

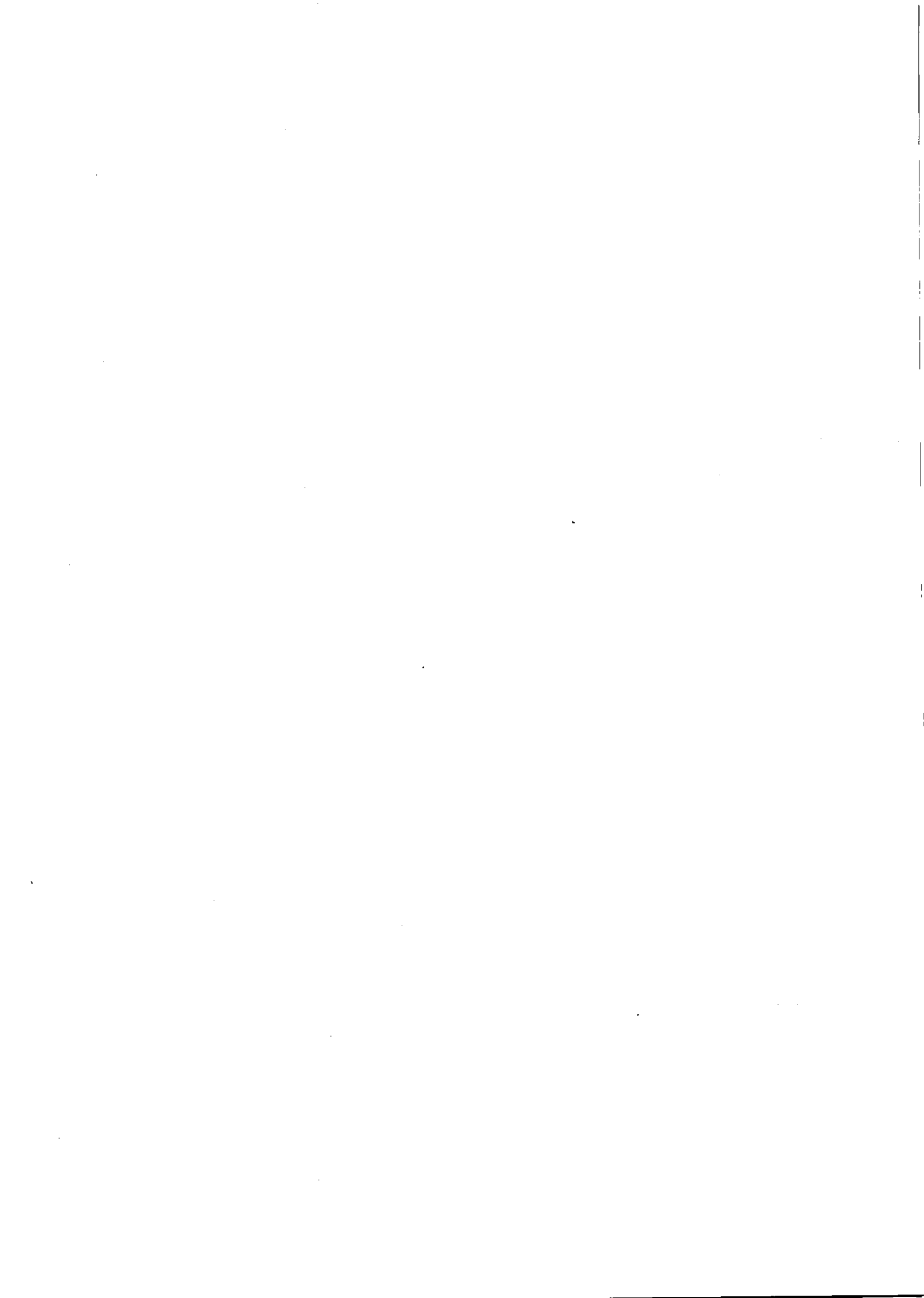


GOVERNMENT OF ORISSA

**THE ORISSA CO-OPERATIVE SOCIETIES
RULES, 1965**

(Corrected upto the 29th February 1980)

**AGRICULTURE & CO-OPERATION
DEPARTMENT**



THE ORISSA CO-OPERATIVE SOCIETIES RULES, 1965

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CO-OPERATION & FORESTRY DEPARTMENT

NOTIFICATION

The 24th June 1965

No. 12486-C.F.—In exercise of the powers conferred by section 134 of the Co-operative Societies Act, 1962 (Orissa Act 2 of 1963), the State Government do hereby make the following Rules, the same having been previously published as required under sub-section (1) of the said section of the said Act, namely:—

The Orissa Co-operative Societies Rules, 1965

CHAPTER I

Preliminary

1. *Short title and commencement*—(i) These Rules may be called the Orissa Co-operative Societies Rules, 1965.

(ii) They shall come into force at once.

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

- (a) "the Act" means the Orissa Co-operative Societies Act, 1962 and all words and expressions used but not defined herein shall have the meanings respectively assigned to them in the Act;
- (b) "arbitrator" means a person appointed under clause (c) of sub-section (1) of section 70 to dispose of any dispute referred to him;
- (c) "auditor" means a person authorised under section 62 by general or special order of the Registrar to audit the accounts of a society;
- (d) "bonus" means payments made in cash or kind out of the net profits of a society in accordance with clause (b), (e) or (f) of sub-section (2) of section 56;
- (e) *The Co-operative Year*—Unless the Registrar directs otherwise in writing for any society or class of societies, the Co-operative Year shall be a period of twelve months from the 1st day of July to the 30th day of June next following;
- (f) "defaulter" means any society against which or any person against whom, a decree or order under section 103 has been obtained and includes such person or persons against whom proceedings under section 90 are taken;
- (g) "director" means a member of a committee;
- (h) "dispute" means any dispute referable to the Registrar under section 68;
- (i) "dividend" means the amount paid out of the net profits of a society to a member in proportion to the paid-up share capital held by him;
- (j) "Government" means the State Government of Orissa;
- (k) "liquidator" means a person appointed by the Registrar under sub-section (1) of section 73 to wind up the affairs of a society;

- (l) "Principal Officer" of the Department with reference to an area means an Assistant Registrar appointed under sub-section (1) of section 3 and rule 7 to assist the Registrar generally in the administration of the Act and the Rules within such area;
- (m) "sale officer" means a person subordinate to the Registrar and authorised by him or by a person exercising the powers of the Registrar by a general or special order to recover the dues covered by a decree by attachment and sale or by sale without attachment under section 103 or by distraint and sale under section 90;
- (n) "Secretary" means a person who subject to the provision of the bye-laws is entrusted with the management of the affairs of a society and includes a member of a Committee or any other person discharging the duties of a Secretary by whatever name called;
- (o) "section" means a section of the Act;
- (p) "Schedule" means the schedule of forms appended to these rules.

3. *Determination of 1/2, 1/3, etc.*—When any rule or bye-law requires the determination of one-half, one-third or any other fraction of a number and that number is not evenly divisible, by 2, 3 or such other figure, as the case may be, the number next above which is evenly divisible by 2, 3 or such other figure, shall be taken for the original number.

4. *Forms*—The Registrar may specify the maintenance of forms, registers, returns statement in connection with the organisation, management and affairs of societies and may modify the same from time to time.

4-A. *Net profits*—The "net profits" of a society shall be the profits remaining after allowing for the following charges, namely:—

- (a) Establishment charges;
- (b) Contingent charges;
- (c) Interest payable on loans and deposits;
- (d) Audit fees;
- (e) All other usual working charges such as repairs, rents, taxes and the like;
- (f) depreciation and irrecoverable book debts if written off from the profit;
- (g) Capital expenditure, written off either wholly or in part;
- (h) Capital loss actually incurred and not adjusted against any fund created out of profits; and
- (i) Such other deductions as the Registrar may direct from time to time

CHAPTER II

Registration of Co-operative Societies

5. Designation of persons appointed to assist the Registrar of Co-operative societies—
The persons appointed to assist the Registrar under sub-section (1) of section 3 shall have any of the following designation, namely:—

- (1) Additional Registrar of Co-operative Societies
- (2) Joint Registrar of Co-operative Societies
- (3) Deputy Registrar of Co-operative Societies
- (4) Deputy Registrar (Headquarters)
- (5) Chief Audit Officer
- (6) Additional Chief Audit Officer
- (7) Assistant Registrar
- (8) Assistant Registrar (Marketing)
- (9) Assistant Registrar (Land ¹ [Development] Bank)
- (10) Audit Officer

6. Application for Registration—(1) The signatures of the applicants on the application for registration of a society shall be attested by a witness.

(2) The bye-laws to be enclosed with the application for registration shall be signed by the applicant as in the case of application for registration.

(3) Every application for registration of a society shall be accompanied by:—

(a) A list of persons who have contributed to the share capital, together with the amount contributed by each of them and the entrance fee to be paid by them supported by a certificate of the Banker,

(b) 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 the immovable property proposed to be purchased, acquired or transferred to the society; and

(c) Such other documents as may be required by the Registrar.

(4) Where any member of a Society to be registered is a society, a member of the Committee of such 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.

(5) Where any member of a Society to be registered is a body corporate other than a society, such member 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.

(6) The application shall either be sent by registered post or delivered by hand to the Registrar.

1. Substituted by Co-operation & Forestry Department notification No. 2637-C. F., dated 6-2-1970.

¹ [6-A. A primary Co-operative Society operating in any area declared under sub-paragraph (2) of paragraph 6 of the 5th Schedule to the Constitution of India as Scheduled area by the President, shall not be registered as large Size Multipurpose Co-operative Society unless its purposes are—

- (a) to provide agricultural credit to the Tribals and others within its area of operation;
- (b) to provide agricultural inputs to members;
- (c) to provide credit for collection of minor forest produce to its members;
- (d) to provide facilities for collection, storage, marketing and processing of agricultural and minor forest produce;
- (e) to supply essential commodities to the members;
- (f) and to conduct such other activities for the benefit of Tribals as decided by the State Government from time to time.]

7. *Alteration in draft bye-laws by Registrar*—The Registrar may before registering a society;—

- (a) call for such information or make such enquiry as he may deem necessary; and
- (b) make such alteration in the draft bye-laws submitted with the application for registration as he may deem fit, provided that before making such alterations the Registrar may give an opportunity to the organiser to be heard.

8. *Subject-matter of bye-laws*—Every co-operative society shall, subject to the provisions of the Act and the Rules made thereunder, make bye-laws in respect of the following matters and may deal with such other matters incidental to the organisation of the society and the management of its business as may be deemed necessary;—

- (1) The name and registered address of the society and its branches, if any;
- (2) the area of its operation ;
- (3) the objects of the society ;
- (4) the purpose to which its funds may be applied ;
- (5) the qualification for admission to membership and the payment, if any, to be made or interest to be acquired as a condition for exercising the right of membership.
- (6) the rights and liabilities of membership;
- (7) admission or non-admission of associate and nominal members and their rights and liabilities ;
- (8) the nature and extent of the share capital, if any, of the society and the maximum value of shares which a single member can hold;
- (9) the manner in which the capital may be raised whether by means of shares, debentures, deposits from members or non-members or otherwise; and the maximum share capital that can be refunded, if any, in any one year by the society;
- (10) the entrance and other fees and fines, if any, to be collected from members;
- (11) removal and expulsion of members and the payment, if any, to be made to such members;
- (12) transfer of share or interest of a member;
- (13) the circumstances under which withdrawal of membership shall be permitted and the procedure to be followed in case of withdrawal, ineligibility and death of members;

1. Inserted by Agriculture and Co-op. (Co-op.) Department notification No. 22878, dated 15-10-1975.

- (14) qualification, mode of appointment and removal of directors and officers of the society, their powers and duties;
- (15) the mode of summoning and conducting general meeting, meeting of the committee and the meetings of the Executive Committee or Sub-committees;
- (16) powers and duties of the general body, the Committee, Executive Committee and other committees;
- (17) powers and duties of President, Secretary and other officers of the society;
- (18) altering and abrogating bye-laws ;
- (19) the general conduct of the business of the society ;
- (20) the disposal of profits ;
- (21) limits and manner of distribution of dividend, bonus and honorarium ;
- (22) creation and use of Reserve and other Funds ;
- (23) the mode of custody and investment of funds outside the business of the society
- (24) the custody of books, accounts and securities and the mode of keeping accounts
- (25) disputes ;
- (26) 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 ;
- (27) manner of sending notices ;
- (28) framing of subsidiary rules or rules of business ;
- (29) the bye-laws of a society shall provide that, should there be conflict between the bye-laws of the Financing Bank or the Apex Bank to which a society is affiliated and the bye-laws of the society, those of the Financing Bank or Apex Society, as the case may be, shall prevail.

9. Selection of Organiser—(1) The applicants for the registration of a society shall select an organiser for communicating with the Registrar in regard to the registration and such organiser shall furnish such information in regard to the proposed society on behalf of the applicants as mentioned in section 6 (1) of the Act, as the Registrar may from time to time require.

(2) If the Registrar refuses to register a society, he shall communicate the order of refusal together with the reasons thereof to the organiser referred to in sub-rule (1) above, by registered post.

10. Certificate of Registration—(1) When a society is registered under section 7, the Registrar shall grant a certificate of registration in the form set forth in Schedule A.

(2) On the registration of a society, five copies of the registered bye-laws shall be stamped with the official seal of the Registrar. One of the said copies shall be retained in the office of the Registrar, the second copy sent to the Principal Officer concerned and the third copy together with the certificate of registration shall be forwarded to the Organiser of the society.

(3) If the society intends to be a member of a Financing Bank a fourth copy shall be authenticated and sent to the Financing Bank and the fifth copy shall be sent to the Audit Officer concerned.

11. Evidence of Registration—When a certificate of registration is issued under section 8 of the Act, it shall be conclusive evidence that the society mentioned therein is a society duly registered under the Act and that its bye-laws as attached to the certificate have been duly registered, unless it is proved that the registration of the society has been cancelled or that the bye-laws have been amended in accordance with section 12.

12. *List of Registered Society to be maintained in the office of the Registrar*—The Registrar shall keep in his office—

- (1) a register of the name and address of all registered societies, and
- (2) a register of the bye-laws of such societies with all subsequent amendments thereto, arranged in order in which the amendments are registered.

13. *Change of Liability*—(1) Every notice to be given by the society under sub-section (2) of section 11 shall be sent by post under certificate of posting or by delivery in person 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 in the notice-board of the society and a copy shall also be sent to the Registrar for exhibition in 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 be sufficient and proper service on all its members and creditors.

(2) For the purpose of determining the claims of a member under clause (b) of sub-section (4) of section 11, the value of a share of a member in a society shall be ascertained in the manner laid down in rules 24 and 25.

(3) Any member or creditor desiring to exercise his option under sub-section (2) of section 11 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 provision of sub-rule (2). 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-section (2) of section 11 shall be ineffective.

(4) After the Registrar approves the scheme, the society shall make payment to the members and creditors as provided in clause (b) of sub-section (4) of section 11 and make a report to that effect to the Registrar along with the proposal to amend the bye-laws of a society in the manner provided in rule 14 for registration of such amendment.

14. *Procedure regarding Amendment of Bye-Laws*—The following procedure shall be adopted in regard to amendment to the bye-laws of a society:—

(i) Every amendment shall be made only by a resolution passed by not less than two-thirds of the members present at a meeting of the general body of the members of the society at which a quorum shall be present.

(ii) No such resolution shall be valid unless due notice of the proper amendment of the bye-laws is given in accordance with the bye-laws.

(iii) Every application made to the Registrar for the registration of an amendment shall be signed by the Secretary, if any and three members of the committee of which the President shall be one and shall contain the following particulars, namely:—

- (a) the date of the general body meeting at which the amendment was adopted ;
- (b) the number of days provided in the bye-laws for notice for convening the general body meeting.
- (c) the number of days notice given to convene the general body meeting referred to in clause (a) for the purpose of amendment of bye-laws ;
- (d) the total number of members of the society on the date of such meeting ;
- (e) the number of members present at such meeting ;
- (f) the number of members required to form the quorum ; and
- (g) the number of members who voted for the amendment.

(iv) Notwithstanding anything contained in clauses (i) to (iii) the bye-laws of a society having membership of one thousand or more may be amended by a smaller body representing the members of the society, as may be provided in the bye-laws of the society as referred to in section 27. In such cases, all references to general body meeting contained in clauses (i) to (iii) shall be construed as references to the meeting of such smaller body.

(v) The application for registration of the amendment of the bye-laws shall be accompanied by a copy of the resolution, making the amendments along with five copies of the amendment signed by the same members as referred to in clause (iii) together with copy of the existing bye-laws.

[(vi) Notwithstanding anything contained in clauses (i) to (iii), the bye-laws of a society having membership of one thousand or more, may be amended by a smaller body representing the members of the society, as may be provided in the bye-laws of the society as referred to in section 27. In such cases, all references to general body meeting contained in clauses (i) to (iii) shall be construed as references to the meeting of such smaller body.]

Copies of amendment shall be sent to all persons to whom copies of bye-laws are to be sent vide Rule 10.

14-A. Procedure for amendment of bye-laws under direction by Registrar—(1) Where it appears to the Registrar that an amendment of the bye-laws of a society referred to in sub-section (5) of section 12 of the Orissa Co-operative Societies Act is necessary, he shall indicate the reasons therefor, and issue a notice calling upon the Committee of such society to convene a general meeting to consider such amendment.

(2) The notice referred to in sub-rule (1) shall specify—

(a) the text of the bye-laws as existing and the bye-laws as proposed for amendment or the new bye-laws as proposed to be incorporated; or the existing bye-law which is proposed for deletion; and

(b) the period within which such amendment should be sent to the Registrar for registration after getting it passed by the general meeting.

(3) Where ²[the committee of] a society files an objection to the proposed amendment, such an objection shall be duly considered by the Registrar and if the Committee desires to be heard, it shall be given an opportunity of being heard. The Registrar may, after considering the representation of the society, register the amendment.

15. Manner of giving notice of the Resolution under sub-section (5) of section 14—When a society has passed any resolution under sub-section (1) or sub-section (2) or when an order has been passed by the Registrar under sub-section (3) of section 14 the society concerned shall give a notice of the resolution to all its members and creditors whose interest will be affected by the amalgamation or transfer of assets and liabilities or division of societies, in the following manner, namely:—

(a) A copy of the notice shall be sent under certificate of posting or delivery in person to each of the members and creditors.

(b) A copy of the notice shall be sent to the Registrar.

(c) A copy shall be exhibited in the office of the Society.

1. Inserted by Co-operation & Forestry Department notification No. 2637-C. F., dated 6-2-1970.

2. Inserted by Agriculture & Co-operation (Co-operation) Department notification No. 27611, dated 18-8-1978.

CHAPTER III

Members of the Co-operative Societies and their Rights and Liabilities

16. *Persons who may become members under section 16 (1) (e)*—(1) The following persons may be admitted as members of Co-operative Society:—

- (a) Panchayat Samiti;
- (b) Grama Sasan;
- (c) Orissa State Khadi and Village Industries Board;
- (d) Other body corporate with the prior permission of the Registrar.

(2) No person shall be admitted as a member of a Society unless—

- (i) he has applied in writing for membership in the form laid down by the Committee, subject to the approval of the Registrar.
- (ii) his application is accepted by the Committee of the Society in pursuance of the powers conferred on it in that behalf ¹ [subject to the provision contained in section 16] and in the case of nominal or an associate 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 and Rules and the bye-laws;
- (iv) in case of a Panchayat Samiti, Grama Sasan, the Orissa Khadi and Village Industries Board or any other body corporate, the application for membership is accompanied by a resolution of the body concerned authorising it to apply for such membership;

17. *Admission, re-admission as member*—(1) No person shall be eligible for admission as a member of a Society, if he —

- (a) does not satisfy the requirements of the Act and the Rules and the bye-law made thereunder; or
- (b) (i) has been sentenced for an offence involving moral turpitude such sentence not having been reversed.
- (ii) has been convicted of any other offence by a Court in India, and sentenced to imprisonment for 3 months or more unless a period of 5 years has elapsed since his release; or
- (c) is an applicant to be adjudicated a bankrupt or an insolvent or is an uncertificated bankrupt, or is an undischarged insolvent; or
- (d) is a paid employee of the society or of its financing bank or of any society for which it is the financing bank; provided that this restriction may be waived by obtaining the approval of the Registrar;
- (e) has been expelled by the Society or by any other society within a period of two years from the date of such expulsion, provided that the Registrar may in special circumstances, sanction the readmission or admission of any such member within the said period, of any such member as a member of the same society, or of any of the society as the case may be.

1. Inserted by Agriculture and Co-operation (Co-operation) Department notification No. 27511, dated 18-8-1978

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

- (a) applies to be adjudicated or is adjudicated a bankrupt or an insolvent; or
- (b) is sentenced for any such offence as is described in clause (b) of sub-rule (1) provided that where a person ceases to be a member of a Society under clause (b) he shall be restored to membership of the Society as and when the sentence is annulled on appeal or revision;
- (c) becomes a paid employee of the society or its financing bank or of any society for which it is the financing bank provided that this restriction may be waived by obtaining the approval of the Registrar.

(3) No society shall retain as member any of its employees or any paid employees of its financing bank, provided that this restriction may be waived by obtaining the approval of Registrar.

18. Registration of Dual Membership—No person shall be a member of more than one credit society offering same kind of credit. Where a person has become a member of two such credit societies, either or both of the societies shall be bound to remove him from membership upon a written requisition from the Registrar to that effect.

19. Affiliation to State Co-operative Union—(1) The State Government may declare from time to time requiring any of the following types of societies to get affiliated to the State Co-operative Union under section 17—

- (i) All apex societies;
- (ii) All Central Co-operative Banks;
- (iii) All Regional Co-operative Marketing Societies;
- (iv) Wholesale Co-operative Stores;
- (v) All societies having a paid up share capital of Rs. 1,00,000 or above; and
- (vi) Such other societies as may be considered fit by the State Government having regard to their income and activities and number and nature of their members.

(2) The society which fails to comply with the requirements of sub-rule (1) within 3 months from the date of declaration by the State Government, the Registrar shall declare the Society by an order in writing to become affiliated to and a member of the Union.

(3) The order of the Registrar under sub-rule (2) shall be communicated to the Society by Registered Post and to the Union.

20. Exercise of rights of membership—Every member shall be bound by the bye-laws of the society existing at the time of his admission and by any modification of, or addition to such bye-laws that may be legally effective during the period of his membership.

21. Casting vote—In the case of equality of votes the president of the meeting shall have a second or casting vote.

22. Attendance at the general body meeting—(1) An individual member shall attend in person.

(2) A Co-operative Society which is a member of another Co-operative Society shall be represented by delegate duly authorised in this behalf by the Committee of the member-society. The authorisation shall be valid for a period of one year unless rescinded earlier by the Committee or modified by the general body of the member-society.

(3) A Panchayat Samiti may be represented by one of its members duly authorised in this behalf by the Panchayat Samiti. The authority shall be valid for one year unless withdrawn earlier by the Panchayat Samiti.

(4) Grama Sasan may be represented by a member of the Grama Sasan duly authorised in this behalf by the said Grama Sasan. It shall be valid for one year unless withdrawn earlier by the Grama Panchayat.

(5) Any other body-corporate which is a member of the Co-operative Society shall be represented by an officer duly authorised in this behalf by the body-corporate.

23. Disposal of Share and interest—(1) When a Member-society is ordered to be wound up under section 72, its membership shall cease at once. The value of share or interest in the society shall be refunded to the Member-society or its liquidator after adjusting the dues payable, if any. If the dues payable by the Member-society are more than the value of the share or interest, it should be adjusted and action shall be taken or recovery of the excess;

(2) When a member is expelled in accordance with the bye-laws, the value of his share or interest in the society shall be paid to him after deducting any dues payable by him to the society.

(3) (i) Subject to the provisions of the Act, the rules and bye-laws of the society a member may withdraw or resign from the society after giving 3 months notice to the Secretary of the Society of his intention to resign from membership of his society;

(ii) No resignation of a member shall be accepted unless the member has paid in full his dues, if any, to the society and has also cleared his liability, if any as surety for any other member;

(iii) Any member, whose resignation has been accepted by the society may demand refund of the share capital held by him. The society shall subject to the provision of the rules and bye-laws, refund the amount to the said member.

(4) (i) A member of a society may nominate in writing any person to whom or to whose credit the share or interest or the value of such share or interest shall on his death be paid or transferred under the provision of the Act; provided such member may from time to time revoke or vary such nomination in writing;

(ii) Such nomination shall in the event of his death be given effect to by the society provided that;

(a) the nomination in writing has been signed by the deceased in the presence of at least two witnesses, attesting the same;

(b) the nomination has been registered in the books of the society kept for the purpose;

(iii) The number of persons who may be nominated by a member shall not exceed the number of shares held by him.

(iv) When a member nominates more than one person in respect of any share held by him he shall as far as practicable specify the amount to be paid or transferred to such nominee in terms of a whole share;

(v) The nominee, heir or legal representative may become a member only, if admitted by the Committee;

(vi) If the nominee or heir or legal representative does not want to become a member or is refused membership, the value of the share or the interest payable to him shall be paid after adjusting all moneys due from the deceased member;

(5) Where a member ceases to be as such for becoming of unsound mind or for any of the disqualifications mentioned in sub-rule (2) of rule 17, the value of his share or interest in the society shall be paid back to him after adjusting all moneys due from him.

(6) Until the share or shares are refunded, the dividend shall accrue on it and shall be paid to the member or others as mentioned in sub-rules (1) to (5) above.

(7) The value of the share or interest to be refunded under sub-rules (1) to (5) above shall be ascertained in the manner provided under rules 24 and 25.

(8) Total refund of share capital by a society in a Co-operative Year under sub-rules (1) to (5) above shall not exceed 10 per cent of its total paid up share capital.

24. Procedure for calculating the value of the share or interest of a member— (1) Where a society has to make a refund of the value of the share or interest, the value of the share shall be deemed to be equal to the amount actually paid up the share; provided that where a portion of assets is estimated to be bad in the latest audited balance-sheet and is not covered by funds created out of the profits, the committee may, for the purpose of such payment reduce the value of the share in the same proportion as the aggregate amount of the assets, which are not bad, less the amount of outside liabilities bears to the paid-up share capital.

(2) Where a transfer of share or interest is to be made, the value of the share or interest shall be deemed to be the sum actually paid by the member for the acquisition of such share or interest.

(3) In case the member or his nominee or legal representative is not satisfied with the valuation of the Committee, he may file a dispute before the Registrar.

25. Manner of determining value of land—(1) Value of land for the purpose of section 26 shall be determined by the society in the manner detailed below—

(a) by reference to any recorded sale of similar land in the vicinity recently; or

(b) if no record of such sale is available, the value of the land shall bear such proportion to the annual rent payable for the land as may be fixed by the Registrar; or

(c) if no rent has been assessed for the land the value shall be determined by the Committee, subject to the approval of the Registrar.

(2) Any dispute as to the value of such land shall be referred to the Registrar.

CHAPTER IV

Management of Societies

26. Notice for General Meeting—(1) A general meeting shall be convened by the Committee or under its direction by the Secretary.

(2) Unless otherwise provided in the bye-laws, a notice of the general meeting stating the place, date and hour of the meeting together with a statement of business to be transacted at it, shall be sent to every member seven clear days before the date of the meeting by certificate of posting.

(3) Absence at a meeting due to the non-receipt of the notice by any member shall not invalidate the proceedings of that meeting, if otherwise valid.

(4) Prohibition of admission of members and transfer of shares on the eve of general meeting;

No society shall admit member or transfer shares within 30 days prior to the date of its Annual General Meeting convened at which elections are to be held.

27. President of General Meeting—(1) The President or in his absence the Vice-President of the Society, if such an appointment is provided in the bye-laws shall preside over the meeting of the general body. If both are absent, the members present shall elect one from amongst themselves to be the President of the meeting.

(2) The President shall maintain order in the meeting and shall conduct the proceedings in such manner as may be conducive to expeditious and effective disposal of business. He shall decide all points of orders and his decision upon such points shall be final, subject to their being in conformity with the Act, rules and bye-laws and orders of the Registrar. The President may direct any member to withdraw for disorderly conduct and the member so ordered shall immediately withdraw and unless otherwise directed by the President, shall not participate in the deliberations of the meeting and shall not be entitled to vote without the permission of the President. In the event of disorder, he may suspend the meeting and adjourn it to such date and time as he may fix.

(3) The President of the meeting may, at his discretion allow any other person who is not a member of the general body to be present at the meeting or to participate in the discussion but such person shall not be entitled to vote.

28. Quorum of General Meeting—(1) The quorum for a general meeting shall be as fixed in the bye-laws. No business shall be transacted at any meeting unless there is quorum.

(2) If within half an hour from the time appointed for the meeting a quorum is not present the meeting shall stand adjourned ordinarily to the same day in the next week at the same time and place:

Provided that—

(i) no quorum shall be necessary at a meeting adjourned in accordance with this sub-rule; and

¹[(ii) "a meeting which has been called or requisitioned under sub-section (1) of section 30 or a meeting which has been called for amendment of bye-laws under rule 14 shall not be adjourned but dissolved for want of quorum"]

1. Substituted by Agriculture & Co-operation (Co-op.) Department notification No 27611, dated 18-8-1978.

(3) If at any time during the meeting sufficient members are not present to form a quorum, the President, on his attention being drawn to this fact, shall adjourn the meeting to such convenient date, time and place as he may fix and the business to be transacted at this meeting shall be disposed of in the usual manner at the adjourned meeting even if no quorum is then present.

(4) The business to be transacted in the adjourned meeting shall be the same as in the agenda of the original meeting and no fresh notice is necessary for such adjourned meeting.

29. Minutes of General Body Meeting—(1) Every society shall cause minutes of proceedings of general meetings to be entered in a book kept for that purpose.

(2) Unless the minutes are drawn up and are duly signed by the President immediately on the termination of the meeting the minutes free from all alterations or corrections shall be drawn up and shall be signed by the President of the meeting within seventy-two hours from the time when the meeting terminated. The minutes so signed shall be evidence of the proceedings of the meeting.

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

30. Voting in General Meeting—(1) Every member present at the meeting shall have one and only one vote. All questions which may come before the general body except those referred to in rule 14 of these rules, shall be decided by a majority of the members present and voting. Voting shall be by show of hands, unless a poll is demanded by at least ten members. If no poll is demanded, a declaration by the President that a resolution has been carried or lost and an entry to that effect in the minutes of the proceedings shall, for the purpose of the Act, be conclusive proof of the fact that such resolution has been duly carried or lost but it shall not be proof of the number or proportion of the votes recorded in favour or against such resolution

(2) If a poll is demanded the votes shall be taken by ballot or in such manner and at such time as the President directs, subject to any provisions in the bye-laws in this behalf and the result of such poll shall be deemed to be the decision regarding the resolution over which the poll is demanded.

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

(4) In the case of an equality of votes, whether on show of hands or on a poll the President of the meeting shall have a second or casting vote.

¹ **30-A. Election of Committee Members—**(1) The election of the members of the Committee of a Society shall be held in the manner specified hereinafter.

² [(i-a) The Election Officer shall publish the date of the General Body Meeting of the Society for holding election two months prior to the date of such meeting in the newspaper circulated in the area of the concerned society or by affixing notice in the Notice Board of the Society and its branches, if any.]

(2) The election shall be held in the General Body Meeting of the Society, and the provisions of the bye-laws, not inconsistent with the Act or the rules may apply.

1. Inserted by Agriculture & Co-operation Department Notification No. IA.C., dated 12-11-1970

2. Inserted by Agriculture & Co-op. (Co-op.) Department Notification No- 27611, dated 18-8-1978

(3) The notice of the General Body Meeting issued by the Election Officer shall 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 if necessary shall take place.
- (d) The place at which and the hours between which the electoral roll can be inspected by any member.
- (e) The number of vacancies to be filled up by election and the area of the constituency from which members are to be elected.

(4) (a) The Secretary or the Executive Officer of the society shall prepare constituency-wise a list of members on the roll, with address who are qualified in accordance with the provisions of the Act, Rules and Bye-laws to participate in the election as it stood thirty days prior to the date fixed for election and publish copies of the list by affixing them to the Notice Board at the Head Office of the Society and all its branches, three 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 decided within seven days of such publication and the final list shall be prepared and published.

(c) A copy of the final list published shall be supplied by the Society, to any member on payment of such fee as may be specified by the Registrar.

(5) (a) The nomination of the candidate shall be made in the prescribed form as at Schedule D seven days prior to the date fixed for election. The form shall, on application, be supplied to any member, free of cost by the Society.

(b) Every nomination paper shall be signed by two members whose names are included in the final Electoral Roll published for the purpose. One of the members shall sign 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 or election to the effect that he is willing to stand for election.

(d) Every nomination shall be presented to the Election Officer.

(6) (a) The Election Officer, who receives the nomination papers shall maintain a register in which all nomination papers shall be entered strictly chronologically as soon as they are received and acknowledged, the receipt thereof if demanded. No nomination paper shall be entertained after the specified date and time. The Registrar will show—

- (i) Name of the candidate
- (ii) Name of the proposer
- (iii) Name of the seconder
- (iv) Date and time of receipt of nomination paper
- (v) Signature of the Election Officer.

(b) At the expiry of the time specified for the receipt of the nomination paper, the Election Officer, shall draw up a horizontal line under the last nomination paper, receive for the constituency or otherwise in the Register and write underneath "Nomination Closed" and affix his signature with the date and time. No nomination paper shall be accepted after the nominations have been closed.

(c) The Election Officer shall give all reasonable facilities to the contesting candidate to examine all the nomination papers and raise any objection regarding the validity of any candidate's nomination within 3 days from the date fixed for filing of nomination papers and furnish proof therefor.

(d) At the time of scrutiny the Election Officer shall endorse his decision of acceptance or rejection on the nomination paper and the symbol proposed by the candidate in accordance with the provisions of the Orissa Co-operative Societies Act, Rules and Bye-laws of the society, and in case of rejection he shall record in writing the reason for such rejection. The Election Officer is the final authority as regards approval of the symbol or imposition of any other symbol, which is binding on the candidate concerned.

(7) The list of valid nomination shall be published in the Notice Board of the Society and any other place decided by the Election Officer immediately after scrutiny and at least 24 hours before the polling.

(8) Any candidate may withdraw his candidature by a letter in writing signed by him and delivered to the Election Officer at any time after the presentation of his nomination paper, and before the hours of the time fixed for taking vote, by the candidate in person. Letter of withdrawal of a candidate once given shall be final.

(9) Notwithstanding any other provision of the Rules or Bye-laws of the society, voting for election shall be by secret ballot.

(10) (a) The proceedings of the Election meeting shall commence by the Election Officer or any person authorised by him after explaining the nature and object of meeting to the assembled voters. He shall maintain order in the meeting and shall see that the election is fairly conducted. For this purpose he may take resort of the police assistance.

(b) The Secretary or the Executive Officer of the society shall provide the ballot boxes, ballot papers, copy of the final electoral rolls and other articles as may be necessary for conducting the election.

(c) Immediately before the commencement of the election the Election Officer or the person presiding over the meeting shall show the empty boxes to such person as may be present at the time and shall lock it up and place his seal upon it in such manner so as to prevent its being opened without breaking the seal and place it in front of him.

(d) The ballot paper shall contain the names of the candidate in regional or English language, along with the symbol of the candidate, the seal of the society concerned and the signature of the Election Officer or the person presiding over the meeting and any other special mark by the Election Officer.

(e) There shall be a separate compartment screened from observation in which the members are to record their votes.

(f) No ballot paper shall be issued to a member unless the Election Officer or the person presiding over the meeting is satisfied that the member concerned is the same person as noted in the list furnished to him.

(g) On receiving the ballot paper, a member shall forthwith proceed into the polling compartment, put a mark on the ballot paper against the name or names of the candidate or candidates for whom he desires to vote and insert the ballot paper into the ballot box kept before the Election Officer with the utmost secrecy.

(h) If owing to physical infirmity or illiteracy, a member is unable to mark the ballot paper the Election Officer or any person presiding over the meeting shall ascertain from him the candidate or candidates on whose favour he desires to vote, put the mark on his behalf and insert the ballot paper into the Ballot Box.

(i) The Election Officer or any person presiding over the meeting shall close the polling station at the hour appointed in that behalf in the notice, so as to prevent admission thereto or any voter after that hour.

(j) No ballot paper shall be issued after the appointed closing hour but any voter who has received his ballot paper before the hour shall be allowed a reasonable opportunity to record his vote.

(k) An elector who inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used as a ballot paper may on delivering it to the Election Officer or any person presided 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 presided over the meeting who shall put his signature thereto.

(l) The counting of votes shall commence as soon as possible after the voting is completed. Votes shall be counted by or under the supervision of the Election Officer. Each candidate has a right to be present at the time of counting.

(m) A ballot paper shall be rejected by the Election Officer, if —

(i) it bears the mark by which the member who voted can be identified, or

(ii) it does not bear the seal of the society, or

(iii) it does not bear the signature of the Election Officer or the Officer presiding over the meeting or any other special mark given in the ballot paper by the Election Officer, or

(iv) the mark indicating the symbol of voting against the name or symbol of a candidate is marked in such a manner as to mark it doubtful to which candidates, the vote has been cast, or

(v) it bears no mark at all.

(n) (i) The Election Officer shall count the votes and declare the result. Proceedings shall be recorded in the Minute Book of the society, by the Election Officer with a copy to the Registrar, Deputy Registrar or the Assistant Registrars as the case may be.

(ii) Any person other than the Election Officer, acting as Presiding Officer on completion of the polling shall carry the sealed polling box to the Election Officer who shall count the votes and declare the result in the manner at (a) above.

(iii) The result shall be decided on majority of vote and in case equality of vote for two or more candidates the result shall be declared by lot, provided that, decision by lot shall be applied only in case of equality of votes for the last seat.

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

(v) On completion of election, the Election Officer shall hand over the ballot papers and all other records relating to the election in a secured container to the Secretary or the Executive Officer of the society which shall be locked and sealed with the seal of the society, the seal of the Election Officer and the seal of any contesting candidate, if he so desires in such a manner so as to prevent it being opened without breaking the seal. The ballot papers shall be destroyed after expiry of the period of three months if no dispute relating to that election is referred to the Registrar.

30-B. (1) *Election of President*—Immediately 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 of the society, with the assistance of the Secretary or the Executive Officer of the Society.

(2) The Election Officer shall preside over in the meeting and he shall call for nomination of the candidate for the election of the President of the Society.

(3) Every candidate shall be proposed by one member of the Committee and seconded by another in the meeting. The names of all candidates proposed and seconded shall be read out by the Election Officer. Any candidate may withdraw his candidature before the commencement of the poll but not thereafter.

(4) If there is only one duly nominated candidate, there shall be no vote and he shall be declared to have been selected.

(5) If there are two and more candidates, the votes of the members present at the meeting shall be taken.

(6) The provisions contained in sub-rules (9) and (10) of rule 30-A shall *mutatis mutandis* apply to such election.

(7) Other provisions of the Bye-laws of the Society not inconsistent with the Act or these rules may apply.

30-C. *Representation of Individual members*—Any individual member of Marketing Society to be eligible to be chosen or to continue as a representative of the individual members in the committee of the said society should have marketed his produce through the society under section 28 (2) (b) either directly or through a Primary Credit Society in the following manners ;—

(a) When an individual member desired to contest in the election to the Committee of a Marketing Society, he shall file an affidavit duly sworn before a Magistrate, indicating the total extent of acreage of land owned by him in his personal capacity and his interest, if any, in his joint family property, along with the class of land in the form to be prescribed by the Registrar two months prior to the date of expiry of the Committee. Delay in the filing of the affidavit may be condoned by the Election Officer for justifiable reasons for a period of 15 days. Any individual member can take copies of this affidavit at his own cost, to be fixed by the Registrar.

Explanation—Class of land means class of lands as defined under the Orissa Land Reforms Act, 1960

(b) All the individual members continuing to be the members of the Committee of a Marketing Society at the time of enforcement of the Orissa Co-operative Societies (Second Amendment) Ordinance, 1970 shall file an affidavit within one

month of the coming into effect of these Rules to the Secretary or to Executive Officer of the Marketing Society in the prescribed form with the details as narrated in sub-clause (a) above, in pursuance of sub-sections (2-a) and (2-b) of section 28 of the Orissa Co-operative Societies (Second Amendment) Ordinance, 1970.

- (c) Such of the individual members who have filed their affidavit prescribed under clause (a) are eligible to stand for election from individual members constituency unless otherwise disqualified.
- (d) The Secretary of the Society shall send a statement to the Election Officer 15 days prior to the polling date indicating the value of the produce marketed by those, who have filed an affidavit along with the attested true copies of their affidavits for the use of the Election Officer at the time of scrutiny.
- (e) The individual members to be eligible to be selected or to continue as a member of the Committee of a Marketing Society shall have to market or marketed his produces at the following rate in the preceding two Co-operative years :—
 - (i) Member owning lands within 5 standard acres. Produces worth the value of 2 quintals of paddy.
 - (ii) Member owning lands within 5 to $7\frac{1}{2}$ standard acres. Produces worth the value of 2 quintals of paddy or each additional standard acre of land above 5 standard acres.
 - (iii) Member owning lands above $7\frac{1}{2}$ standard acres. Produces worth the value 3 quintals of paddy per each additional standard acre of land above $7\frac{1}{2}$ standard acres.

(2) The Registrar shall declare the value of paddy per quintal for each Co-operative year for the purpose.

(3) If in a Marketing Society where no individual member is found eligible to be a candidate for the Committee, the number of the seats allotted for the individual in the bye-law shall be kept vacant till the next Annual General Body Meeting of the Society when the seats may be filled up if possible. Such vacancy shall not affect the working of the Committee.

31. Preliminary Committee—In the case of a society registered after the commence of the Act, the applicants for the registration of the society may elect a Preliminary Committee to conduct the affairs of the society for a period of 3 months from the date of the registration or for such further period as the Registrar may consider desirable :

Provided that the Preliminary Committee shall cease to function as soon as the Committee is constituted in accordance with the rules and bye-laws of the society.

32. The First General Body Meeting—Within 3 months from the date of registration of a society, the Organiser thereof shall convene the first general body meeting of all persons who had joined in the application for registration of the society. Where the Organiser fails to convene the meeting as aforesaid, it shall be convened by any person authorised in that behalf by the Registrar;

At the first general body meeting, the following business shall be transacted :—

- (a) election of President for the meeting ;
- (b) adoption of the bye-laws approved by the Registrar ;

- (c) admission of new members ;
- (d) receiving a statement of the accounts and report of all transactions entered into by the Organiser up to the date of the meeting ;
- (e) election of the Committee and if no election is held reconstitution of the Preliminary Committee ;
- (f) fixing the limit up to which the funds may be borrowed ;
- (g) any other matter which has been specifically mentioned in the bye-laws.

33. Powers of the Committee—The Committee of a society shall exercise the following powers :—

- (a) to admit new members and dispose of applications for shares ;
- (b) to raise and invest funds in accordance with the bye-laws ;
- (c) to enforce any debt or demand of the society or to institute or defend or compromise legal proceedings ;
- (d) to appoint salaried or non-salaried officers or other staff to conduct the business of the society and to define their duties, service conditions, leave concessions and disciplinary matters; subject to the provisions in this regard in the bye-laws and sub-rules and the directions that the Registrar may issue in this behalf;
- (e) in case of a credit society to dispose of applications for loans, fix rate of interest and determine the security to be taken ;
- (f) to appoint Sub-Committee as may be deemed necessary from time to time. The manner constituting Sub-Committees, their functions, the terms of office of members, their removal shall be regulated by bye-laws ;
- (g) such other powers as may be specified in the bye-laws.

34. Duties of the Committee—The Committee shall observe in all their transactions the provisions of the Act, Rules and bye-laws and shall cause to be performed the following duties, namely :—

- (a) to receive and disburse money ;
- (b) to maintain true account of money received and expended and accounts of the assets and liabilities;
- (c) to prepare for submission to the Annual General Meeting —
 - (i) an annual report on the working of the Society ;
 - (ii) annual returns prescribed by the Registrar ;
 - (iii) recommendation of the appropriation of net profit declared as distributable by the Registrar ;
- (d) to prepare the statement of accounts required at audit and to place them before the Auditors ;
- (e) to prepare and submit all statements and returns by the Registrar in such forms as he may direct ;
- (f) enter accounts of the Society regularly and punctually in proper books ;
- (g) to maintain a register of members up to date ;
- (h) to facilitate the inspection of book by those entitled to inspect them ;

- (l) to convene general meetings on requisition ;
- (f) to convene annual general meeting in due time ;
- (k) to watch that the loans and advances are applied to the purpose for which they are made and that they are punctually repaid ;
- (l) to examine and take prompt action in cases of all arrears and defaults in repayment of loans and advances ; and
- (m) to perform such other duties as may be entrusted by the general body.

35. Meeting of the Committee—(1) The meeting of the Committee shall be called by—

- (i) the President;
- (ii) the Secretary under the authority of the President ;
- (iii) the Secretary on the requisition from the Registrar, or the person authorised by him ;
- (iv) the Secretary on requisition from the Financing Bank ; or
- (v) the Secretary on requisition by the Apex Society;

(2) If a meeting of the Committee is not called by the Secretary within the time specified in the requisition from the Registrar or the person authorised by him or the Financing Bank or the Apex Society, the Registrar or the person authorised by him shall have the power to call such meeting and such meeting shall be deemed to be a meeting convened in accordance with the bye-laws.

36. Notice for meeting—(1) The Committee, the Executive Committee or other Sub-Committees, as the case may be, shall meet for the transaction of the business of the Society as often as deemed necessary; provided, however, that the interval in the case of the meetings of the Committee shall not exceed four months.

(2) Notice for the meeting of such Committees shall be given in writing to the members of such Committee at least three clear days before the meeting or as longer period as provided in the bye-laws, provided that in case of urgency the members of such Committee may meet with the consent of all the members at any time they choose.

The bye-laws may provide that in case of urgency there may not be sufficient time to convene a meeting, the business may be transacted by circulating papers. Any decision arrived at by circulation shall be placed at the next meeting of the Committee for information or ratification as the case may be. Should difference of opinion arise in the course of such circulation the matter shall not be decided by circulation but shall be placed before a meeting of the Committee.

(3) The notice for the meeting of any Committee shall specify the place, date and hour of the meeting together with a statement of the business to be transacted therein; provided that any urgent business though not included in the statement, accompanying the notice may be brought up and considered with the consent of the majority of not less than 2/3rd (two-third) of the members present at the meeting.

(4) The bye-laws may provided quorum for a meeting of the Committee or Sub-committee which shall not in any case be less than 1/3rd of the total number of members of the Committee.

(5) All questions before the Committee shall be decided by a majority of votes and should there be equality of votes, the President or other presiding member shall have a casting vote, provided that where a society in which shares have been subscribed or liabilities by way of

guarantee for borrowing exceeding 50 per cent of the working capital of the society has been undertaken by the Government, the bye-laws may provide that in case of a difference of opinion in respect of any matter arising between the nominated members of the Committee and other members thereof, the matter may be referred by the Committee to the Government whose decision thereon shall be final and shall be acted upon as if the same were a decision taken by the Committee.

(6) The President of the Committee shall cause minutes of each meeting to be recorded in relevant books and sign the same together with—

- (a) the names and signatures of the members present at each meeting; and
- (b) all resolutions and proceedings at their meeting.

37. Secretary —(1) The Secretary shall be the officer to sue or to be sued on behalf of the society and all bonds in favour of the society shall be in the name of the Secretary.

(2) Every society having working capital of more than Rs. 1 lakh shall have a paid Secretary unless otherwise permitted by the Registrar.

38. Qualification of paid staff —(1) The Registrar may lay down the qualification to be possessed by any member of the paid staff of different categories of Societies.

(2) Unless specially permitted by the Registrar the paid-Secretary of a society shall be disqualified from becoming a member of the Committee of the society or its Financing Bank—

- (i) in any contract made with the Society ; or
- (ii) in any sale or purchase made by the society privately or in any auction ; or
- (iii) in any contract or transaction of the society (other than an investment or borrowing) involving financial interests.

(3) No society shall appoint or retain in service any person as its paid officer or servant in any category of service without obtaining from him security in such form and according to such standard as the Registrar may fix for such category or service in the society or for the class of societies to which it belongs.

(4) The Registrar may, by general or special order, exempt any society or class of societies or category of service, in any society or class of societies from the provisions of this rule or relax in respect of any paid officer or servant the provisions of this rule in regard to the form or the standard of security which he should furnish.

38- A. No officer of a society shall have an interest directly or indirectly—

- (i) in any contract made with the society ; or
- (ii) in any sale or purchase made by the society privately or in any auction ; or
- (iii) in any contract or transaction of the society (other than an investment or borrowing) involving financial interest.

39. Maintenance and preservation of books and accounts and submission and publication of Statements, Returns by the Society —(1) Subject to the control and directions of the State Government every society shall maintain and preserve such books, registers and accounts as may be specified by the Registrar and in such forms as the Registrar may direct

(2) Every society shall submit such reports, statements and returns to the Registrar for each Co-operative year and for such period in the form, specified by him and shall prepare at the close of each Co-operative year within one month or such time as the Registrar may direct an annual return in the form approved by him.

(3) Every society shall furnish to the financing bank or any other society of which it is a member, such reports, statements, returns and informations as the financing bank or the society of which it is a member may require.

(4) Every society shall publish its balance sheet for each Co-operative year as certified by the Registrar together with his audit certificate and such of the specified statements as he may direct within one month from the date on which it is received by the society by displaying it in any conspicuous place in the registered office of the society and in any branch of it where the business of the society is carried on.

(5) If the society fails to submit to the Registrar or to the Financing Bank or to any other society of which it is a member any statement, report or return under sub-rules (2) and (3) within the time directed by the Registrar or the financing bank or the society of which it is a member as the case may be, or if the accounts of the society are not complete at the time of audit the Registrar or any person authorised by him in this behalf by general or special order may get the report, statement, or return prepared or the accounts written at the expenses of the society. In such cases, it shall be competent for the Registrar to determine with reference to the time involved in the work, the emoluments of the person deputed to do it, the charge which the society concerned should pay to the Government and to direct its recovery from the society.

40. Custody of Accounts, Books and Records —The books and records of a society shall be kept in the custody of the Secretary or such other officer as the Committee may authorise.

41. Officer who will maintain Account Books, etc. —The Committee shall specify which of the officers of the society shall —

- (a) keep books of accounts,
- (b) keep custody of cash and stores,
- (c) keep other books and registers, and
- (d) prepare returns and statements :

Provided that a person charged with keeping of accounts shall not be in charge of cash except under a special or general order of the Registrar.

42. Annual Return of verification of stock —All distributive and productive societies shall submit every year to the Registrar, in addition to the copies of the statements specified in rule 39 a statement of verification of the stock on hand at the close of the Co-operative year, in such form and within such time as the Registrar may direct.

43. Special General Meeting —A requisition for a special general meeting to be convened under sub-section (1) of section 30 shall state the object of the meeting and shall be signed by not less than one-fourth of the total number of members of the society and shall be sent to the registered office of the society. At the special general meeting no business other than that specified in the notice issued shall be discussed.

CHAPTER V

PROPERTIES AND FUNDS OF THE SOCIETY

44. Object and Investment of Reserve Fund—(1) The reserve fund maintained by a society shall belong to the society as a whole and is intended to meet unforeseen losses, it shall be invisible and no member shall have any claim to a share in it.

(2) (i) A credit society shall invest its reserve fund with a Central Co-operative Bank ;

(ii) A Central Co-operative Bank shall invest its reserve fund with the Orissa State Co-operative Bank, Ltd. ;

(iii) A Primary ¹ [Land Development Bank] shall invest its reserve fund with the Orissa ² [State Land Development Bank] ;

(iv) Any other society shall invest its reserve fund in the manner described in section 57;

Provided that the Registrar may, by general or special order, permit any co-operative society or any class of societies to invest their reserve fund or a portion thereof in different manner.

(3) No society shall draw upon, pledge or otherwise employ any part of its reserve funds, except with the sanction of Registrar previously obtained.

(4) In the event of a society being liquidated, Reserve Fund may be utilised towards the net outstanding liabilities of the society and the balance, if any may be utilised in the manner provided in section 76.

45. Co-operative Education Fund—Every society which earns a net profit shall contribute towards the co-operative education fund created under sub-section (3) of section 56 of the Act, at the following rates, viz:—

- | | |
|---|---------------------------------|
| (1) If the net profit is less than Rs. 1,000 | .. Nil |
| (2) If the net profit exceeds Rs. 1,000 and the dividend is less than 4 per cent. | 2½ (per cent of the net profit. |
| (3) If the net profit exceeds Rs. 1,000 and the dividend is 4 per cent or more. | 4 per cent of the net profit. |

46. Payment of Dividend—No dividend shall be paid by a society unless such dividend is recommended by the Committee and approved by the general meeting :

Provided that the general meeting may reduce the rate of dividend recommended by the Committee but shall have no power to increase the same.

47. Restriction on Payment of Bonus—(1) The payment of bonus in any year under clause (e) of sub-section (2) of section 56 shall not exceed 3 months, basic salary.

(2) The payment of bonus in any year under clause (f) of sub-section (2) of section 56 shall be half of the rate of bonus allowed under clause (e) thereof.

1. Substituted by Co-operation & Forest Department notification No. 2637-C. F., dated 6-2-1970.

2. Substituted by *ibid*, for "State Land Mortgage Bank".

48. Investment of Funds —(1) The funds of a society not utilised in its business operation may be invested in the following manner in addition to those specified in section 57:—

- (i) with the previous sanction of the Registrar in the purchase or lease of land or in the purchase, construction or renewal of any building that may be necessary to conduct its business ; provided, however, that no sanction of the Registrar will be required, if the expenditure is incurred fully from the building fund, if any, constituted out of profits under clause (c) of sub-section (2) of section 56 ;
- (ii) purchase of immovable property at a sale held in the execution of a decree obtained by the society for the recovery of any sum due to it ;
- (iii) purchase by a financing bank at a sale held in the execution of a decree obtained by a society financed by it in the recovery of any sum due to such society or at a sale brought about by the liquidator or such society ;
- (iv) purchase or lease of land or purchase, construction or renewal of the building by a society whose objects according to its bye-laws include such purchase, lease, construction or renewal.

(2) The amount of the funds so invested shall be recouped on such terms as may be determined in each case by the Registrar. However, no recoupment of the amount invested under this rule shall be necessary where the investment is made —

by a society from its building fund, constituted out of profits under section 56 (2) (c).

(3) It shall be an offence under section 115 of the Act, if an officer or member of a society or of a Committee thereof invest funds not utilised in society's business otherwise than in the manner laid down under section 57 of the Act, or under this Rule.

49. Restriction on Borrowing by Societies —(1) A society shall not receive by way of deposits and loans in excess of the limit fixed from time to time by the Registrar.

(2) A society with unlimited liability which is a member of the Financing Bank shall not borrow by way of loan or deposits from any non-member other than the State Government without the sanction of the Financing Bank and where the society is not a member of the Financing Bank without the previous sanction of the Registrar.

(3) A society may accept fixed deposits from members and non-members subject to such restrictions and for such periods as the Registrar may deem fit to impose, provided always that efficient management is ensured and that adequate fluid resources are maintained according to the standard laid down by the Registrar under rule 50.

(4) All societies with limited liability which make adequate provision for fluid resources according to the standard laid down by the Registrar under rule 62 may accept Savings Bank deposits both from members and non-members subject to subsidiary bye-laws for deposit framed by the society and approved by Registrar.

(5) A society may accept thrift deposits in accordance with the bye-laws for the encouragement of thrift among its members by opening of thrift accounts.

(6) No society shall undertake current deposits account business without the sanction of the Registrar and such sanction shall not be given by the Registrar unless he is satisfied about the stability of the society and of its provision of adequate fluid resources as prescribed under the Rules.

(7) A society which accepts deposits and loans from members only and has no liability to any person other than the members may receive such deposits and loans in excess of the limit referred to in sub-rule (1) if the excess amount is deposited, in a Bank to which it is affiliated or is invested in Government or other securities specified in section 20 of the Indian Trust Act, 1882, provided that the amount so deposited or invested, or any part thereof is not withdrawn or otherwise utilised except for the repayment of the deposits accepted in excess of the aforesaid limit.

50. *Maintenance of fluid resources*—Every society shall maintain fluid resources in such form or according to such standards as may be fixed by the Registrar from time to time, by general or special order.

51. *Application for loans*—(1) An application to a society for loan shall be in such forms as may be required by the Committee and shall state the purpose for which the loan is required.

(2) A member applying for a loan shall make such payments as may be specified in the bye-laws.

(3) A member of primary society applying for loan shall furnish a full statement of his—

(i) property and debts ;

(ii) annual income ;

(iii) annual expenditure including instalment of principal and interest on prior debt, and

(iv) surplus available for repayment of the loan applied for.

52. *Security for loans*—For every loan a member shall furnish such security as may be required under the bye-laws or by the Committee.

53. *Period of repayment and restrictions on issue of loans*—(1) The period of repayment of a loan for a Financing Bank or a Credit Society shall be such as may be provided in the bye-laws as in no case shall it exceed 5 years except in the case of the [Land Development Bank] or a society the object of which is to grant long-terms loans exclusively on the mortgage of immovable properties.

(2) The Registrar shall have power to fix by a special or general order in writing how much of the maximum lending limit of the Financing Bank or a Credit Society other than a Mortgage Bank or a Society the object of which is to grant long-terms loans exclusively on the mortgage of immovable properties, shall be made available for the grant of short-term loans and loans repayable after one year but within five years as the case may be, from the date of grant of the loans.

NOTE—In this rule, the term "Short-term loans" means a loan repayable from the sale-price of the next harvest as soon as it is released, but not exceeding fifteen months.

(3) The instalment for the repayment of a loan which is granted to a member of a Primary Credit Society shall not be in excess of the annual surplus income of the applicant estimated by the Committee under clause (iv) of sub-rule (3) of rule 51.

(4) No extension of the period for which a loan is advanced shall be granted except on sufficient cause shown on application of the borrower and with the consent of the sureties or guarantees and in case of a primary society affiliated to a Financing Bank, such extension shall be with the consent of the Financing Bank.

(5) in any society where a share capital is contributed by members, a loan shall be ganted to a member in proportion to the share capital paid by him which shall be fixed in bye-laws :

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

(6) Every credit society of unlimited liability shall from time to time, fixed in a general meeting, the maximum liability a member may incur. The maximum limit so fixed shall be subject to revision of the Registrar or some person authorised by him or the Financing Bank who may, reduce it or impose such conditions as may be considered necessary. No loan shall be granted to any individual member of a society which shall bring his total debts to the society exceeding the maximum amount so fixed.

(7) No loan shall be made by a society to any person other than a member provided that with the prior sanction of the Registrar, a society may make deposits with another society which is not a member subject to such conditions as the Registrar may specify.

(8) Save with the prior sanction of the Registrar and subject to such restrictions as he may impose, no Financing Bank shall lend money to its individual members except against fixed deposits or trustee securities.

(9) No cash credit shall be given by any society other than a bank to another society without the prior sanction of the Registrar.

(10) No distributive society shall sell its goods to persons other than members except as provided in the bye-laws.

(11) No society shall lend money to its members only on the security of movable property except with the previous general or special order of the Registrar or an officer specially empowered by him in this behalf.

(12) In no case, a society shall grant loan or make advance against security of its own shares.

54. Members to furnish information as to their financial position and alienation of their immovable properties and creditors of members to furnish statements of their claims—(1) A full true, and accurate statement of his assets and liabilities shall be furnished by—

- (a) an applicant for membership of credit society with unlimited liability along with his application ;
- (b) a member of a society which has as one of its objects the advance of loan to its members, when applying for a loan or when required to do so by the Registrar or a person authorised by the Registrar, in this behalf by a general or special order or by the Financing Bank of which the society is a member ;
- (c) a person joining as a surety in the application of a member for a loan from a society.

(2) A member of a society which has as one of its objects the advance of loans to its members, shall, before the completion of each such transaction, furnish to the society, full, true and accurate information regarding any sale, mortgage or transfer in any form whatsoever of his immovable property or any proportion or share thereof and regarding any loan proposed to be incurred from any person other than the society on the security of such property or otherwise including the amount and the object of such loan.

55. Restriction on transactions with non-members—Subject to the provisions of sections 58 and 59 of the Act and rules made thereunder no society shall have transaction with persons other than members provided that a society may have transaction with non-members on strictly ready money basis if the bye-laws provided for such transactions.

56. A society may with the prior approval of the Registrar frame regulations for provident funds or death-cum-retirement benefits for its employees.

CHAPTER VI

AUDIT, INSPECTION, ENQUIRY AND SURCHARGE

57. Audit—Unless the Registrar directs otherwise for any society or class of societies the audit shall be completed not later than twelve months from the date of the close of the Co-operative Year.

58. (1) The audit under section 62 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.

(2) Unless the Registrar directs otherwise the audit of a society as provided in section 62 of the Act shall be conducted in the registered office of the society.

(3) The officers and employees of the society shall give the Auditor all assistance necessary for the conduct and completion of the audit and for this purpose in particular, prepare such statements and take such action with regard to the verification or examination of its accounts and stocks as he may require.

(4) The Auditor appointed under sub-section (1) of section 62 shall have the right to attend the annual general meeting of the society and to explain any matter appearing in the audit report.

(5) If it appears to the Registrar, on an application by a society or otherwise, that it is necessary or expedient to reaudit any accounts of the society, the Registrar may by order arrange for such reaudit and the provision of this Act applicable to audit of accounts of the society shall apply to such reaudit.

59. Auditor's Report—The Auditor shall submit to the Registrar an audit report together with the statements of accounts audited. The audit report shall include a statement of—

- (a) every transaction which appears to the Auditor to be contrary to law or to the rules or bye-laws of the society ;
- (b) every sum which ought to have been put has not been brought into account ;
- (c) the amount of any deficiency or loss, which appears to have been incurred by the breach of trust, wilful negligence or misappropriation or fraudulent retention of any money or property of any person ;
- (d) any transaction which appears to him to require further investigation ;
- (e) any of the assets, which appears to be bad ;
- (f) any other matter directed by the Registrar ;
- (g) whether or not the Auditor has obtained all information and explanation which he required ;
- (h) whether or not in his opinion the balance sheet and the profit and loss account referred to in the report are drawn up in conformity with the Act ;
- (i) whether or not such balance sheet exhibit a true and correct account of the state of society's affairs according to the best of his information and the explanations given to him and as shown by the Books of the Society ;
- (j) whether in his opinion books and accounts have been kept by the society as required under the Act, the Rules and the bye-laws; and

- (k) whether there has been any material impropriety or irregularity in the expenditure or in the realisation of moneys due to the society ;
- (l) where any of the matters referred to in clauses (h) (i), (j) or (k) is answered in the negative or in the affirmative with any remarks, the report shall state the reason for such answer with facts and figures in support of such reason.

60. Cost of Audit—(1) Every society shall pay to the State Government a fee for the audit of its accounts for each Co-operative Year in accordance with the scale fixed by the Registrar with the previous approval of the State Government. Provided that the State Government may by a general or special order, exempt a society or a class of societies wholly or partially from the payment of such fee :

Provided further that the Registrar may remit for reasons to be recorded in writing the whole or any part of the fee payable by a particular society or a particular class of societies or any Co-operative Year or for other specific period.

(2) The fee shall be payable by the society within such period after the completion of its audit as the Registrar may direct.

61. Examination of monetary transaction—The Auditor shall examine the monetary transactions of a society in so far as may be necessary for the purpose of ascertaining whether there has been any material impropriety or irregularity in the expenditure or in the realisation of moneys due to the society and whether any transactions infringe any provisions of the Act, Rules, or bye-laws, or any direction of the Committee. In case of difference of opinion between the Auditor and the Society in regard to the propriety of any of its monetary transactions, the Registrar shall decide the matter and his decision shall be final.

62. Form of Audit statements—The statements of accounts shall be prepared by the Auditor in such forms as the Registrar may approve.

63. Audit of Liquidated Society—The accounts of a liquidated society shall be audited in the same manner as those of other Societies according to the Act and the Rules.

64. Bad and Doubtful Debts—The Registrar shall issue directions regarding treatment of certain assets as bad and doubtful assets.

65. Writing off of bad assets—(1) Before proceeding to take action to write off any asset considered bad, all possible steps shall be taken by the Committee including amicable persuasion and other action under sections 103, 90 and 91 of the Act.

(2) Any asset considered bad and irrecoverable may be written off by the general meeting provided however, that the Registrar may issue directions regarding obtaining of the approval of the Financing Bank or the Registrar before the writing off can be done.

66. Inspection by a Financing Bank or Apex or Central Society—An inspection under sub-section (3) of section 64 by the Financing Bank or Apex Society or Central Society may be conducted by an officer or an employee approved by the Registrar of such Bank or Society.

67. Access of Inspecting Officers under section 64 to Societies' books and records and other powers—(i) The Registrar or the person authorised by him under sub-section (1) of section 64 and the officer or any member of the paid staff of the Financing Bank or the Apex Society or the Central Society who are authorised to inspect the societies under clause (a) or (b), (c) of sub-section (3) of section 64 of the Act shall have the following powers, namely :—

- (a) he shall, at all reasonable times, have free access to the books, accounts, documents, securities, cash and other properties belonging to or in the custody

of the society and may summon any person in possession or responsible for the custody of any such books, accounts, documents, securities, cash or other properties, to produce the same at any place at the headquarters of the society or any branch thereof;

- (b) he may summon any officer, member or employee to appear before him at the registered office of the society or any branch thereof and may examine such person; and
- (c) (i) he may notwithstanding any rule or bye-laws specifying the period of notice for a meeting of the Committee of the Society, require the officers of the society to call a meeting of the Committee at such time and place at the headquarters of the society or any branch thereof and to consider such matters as may be directed by him and where the officers of the society refuse or fail to call such a meeting he shall have power to call it himself. Provided that no such meeting shall be called without giving notice of at least five days prior to the date of the meeting.
- (ii) a meeting called under sub-clause (i) shall for all purposes be deemed to be a meeting called under the bye-laws of the society and its proceedings shall be regulated by such bye-laws.

(2) Every person who is or has at any time been an officer or employee of the society and every member and past member of the society shall furnish such information in regard to the transaction and working of the society as the Registrar or the inspecting officer referred to in sub-rule (1) above may require.

68. Enquiry—No officer below the rank of an Assistant Registrar shall pass an order of suspension under clause (d) of sub-section (3) of section 65.

69. Cost of Enquiry—No expenditure from the funds of any society shall be incurred for the purpose of defraying any costs in support of an appeal preferred by any person other than the society against an order under section 66.

70. Procedure of Surcharge—(1) When an enquiry is held under sub-section (1) of section 67, the Registrar or the person authorised by him shall issue a notice to the person concerned furnishing him with the particulars of payments contrary to the Act, Rules or the bye-laws or deficiencies in the assets of the society by breach of trust or wilful negligence or misappropriation or fraudulent retention of any money or property of the society and the extent of his liability involved thereon and calling upon him to put in a statement in his defence within 15 days of issue of the notice.

(2) Notice under sub-rule (1) shall be accompanied by a copy of the relevant portion of the audit report, inspection report, enquiry report or liquidators' report, as the case may be.

(3) The person concerned shall furnish along with his statement a list of documents and witnesses which he would like to produce.

(4) The Registrar or the person authorised by him may allow the person concerned to look into the relevant records of the society, if required for furnishing an explanation.

(5) The Registrar or the person authorised by him shall receive and record such evidence, as may be necessary and relevant.

(6) The Registrar or the person authorised by him may thereupon record a decision.

(7) The Registrar or the person authorised by him may also provide in his decision for the payment of cost of the proceedings under this Rule or any part of such cost, as he may think just.

(8) The Registrar or the person authorised by him shall furnish a copy of the decision under sub-rule (6) to the party concerned within 7 days from the date of decision.

CHAPTER VII

71. Reference of dispute to the Registrar—A reference to the Registrar of any dispute under section 68 of the Act shall be in writing and shall be accompanied by—

- (a) a statement of the subject-matter of the dispute referred to in the forms specified by the Registrar;
- (b) a statement of the claim in the form specified by the Registrar;
- (c) copy of the ledger account in respect of money suit, if any;
- (d) such other statement or records as may be required by the Registrar.

72. Verification of pleading—(a) Every pleading shall be verified at the foot by the party or by one of the parties pleading or some other person proved to the satisfaction of the Registrar or other officers hearing the dispute to be acquainted with the facts of the case.

(b) The verification shall be signed by the person making it and shall state the date on which and the place at which it was signed.

73. Written Statement—The defendant may, at or before the first hearing or within such times as the Registrar or other officers hearing the dispute may permit present a written statement of his defence.

74. Limitation—(1) A dispute relating to the election of a member or an officer of the Committee of a society shall be referred to the Registrar within two months from the date on which the election, with reference to which the dispute arose was held.

(2) A dispute relating to the expulsion of a member shall be referred to the Registrar within two months from the date on which the expulsion was made.

75. Payment of fee for filing of disputes—Disputes involving claims for money—(1) A fee of Rs. 1 for the first Rs. 100 or fraction thereof of the claim and Rs. 0.25 paise for each subsequent Rs. 100 or fraction thereof subject to a maximum of Rs. 50

(2) *Disputes relating to non-monetary claims*—A fee of Rs. 50 on each plaint relating to non-monetary disputes.

The fees may be paid by way of affixing of Court-Fee stamps or may be deposited in the Treasury or Sub-Treasury in advance under proper head and the Treasury Chalan shall be attached to the plaint.

The fee is not refundable in case the dispute is withdrawn or compromised in the course of hearing.

76. Appointment of guardian on or next friend of a minor—The Registrar, the Arbitrator or other person invested with powers to decide the dispute may, in the absence in the case of refusal, of a natural guardian to act as such appoint any person to be the guardian or next friend of a minor as and when any occasion arises and may further direct that the cost to be incurred by such a guardian or next friend in the performance of his duties as such shall be borne by any one or more of parties to the dispute.

77. Procedure for settlement of dispute—(1) In these proceedings the Registrar or the person or the Arbitrator to whom the dispute is transferred or referred for disposal under clause (a), (b) or (c) of sub-section (1) of section 70 as the case may be, shall fix the date

hour and the place of hearing of the dispute and issue summons or notices in the manner laid down in rule 150 to the parties concerned in the form specified by the Registrar at least seven days before the date fixed for hearing of the dispute.

(2) Where a dispute has been instituted in the name of a wrong person, where all the defendants have not been included, the Registrar or the person invested by the State Government with the powers in that behalf or the Arbitrator deciding the dispute may at any stage of the hearing of the dispute, if satisfied, that the mistake was *bona fide*, order any other person to be substituted or added as a plaintiff or a defendant upon such terms as he thinks just.

78 *Award or decision*—(1) The Registrar, the Arbitrator or any other person deciding the dispute shall, recorded a brief memorandum of the evidence of the parties and witnesses and upon the evidence so recorded and after consideration of any documentary evidence produced by the parties, a decision or award as the case may be, shall be given in accordance with justice, equity and good conscience by such Registrar, Arbitrator or other person. The decision or award shall contain the number of the reference, the names and description of the parties and particulars of the dispute and shall specify clearly the relief granted, the amount decreed, the future interest allowed, if any, and the costs awarded, if any, and shall be signed and pronounced in the presence of the parties or communicated by certificate of posting. If no award or decision is pronounced immediately after the conclusion of the hearing of the dispute, the Registrar, the Arbitrators or other person deciding the dispute shall fix the date and place for the delivery of the award and shall except for reasons to be recorded in writing deliver the award on the date so fixed.

79. *Appearance of parties and consequence of non-appearance*—(1) When neither party appears when the case of dispute (hereinafter referred to as case) is called on for hearing, the case shall be dismissed.

1 [(2) Where the defendant appears and the plaintiff does not appear when the case is called on for hearing, the case shall be dismissed unless the defendant admits the claim or part thereof in which case a decree shall be passed against the defendant upon such admission, and, where only a part of the claim has been admitted the case shall be dismissed so far as it relates to the remainder. “]

(3) When a case is dismissed for non-appearance of the plaintiff he may apply to set aside the dismissal on showing sufficient cause for his previous non-appearance.

(4) When the plaintiff appears and defendant does not appear when the case is called on for hearing, the hearing may proceed *ex parte* if it is proved that summons were duly served on the defendant.

(5) When a case is adjourned for hearing *ex parte*, and the defendant at or before such hearing, appears and assign a good cause for his previous non-appearance he may upon such terms as to cost or otherwise be heard in answer to the case as if he had appeared in the day fixed for his appearance.

(6) When in any case in which a decree is passed *ex parte* against a defendant he may apply for an order to set aside and upon his satisfying that he was prevented by sufficient cause from appearing when the case was called on for hearing, an order setting aside the decree as against him upon such terms as to costs or otherwise shall be passed and a day shall be appointed for proceeding with the case.

80. *Disposal of records*—(1) The original records of the proceedings after the decision or award has been delivered, shall be kept in such place and in such manner as the Registrar may direct.

(2) Any document or record tendered by a party in any dispute may, on application be returned to the party after the disposal of appeal, if any, or after the period of appeal is over.

81. Certified Copies—A copy of the decision or award shall on application be given to a party by the Registrar or any person authorised by the Registrar duly certified, on payment of a fee of 1 (25 paise) for each hundred words or a part thereof.

82. Cost of Award—(1) The Registrar or an Arbitrator or a person deciding a dispute under section 70 shall have power to order the expenses incurred in determining such dispute to be paid out of the funds of the society or by such party or parties to the dispute as he may think fit.

(2) The expenses or the cost awarded under sub-rule (1) of this rule shall be according to a scale as laid down by the Registrar :

Provided that in the case of monetary claim such expenses or cost shall not exceed $2\frac{1}{2}$ percent of the awarded amount.

CHAPTER VIII

WINDING UP AND DISSOLUTION OF SOCIETIES

83. Winding up of Societies and appointment of Liquidator—The order under sub-section (1) of section 72 and the appointment of a Liquidator, if any, under section 73 (1) or his removal shall be published in the *Orissa Gazette* and shall be communicated by registered post to the society and to the Financing Bank, if any of which the society is a member.

84. Funds for Proceeding in Liquidation—To enable the Liquidator to proceed with Liquidation Proceedings, the Financing Agency of a society, which is liquidated may make funds available to the Liquidator as per his requirements. In case of difference of opinion between the Financing Agency and his Liquidator the matter shall be referred to the Registrar whose decision shall be final.

85. Remuneration to Liquidator—The remuneration payable to the Liquidator, establishment and other charges shall be payable in priority of other claims from the assets of the society.

86. Duties of the Liquidator—(1) The Liquidator on receipt of the appointment order shall take over charge of the Books and Property and assets of the society and publish by such means as the Registrar may direct a notice requiring all claims against the society to be submitted to him within one month of publication of the notice. All liabilities recorded in the account books of a society shall be deemed to have been duly submitted to him under this clause.

(2) The Liquidator after taking over charge shall prepare an up-to-date list of —

(a) Members ;

(b) Past members with dates of their withdrawal who are subject to liability under section 25 ; and

(c) Deceased members, with dates of their decease, names of their legal heirs who represent their Estate who are subject to liability under section 25.

(3) Draw up final balance sheet as it stands on the date of the order of winding up.

(4) The Liquidator shall keep such books and accounts as may from time to time be laid down by the Registrar who may at any time cause such books and accounts to be audited. The Liquidator shall pay such fees for the audit as the Registrar may direct.

(5) The Liquidator may distribute the profits earned by the society prior to the date of liquidation in accordance with the provisions in the bye-laws with the approval of the Registrar after discharge of all liabilities.

(6) The Liquidator shall after settling the assets and liabilities of the society as these stood on the date of order of winding up, proceed next to determine the contribution to be made by each of its members, heirs or legal representative of deceased members or by any officers or former officers to the assets of the society under clauses (b) and (c) of sub-section (2) of section 75 of the Act. Should necessity arise however, he may also frame subsidiary order or orders regarding such contribution and such orders shall be enforceable in the same manner as the original orders themselves.

(7) The Registrar may issue instructions laying down the principles on which and the manner in which the contribution shall be determined and the Liquidator shall act according to these instructions.

87. Reports and returns to be submitted by Liquidator—The Liquidator shall submit to the Registrar such reports and returns in such form and in such manner showing the progress of the liquidation of the society as the Registrar may require from time to time.

88. Meeting of Members and Creditors—The Liquidator may at any time call meeting of the Members or of the Creditors or joint meetings of the Members and Creditors and such meetings shall be called, held and conducted at such time and place and in such manner as the Liquidator thinks fit.

89. Banking Account of Liquidator—(1) All funds in the charge of the Liquidator shall be deposited in a Bank and shall stand in his name. All payment out of the aforesaid account shall be made by the Liquidator by cheques or withdrawal orders signed by him and shall be accounted for in the record maintained in the office of the Liquidator.

(2) The Liquidator may empower any person by general or special order in writing to make collections and to grant valid receipts in this behalf and such amount shall be paid immediately to the account of the Liquidator.

90. Final Report of Liquidator—(1) After the Liquidation Proceedings of a society have been closed the Liquidator shall submit a final report to the Registrar.

(2) On receipt of the final report from the Liquidator the Registrar shall terminate the Liquidation Proceedings by cancelling either the registration or order for the winding up of the society.

(3) The order of the Registrar under sub-rule (2) shall be published in the *Orissa Gazette* and shall be communicated to the Financing Bank and the Society.

91. Termination of Liquidation Proceedings—The Liquidation Proceedings of a society shall be closed within a period of three years from the date of the order of winding up, unless the period is extended by the Registrar.

Explanation—In the case of a society which is under liquidation at the commencement of these rules the order of the winding up of the society shall be deemed to have been passed on the date on which these rules came into operation.

92. After the expiry of 3 years from the date of final report under section 75 (3), no responsibility shall rest on the Liquidator or the Registrar or the Financing Bank or the person to whom the custody of the documents have been committed by reason of the same not being forthcoming to any person claiming to be interested therein.

93. Disposal of Surplus Assets—(1) The Registrar may place the surplus funds on deposit or otherwise with a Financing Bank working in the area of operation.

(2) It shall be competent to the Registrar to constitute a Trust to carry out such object as is decided by him and to appoint a Trustee or Trustees from among ex-Members and /or others. The Trustee or Trustees, as the case may be shall execute a deed in such form as the Registrar may from time to time prescribe. A Trust created under this sub-rule shall be governed by the provisions of the Indian Trust Act, 1882.

94. Disposal of Undischarged Liability—(1) If any liability cannot be discharged by the Liquidator owing to the whereabouts of the claimants not being known or for any other cause, the amount covered by such undischarged liability may be deposited in the Financing Bank and shall be available for meeting the claims of the person or persons concerned, within a period of three years from the date of deposit.

(2) If no claimant comes forward to receive his claim within the said period such claim shall be extinguished and the amount of deposit shall become available to the Liquidator for payment to Creditors, if the Liquidation Proceedings are not closed and if Liquidation Proceedings are closed, it will be treated as surplus available under section 76 of the Act.

CHAPTER IX

LAND DEVELOPMENT BANKS

95. *Guarantee Funds* —(1) It shall be competent for the State Government to constitute one or more guarantee funds on such terms and conditions as it may deem fit for the purpose of meeting losses that might arise as a result of loan to be made by the ¹[Land Development Banks] on titles to immovable property subsequently found to be defective or for any other purpose for which, in the opinion of State Government, it is necessary to provide for or create separate guarantee funds ;

(2) The ²[State Land Development Bank] and ¹[Land Development Banks] shall contribute to such funds at such rates as may be decided by the State Government from time to time and the constitution, maintenance, utilisation of such funds shall be governed by such rules as may be made by the State Government in this behalf.

96. *Debentures to be declared as trust securities* —Save as otherwise provided in the Indian Trust Act, 1882, the State Government may declare that the debentures guaranteed^d by the State Government under section 83 shall be deemed to be included among the securities enumerated under section 20 of the said Act.

³ [“96-A. Declaration to be made creating a charge in favour of Bank —

A member who applies to the Bank for a loan, shall make a declaration in Schedule ‘E’ creating charge in favour of the Bank on the land or his interest therein.”.]

⁴ (96-B) *Person by whom notice under section 83-B of the Act is to be given and the manner of publication of notice and disposal of objections*—(1) On receipt of an application for loan, the Secretary of the ¹[Land Development Bank] shall put his initial on the application, mentioning his designation and the date of receipt of the application and shall verify whether it contains all the necessary particulars and is accompanied by the necessary documents. If any details are lacking or any relevant documents have not been filed, he shall require the application to furnish the same within a specified time.

(2) All applications received shall be entered in a register of applications for loans maintained by the ¹[Land Development Bank].

(3) For the purpose of sub-section (2) of section 83-B, any officer not below the rank of Senior Inspector of Co-operative Societies as may be specified by the Registrar, Co-operative Societies (hereinafter referred to as the Public Enquiry Officer), shall be the person by whom the public notice referred to in sub-section (1) of section 83-B, shall be given. The State Government may also notify from time to time any other Officer to function Public Enquiry Officer.

(4) After an application is entered in the register of applications for loans maintained for the purpose, the Secretary of the ¹[Land Development Bank] shall forward it to the Public Enquiry Officer. The Public Enquiry Officer shall give at least fifteen clear days notice in the form set forth in Schedule C, calling upon all persons interested to make objections to the loan if any, before the date specified therein. The notice shall be affixed to a conspicuous place of the villages where the applicant resides and in the limits of which the land proposed to be improved or offered as security for the loan is situated. A copy of the notice shall be exhibited in the office of the ¹[Land Development Bank] concerned and it shall be published by beat of drum in such village or villages.

1. Substituted by *ibid* for “Land Mortgage Banks”

2. Substituted by *ibid*, for “State Land Mortgage Banks”

3. Inserted by Agriculture & Co-operation (Co-op.) Department notification No. 22878, Dated 15-10-1979.

(5) The Public Enquiry Officer shall consider the objections, documents and affidavits if any, hear the parties and conclude the enquiry, as far as may be practicable, within a period of fifteen days from the date of filing of objections, after disposal of the objections, he shall forward the application along with a copy of his order to the [Land Development Bank].

[96-C] Procedure for furnishing copies of instruments executed by the Land Development Banks to the registering authority—Copies of instrument referred to under clause (a) of sub-section (1) of section 98 of the Act duly certified by the Secretary of the Land Development Banks and attested by a person authorised by the Trustee for this purpose, by general or special order, shall be sent by the Land Development Bank to the Registering Officer concerned within a period of three months from the date of execution of the instrument by registered post or by hand delivery.

[(iii) for the expressions "State Land Mortgage Bank" and "Land Mortgage Bank" wherever they occur the expressions "State Land Development Bank" and "Land Development Bank" shall respectively be substituted.]

1. Substituted by *ibid*, for "Land Mortgage Bank"

2. Inserted by Co-operation & Forestry Department notification No. 2637-C.F., dated 6-2-1970

CHAPTER X

EXECUTION OF ORDERS, DECREES AND AWARDS

97. Execution of decree and award—The Civil Court or the Collectors, to which a decision or award or any order is sent for execution shall, on the application of the person in whose favour the same was passed or of the Principal Officer of the Co-operative Department of the area, return such decision, award or order to such person or Principal Officer, as the case may be, with a certificate showing the extent of satisfaction obtained where the decree has been executed in part and what part of the decree remains unsatisfied.

98. Procedure in execution of decree, decision, award or contribution order—(1) Any decree-holder requiring the provisions of clause (c) of sub-section (1) of section 103 of the Act to be applied, shall apply to the Principal Officer of the Co-operative Department having jurisdiction over the area in which the cause of action arose and shall deposit necessary costs on a scale prescribed by the Registrar from time to time :

Provided that the Registrar by an order in writing exempt a non-borrowing liquidated society having no funds, from payment of cost, prescribed under this Rule.

(2) If the defaulter resides or the property to be proceeded against is situated or held outside the jurisdiction of the Principal Officer of the area, to whom the application is made, such Principal Officer shall transfer the application to the Principal Officer of the area within whose jurisdiction the defaulter resides or such property is situated or held, after verifying the correctness of the particulars set-forth in the application with the records, if any, of his office.

(3) 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 provision of this rule shall apply as if such legal representative were the defaulter or defaulters.

(4) Where the decree is executed against such legal representative, he shall be liable only to the extent of the property of the deceased which has come to his hands and has not been duly disposed of, and for the purpose of ascertaining such liability, the Principal Officer of the area executing the decree may, of his own motion or on the application of the decree-holder, compel such legal representative to produce such accounts as he thinks fit.

(5) Property in the hands of a son or other descendant who is liable under Hindu Law for the payment of the debt of a deceased ancestor in respect of which a decree has been passed, shall be deemed to be property of the deceased which has come to the hands of the son or other descendants as his legal representative.

99. Procedure on receipt of application by the Principal Officer—(1) The application shall be made in the form specified by the Registrar and shall be signed by the decree-holder. The decree-holder may indicate whether he wishes to proceed in the first instance against the immovable property or to secure the attachment of movable property.

(2) On receipt of the application, the Principal Officer of the area, shall verify the correctness and genuineness of the particular set-forth in the application with the records, if any, in his office and prepare and sign a demand notice in writing in duplicate, in the form prescribed by the Registrar setting forth 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

1. Inserted by *ibid.*

and forward to a Sale Officer to effect service in the manner hereinafter prescribed, if the defaulter resides or the property situated or held outside the jurisdiction of the Principal Officer of the area to whom the application is made, the Principal Officer of the area within whose jurisdiction the defaulter resides, or such property is situated or held, on receipt of the application by transfer as provided under sub-rule (2) of rule 98 shall sign the demand notice and shall forward it to his Sale Officer to effect service.

(3) Unless the decree-holder has expressed a desire that proceedings shall be taken in a particular order as laid down in sub-rule (1), execution shall ordinarily be taken in the following manner:—

(a) 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.

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

100. Seizure and sale of movable property—In the seizure and sale of movable property the following procedure shall be observed:—

The Sale Officer shall, after giving previous notice to the decree-holder, proceed to the place where the defaulter resides or the property to be distrained is situated, and serve the demand notice upon the defaulter, if he is present. If the amount due together with 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 the place and day and hour at which the distrained property will be brought to sale, if the amount due are not previously discharged. If the defaulter is absent, the Sale Officer shall serve the demand notice on some adult 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.

101. Custody of distrained property—(1) After the distress is made, the Sale Officer may arrange for the custody of the property attached with the decree-holder or otherwise. The Sale Officer shall not make use of the goods or effects distrained.

If the Sale Officer requires the decree-holder to undertake the custody of the property he shall be bound to do so and loss incurred owing to his negligence shall be made good by the decree-holder. If the attached property is live stock, the decree-holder shall be responsible for providing necessary food for the live stock. The Sale Officer at the instance of the defaulter or of any person claiming an interest in such property, leave it in the village or place where it was attached, in the charge of such defaulter or person, if he enters into a bond in the form prescribed by the Registrar with one or more sufficient sureties for the production of the property when called for:

Provided that if in the opinion of the Sale Officer, the attached property cannot be kept in the village or locality where attachment is made for lack of suitable place or satisfactory surety or for failure of decree-holder to provide necessary funds or to take custody of the property attached or for any other reason the Sale Officer shall withdraw the attachment order.

(2) It shall be an offence under section 115 of the Act if the custodian of the property fails to produce the property when called for.

(3) Where any person has become liable as custodian or surety for production of the property when called for, the decree or order may be executed against him to the extent to which he has rendered himself personally liable and such person shall be deemed to be a party to the decree or order.

Provided that such notice, as the Principal Officer of the area in each case thinks sufficient, has been given to the surety or the custodian.

102. Time of distress—The distress shall be made after sunrise and before sunset and not any other time.

103. Distrainted crops how dealt with—The distress levied shall not be extensive, that is to say, the property distrainted shall be as nearly as possible proportionate to the sum due by the defaulter together with interest and all expenses incidental to the detention and sale.

(1) 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 places, until sold. Subject to such conditions as may be imposed by the Sale Officer, the defaulter may tend, out gather and store the produce and do any other act necessary for maturing or preserving it. If the defaulter fails to do all or any of the aforesaid Acts, the Sale Officer may require the decree-holder to undertake to do such acts and the decree-holder shall be bound to do so and any loss incurred due to his negligence shall be made good by the decree-holder and in default the attachment shall be withdrawn. In all such cases, the expenses of reaping or gathering and storing such crops or products as determined by the Sale Officer 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.

NOTE—(i) Agriculture produce attached as a growing crop shall not be deemed to have ceased under attachment or to require reattachment merely because it has been severed from the soil;

(ii) Crops which are perishable and do not admit of being stored may be sold before they are cut and gathered.

(2) If by the service of the demand notice, it is intended to attach a growing crop and if considerable time must elapse before the crop is likely to be fit or to be cut or gathered the Principal Officer of the area may suspend the service of the demand notice for such time as he thinks fit and may in his discretion make an order prohibiting the removal of the crop pending the service of the demand notice.

104. Power of Entry—It shall be lawful for the Sale Officer to force open any stall, stable, cowhouse, granery, godowns, out house or other buildings or premises and he may also 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 enter any dwelling house or premises or to attach any property or to put his seal to any door or place or break open any apartments, in any dwelling house or premises, appropriated to women which, by the usage of the country, are considered private, except as hereinafter provided.

105. Powers of Sale Officer to force open doors in the presence of Police Officer—(1) Where the Sale Officer may have reason to believe that the property of a defaulter is lodged within a dwelling house, the outer doors of which may be shut or within any apartments appropriated to women, which may be usage of the country are considered private and in cases where the defaulter or any other occupant refuses or in any way prevents access to the dwelling houses, the Sale Officer shall represent the fact to the Officer-in-charge of the nearest police-station.

(2) On such representation, the Officer-in-charge of the said station, shall send a Police Officer to the spot in the presence of whom the Sale Officer may force open the outer door of such dwelling house.

(4) The Sale Officer may also in the presence of the Police Officer, after due notice given for the removal of women within an apartment and after allowing reasonable time and furnishing means, for their removal in a suitable manner (if they be women of rank who according to the custom of the country, cannot appear in public) enter the said 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 apartment after which they shall be left free to the former occupants.

106. Proclamation of time, place of sale and of property to be sold—(1) The Sale Officer shall, on the day of sale, cause proclamation of the time and place of the intended sale to be made by beat of drum or other customary mode in the village in which the defaulter resides or the attached property is kept or in such other place or places as the Sale Officer may consider necessary to give due publicity to the sale.

(2) No sale shall take place until after the expiration of 15 days from the date on which the sale notice has been served or affixed in the manner prescribed in Rule 100 without the consent in writing of the defaulter given in the presence of two witnesses;

Provided that where the property seized is subject to speedy and natural decay or when the expenses of keeping it in custody are likely to exceed its value, the Sale Officer may sell it at any time without the consent of the defaulter before expiry of the said period of 15 days, unless the amount due is sooner paid.

107. Sale how conducted—At the appointed time the property shall be put up in one or more lots, as the Sale Officer may consider advisable and shall be disposed of to the highest bidder:

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

108. Adjournment of sale—The Principal Officer of the area 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 15 days or where there is a series of short-adjournment each less than fifteen days, which taken together in the aggregate amount to more than 15 days a fresh proclamation under clause (1) of Rule 106 shall be made, unless the defaulter consents to waive it in writing in the presence of two witnesses.

109. Payment or purchase of distrained property—The property shall be paid for in cash at the time of sale or as soon as there after as the officer holding the sale shall appoint and the purchaser shall not be permitted to carry away any part of the property until he has paid for its in full.

110. Resale of property in case of default—Where the purchaser fails in the payment of purchase money, the property shall be resold forthwith.

111. Fraudulent removal of property distrained—Where a property which has been distrained under these rules has been forcibly or clandestinely removed by any person, any Civil Court of Competent Jurisdiction, on being satisfied that such property has been forcibly or clandestinely removed, may order forthwith that the property shall be delivered or restored to the Sale Officer and the cost for obtaining such relief from the Civil Court shall be borne by the decree-holder.

112. *Withdrawal of distress on tender of moneys due*—(1) If at any time before the sale takes place, 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 not proceed with the Sale and shall cancel the order of attachment and release the property forthwith.

(2) If such amount is paid to the Principal Officer of the area or the decree-holder, the sale shall not be stopped unless proof is given to the satisfaction of the Sale Officer that the said amount has been actually paid.

113. *What properties are exempt from attachment*—The movable properties mentioned as exempt from attachment in the proviso to section 60 of the Code of Civil Procedure, 1908 subject to such rights conferred under sections 34 and 107 of the Act, shall not be liable for attachment or sale under these rules.

114. *Attachment of salary, allowances or wages*—(1) Where the movable property to be attached is the salary or allowance or wages of a Public Officer or of a servant of the railway or local authority or a firm or a company whether the defaulter or the Disbursing Officer is or is not within the jurisdiction of the Principal Officer, the Principal Officer of the area may, on receiving a report from the Sale Officer, order that the amount shall, subject to the provisions of section 107 of the Act, be withheld from such salary or allowances or wages either in one payment or by monthly instalments as the said Principal Officer of the area may direct, and upon notice of the order, the officer or other person. Whose duty is to disburse such salary or allowance or wages shall withhold and remit to the Principal Officer of the area or the decree-holder the amount due under the order or the monthly instalment, as the case may be.

(2) Where the attachable portion of such salary or allowances is already being withheld or remitted in pursuance of a previous or unsatisfied order of attachment the officer or other person whose duty it is to disburse such salary or allowance or wages shall forthwith return the subsequent order to the Principal Officer of the area issuing it, with a full statement of all the particulars of the existing attachment.

(3) It shall be an offence under section 115 of the Act, if any Disbursing Officer fails to carry out the provision under sub-rules (1) and (2) of rule 114.

115. *Attachment of share or interest in movables*—(1) Where the property to be attached consists of the share or interest of the defaulter in movable property belonging to him and another as co-owners, the attachment shall be made by a notice to the defaulter, prohibiting him from transferring the share or interest or charging it in any way.

(2) ***Attachment of Negotiable Instrument***—Where the property to be attached is a negotiable instrument not deposited in a court, nor in the custody of a public officer, the attachment shall be made by actual seizure and the instrument shall be brought to the office of the Principal Officer of the area, ordering the attachment and be held subject to his further orders.

(3) ***Attachment of property in custody of Court or Public Officer***—Where the property to be attached is in the custody of any court or Public Officer, the attachment shall be made by a notice to such court or officer, requesting that such property and any interest or dividend becoming payable thereon may be held subject to the further orders of the Principal Officer of the area by whom the notice is issued :

Provided that, where such property is in the custody of a court or the Principal Officer other than the Principal Officer issuing the notice, any question of title or priorities arising between the decree-holder and any other person not being the defaulter, claiming to be interested in such property by virtue of any assignment, attachment or otherwise, shall be determined by such court or by such Principal Officer of the area.

Explanation—In this sub-rule "Public Officer" includes a Liquidator appointed under section 73 of the Act.

116. Attachment of decree—(1) Where the property to be attached is a decree either for the payment of money or for sale in enforcement of a mortgage or charge, the attachment shall be made :—

- (a) If the decree sought to be attached was passed by the Registrar or by any person to whom a dispute was transferred under section 70 of the Act then by the order of the Principal Officer of the area concerned.
- (b) If the decree sought to be attached was passed by a court and has not been sent for execution to any other court then by the issue to such court of a notice by the Principal Officer of the area concerned, requesting such court to stay the execution of the decree unless and until—
 - (i) the notice is cancelled ; or
 - (ii) the holder of the decree sought to be executed, or the judgment debtor applies to the court receiving such notice, to execute its own decree ; and
- (c) if the decree sought to be attached is pending execution in a court which did not pass the same then by the Principal Officer of the area seeking to attach such decree in execution, sending the notice referred to clause (b) to such court, where upon the provisions of that clause shall apply in the same manner as if such court had passed the decree and the said notice had been sent to it in pursuance of the said clause.

(2) Where the Principal Officer of the area makes an order under clause (a) of sub-rule (1) or when a court receives an application under sub-clause (ii) of clause (b) of sub-rule (1) such Principal Officer or court shall, on the application of the decree-holder who has attached the decree or his defaulter, proceed to execute the attached decree and apply the net proceeds in satisfaction of the decree sought to be executed.

(3) The holder of a decree sought to be executed by the attachment of another decree of the nature specified in clause (1) shall be deemed to be the representative of the holder of the attached decree and to be entitled to execute such attached decree in any manner lawful for the holder thereof.

(4) Where the property to be attached in execution of a decree is a decree other than a decree of the nature referred to in sub-rule (1), the attachment shall be made by the issue of a notice by the Principal Officer of the area to the holder of such decree, prohibiting him from transferring or charging the same in any way and where such decree has been passed by any other court or by the Registrar or by a person to whom a dispute was transferred under section 70 of the Act or the Principal Officer of the area also by sending to such Court or to the Principal Officer of the area concerned as the case may be, a notice to abstain from executing the decree sought to be attached until such notice is cancelled by the court or the Principal Officer from which it was sent.

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

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

117. Attachment of debt, share of other property not in possession of defaulter—(1) Whereas 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 principal officer of the area prohibiting —
 - (i) in the case of the debt, the creditor from recovering the debt and the debt from making payment thereof ;
 - (ii) in the case of the share or deposit the person in whose name the share or the deposit may be standing from transferring the share or deposit or receiving any dividend or interest thereon ;
 - (iii) in the case of any other movable property except as aforesaid, the ^{PN}person in possession of it from giving it over to the defaulter.

(2) A copy of such order shall be affixed on some conspicuous part of the officer of the principal officer and another copy shall be sent in the case of the debt to the debt or in the case of share or deposit to the proper officer of the corporation and in the case of the other movable property (except as aforesaid) to the person in possession of such property. As soon as the debt referred to in clause (a) or the deposit referred to in clause (b) matures the principal officer may direct the person concerned to pay the amount to him or the party concerned. Where the share is not withdrawable, the said principal officer shall arrange for its sale through a broker, where the share is withdrawable, its value shall be paid to the said principal officer or to the party concerned as soon as it becomes payable. In the case of the movable property referred to in clause (c) of sub-rule (1) the person concerned shall place it in the hands of the said principal officer as it becomes deliverable to the defaulter.

118. Procedure for attachment and sale of the immovable property—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.

119. Description of immovable property to be proceeded against—The application presented under rule 99 for attachment and sale or sale without attachment of immovable property 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 and the specifications of such of the defaulters share or interest in such property, to the best of the belief of the decree-holder or so far as he has been able to ascertain it.

120. Mode of service of demand notice—The demand notice issued by the principal officer of the area under rule 99 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 members 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 his last known residence ; or 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 principal officer of the area is satisfied that a defaulter with intent to defeat or delay the execution proceedings against him is about to dispose of the whole or any part of his property, the demand notice issued by the Principal Officer of the area under rule 99 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.

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

122. Mode of attachment—Where the 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 on 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 Principal Officer may consider necessary to give due publicity to the sale. The attachment notice shall set forth that unless the amount with interest and expenses be paid within the date therein mentioned principal officer of the area. Where the Sale Officer so directs the attachment may also be notified in the Gazette.

123. Proclamation before sale—Proclamation of sale shall be published by affixing a notice in the office of the Principal Officer of the area at least 30 days before the date fixed for the sale and also by beat of drum or other customary mode in the said village on the date previous to the date of sale and on the date of the sale prior to the commencement of the sale. A copy of the proclamation may also be sent to the nearest Revenue Officer having jurisdiction over the villages for affixing the same in their Notice Board. 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 liability to which the property is subjected;

(iii) the amount for the recovery of which the sale is ordered; and

(iv) any other particulars which the Sale Officer considers material for a purchaser to know in order to judge of the nature and value of the property.

124. Sale to be by public auction—(1) When any immovable property is sold under the rules the sale shall be subject to the prior encumbrance on the property, if any. 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 highest bid where the price offered appears to be unduly low or for other reasons to be recorded in writing and provided also that the Principal 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 15 days or where there is a service or short adjournments which taken in aggregate, amount to more than 15 days, a fresh proclamation under rule 123 shall be made unless the defaulter consents to waive it in writing in the presence of two witnesses. The time of sale shall be fixed by the Principal Officer and 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 Principal Officer and the place of sale shall be the village where the property to be sold is situated or such adjoining prominent place or public resort as may be fixed by the Principal Officer of the area.

(2) The Sale Officer shall have the power to divide the property into lots if he thinks it necessary in the interests of the defaulter or the decree-holder. Where the property is divided into lots for the purpose of being sold separately, it shall not be necessary to make a separate proclamation for each lot. When in the proclamation of sale, the separate lots are mentioned and the order of sale of each lot is mentioned the Sale Officer shall not vary the lots in the sale and shall not make any departure in the order of the sale in the lots unless the decree-holder and the defaulter give their consent in writing in the presence of two witnesses.

125. Deposit by purchaser and sale on default—(1) On every sale of immovable property the person declared to be the purchaser shall pay, immediately after such declaration a deposit of 20 per cent on the amount of the purchase money to the Sale Officer and in default of such deposit, the property shall forthwith be resold.

Provided that where the decree-holder is the purchaser and is entitled to set-off the purchase money under rule 129, the Sale Officer shall dispense with the requirements of this rule.

(2) The money so received under sub-rule (1) shall be deposited in the manner prescribed by the Registrar.

126. Time for payment of the balance of the purchase money—The remainder of the purchase money and the amount required for the general stamp for the certificate under Para. 5 of the schedule of the Act shall be paid within 15 (fifteen) days from the date of sale:

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

Provided further that in calculating the amounts to be paid under this rule, the purchaser shall have the advantage of any set-off to which he may be entitled under rule 129.

127. Procedure in default of payment—In default of payment within the period mentioned in the last preceding rule the deposit may, if the Principal Officer thinks fit after defraying expenses of the sale, be forfeited to the 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:

Provided that when there is no resale under rule 128 or where after the default by the purchaser the defaulter pays the money due, the forfeiture of the deposit money referred to shall not be made.

128. Resale—(1) Every resale of immovable property in default of payment of the amounts mentioned in rule 126 within the period allowed for such payment shall be made after the issue of fresh proclamation in the manner and for the period here in before prescribed for sale.

(2) Any deficiency of price which may happen on resale held under rule 110 or rule 125 or rule 128 by reason of purchaser's default and all expenses attending such resale shall be certified by the Sale Officer to the Principal Officer of the area and shall at the instance of either the decree-holder or the defaulter, be recoverable from the defaulting purchaser under the provisions of the rule. The cost, if any incidental to such recovery shall also be borne by the defaulting purchaser.

(3) 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.

(4) The decree-holder is not bound to proceed against the defaulting purchaser and he may recover the amount due by proceeding against the defaulter.

129. Amount of decree shall be taken as payment—Where a decree-holder purchases 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.

130. Release of property on payment of amount due—(1) If at any time before the sale takes place 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 and puts in an application under para. 1 of the schedule of the Act, the Sale Officer shall not proceed with the sale and shall forthwith release the property after cancelling the order of attachment where the property has been attached.

(2) If more persons than one come forward to make deposit and apply under para. (1) of the Schedule of the Act, the application of the first depositor to the officer authorised to set aside the sale, shall alone be accepted.

131. Private alienation of property after attachment—When any attachment has been made under these rules, any private transfer or delivery of the property attached or of any interest therein and any payment to the defaulter of any dividend or other money contrary to such attachment, shall be void as against all claims enforceable under the attachment.

EXPLANATION—For the purpose of this sub-rule claims enforceable under an attachment includes claims for the rateable distribution of assets under rule 137.

132. Persons serving process summons to be paid Batta—Persons employed in serving notices or other process under these rules shall be entitled to Batta at such rates as may from time to time be fixed by the Registrar.

133. Disposal of deposit money—The sale-proceeds shall be applied in manner provided in the Act. The amount deposited under rule 98 (1) shall be returned to the applicant except where the cost and charges incurred in connection with attachment and sale of movable property or the attachment and sale or sale without attachment of immovable property, exceeds the sale-proceeds in which cases such excess shall be deducted from the amount deposited and the balance, if any, shall be returned to the applicant.

134. Receipts of payment of amounts due—Every person making a payment toward any money due for the recovery of which application has been made under the rule shall be entitled to a receipt for the amount, signed by the Sale Officer or the other officer empowered by the Principal Officer, by general or special order in that behalf and such receipt as prescribed by Registrar shall state the name of the person making the payment and the subject-matter in respect of which the payment is made.

135. Investigation of claims and objection to attachment of property—(1) Where any claim is preferred in respect of or any objection is made to the attachment of any property attached under this chapter on the ground that such property is not liable to such attachment, the Sale Officer shall investigate the claim or objection and dispose of it on the merits:

Provided that no such investigation shall be made when the Sale Officer considers or reasons recorded in writing that the claim or objection is frivolous or it amounts to cause unnecessary delay.

(2) Where the property to which the claim or objection relates has been advertised for sale, the sale Officer may postpone the sale pending the investigation of the claim or objection:

Provided that if the property attached is of a perishable nature, the Sale Officer shall forthwith sell the property giving notice to the claimant or the objector to present himself at the sale and the sale-proceeds shall be kept in custody of the Sale Officer.

(3) The claimant or objector mentioned in sub-rule (2) shall adduce satisfactory evidence to show that at the time of attachment, he had some interest in, or was possessed of the property attached.

(4) Where, upon the said investigation, the Sale Officer is satisfied that for the reasons stated in the claim or objection, such property was not at the date of the attachment, in the possession of the defaulter or of some person in trust for him or in the occupancy of a tenant or other person paying rent to him, or that being in the possession of the defaulter at the said date it was so in his possession, not on his own account or his own property but on account of or in trust for some other persons, or partly on his own account and partly on account of some other person, the Sale Officer shall make an order releasing the property, wholly or to such extent as he thinks fit, for attachment. Where the Sale Officer is satisfied that the property was at the said date, in the possession of the defaulter as his own property and not on account of any other person, or was in possession of some other person in trust for him or in the occupancy of a tenant or other persons paying rent to him the Sale Officer shall disallow the claim and the party against whom an order is made, may institute a suit in an appropriate court within six months from the date of the order, to establish the right which he claims to the property in dispute, but subject to the result of such suit, if any, the order shall be conclusive.

136. Determination of attachment—Where any property has been attached in execution of a decree, but by reason of the decree-holder's default, the Principal Officer of the area is unable to proceed further with the application for any execution, he shall either dismiss the application or for any sufficient reasons adjourn the proceedings to a future date, upon the dismissal of such application, the attachment shall cease.

137. Attachment in execution of decree of civil court and rateable distribution of assets—
(1) Where the Sale Officer attaches or has attached under these rules any property, which is not in the custody of any Court but is already under attachment made in the execution of a decree of a Court, such Court shall receive and realise such property and shall determine claims thereto and any objection to the attachment thereof:

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

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

138. Procedure for recovery of sums due to Government—(1) In regard to the sums payable to Government the Principal Officer of the area in whose jurisdiction the cause of action arose, may of his own motion, take any steps which he may deem necessary in the matter of such recovery in accordance with the Act and Rules thereunder without any applications having been made to him in that behalf under rules 98 and 99.

(2) It shall not be necessary to deposit any sum by way of costs as required by sub-rule (1) of rule 98.

(3) It shall not be necessary for the Sale Officer to give the decree-holder previous notice as required by rule 109 of the intention to serve the demand notice on the defaulter and in default of payment to distrain his property, nor shall the provisions of that rule which empowers the Sale Officer to require the decree-holder to undertake the custody of the distrained property, apply.

(4) It shall not be necessary to send a copy of the attachment notice to the decree-holder as required by rule 122.

(5) It shall not be necessary to give notice of the proclamation of sale to the decree-holder as required under rule 123.

(6) The payments required to be made under para. (1) of the schedule of the Act shall be made to the Sale Officer on behalf of the Government.

139. Conditional attachment of property—(1) An application under section 105 shall contain—

(a) satisfactory evidence in support of the contention that the party is about to dispose of the whole or any part of his or its property or the property which is the subject-matter of dispute referred to under section 68 from the local limits of the jurisdiction of the Registrar with intent to defeat or delay the execution of an award or decrees or an order that may be passed against him under the Act; and

(b) full details of the property to be attached, its estimated value and the claim of the Society.

(2) Attachment shall be made in the form as prescribed by the Registrar and in the manner provided in the rules.

(3) Where a direction is made for the attachment of any property under section 105 of the Act, the Registrar shall order the attachment to be withdrawn:—

(a) when the party concerned furnishes the security required together with security for the cost of the attachment, or

(b) when the Liquidator determines under clause (b) of sub-section (2) of section 75 of the Act that no contribution is payable by the party concerned, or

(c) when the Registrar passes an order under sub-section (1) of section 67 of the Act that the party concerned need not repay or restore any money or property or contribute any sum to the assets of the Society by way of compensation, or

(d) when the dispute referred to in sub-section (1) of section 70 of the Act has been decided against the party at whose instance the attachment was made.

(4) Attachment made under section 105 shall not affect the right existing prior to the attachment of persons who are not parties to the proceedings in connection with which the attachment was made, nor bar any person holding a decree against the person whose property is attached from applying for the sale of the property under attachment in execution of such decree.

(5) Where property is under attachment by virtue of the provisions of this rule and a decree is subsequently passed against the person whose property is attached, it shall not be necessary upon an application, for execution of such decree or order to apply for re-attachment of the property.

(6) Any order of attachment passed under section 105 may be discharged or varied or set aside by the Registrar on his own motion or on the application made to him by any party affected by such order after giving the party or parties concerned an opportunity of being heard.

SPECIAL PROCEDURE FOR ¹[LAND DEVELOPMENT BANK]

140. Proceeding under section 90—(1) No application under sub-section (1) of section 90 of the Act shall be received unless the applicant deposits the necessary costs of distrian and sale on a scale prescribed by the Registrar.

(2) The application shall be in such form as may be prescribed by the Registrar and shall be signed by a person duly authorised by the Board or Committee of the ²[State Land Development Bank] or ³[Land Development Bank]. On receipt of the application the Principal Officer of the Co-operative Department having jurisdiction over the area in which the land is situated shall, if satisfied that the particulars set forth in the application are correct, prepare a demand notice in duplicate, in the form laid down by the Registrar, setting forth the name of the defaulter, the amount due together with interest and forward he same to the Sale Officer.

141. Application for sale and manner of sale—(1) Upon the expiry of three months from the date of notice under clause (a) of sub-section (2) of section 91, if the sum due under the mortgage has not been paid, the ⁴[State Land Development Bank] or the ⁵[Land Development Bank] or any person authorised by it in this behalf may, after considering any objection made within that period by any person entitled to such notice, apply to the Principal Officer of the Co-operative Department of the area to sell the mortgaged property or any part thereof and such officer shall after giving notice in writing to all the persons referred to in sub-section (2) of section 91, direct the Sale Officer authorised in this behalf to sell such property by public auction in the manner prescribed and report the result thereof to the Bank.

1. Substituted by Co-operation & Forestry Department Notification No. 2637-C.F, dated 6-2 1970.

2. Substituted by *ibid*, for "State Land Mortgage Bank"

3. Substituted by *ibid*, for "Land Mortgage Bank"

4. Substituted by *ibid*, for "State Land Mortgage Bank"

5. Substituted by *ibid*, for "Land Mortgage Bank"

(2) The applicant shall apply to the Principal Officer of the Co-operative Department who has jurisdiction over the area in which the properties sought to be sold are situated and shall deposit costs on a scale prescribed by the Registrar. The application shall be in such form as may be prescribed by the Registrar and shall be signed by the applicant or where the applicant is the Board of Committee of the ⁶ [State Land Development Bank or the ⁷ [Land Development Bank] a person duly authorised by the Board or Committee and shall—

- (i) contain a description of the immovable property to be proceeded against sufficient for its identification and in case such property can be identified by boundaries or numbers in a record of settlement of survey the specification of such boundaries or numbers;
- (ii) show the names of all persons having interest in the property as laid down in clause (a) of sub-section (2) of section 91 of the Act;
- (iii) contain a report regarding the manner of service of notice under clause (a) of sub-section (2) of section 91 of the Act;
- (iv) specify the amount due for recovery including interest expenses incurred in the service of the notice referred to in sub-section (2) of section 91 of the Act
- (v) enclose the mortgage bond where power of sale without the intervention of the Court is expressly conferred on the State Land Development Bank or the Land Development Bank.

(3) On receipt of the application, the Principal Officer shall give notice in writing by registered post to all the persons named in the application, that he intends to sell the property, giving such particulars of property to be sold, if the amount claimed by the Bank including expenses incurred by it in the service of notice is not paid within a time to be allowed by him

(4) *Sale*—If before the expiration of the time allowed in the notice issued under sub-rule (3) the amount specified in such notice is not paid, the principal officer may authorise any officer subordinate to him to act as Sale Officer and conduct sales on his behalf.

(5) *Publication of Proclamation*—The Sale Officer shall thereupon issue proclamation of sale by affixing a notice in the office of the Principal Officer, at least 30 days before the date fixed for the sale and also by beat of drum or other customary mode in the village where the mortgaged property to be sold, is situated on two consecutive days previous to the date of sale and on the date of the sale prior to the commencement of the sale. A copy of the proclamation may also be sent to the nearest Revenue Officer having jurisdiction over the village for affixing the same in their notice Board. A copy of the proclamation shall be given to all the parties named in the application. A copy of the proclamation shall also be got affixed on a conspicuous part of the office of the Bank. The proclamation shall state the time and place of sale and specify as fairly and accurately as possible—

- (a) the property to be sold;

1. Substituted by *ibid*, for "State Land Mortgage Bank"

2. Substituted by *ibid* for „Land Mortgage Bank"

(b) the amount for the recovery of which the sale is ordered;

(c) every other matter which the sale officer considers material for the purchaser to know in order to judge the nature and value of the property.

(6) *Manner of Sale*—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 who when the price offered appears to be unduly low or for other reasons, to be recorded by him in writing and provided also that 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 15 days or where there is a series of short adjournment which taken together in the aggregate amount to more than 15 days, a fresh proclamation under clause (5) shall be made unless all the mortgagors consent to waive it in writing in the presence of two witnesses. The time and place of sale shall be fixed by the Principal Officer and the sale shall be held after expiry of not less than 30 days calculated from the date on which notice of the proclamation was affixed in the Office of the Principal Officer of the area and the place of sale shall be the village, where the property is situated or such adjoining prominent place of public resort as may be fixed by the Sale Officer.

(7) The Sale Officer shall have the power to divide a property in the lots as he think it necessary in the interest of the debtor or the Bank.

(8) On every sale of property, the person declared to be the purchaser, shall pay immediately after such declaration, a deposit of 20 per cent on the amount of the purchase money to the Sale Officer and in default to pay such deposit the property shall forthwith be sold again by public auction. The money so received shall be deposited in the manner prescribed by the Registrar:

Provided that where the Bank is the purchaser and is entitled to set off the purchase money under sub-rule (12) the Sale Officer shall dispense with the requirements of this Rule.

(9) The remainder of the purchase money and the amount required for the general stamp for the certificate under Para. 5 of the schedule to the Act shall be paid within 15 days from the date of sale:

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

Provided further that in calculating amounts to be paid under this clause the purchaser shall have the advantage of any set off to which he may be entitled under sub-rule (12).

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

Provided that when there is no resale under sub-rule (11) or where after the default by the purchaser the defaulter pays the money due, the forfeiture of the deposit money referred to, shall not be made.

(11) Every resale of immovable property in default of payment of the amounts mentioned in sub-rule (9) within the period allowed for such payment, shall be made after the issue of fresh proclamation in the manner and for the period herein before prescribed for the sale.

(12) Where the Bank at whose instance the property is sold, is the purchaser, the purchase money and the amount due shall be set-off against one another and the Sale Officer shall enter-up satisfaction of payment of the mortgage money in whole or in part as the case may be.

(13) (i) Any deficiency of the price which may happen on the resale held under sub-rule (7) or (10) by reason of purchaser's default and all expenses attending such resale shall be certified by the Sale Officer to the Principal Officer and shall, at the instance of either the Bank or the debtor, be recoverable from the defaulting purchaser under the provisions of section 103.

(ii) The Bank is not bound to proceed against the defaulting purchaser and it may recover the amount by proceeding against the defaulter.

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

(14) (a) If at any time before the sale takes place, the mortgagor 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, the Sale Officer shall not proceed with the sale.

(b) If more persons than one come forward to make deposit and put in application under Para. (1) of the schedule to the Act the application of the first depositor to the officer authorised to set aside the sale shall be accepted.

(15) The Sale Officer shall on the conclusion of the sale make a report to the Bank at whose instance the property was brought to sale regarding the result of the sale.

(16) Whenever the sale of the property is set aside under Para. 1 of the schedule to the Act, the deposit of a portion of the purchase money made under sub-rule (8) or the entire purchase money made under sub-rule (9) as the case may be shall be returned to the purchaser together with the deposit made under Para. (1) of the schedule of the Act.

(17) Persons employed in serving notices or in other processes under these rules shall be entitled to remuneration at such rates, as may from time to time be fixed by the Registrar.

(18) The sale-proceeds shall be applied in the manner provided in the Act. The amount deposited under sub-rule (2) shall be returned to the applicant except when the costs, charges and expenses incurred by the Sale Officer as incidental to the sale of attempted sale, exceed the sale-proceeds, in which case such excess shall be deducted from the amount deposited and the balance, if any, shall be returned to the applicant.

(19) Every person making payment towards any money due, for the recovery of which application has been made under these rules, shall be entitled to a receipt for the amount signed by the Sale Officer; such receipt shall state the name of the person making the payment and the subject-matter in respect of which the payment is made.

142. *Distribution of proceeds of sale and distraint*—The proceeds of sale under section 91 or distraint under section 90 shall be applied in the manner laid down in Para. 4 of the schedule of the Act.

143. *Officers of Societies, Financing Banks and Sale Officers not to bid at Sales*—At any sale of movable or immovable property held under the provisions of the Act or these rules, no officer or servant of the society on the application of which the sale is held, and no officer, if any, of the Financing Bank of which the society is a member (except on behalf of the society or the Financing Bank as the case may be) and no Sale Officer or other person, having any duty to perform in connection with such sale, shall either directly or indirectly bid for or acquire or attempt to acquire any interest in such property.

CHAPTER XI

Appeal Revision and Review

144. Procedure for presentation to and disposal of appeals by State Government and Registrar under section 109—(1) An appeal to the State Government or the Registrar shall be presented by the appellant or by his duly appointed agent either in person during the office hours or sent to it by registered post.

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

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

(4) Every appeal shall—

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

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

- (i) 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 note on the appeal to that effect and may call upon the appellant or his agent to remedy the defects within such period as the Registrar may fix.

(7) If the defect is remedied, the appellate authority may proceed to consider the appeal.

(8) If the appellant or his agent fails to remedy the defects within the fixed period, the appellate authority may dismiss the appeal.

(9) Any appeal not filed within the prescribed time-limit may be admitted when the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within such period.

(10) 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.

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

(12) When the hearing of the appeal is completed, the appellate authority shall announce its judgement forthwith or may reserve it for a subsequent date in which case, the judgement shall be communicated to the parties.

(13) Every decision or order of the appellate authority 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

145. Address of a Society—The Bye-laws of every society shall contain the address of the society to which all notices and communications may be sent. The address of the society shall include the name of the district, police-station, post office and the town or the village.

146. Opening of branches—A society may open branches at any place within the area of operation by a resolution of the committee and with the prior permission of the Registrar obtained in writing, provided that such permission of the Registrar is not required if such branches are situated in the same city, town or village where the registered office of the society is opened for a temporary period, not exceeding 30 days at any place within the area of operations, for affording facilities to the public and the societies on the occasion of an exhibition, conference, mela and such other occasions, provided that the Registrar shall be informed by the bank of its intention to open such branches.

147. Documents to be kept open to inspection—Every society shall keep open for inspection by its members free of charge at all reasonable times at its registered address—

- (a) a register of Members ;
- (b) the list of officers for the time being ;
- (c) a copy of the latest audited balance-sheet of the society ;
- (d) the accounts of his own transaction with the society ,
- (e) the accounts of all the borrowers in the case of unlimited societies.

148. Grant of certified copies—Any member or other persons requiring copies of any document which he has a right to inspect under the Act, the rules and the bye-laws of a society shall on an application be supplied on payment of a sum calculated at the rate of fifteen paise for each hundred words of the copies taken or such lesser rate as the society may lay down in the bye-laws, subject to a minimum of rupees two.

149. Manner of certifying copies of document or entries in the books of Society—(i) For the purpose of section 62 (4) (c) and section 125 (1) and (2), copy of any document or any entry in the books of a society regularly kept in the course of business shall be certified—

- (a) by a member of the committee authorised by the committee in his behalf;
- (b) where an order has been passed under sub-section (1) (b) of section 32, by the officer appointed to manage the affairs of the society;
- (c) where an order has been passed under section 73 of the Act appointing a liquidator of the society, by the liquidator;

(ii) The charges to be levied for the supply of certified copies of documents or entries in the books of a society shall not exceed the amount fixed in this behalf under Rule 148.

(iii) No copy of document or of any entry therein taken under sub-section 4 (c) of section 62 or section 125 of the Act shall be admissible in evidence unless it contains a certificate in the following form:—

"I certify that the above is a true copy of the" *

*Signature of the Officer
or person*

* Nature of document entry or entries in the Book to be specified.

150. Authentication of Notice or Process—(1) Every summons, process or notice issued under the Act except as otherwise provided in the Act and these rules shall be in writing, shall be authenticated by the seal, if any, of the officer by whom it is issued and shall be signed by such officer or any person duly authorised by him in writing in that behalf.

It shall require the person summoned to appear before the said officer at the stated time and place, and shall specify whether his attendance is required for the purpose of giving evidence, or to produce a document or for both purposes; and any particular document, the production of which is required, shall be described in the summons with reasonable accuracy.

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

(3) *Manner of service of Notices—*The service of summons or notices except as otherwise specifically required under the Act may be effected in any of the following ways:—

- (a) by giving or tendering a copy of it to such person; or
- (b) if such person is not found, by giving or tendering it to some adult member of his family;
- (c) if the address of such person is known by sending it to him by registered post;
- (d) if none of the means aforesaid available, by fixing it in some conspicuous part of his last known place of abode or business.

(4) When the serving officer delivers or tenders a copy of the summons personally to the person summoned or to an agent or any other persons on his behalf, he shall require the person to whom the copy is so delivered or tendered to sign on the back of the original summons.

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

(6) Where the person to whom, notice, process or summons issued is a public officer or is the servant of a Railway Company or local authority, the officer issuing the process may, if it appears that the process may most conveniently be served, send it by registered post pre-paid for acknowledgement for service on the party to the head of the office in which he is employed together with a copy to be retained by the party.

(7) When the person whose evidence is required is unable from sickness or infirmity to attend before the officer or person issuing the summons or notice or is a person whom by reason of rank or sex it may not be proper to summon, the officer or person issuing the summons may, of his own motion or on the application of the person whose evidence is required, dispense with his appearance and examine him at his place of abode or business or cause him to be so examined by a person specially deputed by him for the purpose.

(8) A party who desires the attendance of a person either to give evidence or produce a document shall deposit with the officer or person issuing the summons or notice in cash:

- (i) Process fees in accordance with the scale fixed by the Registrar of Co-operative Societies; and
- (ii) Allowances payable to the person whose attendance is desired for travelling and appearing before the officer or person issuing the summons or notice in accordance with the scale fixed by the Registrar of Co-operative Societies.

If the party required to make such deposits fail to do so within 15 days from the date of the order requiring him to make the deposit, the officer or person empowered to issue the summons may drop further action.

151. Legal practitioners not to appear in proceedings under this Act—Legal practitioners shall not be entitled to represent parties in proceedings under the Act or the Rules except—

- (i) before the Registrar or the State Government;
- (ii) in appeals and revisions;
- (iii) with the permission of the presiding officer, before whom the proceedings are taken.

152. Fees payable for appeal, Revision and Review, etc.—(1) Every appeal preferred under sub-section (1) of section 109 to the Registrar or State Government shall be accompanied by a court-fee of [Rs. 3]¹.

(2) Every application for review or revision under section 111 or 112 or 113 shall be accompanied by a court-fee of [Rs. 10]².

(3) Every application for restoration of a suit, or setting aside of an *ex parte* decree shall be accompanied by a court-fee of [Rs 5]³.

(4) Every application for adjournment of a suit, shall be accompanied by a court-fee of [Rs.2]⁴. :

Provided that when an appeal or revision or review is preferred by a Liquidator or a non-borrowing Society having no funds, the authority before whom the appeal or review or revision is preferred may exempt the Liquidator from payment of court-fee payable under this rule.

153. Inspection of books and obtaining copies thereof—(1) A member of the Co-operative Society or any person may inspect the following documents in the office of the Registrar or of any person subordinate to him on payment of fee of [Rs. 2]⁵ on each occasion—

- (i) Application for registration of societies
- (ii) Certificate of registration
- (iii) Bye-laws of societies
- (iv) Amendment of bye-laws
- (v) Order directing the winding up of a society
- (vi) Order cancelling the registration of a society

1. Substituted by Agriculture & Co-op. (Co-op.) Department notification No. 27611, dated 18-8-1978

2. Substituted by Agriculture & Co-op. (Co-op.) Department notification No. 27611, dated 18-8-1978

3. Substituted by Agriculture & Co-operation (Co-operation) Department notification No. 27611, dated the 15th August 1978.

4. Substituted by *ibid*.

5. Substituted by *ibid*

- (vii) Audit certificate
- (viii) Annual balance sheet
- (ix) Order of supersession of a committee
- (x) Order of removal of a member
- (xi) Register of Societies

(2) Certified copies of any document which any person has a right under sub-rule (1) to inspect shall be supplied on payment of a fee of—

- (i) 4 [four rupees] for the bye-laws if it is a printed copy;
- (ii) a sum calculated at the rate of 5 [Re. 1]² for each hundred words of the copy of extract of any other document. Four figures shall be counted as a word.

154. Unless Government otherwise directs, all fees payable under this Act of the Rules except as laid down in rule 152 shall be paid into the Treasury under the appropriate head.

155. *Use of premises of Societies*—No society shall use, or allow to be used any premises or a portion thereof for any purpose other than such business or other Co-operative activities provided, however, that the Registrar may by special or general order relax the operation of this rule for an individual society or a particular type of societies.

156. *Reconstruction of Records*—In case any records relating to account of a Society is lost destroyed the accounts of such society may be reconstructed by the person authorised by the Registrar with reference to the information and references available.

157. (1) Any person collecting share money of a society in formation shall within a fortnight deposit the same in the State Co-operative Bank or a Central Co-operative Bank or in Postal Savings Bank.

(2) Any person collecting the share money for a society in formation shall not make use of the funds for conducting any business or trading in the name of the society to be registered or otherwise.

(3) Non-compliance of the provisions of sub-rules (1) and (2) shall be deemed as an offence under section 115 of the Act.

158. *The State Co-operative Council*—³[(1) The State Government shall constitute a State Co-operative Council consisting of—

- (i) Minister of Co-operation, who shall be the President;
- (ii) Minister of State, Co-operation, if any;
- (iii) Deputy Minister, Co-operation, if any;
- (iv) Agricultural Production Commissioner;
- (v) The Secretary to State Government in the Department of Co-operation;
- (vi) Registrar of Co-operative Societies;
- (vii) Two Members of the Orissa Legislative Assembly to be elected for the purpose;
- (viii) President of the Orissa State Co-operative Bank;

1. Substituted by Agriculture & Co-operation (Co-operation) Department, notification No. 27811, dated the 18th August 1978.

2. Substituted by *ibid.*

3. Substituted by *ibid.*

- (ix) President of the Orissa State Co-operative Union;
 - (x) President of the Orissa State Co-operative Land Development Bank;
 - (xi) President of the Orissa State Co-operative Marketing Federation;
 - (xii) Four non-Official Co-operators to be nominated by the State Government from the Co-operative Societies;
 - (xiii) Such additional members not exceeding three as the Council, with the approval of the State Government may Co-opt.]
- (2) The term of office of members of the Council and the President thereof shall be three years and it may be extended by Government for a period not exceeding one year
- (3) It shall be the duty of the council—
- (i) to exercise general superintendence on the activities of the Co-operative Department and to recommend to Government on such matters as in their judgement may be calculated to ensure progress in the Co-operative Movement;
 - (ii) to advise Government regarding Scheme framed by the Co-operative Department from time to time for the progress of the Movement;
 - (iii) to advise Government on the working of the laws relating to Societies and to suggest any amendment or modifications as they deem necessary;
 - (iv) to review annually the Co-operative Movement in Orissa and forward it to Government for their information ; and
 - (v) to perform such other duties as may be assigned to it by Government.
- (4) The Council shall make regulations not inconsistent with the Act, the Rules, thereunder or any other law as to—
- (a) procedure and conduct of Business at Meetings of the Council,
 - (b) the manner in which their decision may be ascertained otherwise than in meetings,
 - (c) delegation of powers of the Council to individual members;
 - (d) books and accounts to be kept by the Council;
 - (e) generally the conduct of all proceedings and business of the Council.
- (5) The Council shall meet at least twice during the Co-operative year for transaction of business.

By order of the Governor

K. S. BAWA

Secretary to Government

SCHEDULE A

Form of Certificate of Registration

(Rule 10)

Certificate of Registration No. _____ of _____ 19 ____ In the Office
of the Registrar of Co-operative Societies, Orissa.

Assistant Registrar of Co-operative Societies, _____, Orissa under Act 2 of
1963.

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

I do hereby certify that pursuant to the Orissa Co-operative Societies Act, 1962 (Orissa
Act 2 of 1963), the said Society has been registered in my office as a Society with limited/
unlimited liability under the title of the _____ and the bye-laws filed by
the said Society and as altered by me have also been duly registered.

The following is the area of operation of the Society.
Dated this _____ day of _____ one thousand, nine hundred and _____

SEAL

Registrar of Co-operative Societies, Orissa

Assistant Registrar of Co-operative Societies

SCHEDULE B

Certificate of Registration of Amendment of Bye-laws

(Rule 14)

In the Office of the Registrar of Co-operative Societies, Orissa

Assistant Registrar of Co-operative Societies

Societies, _____ Circle under Orissa Act 2 of 1963.

I do hereby certify that pursuant to the Orissa Co-operative Societies Act, 1962 (Orissa
Act 2 of 1963), the amendments shown in the enclosed document of the bye-laws of the
_____ a Society registered _____ under No. _____ in the
district of _____ has been duly registered. The following is the area of operations
of the Society:—

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

Complete amendment of the previous bye-laws.

Particular amendment of bye-laws Nos. _____

Dated this _____ day of _____ one thousand, nine hundred and _____

SEAL

Registrar of Co-operative Societies, Orissa

Assistant Registrar of Co-operative Societies

SCHEDULE C

(See Rule 96-A)

Whereas Shri.....resident of.....
has applied for a loan for the purpose of (specify purpose).....
from the Land Development Bank Ltd.....and has proposed to offer
as the security for the loan, the lands mentioned below:—

Lands in which improvement is proposed to be effected—

1. Name of the village
2. Survey No.
3. Area
4. Assessment

Lands proposed to be offered as security—

1. Name of the village
2. Survey No.
3. Area
4. Assessment

Notice is hereby given that any person having any interest in or claim to the aforesaid lands may file objections before the undersigned on or before.....(the period shall not be less than fifteen days at.....together with documents he wants to produce in support of his objection, falling which the proceeding shall be disposed of according to law.

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

Designation of Officer

Copy forwarded to—

1. Tahasildar.....for information and necessary action, with a request to affix the notice in his Office Notice Board.
2. Land Development Bank.....for information and necessary action with a request to affix the notice in the Office Notice Board.

SCHEDULE D

Nomination Form for election to the Committee of—

1. Name of the candidate
2. Admission number

- 3. Father or husband's name
- 4. Address
- 5. Admission number and name of the proposer
- 6. Signature or thumb impression of the proposer
- 7. Admission number and name of the seconder
- 8. Signature or thumb impression of the seconder
- 9. Symbol which he desires to use for the election

DECLARATION

I hereby declare, I am willing and eligible under the Orissa Co-operative Societies Act Rule and Bye-laws of the Society to stand for the election.

Signature or thumb impression
of the candidate

Endorsement by the Election Officer—

This nomination was presented to me in person at.....on (date).....
at.....(hours) by Shri.....

Signature of the Election Officer

By Registered Post with A/D.

Two certified true copies of the declaration made by Shri/Smt.....
of village.....on dated.....before Shri.....
.....are forwarded to the Sub-Registrar,
.....as required under Section 83-D(3) of the O. C. S.
Act, 1978 with a request to retain one copy of the same in his office and record the particulars
of the charge created in the lands of the declarant and return the other copy to the
Secretary;.....Co-operative Land Development
Bank Limited after having done with.

Secretary

.....C. L. D. Bank
Date

Acknowledgement

In acknowledging the receipt of the copies of the declarant made by Shri/Smt. of village the charge created on the lands is duly recorded in the concerned books of registers and the other copy duly endorsed is returned herewith.

Seal

Sub-Registrar

.....
Date

SCHEDULE-E

Declaration under Rule 96-A

I, Shri/Smt. son/wife/daughter/ husband of Shri/Smt. aged occupation-... P.-S. Block. District belonging to Scheduled Tribes/Scheduled Castes/General castes being desirous of availing myself/as Karta, manager of the joint family a loan of Rs. from the Co-operative Land Development Bank Limited make Rules 1965 that the lands noted in Schedule 'I' below are myself acquired/my ancestral properly and I have got permanent, heritable, transferable occupancy rights over the same and am in cultivating possession of the same and I hereby declare that till today the aforesaid lands are not encumbered in any manner whatsoever and no first charge is created over the same land on account of any other Government loan or dues nor any litigation is pending in any original or appellate court/encumbered in the manner stated in Schedule 'II' below and I hereby create a charge on the said lands may interest therein in favour of the aforesaid bank which I have a right to create from this day of onwards in order to secure the aforesaid loan or such other lower amount as the said bank may decide and further declare that this charge shall continue to subsist till the claim of the said bank is cleared in full and clearance certificate in this respect is issued by the said bank.

SCHEDULE-I

Name of village	Name of Tahasil	Name of District	Patta or Khatta Number	Survey Plot Number	Extent Ac. Dec.	Extent off-ered as security Ac. Dec.		
1	2	3	4	5	6	7	8	9
Nature of land	Boundaries of part plot	Land Rs. P.	Revenue/cess Rs. P.	Approximate value Rs. P.				
10	11	12	13	14				

SCHEDULE-II

Name of mortgagee	Number and year of document	Mortgage amount	Amount due on date	Remarks
1	2	3	4	5

I further declare that the facts stated above are true to my knowledge and belief and nothing of the same is false and if at any time all or any of the facts asserted herein are proved to be false I shall be punished in accordance with sub-section 10 of section 115 of the Act.

In witness whereof, I, Shri/Smt. hereunder set my hand after having read over/explained to me and in agreement of the same on this day of nineteen hundred and and deliver this document to the Secretary of the aforesaid bank Shri. after the witness have appended their signature below :—

Witness No. 1

Signature in full

Address:

Date:

Declarant
(Signature in full)

Witness No. 2

Signature in full

Address:

Date:

Declarant identified by me
Signature in full

Designation

Date

Shri/Smt. son/wife/daughter/husband of Sri/Smt.
 aged occupation
 resident of P. O.
 P.-S. Block. District.
 who is known to me personally/identified by the above signatory Shri.
 appears before me and states that the contents of this
 declaration are true to the best of his/her knowledge and belief and if found false at any time
 he/she is liable to be punished under the law.

Seal

Signature in full

Designation:

Date:

GOVERNMENT OF ORISSA
CO-OPERATION & FORESTRY DEPARTMENT

PREAMBLE

The 18th August 1965

No. 15658—20-III-DI/65-C.F.—In exercise of the powers conferred by Sub-section (2) of section 3 of the Orissa Co-operative Societies Act, 1962 (Orissa Act 2 of 1963), the State Government do hereby confer on the officers specified in column (2) of the schedule given below, who are appointed under sub-section (1) of section 3 of the said Act to assist the Registrar, the powers of the Registrar specified respectively against each in column (3) thereof to be exercised within such local limits as may be assigned by the Registrar.

SCHEDULE

Sl. No.	Designation of officers	Name of the sections and rules under the Orissa Co-operative Societies Act, 1962 and the Rules made thereunder
(1)	(2)	(3)
1	Additional Registrar of Co-operative Societies.	<p>(a) Sections 6(1), 7, 8, 10(2) 12, 14, 17, 28, 30, 32, 33, 35 (3), 59(1), 62, 63, 64, 65, 66, 67, 68, 70, 72, 73, 75, 76, 77, 90, 102, 103, 104, 105, 106(1) (b), 108, 109, 112, 114, 116 (2), 120, 121 (2), 127, 128 (3).</p> <p>(b) Rules 7, 9, 10, 13, 14, 16(2), (1), 17, 18, 19(2), 25, 31, 32, 33(d), 35, 37(2), 38, 41, 42, 44, 49, 53(6), 53(7), 53(9), 54(1)(b), 56, 58, 61, 67, 70, 81, 84, 86, 87, 90, 91, 93, 139(3), 139(6), 144, 156.</p>
2	Joint Registrar of Co-operative Societies.	<p>(a) Sections- 6 (1), 7, 8, 10(2), 12, 14, 17, 28, 30, 32, 33, 35 (3), 59(1), 62, 63, 64, 65, 66, 67, 68, 70, 72, 73, 75, 76, 77, 90, 102, 103, 104, 105, 106 (1)(b), 108, 109, 112, 114, 116(2), 120, 121(2), 127, 128(3).</p> <p>(b) Rules 7, 9, 10, 13, 14, 16(2)(1), 17, 18, 19 (2), 25, 31, 32, 33(d), 35, 37(2), 38, 41, 42, 44, 49, 53(6), 53(9)), 54(1)(b), 56, 58, 61, 67, 70, 81, 84, 86, 87, 90, 91, 93, 139(3), 139(6), 144, 156.</p>

Sl. No.	Designation of officers	Name of the sections and rules under the Orissa Co-operative Societies Act, 1962 and the Rules made thereunder.
(1)	(2)	(3)
3 Deputy Registrar of Co-operative Societies (In Divisional).	(a)	Sections 6(1), 7, 8, 10(2), 12, 14, 28, 30, 32, 33, 35(3), 62, 63, 64, 65, 66, 67, 68, 70, 72, 73, 75, 76, 77, 90, 102, 103, 104, 105, 106(1), (b), 108, 109, 112, 114, 116(2), 120, 121(2), 127 in so far as they relate to societies other than societies whose areas of operation extend to the whole of the State.
	(b)	Rules 7, 9, 10, 13, 14, 16(2)(1), 17, 18, 25, 31, 32, 33(d), 35, 41, 42, 49, 54(1)(b), 60(2), 67, 70, 81, 84, 86, 87, 90, 91, 93, 139(3) 139(6), 144, 156 in so far as they relate to societies other than societies whose areas of operation extend to the whole of the State.
4 Deputy Registrar of Co-operative Societies (headquarters).	(a)	Sections 33(2), 64, 65, 66 in so far as they relate to societies other than societies whose areas of operation extend to the whole of the State.
	(b)	Rules 42, 67, 139(6), 156 in so far as they relate to societies other than societies whose areas of operation extend to the whole of the State.
5 Assistant Registrars of Co-operative Societies (incharge of Circles).	(a)	(i) Sections 102, 103, 104, 105, 106(1) (b), 108, 114, 120.
	(ii)	Sections 7, 8, 10(2), 12, 14, 28, 32, 67, 72, 73, 75, 76, 77, 116(2) in so far as they relate to Primary Agricultural Credit Societies.
	(iii)	Sections 6(1), 30, 33, 35(2), 62, 63, 64, 65, 66, 68, 70, 90, 109, 127 in so far as they relate to societies other than societies whose areas of operation extend to the whole of the State.

Sl. No.	Designation of officers	Name of the sections and rules under the Orissa Co-operative Societies Act, 1962 and the rules made thereunder
(1)	(2)	(3)
		<p>(b) (i) Rules-7, 9, 10, 13, 14, 16(2), (1), 17, 18, 25, 31, 41, 54(1)(b), 79, 84, 86, 87, 90, 91, and 93 in so far as they have to Primary Agricultural Credit Societies,</p> <p>(ii) Rules-12, 32, 35, 42, 60(2), 67, 81, 139(6), 144, 156, in so far as they relate to societies other than societies whose areas of operation extend to the whole of the State.</p>
6	Assistant Registrar of Co-operative Societies (Marketing and Land Mortgage Bank).	<p>(a) Sections 6(1), 30, 33(2), 62, 63, 64, 65, 66, in so far as they relate to Marketing Societies and Land Mortgage Banks other than societies whose areas of operation extend to the whole of the State.</p> <p>(b) Rules 35, 42, 67, 139(6), 156 in so far as they relate to Marketing Societies and Land Mortgage Banks other than societies whose areas of operation extend to the whole of the State.</p>
7	Chief Audit Officer & Additional Chief Audit Officer of Co-operative Societies.	<p>(a) Sections 30, 33(2), 62, 63, 64, 65, 66</p> <p>(b) Rules 35, 39 (4) 42, 58, 60 (2) 67, 156</p>
8	Audit Officer of Co-operative Societies.	<p>(a) Sections 30, 33, (2), 62, 63, 64, 65 and 66 in so far as they relate to societies other than societies whose areas of operation extend to the whole of the State.</p> <p>(b) Rules 35, 39(4), 42, 58, 60(2), 67 and 156 in so far as they relate to societies other than societies whose areas of operation extend to the whole of the State.</p>

By order of the Governor
GIAN CHAND
 Secretary to Government.

GOVERNMENT OF ORISSA
CO-OPERATION & FORESTRY DEPARTMENT
NOTIFICATION

The 24th August 1966

No. 16116—2C-IIN-1/66-C. F.—In exercise of the powers conferred by sub-section (1) of section 31 of the Orissa Co-operative Societies Act, 1962 (Orissa Act 2 of 1963), the State Government do hereby specify the authorities mentioned in column (2) of the Schedule below for nominating the requisite number of members of the Committees of Management of the Co-operative Societies, mentioned in column (1) of the said Schedule.

SCHEDULE

Column (1)	Column (2)
1. Central Co-operative Banks, Jute Marketing Co-operative Societies, Regional Co-operative Marketing Societies and all processing Co-operative Societies excepting Co-operative Sugar Mills and Co-operative Spinning Mill, Potato Growers' Storage and Marketing Societies, Wholesale Co-operative Stores, District Labour Co-operative Unions, Baripada Urban Co-operative Bank, Boipariguda Co-operative Development and Marketing Society.	Registrar of Co-operative Societies, Orissa.
2. Primary Land Mortgage Bank, Forest Marketing Co-operative Societies, Farming Co-operative Societies.	Divisional Deputy Registrar of Co-operative Societies.
3. Service Co-operative Societies, Large Sized Co-operative Societies, Graingolla Co-operatives Societies, Primary Co-operative Consumers' Stores, Labour Contract Co-operative Societies and other Co-operative Societies at Primary level.	Circle Assistant Registrars of Co-operative Societies.

By order of the Governor
GIAN CHAND
Secretary to Government

GOVERNMENT OF ORISSA
CO-OPERATION & FORESTRY DEPARTMENT
ORDER

Bhubaneswar, the 21st May 1968

No. 11751—3C-IIM-68-C.F.—In exercise of the powers conferred by section 110 of the Orissa Co-operative Societies Act, 1962 (Orissa Act 2 of 1963), the State Government do hereby delegate their power of hearing appeals under the provisions of the said except the power of hearing appeals against the orders of the Registrar passed under sections 32 and 67 to the Secretary to Government in the Co-operation & Forestry Department.

By order of the Governor
B. GOBARDHAN
Deputy Secretary to Government

GOVERNMENT OF ORISSA
CO-OPERATION & FORESTRY DEPARTMENT

NOTIFICATION

The 31st October 1969

No. 21029—2C-III-D-1/62-C. F.—In exercise of the powers conferred by sub-section (2) of section 3 of the Orissa Co-operative Societies Act, 1962 (Orissa Act 2 of 1962), the State Government do hereby confer on the officer specified in column (2) of the Schedule given below, who is appointed under sub-section (1) of section 3 of the said Act to assist the Registrar, the powers of the Registrar specified in column (3) thereof to be exercised within such local limits and in respect of such societies as may be assigned by the Registrar.

SCHEDULE

Serial No.	Designation of officer	Name of the sections and Rules under the O. C. S. Act, 1962 and the Rules made thereunder
(1)	Deputy Registrar of Co-operative Societies (Industries).	<p>(a) Sections 14, 28, 30, 32, 33, 35 (3), 62, 63, 64, 65, 66, 67, 72, 73, 75, 76, 77, 102, 103, 104, 105, 106, 108, 116 (2), 120, 121 (2) and 127 in so far as they relate to societies other than Societies whose areas of operation extend to the whole of the State.</p> <p>(b) Rules 16, 17, 18, 31, 32, 33 (d), 35, 41, 42, 49, 54 (1) (b), 60 (2), 67, 70, 81, 84, 85, 86, 87, 90, 91, 93, 139 (3), 139 (6) and 156 in so far as they relate to societies other than societies whose areas of operation extended to the whole of the State.</p>

By order of the Governor

C. G. SOMIAH

Secretary to Government

GOVERNMENT OF ORISSA
CO-OPERATION & FORESTRY DEPARTMENT
NOTIFICATION

The 12th February 1970

No. 3063-C. F.—In exercise of the powers conferred by sub-section (2) of section 3 of the Orissa Co-operative Societies Act, 1962 (Orissa Act 2 of 1963), the State Government do hereby confer on the officers specified in column (2) of the Schedule given below, who are appointed under sub-section (1) of section (3) of the said Act to assist the Registrar, the powers of the Registrar specified respectively against each in column (3) thereof to be exercised within such local limits as may be assigned by the Registrar.

SCHEDULE

Sl. No.	Designation of officer	Names of the Rules under the Orissa Co-operative Societies Rules, 1965 as amended in 1970
(1)	(2)	(3)
1	Additional Registrar of Co-operative societies.	Rule 14-A
2	Joint Registrar of Co-operative Societies.	Rule 14-A
3	Deputy Registrar of Co-operative Societies in Divisions.	Rule 14-A in so far as they relate to the Societies other than the Societies whose area of operation extends to the whole State.
4	Assistant Registrar of Co-operative Societies in charge of Circle.	Rule 14-A in so far as they relate to Primary Agricultural Credit Societies.

By order of the Governor
C. G. SOMIAH
Secretary to Government

GOVERNMENT OF ORISSA
AGRICULTURE & CO-OPERATION DEPARTMENT

ORDER

Dated Bhubaneswar, the 26th November 1970

No. Case No. 311-A.C.—In exercise of the powers conferred by section 113-A of the Orissa Co-operative Societies Act, 1962 (Orissa Act 2 of 1963) as amended in the Orissa Co-operative Societies (Second Amendment) Ordinance, 1970 (Orissa Ordinance No. 5 of 1970), the State Government do hereby delegate their power of hearing and disposing of revision petition filed against the orders of the Registrar of Co-operative Societies to the Secretary to Government in the Department of Agriculture & Co-operation except the revision petitions filed against the orders of supersession, etc. under section 32 of the Orissa Co-operative Societies Act, 1962.

By order of the Governor
J. N. PANDA
Deputy Secretary to Government

GOVERNMENT OF ORISSA
AGRICULTURE & CO-OPERATION DEPARTMENT

ORDER

The 22nd March 1971

No. 2212—Legal-1/71-A. C. (C)—In exercise of the powers conferred by sub-section (2) of section 3 of the Orissa Co-operative Societies Act, 1962 (Orissa Act 2 of 1963), the State Government do hereby confer on the officers specified in column (2) of the Schedule given below who are appointed under sub-section (1) of section 3 of the said Act to assist the Registrar, Co-operative Societies, the powers of the Registrar specified in column (3) to be exercised within such local limits as may be assigned by the Registrar.

THE SCHEDULE

Sl. No.	Designation of officers	Name of the Sections and Rules
(1)	(2)	(3)
1	Assistant Registrars of Co-operative Societies in charge of Circles.	Sections 102, 103, 104, 105, 106 (1), 108, 114, 120.
		II. 7, 8, 10 (2), 12, 14, 28, 32, 67, 72, 73, 75, 76, 77, 116 (2) in so far as they relate to Primary Co-operative Land Development Banks and Urban Banks.
		III. 6 (1), 30, 33, 35 (2), 62, 63, 64, 65, 66, 68, 70, 90, 109, 127 in so far as they relate to societies other than societies whose area of operation extend to the whole of the State.
		Rules I—7, 9, 10, 13, 14, 14A, 16 (2) (1), 17, 18, 25, 31, 41, 54 (1) (b), 70, 84, 86, 87, 90, 91 and 93 in so far as they relate to all Primary Societies excepting P. L. D. Banks and Urban Banks.
		II. 12, 32, 35, 42, 60 (2), 67, 81, 139 (3), 139 (6), 144, 166 in so far as they relate to societies other than societies whose area of operation extend to the whole of the State.

By order of the Governor

D. P. TRIPATHY

Secretary to Government

GOVERNMENT OF ORISSA
AGRICULTURE & CO-OPERATION DEPARTMENT

ORDER

The 15th May 1971

S. R. O. No. 361/71—In exercise of the powers conferred by section 123 of the Orissa Co-operative Societies Act, 1962 (Orissa Act 2 of 1963), the State Government do hereby declare that the Utkal Ayurvedic Co-operative Pharmacy Ltd., Aska is exempted from the operation of the provision contained in clause (b) of sub-section (3) of section 16 and sub-section (4) of section 28 of the said Act.

[No.4361-AC(C)]

By order of the Governor

D. P. TRIPATHY

Secretary to Government

GOVERNMENT OF ORISSA

CO-OPERATION & FORESTRY DEPARTMENT

NOTIFICATION

The 29th May 1970

S. R. O. No-470/70—In exercise of the powers conferred under section 123 of the Orissa Co-operative Societies Act, 1962, (Orissa Act 2 of 1963), the State Government do hereby direct that for the Societies, which on account of the coming into force of sections 5,6 and 7 of the Orissa Co-operative Societies (Amendment) Act (Act V of 1970) either do not have a committee of management or the necessary quorum to constitute a valid committee of management, section 32 of the Orissa Co-operative Societies Act, 1962 be modified for a period of two months from the date of this notification as provided hereunder.

Delete from section 32(1).....after giving the committee an opportunity to State its objection, if any. Delete section 32(4) completely.

[No.12472-2C—IE-2/70--C.F.]

By order of the Governor

A. K. RAY

Secretary to Government

GOVERNMENT OF ORISSA
AGRICULTURE & CO-OPERATION (CO-OPERATION) DEPARTMENT

ORDER

The 13th December 1971

S. R. O. No. 733/71—In exercise of the powers conferred by Section 110 of the Orissa Co-operative Societies Act, 1962 (Orissa Act 2 of 1963) and in partial modification of order No. 11751-CF., dated the 21st May 1968 of Co-operation & Forestry Department, the State Government do hereby delegate their powers of hearing appeals under the provisions of the said Act, except the power of hearing appeals against the orders of the Registrar passed under Sections 32 and 67 of the said Act to the Commissioner, Special Projects in matters relating to the affairs of the following Land Development Banks :—

- (1) The Orissa State Co-operative Land Development Bank Ltd.
- (2) Chhatrapur Primary Land Development Bank, Ltd.
- (3) Jagatsinghpur Primary Land Development Bank, Ltd.

[No. 11534-AC. (C).]

By order of the Governor

J. N. PANDA

Deputy Secretary to Government

GOVERNMENT OF ORISSA
AGRICULTURE & CO-OPERATION (CO-OPERATION) DEPARTMENT

ORDER

The 13th December 1971

S. R. O. No. 774/71—In exercise of the power conferred by Section 113-A of the Orissa Co-operative Societies Act, 1962 (Orissa Act 2 of 1963) and in partial modification of order No. 311-AC(C), dated the 26th November 1970 of Agriculture & Co-operation (Co-operation) Department, the State Government do hereby delegate their powers of hearing and disposing of revision petitions filed against the orders of the Registrar of Co-operative Societies, to the Commissioner, Special Projects in matters relating to the affairs of the following Land Development Banks :—

- (1) The Orissa State Co-operative Land Development Bank Ltd.
- (2) Chhatrapur Primary Land Development Bank Ltd.
- (3) Jagatsinghpur Primary Land Development Bank Ltd.

[No. 11537—Legal-135/71-AC (C)]

By order of the Governor

J. N. PANDA

Deputy Secretary to Government

GOVERNMENT OF ORISSA
AGRICULTURE & CO-OPERATION (CO-OPERATION) DEPARTMENT
ORDER

Bhubaneswar, dated the April 1973

No.1040-AC.(C)—In supersession of the Agriculture & Co-operation (Co-operation) Department Order No.311-AC(C), dated the 26th November 1970, the State Government in exercise of the powers conferred by section 113-A of the Orissa Co-operative Societies Act, 1962 (Orissa Act 2 of 1963) do hereby delegate all their powers of revision under section 113 of the said Act to the Secretary to Government in the Department of Agriculture & Co-operation.

By order of the Governor
J. N. PANDA
 Deputy Secretary to Government

GOVERNMENT OF ORISSA
AGRICULTURE & CO-OPERATION (CO-OPERATION) DEPARTMENT
NOTIFICATION

The 3rd August 1973

S. R. O. No.734/73—In exercise of the powers under sub-section (1) of section 3 of the Orissa Co-operative Societies Act, 1962 read with rule 5 of the Orissa Co-operative Societies Rules, 1965, the State Government do hereby appoint the Secretary, Khadi and Village Industries Board, Orissa, as a Joint Registrar of Co-operative Societies to assist the Registrar of Co-operative Societies, Orissa.

In exercise of the powers under sub-section (2) of section 3 of the Orissa Co-operative Societies Act, 1962 the State Government do hereby confer on the said Secretary, Khadi and Village Industries Board, Orissa, all the powers of the Registrar in relation to all the Khadi and Village Industries Co-operative Societies.

[No. 11405—Legal.-36/73-AC. (C)]

By order of the Governor

R. K. RATH

Secretary to Government

GOVERNMENT OF ORISSA
AGRICULTURE & CO-OPERATION (CO-OPERATION) DEPARTMENT
NOTIFICATION

Dated the 24th March 1975

No. 5424—7C-IP-1/75-AC(C)—In exercise of the powers conferred by sub-section (1) of section 3 of the Orissa Co-operative Societies Act, 1962 (Orissa Act 2 of 1963), read with Rule 5 of the Orissa Co-operative Societies Rules, 1965 the State Government do hereby appoint the Director of Fisheries, Orissa, as an Additional Registrar of Co-operative Societies, to assist the Registrar of Co-operative Societies, Orissa.

By order of the Governor

D. P. TRIPATHY

Secretary to Government

**AGRICULTURE & CO-OPERATION (CO-OPERATION) DEPARTMENT
NOTIFICATION**

Dated the 24th March 1975

No. 5425-A.C(C)—In exercise of the powers conferred under sub-section (2) of section 3 of the Orissa Co-operative Societies Act, 1962 (Orissa Act 2 of 1963), the State Government do hereby confer on the Director of Fisheries, Orissa who is appointed as an additional Registrar of Co-operative Societies by the notification of the Government of Orissa in the Agriculture & Co-operation (Co-operation) Department No. 5424, dated the 24th March 1975 the powers of Registrar specified in column (2) thereof to be exercised within such local limits as may be assigned by the Registrar of Co-operative Societies in relation to all the Fisheries Co-operative Societies.

SCHEDULE

(1)	(2)
(a) Sections—6 (1), 7, 8, 10 (2), 12, 14, 17, 20, 30, 32, 33, 35 (3), 59 (1), 63, 64, 65, 66, 67, 68, 70, 72, 73, 75, 76, 77, 90, 102, 103, 104, 105, 106 (1) (b), 108, 116 (2), 120, 121 (2), 127, 128 (3) and cases transferred by the Registrar of Co-operative Societies by specific orders under Chapter XIII of the said Act.	In cases where the matter relates to a Society within this administrative control provided that where the matter concern two or more societies of which Act are not within his administrative control the powers under these section shall be exercised by the officer of the regular Co-operative Department.
(b) Rules—7, 9, 10, 13, 14, 16, (2) (1), 17, 18, 19 (2), 25, 31, 32, 33 (d), 35, 37 (2), 38, 41, 42, 44, 49, 53, 53(6), (7), 53 (9), 54 (1) (b), 56, 61, 67, 70, 81, 84, 86, 87, 90, 91, 93, 139 (3), 139 (6), 156.	

By order of the Governor
D. P. TRIPATHY
Secretary to Government

**GOVERNMENT OF ORISSA
AGRICULTURE & CO-OPERATION (CO-OPERATION) DEPARTMENT**

NOTIFICATION

Dated the 30th June 1975

No. 113-32—A.C(C)—In exercise of the powers conferred by sub-section (1) of section 3 of the Orissa Co-operative Societies Act, 1962 (Orissa Act 2 of 1963, read with rule 5 of the Orissa Co-operative Societies Rules, 1965 and in supersession of the notification of the Government of Orissa in the Agriculture & Co-operation (Co-operation) Department No. 7369-AC. (C), dated the 17th May 1974, the State Government do hereby appoint the Deputy Director of Textiles and Deputy Director of Agriculture as Deputy Registrars of Co-operative Societies and the Assistant Directors of Textiles and Assistant Director of Sericulture as Assistant Registrars of Co-operative Societies to assist the Registrar of Co-operative Societies.

2. In exercise of the powers conferred by sub-section (2) of section (3) of the Orissa Co-operative Societies Act, 1962 (Orissa Act 2 of 1963), the State Government do hereby confer on the officers specified in column (2) of the Schedule given below the powers of the Registrar specified respectively against each in column (3) and subject to the conditions specified in column (4) thereof to be exercised within such local limits as may be assigned by the Registrar.

SCHEDULE

(1)	(2)	(3)	(4)
1. Deputy Textiles.	Director of (a) Sections—6 (1), 7, 8, 10	(2), 12, 14, 28, 30, 32, 33, 35 (3), 64, 65, 66, 67, 68, 70, 72, 73, 75, 76, 77, 102, 103, 104, 105, 106, (B), 108, 109, 112, 114, 116 (2), 120, 121 (2), 127, in so far as they relate to Societies under the administrative control of the Director of Textiles.	In cases where the matter relates of society within his administrative control, provided that where the matter concerns two or more societies concerns which are not within of administrative control his powers under these sections and rules shall be exercised by the officers of the regular Co-operative Department.
	(b) Rules—7, 9, 10, 13,	14, 14 (A), 16 (2) (1), 17, 18, 25, 31, 32, 33, (d), 35, 41, 42, 49, 54, (1) (b), 67, 70, 70, 81, 84, 86, 87, 90, 91, 93, 139 (3) (6), 144, 156, in so far as they relate to societies under the administrative control of Director of Textiles.	

(1)	(2)	(3)	(4)
2 Deputy Director of Sericulture.	of (a) Sections—	6 (1), 7, 8, 10 (2), 12, 14, 28, 30, 32, 33, 35 (3), 64, 65, 66, 67, 68, 70, 72, 73, 75, 76, 77, 102, 103, 104, 105, 106, (b), 108, 109, 112, 114, 116, (2), 120, 121, (2), 127, in so far as they relate to societies under the administrative control of the Director of Textiles.	In cases where the matter relates to a Society within his administrative control provided that where the matter concerns two or more societies of which are not within his administrative control, the powers under these sections and rules shall be exercised by the officers of the regular Co-operative Department.

(b) Rules—7, 9, 10, 13,

14, 14 (A),
 16 (2), (1),
 17, 18, 25,
 31, 32, 33
 (d), 35, 41,
 42, 49, 54 (1)
 (b), 67, 70,
 81, 84, 86,
 87, 90, 91,
 93, 139 (3),
 (6), 144, 156,
 in so far as they relate to societies under the administrative control of the Director of Textiles.

REPUBLIC OF INDIA

MINISTRY OF TEXTILES

NEW DELHI

(1)

(2)

(3)

(4)

3 Assistant Directors of Textiles.

of (a) Sections—6(1), 7, 8, 10(2), 12, 14, 28, 30, 32, 33, 35(3), 64, 65, 66, 67, 68, 70, 72, 73, 75, 76, 77, 102, 103, 104, 105, 106(b), 108, 109, 114, 116(2), 120, 127, in so far as they relate to the societies under the administrative control of the Director of Textiles,

(b) Rules—7, 9, 10, 12, 13, 14, 14(a), 16(2) (i), 17, 19, 25, 31, 32, 35, 41, 42, 54(1) (b), 67, 70, 81, 84, 86, 87, 90, 91, 93, 139, (3) (6), 144, 156, in so far as they relate to societies under the administrative control of the Director of Textiles.

Assistant Director of Sericulture.

(a) Sections 6(1), 7, 8, 10(2), 12, 14, 28, 30, 32, 33, 35(3), 64, 65, 66, 67, 68, 70, 72, 73, 75, 76, 77, 102, 103, 104, 105, 106(b), 108, 109, 114, 116(2), 120, 127, in so far as they relate to societies under the administrative control of the Director of Textiles.

(b) Rules 7, 9, 10, 13, 14, 14(A), 16(2) (i), 17, 18, 25, 31, 32, 35, 41, 42, 54(1) (b), 67, 70, 81, 84, 85, 87, 90, 91, 93, 139 (3)(6), 144, 156, in so far as they relate to the societies under the administrative control of the Director of Textiles.

In cases where the matter relates to a society within his administrative control: provided that where the matter concerns two or more societies of which are not within his administrative control, the powers under these section and rules shall be exercised by the officers of the regular Co-operative Department.

In cases where the matter relates to a society within his administrative control: provided that where the matter concerns two or more societies of which are not within his administrative control, the powers under these sections and rules shall be exercised by the officers of the regular Co-operative Department.

By order of the Governor

K. SRINIVASAN

Secretary to Government

GOVERNMENT OF ORISSA

**AGRICULTURE & CO-OPERATION (CO-OPERATION), DEPARTMENT
NOTIFICATION**

Bhubaneswar, dated The 3rd July 1976

No. 1249-A&C (C)—In exercise of the powers conferred by sub-section (2) of section 3 of the Orissa Co-operative Societies Act, 1962 (Orissa Act 2 of 1963) and in supersession of the notification of the Government of Orissa in the Agriculture Co-operation (Co-operation) Department No. 2793-AC(C), dated the 10th February 1976, the State Government do hereby confer on the Director of Animal Husbandry and Veterinary Services, Orissa who is appointed as an Additional Registrar of Co-operative Societies by the notification of the Government of Orissa in the Agriculture & Co-operation (Co-operation) Department No. 2792-AC(C), dated the 10th February 1976, the powers of Registrar specified in column (1) of the Schedule given below subject to the conditions specified in column (2) thereof to exercise within such local limits as may be assigned by the Registrar of Co-operative Societies in relation to all the Dairy Co-operative Societies and Poultry Co-operative Societies.

SCHEDULE

(1)

(a) Section—6 (1), 7, 8 (10) (2), 12, 14 16 (2-a), 17, 28, 30, 32, 33, 35 (3) 59 (1), 63, 64, 65, 66, 67, 68, 70, 72, 73, 76, 77, 102, 103, 104, 105, 106 (b), 108, 116 (2), 120, 121 (2), 127, 128 (3).

(b) Rules 7, 9, 10, 13, 14, 16, (2) (i) 17, 18, 19 (2) 25, 31 33 (d) 35, 37 (2) 38, 41, 42, 44, 49, 53 (6), 53 (7), 53 (9), 54 (1) (b), 56, 61, 67, 70, 81, 84, 86, 87, 90, 91, 93, 193, 139, (6) 156.

(2)

In cases where the matter relates to a society within his administrative control; provided that where the matter concerns two or more societies of which at least one is not within his administrative control the powers under these section shall be exercised by the officers of the regular Co-operative Department.

By order of the Governor

P. PATTNAIK

Deputy Secretary to Government

**AGRICULTURE & CO-OPERATION
(CO-OPERATION) DEPARTMENT**

ORDER

The 2nd/5th April 1977

S. R. O. No. 237/77—In exercise of the powers conferred by section 123 of the Orissa Co-operative Societies Act, 1962 (Orissa Act 2 of 1963), the State Government do hereby direct that the provisions of sub-rule (1) of rule 53 of the Orissa Co-operative Societies Rules, 1965 shall apply to the Orissa State Co-operative Bank Ltd., and all the Central Co-operative Bank Ltd., as modified below :—

MODIFICATION

In sub-rule (1) of rule 53 of the said rules for the word and figure "5 years" the word and figure "15" shall be substituted.

[No. 7552—10C-188/76-A.C.(C)]

By order of the Governor

S. J. MOHANTY

Deputy Secretary to Government

AGRICULTURE & CO-OPERATION (CO-OPERATION) DEPARTMENT

NOTIFICATIONS

The 28th February 1978

S. R. O. No. 397/78—In exercise of the powers conferred by sub-section (1) of section 3 of the Orissa Co-operative Societies Act, 1962 (Orissa Act 2 of 1963), read with rule 5 of the Orissa Co-operative Societies Rules, 1965, the State Government do hereby appoint the Director of Indian Medicines and Homoeopathy, Orissa, as Joint Registrar of Co-operative Societies to assist the Registrar of Co-operative Societies, Orissa.

[No. 4989-A.C.(C)]

By order of the Governor

P. PATNAIK

Deputy Secretary to Government

The 28th February 1978

S. R. O. No. 398/78—In exercise of the powers conferred by sub-section (2) of section 3 of the Orissa Co-operative Societies Act, 1962 (Orissa Act 2 of 1963), the State Government do hereby confer on the Director of India Medicines and Homoeopathy, Orissa who is appointed as a Joint Registrar of Co-operative Societies by the notification of the Government of Orissa in the Agriculture & Co-operation (Co-operation) Department No. 4989-AC (C), dated the 28th February 1978 the powers of the Registrar specified in column (1) of the schedule given below subject to the condition specified in column (2) thereof to be exercised within such local limits as may be assigned by the Registrar in relation to all Homeopathic Co-operative Societies.

SCHEDULE

- | (1) | (2) |
|---|---|
| <p>(a) Sections—6(1), 7, 8, 10 (2), 12, 14, 17, 28, 30, 32, 33, 35 (3), 59 (i), 63, 64, 66, 67, 68, 70, 72, 75, 76, 77, 90, 102, 103, 104, 105, 106 (1) (b), 108, 116 (2), 120, 121 (2), 127, 128 (3) and cases transferred by the Registrar of Co-operative Societies, by specific order under Chapter XIII of the said Act.</p> <p>(b) Rules—7, 9, 10, 13, 14, 16, (2) (i), 17, 18, 19 (2), 25, 31, 32, 33 (d), 35, 37 (2), 38, 41, 42, 44, 49, 35 (6) (7), 53 (9), 54 (i) (b) 56, 67, 70, 84, 86, 87, 90, 91, 139 (3), 139 (6), 156.</p> | <p>Where the matter concerns to two or more societies of which one is not within his administrative control the powers under these sections and rules shall be exercised by the Officer of the regular Co-operative Department.</p> |

[No. 4990-AC(C)]

By order of the Governor
P. PATNAIK

Deputy Secretary to Government

GOVERNMENT OF ORISSA

Agriculture & Co-operation (Co-operation) Department

ORDER

The 12th July 1979

No. 17327-AC(C)—In exercise of the powers conferred by section 123 of the Orissa Co-operative Societies Act, 1962 (Orissa Act 2 of 1963), the State Government do hereby direct that the provisions of clause (b-2) of section 2 of the said Act shall apply to all Dairy Co-operative Societies, subject to the following modifications, namely:—

MODIFICATION

In clause (b-2) of section 2 of the said Act for the words "five members" the word "four members" shall be substituted.

By order of the Governor
P. PATNAIK

Deputy Secretary to Government

GOVERNMENT OF ORISSA

Agriculture & Co-operation (Co-operation) Department

ORDER

The 12th July 1979

No. 17335-AC(C)—In exercise of the powers conferred by section 123 of the Orissa Co-operative Societies Act, 1962 (Orissa Act 2 of 1963) the State Government do hereby exempt all the Dairy Co-operative Societies from the following provisions of the said Act and the Orissa Co-operative Societies Rules, 1965 framed thereunder—

- (a) Sections 28, 28-A 33-A and clause (g) of sub-section (2) of section 56
(b) Rules 30-B and 38

By order of the Governor
P. PATNAIK

Deputy Secretary to Government

GOVERNMENT OF ORISSA
AGRICULTURE & CO-OPERATION (CO-OPERATION) DEPARTMENT

ORDER

The 24th July 1979

No. 18197-AC.(C).—In exercise of the powers conferred by section 110 of the Orissa Co-operative Societies Act, 1962 (Orissa Act 2 of 1963) and in partial modification of the order of the Government of Orissa in the defunct Co-operation & Forestry Department No. 11751-C.F. dated the 21st May 1968, the State Government do hereby delegate their power of hearing appeals under the provisions of the said Act, except the powers of hearing appeals against the orders of the Registrar passed under sections 32 and 67 of the said Act to Shri P. S. Rao, I. A. S., Additional Secretary to Government in the Agriculture & Co-operation Department in respect of all cases except those arising out of orders passed by him in his capacity as Additional Registrar of Co-operative Societies.

By order of the Governor
P. PATTNAIK

Deputy Secretary to Government

GOVERNMENT OF ORISSA
AGRICULTURE & CO-OPERATION (CO-OPERATION) DEPARTMENT

ORDER

The 24th July 1979

No. 18203—Legal-40/77-A.C.(C)—In exercise of the powers conferred by section 1131 of the Orissa Co-operative Societies Act, 1962 (Orissa Act 2 of 1963) and in partial modification of the order of the Government of Orissa in the Agriculture & Co-operation (Co-operation) Department No. 1040-A.C.(C), dated the 29th January 1973, the State Government do hereby delegate their powers under section 113 of the said Act to Shri P. S. Rao, I. A. S., Additional Secretary to Government in the Agriculture & Co-operation Department excepting the cases arising out of decision made or order passed by him in his capacity as Additional Registrar of Co-operative Societies.

By order of the Governor
P. PATTNAIK

Deputy Secretary to Government

GOVERNMENT OF ORISSA
AGRICULTURE & CO-OPERATION (CO-OPERATION) DEPARTMENT

NOTIFICATION

The 10th December 1979

No. 26923—Legal-79-A.C.(C)—In exercise of the powers under sub-section (1) of section 3 of the Orissa Co-operative Societies Act, 1962, read with rule 5 of the Orissa Co-operative Societies Rules, 1965, the State Government do hereby appoint the Joint Director of Industries (Khadi and Village Industries) and Joint Director of Industries (Panchayat Samiti Industries) as Joint Registrar of Co-operative Societies and the Assistant Manager (Cottage Industries) and Manager (Cottage Industries) as Assistant Registrar of Co-operative Societies and Deputy Registrar of Co-operative Societies, respectively to assist the Registrar of Co-operative Societies, Orissa.

By order of the Governor
M. P. MODI

Secretary to Government

GOVERNMENT OF ORISSA
AGRICULTURE & CO-OPERATION (CO-OPERATION) DEPARTMENT

NOTIFICATION

The 17th March 1980

No. 5961—Legal-94/79-A.C.(C)—In exercise of the powers conferred by sub-section (2) of section 3 of the Orissa Co-operative Societies Act, 1962 (Orissa Act 2 of 1963), the State Government do hereby confer on the officers specified in column (2) of the Schedule given below, the powers of the Registrar of Co-operative Societies under the provisions of the said Act, specified against each in Column (3) in respect of Societies under the administrative control of the Director of Industries and subject to the condition specified in Column (4) thereof to be exercised within such local limits as may be assigned by the Registrar of Co-operative Societies, Orissa.

SCHEDULE

Sl. No.	Designation of Officer	Names of the Sections and Rules under the Orissa Act 2 of 1963 and the rules made thereunder	
(1)	(2)	(3)	(4)
1	Joint Directors of Industries (Khadi and Village Industries and Panchayat Samiti Industries).	<p>(a) Sections : 6 (1), 7, 8, 10 (2), 12, 14, 17, 28, 30, 32, 33, 35, (3), 59 (1), 64, 65, 66, 67, 68, 70, 72, 73, 75, 76, 77, 102, 103, 104, 105, 106 (b), 108, 109, 112, 114, 116 (2), 120, 121 (2), 127 and 128 (3).</p> <p>(b) Rules : 7, 9, 10, 13, 14, 16 (2) (i), 17, 18, 19 (2), 25, 31, 32, 33 (4), 35, 37 (2), 38, 41, 42, 44, 49, 53 (6), 53 (7), 53 (9), 54 (1) (b), 56, 67, 70, 81, 84, 86, 87, 90, 91, 93, 139 (3), 139 (6), 144 and 156.</p>	In cases where the matter concerns two or more societies of which one is not within his administrative control, the powers under these sections and rules shall be exercised by the officers of the regular Co-operative Department, having jurisdiction.

(1)	(2)	(3)	(4)
2	Manager (Cottage Industries).	<p>(a) Sections 6 (1), 7, 8, 10 (2), 12, 14, 28, 30, 32, 33, 35 (3), 64, 65, 66, 67, 68, 70, 72, 73, 75, 76, 77, 102, 103, 104, 105, 106 (b), 108, 109, 112, 114, 116 (2), 120, 121 (2) and 127.</p> <p>(b) Rules 7, 9, 10, 13, 14, 16 (2) (i), 17, 18, 25, 31, 32, 33, 33 (d), 35, 41, 42, 49, 54 (1) (b), 67, 78, 81, 84, 86, 87, 90, 91, 93, 139 (3), 139 (6), 144 and 156.</p>	<p>In cases where the matter concerns two or more societies of which one is not within his administrative control, the powers under these sections and rules shall be exercised by the officer of the regular Co-operative Department having jurisdiction.</p>
3	Assistant Manager (Cottage Industries).	<p>(a) (i) Sections 102, 103, 104, 105, 106 (1) (b), 108, 114, 120.</p> <p>(ii) Sections 7, 8, 10 (2), 12, 14, 28, 32, 72, 73, 75, 76, 77, 116 (2).</p> <p>(iii) Sections 6 (1), 30, 33, 35 (2), 64, 65, 66, 68, 70, 109 and 127.</p> <p>(b) (i) Rules 7, 9, 10, 13, 14, 14 (A), 16 (2), (1), 17, 18, 25, 31, 41, 54, 54 (1) (b), 70, 84, 86, 87, 90, 91 and 93.</p> <p>(ii) Rules 12, 32, 35, 42, 67, 81, 139 (3), 139 (6), 144, 156.</p>	<p>In case where the matter concerns two or more societies of which one is not within his administrative control, the powers under these sections and rules shall be exercised by the officers of the regular Co-operative Department having jurisdiction.</p>

The notification of the Government of Orissa in the Agriculture & Co-operation (Co-operation) Department No. 26927—Legal-94/79-A. C.(C), dated the 10th December 1979, is hereby cancelled.

By order of the Governor
M. P. MODI
Secretary to Government

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