

The Tripura Co-operative Societies Rules, 1976

TRIPURA

India

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Rule THE-TRIPURA-CO-OPERATIVE-SOCIETIES-RULES-1976 of 1976

- Published on 30 October 1976
- Commenced on 30 October 1976
- [This is the version of this document from 30 October 1976.]
- [Note: The original publication document is not available and this content could not be verified.]

The Tripura Co-operative Societies Rules, 1976Published vide Notification No. F. 1/(31)/COOP/STAT/74 (2), dated 30th October, 1976, published in the Gazette of Tripura, dated 17-12-1976Last Updated 18th February, 2020Notification No. F. 1/(31)/COOP/STAT/74 (ii), dated 30th October, 1976. - Whereas a draft of the Tripura Co-operative Societies Rules, 1975, was published, as required by Section 165 of the Tripura Co-operative Societies Act, 1974 (Tripura Act No. 8 of 1974), at pages I to 92 of the Extra-ordinary issue of the Tripura Gazette, Part I, dated the 17th December, 1975 with the notification of Government of Tripura in the Department of Co-operation No. 1/(31)/COOP/STAT/74, dated 8th September, 1975 inviting objections and suggestions likely to be effected thereby within thirty days from the date of publication of the notification in the official Gazette;And whereas the said Gazette was made available to the public on the 17th December, 1975;And whereas objections and suggestions received from the public on the said draft have been considered by the State Government;Now, therefore, in exercise of the powers conferred by Section 165 of the said Act, the State Government hereby makes the following Rules, namely:

Chapter I Preliminary

1. Short title, extent and commencement.

(1)These Rules may be called the Tripura Co-operative Societies Rules, 1976.(2)They extend to the whole of the State of Tripura.(3)They shall come into force on and from the date of their publication in the official Gazette.

2. Definitions.

- In these Rules, unless the context otherwise requires, -(a)"Act" means the Tripura Co-operative Societies, Act, 1974;(b)"chief promoter" means a person who has signed first on the application for registration or the person named by the society to whom any communication in respect of registration of a society may be made;(c)"co-operative year" means the year ending on the 30th day of June or, in the case of any society or class of societies, the accounts of which are with the previous sanction of the Registrar, balanced on any other day, the year ending on such day;(d)"decree" means any decree of a civil court, and includes any order, decision or award referred to in sub-section (1) of Section 155;(e)"decree holder" means any person holding a decree;(f)"Form" means a form appended to these Rules;(g)"person" includes a body of persons corporate or otherwise;(h)"Recovery Officer" means any person empowered to exercise, in any district, the powers of the Registrar under Section 55;(i)"Registered society" means a society registered or deemed to be registered under the Act;(j)"State Co-operative Bank" means a Federal Co-operative Bank having jurisdiction over the whole of the Tripura State and recognised as such by the State Government for the purpose;(k)"Sale Officer" means an officer empowered by the Registrar by general or special order, to attach and sell the property of defaulters or to execute any decree by attachments and sale of property;(l)"section" means a section of the Act;(m)"Tehsildar" means an officer appointed by the Government in accordance with Section 4 of the Tripura Land Revenue & Land Reforms Act, 1960;(n)other words and expressions not defined shall have the meaning as assigned to them in the Act.

Chapter II Registration

3. Designation of persons appointed to assist Registrar.

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

4. Application for registration.

(1)Every application for registration of a society under sub-section (1) of Section 8 shall be made in Form 'A' in English or Bengali, and shall, subject to the provisions of sub-rule (2) and (3), be duly signed by the applicants and be accompanied by-(a)four copies of the proposed bye-laws of the society;(b)a certificate, from the bank or banks, stating the credit balance in favour of the proposed society therein;(c)the application shall also mention the name and address of one of the applicants to whom any communication may be sent by the Registrar;(d)the scheme showing the details explaining how the working of the society will be economically sound and, where the scheme envisages the holding of immovable property by the society, the description of immovable property proposed to be purchased, acquired or transferred to the society; and(e)such other documents as may be specified by the Registrar.(2)Where any member of a society to be registered is a registered society, a member of the committee of such registered society shall be authorised by the committee

by a resolution to sign the application for registration and the bye-laws on its behalf, and a copy of such resolution shall be appended to the application.(3)Where any member of a society to be registered is a firm, company, corporate body, society registered under Societies Registration Act, 1860 or public trust registered under any law for the time being in force relating to registration of public trust or local authority, than such firm, company, corporate body, society, public trust or local authority shall duly authorise any person to sign the application for registration and the bye-laws on its behalf, and a copy of the resolution giving such authority shall be appended to the application.(4)The application shall be sent to the Registrar by registered post or delivery by hand.

5. Registration.

(1)On receipt of an application for registration under Rue 4 the Registrar shall enter particulars of the application in the register of applications to be maintained in Form 'B', give a special number to the application and issue a receipt in acknowledgement thereof.(2)The Registrar may give, wherever necessary, opportunity to the promoters to modify the proposed bye-laws before finally registered the society or rejecting the application for registration of the society.(3)On registering a society and its bye-laws under sub-section (1) of Section 9, the Registrar shall, as soon as may be, notify the registration of the society in the official Gazette and grant to the society a certificate of registration in Form 'C' signed by him and bearing his official seal and containing the registration number of the society, and the date of its registration. The Registrar shall also furnish the society with a certified copy of the bye-laws approved and registered by him.

6. Form of report under Section 9 (2).

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

7. Refusal of registration.

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

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

(1)The Registrar may require a society to make bye-laws in respect of all or any of the following matters, that is to stay-(a)the name of the society and address of the society and its branches;(b)the area of operation;(c)the objects of the society;(d)the manner in which and the limit up to which the funds of the society may be raised, the maximum share capital which any member may hold and the purpose to which the funds will be made available;(e)the terms and qualifications for admission to membership;(f)the privileges rights, duties and liabilities of members including nominal and sympathiser members;(g)the consequences of default in payment of any sum due by a

member;(h)conditions regarding sale or disposal of produce of members, wherever applicable;(i)in the case of credit societies,-(i)the maximum loan admissible to a member;(ii)the maximum rates of interest on loans to members;(iii)the conditions on which loans may be granted to members and penalties for misapplication of loans so advanced;(iv)the procedure for granting extension of time for the repayment of loans and advances;.(v)the consequences of default in payment of any sum due;(vi)the circumstances under which a loan may be recalled;(j)in the case of non-credit societies, the mode of conducting business, such as manufacture, purchase, sale, stock-taking and other like matters;(k)in the case of a composite society that is to say, a society having both credit and non-credit functional matters referred to in Clauses (i) and (j);(l)the mode of holding meetings of the general body and of the committee;(m)the procedure for expulsion of members;(n)the manner of making, altering and abrogating bye-laws;(o)the mode of appointment either by election or otherwise and removal of members of the committee and other officers, if any, their duties and powers;(p)the Chairman's powers, duties and functions and his removal on losing support of the majority;(q)the method of recruitment, the conditions of service and the authority competent to fix, revise or regulate the scale of pay and allowances of salaried officers and servants of the society and the procedure to be followed in the disposal of disciplinary cases against them;(r)the mode of custody and investment of funds and mode of keeping accounts and records;(s)the disposal of net profits;(t)the manner in which penalty should be levied on a member who is found to be guilty of breach of bye-laws;(u)appointment of a provisional committee, where necessary;(v)the mode of appointment and removal of committee and its powers and functions;(w)the mode of convening annual and special general meetings, issue of notices, and the business which may be transacted thereat;(x)in the event of winding up of the society, the purpose for which surplus assets, if any, shall be utilised;(y)the number of members to be elected in the committee, appointment of Returning Officer, and election of other bodies of the society;(z)any other matter relating to the management of its business.(2)A society may make bye-laws for all or any of the following matters, that is to say-(a)the circumstances under which withdrawal from membership may be permitted;(b)the procedure to be followed in cases of withdrawal ineligibility and death of members;(c)the conditions, if any, under which the transfer of share or interest of members may be permitted;(d)the method of appropriating payments made by members from whom moneys are due;(e)the authorisation of an officer or officers to sign documents and to institute and defend suits and other legal proceedings on behalf of the society;(f)the constitution and maintenance of various funds as required to be maintained under various provisions of the Act, rules and bye-laws;(g)constitution of representative body consisting of delegates of the members of the society and the mode of election of such delegates to exercise the powers of the general body of members and to specify the powers which may be exercised by such smaller body.

9. First bye-laws of a society.

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

10. Classification and sub-classification of societies.

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

Sl. No.	Class	Sub-Class	Examples of societies falling in the class or sub-class, as the case may be
1	2	3	4
1.	Agricultural Marketing Society	—	All Marketing Societies and all Purchase and Sale Societies of Agricultural Produce.
2.	Consumers' Society		Stores and Canteens and all non-Agricultural Purchase and Sale Societies.
3.	Co-operative Bank	(a) State Co-operative Banks (b) Central Co-operative Banks (c) Other Banks	State Co-operative Banks, District Central Banks, Land Development Banks and other banks having provision in their bye-laws to advance loans to co-operative societies.
4.	Farming Society	(a) Collective Farming Society (b) Joint Farming Society	Farming societies where major area of land is acquired from outside agency for cultivation by members. Societies where the major area of land brought together for cultivation is held by members.
5.	Housing Society	(a) Tenant Ownership Housing Society (b) Tenant Co-partnership Housing Society (c) Other Housing Societies	Housing Societies where land is held either on lease-hold or free-hold basis by societies and houses are owned or are to be owned by members. Housing Societies which hold both land and buildings either on lease-hold or free-hold basis and allot them to their members. House Mortgage Societies and Home Construction Societies.
6.	Processing Society	(a) Agricultural Processing Society (b) Industrial Processing Society	Societies, which process agricultural produce like Co-operative paddy-husking, oil crushing, cotton ginning fruit-canning societies. Tanners' Co-operative Societies.
7.	Producers' Society	(a) Industrial Producers' Society (b) Labourers' Industrial Society	Weavers, Carpenters, potters, tailors, brass Makers' Societies. Forest Labourers' Societies and Labour Contract Societies.

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| | (c) Agricultural Producers Society' | Cattle breeding, Poultry, Dairy Farming and Piggery Societies. |
| 8. Resource Society | (a) Credit Resource Society | Agricultural Credit. |
| | (b) Non-credit Resource Society | Seeds and Implements and Agricultural Requirements Societies. |
| | (c) Service Resource Society | Service Co-operative and Multipurpose Co-operative Societies. |
| 9. General Society | (a) Social | Better Living Societies and Education Societies. |
| | (b) Commercial | Insurance and Motor Transport Societies. |
| | (c) Others | Not falling in either of the above sub-classes. |

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

11. Maintenance of register.

(1) The register to be maintained by the Registrar under sub-section (4) of Section 9 shall be in Form "E". (2) The Registrar shall divide the register into parts, one for each district in the State. A society shall be registered in that part for a district in which its head office is situated (3) The Registrar shall assign for each district and each class or sub-class of societies, a code symbol, for giving registration numbers to the societies and the societies shall be registered from the dates specified by him.

12. Amendment of bye-laws.

(1) Subject to the provisions of this rule, bye-laws of a society may be amended by passing a resolution at a general meeting of the society held for that purpose. (2) The society shall give due notice in accordance with its bye-laws to all the members for considering any amendment thereof. (3) An amendment shall be deemed to have been duly passed if a resolution in that behalf is passed at a general meeting by not less than two-thirds of the members present thereat, and voting. (4) After the resolution is passed, a copy thereof shall, within a period of two months from the date of the meeting at which the resolution was passed, be furnished to the Registrar along with- (a) an application in Form "F" (b) a copy of the relevant bye-laws in force with amendments proposed to be made in pursuance of the resolution, together with reasons justifying such amendments; (c) four copies of the text of the bye-laws as it would stand after amendment, signed by the officers duly authorised in this behalf by the committee of the society; (d) a copy of the notice given to the members of the society of the proposal to amend the bye-laws; (e) such other information as may be required by the Registrar. (5) On receipt of a copy of the resolution and other particulars referred to in sub-rule (4), the Registrar shall examine the amendment proposed by the society and if he is satisfied that the amendment is not contrary to the Act or the rules and is in the interest of the society and co-operative movement, he may register the amendment and grant to the society a certificate of registration in Form "G" and issue to the society a copy of the amendment

certified by him under sub-section (2) of Section 13. Where the Registrar is of opinion that the proposed amendment may be accepted subject to any modification, he may indicate to the society such modification after explaining in writing his reasons therefor.

13. Manner of calling upon society to make amendment to bye-laws.

(1) Subject to the provisions of this rule, the Registrar may, by serving a notice in Form 'H', call upon a society to make such amendment to the bye-laws of the society as he considers to be necessary or desirable in its interest, within the period not exceeding two months from the date of service of such notice. The notice shall state the exact amendment which the society should make. (2) For the purpose of sub-section (2) of Section 14, the Registrar shall send a copy of the notice to the federal society duly notified under that sub-section with a request to officer its comments on the amendment within such time as may be specified by him. If the federal society fails to offer its comments within the specified time, it may be presumed by the Registrar that the said society has no objection to the amendment. (3) If, after considering the comments of the federal society, if any, the Registrar considers that there is no objection to registering the amendment, he shall send a written notice in Form 'I' by registered post to the registered address of the society calling upon it to show cause in writing, or through an authorised representative to appear before the Registrar on the date specified in the notice, as to why the proposed amendment should not be registered within the time specified in the notice in Form 'H'. (4) After the expiry of the period specified in the notice in Form 'H' and after considering the reply, if any, of the society and the views, if any, of the federal society, on such reply the Registrar may, after duly considering the objections of the society (if any) to the proposed amendment, register the amendment.

14. Change in name of society.

(1) The name of a society may be changed under Section 15 so however that it does not refer to any caste or religious denomination and is not inconsistent with the objects of society. (2) Every change in the name of a society shall be made by an amendment of its bye-laws and shall be notified in the official Gazette. (3) After the change in the name is approved by the Registrar, the society shall send the original registration certificate for amendment to the Registrar, who shall return the same to the society duly amended. (4) The Registrar shall enter the new name in the Registrar of Societies maintained by him.

15. Change of liability.

(1) The change of liability of a society from unlimited to limited and vice-versa or in terms of multiple of share capital, shall be secured by passing a resolution in that behalf at a general meeting of the society indicating in clear terms the manner of changing the liability. The society shall give thirty days' notice in writing of such meeting to all its members and creditors and shall furnish therewith copies of the resolution proposed to be moved at the meeting. After the resolution is duly moved and passed a copy thereof shall be sent to the Registrar within thirty days of its passing. (2) Every notice to be given by the society under sub-section (2) of Section 16 shall be sent by post under certificate of posting or otherwise to the address of each of its members and creditors as

recorded in the books of the society. A copy of such notice shall be exhibited on the notice board of the society and a copy shall also be sent to the Registrar for exhibition on the notice board in his office; and thereupon, notice of the resolution to change the form or extent of its liability shall be deemed to have been duly given to all its members and creditors, notice not being sent to their correct address or notice not being received by them, notwithstanding.(3)For the purpose of determining the claims of a member under Clause (b) of sub-section (4) of Section 16 the value of a share of a member in a society shall be ascertained as follows:(a)in the case of a society with unlimited liability, the value of a share shall be the actual amount received by the society in respect of such share;(b)in the case of a society with limited liability, the value of a share shall be the amount arrived at by a valuation based on the financial position of the society as shown in the last audited balance sheet; provided that it shall not exceed the actual amount received by the society in respect of such share.(4)Any member or creditor desiring to exercise his option under sub-section (2) of Section 16 shall inform the society accordingly in writing, and when he does not propose to withdraw his entire shares or deposits, the member or creditor shall clearly indicate in writing the extent of his withdrawal. The society shall examine and draw up a scheme for orderly payment of all claims in an equitable manner including shares, the value of which shall be ascertained in accordance with the provisions of sub-rule (3). The scheme may also provide for settlement of claims by mutual agreement. Where the Registrar does not approve the scheme on the ground of impracticability or undesirability, the resolution passed by the society under sub-rule (1) shall be ineffective, and the form and extent of liability of a society shall not be deemed to be changed in accordance with the resolution passed aforesaid.(5)After the Registrar approved the schemes, the society shall make payments to members and creditors as provided in Clause (b) of sub-section (4) of Section 16, make a report to that effect to the Registrar and furnish the Registrar with a proposal to amend the bye-laws of the society duly passed in that behalf. On receipt of the proposal, the Registrar shall register the amendment in accordance with the provisions of Section 13.

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

(1)Every society desiring to effect amalgamation, transfer of assets and liabilities, division or conversion shall make an application to the Registrar in that behalf, giving full details about such amalgamation, transfer, division, or conversion, as the case may be.(2)On receipt of such application, the Registrar may after examining the details furnished in the application and other particulars which he may call upon the society to furnish, give his approval to the amalgamation, transfer, division or conversion, if he considers such amalgamation, transfer, division or conversion, as the case may be, to be in the interest of the society.(3)After the receipt of Registrar's approval under sub-rule (2), the society shall convene a special general meeting by giving notice of at least 15 clear days to all its members and creditors and pass a resolution for amalgamation, transfer of assets and liabilities, division or conversion, as the case may be, by two-third majority of the members present and voting at the meeting. The resolution so passed shall contain the purpose and the full scheme indicating how the proposed amalgamation, transfer or division or conversion would be useful to the society and be given effect to. Where the scheme does not involve transfer of liabilities of the society to another society, a statement to that effect shall be made in the application to be made under sub-rule (1). Where the scheme involves transfer of liabilities of the society, the society

shall give written notice in Form 'J' to all its members, creditors and other persons whose interests are likely to be affected by such transfer. The notice shall also be published in at least one newspaper in-circulation in the district in which the society's office is situated and a copy thereof shall be exhibited on the notice board in the society's and Registrar's office: Provided that the State Government may, in the case of any society, dispense with the giving of such notice, regard being had to the extent of liabilities, the financial position of the society and its members and other relevant factor pertaining to such society. (4) Within one month from the date of notice referred to in sub-rule (3), the members, creditors and other persons whose interests are likely to be affected by the transfer of the society's liability, may exercise their option as required by Clause (i) of the proviso to sub-section (1) of Section 17 failing which they shall be deemed to have assented to the transfer of liabilities of the society to another society. (5) The society shall meet in full or otherwise satisfy all claims of members and creditors and other interested persons who exercise the option. (6) The society shall submit a report to the Registrar of the action taken by it and request him to give effect to its decision for amalgamation, transfer, division or conversion by registering the amalgamated or converted society or the new society, as the case may be, and cancelling the registration of the societies which have been amalgamated, divided or converted. (7) On receipt of the report from the society under sub-rule (6), the Registrar shall, after satisfying himself that the procedure has been properly followed, register the amalgamated, divided or converted societies and cancel the registration of the societies which have been amalgamated, divided or converted.

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

(1) Before issuing any order under sub-section (1) of Section 18 providing for the amalgamation, division or reorganisation of any society or societies, the Registrar shall prepare a draft scheme in respect of such amalgamation, division or reorganisation stating in particulars the manner in which the new committee or committees of the society or societies resulting from such amalgamation, division or reorganisation shall be constituted and the bye-laws which such society or societies shall follow. The Registrar shall then consult such federal society as may be notified by the State Government in the official Gazette, and after considering the suggestions, if any, that will be made by the federal society or societies shall send a copy of the draft of the order proposed to be issued by him under sub-section (1) of Section 18 to the society or each of the societies concerned calling upon it or them to invite objections or suggestions from any member or class of members thereof or from any creditor or class of creditors and to submit such objections and suggestions together with its own or their own suggestions and objections within a period of not less than two months from the date on which the copy of the draft aforesaid was received by it or them. (2) The Registrar shall consider all such suggestions and objections and make such modifications in the draft order as may seem to him desirable in the light of those suggestions or objections and then issue a final order under sub-Section (1) of Section 18 with the approval of the State Government. (3) Any member or creditor of each of the societies to be amalgamated, divided or reorganised, who has objected to the scheme of amalgamation, division or reorganisation within the period specified in sub-rule (1) may apply to the Registrar for payment of his share or interest, if he be a member, and the amount in satisfaction of his dues, if he be a creditor. Such application shall be separate and distinct from the objection or suggestions which he may have submitted to the society or the Registrar under Clause

(b) of sub-section (2) of Section 18. It shall be competent for the Registrar to nominate an officer not below the rank of an Assistant Registrar to investigate such application and to determine the payments required to be made to the members or creditors, as the case may be.(4)Subject to the provisions of the Act, the rules and the bye-laws, the Registrar may, by order, require the society concerned to meet in full or satisfy otherwise all due claims of the members and creditors and thereupon the society shall be bound to meet in full or satisfy otherwise all due claims of the members and creditors within such time as may be specified by the Registrar in the order.

18. Reconstruction of a society.

(1)An application for reconstruction of a society under Section 19 may be made in Form 'H'. On receipt of such application, the Registrar may, taking into consideration the compromise or arrangement for reconstruction of the society, if he thinks fit, prepare a draft order indicating-(i)the manner in which the amounts payable by the society to its creditors should be paid not the amounts recoverable from its debtor members should be recovered.(ii)the manner in which the share capital, if any, of such members should be reduced.(iii)the manner in which the scheme of reconstruction should be implemented, and(iv)the manner in which the bye-laws of the society will stand amended in order to give effect to the scheme of reconstruction.A copy of the draft order shall be exhibited on the notice board of the society and a copy thereof shall be exhibited on the notice board of the Registrar's office inviting objections and suggestions from all those interested within a specified time which shall not exceed one month.(2)After taking into consideration the objections and suggestions (if any) received, the Registrar may issue an order approving such reconstruction or staying further proceedings in respect of such reconstruction. On issue of an order approving the reconstruction, the society shall stand reconstructed and the bye-laws of the society shall be modified to that effect and to that extent.

Chapter III

Members and their Rights and Liabilities

19. Conditions to be complied with for admission for membership, etc.

- No person shall be admitted as a member of a society, unless-(i)he has applied in writing in the form laid down by the society or in the form specified by the Registrar, if any, for membership;(ii)his application is approved by the committee of the society in pursuance of the powers conferred on it in that behalf and subject to such resolution as the general body of members may, in pursuance of the powers conferred on it in that behalf from time to time, pass, and in the case of nominal, associate or sympathiser member, by an officer of the society authorised in that behalf by the committee;(iii)he has fulfilled all other conditions laid down in the Act, the rules and the bye-laws ; and(iv)in case of a firm, company or body corporate, society registered under the Societies Registration Act, 1860, a public trust registered under any law for the time being in force relating to registration of public trusts or a local authority, the application for membership is accompanied by a resolution authorising it to apply for such membership.

20. Procedure for admission of minors and persons of unsound mind inheriting the share or interest of deceased member.

- In accordance with the procedure laid down in its bye-laws and in the Act for admission of any member, a society may admit minors and persons of unsound mind inheriting share or interest of deceased members as its members through their legal representatives or guardians, respectively. The members so admitted will enjoy such rights and liabilities through such legal representatives or guardians as are laid down in the bye-laws of the society that are consistent with the Act and rules.

21. Withdrawal of membership.

(1) Subject to the provisions of the Act, the rules and the bye-laws of the society, a member may withdraw from the society, after giving three months' notice to the Secretary of the society of his intention to resign his membership of the society. (2) No resignation of a membership shall be accepted by the society unless the member has paid in full, his dues, if any, to the society and has also cleared his liability, if any, as surety to any other member or otherwise. (3) The withdrawal from membership shall also be subject to such restrictions regarding the maximum amount of share capital that can be refunded in a year or as may have been provided for in the Act, the rules or bye-laws of the society. (4) Any member whose resignation has been accepted by the society, or any heir or legal representative of a deceased member, may demand refund of the share capital held by such member or deceased member and the society shall, subject to the provisions of sub-section (3) of Section 29 and subject to the provisions of the bye-laws, refund the amount within six months from the date of the acceptance of the resignation or, as the case may be, the date of demand made by the heir or legal representative of the deceased member. (5) In all cases where share capital is to be refunded, valuation of the shares to be refunded shall be made in accordance with the provisions contained in Rule 23.

22. Voting rights of individual members in a federal society.

(1) In the case of federal societies, the voting rights of individual members (which terms shall include firm, company or body corporate, society registered under the Societies Registration Act, 1860, Government, local authority, and public trust registered under any law for the time being in force relating to registration of public trust but shall not include a society) may be regulated as follows: (a) immediately after the 30th June of every year and as soon as possible before annual general meeting, individual members admitted to membership up to the 30th June of the preceding year shall be elect delegates equal to one-fourth of the number of societies admitted to membership up to the relevant date. The delegates so elected will continue in office till their successors are elected after 30th June next; (b) every society through its properly authorised representative and every delegate referred to in Clause (a) above shall have one vote in the general meeting; (c) the quorum for the meeting shall be one-fifth of the total number of delegates and representatives of the societies or 25 (twenty-five) whichever is less: Provided that the delegates shall not at any time in the meeting exceed one-fourth of the number of representatives of the societies; (d) the election of delegates shall be held in accordance with the provisions of the bye-laws; (e) any vacancy of a

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

23. Valuation of shares.

(1)Where a member of a society ceases to be a member thereof, the sum representing the value of his share or interest in the share capital of the society to be paid to him or his nominee, heir or legal representative, as the case may be, shall be ascertained in the following manner, namely:(i)in the case of a society with unlimited liability, it shall be the actual amount received by the society in respect of such share or interest;(ii)in the case of a society with limited liability, it shall be the amount arrived at by a valuation based on the financial position of the society as shown in the last audited balance sheet preceding the cessation of membership:Provided that the amount so ascertained shall not exceed the actual amount received by the society in respect of such share or interest.(2)Where a person is allotted a share by a society, the payment required to be made therefor shall not exceed the face value of the share notwithstanding anything contained in the bye-laws of the society.(3)When a share is transferred by a member to another member duly admitted as a member of a society, the transferee shall not be required to pay anything in excess of the value of the share determined in accordance with sub-rule (1).

24. Procedure for transfer of shares.

(1)No transfer of shares shall be effective unless,-(a)it is made in accordance with the provisions of the bye-law;(b)a clear fifteen days' notice in writing is given to the society indicating therein the name of the proposed transferee, his consent, his application for membership, where necessary, and the value proposed to be paid by the transferee;(c)all liabilities of the transferor due to the society are discharged; and(d)the transfer is registered in the books of the society.(2)Any charge in favour of the society on the share so transferred will continue unless discharged otherwise.

25. Nomination of persons.

(1)For the purpose of transfer of his share or interest under sub-section (1) of Section 30, a member of a society may, by a document signed by him or by making a statement in a book kept for the purpose by the society, nominate any person or persons. Where the nomination is made by a document, such document shall be deposited with the society during the member's life time and where the nomination is made by a statement, such statement shall be signed by the member and attested by one as witness.(2)The nomination made under sub-rule (1) may be revoked or varied by any other nomination made in accordance with that sub-rule.(3)(i)Where a member of a society has not made any nomination, the society shall, on the member's death, by a public notice exhibited at the office of the society, invite claims or objections for the proposed transfer of the share or interest of the deceased within the time specified in the notice.(ii)After taking into consideration the claim or objections received in reply to the notice or otherwise, and after making such inquiries as the

committee considers proper in the circumstances prevailing, the committee shall decide as to the person who in its opinion is the heir or the legal representative of the deceased member and proceed to take action under Section 30.

26. Registration of nominations.

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

27. Supply of copies of documents by societies and fees therefor.

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

for every 200 words or less English 50 paise

 Bengali 50 Paise

On receipt of the deposit, the society shall issue a receipt for the same. (2) Where the copies are prepared, the amount due from the member according to the scale laid down in sub-rule (1) shall be retained by the society as copying fees and the surplus amount, if any, remaining out of the deposit shall be refunded to the member at the time of supplying copies. Where the amount deposited by the member is found to be insufficient to cover the copying fees, the member shall be called upon to pay the deficit before taking delivery of the copies. (3) The copies shall be certified and signed as true copies by any person duly authorised in this behalf by the committee or under the bye-laws of the society.

28. Expulsion of members.

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

29. Procedure for expulsion of members.

(1) Where any member of a society proposes to bring a resolution for expulsion of any other member, he shall give a written notice thereof to the Chairman of the society. On receipt of such notice or when the committee itself decides to bring in such resolution, the consideration of such resolution

shall be included in the agenda for the next general meeting and a notice thereof shall be given to the member against whom such resolution is proposed to be brought, calling upon him to be present at the general meeting to be held not earlier than a period of one month from the date of such notice and to show cause against expulsion to the general body of members. After hearing the member, if present, or after taking into consideration any written representation which he might have sent, the general body of members shall proceed to consider the resolution.(2)When a resolution passed in accordance with sub-rule (1) is sent to the Registrar or otherwise brought to his notice, the Registrar may consider the resolution and after making such inquiries as he may deem fit, give his approval and communicate the same to the society and the member concerned. The resolution shall be effective from the date of such approval.

30. Inspection of documents in the Registrar's office by members of societies and the scale of fees for supply of copies of documents.

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

Documents	Fees
(i) Application for registration of a society	50 paise each
(ii) Certificate of registration	50 paise each
(iii) Bye-laws of societies	50 paise per 200 words or less
(iv) Amendment of bye-laws of a society	50 paise per 200 words or less
(v) Order of cancellation of the registration of society	50 paise per 200 words or less
(vi) Audit memorandum of a society	50 paise per 200 words or less
(vii) Annual balance sheet	50 paise per 200 words or less
(viii) Order under Section 90	50 paise per 200 words or less
(ix) Order referring a dispute for decision	50 paise per 200 words or less
(x) Order of supersession of a committee or removal of any member thereof	50 paise per 200 words or less
(xi) Any other order against which an appeal is provided	50 paise per 200 words or less

Chapter IV

Incorporation, Duties and Privileges of Societies

31. Procedure for change of address of societies.

(1) Every society shall communicate in writing to the Registrar its postal address as indicated in its bye-laws registered under the Act and wherever applicable mention the name of the districts, town or village, municipal ward, or street, and postal circle. While communicating the postal address of the society, the committee of the society shall also send a copy of a resolution passed by it for adoption of the address communicated to the Registrar. (2) On receipt of the communication from the society under sub-rule (1), the Registrar shall register the address communicated by the society in a register to be maintained for that purpose and inform the society of such registration. (3) Every change in its registered address shall be communicated by the society to the Registrar in the manner laid down in the sub-rule (1). Any such change shall not be treated as registered unless—(i) it is indicated in the bye-laws by amending them and the amendment so made is registered under the Act, and (ii) the change is registered in the manner laid down in sub-rule (2). (4) The registered address of a society or such change therein as may be registered, from time to time, shall be exhibited on the notice board of the society, immediately after registration.

32. Register of members.

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

33. List of members.

- The list of members to be kept by every society under Section 41 shall be in Form "M".

34. Certified copies of entries in books of societies.

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

35. Conditions for borrowing by societies with limited liability.

(1) No society other than those referred to in Rules 36 and 37 with limited liability shall, without the previous sanction of the Registrar, incur liability exceeding in total ten times the total amount of its paid up share capital, accumulated reserve fund and building fund minus accumulated losses: Provided that Urban Banks and Producers' Societies shall not, except with the previous sanction of the Registrar, incur liabilities exceeding fifteen times the total of their paid up share capital, accumulated reserve fund and building fund minus accumulated losses. Explanation. - In

calculating the total amount of liabilities for the purposes of this sub-rule, in the case of any society or class of societies the bye-laws of which permit borrowing or granting credit facilities on the pledge of agricultural produce or other goods, specified in that behalf by the Registrar, by general or special order, a sum equal to the amount borrowed by such society or class of societies, on the security of agricultural produce or other goods of such society or its members, shall be excluded from the amount of the actual liability under this rule.(2)Any society may incur liabilities in excess of the limit specified in sub-rule (1) by receiving deposits or borrowing loans subject to the condition that the amount received as deposits or borrowed as loans in excess of the said limit shall not be utilised in the business of the society but shall be invested in Government securities. No society shall borrow against such securities.

36. Conditions for borrowing from Tripura State Co-operative Bank Ltd.

- Except with the previous sanction of the Registrar, the Tripura State Co-operative Bank Ltd. shall not incur liabilities exceeding in total fifteen times the total amount of its paid up share capital, and all reserves finds minus accumulated losses, actual bad debts, if any, and overdue interest:Provided that the Bank may incur liabilities in excess of the aforesaid limit by receiving deposits or borrowing loans subject to the condition that the amount received as deposit or borrowed as loans in excess of the said limit shall not be utilised in the business of the Bank but shall be invested in Government securities which shall be deposited with the Reserve Bank of India. The Bank shall not borrow against such securities.Explanation. - In calculating the total amount of liability for the purposes of this rule, a sum equal to the amount borrowed by the Bank, on the security of agricultural produce or other goods of the members of the Bank shall be excluded from the amount of the actual liability under this rule.

37. Conditions for borrowing from Laird Development Banks.

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

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

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

39. Raising of funds by societies.

(1)Every society, which has a share capital, shall provide in the bye-laws the maximum amount of

such share capital, the number of shares into which it is divided, the class of shares, the face value of each share of each class and rights and liabilities attaching to each class of shares and where the full amount of the share is not payable on allotment, the amount and the number of instalments in which it is required to be paid and such other incidental matters.(2)Any society, which is authorised under its bye-laws to raise funds, by the issue of debentures and bonds, may, with the prior sanction of the Registrar, frame regulations regarding the maximum amount to be raised by the issue of debentures and bonds, the class or classes of debentures and bonds, the face value of each debenture or bond, the date on which the debentures or bonds are to be redeemed, the rate at which interest is payable, the terms and conditions regarding transfer of debentures and bonds and other incidental matters.(3)The total amount of debentures and bonds issued at any time together with the other liabilities incurred by the society shall not exceed the maximum amount which the society can borrow under the provisions of Rule 35, 36, 37 or 38, as the case may be, and its bye-laws.

40. Additional conditions for raising funds by societies.

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

41. Maintenance of liquid resources and distribution of assets.

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

42. Regulation of loans to be granted by societies.

(1)In case of grant of loans against security of movable or immovable property, the lending society shall maintain such margin as the Registrar may, with the approval of the State Co-operative Bank, by general or special order, direct from time to time, with reference to different commodities, securities or classes of securities.(2)In case of cash credit, the amount of loans shall not exceed such multiple of owned funds of the borrowing society as may be laid down by the Registrar with the approval of the concerned financing agency from time to time.(3)It shall be lawful for a society to grant loans without taking security of movable or immovable property if the purpose for which the loan given is considered production-worthy or credit-worthy and it is reasonably expected that the loans will be repaid by the loanee. The Registrar may, with the approval of the State Co-operative Bank, issue directions to societies to ensure that credit-worthy purposes indicated above received finance from the societies without any difficulties on the one hand, and without being detrimental to the financial interest of the societies, on the other.(4)The Registrar may recognise any financing bank for financial credit requirements of all credit-worthy purposes through the credit societies in its jurisdiction. On such recognition such bank shall be responsible for making all possible efforts to mobilise local resources for making loans available to the societies in its area. Such loans may be granted for credit-worthy purposes, giving due importance to the production plans and

requirements of various strata of the producer and co-operative discipline with reference to linking up of credit with co-operative processing or co-operative marketing.(5)Except with the general or special permission of the Registrar, the loan advanced to a member by a society or to a society by a bank, shall be subject to such conditions as may be laid down by the Registrar, with the approval of the State Co-operative Bank, including the maximum amount to be advanced and the period of repayment, both in regard to total advances and to members and societies as also against different types of securities.(6)No society shall carry on transactions on credit or sanction trade credit to its members or to non-members except in accordance with the general directions that may be issued by the Registrar in that behalf.(7)In the matter of grant of loans to societies by State Co-operative Bank or to members by Primary societies, the Registrar may lay down, with the approval of the State Co-operative Bank, the procedure regarding receiving applications, assessing credit needs, making inquiries in respect of the production programme for which such loan is required and the procedure for finally sanctioning the loan as also the rates of finance to be followed from year to year and the nature of inquiries to be made for the purpose of financing of different crops and imposition of certain conditions regarding proper utilisation of loan and sale of agricultural produce through specified co-operative organisation, before such finance is granted(8)The Registrar may, with the approval of the State Co-operative Bank, by general or special order, prohibit or regulate, grant of loans by a financing bank or a society where such grant is considered neither in the interest of the society nor in the interest of the development of co-operative movement on sound lines.

43. Conditions, to be complied with by members applying for loans.

(1)Every member of a society applying for a loan from the society shall be required to hold shares in such manner and in such proportion to the amount of loan applied for by him as may be specified in the bye-laws of the society.(2)Subject to the maximum limit specified in the bye-laws, a loan to be granted to a member of a resource society and the period of its repayment shall be in accordance with the standard laid down by the Registrar in consultation with the State Co-operative Bank and the federal society. A loan in excess of the maximum amount may be granted to a member with the previous sanction of the State Co-operative Bank and the federal society to which the society is affiliated:Provided that where the amount of the loan exceeds twice the maximum limit contained in the bye-laws, prior sanction of the Registrar shall also be obtained.

44. Credit limits by non-credit societies.

(1)No society, whose objects do not include grant of loan or financial accommodation to its members, shall grant loans or sanction credit to any member without the sanction of the Registrar:Provided that any society which has, as one of its objects, supply of goods or services required by members for production purposes, may supply goods or provide services on credit against sufficient security on condition that the cost of the goods supplied or services provided shall be recoverable from the amount of the sale proceeds of the agricultural produce or other goods produced by the member.(2)A consumer society may sell goods on credit to its members and other consumers up to the extent of deposits received from them.

45. Restrictions on borrowing from more than one credit society.

(1) Every person who is a member of more than one resource society (other than a Land Development Bank or a Co-operative Bank or a marketing society) dispensing credit, shall, if he has not already made, make a declaration in Form 'N' that he will borrow only from one such society to be mentioned in the declaration and shall send a copy of such declaration duly attested to all societies of which he is or has become or member. (2) Any person who continues to be a member of more than one such society without complying with the provisions of this rule, shall be liable to be removed from the membership of any or all such societies upon receiving a written requisition from the Registrar to that effect: Provided that the society from which a person has borrowed may permit him to borrow from any other society of which he is a member to such extent and subject to such conditions as may be laid down by it. (3) The Registrar may, for reasons to be recorded in writing, exempt any person or persons from the operation of this rule or prohibit any person or persons from borrowing from more than one society, notwithstanding that permission of the society under proviso to sub-rule (2) has been obtained by him.

46. Manner of recalling of loan.

(1) Notwithstanding anything contained in the agreement entered into with the borrowing member, the committee of a society shall be entitled, after giving a week's notice to such member, to recall the entire loan amount immediately, when it is satisfied that the loan given has not been applied for the purpose for which it was given or there has been breach of any of the conditions for grant of such loan. (2) Nothing in this rule shall be deemed to preclude the Registrar from directing the society to recall a loan of his own motion, when it is brought to his notice that the loan given by the society has been misapplied or conditions thereof, have not been followed. The Registrar may make in the matter such inquiries as he may deem necessary and after giving a show cause notice to the society, issue with the prior approval of the Co-operative Bank financing the society, necessary directions to the society. The directions issued by the Registrar in this respect shall be complied with by the society.

47. Restriction on transactions with non-members.

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

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

(1)A declaration to be made under Clauses (a) and (b) of Section 50 shall be in Form 'O'.(2)A register of such declaration shall be kept by the society in Form 'P'.(3)A charge on any immovable property created by a member in favour of a society for amounts borrowed or likely to be borrowed by him, from time to time, shall, subject to the provisions of Clauses (c) and (d) of Section 50, continue in force till the person creating the charge ceases to be a member of the society.(4)Where a member of a society created a charge on his land or on his interest in any land as a tenant by declaration under Section 50, the society may, if compelled to make use of such property for the recovery of the loan granted to such member against the security of such property or interest in the property, utilise the whole or any portion of such property which may be sufficient to satisfy the amount due with interest and any incidental expenses incurred in that connection.(5)Where a charge is created by a member on his land or on his interest in any land as a tenant by declaration under Section 50, the society shall record or cause to record such particulars of charge in the record-of-rights maintained by the Tahsildar of the area where such property is situated. Such recording of the charge in the record-of-rights of the village shall be treated as a reasonable notice of such charge created under Section 50.

Chapter V

Property and Funds of Societies

49. Writing-off of bad debts and losses.

(1)All loans including interest thereon and recovery charges in respect thereof which are found irrecoverable and are certified as bad debts, by the auditor appointed under Section 79, shall first be written-off against the Bad Debt Fund and the balance, if any, may be written-off against the Reserve Fund and the share capital of the society.(2)All other dues and accumulated losses or any other loss sustained by the society which cannot be recovered and have been certified as irrecoverable by the auditor may be written-off against the Reserve Fund or share capital of the society:Provided that-(i)no bad debts or losses be written-off without the sanction of the general body;(ii)before any such bad debts or losses are so written-off, the society, if it is affiliated and indebted to a Co-operative Bank shall first obtain the approval of that bank in writing and also the approval of the Registrar. If the society is affiliated but not indebted to the Co-operative Bank and in all other cases, it shall obtain the approval of the Registrar in writing :Provided further that, in case of societies classified as A or B at the time of last audit, no such permission need be taken if the bad debts are to be written-off against the Bad Debt Fund specially created for the purpose:Provided also that the Registrar may while giving the approval, impose such conditions as to the recoupment of the Bad Debts Fund and restoration of part or whole of the amount written-off against the Reserve Fund, from out of future profits as he deems fit.

50. Appropriation of profits.

(1)The other purposes for which a society may appropriate its profits shall be education and enlightenment of the members of the society as also any Co-operative or charitable purpose including relief to the poor, education, medical relief and advancement of any other general public

utility; provided that the expenditure on such item does not exceed 10 per cent of the net profits.(2)No bonus no shares shall be given over and above the dividend.Explanation. - Nothing in this rule shall prohibit giving of any bonus as contemplated in Clause (3) of Section 2.

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

- In addition to the sums referred to in sub-section (1) of Section 57, the following sums shall be deducted by a society from its profits before arriving at its net profits for the purpose of sub-section (2) of Section 57-(i)contribution, if any, to be made to any sinking fund or guarantee fund constituted under the provisions of the Act, these rules or bye-laws of the society for ensuring due fulfilment of guarantee given by Government in respect of loans raised by the society;(ii)provision considered necessary for depreciation in the value of any security, bonds or shares held by the society as part of its investments;(iii)any provision required to be made for the redemption of share capital contributed by Government or by a federal society.

52. Bonus and Dividend Equalisation Fund.

(1)A society may create out of its net profits a fund to be called "the Bonus Equalisation Fund" for payment of bonus to persons other than its paid employees who are not its members.(2)Except otherwise specifically authorised by the Registrar, the funds so created shall be utilised in accordance with the provisions of the bye-laws of the society only for payment of such bonus.(3)A society may create the Dividend Equalisation Fund and credit to it a sum not exceeding two per cent of the paid-up share capital in any year until the total amount in such fund amounts to nine per cent of the paid-up share capital. The society may draw upon this fund in any year only when it is unable to maintain a uniform rate of dividend it has been paying during the last preceding five years or more.(4)No society shall declare a dividend at a rate exceeding that recommended by its committee.

53. Rate of contribution to educational fund of the State Federal Society.

- Every society which pays a dividend to its members at a rate of 4 per cent or more, shall contribute towards the educational fund of the State Federal Society notified by the Government, as the following rates, namely:

- | | |
|---|--|
| (a) if the rate of dividend for any year is 4 per cent. | 1 per cent of the net profits of the year. |
| (b) if the rate of dividend for any year is more than 4 per cent but not more than 5 per cent | 1 ¼ per cent of the net profits of the year. |
| (c) if the rate of dividend for any year is more than 5 per cent but not more than 6 per cent | 1 ½ per cent of the net profits of the year. |
| (d) if the rate of dividend is more than 6 per cent but not more than 7 per cent | 1 ¾ per cent of the net profits of the year. |

- (e) If the rate of dividend is more than 7 per cent but not more than 8 per cent 2 per cent of the net profits of the year.
- (f) if the rate of dividend is more than 8 per cent 2 1/4 per cent of the net profits of the year:

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

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

(1) In the case of a society whose reserve fund is equal to or more than its paid up share capital, the Registrar under Section 58 (2) may, by general or special order, permit that society to invest that portion of the reserve fund which is in excess of its paid up share capital or a portion thereon, in its business: Provided that in the case of State Co-operative Bank, the Registrar may, by general or special order, authorise such bank to invest fifty per cent of their reserve fund in their business. (2) No society whose reserve fund has been separately invested or deposited shall draw up on pledge or otherwise employ such fund except with the sanction of the Registrar previously obtained in writing. (3) In the case of a society constituted with the object of co-operative housing on a co-partnership basis, the reserve fund may be utilised for expenditures on the maintenance, repair, and renewal of buildings of the society. (4) In the case of a processing society the reserve fund may be utilised in acquisition, purchase or construction of lands and buildings of the society.

55. Investment of other funds.

(1) A society may invest any of its funds (other than the reserve fund) in any of the modes specified in Section 62 when such funds are utilised for the business of the society. Explanation. - For the propose of this sub-rule, "business of a society" shall include any investment made by the society in immovable property with the prior sanction of the Registrar in the process of recovery of the society's normal dues or for the purpose of construction of building or buildings or its own use. (2) The Registrar may, in the case of any society or class of societies, specify, by a special or general order, the maximum amounts to be invested in any class or classes of societies. (3) Every society which has invested an amount not less than 10 per cent of its working capital in securities shall be required to constitute an investment fluctuation fund. The Registrar may direct that a specified percentage of the net profits every year shall be credited to the Investment Fluctuation Fund until, in his opinion, the amount of the funds is adequate to cover anticipated losses arising out of the disposal of the securities.

56. Maintenance and administration of provident fund.

- A society which has established a provident fund for its employees under Section 63 shall with the previous approval of the Registrar, frame regulations for the maintenance and utilisation of the provident fund for its employees. Among other matters, such regulations shall provide for the following: (i) amount (not exceeding ten per cent of the employees' salary) of contribution to be

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

Chapter VI

Management of Societies

57. Prohibition against being interested in contracts etc.

(1)No officer of a society shall have any interest, directly or indirectly otherwise than as such officer-(a)in any contract made with or by the society; or(b)in any property sold or purchased by the society; or(c)in any other transaction of the society, except as investment made or as loan taken from the society or the provision of residential accommodation by the society to any paid employee of the society.(2)No officer of the society shall purchase, directly or indirectly, any property of a member of the society sold for the recovery of his dues to the society.

58. Disqualification for membership of the committee.

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

59. First general meeting.

(1)Within three months from the date of registration of a society the chief promoter thereof, shall convene the first general meeting of all persons who had joined in the application for registration of the society. Where the chief promoter fails to convene the meeting as aforesaid, it shall be convened by any person authorised in that behalf by the Registrar.(2)At the first general meeting, the following business shall be transacted:(i)Election of a president for the meeting.(ii)Admission of new members.(iii)Receiving a statement of accounts and reporting all transactions entered into by the promoter up to 14 days before the meeting.(iv)Constitution of a provisional committee until regular elections are held under the rules and the bye-laws. The provisional committee shall have the same powers and functions as the committee elected in accordance with the bye-laws.(v)Fixing the limit up to which the funds may be borrowed.(vi)Any other matter which is specifically mentioned in the bye-laws.

60. General meeting.

(1)All general meetings of a society excepting the first general meeting shall be convened by the

Secretary or any other officer authorised by and under the bye-laws to convene such meetings under intimation to the Registrar, who may attend such meetings and authorise some person to attend such meetings on his behalf. The President of the society or in his absence the Vice-President of the society or, in the absence of both, a member elected by the members present at the meeting, shall preside over the meeting unless the bye-laws specify that the President of the meeting should be elected by the meeting.(2)No general meeting shall be held or proceeded with unless the number of members required to form a quorum as specified in the bye-laws are present.(3)The Secretary or any other officer convening the meeting shall read out the notice of convening the meeting and the agenda for the meeting and then the subjects shall be taken up for consideration in the order in which they are mentioned in the agenda unless the members present, with the permission of the President, agree to change the order. Unless otherwise specified in the Act, these rules and the bye-laws, the resolution will be passed by a majority of the members present. The President will have a casting vote.(4)When the members are divided on any resolution, any member may demand a poll. When a profit is demanded, the President shall put the resolution to vote.(5)Unless otherwise provided in the bye-laws, a notice of the general meeting stating the place, date and hour, with a statement of business to be transacted, shall be sent to every member 15 clear days before the date of meeting.(6)If all the business in the agenda cannot be transacted on the date on which the general meeting is held, the meeting may be postponed to the next following day.(7)The remaining subject or subjects on the agenda shall be taken up for consideration at the postponed meeting.(8)If the general meeting cannot be held for want of quorum, it shall be adjourned to a later hour on the same day as may have been specified in the notice calling the meeting or to a subsequent date not earlier than seven days and at such adjourned meeting the business on the agenda of the original meeting shall be transacted whether there is a quorum or not.(9)No resolution regarding expulsion of a member of the society, removal of a member of the committee or amendment of bye-laws, shall be brought forward in any general meeting, unless, dues notice thereof is given in accordance with the provisions of the Act, these rules and the bye-laws of the society.

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

(1)(a)The election of members of the Committee of a society shall be held in the manner specified hereinafter.(b)The Registrar or any other officer authorised by him shall appoint one or more Election Officers as may be necessary for conducting the election of committee members and the election of President, Vice-President or any other office bearer of the society.(2)The election shall be held in the general meeting of the society.(3)The notice of the general meeting under sub-rule (5) of Rule 90 shall be sent by local delivery or by post or by publication through press and contain the following information:(a)the date on which, the place at which and the hours between which the nomination papers shall be filed;(b)the date on which, the place at which and the hours between which the nomination papers shall be scrutinised;(c)the date on which, the place at which and the hours between which voting shall take place;(d)the place at which and the hours between which the elected roll can be inspected by any member;(e)the number of vacancies with class of members (if any) to be filled up by election and the area of the constituency from which members are to be elected (if for any area or constituency the election is held).(4)(a)The Secretary or manager or managing director or the Executive Officer or any other person responsible for the management of the affairs of society shall prepare the list of members on the roll with address who are qualified in

accordance with the provisions of the Act, rules and the bye-laws to participate in the elections as it stood 30 (Thirty) days prior to the date of election and publish copies of the same by affixing them to the notice board at the head office of the society and all its branches (if there be), 4 (four) weeks prior to the date fixed for election.(b)Objections, if any, concerning anything published in the list, may be heard by the Election Officer and decide within 7 days of such publication and the final list shall be prepared and published.(e)A copy of the final list published shall be supplied by the society to any member on payment of such fee as may be specified by the Registrar or any other person authorised by him.(5)(a)The nomination of the candidate shall be made in Form X on the date filed as mentioned in Rule 61 (3) (a).(b)Every nomination paper shall be signed by two members whose names are included in the final list of the electoral roll published for the purpose. One of the members shall sign in the form as proposer and the other as seconder for the nomination.(c)The nomination paper shall contain a declaration signed by the candidate proposed for election to the effect that he is willing to attend for election.(d)Every nomination shall be presented to the election officer in person in the office of the society.(6)(a)The Election Officer who received the nomination papers shall maintain a register in which all nomination papers shall be entered chronologically as soon as they are received and acknowledge the receipt, if demanded. No nomination paper shall be entered after specified date and time.(b)At the expiry of time specified for the receipt of nomination paper, the Election Officer, shall draw up a horizontal line under the last nomination paper received and write underneath "Nomination closed" and affix his signature with date.(c)The Election Officer shall give all reasonable facilities to the contesting candidates to examine all nomination papers and raise objection.(d)At the time of scrutiny, the Election Officer shall endorse his decision of acceptance or rejection on the nominated paper. In case of rejection, he shall record in writing briefly the reason for such rejection on the nomination paper.(e)The Election Officer is the final authority as regards approval of the symbol or imposition of any symbol, which is binding on the candidate concerned: Provided that if the number of eligible candidates does not exceed the number of candidates to be elected, the Election Officer shall declare such eligible candidate to be duly elected.(7)The list of valid nomination shall be published in the notice board of the society or any other place as decided by the Election Officer immediately after scrutiny.(8)Any candidate may withdraw his candidate by a letter in writing signed by him and delivered to the Election Officer seven days prior to the date fixed for general meeting by the candidate in person. The letter of withdrawal of a candidate once given shall be final.(9)(a)Notwithstanding any other provision of the rules or bye-laws of the society, the voting shall be by secret ballot as required under sub-section (2) of Section 65.(b)The Election Officer shall maintain order in the election meeting and shall see that election is fairly conducted. For this purpose he may take the help of police assistance.(10)The Secretary or the Manager or Managing Director or the Executive Officer or any other person responsible for the management of the affairs of the society shall provide the ballot boxes, ballot papers, copy of final electoral rolls and other articles as may be necessary for conducting the election.(11)There shall be a separate compartment to be known as Polling compartment screened from observation by others in which the members are to record their votes.(12)No ballot paper shall be issued to a member unless the Election Officer or any person authorised by him is satisfied that the member concerned is the same person as noted in the electoral roll furnished to him.(13)On receiving the ballot paper, a member shall forthwith proceed into the polling compartment, put a cross mark on the symbol/symbols of ballot papers against the name or names of the candidate or candidates for whom he desires to vote and insert paper into the ballot box kept before the Election

Officer or any officer authorised by him with the utmost secrecy.(14)If owing to physical infirmity or illiteracy, a member is unable to mark the ballot paper, the Election Officer or any person presiding over the meeting shall ascertain from him the candidate or candidate in whose favour he desires to vote, put the mark on his behalf and insert the ballot paper into the ballot box.(15)No ballot paper shall be issued after the appointed closing hour but any voter who has received his ballot paper before that hour shall be allowed a reasonable opportunity to record his vote.(16)An elector who inadvertently dealt with his ballot paper in such a manner that cannot be conveniently used as a ballot paper may, on delivering it to the Election Officer or any person authorised by him to preside over the meeting and satisfying him of the inadvertency the latter shall together with its counterfoil be marked as 'Cancelled' by the Election Officer or any person authorised by him to preside over the meeting who shall put his signature thereto.(17)The counting of votes shall commence as soon as possible after voting is completed. Votes shall be counted by or under the supervision of Election Officer. Each candidate has a right to be present at the time of counting.(18)A ballot paper shall be rejected by the Election Officer if-(i)it bears the mark by which the member who voted can be identified; or(ii)it does not bear to seal of the society; or(iii)it does not bear the signature of the Election Officer or any officer authorised to preside over the meeting or any special mark given in the ballot paper by the Election Officer; or(iv)the marks indicating the symbol of voting against the name or symbol of a candidate is marked in such mariner as to make it doubtful to which candidate, the vote has been cast or it bears no marks at all.(19)The Election Officer shall count the votes and declare the result. Proceeding shall be recorded in the minute book of the society, by the Election Officer with a copy to the Registrar. Each candidate has a right to be present at the time of counting.(20)Before declaration of the result, the Election Officer shall tally the number of ballot papers issued by him with the numbers cast, rejected and cancelled and if there be any discrepancy, he shall order for a fresh poll on the same day or on any other day fixed by him.(21)On completion of election, the Election Officer, shall band over the ballot papers and other records relating to the election in a secured container in the Secretary or Manager or Managing Director or the Executive Officer or any other person responsible for the management of the affairs of the society which shall be locked and sealed with the seal of the society and the Election Officer and of the candidates who desire to affix their seals. The ballot papers shall be destroyed after the expiry of the period of 3 months if no dispute relating or the election is referred to the Registrar.

62. Election of President, Vice-President etc. by the members of the committee.

(1)(i)The election of President, Vice-President, Treasurer or any officer of the society shall be elected from the members of the committee by secret ballot in the manner specified hereunder.(ii)After the election of the committee members and the receipt of the Government nomination, if any, the Election Officer shall arrange to convene a meeting of the committee for election of the President, Vice-President or Treasurer or any other officer of the society with the assistance of the Secretary or Manager or Managing Director or the Executive Officer or any other person responsible for the management of the affairs of the society. The Election Officer shall give 7 (Seven) days' notice of the meeting to every member of the Board.(2)The Election Officer shall preside over the meeting and he shall call for nomination of the candidate for the election of the President or Vice-President or Treasurer or any officer of the society.(3)Every candidate shall be proposed by one member of the

committee and seconded by another in the meeting. The names of all candidates proposed and seconded shall be read out by the Election Officer. Any candidature may withdraw his candidate before the commencement of the poll but not thereafter.(4)If there is only one duly nominated candidate, there shall be no vote and he shall be declared to have been elected.(5)If there are two or more candidates, the votes of the members present at the meeting shall be taken.(6)The provisions contained in sub-Rules (9) to (21) of Rule 61 shall mutatis mutandis apply to such election.

63. Annual statement of accounts including balance sheet etc.

(a)Within thirty days of the close of every co-operative year, or within such extended period as may be specified by the Registrar, in the case of any society or class of societies, the committee of every society shall prepare annual statements of accounts showing-(i)receipts and disbursements during the previous co-operative year.(ii)the profit and loss account for the year, and(iii)the balance sheet as at the close of the year.(b)These statements of accounts shall be open to inspection by any member during office hours at the office of the society and the society shall submit within fifteen days from the date of preparation of the statement of accounts, one copy thereof to the auditor appointed by the Registrar for the audit of that society and the other copy to the Co-operative Inspector within whose jurisdiction the society is situated.

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

(1)The balance sheet and the profit and loss account to be laid before the annual general meeting of a society by the committee shall ordinarily be in Form 'Q':Provided that it shall be competent for the Registrar to permit a society or class of societies to adopt such other form as he may deem fit.(2)A copy of the balance sheet and profit and loss account shall be presented at the annual general meeting under sub-section (2) of Section 71.

65. Power to call annual and special general meetings.

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

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

(1)Notwithstanding anything contained in the bye-laws of a society but subject to the provisions of Section 74, the Registrar may, by an order published with reasons therefor, in the official Gazette-(a)remove the committee of a society and appoint a new committee in its place consisting of

three or more members of the society to manage the affairs of the society ; or(b)remove the committee and appoint one or more administrators, who need not be members of the society, to manage the affairs of the society; or(c)remove any member of the committee of a society and appoint in his place such other member as he may deem fit.(2)Before making any order under sub-rule (1), the Registrar shall consult the federal society to which the society is affiliated and give an opportunity to the committee or the member concerned to show cause, within fifteen days from the date of issue of notice, why such an order shall not be made.(3)The member appointed under Clause (c) of sub-rule (1) shall hold office so long as the member in whose place he is appointed would have held office, if the vacancy had not occurred.(4)Notwithstanding anything contained in the bye-laws regarding holding of any meeting of the society, the Registrar may, by special or general order, specify the procedure for holding meetings of the committee appointed by him under Clause (a) of sub-rule (1).(5)Immediately after the appointment of a new committee or an administrator or administrator under sub-rule (1), the committee in whose place such appointment is made and officers of the society shall give the new committee or the administrator or administrators, as the case may be, the charge of the property, documents and accounts of the society.

67. Accounts and books to be kept.

- Every society shall keep the following accounts and books-(1)a Register of Members including persons nominated under Section 40 in Form 'L'.(2)a Register of Shares;(3)a Register of Debentures and Bonds (where capital is raised by debentures and bonds);(4)Minute Book recording proceedings of general meetings;(5)Minute Book recording proceedings of committee meetings;(6)Cash Book;(7)General Ledger and Personal Ledger;(8)Stock Register;(9)Property Register;(10)Register of audit objections and their rectifications;(11)such other accounts and books, as from time to time, be specified by the Registrar by special or general order for any society or class of societies.

68. Periodical financial statements to be furnished.

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

69. Registrar's powers to enforce performance of obligations.

(1)In addition to the periodical financial statements referred to in Rule 68, the Registrar may, by special or general order, require any society to furnish to him any other returns in such forms as may be specified by him, on such date or dates or at such interval or intervals as may be specified by him, in the order. The salaried officers of the society shall be responsible for the submission of these returns on due dates. If there are no salaried officer of the society or if the executive functions are attended to by the Chairman or any other member of the committee in an honorary capacity, the returns shall be submitted by the Chairman or such member of the committee.(2)On failure of the

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

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

(1) Where taking possession of books, documents, securities, cash or other properties of a society is considered necessary and where taking of such possession is resisted or obstructed, the Registrar, the Liquidator or any other person entitled to the same, may take or cause to be taken order for seizing the books, documents, cash or other properties of the society, as the case may be, in the manner provided in Section 76. (2) Any person appointed by the Registrar as a Liquidator of a society or any person authorised by the Registrar to audit the accounts of a society under Section 79 or any person authorised by the Registrar to hold an inquiry into the constitution, working and financial conditions of a society under Section 81 or any person authorised by the Registrar to inspect the books of a society under Section 82 shall, in case where the misappropriation of funds, breach of trust or fraud has been committed or where it is suspected or apprehended that the books, documents, securities, cash or other properties of a society are likely to be tampered with or destroyed or removed, and where taking of possession of such books, documents, securities, cash or other properties is considered necessary, shall follow the same procedure, with the previous permission of the Registrar, as is laid down in Section 76 for the purposes of obtaining such possession.

Chapter VII

Audit, Inquiry, Inspection and Supervision

71. Procedure for appointment of auditors and for conducting audit.

(1) The audit of accounts of societies shall be conducted by departmental auditors or by certified auditors appointed by the Registrar from time to time on such terms and conditions as he deems fit: Provided that any society or class of societies as notified by the Registrar may get their accounts audited by an auditor selected from the panel of certified auditors maintained by the Registrar and published by him in the official Gazette. Explanation. - For purposes of this rule, a "certified auditor" includes-(a) a Chartered Accountant within the meaning of the Chartered Accountants Act, 1949; or (b) a person who holds a Government diploma in Co-operative Accounts or a Government diploma in Co-operative and Accountancy; or (c) a person who has served as an auditor in the Co-operative, Department of the State Government and whose name has been included by the Registrar in the

panel of certified auditors maintained and published by him in the official Gazette at least once in every three years.(2)The audit under Section 79 shall in all cases extend back to the last date of the previous audit and shall be carried out up to the last date of the co-operative year immediately preceding the audit or where the Registrar so directs in the case of any particular society or class of societies, such other date as may be specified by the Registrar.(3)The auditor shall submit an audit memorandum to the society and to the Registrar in the Form specified by the Registrar, on the accounts examined by him and on the balance sheet and profit and loss accounts as on the date and for the period up to which the accounts have been audited, and shall state whether in his opinion and to the best of his information and according to the explanation given to him, the said accounts give all the information required by the Act in the manner so required and give true and fair view-(i)in the case of the balance sheet of the state of society's affairs as at the end of the co-operative year or any other subsequent date upto which the accounts are made up and examined by him; and(ii)in the case of the profits and loss accounts, or the profit or loss for the co-operative year, or the period covered by the audit, as the case may be.(4)The audit memorandum shall state-(i)whether the auditor had obtained all the information and explanations which to the best of his knowledge and belief were necessary for the purpose of his audit;(ii)whether in his opinion, proper books of accounts as required by the Act, the rules and the bye-laws of the society have been kept by the society so far as it appears from the examination of these books; and(iii)whether the balance sheet and profits and loss account examined by him are in agreement with the books of accounts and returns of the society.(5)Where any of the matters referred to in sub-rule (4) are answered in the negative or with a qualification, the audit memorandum shall specify the reasons for the answer.(6)The audit memorandum shall also contain schedules with full particulars of-(i)all transactions which appear to be contrary to the provisions of the Act, the rules or the bye-laws of the society;(ii)all sums which ought to have been but have not been brought into account by the society;(iii)any material impropriety or irregularity in the expenditure or in the realisation of moneys due to the society;(iv)any money or property belonging to the society which appears to the auditor to be bad or doubtful debt; and(v)any other matters specified by the Registrar in this behalf.(7)The summary of audit memorandum as prepared by auditor shall be read out in a general meeting. The audit memorandum together with its accompaniments shall be open to inspection by any member of the society. The Registrar may however direct that any portion of the audit memorandum which appears to him to be objectionable nature or not justified by facts shall be expunged and the portion so expunged shall not form part of the audit memorandum.(8)The Registrar may, from time to time, specify the form or forms in which the statements of accounts and information shall be prepared for audit by the society.(9)On completion of his statutory audit, the auditor shall award an audit classification letter in the audit note of the society whose accounts he has audited in accordance with the instructions issued by the Registrar from time to time. The list of societies to be published under sub-section (3) of Section 12 shall also specify the audit class of the society.

72. Requisition of the federal society for inquiry.

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

society in respect of which the requisition is made.

73. Procedure and principles for the conduct of inquiry and inspection.

(1)An order authorising inquiry under Section 81 or inspection under Section 82 shall, among other things, contain the following:(a)the name of the person authorised to conduct the inquiry or inspection;(b)the name of the society whose affairs are to be inquired into or whose books are to be inspected;(c)the specific point or points on which the inquiry or inspection is to be made, the period within which the inquiry or inspection is to be completed and report submitted to the Registrar.(d)cost of inquiry; and(e)any other matter relating to the inquiry or inspection.(2)A copy of every order authorising inquiry under Section 81 or inspection under Section 82 shall be supplied to the federal society or financial or society in respect of which the order is issued, is affiliated.(3)If the inquiry or inspection cannot be completed within the time specified in the order referred to in sub-rule (1), the person conducting the inquiry or inspection shall submit an interim report stating the reasons for failure to complete the inquiry or inspection and the Registrar, if he is satisfied, grant such extension of time for the completion of the inquiry or inspection as he may deem necessary or he may withdraw the inquiry or inspection from the officer to whom it is entrusted and holds the inquiry or inspection himself or entrust it to such other person as he deems fit.(4)On receipt of the order referred to in sub-rule (1) the person authorised to conduct the inquiry or inspection shall proceed to examine the relevant books of accounts and other documents in possession of the society or any of its officers, members, agents or servants and obtain such information or explanation from any such officers, members, agents or servants of the society in regard to the transactions and working of the society as he deems necessary for the conduct of such inquiry or inspection.(5)The person authorised to conduct the inquiry or inspection shall submit his report to the Registrar, on all the points mentioned in the order referred to in sub-rule (1) The report shall contain his findings and the reasons therefor supported by such documentary or other evidence as recorded by him during the course of his inquiry or inspection. He shall also specify in his report the costs of the inquiry or inspection together with reasons and recommend to the Registrar the manner in which the entire cost or a part thereof may be apportioned, amongst the parties specified in sub-section (1) of Section 83. The Registrar shall pass such orders thereon as may be considered just after giving a reasonable opportunity of being heard to the person or persons concerned.(6)The costs of the inquiry or inspection apportioned by the Registrar under sub-section (1) of Section 83 shall be recovered as provided in Section 84. The Registrar may direct that such costs or any part thereof shall be paid in the first instance from the funds of the society or in case of inspection, from the amount deposited by the creditor under Clause (b) of sub-section (1) of Section 82 and then recovered and repaid to the society or the creditor, as the case may be.

74. Procedure for assessing damages against delinquent promoters, etc. under Section 88.

(1)On receipt of a report referred to in Section 88 or otherwise, the Registrar or any other person authorised by him, may make such further inquiries as he may deem necessary regarding the extent to which the person who has taken any part in the organisation or management of a society or any deceased, past or present officer of the society has misapplied or retained, or become liable or

accountable for, any money or property of the society, or has committed misfeasance or breach of trust in relation to the society.(2)On the completion of the further inquiries under sub-rule (1) where necessary, the Registrar or the person authorised by him, shall issue a notice to the person or persons concerned furnishing him or them with particulars of the acts of misapplication, retention, misfeasance or breach of trust and the extent of his or their liability involved therein and calling upon him or them to put in statements his or their defence within fifteen days of the date of issue of the notice.(3)On receipt of the statements referred to in sub-rule (2), the Registrar or the person authorised by him, if he is satisfied that there are reasonable grounds for holding the person or persons liable, shall frame charges.(4)The person or persons concerned shall, after the charges are framed, be asked to put in his statement in defence and to indicate the documentary or oral evidence which he would like to produce. The Registrar or the person authorised by him may permit production of other documentary or oral evidence, if considered necessary, subsequently.(5)The Registrar, or the person authorised by him, shall thereafter record the evidence led by the society or the person or persons concerned and take on record the documents proved by them and shall thereafter fix a date for hearing arguments of both the parties.(6)On the day fixed for hearing under sub-rule (5), the Registrar or the person authorised by him, shall hear the arguments and may pass his final orders on the same day or on any date fixed by him within sixty days from the date on which the hearing was completed. On the date so fixed, the Registrar, or as the case may be, the person authorised by him, shall make his final order either ordering repayment of the money or return of the property to the society together with interest at such rate as may be specified by him or to contribute such amount to the assets of the society by way of compensation in regard to misapplication, retention, misfeasance or breach of trust as may be determined or may reject the claim submitted on behalf of the society.(7)The Registrar or the person authorised by him, may also provide in his order for the payment of the cost of the proceedings under this rule or any part of such cost as he thinks just.(8)The Registrar or the person authorised by him shall furnish a copy of his order under sub-rule (6) to the party concerned within ten days of the date on which he makes his final order.

75. Form of Rectification Report.

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

76. Levy of audit fees.

- Every co-operative society shall pay to the State Government a fees for the audit of its account for each co-operative year under sub-section (7) of Section 79 as provided below:(a)No society should be levied audit fee if it does not complete 3 co-operative years of working.(b)A credit type of society, a society for Scheduled Castes or Scheduled Tribes or a cottage industry society or a farming society should not be levied audit fees if their turnover does not exceed Rs. 20,000 only.(c)For all other

societies audit fees are levied at the following rates; (i) Agricultural Credit Societies for the working capital exceeding 20 (twenty) thousand rupees - @ 1/16th per cent. (ii) Agricultural Non-Credit Societies

for the first 1 (one) lakh of rupees of turnover	1/16th per cent
for a turnover between 1 (one) lakh and 3 (three) lakhs of rupees-	
for the first 1 lakh	1/16 per cent
for the rest	1/32 per cent
for a turnover above rupees 3 (three) lakhs	1/64 per cent

(iii) For all non-Agricultural Societies

for the first 20 (twenty) thousand working capital	1/4 per cent
exceeds 20 (twenty) thousand of rupees	□ per cent

(iv) For all types of Co-operative Banks including Land Development Banks

for the first 1 (one) lakh of working capital	□ per cent
for working capital from 2 (two) lakhs to 5 (five) lakhs	1/32 per cent
amount exceeding 5 (five) lakhs of working capital	1/64 per cent
subject to a maximum of Rs. 1,000	

(v) Housing Societies

for a turnover up to 1 (one) lakh	1/16 per cent
for a turnover from 1 (one) lakh to 3 (five) lakhs	1/32 per cent
for a turnover after 5 (five) lakhs	1/64 per cent

Note - A turnover in a co-operative society to be calculated as follows: (a) in case of purchase and sale, and sale societies and as well as societies engaged in sale business, turnover will mean sales only; (b) in case of Banks and Credit Societies, the total of debts will mean working capital; (c) in case of Housing Society, the total of debts in a year will mean working capital.

Chapter VIII

Disputes and Arbitration

77. Reference of disputes.

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

78. 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 one or more societies situated in 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 appointed under sub-rule (1), for deciding disputes arising in any one or more societies within such area and for such period as may be specified in the order.(3)Where a board of nominees is appointed under sub-rule (2) one of the nominees on the board shall be appointed by the Registrar to be the Chairman of the board, who shall fix the date, time and place of hearing disputes referred to the board and carry out necessary correspondence in connection with the disposed of such dispute.

79. Procedure for hearing and decisions of disputes.

(1)When any dispute is referred to the Registrar's nominee or to a board of nominees for decision and is not decided by him or it with two months or such further period as the Registrar may allow, the Registrar may withdraw the dispute from the nominee, or as the case may be, the board of nominees and decide the dispute himself or refer it again to another nominee or a board of nominees for decision.(2)The Registrar or his nominee or the board of nominees shall record in English or in Bengali the evidence of the parties to the dispute and witnesses who attend ; and upon the evidence so recorded, and upon consideration of any documentary evidence produced by either party, a decision in writing shall be given. Such decision shall be pronounced either at once or on some future date of which due notice shall be given to the parties.(3)Where any party duly summoned to attend the proceedings fails to appear, the dispute may be decided ex parte.(4)In deciding the dispute, where there is no unanimous decision, the opinion of the majority of the board of nominees shall prevail. Where the opinion of the nominees on the board is equally divided, the opinion of the Chairman of the board shall prevail.(5)Any award made, decision given or order passed by the Registrar's nominee or board or nominees or a person authorised under Section 88, shall be sent by him or by the Chairman of the Board with all the papers and proceedings of the dispute, to the Registrar within 15 days from the date on which it is made, given or passed.

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

(1)The Registrar, his nominee or the Chairman of the board of nominees may issue summons or notices at least fifteen days before the date fixed for hearing of the dispute requiring-(i)the attendance of the parties to the disputes and of witnesses, if any; and(ii)the production of all books and documents relating to the matter in dispute.(2)Summonses or notices issued by the Registrar or his nominee or the Chairman of the board of nominees may be served through any employee of the Co-operative Department or of a federal society or through the Chairman or Secretary of the society by registered post with acknowledgement due. Every person or society to whom summonses or notices are sent for service shall be bound to serve them within a reasonable time.(3)The officer serving a summons or notice shall, in all cases in which summons or notice has been served, endorse or annex or cause to be endorsed on or annexed to, the original summons or notice, a return stating the time when, and the manner in which, the summons or, as the case may be, the notice was served, and the name and address of the person (if any) identifying the person served and witnessing the delivery or tender of the summons or notice.(4)The officer issuing the summons or notice may examine the serving officer on oath or cause him to be so examined by such officer

through whom it is served and may make such further inquiry in the matter as he thinks fit; and shall either declare that the summons or, as the case may be, notice has been duly served or order it to be served in such manner as he thinks fit.(5)The mode of serving summons and notices as laid down in sub-rules (1) to (4), shall mutatis mutandis apply to the service of summonses or notices-(i)issued by the Registrar or the person authorised by him when acting under Sections 81, 82 and 88;(ii)issued by an auditor, when acting under Section 79 ; or(iii)issued by a Liquidator, when acting under Section 108.

81. Investigation of claims and objections against any attachment.

- Where any claim or objection has been preferred against the attachment of any property under Section 97 on the ground that such property is not liable to such attachment, the Registrar, his nominee or board of nominees shall investigate into the claim or objection and dispose it of on merits:Provided that no such investigation shall be made when the Registrar or his nominee or board of nominees considers that the claim or objection is frivolous.

82. Procedure for the custody of property attached under Section 97.

(1)Where the property to be attached is movable property, other than agricultural produce, in the possession of the debtor, the attachment shall be made by actual seizure and the attaching officer shall keep the property in his own custody or in the custody of one of his subordinates, or of a Receiver, if one is appointed under sub-rule (2), and shall be responsible for the due custody thereof:Provided that, when the property seized is subject to speedy and natural decay, or when the expenses of keeping it in custody is likely to exceed its value, the attaching officer may sell it at once.(2)Where it appears to the officer ordering conditional attachment under Section 97 to be just and convenient, he may appoint a receiver for the custody of the movable property attached under that section and his duties and liabilities shall be identical with those of a Receiver appointed under Order XL in the First Schedule to the Code of Civil Procedure, 1908.(3)(i)Where the property to be attached is immovable, the attachment shall be made by an order prohibiting the debtor from transferring or charging the property in any way, and all persons from taking any benefit from such transfer or charge.(ii)The order shall be proclaimed at some place on, or adjacent to such property by beat of drum or other customary made, and a copy of the order shall be affixed on a conspicuous part Of the property and where the property is land paying revenue to the State Government, also in the office of the Collector of the district and in the office of the Tahsildar or any other revenue officer within whose jurisdiction the property is situated.

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

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

84. Issue of proclamation prohibiting private transfers of property.

- The Registrar or Liquidator when acting under Clause (a) of Section 101 shall, at the time of signing a certificate affecting any property, issue a proclamation in Form 'I' and in the case of immovable property shall also forward a copy of the proclamation to any Tahsildar or any other Revenue Officer within whose jurisdiction the property is situated, who shall cause an entry about such certificate to be made in the record-of-rights

85. Procedure for execution of award.

(1) Every order or award passed by the Registrar, or the person authorised by him or his nominee or board of nominees under Section 97 or 98 shall be forwarded by the Registrar to the society or to the party concerned with instructions that the society or, as the case may be, the party concerned should initiate execution proceedings forthwith according to the provisions of Section 101. (2) If the amount due under the award is not forthwith recovered, or the order thereunder is not carried out, it shall be forwarded to the Registrar with an application for execution along with all information required by the Registrar, for the issue of certificate under Section 101. The applicant shall state whether He desires to execute the award by a civil court or through the Collector as provided under Section 101 or through the Registrar as provided under Section 155. (3) On receipt of such application for execution, the Registrar shall forward the same to the proper authority for execution along with a certificate issued by him under Section 101 and a proclamation issued under Rule 82 in the manner prescribed therein. (4) Every order passed in appeal under Section 100 shall also be executed in the manner laid down in sub-Rules (2) and (3).

86. Execution of awards or orders in special cases.

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

87. Transfer of property which cannot be sold.

(1) When in execution of an order sought to be executed under Section 101 any property cannot be sold for want of buyers, if such property is in the possession of the defaulter or of some person on his behalf, or of some person claiming it under a title created by the defaulter subsequent to the issue of the certificate by the Registrar or Liquidator under Clause (a) or (b) of the said section, the officer conducting the execution shall, as soon as practicable, report the fact to the Court or the Collector or the Registrar, as the case may be, and the society applying for the execution of the said order. (2) On receipt of a report under sub-rule (1), the society may, within six months from the date of the receipt of the report or within such further period as may for sufficient reasons, be allowed in any particular case by the Court or the Collector or the Registrar, submit an application in writing to

the Court, the Collector or the Registrar, as the case may be, stating whether or not it agrees to take over such property.(3)On receipt of an application under sub-rule (2), notices shall be issued to the defaulter and to all persons known to be interested in the property, including those whose names appear in the record-of-rights as persons holding any interest in the property, about the intended transfer.(4)On receipt of such a notice, the defaulter, or any person owning such property, or holding an interest therein by virtue of a title acquired before the date of the issue of a certificate under Section 101 may, within one month from the date of the receipt of such notice, deposit with the Court or the Collector, or Registrar, for payment to the society a sum equal to the amount due under the order sought to be executed together with interest thereon and such additional sum for payment of cross and other incidental expenses as may be determined in this behalf by the Court or the Collector, or the Registrar, as the case may be.(5)On failure of the defaulter, or any person interested or any person holding any interest in the property, to deposit the amount under sub-rule (4), the Court or the Collector or the Registrar, as the case may be, shall direct the property to be transferred to the society on the conditions stated in the certificate in Form 'U'.(6)The certificate granted under sub-rule (5) shall state whether the property is transferred to the society in full or partial satisfaction of the amount due to it from the defaulter.(7)If the property is transferred to the society in partial satisfaction of the amount due to it from the defaulter, the Court or the Collector or the Registrar, as the case may be, shall, on the production by the society of a certificate signed by the Registrar, recover the balance due to the society in the manner laid down in Section 101.(8)The transfer of the property under sub-rule (5), shall be effected as follows:(i)In the case of movable property-(a)where the property is in possession of the defaulter himself or has been taken possession of on behalf of the Court or the Collector or the Registrar, it shall be delivered to the society;(b)where the property is in the possession of some person on behalf of a defaulter, the delivery thereof shall be made by giving notice to the person in possession directing him to give actual peaceful possession to the society, and prohibiting him from delivering possession of the property to any other person;(c)the property shall be delivered to a person authorised by the society to take possession on behalf of the society.(ii)In the case of immovable property-(a)where the property is growing or standing crop, it may be delivered in the society before it is cut and gathered and the society shall be entitled to enter on the land, and to do all that is necessary for the purpose of tending, cutting and gathering it;(b)where the property is in the possession of the defaulter or of some person on his behalf or some person claiming under a title created by the defaulter subsequent to the issue of a certificate, under Section 101, the Court or the Collector or the Registrar, as the case may be, shall order delivery to be made by putting the society or any person whom the society may appoint to receive delivery on its behalf in actual possession of the property, and if need be, by evicting any person who illegally refuses to vacate the same;(c)where the property is in the possession of a tenant or other person entitled to hold the same by a title acquired before the date of issue of a certificate under Section 101, the Court or the Collector or the Registrar, as the case may be, shall order delivery to be made by affixing a copy of the certificate of transfer of the property to the society in some conspicuous place on the property and proclaiming to such person by beat of drum or other customary mode to some convenient place, that the interest of the defaulter has been transferred to the society.(9)The society shall be required to pay expenses incidental to sale including the cost of maintenance of live-stock, if any, according to such scale as may be fixed by the Registrar from time to time.(10)Where land is transferred to the society under sub-Clause (a) of Clause (ii) of sub-rule (8) before growing or standing crop is cut and gathered, the society shall be

liable to pay the current year's land revenue on the land.(11)The society shall forthwith report any transfer of property under sub-Clause (b) or (c) of Clause (ii) of sub-rule (8) to the tahsildar for information and entry in the record-of-rights.(12)The society to which property is transferred under sub-rule (5) shall maintain for each such defaulter a separate account showing all the expenses incurred including payment to outside encumbrances, land revenue and other dues on the property and all the income derived from it.(13)The society to which property is transferred under sub-rule (5), shall use its best endeavour to sell the property as soon as practicable to the best advantages of the society as well as that of the defaulter, the first option being given to the defaulter, who originally owned the property. The sale shall be subject to confirmation by the Registrar. The proceeds of the sale be applied to defraying the expenses of the sale and other expenses incurred by the society and referred to in sub-Rules (9) and (12) and to the payment of the arrears due by the defaulter under the order in execution, and the surplus (if any), shall then be paid to the defaulter.(14)Until the property is sold, the society to which the property is transferred under sub-rule (5) shall use its best endeavour to least it or to make any other use that can be made of it so as to derive the largest possible income from the property.(15)When the society to which property is transferred under sub-rule (5) has realised all its dues under the order in execution of which the property was transferred from the proceeds of management of the property, the property, if unsold, shall be restored to the defaulter.

88. Payment of expenses of decisions of disputes.

(1)Where the dispute has been referred to the Registrar or his nominee or the board of nominees under Section 95, the Registrar may require the party or parties to the dispute to deposit such sum as may, in his opinion, be necessary to meet the expenses including payment of fees to the Registrar or his nominee or the board of nominees.(2)The Registrar or his nominee or the board of nominees shall have power to order the fees and expenses of determining the disputes, to be paid by the society out of its funds or by such party or parties to the dispute as he or it may think fit, according to the scale laid down by the Registrar after taking into account the amount deposited under sub-rule (1).(3)The Registrar may, by general or special order, specify the scale of fees and expenses to be paid to him or to his nominee or the board of nominees.

Chapter IX

Liquidation

89. Cost of hearing appeal.

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

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

- The following procedure shall be adopted for the appointment of the Liquidator and for the exercise of his power, namely: (1) The appointment of the Liquidator shall be notified by the Registrar in the official Gazette. (2) As soon as may be after the interim order is issued under Section 105, the Liquidator shall take over the custody and control of all the properties, effects and actionable claims and books, records and other documents pertaining to the business of the society and continue to hold custody and control thereof until the interim order is vacated. (3) Where the interim order is vacated, the Liquidator shall take action in accordance with the provisions of sub-section (5) of Section 106. (4) The Liquidator shall, after settling the assets and liabilities of the society as they stood on the date on which the order for winding up is made, proceed to determine the contribution to be made or remaining to be made to the assets of the society by persons and estates referred to in Clause (h) of Section 108 and by order call upon each of them to pay the amount specified in the order as contribution and as costs of the liquidation determined under Clause (k) of Section 108. Every such order shall be submitted for approval to the Registrar, who may modify it or refer it back to the liquidator for further inquiry or other action or may forward it for execution under Section 101. (5) If the sum assessed against any member is not recovered, the Liquidator may issue subsidiary order or orders against any other member or members to the extent of the liability of each for the debts of the society until the whole amount due from members is recovered. The provisions of sub-rule (4) shall mutatis mutandis apply to such orders. (6) The Liquidator shall submit a quarterly progress report and such other returns and statements to the Registrar in such forms as the Registrar may require, showing the progress made in the liquidation of the society. (7) The Liquidator may empower any person, by general or special order in writing to make collections and to grant valid receipts on his behalf. (8) 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 other claims. (9) The Liquidator shall have power to call meetings of members of the society in liquidation. (10) The Liquidator may submit an application to the Registrar, for the reconstruction of the society under Section 19, if he is opinion that such reconstruction has a reasonable chance of success. (11) The Liquidator may, at any time, be removed by the Registrar, and he shall on such removal be bound to hand over all the property and documents relating to the society in liquidation to such person or persons as the Registrar may direct. (12) (i) The Liquidator shall not exercise the powers under Clauses (c), (d), (e), (f), (g), (h) and (k) of Section 108 without the prior approval of the Registrar. (ii) An appeal against the order of the Liquidator under Clauses (a), (b), (j), (l), (m) and (n) of Section 108 shall lie to the Registrar. (13) The Liquidator shall keep such books and accounts as may from time to time be required by the Registrar. (14) At the conclusion of the liquidation proceedings, a general meeting of the members of the society shall be called. At such meeting the Liquidator shall summarise his proceedings, point out causes of the failure of the society and report what sum, if any, remains in his possession after meeting all the liabilities of the society as determined under the rules and suggest how the surplus, if any, should be utilised.

91. Disposal of surplus assets.

- Where the Registrar has to divide the surplus assets amongst members of the society which has been wound up, he shall divide them in proportion to the share capital held by each of such members or in any other suitable manner sanctioned by the State Government.

92. Interest on amounts due from a society under liquidation.

- The creditor of a society, which is being wound up, may apply to the Liquidator for payment of interest on any debt due from the society up to the date of the Registrar's order for winding up. The rate at which interest shall be paid shall be in the case of Tripura State Co-operative Bank Ltd. or a Co-operative Bank permitted by the Registrar to finance societies, the contract rate and in any other case, the rate which may be fixed by the Registrar shall not exceed the contract rate: Provided that if any surplus assets remain after all the liabilities, including liabilities on shares, have been paid off, further interest on such debts at a rate to be fixed by the Registrar but not exceeding the contract rate, may be allowed to the creditors from the date mentioned above up to the date of the repayment of the principal.

93. Disposal of records of society whose registration is cancelled.

(1) When an order directing a society to be wound up is issued under Section 105 and no Liquidator is appointed, the officers of the society which is wound up shall, within fifteen days of the publication of the order in the official Gazette, send by registered post or railway parcel, the records and books of the society to the Assistant Registrar or Deputy Registrar concerned or hand over the same to the departmental local auditor. (2) As soon as may be after the affairs of a society for which a Liquidator has been appointed have been wound up and an order cancelling the registration is made under Section 21, the Liquidator shall forward all the books and record of the wound up society, and his own papers and proceedings by railway parcel or by any other means to the Assistant Registrar or the Deputy Registrar concerned together with an account of his expenses, showing how the balance has been disposed of, and attaching the receipt of the person to whom it was handed over. (3) All the books and records of a society, whose registration has been cancelled and the proceedings of liquidation, shall be destroyed by the Assistant Registrar or the Deputy Registrar, as the case may be, after the expiry of two years from the date of the order cancelling the registration of the society.

Chapter X

Co-operative Land Development Banks

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

(1) All applications for loans from a land development bank shall be made in the form prescribed by

the State Land Development Bank with the approval of the Registrar. The form shall, among other things, contain a list of documents which are required to be submitted for purpose of dealing with the application.(2)Every co-operative land development bank shall keep sufficient stock of printed copies of the forms of loan application and shall supply them to the intending borrower on payment of such fees as may be specified, from time to time, by the co-operative land development bank, with the approval of the Registrar.(3)Every co-operative land development bank shall specify, from time to time, the name, designation and address of the officer, who shall receive all loan applications from the intending borrowers.(4)The application together with copies of necessary documents and the amount of all fees specified by the co-operative land development bank with the approval of the Registrar and deposits equivalent to the value of one share of the Bank, shall be submitted by the applicant to the Receiving Officer.(5)On receipt of an application for loan, the Receiving Officer shall put his initial on the application and mention his designation and the date of receipt of the application.(6)After an application for loan has been received, the Receiving Officer shall verify whether it contain all the necessary particulars and is accompanied by the necessary documents. If any details are lacking, he shall get the application completed by the applicant.(7)Each application shall be entered in the chronological order in the Register of Applications for Loans from the land development bank to be maintained by the Receiving Officer and shall be dealt with in the same order.(8)Immediately after the application is entered in the Register of Applications for Loans from the co-operative land development bank, the Receiving Officer shall forward it to the Assistant Registrar of Co-operative Societies within whose jurisdiction the land in respect of which the application is made is situate (hereinafter in this Chapter referred to as the Public Enquiry Officer). The Public Enquiry Officer shall give at least eight days' public notice in Form "V" calling upon all persons interested to present their objections to the loan, if any. The notice shall also be given by beat of drum and shall be affixed at the visible place of the village or villages where the applicant resides and in the limits of which the land and lands proposed to be improved or offered as security for the loan is or are situated. A copy of the notice shall be exhibited in the Plead Office and relevant branch office, if any, of the land development bank concerned and in the office, if any, of the person giving the notice.(9)The Public Enquiry Officer shall consider every objection submitted under sub-section (1) of Section 122 in the manner laid down in that section.(10)(a)The public Enquiry Officer shall then forward the applications within five days of their disposal to the co-operative land development bank concerned. The co-operative land development bank may appoint an enquiry officer (hereinafter in his Chapter referred to as the enquiry officer) to inquire into the applications. The enquiry officer shall make inquiry by actually visiting the land in which the improvement is proposed to be effected and the lands and other property offered as security. He shall conduct his inquiry in accordance with the form to be specified by the co-operative land development bank, with the approval of the Registrar.(b)In case the public enquiry officer is unable to forward the application within five days, he shall make a report to the Registrar stating thereunder the reasons therefor and he shall, thereafter act in accordance with such directions as may be issued to him by the Registrar:(11)(a)The enquiry officer may make such other enquiries, as may be necessary and shall value the lands according to such formula as may be laid down by the co-operative land development bank, with the approval of the Registrar, from time to time, estimate the repaying capacity of the applicant and examine the feasibility and the utility of the proposed improvement. He shall then submit his report stating what amount of loan may be granted to the applicant against what security and for what purpose and the period within which it may be recovered from him. The

enquiry officer shall complete his enquiry within 15 days of the receipt of the application by him.(b)If the enquiry officer is unable to complete his enquiry within fifteen days, he shall make a report to the Registrar stating therein the reasons therefor and he shall thereafter act in accordance with such directions as may be issued to him by the Registrar.(12)After completion of the enquiry, the application together with his report shall be submitted by he enquiry officer to the co-operative land development bank together with following certificates:(a)certificate regarding outstanding Government dues;(b)any other relevant certificate.(13)On receipt of the report of the enquiry officer under sub-rule (12), the co-operative land development bank shall satisfy itself that the inquiry has been properly conducted. If there are any deficiency, the Bank shall get them completed immediately.(14)The co-operator land development bank may then undertake such further scrutiny as may be necessary and pass final orders within 30 days. Decision shall be communicated to the applicant within! 15 days thereafter. In case the final orders are not passed within 30 days, the Bank shall make a report to the Registrar stating therein the reasons therefor and shall thereafter act in accordance with such directions as may be issued to it by the Registrar.(15)In the case of rejection of application for loans, the reasons therefor shall be communicated by the Bank to the applicant. When the loan has been sanctioned, the Bank shall lay down the terms and conditions regarding grant of the loan, regarding payment of instalments, submission of report on the progress of improvement of loan and release of subsequent instalments. The applicant shall be asked by the co-operative land development bank to remain present at the head office or branch office of the Bank on a date to be fixed for execution of the mortgage deed and for receiving loan or the first instalment thereof. Such date shall not ordinarily be later than 15 days from the date of communication of sanction of loan to the applicant.(16)The applicant, while receiving the amount of the loan or the first instalment of the loan, shall purchase shares of the Bank to such extent as may be required under the bye-laws of the Bank. The co-operative land development bank shall issue a receipt to the applicant giving full particulars of the amount paid by him from time to time.(17)Failure to comply with any time limits specified in this rule shall not in any manner affect the validity of the sanction of the loan by a co-operative land development bank.

95. Registration of copies of instruments under Section 123.

- Copies of instruments referred to in Section 123, duly certified by the Manager of the co-operative land development bank, shall be sent by the co-operative land development bank to the Registering Officer concerned within a period of three months from the date of execution of the instruments, by registered post or by hand delivery.

96. Appointment of Receiver and his powers under Section 133.

(1)The co-operative land development bank may, on the application of a land development bank and under circumstances in which the power of sale conferred by Section 133 can be exercised, appointment any person in writing to be a Receiver of the produce and income of the mortgage property or any part thereof and such Receiver shall be entitled either to take possession of the property or collect its produce and income, as the case may be, to retain out of any money realised by him his expenses of management including his remuneration, if any, as fixed by the co-operative land development bank and to apply the balance in accordance with the provisions of sub-section

(8) of Section 69-A of the Transfer of Property Act, 1882.(2)A receiver appointed under sub-rule (1) may, for sufficient cause and on application made by the mortgagor, be removed by the co-operative land development bank.(3)A vacancy in the office of the Receiver may be filled by the co-operative land development bank.(4)Noting in this rule shall empower the co-operative land development bank to appoint a Receiver where the mortgaged property is already in the possession of a Receiver appointed by a Civil Court.

97. Appoint, qualifications and powers and functions of a Sales Officer under Section 133.

- A co-operative land development bank may, from time to time, by a resolution of its committee, appoint any of its officers or any other person as a Sale Officer, with the approval of the State Government, for the purpose of effecting sale of mortgaged property under Section 133. Such sales officer shall exercise the same powers and functions as are conferred upon a Recovery Officer and a Sales Officer under these Rules.

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

- The procedure laid down in Rule 107 shall mutatis mutandis apply for the distraint and sale of the produce of the mortgaged land and the sale of mortgaged property under Sections 132 and 133:Provided that in the case of sale of mortgaged property, the notice of demand for the payment of the mortgage money or part thereof, as the case may be, as also the notice for the sale of the mortgaged property in the event of the payment not being made within the time allowed, shall be served upon the mortgage or each of the mortgagors and also upon the following persons, namely:(i)any person who has any interest in or charge upon the property mortgaged, or in or upon the right to redeem the same so far as is known to the Bank;(ii)any surety for the payment of the mortgaged debt or any part thereof; and(iii)any creditor of the mortgagor who has in a suit for administration of his estate obtained decree for sale of mortgaged property.The time allowed for payment of the mortgage money or part thereof in the demand notice referred to above, shall be not less than three months after the service of the notice.

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

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

100. Submission of report for confirmation of sale under Section 134.

(1) When the sale of the mortgaged property has been effected by a co-operative land development bank under Section 133 and the purchase amount has been received from the purchaser, the Bank shall submit a report of the sale immediately to the State Government and the Registrar. (2) When the sale of the mortgaged property has been effected by the co-operative land development bank and the Trustee under Section 133 and the purchase amount has been received from the purchaser, the co-operative land development bank or the trustee, as the case may be, shall submit a report of sale immediately to the State Government and the Registrar. (3) The report referred to in sub-rules (1) and (2) shall contain, amongst other details, the following specific particulars: (a) brief account of the circumstances which rendered the sale necessary; (b) full details showing how the provisions of Clauses (a), (b), (i) to (iv) and (c) of the proviso to sub-section (1) of section 133 have been complied with; (c) full details showing how the procedure laid down in Rule 107 for holding the sale of immovable property has been followed; (d) name of the Sales Officer; (e) place of sale; (f) date of sale; (g) description of property sold; (h) name of purchaser and his address; (i) value realised; (j) cost of sale; and (k) date of receipt of purchase money from the purchaser. (4) The Registrar may call for any clarification deemed necessary from the co-operative land development bank and satisfy himself that the sale has properly been conducted and the co-operative and development bank shall furnish the same forthwith. Similarly, the State Government may call for any clarification from the co-operative land development bank or the trustee for the same purpose and such clarification shall be furnished forthwith by the co-operative land development bank or the trustee as the case may be.

101. Certificate of purchase.

- The certificate to be granted by a co-operative land development bank under sub-section (1) of Section 136 shall be in Form "W".

102. Sale of immovable property purchased by a co-operative land development bank.

(1) The co-operative land development bank which has purchased any immovable property sold under Chapter XII of the Act shall, unless otherwise directed by the Trustee, use its best endeavour to sell the property as early as possible to the best advantage of the Bank. The sale shall be effected by public auction within a period of six months from the date of purchase or within such further period as may be permitted by the Trustee. (2) The date and the place of such public auction shall previously be notified not less than thirty day by- (a) advertising the sale of property with full details in one or more local newspapers; (b) proclamation of sale by beat of drum in the village where the property is situated; (c) publication of sale notice at- (i) the visible place in the village or town; (ii) the office of the Tehsildar; (iii) the office of the co-operative land development bank; (iv) the office of the Assistant Registrar, Co-operative Societies in the district. The sale shall be subject to confirmation by the State Government.

103. Certain provisions of Rule 105 to apply to sale of immovable property under chapter XII of the Act.

(1)The provisions of Clauses (a), (b), (g), (h), (i), (j) and (k) of sub-rule (11) and sub-Rules (12), (13) and (14) of Rule 107 shall mutatis mutandis apply to the sale of immovable property under Chapter XII of the Act.(2)The expenses incidental to such sale or attended sale shall be calculated in accordance with the scale laid down in that behalf by the Registrar, from time to time.

Chapter XI

Appeals, Review and Revision

104. Qualifications and appointment of President and Members of Tripura Co-operative Tribunal.

(1)The President of The Tribunal shall be a person who has been a Judge of any High Court in India or is a retired District Judge, retired Additional District Judge or a person who has for not less than ten years been an Advocate or a Pleader, or who has held the office of the Registrar of Co-operative Societies for not less than three years under any State Government in India.(2)The other members of the Tribunal shall be persons who have held the office of the Registrar or Joint Registrar or Deputy Registrar of Co-operative Societies for not less than three years under any State Government in India or non-official closely associated with the co-operative movement who possess legal qualification and experience; and provided that at least one of the other members shall be a person who has for not less than ten years been an advocate or a pleader.(3)Notwithstanding anything contained in sub-Rules (1) and (2), a person shall be disqualified for being appointed as, or for being President or a member of the Tribunal if he is a member of the committee of any society other than an educational society, a propagandist society or a federal society which is not a business institution.(4)(a)The President and each of the other members of the Tribunal shall hold office for such period not less than two years as the State Government may, by notification in the official Gazette, specify in this case, and shall be eligible for re-appointment.(b)Notwithstanding anything contained in Clause (a) no person shall be eligible to continue to hold office of the President or a member after he attains the age of sixty-five years.(c)The President or a member of the Tribunal may at any time resign his office.(d)The President or a member of the Tribunal may, with the previous permission of the State Government, hold any other office, appointment or employment not inconsistent with his position on the Tribunal.(5)Notwithstanding anything contained in sub-rule (4), the State Government may terminate, at any time, the appointment of the President or a member, if, in its opinion, such President or member is unable or unfit to continue to perform the duties of his office:Provided that no person appointed shall be terminated under this sub-rule unless the person whose appointment is proposed to be terminated is given a reasonable opportunity of showing cause against such termination.(6)(i)If any vacancy occurs by leave of absence, deputation, death, resignation, expiry of the period of appointment, termination of the appointment or for any other cause whatsoever, such vacancy shall be filled by a person qualified for appointment under this rule.(ii)Till the vacancy in the office of the President is filled under sub-rule (1), the senior most

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

105. Constitution of authority by State Government to hear appeals which lie to that Government.

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

106. Procedure for presentation and disposal of appeals by State Government and Registrar under Section 151.

(1)An appeal to the State Government or the Registrar shall be presented by the appellant or by his duly appointed agent to the appellate authority either in person during office hours or sent to it by registered post.(2)When such an appeal is presented by an agent, it shall be accompanied by a letter of authority of the appellant appointing him as such.(3)Every appeal shall be accompanied by a certified copy of the order against which the appeal is preferred.(4)Every appeal shall-(i)be either type-written or hand-written in ink legibly;(ii)specify the name and address of the appellant and also name and address of the opponent, as the case may be;(iii)state by whom the order against which the appeal is preferred was made;(iv)clearly state the grounds on which the appeal is made;(v)state precisely the relief which the appellant claims; and(vi)give the date of the order appealed against.(5)On receipt of appeal, the appellate authority shall endorse on it the date of its receipt by it. The appellate authority shall, as soon as possible, examine and satisfy itself-(i)that the person presenting it has the authority to do so;(ii)that it is made within the prescribed time limit; and(iii)that it conforms to all the provisions of the Act and these rules.(6)If the appellate authority finds that the appeal presented does not conform to any of the said provisions, it shall make a note on the appeal to that effect and may call upon the appellant or his agent to remedy the defects within a period of seven days of the receipt of the notices to do so or in case the appeal has not been presented within the prescribed time limit to show cause within the said period of seven days why it should not be dismissed as time-barred by the appellate authority.(7)If the defect is remedied or the cause shown by the appellant or his agent satisfies the appellate authority, the appellate authority may proceed to consider the appeal.(8)If the appellant or his agent fails to remedy the defects or to show cause to the satisfaction of the appellate authority within the said period, the appellate authority may, if the appeal is not presented within the time limit, dismiss the appeal as time-barred. In cases where it is considered necessary to give a hearing, the appellate authority may fix a date for hearing, of which due notice shall be given to the appellant or his agent.(9)On the date so fixed, the appellate authority shall go through the relevant papers, hear the appellant or his agent, if present, and pass suitable order on the appeal.(10)The appellate authority may, at its discretion, adjourn to any other day the hearing of any appeal at any stage.(11)When the hearing of the appeal is completed, the appellate authority shall announce its judgement forthwith or may fix a date for the same, after giving due notice to the appellant or the other parties to the appeal.(12)Every decision or order of the appellate authority shall be in writing and a copy of the same shall be

supplied to the appellant and such other parties as in the opinion of the appellate authority are likely to be affected by the decision or the order.

Chapter XII

Miscellaneous

107. Procedure for attachment and sale of property under Section 155.

(1) A creditor holding a decree requiring the revisions of Section 155 to be applied, or society to which—(a) any amount is due under a decree or order of a civil court obtained by the society; (b) any amount is due under a decision, award or order of the Registrar, Arbitrator, Liquidator or Tribunal; (c) any sum is awarded by way of courts under the act; (d) any amount is due under a certificate granted by the Registrar to the assets of the society; (e) any amount is due under a certificate granted by the Registrar under sub-section (11) or (12) of Section 104 or under sub-section (1) of Section 137 together with interest, if any, due on such amount or sum and the costs of process by the attachment and sale or by sale without attachment of the property of person against whom such decree, decision, award or order has been obtained or passed, shall apply to the recovery officer within whose jurisdiction the debtor resides or the property of the debtor is situated. In the case of a society, a copy of the resolution of the committee of the society authorising any of its members to make and sign the application on its behalf, shall accompany the application. (2) Every such application shall be made in the form specified by the Registrar and shall be signed by the applicant and shall be accompanied by deposit of such amount, if any, as may be specified by the Registrar to cover the cost of process. The scales for such cost of process shall be fixed by the Registrar from time to time, by a general or special order under such scales, the fee for issuing any notice shall not exceed Rs. 2 and the daily allowance to be paid to any person serving any notice shall not exceed Rs. 5 per day, and the deposit for other costs of process shall not exceed the expenditure likely to be incurred for recovering the amount. The applicant may indicate whether he wishes to proceed against the immovable property mortgaged to the applicant or other immovable property or to secure the attachment of movable property. (3) On receipt of such applications, or when the Registrar is proceeding under Rule 85 the Recovery Officer shall verify the correctness and genuineness of the particulars set forth in the application with the records, if any, in the office of the Registrar and prepare a demand notice in writing in duplicate in the form specified by Registrar setting forth the name of the defaulter and the amount due and forward it to the State Officer. (4) Unless the applicant has expressed a desire that proceedings should be taken in a particular order as laid down in sub-rule (2), execution shall ordinarily be taken in the following manner: (i) movable property of the defaulter shall be first proceeded against, but this shall not preclude the immovable property being proceeded against simultaneously in case of necessity; (ii) if there is no movable property, or if the sale proceeds of the movable property or properties attached and sold are insufficient to meet in full the demand of the applicant, the immovable property mortgaged to the applicant, or other immovable property belonging to the defaulter may be proceeded against. (5) In the seizure and sale of movable property the following rules shall be observed: (a) The Sale Officer shall, after giving prior notice to the applicant, proceed to the village where the defaulter resides or the property to be distrained is situated and serve a demand notice

upon the defaulter if he is present. If the amount due together with the expenses be not at once paid, the Sale Officer shall make the distress and shall immediately deliver to the defaulter a list of inventory of the property distrained and an intimation of place and day and hour at which the distrained property will be brought to sale if the amounts due are not previously discharged. If the defaulter is absent, the Sale Officer shall serve the demand notice on some adult male member of his family, or on his authorised agent, or when such service cannot be effected, shall affix a copy of the demand notice on some conspicuous part of his residence. He shall then proceed to make the distress and shall fix the list of the property attached on the usual place of residence of the defaulter endorsing thereon the place where the property may be lodged or kept and an intimation of the place, day and hour of sale.(b)After the distress is made, the Sale Officer may arrange for the custody of the property, attached with the applicant or otherwise. If the Sale Officer requires the applicant to undertake the custody of the property, he shall be bound to do so and any loss incurred owing to his negligence shall be made good by the applicant. If the attached property is live stock, applicant shall be responsible for providing the necessary food therefor. The Sale Officer may, at the instance of the defaulter or any person claiming an interest in such property leave it in the village or place where it was attached, in charge of such defaulter, or such person, if he enters into a bond in the form specified by the Registrar with one or more sufficient sureties for the production of the property when called for.(c)The distress shall be made after sunrise and before sunset and not at any other time.(d)The distress levied shall not be excessive, that is to say, the property distrained shall, as nearly as possible, be proportionate to the sum due by the defaulter together with interest and all expenses incidental to the distraint, detention and sale.(e)If crops or ungathered products of the land belonging to a defaulter are attached, the Sale Officer may cause them to be sold when fit for reaping or gathering, or at his option may cause them to be reaped or gathered in due season and stored in proper place until sold. In the latter case the expense of reaping or gathering and storing such crops or products shall be defrayed by the owner upon his redeeming the property or from the proceeds of the sale in the event of its being sold.(f)The Sale Officer shall not work the bullocks or cattle, or make use of the goods or effects distrained, and he shall provide the necessary food for the cattle or livestock, the expense attending which shall be defrayed by the owner upon his redeeming the property or from the proceeds of the sale in the event of its being sold.(g)It shall be lawful for the Sale Officer to force open any stable, cow house, granary godown out-house or other building and he may also enter any dwelling house, the outer door of which may be open and may break open the door of any room in such dwelling house for the purpose of attaching property belonging to a defaulter and lodged therein; provided always that it shall not be lawful for the Sale Officer to break open or enter apartment in such dwelling house appropriated for the Zenana or residence of women except as hereinafter provided.(h)Where the Sale Office may have reason to believe that the property of a defaulter is lodged within a dwelling house the outer door of which may be shut or within any apartments appropriated to women which, by custom or usages, 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 Other to, the spot in the presence of whom the Sale Officer may force open the outer door of such dwelling house or break open the door of any room within the house except the room appropriated by women. The Sale Officer may also, in the presence of a Police Officer after due notice given for the removal of women within a Zenana (residence of women) and after furnishing means for their removal in a suitable manner if they be women of rank, who according to the custom or usage cannot appear in public, enter the

Zenana apartments for the purpose of distraining the defaulter's property, if any, deposited therein but such property, if found, shall be immediately removed from such apartments after which they shall be left free to the former occupants.(i)The Sale Officer shall, on the day previous to and on the day of sale, cause proclamation of time and place of the intended sale to be made by beat of drum in the village in which the defaulter resides and in such other place or places as the Sale Officer may consider necessary to give the publicity to the sale. No sale shall take place until after the expiration of the period of fifteen days from the date on which the sale notice has been served or affixed in the manner laid down in Clause (a):Provided that, where the property seized is subject to speedy and natural decay, or where the expenses of keeping it in custody is likely to exceed its value, the Sale Officer may sell it, at any time, before the expiry of the said period of fifteen days, unless the amount due is sooner paid.(j)At the appointed time, the property shall be put in one or more lots, as the Sale Officer may consider advisable, and shall be disposed of to the highest bidder:Provided that, it shall be open to the Sale Officer to decline to accept the highest bid where the price offered appears to be unduly low or for other adequate reasons:Provided further that the Recovery Officer or the Sale Officer may, in his discretion, adjourn the sale to a 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 (i) shall be made unless the defaulter consents to waive it.(k)The property sold shall be paid for in cash at the time of sale or as soon thereafter as the Sale Officer shall appoint, and the purchaser shall not be permitted to carry away any part of the property until he pays for it in full. Where the purchaser fails in payment of the purchase money, the property shall be resold.(l)Where the proceeds from the sale of the property exceeds the amount due from the debtor, the excess amount after deducting the interest and the expenses of process and other charges, shall be paid to the defaulter.(m)Where, prior to the day fixed for sale, the defaulter or any person acting on his behalf or any person claiming an interest in the property attached, pays the full amount due including interest, batta and other costs incurred in attaching the property, the Sale Officer, shall cancel the order of attachment and release the property forthwith.(n)The movable properties exempted from attachment by the proviso to Section 60 of the Code of Civil Procedure, 1908, shall not be liable to attachment or sale under these rules.(6)Where the movable property to be attached is the salary or allowance or wages of a Public Officer or a railway servant or a servant of a local authority or a firm or a company, the Recovery Officer may, on receiving a report from the Sale Officer, order that the amount shall, subject to the provision of Section 60 of the Code of Civil Procedure, 1908, be withheld from such salary or allowance or wages either in one payment or by monthly instalments as the Recovery Officer may direct and upon receipt of the order, the officer or other person whose duty it is to disburse such salary or allowance or wages shall withhold and remit to the Sale Officer, the amount due under the order or the monthly instalment, as the case may be.(7)(i)Where the property to be attached consist of the share or interest of the defaulter in movable property belonging to him and another as co-owners, the attachment shall be made by a notice to the defaulter, prohibiting him from transferring the share or interest or charging it in any way.(ii)Where the property to be attached is a negotiable instrument not deposited in Court, nor in the custody of a Public Officer, the attachment shall be made by actual seizure and the instrument shall be brought to the office of the Recovery Officer ordering the attachment and be held subject to his further orders.(iii)Where the property to be attached is in the custody of any Court or Public Officer, the attachment may be made by a notice to such Court or officer requesting that such property and any interest or dividend becoming payable thereon may be held subject to the further

demands of the Recovery Officer issuing the notice: Provided that, where such property is in the custody of a court or Recovery Officer of another district, any question of title or priority arising between the applicant and any other person not being the defaulter claiming to or interested in such property by virtue of any assignment, attachment or otherwise shall be left to be determined by such court or Recovery Officer. (8)(i) Where the property to be attached is a decree either for the payment of money or for sale in enforcement of a mortgage or charge, the attachment shall be made, if the decree sought to be attached was passed by the Registrar or by any person to whom a dispute was transferred by the Registrar under Section 95, by a nominee or board of nominees then by the order of the Registrar. (ii) Where the Registrar makes an order under Clause (i), he shall on the application of the applicant who 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 to be executed by the attachment of another decree, the Recovery Officer making an order of attachment under this sub-rule shall give notice of such order to the judgement-debtor bound by the decree attached; and no payment or adjustment of the attached decree made by the judgement-debtor in contravention of such order after receipt of the notice thereof, either through the Recovery Officer or otherwise, shall be recognised so long as the attachment remains in force. (9) Where the movable property to be attached is- (a) a debt due to the defaulter in question, (b) a share in the capital of a corporation or a deposit invested therein, or (c) other movable property not in the possession of the defaulter, except property deposited in, or in the custody of, any Civil Court, the attachment shall be made by a written order signed by the Recovery Officer prohibiting- (i) in the case of a debt, the creditor from recovering the debt and the debtor from making payment thereof; (ii) in the case of a share or deposit, the person in whose name the share or the deposit may be standing from transferring the share or deposit, or receiving and dividend or interest thereon; and (iii) in the case of any other movable property, the person in possession of it, from giving it over to the defaulter. A copy of such order shall be sent, in the case of the debt, to the debtor, in the case of the share or deposit, to the proper officer of the corporation; and in the case of any other movable property, to the person in possession of such property. As soon as the debt referred to in Clause (a) or the deposit referred to in Clause (b) matures, the Recovery Officer may direct the person concerned to pay the amount to him. Where the share is not withdrawal, the Recovery Officer shall arrange for its sale through a broker. Where the share is withdrawable, its value shall be paid to the Recovery Officer or to the party referred to in Clause (c). The person concerned shall place it in the hands of the Recovery Officer as it becomes deliverable to the debtor. (10) Immovable property shall not be sold in execution of a decree unless such property has been previously attached: Provided that where the decree has been obtained on the basis of a mortgage of such property it shall not be necessary to attach it. (11) In the attachment and sale or sale without attachment of immovable property, the following rules shall be observed: (a) The application presented under sub-rule (2), shall contain a

description of the immovable property to be proceeded against, sufficient for its identification and in case such property can be identified by boundaries or numbers in a record of settlement or survey, the specification of such boundaries or numbers and the specification of the defaulter's share or interest in such property to the best of the belief of the applicant and so far as he has been able to ascertain it.(b)The demand notice issue by the Recovery Officer, under sub-rule (3) shall contain the name of the defaulter, the amount due including the expenses, if any, and the batta to be paid to the person who shall serve the demand notice, the time allowed for payment and in case of non-payment, the particulars of the properties to be attached and sold or to be sold without attachment, as the case may be. After receiving the demand notice, the Sale Officer shall serve or cause to be served a copy of the demand notice upon the defaulter or upon some adult male member of his family at his usual place 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 defaulter with intent to defeat or delay the execution proceeding against him is about to dispose of the whole or any part of his property, the demand notice issued by the Recovery Officer under sub-rule (3), shall not allow any time to the defaulter for payment of the amount due by him and the property of the defaulter shall be attached forthwith.(c)If the defaulter fails to pay the amount specified in the demand notice within the time allowed, the Sale Officer shall proceed to attach and sell, or sell without attachment, as the case may be, the immovable property noted in the application for execution in the following manner.(d)Where attachment is required before sale, the Sale Officer shall, if possible, cause a notice of attachment to be served on the defaulter personally. Where personal service is not possible, the notice shall be affixed in some conspicuous part of the defaulter's last known residence, if any. The fact of attachment shall also be proclaimed by beat of drum or other customary mode at some place on, or adjacent to, such property and at such other place or places as the Recovery Officer may consider necessary to give due publicity to the sale. The attachment notice shall set forth that, unless the amount due with interest and expenses be paid within the date therein mentioned, the property will be brought to sale. A copy shall be sent to the applicant. Where the Sale Officer so directs, the attachment shall also be notified by public proclamation in the official Gazette.(e)Proclamation of sale shall be published by affixing a notice in the office of the Recovery Officer and the Tehsil office at least thirty days before the date fixed for sale and also by beat of drum in the village (on two consecutive days previous to the date of sale and on the day of sale prior to the commencement of the sale). Such proclamation shall, where attachment is required before sale, be made after the attachment has been effected. Notice shall also be given to the applicant and the defaulter. The proclamation shall state the time and place of sale and specify as fairly and accurately as possible-(i)the property to be sold;(ii)any encumbrance to which the property is liable;(iii)the amount for the recovery of which sale is ordered; and(iv)any other matter which the Sale Officer considers material for a purchaser to know in order to judge the nature and value of the property.(f)Where any immovable property is sold under these rules, the sale shall be subject to the prior encumbrances on the property, if any. The applicant shall, when the amount for the realisation of which the sale is held exceeds Rs.100 furnish to the Sale Officer within such time as may be fixed by him or by the Recovery Officer an encumbrance certificate from the registration department for the period of not less than twelve years prior to the date of attachment of the property sought to be sold, or in cases falling under the proviso to sub-R (10), prior to the date of the application for execution. The time for production of

the encumbrance certificate may be extended at the discretion of the Sale Officer or the Recovery Officer, as the case may be. The sale shall be by public auction to the highest bidder: Provided that, it shall be open to the Sale Officer to decline to accept the highest bid where the price offered appears to be unduly low or for other adequate reasons: Provided further that the Recovery Officer or the Sale Officer may, in his discretion, adjourn the sale to a specified day and hour, recording his 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 defaulter consents to waive it. The sale shall be held after the expiry of not less than thirty days calculated from the date on which notice of the proclamation was affixed in the office of the Recovery Officer. The time and place of sale shall be fixed by the Recovery Officer and the place of sale shall be the village where the property to be sold is situated or such adjoining prominent place of public resort as may be fixed by the Recovery Officer: Provided that, in case where an encumbrance certificate is not obtainable owing to the destruction of the connected records, an affidavit from a Magistrate in regard to the encumbrances known to him supported by a certificate from the Registration Department that the encumbrance certificate cannot be granted owing to the destruction of the connected records, shall be accepted in place of an encumbrance certificate. (g) A sum of money equal to 15 per cent of the price of the immovable property shall be deposited by the purchaser in the hands of the Sale Officer at the time of the purchase, and in default of such deposit, the property shall forthwith be resold: Provided that, where the applicant is the purchaser and is entitled to set-off the purchase money under Clause (k), the Sale Officer shall dispense with the requirements of this clause. (h) The remainder of the purchase money and the amount required for the general stamp for the sale certificate shall be paid within fifteen days from the date of sale: Provided that the time for payment of the cost of 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 amount to be paid under this clause, the purchaser shall have the advantage of any set-off to which he may be entitled under Clause (k). (i) In default of payment within the period mentioned in the last preceding clause, the deposit may, if the Recovery Officer thinks fit, after defraying the expenses of the sale, be forfeited to the State Government and the defaulting purchaser shall forfeit all claims to the property or to any part of the sum for which it may subsequently be sold. (j) Every resale of immovable property in default of payment of the amounts mentioned in Clause (h) within the period allowed for such payment, shall be made, after the issue of a fresh proclamation in the manner and for the period herein before prescribed for the sale. (k) Where an application purchases the property, the purchase money and the amount due on the decree shall be set-off against one another, and the Sale Officer shall enter up satisfaction of the decree in whole or in part accordingly. (12) Where prior to the date fixed for a sale, the defaulter or any person acting on his behalf or any person claiming an interest in the property sought to be sold tenders payment of the full amount due, together with interest, batta and other expenses incurred in bringing the property to sale, including the expenses of attachment, if any, the Sale Officer shall forthwith release the property after conceding, where the property has been attached, the order of attachment. (13) (i) Where immovable property has been sold by the Sale Officer, any person either owning such property or holding any interest therein by virtue of a title acquired before such sale, may apply to have the sale set aside on his depositing with the Recovery Officer- (a) for payment to the purchaser a sum equal to 5 per cent of the purchase money, and (b) for payment to the applicant, the amount of arrears specified in the proclamation of sale as that for the recovery of which the sale was ordered together with interest thereon and the expenses of

attachment, if any, and sale and other costs due in respect of such amount, less amount which may since the date of such proclamation have been received by the applicant.(ii)If such deposit and application are made within thirty days from the date of sale, the Recovery Officer shall pass an order setting aside the sale or shall repay to the purchaser, the purchase money so far as it has been deposited, together with the 5 per cent deposit by he applicant:Provided that, if more persons than one have made deposit and application under this sub-rule, the application of the first depositor to the officer authorised to set aside, shall be accepted.(iii)If a person applies under sub-rule (14) to set aside the sale of immovable property, he shall not be entitled to make an application under this sub-rule.(14)(i)At any time within thirty days from the date of the sale of immovable property, the applicant or any other 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 is allowed, the Recovery Officer shall set aside the sale and may direct a fresh one.(iii)On the expiration of thirty days from the date of sale, if no application to have the sale set aside is made or if such application has been made and rejected, the Recovery Officer shall make an order confirming the sale:Provided that, if he has reason to believe that the sale ought to be set aside notwithstanding that no such application has been made or on grounds other than those alleged in any application which has been made and rejected, he may, after recording his reasons in writing, set aside the sale.(iv)Whenever the sale of any immovable property is not so confirmed or is set aside, the deposit or the purchase money, as the case may be, shall be returned to the purchaser.(v)After the confirmation of any such sale, the Recovery Officer shall grant a certificate of sale bearing his seal and signature to the purchaser, and such certificate shall state the property sold and the name of the purchaser.(15)It shall be lawful for the Sale Officer to sell the whole or any portion of the immovable property of a defaulter in discharge of money due:Provided that so far as may be practicable, no larger section or portion of immovable property shall be sold than that may be sufficient to discharge the amount due with interest and expenses of attachment, if any, and sale.(16)Where the costs and charges incurred in connection with attachment and sale of immovable property or the attachment and sale or sale without attachment of immovable property under this rule, exceeds the amount of the cost deposited by the applicant, such excess shall be deducted from the sale proceeds of the property sold or the moneys paid by the defaulter, as the case may be, and the balance shall be made available to the applicant.(17)Every person making a payment towards any money due for the recovery of which application has been made under this rule shall be entitled to a receipt for the amount signed by the Sale Officer or other officer empowered by the Recovery Officer in that behalf. Such receipt shall state the name of the person making the payment and the subject matter in respect of which the payment is made.(18)(a)Where any claim is preferred to, or airy objection is made to the attachment of, any property attached under this rule on the ground that such property is not liable to such attachment, the Sale Officer shall investigate the claim or objection and dispose it of on merits:Provided that no such investigation shall be made when the Sale Officer considers that the claim or objection is frivolous.(b)Where the property to which the claim or objection relates has been authorised for sale, the Sale Officer may postpone the sale pending the investigation of the claim or objection.(c)Where a claim or an objection is preferred to the party against whom an order is made may institute a suit to establish the right which he claims

to the property in dispute, but subject to the result of such suit, if any, the order shall be final.(19)(i)Any deficiency of price which may arise on a re-sale held under Clause (j) of sub-rule (11) by reason of the purchaser's default and all expenses attending such re-sale shall be certified by the Sale Officer to the Recovery Officer, and shall, at the instance of either the applicant or the defaulter, be recoverable from the defaulting purchaser under the provisions of this rule. The costs, if any, incidental to such recovery shall also be borne by the defaulting purchaser.(ii)Where the property may, on the second sale, sell for a higher price than at the first sale, the defaulting purchaser at the first sale, shall have no claim to the difference or increase.(20)Where any property has been attached in execution of decree but by reason of the applicant's default the Recovery Officer is unable to proceed further with the application for execution, he shall either dismiss the application or for any sufficient reason adjourn the proceedings to a future date. Upon the dismissal of such application, the attachment shall cease.(21)Where assets are held by the Sale Officer and before the receipt of such assets, demand notices in pursuance of application for execution of decree against the same defaulter have been received from more than one applicants and the applicants have not obtained satisfaction, the assets, after deducting the cost of realisation, shall be rateably distributed by the Sale Officer among all such applicants in the manner provided in Section 73 of the Code of Civil Procedure, 1908.(22)Where a defaulter dies before the decree has been fully satisfied, an application under sub-rule (1), may be made against the legal representative of the deceased and thereupon all the provisions of this rule shall, save as otherwise provided in this sub-rule, apply as if such legal representative were the defaulter. Where the decree is executed against such legal representative, he shall be liable only to the extent of the property of the deceased which has come to his hand and has not been duly disposed of; and for the purpose of ascertaining such liability, the Recovery Officer executing the decree may, of his own motion or on the application of the applicant, compel such legal representative to produce such accounts as he thinks fit.

108. Contributions, fees and charges to be credited to Government.

- All contributions made, all fees paid under sub-section (3) of Section 111, and all charges levied under Rule 74 shall be credited to the State Government.

109. Communication of decision, award etc.

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

110. Repeal and savings.

(1)The Tripura Co-operative Societies Rules, 1959 (hereinafter referred to as the said Rules) are hereby repealed:Provided that the repeal shall not affect the previous operation of the said Rules so repealed and anything done or any action taken or deemed to have been done or taken (including any appointment or delegation made, application or other document filed, certificate of registration granted, agreement executed, notification, order, direction or notice issued, regulation, form or

bye-laws framed, or proceedings instituted before the Registrar, Liquidator or Tribunal or other officer, authority or person) by or under the provisions of the said Rules, be deemed to have been done or taken under the corresponding provisions of these rules, and shall continue in force unless and until superseded by anything done or any action taken under these rules.(2)Accordingly, all societies registered or deemed to be registered under the rules repealed, the registration of which is in force at the commencement of these rules, shall on such commencement be deemed to be registered under these rules; and all proceedings pending immediately before such commencement before the Registrar, Liquidator or Tribunal or other officer, authority or person under the provisions of the repealed Rules shall stand transferred, where necessary to the Registrar, Liquidator or Tribunal or other corresponding officer, authority or person under these rules, and if no such officer, authority or person, exists or if there be a doubt as to the corresponding officer, authority or person, to such officer, authority or person as the Government may designate and shall be continued and disposed of before such officer, authority or person in accordance with the provisions of these rules.(3)Any reference to the rules repealed or to any provisions thereof or to any officer, authority or person entrusted with any functions thereunder, in any law for the time being in force or in any instrument or document, shall be construed, where necessary, as a reference to these rules or their relevant provisions or the corresponding officer, authority or person functioning under these rules, and the corresponding officer, authority or person as the case may be, shall have and exercise the functions under the repealed rules or under the instrument or document. Form 'A'[See Rule 4]Form of application for registration of a co-operative society with limited/unlimited liability

1. Name of proposed society.....

2. Address to be registered....

3. Class of society...

4. Is liability or unlimited...

5. Area of operation.....

6. Number of members at present.....

7. What is the occupation of members.....

8. Capital with details of shares, deposits, fees etc..

9. Number and value of shares proposed to be issued.....

10. Managing Committee.....

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

SI. No. Name of member Father's name Age Profession Residence Signature

Form 'B'[See Rule 5 (1)]Register of applications for registration received in the office of the Registrar/Additional/Joint/Deputy/Assistant Registrar

SI. No.	Name of the proposed society	Place: village, circle and District	Date of receipt	Date of acknowledgement	How received (by post/hand delivery)	No. and date on which additional information is called
1	2	3	4	5	6	7
	Prescribed date by which information is called	Date on which information received		No. and date of the report, if any, sent to Government, if the society is not registered within 6 months	No. and date	Initials Remarks
	of registration	of order under which registration is refused				
8		9	10		11	12 13 14

Form 'C'[See Rule 5 (3)]Certificate of RegistrationRegistration No....of 19In the office of the Registrar of Co-operative Societies, under the Tripura Co-operative Societies Act of 1974In the matter of the application for Registration of a Co-operative Society at....I do hereby certify that pursuant to provisions contained in Section 9 of the Tripura Co-operative Societies Act, 1974, a society under the rule "....." along with the bye-laws filed by the said society has been registered as a co-operative society with limited liability on this.....day of.....One thousand nine hundred and.....The area of operation of the society so registered shall be confined within.....Registrar of Co-operative SocietiesGovernment of TripuraForm 'D'[See Rule 6]Report to GovernmentToThe Secretary to Government.....DepartmentAgartalaSubject - Report regarding Registration proposalI have received a proposal for registration of Society, village.....district.....on.....It may not be possible to dispose of this Registration proposal within a period of six months as laid down under Section 9 (1) of the Tripura Co-operative Societies Act, 1974, for the following reasons, that is to say-(1)The promoters have not given information called for from them within the specified time.(2)The promoters have not been able to collect the share capital which is necessary for the successful working of the society.(3)Details regarding immovable property proposed to be purchased/acquired/transferred to the society are not given by promoters.(4)The concurrence of other departments regarding the feasibility of the scheme has not been received.(5)The promoters

Assistant/Deputy/Joint/Additional/Registrar of Co-operative SocietiesSubmitted through the
Joint/Additional Registrar/Registrar of Cooperative Societies for onward transmission to
Government.N.B. - The reasons for delay to be given in the body of the letter should be
self-explanatory. Any other reasons, if any, for the delay in the registering of the society should also
be mentioned.Form 'E'[See Rule 11 (1)]Register of Co-operative Societies registered or deemed to be
registered under the ActPart.....District.....

Form 'F'[See Rule 12 (4) (a)]Form of application for the registration of amendment of the bye-laws of a Co-operative SocietyToThe Registrar,Co-operative Societies, TripuraAgartalaDated.....19.....Sir,We, the undersigned, beg to enclose herewith in quadruplicate marginally noted amendment of the bye-laws of the.....Co-operative Society Ltd. in Tripura and to apply for the registration of the amendment under Section 13 of the Tripura Co-operative Societies Act, 1974. The necessary particulars about the general meeting in which the amendment was passed are notified below:

- Indian Kanoon - <http://indiankanoon.org/doc/79277081/>

bye-laws.....

meeting.....

Copy of the resolution of the meeting is also enclosed.

President,

Secretary,

Co-operative Society Ltd. Co-operative Society Ltd.

Form 'G'[See Rule 12 (5)]Certificate of Registration of Amendment of Bye-lawsIn the office of the Registrar of Co-operative Societies under the Co-operative Societies Act of 1974.I do hereby certify that pursuant to provisions contained in Section 13 of the Tripura Co-operative Societies Act of 1974 the amendment brought about in the enclosed document of the bye-laws of the co-operative society registered under the aforesaid Act on the.....day of.....19..... under No.....in Tripura has been duly registered.The bye-laws amended and registered this days as follows:complete amendment of the previous bye-laws/partial amendment of bye-laws No...../Rescission of bye-laws No...../Addition of bye-laws No.....Dated this.....day of.....one thousand nine hundred and.....Registrar of Co-operative SocietiesForm 'H'[See Rule 13 (1)]Notice under Rule 13 (1)By registered post A.D.ToThe Chairman/President,.....Co-operative SocietySir,It appears to me that an amendment/amendments of the bye-laws of your society as indicated in the attached statement is/are necessary and that it/those/is/are desirable in the interest of your society.I am to request you to consider this/these, amendment/amendments in the interest of your society and to call upon you by this notice under Rule 13 (1) of the Tripura Co-operative Societies Rules, 1976 to take necessary steps to make the amendments to the bye-laws of your society, within.....days from the date of receipt of this notice, failing which action will be taken as provided under Section 14 (2) of the Tripura Co-operative Societies Act, 1974

No..... Yours faithfully

Registrar, Co-operative Societies

Date..... (Seal of the office)

Statement accompanying notice under Rule 13 (1)

SI. No.	Exact wording of existing bye-laws	Bye-law as it would read after amendment	Exact working of bye-laws, if it is a new one	Reasons why amendment is considered necessary
1	2	3	4	5

Form 'I'[See Rule 13 (3)]Notice under Rule 13 (3)ToThe Chairman/President,.....Co-operative SocietySir,Whereas you were called upon to make amendment to the bye-laws of your society as per this office notice No.....dated.....and whereas you have failed to make the amendment within the time specified therein, you are hereby called upon to show cause in writing within days from the receipt of this notice as to why the proposed amendment of your bye-laws as indicated in this office notice referred to above should not be registered. If you desire to be heard in person, you may attend or send representative duly authorised on.....at.....a.m./p.m. in my office and put your defence before me, if any.If you fail to send your written statement or your representative on the date specified above or if your statement is found unsatisfactory, necessary further action according to the provisions of Section 14 (2) of the Tripura Co-operative Societies Act, 1974 will be taken.

No..... Yours faithfully

Date..... Registrar, Co-operative Societies

Place..... (Seal of the office)

Form 'J'[See Rule 16 (3)]Notice to members, creditors and other persons whose interests will be affected by the amalgamation/transfer of assets and liabilities/conversion/divisionNotice is hereby given as required by Clause (i) of the proviso to sub-section (1) of Section 17 of the Tripura Co-operative Societies Act, 1974, by the Society registered under No.....dated.....and having its registered office at.....to all members/creditors/persons interested that the society, after obtaining the approval of the Registrar and a preliminary resolution to that effect having been passed by a special general meeting of the society held on.....has decided to amalgamate, itself with.....Society; convert itself into Society; divide itself into (1).....(2).....Societies; transfer its assets and liabilities to Society.The details regarding the transfer of liabilities of the society to be amalgamated, transferred, converted or divided are given in the schedule below:I. Applicable to societies amalgamating, transferring assets and liabilities or converting-(1)Name of the society or societies.....(2)Statement showing the assets and liabilities of the society (to be enclosed).....(3)Names of members and creditors.....N.B. - Information should be given separately in respect of each society which is affected by the amalgamation, transfer of assets and liabilities or conversion.II. Applicable to societies to be divided-(1)Name of the society.....(2)Present area of operation.....(3)Statement showing assets and liabilities (to be enclosed).....(4)Names of members.....(5)Names of creditors.....III. Applicable to societies which will stand divided-Particulars of - (1).....Society-(i)Assets and liabilities which will remain with the society after division (Statement to be enclosed)....(ii)Proposed area of operation.....(iii)Names of members who will remain with the society.....(iv)Names of creditors who will remain with the society.....Particulars of (2).....Society-(i)Assets and liabilities which will remain with the society after division (Statement to be enclosed);(ii)Proposed area of operation.....(iii)Names of members who will remain with the society....(iv)Names of creditors who will remain with the society....

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

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

Place..... (By order of the Board/Managing Committee)

Date..... Secretary

Form 'K'[See Rule 18 (1)]Application for Reconstruction of SocietyToThe Registrar of Co-operative Societies.....In the special general meeting of.....society at

subdivision.....district.....called for the purpose of reconstruction of the society, the society has approved a compromise/arrangement with its creditors and/or members on the following lines;(1)By reducing the claims of creditors;(2)By reducing the value of the share capital;(3)By re-valuation of assets.A detailed scheme worked out on the above lines is enclosed with a copy of the resolution passed by the special general meeting of the society referred to above.We would request that scheme of reconstruction of the society may please be approved and orders issued to that effect.Chairman/Member/Creditor/Liquidator.....SocietyForm 'L'[See Rules 32 and 67 (1)]Registrar of Members[Section 40 (1) of the Tripura Co-operative Societies Act, 1974]

1. Serial No...

2. Names of members.....

3. Father's name/Husband's name.....

4. Age.....

5. Caste...

6. Place of residence....

7. Occupation.....

8. Date of membership....

9. Name of nominee.....

10. Nominee's place of residence and relationship with the member.....

11. Date and reasons of cessation of membership.....

12. Remarks.....

13. Signature or thumb impression of the members.....

Particulars of shares transferred or surrendered

Date Number of shares transferred or refunded No. of certificates Balance of shares held (if any)
Share Register Folio

Form 'M'[See Rule 32]List of members of.....Society Limited/Unlimited

SI. No. Full Name of the member Address Class of member

Form 'N'[See Rule 45 (1)]Declaration under Rule 45 (1)I,.....of.....am/have become a member of more than one credit societies, names of which are given below:*(1)*(2)*(3)*(4)I do hereby declare as required by Rule 45 (1) of the Tripura Co-operative Societies Rules, 1976, that I shall borrow only from.....Place.....Date.....(Signature)Witness to Signature* Here insert the name of the society.Form 'O'[See Rule 48 (1)]Declaration under Section 50I,.....(age.....) residing at.....having been admitted to the membership of.....Society with limited/unlimited liability and being desirous of borrowing loan from the society/having borrowed loan from the society before, make this declaration as required by Section 50 (a)/5 (b) of the Tripura Co-operative Societies Act, 1974, that I own/have interest as a tenant in land specified in the schedule, and I hereby create a charge on the said land/interest in favour of the society for the payment of the amount of the loan which the society may make/has made and for all future advances, if any, which the society may make to me subject to the maximum amount of Rs together with interest on such amount of the loan and advances.

Schedule

Name of village Name of office Name of district Survey No. Boundaries
City Survey No. Plot No. Share South East North West

Area	Assessment	Approximate value	Encumbrances, if any	Remarks, if any
Acres	Decimal	Rs.	P.	Nature Amount

In witness whereof, I, Shri.....hereunder set my hand this.....day of.....in the year one thousand nine hundred and.....WitnessSigned and delivered by the above named in the presence of-(1)(2)Attested byApplicant's/Borrower's SignatureForwarded with compliments to the Tahsildar with a request to include the particulars of the charge.....created under the declaration in the record-of-rights and to return to the society for its record.Chairman.....Secretary.....SocietyReturned with compliments to the Chairman.....Society limited/unlimited. The charge created under the declaration is duly included in the record-of-rights on the.....day of.....19...TahsildarForm 'P'[See Rule 48 (2)]Register of declaration made under Section 50 (a), (b)

SI. No.	Date of entry of register	Name of the member	Date of declaration	Name of the village in which land is standard	Survey No.	Area
City	Acres	Decimal				
Survey No.	Share					
Plot No.						
1	2	3	4	5	6	7 8

Assessment

	Approximate value	Encumbrances, if any	Amount of maximum loan Amount	Remarks if any	Initials of the Chairman	
Rs.	P.	Name				
9	10	11	12	13	14	15

Form 'Q' Trading Account for the year.....

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

Form 'Q' (contd.) Profit & Loss Account for the year.....

Dr.	Cr.	
		Rs. P.
LOSS	PROFIT	
To	By	
1. Interest paid and due	1. Interest earned	
(i) Interest paid	(i) Interest realised	
(ii) Interest due	(ii) Add interest accrued but not overdue at the end of year	
(iii) TOTAL	(iii) TOTAL	
(iv) Deduct interest accrued and due at the end of previous year	(iv) Deduct accrued interest but not overdue at the end of previous year	

- | | |
|---|--------------------------------|
| 2. Establishment & Contingent charges paid.....due.....
(a) for managerial expenses
(b) for other purpose (specify) | 2. Govt, aid received |
| 3. Commission paid | 3. Commission earned on agency |
| 4. Depreciation on
(a) Furniture
(b) Land and Building
(c) Machinery
(d) Others (specify) | 4. Income from investments |
| 5. Debts written of | 5. Dividend on Shares |
| 6. Reserve for bad and doubtful debts | 6. Entrance fees |
| 7. Other items (specify) | 7. Miscellaneous income |
| 8. Net profit (+) | 8. Other items (specify) |
| | 9. Net loss (-) |
| TOTAL | TOTAL |

Form 'Q' (contd.)[See Rule 64 (1)]Balance Sheet as at.....

LIABILITIES

1. Paid-up Share Capital(a)Government(b)Primary Society(c)Individuals

2. Deposits

held(a)Societies(i)Temporary(ii)Savings(iii)Fixed(b)Members(i)Temporary(ii)Savings(iii)Fixed(c)Non-men

3. Borrowings

(a) State Co-operative Bank(i)Short-term(ii)Medium-term(iii)Cash credit and overdrafts(b)Government (sp
Deptt. Etc.(i)for construction of godown(ii)for installation of plant and machinery(iii)Other purpose
(specify)(c)Others (specify)

4. Interest pending payment

5. Cost of management due

6. 'Profit of previous year-

(a) Bad debt reserve

(b) Common and fund

(c) Dividend

(d) Other funds (specify)

7. Reserve fund(a)Invested(b)Yet to be invested

8. Subsidy obtained from Government for(a)Construction of godowns(b)Installation of plant and machinery(c)Working Capital(d)Other specify

9. Adjustment account

10. Value of bills recoverable

11. Advances (Specify source)

Grand Total

* How they were distributed.

Secretary President

.....Society Ltd. Society Ltd.

Form 'R'[See Rule 75]Rectification report under Section 80/85

Date of audit.....

Period covered.....

No. and date of orderunder Section Name and designation of person carrying out audit,inquiry or
83/84 inspection

SI. No. of the	Observations made	Explanation of the society and	No. and date of	Remarks.
objection in the	by the Authority or	the remarksregarding action	the resolution of	

Audit Memo or report of the officer carrying out inquiry or inspection	officer carrying out inquiry or inspection	taken by it to rectify the irregularities and implement the suggestion made by the auditor or officer carrying out inquiry or inspection	the committee approving the report	
1	2	3	4	5

Form 'S'[See Rule 77]Application regarding reference of a disputeToThe
Registrar/Additional/Joint/Deputy/Assistant Registrar

1. Name Age
Occupation Address
 2. Name Age
Occupation Address Disputants
 3. Name Age
Occupation Address
- VERSUS
1. Name Age
Occupation Address
 2. Name Age
Occupation Address Opponents
 3. Name Age
Occupation Address

Particulars of the claim or the facts constituting the cause of action and when it aroseThe
disputant/disputants prays/pray as under:.....In support of the above claim
or relief sought, I/we enclose documents and papers as per the list annexed
thereto.Date.....Signed..... Disputant/DisputantsI/We.....disputant/disputants declare
that the facts stated above are true to the best of my/our knowledge and belief.

Date..... Signed.....

- 1.
2. Disputant(s)
- 3.

Filled in the office of.....on.....19...Note: (1) In case there are more disputants or opponents
their names/addresses, ages, and occupations should also be mentioned.(2)In disputes relating to
monetary claims, the applicants should state the precise amount claimed but where this cannot be
exactly ascertained, the applicant shall state the approximate amount claimed.(3)When a society is a
disputant, a copy of the resolution of its committee or Board of Directors shall accompany the
application.Form 'T'[See Rule 84]Proclamation to be issued at the time of the issue of a certificate
under Section 101A. In the case of immovable property:Whereas.....(judgement-creditor) has
obtained an award or awards under Section 98 or an order or orders of the liquidation under Section
105 of the Tripura Co-operative Societies Act, 1974, for an amount of

Rs.....against.....(Judgement-debtor) and proposes to execute the same by the under-mentioned property of the said judgement debtor and whereas the said judgement creditor has obtained a certificate dated.....for execution of the award/awards or the order/orders, under Section 101 of the said Act; Notice is hereby given that any private transfer or delivery of or encumbrance or charge on, the property made or created after the issue of the certificate shall be null and void against the said judgement-creditor under Section 99 of the Act aforesaid. Description of the Property

Date of award or order	Name of the parties against whom award or order has been passed and certificate under Section 98 has been issued	Survey No. of House No.	Name of the village or Town etc.	Area	Assessment of other taxes	Other description of property such as boundaries etc.	Remarks
1	2	3	4	5	6	7	8

The notice shall be proclaimed at same place on or adjacent to such property be beat of drum or other customary mode, and a copy of the said notice shall be affixed on a conspicuous part of the property and upon a conspicuous part of the village and also where the property is land paying revenue to the State Government in the office of the Collector of the district in which the land is situated. Place.....Registrar of Co-operative Societies/Liquidator Date.....B. In the case of movable property: A similar notice may be given with necessary changes as to the description of the property. A copy of the notice shall be delivered as judgement-debtor. Form 'U'[See Rule 86 (5)] Certificate for transfer of property under Section 105 In the case of immovable property-Whereas in execution of the award or order or awards or orders passed under Section 98 or an order or orders made by a Liquidator under Section 108 of the Tripura Co-operative Societies Act, 1974, in favour of the society, an order was made on the.....day of.....19.....for sale of the under-mentioned property of the person (debtor or debtors); And whereas the court/the Collector/the Registrar is satisfied that the said property cannot be sold for want of buyers; It is hereby ordered under Section 103 of the said Act that the right, title and interest of the debtors in the said property shall vest in the said society and shall be delivered to the society subject to the terms and conditions laid down in the schedule hereto annexed: Description of the Property

Survey No.	Area and assessment	Nature of right, title and interest of the defaulter	Details of encumbrances to which property is subjected
1	2	3	4

The Schedule The said property is transferred to the society in full/partial satisfaction of the amount due to it from the debtor. Given under my hand and seal of the court/Collector/Registrar this.....day of.....19.... Court/Collector/Registrar of Co-operative Societies In the case of movable property: (The form shall be similar with necessary changes as regards the "Description and the delivery of the property.") Form 'V'[See Rule 94 (8)] Public Notice under Rule 94 Whereas Shri.....resident of.....has applied for loan for the purpose of (specify purpose).....a purpose mentioned in

Section 115 of the Tripura Co-operative Societies Act, 1974 from the.....Land Development Bank Ltd.....and has proposed to offer as a security for the loan, the land mentioned in the margin; Notice is hereby given that objections, if any, to the grant of loan from all persons interested will be heard by the undersigned at.....o'clock on.....19.....at.....Lands in which improvement in proposed to be effected
Name of village Survey No. Assessment

Lands proposed to be effected as security
Name of village Survey No. Assessment

Any person wishing to submit any objection should appear in person at the above mentioned time and place before the undersigned together with any document he wants to produce in support of his objections. It is hereby notified for the information of all persons interested that according to the provisions of Section 121 of the Tripura Co-operative Societies Act, 1974, a written order by the Land Development Bank or person or committees authorised under the bye-laws of the Bank to make loans for all or any of the purposes specified in Section 115, granting either before or after the commencement of the said Act, a loan to or with the consent of persons mentioned therein, for the purpose of carrying out the work specified therein for the benefit of the land or for the productive purpose mentioned therein shall, for purposes of the said Act, be conclusive of the following matters, that is to say-(a)that the work described or the purpose for which the loan is granted, is an improvement or productive purpose/as the case may be, within the meaning of Section 115;(b)that the person had at the date of the order a right to make such improvement or incur expenditure for productive purpose, as the case may be; and(c)that the improvement is one benefiting the land specified and productive purpose concerns the land offered in security, or any part thereof as may be relevant. If any person interested fail to appear as stated as required by this notice, the questions at issue will be decided in their absence and such persons will have no claim whatsoever against the property for which the loans applied for, will be sanctioned till such time as the loans together with interest thereon or any other dues arising out of the loan are paid in full by the loanee. Dated this day of.....19..(Signed).....Designation of Officer Copy forwarded with compliments to the Tehsil or other corresponding officer.....village and the.....Land Development Bank Limited.....with a request to affix the notice at the Head Office and relevant branch offices of the bank immediately and inform the undersigned accordingly by.....Form 'W'[See Rule 101] Certificate to be granted to the purchaser of the property under Section 136 (1) of the Tripura Co-operative Societies Act, 1974 This is to certify that the following property-

SI. No.	Survey No.	Boundaries	Village	Sub-Division	District	Name of the mortgagor who held the land
1	2	3	4	5	6	7
12345						

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

on.....(Signature).....Secretary/ManagerLand Development Bank Ltd.Form 'X'[See Rule 61 (6)
(a)]Nomination Form for election to the Committee of.....Society

1. Name of the candidate....

2. Membership No. (with classification, if any)..

3. Father's or husband's name.....

4. Full address of the candidate....

5. In case the candidate is seeking election to represent any society mention the name of the society...

6. Proposer's name and his membership No....

7. Signature or thumb impression of the proposer.....

8. Seconder's name and his membership.....

9. Symbol which he desires to use for the election...

Declaration

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

Signature or thumb impression of the candidate.....Endorsement by the Election Officer.....The nomination was presented to be in person at.....on.....date.....at hours at him.Signature of Election Officer