



भारत सरकार / Government of India

# सरकारी राजपत्र OFFICIAL GAZETTE

संघ प्रदेश दादरा एवं नगर हवेली तथा दमण एवं दीव प्रशासन  
U.T. ADMINISTRATION OF DADRA AND NAGAR HAVELI AND  
DAMAN AND DIU

## असाधारण EXTRAORDINARY

प्राधिकरण द्वारा प्रकाशित / PUBLISHED BY AUTHORITY

**Daman** 12<sup>th</sup> March, 2025 21 Phalguna, 1946 (Saka) No. : 85

UT Administration of Dadra & Nagar Haveli and  
Daman & Diu,  
Department of Co-operation,  
Secretariat, Daman.

No.12/29/Rules-2024/RCS-DNHDD/2024-25/177

Dated: 10/03/2025

### NOTIFICATION

**Whereas**, "The Dadra and Nagar Haveli and Daman and Diu Co-operative Societies Regulation, 2024 (No. 1 of 2024) dated 30/09/2024 was published in the Official Gazette of the Union Territory of Dadra and Nagar Haveli and Daman and Diu on 17/01/2025, hereinafter referred to as the Regulation.

**Whereas**, in exercise of the powers conferred by section 152 of the said Regulation, the Administrator of Dadra and Nagar Haveli and Daman and Diu is pleased to frame the Rules for carrying out the purposes of this Regulation.

**Now, therefore**, the Co-operation Department, hereby publishes the draft Dadra and Nagar Haveli and Daman and Diu Co-operative Societies Rules,2025.

**And therefore**, the general public is hereby informed that the draft Dadra and Nagar Haveli and Daman and Diu Co-operative Societies Rules,2025 are available for inspection by the general public in the following office.

**Office of the Joint Secretary Co-operation, Secretariat 4<sup>th</sup> Floor Vidhyut Bhavan, Kachigam, Daman.**

**These rules are also available on the official website <https://ddd.gov.in>.**

**And, Therefore**, notice is hereby given that the General Public may submit their Objections and suggestions, if any to the draft Dadra and Nagar Haveli and Daman and Diu Co-operative Societies

Rules, 2025 in writing within **30 days**, from the date of publication of this notice in the Official Gazette, to the office of the Secretary Co-operation, Secretariat 1<sup>st</sup> Floor Vidhyut Bhavan, Kachigam, Daman.

By order and in the name of the Administrator of  
DNH & DD

Sd/–  
**(Amit.K. Pamasi)**  
Joint Secretary (Co-operation), DNH & DD

## Chapter I

### Preliminary

#### 1. Short title.

These rules may be called the Dadra and Nagar Haveli and Daman and Diu Co-operative Societies Rules, 2025.

#### 2. Definitions.

(i) “adjudicating authority”-means in relation to any dispute under this Regulation the Registrar or his nominee or board of nominees appointed for the settlement of such dispute under the Regulation;

(ii) “form”-means a form appended to these rules;

(iii) “recovery officer”-means a person subordinate to the Registrar who is empowered to exercise the powers of the Registrar under section 140;

(iv) "Regulation" means the Dadra and Nagar Haveli and Daman and Diu Co-operative Societies Regulation, 2024;

(v) “sale officer”-means an officer empowered by the Registrar by a general or special order to attach and sell the property of the defaulter to execute any decree by attachment and sale under section 140;

(vi) “schedule”-means schedule appended to these rules;

(vii) “section”-means section of the Regulation;

(viii) “working capital” means funds at the disposal of a society inclusive of paid-up share capital, funds built out of profits, and money raised by borrowing and by other means.

Words and expressions defined in the Regulation and used but not defined in these rules shall have the meanings respectively assigned to them in the Regulation.

## Chapter II

### Registration

**3.Application for registration.**-(1) Every application for registration of a society under sub-section (1) of section 8 shall be in Form A and shall be accompanied by-

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

(b) a list of persons who have contributed to the share capital together with the amount contributed by each of them, and the entrance fee paid by them;

(c) 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;

(d) such other documents as may be specified by the Registrar;

(e) certified copy of the resolution of the promoters which shall specify the name and address of one of the applicants to whom the Registrar may address correspondence under these rules before registration and dispatch or hand over registration documents.

(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 that committee by a resolution to sign the application for registration and the bye-laws on its behalf, and a copy of such resolution shall be appended to the application.

(3) Where any member of a society to be registered is a firm, company, other corporate body, society registered under the Societies Registration Act, 1860, or local authority or public trust registered under any law for the time being in force for the registration of such trusts, such firm, company, corporate body, society, local authority or public trust, as the case may be, 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) A copy of resolution indicating the name of one or more applicants, who are authorised to make alterations or additions to the proposed bye-laws submitted with the application, as may be suggested by the Registrar, shall be submitted.

(5) The application shall be sent to the Registrar in his office by registered post or delivery by hand or by electronic mode.

**4.Registration.**-(1) On receipt of an application under rule 3, the Registrar shall enter particulars of the application in the register of application 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 applicants/promoters to modify the proposed bye-laws before finally registering the society or rejecting the application for registration of the society.

(3) The Registrar may before passing final orders, call for such further information or make such inquiry as he may deem necessary. It shall also be competent to the Registrar before registering a society to make such alterations in the draft bye-laws submitted with the application for registration as he may deem advisable, provided that the written consent of the applicants is obtained to such alterations.

(4) 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 signed by him 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.

(5) The period for the purpose of amendment of bye-laws under clause (c) of sub-section (1) of section 9 shall be three months from the date of the order of the Registrar under the said clause.

(6) Notwithstanding anything contained in sub-section (4) of section 9, where the Registrar is satisfied that the original registration certificate is irrecoverably lost and the duplicate certificate could not be issued as the files or records regarding the registration of the co-operative society was lost, after registration, the Registrar shall issue a certificate stating the registration number and date of registration of a co-operative society, on the basis of the details available in the audit report, audit certificate and the records available with the Registrar, signed and sealed by him, which shall be conclusive proof that the said society is duly registered and it shall be treated as a certificate of registration.

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

**bye-laws.**-(1) With every application for registration, the applicant shall submit a draft of the bye-laws agreed upon by them. The bye-laws shall be consistent with the Regulation and these rules. The Registrar may direct a society to make bye-laws in respect of all or any of the following matters, that is to say-

- (a) the name and address of the society including e-mail address and its branches, if any, however, the name does not refer to any caste or religious denomination and is not inconsistent with the objects of society;
- (b) the area of its operation;
- (c) the objects of the society and its liability;
- (d) the manner in which and the limit up to which the funds of the society may be raised, the maximum share capital which any one member may hold and the purpose to which the funds would be made applicable;

- (e) the circumstances under which the society may borrow funds and the procedure to be followed is such borrowing;
- (f) the terms and qualifications for admission to membership;
- (g) the class or occupation of its members, if membership is proposed to be so restricted;
- (h) the rights and liabilities and the consequences of default in payment of any sum due by a member;
- (i) payments and acquisition of interest in the society before the rights of membership are exercised by the member;
- (j) the circumstances under which withdrawal from membership shall be permitted;
- (k) the procedure to be followed in cases of withdrawal, ineligibility and death of members;
- (l) the mode of conducting business, purchase, sale, stock-taking and other like matters;
- (m) the privileges, rights and liabilities of nominal, associate and sympathiser member;
- (n) the conditions, if any, under which the transfer of share or interest of a member may be permitted;
- (o) the entrance and other fees and the fines, if any, to be collected from members;
- (p) the maximum loan admissible to a member and the procedure to be followed in granting loans and extension of time for the repayment or renewals thereof, and in recovering loans from members;
- (q) the method of appropriating payments made by members from whom moneys are due;
- (r) voting rights of individual members in a federal society;
- (s) the constitution of the Managing Committee and its powers and duties;
- (t) the constitution of other bodies of the society as provided in the Regulation, these rules and the bye-laws.
- (u) the election of delegates of individual members;
- (v) restrictions on borrowing from members and non-members;
- (w) the manner in which the loss of the society will be determined and its re-imburement by the member who has not disposed of his produce through the society and who is found, guilty of a breach of the bye-laws or of any such contract;
- (x) the scale of remuneration to be paid to a member who has rendered any service to the society;

- (y) appropriation of profit for any other purpose which is not prescribed in sub-section (3) of section 58;
- (z) the mode of custody and investments of funds;
- (aa) the manner in which penalty should be levied on a member who is found to be guilty of breach of bye-laws;
- (bb) 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;
- (cc) the method of recruitment, the conditions of service and the authority competent to fix, revise or regulate the scales of pay and allowances of paid officers and servants of the society and the procedure to be followed in the disposal of disciplinary cases against them;
- (dd) the manner of summoning general meetings under section 81 and section 82, notice period, quorum and the manner of making, altering or abrogating bye-laws;
- (ee) the number of members required for the requisition of a special general meeting under section 82;
- (ff) the utilisation of surplus assets of the society under section 122;

(2) (a) It shall be competent to the Registrar to frame model bye-laws for each class or classes of societies and to suggest modifications thereto from time to time.

(b) Such model bye-laws shall be adopted by a society with such modifications, if any, as may be suggested by the society and agreed to by the Registrar.

**6.Prudential norms.**-(1) Co-operative societies in the thrift and credit business shall be categorised on the basis of their deposits into following categories—

- (a) micro;
- (b) small;
- (c) medium; and
- (d) large.

(2) Prudential norms for different categories of societies referred to in sub-rule (1) may be notified by the Administrator, which includes—

- (a) minimum aggregate value of paid-up capital and authorised share capital required for commencement of business in case of new registration;

- (b) categorisation of capital into various tiers and limits for each tier;
- (c) capital adequacy ratio and risk weightage of different items;
- (d) requirement of buffers for liquidity management;
- (e) exposure limits in case of individual or group borrowers, aggregate borrowers and sectoral borrowers;
- (f) norms for branch expansion; and
- (g) disclosures.

**7. Refusal of Registration.-** 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 Regulation, these rules or the norms and conditions for registration of societies or class of societies as specified by the Registrar, the Registrar may refuse to register that society.

**8. Maintenance of register.-**(1) The register to be maintained by the Registrar under section 10 shall be in Form C.

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

**9. Amendment of bye-laws.-**(1) Bye-laws may be made, altered or abrogated by a resolution passed 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 in accordance with the bye-laws of the society.

(3) The resolution is passed by not less than two thirds of the members present, and voting at the general meeting at which a quorum shall be present or at an adjourned general meeting at which if a quorum is not present within half an hour from the time appointed for holding the meeting, the members present shall form quorum.

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

- (a) 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;
- (b) a copy of the resolution passed in the general meeting;
- (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-law;
- (e) such other information as may be required by the Registrar.

(5) On receipt of the proposal 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 Regulation or these rules and is in the interest of the society and co-operative movement, he may register the amendment and issue to the society a copy of the amendment certified by him under sub-section (4) of Section 13.

(6) 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.

(7) The Registrar shall dispose of the application within two months from the date of the receipt of the proposal of amendment of bye-laws.

**10. The manner of calling upon a society to make amendments to bye-laws under section 14.-(1)**

For the purposes of sub-section (1) of section 14, the Registrar may call upon a society to make the amendment by serving upon it a notice in Form D 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. Such notice shall contain a draft of the amendment proposed by the Registrar.

(2) The society thereupon shall call a special general meeting for the purpose of such amendments and if the amendments are approved by the special general meeting it shall be forwarded to the Registrar who shall register the amendment and issue to the society a certified copy thereof.

**11. Change in name of society.-** (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

**12. Procedure for obtaining sanction under section 17(1).-(1)** Where a society proposes to amalgamate itself with another society or to transfer its assets and liabilities, in whole or in part to any other society or to divide itself into two or more societies or to convert itself into another class of society



or to change its object, it shall prepare a draft scheme in that behalf having regard to the provisions of sub-section (2) of section 17 and place the same before a special general meeting of its members.

(2) If the special general meeting approves the draft scheme, with or without modifications by a resolution passed by two thirds majority of the members present and voting at the meeting, the society shall forward a copy of the resolution and a copy of the draft scheme as approved by the special general meeting to the Registrar requesting him to accord his sanction to the proposal.

(3) If the Registrar accords his previous sanction to the proposal, the society shall proceed to take further steps in accordance with the provisions of section 17.

**13.Direction by Registrar for amalgamation or re-organisation of societies.**-(1) Before issuing any order under sub-section (1) of Section 18 providing for the amalgamation or re-organisation of any society or societies, the Registrar shall prepare a draft scheme in respect of such amalgamation or re-organisation stating in particular the manner in which the new committee or committees, of the society or societies resulting from such amalgamation or re-organisation shall be constituted and the bye-laws which such society or societies shall follow. The Registrar shall then consult the federal society and after considering the suggestions, if any, that will be made by such federal society, 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 one month from the date on which the copy of the draft aforesaid was received by it or them.

Provided that, such notified federal society shall communicate its opinion to the Registrar within a period of thirty days from the date of receipt of communication, failing which it shall be presumed that such federal society has no objection to the amalgamation or re-organisation and the Registrar shall be at liberty to proceed further to take action accordingly.

(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 clause (b) of sub-section (3) of Section 18.

(3) Any member or creditor of each of the societies to be amalgamated or re-organised, who has objected to the scheme of amalgamation or re-organisation within the period specified in sub-rule (3), 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 (3) of Section 18. It shall be competent for the Registrar to nominate an officer to investigate such applications 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 Regulation, these 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.

**14.Reconstruction of a Society.**-(1) An application for reconstruction of a society under section 20 may be made in Form E. 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.

A copy of the draft order shall be exhibited on the notice board of the society and of the Registrar's office inviting objections and suggestions from all those interested within a specified time, which shall not exceed one month.

(2) After taking into consideration the objections and suggestions if any received, the Registrar may issue an order approving such reconstruction or staying further proceedings in respect of such reconstruction. On issue of an order approving the reconstruction, the society shall stand reconstructed and the bye-laws of the society shall stand modified to that effect and to that extent.

**15.Manner of issue of public notice of the proceedings of de-registration of society.**-(1) Where the number of members of the society is so large and it is not possible to ascertain the correct addresses of all such members from the records of the office of the Registrar, and in the opinion of the Registrar it is not practicable to serve notice of hearing on each such individual member as contemplated under the sub-section (1) of Section 22, a public notice of the proceedings of the de-registration of society shall be published in two local newspapers having wide circulation in that locality in which the registered office of the society proposed for de-registration is situated, and of which at least one shall be in the regional language. A copy of the said public notice shall be sent to the registered address of the society by registered post acknowledgement due together with the directives to display it in the office of the society. Such copy of the notice shall also be displayed on the notice board in the office of the Registrar. If the notice sent by such registered post is returned undelivered, the notice shall be treated as having been duly served.

(2) Such public notice shall contain, amongst others, the following details, namely, —

- (a) the reasons for initiating the proceedings for de-registration of the society;
- (b) the date by which any aggrieved person may submit his written statements as to why the proposed action should not be taken;
- (c) the date on which and the place where the Registrar shall give an opportunity of being heard to any aggrieved person;
- (d) the proposed action contemplated under the provisions of sub-sections (2) Section 22.

**16. Conditions for realising the assets and liquidating the liabilities of the de-registered society by the Official Assignee.**-(1) The Official Assignee shall work under the general control, superintendence, and directions of the Registrar.

(2) He shall have the following powers for the purposes of realising the assets and for liquidating the liabilities of society which is de-registered under the provisions of sub-section (1) of Section 22 namely.

—

- (a) he shall have powers to institute and defend any suit and other legal proceedings, civil and criminal, on behalf of the de-registered society in the name of his office;
- (b) to carry on the business of the society, so far as may be necessary for the beneficial completion of the de-registration proceedings;
- (c) to sell such immovable and movable property and actionable claims of the de-registered society generally by public auction or in exceptional cases by private contract with prior approval of the Registrar;
- (d) to investigate all the claims against the de-registered society and subject to the provisions of the Regulation, to decide questions of priority arising out of such claims and to pay any class or classes of creditors in full or retable according to the amount of such debts. However, the Official Assignee shall pay all the liabilities in the following priority, namely—
  - (i) his salaries, remuneration, allowances, and other claims as may be approved by the Registrar;
  - (ii) wages and other payments to be made to the employees of the deregistered society including arrears as may be approved by the Registrar;
  - (iii) expenses required for beneficial completion of de-registration proceedings;
  - (iv) taxes, charges, fees and revenues, etc. payable under any other law for the time being in force and such other dues which are recoverable as arrears of land revenue;
  - (v) any dues payable under the decree of any Court;

- (vi) deposits;
  - (vii) loans payable to the Government of India;
  - (viii) loans payable to the Union territory Administration;
  - (ix) any other dues payable to the Government of India;
  - (x) any other dues payable to the Union territory Administration;
  - (xi) loans guaranteed by the Government of India;
  - (xii) loans guaranteed by the Union territory Administration;
  - (xiii) secured loans;
  - (xiv) unsecured loans;
  - (xv) shares of the Government of India;
  - (xvi) shares of the Union territory Administration;
  - (xvii) shares of any financial institution;
  - (xviii) shares of co-operative societies;
  - (xix) shares of other body corporates;
  - (xx) shares of members.
- (e) to make any compromise or arrangement, with creditors or persons claiming to be the creditors of having or alleging themselves to have any claims, present or future, whereby he may be rendered liable;
- (f) to compromise all calls, or liabilities to calls, and debts and liabilities capable of resulting in debts, and all claims present or future, certain or contingent, subsisting or supposed to subsist between him and contributory or alleged contributory or other debtors or person apprehending liability to him and all questions in any way relating to or affecting the assets of de-registration proceedings on such terms as may be agreed, and to take any security for the discharge of any such calls, liability, debt or claim and give a complete discharge in respect thereof;
- (g) to determine from time to time, after giving an opportunity to answer the claims, the contribution to be made, or remaining to be made by the members or past members of the de-registered society or by the estates, nominees, heirs or legal representatives of the deceased members of deregistered society, or by the officer, past officer of the estate or nominee, heirs or legal representatives of deceased officer to the assets of de-registered society, such contribution being inclusive of debts and dues from such members or officers of the de-registered society;

(h) to determine from whom and in what proportion the cost of de-registration and that of the proceedings of de-registration shall be borne;

(i) to fix the time or times within which the creditors shall prove their debts and claims;

(j) to summon and enforce the attendance of witnesses and to compel the production of any books, accounts, documents/securities, cash or other properties belonging to the society de-registered which have vested in him but are in the possession of any person or body corporate by same means and in the same manner as provided in the case of civil case under the Code of Civil Procedure. 1908;

(k) to do all acts and to execute in his name on behalf of the society deregistered all deeds, receipts and other documents as may be necessary for finalisation of proceedings of de-registration.

(3) Immediately on his appointment, the Official Assignee shall proceed to realise the assets of the society de-registered by sale or otherwise and liquidate the liabilities.

(4) The Official Assignee, during the tenure of office, present accounts of his receipts, not less than twice in each year, to the Registrar. The Registrar shall cause the accounts to be audited in such manner as he thinks fit and for the purpose of audit, the Official Assignee shall furnish to the Registrar with such accounts and information as he or the person appointed by him, may require.

(5) The Official Assignee shall pay such fees as the Registrar may direct for the audit of accounts and books kept by him or by the society de-registered.

(6) The Official Assignee shall on demand and on payment of such fee as he may determine supply a copy of audited account to contributory.

(7) He shall be held liable for any irregularities which might be discovered in the course or as a result of audit or otherwise in respect of transaction subsequent to his taking over the charge as Official Assignee and may be proceeded against as if it were an act against which action should be taken under Section 99.

Provided that no such action shall be taken unless the irregularities have caused or likely to cause the loss, damage and have occurred due to gross negligence or an act of omission or commission in carrying out duties and functions assigned to him.

(8) He shall, after settling assets and liabilities of the society de-registered as they stood on the date of his appointment, proceed to determine the contribution to be made or remaining to be made to the assets of the society de-registered by any person and the property of such person and call upon each of them by order to pay the amount specified in such order as contribution and as cost of the proceedings after de-registration as determined under this rule after approval of the Registrar. Every such order shall be submitted for approval to the Registrar who may modify it or refer it back to the Official Assignee for further enquiry or further action.

(9) If the sum assessed against any person is not covered, the Official Assignee may issue subsidiary order or orders against any other person or persons to the extent of the liability of each for the debts of the society de-registered until the whole amount due from such person is recovered. The provision of foregoing rule shall mutatis mutandis apply to such order.

(10) He shall submit the progress report and such other reports and statements to the Registrar, as the Registrar may require.

(11) He may empower one or more persons by general or special order in writing to make collection and to grant valid receipts on his behalf.

(12) He shall have power to call meetings of creditors and contributories and it shall be obligatory on all such persons to attend such meetings.

(13) The Official Assignee may, at any time, be removed by the Registrar and he shall on such removal hand over all the property and documents to such persons as the Registrar may direct.

(14) The Official Assignee shall exercise only those powers under the Regulation and these rules as may be determined by the Registrar by general or special order from time to time and in the manner and subject to the conditions he may impose.

(15) He shall maintain such books and accounts as the Registrar may require him to keep.

(16) He shall submit a final report to the Registrar. On acceptance of such report by the Registrar, the Official Assignee shall, within thirty days, arrange to transfer the entire surplus to the Registrar.

(17) On the day of acceptance of final report of the Official Assignee by the Registrar, all the assets of the society de-registered shall stand vested in the Registrar and the liabilities, if any, remained to have been liquidated, shall stand liquidated.

(18) After the Registrar accepts final report and the surplus is transferred to him, he may terminate the appointment of Official Assignee, and from the date of such order the person appointed as Official Assignee shall cease to function.

(19) The Registrar shall fix the salary, remuneration and other allowances payable to the official assignee with reference to the nature and quantum of functions performed by him and any expenses of management which shall be payable out of the funds of the society.

**17.Purposes for investment of surplus by the Registrar.**-The Registrar shall dispose of the surplus vested in him under rule 16 in any manner at his discretion for the following purposes, namely, -

(i) any object of public utility, welfare activity, education, relief to poor, medical relief and for any other charitable purpose defined in Section 2 of the Charitable Endowment Act, 1890;

(ii) any society registered with similar object which the society de-registered had.

**18.Procedure for obtaining sanction under section 24(1).**-(1) Where a society or societies enter into collaboration with any undertaking or any undertaking approved by the Administrator for carrying on any specific business or businesses, including industrial investment, financial aid or marketing and management expertise, it shall prepare a draft scheme in that behalf having regard to the provisions of sub-section (2) of section 24 and place the same before a special general meeting of its members.

(2) If the special general meeting approves the draft scheme, with or without modifications by a resolution passed by two thirds majority of the members present and voting at the meeting, the society, or societies as the case may be, shall forward a copy of the resolution and a copy of the draft scheme as approved by the special general meeting to the Administrator requesting him to accord his sanction to the proposal.

(3) If the Administrator accords his previous sanction to the proposal, the society shall proceed to take further steps in accordance with the provisions of section 24.

### Chapter III

#### Members and their rights and liabilities

**19.Conditions to be complied with for admission for membership, cessation of membership and restriction on membership, etc.**- (1) No person shall be admitted as a member of a society unless-

- (a) he is not adjudicated a bankrupt or an insolvent or is an uncertificated bankrupt or is an undischarged insolvent; or
- (b) has not been sentenced for any offence involving moral delinquency; or
- (c) he is not a paid employee of the society or of its financing bank or of any society for which it is the financing bank;
- (d) he has applied in writing in the form laid down by the society or in the form specified by the Registrar, if any, for membership;
- (e) his application is approved by the committee;
- (f) he has fulfilled all other conditions laid down in the Regulation, these rules and the bye-laws;
- (g) in case of a co-operative society, firm, company or body corporate, society registered under the Societies Registration Act, 1860, a public trust registered under any law for the time being in force relating to registration of public trusts or a local authority, the application for membership is accompanied by a resolution authorising it to apply for such membership.

(2) Any member of a society shall cease to be a member of the society if he—

(a) applies to be adjudicated or is adjudicated a bankrupt or an insolvent; or

(b) is sentenced for any such offence as is described in clause (b) of sub-rule (1):

Provided that where a person ceases to be a member of a society under clause (b) he shall be restored to membership of the society if and when the sentence is annulled on appeal or revision; or

(c) becomes a paid employee of the society or its financing bank or of any society for which it is the financing bank.

(3) No society shall retain as member any of its paid employees or any paid employee of its financing bank or of the society for which it is the financing bank.

**20.Procedure for tendering application to the Registrar for membership under section 27.-(1)**

Where a society has refused to accept the application for membership from eligible person or refuse to issue application form to the eligible person, such person may tender an application to the Registrar in Form F together with requisite share money and entrance fee as provided in bye-laws of the society concerned.

(2) The Registrar, on receipt of such application, shall forward the same to the society concerned together with requisite share money and entrance fee within thirty days from the date of its receipt.

(3) The Society shall take the decision and communicate the same to the applicant within three months from the date of receipt of such application as provided in sub-rule (2).

(4) In case the society refuses to admit the applicant as its member, it shall communicate the decision within the period of three months as mentioned in sub-rule (3) with reasons therefor and refund the share money and entrance fee with such communication, if appeal is not pending before the Registrar under sub-section (4) of section 27. If the society fails to refund the said amount, it shall be liable to pay interest at 15% per annum on the said amount from the date of such communication and the said amount if not paid, shall be recovered as arrears of land revenue.

**21.Classes of societies eligible for admitting nominal, associate or sympathizer members.-(1)** A society of any class may admit any person as a nominal member,

(2) A society formed for the upliftment of scheduled tribes, schedule caste, backward classes or, a labour contract society, a forest labourers society, a processing society or an industrial society may admit any person as an associate or sympathizer member.

**22.When rights of membership can be exercised.**-Subject to the provisions of the Regulation, no person shall exercise the rights of a member of a society unless, -

(1) he has paid an entrance fee as laid down in the bye-laws of the society;



(2) he has subscribed for at least one share and made the payment towards the share money as laid down in the bye-laws of the society;

(3) he has fulfilled all such conditions as are laid down in the byelaws of the society for exercising the rights of membership.

**23.Mode of communication of classification of non- active member.** - If a member is classified as a non-active member, the society shall communicate such classification in Form G, to the concerned member within thirty days from the date of close of the financial year by registered post acknowledgement due, by speed post, by hand delivery, by email or otherwise and also by publishing name or names of such members on notice board or website of the concerned society:

Provided that, on fulfilment of conditions, the member shall be reclassified as active member.

**24.Voting rights of Individual members in a federal society.**-In the case of federal societies, the voting rights of individual members, shall be on the basis of 'one member one vote'. Individual members shall include group of the individuals whether incorporated or not and whether established or not by or under any law for the time being in force in the Union territory, a firm, company or body Corporate, society registered under the Societies Registration Act,1860, a public trust,local authority or any entity but shall not include a society.

**25.Withdrawal of Membership.**-(1) Subject to the provisions of the Regulation, these rules and the bye-laws of the society, a member may withdraw from the society after giving three months' notice to the society of his intention to resign his membership of the society.

(2) No resignation of a 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 maximum amount of share capital that can be refunded in a year shall not be exceed 10 per cent of the paid-up share capital of the society on the last day of the preceding year.

(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 the byelaws, refund the amount within three 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 the 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 27.

**26.Procedure for transfer of shares.**-(1) No transfer of shares shall be effective unless, —

(a) it is made in accordance with the provisions of the 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.

**27.Valuation of shares.-** (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, the value of share or interest 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 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) except transfer fees if any as per bye-laws of the society.

**28.Transfer of interest on death of member.-**(1) Every member of the society who is permitted by or under the Regulation to transfer his share or interest on death to any person shall, by a statement signed by him in the register of members kept under section 43, nominate any person to whom under section 35, the value of his share or interest in the society or so much thereof as may be specified in the nomination, shall be paid or transferred on his death.

(2) A nomination so made may be revoked or varied by a subsequent nomination similarly made.

(3) In case the nominee of the member dies, the member shall report the death to the society.

(4) The value of the share or interest for the purpose of sub-section (3) of section 35 shall be the amount as ascertained under rule 27.

(5) In case of payment of the value of the share or interest or other moneys due to the deceased member, the committee shall obtain sureties for the amounts involved in such payments from two members of the society.

**29.Nomination of persons.**-(1) For the purpose of transfer of his share or interest under sub-section (1) of Section 35, 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) The society shall register such nomination in the register of members kept under section 43.

**30.Manner of application to the Co-operative Information Officer under section 37.**-(1) A member who desires to obtain information under sub-section (1) of section 37 of the Regulation, shall make an application in writing or through electronic means to the Co-operative Information Officer in Form H.

(2) A member making an application under sub-rule (1) shall not be required to give any reason for requesting the information or any other personal details, except those that may be necessary for contacting him.

(3) The application fee, other charges for supplying the information and manner of payment shall be such as prescribed under the provisions of the Right to Information (Regulation of Fee and Cost) Rules, 2005.

(4) For the purpose of this rule and Section 45 copies of any entries or documents may be certified by any officer of the society duly authorised in that behalf by the committee or special officer or custodian or official assignee or liquidator as the case may be, under the seal of the society.

**31.Procedure for expulsion of members.**-(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 the 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 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. The resolution shall be passed by three-fourths majority of all the members present and voting at a general meeting of members held for this purpose.

(2) When a resolution passed in accordance with sub-rule (1) is sent to the Registrar, he shall consider the resolution and after making such enquiries as he may deem fit, give his approval or disapproval and

communicate the same to the society and the member concerned. The resolution shall be effective from the date of such decision.

(3) The approval or disapproval of the Registrar shall be communicated to the society within a period of three months from the date of such submission.

## CHAPTER IV

### Incorporation, Duties and Privileges of Societies

**32.Register of members.**-The society shall enter in the register kept under section 43,

- (a) the name, address and occupation of each member;
- (b) the total number of shares held by each member;
- (c) the date on which each person was admitted as a member;
- (d) the date on which any person ceased to be a member;
- (e) the name and address of every person nominated.

The register of members to be kept by every society under sub section (1) of Section 43 shall be in Form I.

**33.Restrictions on borrowing by societies, etc.**-(1) Except with the previous sanction of the Registrar, no society shall incur liability exceeding in total the following limits -

(a) if it be the State Co-operative Bank, Central co-operative bank or an urban co-operative bank twenty-five times the total amount of its paid up-share capital, accumulated reserve fund and building fund minus accumulated losses.

(b) If it be a producer's society fifteen times the total amount of its paid up share capital, accumulated reserve fund and building fund minus accumulated losses.

(c) if it be a society but not falling under clause (a) or (b) above, ten times the total amount of its paid-up share capital, accumulated reserve fund and building fund minus accumulated losses.

(2) In calculating the total amount of liability under sub-rule (1)

(i) in the case of the State Co-operative Bank or Central co-operative bank a sum equal to the amount borrowed on the security of agricultural produce or other goods belonging to the members of the bank shall be excluded from the amount of the liability actually incurred.

(ii) in the case of any other society 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 the society on the security of agricultural produce or other goods belonging to it or its members shall be excluded from the amount of the liability actually incurred.

(3) (i) Notwithstanding anything contained in sub-rule (1) a society other than a society referred to in clause (c) of sub-rule (1) may incur liability 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 loans in excess of the said limit shall not be utilised in the business of the society but shall be invested in the Government Securities which shall be deposited-

(a) in the case of the State Co-operative Bank or Urban Co-operative Bank, with the Reserve Bank of India,

(b) in the case of a Central Co-operative Bank, with the State Co-operative Bank or Reserve Bank of India, and

(c) in the case of any other society, with the State Co-operative/Central Co-operative bank or State Bank of India or any nationalised bank.

(ii) No society shall borrow against the Government securities in which it has invested any amount under clause (i).

(4) The Registrar may, by general or special order, lay down such additional conditions as he deems fit, subject to which and the extent up to which any society or class of societies may receive deposits, issue debentures or raise loans from any creditor.

**34.Maintenance of liquid resources and distribution of assets.**-Every society which obtains any portion of its working capital by deposits shall, -

(1) maintain such liquid resources and in such form as may be specified from time to time by the Registrar, and

(2) 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.

**35.Restrictions on borrowing from more than one credit Society.**-(1) Every person who is member of more than one society (other than a State/Central Bank/Urban Bank or a Marketing society) dispensing credit shall unless he has already done so, make a declaration in Form J that he will borrow from, or accept the responsibility of a surety in one society only to be mentioned in the declaration and shall send a copy of such declaration duly attested to all other societies through such society.

(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 for 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.

**36.Restrictions on transactions with non-members.-** 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 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.

**37.Loans and deposits from non-members by societies.-**No society other than the State Co-operative Bank, Central Co-operative Bank or an Urban Co-operative Bank shall receive any deposits from a non-member.

**38.Form of declarations be made by members borrowing loans from certain societies and conditions on which any charge in favour of a society shall be satisfied.**(1)A declaration to be made under clauses (a) and (b) of sub-section (1) of Section 53 shall be in Form K.

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

(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 sub-section (1) of Section 53 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 53, 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 53, the society shall record or cause to record such particulars of charge in the Record of Rights maintained by the village officers of the village 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 53.

## Chapter V

### Property and funds of societies

**39.Honorarium.**-The honorarium to be paid under sub-section (2) of section 57 shall not exceed 5 per cent of net profits or Rs. 10,000 in a year whichever is less.

**40.Amounts to be deducted by a Society from its profits before arriving at its net profits.**- In addition to the sums referred to in sub-section (1) of Section 58, the following sums shall be deducted by a society from its profits before arriving at its profit for the purposes of sub-section (1) of Section 58;

(i) Contribution, if any to be made to any sinking fund or guarantee fund constituted under the provision of these rules or bye-laws of the society for ensuring due fulfilment of guarantee given by the Administrator 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 investment,

(iii) Any provision required to be made for the redemption of share capital contributed by the Administrator or by a Federal Society.

**41.Appropriation of profits for other purpose.**-The other purposes for which a society may appropriate its profits shall be for the creation of —

(a) Development Fund.

(b) Dividend Equalisation Fund, or

(c) any other fund created under bye-laws.

**42.Rates of annual contribution to the education fund.**- (1) Every society which declares, out of the current year's profit, dividend to its members, shall credit annually one per cent. of the net profit to the co-operative education fund to be maintained by the Registrar.

(2) The Registrar shall maintain the Co-operative Education Fund in a separate account, and all income by way of interest or otherwise accruing from the contribution towards the fund, shall be credited to the Fund.

(3) No expenditure out of the Co-operative Education Fund shall be incurred without the approval of the Registrar.

(4) The Co-operative Education Fund may be utilised for any of the following purposes, namely: —

- (a) education of the members, directors including office-bearers and employees of the societies and the general public in the principles and practice of co-operation;
- (b) human resource development in the societies;
- (c) development of the societies;
- (d) capacity building and business management;
- (e) professionalisation;
- (f) technical upgradation;
- (g) education, training, national co-operative database, research, manpower and power and related infrastructure;
- (h) research and development;
- (i) development of the co-operative movement in general;
- (j) co-operative awareness and publicity;
- (k) publication of books and journals relating to the co-operative movement;
- (l) conduct of research, case studies and education in the field of co-operative movement;
- (m) award of prize, or honorarium for rendering meritorious service to the cause of the co-operative movement; and
- (n) any other purpose as may be determined by the Administrator for strengthening the co-operative movement.

**43. Investment of funds.**-(1) A society may invest, or deposit its fund as provided in section 63.

(2) A society may, with the previous sanction of the Registrar, invest the whole or any portion of its fund in the purchase or lease of land or in the acquisition, construction or renewal of any building that may be necessary to conduct its business. The amount of the funds so invested shall be recouped on such terms as may be determined in each case by the Registrar.

(3) The provisions of this rule shall not apply-

(a) to immovable property purchased -

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



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

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

(4) No recoupment of the amount invested under this rule shall be necessary where the investment is made by a society in which the share capital raised from the members is intended to build up the special kind of business for which it has been registered.

**44.Maintenance and administration of provident fund.**-(1) A society which has established a provident fund for its employees under Section 64 shall, frame rules for the maintenance and administration of the provident fund for its employees.

(2) The society creating such a fund shall provide for the following in its bye-laws –

(a) Authority to administer the fund;

(b) Amount of contribution to be deducted from the employee's salary;

(c) Mode of nomination for payment of the amount of the contributory provident fund in case of employee's death;

(d) Purpose for which, the extent to which, and the period after which, advances may be made against the security of such fund and the number of monthly instalments in which advance is to be repaid;

(e) Refund of employee's contribution and contribution made by the society;

(f) Maintenance of accounts of such fund.

(3) The amount of contribution that can be deducted from the salary of an employee of the society shall not be less than the ceiling provided in the Employee's Provident Fund and Miscellaneous Provisions Act, 1952 (19 of 1952)

(4) The society may make such contribution every year to the employee's contributory provident fund as may be approved by the board subject to the maximum ceiling as provided in the Employee's Provident Fund and Miscellaneous Provisions Act, 1952 (19 of 1952).

(5) However, a provident fund established by a society to which the provisions of the Employees Provident Funds and Miscellaneous Provisions Act, 1952(19 of 1952) is applicable, shall be governed by that Act.

**45.Election of delegates for general body.**-(1) Where the bye-laws of a society provide for the election of delegates of such members, the final authority may vest in the delegates of such members.

(2) A society with a membership of 500 or more may provide for such election of delegates.

(3) No person shall exercise the right to vote at an election of delegates, unless he is a member of the society for the whole of the financial year preceding the financial year in which the election is being held. No member society of a federal society shall exercise the right to vote at an election of delegates unless such society has its last accounts audited in class A, B or C.

(4) There shall be following types of delegates in every federal society having individual as members,

-

(a) Delegates from member societies;

(b) Delegates from individual members:

Provided that there shall be, delegates from individual members equal to one third of the number of societies admitted to membership up to relevant date or one delegate for every twenty-five individual members (fraction being neglected) whichever is less and delegates from societies for every five society members (fraction being neglected) as on relevant date.

Provided further that in a federal society the delegates from individual members shall not at any time in the meeting exceed one third of the number of delegates of the societies.

**46.Reservation of seats in managing committee.**-There shall be reserved two seats for women in the managing Committee of every society consisting of individuals as members and one seat for Schedule cast or Schedule Tribe or other backward classes members in the managing committee of every society consisting of individual members, if such class of persons are members in the society.

**47.Officer or employee of Society not to have interest in transaction, etc.**-(1) No officer or employee 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 or employee 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.

**48. Appointment of officers and employees and their conditions of service.**-(1)Where Administrator has subscribed to the share capital of a society with limited liability amounting to Rupees one crore or more, the qualifications, condition of service, staff schedule procedure of recruitment for appointment of General Manager, Manager, Secretary, Accountant or any other officer or employee of the society shall be as may be approved by the Administrator from time to time.

Provided that no qualifications shall be prescribed in respect of any officer not in receipt of any remuneration or salary.

(2) In case of other societies excluding housing co-operative societies or housing service co-operative societies and the societies specified in sub-rule (1), the society has to send the staff schedule of salarised employees for approval to the Registrar.

(3) Registrar shall consider staff cost of last three years before approval of the staff schedule:

Provided that the staff cost to income should be restricted to ten percentage of the income and staff cost to working capital should be restricted to one percentage, in all the societies.

Provided further that Registrar may exempt any society from staff cost limit in case to case basis, the reasons for which shall be recorded in writing.

**49. Disqualification for membership of committee.**-(1) No person shall be eligible for appointment, or election or nomination or co-option or being continued as member of the committee if he—

(a) is an applicant to be adjudicated a bankrupt or an insolvent or an un-certificated bankrupt or un-discharged insolvent, or

(b) has been sentenced for any offence other than an offence of a political character or an offence not involving moral delinquency, such sentence not having been reversed or the offence pardoned provided that this disqualification shall not apply where more than five years have elapsed from the date of the expiration of such sentence, or

(c) is of unsound mind, or

(d) is a paid employee of the society, the financing bank or any society for which it is the financing bank:

Provided that this clause shall not apply to paid employees of the Societies being members of the committee of a society, composed exclusively of such employees; or

(e) he has any interest directly or indirectly in any subsisting contract made with the society or in any property sold or purchased by the society or any other transaction of the society except in any investment made in or any loan taken from the society; or

(f) he has incurred any disqualification as per any provision of the bye-laws of the society; or

(g) he is not continuously a member of the society for a period not less than three years and continues to be such member;

(h) he is held responsible under section 87;

- (i) an order for recovery of costs is made against him by a magistrate under section 97;
- (j) an order is made against him under sections 65 and 99;
- (k) he is found guilty of any of the offences mentioned under section 156 or any offence under section 314 of the Bharatiya Nyaya Sanhita, 2023, in respect of the property of any society;
- (l) is in default to any society or any other financial institution in respect of any loan or loans taken by him.

(2) A member of the Committee who incurs any of the disqualifications as per the Regulation, these rules or bye-laws shall vacate the office and if he does not vacate such office, he shall be removed by the Registrar as such member after giving him an opportunity of being heard.

**50. Duties of the managing committee.** It shall be the duty of the managing committee,

- (i) to receive and disburse money;
- (ii) to maintain accounts of money received and expended and the accounts of assets and liabilities;
- (iii) to prepare for submission for the annual general meeting an annual report of the working of the society and all such annual statements of accounts required to be placed before the general meeting under the Regulation, these rules and bye-laws;
- (iv) to prepare the statements of accounts and other statements required by the auditor for the purpose of audit;
- (v) to prepare and submit all statements, returns and periodicals required by the Registrar;
- (vi) to maintain an up-to-date register of members;
- (vii) to facilitate the inspection of books by those entitled to inspect;
- (viii) to convene general meetings on requisition;
- (ix) to convene annual general meeting in due time;
- (x) to watch the recovery of loans and examine the application of loan;
- (xi) to examine and take prompt action in cases of all arrears and defaults in repayment of loans and advances;
- (xii) to provide all necessary help, assistance and co-operation to the Co-operative Election Authority for the smooth conduct of election of committee and office bearers;
- (xiii) to perform such other duties as may be entrusted in the general meeting.

**51.Terms and conditions of the Chief Executive Officer.-** Where the Central Government or the Administration holds fifty one percent or more equity capital of a society, the qualifications and eligibility conditions for the post of Chief Executive, the salaries and allowances, other terms and conditions of service including suspension, removal, pension, gratuity, retirement benefits etc. shall be as approved by the Central Government or the Administrator as the case may be.

**52.Restriction on rates of sitting fees and travelling and daily allowances of members of the committee and other conditions and limitations.-**

(1) Subject to the provisions of sub-rules (2) and (3) no society shall prescribe nor a member of the committee thereof shall be entitled to sitting fees, travelling and dally allowances while touring on public business, at the rates exceeding the maximum rates specified for the category of the society in the Table below:

TABLE

Sr. No.	Category of the society	Maximum rate of siting fees	Maximum rate of daily allowance	Traveling Expenses
(1)	All Apex or any society having area of operation entire Union territory.	Rs.750/-	Rs.500/-	(i) First-class Railway/Bus Fare  (ii) Rs.12/- per kilometre, in case a member travelled by private, owned or hired vehicle
(2)	All societies having area of operation one or more districts.	Rs.500/-	Rs.400/-	(i) First-class Railway/Bus Fare  (ii) Rs.12/- per kilometre, in case a member travelled by private, owned or hired vehicle
(3)	All societies other than which are covered under (1) and (2) above.	Rs.200/-	Rs.200/-	(i) First-class Railway/Bus Fare  (ii) Rs.12/- per kilometre, in case a member travelled by private, owned or hired vehicle

(2) (i) A member of the committee shall be entitled to 50% increase in the rate of daily allowance prescribed by the societies, for touring outside the Union territory:

Provided that where suitable accommodation is not available and the member is compelled to pay the cost of accommodation higher than the rate of dally allowance, the member shall be entitled to actual cost of accommodation subject to a maximum of double amount of the prescribed amount.

(ii) in the case of travelling abroad in the public interest, a member shall be entitled to draw travelling and Daily allowance as decided by the Board of Directors and after obtaining prior approval thereto from the Administration before the member proceeds for such travel.

(3) A member of Committee of a society in relation to touring on public business shall be subject to the following conditions and limitations:

(a) The Journeys in connection with the performance of functions of the Committee shall have to be approved by the Resolution of the Committee. No member shall be entitled to claim travelling or daily allowance from more than one society when he attends any functions or attends meeting of the committees of more than one society on the same day.

(b) For the purpose of daily allowance, if absence from the place of ordinary residence of the member exceeds 12 hours, full daily allowance shall be admissible and if such absence is for less than 12 hours at half the rate of full daily allowance shall be admissible.

(c) No daily allowance shall be admissible for the journeys within the radius of 8 K.M.s from the place of headquarters or ordinary residence of the member.

(d) in case of journeys by rail, the fare of actual class of accommodation availed of shall only be admissible.

(e) in case the journey is performed by vehicle borrowed from any Co-operative Society or any other institution no travelling expenses shall be admissible and only daily allowance shall be admissible.

(f) The daily allowance shall be admissible only for the days on which the member attends the meeting or attends any other functions of the Committee and for the time required for, to and from journey from Head Quarters of the Society or the place of ordinary residence of member.

(g) The travelling allowance bill of the members shall be preferred in such form as the Registrar may by General or Special order specify Such bill shall be countersigned by the Chief Executive officer or any equivalent officer and Chairman of the Society.

**53.Motion of no-confidence against the officers of the society.**-(1) The requisition to call the special meeting of the committee of a society to consider a motion of no-confidence against the President, Vice-President, Chairman, Vice Chairman, Secretary, Treasurer or other officer of the society, by whatever designation called, who holds office by virtue of his elections to that office, shall be made in Form M.

The requisition shall be accompanied by; -

(a) the grounds of no-confidence;

(b) the text of the motion of no-confidence to be moved;

(c) the name of the committee members who shall move the motion of non-confidence;

(d) a list of members of the committee specifying their full names, and address who are, for the time being, entitled to sit and vote at any meeting of the committee;

(e) signatures of the members of the committee who are signing the requisition duly attested by the Chief Executive Officer of the society concerned or any equivalent officer of the society or Special Executive Magistrate or Executive Magistrate or any Gazetted Officer of the Union territory.

(2) The requisition referred to in sub-rule (1) shall be delivered in person to the Registrar. Such requisition or requisitions shall be delivered in duplicate in each case. The Registrar on ascertaining that the requisition or requisitions as the case may be, have been signed by not less than one-third

members of the committee who for the time being are entitled to attend and vote in any meeting of the committee of society; -

(a) receive and acknowledge the requisition under his signature with date and time;

(b) issue notice convening, the special meeting for that purpose specifying therein place, date, time, name and designation of the officer who shall be presiding over such meeting, to all the members of the committee, the Presiding Officer and Manager or such employee of the society, to whom the Registrar has directed to produce minutes book of committee meetings of the society. This notice of no-confidence shall also be issued, to the officer or officers against whom the motion of no confidence is being moved, and shall be accompanied by the copy of the requisition along with enclosures and agenda;

(c) The Registrar shall direct the Manager or any other employee to deliver in person the minutes book of the committee meetings on the date, time and place of the meeting, to the Presiding Officer;

(d) The Registrar shall send the notice to all the persons concerned. However, he shall serve or cause to be served the notice on the officer or officers against whom the motion of no-confidence is proposed to be moved through the special messenger or the officer or officers, as the case may be, or in his or their absence on any adult member of his or their families at the place of residence. If for some reason it is not possible to serve the notice, the authorised person in this behalf, shall in presence of two witnesses, affix such notice on any conspicuous place of the residence of the officer or officers, as the case may be;

(e) copies of this notice shall be displayed on the Notice Board of the Registrar, the Presiding Officer and the society. Such display of the notice on the notice board of the Registrar and the Presiding Officer shall be the conclusive proof that such notice has been served on all concerned.

(3) Notwithstanding anything contained in the bye-laws of the society regarding the procedure for convening and holding meeting and recording of minutes, the procedure adopted by the Registrar, the Presiding Officer and the authorised person under sub-rule (2), shall be deemed to be the proper procedure under the provisions of bye-laws of the society. If the Registrar deems it necessary, he shall require any officer of the society to furnish any information to him and it shall be obligatory on the part of such officer to furnish such information. On failure of the officer to furnish the information, the Registrar may get it through any person authorising in that behalf. This failure on part of the officer of the society shall be construed as non-compliance of provisions as contemplated under sub-section (1) of Section 87. However, in case of the officer of the society who holds that office by virtue of his election, including the member of the committee of management, it shall be construed as negligence of performance of duties imposed by the Registrar as contemplated under subsection (1) of Section 87.

(4) The meeting shall be held either in the office of the society or any other place specified by the Registrar.

(5) No other subject, except the motion or motions of no-confidence shall be kept on the agenda.

(6) The Registrar or the officer authorised to preside over the meeting shall,

- (a) announce or cause to be announced the commencement of the meeting;
- (b) take possession of the minutes book of the committee meetings from the officer of the society. However, for some reasons, if it is not possible for him to take possession of the minutes book of the committee meetings of the society, at the commencement of the meeting, he shall record proceedings in any other register or book kept in his office. The text of the minutes of the meeting recorded in this register or book kept shall be incorporated in the minutes book of the society;
- (c) record the date, time, place, names of members of the committee present at the commencement of the meeting, in the minutes book of the society or kept by him, as the case may be, and cause all the members of the committee who are present, to sign it and it shall be obligatory on their part to do so. The signature of the members on the minutes book shall be the conclusive proof of their attendance;
- (d) not allow any other person to enter the place of meeting except the person or persons appointed to assist him, the officer of the society who has produced the minutes book, the officer or officers against whom the motion of no-confidence is moved, the members of the committee who are for the time being entitled to sit and vote in any meeting of the committee, who are present at the commencement of the meeting and police officer or officers if called by him to maintain the law and order;
- (e) record or cause to be recorded, the proceedings of the meeting and thereafter allow those members who desire to sign the proceedings. Signature of the members on the minutes book shall be the conclusive proof of their attendance;
- (f) not allow the discussions on any other subject than the subject on agenda;
- (g) (i) read or cause to be read the text and grounds of no-confidence motion and allow any of the member, who have signed the requisition to move the motion and to speak in support of the motion;  
(ii) allow the member against whom no-confidence motion is moved or any other member on his behalf to defend;
- (h) put the motion to vote and declare the results as laid down in sub-section (1) of Section 73;
- (i) the Presiding Officer shall not speak or give any decision on the merit or otherwise of no-confidence motion;
- (j) issue certificate in Form N in favour of the society.



**Chapter VI****Co-operative Election Authority and Election to Societies, Etc.**

**54. Definition:** - In this chapter, unless the context otherwise requires.

- (a) "Asst. Co-operative Election Officer" means any person appointed by the Co-operative Election Officer to assist him in conducting election.
- (b) "Asst. Returning Officer" means any person appointed by the Co-operative Election Officer to assist the Returning Officer/ Assistant Co-operative Election Officer in conducting election.
- (c) "Ballot box" means a box provided for the purpose of dropping ballot paper after casting vote by voters.
- (d) "Ballot paper" means a paper provided to voter for casting his/her vote containing names of contesting candidates with symbol.
- (e) "Presiding Officer / Polling Officer" means a Govt. official appointed by the Returning Officer/ Assistant Co-operative Election Officer to be in charge of polling booth.
- (f) "Returning Officer/ Assistant Co-operative Election Officer" means any person appointed by the Co-operative Election Officer for the purpose of conducting election to the Committee and office bearers of the society.
- (g) "Voter" means a member of Society who is eligible to vote in the election to the Committee of the Society.
- (h) "Term" means term of the committee of Co-operative Societies.

**55. Appointment of the Co-operative Election Officer.**-The District Collector of the District of Dadara and Nagar Haveli, Daman and Diu shall be the Co-operative Election Officer of the district of Dadara and Nagar Haveli, Daman and Diu respectively. He shall be Co-operative Election Authority for the respective District also.

**56. Appointment of Secretary to the Co-operative Election Authority.**-The Superintendent (election cell) to the District Collector shall be secretary to the Co-operative Election Authority.

**57. Types of the societies.**-For the purpose of conduct of elections to societies under the Regulation, the societies shall be classified as follows, namely:

(I) Type "A" societies.—

- (1) All Apex or Federal Co-operative Societies;
- (2) The Daman and Diu State Co-operative Bank Ltd;
- (3) All Co-operative Urban banks.

(II) Type "B" societies.—

- (1) Primary Agriculture Co-operative Credit Societies and Fisheries Co-operative Societies having paid up share capital Rs. 10 lakhs and more as on the 31st March of the preceding year;
- (2) Co-operative Credit Societies having deposits of Rs.100 lakhs or more, paid up share capital of Rs. 10 lakhs and more, as on the 31st March of the preceding year;
- (3) Any other District or Taluka Co-operative Federations or Unions, which are not included in Type "A" Societies.

(III) Type "C" societies.—

- (1) All Co-operative Societies having paid up share capital of less than Rs.10 lakhs;
- (2) All Co-operative Housing societies and Housing Service societies.

Provided that, if any dispute arises regarding determination of classification of type of society, the decision of the Co-operative Election Officer thereon shall be final and shall be binding on all the parties to the dispute.

**58.Procedure for conduct of elections.**-(1)The Co-operative Election Officer may appoint any person appoint as a Asst. Co-operative Election Officer to assist him in conducting election.

(2) The election of members of the committee shall be conducted by a Returning Officer, to be appointed by the Co-operative Election Authority/Asst. Co-operative Election Officer:

Provided, that the Co-operative Election Authority may also appoint one or more persons to be called as the Assistant Returning Officer to assist the Returning Officer.

(3) Every Assistant Returning Officer, shall, subject to the control of the Returning Officer and general control of the Authority, be competent to perform all or any of the functions of the Returning Officer:

Provided that, no Assistant Returning Officer shall perform the functions of the Returning Officer relating to the scrutiny of nominations unless the Returning Officer is unavoidably prevented from performing the said function.

(4) For holding the elections of societies, the Co-operative Election Officer, the Returning Officer or the Assistant Returning Officer, as the case may be, shall have the following powers, namely:—

(i) To appoint any employee of the Union territory Administration, Zilla Panchayat, any local body, any Co-operative Society having establishment in that district, on any post with such designation and duties for the purpose of holding the elections;

(ii) It shall be obligatory on every officer or employee, so appointed to, perform the duties assigned on him, failing which, he shall be liable for prosecution for having committed contempt of the lawful authority of the public servant within the meaning of Chapter X of Bharatiya Nyaya Sanhita.

(iii) To requisition any premises, vehicles or any other material required for holding the election, from any Co-operative society as he may deem necessary;

(iv) On service of such requisition, it shall be obligatory on that society to whom such requisition is made, to forthwith hand over the possession of premises, vehicles or any other material, as the case may be to the requisitioning authority or any person authorised by him in that behalf.

**59. Report of name of society in which election is to be held.**-(1) The Registrar shall maintain a register in Form E-1 in his office showing the names of such societies with details thereof in which election is required to be held.

(2) It shall be the duty of the Committee of every co-operative society to inform the Registrar of co-operative societies and Co-operative Election Authority about the expiry of its term of office at least six months before the date of expiry of such term in Form E-2:

Provided that, if the committee of such society fails to submit the report within the stipulated time, the Registrar shall proceed to enlist the names of such society or societies for on the basis of information available in his office and such enlisting the names shall be prima facie evidence that the election of the society is due to be held, unless proved to the contrary.

**60. Provisional list of voters.**-(1) A provisional list of voters shall be prepared by every such society in the year in which the elections of such society is due to be held. If different constituencies are provided in the bye-laws, the names of voters shall be arranged constituency wise as laid down in the bye-laws.

(2) Four copies of the authenticated provisional lists of voters shall be submitted by the Chief Executive officer/Secretary/Manager of the society to the Co-operative Election Officer/Asst. Co-operative Election Officer, 120 days before the date of expiry of the term of the committee members. Copies of such lists in Form E-3 shall be displayed on the notice board of the society and of the office of the Co-operative Election Officer and office of the Assistant Registrar of Co-operative Societies, within 15 days from its receipt, inviting claims and objections from the members of the society.

(3) If, any Chief Executive officer/Secretary/Manager fails to deliver copies of the provisional list of voters to the Co-operative Election Officer on or before the due date, the Co-operative Election Officer/Asst. Co-operative Election Officer shall himself or through any person authorised by him in this behalf, prepare such provisional list of voters and the expenditure incurred therefor shall be recovered from the chief executive or other persons responsible therefor, as arrears of land revenue.

(4) In the event of the Co-operative Election Officer/Asst. Co-operative Election Officer taking action under the last preceding sub-rule, he shall also cause copies of the provisional list of voters to be displayed on his notice board and on the notice board of the office of the Assistant Registrar of Co-operative Societies and of the society for inviting claims and objections from the members of the society.

**61.Particulars to be included in the provisional list of voters.**-(1) The provisional list of voters,in the case of individual share holders, shall contain the name, father's or husband's name, surname,if any; membership number,age,gender and with address recorded in the register of members of the society concerned, of every person entitled to be registered as voter with such other particulars as may be necessary to identify him.

(2) Where a member of the society concerned is of any one of the categories mentioned in sub-section (3),(4),(5) and (6) of section 32 of the Regulation, the society concerned shall call for the names of the representatives of such category of members duly authorised to vote at the election on behalf of the said category of members so as to reach it 150 days prior to the date of expiry of the term of office of the committee members.

(3) While communicating the names of the representatives, the said category of members shall enclose a copy of the resolution of the Firm, managing committee or board of directors of such member wherein the representative is so authorised. The list of voters shall include the names of all such representatives as have been communicated to the society concerned before the date fixed for publication of the provisional list together with the names of the company, firm, body corporate, Co-operative society, public trust, etc. the registration number and address with name of the constituency,if any, to which they belong.

**62.Claims and objections to the provisional list of voters and the final list of voters.**-(1)When any provisional list of voters is published for inviting claims and objections, any omission or error in respect of the name or address or other particulars in the list may be brought to the notice of the Co-operative Election Officer/ Asst. Co-operative Election Officer in writing by any member of the society concerned who is a voter or any representative authorised to vote on behalf of such society during office hours within 15 days from the date of publication of the provisional list of voters.

(2) The Co-operative Election Officer/ Asst. Co-operative Election Officer shall, after making such enquiries as deemed necessary in this behalf consider each claim or objection, and give his decision thereon in writing to the persons concerned within 10 days from the last date prescribed for receiving the claims and objections and such list shall be the final list of voters.

(3) The copies of the final list of voters in Form E- 4 shall be displayed on the notice board of the society and of the office of the Co-operative Election Officer/ Asst. Co-operative Election Officer and office of the Assistant Registrar of Co-operative Societies at least seven days before the declaration of the election programme and in no case later than fifteen days from the finalisation of claims and objections.

**63.Appointment of dates, etc., for various stages of an election.**-(1) The Returning Officer shall draw and declare a notice of various stages of election programme, as indicated here in below, not earlier than seven days and not later than fifteen days of the date of display of the final list of voters of the society:—

i	Last date for making nominations	7 days from the date of declaration of election programme.
ii	The date of publication of list of nominations received	As and when received till the last date fixed for making nominations.
iii	Date of scrutiny of nominations	Next day of the last date for making nominations.
iv	Date of completion of scrutiny	Not later than three days from the date of scrutiny.
v	Date of publication of list of valid nomination after scrutiny.	Next day after the date of completion of Scrutiny.
vi	Date by which candidature may be withdrawn.	2 days from the date of publication of list of valid nomination.
vii	Date of publication of final list of Contesting candidates	The date next succeeding the last day fixed for withdrawal of candidature.
viii	Date and time during which and place/places at which the poll shall be taken	Not earlier than 10 days but not later than 15 days from the date of publication of final list of contesting candidates (time and place to be fixed by the Returning Officer).  The time of poll should not be earlier than 8.00 a.m. and later than 5.00 p.m.
ix	Date, time and place for counting of votes	Not later than the 3rd day from the date on which the poll shall be taken (time and place to be fixed by the Returning Officer).
x	Date of declaration of results	Immediately after the counting of votes.

(2) Returning Officer shall give intimation in Form E-5 regarding the details of election to the members of the committee of the society. A copy of the intimation shall be published on the notice board of the Co-operative Election Authority/ Asst. Co-operative Election Officer, Assistant Registrar of Co-operative Societies, and the head office and branches, if any, of the Society.

Explanation: — (1) If the last date in reckoning dates as specified in the above cases is a public holiday, the next succeeding working day shall be fixed for the respective events.

(2) The proportion of polling stations to the number of voters at each polling station and the place of polling station shall be fixed by the Returning Officer.

**64.Manner of modification of election programme declared under rule 63.-** If, due to any unavoidable circumstances and in the public interest, it has become imminent to modify the programme and there is no sufficient time for obtaining the previous approval of the Co-operative Election Officer/ Asst. Co-operative Election Officer, to such modifications, the Returning Officer may, for reasons to be recorded in writing, modify the programme. In every such case, the Returning Officer shall forthwith

send a copy of the modified election programme alongwith the reasons recorded by him for such modification to the Co-operative Election Officer/ Asst. Co-operative Election Officer.

**65. Nomination of candidates.**-(1) Nomination of the candidate for election shall be made in Form E-6, which shall be supplied on request, by the Returning Officer or any other officer authorised by him in this behalf, to any member of the society free of cost.

(2) Every nomination form shall be signed by two members whose names are included in the list of the members or delegates and one of the members shall sign the form as proposer and the other as seconder for the nomination and the nomination form shall also contain a declaration signed by the candidate, expressing his willingness to contest the election:

Provided that in case of election from constituency of societies, the proposer and seconder shall be from the same constituency.

(3) Nomination form may be presented in person by the candidate himself to the Returning Officer or by any person authorised by him in this behalf, before the date and time specified for submission of nomination form as per the election programme and the Returning Officer or any other officer authorised by him, who receives the nomination form, shall enter on the nomination form its serial number and certify the date and time at which the nomination form has been received by him and shall immediately give a written acknowledgement for the receipt of such nomination form.

(4) The Returning Officer shall, at the close of the time fixed for the receipt of nomination forms, prepare and display on the notice board of the society in Form E-7 every day, a list of nominations received by him and any nomination form submitted after the date and time fixed for its receipt, shall be rejected.

**66. Requirements for valid nominations.**-(1) No person shall be nominated as a candidate for election to fill a seat on the committee if he—

(a) is ineligible to vote;

(b) is not qualified or is disqualified to be the member of a society or a member of the committee under the provisions of the Regulation and the rules or bye-laws of the society; and

(c) does not possess the necessary qualifications specified in the bye-laws of the society for election as member of the board.

(2) On the presentation of nomination paper, the Returning Officer shall satisfy himself that the names and the number of candidate and of his proposer and seconder are, as entered in the list of voters. If a nomination paper is rejected under this rule, the Returning Officer shall record his reason for rejecting the same:

Provided that the Returning Officer shall permit any clerical or technical error in the nomination paper in regard to the said name or number to be corrected in order to bring them into conformity with the corresponding entries in the list of voters and where necessary, clerical or printing error in the said entries shall be overlooked.

Provided further that, where the seats are reserved on the committee of any society as provided under sub-section (3) of section 67 of the Regulation, an individual belonging to the category specified in said sub-section (3) of section 67 of the Regulation shall be eligible for being nominated as candidate if his name appears in the list of voters, a candidate shall not be deemed to be qualified to be chosen to fill that seat unless his nomination paper contains a declaration by him specifying the particulars of reservation category.

Provided also that a failure to complete or defect in completing the declaration as to symbols in the nomination paper, shall not be deemed to be a defect of a substantial character within the meaning of these rules.

**67.Deposit.**-A candidate shall not be deemed to be duly nominated for election from a constituency unless he deposits or causes to be deposited with the Returning Officer following amount as deposit,-

(i) in case of type "A" societies a sum of Rs.10000/-

(ii) in case of type "B" societies a sum of Rs.5000/-

(iii) in case of type "C" societies a sum of Rs.2500/-

Provided that where the candidate belongs to a scheduled caste or scheduled tribe or economically backward class, a sum of Rs. 1000/- shall be deposited for all types of societies.

Provided further that where a candidate has been nominated, by more than one nomination paper for election in the same constituency, not more than one deposit shall be required from him under this rule.

**68.Scrutiny of nomination papers.**-(1) On the day fixed for the scrutiny of nomination papers, the Returning Officer shall, at the appointed hours, take up the scrutiny of nomination forms and the candidate or the proposer or seconder of each of the candidates may be present at the time and place when nomination papers are scrutinised.

(2) The Returning Officer shall then examine the nomination papers and shall decide all objections which may be made to any nominations and may, either on such objections or on his own motion, after such summary inquiry, if any, as he thinks necessary, reject any nomination on any of the following grounds, this is to say:—

(i) that the candidate is disqualified for being chosen to fill the seat by or under the Regulation, these rules and the bye-laws;

(ii) that there has been a failure to comply with any of the provisions of rule 66 or 67 above;

(iii) that the signature of the candidate or the proposer or the seconder on the nomination paper is not genuine.

Provided that the nomination of a candidate shall not be rejected on the ground of an incorrect description of his name or the name of his proposer or seconder or of any other particulars relating to the candidate or his proposer or seconder, as entered in the list of members; if the identity of the candidate, proposer or seconder, as the case may be, is established beyond reasonable doubt.

(3) Nothing contained in clauses (ii) or (iii) of sub-rule (2) shall be deemed to authorise the rejection of the nomination of any candidate on the ground of any irregularity in respect of a nomination paper if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed.

(4) The Returning Officer shall not reject any nomination paper on the ground of any defect which is not of substantial character.

(5) The Returning Officer shall hold the scrutiny on the date appointed in this behalf as per the election programme and shall not allow any adjournment of the proceedings, except when such proceedings are interrupted or obstructed by riot or open violence or causes beyond his control:

Provided that, in case any objection is raised by the Returning Officer or is made by any other person, the candidate concerned may be allowed time to rebut it, not later than two days (excluding holiday), and the Returning Officer shall record his decision on the date to which the proceedings have been adjourned.

(6) The Returning Officer shall endorse on each nomination paper his decision accepting or rejecting the same and, if the nomination paper is rejected, he shall record in writing a brief statement of his reason for such rejection, and copy of such statement shall be immediately supplied on demand to the candidate or to the proposer concerned.

**69. Publication of list of valid nominations.**-(1) Immediately after all the nomination papers have been scrutinized and decision accepting or rejecting the same has been recorded, the Returning Officer shall prepare a list of candidates whose nominations have been accepted or rejected.

(2) The names of candidates along with address and names of proposers and seconders as given in the nomination papers which were found valid by Returning Officer shall be published on the notice board of the society in English alphabetical order immediately on completion of the scrutiny in Form E-8.

**70. Withdrawal of the candidature.**-Any candidate may withdraw his candidature by notice in writing signed by him and delivered in person or by the person duly authorised by him at any time after the presentation of the nomination form, but before the date and time specified in the election programme



for such withdrawal in Form E-9 and the notice for withdrawal of candidature given by the candidate shall be irrevocable.

**71.Preparation of final list of contesting candidates.**-(1)On the day next succeeding the last date fixed for withdrawal of candidature, the Returning Officer shall prepare and publish in Form E-10 a list of contesting candidates on the notice board of the society with symbols allotted to them.

(2)The said list shall contain the names in alphabetical order with reference to the surnames of the candidates having surnames and in respect of candidates not having surnames, in the alphabetical order with reference to their first names, in the language in which the list of voters is prepared and the addresses of the contesting candidates as given in the nomination papers.

(3) Where a poll becomes necessary, the Returning Officer shall consider the choice of symbols expressed by the contesting candidates in their nomination papers and shall,—

(i) The Returning Officer shall specify the symbols that may be chosen by a candidate at the election from among those specified by him, but he shall not allot any symbols which are associated with political parties;

(ii) allot a different symbol to each contesting candidate in conformity, as far as practicable, with his choice; and

(iii) if more than one contesting candidate have indicated their preference for the same symbol, decide by lot and such allotment shall be final;

(iv) if more nomination papers than one are delivered by or on behalf of a candidate, the declaration as to symbols made in the nomination paper first delivered and no other declaration as to symbols shall be taken into consideration even if that nomination paper has been rejected.

(4) Every candidate shall forthwith be informed of the symbol allotted to him and be supplied with a specimen thereof by the Returning Officer.

**72.Uncontested elections.**-If, after the expiry of the period within which candidatures may be withdrawn under rule 70, and if the number of candidates in the society whose nominations have been accepted are equal to or less than the number of seats to be filled, the Returning Officer shall forthwith declare such candidate or all such candidates to be duly elected to fill the seat or the relevant number of seats, as the case may be, and shall complete and certify the declaration in Form E-11.

**73.Conduct of election.**-If the number of candidates for any Committee of any Society exceed the number of the candidates to be elected, the Returning Officer shall arrange for taking a poll on the date fixed for the purpose.

**74.Polling stations.**-The Returning Officer shall, if necessary, provide a sufficient number of polling stations for any constituency for which election is to be held and shall publish on the notice board of

the society and in such other manner as he deems fit, a list showing the polling stations so provided and the polling areas for which they have respectively been provided.

**75.Appointment of Presiding Officers and Polling Officers and General duty of Presiding Officer**

**and Polling Officer.**-(1) The Returning Officer shall appoint a Presiding Officer for each polling station and such polling officer or officers as he thinks necessary, but shall not appoint any person who has been employed by the concerned society or on behalf of, or has been otherwise working for a candidate in or about the election:

Provided that, if a polling officer is absent from the polling station, the Presiding Officer may appoint any person who is present at the polling station, other than a person who has been employed by the concerned society or on behalf of, or who has been otherwise working for a candidate in or about the election, to be the Polling Officer during the absence of such officer, and shall inform the Returning Officer accordingly.

(2) A Polling Officer shall, if so directed by the Presiding Officer, perform all or any of the functions of a Presiding Officer under these rules.

(3) If the Presiding Officer, owing to illness or otherwise or due to unavoidable cause, is absent from the polling station, his functions shall be performed by such polling officer as has been previously authorised by the Presiding Officer, to perform such functions during his absence.

(4) It shall be the general duty of the Presiding Officer at a polling station to keep law and order and to see that the poll is fairly taken.

(5) It shall be the duty of the Polling Officers at a polling station to assist the Presiding Officer for such station in the performance of his functions.

(6) The Presiding Officer, Polling Officer, Returning Officer, Assistant Returning Officers and other persons appointed for any of the purposes of these rules shall work under the general guidance, superintendence and control of the Co-operative Election Officer.

**76.Appointment of polling agents and counting agents.**-(1) At an election at which a poll is to be

taken, any contesting candidate may appoint one agent and one relief agent to act as polling agents of such candidate, at each polling station. Such appointment shall be made by a letter in writing in Form E-12 signed by the candidate.

(2) The candidate shall deliver the letter of appointment to the polling agents who shall, on the date fixed for the poll, present it to and sign the declaration contained therein, before the Presiding Officer. The Presiding Officer shall retain the letter presented to him in his custody. The polling agent shall not be allowed to perform any duty at the polling station unless he has complied with the provisions of this rule.

(3) The polling agents may work as counting agents as per the authority given by the candidate or each contesting candidate may appoint not more than two agents to act as counting agents of such candidate by a letter in writing in duplicate in Form E-13 signed by the candidates. Before the commencement of the counting of votes, the candidate shall give notice of the appointment of such counting agents to the Returning Officer by forwarding to such Officer the letter of appointment. The candidate shall also deliver the duplicate copy of the letter of appointment to the counting agent who shall, on the date fixed for the counting of votes, present it to, and sign the declaration contained therein before the Returning Officer. The Returning Officer shall retain the duplicate copy presented to him in his custody. No counting agent shall be allowed to perform any duty at the place fixed for the counting of votes, unless he has complied with these provisions.

**77.Manner of voting at elections.-** (1). At every election where a poll is taken, voting shall be by secret ballot in the manner hereinafter provided and no voting shall be allowed by proxy vote.

(2). The Returning Officer shall brief all the Presiding Officers / Polling Officers before the date of election and distribute election materials to such Presiding Officer / Polling Officers and direct them in writing to the respective polling booth for conduct of election under his supervision.

**78.Form of ballot paper.-** Every ballot box shall be of such design as may be approved by the Returning Officer. For the preparation of ballot paper, the names of candidates shall be arranged in the same order and in which they appear in the final list of contesting candidates in Form E-14. However, if two or more candidates bear the same name, they shall be distinguished by addition of their occupation or residence or in some other manner which should be determined by the Returning Officer.

**79.Arrangement at polling stations.-** (1) Outside each polling station, there shall be a notice specifying the polling area, the voters of which are entitled to vote at the polling station and where the polling station has more than one polling booth, at each of such booth, the description of the polling area of such booth, and a copy of the final list of contesting candidates.

(2). At each polling station, there shall be set up, one or more voting compartments, duly screened, in which the voters can record their votes with secrecy.

(3). The Returning Officer shall provide at each polling station a sufficient number of ballot boxes, ballot papers, copies of the list of voters in respect of the polling area or areas the voters of which are entitled to vote at such polling station, instruments for stamping the distinguished mark on ballot papers and articles necessary for the voters to mark the ballot papers. The Returning Officer shall also provide at each polling station such other equipment and accessories as may be required for taking the poll at such polling station.

**80.Admission to polling station.-**The Presiding Officer shall regulate the number of voters to be admitted at any one time inside the polling station and shall exclude there from all persons other than, Polling Officers, public servants on duty in connection with the election, persons authorised by the Registrar of Co-operative Societies, Co-operative Election Officer/ Asst.Co-operative Election Officer,

Returning Officer/Assistant Returning Officer, candidates and their polling agents and subject to one polling agent of each candidate, a child in arms accompanying a voter, a person accompanying a blind or infirm voter who cannot move without help, such other persons as the Returning Officer or the Presiding Officer may employ for the purpose of identifying the voter.

**81. The preparation of ballot boxes for poll.**- (1). Immediately before the commencement of the poll, the Presiding Officer shall demonstrate to the polling agents and other persons present that the ballot box is empty and bears the labels.

(2). The ballot box shall then be closed, sealed and secured and placed in full view of the Presiding Officer and the polling agents and shall then lock it up and affix his seal up on it in such manner as to prevent its being opened without breaking the seal and where a paper seal is used for securing a ballot box, the Presiding Officer shall affix his signature on the paper seal and obtain thereon the signatures of such of the polling agents present and are desirous of affixing the same.

(3). The Presiding Officer shall there after fix the paper seal so signed in the space meant there for in the ballot box and shall then secure and seal the box in such manner that the slit for the insertion of ballot paper remains open. The seal used to secure a ballot box shall be affixed in such manner that after the box has been closed, it is not possible to open it without breaking the seal. Where it is not necessary to use paper seal for securing the ballot box, the Presiding Officer shall secure and seal the ballot box in such manner that the slit for the insertion of ballot paper remains open and shall allow the polling agents present to affix, if they so desire, their seals.

(4). Every ballot box used at a polling station shall bear the seal, both inside and outside, marked with the serial number, if any, and the name of society, the serial number and the name of the polling station, the serial number of the ballot box to be filled in at the end of the poll on the label outside the ballot box only, and the date of poll.

(5). The ballot papers shall bear serial number, seal of the Society and signature of the Presiding Officer, and shall contain a symbol against the name of each contesting candidate for the voter to inscribe the mark "x" to whom the voter desired to elect.

**82. Identification of voters.**-(1). The Presiding Officer may employ at the polling station such persons as he thinks fit to help in the identification of the voters or to assist him at the time of taking poll. As each voter enters the polling station, the Presiding Officer or the polling officer authorised by him in this behalf, shall check the voter's name and other particulars with the relevant entry in the list of voters and then call out the serial number, name and other particulars of the voter. In deciding the right of a person to obtain a ballot paper, the polling officer shall issue ballot paper after ascertaining genuineness of the member concerned mentioned in the voters list.

(2). In case of doubt, Presiding Officer may ask member to produce identification proof for issuing ballot papers. On satisfaction, the Polling Officer shall immediately issue ballot paper. Each polling booth shall contain a separate compartment to maintain secrecy of the voting in the election.

**83.Challenging of identity.-** (1). Any polling agent may challenge the identity of a person to be a particular voter by depositing a sum of Rs. 10/- in cash with the Presiding Officer for each such challenge.

(2). On such deposit being made by the polling agent, the Presiding Officer shall warn the person challenged of the penalty for personation; read the relevant entry in the list of voters in full and ask the person challenged whether he is the person referred to in that entry, enter the name and address of the person challenged in the list of challenged voters in Form E-15 and require the person challenged to affix his signature in the said list.

(3). The Presiding Officer shall, thereafter, hold a summary inquiry into the allegations and may, for that purpose require the challenger to adduce evidence in proof of the challenge and the person challenged to adduce evidence in proof of his identity, put to the person challenged any question necessary for the purpose of establishing his identity and require him to answer them on oath, and administer an oath to the person challenged and any other person offering to give evidence.

(4). If, after the enquiry, the Presiding Officer is of the opinion that the challenge has not been established, he shall allow the person challenged to vote, and if he considers that the challenge has been established, he shall debar the person challenged from voting.

(5). If, the Presiding Officer is of the opinion that the challenge is frivolous or has not been made in good faith, and he shall direct that the deposit made be forfeited to the Co-operative Societies seating and in the other case, he shall return it to the challenger at the conclusion of the enquiry.

**84.Safeguard against personation.-** (1). With a view to prevent the personation of voters, every voter about whose identity the Presiding Officer or the polling officer, as the case may be, is satisfied, shall allow his left thumb to be inspected by the Presiding Officer or the polling officer and an indelible ink mark to be put on it.

(2). If any voter refuses to allow his left thumb to be inspected or marked in accordance with this rule or has already such a mark on his left thumb or does any act with a view to removing the ink mark, he shall not be supplied with any ballot paper or allowed to vote.

(3). Any reference in this rule to the left thumb of a voter, shall, in the case, where the voter has his left thumb missing be construed as a reference to any other finger of his left hand and shall, in the case where all the fingers of his left hand are missing, be construed as a reference to the thumb or any other finger of his right hand, and shall in the case where all his fingers of both the hands are missing, be construed as reference to such extremity of his left or right arm as he possesses.

**85.Issue of ballot paper.-** (1). No ballot paper shall be issued to any voter before or after the timings fixed for the poll, except to those voters, who are present at the polling station at the time of the closing of the poll. Such voters shall be allowed to record their votes even after the poll hours close.

(2). Every ballot paper shall, before issue to a voter, be stamped with distinguishing mark and signed in full in its back by the Presiding Officer.

(3). No person in the polling station shall note down the serial numbers of the ballot papers issued to particular voters.

(4). On receiving ballot paper, a voter shall forthwith proceed to the polling compartment, make the mark 'x' or affix the seal provided for the purpose in the space provided for marking on the ballot paper against the name of candidates for whom he desires to vote and put the ballot paper in the ballot box with utmost secrecy. If owing to blindness or other physical infirmity or illiteracy a member is unable to inscribe the mark 'x' or affix the seal as the case may be, on the ballot paper, another person authorized by such member shall be permitted to inscribe the mark 'x' or affix the seal as the case may be to such candidates in whose favour such members desire to vote with the permission of Presiding Officer.

(5). No voter shall be admitted to the polling booth after the hours fixed for the vote. The Returning Officer shall arrange to issue token / slips to those voters who are in the queue before the time fixed for closing the poll. Such voters for whom the token / slip have been issued shall also be issued ballot paper and allowed them to vote. No voter shall be allowed to enter a polling compartment when another voter is inside it.

(6). If at any stage of the polling, the proceedings are interrupted or obstructed by any cause which is beyond the control of the Returning Officer, he shall have the power to stop polling, recording the reasons for the same in writing and shall report immediately to the Co-operative Election officer/Co-operative Election Authority for further action.

**86. Recording of vote of blind or infirm voter.**-If the Presiding Officer is satisfied that, owing to blindness or other physical infirmity, a voter is unable to recognise the symbols on the ballot paper or to make a mark without assistance, the Presiding Officer shall permit the voter to take with him a companion of not less than twenty one years of age to the voting compartment for recording the vote on the ballot paper on his behalf and in accordance with his wishes, and if necessary, for holding the ballot paper so as to conceal the vote and inserting it into the ballot box:

Provided that, no person shall be permitted to act as the companion of more than one voter at any polling station on the same day:

Provided further that, before any person is permitted to act as the companion of a voter on any day under this rule, he shall be required to declare in Form E-16 that he shall keep secret the vote recorded by him on behalf of the voter and that he has not already acted as the companion of any other voter at any polling station on that day. The Presiding Officer shall keep a record in Form E-17 of all such cases under this rule.

**87.Spoilt and returned ballot papers.-** (1). A voter who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used as a ballot paper, may, on returning it to the Presiding Officer and on satisfying him of the inadvertence, be given another ballot paper and the ballot paper so returned shall be marked “spoilt cancelled” by the Presiding Officer.

(2). If a voter, after obtaining a ballot paper, decides not to use it, he shall return it to the Presiding Officer and the ballot paper so returned shall be marked as “Returned cancelled” by the Presiding Officer.

(3). All ballot papers cancelled under these rules shall be kept in a separate packet.

**88.Tendered votes.-** (1). If a person representing himself to be a voter applies for a ballot paper after another person has already voted as such voter, he shall, on satisfactorily answering such questions relating to his identity as the Presiding Officer may ask, be entitled, subject to the following provisions of this rule, to mark a ballot paper (hereinafter referred to as a “tendered ballot paper”) in the same manner as any other voter.

(2). Every such person shall, before being supplied with a tendered ballot paper, sign his name against the entry relating to him in a list in Form E-18.

(3). A tendered ballot paper shall be the same as the other ballot papers used at the polling station, except that it shall be serially the last in the bundle of the ballot papers issued for use at the polling station, and endorsed on the back with the words “tendered ballot paper” by the Presiding Officer in his own handwriting and signed by him.

(4). The voter, after marking a tendered ballot paper in the polling compartment, and folding it, shall, instead of putting it into the ballot box, give it to the Presiding Officer, who shall place it in a cover specially kept for the purpose.

**89.Closing of poll.-** The Presiding Officer shall close a polling station at the hours fixed in that behalf as per election programme and shall not thereafter admit any voter into the polling station:

Provided that, all voters present at the polling station before it is closed shall be allowed to cast their votes. If any question arises as to whether a voter was present at the polling station before it was closed, it shall be decided by the Presiding Officer and his decision thereon shall be final.

**90.Sealing of ballot boxes after poll.-** (1). As soon as practicable after closing of the poll, the Presiding Officer shall, in the presence of any candidates or their polling agents, close the slit of the ballot box and where the ballot box does not contain any mechanical device for closing the slit, he shall seal up the slit and also show any candidate or polling agent present, to affix his seal. The ballot box shall, thereafter, be sealed and secured.

(2). Where it becomes necessary to use a second ballot box by reason of the first box getting full, the first box shall be closed, sealed and secured as provided in this rule before another ballot box is put into use.

**91.Account of ballot papers.**- (1). The Presiding Officer shall, at the close of the poll, prepare a ballot papers account in Form E-19. If the voting conducted by electronic voting machine, the ballot paper account shall be prepared in Form E-20 and enclose it in a separate cover with the words “Ballot papers account” subscribed thereon.

(2). The Presiding Officer shall permit a polling agent, who so desires, to take a true copy of the entries made in the ballot papers account and shall attest it as a true copy.

**92.Sealing of other packets.**- The Presiding Officer shall then make into separate packets, the marked copy of the list of voters; the unused ballot papers; the cover containing the tendered ballot papers and the list of the tendered ballot papers; the list of challenged votes; any other papers directed by the Returning Officer to be kept in a sealed packet. Each such packet shall be sealed with the seal of the Presiding Officer and of those candidates or polling agents present, who may desire to affix their seals thereon.

**93.Transmission of ballot boxes, packets, etc. to the Returning Officer.**- The Presiding Officer shall then deliver or cause to be delivered the following to the Returning Officer at such place or places as the Returning Officer may direct: —

- (i) the ballot boxes;
- (ii) the ballot papers account;
- (iii) the sealed packets referred to in rule 92; and
- (iv) all other papers used at the poll.

The Returning Officer shall make adequate arrangements for the safe transport of all ballot boxes, packets and other papers and for their safe custody until the commencement of the counting of votes.

**94.Fresh poll in case of destruction, etc., of ballot boxes.**- If, at any election, any ballot box used at a polling station is unlawfully taken out of the custody of the Presiding Officer or the Returning Officer or is accidentally or intentionally destroyed or lost, or is damaged or tampered with, to such an extent, that the result of the poll at the polling station cannot be ascertained, or any such error or irregularity in the procedure as is likely to vitiate the poll is committed at a polling station, the Returning Officer shall forthwith report the matter to the Co-operative Election Officer, upon receipt of such report or of his own motion, in the circumstances stated in this rule, shall, after taking into consideration all material circumstances, either, declare the poll at the polling station to be void, appoint a day and fix the hours, for taking a fresh poll at that polling station and notify the day, so appointed and the hours, so fixed in such manner as deemed fit, or if satisfied that, the result of a fresh poll at that polling station will not,



in any way, affect the result of the election or that the error or irregularity in procedure is not material, issue such directions to the Returning Officer or take such action as he may deem proper for the election. The provisions of the Regulation and these rules or the bye-laws shall apply to every such fresh poll as they apply to the original poll.

**95.Counting of votes.-** At every election where a poll is taken, votes shall be counted by or under the supervision and direction of the Returning Officer and each contesting candidate and his counting agents shall have a right to be present at the time of counting.

**96.Admission to the place fixed for counting.-** (1). The Returning Officer shall exclude from the place fixed for counting of votes all persons except, such persons as he may appoint to assist him in the counting; persons authorised by the Returning Officer/ Assistant Returning Officer; public servants on duty in connection with the election; and candidates and their counting agents.

(2). No person, who has been employed by the society or has been otherwise working for a candidate in the election, shall be appointed under this rule.

(3). The Returning Officer shall decide, which counting agent or agents shall watch the counting at any particular counting table or group of counting tables.

(4). Any person who, during the counting of votes, misconducts himself or fails to obey the lawful directions of the Returning Officer, may be removed from the place where the votes are being counted by the Returning Officer or by any police on duty or by any person authorised in this behalf by the Returning Officer.

**97.Scrutiny and opening of ballot boxes.-** (1). The Returning Officer may have the ballot boxes used at more than one polling station opened and their contents counted simultaneously. Before any ballot box is opened at a counting table, the counting agents present at that table shall be allowed to inspect the paper seal or such other seal as might have been affixed thereon and to satisfy themselves that it is intact.

(2). The Returning Officer shall satisfy himself that none of the ballot boxes has in fact been tampered with. He shall not count the ballot papers contained in tampered box and shall follow the procedure laid down in rule 95 in respect of that polling station.

**98.Scrutiny and rejection of ballot papers.-** (1). The ballot papers taken out of each ballot box shall be arranged in convenient bundles and scrutinised.

(2). The Returning Officer shall reject a ballot paper-

- i. if it bears any mark or writing by which the voter can be identified; or
- ii. if no vote is recorded thereon; or

- iii. if votes are given on it in favour of more than one candidate where only one candidate is to be elected; or
- iv. if, where more than one candidate is to be elected and the voter has recorded on the ballot paper more votes than he is entitled to give; or
- v. if the mark indicating the vote, thereon is placed in such a manner as to make it doubtful as to for which candidate the vote has been given; or
- vi. if it is a spurious ballot paper; or
- vii. if it, is so damaged or mutilated that its identity as a genuine ballot paper cannot be established; or
- viii. if it bears a serial number or is of a design different from the serial number or, as the case may be, design of the ballot papers authorised for use at the polling station; or
- ix. it does not bear the mark which it should have borne under the these provisions:

Provided that where a Returning Officer is satisfied that any such defect as is mentioned in this rule has been caused by any mistake or failure on the part of the Presiding Officer or the Polling Officer, the ballot paper shall not be rejected merely on the ground of such defect.

(3). A ballot paper shall not be rejected merely on the ground that the mark indicating the vote is indistinct or made more than once, if the intention that the vote shall be for a particular candidate clearly appears from the way the paper is marked.

(4). Before rejecting any ballot paper under this rule, the Returning Officer shall allow each counting agent present, a reasonable opportunity to inspect the ballot paper;

(5). The Returning officer shall record the letter "R" on every ballot paper which he rejects and shall also record the grounds of rejection in abbreviated form, either in his own hand or by means of a rubber stamp. All ballot papers rejected under this rule shall be bundled together.

**99. Procedure for counting of votes.-** (1). Every ballot paper which is not rejected under rule 98 shall be counted as one valid vote, provided that, no cover containing tendered ballot papers shall be opened and no such paper shall be counted.

(2). The counting of votes shall take place immediately after the close of polling if possible. If this is not possible the ballot papers shall be kept by the Returning Officer in his safe custody.

(3). The Returning Officer shall then announce and also intimate in writing to the candidates or their agents the time and place at which the counting shall commence. Votes shall be counted by Returning Officer himself or by the Counting Supervisors appointed by the Returning Officer under the supervision of Returning Officer. Each candidate and his authorized agents shall have the right to

be present at the time of counting. But the absence of any candidate or his agent at the time of counting shall not vitiate the counting and announcement of the result by the Returning Officer.

(4). After the counting of all ballot papers contained in all the ballot boxes used at a polling station has been completed, the Returning Officer shall make the entries in a result sheet in Form E-21 and announce the particulars.

(5). The valid ballot papers shall thereafter be bound together and kept along with the bundle of rejected ballot papers in a separate packet which shall be sealed and on which the following particulars shall be recorded, namely-

(a) the name of the society;

(b) the particulars of the polling station where the ballot papers have been used; and

(c) the date of counting.

**100.Re-commencing of counting after fresh poll.-** If a fresh poll is held under rule 94, the Returning Officer shall, after completion of that poll, re-commence the counting of votes on the date and the time and place which have been fixed by him in that behalf and of which notice has been previously given to the candidates. The provisions of these rules shall apply, so far as may be, to such further counting.

**101.Recount of votes.-** (1). After the completion of counting, the Returning Officer shall record in the result sheet in Form E-21 the total number of votes polled by each candidate and announce the same:

Provided that, when an equality of votes is found to exist between any candidates, either for the reserved or the unreserved seats, and the addition of one vote will entitle any of the candidate to be declared elected, the determination of the person or persons to whom such additional vote shall be deemed to have been given shall be made by lots to be drawn in the presence of the Returning Officer and the candidates who may desire to be present, and in such manner as the Returning Officer may determine.

(2). After such announcement has been made, a candidate or, in his absence, his polling agent may apply in writing to the Returning Officer for a recount of all or any of the ballot papers already counted stating the grounds on which he demands such recount.

(3). On such application being made, the Returning Officer shall decide the matter and may allow the application in whole or in part or may reject it totally, if it appears to be frivolous or unreasonable. Every decision of the Returning Officer under in this rule shall be in writing and contain the reasons therefore. If the Returning Officer decides under this rule to allow an application, either in whole or in part, he shall-

(a) count the ballot papers again in accordance with his decision;

(b) amend the result sheet in Form E-21 to the extent necessary after such recount; and

(c) announce the amendment so made by him.

(4). After the total number of votes polled by each candidate has been announced under this rule, as the case may be, the Returning Officer shall complete and sign the result sheet in Form E-21:

Provided that, no steps under this rule shall be taken on the completion of the counting until the candidates present at the completion thereof have been given a reasonable opportunity to exercise the rights conferred.

**102. Declaration of result and publication of names of the elected members of the committee.-** (1).

The Returning Officer shall then declare the candidate to whom the highest number of valid votes has been given as having been elected and certify the return of election in Form E-22 in case of uncontested election, the declaration shall be furnished in Form E-23.

(2). The Returning Officer shall publish the names of all elected directors by causing a list of such names together with their permanent address and the names of constituencies from which they are elected on the notice board of his office and shall send a copy thereof to the registered address of the society concerned for affixing it on the notice board and also for its record.

(3). The Returning Officer shall send a list of the elected directors to the Co-operative Election Officer/ Co-operative Election Authority and Chief Executive Officer/Manager/Secretary of the society

(4). The Returning Officer shall also record in the minute's book of the society and shall also notify the result of the election on the notice board of the Society and intimate to the Co-operative Election Officer/ Registrar of Co-operative Societies.

(5). The members so elected shall be deemed to have been elected by general body of the society.

(6). After the announcement of the result of the election of the society, the Returning Officer shall keep the used and unused ballot papers in a separate sealed cover and hand over to the secretary of the society along with other election materials and record for safe custody.

(7). Chief Executive Officer/Manager/Secretary shall destroy the ballot papers after six months of election, if the election has not been challenged in any court of law or no decision is pending relating to election under rules and Regulation

**103. Grant of certificate of election to the elected candidate.-** As soon as may be after a candidate has been declared to be elected by the Returning officer, the Returning officer shall grant to such candidate a certificate of election in Form E-24 and obtain from the candidate an acknowledgement of its receipt duly signed by him and immediately send the acknowledgement to the Co-operative Election Officer.

**104. Return of forfeiture of candidate's deposit.-** The deposit made shall either be returned to the person making it or to the representative heir or be forfeited to the Co-operative Societies Election Fund.

Except in cases hereinafter mentioned in this rule, deposit shall be returned as soon as practicable after the result of the election is declared. If the candidate is not shown in the list of contesting candidates, or he dies before the commencement of the poll, the deposit shall be returned as soon as practicable after the publication of the list or after his death, as the case may be. Subject to the provisions of rule the deposit shall be forfeited to the Co-operative Societies Election Fund, if, at an election, where a poll has been taken, the candidate is not elected and the number of valid votes polled by him does not exceed one tenth of the total number of valid votes polled by all the candidates or in the case of election of more than one member of the committee at the election, does not exceed one-tenth of the total number of valid votes so polled divided by the number of directors to be elected.

**105. Production and inspection of election papers.-** While in the custody of the Chief Executive Officer /Manager/Secretary of the society, the packets of unused ballot papers, the packets of used ballot papers, whether valid, tendered or rejected, and the marked copies of the voters list shall not be opened and their contents shall not be inspected by or produced before any person or persons except under the order of the Co-operative Election authority/ Co-operative Election Officer/Asst.Co-operative Election Officer, the Co-operative Tribunal or the Hon.High Court.

**106. The Returning Officer shall also conduct election for electing the office bearers of the Society in the following manner.-**a).The Returning Officer shall direct the Chief Executive Officer /Manager/Secretary of the society in writing to convene meeting of the newly elected members to elect the office bearers.

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

c). The Returning officer shall accept nomination papers from the members who desires to become an office bearer in the Committee.The nomination of office-bearers shall be made in Form E-25 duly filled, signed by the candidate and his proposer and seconder in respective column.

d). Each nomination shall be supported and seconded by one each elected members of the Committee.

e). In case of equality of votes, the matter shall be decided by lots by the Returning Officer.

f). The quorum of the meeting of the newly elected members shall be 2/3 members of the elected members of the committee (fraction neglected)

g) On completion, of election process, hand over all record / materials of election to Chief Executive Officer /Manager/Secretary of the society.

**107. Bond to be executed by members of Committee.-** Every member of the Committee, shall execute a bond in Form E-26 hereto within fifteen days of his assuming the office. Such bond shall be executed on the stamp paper as provided under the Indian Stamp Act, 1899 (2 of 1899). The expenditure on stamp paper shall be borne by the society. The Chief Executive Officer/Secretary of the society shall receive

such bonds and keep them on record of the society and accordingly inform the Registrar/ Co-operative Election Officer within fifteen days (15) from formation of the Committee.

**108.First general meeting.-** (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. The provisional committee shall have the same powers, functions and duties of the elected committee in accordance with the Regulation, these rules and bye-laws;

(v) Fixing the limit up to which the funds may be borrowed;

(vi) Any other matter which has been specifically mentioned in the bye-laws.

**109.General meetings.-**(1) All general meetings of a society except the first general meeting shall be convened by the Chief Executive Officer or in his absence any other officer authorised by the committee 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/Chairman of the Society or in his absence the Vice-President/Vice-chairman 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 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 Chief Executive Officer or in his absence any other officer authorised 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 Regulation, these rules and the bye-laws, the resolutions 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 and a poll is demanded, the President shall put the resolution for vote.

(5) Voting may be by show of hands or by ballot as may be decided by the members present at the meeting, unless otherwise specified in the bye-laws.

(6) When voting is to be by ballot, the President shall take necessary steps for the issue of ballot papers and counting of votes.

(7) The result of voting shall be announced by the President.

(8) 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 any other suitable date not later than thirty days from the date of the meeting as may be decided by the members present at the meeting.

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

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

(11) 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 Regulation, these rules and the bye-laws of the society.

(12) If the annual general meeting of a society is not called in accordance with the provisions of section 81 or if the Chairman or a majority of the committee members of a society fails to call a special general meeting in accordance with the provisions of section 82, the Registrar may authorize any person subordinate to him 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 function of the officer of the society authorised to convene such annual or special general meeting, under its bye-laws. Such meeting shall be deemed to be a meeting duly called by the Committee.

**110. Annual statements of accounts including balance sheet, etc.-** Within forty-five days of the close of every financial 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 financial 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 a copy thereof shall be submitted, within fifteen days from the date of preparation, to the Registrar and to the auditor appointed by the Registrar if any, for the audit of that society.

**111. Form for the balance sheet and the profit and loss account.**-(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 be in the form prescribed by the Registrar.

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 to be presented at the annual general meeting under sub-section (2) of Section 81 and a copy of the report of the committee under sub-section (3) of Section 81 shall be affixed on the notice board of the society at least fourteen days before the date fixed for the annual general meeting.

**112. Appointment of a committee or a Special Officer.**-(1) Notwithstanding anything contained in the bye-laws of the societies the Registrar shall appoint a committee or a special officer from amongst the following:

(a) a special officer from amongst the officers of the Administration.

(b) a Committee, consisting of one or more members of the society, not being the members of the Committee superseded under the section 86.

(2) The Registrar may fix the remuneration payable to members of the Committee or the special officer on the basis of financial condition of the society and with reference to the nature and quantum of functions performed by members of the Committee or the special officer and any expenses of management which shall be payable out of the funds of the society within such time and at such intervals as the Registrar may fix, and if such remuneration or expenses are not paid within such time or at intervals, the Registrar may direct the person having custody of the funds of the society to pay to the members of the Committee or the special officer such remuneration and expenses in priority to any other payments (except land revenue, any arrears of land revenue, or any sum recoverable from the society as arrears of land revenue) and he shall, so far as the funds to the credit of the society allow, comply with the orders of the Registrar.

**113. Accounts and other books to be maintained by societies.**-(1) Every Society shall keep the following accounts and other books: -

(a) A register of members (including persons nominated) under section 43.



- (b) A register of shares (where capital is raised by shares).
- (c) A register of debentures (where capital is raised by debentures).
- (d) A register of declaration made under section 52.
- (e) A share transfer register (where capital is raised by shares).
- (f) A debenture transfer register (where capital is raised by debentures).
- (g) Cash Account/Cash Book.
- (h) General Ledger.
- (i) Dead Stock Register.
- (j) Stock Register.
- (k) Members Loan Register.
- (l) Deposit Account.
- (m) Interest Account.
- (n) Expense Account.
- (o) Bank Account.
- (p) Receipt book.
- (q) Register of members' credit worthiness and indebtedness.
- (r) Ledger of borrowings.
- (s) Voucher file.
- (t) Register of immovable property.
- (u) Suspense accounts Register.
- (v) Reserve fund register
- (w) Minutes Book, recording the proceedings of general meetings and committees.
- (x) Such other accounts and Books as may from time to time be specified by the Registrar.

**114. Power of Registrar to direct accounts and books to be written up.**-The Registrar may by order in writing direct any society to get any or all the accounts and books required to be kept by it under rule

113 written up to such date, in such form and within such time as he may direct. In case of failure by any society to do so, the Registrar may depute an officer subordinate to him to write up the accounts and books. In such cases, it shall be competent for the Registrar to determine, with reference to the time involved in the work and the emoluments of the officer deputed to do it, the charges which the society shall be required to pay.

## Chapter VII

### Audit, Inquiry, Inspection and Supervision

**115. Procedure for appointment of auditors for conducting audit.**-(1) The audit of accounts of societies shall be conducted by Departmental Auditors or by certified auditors appointed by the Registrar from time to time on such terms and conditions as he deems fit.

Explanation 1: — For the purposes of this Chapter, audit shall include annual or periodical audit, continuous or concurrent audit, re-audit, test audit and special audit.

Explanation 2: — 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 Administration or any State Government or Central Government, and whose name has been included by the Registrar in the panel of certified auditors maintained and published by him in the Official Gazette at least once every three years.

(2) The audit under Section 90 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 financial 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 up to which the accounts have been audited, and shall state whether in his opinion and to the best of his information and according to the explanation given to him, the said accounts give all the information required by the Regulation and these rules 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 up to 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 had 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 Regulation, 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 returns 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 full particulars of; —

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

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

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

(iv) any money or property belonging to the society which appear 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 the statutory audit, the auditor shall award an audit classification letter to the society whose accounts he has audited in accordance with the instructions issued by the Registrar from time to time keeping in view the efficiency of management, financial position and such other factors.

**116.Requisition of the federal society for inquiry under section 92.**-Any federal society duly authorised by a resolution of its committee, may submit a requisition to the Registrar to hold an inquiry under Section 92 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.

**117.Procedure and principles for the conduct of inquiry and inspection.**-(1) An order authorising inquiry under Section 92 or inspection under Section 93 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 92 or inspection under Section 93 shall be supplied to the federal society or societies 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 96. 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 96 shall be recovered as provided in Section 97. 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 93 and then recovered and repaid to the society or the creditor, as the case may be.

**118. Procedure for assessing damages against delinquent promoters, etc. under Section 99.**-(1) On receipt of a report referred to in Section 99, 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 statement 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 other documentary or oral evidence, if considered necessary subsequently.

(5) The Registrar or the person authorised by him shall thereafter 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 the 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.

**119. Levy of audit fees, costs and expenses.**-(1) The scale of audit fees payable by the societies shall be fixed by the Registrar with the prior approval of the Administrator.

(2) Such rates may be revised from time to time by the Registrar with the prior approval of the Administrator.

(3) The societies under liquidation and societies whose accounts are audited by the Registrar shall pay the audit fees at the same rate as fixed for the societies under sub-rule (1).

(4) The cost and expenses of special audit payable under sub-section (4) of section 90 of the Regulation shall be fixed by the Registrar.

(5) The Registrar may grant total or partial exemption from the payment of audit fees assessed to any society or class of societies with the prior approval of Administrator.

(6) All such fees and expenses if not paid by the specified date shall be recovered as arrears of land revenue.

**120. Constitution of Committee under section 101 for supervision of Societies in the Union territory.**-(1) For the supervision of Societies registered under the Regulation, by the federal society, the Administrator may constitute a committee consisting of three persons as follows, namely:-

(a) One person nominated from amongst the officers of the Administration not below the rank of the Registrar, who in the opinion of the Administrator have knowledge of the working of the Co-operative Societies;

(b) One person nominated from amongst persons, who in the opinion of the Administrator have adequate knowledge and experience in relation to the conduct of such societies in the Union territory while being senior executives of such societies for which the committee is constituted;

(c) One person nominated by virtue of his office from amongst officers having experience of no less than ten years of accounts and audit of Departments of Union territory Administration, Departments of State/Central Government, Public Undertakings Co-operative Societies and such other bodies.

(2)(a) The person nominated under clause (a) of sub-rule (1) shall be the Chairman of the Committee,

(b) The persons nominated under sub-rule (1) shall hold office for such period not exceeding three years as the Administrator may by order specify:

Provided that the persons so nominated shall on the expiry of the period be eligible for renomination.

(3) The Committee may make rules for,

(a) its internal working; and

(b) any other matter necessary for carrying out its function.

(4) The committee shall carry out its function subject to the supervision and control of the Cooperation Department and shall comply such direction as may be given to it from time to time by the Administrator.

**121. Constitution of Committee for supervision of Federal Societies in the Union territory.**-(1) For the supervision of Federal Co-operative Societies registered under the Regulation, the Administrator may constitute a committee consisting of three persons as follows, namely:

(a) One person nominated from amongst the officers of the Administration who is holding or has held the office of the Registrar of Co-operative Societies in any Union territory or any State Government;

(b) One person nominated from amongst the officers of the Administration who is holding or has held the office of Deputy Secretary or has held the office as a Head of the Department in the Administration or has held the office of a senior executive in any of the Federal Societies who in the opinion of the Administrator has adequate knowledge and experience relating to agricultural production, processing, marketing, consumer activity, finance or public distribution system;

(c) One person who has been an officer not below the rank of Deputy Secretary in the Cooperation Department for a period of not less than two years or has been an officer not below the rank of the Assistant Registrar of the Co-operative Societies for a period not less than five years.

(2)(a) The person nominated under clause (a) of sub-rule (1) shall be the Chairman of the Committee,

(b) The persons nominated under sub-rule (1) shall hold office for such period not exceeding three years as the Administrator may by order specify:

Provided that the persons so nominated shall on the expiry of the period be eligible for renomination.

(3) The Committee may make rules for,

(a) its internal working; and

(b) any other matter necessary for carrying out its function.

(4) The committee shall carry out its function subject to the supervision and control of the Cooperation Department and shall comply such direction as may be given to it from time to time by the Administrator.

## CHAPTER VIII

### PROCEDURE FOR DECIDING DISPUTES

**122.Board of nominees.**-Where the Registrar appoints a board of nominees under section 104, he shall appoint one of the nominees to be chairman of the board. The chairman so appointed shall fix the date, time and place of hearing the dispute referred to the board and carry out the necessary correspondence in connection with the disposal of the dispute.

**123.Qualifications of a nominee of the Board of nominees.**-(1)No person shall be eligible for appointment as a nominee of a board of nominees, unless he, -

- (a) is holding or has held a judicial office not lower in rank than that of the Judicial Magistrate First Class; or
- (b) has practiced as an Advocate or Pleader for not less than five years; or
- (c) is working as or had worked as a Deputy Secretary of Co-operative Societies, Union territory Administration or its equivalent post; or
- (d) is working as or had worked for not less than two years as an Assistant Registrar of Co-operative Societies, Union territory Administration or its equivalent post.

(2)No person shall hold or continue to hold the office of the Nominee of a Board of Nominees after he attains the age of 62 years.

**124.Reference of Dispute.**-A dispute under Section 102 shall be referred in writing in Form O with suitable modifications as maybe necessary and shall be accompanied by, -

- (a) a certified copy of the relevant portion of the loan ledger, if the dispute is a money claim, and
- (b) such other statements or records as are relatable to the dispute or as maybe required by the Registrar.

**125.Procedure for hearing and decision of disputes.**-(1) The adjudicating authority shall record a brief note in English, Hindi or in Gujarati language of the evidence of the parties and witnesses who attend and upon the evidence so recorded and upon consideration of any documentary evidence produced by either side a decision shall be given in accordance with justice, enquiry and good conscience and it shall be reduced to writing. Such a decision shall be given in open court either at once or on some future date of which due notice shall be given to the parties.



(2) Where neither party appears when the dispute is called on for hearing, the adjudicating authority may make an order that it be dismissed for default.

(3) Where the opponent appears and the disputant does not appear when the dispute is called on for hearing, the adjudicating authority may make an order that the dispute be dismissed, unless the opponent admits the claim or a part thereof, in which case the adjudicating authority, may make an order against the opponent upon such admission and where, part only of the claims is admitted, may dismiss the dispute so far as it relates to the remainder.

(4) Where the disputant appears and the opponent does not appear when the dispute is called on for hearing, then, if the adjudicating authority is satisfied from the record and proceedings that the summons was duly served, the adjudicating authority may proceed *exparte*. Where the summons is served by the officer of the adjudicating authority, he shall make his report of service on oath.

(5) The adjudicating authority may not ordinarily grant more than two adjournments to each party to the dispute at its request. The adjudicating authority may, however, at his discretion grant such further adjournments on payment of such costs to the other side and such fees to the adjudicating authority, as the case may be, may direct.

(6) Where the adjudicating authority is a board of nominee consisting of the board of nominees of two nominees and if their opinions differ regarding the decision, the adjudicating authority shall return the case to the Registrar with its notes of dissent and thereupon the dispute may be decided by the Registrar himself or the case may be forwarded to a fresh board of three nominees for decision.

**126. Summary procedure for deciding disputes.**-(1) Subject to the provisions of sub-section (7) of Section 105, the disputants shall, in addition to the normal averments make the following averments, namely; —

(a) that the claim of the disputant is for recovery of liquidated sum of money only and no other relief beyond the scope of this rule is claimed in this dispute;

(b) that the disputant believes that there is no valid or bona fide defence to his claim.

(2) In such cases, the opponent shall not be entitled to defend the claim, and the disputant shall be entitled to the award in his favour as prayed and for such sum for costs as may be awarded by the adjudicating authority.

(3) (i) Within ten days from the service of a notice calling upon the opponent to obtain leave from the adjudicating authority, to appear and defend the claim, the opponent or such of the opponents as are interested in defending the claim shall apply to the adjudicating authority, by an affidavit or a declaration for the leave, setting out the facts on which he relies and what triable issues are likely to arise. The opponent shall in such application disclose all the documents supporting his contention and as far as possible attach copies of such documents which he considers important from his point of view.

A copy of such application shall be served on the disputant and he shall have a right to file a rejoinder in the form of an affidavit or declaration and place before the deciding authority such material as in his opinion supports his contentions.

(ii) The adjudicating authority, on reading the affidavits and declarations and on hearing the parties and their pleading and considering the documents relied on and produced by them, may pass an award or grant leave to defend to such of the opponents, unconditionally or upon such conditions, as the adjudicating authority may think fit under the circumstances and on facts of the case. The adjudicating authority granting leave to defend shall also give directions and prescribe time limit for filing the written statement and fix the date for hearing. Leave may be granted to some and may be refused to other opponents. If leave is granted and not complied with by any opponent, the adjudicating authority may pass an award against him, as if he had not been granted leave.

(iii) Where the conditions on which leave to defend is granted are not complied with by the defendant, the adjudicating authority, may pass an award against him, as if he has not been granted such leave.

(iv) The adjudicating authority may for sufficient case, excuse the delay in applying for leave to defend any case.

**127. Summonses, notices and Mode of service of summons/notices.**-(1) In proceedings for the settlement of disputes an adjudicating authority shall fix the date, hour and the place for hearing the dispute.

(2) The adjudicating authority may issue summonses or notices atleast 15 days before the date fixed for hearing of the dispute requiring,-

(i) the attendance of the parties concerned and of witness; and

(ii) the production of all books and documents relating to the matter in dispute.

(3)(i) Notices or summons issued by the adjudicating authority may be served personally on the party or its agent or through the Mamlatdar, talati or any officer of the Panchayat or any employee of the Co-operation Department or of a federal society or through the Chairman or Secretary of society or by registered post with acknowledgment due.

(ii) The serving officer shall in all cases in which summons or notice has been served, endorse, or annex or cause to be.

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

(iv) if the summons or notice is issued by the adjudicating authority under section 105 shall if sent for service to a Mamlatdar or a talati, be served by such officer.

(v) The mode of serving of summonses or notices under Section 92 and Section 100 or to make an inspection under section 93 or by the auditor acting under Section 90 by the liquidator appointed under Section 114 and acting under Section 117 shall be the same as provided in the forgoing provision of this sub-rule.

(4) Where the defendant is a public officer or is a servant of a local authority the officer issuing the summons may if it appears that the summaries may be most conveniently so served, send it by registered post pre-paid for acknowledgement for service or the defendant, to the head of the office in which he is employed together with a copy to be retained by the defendant.

(5) Where the serving officer delivers or tenders copy of the summons to the defendant personally or to an agent or other person on his behalf, he shall require the signature of the person to whom the copy is so delivered or tendered to an acknowledgement of service endorsed on the original summons. (6) The serving officer shall in all cases in which the summons has been served under sub-rule (5), endorse or annex, or cause to be endorsed or annexed, on or to the original summons a return stating the time when and the manner in which the summons was served and the name and address of the person (if any) identifying the person served and witnessing the delivery or tender of the summons.

**128.Procedure for execution of awards and Recovery of costs of execution when property is not sold.-** (1) Every order or award passed by the adjudicating authority under section 106 or section 107 shall after the expiry of the period for appeal under section 108, be forwarded by the Registrar to the society or to the party concerned with instructions that it should be executed forthwith according to the provisions of section 109.

(2) If the amount due under the award is not forthwith recovered or the order is not carried out, the award or as the case may be, the order shall be forwarded by the society or the party concerned to the Registrar with an application for execution alongwith all other information required by the Registrar for the issue of certificate under section 109. The applicant shall state whether he desires to execute the award or as the case may be order by the civil court or through the Collector as provided under section 109 or through the Registrar as provided under section 144.

(3) Every order passed in appeal under section 108 shall also be executed in the manner prescribed under sub-rule (2).

(4) When recovery is made under section 109 in execution of any order referred to in the said section or on the certificates issued under section 112 and property is not sold in such execution, the Registrar may order the expenses of such recovery to be paid by the party in default according to a scale laid down by him not exceeding in aggregate ten per cent of the amount of the dues.

**129.Appeal to the Tribunal.-**(1) The tribunal shall consider the following categories of appeals,

(a) an appeal preferred under the any decision of the Registrar or his nominee or board of nominees as the case may be, under section 107 or in an order passed under section 106, and

(b) an appeal preferred against an order or decision under sections 87, 96, 99 and

(c) an appeal preferred against any order passed by the Registrar for paying compensation to a society; and

(d) an appeal preferred against any other order for which an appeal to the Tribunal has been provided under the Regulation.

(2) An appeal shall be referred in writing in Form P with suitable modifications as may be necessary and shall be accompanied by a certified copy of the order/decision under challenge along with such other statements or records as are relatable to the appeal or as maybe required by the Tribunal.

(3) Proceedings of Tribunal under this rule shall be as per section 133 of the Regulation.

**130. Transfer of property.**-(1) When in the execution of an order sought to be executed under section 109 any property cannot be sold for of some person on his behalf or of some persons claiming it under a title event of buyers, and such property is in the possession of the defaulter, or created by the defaulter subsequently to the issue of the certificate by the Registrar or liquidator under the said section 109 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 to the society which applied for the execution of the said order.

(2) On receipt of a 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, as the case may, submit an application in writing to the Court or the Collector or the Registrar, as the case may be, stating the terms and conditions on which it agrees to take over such property.

(3) On receipt of an application under sub-rule (2) notices about the intended transfer 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.

(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 109 may within one month from the date of the receipt of such notice, deposit with the Court or the Collector or the Registrar, as the case may be, 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 the Form Q of such recovery to be paid by the party in default according to a scale laid down by him not exceeding in aggregate ten per cent of the amount of the dues.

(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 Registrar as the case may be, shall on the production by the society, a certificate signed by the Registrar, recover the balance due to the society in the manner prescribed in section 109.

(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 the 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 a 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, 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 109 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 property and if need be, by removing any person who illegally refuses to vacate the same after holding an enquiry as provided in Rules 13-A to 13-C of the rules regulating execution of decrees transferred to the Collector under Section 68 of the Code of Civil Procedure, 1908;

(c) where the property is in the possession of tenant or other person entitled to hold the same by a title acquired before date of issue of a certificate under section 109, the Court or the Collector or 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 on 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 Administration from time to time.

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

(11) The society shall forthwith report any transfer of property under clause (ii) (b) or (c) of sub-rule (8) to the village accountant for the 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 encumbrance, land revenue and other dues on the property and all the income derived 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 to be given to the defaulter who originally owned the property. The sale shall be subject to confirmation by the Registrar. The proceeds of the sale shall be applied to defraying the expenses of the sale and other expenses incurred by the society and referred to in sub-rule (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.

## CHAPTER IX

### CO-OPERATIVE OMBUDSMAN

**131.Appointment and Jurisdiction of Ombudsman.**-(1) The Administrator may appoint one or more Co-operative Ombudsmen, to carry out the functions entrusted to such Ombudsman under provisions of the Regulation and the Administrator shall notify the territorial jurisdiction of each Ombudsman so appointed.

(2) The Ombudsman shall be an individual having professional experience of minimum ten years, a post graduate degree from any recognised University in India or equivalent, and special knowledge or experience in co-operative management, banking, accountancy, law, public administration or a serving or retired judicial officer not below the rank of Civil Judge (Junior Division) or a serving or retired officer of the Union territory Administration or Central or State Government, not below the rank of Deputy Secretary.

(3) The Ombudsman shall receive remuneration as may be decided by the Registrar.

(4) For Banks, the Ombudsmen shall be appointed by the Reserve Bank of India.

**132.Tenure of Ombudsman.**-The term of office of the Ombudsman shall be three years from the date on which he enters office or till he attains the age of seventy years, whichever is earlier, and he shall be eligible for re appointment for one more term.

**133.Office of Ombudsman.**-The office of the Ombudsman shall be at such place as may be notified by the Administrator.

**134.Officers and staff.**-The Administrator may provide such officers and staff to the Ombudsman, as it may think necessary for the discharge of functions by the Ombudsman.

**135.Complaints or appeals that may be considered by the Ombudsman.**-The Ombudsman shall consider the following categories of complaints or appeals, from members, as the case may be—

(a) complaints by members regarding their deposits, equitable benefits of the society's functioning; and any other issue affecting such member's individual rights, under sub section (1) of section 113; and

(b) appeals preferred under sub-section (3) of section 37, by members against the order passed by the Co-operative Information officer:

Provided that any dispute which is the subject matter of any past or ongoing arbitration proceedings under section 102, or any other pending or settled proceedings shall stand excluded from the jurisdiction of the Ombudsman.

**136.Nature of complainant or appellant before the Ombudsman.**- An aggrieved member of a society may file a complaint or prefer an appeal, as the case may be, before the Ombudsman either personally or through an authorised representative:

Provided that for the purposes of this rule and the filing of a complaint or an appeal before the Ombudsman, the "authorised representative" shall not include an advocate.

**137.Non-maintainability of complaint or appeal.**- (1) A complaint or an appeal, as the case may be, shall not lie unless the following conditions are fulfilled—

(A) in an appeal under sub-section (3) of section 37, the appeal shall be filed within a period of one month from the date of such order being challenged;

(B) in a complaint under sub-section (1) of section 113 of the Act—

(a) the complainant had, before approaching the Ombudsman made a written representation on the issue to the society, and if—

(i) such representation was rejected;

(ii) no reply was received within a period of one month after submitting the representation; or

(iii) the complainant is not satisfied with such reply.

(b) the complaint is filed not later than one month after the complainant has received the reply of the society or, where no reply is received, not later than two months after such representation was made;

(c) the complaint or appeal is not abusive or frivolous or vexatious in nature; and

(d) the complainant or appellant provides complete information required for disposal of the complaint.

(2) No complaint shall be made or no appeal shall be preferred, as the case may be, to the Ombudsman on an issue which—

(a) has been or is the subject matter of any proceeding in an appeal, revision, review, reference or writ, before any Authority, Tribunal, Court, or Administrator or Registrar;

(b) has been or is the subject matter of any arbitral proceeding under section 102; or

(c) is in respect of the same subject matter which was settled through the Ombudsman in any previous proceedings, whether or not received from the same complainant or appellant, or along with any one or more complainants or appellants, or any one or more of the parties concerned with the subject matter.

**138. Form and manner of complaint or appeal.**-(1) A complaint by a member to the Ombudsman may be submitted through the physical or electronic mode (including a written complaint) or through an online portal designed for this purpose and notified by the Administrator.

(2) A complaint shall be submitted in Form R annexed to these rules.

(3) An appeal shall be submitted in Form S annexed to these rules.

**139. Procedure for handling complaints and appeals by Ombudsman.**-The Ombudsman shall deal with the complaints and appeals, which were brought before him, in the following manner, namely: —



- (a) the Ombudsman shall endeavour to follow the principles of natural justice, as far as is practicable, including providing a copy of the complaint or appeal, as the case may be, to the society, and providing such society an opportunity of being heard or responded;
- (b) if no such response is forthcoming from the society, the Ombudsman shall proceed to decide the complaint or appeal, as the case may be, on the basis of the information available before him; and
- (c) the Ombudsman shall complete the process of inquiry and adjudicate the complaint or appeal within a period of three months, from the date of receipt of the complaint or appeal, as the case may be, by a speaking order.

**140. Appeal to the Registrar.**-(1) An appeal may be filed against the directions of the Ombudsman before the Registrar under sub-section (3) of section 113 in Form T, within one month from the date of the order of the Ombudsman.

(2) The Registrar may, after giving the parties a reasonable opportunity of being heard, within a period of forty-five days, from the date of filing of appeal may—

- (a) dismiss the appeal; or
- (b) allow the appeal and set aside the directions passed by the Ombudsman; or
- (c) remand the matter to the Ombudsman for fresh disposal in accordance with such directions as the Registrar may consider necessary or proper; or
- (d) modify the directions of the Ombudsman and pass such directions as may be necessary to give effect to the directions of the Ombudsman so modified; or
- (e) pass any other decision as he may deem fit and proper in the circumstances of the case.

(3) The decision of the Registrar passed under sub-rule (2) shall be final and binding on all the parties.

## Chapter X

### Liquidation

**141. Liquidation and functions and duties of the liquidator.**-(1) A copy of an interim order made on a ground specified in clause (a) or sub-clause (iv) of clause (c) of sub-section (1) of section 114 shall be communicated by the registered post.

(2) The appointment of the Liquidator shall be notified by the Registrar in the Official Gazette.

(3) Where the Liquidator has received the Registrar's final order confirming the interim order, the Liquidator shall publish, by such means as he may think proper, a notice requiring all claims against the society to be notified to him within two months of the publication of the notice and shall thereafter

proceed to take such further action as he is empowered to take under the Regulation. All liabilities recorded in the account books of the society shall be deemed ipso facto to have been duly notified to the Liquidator under this rule.

(4) The liquidator shall make separate orders against various members, past members and others, noting the amount to be realised from each as a contribution under clause (h) of section 117 and as cost of liquidation under clause (k) of the said section. These orders shall be submitted for approval to the Registrar, who may modify them or refer them back to the liquidator for further inquiry or other action or may forward them for execution under section 109 of the Regulation.

(5) If the sum assessed against any member is not recovered, the liquidator may frame subsidiary orders against any other member to the extent of the liability of each for the debts of the society, until the whole amount due from members is recovered, and these orders shall be dealt in the same way as orders under sub-rule (4).

(6) All funds incharge of the Liquidator shall be deposited in the Post Office Saving Bank or . in a Central Bank or the State Co-operative Bank or in the State Bank of india or any nationalised bank appointed for the purpose by the Registrar and shall stand in his name.

(7) The Liquidator shall submit a quarterly progress report and such other returns and statements to the Registrar in Form U, showing the progress made in the liquidation of the society.

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

(9) The Liquidator may submit an application to the Registrar, for the reconstruction of the society under section 20 of the Regulation if he is of the opinion that such reconstruction has a reasonable chance of success.

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

(11) The Liquidator shall keep such books and accounts as may, from time to time, be required by the Registrar.

(12) 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 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.

(13) At the conclusion of the liquidation proceedings, a general meeting of the members of the society shall be called. At such meeting, the Liquidator shall summarise his proceedings, point out causes of the failure of the society, and report what sum, if any, remains in his possession after meeting all the liabilities of the society as determined under the rules and suggest how the surplus, if any, should be utilised.

**142. Cost of hearing an appeal.** No application under section 116 shall be entertained from a member unless it is accompanied by Rs. 500/- or such higher amount not exceeding Rs. 2500/- in any case, as may be ordered by the appellate authority as security for the cost of hearing the appeal.

## Chapter XI

### Ensurance of certain things by Committee of co-operative bank

**143. Form of information under section 125 (a).**—The Information to be sent regarding the loans taken from the bank by each committee member, members of the family and companies with which he is associated in clause (a) of section 125 shall be in Form V.

## CHAPTER-XII

### Appeals, Review and Revision

**144. Qualifications, experience, terms and conditions for appointment of the President and other members of the Co-operative Tribunal.** - (1) The Administrator shall appoint Law Secretary of Union territory Administration to be the President of the Co-operative Tribunal.

(2) Each of the other members of the Co-operative Tribunal to be appointed by the Administrator shall be a person, —

(a) who is holding or has held a judicial office not lower in rank than that of Judicial Magistrate First Class or equivalent post.

(b) has practiced as an Advocate or Pleader for not less than ten years; or

(c) is working or had worked for not less than two years as a Deputy Secretary of Co-operative Societies, Union territory Administration or its equivalent post; or

(d) is working or had work for not less than five years as an Assistant Registrar of Co-operative Societies, Union territory Administration or its equivalent post.

(3) No person shall hold or continue to hold the office of the President after he attains the age of sixty-five years and of any other members after he attains the age of sixty-two years.

(4) If the President or any other member of the Co-operative Tribunal is in service with Administration at the time of his appointment, his pay, allowances and other conditions of service shall continue to be governed by the service conditions rules applicable to him before such appointment, and if he is a direct recruit, his pay, allowances and other conditions of service shall be governed by the rules made by the Administration from time to time.

(5) Subject to sub-rule (3) and save as otherwise specified by the Administrator in any case, the President and any other member of the Co-operative Tribunal shall hold office for a period of three years in the first instance, and thereafter his term of office may be extended by the Administrator, from time to time, for such period as it may deem fit.

(6) In the event of the occurrence of any vacancy in the office of the President of the Co-operative Tribunal, the senior-most member having judicial experience shall act as President.

(7) The Headquarter of the Co-operative Tribunal shall be at Daman.

**145. Procedure in appeals under section- 136.**-Procedure in appeal and procedure after presentation of appeal: -

(1) Every appeal under section 136 shall be in the Form of memorandum, which shall

(a) be either type written or written in ink in legible hand,

(b) specify the name and address of the appellant and the name and address of the respondent or the opponent, as the case may be,

(c) state by whom the order against which the appeal is preferred was made,

(d) clearly state the grounds on which the appeal is made,

(e) state precisely the relief which the appellant claims,

(f) state the date of the order or decision appealed against.

(2) An appeal shall be presented in person by the appellant or by his duly appointed agent to the appellate authority during the office hours or sent by registered post.

(3) On receipt of an appeal, the appellate authority shall examine it and if it is found that it is in order as provided in sub-rule (1) it shall be registered in the appropriate register maintained for this purpose.

(4) If the appeal is found to be defective in certain respects, the Appellate authority may call upon within such time not more than 15 days in any case to remedy the formal defects pointed out in the appeal.

(5) if the party concerned or his agent fail to remedy the defects within the prescribed time the appellate authority shall fix a date for preliminary hearing of the appeal of which due notice shall be given to the party concerned.

(6) On the date fixed under sub-rule (4) the appellate authority shall hear the party or his agent. if present, and pass orders either directing that the appeal be admitted or rejecting the appeal. Where the appeal is rejected, the appellate authority shall record its reasons for doing so.

**146. Notice to respondent or opponent.** After an appeal is admitted, a notice shall be delivered or sent by registered post to the respondent or opponent calling upon him to appear before the appellate authority on the date specified in the notice. The notice shall also declare that if he does not appear before the appellate authority either in person or through an agent on the date specified in notice or on any subsequent date to which the hearing may be adjourned, the appellate authority shall hear and decide the appeal ex-parte.

**147. Procedure at the hearing.** On the date fixed for hearing or on any other date to which the hearing may be adjourned, the appellant or his agent, or if permitted by the appellate authority, his pleader shall ordinarily be heard first in support of his appeal. The respondent or the opponent or his agent or if permitted by the authority, his pleader, shall if necessary be heard next and in such case the appellant or his agent or his pleader shall be entitled to reply.

**148. Hearing in absence of the parties.** (1) If, on the date fixed for hearing or on any other day to which the hearing may be adjourned the appellate does not appear either in person or by his agent or pleader when the appeal is called for hearing, the appellate authority may dismiss the appeal or may decide it on merits, after hearing the respondent or opponent or his agent or pleader, if present.

(2) If, on the day fixed for hearing or any other day to which the hearing may be adjourned, the respondent or opponent does not appear either in person or through his agent or pleader if permitted, when the appeal is called for hearing, the appellate authority may decide the same on merits after hearing the appellant or his agent or pleader if he be present.

**149. Restoration of appeals decided ex-parte.** If any of the parties was absent at the date of hearing and the appeal was heard and decided ex-parte, the party concerned may apply for restoration of appeal and if the party satisfies the appellate authority that he had no notice of the date of hearing or that he was prevented from any sufficient cause from appearing when the appeal was called for hearing the appellate authority may restore the appeal to its file:

Provided that where the other party has appeared in the appeal, such party shall be given notice and an opportunity of being heard before the order for restoration of the appeal is made.

**150.Fresh evidence and witnesses.**(1) No party to an appeal shall be entitled to adduce fresh evidence whether oral or documentary before the appellate authority. The appellate authority may accept documents tendered by a party or call for the same if it is of opinion that they are necessary for deciding the appeal, provided that the other party shall in that case be entitled to produce rebutting evidence.

(2) If the Appellate Authority is of opinion that any witness should be examined, it may do so, if it is necessary for deciding the appeal.

(3) Where fresh evidence has been adduced under sub-rule (1) or a witness has been examined as provided in sub-rule (2) the parties may, if they so desire address the appellate authority on points arising out of the fresh evidence or the deposition of the witness.

**151.Adjournment.**The Appellate Authority may on such terms as it thinks fit and at any stage, adjourn the hearing of any appeal

**152.Procedure in case of death of one of several appellants or of sole appellant.**If an appellant dies, while the appeal is pending and it cannot be proceeded with unless his legal representative is made a party to the appeal the appellate authority shall adjourn further proceedings to enable his legal representative to appear and apply for being made a party. If the legal representative falls to do so within 90 days from the date on which the appellant dies, the appeal shall abate as regards the deceased and if he be the sole appellant the appeal shall be dismissed, in any other case it shall be proceeded with as regards the remaining appellants.

**153.Procedure in case of death of one of several respondents or opponents or sole respondent or opponent.**If respondent or opponent dies while the appeal is pending, and it cannot be proceeded with unless his legal representative is made a party to the appeal, the appellant shall apply to the appellate authority for making the legal representative of such a respondent or opponent a party to the appeal within 90 days from the date on which the respondent or opponent died. If the appellant fails to do so, the appeal shall abate as regards the deceased. If the deceased be the sole respondent or opponent, the appeal shall be dismissed, in any other case it shall be proceeded with as regards the remaining respondents or opponents.

**154.No abatement by reason of death after hearing.**Notwithstanding anything contained in rule 152 and section 97, there shall be no abatement by reason of the death of any party, between the conclusion of the hearing and the pronouncement of the judgment, but the judgment may in such case be pronounced notwithstanding the death, and shall have the same force and effect as if it had been pronounced before the death took place. No legal representative need be made party in such case.

**155.Determination of legal representative.**If a question arises in any appeal where a person is or is not a legal representative of a deceased party, such question may be determined by the appellate authority in a summary way after taking evidence if necessary

**156.Procedure in case of assignment.-** In any case where the business of a party to an appeal before the appellate authority is, during the pendency of it, assigned or devolves wholly or in part to or upon some other person or society, the appeal may, by leave of the appellate authority, be continued by or against such person or society.

**157.Abatement or dismissal for failure of legal representative to apply in time may be set aside.-**

A person claiming to be a legal representative of a deceased appellant or assignee or receiver of an insolvent appellant may apply within 60 days from the date of abatement or dismissal of the appeal to have the abatement or dismissal set aside, and if it is proved to the satisfaction of the appellate authority that he was prevented by, sufficient cause from appearing within time, the abatement or dismissal shall be set aside by the appellate authority and the appeal proceeded with.

**158.Procedure in case of insolvency.-**If a party to an appeal becomes insolvent and his estate, becomes vested in the assignee or receiver, the latter may, by leave of the appellate authority be made a party to the appeal.

**159.Pronouncement of judgment and costs of appeal.**(1) When the hearing of the appeal is complete, the appellate authority shall pronounce its judgment forthwith or shall fix a date for the same. Such date shall be notified on the notice board of the appellate authority.

(2) Every judgment of the appellate authority shall be in writing.

(3) The appellate authority shall in its judgment state at the end, whether the appeal is dismissed or allowed wholly or in part and mention, the relief if any, granted to the appellant.

(4) The costs of the appeal shall be in the discretion of the appellate authority in its final order. The appellate authority shall state who shall bear the cost and in what proportion. if any.

**160.Supply of certified copies.**Certified copies of the judgment shall be supplied free of cost on application to the parties concerned.

### CHAPTER-XIII

#### **Procedure for recovery of certain sums by attachment and sale of property of defaulter under section 144.**

**161.Application.-**(1) Any decree-holder desiring to recover any amount or sum mentioned in sub-section (1) of section 144 may make an application to the Recovery Officer and shall deposit the necessary costs on a scale specified by the Registrar.

(2) Every such application shall be made in the form specified by the Registrar and shall be signed by the decree-holder. The decree-holder may indicate whether he wishes to proceed against the immovable

property mortgaged to the decree-holder or other immovable property or to secure the attachment of movable property.

(3) On receipt of such application, the Recovery Officer shall verify the correctness and genuineness of the particulars set forth in the application with the record, if any, in the office of 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.

**162. Order in which proceedings shall be taken.**- Unless the decree-holder has expressed a desire that proceedings should be taken in a particular order, the 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 attached and sold are insufficient to meet in full the demand of the decree-holder, the immovable property mortgaged to the decree-holder, or other immovable property belonging to the defaulter may be proceeded against.

**163. Distress by Sale Officer.**- (1) The Sale Officer, shall after giving previous notice to the decree-holder, proceed to the village or town 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 defaulter is absent, the Sale Officer shall serve the demand notice on some male member of his family, or on his authorised agent, or when such service cannot be affected, shall affix a copy of the demand notice on some conspicuous part of his residence. 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 inventories 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. He shall then fix the place where the property may be lodged or kept and an intimation of the place, day and hour of sale.

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

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

(4) It shall be lawful for the Sale Officer to force open any stable, cow-house, granary, godown, out-house or other building and he may also enter any dwelling house, the outer door of which may be open and may break open the door of any room in such dwelling house for the purpose of attaching property, belonging to a defaulter and lodged therein:

Provided always that it shall not be lawful for the officer to break open or enter apartment in such dwelling house appropriated for the zanana or residence of women except as provided in sub-rule (5).



(5) Where the Sale Officer may have reason to suppose 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 the custom or usage are considered private, the Sale Officer shall represent the fact to the Officer-In-charge of the nearest police station. On such representation the officer-In-charge of the said police station shall send a police officer to the spot in the presence of whom the Sale Officer may force to open the outer door of such dwelling house, in like manner as he may break open the door of any room within the house except the Zanana. The Sale Officer may also, in the presence of a police officer, after due notice given for the removal of women within Zanana 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 Zanana 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.

**164.Custody of distrained property.-** (1) After the distress is made, the Sale Officer may arrange for the custody of the property attached with the decree-holder or otherwise.

(2) If the Sale Officer requires the decree-holder 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 decree holder. If the attached property is live-stock, the decree-holder shall be responsible for providing the necessary food therefor.

(3) The Sale Officer may, at the instance of the defaulter or of any person claiming an interest in such property, leave it in the village or place where it was attached, in the charge of such defaulter or 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.

**165.Manner of dealing with distrained crops.-**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 stored in proper place until sold. The expense of reaping or gathered 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.

**166.Distrained cattle or property not to be used.-**The Sale Officer shall not work the bullocks or cattle or make use of the goods or effects distrained. He shall provide the necessary food for the cattle or livestock, but 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.

**167.Proclamation regarding time and place of sale.-**(1) The proclamation regarding sale shall be published atleast 15 days before the date fixed for sale by affixing a notice, in the office of the Sale Officer and the taluka panchayat office or municipality/municipal corporation office and in the village panchayat office (Chavadi) or some other public building in the village or town or city as the case may be, in which such property was seized. The Sale Officer shall, on the day prior to a fortnight before the

date fixed for sale and a day prior to the day of sale and also on the day of sale cause the publication of proclamation regarding the time and place of the intended sale to be made by beat of drum in the village or town or city in which the defaulter resides and in such other place or places as the Officer may consider necessary to give due publicity to the sale.

(2) No sale shall take place on Sunday or other public holiday as so declared by the Administration, nor until after the expiration of a period of fifteen days from the date on which the notice was served or affixed in the manner prescribed in rule 163:

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

**168.Manner of conducting sale.**-(1) At the appointed time the property shall be put up in one or more lots, as the Sale Officer may consider advisable, and shall be disposed of to the highest bidder:

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

(2) Where the property is sold for more than the amount due the excess amount, after deducting the interest and the expenses of process and the other charges, shall be paid to the defaulter.

(3) The Recovery Officer or the Sale Officer may in his discretion adjourn the sale to a specified day and hour recording his reasons for such adjournment. Where a sale is so adjourned for a longer period than 7 days, a fresh proclamation under rule 167 shall be made unless the judgment debtor consents to waive it.

**169.Payment of property purchased.**The property shall be paid for in cash or any permitted digital mode as may be permitted by the sale officer at the time of sale or at such time as the Sale Officer may 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 re-sold.

**170.Restoration of property by Court.**-Where it is proved to the satisfaction of any civil court of competent jurisdiction that any property which has been distrained under these rules, has been forcibly or clandestinely removed by any person, the Court may order forthwith such property to be restored to the Sale Officer.

**171.Cancellation of order of attachment on payment of money.**If before the auction has commenced, 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, allowances and other cost incurred in attaching the property the sale officer shall cancel the order of attachment and released the property forthwith.

**172. Property exempts from attachment.** The movable properties mentioned as exempt from attachment in the proviso to Section 60 of the Code of Civil Procedure 1908, shall not be liable to attachment or sale under these rules.

**173. Attachment of salary or allowances of public servant.**—Where the movable property to be attached is the salary or allowance or wages of a public officer or of 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 as the said Recovery Officer may direct and upon notice of the order, the officer or other persons whose duty is to disburse such salary or allowance or wages shall withhold and remit to the Sale Officer, the amount due under the order or the monthly instalment as the case may be.

**174. Attachment of share or interest in movable property.** Where the property to be attached consist 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 sale or interest or charging it in any way.

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

**176. Attachment of property in custody of court or public servant.** Where the property to be attached is in the custody of any court or public officer, the attachment shall 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 orders 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 arises between the decree-holder and any person other than the defaulter claiming an interest in the property by reason of a change of name or seizure or otherwise as to the right or priority of ownership of that property, shall be decided by the Court and the Recovery Officer.

**177. Attachment of decree.** (1) 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 by the order of the Registrar.

(2) Where the Registrar makes an order under sub-rule (1) he shall, on the application of the decree holder who has attached the decree, proceed to execute the attached decree and apply the net proceeds in satisfaction of the decree sought to be executed.

(3) The holder of a decree sought to be executed by the attachment of another decree of the nature specified in sub-rule (1), 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 lawful for the holder thereof.

(4) Where the property to be attached in execution of a decree is a decree other than a decree of the nature referred to in sub-rule (1), 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.

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

(6) 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 rule shall give notice of such order to the judgment debtor bound by the decree attached, and no payment or adjustment of the attached decree made by the judgment debtor in contravention of such order after receipt of notice thereof, either through the said Recovery Officer or otherwise, shall be recognised so long as the attachment remains in force.

**178.Attachment of debt etc.**-(1) Where the movable property to be attached is a debt due to the defaulter in question, or a share in the capital of a corporation or a deposit invested therein, or other movable property not in 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.

(2) In the case of a debt, such order shall prohibit the creditor from recovering the debt and debtor from payment thereof.

(3) In the case of a share of deposit, such order shall prohibit 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.

(4) In the case of any other movable property such order shall prohibit the person in possession of it from giving it over to the defaulter.

(5) A copy of such order shall be sent in the case of the debt to the debtor, in the case of the share of deposit to the proper officer of the corporation and in the case of the other movable property (except as aforesaid) to the person in possession of such property. As soon as the debt or the deposit matures, the Recovery Officer may direct the person concerned to pay the amount to him. Where the share is not withdrawable, the said Recovery Officer shall arrange for its sale through a broker. When the share is withdrawal, its value shall be paid to the said Recovery Officer or to the party concerned as soon as it becomes payable. In the case of other movable property, the person concerned shall place it in the hands of the said Recovery Officer as it becomes deliverable to the defaulter.

**Procedure for sale of immovable property.**

**179.Attachment before sale.**-Immovable property shall not be sold in execution of decree unless such property has been previously attached:

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

**180. Application to state description of immovable property.** Where it is proposed to recover the amount by sale of immovable property, the application presented under rule 161 shall contain a description, of the immovable property to be prescribed against, sufficient for its identification and in case such property can be identified by boundaries or numbers in a record of settlement or survey, the specification of such boundaries or numbers and the specification of the defaulters share or interest in such property to the best of the knowledge of the decree-holder and so far as he has been able to ascertain it.

**181. Mode of service of demand notice.** - The demand notice to be prepared by the Recovery Officer under rule 161 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 of residence, or upon his authorised agent or, if such personal service is not possible, shall affix a copy thereof on some conspicuous part of the immovable property, about to be attached and sold 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 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.

**182. Procedure when defaulter neglects to pay.** - 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.

**183. Mode of attachment.** - 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 defaulters last known residence, if any. The fact of attachment shall also be proclaimed by beat of drum or other customary mode at some place or adjacent to such property and at such 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 expense be paid within the date therein mentioned the property will be brought to sale. A copy shall be sent to the degree holder. Where the Sale Officer so directs the attachment shall also be notified by public proclamation in the Official Gazette.

**184. Proclamation before sale.** - Proclamation of sale shall be published by affixing a notice in the office of the Recovery Officer and the Village Panchayat Office/Taluka Office atleast thirty days before the

date fixed for the sale and the Recovery Officer shall cause the publication of the proclamation regarding the time and place of intended sale to be made by beat of drum in the village on the day prior to a fortnight and on two consecutive days previous to the date fixed for 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 decree-holder 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) any other matter which the Sale Officer considers material for a purchaser to know in order to judge the nature and value of the property.

**185. Sale by public auction.**-When any immovable property is sold under these rules the sale shall be subject to the prior encumbrances on the property, if any. The decree holder shall, when the amount for the realisation of which sale is held exceeds Rupees ten thousand 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 a case falling under the proviso to rule 179 prior to the date of attachment of the application for execution. The time for production of the encumbrance certificate may be extended at the discretion of the Sale Officer or the Recovery Officer as the case may be. The sale shall be by public auction to the highest bidder, provided that it shall be open to the Sale Officer to decline to accept the highest bid where the price offered appears to be unduly low or for other reasons and provided also that the Recovery Officer or the Sale Officer may in his discretion, adjourn the Sale to a specified day and hour, recording his reasons for such adjournment. Where a sale is so adjourned for a longer period than 7 days, a fresh proclamation shall be made, unless the judgment debtor consents to waive it. The sale shall be held after the expiry of not less than thirty days calculated from the date on which notice of the proclamation was affixed in the office of the Recovery Officer. The time and place of sale shall be fixed by the Recovery Officer and the place of sale shall be the village where the property to be sold is situated or such adjoining prominent place of public resort as may be fixed by the said Recovery Officer:

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

**186. Deposit by purchaser and resale on default.**-A sum of money equal to 25 per cent 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 shall forthwith be resold:

Provided that where the decree-holder is the purchaser and is entitled to set off the purchase money under rule 190 the Sale Officer shall dispense with the requirements of this rule.

**187. Time for payment of balance of purchase money.**-The remainder of the purchase money and the amount required for 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 stamp may for good and sufficient reasons, be extended at the discretion of the Recovery Officer up to thirty days from the date of sale:

Provided further that in calculating the amounts to be paid under this rule, the purchaser shall have the advantage of any set off to which he may be entitled under rule 190.

**188. Procedure in default of payment.**-In default of payment within the period mentioned in rule 187, the deposit, may, if the Recovery Officer thinks fit after defraying the expenses of the sale be forfeited to the Administration and the defaulting purchaser shall forfeit all claims to the property or any part of the sum for which it may subsequently be sold.

**189. Notification of resale.**Every resale of immovable property in default of payment of the amounts mentioned in rule 187 within the period allowed for such payment, shall be made after the issue of a fresh proclamation in the manner and for the period herein before prescribed for the sale.

**190. Procedure when decree-holder purchases property.**Where a decree-holder purchases the property, the purchase money and the amount due on the decree shall be set off against one another, and the Sale Officer shall enter up satisfaction of the decree in whole or in part accordingly.

**191. Release of property on payment of amount due.**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, 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.

**192. Application to set aside sale on depositing amount due.**(1) 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 the Recovery Officer for payment to the decree-holder, the amount of arrears specified in the proclamation of sale as that for the recovery of which the sale was ordered together with interest thereon and the

expenses of attachment, if any, and sale and other costs due in respect of such amount less amount which may since the date of such proclamation have been received by the decree-holder.

(2) 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 per cent deposited by the applicant:

Provided that if more persons than one has 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.

(3) If a person applies under rule 193 to set aside the sale of immovable property, he shall not be entitled to make an application under this sub-rule

**193. Application to set-aside sale on ground of irregularity or fraud.**(1) At any time within thirty days from the date of the sale of immovable property, the decree-holder or any person entitled to share in ratable distribution of the assets or whose interests are effected 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 said Recovery Officer is satisfied that the applicant has sustained substantial injury by reason of such irregularity, mistake or fraud.

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

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

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

(4) 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.

(5) After the confirmation of any such sale, the said Recovery Officer shall grant a certificate of sale bearing his seal and signature to the purchaser.

(6) Such certificate shall state the property sold and the name of the purchaser, and it shall be conclusive evidence of the fact of the purchase in all courts and tribunals in which it may be necessary to prove it and so to all courts and tribunals in which it may be necessary to prove it and no proof of the seal or



signature of the Recovery Officer shall be necessary unless the authority before whom is produced shall have reason to doubt its genuineness.

(7) An order made under this rule shall be final, and shall not be liable to be questioned in any suit or other legal proceedings.

**194. Delivery of possession.** Where any lawful purchaser of immovable property is resisted and prevented by any person other than a person (not being the defaulter) claiming in good faith to be in possession of the property on his own account from obtaining possession of the immovable property purchased, any Court of competent jurisdiction on application, and production of the certificate of sale provided for by rule 193 shall cause the proper process to be issued for the purpose of putting such purchaser in possession, in the same manner as if the immovable, property purchased has been decreed to the purchaser by a decision of the Court.

**195. Sale of immovable property to be proportionate to amount due.** 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 the immovable property shall be sold than may be sufficient to discharge the amount due with interest and expenses of attachment, if any and sale.

**196. Private alienation of property after attachment to be void.** Where an attachment has been made under these rules, any private transfer or delivery of the property attached or of any interest therein and any payment to the defaulter of any debt, dividend or other moneys contrary to such attachment, shall be void as against all claims enforceable under the attachment.

Explanation. -For the purpose of this rule, claim enforceable under the attachment includes claims for the ratable distribution of assets under rule 203.

**197. Process servers to be paid allowances.** Person employed in serving notice or in other process under these rules shall be entitled allowances at such rates as may from time to time be fixed by the Recovery Officer.

**198. Interest and other charges recoverable from sale proceeds.** Where the cost and charges incurred in connection with attachment and sale of movable property or the attachment and sale or sale without attachment of immovable property under these rules, exceeds the amount of the cost deposited by the decree-holder under rule 161. 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 decree-holder

**199. Receipt for payment.** Every person making a payment towards any money due for the recovery of which application has been made under these rules shall be entitled to 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.

**200. Investigation of claims and objections to attachment of property.**(1) Where any claim is preferred to, or any objection is made in the attachment of, any property attached under these rules on the ground that such property is not liable to such attachment, the Sale Officer shall investigate the claim or objection and dispose of it on the merits:

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

(2) 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.

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

**201. Deficiency of price on re-sale recoverable from defaulting purchaser.**-(1) Any deficiency of price which may happen on a re-sale held under rule 189 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 decree holder or the defaulter be recoverable from the defaulting purchaser under provisions of these rules. The costs, if any, incidental to such recovery shall also be borne by the defaulting purchaser.

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

**202. Determination of attachment.**-Where any property has been attached in execution of a decree, but by reason of the decree-holder's default the Recovery Officer is unable to proceed further with the application of 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.

**203. Ratable distribution of assets.**-(1) Where the Sale Officer attaches or has attached under these rules, any property not in the custody of any court, which is already under attachment made in execution of a decree of any court, such court shall receive and realise such property and shall determine claims thereto and any objections to the attachment thereof:

Provided that where the property is under attachment in the execution of decree of more Courts than one, the Court which shall receive or realize such property and shall determine any claim thereto and any objection to the attachment thereof shall be the Court of the highest grade, or where there is no difference in grade between such Courts, the court under whose decree the property was first attached.

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

**204. Death of defaulter before execution.**-Where a defaulter dies before the decree has been fully satisfied an application under rule 161 may be made against the legal representatives of the deceased and thereupon all the provisions of these rules shall, save as otherwise provided in this rule, apply as if such legal representatives were the defaulter where 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 of; 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 decree holder, compel such legal representative to produce such accounts as he thinks fit.

## Chapter XIV

### Miscellaneous

**205. Creation of electronic registry, database or portal by Administration.**-The Administration may set up and maintain a secure electronic registry, database or portal in which all applications, returns, reports, statement of accounts, registers, byelaws, or any other particulars or documents and returns required to be filed under the Regulation or these rules, are electronically stored.

**206. Manner of filing documents electronically under the Regulation and these rules.**-(1) Every application, communication, document, intimation, notice, return, report, statement of account, or any other particulars or document as may be required to be filed or delivered or served under the Regulation or these rules shall be filed or delivered or served in computer readable electronic form, in portable document format (PDF) or in such other format as decided by the Registrar in respect of such application or form or document or declaration, to the Registrar through the portal maintained by the Administration.

(2) Any correspondences (physically or electronically) and documents to be filed by any person shall contain the name, designation, address, membership number of the person signing such document and make sure correctness thereof and in no case, correspondences, merely with signature and writing authorized signatory shall be acceptable.

**207. Electronic maintenance, registration, and authentication of documents under the Regulation and these rules.**-(1) Every application, return, reports, statement of accounts, registers, bye-laws or any other particulars or document as may be required to be filed or delivered under the Regulation and these rules shall be maintained by the Registrar in electronic form, and if required to be registered or

authenticated, as the case may be by the Registrar under the Regulation and these rules, shall be registered or authenticated through affixing an electronic signature; or by an electronic signature certificate, consistent with the provisions of the Information Technology Act, 2000, the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016, and such other laws as may be applicable, including any rules, regulations, guidelines, notifications, or circulars made under those legislations.

(2) For the authentication of electronic signatures referred to in sub-rule (1), the procedure laid down under the Information Technology Act, 2000, and other relevant laws, including any rules, regulations, guidelines, notifications, or circulars issued thereunder, shall be applicable.

**208. Electronic issuance of documents and communication by Registrar under section 206.**-(1) The Registrar shall perform duties or discharge functions or exercise powers under the Regulation or these rules or do any act which is to be performed or discharged or exercised or done by the Registrar, as the case may be, in the electronic mode.

(2) Where the Registrar is not able to issue any certificate, receipt, endorsement, acknowledgement or approval or any other document or communication under the Regulation or these rules in electronic mode, for reasons to be recorded in writing, he may issue the same in physical form under manual signature affixing seal of his office.

(3) The Registrar may send any document, notice or any communication or intimation, as may be required to be served or delivered under the Regulation or these rules, to the society, its authorised representatives or board of directors or both, in the electronic manner.

(4) Every society shall create and maintain at all times a valid electronic address, including an e-mail, user identifications capable of receiving and acknowledging receipt of such document, certificate, notice or other communication, automated or otherwise, and inform any changes in such electronic address to the Registrar within fifteen days of such change.

**209. Contributions and fees to be credited to Administration.**-All contributions made under subsection (2) of Section 101, all fees paid under subsection (3) of Section 120 shall be credited to the Administration.

**210. Service of summons.**-(1) Every summon issued under the Regulation or rules shall be in writing, shall be authenticated by the seal, if any, of the officer by whom it is issued and shall be signed by such officer or by any person authorized by him in writing in that behalf. It shall require the person summoned to appear before the said officer at stated time and place, and shall specify whether his attendance, is required for the purpose of giving evidence, or to produce a document, or for both purposes, and any particular document, the production of which is required, shall be described in the summons with reasonable accuracy.

(2) Any person may be summoned to produce a document, without being summoned to give evidence, and any person, summoned merely to produce a document shall be deemed to have complied with the summons if he causes such document to be produced, instead of attending personally to produce the same.

(3) The service of summons under the Regulation, on any person may be effected in any of the following ways: -

(a) by giving or tendering it to such person; or

(b) if such person is not found, by leaving it at his last known place of abode or business or by giving or tendering it to some adult member of his family; or

(c) if the address of such person is known to the Registrar or other authorized person by sending it to him by registered post; or

(d) if none of the means aforesaid is available by affixing it in some conspicuous part of his last known place of abode or business.

(4) Where the serving officer delivers or tenders copy of the summons to the defendant personally or to an agent or other person on his behalf, he shall require the signature of the person to whom the copy is so delivered or tendered to an acknowledgement of the person to whom the copy is so delivered or tendered to an acknowledgment of service endorsed on the original summons.

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

(6) When the party to be summoned is a public officer or is a railway servant or local authority, the officer issuing the summons may, if it appears that the summons may be most conveniently so served send it by registered post prepaid for acknowledgment for service on the party to be summoned to the head of the office in which he is employed together with a copy of the summons to be received and endorsed on the original summons.

**211. Communication of decision, award, etc.**-Any order, decision or award required to be communicated under the Regulation or these rules shall, unless otherwise specifically provided in the Regulation or these rules, be posted to the last address of the party as given by the party under intimation to the society, with instructions to display a copy thereof on its notice board.

**212. Agreement under section 143.**-An agreement under section 143 shall be in Form W

**213. Power to exempt from rules.**-The Union territory Administration may, by general or special order, exempt any co-operative society or any class of societies from any of the provisions of these rules or

may direct that such provisions shall apply to such co-operative society or class of co-operative societies with such modifications or conditions as may be specified in the order.

**214. Removal of Doubt.** If any doubt arises in the interpretation of any of the provisions of these rules, the matter shall be referred to the Registrar of Co-operative Societies and the Registrar may, make order, not inconsistent with the provisions of the Regulation and these rules, for the purpose of removing the doubt.

**215. Power to remove difficulties.** - If any difficulty arises in giving effect to the provisions of these rules, the Union territory Administration may by notification published in the Official Gazette make such provision not inconsistent with the provisions of the Regulation as appear to it, to be necessary for removing the difficulties.

**216. Repeal and savings.** - (1) The Co-operative Societies Rules, 1962 for the Union territory of Goa, Daman and Diu, the Dadra and Nagar Haveli, Co-operative Rules 1966 and the Goa, Daman and Diu Specified Co-operative Societies Elections to Committees Rules, 1978 are hereby repealed.

(2) Notwithstanding the said repeal anything done or any action taken under any of the provisions of the rules so repealed shall, in so far as it is not inconsistent with the provisions of these rules be deemed to have been done or taken under the corresponding provisions of these rules.

By order and in the name of the Administrator of  
DNH & DD

Sd/-  
(Amit. K. Pamasi)  
Joint Secretary (Co-operation), DNH & DD

## Form A

[See Rule 3(1)]

**Application for Registration of Society**

Dated.....

**To****The Registrar/Assistant Registrar****Co-operative Societies .....****Union territory of Dadra and Nagar Haveli and Daman and Diu.**

We under signed, submit herewith a proposal for registration of the following society along with enclosures as indicated below.

2. We also declare that the information given herewith, including that in the enclosures, is correct to the best of our knowledge:-

(1) Name of the proposed society*;	
(2) Address to be registered;	
(3) Email-Address;	
(4) Area of operation;	
(5) Objects of the society;	
(6) State whether the applicants belong to different families and whether they hold relations each other as a wife, husband, father, mother, grand-father, grand-mother, step-father, step-mother, son, daughter, step-son, step-daughter, grand-son, grand-daughter, brother, sister, half-brother, half-sister and wife of brother or half-brother, as provided in Section 6.	
(7) If the capital is to be raised by share, state the value and number of shares to be issued, along with the list of shares subscribed and paid upto date of application.	
(8) State what is the total amount of share capital collected and deposited in the bank and whether Balance certificate is enclosed with the application.	
(9) In case of federal societies, where the applicants are societies and companies, (where the applicants are other than individuals) state whether enclosed copies of resolution authorising them to sign the application in the bye-laws and state whether they are members of the managing committee of their society or company or any body corporate as the case maybe. If the applicant is a firm, state whether he is a partner of that firm or not.	

(10) State whether the amount of preliminary expenditure incurred by the promoters till the date of application, and estimate of expenditure likely to be incurred by them thereafter with a view to getting the society registered.	
(11) Language in which the books and accounts of the society will be kept.	
(12) Name and address of the person to whom correspondence regarding registration or otherwise should be addressed.(Chief Promotor).	

**\* The name of the society should not have any reference to any caste or religion**

3. We are sending four copies of the proposed by-laws signed by the applicants (not less than 10).

Serial No	Full name	Whether individual or corporate body	Age	Profession or occupation	Adhar Card Number	Place of residence, village
1	2	3	4	5	6	7
Amount subscribed to share capital	Whether signatory of the application is a member of his family	In the case of society, whether he is a member of the committee of that society	Signature	Remarks		
8	9	10	11	12		

Signature

1. Chief Promotor .....6. ....
2. .... 7.
3. .... 8.
4. .... 9.
5. .... 10.

Note :

(1) In the case of a representative of society, a copy of the resolution of the committee of that society authorising him to sign on its behalf this application and bye-laws should be enclosed with this application.



(2) In the case of a corporate body, representative status of the signatory on behalf of the corporate body should be indicated.

**Enclosures:-**

(1) Bank balance certificate.

(2) List of persons who have contributed to the share capital together with the amount contributed by each of them and the entrance fee to be paid by them.

(3) The scheme showing the details as to how the working of the society will be economically sound, and where the scheme envisages the holding of immovable property by the society, giving escription of immovable property proposed to be purchased, acquired or transferred to the society.

\*(4) A copy of the resolution authorising a member of the committee of the registered society to sign the application on behalf of the society.

\*\* (5) A copy of the document authorising any person to sign the application on its behalf issued by a firm, company or other corporate body, a society registered under the Societies Registration Act, 1860 or a public trust registered under any law for the time being in force relating to registration of public trusts.

Sent by registered post on...../Delivered by hand by ..... to/in the office of the Registrar/Assistant Registrar .....

(Chief Promoter)

Received by registered post/hand delivery on ..... by ..... office of the Registrar Assistant Registrar, Entered in the register of registration proposals at Serial No .....

.....

(Signature of the officer receiving the application)

Notes:

\* To be forwarded when any member of the society to be registered is itself a registered society

\*\* To be forwarded when any member of the society to be registered is a firm, company or other corporate body, a society registered under the Societies Registration Act, 1860 or a public trust registered under any law for the time being in force relating to registration of public trusts.

**Acknowledgement**

Received Registration proposal No ..... on ..... for the registration of..... Society from the Chief Promoter Shri .....

Seal of the Office

.....

Place : ..... application)

(Signature of the officer receiving the

Date :

**Form B**

[See Rule 4(1)]

**Register of applications for registration received in the office of the Registrar/Assistant Registrar**

Serial No.	Name of the proposed society	Full address of the society	District	Date of Receipt of application	Date of acknowledgement	How received (by post/hand delivery)
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>
No. and date on which additional information is called	Prescribed date by which information is called	Date on which information received	No. and date of registration	No. and date of order under which registration is refused	Initial of the officer authorised by Registrar to keep the register	Remarks
<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>

**FORM C**

[See Rule 8(1)]

**Register of Co-operative Societies registered or deemed to be registered**

District .....

Registered Sr. No.	Full name and address of the society	Date of registration	File No.	Class of Society	Sub-class
1	2	3	4	5	6
Page No. and date of Government Gazette Notifying registration	Initial of Registrar	Date of winding up by the Registrar	Page No. and date of Government Gazette notifying winding up	No. and Date of cancellation	Initial of the officer authorised by Registrar to keep the register
7	8	9	10	11	12

## FORM D

[See Rule 10 (1) ]

By Registered Post A.D./E-mail/Digital Mode

Dated:

From

**Office of the Registrar of Co-operative Societies****Union territory of Dadra and Nagar Haveli and Daman and Diu.**

To

.....Co-operative Society Limited.

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. I am to request you to consider this/these amendment/amendments in the interest of your society and to call upon you by this notice under rule 10(1) of the Dadra and Nagar Haveli and Daman and Diu Co-operative Societies Rules,2024, 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. (1) of the Dadra and Nagar Haveli and Daman and Diu Co-operative Regulation,2024.

Yours Faithfully

Registrar of Co-operative Societies,

**Union territory of Dadra and Nagar Haveli and Daman and Diu.**

Statement accompanying notice under Rule 10(1)

Serial 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

Registrar of Co-operative Societies,

.....

**Union territory of Dadra and Nagar Haveli and Daman and Diu.**

**FORM E**

[See Rule 14(1)]

**APPLICATION FOR RECONSTRUCTION OF A SOCIETY**

To

The Registrar of Co-operative Societies

.....

In the special general meeting of..... Society.....Ltd. ....at..... called for the purpose of reconstruction of the society, the society approved a compromise/arrangement with its creditors and/or members on following lines:

- (1) By reducing the claims of creditors;
- (2) By reducing the value of the share capital;
- (3) By re-valuation of assets;
- (4) Any other issue.

A detailed scheme worked out on the above lines is enclosed with a copy of 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

.....Society Ltd.

**FORM F****[See Rule 20(1)]**

Form to be used by the eligible person for giving application for membership of a society under sub-section 27(2) of the Dadra and Nagar Haveli and Daman and Diu Co-operative Regulation, 2024.

To

The Chairman,

(through the Registrar, Co-operative Societies).

Sir.

I, the undersigned Shri/Smt ..... (Full name of the applicant), hereby apply for the membership of your society, I furnish below the following particulars about me:—

1. Full name beginning with Surname:-
2. Address (Residential- with mobile number):-
3. Occupation/Service/Business/Profession:-
4. Address (Service/Business/Profession):-
5. Age on date of application:-
6. Class of membership applied for (associate, nominal, sympathiser or ordinary):-
7. Nationality:-
8. Amount of share money and entrance fee tendered with the application (cross cheque, pay order and Demand Draft):-
9. Particulars of agricultural land/Non-agricultural land held by family as owner or as tenant (whatever it is applicable).
10. Particulars as to membership of other Co-operative Society/Societies, if any, together with information about outstanding dues or overdues, if any, in the society/societies:-
11. Date of making application to the society and reason if any for not accepting the application by the society if known:-
12. I undertake to furnish any other information as may be required under the bye-laws of the society.

I hereby state that I need the services of the society and further state that I have made myself aware of the provision of the bye-laws of the society, and I agree to be bound by them in all matters relating to my transactions with the society.

Name and signature

Date :

Place :

FORM G

[See Rule 23]

NOTICE UNDER SECTION 31 OF THE REGULATION

(Communication of classification of non- active member)

To

Shri.....

.....

Sir,

You are member of.....co-operative society Ltd.,with sholder holder number.....As provided in section 31 of the Regulation it is the duty of every member of the society to to attend at least, one general body meeting within a consecutive period of five years and to utilise minimum level of services at least once in a period of five consecutive years as specified in the bye-laws no.... of the society,which read as,

“.....”

As per record of the society, for the year ending 31<sup>st</sup> March.....

- (1) you have not attended any meeting of the general body from the year.....to .....
- (2) You have not utilise minimum level of services as per above bye-laws at least once in a period of five consecutive years,i.e from the year .....to .....

Therefore as provided in the above bye-laws you have been classified as non-active member of the society.You are hereby advised to obey by above provisions of Regulation and bye-laws.

If you will not obey above provisions you shall have no right to vote.

On fulfilment of the above eligibility criteria you will be entitled to be re-classified as an active member.

If you want to appeal against this decision of the society ,you may appeal to the Registrar.....within a period of sixty days from the date of communication as provided in section 31.

Dated:-

Place:-

.....

Chairman/Manager/Chief Executive Officer.....Society ltd.

**FORM H**

[See rule 30(1)]

**APPLICATION TO THE CO-OPERATIVE INFORMATION OFFICER**

Application number (For Official use):

Dated:

To:

The Co-operative Information Officer,

[Name of the society].....

[Address] .....[District]  
.....[PIN Code].....

Subject: Request for information under sub-section (2) of Section 37 of the Dadra and Nagar Haveli and Daman and Diu Co-operative Societies Regulation, 2024.

Sir,

1. I [name] Son/Daughter/Wife of [name] Resident of ..... wish to seek the following information, under sub-section (2) of section 37 of the Dadra and Nagar Haveli and Daman and Diu Co-operative Societies Regulation, 2024.

Full address of the appellant:

Pin Code:

Phone No: (if available):

Mobile Number:

E-mail: (if available):

2. The information pertains to the [name of the Society] as per details given below:

3. I certify that I am a member of the [name of the Society] [as on date], with membership number.....

4. I certify that the information requested under para 2 is confined to information relating to affairs and management of the [name of the Society] and that this information is confined to the information falling under the disclosure norms specified by the [name of the Society] in its bye-laws, as per sub-section (1) of section 37 of the Dadra and Nagar Haveli and Daman and Diu Co-operative Societies Regulation, 2024.

5. I have deposited the required amount Rupees.....(in words.....) towards application fee (Receipt enclosed) vide receipt no. \_\_\_\_\_ dated \_\_\_\_\_.

6. I also undertake to pay any additional fees/charges (if applicable) as may be required to be paid the relevant rules.

Date:

Place:

[Enclosed: Receipt No. \_\_\_\_\_ dated \_\_\_\_\_, of Rupees.....(in words.....) towards application fees]

**Yours faithfully,****(Signature of the Member)**

**Form I**

[See Rule 32 ]

**Register of members**

[Section 43(1) of the Dadra and Nagar Haveli and Daman and Diu Co-operative Regulation,2024.]

1. Serial Number
2. Date of admission
3. Date of payment of entrance fee
4. Full name
5. Address
6. Mobile Number
7. E-mail id
8. Occupation
9. Age on the date of admission
10. Full name and address of the person nominated by the member
11. Date of nomination
12. Date of cessation of membership
13. Reasons for cessation
14. Remarks

**Particulars of shares held**

Date	Date of Application	Date of Allotment	Amount received	Number of shares held
1	2	3	4	5
Serial number of share certificates	Share holder number	Name of Nominee	Date of Nomination	Initials of authorised person of the society
6	7	8	9	10



**FORM J**

**(See Rule 35(1)]**

I.....resident of.....a member of more than one credit society, names of which are given below:

- (1)
- (2)
- (3)
- (4)

I do hereby declare as required by Rule 33 of the Dadra and Nagar Haveli and Daman and Diu Co-operative Societies Rules,2024,that I shall borrow only from.....co-operative society ltd./shall accept responsibility of a surety of only in ..... co-operative society ltd.

Place:

Date:

Signature

Name and signature of witness:

## FORM K

[See Rule 38(1)]

I.....(age.....) residing at..... having been admitted to .....co-operative society Ltd., and being desirous of borrowing/having borrowed loan from the society/ from the society before the date be coming into force of the Lakshadweep Co-operative Societies Regulation,2022, make this declaration asrequired by section 53 of the Dadra and Nagar Haveli and Daman and Diu Co-operative Societies Rules,2024, that I own land/ have interest in land specified in the schedule and I hereby create a charge on the said land interest in favour of the society for the payment of the amount of the loan which the society may make/has made and for all future advances, if any, which the society may make to me subject to the maximum, of amount of Rs.....(Rupees.....) together with interest on such amount of the loan and advance.

## SCHEDULE

Name of village	Name of District	Survey Number		Boundaries South East North East
		City Survey plot number	City Survey plot hissa(part)	Area Acres Guatha
1	2	3	4	5
Nature of interest in land if any	Assessment Rupees	Approximate value in Rupees	Encumbrance if any	Remarks if any
6	7	8	9	10

In witness whereof I, Shri... ..hereunder set my hand this of..... day of.....in the year Two thousand two hundred and..... signed and delivered by the above..... name in the presence of

Attested by

Witness (1) .....

Applicant's Borrower's signature

(2) .....

Forwarded with compliments to the Village Officer/ Secretary with a request to include the particulars of the charge.....under the declaration in the Record of Rights and to return to the society for its record.

Chairman/Secretary

.....Society

Returned with compliments to the Chairman..... Society, Limited. The charge created under the declaration is duly included in the Record of Rights on the ..... day of..... 20...

Village Office

**Form L**

[See Rule 38(2)]

**Register of declarations made under Section 53(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. Plot Hissa
1	2	3	4	5	6
<u>Area</u> <u>Acres Guatha</u>	<u>Assessment</u> <u>Rupees</u>	Approximate value in Rupees	Encumbrance if any	Amount of maximum loan	Initials of the Chairman
7	8	9	10	11	12

**Form M**

[See Rule 53(1)]

**Form of Requisition to call Special Meeting of the Committee to consider Motion of No Confidence**

Place:

Date:

**To**

**The Registrar of Co-operative Societies,  
Union territory Administration of Dadra and Nagar Haveli and Daman and Diu**

.....

We, the undersigned members of the Managing Committee of the ..... Society Limited, hereby request you under sub-section (2) of Section 73 of the the Dadra and Nagar Haveli and Daman and Diu Co-operative Societies Regulation,2024, to call a special meeting of the Managing Committee of the said Society to consider the motion of No Confidence against Shri/Smt..... President/Vice President/Chairman/Vice Chairman/ Secretary /Treasurer/any other Officer of the said Society.

2. A copy of the grounds of no-confidence alongwith the text of the motion of no-confidence to be moved is enclosed herewith.

3. The motion will be moved by Shri/Smt. ....

Names and Signatures

- 1.
- 2.
- 3.
- 4.
- 5.

and further if required.

Form N

[See Rule 53(6)]

Certificate regarding the result of the requisitioned special meeting of the Committee of ..... Co-operative Society in respect of No Confidence motion

I. .... an authorised Presiding Officer by the Registrar of Co-operative Societies, Union territory Administration of Dadra and Nagar Haveli and Daman and Diu hereby certify that the requisitioned special meeting of the Managing Committee of..... Co-operative Society Limited took place/(did not take place) on ..... at ..... hrs.

The following resolution is carried in this meeting: -

This certificate is issued by me on..... at .....

Presiding Officer

(Authorised by the Registrar, Co-operative Societies)

.....

## FORM O

[See Rule 124]

- |    |            |         |   |            |
|----|------------|---------|---|------------|
| 1. | Name       | Age     | 1 |            |
|    | Occupation | Address |   | 1          |
| 2. | Name       | Age     | 1 | Disputants |
|    | Occupation | Address |   | 1          |
| 3. | Name       | Age     | 1 |            |
|    | Occupation | Address |   | 1          |
|    | Versus     |         |   |            |
| 1. | Name       | Age     | 1 |            |
|    | Occupation | Address |   | 1          |
|    |            |         |   | Opponents  |
| 2. | Name       | Age     | 1 |            |
|    | Occupation | Address |   | 1          |
| 3. | Name       | Age     | 1 |            |
|    | Occupation | Address |   | 1          |

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

The disputant/disputants prays/party as under:

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

Date:

(Signature/s of Disputant/Disputants)

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

Date:

(Signature/s of Disputant/Disputants)

Note.-(1) In case there are more disputants or opponents their names, address, ages and occupations should be mentioned.

(2) In disputes relating to monetary claims, the precise amounts claimed should be stated, and where this can not be exactly ascertained the approximate amount claimed, should be stated.

(3) When a society is a disputant a copy of the resolution of its committee or Board of Directors shall accompany application.

## FORM P

[See Rule 129(2)]

## FORM OF APPEAL BEFORE THE CO-OPERATIVE TRIBUNAL UNDER SECTION.....

[All fields are mandatory except wherever indicated otherwise]

To

**The President  
Co-operative Tribunal**

.....

Madam/Sir,

Sub: Appeal against the order/decision passed under section.....by the Registrar/nominee/board of nominees.

1. Name/s of the appellants:

Age (years): .....

Gender:....

Full address:

Pin Code:

Phone No. (if available):.....Mobile Number: .....E-mail (if available):.....

**Note: Attach these details of each appellant, separately if there are more than one appellant.**

2. Name/s of the respondent/s:

Age (years): .....

Gender:....

Full address:

Pin Code:

PhoneNo.(if available): .....Mobile Number: .....E-mail (if available):.....

**Note: Attach these details of each respondent, separately if there are more than one respondent.**

3. Details of Order/Decision under challenged

(a) Name of the authority who has made the order/decision: the Registrar/nominee/board of nominees.  
(Please tick the relevant authority and enclose the copy of the order/decision)

(b) Number:

(c) Date of Order/Decision:

4. Please tick the relevant box below.

(a) Whether your appeal is within the time limit? Yes/No

(b) Whether your appeal is made through an authorised representative? Yes/No (Please enclose the authorisation)

5. Details of the appeal (in brief):

6. Relief sought in this appeal:

7. List of documents enclosed:

**Declaration**

(i) I ..... Son/Daughter/Wife of....., the appellant herein declares that—

(a) the information furnished above is true and correct; and

(b) I have not concealed or misrepresented any fact stated above and the documents submitted herewith.

(ii) The appeal is filed within the time limit.

Date:

Place:

**Yours faithfully**

**(Signature of the Appellant/Authorised Representative)**

**AUTHORISATION**

If the appellant wants to authorise a representative to appear and make submission on her/his behalf before the tribunal, the following declaration shall be submitted: —

I ..... Son/Daughter/Wife of....., the appellant hereby nominate Shri/Smt..... as my authorised representative whose contact details are as below:

Full Address:

Pin Code:

Phone No: (if available):

Mobile Number:

E-mail: (if available):

Date:

Place:

**Yours faithfully,**

**(Signature of the Appellant)**

## FORM Q

[See Rule 130(5)]

**FORM OF CERTIFICATE FOR TRANSFER OF PROPERTY UNDER SECTION 111****In the case of immovable Property:**

Whereas in execution of the Every order passed by the Registrar or a person authorised by him under section 99, or by the Registrar, his nominee or board of nominees under section 106 or 107, every order passed by a Liquidator under section 117, every order passed by the Administrator in appeal against orders passed under section 136, and every order passed in revision under section of the Dadra and Nagar Haveli and Daman and Diu Co-operative Societies Regulation, 2024 in favour of the.....co-operative society Ltd. was made on the .....day of.....20....., for sale of the under mentioned property of the person or persons (defaulter or defaulters)

And whereas the Court/Collector/ Registrar of co-operative societies is satisfied that the said property cannot be sold for want for buyers:

It is hereby ordered under Section 111 of the said Regulation that the right title and interest of the defaulter shall vest in the said society and shall be delivered to the society subject to the terms and conditions laid down in the Schedule hereto annexed.

## DESCRIPTION OF PROPERTY

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

The Schedule(to be annexed)

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

Given under my hand and seal of the Court or Collector or the Registr this.....day of 20.....

**Court/Collector/ Registrar of co-operative societies**

**In the case of movable property:**

(The form will be similar with necessary changes as regards the description and the delivery of the property).



## FORM R

[See Rule 138(2)]

## FORM OF COMPLAINT (TO BE FILLED UP BY THE COMPLAINANT)

[All fields are mandatory except wherever indicated otherwise]

To

The Co-operative Ombudsman

.....

Madam/Sir,

Sub: Complaint against ..... (Name of the society)

1. Name of the complainant:

2. Age (years):

3. Gender:

4. Full address of the complainant:

Pin Code:

Phone No. (if available):

Mobile Number:

E-mail (if available):

5. Complaint against: (Name and full address of the society)

6. Membership number, or relevant details relating to membership:

7. Mode of filing: Through portal/in physical form/electronically (Please tick the appropriate option)

8. (a) Date and details of complaint already made by the complainant to the society: (Please enclose a copy of the complaint)

(b) Whether such complaint was rejected or no reply was received within one month from the date of such complaint or whether the complainant is not satisfied with the reply of the society?

(c) Whether the complaint has been made not later than one month after the reply of the society; or where no reply is received, not later than two months from the date of making the complaint to such society?

9. Please tick the relevant box (Yes/No): Whether your complaint:

(a) Is sub-judice before any Authority, Tribunal, Court, or the Registrar or is the subject matter of arbitration under section 102? Yes/No

(b) Is in respect of the same subject matter which was settled through the Ombudsman in any previous proceedings, whether or not instituted by the same complainant, or along with any one or more complainants, or any one or more of the parties concerned with the subject matter? Yes/No (c) Is made through an authorised representative? Yes/No

10. Details of the complaint:

11. Relief sought from the Ombudsman: (Please enclose a copy of documentary proof, if any, in support of your claim)

12. List of documents enclosed:

### Declaration

(i) I ..... Son/Daughter/Wife of....., the complainant herein declares that—

(a) the information furnished above is true and correct; and

(b) I have not concealed or misrepresented any fact stated above and the documents submitted herewith.

(ii) (a) Where a response from the society has been received: The complaint is filed before the expiry of one month after receiving the reply of the society;

(b) Where a response from the society has not been received: The complaint is filed before the expiry of two months after the representation to the society was made.

Date:

Place:

**Yours faithfully**

**(Signature of the Complainant/Authorised Representative)**

### AUTHORISATION

If the complainant wants to authorise a representative to appear and make submission on her/his behalf before the Ombudsman, the following declaration shall be submitted: —

I ..... Son/Daughter/Wife of....., the complainant hereby nominate Shri/Smt..... as my authorised representative whose contact details are as below:

Full Address:

Pin Code:

Phone No: (if available):

Mobile Number: (if available):

E-mail:

Date:

Place:

**Yours faithfully,**

**(Signature of the Complainant)**

## FORM S

[See Rule 138(3)]

**FORM OF APPEAL AGAINST DECISION OF THE CO-OPERATIVE INFORMATION OFFICER****[All fields are mandatory except wherever indicated otherwise]****To****The Co-operative Ombudsman**

.....

Madam/Sir,

Sub: Appeal against ..... (Name of the society)

1. Name of the appellant:

2. Age (years):

3. Gender:

4. Full address of the complainant:

Pin Code:

Phone No. (if available):

Mobile Number:

E-mail (if available):

5. Appealed against: (Name and full address of the society)

6. Membership number, or relevant details relating to membership:

7. Mode of filing: Through portal/in physical form/electronically (Please tick the appropriate option)

8. (a) Date and details of application by the appellant to the Co-operative Information Officer: (Please enclose a copy of the complaint)

(b) Whether the requisite information has or has not been received from the Co-operative Information Officer within the period of thirty days from the date of receipt of application, as indicated under sub-section (4) of Section 37 of the Act? Yes/No (please enclose a copy of the reply)

9. Please tick the relevant box below.

Whether your appeal:

Is made through an authorised representative? Yes/No

Has already been dealt with or is under process on the same ground with the Ombudsman? Yes/No

10. Details of the appeal:

11. Relief sought from the Ombudsman in this appeal:

12. List of documents enclosed:

**Declaration**

(i) I ..... Son/Daughter/Wife of....., the appellant herein declares that—

(a) the information furnished above is true and correct; and

(b) I have not concealed or misrepresented any fact stated above and the documents submitted herewith.

(ii) The appeal is filed before the expiry of one month from the date of the orders of the Co-operative Information Officer, in accordance within the time-period provided under sub-section (5) of section 37.

**Yours faithfully**

**(Signature of the Appellant/Authorised Representative)**

**AUTHORISATION**

If the complainant wants to authorise a representative to appear and make submission on her/his behalf before the Ombudsman, the following declaration shall be submitted: —

I ..... Son/Daughter/Wife of....., the complainant hereby nominate Shri/Smt..... as my authorised representative whose contact details are as below:

Full Address:

Pin Code:

Phone No: (if available):

Mobile Number:

E-mail: (if available):

Date:

Place:

**Yours faithfully,**

**(Signature of the Appellant)**

**FORM T**

[See Rule 140(1)]

**FORM OF APPEAL BEFORE THE REGISTRAR****[All fields are mandatory except wherever indicated otherwise]**

To

The Registrar

.....

Madam/Sir,

Sub: Appeal against decision of the Co-operative Ombudsman dated  
.....by..... (Name of the appellant)

Details of the appeal:

1. Name of the appellant:

2. Full address of the appellant:

Pin Code:

Phone No: (if available):

Mobile Number:

E-mail: (if available):

3. Appeal against: (Details of the directions passed by the Co-operative Ombudsman, with date and other particulars)

4. Mode of filing: Through portal/in physical form/electronically (Please tick the appropriate option)

5. Details of the appeal:

6. (a) Date and details of original complaint made to the Ombudsman: (Please enclose a copy of the original complaint, along with all relevant documents)

(b) Details of directions passed by the Ombudsman: (Please enclose a copy of the direction(s) passed by the Ombudsman, along with copies of all relevant documents)

7. Whether your appeal is made through an authorised representative? Yes/No

8. Relief sought from the Registrar, in appeal: (Please enclose a copy of all documentary proofs, if any, in support of your appeals)

9. List of documents enclosed:

**Declaration**

(i) I ..... Son/Daughter/Wife of....., the appellant herein declares that—

(a) the information furnished above is true and correct; and

(b) I have not concealed or misrepresented any fact stated above, and in the documents submitted herewith.

(ii) (a) If the appeal is being filed on-time: The appeal is filed before the expiry of one month reckoned in accordance with section 113(3).

(b) If the appeal is being filed after the expiry of one month on account of sufficient cause: The appeal is filed after the expiry of one month, as provided under Section 113(3), for sufficient cause being the following: (Please indicate such cause here).

**Yours faithfully,**

**(Signature of the Appellant/Authorised Representative)**

#### AUTHORISATION

If the complainant wants to authorise a representative to appear and make submission on her/his behalf before the Ombudsman, the following declaration shall be submitted: —

I.....Son/Daughter/Wife of....., the complainant hereby nominate Shri/Smt..... as my authorised representative whose contact details are as below:

Full Address:

Pin Code:

Phone No: (if available):

Mobile Number:

E-mail: (if available):

Date:

Place:

**Yours faithfully,**

**(Signature of the Appellant)**

## FORM U

[See Rule 141(7)]

1. Name of Society under liquidation:
2. Date of winding up order:
3. Quarter ending:

		Ruees
A.	Opening Cash Balance:	
	(1) on hand (2) in Bank	
B	Realizations during quarter: (1) Loan recovered (2) Investment called in (3) sale of dead stocked etc (4) miscellaneous  Total Cash	
C	Liabilities paid during the quarter: (1) loans repaid with interest- (a) Government (b) others (2) deposits repaid with interests (3) salaries and other outstanding debts of the society (4) expenses of liquidation (5) legal expenses (6) miscellaneous  Total Cash  Balance.. (1) on hand (2) in Bank	
D	Remaining assets: (1) loans outstanding (2) investments (3) value of dead stock etc. (4) miscellaneous  Total	
E	Remaining liabilities: (1) deposits repayable (2) loans repayable (a) Government (b) Others (c) salaries (d) miscellaneous debts	
	ADDITIONAL INFORMATION Name of the Liquidator: 1. Total Liabilities on the date of winding up:  Deposits: 1. Members 2. Non-members 3. Societies 4. State Co-operative Bank Ltd. 5. Central financing Agency 6. Miscellaneous  Total	

	2. Total recoveries upto the end of previous Quarter 1. Principal 2. Interest 3. Liquidation charges <div style="text-align: right;">Total</div> 3. Balance of assets to be recovered 4. Balance of liabilities to be paid 5. Whether orders are passed in all cases. If not how many are remaining? Reasons why no orders are passed.	
--	--	--

Dated:..... 20.....

Forwarded with compliments to the Registrar, Co-operative Societies.

Liquidator

Co-operative Societies

### FORM V

[See Rule 143]

#### INFORMATION REGARDING THE LOANS TAKEN FROM THE BANK BY EACH COMMITTEE MEMBER, MEMBERS OF THE FAMILY AND COMPANIES WITH WHICH HE IS ASSOCIATED

.....BANK LTD.

.....MONTH

Sr No	Name of Director/Committee member	Post	Name of Family member of committee member/ Director	Name of Company /firm/concern in which committee member or his family member is associated in any way	Relation with the committee member	Amount of loan taken	Date of sanctioned
1	2	3	4	5	6	7	8
	Amount outstanding	Whether the person who had availed the loan is permitted to avail loan as per guidelines of RBI/RCS/NABARD		Overdue Amount	Action taken to recover the overdue amount	Remarks	
9		10		11	12		



## FORM W

[See Rule 212]

This agreement is made .....day of.....20....between.....s/o.....of.....Village.....P.O.....(hereinafter called the "applicant" which expression shall unless repugnant to the context or meaning thereof include his heirs,executors,administrators and assigns) of the one part and .....Co-operative Farming Society Limited (hereinafter called the "Society" which expression shall unless repugnant to the context or meaning thereof include his heirs,executors,administrators and assigns) of the other part.

Whereas the applicant has applied for the membership of the society and where as the society has agreed to admit the applicant as a member of the society subject to rules and bye-laws of the society and on the terms and conditions hereinafter contained.

IT IS HEREBY AGREED BY AND BETWEEN THE PARTIES here to as follows:

1. The applicant hereby agrees to place at the disposal of and handover to the society the pieces or parcels of the land in possession of the applicant and described in the Schedule hereunder written. For a period of five years from the date hereto for the purpose of joint farming by the society and has accordingly handed over possession of the said pieces or parcels of land described in the Schedule hereunder written to the society for the said purpose.

2. The applicant hereby appoints the said... .....Co-operative Farming Socie Limited as his agent and attorney and authorises it to mortgage the applicant's said pieces or parcels of land or any of them along with the land of other member or members of the society or otherwise to secure repayment of any loan or loans that may be raised by as the society may deem fit and for the purpose to execute the necessary deed of mortgage provided, however, that neither the applicant personally nor any of his other property outside the pool shall be liable for payment of any amount payable under the said mortgage deed or other documents except to the extent to which the applicant may be liable as a member of the society. AND it is hereby further agreed and declared that the appointment of the society as the agent and attorney of the applicant and the authority conveyed on the society to mortgage the applicant's land aforesaid is irrevocable as long as the applicant continues to be a member of te society.

3. In the event of the applicant ceasing to be a member of the society or on the expiry of the said period of five years the applicant shall accept such pieces or parcels of land which the society may offer to the applicant if the society for any reasons whatsoever considers it undesirable to return member's said pieces or parcels of land or any of them provided however that the land offered by the society shall have equivalent productivity as the land belonging to the applicant and retained by society had at the time of joining the society. If the lands retained are subject to any encumbrances created prior to pooling the value of the lands offered by the society to be applicant shall be reduced by the amount payable on the outstanding encumbrances and the society will clear the said encumbrances.

4 If the applicant on ceasing to be a member of on the expiry of the said period of five years desires payment in cash in respect of the said pieces or parcels described in de Schedule hereunder or any of them or in respect of land retained by the society and alien of which land of equivalent productivity is offered by the society is agreeable to make such payment, the society shall pay to the applicant such amount as may be greed to between the applicant and the society in respect of the said land less any aunt that may be payable by the applicant in respect of any outstanding encumberances created on the applicant in respect of any outstanding encumbrances created on the said land prior to pooling and the applicant shall on such payment execute the necessary conveyances transfer deeds or other assurances for conveying the transfer of such lands to the society or its nominees.The society shall then pay off the encumbrance.

5.In the event of the society offering land belonging to the applicant the applicant dall execute the necessary conveyances, transfer deeds or other assurances for onveying and transferring the land retained by the society to the society or its aminee and the society shall execute or get executed by the owner or owners of the hed offered to the applicant, the necessary conveyances, transfer deeds or other for conveying and transferring the said land to the applicant

6. As long as the applicant is a member of the society, the society shall pay to the Assurances such return as may become payable under the bye-laws and the applicant all also be entitled to all other rights and privileges as may be provided in the bye- plicant s of the society.

7. The applicant hereby further agrees to pay such compensation as may be dermined by the General Body of the Society for improvements effected on the said lands described in the Schedule or any of them if the applicant is given back the said inds described in the schedule or any of them provided however that such compensation shall be payable only in respect of the land of which possession is handed back to the applicant. The productivity of any land and the value of provements effected on the land of a member shall be calculated in accordance with the provisions made there for in the bye-laws of the society.

8. If any dispute or difference shall arise between the parties hereto touching this agreement or the construction or operation thereof or the rights, duties, or liabilities of her party accrued hereunder, such dispute or difference shall be decided in cordance with the provisions contained in the Co-operative Societies Act under ich the society is registered or any other modification of re-enactment thereof.

In witness whereof the said..... ..... has hereunto set his hand and.. ....behalf of the Co-operative Farming Society Limited set his hand the day and the year first above written.

Schedule above reffered.

Signed by the said.....in presence of

- 1.
- 2.

Signed by the said.....on behalf of.....Co-operative Farming Society Limited in the presence of.

- 1.
- 2.

### FORM E-1

(See Rule 59(1))

**Register showing the names and other particulars of the societies under rule 54 F to be maintained by the Registrar**

Sr. No	Name & Address of the society	Strength of Board of Directors provided in Bye-law No	Names of Constituencies	No. of Directors to be elected
1	2	3	4	5
Date on which last election was held	Date of first meeting of elected Board of Directors	Date by which the term of present Board of Directors in office expires	Remarks	Initial of the officer
6	7	8	9	10

## FORM E-2

(See Rule 59(2))

**Report to be delivered to Registrar and Co-operative Election Authority by the society six months before the expiry of the period of the committee of the society.**

1. Name of the Co-operative Society: -
2. Registration Number: -
3. Date of Registration: -
4. Date of declaration of result of election of last committee: -
5. Date of present committee in office expire: -
6. Number of constituencies as per bye-laws of the society: -
7. Number of committee members to be elected: -

Note. —The certificate from the Chief Executive Officer/Secretary/Manager of the society to the effect that submission of provisional voter's list will follow within the prescribed time limit and shall certify as under: —

## CERTIFICATE

I \_\_\_\_\_ Chief Executive Officer / Secretary/Manager of the \_\_\_\_\_  
\_\_\_\_\_ Society Ltd., At \_\_\_\_\_ District..... hereby certify that—

- (1) The Society shall prepare and submit provisional voter's list of the members prior to that date and on or before expiry of 120 days of the term of present committee;
- (2) The information furnished in the Form E-2 is correct and derived from the records of the society;
- (3) The particulars to be included in the provisional voter's list shall be according to Rule No. 61 of these rules.

Date: -

Name and Signature

Place: -

Chief Executive Officer/

Secretary/Manager of the Society

Seal of the Society

## FORM E-3

(See Rule 60(2))

## Provisional List of Voters

1. Name and Address of the Society: \_\_\_\_\_

2. Registration No. and Date: \_\_\_\_\_

3. Total Members as on date of publication of Provisional List of Voter's: \_\_\_\_\_

4. Total eligible voters as on date of publication of Provisional List of Voter's: —

5. Name of the Constituency: -

## Individual members

Sr. No.	Name of the member (in English alphabetical order) (Surname, first Name and middle name)	Membership No.	Age	Gender	address
1	2	3	4	5	6

## Co-operative society members

Sr. No.	Name of the member Society	Name of the representative of member Society (Surname, first Name and middle name)	Membership No.	Age	Gender	address
1	2	3	4	5	6	7

Date: -

Name and Signature

Place: -

Chief Executive Officer/

Secretary/Manager of the Society

Seal of the Society

The claims and objections if any to the provisional list of voters shall be submitted on or before.....(day).....(time) to the Election Officer.

Election Officer.....Co-operative Society Ltd

and

.....

Date: -

Place: -

## FORM E-4

(See Rule 62 (3))

## Final List of Voters

1. Name and Address of the Society: \_\_\_\_\_

2. Registration No. and Date: \_\_\_\_\_

3. Total Members as on date of publication of Final List of Voter's: \_\_\_\_\_

4. Total eligible voters as on date of publication of Final List of Voter's: \_\_\_\_\_

5. Name of the Constituency: -

Individual members

Sr. No.	Name of the member (in English alphabetical order) (Surname, first Name and middle name)	Membership No.	Age	Gender	address
1	2	3	4	5	6

Co-operative society members

Sr. No.	Name of the member Society	Name of the representative of member Society (Surname, first Name and middle name)	Membership No.	Age	Gender	Address
1	2	3	4	5	6	7

Election Officer.....Co-operative Society Ltd

and

.....

Date: -

Place: -

Seal

## FORM E-5

(See Rule 63 (2))

## Notification for election of members of the committee

Office of the Returning Officer \_\_\_\_\_ (Present office designation shall be mentioned)

Name of the Co-operative society: \_\_\_\_\_ Ltd.,  
At..... District \_\_\_\_\_.

In exercise of the powers conferred by Rule 54 J (2) and for the Election of the committee members of aforesaid Co-operative societies as declared by the Co-operative Election Authority, I ..... (Official designation.....) and the Returning Officer appointed to conduct election of committee members ..... Co-operative Society Ltd., .....hereby draw and declare a programme of various stages of election for electing the member/members of committee of the said Co-operative society.

## Schedule

Number of vacancies to be filled by election	Date and time for filing nominations and place from which nomination papers are available	Date and time of publication of list of nominations	Date, time and place for scrutiny of nominations	Date and time of Publication of valid nominations
1	2	3	4	5
Date and time by which candidate maybe withdrawn nomination	Date, time and place for publication of final list of contesting candidates and allotment of symbols	Date and time during which and the place at which the poll will be taken	Date and time and the place at which the counting of votes to be taken	Declaration of result
6	7	8	9	10

Address of the Office of the Returning Officer: .....

Contact No: ..... E-mail Id: .....

Returning Officer Co-operative Society Ltd and  
(Official designation.....)

**FORM E-6**

(See Rule 65 (1))

**Form of Nomination Paper**

Election to the ..... Co-operative Society Ltd., ....., At.....,  
District.....

(To be filled by the proposer).

I hereby nominate Shri/Smt. .... as a candidate for election from the  
..... constituency.

1. Name of Candidate: .....(Surname) (Name)  
(Father's/Husband's name)

2. Age:

3.Full Postal address of the candidate: .....

(Enclosed Photocopy of Residential Address Proof and Photo ID).

4. Contact No. (A) Residence / Office ..... (B) Mobile No. ....  
(C) E- mail Id ..... (D) Adhaar Card No. ....

5. Name of the Constituency: .....

(i) In a constituency having a reserved seat, state the particular of the caste / tribe or other Backward class to which the candidate belongs.

(ii) The Name of the constituency in which the .....name of the candidate is entered as a voter in the list of voters.

(iii) Serial Number of the candidate .....in the list of voters of the constituency in which his name is entered as a voter.

6.Name of the proposer.....  
(Surname) (Name) (Father's/Husband's name)

7. Contact No. (A) Residence / Office ..... (B) Mobile No. .... E-  
mail Id .....

8. Serial Number of the proposer in the list of voters of the constituency .....

Signature of the Proposer.

9. Name of the Seconder.....(Surname) (Name)  
(Father's/Husband's name)

10. Serial Number of the Seconder in the list of voters of the constituency.....

Signature of the Seconder.

**Declaration by Candidate**

I ..... hereby signify my willingness to serve as a member of the committee of the society, if I am elected.

Date:

Signature of the Candidate

**Declaration by Candidate**

I..... hereby declare that I do not incur any disqualification under any provisions of the Dadra and Nagar Haveli and Daman and Diu Co-operative Societies Regulation, 2024 or the Dadra and Nagar Haveli and Daman and Diu Co-operative Societies Rules,2024 or bye-laws of the society.

Date:

Signature of the Candidate.

**Declaration to be made by the candidate for the constituency under section 67(3) (SC/ ST OBC)**

I .....hereby declare that I am a member of the ..... Caste / tribe which is a scheduled caste / tribe, other backward class in relation to the Dadra and Nagar Haveli and Daman and Diu. I am attaching herewith the attested photocopy of my Caste Certificate issued by the competent Authority.

Signature of the Candidate.

**Declaration as to choice of symbol**

I..... do hereby declare that the symbols which I have chosen for my election are shown below in the order of my preference:

(1) ....., (2) ..... (3) .....

Signature of the Candidate.

.....

Serial number of nomination paper .....

This nomination was delivered to me at my office at ..... (hrs.)

on ..... (date) by the candidate/Proposer of the candidate.

Date:

Signature of Returning Officer

**Receipt for Nomination paper and notice of scrutiny**

(To be handed over to the person presenting the nomination paper)

Serial number of Nomination paper .....

The nomination paper of ..... candidate for election from the..... Constituency of .....Co-operative Society Ltd., was delivered to me by .....candidate/proposer of candidate.



All nomination papers will be taken up for scrutiny at ..... (hour) on  
 ..... (date) at ..... (place)

Place:

Date:

Signature of Returning Officer

### FORM E-7

(See Rule 65 (4))

#### List of Nomination papers received

The list of nomination papers received as on ..... (Date) for the election to the committee members of the ..... (Name of the Society) for the term.....

Sr.No.	Name of the candidate	Address of the candidate	Sr.no from the final list of Voters	Name of the proposer	Sr.no from the final list of Voters	Name of the Secunder		Sr.no from the final list of Voters
1	2	3	4	5	6	7		8
1.								
2.								
3.								

All nomination papers will be taken up for scrutiny at ..... (hour) on  
 ..... (date) at ..... (place)

Place:

Date:

Signature of Returning Officer

## FORM E-8

(See Rule 69(2))

**List of Valid Nomination Papers after Scrutiny**

The list of valid nomination papers after the scrutiny of the nominations on ..... (Date) for the Election to the committee members of.....Co-operative Society Ltd At..... District..... for the term .....

Sr.No.	Name of the candidate	Address of the candidate	Sr.no from the final list of Voters	Name of the proposer	Sr.no from the final list of Voters	Name of the Secunder	Sr.no from the final list of Voters
1	2	3	4	5	6	7	8
1.							
2.							
3.							

Note: - The last date for the withdrawal of the Nomination papers shall be on ..... (Date) at ..... (Time)

Returning Officer

FORM E-9

(See Rule 70)

Notice of withdrawal of candidature

Election to the committee/Board members of.....Co-operative Society Ltd
At..... District.....

To
The Returning Officer,

I..... a Candidate validly nominated at the above
election do hereby give notice that I withdraw my candidature.

Place: \_\_\_\_\_ Signature of validly Nominated candidate

Date: \_\_\_\_\_

This notice was delivered to me at my office at .....(hour) on
..... (date) by..... (Name)

Date: .....

Returning Officer

Receipt for notice of withdrawal

(To be handed over to the person delivering the notice)

The notice of withdrawal of candidature by a validity nominated candidate at the election to the
.....Co-operative Society .....Ltd was delivered to me by the
\*..... at my office at .....(hour) on ..... (date).

Returning Officer

\*Here insert one of the following alternatives as may be appropriate

- (1) Candidate.
(2) Candidate's proposer who has been authorized in writing by the candidate to deliver it.

## FORM E-10

(See Rule 71(1))

**Final list of Contesting Candidate**

The list of contesting candidates for the Election to the committee members of.....Co-operative Society Ltd At..... District.....for the term .....

Sr.No.	Name of the candidate	Address of the Candidate	Symbol allotted to the Candidate
1.			
2.			
3.			

Place: .....

Date: .....

Signature of Returning Officer.

N.B.—1. Names shall be arranged in English alphabetical order of surname. If no surname then first name.

2. Publication of the list of contesting candidates shall be made on the notice board of the office of the Returning Officer and the registered office of the Society.

**FORM E-11**

**(See Rule 72)**

**Form of declaration of result of uncontested election**

..... Co-operative Society Ltd., At.....District.....

Election for ..... the period .....(years).

Year of Election is ..... Number of seats .....

In pursuance of the provisions contained rule 72 in the Dadra and Nagar Haveli and Daman and Diu Co-operative Societies Rules, 2024.I..... declare that Shri/Smt. .... (Name of candidate(s)/Addresses) has/have been duly elected to fill in the seat/ seats in the above Society as he was/they were the only contesting candidate(s) for the seat.

I also certify and declare that the above-mentioned relevant number of seats to be elected to form the committee of the members is duly elected.

Place: .....

Date: .....

Signature of the Returning Officer

FORM E-12

(See Rule 76(1))

Appointment of polling agent

Election to the committee members of.....Co-operative Society Ltd At..... District.....

I, .....a candidate/the election agent of .....who is a candidate at the above election do hereby appoint .....(name and address as polling agent) to attend polling station No. ...fixed for the poll on..... at .....

Place: .....

Date: .....

Signature of Candidate/Election Agent

I agree to act as such Polling Agent

Place: .....

Date: .....

Signature of Polling Agent

Declaration of Polling Agent to be signed before Presiding Officer

I hereby declare that at the above election, I will not do anything forbidden by the Dadra and Nagar Haveli and Daman and Diu Co-operative Societies Regulation, 2024, and the Dadra and Nagar Haveli and Daman and Diu Co-operative Societies Rules, 2024 which I have read/have been read over to me.

Signature of the Polling Agent

SIGNED BEFORE ME

Presiding Officer

Polling Station No

\* To be handed to the polling Agent at the polling station for the poll

\*\* Strike off the inappropriate alternatives.

FORM E-13

(See Rule 76 (3))

Appointment of counting Agents

Election to the committee members of.....Co-operative Society Ltd At..... District.....

To

The Returning Officer,

.....

I, ..... a candidate \*\*/the election agent of ..... who is a candidate at the above election, do hereby appoint the following persons as my \*\*/his counting agents to attend the counting of votes at.....

Name of the Counting Agent      Address of the Counting Agent

1.

2.

Signature of the candidate\*\*/ Election Agent.

We agree to act as such counting agents.

Signature of the counting agents.

1.

2.

Place: .....

Date: .....

Declaration of the Counting Agents

(To be signed before the Returning Officer)

We hereby declare that at the above election we will not do anything for bidden by the Dadra and Nagar Haveli and Daman and Diu Co-operative Societies Regulation, 2024 the Dadra and Nagar Haveli and Daman and Diu Co-operative Societies Rules,2024.

which we have read\*\*/has been read over to us.

Signature of the counting agents

1.

2.

Date: \_\_\_\_\_

Signed before me

Date: \_\_\_\_\_

Signature of the Returning Officer

\*\*Strike off the inappropriate alternative.

**FORM E- 14**

**(See Rule 78)**

**Form of Ballot Paper**

(Counterfoil)

Sr. Number of Ballot Paper

..... Co-operative Society Ltd., At.....District.....

Election of Committee members for the period.....to.....

Signature of Voter

Sr. Number of Ballot Paper

Serial Number in the list of Voter.....

..... Co-operative Society Ltd., At.....District.....

Election of Committee members for the period.....to.....

Name of the Candidate	Symbol allowed	Place of marking
(1)	(2)	(3)



## FORM E-15

(See Rule 83(2))

## LIST OF CHALLENGED VOTES

Election to the committee/Board members of.....Co-operative Society Ltd  
At..... District.....

Number and name of Polling Station..... Booth Number.....

Serial Number of entry	Name	Sr. No. of part of voters list	Serial No. of elector's name in that voters list	Signature or thumb impression of the person challenged	Address of the person challenger	Name of identifier if any	Name of challenger	Order of Presiding Officer	Nature of the Challenger on receiving refund of deposit
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

Dated: .....

Signature of Presiding Officer

Booth Number.....

**FORM E-16****(See Rule 86)****DECLARATION BY THE COMPANION OF BLIND OR INFIRM ELECTOR**

Election to the committee members of.....Co-operative Society Ltd At.....  
District.....

Number and name of Polling Station..... Booth Number.....

I, ..... Son of ..... Aged  
.....Resident of \* ..... hereby declare that

(a) I have not acted as companion of any other elector at any polling station today, the  
\_\_\_\_\_

(b) I will keep secret the vote recorded by me on behalf of \_\_\_\_\_

Signature of companion

\* Full address to be given

**FORM E-17****(See Rule 86)****List of blind and infirm voters**

Election to the committee members of.....Co-operative Society Ltd At.....  
District.....

Number and name of Polling Station.....Booth Number.....

Part number & Serial No. of Elector	Full name of Elector	Full Name of Companion	Address of companion	Signature of companion
(1)	(2)	(3)	(4)	(5)

Signature of Presiding Officer

Booth Number.....

## FORM E- 18

(See Rule 88(2))

## List of Tendered Votes

Election to the committee/Board members of.....Co-operative Society Ltd  
At..... District.....

Number and name of Polling Station..... Booth Number.....

Part number, Serial No. and name of Elector	Address of Elector	Serial No. of tendered ballot paper	Serial No. of ballot issued to the person who has already voted	Signature or thumb impression of person tendering vote
(1)	(2)	(3)	(4)	(5)

Signature of Presiding Officer

Booth Number.....

## FORM E-19

(See Rule 91(1))

## BALLOT PAPERS ACCOUNT

Election to the committee/Board members of.....Co-operative Society Ltd  
At..... District.....

Polling Station	:		
Booth No	:		
Date of Polling	:		
		Serial No	Total Nos
		From	To
1. Ballot Paper Received	:		
2. Ballot Paper Unused	:		
a) With signature of Presiding Officer	:		
b) Without signature of Presiding Officer	:		
3. Ballot paper used at the polling station	:		
(1 – 2 = 3)	:		
4. Ballot paper used at the polling station but not inserted in to the ballot box	:		
a) Ballot paper used as tendered	:		
b) Ballot paper cancelled for defects	:		
5. Ballot paper to be found in the ballot box	:		
(3 – 4 = 5)	:		

Signature of the Presiding Officer

Booth Number.....



(Voting by Electronic Voting Machine)

**PART II - RESULT OF COUNTING**

No.	Name of Candidate	No. of Voters recorded
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.	None Of the Above (NOTA)	
	Total	

Place: \_\_\_\_\_

Date: \_\_\_\_\_

Signature of Counting Supervisor

Name of Candidate/election agent/counting agent

Full signature

1.		
2.		
3.		
4.		
5.		
6.		

Place: \_\_\_\_\_

Date: \_\_\_\_\_

Signature of Returning Officer

(See Rule 99(4) and 101(1))

**Form of Result Sheet**

Total Number of votes recorded at polling station(s)

Election to the members of committee of.....Co-operative Society Ltd.  
At..... District.....

Sr. No	Polling Station Number	Name of Polling Station	No. of valid votes Cast in favour of the candidate	Number of		Total votes at polling station	No. of tendered votes
				Valid votes	Rejected votes		
1	2	3	4	5	6	7	8

Place: .....

Date: .....

Signature of Returning Officer

**FORM E- 22**

(See Rule 102(1))

**Form of declaration of result and publication of names of members of the committee**

The statement regarding the Election to the members of committee of.....Co-operative Society Ltd At..... District..... for the term .....

Sr. No.	Name of the Candidate	Number of votes received
1		
2		
3		
4		

Total Number of votes polled	
Total No. of valid votes	
Total No. of invalid votes	
Total No. of tendered votes	

Accordingly, I ..... Returning Officer hereby declare that the following candidates who scored highest votes are duly elected as the committee members for the term .....of the ..... (Name of the society)

Sr. No.	Name of the Candidate
1	
2	
3	
4	
5	
6	

Returning Officer

### FORM E- 23

(See Rule 102(1))

#### Declaration of Result of Election

(To be used when a seat is uncontested)

In pursuance of the provisions contained in the Dadra and Nagar Haveli and Daman and Diu Co-operative Societies Rules,2024., I declare that;

Sr. No.	Name of the Candidate and address
1	
2	
3	
4	

Has been duly elected as committee members of ..... Co-operative Society.,  
At..... District.....

Place: .....

Date: .....

Returning Officer



**FORM E-24**

(See Rule 103)

**Certificate of Election**

Election to the members of committee of..... Co-operative society Ltd At.....  
.....District..... for the term ..... was held on .....

It is hereby certified that on ..... day of..... 20....  
Shri/Smt/Kum..... have been declared duly elected to be the member of the  
committee of the said society.

Place: .....

Date: .....

Returning Officer

**FORM E-25**

(See Rule 106)

**Nomination for the election of office-bearers of..... co-operative society Ltd.,  
At..... District.....**

- 1) Name of the candidate :
- 2) Serial number in the register of members :
- 3) Father's/Husband name of the candidate :
- 4) Address of the candidate :
- 5) Serial number of the candidates in the  
Voter's list. :
- 6) Name and address of the proposer :

Sr. No.	Name.	Member number in voter's list	Address	Signature.
1.				

- 7) Name and address of the seconder.

Sr. No.	Name.	Member number in voter's list	Address	Signature.
1.				

**DECLARATION BY THE CANDIDATE**

I declare that I am willing to contest for election to the office of the Chairman/ Vice Chairman or any other office-bearer (specify) of .....society Ltd. At.....District..... and to the best of information furnished above is correct to my best of knowledge and belief.

(a) That I have completed..... years of age.

(b) That I am a Woman

(c) That I am member of .....class/ .....category

(d) That I do not have any disqualification to be elected as a member of the committee and office bearer to the committee of the said co-operative Society under any provisions of the Regulation, the Rules, or the bye-laws.

(e) That I do possess the requisite qualifications for being elected as a member of the committee and office bearer to the committee of the said co-operative Society under the provisions the Regulation, the Rules and the bye-laws.

Date.....

Signature of the Candidate

(To be filled by Returning Officer)

This nomination was delivered to me at ..... (hour) on.....(date) by the candidate..... (Name)

Date:

Place:

Returning Officer

**FORM E- 26**

**(See Rule 107)**

I, Shri./Smt. .... Son/daughter/wife of .....aged ..... years resident of..... have been appointed/elected as the member of the committee of ..... society for the period .....

I have assumed office from .....

I declare today i.e. .... that I shall be jointly and severally responsible for all the decisions taken by the Committee during its term, relating to the business of the society and shall be jointly and severally responsible for all the acts and omissions detrimental to the interest of the society which I have endorsed during the course of meeting of the Committee or otherwise and not specifically opposed it, as provided in Rule 107.

Signature of member of Committee/Director

Signature of witness

(Secretary/Chief Executive Officer)

Seal of the

Society

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