

Chhattisgarh Co-operative Societies Rules, 1962

CHAPTER I PRELIMINARY

1. Short title and extent "Chhattisgarh Co-operative Societies Rules, 1962".
 - (1) These rules may be called
 - (2) They extend to the whole of the State of Chhattisgarh.
- requires-
2. Definitions in these rules, unless the context other
 - (a) **"Act"** means the Chhattisgarh Co-operative Societies Act 1960 (17 of 1961);
 - (aa) **"Auditor"** means a person appointed for audit of co-operative societies;
 - (aaa) **"Auditing Firm"** means an Chartered Accountant firm authorized for audit of co-operative societies;
 - (b) **"Bonus"** means the payment admissible to an employee under the provisions of the Payment of Bonus Act, 1965 (No 21 of 1965);
 - (c) **"Co-operative Year"** means the year ending on the 31st March every year;
 - (cc) **"Certified copy"** means a copy of any entry in the books of the society together with a certificate written at the foot of such copy that it is a true copy of such entry, that such entry is contained in one of the ordinary books of the society and was made in the usual and ordinary course of business and that such book is still in the custody of the society such certificate being dated and subscribed by the officers (mentioned in Rule 24 from (a) to (d) with his name and official title) as defined in the Act;
 - (ccc) **"Chairman"** means the Chairman of the Chhattisgarh State Co-operative Tribunal;
 - (cccc) **"Coordinator"** means a person entrusted by Commission for conducting elections of co-operative societies, who shall be Deputy/Assistant Registrar at District Level and Joint Registrar at Division level;
 - (d) **"Decree"** means any order, decision or award referred to in Section 85;
 - (e) **"Decree-holder"** means any society or any person (including the State Government) holding a decree;
 - (f) **"Dividend"** means the amount paid out of the profits of a society to a member in proportion to value of the shares held by him;
 - (g) **"Form"** means a form appended to these rules;
 - (gg) **"Government"** means the Government of Chhattisgarh;
 - (h) **"Judgment-debtor"** means any society against which or any person against whom a decree has been obtained;
 - (hh) **"Member"** means the member of the Chhattisgarh State Co-operative Tribunal;
 - (hhh) **"Polling Officer"** means an officer appointed by the Returning Officer for conducting polls at the polling centre
 - (i) **"President"** means the President or Chairman of a society
 - (ii) **"Presiding Officer"** means an officer appointed by the Returning Officer as Presiding Officer for conducting polls at the polling centre;
 - (j) **"Recovery Officer"** means any person empowered to exercise the powers of the Registrar under Section 85;
 - (jj) **"Registration Officer"** means an officer appointed by Commission to prepare electoral roll to conduct the election of society and shall include Assistant Registration Officer;
 - (k) **"Sale Officer"** means a person empowered by the Region by general or special order, to attach and sell or attach transfer the property of judgment-debtors, or to execute any decree by attachment and sale or attachment and transfer property;
 - (kk) **"Schedule"** means a schedule appended to these rules;
 - (1) **"Section"** means a Section of the Act;
 - (II) **"Teller"** means a person authorized by the Returning Officer for counting of votes;
 - (m) **"Vice-President"** means the Vice-President or Vice Chairman of a society;
 - (n) The words and expressions used in these rules and not defined, shall have the meaning respectively assigned them in the Act.

CHAPTER II REGISTRATION

3. **Categories of Officers to assist the Registrar** - Subject to the provisions of sub-section (1) of Section 3, the State Government may appoint Audit Officers of Co-operative Societies and senior Co-operation inspectors to assist the Registrar.
4. **Application for Registration**- (1) Every application for registration of a society under sub-section (1) of Section 7 shall be made in Form A.

- (2) Where any member of a society to be registered is a registered society, a member of the committee of such society shall be authorised such committee by a resolution to sign the application for registration on its behalf and a copy of such resolution shall be appended to the application.
 - (3) The application shall be sent to the Registrar by registered post or delivered by hand.
 - (4) After receiving the application under sub-rule (3) the Registrar shall enter the application in the register maintained for the purpose and shall issue a receipt of such application duly signed by him, which the date of receipt of such application shall also be mentioned
- 5. Procedure on receipt of application-** The Registrar shall consider the application and may, if necessary, order further enquiry or refuse registration. Should he decide to allow registration, he shall register the society in a register of societies to be kept for the purpose. Every such entry shall be attested by the seal and signature of the Registrar. He shall also forward to the society a certificate of registration and a certified copy of the bye-laws as finally approved and registered by him.
- 6. Matters in respect of which bye-laws of a society may be made-** (1) Every application for registration under sub-section (1) Section 7 shall be accompanied by bye-laws dealing with the following matters:-
- (a) the name, address and area of operation of the society
 - (b) objects of the society;
 - (c) the services to be provided to its members;
 - (d) the eligibility for obtaining membership;
 - (e) the procedure for obtaining membership;
 - (f) the terms and conditions for continuing as member
 - (g) the time limit before which a potential member must seek and obtain membership in order to continue to use the services of the society;
 - (h) the procedure for withdrawal/transfer of members;
 - (i) the procedure for termination and cessation of membership;
 - (j) the rights of members;
 - (k) the fixation of minimum performance required annually of each member vis-a-vis use of services, financial commitment and participation in meetings, in order to be eligible to exercise the right of membership including the right of vote;
 - (l) the consequences of default in payment of any sum due to a member;
 - (m) the nature and amount of capital, if any, of the society,
 - (n) the maximum capital to which a single member can subscribe;
 - (o) the nature and extent of the liability of the members for the debts contracted by the society;
 - (p) the sources and types of funds to be raised by the society;
 - (q) the purposes for which the funds may be applied;
 - (r) the extent and conditions under which deposits, loans, debentures and other funds may be mobilised;
 - (s) the conditions and purposes for which State aid and aid from other financial institutions may be obtained
 - (t) the manner of disposal of surplus;
 - (u) the constitutions of various funds, reserves and their purposes;
 - (v) the manner of convening general and other special meetings and quorum thereof;
 - (w) the frequency of general meetings;
 - (x) the role of the general body and subjects which shall be dealt with by the general body;
 - (y) the manner of making or amending byelaws;
 - (z) the procedure for conducting elections;
 - (aa) the procedure for conducting election in case the Registrar fails to do so;
 - (bb) the constitution of the board of directors;
 - (cc) eligibility for becoming director;
 - (dd) conditions for retaining directorship;
 - (ee) the terms of office of the directors, chairman and office bearers;
 - (ff) the procedure for removal of Chairman, office bearers, directors and for filling of vacancies;
 - (gg) the manner of convening the board meetings and quorum;
 - (hh) the frequency of board meetings;
 - (ii) powers and functions of office bearers including chairman;
 - (jj) powers and functions of Chief executive;
 - (kk) penalties for acting against the interest of members and for non-fulfillment of duties by members, directors and staff;
 - (ll) the appointment and role of auditors and procedure for conduct of audit where the society fails to make necessary arrangements and time limit for audit compliance;

- (mm) the authorisation of an officer or officers to sign documents and to institute and defend suits and other legal proceedings on behalf of the society;
 - (nn) the terms on which a society may deal with non- members;
 - (oo) the terms on which a society may associate with other cooperative societies;
 - (pp) the terms on which a society may deal with other than cooperative;
 - (qq) the rights, if any, which the society may confer on any society or other federations and the circumstances under which these rights may be exercised by the federation/s
 - (rr) the manner of disposal of funds under liquidation;
 - (ss) the accounting year for the society;
 - (tt) the transfer of shares and interest in the name of a nominee in case of death of a member;
 - (uu) the procedure of dissolution of the society;
 - (vv) the restriction, if any, on services to non-members
 - (ww) to organise self-help groups of people living in its are and to conduct education and training programmes
- (2) The byelaws of a society may provide for not specified above, as are incidental to the organisation of the society such other matters and the management of its business.
- 7. Procedure regarding amendment of bye-laws-** (1) Where a made save by a resolution passed by a two-thirds majority of the members present and voting at a general meeting of the society.
- (2) No such resolution shall be valid unless notice of the proposed amendment has been given to the members of the society in accordance bye-laws.
- (3) In every case in which a society proposes to amend its bye laws, an application shall be made to the Registrar together with-
- (a) a certificate in Form B;
 - (b) four copies of other information in Form C; and
 - (c) four copies of the proposed amendment in Form D.
- (4) (a) Every such application shall be made within one month from the date of the general meeting at which such amendment was passed:
- Provided that the Registrar may condone the delay, if any, for sufficient cause.
- (b) Every such application shall be sent to the Registrar by registered post or delivered by hand. After receiving the application, the Registrar shall enter the application in the register maintained for the purpose and Registrar shall issue a receipt of such application in which the date of receipt of such application, shall also be mentioned.
- (5) A copy of the amendment of the bye-laws registered or deemed to have been registered by the Registrar under subsections (2) and (3) of Section 11 shall be issued to the society.
- 8. Manner of serving the order under sub-section-** (1) of Section 12-The order of the Registrar under sub section (1) of Section 12 shall state the exact amendment with reasons therefor, which the society should make and it shall be delivered personally or sent by registered post to the address of the society.
- 9. Procedure to be followed and conditions to be observed for change of name of society-** (1) The name of a society may be changed under Section 13, so, however, that it is not inconsistent with the objects of the society.
- (2) Every change in name of a society shall be made by an amendment of its bye-laws. In every case in which a society proposes to change its name, it shall send its original certificate of registration to Registrar.
- (3) After the change in name is approved by the Registrar, he shall amend the original certificate of registration of the society and return same to it.
- (4) The Registrar shall enter the new name in the register of societies maintained by him.
- 10. Procedure to be followed and conditions to be observed for change of liability -** The change of liability of a society wider Section 15 shall, subject to the provisions of the said Section, be secured by passing a resolution in that behalf at a general meeting of the society indicating in clear terms the manner of changing the liability.
- 11. Re-organisation of societies-** (1) Every society desiring to effect amalgamation, transfer of assets and liabilities, division or conversion under sub-section (2) of Section 16 shall frame a full scheme of re-organisation indicating how the proposed amalgamation, transfer of assets and liabilities, division or conversion would be useful to the society and be given effect to. Where the scheme involves a division of a society into two or more societies, it shall contain proposals regarding the name, the area of operations, draft byelaws and the list of members and creditors of the new society or societies into which the society would be divided. Where the scheme involves conversion of the society into class of society, the object of which is materially different from that under which it has been classified under the Act. It shall contain draft bye laws of that class of society into which the society would be converted
- (2) After framing the scheme of reorganisation under sub-rule (11) the society shall convene a special general meeting by giving a written notice of twenty-one days to all its members along with the proposed scheme of reorganisation. In the case of the society desiring amalgamation with or transfer of the assets and liabilities in whole or in part to any other society (hereinafter referred to as the other society), the society shall send a copy of the notice and the proposed scheme to the other society also for information. The society proposed scheme solution amalgamation,

transfer of assets and liabilities, division as the case may be, by two-thirds majority of the members present and or conversion voting at the special general meeting and shall in the case of the amalgamation or transfer of assets and liabilities forward a copy of such resolution to the other society.

- (3) After the receipt of the resolution the other society shall call a special general meeting by giving a written notice of twenty-one days to all its members along with the scheme of re-organisation and draft amendment to its bye-laws, if any, and pass a resolution by two-third majority of the members present and voting at the special general meeting for approving the scheme of reorganisation and the amendment to its bye-laws, if any, and send a copy of its resolution in respect of approval to the society which has decided to re-organise itself.
 - (4) The affected society shall, in the case of amalgamation transfer of assets and liabilities, after the receipt of the approval under sub-rule (3) and in the case of division or conversion, after the passing the resolution under sub-rule (2), take action under sub-sections (5) and (6) of Section 16.
 - (5) The affected society shall submit a report to the Registrar of the action taken by it and request him to approve the decision for amalgamation, transfer of assets and liabilities, division or conversion
 - (6) On receipt of the report from the affected society under sub rule (5), the Registrar shall, after satisfying himself that the procedure has been properly followed, approve the decision of the society and register the amalgamated, divided or converted society or societies.
 - (7) (a) Before issuing any direction under sub-section (3) of Section 16 for the amalgamation, transfer of assets and liabilities, division or conversion of any society or societies, the Registrar shall prepare a draft scheme of reorganisation in respect of such amalgamation, transfer of assets and liabilities, division or conversion stating in particular the manner in which the new committee or committees of the society or societies shall be constituted and the bye-laws which such society or societies shall follow. The Registrar shall send copy of the draft of the direction proposed to be issued by him under sub section (3) of Section 16, to the society or each of the societies concerned calling upon it or them to invite objections or suggestions from any member or class of members thereof or from any creditor or class of creditors and to submit such objections or suggestions together with its own or their own opinion within a period to be specified by the Registrar.
 - (b) The Registrar shall consider all such objections, suggestion in the light of those objections, suggestions and opinion and make such modifications in the draft direction as may seem to him desirable in the light of those objections, suggestions or opinion and then issue a final direction under sub-section (3) of section 16.
- 12. Compromise or arrangement for repayment of liabilities** – (1) On receipt of the order of the Registrar under sub-section (1) of Section 17, the society or the liquidator, as the case may be, shall issue notices of the meeting at the cost of the society, to the creditors or any class of them or the members, as the case may be, stating therein the date, time and place of the meeting and enclose with such notice the latest audited balance sheet of the Society and shall also send a notice to the Deputy Registrar or Assistant Registrar of Co-operative Societies in charge of the district in which the society is situated.
- (2) The President of the society or the liquidator in the case of the society which is being wound up, shall preside over the meeting. The question of compromise or arrangement shall be discussed in all aspects. A compromise or arrangement which appears to be prima facie practical and feasible shall be put to vote. Every creditor or member who is present in the meeting shall vote in person and no proxy shall be allowed. List of creditors or members, as the case may be, shall be prepared showing the names of those who approve of the compromise and of those who oppose the compromise and their signatures shall be taken.
- 12-A. (1) Where the Registrar is taking actions under Section 18-** A of the Act, he shall issue a public notice of the proceedings of the de-registration, to be published in a local daily newspaper and a copy of such notice shall also be given to the affiliated society and creditor society, if any.
- (2) The official assignee appointed under sub-section (2) of Section 18-A, shall be paid such remuneration and allowances as the Registrar may determine from time to time.

CHAPTER III

MEMBERS, THEIR RIGHTS, LIABILITIES AND PRIVILEGES

- 13. Form of undertaking-** A written undertaking under sub-section (3) of Section 19 shall be in Form E.
- 14. Conditions to be complied with for admission for membership** - No person shall be admitted as a member of a society unless –
- (i) he has applied in writing in the form laid down by the society member the form specified by the Registrar, if any, for membership;
 - (ii) he has purchased at least one share and paid the value thereof in full or in part in such calls as may be decided the committee or general meeting of the society, as the case may be, according to the bye-laws of the society;

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

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

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

15.Omitted

16. Admission of members or transfer of shares before annual general meeting - No society shall admit member or transfer shares within four months prior to the date of its annual general meeting which election of the committee or office bearers is to take place:

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

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

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

(2) The society may withhold refund of the value of share or shares under sub-rule (1) till the expiry of two years from the date of withdraw from membership.

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

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

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

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

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

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

18.2 Omitted

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

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

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

(b) it is recorded in the books of the society kept for purpose.

20. Procedure for ascertaining the value of share or interest member - Where the member of a society ceases to be a member the sum representing the value of his share, or interest in the capital as the case may be, shall be ascertaining in the following manner namely -

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

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

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

21. Inspection of documents in the office of the Registrar- member of a society may inspect the following documents in the offices the Registrar free of charge and may obtain certified copies thereof payment of the following fees-

(a)	Application for registration of society	- Rs. 5.00 each
(b)	Certificate of registration	- Rs. 5.00 each
(c)	Byelaws of a society	- Rs. 15.00 each

(d)	Amendment of byelaws of a society	- Rs. 1.00 per folio
(e)	Order of cancellation of the registration of a society	- Rs. 1.00 per folio
(f)	Annual balance sheet	- Rs. 1.00 per folio
(g)	Order of supersession of a committee under Section 53	- Rs. 1.00 per folio
(h)	Order referring a dispute to arbitration under Section 64	- Rs. 1.00 per folio
(i)	Any other order against which an appeal is provided	- Rs. 1.00 per folio

Provided that the copies of documents specified in clause (g) be obtained only by a member of the committee, in clause (h) only by the parties to the dispute, and in clause (1) by the person having a right of appeal.

CHAPTER IV DUTIES, PRIVILEGES, PROPERTY AND FUNDS OF SOCIETIES

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

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

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

- (i) it is indicated in the bye-laws by amending them and the amendment so made is registered under the Act and
- (ii) the change is registered in the manner laid down sub-rule (2).

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

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

- (a) the name, address and occupation of each member
- (b) in the case of a society having share capital, the share held by each member;
- (c) the date on which each person was admitted as member;
- (d) the date and number of resolution of general meetings, as the case may be, which admitted a person as member, if he is not one of the applicants for registration of the society; the committee or
- (e) the name of the nominee of a member;
- (f) the date on which the said nomination was made by a member;
- (g) the date on which any person ceased to be a member;
- (h) the caste of a member if he belongs to a Scheduled Caste, Scheduled Tribe or Other Backward Classes.

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

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

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

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

24. Manner of certifying copies - For the purpose (1) and (2) of Section 34, a copy of entry in a book of society or of document obtained and kept by it in the course of its business may certified-

- (a) by any two officers of the society as defined in clause (Vid Section 2; or
 - (b) by the Registrar assuming charge of the society under sub-section (8) of Section 49; or
 - (c) where an order has been passed under sub-section (1) Section 53-
 - (i) by the person appointed to manage the affairs of the society; and
 - (ii) where the persons are appointed to manage the affairs of the society by any two of the persons so appointed
- or

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

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

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

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

(4) No fee shall be charged by the society for the loan pass-book when issued for first time but such fee as may be fixed by the society shall be collected for a duplicate copy issued to the member.

(5) All entries made in the loan passbook shall be presumed to be correct unless proved otherwise.

25. Restrictions on grant of loan- (1) No financing bank or credit society, other than a land mortgage bank or a society, the object of which is to grant long term loans exclusively on the mortgage of immovable properties, shall grant loans for a period exceeding three years:

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

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

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

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

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

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

(2) Any person who continues to be a member of more than one society without complying with the provisions of sub-rule (1) shall be liable to be removed from the membership of any or all such societies on a written requisition from the Registrar to that effect.

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

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

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

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

Provided that-

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

(ii) in the areas other than those mentioned in clause au no such bad debt or losses shall, be written off without sanction of the general body;

(iii) before any society, if it is indebted to a financing bank, shall obtained approval of such bank, in writing;

- (iv) before any such bad debts or losses are so written off, society, shall, obtain the approval of the Registrar in writing who may while giving approval, impose such conditions to restoration of part or whole of the amount written against the reserve fund from out of future profits, as he may deem fit;
 - (v) when a scheme of debt relief prepared by the State Government is implemented by a society, it may adjust its bad and doubtful reserve for writing off loans under the scheme.
- 29. Restrictions on transactions with non-members-** No society shall enter into any transactions with a person other than a member except those referred to in Sections 36 and 37, unless-
- (i) the bye-laws of the society permit it to enter into such transactions; and
 - (ii) previous sanction of the Registrar has been obtained by the society.
- 30. Rate of contribution -** The contribution to be made by a society under Clause (b) of sub-section (2) of Section 43 shall be-
- (a) one and one half, per cent of the net profit where the profit does not exceed fifteen lakh rupees; and
 - (b) two per cent of the net profit, where the net profit exceeds fifteen lakh rupees.
- 31. Investment and use of funds other than reserve fund-** Subject to the provisions of Section 44, a society shall not, except with the previous sanction of the Registrar, invest and use the whole or any portion of its funds (other than reserve or other fund created for specified purposes) in the purchase or lease of land or in acquisition, construction or renewal of any building or in the purchase of any machinery or mechanically propelled vehicle costing more than the limit fixed by the Registrar from time to time 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.
- (2) The provisions of sub-rule (1) shall not apply-
 - (a) to immovable property purchased-
 - (i) by a society at a sale held in execution of a decree obtained by it, for the recovery of any sum due to it or
 - (ii) by a financing bank at a sale held in execution of a decree obtained by a society financed by it, for the recovery of any sum due to such society or at a sale brought about by the liquidator of such society; or
 - (b) to the purchase or lease of lands or purchase, construction or renewal of buildings by a society whose objects according to its byelaws include such purchase lease construction or renewal.
 - (3) No recoupment of the amount invested under this rule shall be necessary where the investment is made-
 - (a) by a society from its building fund constituted out of profits; or
 - (b) by a society, other than a credit society, in which the share capital raised from the members is intended to build up the special kind of business for which it has been registered.
- 32. State aid to societies-** (1) Subject to the provisions of the Act, the State Government may-
- (i) make share capital contribution to a society; or
 - (ii) give loans or financial assistance or other to a society or
 - (iii) guarantee the payment of the principal of debentures issued by a society or interest thereon or both; or
 - (iv) guarantee the payment of the principal of, and payment of interest on, loans and advances given by the Reserve Bank of India or the State Bank of India or any other authority constituted under any law for the time being in force; or
 - (v) grant state aid in any other form to a society under Section 45, on the following terms and conditions namely:-
 - (a) When the State Government purchases shares in a society, it shall be entitled to dividend on the said shares as is declared by the society concerned and is payable to other members of that society;
 - (b) A society receiving state aid shall not pay any dividend or distribute or take any profit in excess of such percentage rate upon the amount of the capital of the society as the State Government may from time to time, fix;
 - (c) A society receiving state aid shall, with the approval of the Registrar appoint a paid secretary or manager of the society;
 - (d) A society receiving state aid shall be bound-
 - (i) to comply with any general or special order of the State Government relative to the inspection of the society;
 - (ii) to permit the inspection of all accounts relative to the society;
 - (iii) to maintain such accounts and to furnish such statements and returns as the State Government or the Registrar may, from time to time, require; and
 - (iv) to comply with any order or condition issued or imposed by the State Government as may in its opinion be necessary or expedient safeguard its interest.
 - (1-A) A society receiving state aid shall appoint employees accordance with a staffing pattern approved by-
 - (i) the State Government if so directed by the State Government, or
 - (ii) the Registrar in other cases.
 - (2) If the society to which state aid has been given in any form, fails to comply with any order made under the Act or the rules framed thereunder or commits any breach of any terms or conditions laid down for the grant of state aid, or if

on inspection of accounts, returns statements or audit report of such society the State Government opinion that state aid should be Government withdrawn, the State may after considering any representation which the society may make with such time as the State Government may allow, in this behalf, make order directing-

- (i) that the balance of any loan outstanding shall be recoverable forthwith;
- (ii) that the guarantee given shall cease from the date of such order;
- (iii) that the full value of any other state aid given and enjoyed till the date of the order shall be payable forthwith and the grant of such state aid beyond such date shall be discontinued.

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

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

- (a) authority administering the contributory Provident Fund,
- (b) category of employees entitled to contribute to the Provident Fund;
- (c) amount of contribution to be deducted from the employee's salary;
- (d) the rate of contribution to be made by the society;
- (e) mode of nomination for payment of the amount of the contributory Provident Fund in case of employee's death
- (f) mode of investment of the contributory Provident Fund and payment of interest thereon;
- (g) the purpose for which and the extent to which advances Provident Fund and the period after which this could be done and number of monthly instalments in which it is to be recouped;
- (h) refund of employee's contribution and contribution by the society;
- (i) maintenance of accounts in respect of Contributory Provident Fund, withdrawals and such other matters as may be necessary in such form as may be specified by the Registrar.
- (j) the authority to which disputes, if any, between employ and the society shall be referred.

CHAPTER V MANAGEMENT OF SOCIETIES

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

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

- (2) All general meetings of a society excepting the first annual general meeting shall be convened by the Secretary of the society or other officer authorised by or under its bye-laws to convene such meetings.
- (3) Unless otherwise provided in the bye-laws, notice of general meeting stating the place, date and hour of the meeting together with a statement of business to be transacted thereat, shall be sent to every member 14 days before the date of meeting by-
 - (a)(i) registered post in case of a society whose head-office is situated in urban area;
 - (a)(ii) ordinary post under certificate of posting or by hand delivery if number of members of the society is less than 250; or
 - (b) ordinary post under certificate of posting if number of members of society exceeds 250, in which case notice shall also be published in a local Hindi newspaper circulation in the area of the society:

Provided that when the general meeting or special general meeting of any class of the societies in a district is to take place on any day, such notice shall be sent under certificate of posting to every member by the society concerned, along with the publication of one notice in the local Hindi newspaper of authority of the Registrar shall be sufficient.

35. Special general meeting called by the Registrar, or any person authorised by him - Notwithstanding anything contained in the rules or bye-laws of a society as to the mode of summoning a general meeting and the period of notice to be given for the said purpose, Registrar or any person authorised by him in this behalf, may call special general meeting, under subsection (2) of Section 50, in such manner and at such date, time or place as he may direct and may specify what matters shall be discussed in the meeting.

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

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

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

Provided further that where the term of the committee of a society has expired under clause (in) of sub-section (7-A) of Section 49, or the powers of the committee are deemed to have been vested in Registrar under sub-section (8) of Section 49, or the committee of the society has been removed under sub-section (1) of Section 52-A, or the committed Person society has been superseded or suspended under Section 33 under sub-section (13) of 53; the general meeting shall be presided over by such person as may be authorised by the Registrar.

37. Quorum for general meeting - (1) Unless otherwise provided in the bye-laws of a society the quorum for general meeting shall be 1/10 or 50 of the total number of members on the date of the notice of the meeting.] (2) No business shall be transacted at any meeting unless there is a quorum at the time when the business of the meeting is to commence

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

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

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

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

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

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

(b) Unless otherwise required by the Act, rules or bye-laws of a society, voting shall be by show of hands unless a poll is demanded at least ten members present at the meeting;

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

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

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

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

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

Provided that where the membership is so divided, provisions shall be made for the reservation of seats for the Scheduled Castes Scheduled Tribes, Other Backward Classes and Women as laid down in sub-section (3) and (8) of Section 48 of the Act.

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

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

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

41. Omitted

42. Omitted

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

(2) **Omitted**

(2-A) In case of term of office of Board being less than half of its original term, the casual vacancy having been arisen on the Board shall be filled by it through nomination out of the same class of members in respect of which the casual vacancy has arisen. The member so nominated shall hold office till the expiry of the term of Board:

Provided that no nomination shall be made in any meeting of the Board unless the subject has been included in the agenda circulated for that meeting and there is a quorum:

Provided further that such meeting shall be presided over by the Returning Officer.

(3) **Omitted**

(3-A) **Omitted**

(4) **Omitted**

(4-A) **Omitted**

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

Provided that a meeting of committee member or representative is made or election of I of a President/Chairman to hold shall be presided over by the Returning Officer.

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

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

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

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

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

(d) misuses the post held by him:

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

(2) Such proposals shall be submitted to the Chief Executive Officer of the society by at least one-third elected members of the committee under their signatures alongwith a charge-sheet. A copy of such proposal shall also be sent to the Registrar, Co-operative Societies.

(3) Notwithstanding anything contained in the bye-laws of the society, on receipt of such proposal, the Chief Executive Officer of the society shall call the meeting of the committee and present such proposal within thirty days from the date of receipt of such proposal.

(4) The Chairman/President or the office bearer of the society as the case may be, shall have, a right to defend himself or otherwise in such meeting of the committee.

(5) Such meeting shall be presided over by the Registrar or any person authorised by him in this behalf.

43-B. Authorization by the Registrar to exercise the powers of Board of any Society.-

(1) Subject to the provision of sub-section (8) of Section 49 of the Act, the Registrar may authorize any Government official to exercise the powers of the board of any society:

Provided that the Registrar may by order in writing also author any person (non-official) or committee of persons (non-official) to exercise the powers of the board of any such society:

Provided further that in case of a committee of (non-official) persons, the Registrar may designate one of the members of the committee constituted for the said purpose as the chairman and one of the persons as the Vice-Chairman.

(2) No person (non-official) or committee of persons (non-official) shall be eligible for such authorization by the Registrar under this sub- section, if:-

(a) He does not have at least four years experience of working as member of the board of the Co-operative society or bank, as the case may be:

Provided that, the provisions of this clause shall not apply to newly registered societies;

(b) He is suffering from any of the disqualifications mentioned in rule 44;

(c) He has been punished in case of corruption by any Court of law, Lok Aayog or the State Bureau of Investigation of Economic Offences;

Provided that, in case of any type of societies, the State Government may grant exemption in the provisions of this sub-rule.

(3) The screening committee shall recommend the name of eligible person (non-official) or committee of person (non-official) to Registrar under this rule, in such a manner as it may be deemed fit:

Provided that the Registrar at any time may be order in writing remove person (non-official) or committee of persons (non-official) authorized by him under this rule, without assigning any reason thereof.

(4) The screening committee mentioned in sub-rule (3) shall consists of the following members, namely:-

(a) In case of a society whose area of operation is limited to one district-

- | | | |
|-------|---|---------------------------------|
| (i) | District Collector | - President |
| (ii) | Deputy/Assistant Registrar of the District | - Member (Ex-Officio Secretary) |
| (iii) | District Officer of an Administrative Department related to the operations carried out by such Co-operative Society | - Member |

In case business carried out by any such Co operative Society relates to more than one department, one officer from such departments nominated by the Collector for this purpose shall be the Member.

(b) In case of a society whose area of operation extends to more than one district but is limited to one Revenue Division-

- | | | |
|-------|---|---------------------------------|
| (i) | Commissioner of Revenue Division | - President |
| (ii) | Joint Registrar of Division | - Member (Ex-Officio Secretary) |
| (iii) | District Officer of an Administrative Department related to the operations carried out by such Co-operative Society | - Member |

In case business carried out by any such Co- operative Society relates to more than one department, one officer from amongst such departments nominated by the Divisional Commissioner for this purpose shall be the Member.

(c) In case of a society whose area of operation extends to more than one Revenue Division in the State-

- | | | |
|-------|--|---------------------------------|
| (i) | Additional Chief Secretary, President Government of Chhattisgarh | - President |
| (ii) | Secretary, Government of Chhattisgarh Department of Cooperation | - Member |
| (iii) | Registrar, Co-operative Societies, Chhattisgarh | - Member (Ex-Officio Secretary) |

Registrar, subject to the provisions of sub-section (8) of Section 49 of the Act, may authorize any person (non-official) or committee of persons (non-official) (exercise the powers of the board of any such society on the basis of recommendations made by the screening committee.

44. Disqualification for membership of committee - (1) No person shall be eligible for election, co-option or nomination as a member of the committee of a society and shall cease to hold his office as such, he-

- (a) is an applicant to be adjudicated or is an undischarged insolvent; or
- (b) is sentenced for an offence not involving moral turpitude and a period of five years has not elapsed from the date of expiry of the sentence; or
- (c) is or becomes of unsound mind; or
- (d) holds or accepts any office of profit in the society; or
- (e) carries on business of the kind carried on by the society, or
- (e-1) Omitted
- (f) has been disqualified under Section 49, 50 or 53 for the period mentioned in the order; or
- (g) has, at the time of nomination of his/her candidature or subsequent to his/her election, his/her wife/ husband/ father/ mother/brother/sister/son/daughter as a paid employee of the society; or
- (h) is or gets in default to the society or to any other society for a period exceeding twelve months in respect of any loan or loans taken by him; or
- (i) has a four months immediately preceding the date of election, or
- (j) has been removed from the service of Central Government or a State Government or any Public Undertaking institution or any local self institution or any co-operative society.
- (l) has not availed the minimum level of required service, as may be provided in the bye-laws of such society;
- (m) has been a shareholder of the society for last five years after election and has not attended any of the Annual General Meetings convened by the such society during last five years.

(2) ³[***]

45. Disqualification for representation - (1) No society shall elect any member as its representative, who suffers from any of the disqualifications mentioned in Rule 44.

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

- (a) if he suffers from any of the disqualifications mentioned in Rule 44; or
- (b) if he ceases to be a member of the society which he represents; or
- (c) if elections fall due and the society, which he represents elects another representative; or
- (d) if the registration of the society which he represents is cancelled under Section 18 or 18-A; or
- (e) if-

(i) 2[*]

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

- (iii) the committee of the society which he represents has been removed under subsection (1) of Section 53; or
- (f) if the society is ordered to be wound up under Section 69.

(2-A) If a representative ceases to hold office in the circumstances referred to in clause (e) of sub-rule (2), then the administrator appointed under the relevant provision of the Act to manage the affairs of the society shall have power to fill the vacancy so caused.

- (3) No representative of the society, shall be eligible for election as a member of the Board of a Co-operative Bank, Financial Bank, Federal Society or any Apex Society and shall not hold his office as such, if a Society is or gets into default, for a period exceeding twelve months respect of loan or loans taken by it from such Co-operative Banks, Financial Bank, Federal Society or Apex Society; for payment due for contribution and subscription of Rajya Sahakari Sangh and Zila Sahakari Sangh or for dispensing with Government liabilities.



46. Prohibition against being interested in contracts, etc. - (1) No officer of a society shall have any interest, directly or indirectly otherwise than as such officer- referred to in clause (e) of sub-rule (2) the person or persons appointed by or under the relevant provisions of the Act to manage the affairs of the society shall have the power to nominate himself or one from among themselves, as the case may be, to fill the vacancy so caused."

- (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 investment made or as loan taken from the society or in provision of residential accommodation by the society to any paid employees of the society.

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

47. Restrictions on persons appearing as legal practitioners- Any officer of a society who appears as a legal practitioner in any legal proceeding against such society or against any other society which is a member of the former society shall be deemed to have vacated his office in the society.

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

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

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

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

- (a) subject to the over all control and general superintendence of the committee to have general control over the administration of the society;
- (b) to convene meetings of the committee and the general body in consultation with the President/Chairman;
- (c) to receive all money and securities on behalf of the society and make arrangement for proper maintenance and custody of cash balances and other properties of the society;
- (d) to endorse and transfer promissory notes, Government and other securities and endorse, sign and negotiate cheques and other negotiable instruments on behalf of the society;
- (e) to sign all bonds and agreements in favour of the society;
- (f) to be responsible for the general conduct, supervision and management of the day-to-day business and affairs of the society;
- (g) to sign all deposit receipts and operate the accounts of the society with banks;
- (h) to institute, conduct, defend, compound or abandon any suit or other legal proceedings by or against the society or otherwise concerning the affairs of the society and also to compound and allow time for payment or satisfaction of any claims or demand by or against the society in accordance with the decisions of the committee;
- (i) to submit such information, reports and returns concerning the affairs of the society as may be required by the Registrar or the State Government;
- (j) subject to the provisions of bye-laws to determine the powers, duties and responsibilities of the employees of the society;
- (k) to communicate decisions and to issue suitable directions or orders in compliance of the decisions of the committee or any other competent authority, as the case may be,
- (l) to exercise such powers in respect of the employees of the society or the cadre employees as may be laid down in the service rules framed by the Registrar under Section 55 (1) or Section 54 (2) of the Act;
- (m) such powers and duties as are specified by or under the bye-laws of the society;

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

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

(a)	Agriculture Production Commissioner	-	Chairman
(b)	Chairman of the concerned Apex Society	-	Member
(c)	Two Directors of concerned Apex Society to be nominated by the Chairman of the Apex Society	-	Member
(d)	Registrar, Co-operative Societies, Chhattisgarh	-	Member Secretary

- (2) Administrative-Department of Apex Society shall make a reference to the Chairman of the Selection Committee for selection of the Managing Director and Chief Executive Officer.
- (3) The Chairman of the committee on receipt of the reference shall fix the date of the meeting of the Selection Committee.
- (4) The Chairman of the concerned Apex Society shall send the name of the two nominated Directors to the Member Secretary of the Selection Committee 15 days before the meeting in writing.
- (5) Notice of the meeting of the Selection Committee shall be issued by the Member-Secretary of the Committee at least seven days before the meeting.
- (6) The quorum of the meeting shall be at least 3 Members out of which the presence of the Chairman of the Selection Committee shall be compulsory.
- (7) The Member-Secretary shall submit a panel of names before the Selection Committee in consultation with the General Administration Department and the Administration Department of the concerned Apex Society and submit it to the committee.
- (8) In the case of equality of votes the Chairman of the Selection Committee shall have a second or casting vote.
- (9) After the selection the Member Secretary shall inform the State Government in the Administrative Department.
- (10) The appointment order shall be issued by the Administrative Department of the concerned Apex Society.

CHAPTER V-A

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CHAPTER V-AA

PROCEDURE FOR CONDUCT OF ELECTIONS IN CO-OPERATIVE SOCIETIES

49-CC. Preparation of list of members for election- (1) (a) Every society shall prepare a list in Form G-1 of members for the election of its Board/Delegates including members disqualified under sub-section (7) of Section 48 or Section 50-A or as per bye-laws.

(b) The list shall indicate the defaulter within the meaning of Section 50-A by assigning sign "X" and word "Defaulter", in the same manner an inactive member who has not availed minimum level of services as provided in clause (b) of sub-section (7) of Section 48 of the Act shall be indicated by assigning sign "Z" and word "inactive" and in case of members belonging to Scheduled Castes, Scheduled Tribes and Other Backward Classes, the respective category shall be indicated against their names. The society shall present, with the list so prepared and prescribed process fee, before the Commission or an officer so authorized in this behalf by a general or specific order of Commission, an application for the election of new Board at least six months prior to expiry of term of Board in Form G-2 with the following documents:-

- (i) true copy of resolution of Board;
- (ii) copy of the byelaws;
- (iii) the date on which the last elections were held;
- (iv) the date on which the term of existing Board is expiring;
- (v) the date of appointment of the Administrator under Section 53, if any;
- (vi) the date of registration of society, in case of newly registered society,
- (vii) the number of vacant posts to be filled up by election
 - (a) Number of members of Board,
 - (b) Number of representatives to be elected,
 - (c) Number of delegates to be elected, if any;
- (viii) whether the byelaws provide for the creation of wards or constitution of general body of delegates before the election of Board and action taken therefore, if any;
- (ix) any other information which is relevant for the conduct of election.

- (2) Appointment of Registration Officer - After examining the applications received under sub-rule (1), the Commission shall appoint Registration Officer for receiving objections, disposing of such objections and to prepare final member list. For further action, the Commission shall provide such appointment letter and list of member to Registration Officer.
- (3) Publication of list of membership - (a) Registration Officer, after receiving member list as envisaged in sub-rule (2) and for adding name in the list and for inviting objections on any such entry, shall make available the same to all members of society in Form G-3 by means of publication in newspapers and by one of the following means:-
- (i) through acknowledgement of personal written notice;
 - (ii) by Registered post;
 - (iii) by ordinary post.
- (b) The Registration Officer shall cause to publish the voter list in Form G-4;
- (i) On notice board of the office of society;
 - (ii) On notice board of office of block Panchayat;
 - (iii) On notice board of nearest branch of District Central Co-operative Bank;
 - (iv) On the notice board of office of the Deputy/Assistant Registrar of the District;
- (c) The objections may be presented before the Registration Officer during the period of minimum 7 days as described in the information referred to above and date, time and venue shall be fixed by Registration Officer for hearing such objections, if any.
- (d) Registration Officer, with the publication of information referred to above, shall make available one copy of member list in the office of the Coordinator and in the office of concerned society for inspection and communicate the Commission the intimation of publication by registered post.
- (4) Presentation of objections- (a) Any such person whose name is not entered in the voter list or is entered at the wrong place or with incorrect specifications or any such person whose name is entered in the list and who objects to the inclusion of his own name or name of any person in that list may prefer a claim or objection and receive acknowledgement for the same by giving a written application to the Registration Officer, with signature/thumb impression upto the last date till the office hours as specified from the date of issue notice as envisaged under sub-rule (3) and no objection/claim shall be received after the specified time period. Registration Officer shall maintain a register in Form G-5 for receiving objections.
- (b) Every claim or objection may be accompanied with such documents on which the claimant relies. The objection so preferred with the corroborating documents shall be conclusive and final for claimant
- (5) Disposal of objections- (a) Registration Officer shall, after holding such summary enquiry into the claim or objection as he thinks fit, record his decision in writing and shall make available on demand immediately a copy of such decision to the claimant free of cost.
- (b) No claimant shall be represented by any legal practitioner or counsel in any proceeding under this rule.
- (c) Registration Officer shall amend the voter list in accordance with his decision.
- (d) The voter list so amended shall be subject to decision in appeal if any, be final and one copy thereof duly signed by the Registration Officer shall be kept in his office in Form G-6 and second copy shall be deposited in office of the Commission:
- Provided that any person whose name is shown in the list w sign "X-Defaulter", may, at any time before the date on polling s held, after making necessary payment of his dues on account of which he had been shown as defaulter in the list of the society concerned a on production of a proof in token thereof in Form G-7, get the list corrected by the Returning Officer.
- (e) Any person aggrieved by the decision of Registration Office may prefer an appeal before Commission or any Officer so authorized specified by him, within three days of such decision. Every appeal shall be preferably in writing with the copy of decision of Registration Officer Appellate Authority after giving the appellant an opportunity of being heard and conducting an enquiry as he deems fit, shall pass an appropriate order within seven days and in case the appeal having been allowed shall direct the Registration Officer to amend the voter list to give effect to the decision. The decision of Appellate Authority shall be final:
- Provided that if the appeal is not disposed of in time period of days by Appellant Authority, the voter list finalized by Registration officer shall be binding and conclusive:
- Provided further that no amendment, modification, addition or deletion in any entry of voter list after such finalization thereof shall be allowed until the election process is completed.
- (f) Inspection of certified copies and issuance thereof - Every member of society shall have right to inspect the list of membership payment of fees of Rs. Five and certified copies thereof may be issued on the payment of Rs. Two per page by the society or Commission or an Officer authorized by him.
- (g) Two copies of final list of membership so prepared by the Registration Officer shall be presented before the Commission within a maximum period of three days.

49-D. Appointment of Returning Officer- (1) The Returning Officer shall be appointed by the Commission or any Officer authorised by him on his behalf to conduct the election before minimum 30 days the expiry of the tenure of the Board. Such appointment order shall consist of the final voter list duly signed by the Registration Officer, which will be a marked copy, the order of reservation of seats in the Board as per the provision of Section 48(3) and 48 (8) of the Act and the programme to conduct elections.

(2) If the Society has an individual members belonging to Scheduled Castes or Scheduled Tribes category one seat shall be reserved for the member from the category that has more members than the others.

(3) Subject to the provisions of the Act and as specified in these rules, the Returning Officer shall conduct the election under the direction of the Commission and according to bye-laws of the society:

Provided that no member and employee of the society shall be appointed as Returning Officer.

49-E. Procedure for election of members of the Board- (1) (a) Subject to the provisions of Section 49 of the Act, the election of members of Board shall be held by the members in the Annual General Meeting or Special Annual General Meeting, as the case may be, of the society convened by the Returning Officer:

Provided that where in the bye-laws of society, there is a provision of constitution of the General body by the election of delegates, then election of Board shall be held amongst the delegates and by the delegates.

(b) Such election shall take place after all other matters, if any, included in the agenda of Annual General Meeting have been considered.

(2) The seats for the members belonging to Scheduled Castes, Scheduled Tribes, Other Backward classes and Women shall be reserved by the Returning Officers as per the provisions of sub-section (3) and (8) of Section 48 of the Act. Subject to the provision of sub-section (8) of Section 48 where seats are to be reserved in the Board for women members, the Returning Officer shall reserve such seats for women members by drawing a lot before the Board/Administrator of the Society. For this purpose, chits shall be prepared equal to the total number of seats in the Board describing thereon unreserved and Scheduled Caste, Scheduled Tribe or Other backward class as the case may be, two chits shall be picked up and seats shall be reserved, for women accordingly. If the members of Board fail to attend the meeting convened for this purpose, the Returning Officer may reserve such seats before any three members of the outgoing Board or District Co-Ordinator.

(3) Issuing election programme -The Returning Officer shall of the society in Form G-8 at least 14 affix the notice on the notice board of the days before the date fixed for Annual General Meeting or Special General Meeting of the society, as the case may be and shall contain:

(a) the class-wise number of members to be elected;

(b) last date of nominations (the last date for nominations, which shall be 7 days before the date fixed for holding the said Annual General Meeting), the hours between which, the place at which nomination papers shall be presented;

(c) the date on which and the place at which and hours between the scrutiny of nomination papers shall be made and the last date for withdrawal of the candidatures;

(d) If necessary, the date and place of Polling,

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

Such notice shall be served to the members of the society in Form G-9 by publication of notice in news paper and by one of the following methods

(i) through acknowledgement of personal written notice;

(ii) by registered post;

(iii) by ordinary post.

Such notice issued for election shall be displayed on the notice board of the society and in the office of Commission and Coordinator and at such local offices such as Gram Panchayat/Janpad Panchayat/Tehsil/Office of the Collector.

(4) Presentation of nomination papers - (a) Every nomination paper shall be signed by two members of the society, group, if any, as proposer and seconder and the candidate of the groups shall sign a declaration on it expressing his willingness to stand for election.

(b) A member of a group, if any, may sign as proposer and seconder, as many nomination papers as there are vacancies to be filled in the group. Each candidate shall be nominated by a separate nomination paper.

(c) If a candidate files more than one nomination paper for any post, then all the nomination papers shall be scrutinized by the Returning Officer.

(d) Each candidate, either personally or through his proposer or seconder, shall deliver a nomination paper in Form G-10 to the Returning Officer.

(e) At the time of presentation of nomination paper under clause (a) above, amount of security deposit, as prescribed by the State Government in consultation with the Commission for classified societies, shall be deposited in favour of society before the Returning Officer. The Returning Officer, shall on receiving the nomination paper,

enter thereon the serial number of its receipt and shall endorse thereon the date on which and the time at which the nomination paper was delivered to him. He shall also acknowledge receipt of the nomination paper. He shall also enter the name of the proposer, seconder and the candidate and the office for which the candidate seeks to contest in a register in Form G-11 in the order to which nomination papers are received. When any person has signed as proposer or seconder, on the larger number of nomination papers than vacancies are to be filled, those of the papers so signed which have been first received up to the number of vacancies to be filled, shall only be deemed to be valid.

- (f) On presentation of nomination papers, the Returning Officer shall satisfy himself that the name of the society and its registration number, names and serial numbers in the list of the members of the candidate and his proposer and seconder as entered in the nomination paper are the same as those entered in the list of members:

Provided that the Returning Officer shall permit any misnomer or inaccurate description or clerical, technical or printing error in regard to the name of the candidate or the proposer or seconder or in regard to any serial number of any such person mentioned in the list of members or the nomination papers such as to be commonly understood and the Returning Officer shall permit any such misnomer or inaccurate description or clerical, technical or printing error to be corrected and when necessary, shall overlook any such misnomer, inaccurate description, clerical, technical or printing error in the list of members or in the nomination papers, the Returning Officer shall get such blanks filled in before recording his endorsement on the same.

- (g) No nomination paper shall be received after the date and time fixed under clause (b) of sub-rule (3). The Returning Officer shall on each day prepare a list of nominee persons in Form G-12 along with their proposers, seconders and officers and exhibit the same on the notice board at the place fixed for receipt of the nominations.
- (5) (a) Nomination papers duly received shall be scrutinized by the Returning Officer on the date fixed for the scrutiny under clause (c) of sub-rule (3).
- (b) It shall be open to the persons filling the nomination paper to be present at the time of scrutiny.
- (c) The Returning Officer shall not reject any nomination paper on the ground of any defect which is not of a material character nor shall it be rejected on the ground of any irregularity in respect of a nomination Form, in which no irregularity has been committed.
- (d) The Returning Officer shall for reasons to be recorded in writing, reject a nomination paper only on the following grounds
- (i) if the nomination paper is not in accordance with the preceding sub-rule;
- (ii) if the candidate is disqualified to be elected or proposer/ seconder is disqualified to vote by or under the Act, rules or bye-laws of the society.
- (e) The Returning Officer shall prepare a list of valid nomination papers in Form G-13.
- (6) Any candidate may withdraw his candidature by notice in writing on a date fixed under clause (d) of sub-rule (3) by submitting Form G-14 to the Returning Officer in personal capacity or through his proposer or seconder. The Returning Officer shall prepare a list of such candidates in Form G-15, who has withdrawn his candidature. A candidate shall not be allowed to cancel his withdrawal.
- (7) On completion of the scrutiny of the nomination paper and after his candidature may be withdrawn under sub-rule (6), the Returning Officer shall prepare a list of candidates in Form G-16, whose nominations are in order and who have not withdrawn their candidature. If there is more than one valid nomination for a single candidate in the list, then the first nomination of such candidate shall be accepted and he shall put his signature on the list as a symbol of it being true and shall get it published and get it exhibited on the notice board of the society.
- (8) If the number of duly nominated candidates for election as members of Board is equal to or less than the number of seats to be filled, the Returning Officer shall declare in **Form G-17** that there is no need for polling for such members and he shall intimate this fact to the society.
- (9) If the number of members elected falls short of the quorum fixed for the meeting of the Board, the election process shall be started afresh for the remaining seats.
- (10) (a) If the number of duly nominated candidates is greater than the number of members to be elected, immediately after the expiry of the period within which candidature could be withdrawn under clause (c) of sub-rule (3), then the Returning Officer shall prepare and publish a list of contesting candidates whose nomination papers have been finally accepted and who have not withdrawn their candidature during the specified Period.
- (b) The list referred to in clause (a) shall contain the names of contesting candidates along with names of Father/Husband, in alphabetical order in Hindi along with their addresses as given in nomination papers.
- (c) The list of contesting candidates referred to in clause (a) shall contain the particulars in the list and shall be prepared in Hindi in Devnagari script.
- (d) The alphabetical order referred in clause (b) shall be determined with reference to surname of the candidates having surnames and to the names proper in the case of other candidates.
- (e) Where a poll becomes necessary, the Returning Officer shall assign to each candidate a symbol in serial order as listed below and the symbol shall be printed on the ballot Paper-

(1) Flower, (2) Bullock, (3) Sword, (4) Two leaves, (5) Scales, (6) Box, (7) Lion, (8) Bullock cart, (9) Chair, (10) Hut, (11) Bird, (12) Match box, (13) Tree, (14) Book, (15) Television, (16) Fish (12) Deer, (18) Well (19) Pump, (20) Telephone, (21) Motorcar, (22) Motorcycle, (23) Aeroplane (24) Rail engine, (25) Boat, (26) Fountain pen, (27) Wall clock, (28) Ring

(f) If the list of the symbols in clause (e) is exhausted, the Returning Officer may in his symbol other than those specified in the list: any

Provided that no symbol shall be allotted to any candidate, which is allotted to any political party by the Election Commission of India.

(g) The symbol allotted to the contesting candidates of an be printed on the ballot papers, meant for group. The b paper shall show only the name of the Office ng candidates vote is b Past, the names and the symbols of contesting candidates in the same serial order as displayed in Form G-18 by the Returning Officer on the notice board of the society under clause (i) of sub-rule (10):

Provided that where the candidates have similar/identical names then their names shall contain their father's name.

(h) The list of names of the contesting candidates for any group and the symbols allotted to each of them in the same serial order a mentioned in clause (e) of sub-rule 10 shall be displayed before the ballet box kept for casting of votes of the group concerned, such list shall also be displayed on the gate of the Polling Booth.

(i) The Returning Officer shall immediately after preparation of the list of the contesting candidates in **Form G-18** cause to be displayed a copy thereof on the notice board of the society and shall also supply a copy thereof to each of the contesting candidates.

(11) If the General Meeting is adjourned for want of quorum, the list of valid candidates shall hold good for the Poll to be held in the next General Meeting.

(12) The Returning Officer shall appoint in Form G-19 as many presiding officers/polling officers to conduct the poll and as many tellers to count the votes as may be necessary.

(13) A register shall be kept at the place of the General Meeting and every member who attends the meeting shall sign such register before he enters the place of the meeting.

(14) The Presiding Officer shall issue a ballot affixing the seal of the society and putting his initials on the back of it. The Polling Officer shall issue such ballot to each voter after marking a mark by indelible ink on the tip of the forefinger of the voter.

(15) Canvassing or soliciting votes during the conduct of election shall be strictly prohibited within the periphery of one hundred meters of the place where the poll is being held.

(16) The Returning Officer shall show the empty ballot boxes the candidates or the authorized Polling Agents, if any, present, clos and seal them leaving open the slit for insertion of ballot papers. Voting shall be by ballot and voters shall make a mark 'x' on or against the symbol, one in case of one office and symbols in case of more than one office of candidates whom he wishes to elect, fold the ballot paper such a manner that his intention remain clear about the particular candidate and deposit it in the ballot box. In the case of physically disabled who requires help, the Returning Officer shall authorize a person in marking marks on the symbols of the candidates according to the written application of such voter.

(17) (i) The Returning Officer shall before taking the poll fix the hours which shall not be less than two hours during which the poll shall be taken, make announcement to that effect in the General Meeting and on the expiry of the hours so fixed he shall close the poll. Those voters, who are present at the voting place have not been able to vote for want of time, shall be given reasonable opportunity to obtain ballot papers even though the time fixed for the poll has expired.

(ii) After the closure of the poll, the slit of the ballot boxes shall be closed and sealed and delivered to the tellers. An account of used and un-used ballot papers shall be prepared and counter foils of used ballot papers; unused ballot papers and marked copy of voter list shall be pull in an envelope and sealed kept in the box referred to in sub-rule (25)

(18) Tender ballot paper-If a person, who claims to be a nominated member in the list of members and complains in writing that his vote has already been voted as such, the applicant shall be after duly answering such question as the Presiding/Polling Officer may ask, be entitled to receive a ballot paper, referred to hereinafter called "Tender ballot paper" as other members.

Each voter shall, before being supplied with a tender ballot paper affix his signature or thumb impression against the entry relating to him in a prescribed form.

A Tender ballot paper shall be serially the last in the bundle of ballot papers issued for polling. Such tendered ballot papers and its counterfoil shall be endorsed on the back with the words Tendered ballot paper by the Presiding Officer in his hand the signed by hone voter instead of putting it into the ballot box, give it to the Presiding Officer by folding it properly, which shall be kept in an envelope specifically kept for this purpose.

(19) Ballot Paper accounts The Returning Officer shall, at the close of the poll prepare a separate ballot paper account for each class separately in **Form G-20**. One certified true copy of entries made in such ballot paper account shall be given to each candidate or his poll agent, who is present at the closure of polling on receipt of acknowledgement. The prepared ballot paper accounts shall be kept class-wise in separate envelopes and marked as Ballot Papers Account (Name of Class) thereupon. Officer/Presiding

(20) Tellers shall arrange and count all ballot papers - (a) They shall reject a ballot paper after receiving the approval of the Returning Officer:

Provided that-

- (i) if it bears signature to identify the voter;
 - (ii) if it does not bear the seal of the society or the initials of Polling Officer;
 - (iii) If it contains no mark indicating a vote;
 - (iv) If it contains more marks than the number of seats to be filled.
- (b) A seal mark made in a ballot paper in such manner that it is ambiguous to which candidate the vote is given shall be rejected:

Provided that other correctly made marks, if any, on such ballot paper shall be counted.

(21) Re-counting-When the counting under sub-rule (20) is over, a candidate may apply in writing to the Returning Officer or such officer authorized by him for recounting mentioning the grounds for recounting of all the votes cast or any other vote cast:

Provided that such applications may be made within 30 minutes after the counting is closed. The Returning Officer shall accept the application by subscribing "wholly" or "partially" on the application or he may reject application if it appears to him as illogical.

The Returning Officer or such Officer authorized by him shall order for recounting in case of accepting the "partially" and after completion of recounting shall amend/modify the application "wholly" of ballot paper upto a reasonable limit and shall make an announcement about such amendment/modification, Such recounting can take place only once.

(22) The Returning Officer shall immediately after completion of counting of votes, prepare the details in Form G-21 and certify, mentioning

- (i) number of valid votes received by each candidate, and
- (ii) number of invalid votes,
- (iii) declaration of the name(s) of successful candidate and in case of two or more than two candidates, who have secured equal number of votes by lottery system;
- (iv) The Returning Officer on the basis of such details shall declare such candidate as elected, who secured maximum votes, in the Annual General Meeting in Form G-22 and shall paste it on the notice board of the society
- (v) The Returning Officer shall send the certified copy of details prepared under this sub-rule containing names of elected members under sub-rule (8) and (9) to the Commission and a copy of which shall be sent to the Coordinator.

(23) The Returning Officer shall make arrangements to keep in safe custody of Commission or its designated person the sealed Box containing referred nomination papers, registers and Ballot papers and details of election under sub-rule (4), (5) and (13). These documents shall not be destroyed until the next election of the society or final settlement of the presented election dispute under clause (v) of sub-section (2) of Section 64. Thereafter, the Commission shall get them destroyed either in his own presence or in the presence of an authorized officer

(24) If there is a provision in the bye-laws of a society regarding constitution of General Body through election of delegates, then the election of such delegates of the society shall be held in accordance with the procedure of Rule 49-C, 49-D and 49-E:

Provided that the election of delegates shall be held before submitting the application for election of the Board.

(25) Every member of the Board and all the employees of the Society Registration Officers, Returning off to conduct the work of Polling Registrars Tellers and persons related to conduct the work of election Shall be bound to extend all kind of help/assistance and shall make shall be beach records to the Returning Officer as desired by him. The Society shall make available all necessary logistics and resources to the Returning Officers well in advance of election.

(26) The Co-Ordinator at district level shall maintain/keep the accounts of all expenses incurred on elections concerning society of along with the vouchers pertaining to the expenses. After completion of election process such vouchers shall be made available to the concerning society by the Co-Ordinator. It shall be the responsibility of Co-Ordinator at district and division level to recover such expenses incurred on holding elections from the society concerned within 90 days from the date of election. All expenses incurred on elections shall be borne by the concerning society and the Board of every society shall be under an obligations to repay such expenses on demand by the coordinators.

49-F. The election of chairman, vice chairman and representatives by the members of Board- (1) Subject to the provisions of clause (e) of sub rule (3) of rule 49-E, the Returning Officer shall convene a meeting of elected members of

Board on a fixed date and its notice will be given to every member of Board at least 3 days before the date fixed for election by getting their receipt in writing in Form G-23 and such notice shall contain.

- (a) the number of officers, representatives and any other office bearers to be elected and reservation of seats;
 - (b) date, place at which and hours between which and person to whom the nomination papers shall be presented,
 - (c) place at which and hours between which scrutiny of nomination papers shall be made and the date and place of polling, if necessary,
 - (d) time for withdrawal of candidature;
 - (e) the time for election of Chairman/President/Vice Chairman/Vice President and representatives and such other officers as may be specified in the byelaws, such meeting shall be presided over by the Returning Officer
- (2) The seats for representatives belonging to Scheduled Castes Scheduled Tribes, Other Backward classes shall be reserved by the returning Officers as per the provisions of sub-section (2) of Section of the Act.
- (3) The nomination paper in form G-24 shall be presented to Returning Officer. The Returning Officer, after short scrutiny which he deems fit, consider the objections, if any, and which are raised on he specified time with regard to any nomination paper and declare the names of valid candidates.
- (4) Where more than one valid nomination papers are not received for a post, the returning officer shall declare such candidate duly elected with regard to whom valid nomination paper has been received.
- (5) Where more than one valid nomination papers are received for a post, the Returning Officer shall make arrangements for voting.
- (6) As all members present, finish to cast their votes or after the expiry of the time fixed for voting, the Returning Officers shall open the ballot box in the presence of members, count the votes and by way of declaring the result of election declare the candidate elected who has secured largest number of votes and display the number of votes received by each candidate. In case of two or more candidate getting equal number of votes, lots shall be drawn in such a manner as may be determined by the Returning Officer.
- (7) The proceedings of meeting along with result of election shall be recorded in the proceeding book of the society and shall be certified by the Returning Officer.
- (8) Valid nomination papers and other records shall be kept safely whereon seal of society and candidate if they desire so shall be put and it shall be kept safe till three months from the date of election. If no dispute with regard to election, is referred to the Registrar, then after expiry of that period it shall be kept in safe custody as mentioned in sub rule (23) of rule 49-E. The Returning Officer, shall in form G-25 maintain a diary of Returning Officer and shall send its copy and result of election in form G-26 to the Commission.

49-G. In contingent situation and in case of destruction of ballot box or any wrong doing with ballot paper the postponement of voting -

(1) (i) If in any election, proceeding for the poll are interrupted or obstructed by any riot or open violence or if at an election, it is not possible to take the poll at any polling booth on account of any natural calamity or any other sufficient reason, or ballot box used on polling booth is taken away unlawfully from custody of the Presiding Officer or the Returning Officer or eventually or intentionally destroyed, or ballot papers are torn off or destroyed, or it is damaged to the extent that its originality is spoiled and because of which the result of the election of that polling booth cannot be decided, then the Returning Officer or the Presiding Officers shall declare to postpone the polling to be held on other date and where the Presiding Officer postpones the polling for aforesaid reasons, he shall immediately inform the Returning officer.

(ii) Thus when the polling is postponed the Presiding Officer shall immediately send a report of circumstance to the Returning Officer who shall, as soon as possible, fix the date on when the polling shall recommence and fix the polling booth at which and hour during which voting shall be conducted, the Returning Officer or the Presiding Officer shall as far as practicable follow the provision of rules in respect of sealing ballot box and other envelopes, in preparing ballot paper accounts and in giving ballot box and other materials of elections. The Returning Officer shall inform the matter immediately to Commission and shall also give a copy of the same to the coordinator.

(iii) In each case as aforesaid the Returning Officer shall publish the place, date and hour for voting and provision of rules governing original voting shall mutatis mutandis apply subsequent voting with necessary changes.

(2) When a poll, which has been postponed under sub rule (1) is re-continued, all voters shall be entitled to vote again. In event of postponed polling recommence, an additional copy of marked copy of voter list, a new ballot box and ballot papers shall be made available. The Presiding Officer in the presence of candidate or their election agents shall open the sealed packet of marked copy of voter list which shall be used to mark name of voters to whom the ballot paper shall be issued. The provision of rules shall apply to re-polling in the same way as it was applicable before the postponement of voting.

49-H. Election by Commission on its own motions - (i) According to sub-section (8) of Section 50-B of the Act, six months before the expiry of the term outgoing Board of any cooperative society, if a request in writing by the Board of that society is not received, then on receiving writing by return presented by coordinator or on the ground of his own Information, the Commission shall conduct the election suo moto.

- (ii) For this purpose it shall be mandatory for the coordinator that at the end of every quarter the information regarding expiry of the term of Board of societies for next six months shall be sent to the Commission and the Commission shall also maintain this information properly at his level.

49-I. Return or forfeiture of security deposit - Security deposit shall be returned to the candidate as soon after the result of the election is declared. The deposit shall be forfeited in favour of the society if at election, where a poll has been taken the candidate is not elected and the total number of valid votes polled by him does not exceed one sixth of valid votes received by all the candidates.

49-J. The pay, other allowances, terms and conditions of service of the State Co-operative Election Commissioner and other Officers of the Commission - (1) (i) The terms and conditions of service of the State Cooperative Election Commissioner (later referred as Commissioner) appointed under the provision of Section 50-B of the Chhattisgarh Cooperative Societies Act, 1960.

- (ii) If the Commissioner at the time of his appointment being the rank of Principal secretary or above getting pension, gratuity or any other retirement benefit or is entitled to get the same, such gross pay after deducting the gross pension (basic pension and dearness allowance) at the time of retirement from gross pay (pay + grade pay + dearness allowance) in the capacity of Principal secretary or above shall be given to him.

- (iii) The Commissioner shall hold his office during the pleasure of the State Government, provided his tenure shall not exceed beyond two years from the date of assuming his office as Commissioner or attaining the 65 years of age:

Provided further that where necessary, the state government may extend the tenure of the commissioner up to his/her attaining the 65 years of age. The order of extension of tenure shall be made for maximum period of one year at one time.

- (2) (i) The officer and employees posted under the Commission shall get the pay and dearness allowance equal to the officer and employees holding analogous posts in the Government.

- (ii) In the matter of retirement age pension, pay, dearness allowance and other benefits and disciplinary matters the officers and the employees posted under the control of the Commission shall be governed by the same rules as the employees of the Government holding the analogous posts.

- (3) Working hours and Leave - Working hours and Leave of the Commissioner and officers/employees in its office will be the same as declared by the State Government and local holidays as declared by the local authorities from time to time.

- (4) Competent Authority to sanction leave - State Government will be the competent Authority for sanctioning leave to Commissioner and Commissioner shall sanction leave to Secretary and Secretary shall sanction leave to other officers and employees, subordinate to it.

- (5) Entitlement for Travelling Allowance and Medical Treatment Travelling allowance and Medical facilities will be same for the Commissioner which were in practice at the time of its retirement. Travelling allowance and Medical allowance for the officers and employees of the Commission shall be as per the State Government rules and as amended from time to time.

- (6) Residence, and Telephone facility - Rules for residence and telephone for the Commissioner will be same which were in practice at the time of retirement. Rules for residence and telephone for the officer/ employees posted in the office of the Commission shall be the same as followed by the Government and as amended from time to time.

- (7) Conveyance facility :-

- (i) The Commissioner shall be entitled to the facility and use of government vehicle.
(ii) The Secretary to the commission shall be entitled to the facility and use of government vehicle.
(iii) There shall be at least one vehicle in the office of the commission for the use of staff.

- (8) Financial Powers Financial powers of the Commissioner shall be the same as delegated to the head of cooperative department in the book of financial powers.

- (9) Control and Discipline - All officers and employees in the Office of the Commission will be under control and supervision of the Commission.

- (10) Provision of the Chhattisgarh Civil Service (Classification, Control & Appeal) Rules, 1966 and the Chhattisgarh Civil Service (Conduct) Rules, 1965 shall be applicable to the officers and employees of the Commission subject to the following:-

- (a) Disciplinary Authority for class-IV, III and II employees shall be secretary or any officer subordinate to the shall Commissioner who shall be nominated by him for this purpose.
(b) State Government shall be disciplinary Authority for class-I officers.
(c) Appeal against orders passed by the nominated officer under clause (a) shall lie to the Commissioner
(d) Appeal against any order passed by the Commissioner shall lie to the State Government.

- (11) (i) Officers/Employees under the Commission will be appointed by the State Government in consultation with the Commission:

Provided that if no intimation regarding consultation is received within 30 days from the date when such consultation was sought from Commission, it will be assumed that the Commission has given its consent regarding the same and government will take decision as it deems fit.

(12) Secretary and Under Secretary posted under the Commission will be Additional Registrar/Joint Registrar and Deputy Registrar/ Assistant Registrar of Co-operative Department of State Government respectively, other regular employees will be on deputation to the Commission from Co-operative Department on the same posts. Contract employees will be appointed by the Commission.

49-K. Administrative Control of the Coordinator - (1) The Returning Officer, Assistant Returning Officer, Presiding Officer, Polling Officer and all other persons appointed in accordance with these rules shall work under the administrative control of the coordinator with overall direction and control of the Commission.

(2) Returning Officer, Presiding Officer etc. deemed to be on Deputation - Returning Officer, Assistant Returning Officer, Presiding Officer, Polling Officer and any other officers appointed under this chapter for the conduct of any election shall be deemed to be on deputation for that period which starts on and from the date on which election is announced to the date when the result is declared to the extent of the election work and shall be under the control, superintendence and regulation of the Commission for the said work.

(3) Role of Collector in the election - Under the direction of the Commission Collector shall make necessary arrangement for the smooth conduct of election of a cooperative society in different phases such as filing of nomination papers, scrutiny, polling, counting etc. and also ensure supervision & maintenance of law & order. Collector shall also requisite government vehicles and buildings at the expenses of the concerned society.

(4) Election code of conduct - Commission will issue direction for enforcing amending and implementing code of conduct in election of a cooperative society.

(5) Issuing of direction by Commission - Commission will issue general or specific directions from time to time for free fair and transparent election regarding Identity cards of voters, election requisite directives and for posting of officers/employees in election work.

(6) Coordination between Commission and The Registrar Co- operative Society - For the smooth election of Cooperative Society, necessary coordination will be established by Commission and Registrar Cooperative Societies.

CHAPTER VI

AUDIT, INQUIRY, INSPECTION AND SUPERVISION

50. Procedure for conducting audit.- (1) The Registrar shall on the basis of volume of business, classification, qualification and experience prepare a panel of auditors or auditing firms under the provisions of sub-section (3) and (4) of Section 58 of the Act for all types of Co-operative Societies.

(2) For the purpose of conducting audit, the General Body of the concerned society shall appoint auditor from the panel of approved auditors or auditing firms in its general meeting for the current or next financial year as per the procedure laid down in this behalf

Provided that in case of pending audit if any, the General Body of the society may appoint an auditor or auditing firms, from approved panel, for the purpose of completing audit of the accounts of previous financial year

Provided further that no auditor shall be appointed to conduct audit of a particular society for a period of more than two consecutive financial years.

(3) Society shall also communicate to the Registrar or any authority authorized by the Registrar, about the appointment of the auditor within thirty days from the date of appointment of auditor by the General Body

(4) (a) Auditor shall submit an audit report prepared on the basis of accounts examined by him and on the balance sheet and profit and loss accounts as on the date and for the period upto which the accounts have been audited, to the Registrar in the form specified by the Registrar and shall also state whether in his opinion of the concerned society or to the best of his information and according to the explanation given to him the said audit report shall state all the information required under the Act in the manner so required and give true and fair view of the following, namely:-

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

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

(b) The audit report shall state the following, namely:-

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

(ii) whether in his opinion proper books of accounts and registers as required by the Act, these rules, the bye-laws of the society have been kept by the society so far as ii 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
 - (c) Where any of the matters referred above are answered in the negative or with a qualification, the audit report shall specify the reasons for the answer.
 - (d) The audit report shall also contain full particulars of the following, namely :-
 - (i) all transactions which appear to be contrary to the provisions of the Act, these rules or the bye-laws of the society;
 - (ii) all sums which ought to have been but have not been brought into accounts by the society;
 - (iii) any material impropriety or irregularity in the expenditure or in the realization of money due to the society;
 - (iv) any money or property belonging to the society which appears to the auditor to be bad or doubtful debt;
 - (v) Failure of the society to adhere with the prescribed norms regarding income recognition and assets classification, if any and in case of such societies to which prudential norms prescribed by the Reserve Bank of India apply; and
 - (vi) any other matters specified by the Registrar in this behalf.
 - (e) The Registrar may direct that any portion of the audit report which appears to him to be of an objectionable nature or not justified by facts shall be expunged and the portion so expunged shall not form part of the audit report.
 - (f) The Registrar may from time to time, specify the form of forms in which the statements of accounts and information shall be prepared for audit by the society
 - (g) On completion of the audit, the auditor shall award an audit classification to the society in accordance with the instructions issued by the Registrar, from time to time. The Registrar may, if he thinks necessary, amend the audit classification for reasons to be recorded in writing.
 - (5) If the Registrar is not satisfied with the audit report submitted to him, he may order a special audit of any such society by assigning a new auditor or auditing firm and by providing proper justifications.
 - (6) Every society shall submit a compliance report along with comments of auditor therein to the Registrar within a period of two months from the date of receipt of auditor's report.
 - (7) Audit report and financial statements shall be in Hindi.
 - (8) Audit report shall be placed before the Board meeting of the concerned society for its consideration and after that a copy of the audit report shall be submitted to the Registrar within stipulated time as provided in Section 56 of the Act.
 - (9) Audit report of every Apex Co-operative Society shall be laid before the State Legislative Assembly in the manner as may be laid down by the State Government in this behalf.
- 50-A. Levy of audit fee** - (1) Every society, the accounts of which are audited under Section 58 of the Act by departmental auditor, shall pay a charges to the State Government for the audit of its accounts for each co-operative financial year in accordance with the scale laid down on the Schedule in respect of the class of society to which it belongs. If the Audit Fee scale has not been laid down for chartered accountants, subject to such condition the Audit fee shall be paid by the societies to the Chartered Accountants, as mutually agreed.
- (2) In case of audit conducted by a departmental auditor, the Registrar shall by an order in writing in a prescribed form, communicate the charges payable by the society under sub-rule (1), to be delivered personally or sent by ordinary post to address of the society.
 - (3) In case of audit conducted by a departmental auditor, audit fees shall be paid through challan and the fees shall be paid by society to the chartered accountants in the manner as mutually agreed or as may be prescribed by the Registrar in this regard, from time to time.
 - (4) Audit fees levied by the State Government shall be recoverable as arrears of land revenue.]

50-B. [*]**

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

51-A. Laying of Audit report on Table of State Legislative Assembly-The Audit Report of every Apex Society shall be laid before the State Legislative Assembly as provided in sub-section (7) of Section 58 of the Act and for this purpose every Apex Co-operative Society shall submit its audit report to the State Government at the closing of each financial year, in such manner as may be prescribed in this regard.

CHAPTER VII

DISPUTES AND ARBITRATION

52. Reference of a dispute - A reference of dispute under Section 6 shall be made in writing to the Registrar in Form H. Wherever necessary, the Registrar may require the party referring the dispute on him to produce a certified copy of the

relevant records on which the dispute is based and such other statements or records as may be required by him, before proceeding with the consideration of the reference.

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

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

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

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

54. Levy of expenses for determining disputes - (1) The Registrar his nominee or board of nominees may require the party or parties to the dispute to deposit in advance such sum as may, in his or its opinion, but necessary to meet the expenses for determining the dispute including payment of fees, if any, to the Registrar, his nominee or board of nominees.

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

(3) The Registrar may, by general or special order, specify the scale of fees, if any, and expenses for determining a dispute to be paid to him or to his nominee or board of nominees.

55. Procedure for execution of decisions or awards - (1) Every decision given or award made by the Registrar, his nominee or board of nominees in respect of a dispute shall be forwarded by the Registrar to the society or to the party concerned with instructions that the society or as the case may be, party concerned should initiate execution proceedings according to the provisions of Section 85.

(2) If the amount due under the decision or award is not recovered within fourteen days it shall be forwarded to the Registrar with an application for execution along with all information required by the Registrar. The decree-holder shall state whether he desires to execute the award by a Civil Court under clause (a) or by the Collector under clause (b) or by Registrar or any person empowered by the Registrar in this behalf under clause (c) of Section 85.

(3) On receipt of such application for execution, the Registrar shall forward the same to the proper authority for execution along with a certificate issued by him under clause (a) or clause (b) of Section 85.

56. Procedure for the custody of property attached under Section 68 - (1) Where the property to be attached is movable property, other than agricultural produce in the possession of the person, the attachment shall be made by actual seizure and the Registrar or a nominee or board of nominees, as the case may be, shall keep the property in his or its custody or in the custody of any officer of the Co-operative Department authorised by him or it in writing, or of a Receiver, if one is appointed under sub-rule (2), and shall be responsible for the due custody thereof:

Provided that when the property seized is subject to speedy and natural decay, or when the expense of keeping it in custody is likely to exceed its value, the Registrar or a nominee or board of nominees, as the case may be, may sell it at once.

(2) Where it appears to the authority ordering conditional attachment under ¹[*] Section 68 to be just and convenient, it may appoint a Receiver for the custody of the movable property attached and his duties and liabilities shall be identical with those of a Receiver appointed under Order XL in the First Schedule to the Code of Civil Procedure, 1908.

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

(b) The order shall be proclaimed at some place on, or adjacent to such property by beat of drum and a copy of the order shall be fixed on a conspicuous part of the property, and where the property is land paying revenue to the State Government, also in the office of the Tahsildar within whose jurisdiction the property is situated.

CHAPTER VIII LIQUIDATION

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

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

(b) The liquidator shall prepare an upto-date list of

- (i) members;
 - (ii) past members, with dates of their withdrawal, who are subject to liability under Section 29; and
 - (ii) deceased members, with dates of their death, names of their legal heirs who represent their estate and who are subject to liability under Section 29.
- (c) The liquidator shall, as soon as the order of winding up of the society takes effect, publish by such means as he may think proper, a notice requiring all claims against the society the winding up of which has been ordered, to be submitted to him within two months of publication of the notice. All liabilities recorded in the account books of the society shall be deemed ipso-facto to have been duly submitted to him under this clause.
- (d) The liquidator shall, after settling the assets and liabilities of the society, as they stood on the date on which the order of winding up takes effect, proceed next to determine the contribution (including debts due) to be made by each of the members, past members, or by the estates or nominees, heirs or legal representatives of deceased members or by any officers or former officers, to the assets of the society under clause (b) and as costs of liquidation determined under clause (e) of sub-section (2) of Section 71. He may also make a subsidiary order regarding such contributions and costs and such order shall be enforceable in the same manner as the original order.
- (e) The liquidator shall submit to the Registrar such reports and returns in such form as the Registrar may specify showing the progress made in the liquidation of the society.
- (f) The liquidator may empower any person by general or special order in writing, to make collections and grant valid receipts on his behalf.
- (g) All funds in the charge of the liquidator shall be deposited in a Co-operative Bank or in the Post Office Savings Bank or with such other bank as may be approved by the Registrar and shall stand in his name.
- (h) The Registrar shall fix the amount of remuneration, if any, to be paid to the liquidator. The remuneration shall be included in the cost of liquidation which shall be payable out of the assets of the society in priority to all other claims.
- (i) The liquidator may issue summons to persons who the evidence is required to give evidence or to produce documents. He shall record brief notes of the evidence of such persons.
- (j) If any liability cannot be discharged by the liquidator owing to the whereabouts of the claimants not being known or in any other cause, the amount covered by such undischarged liability may be deposited in a Co-operative Bank and shall be available for meeting the claims of the person or person concerned.
- (k) The liquidator shall have power to call meetings of members of the society under liquidation.
- (l) At the conclusion of the liquidation, the liquidator shall call a general meeting of the members as they existed on the day of winding up of the society. The liquidator or any person authorised by him in writing in this behalf shall summarise the results of his proceedings in the meeting and report what sum, if any, remains in his possession after meeting all the liabilities of the society. If the bye-laws of the society do not describe the object to which the surplus assets, if any, have to be applied after liquidation, the liquidator shall proceed to take a vote of the members present to determine any object of public utility to which they have to be applied.
- (m) After the liquidation proceedings of the society have been closed, the liquidator shall submit a final report as laid down in sub-section (3) of Section 71, to the Registrar together with a copy of the proceedings of the general meeting, if any referred to in clause (1) and shall subject to the provisions of the said subsection hand over all the records of the society such person as the Registrar may direct.
- (n) The liquidator may, at any time, be removed by the Registrar and he shall on such removal be bound to hand over all the property and documents relating to the society under liquidation to such person as the Registrar may direct.
- (o) The liquidator shall keep such books and accounts as may from time to time be required to be kept by the Registrar, who may at any time cause such books and accounts to be audited. The liquidator shall pay such fees for the audit as may be levied under the Act.
- 58. Disposal of records of society whose registration is cancelled** - All the books and records of a society whose registration has been cancelled and the proceedings of liquidation may be destroyed by the Registrar after the expiry of two years from the date of the order cancelling the registration of the society.
- 58-A. Procedure to be adopted by Official Assignee** - The official assignee, appointed by the Registrar under sub-section (2) of Section 18-A, shall adopt the procedure to realise the assets and liquidate the liabilities as provided under Rules 57 and 58.

CHAPTER IX

APPEALS AND REVIEW

- 59. Procedure to be followed for presentation of appeals and review** - (1) An appeal to the Tribunal or the Registrar and an application for review to the Tribunal shall be presented during office hours by the appellant or the applicant, as the case may be, or by their duly appointed agent in the office of the appellate authority or review authority either in person or by registered post.

- (2) When such an appeal or application for review is presented by an agent it shall be accompanied by the letter of authority of the appellant or applicant, as the case may be, appointing him as such.
- (3) Every appeal or application for review shall be accompanied by a certified copy of the order against which the appeal or review is preferred.
- (4) Every appeal or application for review shall-
 - (a) be either type-written or hand-written in legible ink;
 - (b) specify the name and address of the appellant or applicant and also the name and address of the opponent, as the case may be;
 - (c) state by whom the order, against which the appeal or application of review is preferred, was made;
 - (d) clearly state the grounds on which the appeal or application is made;
 - (e) state precisely the relief which the appellant to applicant claims; and
 - (f) give the date of the order against which the appeal review is preferred.
- (5) On receipt of the appeal or application for review, the Tribunal or the Registrar, as the case may be, shall endorse on it the date of its receipt.

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

(2) Pay, Allowances and other perquisites-

- (i) When Chairman of the Tribunal at the time of his appointment as such, is a retired Judge of the High Court and is in receipt of or has become entitled to receive any retirement benefits by way of pension, gratuity or otherwise, he shall be entitled to such monthly pay (including dearness allowance) as was admissible to him at the time of retirement as Judge of the High Court and all such other allowances as are admissible from time to time to a sitting Judge of the High Court, minus pension (including any portion of pension which may have been commuted) and the pension equivalent of other retirement benefits, if any, as his pay and allowances.
 - (ii) When the Chairman of the Tribunal, at the time of his appointment as such, is a District Judge, he shall be entitled to the same pay and allowances and other perks and facilities as are admissible to him as District and Sessions Judge (as a member of a Higher Judicial Service)
 - (iii) A Departmental Member at the time of his appointment is an officer of Co-operative Department, he shall be entitled to the same pay and allowances admissible to him as an officer of Co-operative Department.
 - (iv) The non-official Member shall receive an honorarium of Rupees 1000/- per day-
 - (a) The officers and other employees of the Tribunal shall be entitled to draw pay and allowances al par with the State Government employees holding equivalent posts.
 - (b) In all matters like age of retirement, pensions, pay and allowances, other benefits and entitlements and disciplinary matters, the officers and other employees of the Tribunal shall be governed by the State Government as Rules applicable to persons holding equivalent posts.
- (3) Term of Office-** The Chairman and other Members of the Tribunal may hold office not more than 5 years in accordance with the provisions of clause (a) of sub-section (5) of Section 77 of the Act, or up to the age of 67 years, whichever is earlier.
- (4) Headquarters of the Chairperson and the Members-**The headquarters of the Chairman and the Members shall be at Bilaspur.
- (5) Hours of work and holidays-**The working hours and holidays for the Chairman and Members and their office shall be such as may be specified in the regulation:
- Provided that till regulations are made the working hours and holidays for the Chairman and Member and their office shall be the same and shall observe such public holidays as may be declared by the Government of Chhattisgarh and such local holidays as are declared by the local authorities, from time to time.
- (6) Leave-**
- (i) The Chairman and the Members shall be entitled to earned leave on full pay and allowance up to 1/11th of the period spent on duty:
- Provided that they shall cease to earn such leave when the total leave earned exceeds 300 days:

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

Provided also that the Chairman and the Members who retire from the service of the Tribunal, shall be entitled to the benefit of cash equivalent to leave salary in respect of earned leave at their credit on the date of their retirement subject to the maximum of 300 days.

(ii) The Chairman and Members shall be entitled to casual leave of thirteen days in a year.

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

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

(8) Travelling Allowances-

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

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

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

(9) Leave Travel Concession-The Chairman, or a Member shall be entitled to the leave travel concession at the same rates and the same scales and on the same conditions as applicable to Group "A" Officer of the Central Government drawing a pay in the scale of Rs. 22,400-525 25,400 or above.

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

(11) Facility of accommodation-

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

(b) The Chairman shall be entitled to the facility of official telephone at par with the Head of the Departments of the Government and the Members shall be entitled to the same facility as is available to Class I Officer of the State Government.

(12) Conveyance Facility-

(i) The Chairman and member shall be entitled to the facility and use of Government car.

(ii) The Registrar of the Tribunal shall be entitled to the facility and use of Government car.

(iii) There shall be staff car also in the Office of the Tribunal.

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

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

(15) Control and Discipline-All Officers and Employees of s Tribunal Call be subject to the superintendence and control of se Chairman.

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

(a) In regard to Class IV, Class III and Class II employee the disciplinary authority shall be the Registrar of the Tribunal.

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

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

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

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

(17) The members of the Tribunal shall be appointed by the State Government.

(18) **Miscellaneous**-In respect of any other matter for which special provision is not made by these rules, the condition of service shall be governed by the Rules and the orders for the time being as applicable to the Judge of a High Court of Chhattisgarh and to such other persons, as the case may be.

- 60. Procedure to be followed in disposing of appeals.-** (1) If the Appellate Authority finds that the appeal presented does not conform to any of the provisions of Rule 59, it shall make a note on the appeal to that effect and may call upon the appellant or his agent to remove the defects within a period of seven days of the receipt of notice to do so or in case the appeal has not been presented within the prescribed time limit show cause within the said period as to why it should not be dismissed as time-barred by the Appellate Authority.
- (2) If the defect is removed or the cause shown by the appellant or his agent satisfied the Appellate Authority, the Appellate Authority may proceed to consider the appeal.
- (3) If the appellant or his agent fails to remove the defects or show cause to the satisfaction of the Appellate Authority within the said period, the Appellate Authority may if the appeal is not presented within the time limit dismiss the appeal as time-barred. In cases where it is considered necessary to give a hearing, the Appellate Authority may in a date for hearing, of which due notice shall be given to the appellant or his agent.
- (4) On the date so fixed, the Appellate Authority shall examine the relevant record, hear the appellant or his agent, if present, and pass appropriate order.
- (5) The Appellate Authority may, at its discretion, adjourn the hearing for any other day at any stage.
- (6) When the hearing of the appeal is completed, the Appellate Authority shall announce the judgment forthwith or may fix another date for the judgment.
- (7) Every decision or order of the Appellate Authority shall be in writing and a copy of the same shall be supplied to the appellant and such other parties as in the opinion of the Appellate Authority are likely to be affected by the decision or the order.
- 61. Appeal against rejection of an application for membership -** (1) Where an application for membership has been rejected under sub-section (4) of Section 19, an appeal shall lie to the Registrar.
- (2) The provisions of Rule 59 and 60 shall mutatis-mutandis apply to the presentation and disposal of the appeal under sub-rule (1).

CHAPTER X EXECUTION OF DECREES

- 62. Application for execution to Recover of Section** Any decree holder requiring the provisions of clause (c) of Section 35 to be applied shall apply to the Recovery Officer in whose jurisdiction the case of action arose and shall deposit the necessary cost on a scale fixed by the Registrar. If the judgment-debtor resides or the property to be proceeded against is situated outside the jurisdiction of such Recovery Officer, the Recovery Officer shall transfer the application to the Recovery Officer in whose jurisdiction the judgment-debtor resides or the property is situated.
- (2) Every such application shall be made in the form prescribed by the Registrar, and shall be signed by the decree-holder. The decree holder may indicate whether he wishes to proceed in the first instance against the immovable property mortgaged to the decree-holder or other immovable property or to secure the attachment of the movable property. The decree-holder may also indicate whether he wishes to proceed for recovery under Rule 66 or 66 (A) of the rules:
- Provided that it shall be open to the decree-holder at any stage of the proceedings under Rule 66 (A) to adopt the mode, of recovery under Rule 66 for reasons of quick and effective recovery. The Recovery Officer and the Sales Officer shall then act accordingly.
- (3) On receipt of the application, the Recovery Officer shall verify the correctness and genuineness of the particulars set forth in the application with the records, if any, in the office of the Registrar and prepare a demand notice in writing in duplicate in the form specified by the Registrar setting forth the name of the judgment-debtor and the amount due and forward it to the Sales Officer.
- 63. Procedure in execution Unless the decree-holder** has expressed a desire that proceedings should be taken in a particular order, as laid down in sub-rule (2) of Rule 62, execution shall ordinarily be taken in the following manner :-
- (i) movable property of the judgment-debtor shall be first proceeded against, but shall not preclude the immovable property being proceeded against simultaneously in case of necessity;
- (ii) if there is no movable property, or if the sale proceeds of the movable property or properties attached and sold are insufficient to meet in full the demand of the decree-holder, the immovable property belonging to the judgment-debtor may be proceeded against.
- 64. Attachment and sale of specific movable property including crops on land -** In the attachment and sale of movable property, the following rules shall be observed:-
- (a) The Sales Officer shall, after giving previous notice to the decree-holder, proceed to the village where the judgment debtor resides, or the property to be attached is situated and served a demand notice upon the judgment-debtor, if he

is present. If the amount due together with the expenses be not at once paid, the Sale Officer shall make the attachment by seizure or otherwise and shall immediately deliver to the judgment-debtor a list or inventory of the property attached and an intimation of the place and the day and hour at which the attached property will be brought to sale if the amounts due are not previously discharged. If the judgment-debtor is absent, the Sale Officer shall serve the demand notice on some adult male member of his family, or on his authorised agent, or where such service cannot be effected, shall affix a copy of the demand notice on some conspicuous part of his residence. He shall then proceed to make the attachment and shall fix the list of property attached on the usual place of residence of the judgment-debtor, endorsing thereon the place where the property may be lodged or kept and an intimation of the place, day and hour of sale.

- (b) After the attachment is made, the Sale Officer may arrange for the custody of the property attached, with the decree-holder or otherwise. 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 fodder therefor. The Sale Officer may, at the instance of the judgment-debtor or of any other person claiming an interest in such property, leave it in the village or place where it was attached, in the charge of such judgment-debtor 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.
- (c) No attachment shall be made after sunset and before sunrise.
- (d) The attachment made shall not be excessive that is to the property attached shall be in value as nearly as possible proportionate in the sum due by the judgment-debtor, together with interest and all expenses incidental to the attachment and sale.
- (e) If crops or ungathered products of the land belonging to a judgment-debtor are attached, the Sale Officer may cause them to be sold when fit for reaping or gathering, or at his option may cause them to be reaped or gathered in due season and stored in proper place until sold. In the latter case the expenses of reaping or gathering and storing such crops or products shall be defrayed by the owner upon his redeeming the property or from the proceeds of the sale in the event of its being sold.
- (f) The Sale Officer shall not work the bullocks or cattle, or make use of the goods or movables attached and he shall provide the necessary fodder for the cattle or live-stock, the expenses attending which shall be defrayed by the owner upon his redeeming the property, or from the proceeds of the sale in the event of its being sold.
- (g) It shall be lawful for the Sale Officer to force upon any stable, cow-house, granary, godown, out-house or other building and he may also enter any dwelling house the outer door of which may be open and may break open the door of any room in such dwelling house for the purpose of attaching property belonging to a judgment-debtor and lodged therein, provided always that it shall not be lawful for him to break open or enter apartment in such dwelling-house appropriated for the zanana or residence of women except as hereinafter provided.
- (h) Where the Sale Officer may have reason to suppose that the property of a judgment-debtor is lodged within a dwelling-house, the outer door of which may be shut or within any apartment appropriated to women, which by custom or usage are considered private, the Sale Officer shall report the fact to the Officer-in-charge of the nearest police station. On such report the Officer-in-charge of the said station shall send a police officer to the spot in the presence of whom the Sale Officer may force open the outer door of such dwelling-house or break open the door of any room within the house except the room appropriated by women. The Sale Officer may also, in the presence of the police officer after due notice given for the removal of women within a 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 attaching the judgment-debtor's property, if any, deposited therein, but such property, if found, shall be immediately removed from such apartments after which they shall be left free to the former occupants.
- (i) The Sale Officer shall cause proclamation of the time and place of the intended sale to be made by beat of drum in the village in which the judgment-debtor resides and in such other place or places as the Sale Officer may consider necessary to give due publicity to the sale. No sale shall take place until after the expiration of the period of fifteen days from the date on which the sale notice has been served or affixed in the manner prescribed in clause (a):

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

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

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

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

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

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

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

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

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

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

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

(4) 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 the Recovery Officer issuing the notice:

Provided that where such property is in the custody of a Court or any other Recovery Officer, any question of title or priority arising between the decree-holder and any other person, not being the judgment debtor, claiming to be interested in such property by virtue of assignment attachment or otherwise shall be determined by such Court or Recovery Officer, as the case may be.

Explanation - In this rule, a public officer includes a liquidator appointed under Section 70.

(5) (i) Where the property to be attached is a decree either for the payment of money or for sale in enforcement of a mortgage or charge, the attachment shall be made, if the decree sought to be attached was passed by the Registrar or by a nominee or Board of nominees to whom a dispute has been transferred by the Registrar under Section 66, by the order of the Registrar.

(ii) Where the Registrar makes an order under clause (i) 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.

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

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

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

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

(6) Where the movable property to be attached is-

(a) a debt due to the judgment-debtor is question:

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

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

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

66. Attachment and sale of immovable property - (1) Immovable property shall not be sold in execution of a decree unless such property has been previously attached: Provided that where the decree has been obtained on the basis of a mortgage of such property, it shall not be necessary to attach it.

- (2) In the attachment and sale or sale without attachment of immovable property, the following rules shall be observed-
 - (a) The application presented under sub-rule (2) of Rule 62 shall contain a description of the immovable property to be proceeded against, sufficient for its identification and in case such property can be identified by boundaries or numbers in a record of settlement or survey, the specification of such boundaries or numbers and the specification of the judgment-debtor's share or interest in such property to the best of the belief of the decree-holder and so far as he has been able to ascertain it.
 - (b) The demand notice issued by the Recovery Officer under sub-rule (3) of Rule 62 shall contain the name of the judgment-debtor, the amount due, including the expenses, if any, and the bhatta to be paid to the person who shall serve the 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 judgment-debtor or upon some adult male member of his family at his usual place of residence, or upon his authorised agent, or, if such personal service is not possible, shall affix a copy thereof on some conspicuous part of the immovable property about to be attached and sold or sold without attachment, as the case may be:

Provided that where the Recovery Officer is satisfied that a judgment-debtor with intent to defeat or delay the execution proceedings against him is about to dispose of the whole or any part of his property, the demand notice issued by the Recovery Officer under sub-rule (3) of Rule 62 shall not allow any time to the judgment-debtor for payment of the amount due by him and the property of the judgment-debtor shall be attached forthwith

- (c) If the judgment-debtor fails to pay the amount specified in the demand notice within the time allowed, the Sale Officer shall proceed to attach and sell, or sell without attachment, as the case may be, the immovable property specified in the demand notice for execution in the following manner.
- (d) Where the attachment is required before sale, the Sale Officer shall, if possible, cause a notice of attachment to be served on the judgment-debtor personally. Where personal service is not possible, the notice shall be affixed in some conspicuous part of the judgment-debtor's last known residence, if any. The fact of attachment shall also be proclaimed by beat of drum or other customary mode of announcement at some place on or adjacent to such property and at such other place or places as the Recovery Officer may consider necessary to give due publicity to the sale. The attachment notice shall set forth that, unless the amount due with interest and expenses be paid within the date therein mentioned, the property will be brought to sale. A copy shall be sent to the decree-holder. Where the Sale Officer so directs the attachment shall also be notified by public proclamation in a local newspaper, if any.
- (e) Proclamation of sale shall be published by affixing a notice in the office of the Recovery Officer, office of the Co-operative Central Bank and in the Tahsil office at least thirty days before the date fixed for the sale. It shall also be published by beat of drum in the village. Such proclamation shall, where attachment is required before sale, be made after the attachment has been affected. Notice shall also be given to the decree-holder and the judgment-debtor. The proclamation shall state the time and place of sale and specify as fairly and accurately as possible-
 - (i) the property to be sold,
 - (ii) any encumbrance to which the property is liable
 - (iii) the amount for the recovery of which the sales ordered, and
 - (iv) every other matter which the Sale Officer consider material for a purchaser to know in order to judge the nature and value of the property.

- (f) (i) Where any immovable property is sold under these rules, the sale shall be subject to the prior encumbrances on the property, if any. The decree - holder shall where the amount for the realisation of which the sale is held exceeds Rs. 5,000 furnish to the Sale Officer within such times as may be fixed by him or by the Recovery Officer, an encumbrance Certificate from the Registration Department for the period of not less than seven years prior to the date of attachment of the property sought to be sold, or in cases falling under the proviso to the sub-rule (1) prior to the date of the application for execution. The time for production of the encumbrance certificate may be extended at the discretion of the Sale Officer or the Recovery Officer, as the case may be. The sale shall be by public auction to the highest bidder:

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

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

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

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

- (g) A sum of money equal to 25 percent of the price for which the immovable property is purchased in auction shall be paid by the purchaser to the Sale Officer at the time of the purchase, and in default of such deposit, the property shall forthwith be resold:

Provided that where the decree-holder is the purchaser and is entitled to set off the purchase money under clause

- (k) the Sale Officer shall dispense with the requirements of this clause.

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

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

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

- (i) In the period mentioned in clause (h), the deposit may, if the Recovery Officer thinks fit, after defraying the expenses of the sale, be forfeited to the State Government and defaulting purchaser shall forfeit all claims to the property or to any part of the sum for which it may subsequently be sold.
- (j) Every resale of immovable property in default of payment of the amount mentioned in clause (h) within the period allowed for such payment, shall be made after the issue of a fresh proclamation in the manner and for the period hereinbefore prescribed for the sale
- (k) Where a decree-holder purchases the property, the purchase money and the amount due on the decree shall be set off against one another, and the Sale Officer shall enter up satisfaction of the decree in whole or in part accordingly.
- (3) Where prior to the date fixed for sale, the judgment-debtor or any person acting on his behalf or any person claiming an interest in the property sought to be sold, tenders payment of the full amount due together with interest, bhatta and other expenses incurred in bringing the property to sale, including the expenses of attachment, if any, the Sale Officer shall forthwith release the property after cancelling, where the property has been attached, the order of attachment.
- (4) (i) Where immovable property has been sold by the Sale Officer, any person either owning such property or holding an interest therein virtue of a title acquired before such sale may apply to have the sale set aside on his depositing with the Recovery Officer-
- (a) for payment to the purchaser a sum equal to five percent of the purchase money; and
- (b) for payment to the decree-holder, the amount of arrears specified in the proclamation of sale as that for the recovery of which the sale was ordered together with interest thereon and the expenses of attachment, if any, and sale and other costs due in respect of such amount, less amount which may, since the date of such proclamation, have been received by the decree-holder.
- (ii) If such deposit and application are made within thirty days from the date of sale, the Recovery Officer shall pass an order setting aside the sale and shall repay to the purchaser, the purchase money so far as it has been deposited with the five percent deposited by the applicant:

Provided that, if more persons than one have made deposit and application under this sub-rule, the application of the first depositor to the Recovery Officer, shall be accepted;

(iii) If a person applies under sub-rule (5) to set aside the sale of immovable property, he shall not be entitled to make an application under this sub-rule.

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

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

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

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

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

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

(iii) After the confirmation of any such sale, the Recovery Officer shall-

(a) grant a certificate of sale bearing his seal and signature to the purchaser and such certificate shall state the property sold and the name of the purchaser and it shall be conclusive evidence of the fact of the purchase in all Courts and Tribunals, where it may be necessary to prove it and no proof of the seal or signature of the Recovery Officer shall be necessary unless the authority before whom it is produced shall have reason to doubt its

genuineness;

(b) Serve notice on the person or persons in possession of the immovable property mentioned in the certificate of sale, to deliver possession thereof to the purchaser within 15 days from the date of receipt of notice by him; (iv) An order made under this sub-rule shall be final, and shall be liable to be questioned in any suit or other legal proceedings.

(7) On failure of the person in possession of the immovable property to deliver possession thereof to the purchaser within the period specified in the notice under clause (iii) of sub-rule (6) the Recovery Officer shall use such force as may be necessary to dispossess the person in possession of the immovable property and deliver the same to the purchaser.

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

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

66-A. Attachment and lease of immovable property - (1) Immovable property shall not be transferred by lease for a specified period in execution of a decree unless such property has been previously attached

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

(2) In the attachment and transfer or transfer without attachment immovable property, the following rules shall be observed pre application presented immovable of Rules shall be observed -

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

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

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

by the Recovery Officer under sub-rule (3) of Rule 62 shall not allow any time to the judgment-debtor for payment of the amount due by him and the property of the judgment-debtor shall be attached forthwith

- (c) If the judgment-debtor fails to pay the amount specified in the demand notice within the time allowed, the Sale without attachment, as the case may be, the immovable property specified in the demand notice for execution in the following manner.
- (d) Where the attachment is required before transfer by lease, the Sale Officer shall, if possible, cause a notice of attachment to be served on the judgment-debtor personally, where personal service is not possible, the notice shall be affixed in some conspicuous, part off the judgement-debtors last known residence, if any. The fact of attachment shall also be proclaimed by beat of drum or other customary mode of announcement at some place on or adjacent to such property and at such other place or places as the Recovery Officer may consider necessary to give due publicity to the transfer by lease The attachment notice shall setforth that, unless the amount due with interest and expenses be paid within the date therein mentioned, the property will be brought to transfer by lease. A copy shall be sent to the decree holder. Where the Sale Officer so directs the attachment shall also be notified by public proclamation in a local news-paper, if any.
- (e) Proclamation of transfer by lease shall be published by affixing a notice in the office of the Recovery Officer, Office of the Co-operative Central Bank and in the Tahsil Office at least thirty days before the date fixed for the transfer by lease. It shall also be published by beat of drum in the village. Such proclamation shall, where attachment is required before transfer, be made after the attachment has been affected. Notice shall also be given to the decree-holder and the judgment-debtor. The proclamation shall state the time and place of transfer by lease and specify as fairly and accurately as possible-
 - (i) the property to be transferred by lease;
 - (ii) any encumbrance to which the property is liable;
 - (iii) the amount for the recovery of which the transfer is ordered; and
 - (iv) every other matter, e.g., the period of lease, the terms and conditions of lease, penalty of Rs. 10/- per day per acre to be paid by the lessee in case he detains the land beyond the period for which the lease is granted, etc., which the Sale Officer considers material the nature and value of the property. judge

Explanation - (i) The period of lease in no case shall extend beyond a period of 3 years. By virtue of this lease, the lessee shall not acquire any new tenancy rights/right of permanent lease.

- (ii) At the end of the period specified in the proclamation, the land will revert to the judgment-debtor for which the Recovery Officer w issue a certificate in prescribed form. The retention of the land beyond the period will result in penalty specified above.
- (iii) The terms and conditions for the said lease may include that the lessee pays entire dues of the judgment-debtor to the satisfaction of the decree-holder in one instalment, the exact period of lease, prohibition of any permanent improvement on the land involved in the lease, no right to any compensation or return on the investment made on improvement of land, etc. These terms may be decided by the Registrar under Section 84 of the Chhattisgarh Co-operative Societies (Amendment) Act, 1970.
- (iv) This explanation should form part of the proclamation.
- (f) (i) Where any immovable property is transferred under these rules, the transfer shall be subject to the prior encumbrances on the property, if any. The decree-holder shall, where the amount for the realisation of which the transfer is held exceeds Rs. 5,000/- furnish to the Sale Officer within such time, as may be fixed by him or by the Recovery Officer, an encumbrance Certificate from the Registration Department for the period of not less than one year prior to the date of attachment of the property sought to be transferred or in cases falling under the proviso to sub-rule (1) prior to the date of the application for execution. The time for production of the encumbrance certificate may be extended at the discretion of the Sale Officer or the Recovery Officer, as the case may be. The transfer shall be by public auction to the highest bidder

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

Provided further that the Recovery Officer or the Sale Officer may, in his discretion, adjourn the auction for transfer by lease to a specified day and hour, recording his reasons for such adjournment Where auction for transfer is so adjourned for a longer period than seven days, a fresh proclamation under clause (e) shall be made, unless the judgment-debtor consents to waive it:

Provided also that for want of bidders, or inadequate amount of bid, or for other reasons the decree-holder may abandon procedure of recovery by transfer by lease and apply afresh to the Recovery Officer under sub-rule (2) of Rule 62, for recovery under Rule 66 of these rules. By virtue of the new application under Rule 62, the previous application under Rule 62, for auction under Rule 66-A shall be deemed to have been cancelled.

- (ii) The auction for transfer by lease shall be held after the expiry of not less than thirty days calculated from the date on which notice of the proclamation was affixed in the office of the Recovery Officer. The time and place of auction for transfer by lease shall be fixed by the Recovery Officer and the place of auction shall be

the village where the property to be transferred is situated or such adjoining prominent place of public resort as may be fixed by the said Recovery Officer:

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

- (g) A sum of money equal to 33 per cent of the price for which the immovable property is leased out in auction shall be paid by the lessee to the Sale Officer at the time of the lease and in default of such deposit, the property shall forthwith be auctioned for leasing out against:

Provided that where the decree-holder is the lessee and is entitled to set off the lease money under clause (k) the Sale Officer shall dispense with the requirements of this clause.

- (h) The remainder of the lease required for the e general stamp for the certificate of lease shall be paid within forty five days from the date of lease:

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

- (i) In default of payment of the lease money within the period mentioned in clause (h), the deposit may, if the Recovery Officer thinks fit after defraying the expenses of the lease be forfeited to the State Government and the defaulting lessee shall forfeit all claims to the property or to any part of the sum for which it may subsequently be leased out.
- (j) Every release of immovable property in default, of payment of the amount mentioned in clause (h) within the period allowed for such payment shall be made after the issue of a fresh proclamation in the manner and for the period hereinbefore prescribed for the transfer by lease.
- (k) Where a decree-holder is the lessee of the property the lease money and the amount due on the decree shall be set-off against one another and the Sale Officer shall enter up to satisfaction of the decree in whole or in part accordingly.
- (3) Where prior to the date fixed for transfer by lease, the judgment- debtor or any person acting on his behalf or any person claiming an interest in the property sought to be transferred tenders payment of the full amount due together with interest, Bhatta and other expenses incurred in bringing the property to lease including the expenses of attachment, if any, the Sate Officer shall forthwith release the property after cancelling, where the property has been attached the order of attachment.
- (4) (i) Where immovable property has been transferred by lease by interest therein by virtue of a title acquired before such transfer may apply to have the transfer set aside on his depositing with the Recovery Officer-
- (a) for payment to the lessee a sum equal to five per cent of the lease money, and
- (b) for payment to the decree-holder, the amount of arrears specified in the proclamation of lease as that for the recovery of which the transfer by lease was ordered together with interest thereon and the expenses of attachment, if any, and transfer and other cost due in respect of such amount, less amount which may since the date of such proclamation, have been received by the decree-holder.
- (ii) If such deposit and application are made within thirty days from the date of auction for lease, the Recovery Officer, shall pass an order setting aside the transfer and shall repay to the lessee the lease money so far as it has been deposited with the five per cent deposited by the applicant:
- Provided that, if more persons than one have made deposit and application under this sub-rule, the application of the first depositor to the Recovery Officer, shall be accepted.
- (iii) If a person applies under sub-rule (5) to set aside the transfer of immovable property, he shall not be entitled to make an application under this sub-rule.
- (5) (i) At any time within thirty days from the date of the auction for lease of immovable property, the decree-holder or any person entitled to share in a ratable distribution of the assets or whose interests are affected by the lease may apply to the Recovery Officer to set aside the transfer by lease on the ground of a material irregularity or mistake or fraud in publishing or conducting it:
- Provided that no transfer by lease shall be set aside on the ground of irregularity, or fraud unless the Recovery Officer is satisfied that the applicant has sustained substantial injury by reason of such irregularity, mistakes or fraud.
- (ii) If the application be allowed, the Recovery Officer shall set aside the transfer and may direct a fresh one.
- (6) (i) On the expiration of thirty days from the date of auction for lease, if no application to have the lease set aside is made or if such application has been made and rejected, the Recovery Officer shall make an order confirming the transfer by lease:

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

- (ii) Whenever the transfer by lease of any immovable property is not so confirmed or is set aside, the deposit or the lease money, as the case may be, shall be returned to the lessee.
 - (iii) After the confirmation of any such transfer by lease, the Recovery Officer shall grant a certificate of lease bearing his seal and signature to the lessee, and the judgment-debtor and such certificate shall state the property leased out, and the name of the lessee, the exact period of lease etc. It shall also state that on the expiry of this lease period, the property shall revert to the judgment-debtor automatically. The certificate shall be conclusive evidence of the fact of the lease in all Courts and Tribunals where it may be necessary to prove and no proof of the seal or signature of the Recovery Officer shall be necessary unless the authority before whom it is produced shall have reason to doubt its genuineness.
 - (iv) An order made under this sub-rule shall be final, and shall not be liable to be questioned in any suit or other legal proceedings.
- (7) Where any lawful lessee of immovable property is resisted and prevented by any person other than a person (not being the judgment-debtor) claiming in good faith to be in possession of the property on his own account from obtaining possession of the immovable property leased, any Court of competent jurisdiction on application and Production of the certificate of lease provided for by sub-rule (6) shall issue the proper process to be issued for the purpose of putting such lease in possession, in the same manner as if the immovable property leased out had been decreed to the lessee by a decision of the Court.
- (8) It shall be lawful for the Sale Officer to lease the whole or any portion of the immovable property of a judgment-debtor in discharge of money due:

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

Explanation - For the purposes of this rule and the subsequent rules 'Lease' means a transfer of a right to enjoy any land made for a certain time, expressed, or implied in consideration of a price paid.

66-B. No permanent right to leaseholder Notwithstanding anything contained in these rules, the right of lease acquired under Rule 66-A shall not give any new type of tenancy right or right to permanent lease to the lessee.

66-C. Procedure for reversion of the land to the judgment-debtor -(1) Prior to the expiry of the lease period, the judgment-debtor whose land was leased out under the provisions of Rule 66-A, may apply to the Recovery Officer for reversion of his land to him. He shall enclose a certified copy of the certificate given to him under sub-rule (iii) of Rule 66-A.

- (2) The Recovery Officer shall make an order directly to the lease-holder to handover the possession of the land to the original judgment-debtor.
- (3) He shall also issue a certificate of termination of the lease, and reversion of the land to the original judgment-debtor bearing his seal and signature to the original judgment-debtor. The certificate shall state the property is reverting, the name of the judgment-debtor to whom the property now reverts. The certificate shall be conclusive evidence of the fact of the termination of the lease and reversion of the land to the original judgment-debtor in all the Courts and Tribunals, where it will not be necessary to prove it and no proof of the seal and signature of the Recovery Officer shall be necessary, unless the authority before whom it is produced, shall have reason to doubt its genuineness.
- (4) An order made under this sub-rule shall be final and shall be liable to be questioned in any Court or other legal proceedings.
- (5) Where any lawful original owner and judgment-debtor resisted and prevented by any person from obtaining possession of the immovable property, that was leased out, the Recovery Officer shall put up the original owner, judgment-debtor in possession in the same manner as if the immovable property had been decreed to him by the decision of the Court.
- (6) The retention of the land beyond the period of the lease will be unlawful and subject to penalty of Rs. 10/- per day per acre to be paid to the original owner of the land.

67. Effect of attachment on private alienation - Where an attachment has been made under these rules, any private transfer of delivery of the property attached or of any interest therein and any payment to the judgment-debtor of any debt, dividend or other moneys, contrary to such attachment, shall be void as against all claims enforceable under the attachment.

Explanation - For the purpose of this rule, claims enforceable under an attachment include claims for the rateable distribution of assets under Rule 72.

68. Bhatta, costs and receipts for payments made - (1) Persons employed in serving notices or other processes under these rules shall be entitled to Bhatta at such rates as may from time to time be fixed by the Registrar.

- (2) Where the cost and charges incurred in connection with attachment and sale of movable property or the attachment and sale or sale without attachment of immovable property under these rules exceeds the amount of the cost deposited by the decree-holder, such excess shall be deducted from the sale proceeds of the property sold or the moneys paid by the judgment-debtor, as the case may be, and the balance shall be made available to the decree-holder.

- (3) Every person making a payment towards any money due for the recovery of which application has been made under these rules shall be entitled to receipt for the amount signed by the Sale Officer or other officer empowered by the Recovery Officer in that behalf; such receipt shall state the name of the person making the payment and the subject matter in respect of which the payment is made.
- 68-A. Bhatta, costs and receipts for payments made for lease** - (1) Persons employed in serving notices or other processes under the rules shall be entitled to Bhatta at such rates as may, from time to time, be fixed by the Registrar.
- (2) Where the cost and charges incurred in connection with attachment and transfer of movable property the attachment and transfer or transfer without attachment of immovable property under these rules exceeds the amount of the cost deposited, by the decree-holder, such excess shall be deducted from the lease proceeds of the property transferred or the money paid by the judgment-debtor, as the case may be, and the balance shall be made available to decree-holder.
- (3) Every person making a payment towards any money due for the recovery of which application has been made under these rules, shall be entitled to 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.
- 69. Investigation of claims to property attached** - (1) Where any claim is preferred to, or any objection is made to the attachment of any property attached under these rules on the ground that such property is not liable to such attachment, the Sale Officer shall investigate the claim or objection and make an order either rejecting the claim or objection and dispose it of on merits:
- Provided that the Sale Officer may refuse to investigate the claim or objection if he considers that the claim or objection is frivolous.
- (2) Where the property to which the claim or objection relates has been advertised for 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, the party against whom an order is made may institute a suit within six months from the date of the order to establish the right which he claims to the property in dispute, but subject to the result of such suit, if any, the order shall be conclusive.
- 69-A. Investigation of claims to property attached for transfer by lease** - (1) Where any claim is preferred to or any objection is made to the attachment of any property attached under these rules on the ground that such property is not liable to such attachment, the Sale Officer shall investigate the claim or objection and make an order either rejecting the claim or objection and dispose it of on merits:
- Provided that the Sale Officer may refuse to investigate claim or objection if he considers that the claim or objection is frivolous.
- (2) Where the property, to which the claim or objection relates has been advertised for transfer by lease, the Sale Officer may postpone the transfer by lease pending the investigation of the claim or objection.
- (3) Where a claim or an objection is preferred, the party against whom an order is made may institute a suit within six months from the date of the order to establish the right which he claims to the property in dispute, but subject to the result of such suit, if any, the order shall be conclusive.
- 70. Loss caused by resale due to default by purchaser at first sale** - (1) Any deficiency of price which may arise on a resale held under clause (k) of Rule 64 or under clause (g) or (j) of sub-rule (2) of Rule 66 by reason of the purchaser's default, and all expenses attending such resale shall be certified by the Sale Officer to the Recovery Officer and shall, at the instance of either the decree-holder or the judgment-debtor, be recoverable from the defaulting purchaser. The costs, if any, incidental to such recovery shall also be borne by the defaulting purchaser.
- (2) Where the property may on the second sale, sell for a higher price than at first sale, the defaulting purchaser at the first sale, shall have no claim to the difference or increase.
- 70-A. Loss caused by release due to default of losses at first transfer by lease**- (1) Any deficiency of price which may arise on a resale held under clause (k) of Rule 64 or reauction for lease under clause (g) or (j) of sub-rule (2) of Rule 66-A by reason of the lessee's default and all expenses attending such retransfer by lease shall be certified by the Sale Officer to the Recovery Officer and shall at the instance of either the decree-holder or the judgment-debtor, be recoverable from the defaulting lessee. The cost, if any, incidental to such recovery shall also be borne by the defaulting lessee.
- (2) Where the property may on the second auction for lease fetch a higher price than first auction for lease, the defaulting lessee at the first auction shall have no claim to difference or increase.
- 71. Dismissal of application for execution for default of decree-holder**- Where any property has been attached in execution of a decree, but by reason of the decree-holder's default, the Recovery Officer is unable to proceed further with the application for execution, he shall either dismiss the application or for any sufficient reason adjourn the proceedings to a future date. Upon the dismissal of such application, the attachment shall cease.
- 72. Distribution of assets when there are claims under several decrees** - (1) Where the Sale Officer attaches or has attached under these rules, any property not in the custody of any Court, which is already under attachment in execution

of a decree of any Court, such Court shall receive and realise such property and shall determine claims thereto and any objection to the attachment thereof:

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

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

73. Death of judgment-debtor - Execution against legal representative -(1) Where a judgment-debtor dies before the decree has been fully satisfied, an application under sub-rule (1) of Rule 62 may be made or continued against the legal representative of the deceased and thereupon all the provisions of this chapter shall, save as otherwise provided in this rule, apply as if such legal representative were the judgment-debtor:

Provided that a show cause notice shall be issued to such legal representative and his objections heard, before execution is against him.

(2) Where the decree is executed against such legal representative he shall be liable only to the extent of the property of the deceased which has come to his hands, the Recovery Officer executing the decree may of his own motion or on the application of the decree-holder, compel such legal representative to produce such accounts as he thinks fit

74. Fees for processes issued under these rules - Where, in connection with the proceedings on an application under clause (c) of Section 85, any person requires the issue of any process or objects to any process issued or objects to any order passed, he shall pay such fee as may be specified by the Registrar in this behalf.

CHAPTER XI MISCELLANEOUS

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

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

(3) The service of summons under the Act or these rules on any person, may be affected in any of the following ways:-

(a) by giving or tendering it in person; or

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

(c) if the address of such-person is known to the Registrar or other authorised person, by sending it to him by registered post with acknowledgment due; or

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

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

(5) The serving officer shall in all cases in which the summons have been served under sub-rule (4), endorse or annex, or cause to be endorsed or annexed, on or to the original summons a return stating the time when and the manner in which the summons was served and the name and address of the person, if any, identifying the person served and witnessing the delivery or tender of the summons.

(6) Where the defendant to be summoned is a public officer or is the servant of a local authority, the officer issuing the summons may, if it appears that the summons may be conveniently so served send it by registered post acknowledgment due for service on the party to be summoned to the head of the office in which he is employed together with a copy to be retained by the defendant.

76. Authentication of notice or process - Every notice or process issued under the Act or these rules, shall be in writing, shall be authenticated by the seal, if any, of the officer by whom it is issued, and shall be signed by such officer or by any person authorised by him in writing in that behalf.

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

78. Repeal and savings - The Madhya Bharat Co-operative Societies Rules, 1958, the Vindhya Pradesh Co-operative Societies Rules, 1949, and all other rules corresponding to these rules in force in any region of the State of Chhattisgarh, immediately before the commencement of these rules are hereby repealed:

Provided that anything done or any action taken under any of the rules so repealed shall, unless such thing or action is inconsistent with the provisions of these rules, be deemed to have been done or taken under the corresponding provisions of these rules.

Chhattisgarh Co-operative Societies Rules, 1962

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