded in writing, exempt any person or persons from the operation of this rule or prohibit any person or persons from borrowing from more than one society, notwithstanding that permission of the society under proviso to sub-rule (2) has been obtained by him.

Manner of
recalling
of loan.

46. (1) Notwithstanding anything contained in the agreement entered into with the borrowing member, the committee of a society shall be entitled, after giving a week's notice to such member, to recall the entire loan amount immediately, when it is satisfied that the loan given has not been applied for the purpose for which it was given or there has been breach of any of the conditions for grant of such loan.

(2) Nothing in this rule shall be deemed to preclude the Registrar from directing the society to recall a loan of his own motion, when it is brought to his notice that the loan given by the society has been misapplied or conditions thereof, have not been followed. The Registrar may make in the matter such inquiries as he may deem necessary and after giving a show cause notice to the society issue with the prior approval of the Co-operative Bank financing the society, necessary directions to the society. The directions issued by the Registrar in this respect shall be complied with by the society.

Restrictions
on transactions
with non-
members.

47. On the application of a member of any society or of his own motion, when it appears to the Registrar that it is necessary in the interest of the working of any particular society, to regulate or restrict transactions of such society with any non-member, the Registrar shall, after giving an opportunity to the society of being heard, issue such directions as he may consider necessary regulating or restricting such transactions.

Form of declarations be made by members borrowing loans from certain societies and conditions on which any charge in favour of societies shall be satisfied.

48. (1) A declaration to be made under clauses (a) and (b) of section 50 shall be in Form "O".

(2) A register of such declarations shall be kept by the society in Form "P".

(3) A charge on any immovable property created by a member in favour of a society for amounts borrowed or likely to be borrowed by him, from time to time, shall, subject to the provisions of clauses (c) and (d) of section 50 continue in force till the person creating the charge ceases to be a member of the society.

(4) Where a member of a society creates a charge on his land or on his interest in any land as a tenant by declaration under section 50, the society may, if compelled to make use of such property for the recovery of the loan granted to such member against the security of such property or interest in the property, utilise the whole or any portion of such property which may be sufficient to satisfy the amount due with interest and any incidental expenses incurred in that connection.

(5) Where a charge is created by a member on his land or on his interest in any land as a tenant by declaration under section 50, the society shall record or cause to record such particulars of charge in the Record of Rights maintained by the Tehasildar of the area where such property is situated. Such recording of the charge in the Record of Rights of the village shall be treated as a reasonable notice of such charge created under section 50.

CHAPTER V.

Property and Funds of societies.

Writing off of bad debts and losses.

49. All loans including interest thereon and recovery charges in respect thereof which are found irrecoverable and are certified as bad debts, by the auditor appointed under section 79, shall first be written off against the Bad Debt Fund and the balance, if any, may be written off against the Reserve Fund and the share capital of the society.

All other dues and accumulated losses or any other loss sustained by the society which can not be recovered and have been certified as irrecoverable by the auditor may be written off against the Reserve Fund or share capital of the society ;

Provided that—

(a) no bad debts or losses shall be written off without the sanction of the general body :

(b) before any such bad debts or losses are so written off the society, if it is affiliated and indebted to a Co-operative Bank, shall first obtain the approval of that Bank in writing and also the approval of the Registrar. If the society is affiliated but not indebted to the Co-operative Bank and in all other cases, it shall obtain the approval of the Registrar in writing.

Provided further that in case of societies classified as A or B at the time of last audit, no such permission need be taken if the bad debts are to be written off against the Bad Debt Fund specially created for the purpose :

Provided also that the Registrar may while giving the approval, impose such conditions as to the recoupment of the Bad debt Fund and restoration of part or whole of the amount written off against the Reserve Fund, from out of future profits as he deems fit.

Appropriation
of profits.

50. (1) The other purposes for which a society may appropriate its profits shall be education and enlightenment of the members of the society as also any Co-operative or charitable purpose including relief to the poor, education, medical relief and advancement of any other general public utility, provided that the expenditure on such items does not exceed 10 percent of the net profits.

(2) No bonus on shares shall be given over and above the dividend. Explanation :— Nothing in this rule shall prohibit giving of any bonus as contemplated in clause (3) of section 2.

Amount to be
deducted by
a society
from its
profits before
arriving at
its net profits.

51. In addition to the sums referred to in sub-section(1) of section 57, the following sums shall be deducted by a society from its profits before arriving at its net profit for the purposes of sub-section(2) of section 57:—

(i) contribution, if any, to be made to any sinking fund or guarantee fund constituted under the provisions of the Act, these rules or bye-laws of the society for ensuring due fulfilment of guarantee given by Government in respect of loans raised by the society;

(ii) provision considered necessary for depreciation in the value of any security, bonds or shares held by the society as part of its investments;

(iii) a provision required to be made for the redemption and share capital contributed by Government or by a federal society.

Bonus and divi-
dend equalisa-
tion Fund.

52. (1) A society may create out of its net profits a Fund to be called "the Bonus Equalisation Fund" for payment of bonus to persons other than its paid employees who are not its members.

(2) except otherwise specifically authorised by the Registrar the Fund so created shall be utilised in accordance with the provision of the bye-laws of the society only for payment of such bonus.

(3) A society may create the Dividend Equalisation Fund and credit to it a sum not exceeding two percent of the paid up share capital in any year until the total amount in such fund amounts to nine per cent of the paid up share capital. The society may draw upon this Fund in any year only when it is unable to maintain a uniform rate of dividend it has been paying during the last preceding five years or more.

(4) No society shall declare a dividend at a rate exceeding that recommended by its committee.

Rate of contribution to educational fund of the State federal society.

53. Every society which pays a dividend to its members at a rate of 4 percent or more, shall contribute towards the educational fund of the State federal society, notified by the State Government, at the following rates, namely :—

- | | |
|---|--|
| (a) If the rate of dividend for any year is 4 percent; | 1 percent of the net profits of the year. |
| (b) If the rate of dividend for any year is more than 4 percent, but not more than 5 percent. | 1½ percent of the net profits of the year. |
| (c) If the rate of dividend for any year is more than 5 percent but not more than 6 percent. | 1¾ percent of the net profits of the year. |
| (d) If the rate of dividend is more than 6 percent, but not more than 7 percent. | 1¾ percent of the net profits of the year. |
| (e) If the rate of dividend is more than 7 percent, but not more than 8 percent. | 2 percent of the net profits of the year. |
| (f) If the rate of dividend is more than 8 percent. | 2¼ percent of the net profits of the year. |

Provided that, if the net profits of the society for any year do not exceed Rs. 200, the society shall not be required to contribute anything towards the said educational fund for that year.

Use of Reserve fund in the business of a society with the approval of the Registrar.

54. (1) In the case of a society whose reserve fund is equal to or more than its paid up share capital the Registrar under section 58(2) may, by general or special order permit that society to invest that portion of the reserve fund which is in excess of its paid up share capital, or a portion thereof, in its business.

Provided that, in the case of State Co-operative Banks, the Registrar may, by general or special order authorise such Bank to invest fifty percent of their reserve fund in their business.

(2) No society whose reserve fund has been separately invested or deposited shall draw upon, pledge or otherwise, employ such fund except with the sanction of the Registrar previously obtained in writing.

(3) In the case of a society constituted with the object of Co-operative Housing on a Co-partnership basis, the reserve fund may be utilised for expenditure on the maintenance, repair, and renewal of buildings of the society.

(4) In the case of a processing society the reserve fund may be utilised in the acquisition, purchase or construction of lands, buildings

Investment of
other funds

55. (1) A society may invest any of its funds (other than reserve fund) in any of the modes specified in section 62 when such funds are not utilised for the business of the society.

Explanation :—For the purpose of this sub-rule, "Business of a society" shall include any investment made by the society in immovable property with the prior sanction of the Registrar in the process of recovery of the societies normal dues or for the purpose of construction of building or buildings for its own use.

(2) The Registrar may, in the case of any society or class of societies, specify by a special or general order the maximum amounts to be invested in any class or classes of societies.

(3) Every society which has invested an amount not less than 10 percent of its working capital in securities shall be required to constitute an Investment Fluctuation Fund. The Registrar may direct that a specified percent of the net profit every year shall be credited to the Investment Fluctuation Fund until, in his opinion, the amount of the funds is adequate to cover anticipated losses arising out of the disposal of securities.

Maintenance
and administra-
tion of Pro-
vident Fund.

56. A society which has established a provident fund for its employees under section 63 shall, with the previous approval of the Registrar, frame regulations for the maintenance and utilisation of the provident fund for its employees. Among other matters, such regulation shall provide for the following :—

- (i) amount (not exceeding ten percent of the employees salary) of contribution to be deducted from the employees salary ;
- (ii) the rate of contribution (not exceeding the annual contribution made by the employee) to be made by the society ;
- (iii) advances which may be made against the security of the provident fund ;
- (iv) refund of employees' contribution and contributions made by the society ;
- (v) mode of investment of the provident fund and payment of interest thereon.

CHAPTER VI

MANAGEMENT OF SOCIETIES

Prohibition
against
being inter-
ested in
contracts, etc.

57. (1) No officer of a society shall have any interest, directly or indirectly otherwise than as such officer,

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

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

Disqualifi-
cation for
membership
of the
committee.

58. In addition to the disqualification specified in section 66, no person shall be eligible for appointment or election as a member of the committee of a society, if he has been held responsible under section 75 or section 88 or has been held responsible for payment of costs of enquiry under section 83.

First general
meeting.

59. (1) Within three months from the date of registration of a society, the chief promoter thereof, shall convene the first general meeting of all persons who had joined in the application for registration of the society. Where the chief promoter fails to convene the meeting as aforesaid, it shall be convened by any person authorised in that behalf by the Registrar.

(2) At the first* general meeting the following business shall be transacted,—

- (i) election of a President for the meeting ;
- (ii) admission of new members ;
- (iii) receiving a statement of accounts and reporting all transactions entered into by the promoter upto 14 days before the meeting ;
- (iv) constitution of a provisional committee until regular elections are held under the rules and bye-laws. The provisional committee shall have the same powers and functions as the committee elected in accordance with the rules and bye-laws,
- (v) fixing the limit up to which the funds may be borrowed,
- (vi) any other matter which has been specially mentioned in the bye-laws.

General
meeting.

60. (1) All general meetings of a society excepting the first general meeting shall be convened by the Secretary or any other officer authorised by and under the bye-laws to convene such meetings under intimation to the Registrar, who may attend such meetings or authorise some person to attend such meetings on his behalf. The President of the society or in his absence the Vice President or, in the absence of both, a member elected by the members present at the meeting shall preside over the meeting unless the bye-laws specify that the President of the meeting should be elected by the meeting.

(2) No general meeting shall be held or proceeded with unless the number of members required to form a quorum as specified in the bye-laws are present.

(3) The Secretary or any other officer convening the meeting shall read out the notice convening the meeting and the agenda for the meeting and then the subjects shall be taken up for consideration in the order in which they are mentioned in the agenda, unless the members present, with the permission of the President, agree to change the order. Unless otherwise specified in the Act, these rules and the bye-

laws, the resolution will be passed by a majority of the members present. The President will have a casting vote.

(4) When the members are divided on any resolution, any member may demand a poll. When a poll is demanded, the President shall put the resolution to vote.

(5) Unless otherwise provided in the bye-laws, a notice of the general meeting stating the place, date and hour, with a statement of business to be transacted, shall be sent to every member 15 clear days before the date of meeting.

(6) If all the business in the agenda cannot be transacted on the date on which the general meeting is held, the meeting may be postponed to the next following day.

(7) The remaining subject or subjects on the agenda shall be taken up for consideration at the postponed meeting.

(8) If the general meeting cannot be held for want of quorum, it shall be adjourned to a later hour on the same day as may have been specified in the notice calling the meeting or to a subsequent date not earlier than seven days and at such adjourned meeting the business on the agenda of the original meeting shall be transacted whether there is a quorum or not.

(9) No resolution regarding expulsion of a member of the society, removal of a member of the committee or amendment of bye-laws shall be brought forward in any general meeting, unless due notice thereof is given in accordance with the provisions of the Act, these rules and the bye-laws of the society.

Election of
members of
the committee
by the general
body of a
society.

61. (1) The election of the members of the committee of every society shall be conducted in a manner specified in this rule.

(2) The election shall be held at general meeting of the society. The president or in his absence another person presiding over the meeting (both being hereinafter in this rule referred to as Presiding Officer) shall commence and conduct the election after satisfying himself that for the commencement of the general meeting there shall be a quorum specified in the rules and bye-laws.

Provided that no person seeking election shall act as the Presiding Officer and any other officer of the society not seeking election shall be chosen as the Presiding Officer by the general body of the members of the society.

(3) (i) The notice under sub-rule (5) of rule 60 of the general meeting shall be sent to the members by one or more of the following modes, namely :—

(a) by local delivery, or

(b) by post, or

(c) by circulation amongst the members, or

- (d) by publication or by beating of drums, or
- (e) by publication through press, and

notice of the general meeting shall also be affixed to the notice board of the society and published in such public places of importance as may be decided by the Committee of the society.

((ii) The notice under sub-rule(5) of rule 60 shall also contain information regarding—

- (a) the number of vacancies to be filled up by election,
- (b) the area of the constituency, if any, from which members are to be elected, and
- (c) the date on which, the place at which and the hours between which the poll will take place.

((iii) No member shall be eligible to vote at an election unless he was a member of a society on the date thirty days prior to the date fixed for poll and qualified in accordance with the provisions of the Act, these rules and the bye-laws to vote at the election on the said date.

(4) The nomination of candidates for election shall be made at the meeting. The presiding officer shall decide the objections, if any, which may be made at the time, to any nomination after making such summary enquiry as he thinks necessary and announce the name or names of the eligible candidate or candidates so nominated.

(5) If for any area or constituency for which election is to be held, the number of candidates in respect of whom valid nominations have been made does not exceed the number of candidates to be elected for that area or constituency, the candidates for whom valid nominations have been made shall be deemed to have been elected for the area or constituency, as the case may be, and the Presiding Officer at the meeting shall make a declaration to that effect.

(6) If the number of candidates for any area or constituency exceeds the number of candidates to be elected, the Presiding Officer shall arrange for taking a poll. The presiding officer may appoint one or more polling officer as may be necessary.

(7) The committee shall provide the Presiding officer with ballot papers and such other articles as may be necessary for the conduct of the election.

(8) The ballot papers shall contain the names of the candidates and the seal of the society.

(9) The polling booth shall be so constructed that the members can record their votes screened from observation by others.

(10) The member shall make the mark X on the ballot paper issued to him against the name or names of the candidate or candidates for whom he desires to vote and put the ballot paper in the ballot box with the utmost secrecy.

(11) If, owing to blindness, or other physical infirmity or illiteracy, a member is made to mark the ballot paper, the presiding officer shall ascertain from him the candidates or candidates in whose favour he desires to vote and make the mark on his behalf on the ballot paper.

(12) As soon as all the members present have recorded their votes, the presiding officer shall count the votes and announce the results of election with the number of votes secured by each.

(13) (i) A ballot paper shall be rejected—

(a) if it bears any mark by which the member, who voted can be identified; or

(b) if it does not bear the seal prescribed in sub-rule (8); or

(c) if the mark indicating the vote thereon is placed in such manner as to make it doubtful to which candidate the vote has been cast.

(ii) The authority competent to reject a ballot paper shall be the Presiding officer.

(14) The proceedings of the meeting with the results of the election shall be recorded in the minutes book of the society and attested by the presiding officer.

(15) The President of the society shall take custody of the ballot papers and shall preserve them for three months from the date of the poll. The ballot papers and other records relating to the election shall be secured in a container which shall be affixed with the seal of the society and of the candidates who desire to affix their seals. They shall be destroyed after the said period of three months, if no dispute relating to or in connection with that election is referred to the Registrar.

(16) The Registrar may, in respect of any society, either on his own motion or on an application from such society, appoint any person as an election officer to conduct the election if, in his opinion, such a course is necessary for the proper conduct of the election. Where an election officer is so appointed, all references to the President, Presiding officer or the committee, as the case may be occurring in sub-rules (4), (5), (6), (11), (12), (13) (i) and (14) shall be construed as references to the election officer.

(17) The Registrar may, in respect of any society registered after the commencement of the Act where a committee has not been constituted, appoint any person as an election officer to conduct the election for the constitution of a committee in accordance with the bye-laws. Where an election officer is so appointed all references to the President, presiding officer or the committee, as the case may be, occurring in this rule except in sub-rules (15) and (16) shall be construed as references to the election officer. The election officer shall in such cases record the results of the election in the minutes book of the Society.

Election of
President,
Vice-Presi-
dent, etc.
by the mem-
bers of the
committee.

62. (1) The election of President, Vice-President, Treasurer or any other officer by whatever name he is designated shall be by ballot in the manner specified in this rule.

(2) As soon as the members of the committee have been elected the president of the society shall arrange to convene a meeting of the members of the committee for the purpose of election of the officers.

(3) The meeting shall be presided over by the President of the society, if he is not a candidate for election or any other member of the committee not being a candidate for election chosen by the committee (both being hereinafter in this rule referred to as the Presiding officer) for the purpose.

(4) The nomination of candidates for election shall be made at the meeting. The presiding officer shall decide the objections, if any, which may be made at the time, to any nomination after making such summary enquiry as he thinks necessary and announce the name or names of the eligible candidate or candidates so nominated.

(5) Where there is not more than one valid nomination for any office, the presiding officer shall declare the candidate in respect of whom the nomination paper has been received duly elected to such office.

(6) Where there is more than one valid nomination for any office, the presiding officer shall forthwith arrange for taking a poll by providing the ballot papers and ballot box. The member shall make the mark X in the ballot paper against the name or names of the candidate or candidates for whom he desires to vote and put the ballot paper into the ballot box with the utmost secrecy.

(7) As soon as all the members present have recorded their votes, the Presiding officer shall open the ballot box in the presence of the members, count the votes and announce the results of election with the number of votes secured by each.

(8) The proceedings of the meeting with the results of the election shall be recorded in the minutes book of the society and attested by the Presiding officer.

(9) The ballot papers and other records shall be secured in a container which shall be affixed with the seal of the society and of the candidates who desire to affix their seals and they shall be preserved for three months from the date of election. They shall be destroyed after that period, if no dispute relating to or in connection with the election is referred to the Registrar.

Annual state-
ments of
accounts in-
cluding bal-
ance sheet, etc.

63. (a) Within thirty days of the close of every Co-operative year, or within such extended period, as may be specified by the Registrar, in the case of any society or class of societies, the committee of every society shall prepare annual statements of accounts showing :—

- (i) receipts and disbursements during the previous co-operative year,
- (ii) the profit and loss account for the year, and
- (iii) the balance sheet as at the close of the year.

These statements of accounts shall be open to inspection by any member during office hours at the office of the society and the society shall submit within fifteen days from the date of preparation of the statement of accounts, one copy thereof to the auditor appointed by the Registrar for the audit of that society and the other copy to the Co-operative Inspector within whose jurisdiction the society is situated.

Form for the balance sheet and the profit and loss account.

64. (1) The balance sheet and the profit and loss account to be laid before the annual general meeting of a society by the committee shall ordinarily be in Form "Q".

Provided that it shall be competent for the Registrar to permit a society or class of societies to adopt such other form as he may deem fit.

(2) A copy of the balance sheet and profit and loss account shall be presented at the annual general meeting under sub-section (2) of section 71.

Power to call annual and special general meetings.

65. If the annual general meeting of a society is not called in accordance with the provisions of section 71 or if the Chairman or a majority of the committee of a society fail to call a special general meeting in accordance with the provisions of section 72, the Registrar may authorise any person subordinate to him or any officer or employee of a federal society to call the annual general meeting or the special general meeting, as the case may be, and such officer or person shall have all the powers and functions of the officer of the society authorise to convene such annual or special general meeting, under its bye-laws.

Procedure for appointment, suspension and removal of members of the committee and other officers etc.

66. (1) Notwithstanding anything contained in the bye-laws of a society but subject to the provisions of section 74, the Registrar may by an order published with reasons therefor, in the Official Gazette,—

- (a) remove the committee of a society and appoint a new committee in its place consisting of three or more members of the society to manage the affairs of the society; or
- (b) remove the committee and appoint one or more Administrators, who need not be member of the society to manage the affairs of the society; or
- (c) remove any member of the committee of a society and appoint in his place such other member as he may deem fit.

(2) Before making any order under sub-rule (1), the Registrar shall consult the federal society to which the society is affiliated and give an opportunity to the committee or the member concerned to show cause, within fifteen days from the date of issue of notice, why such an order shall not be made.

(3) The member appointed under clause (c) of sub-rule (1) shall hold office so long as the member in whose place he is appointed would have held office, if the vacancy had not occurred.

(4) Notwithstanding anything contained in the bye-laws regarding holding of any meeting of the society, the Registrar may by special or general order specify the procedure for holding meetings of the committee appointed by him under clause (a) of sub-rule (1).

(5) Immediately after the appointment of a new committee or an Administrator or Administrators under sub-rule (1), the committee in whose place such appointment is made and officers of the society shall give the new committee or the Administrator or Administrators, as the case may be, the charge of the property, documents and accounts of the society.

Accounts and
books to be
kept.

67. Every society shall keep the following accounts and books :—

- (1) A register of members including persons nominated under section 40 in Form "L".
- (2) A registrar of shares.
- (3) A register of debentures and bonds (where capital is raised by debentures and bonds).
- (4) Minute book recording proceedings of general meetings.
- (5) Minute book recording proceeding of committee meetings.
- (6) Cash book.
- (7) General ledger and personal ledger.
- (8) Stock register.
- (9) Property register.
- (10) Register of audit objections and their rectifications.
- (11) Such other accounts and books as from time to time be specified by the Registrar by special or general order for any society or class of societies.

Periodical financial statements to be furnished.

68. All registered societies classified by the Registrar as Co-operative Bank or any other Bank with a working capital of more than Rs. 50,000/- shall submit to that Officer a quarterly financial statement in the form specified by the Registrar for the quarters ending 31st March, 30th June, 30th September and 31st December not later than 15th April, 15th July, 15th October, 15th January respectively.

Registrar's power to enforce performance of obligations.

69.(1) In addition to the periodical financial statements referred to in rule 68, the Registrar may by special or general order require any society to furnish to him any other returns in such forms as may be specified by him, on such date or dates or at such interval or intervals as may be specified by him, in the order. The salaried officers of the society shall be responsible for the submission of these returns on due dates. If there are no salaried officers of the society or if the executive functions, are attended to by the Chairman or any other member of the committee in an honorary capacity, the returns shall be submitted by the Chairman or such member of the committee.

(2) On failure of the society to furnish any returns on due dates, the Registrar may, after giving due notice to the person or persons responsible for the submission of the same, depute an employee of the Co-operative Department or of the federal society to which the society is affiliated to prepare the return or returns and submit it or them to him. The members of the committee and other officers of the society shall furnish to the employee of the Co-operative Department or of the federal society entrusted with the work, all information necessary for preparing the return or returns. The expenses incurred by the Registrar in getting such return or returns prepared shall be borne by the society and shall be recovered from the society under section 75 as if they were an arrear of land revenue.

Procedure to be adopted for taking possession of books, documents, securities, cash and other properties of society.

70. (1) Where taking possession of books, documents securities cash or other properties of a society is considered necessary and where taking of such possession is resisted or obstructed, the Registrar, the Liquidator or any other person entitled to the same may take or cause to be taken order for seizing the books, documents, securities, cash or other properties of the society, as the case may be, in the manner provided in section 76.

(2) Any person appointed by the Registrar as a Liquidator of a society or any person authorised by the Registrar to audit the accounts of a society under section 79 or any person authorised by the Registrar to hold an enquiry into the constitution, working and financial condition of a society under section 81 or any person authorised by the Registrar to inspect the books of a society under section 82, shall, in cases where the misappropriation of funds, breach of trust or fraud has been committed or where it is suspected or apprehended that the books, documents, securities, cash or other properties of a society are likely to be tampered with or destroyed or removed and where taking of possession of such books, documents, securities, cash or other properties is considered necessary, shall follow the same procedure, with the previous permission of the Registrar, as is laid down in section 76 for the purposes of obtaining such possession.

CHAPTER—VII.

Audit, Inquiry, Inspection and Supervision .

Procedure for appointment of Auditors and for conducting audit.

71. (1) The audit of accounts of societies shall be conducted by Departmental Auditors, appointed by the Registrar from time to time on such terms and conditions as he deems fit :

Provided that any society or class of societies notified by the Registrar may get their accounts audited by an Auditor selected from the panel of certified auditors maintained by the Registrar and published by him in the Official Gazette.

Explanation :— For purposes of this rule, "a certified auditor" includes, :—

- (a) a chartered Accountant within the meaning of the Chartered Accountants Act, 1949,

- (b) a person who holds a Government Diploma in Co-operative accounts or a Government diploma in Co-operation and accountancy, or
 - (c) a person who has served as an auditor in the Co-operative Department of the State Government, and whose name has been included by the Registrar in the panel of certified auditors maintained and published by him in Official Gazette at least once in every three years.
- (2) The audit under section 79 shall in all cases extend back to the last date of the previous audit and shall be carried out upto the last date of the Co-operative year immediately preceding the audit or where the Registrar so directs in the case of any particular society or class of societies, such other date as may be specified by the Registrar.
- (3) The auditor shall submit an audit memorandum to the society and to the Registrar in the Form specified by the Registrar, on the accounts examined by him and on the balance sheet and profit and loss account as on the date and for the period upto which the accounts have been audited, and shall state whether in his opinion and to the best of his information and according to the explanation given to him, the said accounts give all the information required by the Act in the manner so required and give true and fair view,—
- (i) in the case of the balance sheet, of the state of society's affairs as at the end of the financial year or any other subsequent date upto which the accounts are made up and examined by him, and
 - (ii) in the case of the profit and loss account, of the profit or loss for the financial year, or the period covered by the audit, as the case may be.
- (4) The audit memorandum shall state,—
- (i) whether the auditor has obtained all the information and explanations which to the best of his knowledge and belief were necessary for the purpose of his audit;
 - (ii) whether in his opinion proper books of accounts, as required by the Act, these rules and the bye-laws of the society have been kept by the society so far as it appears from the examination of these books; and
 - (iii) whether the balance sheet and profit and loss account examined by him are in agreement with the books of accounts and returned of the society.
- (5) Where any of the matters referred to in sub-rule (4) are answered in the negative or with a qualification, the audit memorandum shall specify the reasons for the answer.
- (6) The audit memorandum shall also contain schedules with particulars of,—

- (i) all transactions which appear to be contrary to the provisions of the Act, the rules or the bye-laws of the society ;
- (ii) all sums which ought to have been but have not been brought into account by the society ;
- (iii) any material impropriety or irregularity in the expenditure or in the realisation of moneys due to the society ;
- (iv) any money or property belonging to the society which appears to the auditor to be bad or doubtful debt, and
- (v) any other matters specified by the Registrar in this behalf.

(7) The summary of audit memorandum as prepared by auditor shall be read out in a general meeting. The audit memorandum together with its accompaniments shall be open to inspection by any member of the society. The Registrar may however direct that any portion of the audit memorandum which appears to him to be of objectionable nature or not justified by facts shall be expunged and the portion so expunged shall not form part of the audit memorandum.

(8) The Registrar may from time to time specify the form or forms in which the statements of accounts and information shall be prepared for audit, by the society.

(9) On completion of his statutory audit, the auditor shall award an audit classification letter in the audit note of the society whose accounts he has audited in accordance with the instructions issued by the Registrar from time to time. The list of societies to be published under sub-section (3) of section 12 shall also specify the audit class of the society.

Requisition of
the Federal
society for
inquiry

72. Any Federal society duly authorised by a resolution of its committee, may submit a requisition to the Registrar to hold an inquiry under section 81 in respect of any society affiliated to it, duly setting out the grounds on which the inquiry is sought. A copy of such requisition shall be supplied to the society in respect of which the requisition is made.

Procedure and
principles
for the con-
duct of in-
quiry and inspec-
tion

73. (1) An order authorising inquiry under section 81 or inspection under section 82 shall, among other things, contain the following,—

- (a) the name of the person authorised to conduct the inquiry or inspection ;
- (b) the name of the society whose affairs are to be inquired into or whose books are to be inspected ;
- (c) the specific point or points on which the inquiry or inspection is to be made, the period within which the inquiry or inspection is to be completed and report submitted to the Registrar ;
- (d) cost of inquiry ;
- (e) any other matter relating to the inquiry or inspection.

(2) A copy of every order authorising inquiry under section 81 or inspection under section 82 shall be supplied to the federal society or financial bank or society to which the society in respect of which the order is issued is affiliated.

(3) If the inquiry or inspection cannot be completed within the time specified in the order referred to in sub-rule(1), the person conducting the inquiry or inspection shall submit an interim report stating the reasons for failure to complete the inquiry or inspection and the Registrar, if he is satisfied, grant such extension of time for the completion of the inquiry or inspection as he may deem necessary or he may withdraw the inquiry or inspection from the officer to whom it is entrusted and hold the inquiry or inspection himself or entrust it to such other person as he deems fit.

(4) On receipt of the order referred to in sub-rule(1) the person authorised to conduct the inquiry or inspection shall proceed to examine the relevant books of accounts and other documents in possession of the society or any of its officers, members, agents or servants and obtain such information or explanation from any such officers, members, agents or servants of the society in regard to the transactions and working of the society as he deems necessary for the conduct of such inquiry or inspection.

(5) The person authorised to conduct the inquiry or inspection shall submit his report to the Registrar, on all the points mentioned in the order referred to in sub-rule (1). The report shall contain his findings and the reasons therefor supported by such documentary or other evidence as recorded by him during the course of his inquiry or inspection. He shall also specify in his report the costs of the inquiry or inspection together with reasons and recommend to the Registrar the manner in which the entire cost or a part thereof may be apportioned, amongst the parties specified in sub-section(1) of section 83. The Registrar shall pass such orders thereon as may be considered just after giving a reasonable opportunity of being heard to the person or persons concerned.

(6) The costs of the inquiry or inspection apportioned by the Registrar under sub-section (1) of section 83 shall be recovered as provided in section 84. The Registrar may direct that such costs or any part thereof shall be paid in the first instance from the funds of the society or in case of inspection, from the amount deposited by the creditor under clause (b) of sub-section (1) of section 82 and then recovered and repaid to the society or the creditor, as the case may be.

74. (1) On receipt of a report referred to in section 88 or otherwise the Registrar or any other person authorised by him may make such further inquiries as he may deem necessary regarding the extent to which the person who has taken any part in the organisation or management of a society or any deceased, past or present officer of the society has misapplied or retained, or become liable or accountable for, any money or property of the society, or has committed misfeasance or breach of trust in relation to the society.

(2) On the completion of the further inquiries under sub-rule (1), where necessary, the Registrar or the person authorised by him shall

issue a notice to the person or persons concerned furnishing him or them with particulars of the acts of misapplication, retention, misfeasance or breach of trust and the extent of his or their liability involved therein and calling upon him or them to put in statements in his or their defence within fifteen days of the date of issue of the notice.

(3) On receipt of the statements referred to in sub-rule (2), the Registrar or the person authorised by him, if he is satisfied that there are reasonable grounds for holding the person or persons liable, shall frame charges.

(4) The person or persons concerned shall, after the charges are framed be asked to put in his statement in defence and to indicate the documentary or oral evidence which he would like to produce. The Registrar or the person authorised by him may permit production of their documentary or oral evidence, if considered necessary, subsequently.

(5) The Registrar or the person authorised by him shall there after record the evidence led by the society or the person or persons concerned and take on record the documents proved by them and shall thereafter fix a date for hearing arguments of both the parties.

(6) On the day fixed for hearing under sub-rule (5), the Registrar or the person authorised by him, shall hear the arguments and may pass his final orders on the same day or any date fixed by him within sixty days from the date on which the hearing was completed. On the date so fixed, the Registrar or, as the case may be, the person authorised by him, shall make his final order either ordering repayment of the money or return of the property to the society together with interest at such rate as may be specified by him or to contribute such amount to the assets of the society by way of compensation in regard to misapplication, retention, misfeasance or breach of trust as may be determined or may reject the claim submitted on behalf of the society.

(7) The Registrar or the person authorised by him may also provide in his order for the payment of the cost of proceeding under this rule or any part of such cost as he thinks just.

(8) The Registrar or the person authorised by him shall furnish a copy of his order, under sub-rule (6) to the party concerned within ten days of the date on which he makes his final order.

Form of Recti-
fication
Report.

75. On receipt of an order, directing a society or its officers to rectify the defects and remedy the irregularities, issued by the Registrar under section 80 and on receipt of an order issued by the Registrar under sub-section (1) of section 85, the society shall, subject to the provisions of sub-section (2) and (3) of section 85, submit to the Registrar a rectification Report in form "R". The society shall continue to submit such rectification reports to the Registrar till all the defects are rectified or the irregularities are remedied to the satisfaction of the Registrar.

Levy of audit
fees.

76. Every Co-operative society shall pay to the State Government a fee for the audit of its account for each co-operative year under sub-section (7) of section 79 as provided below :—

(a) No society should be levied audit fee if it does not complete 3 Co-operative years of working.

(b) A credit type of society, a society for scheduled caste or scheduled tribe or a cottage industry society or a farming society should not be levied audit fees if their turnover does not exceed Rs. 20,000/- only.

(c) For all other societies Audit fees are levied at the following rates :—

(i) Agricultural Credit Societies :—For an working capital exceeding 20 (twenty) thousand rupees @ 1/16th percent.

(ii) Agricultural Non-Credit Societies :—For the first 1 (one) lakh of rupees of turn over.....1/16th percent.
for a turnover between 1 lakh and 3 (three) lakhs of rupees.
for the first 1 lakh 1/16 percent.
for the rest 1/32 percent.
for a turnover above rupees 1/64 percent.
3 (three) lakhs

(iii) For all Non-agricultural Societies :—
for the first 20 (twenty) thousand working capital 1/4 percent.
Exceeding 20 (twenty) thousand of rupees 1/8 percent.

(iv) For all types of Cooperative Banks including Land Development Bank.
for the first 1 (one) lakh of working capital 1/8 percent.
for working capital from 2 (two) lakhs to 5 (five) lakhs 1/32 percent.
Amount exceeding 5 (five) lakhs of working capital 1/64 percent.
subject to a maximum of Rs. 1,000/-

(v) Housing Societies :—
for a turnover upto 1 (one) lakh 1/16 percent.
for a turnover from 1 (one) lakh to 5 (five) lakhs 1/32 percent.
for a turnover after 5 (five) lakhs 1/64 percent.

Note :—A turnover in a Co-operative society to be calculated as follows :—

- (a) In case of purchase & Sale and Sale societies and as well as Societies engaged in sale business, turnover will mean sales only.
- (b) In case of Banks and Credit Societies, the total of debts will mean working capital.
- (c) In case of Housing society, the total of debts in a year will mean working capital.

CHAPTER VIII

DISPUTES AND ARBITRATION

Reference of
Dispute.

77. A reference of a dispute under section 92 shall be made in writing to the Registrar in form "S". Wherever necessary, the Registrar may require the party referring the dispute to him to produce a certified copy of the relevant records on which the dispute is based and such other statements or records as may be required by him, before proceeding with the consideration of such reference.

Appointment of
Registrar's
nominee or
board of
nominees.

78. (1) The Registrar may, by general or special order, appoint any person to be his nominee for deciding disputes arising in any one or more societies situated in such areas and for such period as may be specified in the order.

(2) The Registrar may, by order, appoint a board of nominees consisting of two or more nominees appointed under sub-rule (1), for deciding disputes arising in any one or more societies within such area and for such period as may be specified in the order.

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

Procedure for
hearing and
decision of
disputes.

79. (1) When any dispute is referred to the Registrar's nominee or to a board of nominees for decision and is not decided by him or it within two months or such further period as the Registrar may allow, the Registrar may withdraw the dispute from the nominee or, as the case may be, the board of nominees and decide the dispute himself or refer it again to another nominee or a board of nominees for decision.

(2) The Registrar or his nominee or the board of nominees shall record in English or in Bengali the evidence of the parties to the dispute and witnesses who attend, and upon the evidence so recorded, and upon consideration of any documentary evidence produced by either party, a decision in writing shall be given. Such decision shall be pronounced either at once or on some future date of which due notice shall be given to the parties.

(3) Where any party duly summoned to attend the proceeding fails to appear, the dispute may be decided ex parte.

(4) In deciding the disputes, where there is no unanimous decision, the opinion of the majority of the board of nominees shall prevail. Where the opinion of the nominees on the board is equally divided, the opinion of the Chairman of the board shall prevail.

(5) Any award made, decision given or order passed by the Registrar's nominee or Board of nominees or a person authorised under section 88, shall be sent by him or by the Chairman of the Board with all the papers and proceedings of the dispute to the Registrar within 15 days from the date on which it is made, given or passed.

Summonses,
notices, and
fixing of dates,
place, etc.
in connection
with the
disputes.

80. (1) The Registrar, his nominee, or the Chairman of the Board of nominees may issue summonses or notices at least fifteen days before the date fixed for hearing of the dispute requiring,—

- (i) the attendance of the parties to the dispute and of witnesses, if any; and
- (ii) the production of all books and documents relating to the matter in dispute.

(2) Summonses or notices issued by the Registrar or his nominee or the Chairman of the board of nominees may be served through any employee of the Co-operative Department or of a federal society or through the Chairman or Secretary of the society or by registered post with acknowledgement due. Every person or society to whom summonses or notices are sent for service shall be bound to serve them within a reasonable time.

(3) The officer serving a summons or notice shall, in all cases in which summons or notice has been served, endorse or annexe or cause to be endorsed on or annexed to, the original summons or notice, a return stating the time when, and the manner in which, the summons or, as the case may be, notice was served, and the name and address of the person (if any) identifying the person served and witnessing the delivery or tender of the summons or the notice.

(4) The Officer issuing summons or notice may examine the serving officer on oath or cause him to be so examined by such officer through whom it is served and may make such further inquiry in the matter as he thinks fit; and shall either declare that the summons or, as the case may be, notice has been duly served or order it to be served in such manner as he thinks fit.

(5) The mode of serving summonses and notices as laid down in sub-rule (1) to (4) shall *mutatis mutandis* apply to the service of summonses or notices—

- (i) issued by the Registrar or the person authorised by him, when acting under section 81, 82 and 88.
- (ii) issued by an auditor, when acting under section 79, or
- (iii) issued by a liquidator, when acting under section 108.

Investigation
claims and
objections
against any
attachmet.

81. Where any claim or objection has been preferred against the attachment of any property under section 97, on the ground that such property is not liable to such attachment, the Registrar, his nominee or board of nominees shall investigate into the claim or objection and dispose it of on merits:

Provided that no such investigation shall be made when the Registrar or his nominee or board of nominees considers that the claim or objection is frivolous.

Procedure for custody of property attached under section 97.

82.(1) Where the property to be attached is movable property, other than agricultural produce, in the possession of the debtor, the attachment shall be made by actual seizure and the attaching officer shall keep the property in his own custody or in the custody of one of his subordinates, or of a Receiver, if one is appointed under sub-rule (2) and shall be responsible for the due custody thereof :

Provided that when the property seized is subject to speedy and natural decay, or when the expense of keeping it in custody is likely to exceed its value, the attaching officer may sell it at once.

(2) Where it appears to the officer ordering conditional attachment under section 97 to be just and convenient, he may appoint a Receiver for the custody of the movable property attached under that section and his duties and liabilities shall be identical with those of a Receiver appointed under order XL in the First schedule to the code of Civil Procedure, 1908.

(3)(i) Where the property to be attached is immovable, the attachment shall be made by an order prohibiting the debtor from transferring or charging the property in any way, and all persons from taking any benefit from such transfer or charge.

(ii) The order shall be proclaimed at some place on, or adjacent to, such property by beat of drum or other customary mode, and a copy of the order shall be fixed on a conspicuous part of the property, and where the property is land paying revenue to the State Government, also in the office of the Collector of the District and in the office of the Tehsildar or any other Revenue Officer within whose jurisdiction the property is situated.

Procedure for attachment and sale of property for realisation of any security given by persons in course of execution proceedings.

83. The procedure laid down in rules 82 and 85 shall *mutatis mutandis* apply for attachment and sale of property for the realisation of any security given by a person in the course of execution proceedings.



Issue of proclamation prohibiting private transfer of property.

84. The Registrar or Liquidator when acting under clause (a) of section 101 shall, at the time of signing a certificate affecting any property, issue a proclamation in Form "T" and in the case of immovable property shall also forward a copy of the proclamation to the Tehsildar or any other Revenue Officer within whose jurisdiction the property situated, who shall cause an entry about such certificate to be made in the Record of Rights.

Procedure for execution of awards.

85. (1) Every order or award passed by the Registrar, or the person authorised by him or his nominee or board of nominees under section 97 or 98 shall be forwarded by the Registrar to the society or to the party concerned, with instructions that the society or, as the case may be, the party concerned should intimate execution proceedings forthwith according to the provisions of section 101.

(2) If the amount due under the award is not forthwith recovered, or the order thereunder is not carried out, it shall be forwarded to the Registrar with an application for execution along with all information required by the Registrar, for the issue of certificate under section 101. The applicant shall state whether he desires to execute the award by a Civil Court or through the Collector as provided under section 101 or through the Registrar as provided under section 155.

(3) On receipt of such application for execution, the Registrar shall forward the same to the proper authority for execution along with a certificate issued by him under section 101 and a proclamation issued under rule 82 in the manner prescribed therein.

(4) Every order passed in appeal under section 100 shall also be executed in the manner laid down in sub-rules (2) and (3).

Execution of
awards or
orders in
special cases.

86. Subject to the provision of section 101, the Registrar may, by an order in writing specially authorise any officer of the Co-operative Department or any officer of a federal society or a Co-operative Bank, on an application made by it, to call for and send awards or orders obtained by any society for execution. The society or societies in respect of which these powers are to be exercised shall be specified in the order.

Transfer of
property
which cannot
be sold.

87. (1) When in execution of an order sought to be executed under section 101 any property cannot be sold for want of buyers, if such property is in the possession of the defaulter or of some person on his behalf, or of some person claiming it under a title created by the defaulter subsequent to the issue of the certificate by the Registrar or Liquidator under clause (a) or (b) of the said section, the officer conducting the execution shall as soon as practicable report the fact to the Court or the Collector or the Registrar as the case may be, and the society applying for the execution of the said order.

(2) On receipt of report under sub-rule (1), the society may, within six months from the date of the receipt of the report or within such further period as may for sufficient reasons be allowed in any particular case by the Court or the Collector or the Registrar, submit an application in writing to the Court, the Collector or the Registrar, as the case may be, stating whether or not it agrees to take over such property.

(3) On receipt of an application under sub-rule (2), notices shall be issued to the defaulter and to all persons known to be interested in the property, including those whose names appear in the Record of Rights as persons holding any interest in the property, about the intended transfer.

(4) On receipt of such a notice, the defaulter, or any person owning such property, or holding an interest therein by virtue of a title acquired, before the date of the issue of a certificate under section 101, may, within one month from the date of the receipt of such notice, deposit with the Court or the Collector or the Registrar, for payment to the society a sum equal to the amount due under the order sought to be executed together with interest thereon and

such additional sum for payment of costs and other incidental expenses as may be determined in this behalf by the Court or the Collector or the Registrar, as the case may be.

(5) On failure of the defaulter, or any person interested, or any person holding any interest in the property, to deposit the amount under sub-rule (4), the Court or the Collector or the Registrar, as the case may be, shall direct the property to be transferred to the society on the conditions stated in the certificate in Form "U".

(6) The certificate granted under sub-rule (5) shall state whether the property is transferred to the society in full or partial satisfaction of the amount due to it from the defaulter.

(7) If the property is transferred to the society in partial satisfaction of the amount due to it from the defaulter, the Court or the Collector or the Registrar, as the case may be, shall on the production by the society of a certificate signed by the Registrar, recover the balance due to the society in the manner laid down in section 101.

(8) The transfer of the property under sub-rule (5) shall be effected as follows :—

(i) In the case of movable property—

- (a) where the property is in the possession of the defaulter himself or has been taken possession of on behalf of the Court or the Collector or the Registrar, it shall be delivered to the society ;
- (b) where the property is in the possession of some person on behalf of a defaulter, the delivery thereof shall be made by giving notice to the person in possession, directing him to give actual peaceful possession to the society, and prohibiting him from delivering possession of the property to any other person.
- (c) the property shall be delivered to a person authorised by the society to take possession on behalf of the society ;

(ii) In the case of immovable property—

- (a) where the property is growing or standing crop, it may be delivered to the society before it is cut and gathered and the society shall be entitled to enter on the land, and to do all that is necessary for the purpose of tending and cutting and gathering it ;
- (b) where the property is in the possession of the defaulter or of some person on his behalf or some person claiming under a title created by the defaulter subsequent to the issue of a certificate under section 101, the Court or the Collector or the Registrar, as the case may be, shall order delivery to be made by putting the society or any person whom the society may appoint to receive delivery on its behalf in actual possession of the pro-

party and if need be by removing any person who illegally refused to vacate the same;

- (c) where the property is in the possession of a tenant or other person entitled to hold the same by a title acquired before the date of issue of a certificate under section 101, the Court or the Collector or the Registrar, as the case may be, shall order delivery to be made by affixing a copy of the certificate of transfer of the property to the society in some conspicuous place on the property and proclaiming to such person by beat of drum or other customary mode at some convenient place, that the interest of the defaulter has been transferred to the society.

(9) The society shall be required to pay expenses incidental to sale including the cost of maintenance of live-stock, if any, according to such scale as may be fixed by the Registrar from time to time.

(10) Where land is transferred to the society under sub-clause (a) of clause (ii) of sub-rule (8) before a growing or standing crop is cut and gathered, the society shall be liable to pay the current years' land revenue on the land.

(11) The society shall forthwith report any transfer of property under sub-clause (b) or (c) of clause (ii) of sub-rule (8) to the Tehsildar for information and entry in the Record of Rights.

(12) The society to which property is transferred under sub-rule (5) shall maintain for each such defaulter a separate account showing all the expenses incurred including payment to outside encumbrances, land revenue and other dues on the property and all the income delivered from it.

(13) The society to which property is transferred under sub-rule (5) shall use its best endeavour to sell the property as soon as practicable to the best advantages of the society as well as that of the defaulter, the first option being always given to the defaulter, who originally owned the property. The sale shall be subject to confirmation by the Registrar. The proceeds of the same shall be applied to defraying the expenses of the same and other expenses incurred by the society and referred to in sub-rules (9) and (12) and to the payment of the arrears due by the defaulter under the order in execution, and the surplus (if any), shall then be paid to the defaulter.

(14) Until the property is sold the society to which the property is transferred under sub-rule (5) shall use its best endeavours to lease it or to make any other use that can be made of it so as to derive the largest possible income from the property.

(15) When the society to which property is transferred under sub-rule (5) has realised all its dues, under the order in execution of which the property was transferred, from the proceeds of management of the property, the property, if unsold, shall be restored to the defaulter.

Payment of expenses of decisions of disputes,

88. (1) Where the dispute has been referred to the Registrar or his nominee or the board of nominees under section 95, the Registrar may require the party or parties to the dispute to deposit such sum as may, in his opinion, be necessary to meet the expenses including payment of fees to the Registrar or his nominee or the board of nominees.

(2) The Registrar or his nominee or the Board of nominees shall have power to order the fees and expenses of determining the disputes to be paid by the society out of its funds or by such party or parties to the dispute, as he or it may think fit, according to the scale laid down by the Registrar, after taking into account the amount deposited under sub-rule (1).

(3) The Registrar may by general or special order specify the scale of fees and expenses to be paid to him or to his nominee or the board of nominees.

CHAPTER IX LIQUIDATION

Cost of hearing appeal.

89. No appeal from a member under section 107 shall be entertained unless it is accompanied by Rs. 25/- or such higher amount not exceeding Rs. 500/- as may be directed by the appellate authority as security for the costs of hearing the appeal.

Appointment of Liquidator and the procedure to be followed and powers to be exercised by him.

90. The following procedure shall be adopted for the appointment of the Liquidator and for the exercise of his powers namely:—

- (1) The appointment of the Liquidator shall be notified by the Registrar in the Official Gazette.
- (2) As soon as may be after an order is issued under section 105, the Liquidator shall take over the custody and control of all the property, effects and actionable claims and books, records and other documents pertaining to the business of the society and continue to hold custody and control thereof until the interim order is vacated.
- (3) Where order is vacated, the Liquidator shall take action in accordance with the provisions of sub-section (5) of section 106.
- (4) The Liquidator shall, after settling the assets and liabilities of the society as they stood on the date on which the order for winding up is made, proceed to determine the contribution to be made or remaining to be made to the assets of the society by persons and estates referred to in clause (h) of section 108 and by order call upon each of them to pay the amount specified in the order as contribution and as costs of the liquidation determined under clause (k) of section 108. Every such order shall be submitted for approval to the Registrar, who may modify it or refer it back to the Liquidator for further inquiry or other action or may forward it for execution under section 101.

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them in proportion to the share capital held by each of such members or in any other suitable manner sanctioned by the State Government.

Interest on
amounts due
from a society
under liquidation.

92. The creditor of a society, which is being wound up, may apply to the Liquidator, for payment of interest on any debt due from the society upto the date of the Registrar's order for winding up. The rate at which interest shall be paid shall be in the case of Tripura State Co-operative Bank Ltd. or a Co-operative Bank permitted by the Registrar to finance societies, the contract rate and in any other case the rate which may be fixed by the Registrar which shall not exceed the contract rate:

Provided that if any surplus assets remain after all the liabilities, including liabilities on shares, have been paid off, further interest on such debts at a rate to be fixed by the Registrar but not exceeding the contract rate may be allowed to the creditors from the date mentioned above upto the date of the repayment of the principal.

Disposal of
records of
society whose
registration is
cancelled.

93. (1) When an order directing a society to be wound up is issued under section 105 and no Liquidator is appointed, the officers of the society which is wound up shall, within 15 days of the publication of the order in the Official Gazette, send by registered post or railway parcel, the records and books of the society to the Assistant Registrar or Deputy Registrar concerned or hand over the same to the departmental local auditor.

(2) As soon as may be after the affairs of a society for which a Liquidator has been appointed have been wound up and an order cancelling the registration is made under section 21, the Liquidator shall forward all the books and records of the wound up society, and all his own papers and proceedings, by railway parcel or by any other means to the Assistant Registrar or the Deputy Registrar concerned together with an account of his expenses, showing how the balance has been disposed of, and attaching the receipt of the person to whom it was handed over.

(3) All the books and records of a society, whose registration has been cancelled, and the proceedings of liquidation, shall be destroyed by the Assistant Registrar or the Deputy Registrar, as the case may be, after the expiry of two years from the date of the order cancelling the registration of the society.

CHAPTER X

Co-operative Land Development Banks

Procedure for
submission and
consideration
of applications
for loans from
Co-operative
Land Development
Banks.

94. (1) All applications for loans from a Land Development Bank shall be made in the form prescribed by the State Land Development Bank with the approval of the Registrar. The form shall among other things contain a list of documents which are required to be submitted for purposes of dealing with the application.



- (2) Every Co-operative Land Development Bank shall keep sufficient stock of printed copies of the forms of loan application and shall supply them to the intending borrower on payment of such fees as may be specified, from time to time, by the Co-operative Land Development Bank, with the approval of the Registrar.
- (3) Every Co-operative Land Development Bank shall specify, from time to time, the name, designation and address of the Officer, who shall receive all loan applications from the intending borrowers.
- (4) The application together with copies of necessary documents and the amount of all fees specified by the Co-operative Land Development Bank with the approval of the Registrar and deposits equivalent to the value of one share, of the Bank, shall be submitted by the applicant to the Receiving Officer.
- (5) On receipt of an application for loan, the Receiving Officer shall put his initial on the application and mention his designation and the date of receipt of the application.
- (6) After an application for loan has been received, the Receiving Officer shall verify whether it contains all the necessary particulars and is accompanied by the necessary documents. If any details are lacking, he shall get the application completed by the applicant.
- (7) Each application shall be entered in the chronological order in the register of applications for loans from the Land Development Bank to be maintained by the Receiving Officer and shall be dealt with in the same order.
- (8) Immediately after the application is entered in the Register of applications for loans from the Co-operative Land Development Bank, the Receiving Officer shall forward it to the Assistant Registrar of Co-operative Societies within whose jurisdiction the land in respect of which the application is made is situate (hereinafter in this chapter referred to as the Public Enquiry Officer). The Public Enquiry Officer shall give at least eight days' public notice in Form "V" calling upon all persons interested to present their objections to the loan, if any. The notice shall also be given by beat of drum and shall be affixed at the visible place of the village or villages where the applicant resides and in the limits of which the land or lands proposed to be improved or offered as security for the loan is or are situated. A copy of the notice shall be exhibited in the Head Office and relevant branch office, if any, of the Land Development Bank concerned and in the Office, if any, of the person giving the notice.
- (9) The Public Enquiry Officer shall consider every objection submitted under sub-section (1) of section 122 in the manner laid down in that section.

- (10) (a) The Public Inquiry Officer shall then forward the applications within five days of their disposal to the Co-operative Land Development Bank concerned. The Co-operative Land Development Bank may appoint an Enquiry Officer (hereinafter in this chapter referred to as the Enquiry Officer) to inquire into the applications. The Enquiry Officer shall make inquiry by actually visiting the land in which the improvement is proposed to be effected and the lands and other property offered as security. He shall conduct his inquiry in accordance with the form to be specified by the Co-operative Land Development Bank, with the approval of the Registrar.
- (b) In case the Public Enquiry Officer is unable to forward the application within five days, he shall make a report to the Registrar stating thereunder the reasons therefor and he shall, thereafter act in accordance with such directions as may be issued to him by the Registrar.
- (11) (a) The Enquiry Officer may make such other enquiries as may be necessary and shall value the lands according to such formula as may be laid down by the Co-operative Land Development Bank, with the approval of the Registrar, from time to time, estimate the repaying capacity of the applicant and examine the feasibility and the utility of the proposed improvement. He shall then submit his report stating what amount of loan may be granted to the applicant against what security and for what purpose and the period within which it may be recovered from him. The Enquiry Officer shall complete his enquiry within 15 days of the date of the receipt of the application by him.
- (b) If the Enquiry Officer is unable to complete his enquiry within fifteen days, he shall make a report to the Registrar stating therein the reasons therefor and he shall thereafter act in accordance with such directions as may be issued to him by the Registrar.
- (12) After completion of the enquiry, the application together with his report shall be submitted by the Enquiry Officer to the Co-operative Land Development Bank together with following certificate :—
- (a) Certificate regarding outstanding Government dues.
- (b) Any other relevant certificate.
- (13) On receipt of the report of the Enquiry Officer under sub-rule (12), the Co-operative Land Development Bank shall satisfy itself that the inquiry has been properly conducted. If there are any deficiencies, the Bank shall get them completed immediately.

- (14) The Co-operative Land Development Bank may then undertake such further scrutiny as may be necessary and pass final orders within 30 days. Decision shall be communicated to the applicant within 15 days thereafter. In case the final orders are not passed within 30 days, the Bank shall make a report to the Registrar stating therein the reasons therefor and shall thereafter act in accordance with such directions as may be issued to it by the Registrar.
- (15) In the case of rejection of applications for loans, the reasons therefor shall be communicated by the Bank to the applicant. When the loan has been sanctioned, the Bank shall lay down the terms and conditions regarding grant of the loan, regarding payment of instalments, submission of report on the progress of improvement of land and release of subsequent instalments. The applicant shall be asked by the Co-operative Land Development Bank to remain present, at the Head Office or branch office of the Bank on a date to be fixed for execution of the mortgage deed and for receiving loan or the first instalment thereof. Such date shall not ordinarily be later than 15 days from the date of communication of sanction of loan to the applicant.
- (16) The applicant, while receiving the amount of the loan or the first instalment of the loan, shall purchase shares of the Bank to such extent as may be required under the bye-laws of the Bank. The Co-operative Land Development Bank shall issue a receipt to the applicant giving full particulars of the amounts paid by him from time to time.
- (17) Failure to comply with any time limits specified in this rule shall not in any manner affect the validity of the sanction of the loans by a Co-operative Land Development Bank.

Registration
of copies of
instruments
under section
123.

95. Copies of instruments referred to in section 123, duly certified by the Manager of the Co-operative Land Development Bank, shall be sent by the Co-operative Land Development Bank to the Registering Officer concerned within a period of three months from the date of execution of the instruments, by registered post or by hand delivery.

Appointment
of Receiver
and his powers
under section
133.

96. (1) The Co-operative Land Development Bank may, in which the power of sale conferred by section 133 can be exercised, appoint any person in writing to be a Receiver of the produce and income of the mortgage property or any part thereof and such Receiver shall be entitled either to take possession of the property or collect its produce and income, as the case may be, to retain out of any money realised by him his expenses of management including his remuneration, if any, as fixed by the Co-operative Land Development Bank and to apply the balance in accordance with the provisions of sub-section (8) of section 69-A of the Transfer of property Act, 1882.

(2) A Receiver appointed under sub-rule (1) may, for sufficient cause and on application made by the mortgager, be removed by the Co-operative Land Development Bank.

(3) A vacancy in the office of the Receiver may be filled by the Co-operative Land Development Bank.

(4) Nothing in this rule shall empower the Co-operative Land Development Bank to appoint a Receiver where the mortgaged property is already in the possession of a Receiver appointed by a Civil Court.

Appointment, qualifications and powers and functions of a sale officer under section 133.

97. A Co-operative Land Development Bank may, from time to time, by a resolution of its committee, appoint any of its officers or any other person as a Sale Officer, with the approval of the State Government, for the purpose of effecting sale of mortgaged property under section 133. Such Sale Officer shall exercise the same powers and functions as are conferred upon a Recovery Officer and a Sale Officer under these rules.

Procedure for distraint and sale of the produce of the mortgaged land and sale of mortgaged property.

98. The procedure laid down in rule 107 shall *mutatis mutandis* apply for the distraint and sale of the produce of the mortgaged land and the sale of mortgaged property under sections 132 and 133 :

Provided that in the case of sale of mortgaged property, the notice of demand for the payment of the mortgage money or part thereof, as the case may be, as also the notice for the sale of the mortgaged property in the event of the payment not being made within the time allowed, shall be served upon the mortgagor or each of the mortgagors and also upon the following persons, namely :—

- (i) any person who has any interest in or charge upon, the property mortgaged, or in or upon the right to redeem the same, so far as is known to the Bank ;
- (ii) any surety for the payment of the mortgaged debt or any part thereof, and
- (iii) any creditor of the mortgagor who has in a suit for administration of his estate obtained decree for sale of mortgaged property.

The time allowed for payment of the mortgage money or part thereof in the demand notice referred to above, shall be not less than three months after the service of the notice.

Circumstances under which the Trustee may take action under section 133(2).

99. If a Co-operative Land Development Bank fails to take action against a defaulter under sections 129 or 132 or sub-section (1) of section 133, the Trustee may call upon the Co-operative Land Development Bank to take action against the defaulter within a period of seven days and report compliance. If no report of compliance is received the Trustee may himself take necessary action as indicated in the aforesaid section and sub-section.

(2) A Receiver appointed under sub-rule (1) may, for sufficient cause and on application made by the mortgager, be removed by the Co-operative Land Development Bank.

(3) A vacancy in the office of the Receiver may be filled by the Co-operative Land Development Bank.

(4) Nothing in this rule shall empower the Co-operative Land Development Bank to appoint a Receiver where the mortgaged property is already in the possession of a Receiver appointed by a Civil Court.

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- (i) any person who has any interest in or charge upon, the property mortgaged, or in or upon the right to redeem the same, so far as is known to the Bank ;
- (ii) any surety for the payment of the mortgaged debt or any part thereof, and
- (iii) any creditor of the mortgagor who has in a suit for administration of his estate obtained decree for sale of mortgaged property.

The time allowed for payment of the mortgage money or part thereof in the demand notice referred to above, shall be not less than three months after the service of the notice.

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99. If a Co-operative Land Development Bank fails to take action against a defaulter under sections 129 or 132 or sub-section (1) of section 133, the Trustee may call upon the Co-operative Land Development Bank to take action against the defaulter within a period of seven days and report compliance. If no report of compliance is received the Trustee may himself take necessary action as indicated in the aforesaid section and sub-section.

Sale of
immovable
property
purchased by a
Co-operative Land
Development
Bank.

102. (1) The Co-operative Land Development Bank which has purchased any immovable property sold under Chapter XII of the Act shall, unless otherwise directed by the Trustee use its best endeavour to sell the property as early as possible to the best advantage of the Bank. The sale shall be effected by public auction within a period of six months from the date of purchase or within such further period as may be permitted by the Trustee.

(2) The date and the place of such public auction shall previously be notified not less than thirty days by—

- (a) advertising the sale of property with full details in one or more local news papers.
- (b) proclamation of sale by beat of drum in the village where the property is situated.
- (c) publication of sale notice at—
 - (i) the visible place in the village or town,
 - (ii) the office of the Tehsilder,
 - (iii) the office of the Co-operative Land Development Bank,
 - (iv) the office of the Assistant Registrar, Co-operative Societies in the District.

The sale shall be subject to confirmation by the State Government.

Certain provisions of
rule 105 to
apply to sale
of immovable
property under
Chapter XII
of the Act.

103. (1) The provisions of clauses (a), (b), (g), (h), (i), (j) and (k) of sub-rule (11) and sub-rules (12), (13) and (14) of rule 107 shall *mutatis mutandis* apply to the sale of immovable property under Chapter XII of the Act.

(2) The expenses incidental to such sale or attempted sale shall be calculated in accordance with the scale laid down in that behalf by the Registrar, from time to time.

CHAPTER XI

Appeals, Review and Revision

Qualifications
and appoint-
ment of
President and
Members of
Tripura Co
operative
Tribunal.

104. (1) The President of the Tribunal shall be a person who has been a Judge of any High Court in India or is a retired District Judge, retired Additional District Judge or a person who has for not less than ten years been an Advocate or a Pleader, or who has held the office of the Registrar of Co-operative Societies for not less than three years under any State Government in India.

(2) The other members of the Tribunal shall be persons who have held the office of the Registrar or Joint Registrar or Deputy Registrar of Co-operative Societies for not less than three years under any State Government in India, or non-official closely associated with the Co-operative movement who possess legal qualification and experience and provided that at least one of the other members shall be a person who has for not less than ten years been an advocate or a pleader.

(3) Notwithstanding anything contained in sub-rules (1) and (2), a person shall be disqualified for being appointed as, or for being President or a member of the Tribunal if he is a member of the committee of any society other than an educational society, a propagandist society or a federal society which is not a business institution.

(4)(a) The President and each of the other members of the Tribunal shall hold office for such period, not less than two years as the State Government may by notification in the official Gazette, specify in this case, and shall be eligible for re-appointment.

(b) Notwithstanding anything contained in clause (a) no person shall be eligible to continue to hold office of the President or a member after he attains the age of sixty-five years.

(c) The President or a member of the Tribunal may at any time resign his office.

(d) The President or a member of the Tribunal may, with the previous permission of the State Government, hold any other office, appointment or employment not inconsistent with his position on the Tribunal.

(5) Notwithstanding anything contained in sub-rule (4), the State Government may terminate, at any time, the appointment of the President or a member, if, in its opinion, such President or member is, unable or unfit to continue to perform the duties of his office :

Provided that no appointment shall be terminated under this sub-rule unless the person whose appointment is proposed to be terminated is given a reasonable opportunity of showing cause against such termination.

(6)(i) If any vacancy occurs by leave of absence, deputation, death, resignation, expiry of the period of appointment, termination of the appointment or for any other cause whatsoever, such vacancy shall be filled by a person qualified for appointment under this rule.

(ii) Till the vacancy in the office of the President is filled under sub-rule (1), the senior most member shall act as the President of the Tribunal.

(7) The Headquarters of the Tribunal shall be at Agartala, or at such other place or places as may be notified by the State Government in the Official Gazette.

105. The appeals which lie to the State Government under the Act may be heard by the Secretary or the Deputy Secretary to Government of Tripura in the Co-operative Department.

Constitution
of authority by
State Govern-
ment to hear
appeals which
lie to that
Government.

Procedure for
presentation
to and disposal
of appeals by
State Govern-
ment and
Registrar under
section 151.

106. (1) An appeal to the State Government or the Registrar shall be presented by the appellant or by his duly appointed agent to the appellate authority either in person during office hours or sent to it by registered post.

(2) When such an appeal is presented by an agent, it shall be accompanied by a letter of authority of the appellant appointing him as such.

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

(4) Every appeal shall—

- (i) be either type-written or hand written in ink legibly ;
- (ii) specify the name and the address of the appellant* and also the name and address of the opponent, as the case may be ;
- (iii) state by whom the order against which the appeal is preferred was made ;
- (iv) clearly state the grounds on which the appeal is made ;
- (v) state precisely the relief which the appellant claims ; and
- (vi) give the date of the order appealed against.

(5) On receipt of the appeal, the appellate authority shall endorse on it the date of its receipt by it. The appellate authority shall, as soon as possible, examine it and satisfy itself —

- (i) that the person presenting it has the authority to do so ;
- (ii) that it is made within the prescribed time limit ; and
- (iii) that it conforms to all the provisions of the Act and these rules.

(6) If the appellate authority finds that the appeal presented does not conform to any of the said provisions, it shall make a note on the appeal to that effect and may call upon the appellant or his agent to remedy the defects within a period of seven days of the receipt of the notice to do so. or in case the appeal has not been presented within the prescribed time limit to show cause within the said period of seven days why it should not be dismissed as time-barred by the appellate authority.

(7) If the defect is remedied or the cause shown by the appellant or his agent satisfies the appellate authority, the appellate authority may proceed to consider the appeal.

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

(9) On the date so fixed, the appellate authority shall go through the relevant papers, hear the appellant or his agent, if present, and pass suitable order on the appeal.

(10) The appellate authority may, at its discretion, adjourn to any other day the hearing of any appeal at any stage.

(11) When the hearing of the appeal is completed, the appellate authority shall announce its judgement forthwith or may fix a date for the same, after giving due notice to the appellant or the other parties to the appeal.

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

CHAPTER—XII MISCELLANEOUS

Procedure for
attachment and
sale of
property
under section
155.

107. (1) A creditor holding a decree requiring the provisions of section 155 to be applied, or society to which—

- (a) any amount is due under a decree or order of a Civil Court obtained by the society ;
- (b) any amount is due under a decision, award or order of the Registrar, Arbitrator, Liquidator or Tribunals ;
- (c) any sum is awarded by way of costs under the Acts ;
- (d) any amount is due under a certificate granted by the Registrar to the assets of the society ;
- (e) any amount is due under a certificate granted by the Registrar under sub-section (1) or (2) of section 104 or under sub-section (1) of section 137 together with interest, if any, due on such amount or sum and the costs of process by the attachment and sale or by sale without attachment of the property of person against whom such decree, decision, award or order has been obtained or passed, shall apply to the Recovery Officer within whose jurisdiction the debtor resides or the property of the debtor is situated. In the case of a society, a copy of the resolution of the committee of the society authorising any of its members to make and sign the application on its behalf, shall accompany the application.

(2) Every such application shall be made in the form specified by the Registrar and shall be signed by the applicant and shall be accompanied by deposit of such amount, if any, as may be specified by the Registrar to cover the cost of process. The scales for such cost of process shall be fixed by the Registrar from time to time, by a general or special order under such scales, the fee for issuing any notice shall not exceed Rs. 2/- and the daily allowance to be paid to any person serving any notice shall not exceed Rs. 5/- per day, and the deposit for other costs of process shall not exceed the expenditure likely to be incurred for recovering the amount. The applicant may indicate whether he wishes to proceed against the immovable property mortgaged to the applicant or other immovable property or to secure the attachment of movable property.

(3) On receipt of such application or when the Registrar is proceeding under rule 85 the Recovery Officer shall verify the correctness and genuineness of the particulars set forth in the application with the records, if any, in the office of the Registrar and prepare a demand notice in writing in duplicate in the form specified by the Registrar, setting forth the name of the defaulter and the amount due and forward it to the Sale Officer.

(4) Unless the applicant has expressed a desire that proceedings should be taken in a particular order as laid down in sub-rule (2), execution shall ordinarily be taken in the following manner:—

(i) movable property of the defaulter shall be first proceeded against but this shall not preclude the immovable property being proceeded against simultaneously in case of necessity.

(ii) if there is no movable property or if the sale proceeds of the movable property or properties attached and sold are insufficient to meet in full the demand of the applicant, the immovable property mortgaged to the applicant or other or other immovable property belonging to the defaulter may be proceeded against.

(5) In the seizure and sale of movable property the following rules shall be observed:—

(a) The Sale Officer shall, after giving previous notice to the applicant, proceed to the village where the defaulter resides or the property to be distrained is situated and serve a demand notice upon the defaulter if he is present. If the amount due together with the expenses be not at once paid, the Sale Officer shall make the distress and shall immediately deliver to the defaulter a list of inventory of the property distrained and an intimation of place and day and hour at which the distrained property will be brought to sale if the amounts due are not previously discharged. If the defaulter is absent, the Sale Officer shall serve the demand notice on some adult male member of his family or on his authorised agent, or when such service cannot be effected, shall affix a copy of the demand notice on some conspicuous part of his residence. He shall then proceed to make the distress and shall fix the list of the property attached on the usual place of residence of the defaulter endorsing thereon the place where the property may be lodged or kept and an intimation of the place, day and hour of sale.

(b) After the distress is made, the sale Officer may arrange for the custody of the property attached with the applicant or otherwise. If the Sale Officer requires the applicant to undertake the custody of the property, he shall be bound to do so and any loss incurred owing to his negligence shall be made good by the applicant. If the attached property is live stock, the applicant shall be responsible for providing the necessary food therefor. The Sale Officer may, at the instance of the defaulter or of any person claiming an interest in such pro-

erty, leave it in the village or place where it was attached, in charge of such defaulter or such person, if he enters into a bond in the form specified by the Registrar with one or more sufficient sureties for the production of the property when called for.

(c) The distress shall be made after sunrise and before sunset and not at any other time.

(d) The distress levied shall not be excessive, that is to say, the property distrained shall as nearly as possible be proportionate to the sum due by the defaulter together with interest and all expenses incidental to the distraint, detention and sale.

(e) If crops or ungathered products of the land belonging to a defaulter are attached, the Sale Officer may cause them to be sold when fit for reaping or gathering, or at his option may cause them to be reaped or gathered in due season and stores in proper place until sold. In the latter case, the expense of reaping or gathering and storing such crops or products shall be defrayed by the owner upon his redeeming the property or from the proceeds of the sale in the event of its being sold.

(f) The Sale Officer shall not work the bullocks or cattle, or make use of the goods or effects distrained, and he shall provide the necessary food for the cattle or live stock, the expense attending which shall be defrayed by the owner upon his redeeming the property or from the proceeds of the sale in the event of its being sold.

(g) It shall be lawful for the Sale Officer to force open any stable, cow-house, granary, go-down, out-house or other building and he may also enter any dwelling house, the outer door of which may be open and may break open the door of any room in such dwelling house for the purpose of attaching property belonging to a defaulter and lodged therein, provided always that it shall not be lawful for the Sale Officer to break open or enter apartment in such dwelling house appropriated for the Zenana or residence of women except as hereinafter provided.

(h) Where the Sale Officer may have reason to believe that the property of a defaulter is lodged within a dwelling house the outer door of which may be shut or within any apartments appropriated to women which by custom or usage are considered private, the Sale Officer shall report the fact to the Officer-in-Charge of the nearest police Station. On such report the Officer-in-Charge of the said Station shall send a police Officer to the spot in the presence of whom the Sale Officer may force open the outer door of such dwelling house or break open the door of any room within the house except the room appropriated by women. The Sale Officer may also, in the presence of a police officer, after due notice given for the removal of women within a Zenana (residence of women) and, after furnishing means for

their removal in a suitable manner if they be women of rank, who according to the custom or usage cannot appear in public, enter the Zenana apartments for the purpose of distraining the defaulter's property if any, deposited therein but such property if found shall be immediately removed from such apartments after which they shall be left free to the former occupants.

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

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

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

Provided that it shall be open to the Sale Officer to decline to accept the highest bid where the price offered appears to be unduly low or for other adequate reasons.

Provided further that the Recovery Officer or the Sale Officer may, in his discretion, adjourn the sale to a specific day and hour recording his reasons for such adjournment. Where a sale is so adjourned for a longer period than seven days, a fresh proclamation under clause (i) shall be made unless the defaulter consents to waive it.

(k) The property sold shall be paid for in cash at the time of sale or as soon thereafter as the Sale Officer shall appoint and the purchaser shall not be permitted to carry away any part of the property until he has paid for it in full. Where the purchaser fails in the payment of purchase money, the property shall be resold.

(l) Where the proceeds from the sale of the property exceed the amount due from the debtor, the excess amount after deducting the interest and the expenses of process and other charges, shall be paid to the defaulter.

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

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

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

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

(ii) Where the property to be attached is a negotiable instrument not deposited in Court, nor in the custody of a public officer, the attachment shall be made by actual seizure and the instrument shall be brought to the office of the Recovery Officer ordering the attachment and be held subject to his further orders.

(iii) Where the property to be attached is in the custody of any Court or public officer, the attachment may be made by a notice to such Court or officer requesting that such property and any interest or dividend becoming payable thereon may be held subject to the further demands of the Recovery Officer issuing the notice :

Provided that where such property is in the custody of a Court or Recovery Officer of another district, any question of title or priority arising between the applicant and any other person not being the defaulter, claiming to be interested in such property by virtue of any assignment, attachment or otherwise shall be left to be determined by such Court or Recovery Officer.

(8) (i) Where the property to be attached is a decree either for the payment of money or for sale in enforcement of a mortgage or charge, the attachment shall be made, if the decree sought to be attached was passed by the Registrar or by any person to whom a dispute was transferred by the Registrar under section 95 by a nominee or a board of nominees, then by the order of the Registrar.

(ii) Where the Registrar makes an order under clause (i), he shall, on the application of the applicant who was

attached the decree, proceed to execute the attached decree and apply the net proceeds in satisfaction of the decree sought to be executed.

(iii) The holder of a decree sought to be executed by the attachment of another decree of the nature specified in clause (i) shall be deemed to be the representative of the holder of the attached decree and to be entitled to execute such attached decree in any manner for the holder thereof.

(iv) Where the property to be attached in execution of a decree is a decree other than a decree of the nature referred to in clause (i), the attachment shall be made by the issue of a notice by the Recovery Officer to the holder of such decree, prohibiting him from transferring or charging the same in any way.

(v) The holder of a decree attached under this sub-rule shall give the Recovery Officer executing the decree such information and aid as may reasonably be required.

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

(9) Where the movable property to be attached is—

(a) a debt due to the defaulter in question,

(b) a share in the capital of a corporation or a deposit invested therein; or

(c) other movable property not in the possession of the defaulter, except property deposited in, or in the custody of, any Civil Court the attachment shall be made by a written order signed by the Recovery Officer prohibiting—

(i) in the case of a debt, the creditor from recovering the debt and the debtor from making payment thereof;

(ii) in the case of a share or deposit, the person in whose name the share or the deposit may be standing, from transferring the share or deposit or receiving any dividend or interest thereon; and

(iii) in the case of any other movable property the person in possession of it from giving it over to the defaulter.

A copy of such order shall be sent, in the case of the debt, to the debtor, in the case of the share or deposit, to the proper officer of

the corporation and in the case of any other movable property to the person in possession of such property. As soon as the debt referred to in clause (a) or the deposit referred to in clause (b) matures, the Recovery Officer may direct the person concerned to pay the amount to him. Where the share is not withdrawable, the Recovery Officer shall arrange for its sale through a broker. Where the share is withdrawable, its value shall be paid to the Recovery Officer or to the party referred to in clause (c). The person concerned shall place it in the hands of the Recovery Officer as it becomes deliverable to the debtor.

(10) Immovable property shall not be sold in execution of a decree unless such property has been previously attached :

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

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

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

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

Provided that where the Recovery Officer is satisfied that a defaulter with intent to defeat or delay the execution proceeding against him is about to dispose of the whole or any part of his property, the demand notice issued by the Recovery Officer under sub-rule (3) shall not allow any time to the defaulter for payment of the amount due by him and the property of the defaulter shall be attached forthwith.

(c) If the defaulter fails to pay the amount specified in the demand notice within the time allowed, the Sale Officer shall proceed to attach and sell, or sell without attachment, as the case may be, the immovable property noted in the application for execution in the following manner.

(d) Where attachment is required before sale, the sale officer shall, if possible, cause a notice of attachment to be served on the defaulter personally. Where personal service is not possible, the notice shall be affixed in some conspicuous part of the defaulter's last known residence, if any. The fact of attachment shall also be proclaimed by beat of drum or other customary mode at some place on, or adjacent to, such property and at such other place or places as the Recovery Officer may consider necessary to give due publicity to the sale. The attachment notice shall set forth that, unless the amount due with interest and expenses be paid within the date therein mentioned, the property will be brought to sale. A copy shall be sent to the applicant. Where the Sale Officer so directs, the attachment shall also be notified by public proclamation in the official gazette.

(e) Proclamation of sale shall be published by affixing a notice in the office of the Recovery Officer and the Tehsil Office at least thirty days before the date fixed for the sale and also by beat of drum in the village (on two consecutive days previous to the date of sale and on the date of sale prior to the commencement of the sale). Such proclamation shall, where attachment is required before sale, be made after the attachment has been effected. Notice shall also be given to the applicant and the defaulter. The proclamation shall state the time and place of sale and specify as fairly and accurately as possible:

- (i) the property to be sold;
- (ii) any encumbrance to which the property is liable;
- (iii) the amount for the recovery of which sale is ordered, and
- (iv) every other matter which the Sale Officer considers material for a purchaser to know in order to judge the nature and value of property.

(f) When any immovable property is sold under these rules, the sale shall be subject to the prior encumbrances on the property, if any. The applicant shall, when the amount for the realisation of which the sale is held exceeds Rs. 100/-, furnish to the Sale Officer within such time as may be fixed by him or by the Recovery Officer, an encumbrance certificate from the Registration Department for the period of not less than twelve years prior to the date of attachment of the property sought to be sold, or in cases falling under the proviso to sub-rule (10), prior to the date of the application for execution. The time for production of the encumbrance certificate may be extended at the discretion of the Sale Officer or the Recovery Officer, as the case may be. The sale shall be by public auction to the highest bidder:

Provided that it shall be open to the Sale Officer to decline to accept the highest bid where the price offered appears to be unduly low or for other adequate reasons:

Provided further that the Recovery Officer or the Sale Officer may, in his discretion, adjourn the sale to a specified day and hour, recording his reason for such adjournment. Where a sale is so adjourned for a longer period than seven days, a fresh proclamation under clause (e) shall be made, unless the defaulter consents to waive it.

The sale shall be held after expiry of not less than thirty days calculated from the date on which notice of the proclamation was affixed in the office of the Recovery Officer. The time and place of sale shall be fixed by the Recovery Officer and the place of sale shall be the village where the property to be sold is situated or such adjoining prominent place of public resort as may be fixed by the Recovery Officer :

Provided that in cases where an encumbrance certificate is not obtainable owing to the destruction of the connected records, an affidavit from a Magistrate in regard to the encumbrances known to him supported by a certificate from the Registration Department that the encumbrance certificate cannot be granted owing to the destruction of the connected records, shall be accepted in place of an encumbrance certificate.

(g) A sum of money equal to 15 percent of the price of the immovable property shall be deposited by the purchaser in the hands of the Sale Officer at the time of the purchase, and in default of such deposit, the property shall forthwith be resold :

Provided that where the applicant is the purchaser and is entitled to set off the purchase money under clause(k) the Sale Officer shall dispense with the requirements of this clause.

(h) The remainder of the purchase money and the amount required for the general stamp for the sale certificate shall be paid within fifteen days from the date of sale :

Provided that the time for payment of the cost of the stamp may, for good and sufficient reasons, be extended at the discretion of the Recovery Officer upto thirty days from the date of sale :

Provided further that in calculating the amounts to be paid under this clause, the purchaser shall have the advantage of any set off to which he may be entitled under clause(k).

(i) In default of payment within the period mentioned in the last preceding clause, the deposit may, if the Recovery Officer thinks fit, after defraying the expenses of the sale, be forfeited to the State Government and the defaulting purchaser shall forfeit all claims to the property or to any part of the sum for which it may subsequently be sold.

(j) Every resale of immovable property in default of payment of the amounts mentioned in clause(h) within the period allowed for such payment, shall be made after the issue of a fresh proclamation in the manner and for the period hereinbefore prescribed for the sale.

(k) Where an applicant purchases the property, the purchase money and the amount due on the decree shall be set off against one another, and the Sale Officer shall enter up satisfaction of the decree in whole or in part accordingly.

(12) Where prior to the date fixed for a sale, the defaulter or any person acting on his behalf or any person claiming an interest in the property sought to be sold tenders payment of the full amount due together with interest, batta and other expenses incurred in bringing the property to sale, including the expenses of attachment, if any, the Sale Officer shall forthwith release the property after cancelling, where the property has been attached, the order of attachment.

(13) (i) Where immovable property has been sold by the Sale Officer, any person either owning such property or holding any interest therein by virtue of a title acquired before such sale may apply to have the sale set aside on his depositing with Recovery Officer—

(a) for payment to the purchaser, a sum equal to 5 percent of the purchase money, and

(b) for payment to the applicant, the amount of arrears specified in the proclamation of sale as that for the recovery of which the sale was ordered together with interest thereon and the expenses of attachment, if any, and sale and other costs due in respect of such amount, less amount which may since the date of such proclamation have been received by the applicant.

(ii) If such deposit and application are made within thirty days from the date of sale, the Recovery Officer shall pass an order setting aside the sale and shall repay to the purchaser, the purchase money so far as it has been deposited, together with the 5 percent deposited by the applicant.

Provided that if more persons than one have made deposit and application under this sub-rule, the application of the first depositor to the Officer authorised to set aside the sale, shall be accepted.

(iii) If a person applies under sub-rule(14) to set aside the sale of immovable property, he shall not be entitled to make an application under this sub-rule.

(14) (i) At any time within thirty days from the date of the sale of immovable property, the applicant or any person entitled to share in a rateable distribution of the assets or whose interests are affected by the sale, may apply to the Recovery Officer to set aside the sale on the ground of a material irregularity or mistake or fraud in publishing or conducting it:

Provided that no sale shall be set aside on the ground of irregularity or fraud unless the Recovery Officer is satisfied that the applicant has sustained substantial injury by reason of such irregularity, mistake or fraud.

(ii) If the application be allowed, the Recovery Officer shall set aside the sale and may direct a fresh one.

(iii) On the expiration of thirty days from the date of sale, if no application to have the sale set aside is made or if such application has been made and rejected, the Recovery Officer shall make an order confirming the sale :

Provided that if he shall have reason to believe that the sale ought to be set aside notwithstanding that no such application has been made or on grounds other than those alleged in any application which has been made and rejected, he may, after recording his reasons in writing, set aside the sale.

(iv) Whenever the sale of any immovable property is not so confirmed or is set aside, the deposit or the purchase money, as the case may be, shall be returned to the purchaser.

(v) After the confirmation of any such sale, the Recovery Officer shall grant a certificate of sale bearing his seal and signature to the purchaser, and such certificate shall state the property sold and the name of the purchaser.

(15) It shall be lawful for the Sale Officer to sell the whole or any portion of the immovable property of a defaulter in discharge of money due :

Provided that so far as may be practicable no larger section or portion of immovable property shall be sold than that may be sufficient to discharge the amount due with interest and expenses of attachment, if any, and sale.

(16) Where the cost and charges incurred in connection with attachment and sale of movable property or the attachment and sale or sale without attachment of immovable property under this rule, exceeds the amount of the cost deposited by the applicant, such excess shall be deducted from the sale proceeds of the property sold or the moneys paid by the defaulter, as the case may be, and the balance shall be made available to the applicant.

(17) Every person making a payment towards any money due for the recovery of which application has been made under this rule shall be entitled to a receipt for the amount signed by the Sale Officer or other officer empowered by the Recovery Officer in that behalf ; such receipt shall state the name of the person making the payment and the subject matter in respect of which the payment is made.

(18) (a) Where any claim is preferred to, or any objection is made to the attachment of, any property attached under this rule on the ground that such property is not liable to such attachment, the Sale Officer shall investigate the claim or objection and dispose it of on merits :

Provided that no such investigation shall be made when the Sale Officer considers that the claim or objection is frivolous.

(b) Where the property to which the claim or objection relates has been advertised for sale, the Sale Officer may

postpone the sale pending the investigation of the claim or objection.

(c) Where a claim or objection is preferred to, the party against whom an order is made may institute a suit to establish the right which he claims to the property in dispute, but, subject to the result of such suit, if any, the order shall be final.

(19) (i) Any deficiency of price which may arise on a re-sale held under clause (j) of sub-rule (11) by reason of the purchaser's default, and all expenses attending such re-sale shall be certified by the Sale Officer to the Recovery Officer and shall, at the instance of either the applicant or the defaulter, be recoverable from the defaulting purchaser under the provisions of this rule. The costs, if any, incidental to such recovery shall also be borne by the defaulting purchaser.

(ii) Where the property may on the second sale, sell for a higher price than at the first sale, the defaulting purchaser at the first sale, shall have no claim to the difference or increase.

(20) Where any property has been attached in execution of decree but by reason of the applicant's default the Recovery Officer is unable to proceed further with the application for execution, he shall either dismiss the application or for any sufficient reason adjourn the proceedings to a future date. Upon the dismissal of such application, the attachment shall cease.

(21) Where assets are held by the Sale Officer and before the receipt of such assets, demand notices in pursuance of applications for execution of decree against the same defaulter have been received from more than one applicant and the applicants have not obtained satisfaction, the assets, after deducting the costs of realisation, shall be rateably distributed by the Sale Officer among all such applicants in the manner provided in section 73 of the code of Civil Procedure, 1908.

(22) Where a defaulter dies before the decree has been fully satisfied, an application under sub-rule (1) may be made against the legal representative of the deceased and thereupon all the provisions of this rule shall, save as otherwise provided in this sub-rule, apply as if such legal representative were the defaulter. Where the decree is executed against such legal representative, he shall be liable only to the extent of the property of the deceased which has come to his hands and has not been duly disposed off; and for the purpose of ascertaining such liability, the Recovery Officer executing the decree may, of his own motion or on the application of the applicant compel such legal representative to produce such accounts as he thinks fit.

Contributions,
fees and charges
to be credited
to Government

108. All fees paid under sub-section (3) of section 111 and all charges levied under rule 74 shall be credited to the State Government.

Communication
of decision,
award etc.

109. Any order, decision or award required to be communicated under the Act or these rules, shall unless otherwise specifically provided in the Act or the rules, be posted to the last address of the party as given by the party under the certificate of posting and under intimation to the society, with instructions to display a copy thereof on its notice board.

Repeal and
savings.

110. (1) The Tripura Co-operative Societies Rules, 1959 (hereinafter referred to as the said Rules) are hereby repealed.

Provided that the repeal shall not affect the previous operation of the said Rules so repealed and anything done or any action taken or deemed to have been done or taken (including any appointment or delegation made, application or other document filed, certificate of registration granted, agreement executed, notification, order, direction or notice issued, regulation, form or bye-law framed, or proceeding instituted before the Registrar, Liquidator or Tribunal or other officer, authority or person) by or under the provisions of the said Rules, be deemed to have been done or taken under the corresponding provisions of these rules, and shall continue in force unless and until superseded by anything done or any action taken under these rules.

(2) Accordingly, all societies registered or deemed to be registered under the Rules repealed the registration of which is in force at the commencement of these rules, shall on such commencement be deemed to be registered under these rules; and all proceedings pending immediately before such commencement before the Registrar, Liquidator or Tribunal or other officer, authority or person under the provisions of the repealed Rules shall stand transferred, where necessary to the Registrar, Liquidator or Tribunal or other corresponding Officer, authority or person under these rules, and if no such office, authority or person exists or if there be a doubt as to the corresponding officer, authority or person to such officer, authority or person as the Government may designate and shall be continued and disposed of before such officer, authority or person in accordance with the provisions of these rules.

(3) Any reference to the Rules repealed or to any provisions thereof or to any officer, authority or person entrusted with any functions thereunder, in any law for the time being in force or in any instrument or document, shall be construed, where necessary, as a reference to these rules or their relevant provisions or the corresponding officer, authority or person functioning under these rules, and the corresponding officer, authority or persons, as the case may be, shall have and exercise the functions under the repealed Rules or under the instrument or document.

1. Name of proposed Society.
2. Address to be registered.
3. Class of Society.
4. Is liability limited or unlimited?
5. Area of operation—
6. No. of members at present.
7. What is the occupation of members.
8. Capital with details of shares, deposits, fees etc.
9. No. and value of shares proposed to be issued.
10. Managing Committee—

We, the undersigned, apply that the above society may be registered under section 9 of the Tripura Co-operative Societies Act, 1974 (Tripura Act No. 8 of 1974). We enclose herewith four copies of the proposed bye-laws signed.

Sl. No.	Name of member	Father's name	Age	Profession	Residence	Signature
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FORM 'A'

Form of Application for Registration of a Co-operative Society
with Limited/Unlimited Liability.
(See rule 4)

1. Name of proposed Society.
2. Address to be registered.
3. Class of Society.
4. Is liability limited or unlimited ?
5. Area of operation—
6. No. of members at present.
7. What is the occupation of members.
8. Capital with details of shares, deposits, fees etc.
9. No. and value of shares proposed to be issued.
10. Managing Committee—

We, the undersigned, apply that the above society may be registered under section 9 of the Tripura Co-operative Societies Act, 1974 (Tripura Act No. 8 of 1974). We enclose herewith four copies of the proposed bye-laws signed.

Sl. No.	Name of member	Father's name	Age	Profession	Residence	Signature
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FORM 'C'

[See rule 5(3)]

CERTIFICATE OF REGISTRATION

Registration No. of 197

In the Office of the Registrar of Co-operative Societies,
under the Tripura Co-operative Societies Act of 1974.

In the matter of the application for Registration of a Co-operative Society at

I do hereby certify that pursuant to provisions contained in Section 9 of the Tripura Co-operative Societies Act, 1974, a Society under the title "....." along with the bye-laws filed by the said society has been registered as a Co-operative Society with limited liability on this day of

One Thousand Nine Hundred and Seventy...

The area of operation of the society so registered, shall be confined within

Registrar of Co-operative Societies,
Government of Tripura.

FORM 'D'

(See rule 6)

Report to Government

To

The Secretary to Government,

... .. Department,
Agartala.

Subject : Registration proposal.

Report regarding.

I have received a proposal for registration of
 Society, Village,
 District of It may not be possible to dispose of
 this registration proposal within a period of six months as laid down under section 9 (1) of
 the Tripura Co-operative Societies Act, 1974, for the following reasons: that is to say,—

(1) The promoters have not given information called for from them within the
 specified time.

(2) The promoters have not been able to collect the share capital which is necessary
 for the successful working of the society.

(3) Details regarding immovable property proposed to be purchased/acquired/trans-
 ferred to the society are not given by the promoters.

(4) The concurrence of other departments regarding the feasibility of the scheme has
 not been received.

(5) The promoters have not been able to give detailed working of the scheme which
 they propose to implement.

(6) Any other reasons.

2. In the circumstances, I would request that Government may please be moved to allow
 me to register the Society after the above requirement(s) is/are fulfilled within a further period
 upto... ..

Assistant/Deputy/Joint/Additional
 Registrar of Co-operative Societies,

Submitted through the Joint/Additional Registrar/Registrar of Co-operative Societies for
 onward transmission to Government.

N.B.—The reasons for delay to be given in the body of the letter should be self-
 explanatory. Any other reasons, if any, for the delay in the registering of
 the Society should also be mentioned.

FORM "E"

[See rule 11(1)]

Register of Co-operative Societies registered or deemed to be registered under the Act.

Part.....

District.....

Registered Sr. No.	Full name and Address of the Society.	Sub-Division	Date of registration.	File No.
1	2	3	4	5

Class of Society as per Section	Sub-classes	Page No. and date of Government Gazette notifying registration.	Initials of Registrar.	Date of winding up by the Registrar.
6	7	8	9	10

Page No. and date of Government Gazette notifying winding up.	No. and date of cancellation.	Initial of the officer authorised by the Registrar to keep the register.	REMARKS
11	12	13	14

FORM 'F'

[See rule 12(4)(a)]

Form of application for the registration of amendment of the
bye-laws of a Co-operative Society.

To

The Registrar,
Co-operative Societies,
Tripura, Agartala.

Dated 19...

Sir,

We, the undersigned, beg to enclose herewith in quadruplicate, marginally noted
amendment of the bye-laws of the... ..
... .. Co-operative Society Ltd. in Tripura and to apply

1. Amendment of bye-laws No.
2. Rescission of bye-law No.
3. Addition of bye-law No.
4. A complete amendment substituting an entire
set of bye-laws in supersession of all previous
bye-laws.

for the registration of the amend-
ment under Section 13 of the
Tripura Co-operative Societies
Act, 1974. The necessary parti-
culars about the general meeting
in which the amendment was pass-
ed are noted below.

- (1) Date of the meeting
- (2) Number of members present in the meeting... ..
- (3) Number of the members who voted in support of the
amendment... ..
- (4) The total number of members of the Society on the date
of notice of the general meeting

Copy of the resolution of the meeting is also enclosed.

President,

... ..
Co-operative Society Ltd.

Secretary,

... .. Co-operative Society Ltd.

FORM 'G'

[See rule 12 (5)]

Certificate of Registration of Amendment of Bye-Laws.

In the office of the Registrar of Co-operative Societies under the Tripura Co-operative Societies Act of 1974.

I do hereby certify that pursuant to Provisions contained in sec. 13 of the Tripura Co-operative Societies Act of 1974 the amendment brought about in the enclosed document of the bye-laws of the ... Co-operative Society registered under the aforesaid Act on the ... day of ... 19 ... under No. ... in Tripura has been duly registered.

The bye-laws amended and registered this day are as follows.

Complete amendment of the previous bye-laws/Partial amendment of bye-laws No. ...

/Rescission of bye-laws No. ... /Addition of bye-law No. ...

Dated this ... day ... one thousand nine hundred and ...

Registrar of Co-operative Societies.

FORM 'H'

[See rule 13(1)]

Notice under rule 13 (1)

To

The Chairman/President,

Co-operative Society.

Sir,

It appears to me that an amendment/amendments of the bye-laws of your Society as indicated in the attached statement is/are necessary and that it/those is/are desirable in the interest of your society and to call upon you by this notice under rule 13(1) of the Tripura Co-operative Societies Rules, 1976 to take necessary steps to make the amendments to the bye-laws of your Society within ... days from the date of receipt of this notice, failing which action will be taken as provided under section 14(2) of Tripura Co-operative Societies Act, 1974.

Yours faithfully,

Registrar of Co-operative Societies.

No. ...

Date ...

(Seal of the Officer).

Statement accompanying notice under rule 13(1)

Sl. No.	The exact wording of existing bye-laws.	Bye-law as it would read after amendment.	Exact wording of bye-law, if it is a new one.	Reasons why amendment is considered necessary.



FORM "I"

[See rule 13(3)].

Notice under rule 13(3).

To

The Chairman/President.

.....Co-operative Society,

Sir,

Whereas you were called upon to make amendment to the bye-laws of your society as per this office notice No.....dated.....and whereas you have failed to make the amendment within the time specified therein, you are hereby called upon to show cause in writing within.....days from the receipt of this notice as to why the proposed amendment of your bye-laws as indicated in this office notice referred to above should not be registered. If you desire to be heard in person, you may attend or send your representative duly authorised on.....at.....a.m./p.m. in my office and put your defence before me, if any.

If you fail to send your written statement or your representative on the date specified above or if your statement is found unsatisfactory, necessary further action according to the provisions of section 14(2) of the Tripura Co-operative Societies Act, 1974 will be taken.

Yours faithfully,

Registrar of Co-operative Societies.

No.....

Date.....

Place.....

(Seal of the Officer.)

FORM "J"

(See rule 16(3)).

Notice to members, creditors and other persons whose interests will be affected by the amalgamation/transfer of assets and liabilities/conversion/division.

Notice is hereby given as required by clause (i) of the proviso to sub-section(1) of section 17 of the Tripura Co-operative Societies Act, 1974, by the
 Society registered under No.
 dated..... and having its registered Office at to all
 members/creditors/persons interested that the society, after obtaining the approval of the Registrar and a preliminary resolution to that effect having been passed by a special general meeting of the society held on....., has decided to amalgamate itself with.....
 Society ; convert itself into
 Society ; divide itself into (1)
 (2) Societies, transfer its assets and liabilities to Society.

The details regarding the transfer of liabilities of the society to be amalgamated, transferred, converted or divided are given in the Schedule given below :—

I. Applicable to societies amalgamating, transferring assets and liabilities or converting—

- (1) Name of the Society or Societies ;
- (2) Statement showing the assets and liabilities of the society (to be enclosed) ;
- (3) Names of members and creditors.

N. B.—Information should be given separately in respect of each society which is affected by the amalgamation, transfer of assets and liabilities or conversion.

II. Applicable to societies to be divided :—

- (1) Name of the Society ;
- (2) Present area of operation ;
- (3) Statement showing assets and liabilities (to be enclosed) ;
- (4) Names of members ;
- (5) Names of creditors.

III. Applicable to societies which will stand divided—

Particulars of (1)

Society.

- (i) Assets and liabilities which will remain with the society after division (Statement to be enclosed).
- (ii) Proposed area of operation.
- (iii) Names of members who will remain with the society.
- (iv) Names of creditors who will remain with the society.

Particulars of (2)

Society.

- (i) Assets and liabilities which will remain with the society after division (Statement to be enclosed).
- (ii) Proposed area operation.
- (iii) Names of members who will remain with the society.
- (iv) Name of creditors who will remain with the society.

Any person whose interest is affected by the proposed amalgamation, transfer of assets and liabilities, division or conversion may send his objections, if any, and give intimation of his option to become a member of any of the new societies/to continue his membership in the amalgamated or converted society/to demand payment of share or interest or dues, to the office of the society within one month from the date of this notice.

2. If no option is exercised and if no objection is received within one month, it will be assumed that the interested persons have assented to the decision.

Place :

Secretary,

Date :

By order of the Board/Managing Committee.

FORM "K"
[See rule 18(1)]

Application for reconstruction of a Society

To
The Registrar of Co-operative Societies,

In the special general meeting of Society
...at Sub-Division...
District..... Called for the purpose of reconstruction of the
Society, the society has approved a compromise/arrangement with its creditors and/or members
on the following lines :—

- (1) By reducing the claims of creditors,
- (2) By reducing the value of the share capital,
- (3) By revaluation of assets,

A detailed scheme worked out on the above lines is enclosed with a copy of the resolution
passed by the special general meeting of the Society referred to above.

We would request that the scheme of reconstruction of the Society may please be approved
and orders issued to that effect.

Chairman/Member/Creditor/Liquidator

FORM "L"

(See rule 32 and 67(1).)

Register of members.

(Section 40(1) of the Tripura Co-operative Societies Act, 1974.)

1. Serial No. ...
2. Name of members ...
3. Father's name/Husband's name ...
4. Age ...
5. Caste ...
6. Place of residence ...
7. Occupation ...
8. Date of membership ...
9. Name of nominee ...
10. Nominee's place of residence and relationship with the member ...
11. Date and reason of cessation of membership ...
12. Remarks ...
13. Signature or thumb impression of the members ...

Particulars of shares transferred or surrendered

Date	No. of shares	Balance of shares
Share Register	transferred	held (if any)
Folio.	or refunded.	
	No. of certi-	
	ficates.	

[illegible]

[See rule 45(1)]

Declaration under rule 45(1)

I, _____ of _____
am/have become a member of more than one credit society, names of which are given
below :—

- 主(1)
主(2)
主(3)
主(4)

* (4)
I do hereby declare as required by rule 45(1) of the Tripura Co-operative Societies Rules, 1976, that I shall borrow only from ...

Place

Date _____

Witnesses to signature

Signature: _____

Here insert the name of the Society.

FORM "O"

[See rule 48 (1)]

Declaration under section 50.

I, ... (age...) residing at... having been admitted to the membership of... Society limited liability and being desirous of borrowing loan from the Society with unlimited interest having borrowed loan from the society before, make this declaration as required by section 50(a)/50(b) of the Tripura Co-operative Societies Act, 1974 that I own land specified in the Schedule, and I hereby create a charge on the said land in favour of the society for the payment of the amount of the loan interest which the society may make and for all future advances, if any, which the society may has made make to me subject to the maximum amount of Rs., together with interest on such amount of the loan and advances.

SCHEDULE

Name of village	Name of Office	Name of District	Survey No.		Boundaries		Area.
			City Survey No.	Plot No.	South East.	North West.	
				Share			Acres. Decimal.
Assessment Rupees. / Paise.	Approximate Value.	Encumbrances, if any		Remarks, if any.			
		Nature.	Amount				

In witness whereof, I, Shri... hereunder set my hand this... day of ... in the year one thousand nine hundred and... witness.

Signed and delivered by the above named in the presence of:—

(1)

(2)

Applicants's
Borrowers's Signature.

Attested by

Forwarded with compliments to the Tehsildar with a request to include the particulars of the charge... created under the declaration in the Record of rights and to return to the society for its records.

Chairman,
Secretary

... .. Society.

Returned with compliments to the Chairman, ...
Society, Limited/Unlimited. The charge created under the declaration is duly included in the Record of Rights on the... day of... 19...

Tehsildar.

FORM 'P'

[Sec. rule 48(2).]

Register of declarations made under section 50(a) (b).

Serial No.	Date of entry in the register.	Name of the Member.	Date of declaration.	Name of the village in which Land is situated.	Survey No.
					City Survey No. Plot No. Share.

Area.		Assessment.		Approximate value.	Encumbrances.		Amount of maximum loan.	Remarks if any.	Initials of the Chairman.
Acres.	Dacimal.	Rupees.	Naye paise.		Nature.	Amount.			

FORM "Q"
TRADING ACCOUNT for the year.....

Dr.		Cr.	
To	Rs. P.	By	Rs. P.
1. Stock held as owners at the beginning of the year		1. Value of goods sold	
2. Purchases made		a) Cash—	
a) Cash—		b) Credit—	
b) Credit—		2. Others (Specify)	
3. Carriage inward		3. Value of stock held as owner	
4. Wages		i) Agri. Produce	
5. Others (Specify)		ii) Consumers goods	
6. Gross Profit to 'Profit & Loss Account'		iii) Agri. requisites	
		iv) Others (Specify)	
		4. Gross loss to 'Profit & Loss Account'	
TOTAL		TOTAL	

PROFIT & LOSS ACCOUNT for the year.....

Dr.		Cr.	
LOSS	Rs. P.	PROFIT	Rs. P.
To		By Gross profit as per trading Account	
1. Interest paid and due		1. Interest earned	
(i) Interest paid		(i) Interest realised	
(ii) Interest due		(ii) Add interest accrued but not overdue at the end of year	
(iii) Total		(iii) TOTAL	
(iv) Deduct interest accrued and due at the end of previous year		(iv) Deduct accrued interest but not overdue at the end of previous year.	
2. Establishment & Contingent Charge paid... ..		2. Govt. aid received	
due... ..		(a) for managerial expenses	
3. Commission paid		(b) for other purpose (Specify)	
4. Depreciation on		3. Commission earned on agency	
(a) Furniture		4. Income from investments	
(b) Land and Building		5. Dividend on Shares	
(c) Machinery		6. Entrance fees	
(d) Others (Specify)		7. Miscellaneous income	
5. Debts written off		8. Other items (Specify)	
6. Reserve for bad & doubtful debts		9. Net loss (—)	
7. Other items (Specify)			
8. Net profit (+)		TOTAL	
TOTAL			

FORM "Q"

See rule 64(1)

BALANCE SHEET AS AT...

LIABILITIES				ASSETS			
		Rs.	P.			Rs.	P.
1. Paid up Share Capital				1. Cash balance			
(a) Government				(a) on hand			
(b) Primary Societies				(b) with Banks			
(c) Individuals				(c) Postal Savings Bank Account			
2. Deposits held				2. Reserve Fund invested			
(a) Societies				(Specify nature of investment)			
(i) Temporary				3. Investment in—			
(ii) Savings				(a) Government Securities			
(iii) Fixed				(b) Fixed deposit with Banks			
(b) Members				(c) Shares in Co-operative Institutions			
(i) Temporary				(d) Others (Specify)			
(ii) Savings				Loans outstanding —			
(iii) Fixed				(a) Short-term			
(c) Non-members				(b) Medium-term			
3. Borrowings				(c) TOTAL—			
		Against trustee securities				(d) Of which overdue	
(a) State Co-operative Bank		Rs.	P.			(i) Short-term	
(i) Short-term						(ii) Medium-term	
(ii) Medium-term						(iii) TOTAL—	
(iii) Cash credit & overdrafts						(e) of which bad	
(b) Government						(f) of which doubtful	
(Specify) Deft. etc.				5. Interest recoverable			
(i) For Construction of godown				(a) Accrued and not overdue			
(ii) For installation of plant and machinery				(b) overdue			
(iii) Other purpose (Specify)				7. Value of stock held as owner			
(c) Others (Specify)				(a) Agri. Produce			
				(b) Consumers goods			
				(c) Agri. requisites			
				(Others specify)			

	Rs.	P.	Rs.	P.		Rs.	P.	Rs.	P.
4. Interest pending payment					7. Adjustment Account				
5. Cost of management due					8. Value of				
6. *Profits of previous year—					(a) Buildings				
a) Bad debt reserve					(b) Godowns				
(b) Common good fund					(c) Plant & machinery				
(c) Dividend					(d) Land				
(d) Other funds (Specify)					(e) Furniture				
7. Reserve fund					(f) Others (Specify)				
(a) Invested					9. Value of bills recoverable				
(b) Yet to be invested					(10) Advance				
8. Subsidy obtained from Government for					(11) Others (Specify)				
(a) Construction of godowns									
(b) Installation of plant and machinery									
(c) Working Capital									
(d) Others (Specify)									
9. Adjustment account									
10. Value of bills recoverable									
11. Advance (Specify source)									
					(+)Difference between assets & liabilities(—)				
Grand Total—					Grand Total				

*how they were distributed

Secretary
.....Society Ltd.

President
.....Society Ltd.

FORM "R"

(See rule 75)

Rectification report under section 80/85.

Date of audit :

Period covered :

No. and date of order under section 83/84 :—

Name and designation of person carrying out audit, inquiry or inspection :—

Serial No. of the
objection in the Audit
Memo or report of the
Officer carrying out
inquiry or inspection.

Observations
made by the
Auditor or
Officer carrying
out inquiry or
inspection.

Explanation of the society
and remarks regarding
action taken by it to
rectify the irregularities
and implement the sugge-
stion made by the Auditor or
Officer carrying out inquiry
or inspection.

No. and date of the
resolution of the
committee appro-
ving the report.

Remarks.

1

2

3

4

5

FORM "S"

(See rule 77)

Application regarding reference of dispute.

To

The Registrar/Additional/Joint/Deputy/Assistant Registrar.

1. Name

Age :

Occupation :

Address :

2. Name :

Age :

Occupation :

Address :

3. Name :

Age :

Occupation :

Address :

Disputants.

VERSUS

1. Name :

Age :

Occupation :

Address :

2. Name :

Age :

Occupation :

Address :

3. Name :

Age :

Occupation :

Address :

Opponents.

FORM "S"

Particulars of the claim or the facts constituting the cause of action and when it arose :—

The Disputant/Disputants prays/pray as under:—

In support of the above claim or relief sought I/We enclose documents and papers as per the list annexed hereto.

Date :

}

(Signed)

Disputant/Disputants.

I/We ... Disputant/Disputants
declare that the facts stated above are true to the best of my/our knowledge and belief.

Date.

(1)
(2)
(3)

}

(Signed)

Disputants.

Filed in the Office of ... on ... 19

Note :—

- (1) In case there are more Disputants or Opponents their names, address, ages and occupations should also be mentioned
- (2) In disputes relating to monetary claims, the applicants should state the precise amount claimed but where this cannot be exactly ascertained, the applicants shall state the approximate amount claimed.
- (3) When a society is a disputant, a copy of the resolution of its committee or Board of Directors shall accompany the application.

FORM "T"

(See rule 84.)

Proclamation to be issued at the time of the issue of a certificate under section 101.

A. In the case of immovable property —

whereas..... (judgment creditor) has obtained an award or awards under section 98 or an order or orders of the Liquidator under section 105 of the Tripura Co-operative Societies Act, 1974, for an amount of Rs. against (judgment debtor) and proposes to execute the same by sale of the undermentioned property of the said judgment debtor and whereas the said judgment creditor has obtained a certificate dated..... or execution of the award/awards or the order/orders, under section 101 of the said Act.

Notice is hereby given that any private transfer or delivery of, or encumbrance or charge on, the property made or created after the issue of the certificate shall be null and void against the said judgment creditor under section 99 of the Act aforesaid.

DESCRIPTION OF THE PROPERTY

Date of award or order	Names of the parties against whom award or order has been passed and certificate under section 98 has been issued.	Survey No or House No.	Name of the village or Town etc	Area	Assesment or other taxes	Other description of the property such as boundaries etc	R. E. M. A. R. K. S.
1	2	3	4	5	6	7	8

The notice shall be proclaimed at some place or adjacent to such property by beat of drum or other customary mode, and a copy of the said notice shall be fixed on a conspicuous part of the property and upon a conspicuous part of the Village and also where the property is land—paying revenue to the State Government in the office of the Collector of the District in which the land is situated.

Place :

Registrar of Cooperative Societies

Date :

Liquidator

B. In the case of movable property a similar notice may be given with necessary changes as to the description of the property. A copy of the notice shall be delivered to the judgment debtor.

FROM "U"

(See rule 86 (5))

Certificate for Transfer of property under
Section 105

In the case of immovable property :—

WHEREAS in execution of the award or order or awards or orders passed under section 98 or an order or orders made by a Liquidator under section 108 of the Tripura Co-operative Societies Act, 1974, in favour of the Society, an order was made on the..... day of19, for sale of the undermentioned property of the person or persons (Debtor or Debtors) ;

AND WHEREAS the court/the Collector/the Registrar is satisfied that the said property cannot be sold for want of buyers ;

It is hereby ordered under section 103 of the said Act that the right, title and interest of the debtor in the said property shall vest in the said society and shall be delivered to the society subject to the terms and conditions laid down in the Shhedule hereto annexed.

DESCRIPTION OF THE PROPERTY

Survey No.	Area and assessment	Nature of right, title and interest of the defaulter.	Details encumbrances to which property is subject.
---------------	---------------------	---	--

The Schedule

The said property is transferred to the society in full/partial satisfaction of the amount due to it from the debtor.

Give under my hand and seal of the Court/Collector/Registrar this... ..

... ..day of... ..19.

Court/Collector/Registrar of Co-operative Societies

In the case of moveable property ;

(The Form shall be similar with necessary changes as regard the (description and this delivery of the property).

FROM "V"

(See rule 94(8).

Public Notice under rule 94.

Whereas Shri ... Resident of ...
 ... has applied for loan for the purpose of (specify purpose)
 ... a purpose mentioned in section 115 of the Tripura
 Co-operative Societies Act, 1974 from the...

Lands in which improvement is proposed
 to be effected.

Name of the Survey Assessment
 Village No.

Lands proposed to be effected as
 security.

Name of the Survey Assessment
 village No.

Lands development Bank,
 Limited, ... and has proposed to
 offer as a security for the loan, the lands
 mentioned in the margin :

Notice is hereby given that objections, if any, to
 the grant of loan from all persons interested will
 be heard by the undersigned at ...
 O'clock on... 19 ...
 at... ..

Any person wishing to submit any objection should appear in person at the above mentioned time and place before the undersigned together with any document he wants to produce in support of his objections.

It is hereby notified for the information of all persons interested that according to the provisions of section 121 of the Tripura Co-operative Societies Act, 1974, a written order by the Land Development Bank or person or Committees authorised under the bye-laws of the Bank to make loans for all or any of the purposes specified in section 115, granting either before or after the commencement of the said Act, a loan to or with the consent of persons mentioned therein, for the purpose of carrying out the work specified therein for the benefit of the land or for the productive purpose mentioned therein, shall for purposes of the said Act, be conclusive of the following matters, that is to say—

(a) that the work described or the purpose for which the loan is granted, is an improvement or productive purpose, as the case may be, within the meaning of section 115.

(b) that the person had at the date of the order a right to make such improvement or incur expenditure for productive purpose, as the case may be ; and

(c) that the improvement is one benefiting the land specified and productive purpose concerns the land offered in security, or any part thereof as may be relevant.

If any persons interested fail to appear as stated as required by this notice, the questions at issue will be decided in their absence and such persons will have no claim whatsoever against the property for which the loans applied for, will be sanctioned till such time as the loans together with interest thereon or any other dues arising out of the loan are paid in full by the loanee.

Dated this day of... 19 (Signed)...

DESIGNATION OF OFFICER.

Copy forwarded with compliments to the Tehsil or other corresponding officer...
 village and the... Land Development Bank Limited
 ... with a request to affix this notice at the Head office and relevant branch
 office of the Bank immediately and inform the undersigned accordingly by...

FORM "W"
(See rule 101)

Certificate to be granted to the purchaser of the property under section 136(1)
of the Tripura Co-operative Societies Act, 1974.

This is to certify that the following property :—

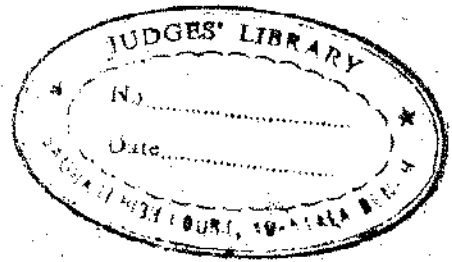
Serial No.	Survey Number.	Boundaries	Village.	Sub Division	District.	Name of the mortgager who held the land.
1	2	3	4	5	6	7
1.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						

Has been sold to... at ... in public
auction of the property held under section 133(1) of the Tripura Co-operative Societies Act
1974, on ... for Rs. ... and
the said ... has been declared to be the purchaser of the said
property at the time of the sale. The sale price of the said property was received on...
... by the... Land
Development Bank Limited... The sale was confirmed
under section 134 of the Act and became absolute on ...

(Signature) ...
Secretary/Manager,
Land Development Bank, Limited.

By order and in the name of the Governor of Tripura.

S. R. Chakraborty
Deputy Secretary to the Government of Tripura.



PUBLISHED IN THE
EXTRAORDINARY ISSUE

Agartala, Thursday, November 30, 1978 A. D.
Agrahayana 9, 1900 S. E.

GOVERNMENT OF TRIPURA
DEPARTMENT OF COOPERATION

No. F. 1(67)/Coop/STAT/RULES/78

Dated, Agartala,
the 27th November, 1978.

NOTIFICATION

WHEREAS the draft of the Tripura Cooperative Societies (Amendment) Rules, 1978 was published as required by section 165 of the Tripura Cooperative Societies Act, 1974 at page 1 to 8 of the Tripura Gazette Extraordinary Issue dated the 4th October, 1978 with the notification of the Government of Tripura in the Department of Cooperation No. F. 1(67)/COOP/STAT/RULES/78 dated the 4th October, 1978 inviting objections and suggestions from all persons likely to be affected thereby, within seven days from the date of Publication of the said Notification in the Official Gazette;

AND WHEREAS the said Gazette was made available to the public;

AND WHEREAS no objection or suggestion has been received by the State Government from the public on the said draft;

NOW, THEREFORE, in exercise of the powers conferred by section 165 in the said Act, the State Government hereby makes the following Rules, namely:

THE TRIPURA COOPERATIVE SOCIETIES (AMENDMENT)
RULES, 1978



Short title,
extent and
commencement.

1. (1) These rules may be called the Tripura Co-operative Societies (Amendment) Rules, 1978.

(2) They extend to the whole State of Tripura.

(3) The rules shall come into force on and from the date of their publication in the Official Gazette.

2. For rule 61 of the Tripura Co-operative Societies Rules, 1976 (hereinafter called the Principal Rule) the following shall be substituted.

"61. (1) (a) The election of members of the Committee of a society shall be held in the manner specified here-in-after.

(b) The Registrar or any other Officer authorised by him shall appoint one or more Election Officer as may be necessary for conducting the election of committee members and the election of President, Vice-President or any other office bearer of the Society.

(2) The election shall be held in the General Meeting of the society.

(3) The notice of the General Meeting under sub-rule (5) of rule 60 shall be sent by local delivery or by post or by publication through press and contain the following information—

(a) the date on which, the place at which and the hours between which the nomination papers shall be filed,

(b) the date on which, the place at which and hours between which the nomination papers shall be scrutinised,

(c) the date on which, the place at which and the hours between which voting shall take place,

(d) the place at which and the hours between which the electoral roll can be inspected by any member,

(e) The number of vacancies with class of members (if any) to be filled up by election and the area of the constituency from which members are to be elected (if for any area or constituency the election is held).

(4) (a) The Secretary or Manager or Managing Director or the Executive Officer or any other person responsible for the management of the affairs of society shall prepare

the list of members on the roll with address who are qualified in accordance with the provisions of the Act, Rules and the Bye-laws to participate in the elections as is stood ~~30~~ (Thirty) days prior to the date of election and publish copies of the same by affixing them to the Notice Board at the head office of the society and all its branches (if there be), 4 (four) weeks prior to the date fixed for election.

(b) Objections, if any, concerning any thing published in the list, may be heard by the Election Officer and decide within 7 days of such publication and the final list shall be prepared and published.

(c) A copy of the final list published shall be supplied by the society to any member on payment of such fee as may be specified by the Registrar or any other person authorised by him.

(5) (a) The nomination of the candidate shall be made in form 'X' on the date fixed as mentioned in rule 61(3)(a).

(b) Every nomination paper shall be signed by two members whose names are included in the final list of the electoral roll published for the purpose. One of the members shall sign in the form as proposer and the other as seconder for the nomination.

(c) The nomination paper shall contain a declaration signed by the candidate proposed for election to the effect that he is willing to stand for election.

(d) Every nomination shall be presented to the Election Officer in person in the office of the society.

(6) (a) The Election Officer who received the nomination papers shall maintain a register in which all nomination papers shall be entered chronologically as soon as they are received and acknowledge the receipt, if demanded. No nomination paper shall be entered after specified date and time.

(b) At the expiry of time specified for the receipt of nomination paper, the Election Officer, shall draw up a horizontal line under the last nomination paper received and write under-neath "Nomination closed" and affix his signature with date.

(c) The Election Officer shall give all reasonable facilities to the contesting candidates to examine all nomination papers and raise objection.

(d) At the time of scrutiny, the Election Officer shall endorse his decision of acceptance or rejection on the nomination paper. In case of rejection, he shall record in writing briefly the reason for such rejection on the nomination paper.

(e) The Election Officer is the final authority as regards approval of the symbol or imposition of any symbol, which is binding on the candidate concerned. Provided that if the number of eligible candidates does not exceed the number of candidates to be elected, the Election Officer shall declare such eligible candidate to be duly elected.

(7) The list of valid nominations shall be published in the Notice Board of the Society or any other place as decided by the Election Officer immediately after scrutiny.

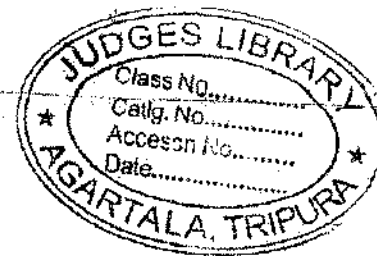
(8) Any candidate may withdraw his candidature by a letter in writing signed by him and delivered to the Election Officer seven days prior to the date fixed for general meeting by the candidate in person. The letter of withdrawal of a candidate once given shall be final.

(9) (a) Notwithstanding any other provision of the Rules or bye-laws of the society, the voting shall be by secret ballot as required under sub-section (2) of Section 65.

(b) The Election Officer shall maintain order in the election meeting and shall see that election is fairly conducted. For this purpose he may take the help of police assistance.

(10) The Secretary or the Manager or Managing Director or the Executive Officer or any other person responsible for the management of the affairs of the society shall provide the ballot boxes, ballot papers, copy of final electoral rolls and other articles as may be necessary for conducting the election.

(11) There shall be a separate compartment to be known as Polling compartment screened



- from observation by others in which the members are to record their votes.
- (12) No ballot paper shall be issued to a member unless the Election Officer or any person authorised by him is satisfied that the member concerned is the same person as noted in the electoral roll furnished to him.
- (13) On receiving the ballot paper, a member shall forthwith proceed into the polling compartment, put a cross mark on the symbol/symbols of ballot papers against the name or names of the candidate or candidates for whom he desires to vote and insert paper into the ballot box kept before the Election Officer or any Officer authorised by him with the utmost secrecy.
- (14) If owing to physical infirmity or illiteracy, a member is unable to mark the ballot paper, the Election Officer or any person presiding over the meeting shall ascertain from him, the candidate or candidates in whose favour he desires to vote, put the mark on his behalf and insert the ballot paper into the ballot box.
- (15) No ballot paper shall be issued after the appointed closing hour but any voter who has received his ballot paper before that hour shall be allowed a reasonable opportunity to record his vote.
- (16) An elector who inadvertently dealt with his ballot paper in such a manner that can not be conveniently used as a ballot paper, may on delivering it to the Election Officer or any person authorised by him to preside over the meeting and satisfying him of the inadvertency the later shall together with its counter foil be marked as 'Cancelled' by the Election Officer or any person authorised by him to preside over the meeting who shall put his signature thereto.
- (17) The counting of votes shall commence as soon as possible after voting is completed. Votes shall be counted by or under the supervision of Election Officer. Each candidate has a right to be present at the time of counting.
- (18) A ballot paper shall be rejected by the Election Officer if—



- i) it bears the mark by which the member who voted can be identified or
- ii) it does not bear the seal of the society or
- iii) it does not bear the signature of the Election Officer or any Officer authorised to preside over the meeting or any special mark given in the ballot paper by the Election Officer.
- iv) the marks indicating the symbol of voting against the name or symbol of a candidate is marked in such a manner as to make it doubtful to which candidate, the vote has been cast or it bears no marks at all.

(19) The Election Officer shall count the votes and declare the result. Proceedings shall be recorded in the minute book of the society, by the Election Officer with a copy to the Registrar. Each candidate has a right to be present at the time of counting.

(20) Before declaration of the result, the Election Officer shall tally the number of ballot papers issued by him with the numbers cast, rejected and cancelled and if there be any discrepancy, he shall order for a fresh poll on the same day or on any other day fixed by him.

(21) On completion of election, the Election Officer, shall handover the ballot papers and other records relating to the election in a secured container to the Secretary or Manager or Managing Director or the Executive Officer or any other person responsible for the management of the affairs of the society which shall be locked and sealed with the seal of the society and the Election Officer and of the candidates who desire to affix their seals. The ballot papers shall be destroyed after expiry of the period of 3 months if no dispute relating to the election is referred to the Registrar.

Amendment
of Rule 62.

3. For rule 62 of the Principal Rules the following shall be substituted.

"62 (1) i) The election of the President, Vice-President, Treasurer or any Officer of the society shall be elected from the members of the

committee by secret ballot in the manner specified hereunder.

- ii) After the election of the committee members and the receipt of the Government nomination, if any, the Election Officer shall arrange to convene a meeting of the Committee for election of the President, Vice-President or Treasurer or any other Officer of the society with the assistance of the Secretary or Manager or Managing Director or the Executive Officer or any other person responsible for the management of the affairs of the society. The Election Officer shall give 7 (Seven) days notice of the meeting to every member of the Board.
- (2) The Election Officer, shall preside over the meeting and he shall call for nomination of the candidate for the election of the President or Vice-President or Treasurer or any Officer of the society.
- (3) Every candidate shall be proposed by one member of the committee and seconded by another in the meeting. The names of all candidates proposed and seconded shall be read out by the Election Officer. Any candidate may withdraw his candidature before the commencement of the poll but not thereafter.
- (4) If there is only one duly nominated candidate, there shall be no vote and he shall be declared to have been elected.
- (5) If there are two or more candidates, the votes of the members present at the meeting shall be taken.
- (6) The provisions contained in sub-rules (9) to (21) of rule 61 shall mutatis mutandis apply to such election.

Addition of
Form.

4. After the existing Form "W" of the principal rules the following form shall be added.

FORM 'X'
[RULE 61(6)(a)]

Nomination Form for election to the Committee of.....Society.

1. Name of the Candidate.....
2. Membership No.....
(with classification, if any)
3. Father or husband's name.....
4. Full address of the candidate.....
5. In case the candidate is seeking.....
election to represent any society,
mention the name of the society.
6. Proposer's name and his membership No.....
7. Signature or thumb impression of the proposer.....
8. Secondar's name and his membership No.....
9. Symbol which he desires to use for the election.....

DECLARATION

10. I hereby declare that I am willing and eligible under Tripura Co-operative Societies Act, Rules and Bye-Laws of the Society to stand for the election of committee members.

Signature or thumb impression of the candidate
Endorsement by the Election Officer

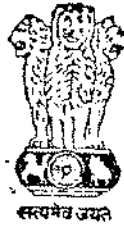
The nomination was presented to be in person at
.....OR.....date at
.....hours by him.

Signature of Election Officer.

By order of the Governor

S. L. Chatterji
Secretary to the Government.

TRIPURA



GAZETTE

Published by Authority
EXTRAORDINARY ISSUE

Agartala, Thursday, April 22, 1993 A.D.
Vaisakha 2, 1915 S. E.

PART-I—Orders and Notifications by the Government of Tripura,
the High Court, Government Treasury etc.

Government of Tripura
Department of Co-operation

No.F.I-8/BKS/COOP:87

Dated, Agartala, the 8th April, 1993.

NOTIFICATION

In exercise of the power conferred by Section 165 of the Tripura Co-operative Societies Act, 1974 the State Government hereby makes the following rules further to amend the Tripura Co-operative Societies Rules, 1976, namely :—

Short title and
commencement.

1. (1) These Rules may be called the Tripura Co-operative Societies (Second Amendment) Rules, 1993.
- (2) They shall come into force on and from the date of their publication in the Official Gazette.

Amendment of
rule 2.

2. In Clause (c) of rule 2 of the Tripura Co-operative Societies Rules, 1976, for the figure and the words "30th day of June", the words "Thirty first day of March" shall be substituted.

By order of the Governor,

K. Arya

Commissioner

to the Government of Tripura.



Printed at the Tripura Government Press, Agartala.

No. 126

Registered No. N. E.—930

TRIPURA



GAZETTE

Published by Authority

EXTRAORDINARY ISSUE

Agartala, Tuesday, June 27, 1995 A. D. Asadha 6, 1917 S. E.

**PART-I—ORDERS AND NOTIFICATION BY THE GOVT. OF TRIPURA
THE HIGH COURT, GOVT. TREASURY ETC.**

Government of Tripura
Department of Cooperation

No. F. 1-70/GL/RCS/85

Dated, Agartala, the 18th April, 1995.

NOTIFICATION

In pursuance of Notification No. F. 1-70/GL/RCS/85 dated, 2/2/95 as published in the extraordinary issue of Tripura Gazette on 16. 3. 95. and according to the said publication all persons were informed regarding the draft rules of Tripura coop. societies 3rd amendment rules 1995 and given 15 days time for any objection/suggestion if any regarding the draft rules thereof, but within the said stipulated period no objection and or suggestions is received by the Coop. Deptt. Govt. of Tripura from any one and as such considering all aspects and observing all procedures the service rules of the employees of the Coop. Societies as framed in exercise of the power conferred by Section 165 of the Tripura Cooperative Societies, Act, 1974 is hereby finally published.

1. (1) Short titled and commencement :—These rules may be called the Tripura Co-operative Societies (Third Amendment) Rules, 1995.
- (2) They extent to the whole state of Tripura.
- (3) They shall come into force from the date of their publication in the Official Gazette.

2. After Sub Rule (3) of the Rule 110, in chapter xii of the Tripura Coop. Societies Rules, 1976 (hereinafter referred to as the Principal Rule) the following Rule, namely, Rule III shall be inserted.

"SERVICE RULES OF THE EMPLOYEES OF COOPERATIVE SOCIETIES"

Chapter 12(xii).

111. Minimum paid staff to be employed by a Co-operative Society, their respective essential qualification and procedure of their employment and the condition of their service—

1(a) Every Co-operative Society shall from time to time determine at a meeting of a Managing Committee the minimum number of paid staff required for smooth functioning of its business.

1(b) Every Society shall fill up not exceeding 50% of such posts (Excluding those of grade-IV staff of each category or class by promotion from officers or staff in the lower ranks.

1.(c) The remaining posts (excluding those grade-IV staff) of each category or class of such Society shall be filled up.

i) In case of Apex Society, by the Managing Committee of such Society by direct recruitment and.

ii) In case of any other Society, by direct recruitment by the Apex or the Central Society to which such Society is affiliated provided that in the event of direct recruitment and/or promotion of any person under the service of any Co-operative Society, reservation system as applicable to the Government department shall be followed and/or observed.

iii) Recruitment Rules of each and every grade and category of employees shall be formed by the Society, which will be subject to approval of the Registrar, Co-operative Societies.

1.(d) The Apex or Central Society shall introduce a training scheme under which candidates with required qualifications after selection, may be trained under the supervision of any Coop. Institute for at least 3 months to be observed, subsequently after successful completion of training, as direct recruits in the service of the affiliated Society, at least 25% of the direct recruits for each category or class of posts of each such Society shall be filled up by such trainees who shall during their period receive, a stipend half of the minimum basic pay of the posts to which they are eligible for appointment.

1. (e) Minimum paid staff of a Society with a working capital or annual transaction of Rs. 1 lakh or above shall include 1 paid Manager or 1 paid officer with any other designation competent to discharge function of a Manager.

1. (f) The essential qualifications for appointment to the post of officers are—

a) in case of Apex Society,—

i) Bachelors Degree of any recognised University and

iii) A pass certificate on Senior or Cooperative Officer training course at National Institute, poone or equivalent for class 1 officer and a pass certificate in higher Diploma Course in Co-operative from Co-operative Training College if so required by the Managing Committee for others.

Provided that in case of a specially qualified candidate it may be sufficient if the candidate acquires qualification referred to at

iii) above within two years from the date of his appointment on probation,

b) in case of a primary Society,—

i) passed School Final examination,

ii) Successful completion of a training course of a Co-operative training centre, and

iii) A special training in Co-operation, if insisted on by the Society concerned.

Provided that in case of a specially qualified candidate it may be sufficient if the candidate acquires qualification referred to at (ii) and (iii) above within two years from the date of his appointment on probation.

(2) The essential qualifications for appointment of accountant in the service of Co-operative Society shall be—

a) Graduate of a recognised University, provided that preference will be given to a commerce graduate.

b) Successful completion of a training course, at intermediate level, of a Cooperative training Institution.

(3) The essential qualifications for appointment as assistant accountant Cashier or any other employee excluding grade IV staff in the service of Co-operative Society shall be—

a) School final passed examination and

b) Successful completion of training (at junior level) in any Cooperative Institution.

(4) The essential qualification for appointment as grade IV staff of a Cooperative Society is education upto Class VIII standard of a recognised School.

(5) All posts in grade IV staff of a Cooperative Society shall be filled up by such Society, preference being given to local candidates.

(6) Where in case of any existing employee of any Cooperative Society the minimum qualifications prescribed in this rule for the post are not satisfied he shall be retained in the service of such Society, subject to his successful completion, within three years from the date of these rules coming into force of a suitable training course in any Cooperative Institution, as may be determined by the Managing Committee and/or appropriate authority if the committee thereof is removed.

(7) The conditions of service of the employees of Apex Societies and Co-operative Banks shall, subject to the terms or specific contract, enforceable by law, statutory Acts and the rules of the Central Government, be as enounced in the appendix to this chapter ; and the State Government may, by a general or specific order, extend the same to any other Cooperative Society or class of Societies as and when deemed proper.

Minimum salaries officers and employees to be employed by LAMPS, PACS or Apex and or federal Co-operative Societies, subject to the provisions of rule, the minimum paid staff for Cooperative Bank or any other Society with a working capital or annual transactions of rupees ten lakhs or above shall be—

- a) One manager and or such like post.
- b) One accountant
- c) One cashier, and
- d) In case of an Apex Society, Inspector or Inspectors as may be necessary.
- e) Field Supervisors.

Chapter—13.

1. Conditions for appointment,—a) No person shall be eligible for being appointed to any post under any Co-operative Society unless he possesses the qualifications prescribed in rule III.

Provided that this rule shall not apply to the employees who are already in the service or are deputed by the State Government.

b) If the Managing Committee of any Society decides to enhance the qualifications or scale of pay of any post in the interest of the business of the Society that shall be subject to the approval of the Registrar of Co-operative Societies but the present incumbent of the posts concerned shall be absorbed in another post in the same scale of pay as was enjoyed by the incumbent concerned at the time of the absorption.

c) No person who has not attained the age of 18 years shall be eligible for appointment to any post under any Co-operative Society.

No person over the age of 45 years shall be directly appointed to any post of grade I and II ; and no person over the age of 35 years shall be appointed to any post of grade III and IV provided that in case of Scheduled Castes and Scheduled Tribes candidates the maximum age for direct appointment to grade III and grade IV posts shall be 40 years and these restrictions regarding age shall not apply in case of promotion or deputation or appointment for the service of one Co-operative Society by another. The following documents shall be accepted as proof of age of any person selected for appointment to any post under a Co-operative Society namely :—

i) Age recorded in the certificate of Matriculation or School final or Higher Secondary or its equivalent examination, and

ii) A certificate from Head of the Educational Institution last attended in the case of those who are not certificate holders as mentioned in. Over and above in case of any doubt as to the certificate, the appropriate authority may refer the matter to the medical Board for examination and their observation of the medical board shall be final for determination of age of the candidate of employee.

d) No person shall be eligible for being appointed to any post under any Co-operative Society without a Medical certificate of fitness to be obtained from a registered, medical practitioner as may be required by the Managing Committee; who has also have to be satisfied that he possesses good character and antecedents.

The Managing Committee shall be the competent authority to prescribe scales and type of security deposit and/or personal sureties in respect of such category of employees as considered necessary. The Managing Committee shall also be the competent authority to revise the same from time to time if circumstances so demand. The officer deputed by the State Government will not, however, be required to furnish any security.

The Managing Committee shall be the appointing authority for various categories of posts under a Coop. Society. The Committee may, from time to time, delegate its powers in this regard to such authorities as it may deem fit.

Provided that all appointments, including appointment by promotion shall be made on the basis of a test, written or oral, as may be deemed proper by the appointing authority.

2) Grade and classification of employees. In absence of any general or special orders to the contrary, employees under the Co-operative Societies shall be graded as follows :—

Post with a scale of pay having maximum of	Grade
1. Not less than Rs. 750/—	I
2. Not less than Rs. 600/—	II
3. Not less than Rs. 500/—	III
4. Not less than Rs. 350/—	IV

The Service of all employees shall be classified as follows :—

i) Permanent ii) Probationary iii) Temporary. A "Permanent" employee means an employee who shall be engaged on a permanent basis after satisfactory completion of probationary period.

A "Probationer" means an employee appointed to fill a permanent vacancy of a post and has not completed the probationary period specified in the letter of appointment or the further extended period.

A "Probationary" shall ordinarily be on probation for one year. He may, there after, be confirmed in the post if his work and conduct are found satisfactory. The probationary period may be extended by another year at the discretion of the appointing authority.

A "Temporary" employee means an employee who has been engaged for a work which is essentially of a temporary character and likely to be finished within a limited period or who is temporarily employed in connection with a temporary increase in work of a permanent nature or who is temporarily appointed in a leave vacancy.

3. (a) Commencement of service and seniority,—a) Service shall be deemed to commence from the working day on which a person reports for duty in the forenoon. If he reports in the afternoon the service shall be deemed to commence from the working day next following.

Seniority in a particular post of the employees who are already in service of Society on the date or on which these rules come into force shall be determined according to the date of joining the post.

If in case of any two or more employees the date of joining is the same, there interse seniority shall be determined according to the age the older being the senior. In case of other points it is to be decided by the management subject to approval of the R. C. S.

b) Seniority of the employees appointed after the Commencement of these rules in each category of posts shall be determined in the manner as follows :—

i) In case of employees appointed or promoted to a post in one batch, the seniority shall be determined in accordance with the orders of the seniority specified by the appointing authority on the results of the test taken at the time of making the appointment or promotion.

ii) In other cases, seniority shall be determined with reference to the date of appointment. But if one or more promotees and one or more direct recruits join the same date the promotees shall be placed above the direct recruits.

4. Pay, allowance and other concessions, —a) The Managing Committee shall be the competent authority to frame scales of pay, dearness and other allowances in respect of each category of employees of the Society. The Managing Committee shall also be the competent authority to revise the same from time to time if circumstances so demand.

Provided that where any Cooperative Society has incurred loss in the previous year, or has accumulated losses in the account, the Managing Committee shall not increase the scale of pay or any allowance in respect of any category of its employees without the approval of the Registrar.

b) Unless anything is otherwise provided in the terms of the appointment a person of first appointment to any post under the Society shall draw the initial pay of the post in the time scale of pay.

c) If any employee is promoted from a post to higher post or he is appointed to officiate in a higher post for a period exceeding one month purely on a temporary measure, his initial pay in the higher post shall be fixed at the stage in the new pay scale next above the stage in the pay scale of the lower post from which he is promoted.

d) The annual increment in the pay scale accrue normally to an employee after he is completed one year's service at a stage in pay scale unless it has been previously withheld for reasons of un-satisfactory work conduct or any other reason.

e) The Managing Committee may, in special case allow any employee to draw the initial pay at a higher stage than normally admissible for reason of higher qualification or better experience of the employee and may grant advance increments not exceeding two at a time (in a year) to an employee by way of encouragement for meritorious services rendered by him.

f) Travelling allowance admissible to all categories of employees of the Societies for journey and halts on duty as also on transfer shall be guided by the rules of the Society concerned.

g) All categories of employees of the Societies shall be entitled to the benefits of contributory Provident fund as provided in the rules.

h) The employees of the Co-op. Societies shall be entitled to bonus if admissible under the provision of the payment of Bonus Act, 1965 (Act 21 of 1965).

5. Transfer & training :— Every employee shall be liable to be transferred from one post to another in the same scale of pay and/or from one station to another in the interest of the business of a Cooperative Society. Every employee shall also be liable to join any training course as may be decided by the management and will be entitled to full pay and allowances during the training period including period of journeys to and from the training centre. Any delinquency on the part of an employee in carrying out such order of transfer or posting or training will be treated as an act of insubordination which may culminate in the dismissal of such an employee from the Service of the Society on being followed procedure as incorporated in the service rules.

On transfer from the station to another or for joining a training centre or return there-from every employee shall be entitled to three days' joining time in addition to the time required for the journey. The Chief Executive Officer of the Society or Manager or Managing Director however, in special cases may not allow or extend the joining time.

6. Any Leave :—a) The following categories of leave shall be admissible to an employee of a Co-operative Society to the extent noted against each—

- i) Casual leave.
- ii) Earned leave.
- iii) Medical leave.
- iv) Maternity leave.
- v) Extra-ordinary leave.

Casual Leave.

Casual leave is no leave and an employee who is no Casual leave shall remain so with full responsibility his/her work. Not more than 12 days casual leave shall be granted in one calendar year. Casual leave is only a concession to enable the employee in special circumstances to be absent from duty for a short period without such absent being treated as leave under the leave rules. Generally not more than three days casual leave shall be granted at a stretch. Under special circumstances this can be relaxed by the competent authority. Casual leave, however, be continued or taken in continuation of holidays with permission of the authority. However, casual leave may not be granted in continuation with any other leave.

Interposing Casual Leave

Holiday or Weekly holiday interposed in casual leave shall not be treated as casual leave.

Casual leave can not be accumulated and therefore balance on utilised casual leave in previous calendar year can not be carried forward to next year. Period spent on casual leave shall be treated as period spent on duty for all practical purposes like earning of leave and earning of increments.

Casual leave shall be availed of by an employee only after formal sanction of the same by the sanctioning authority by making application at least before 24 hrs. No casual leave shall be availed of in anticipation of sanction except on following grounds to the satisfaction of the sanctioning authority.

- a) Sudden illness of the employee himself/hereself or member of his/her family.
- b) Accidental injury or misfortune like burning of residential house etc.
- c) Situation beyond the control of the employee.

Earned Leave.

Earned leave means leave earned in respect of period spent on duty.

Every employee who has been in continuous and uninterrupted service of the Society for not less than one month may be allowed earned leave at the rate $1\frac{1}{2}$ (one and half) days for each completed one month. Provided that such leave may be accumulated upto a maximum period of 90 days.

Medical Leave

The employee shall be entitled to "Leave salary" for the period availed of earned leave.

Medical leave on production of medical certificate is admissible to an employee at the rate of 15 days for every completed 1 (one) year of service with $\frac{1}{2}$ (half) average pay and on production of medical certificate issued by the competent registered medical practitioner. $\frac{1}{2}$ (half) average pay will be calculated on the basis of average, monthly pay actually earned by the employee during the proceeding 12 months of his/her duty.

Medical leave admissible may be accumulated upto a maximum of 90 days in whole service period. The sanctioning authority shall reserve the right to direct an employee who applies for medical leave to appear before a Doctor or a panel of Doctors arranged by such authority and the employee shall be bound to comply with such direction.

The sanctioning authority may demand medical fitness certificate from a competent medical authority to allow an employee to resume duty after availing of medical leave.

Maternity Leave

Maternity leave may be granted to a married female employee of the Society for a period not exceeding 90 (ninety) days (48 days pre-delivery period and 42 days post delivery period) on any occasion and 270 (two hundred and seventy) days during the entire period of such employees service subject to production of medical certificate from a registered medical practitioner. Pay for the period of maternity leave will be calculated as "Leave salary".

Extra-ordinary Leave.

Extra-ordinary leave without pay may be sanctioned to an employee in special circumstances for a period not exceeding 60 (sixty) days for every five years completed service, when no other leave is admissible under the Rules. In calculating Earned, Medical, Maternity or Extra-ordinary leave weekly holidays or declared holidays falling within the period of such leave will be a part of the period of leave.

No employee of the Society shall leave his/her station on leave or otherwise without station leave permission from the authority. In the application of station leave permission, the employee shall mention full address of his/her place of stay.

Competent authority to sanction leave.

The authorities competent to sanction leave shall be :—

a) The president or the person authorised by the president in case of Managing Director or Manager.

b) The Managing Director or any other officer authorised by him in case of other employees.

7. Conduct & discipline.

a) Every employee of a cooperative society shall at all times ;

i) Maintain absolute integrity.

ii) maintain devotion to duty.

iii) Abide by & comply with the rules of the society & all orders and directions of the superior authority.

iv) discharge his duty to the best of his ability in the interest of the Society.

b) All employees shall so manage the private affairs to avoid habitual indebtedness or insolvency, and an employee against whom any legal proceeding is instituted for the recovery of any debt due from him or for adjudging him as an insolvent shall forthwith report the full facts of the legal proceedings to the Society.

c) No employee shall, except in accordance with any general or special order of the Managing Committee or his superior officers or in the performance in good faith of the duties assigned to him communicate directly or indirectly the contents of any official documents or any part thereof or

ether information to any other employee or any person to whom he is not authorised to communicate such contents or information.

d) No. employee shall accept or permit any member of his family or any person acting on his behalf to accept any illegal gratification or pecuniary advantage or gifts, etc. from any person or agent having dealing with the society.

e) An employee shall not borrow money or in any way place himself/herself under a pecuniary obligation to any person or any firms without the previous sanction of the authority.

f) All employees shall have to furnish annual statement of assets and liabilities in forms as may be prescribed by the Society if so demanded, and violation of these rules shall be treated as a major offence.

g) All employees of the Society shall be well disciplined, will behaved regular, punctual and sincere in attending to their duties and they shall be loyal to the Society.

8. Misconduct—Any or more of the following acts shall constitute misconduct namely :—

i) Wilful in-subordination or disobedience to any lawful order of the Managing Director or any other employee of the Society superior in position, besides the president or any other authority as may be decided by the Board.

ii) Illegal stoppage of work or going on illegal strike or abetting, inciting, instigating or any action in furtherance of stoppage or strike in contravention of any law for the time being in force.

iii) Wilful slowing down in performance of work or abetment or instigation thereto.

iv) Abetting, conniving at, or attempting or committing theft, fraud or dishonesty acting in connection with the business, property or affairs of the society or its customers or any other person or institution connected with the society.

v) Failure to account for/or delivery any property of the society when they come into his/her hands or concealment, misappropriation or conversion of properties of the society or its customers or any persons or organisation connected with the society.

vi) Giving or taking of bribe or illegal gratification from a customer or an employee or any other person or organisation connected with the society.

vii) Absence without leave or staying sanctioned leave without sufficient satisfactory grounds for sanction of leave.

viii) Late attendance or not less than three occasion within a month or habitual absence from the appointed place of work without sufficient satisfactory reason.

ix) Repeated brack of any law applicable to the society or Rules framed by the society inclusive of service Rules.

x) Attempting to collect or collection without permission of the appropriate authority of any cash on kinds in the name of the society.

xi) Aiding or abetting or coming at commission of any act of misconduct specified in clause (v) and (vi).

xii) Drunken or riotious, disorderly or indecent behaviour in the premises of the society or his/her place of duty.

xiii) Habitual negligence of work or habitual or gross negligence or negligence involving or likely to involve the society in loss.

xiv) Unauthorised disclosure or divergence or attempt thereto of any information regarding the affairs of the society to any of its customer or person or institution connected with the business of the society which is confidential, the disclosure of such thing is likely to be prejudicial to the interest of society.

xv) Wilful damage to any property of the society or its customer or any person or institution connected with the society.

xvi) Holding or attempting to hold or attending any meeting in the premises of the society without prior permission of the Managing Director.

xvii) Gambling or abetting or attempting to do so in the premises of the society or at his/her place of duty.

xviii) Failing to show proper courtesy and attention towards customers or other in whose contact he/she may come in discharge of duties.

xix) Sleeping during office hours.

xx) Loitering, idling or wasting time during working hours of being within the society or at his/her place of work without permission.

xxi) Doing private or personal work with the society with or without tools or materials belonging to the society without the prior permission of the Managing Director/Manager.

xxii) Engaging in other employment while in the service of the society,

xviii) Refusal to accept any order, charge, list or other communications served by the authority.

xxiv) Knowing or wrongly interfering with the records of attendance or means in recording attendance for himself/herself of any employee.

xxv) Conviction by any court of law for any criminal offence involving moral turpitude.

xxvi) Refusal to perform overtime work.

9. **Punishment** :—An employee who commits breach of any provision of Rule 8 or who displays inefficiency, negligence, insulance or who wilfully does anything detrimental to the interest of the society or any institution connected with the society or is guilty of misconduct within the meaning of the Rule 9 shall be liable to such punishment as the competent authority may award.

i) No punishment shall be awarded to any employee unless he/she has been communicated in writing of the grounds on which it is proposed to award punishment on him/her. Unless he/she has been given an opportunity and all facilities including personal hearing to explain his/her position in writing.

ii) No punishment of withholding increment or promotion or both, or reduction in rank or dismissal/termination from service shall be awarded to an employee in respect of the alleged misconduct, by a person other than the complainant or the authority framing charges against him/her.

iii) An employee against whom an enquiry will be held, shall be given a charge sheet in writing forth the allegation against him/her and requiring his/her explanation in writing. He/she shall be given an opportunity to answer the charges set forth against him/her permitted to defend himself/herself personally except for reason to be recorded in writing by the person holding any inquiry. The employee shall be permitted to produce witness in his/her defence and cross examine any witness on whose evidence the charges rest. A concise summary of the evidence laid down the society side as well as employees side shall be recorded along with findings of the Enquiry Authority to be appointed as per Rule 9(vi).

iv) An employee against whom any punishment is contemplated to be imposed may be suspended by the Managing Director or any other authority empowered for the purpose by the Board of Director or Managing Committee for a reasonable period in the circumstances.

of time required for framing the charges' holding a completion of enquiry. The order of suspension may take effect immediately on communication to the employee concerned. If as a result of explanation tendered or the enquiry held, it is decided to exempt the employee from the charges, the employee shall be deemed to have been on duty and shall be entitled to get full emoluments and all admissible privileges for the period of his/her suspension minus the subsistence allowance paid to him during the period of suspension. An employee shall be entitled during the period of his/her suspension to a subsistence allowance @ 50% of the pay and allowance which would, but for a suspension period to him/her.

a) The suspended employee shall not be entitled to absent himself from his station during the period of his suspension without previous sanction of the appropriate authority of the Society.

b) No payment of any kind, other than the authorised subsistence allowance and other admissible allowance, is to be made to an employee during the period of suspension.

c) If any employee is absent from duty by reason of his being arrested or committed to prison either for debt or on criminal charge, he shall not be allowed to draw any pay, leave salary or allowances for the period of such absence until decision of the case against him. Under the adjustment of his emoluments may be made according to the circumstances, or the case, the full amount being given only in the event of the employee being acquitted of blame, or if the imprisonment was for debt, or its being proved that the employee's liability arose from circumstances beyond his control then full amount may be allowed, the period of such absence from duty will be treated as a period of spent on duty. when less than full amount is allowed, the period may also be treated as on duty on leave as the Managing Committee may decide.

v) No employee shall, in any case, be kept under suspension for a period exceeding 6 (Six) months at a time in normal course. In case of continuing the period of suspension for the period exceeding 6 (Six) months, reason for such extension of the period of suspension shall be recorded in writing by the concerned authority and communicated to the employee, but in no case the total period shall be allowed to exceed 2 (two) years. If nothing is decided as to the suspension, the suspension will be withdrawn and the enquiry will continue in usual course.

vi) An employee desirous of the redress of any grievance relating to unfair treatment and/or wrongful extraction by any other employee of the society shall submit a complaint to the Managing Director or any other Officer authorised by the Managing Director who shall as soon as possible investigate into the complaint at such time and place as he may fix, the Managing Director and/or the authorised person shall investigate in manner as he may deem proper to find out the truth and for the end of justice when the employee alleged against shall be given opportunity to explain his/her position. The decision of the complaint shall be intimated to concerned employee. In case of any similar grievance against the Managing Director, the complaint shall be lodged with the President of the Society and the investigating authority will be such person as may be authorised by the President or appropriate authority of a society.

10. Disciplinary and Appellate Authorities :

For the purpose of imposing any by the President or Chairman or competent authority of a Society subject to approval the Board and or Managing Committee of the Society or the Administrator as the case may be which is the appointing authority shall be disciplinary authority, and the general body of members in the general meeting shall be the appellate authority.

Provided that no appeal shall be entertained if it is not preferred within a period of three months from the date of receipt of the order awarding punishment, provided, however, that the authority competent to hear appeal may in deserving cases grant exemption from the Rule on account of reasons to be recorded in writing.

11. Termination :

The services of any employee shall be terminable forthwith without any notice in the following circumstance :—

- i) Causing loss in the form of defaultation, misappropriation, etc or damage to the properties of the Society established by the competent authority.
- ii) When he/she act in contravention to the bye-laws, Cooperative Societies Act, Cooperative Societies Rules or service Rules of the Society or any other Rules framed by the Society, the charge of which has been established by the Society by the competent authority.
- iii) When convicted in the court of law or offences involving moral turpitude including offences under liquor prohibition Act, Opium Act, etc. like Act, as applicable in this State.

iv) The service of an employee who has been in continuous employment for a period exceeding 1 (one) year but less than 3 (three) years can be terminated by giving such employee at least 30 (thirty) days notice in writing or thirty days salary in lieu of such notice and service of an employee who has been in continuous employment for a period exceeding 3 (three) years can be terminated by giving him/her at least 60 (sixty) days notice in writing or 60 (sixty) days salary in lieu of such notice. This will not be applicable to employees who retire from service in due course or who have been dismissed from the service. Nothing in this Rule affect the authority of the Society to dismiss any employee for misconduct or other offence of service nature without notice of forfeit the salary in lieu of notice.

12. An employee shall have option to retire after completion of 20 (twenty) years of service.

13. In case of appointment to a person in a Coop. Society, leave affairs, disciplinary proceedings and retirement matters of employee of a Coop. Society. From applicable to the Tripura State Govt. employees may be used by the Coop. Societies as far as practicable and in this connection if any dispute arose, the decision of the Registrar of Cooperative Societies Government of Tripura shall be final.

Sd/-Illegible

Joint Secretary to the
Government of Tripura.



GOVERNMENT OF TRIPURA
DEPARTMENT OF CO-OPERATION

THE TRIPURA CO-OPERATIVE SOCIETIES
(FOURTH AMENDMENT) RULES, 2011

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Government of Tripura
Department of Cooperatio0n

No.F.9 (49)/COOP/LAW/Amendment Rules 2011 Dated, Agartala, the 5th January,2013

NOTIFICATION

In exercise of the power conferred by section 165 in the Tripura Cooperative Societies Act, 1974, the State Government hereby makes the following Rules namely:-

1. (1) These rules may be called the Tripura Co-operative Societies (Fourth Amendment) Rules, 2011.
(2) The rules shall come in force on and from the date of their publication in the official gazette.

2. Amendment of Rule 2

Rule 2(j) of the Tripura Co-operative Societies Rules, 1976(herein- after called as the Principal Rule.) shall be deleted.

3. Amendment of Rule 4

In Rule 4(3) of the Principle Rule the following words shall be inserted after the words "to be registered is" and before the words "a firm" and after the words "then such" and before the words "firm."
"Self Help Group"

4. Amendment of Rule 5

In Rule 5 of the principal Rule the following Sub-rule shall be inserted as follows:-

- (4) The Registrar shall, in case of a Cooperative Credit Structure Society, dispose of the application within one month from the date of the receipt of the application.

5. Amendment of Rule 8

In the Sub-Rule-1(q) of Rule-8 of the Principal Rule the following proviso shall be inserted as follows:-

Provided that the State Cooperative Bank and a Primary Agricultural Credit Society for the purpose of this clause shall be governed by the guidelines, if any, issued by the National Bank.

6. Amendment of Rule 12

In the Rule 12 of the principal Rules the following Sub-Rule shall be inserted as follows:-

(6) The Registrar shall, in case of a Cooperative Credit Structure Society, dispose of the application within one month from the date of the receipt of the application.

7. Amendment of Rule 13

In Rule 13(1) of the Principal Rules the following word shall be inserted after the words "this rule" and before the words "the Registrar" as follows.

"except in cases of Primary Agriculture Credit Society and State Cooperative Bank"

8. Amendment of Rule 19

In the Rule 19(iv) of the Principal Rule the following words shall be inserted after the words "in case of" and before the words "a firm" as follows.

"Self Help Group"

9. Amendment of Rule 22

In Rule 22(1) of the Principal Rule the following words shall be inserted after the words in the first bracket "shall include" and before the words "firm" as follows :-

"a Self Help Group"

10. Amendment of Rule-35

(a) In the Rule 35(1) of the Principle Rule the words "those referred to in rules 36 and 37" shall be substituted by the following words:-

"the Cooperative Credit Structure Society"

(b) In the Rule 35(2) of the Principal Rule the following words shall be inserted after the words "any society" and before the words "may incur" as follows.

"Other than the Cooperative Credit Structure Society"

(c) In the Rule 35 of the Principal Rule the following Sub-Rules with a proviso shall be inserted as follows"-

(3) A Cooperative Credit Structure Society shall have freedom to raise loan from any bank or Reserve Bank regulated financial institution, re-finance from National Bank or any other refinance agency directly or through any Reserve Bank regulated financial institution of its choice and not necessarily from the society to which it is affiliated

Provided that the Cooperative Credit Structure Societies shall utilize amount received by means of deposit or borrowing loan as per the priority of business need.

11. Amendment of Rule-36

(a) In the Rule 36 of the Principal Rule the word "Registrar" in between the word "sanction of the" and "the Tripura" shall be deleted and the following words shall be inserted as follows:-

"General Body"

(b) In the proviso of the Rule 36 of the principal Rule the present proviso shall be deleted and the following proviso shall be inserted as follows:-

Provided that the Tripura State Cooperative Bank Limited shall utilize the amount received by means of deposit or borrowing loan as per the priority of business need

12. Amendment of Rule-38

In the Rule 38 of the Principal Rule the following proviso shall be inserted as follows:-

Provided that in case of Primary Agriculture Credit Society previous sanction of the Registrar shall not be necessary in case of any loans or deposits.

13. Amendment of Rule-40

In the Rule 40 of the Principal Rule the following proviso shall be Inserted as follows:-

Provided that the provisions of this Rule shall not apply to a Cooperative Credit Structure Society.

14. Amendment of Rule-42

In the Rule 42 of the Principal Rule the following Sub-Rule shall be inserted as follows:-

(9) Notwithstanding anything contained in sub-rules (1) to (8), a Cooperative Credit Structure Society shall have autonomy in all financial matters like interest rate of deposits and loan, borrowing and investments, loan policies and individual loan decision.

15. Amendment of Rule-47

In the Rule 47 of the Principal Rule the following proviso shall be inserted as follows:-

Provided that provisions of this rule shall not apply to a Cooperative Credit Structure Society.

16. Amendment of Rule -49

In the Rule 49 of the Principal Rule the following proviso shall be inserted next to the present proviso as follows:-

It is further Provided that in case of a Cooperative Credit Structure Society while writing off any bad debts or losses, in addition to the above, the guidelines, if any, stipulated by the Reserve Bank of India and or NABARD, as the case may be, shall also be followed.

17. Amendment of Rule -50

In the Rule 50 of the Principal Rule the following Sub-rule shall be inserted as follows:-

(3) Notwithstanding anything contained in Sub-Rule (1), a Cooperative Credit Structure Society is not required to contribute to funds other than those improving its net worth or owned funds.

18. Amendment of Rule 51

After Rule 51 of the Principal Rule the following new Rule 51A shall be inserted as follows:-

Rule 51A: Prudential norms

A Cooperative Credit Structure Society shall follow the guidelines on prudential norms including provisioning and capital to Risk Weighted Assets Ratio norms, if any, framed by the Reserve Bank or, as the case may be, the National Bank.

19. Amendment of Rule 52.

In the Rule 52 of the Principal Rule the following Sub-Rule shall be inserted as follows:-

(5) a Primary Agriculture Credit Society shall pay a dividend to its members in accordance with the guide lines laid down by the Registrar in consultation with the National Bank.

20. Amendment of Rule 53

In the Rule 53 of the Principal Rule the following proviso shall be inserted after the present proviso.

Provided further that the provisions of this Rule shall not apply to a Cooperative Credit Structure Society.

21. Amendment of Rule 55

In the Sub-rule (2) of Rule 55 of the Principal Rule the following words shall be inserted after the words "class of societies" and before the words "specify by" as follows:-

"Other than a Cooperative Credit Structure Society"

22. Amendment of Rule 61

In the Rule 61 of (1) the Tripura Cooperative Societies (Amendment) Rules, 1978 the following proviso shall inserted:-

Provided that for the election of Credit Structure Society the election officer or officers shall be appointed by the present Board of Directors as they choose or from the panels as published by the Registrar of Cooperative Societies for the area of the said Society.

Further provided that if the present Board of Directors fails to make arrangement for the constitution of a new committee in accordance with the provision of the Act, Rules and bye-laws, 90 (ninety) days before the expiry of its term, the Registrar of Cooperative Societies shall arrange to hold such election with in a period of 60(sixty) days after the expiry of the terms of the present committee by appointing election officer at the cost of the society.

23. Amendment of Rule 71

In the Rule 71(1) of the Principal Rule after the Sub-Rule(c) the following new Sub-Rules shall be inserted as follows:-

(d) Notwithstanding anything contained in Sub-Rule (1), a State Cooperative Bank, Agartala Cooperative Urban Bank Limited and Tripura Cooperative Agricultural Rural Development Bank Limited shall get its accounts audited and certified by Chartered Accountants appointed by its committee from the panel approval by the National Bank and the said Chartered Accountants shall have to complete the audit by a period of 60 (sixty) days from the date of appointment

(e) Notwithstanding anything contained in Sub-Rule (1), a Primary Agriculture Credit Society shall get it accounts audited and certified at least once in each year by the Registrar or the person authorized by him or a Chartered Accountants as appointed by the Committee and the said Auditors or Chartered Accountants shall have to complete the audit by a period of 60 (sixty) days from the date of appointment.

24. Amendment Rule 90

In the Rule 90 of the Principal Rule the following Sub-Rule shall be inserted as follows:-

(15) In case of State Cooperative Bank, Registrar shall appoint the liquidator within a period of 1(one) month of being advised by Reserved Bank for winding up.

By order of the Governor

Sd/= Illegible

Secretary Government of Tripura,
Department of Cooperation.