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THE HARYANA CO-OPERATIVE SOCIETIES RULES, 1989

No. G.S.R. 11/H.A. 22/84/S. 131/89 :– In exercise of the powers conferred by Section 131 of the Haryana Co-operative Societies Act, 1984, the Governor of Haryana, hereby makes the following rules, namely:-

CHAPTER–I

Preliminary

1. **Short Title :-** These rules may be called the Haryana Co-operative Societies Rules, 1989.
2. **Definitions :-** In these rules, unless the context otherwise requires :-

(a) ―Act‖ means the Haryana Cooperative Society Act, 1984;

(b) ―Appendix‖ means an [1][Appendix appended to] these rules;

(c) ―Cooperative Year‖ means the year ending with the 31st day of March, or in the case of any Cooperative Society or class of Cooperative Societies, the accounts of which are made upto any other date, with the previous sanction of the Registrar, the year ending with such date;

(d) ―Decree‖ means any decision, award or order refered to in Section 110 of the Act;

[2][(dd) ―Family‖ means a person concerned, spouse, un-married son un-married daughter and dependent un-married brother and sister.]

(e) ―Form‖ means a form appended to these rules;

(f) ―Maximum Credit Limit‖ means the extent to which a Cooperative Society may receive deposits and loans from members and non-members;

(g) ―Model Bye-laws‖ means a set of bye-laws approved or proposed by the Registrar for general adoption by a Cooperative Society or a class of Cooperative Societies;

(h) ―Owned Capital ‖ means the total paid-up share capital and reserve fund and other funds created out of profits and undistributed profits minus accumulated losses;

(i) ―Paid up share capital‖ means such portion of the subscribed share capital as is actually paid-up;

(j) ―Recovery Officer‖ means a person subordinate to the Registrar who is empowered to exercise the powers of the Registrar under Section 110 of the Act;

(k) ―Relative‖ means the concerned person‘s father/mother, his wife, his son, daughter or his son‘s wife or daughter‘s husband;

(l) ―Section‖ means a section of the Act;

(m) ―Share-Capital‖ means the subscribed Share

1.Substituted for ―appendix to‖ vide Notification No. GSR 64/H.A 22/84/S. 131/95 dated 17.8.1995, published in L.S. Part III dated 17.8.1995.

(n) ―Working capital‖ means the total of owned capital plus the borrowed capital;

(o) Words and expression defined in the Act and used in these rules shall have the meaning,

respectively, assigned to them in the Act;

(p) ―Sales Officer‖ means an officer empowered by the Registrar by general or special order, to attach and sell the property of defaulter or to execute any decree by attachement and sale of property execpt that for the purpose of Chapter X of the Act, in which sale officer is appointed by the Government.

CHAPTER II

Registration of Cooperative Societies and their Bye-laws

3. **Cooperative Principles. [Section 4 and 131(2)(ii)] :-** A Society shall have its object for the promotion of the economic interest of its members in accordance with the Cooperative principles which

mean ;-

(i) Voluntary and open membership;

(ii) democratic control;

(iii) limited intrest on capital;

(iv) equitable distribution of surplus;

(v) Cooperative education;

(vi) Cooperation among cooperatives.

4. **Restriction on registration. [Section 5 and 131(2)(ii)] :-** No society other than a society, of which a member is a cooperative society, shall be registered unless it consists of individuals belonging to

not less than five families.

5. **Form of Application. [Section 7 and 131(2)(ii)] :-** An application for registration of a cooperative

society shall be made in form I and shall specify the name and address of one of the applicants to whom

the Registrar may address his correspondence.

6. **Documents which shall accompany the application. [Section 131(2)(ii)] :-** The application for

registration shall be accompanied by three copies of the bye-laws which the Co-operative Society proposes

to adopt. Such copies of bye-laws shall bear the signatures of not less than two of the applicants, duly

authorised by the members of the proposed cooperative society.

7. **Procedure on receipt of application. [Section 131(2)(ii)] :-** (i) Before passing final order under

Section 8, the Registrar may call for such further information from the applicants or make such independent

enquiries as he may deem necessary.

(2)After the Registrar is satisfied with regard to the matters stated in sub-section (1) of Section 8, he may register the Co-operative society and its bye-laws. A copy of the registered bye-laws alongwith a certificate of registration in Form II shall be sent by him to the co-operative society.

(3)The particulars of a co-operative society registered under sub-rule(2) shall be entered in the register in Form III.

8. **Person to whom order to be communicated. [Sections 8(2) and 131 (2)(ii)].:-** The order passed by the Registrar under sub-section (2) of Section 8 shall be communicated [1][by registered post with A.D.] to the appliant specified in the application for registration.

9. **Appeal against refusal of registration. [Sections 131 (2)(xxviii)].:-** Where an application for registration of Co-operative society is rejected by the Registrar, the appeal, if made, shall be signed by all the persons joining in the application for registration:

Provided that when the application for registration has been signed by more than ten persons, the appeal shall be signed by at least two-third persons joining the application for registration.

1.Substituted for ―by registered post‖ vide Notification No. GSR 64/H.A 22/84/S. 131/95 dated 17.8.1995, published

10.Procedure for amendment of bye-laws. [Section 131 (2)(iii)].:- No amendment of bye-laws shall be carried out save in accordance with a resolution passed at a general meeting of the co-operative society of which due notice of the intention to discuss the amendment has been given:

Provided that no such resolution shall be valid unless it is passed by a majority of members presnet at a general meeting at which not less than two-third of members for the time being, of the co-operative society are present:

Provided further that model bye-laws approved by the Registrar may be adopted by a majority at an ordinary general meeting.

11.Application or registration of amendment. [Section 131 (2)(iii)].:- Three copies of the amendments adopted by co-operative society under rule 10, signed by two officers of the co-operative society duly authorized by the general meeting in this behalf, shall be submitted to the Registrar alongwith an application for registration duly signed as aforesaid. Such copies of the amendments shall be accompanied by a cerficate signed by any one of the above two officers of the co-operative society to the effect that the provisions of rule 10 have been complied with.

12.Registration of amendments. [Sections 10(4) and 131 (2)(iii)].:- (1) After the Registrar is satified with regard to the matters stated in sub-section (2) of Section 10, he may register the amendments and return a copy of the registered amendments to the co-operative society.

(2) The order of the Registrar passed under sub-section (4) of Section 10 shall be communicated by [1][registered post, with A.D.] to the co-operative society.

13.Appeal against refusal to register amendment in bye-laws. [Section 131 (2)(xxviii)].:- Where an application for registration of an amendment in bye-laws of co-operative society is rejected by the Registrar under sub-section (4) of Section 10, the appeal, if any, shall be made only after a meeting of the general b matter and has decided to prefer an

appeal and shall be signed by an officer of the co-operative society duly authorised in this behalf by a general meeting.

CHAPTER III
Members of Co-operative Societies, their Rights and liabilities

14.Disqualification for membership. [Section 131(2)(v)] :- (1) No person shall be eligible for admission as a member of a co-operative society, if he:--

(a)has applied to be adjudicated as an insolvent or is an undischarged insolvent; or

(b)[2] [----] has been sentenced for any offence other than an offence of a political character or an offence not involving moral turpitude, and a period of five years has not elapsed from the date of expiry of the sentence.

1.Substituted for ―registered post‖ by Notification No. GSR 64/H.A 22/84/S. 131/95 dated 17.8.1995, published in

2.The word ―he‖ omitted vide Notification No. GSR 64/H.A22/84/S. 131/95 dated 17.8.1995, published in Haryana

(2) If a member becomes subject to any of the disqualifications specified in sub-rule (1), he shall be

deemed to have ceased to be a member from the date when the disqualification was incurred.

15.Prohibition of membership in two Co-operative Credit or Service Societies.[Section 131(2)(xx)] :- (1) [1][No individual who is] a member of a primary co-operative society [2][having one of the object i.e., creation of the funds] to be lent to its members, shall be a member of any other such co-operative society without the[3][ ] permission of the Registrar, and where an individual has become

a member of two such co-operative societies, either or both of the co-operative societies shall be bound to remove him from membership upon a written requisition from the Registrar to that effect.

(2) No individual who is an officer of any co-operative society shall without the [4][ ] permission of the Registrar, be a member of any other co-operative society whose objects are similar to the objects of which he is an officer, and where such an individual has become a member of another society with similar objects, either or both of the co-operative societies, shall be bound to remove him from membership upon written requisition from the Registrar to this effect. If any question arises as to whether or not two societies have similar objects the decision of the Registrar on the point shall be final.

16.Admission of member before the general meeting. [Section 131(2)(v)] :- No co-operative society shall admit [5][any member] within fourteen days prior to the date of its annual general meeting.

17.Disposal of application for admission of members . [Section 131(2)(v)] :- A co-operative society other than a producer society, shall dispose of an application received for admission as a member

as early as possible and in no case later than the expiration of a period of one month from the date of

receipt of the application by the society. In case of [6][refusal to admit, such society] shall communicate its

decision together with reasons thereof, to the applicant.

18.Withdrawal from membership. [Section 131(2)(xx)] :- (1) In a cooperative society with unlimited

liability, a member who is not indebted to a cooperative society and is not a surety for unpaid debt, may

withdraw from the cooperative society after giving such notice to the Secretary of the Society as may be

laid down in the bye-laws of the Cooperative Society.

(2)In a cooperative society with unlimited liablity, a member, who withdraws from the society ceases to be its member, shall be entitled to repayment without interest of any money paid by him or his predecessor in interest towards the purchase of shares after such period as may be laid down in the bye-laws.

(3)No member of a cooperative society with limited liablity shall ordinarily be permitted to seek withdrawal or refund of his shares:

Provided that where the society has created a share-transfer fund out of its earned profits, its managing committee 7[shall], keeping in view the overall interest of the society, allow withdrawal of shares.:

1.Substituted for ―No individual, being‖ by Notification No. GSR 64/H.A 22/84/S. 131/95 dated 17.8.1995, published in Haryana Gazette (Extra.) L.S. Part III dated 17.8.1995.

2.Substituted for ―having‖ by Notification No. GSR 64/H.A 22/84/S. 131/95 dated 17.8.1995, published in Haryana Gazette (Extra.) L.S. Part III dated 17.8.1995.

3.The word ―general or special ‖ omitted vide Notification No. GSR 64/H.A22/84/S. 131/95 dated 17.8.1995, published in Haryana Gazette (Extra.) L.S. Part III dated 17.8.1995.

4.The word ―general or special ‖ omitted vide Notification No. GSR 64/H.A22/84/S. 131/95 dated 17.8.1995, published in Haryana Gazette (Extra.) L.S. Part III dated 17.8.1995.

5.Substituted for ―members‖ by Notification No. GSR 64/H.A 22/84/S. 131/95 dated 17.8.1995, published in Haryana Gazette (Extra.) L.S. Part III dated 17.8.1995.

6.Substituted for ―refusal to admit, such society‖ by Notification No. GSR 64/H.A 22/84/S. 131/95 dated 17.8.1995, published in Haryana Gazette (Extra.) L.S. Part III dated 17.8.1995.

7.Substituted for ―may‖ by Notification No. GSR 64/H.A 22/84/S. 131/95 dated 17.8.1995, published in Haryana Gazette (Extra.) L.S. Part III dated 17.8.1995.

Provided further that such withdrawal of 1[shares at any times] shall not exceed five percent of the aggregate paid up share capital of the society, excluding Government contributions, as it stood on the 31st March of the preceding year.

(4)Irrespective of the nature of liablitiy of a Cooperative Society the share capital subscribed by the State Government in a Cooperative Society or by a Central or Apex Cooperative Financing Institution will be refunded in such manner and during such period as maybe determined by the Registrar from time to time.

(5)A central or Apex Society having individual members, shall refund the shares of all the individual members.

19.Liability of expulsion. [Section 131(2)(x)] :- A society may, by a resolution passed by a majority of not less than two-third of the members entitled to vote who are present at a general meeting, held for the purpose, expel a member for acts which are detrimental to the interests or proper working of the society.

20.Appointment of a member to vote on behalf of society. [Section 21] :- (1) Subject to the provision of sub-rule (2), no member of a Committee of a Cooperative Society 2[who] is a member of another Co-operative Society shall be appointed to vote on its behalf in the affairs of the other Society unless a resolution is passed by two-third members of the committee present and voting;

(2) No member of a primary society 3[who] is a member of another cooperative society shall

be appointed to vote on behalf of the society in the affairs of the other society unless a resolution is passed by two-third members of the committee of a primary society.

21.Nomination of heir. [Section 131 (2) (xxi)] :- (1) Every member of a cooperative society shall nominate a person or persons to whom his share or interest referred to in section 23 or such sums out of share or interest as may be specified by the member, shall on the death of the member, be transferred or paid as laid down in the bye-laws.

(2)Such nomination may, from time to time, be revoked or modified by the member.

(3)The number of persons who may be nominated by a member shall not exceed the number of shares [4][held by him].

(4)When a member of a cooperative society nominates more than one person, he shall, as far as practicable, specify the amount to be paid or transferred to such nominee in terms of whole share and the interest accruing therein.

(5)The record of nomination shall be kept by a cooperative society in such manner as may be laid down in the bye-laws.

(6)The value of the share or interest transferred or paid to a nominee or nominees shall be determined on the basis of the sum actually paid by the member to acquire such share or interest.

22.Maintenane of register of members. [Section 131 (2) (xvi)] :- Every cooperative society shall maintain a register of members showing:-

(a)the name, address and occupation of each member, and a statement of shares held by him;

(b)the date on which the member‘s name was entered in the register;

1.Substituted for ―shares any time‖ by Notification No. GSR 64/H.A 22/84/S. 131/95 dated 17.8.1995, published in Haryana Gazette (Extra.) L.S. Part III dated 17.8.1995.

2.Substituted for ―which‖ by Notification No. GSR 64/H.A 22/84/S. 131/95 dated 17.8.1995, published in Haryana Gazette (Extra.) L.S. Part III dated 17.8.1995.

3.Substituted for ―which ‖ vide Notification No. GSR 64/H.A22/84/S. 131/95 dated 17.8.1995, published in Haryana Gazette (Extra.) L.S. Part III dated 17.8.1995.

4.Substituted for ―held by the member ‖ vide Notification No. GSR 64/H.A22/84/S. 131/95 dated 17.8.1995, published in Haryana Gazette (Extra.) L.S. Part III dated 17.8.1995.

(c)the date on which any person ceased to be a member;

(d)the nominees appointed by member.

CHAPTER IV
General Body Meetings

23.**Summoning of meeting. [Sections 26 and 131(2)(vii)] :-** A general body‘s meeting or a meeting of a committee of a co-operative society shall be called by the [1][Chief Executive Officer or any other officer authorised by him] of a society, by what-so-ever name called on the direction of such authority as may be specified in the bye laws [2][:]

[3] [Provided that a meeting of the committee of a Co-operative Society may be convened on the written request made by not less than one-third members of the society]

24.**Powers of general body in a meeting. [Sections 131(2)(vii)] :-** Without prejudice to the provisions of Section 25, the general body in a meeting alone shall have the powers to fix the maximum credit limit of the cooperative society, subject to the approval of the Registrar :

Provided that no approval of the Registrar shall be necessary in case of Primary Credit Service Societies.

25.**Election of members of committee. [Sections 28(1) and 131(2)(x)] :-** The members of the committee of a cooperative society shall be elected in accordance with the provisions contained in Appendix _A‘.

26.**Proportion of individuals and societies for constituting committee. [Sections 131(2)(ix)] :-** In a Cooperative Society, the membership of which is not exclusively confined to individuals, the representation of individuals and societies on the committee and the general body shall be such as may be laid down in the bye-laws of the Cooperative Society.

27.Disqualification for membership of committee. [Sections 131(2)(xiii)] :-

-No person shall be eligible for election as member of the committee if:-

(a)he is in default to any Cooperative Society in respect of any sum due from him to the society or owes to any Cooperative Society an amount exceeding his maximum credit limit;

(b)he has directly or indirectly any interest in any contract to which the Cooperative Society is a party except in transactions made with the cooperative society as a member in accordance with the objects of the society as stated in the bye-laws;

(c)he has at any time during a period of one year prior to the date of scrutiny of nomination papers, engaged any private business, trade or profession of any description which is carried on by the society;

(d) [4][he has been convicted of] any offence involving dis-honesty or moral turpitude during a period of five years prior to the date of scrutiny of nomination papers;

(e)he is subject to any of the prohibitions contained in rule 28;

(f) he has, during a period of 12 months preceding the date of filing of nomination papers, remained

1.Substituted vide Notification No. GSR 64/H.A 22/84/S. 131/95 dated 17.8.1995, published in Haryana Gazette (Extra.) L.S. Part III dated 17.8.1995.

2.Substituted for the sign —.‖ by Notification No. GSR 64/H.A 22/84/S. 131/95 dated 17.8.1995, published in Haryana Gazette (Extra.) L.S. Part III dated 17.8.1995.

3.Added videNotification No.GSR 64/H.A22/84/S. 131/95 dated 17.8.1995, published in Haryana Gazette (Extra.) L.S. Part III dated 17.8.1995.

4.Substituted by Notification No. GSR 64/H.A22/84/S. 131/95 dated 17.8.1995, published in Haryana Gazette (Extra.) L.S. Part III dated 17.8.1995.

inactive as member or has been carrying on through agencies other than the cooperative society of which he is a member, the same business as is being carried on by the cooperative society; (g)he is a member of an elected committee of any cooperative society which has ceased to function or which has not fulfilled its objects as stated in its bye-laws and has been included in the list of _D‘ class societies maintained by the Registrar or is a member of an elected committee of a society which is under winding up process;

(h)he has ceased to be a member of an elected committee of any cooperative society within a period of one year, preceding the date of inclusion of such society in the list of _D‘ Class societies maintained by the Registrar or in the operation of order of winding up of such society under section 105 of the Act:-

Provided that nothing in clauses (g) and (h) shall be deemed to debar any person from seeking election if the society under winding up process of which he is a member, is a society with limited liablity and that person discharges all his liabilities including liability as surety, if any, in relation to such a society within two months from the receipt of assessment orders;

(i) he is paid employee of the cooperative society provided that this shall not apply in case of producers society.

(j) he incurs any other dis-qualification laid down in Act, Rules and the bye-laws of the society.

Explanation:- For the purpose of clause (f) a person shall be deemed to be inactive as a member of a society where he has not participated in the activities aimed at achieving the objects for which the society has been registered.

28.Removal from membership of committee. [Sections 131(2)(x)] :- (1) A member of the committee shall cease to hold office as such if he-

(a) continuous to be in default in respect of any sum due from him to any Cooperative Society for period of three months;

(b)ceaces to be member;

(c) is declared insolvent;

(d)becomes of unsound mind;

(e) in convicted of an offence involving dis-honesty or moral turpitude; or

(f) becomes subject to any of the disqualification specified in rule 27.

(2)The Committee shall inform the Registrar that a member has incurred the disqualification under sub-rule (1) and as such is liable for removal from the office.

(3)On the receipt of information of a committee under sub-rule (2) or the application of any member of the society or *suo moto*, the Registrar may order the removal of the member from office after giving an opportunity to hear the committee and the member concerned.

29.Employees of Cooperative Societies. [Sections 131(2)(xxxix)] :- Subject to the provisions of section 37 of the Act, every society 1[shall make rules in the light of model service rules to regulate] the recruitment and conditions of service of its employees with the approval of the Registrar.

30.Prohibition against being interested in contracts etc. [Sections 131(2)(x)(xxxix)] :- (1) Without prejudice to the provisions of bye-laws, no officer, of a co-operative society shall have an interest directly or indirectly, otherwise than as such officer:-

(Extra.) L.S. Part III dated 17.8.1995.

(a) in any contract made with society; or

(b)in any property sold or purchased or leased by or to the society; or

(c) in any other transaction of the society, except as investment made or as loan taken from the society or the provision of residential accommodation by the society to any paid employee of the society.

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

(3)The prohibitions contained in this rule shall continue to apply for a period of two years after a person ceases to be an officer of the society.

CHAPTER V

Annual Reviews of Cadre Societies

31.Annual Review of cadre society.[Sections 38 and 131(2)(xv)] :-

(1)The Chief Executive Officer of a Cadre Society, by what-so-ever name called, shall prepare an annual review of its working and of its member Societies within three months of the close of the co-operative year and shall place the same before the committee of the society.

(2)The Committee shall submit such annual review with its comments to the Registrar within the next three months but not later than the 31st December of the year.

[1][(3) The Registrar shall submit the annual review of the Apex Society with remarks, if any, to the Government.]

CHAPTER VI

Privileges of Co-operative Societies

32.Manner of certifying copies of entries in books.[Sections 42(1) and 131(2)(xviii)] :- For the purpose of Section 42, a copy of an entry in the books of a co-operative society shall be certified by a certificate written at the foot of such copy declaring that it is a true copy of such entry and that the book containing the entry is in the custody of a co-operative society:

Provided that the said certificate shall be dated and signed by an officer of the Co-operative Society as may be authorised by the committee.

33.Loans and subsidies by Government.[131(2)(xxxvi)] :- Loans and subsidies to a co-operative society or a class of Co-operative Societies may be granted by Government on such terms and conditions as may be laid down by Government by a general or special order from time to time.

34.Manner of making application for loan or subsidy. [Section 131 (2) (xxxvi)]. – An application by a co-operative society for a loan or subsidy or both from a Government Department, or a Government sponsored agency shall be made through the Registrar. While forwarding the application, the Registrar shall record his opinion regarding the eligibility of the co-operative society for the said loan or subsidy or both, its financial position and the desirability of sanctioning to the society the said loan or subsidy or both.

1. Added vide Notification No. GSR 64/H.A. 22/84/S. 131/95 dated 17.8.1995, published in Haryana Gazette (Extra.) L.S. Part III dated 17.8.1995.

35. Submission of information and returns by Cooperative Societies having State participation. [Section 131 (2) (xv)]. – A Co-operative society receiving Government loan or subsidy or a society in which a share or shares have been subscribed or liability by way of guarantee for borrowing exceeding fifty percent of the working capital of the society has been undertaken by the Government, shall furnish such information and submit such returns as the sanctioning authority or the Registrar may from time to time require.

Chapter-VII

Accounts and Record

36. Report and custody of record. [Section 49.]—(1) On the commencement of the co-operative year, a co-operative society shall prepare list of books, records, securities and other property of the society.

(2)Such lists shall be verified and signed by the Chief Executive Officer of the Society by what- so-ever name called. Each list shall bear the name and signature of the custodian of such book, record, securities and other properties of the society as may be specified in the bye-laws or may be authorised by the committee.

(3)In case there is any change in the incumbancy of the custodian of any list during a co-operative year, fresh list shall be prepared in the manner indicated in sub-rule (2).

(4)Copies of lists prepared under sub-rules (2) and (3) shall be sent by the society to the Registrar and Financing Institution concerned within a month of the commencement of the co-operative year or the date of change in the incumbancy of the custodian, as the case may be.

Chapter – VIII

[1][Charges and Mortgages]

37. Declaration under Sections 53 and 131 (2)(xxxviii).—(1) A declaration under clause (b) of Section 53 shall be made in the form given in

Form IV in quadruplicate.

(2) A register of such declarations to be kept by the Co-operative Society shall be in the form given in

Form V.

Chapter-IX

Loans and Borrowing

38. Restrictions on borrowings by Cooperative Societies. [Sections 63 & 131(2)(xxxvii)].— **(1)**Subject to the provisions of sub-rule (2), a Co-operative society shall not receive, deposits and loans whether from members or non-members which exceed the limits fixed from time to time in a general meeting subject to the approval of the Registrar who may at any time reduce it.

Provided that no approval of Registrar shall be necessary in case of primary agricultural credit/ service society.

(2)A Co-operative 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 limits referred to in sub-rule (1) if the excess amounts is deposited in a co-operative bank to which it is affiliated or is invested in Govt. securities specified in Section 21 of the Indian Trust Act, 1982;

Provided that the amount so deposited or invested or any part thereof, is not withdrawn or otherwise utilised except for the payment of the deposits accepted in excess of the aforesaid limit.

(3) No Co-operative Society shall accept loans or deposits whether from members or non-members at a rate of interest which exceeds by more than three per cent the interest paid on similar types of deposits or loans by the Central Cooperative Bank within whose area of operation the society is

1. Substituted for the ―Charger and Manortgager‖ by The Haryana Co-operative Societies (Amendment) Rule, 2007, vide Notification No. SO. 5/HA 22/1984/Ss. 131 and 14A/2007 dated 19.01.2007.

situated except that the Registrar may be general or special order grant exemption or relaxation to any

class of societies or individual society from the operation of this rule.

39. Maintenance of fluid resources. [Section 63 &131(2)(xxii)].—Every co-operative society

accepting deposits and granting cash credits shall maintain fluid resources in such form and according to

such standards as may be specified by the Registrar from time to time, by general or special order.

40. Maximum credit limit of members. [Sections 64 & 131 (2)(xxii)].—The bye-laws of a co-operative society may lay down the limit beyond which a Cooperative Society may not advance loans

to individual members without the prior consent of the Registrar.

41. Nature and extent of securities for loans. [Sections 64 & 131 (2)(xxii)].—The Registrar may from time to time issue such directions as he considers necessary for regulating the nature and extent

of security which the cooperative society or class of cooperative societies may demand in respect of loans

advanced by it.

42. Restrictions on grant of loans by a Cooperative Society against its own shares. [Sections 64 & 131 (2)(xxii)]. – No Co-operative Society shall grant loans or make advances against

the security of its own shares.

Procedure for the sale of produce

43. Forms relating to distrainment and proclamation of sale etc. [Section 72].-

form VI

(b)The demand notice to be served on the defaulter before the produce is distrained, shall be in

Form VIII.

(d)The demand notice after distraining, for making payment of the amount for which produce has

been distrained, specifying therein the day, time and place of sale, if failed to make the payment

etc., shall be in Form IX.

44. Distraint of produce.—Where the property to be distrained is the produce of the charged or

mortgaged land including the standing crops thereon, the distraint shall be made by the Distrainer by

affixing a copy of the warrant of distrant,—

(a)Where such produce is standing crop on land on which such crop has grown; or

(b)Where such produce has been cut or gathered on the thrashing floor or place for trading out

grain or the like or fodder stock on or in which it is deposited;

and another copy on the outer door or on some other conspicuous part of the house in which the

defaulter ordinarily resides and one copy shall be pasted on some conspicuous part of village

or Panchayat Ghar and the produce shall thereon be deemed to have passed into possession

of the distrainer.

45. Time to distraint. [Section 131(1)].—The distraint shall be made by the distrainer only after

sunrise and before sunset.

46. Service of demand notice.— (1) When a distraint is made under rule 44, the Distrainer shall

Form IX specifying the amount for which the distraint has been made. The written demand shall contain a list of the property distrained and information as regards the place, the date and the day and hour at which the distrained property will be sold if the amount for which the distraint has been effected is not paid within 15 days from the date of service of the written demand.

(2) The written demand shall be dated and signed by the distrainer and shall be served upon the defaulter by delivering a copy to him or to some adult male member of his family at his usual place of abode or to his authorised agent or when such service can not be effected, by affixing a copy of the written demand on some conspicuous part of his abode and land:

Provided where the defaulter does not reside in the village in which land, standing crops or produce which is distraint, is situated, the written demand shall be sent to the defaulter to his last place of residence [1][or ordinary place of business] by registered post with acknowledgement due.

47. Custody of distrained property. [Sections 131(1) and Section 73].—The distrainer shall make proper arrangements for custody and preservation of the distrained property during the interval between the distrainter and the sale. The applicant, the president, secretary or manager of the society concerned, authorised in writing in this behalf by the applicant shall, if required by the distrainer, undertake the custody and preservation of the property distrained and shall be responsible for any loss or damage to the distrained property incurred owing to the negligence of the person to whom the property is so entrusted.

48. Storage of distrained crops. [Sections 131(1) and Section 73].– Where the growing crops of the mortgaged land belonging to a defaulter are distrained, the distrainer may cause them to be sold when, they are ripe or harvested, and may cause them to be stored in proper places until sold.

49. What places distrainer may force open. [Section 131(1)].—It shall be lawful for the distrainer to force open any stable, cow house, granary, godown, outhouse or other such building, and he may also enter any dwelling house, for the purpose of distraining the purpose of distraining the produce of the charged or mortgaged land stored therein:

Provided that it shall not be lawful for such distrainer to break open or enter any place if such place is an apartment in the actual occupancy of a woman, except as hereinafter provided.

50. Power to distrainer to force open doors in presence of Police Officers [Section 131(1)].— (1) Where a distrainer has reason to believe that the produce of the charged or mortgaged land is stored within a dwelling house, the outer door of which is shut, or within any apartment occupied by a woman who according to custom does not appear in public, the distrainer shall represent this fact in writing to the officer-in-charge of the police station in which that dwelling house or apartment is situated.

(2) On such representation, the officer-in-charge of the police station shall send [2][a police officer] not below the rank of a head constable to the spot, in the presence of whom the distrainer may force open the outer door of such dwelling house.

(3) The distrainer shall, in the presence of such police officer before entering an apartment in the actual occupancy of a woman, give notice to such woman, that she is at liberty to withdraw and shall afford her every reasonable facility for withdrawing and may then break open the apartment and enter it for the purpose of distraining the produce of the charged or mortgaged

land, if any, deposited therein; but such property, if found, shall be immediately removed from such apartments, after which they shall be left free to its occupants.

51. Proclamation of the time and place of sale of produce. [Section 76 (1)].- (1) The distrainer shall be on the day previous to and on the day before the commencement of sale, cause a proclamation of the time and place of the intended sale to be made by beat of drum in the village in which the defaulter resides or the produce is kept and in such other places as the distrainer may consider necessary to give due publicity to the sale.

1.Inserted by The Haryana Co-operative Societies (Amendment) Rules, 2007, Vide Notification No. S.O. 5/H.A. 22/ 1984/Ss.. 131 and 14A/2007 dated 19.01.2007.

2.Substituted for the words ―a police officer‖ by The Haryana Co-operative Societies (Amendment) Rules, 2007, Vide

Notification No. S.O. 5/H.A. 22/1984/Ss.. 131 and 14A/2007 dated 19.01.2007.

(2) No sale shall take place until after the expiration of a period of 15 days from the date of the service of the demand referred to in section 73 of the Act:

Provided that where the property distrained is subject to speedy and natural decay the distrainer may sell it at once.

52. Sale how conducted. [Section 76 (1)]-(1). At the appointed time and place the distrainer shall sell in public auction the distrained property or such part thereof, as may be necessary, in one or more lots as the distrainer may consider desirable and dispose of the same to the highest bidder.

(2)The distrainer may, in his discretion, adjourn the sale to a specified day and hour after recording his reason for such adjournment.

(3)Where a sale is adjourned under sub-rule (2) for a longer period than seven days, a fresh proclamation under rule 52 shall be made unless the defaulter consents to waive it.

53. Withdrawal of distraint on tender of moneys due and expenses prior for sale. [Section 74].—When prior to the day fixed for sale the defaulter or any person acting on his behalf, or any person claiming an interest in the property distrained pays to the society, the Registrar or the distrainer the full amount due, including interest, travelling allowance and other expenses incurred indistraining and proclaiming the sale, the distrainer shall not proceed with the sale and shall release the produce forthwith.

54. Payment on purchase of distrained produce. [Section 76(1)].—The purchase money shall be paid by the purchaser in cash at the time of sale or as soon there after as the distrainer shall appoint, and the purchaser shall not be permitted to carry away any part of the property until he has paid the purchase moneyin full.

55.Resale in case of default. [Section 76 (1)].—If the purchaser makes a default in the payment of purchase money, the produce, shall be resold. Any deficiency of price which may happen on a resale by reason of purchaser‘s default and all expenses attending to such resale shall be recoverable from the defaulting purchaser as arrears of land revenue.

56. Investigation of claims to any right or interest in distrained property.—

(1)Where any claim is preferred by any person other than the defaulter to any right or interest in the distrained property, the distrainer shall investigate the claim and dispose it of on its own merits.

Provided that no such investigation shall be made where the distrainer considers that the claim was designedly or unnecessarily delayed.

(2)Where the property to which the claim applies has been for sale, the distrainer may postpone the sale pending the investigation of claim.

57. Application for sale of immovable property and procedure. [Section 76(1)].—(1) The application under sub-section (1) of section 76 of the Act in (

Form X) signed by the committee or any person duly authorised in writing by the committee, shall state the amount due for recovery including interest, expenses incurred in the service of the notice referred to in clause (b) in sub-section (2) of section 75 of the Act, the name (s) and address(s) of person(s) on whom such notice was served. It shall also contain such description of the immovable property to be proceeded against as may be sufficient for its identification and in case such property can be identified by boundries or number in the revenue record, the specifications of such boundaries or numbers.

(2) On receipt of the application, the sale officer shall give a notice in writing to all the persons referred to in clause (b) of sub-section (2) of section 75 of the Act in

Form XI stating the amount claimed

by the society including expenses incurred by it in the service of notice the particulars of the properties to

be sold in case of non-payment and the date on or after which the sale shall take place.

58. When defaulter neglects to pay. [Section 76(1)].—If before the expiration of the time allowed

in the notice issued under sub-rule (2) of rule 57, the amount specified in such notice is paid, the sale

officer shall, after giving notice to the society proceed to sell the immovable property specified in the

application in the manner laid down in rule 59.

59. Proclamation before sale. [Section 76 (1)].—(1) The sale officer shall cause a proclamation of

Form XII.

(2)Such proclamation shall state the time and place of sale and specify as fairly and accurately as possible:—

(a) the property to be sold;

(b) the revenue or rent payable in respect thereof;

(c) the amount for the recovery of which the sale is intended to be made; and

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

(3)For the purpose of ascertaining the matters to be specified in the proclamation, the sale officer may summon any person whom he thinks necessary to summon and may examine him in respect of to any such matters and require him to produce any documents in his possession or power relating thereto.

(4)Every proclamation shall be published by pasting a copy thereof in a conspicuous part of the office of the Assistant Registrar Co-operative Societies concerned and the office of the Tehsildar of the Tehsil in which the property to be sold is situated at least ten days before the date fixed for the sale and also by beat of drum 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 day of sale prior to the commencement of the sale.

60. Sale to be by public auction. [Section 76 (1)].—(1) The sale of the mortgaged property shall be subject to the previous charge, if any, on the basis of a registered deed on the property, and shall be by public auction to the highest bidder.

(2)The sale officer may, in his discretion, adjourn the sale to be specified day and hour, recording his reasons for such adjournment.

(3)Where a sale is adjourned under sub-rule (2) for a longer period than seven days, a fresh proclamation under rule 59 shall be made and published unless the mortgager consents to waive it.

61. Deposit by purchaser and resale on default. [Section 76 (1)].

(1)When the highest bid of the auction has been ascertained, the person who made that bid shall, on the requisition of the sale officer, pay to that officer a deposit of twenty five per cent of the amount of his bid, and shall on payment thereof, be declared to be the purchaser. If the person who made the highest bid fails to pay such deposit, th be resold.

(2)Where the society, at whose instance the property is sold, is the purchaser and is entitled to

set off the purchase money under rule 66, the sale officer may dispense with the requirement of sub-rule (1).

62. Time for payment of the balance of the purchase money. [Section 76 (1)].—The remaining

amount of the purchase money shall be paid by the purchaser to the sale officer within 15 days from the

date of sale:

Provided that in calculating the amount to be so paid to the sale officer the purchaser shall have a

right to claim set off to which he may be entitled under rule 66.

63. Procedure in default of payment. [Section 76 (1)].—In default of payment of the purchase

money within the period mentioned in rule 62 the deposit may, if the sale officer thinks fit, after defraying

all costs, charges and expenses of the sale, be forfeited and the property shall be resold, 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.

64. Defaulting purchaser answerable for loss on resale. [Section 76 (1)].—Any deficiency of

price which may happen on a resale by reason of purchaser‘s default and all expenses attending such

resale shall [1][ ] be recoverable from the defaulting [2][as an arrears of land revenue].

65. Proclamation on resale. [Section 76 (1)].—Every resale of mortgaged property, in default of

payment of the purchase money within the period allowed for such payment, shall be made after the issue

of a fresh proclamation in the manner and for the period herein before specified for the sale.

66. Set of where society is purchaser. [Section 76 (1)].—Where the society at whose instance

the mortgaged property is sold, purchases it, the purchase money and the amount due shall be set off

against one another, and the sale officer shall ensure satisfaction of payment of the mortgaged money in

whole or in part accordingly.

67. Release of property. [Section 76 (1)].—Where prior to the day fixed for sale the mortgager or

any person acting on his behalf or any person claiming an interest in the mortgaged property tenders

payment of the full amount due including interest, travelling allowance, other costs charges and expenses

incurred in connection with the sale.[3][The Sale Officer shall] not proceed with the sale and shall

property forthwith.

68. Report of sale. [Section 76(1)].—The sale officer shall on the conclusion of the sale make a report to the society at whose instance the property was brought to the sale regarding the results of the sale. [4][A copy of the said report shall also be forwarded to the Registrar for necessary action.]

69. Return of purchase money in certain cases. [Section 76 (1)].—Whenever the sale of the mortgaged property is set aside under sub-section (2) of Section 77 of the Act, the deposit or the purchase money, as the case may be, shall be returned to the purchaser who shall also be entitled to get a sum equal to two per cent of the purchase money deposited by the mortgager or the person having a right or interest in the mortgaged property under sub-clause (b) of sub-section (1) of Section 77 of the Act.

70. Receipt for payment of arrears. [Section 76 (1)].— Every person making a payment towards any money due, for the recovery of which an application has been made under these rules, shall be entitled to a receipt for the amount to be signed by the distrainer or the sale officer, as the case may be. Such receipt shall state the name [5][and address] of the person making the payment and the subject matter in respect of which the payment is made.

Part III dated 17.8.1995.

Part III dated 17.8.1995.

3.Substituted for ―the officer shall‖ vide Notification No. GSR 64/HA 22/84/S. 131/95 dated 17.8.1995, published in L.S. Part III dated 17.8.1995.

5.Inserted by The Haryana Co-operative Societies (Amendment) Rules, 2007, Vide Notification No. S.O. 5/H.A. 22/1984/Ss.. 131 and 14A/2007 dated 19.01.2007.

Chapter –XI
Properties and Funds

71. Investment of funds. [Sections 85 and 131 (2)(xxiii)].—(1) Beside the modes provided in Section 85 of the Act, a co-operative society may invest or deposits funds or any portion thereof-

(a)in bonds certificates or loans issued by Government or the Central Government;

(b)in debentures floated by a Co-operative Society;

(c)with the previous sanction of the Registrar, in the purchase or lease of land or building or in the acquisition, construction, or renewal of any building that may be necessary to conduct its business.

(2) The amount of funds invested under clause (c) of sub-rule (1) shall be recouped on such terms as may be determined in each case by the Registrar.

(3) The provisions of clause (c) of [1][sub-rule] (1) shall not apply;

(a)to immovable property purchase:-

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

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

72. Payment of dividend.[Section 131(2)(xxv)]— (1) In no co-operative society the dividend shall exceed 10 per cent per annum of the paid up share capital.

(2)In a co-operative society with un-limited liability no dividend shall be paid until a period of five years has lapse from the date of registration.

(3)No dividend shall be paid by the co-operative society where any claim due from the co-operative society to a depositor or lender remains un-satisfied.

73. Creation of Coop: Education Fund. [Sections 87 and 131(2)(xxv)].— Every co-operative society shall contribute such amount not exceeding two per cent as may be directed by the Registrar, from time to time, out of its net profits of the year to the Co-op: education fund to be administered by the State Co-operative: Federation. The contribution payable by a cooperative society shall be charged on the funds of the Co-operative society and shall be recoverable in the manner provided in Section 110. The State Co-operative Federation shall prepare regulations with the approval of the Registrar for the utilisation and administration of the fund.

74. Reserve fund. [Section 131 (2)(xxiii)].—(1) The Registrar may, from time to time by a general or special order, raise the proportion of profits to be carried to reserve fund under section 87 from one-

tenth of the net profits to a limit not exceeding one fourth of the net profits.

(2)The reserve fund shall be indivisible and no member shall be entitled to claim a specified

share in it :

Provided that in exceptional circumstances and with the prior approval of the Registrar, the reserve

fund may be utilised in meeting losses [2][to the society].

(Extra.) L.S. Part III dated 17.8.1995.

L.S. Part III dated 17.8.1995.

(3)No Co-operative Society where reserve fund has been separately invested or deposited shall draw upon, pledge or otherwise employ such fund.

75. Contribution to Guarantee Fund.-(1) Where the Government decides to constitute a guarantee fund under sub-section (1) of section 88 of the Act for a Co-operative Society or a class of co-operative societies, then such a society or class of societies, shall not contribute to this fund less than two per cent of the remainder of the profits after contribution towards the reserve fund under section 87 of the Act.

(2)Notwithstanding anything contained in the rules, a guarantee fund shall not be utilised in the business of a society and shall be kept [1][in any Co-operative Bank].

(3)Aguarantee fund shall be utilised in the manner as may be specified by the Government from time to time.

Chapter – XII
Rehabilitation of Weak Societies

76. Rehabilitation funds. [Section 131(2)(xxii)]. - (1) Arehabilitation fund established by a society shall be kept either in the State Co-operative Bank or a Central Co-operative Bank.

(2) Notwithstanding anything contained in these rules, a rehabilitation fund shall not be utilised in the business of a society.

[2][Chapter XII-A]
Sale or lease of assets and liabilities of sick societies

76A. Transfer of assets and liabilities of sick societies by sale. – Registrar may, on the basis of an enquiry of the sick society conducted through a general or special order and after consulting the Government and the financial institutions of the sick society, ask its committee to transfer its assets and liabilities by way of sale to another society, firm, body or company within a period or Ninety days from the date of issue of such order as indicated in Annexure ‗A' on the following terms and conditions:-

(a)The society, firm, company or body shall remit to the sick society the entire payment in lump sum through a demand draft in favour of the sick society within such period as may be mutually agreed upon between the sick society and the proposed firm, company, body or society.

(b)The sick society shall hand over the vacant possession of the entire premises including entire machinery, furniture and fixture, land and building, stock, raw material, finished goods etc. on a specific date as may be mutually agreed upon.

(c)On the completion of the proceedings of sale, the society, firm, company or body acquiring ownership rights of the sick society, shall not use the word ―Cooperative‖ in any form and in any transaction with the new name of the Organisation and it would cease to be

cooperative society under the act. Registrar shall cancel the registration of such sick society and shall inform the concerned financial institutions accordingly.

(d)Pursuant to opportunity provided to the Committee of the sick society under section 14A(2) of the Act, it will be obligatory on the part of the Registrar to satisfy and dispose of objections/claims put forward by the member of the Committee of the sick society and the creditors thereof and the Registrar shall inform the Committee about the disposal of the objections/claims.

(e)The Registrar shall proceed to get a sale officer appointed after seeking prior approval of the Government for the purpose of conducting sale under these Rules.

(Extra.) L.S. Part III dated 17.8.1995.

2.Chapter XII-A inserted vide Notification dated 02.02.2000.

(f)If the committee of the sick society fails to act within a period of Ninety days under _Annexure _B', the Registrar shall, on the expiry of the period of thirty days under the said Annexure _B', proceed to issue notice of sale by indicating complete substance of the intended sale in atleast two local daily newspapers published from State headquarters having wide circulation and one National Daily published from New Delhi having wide circulation by giving complete list of the property, assets, machinery stock, furniture and fixtures and further bound the prospective bidder/bidders to deposit a sum of money equal to 10% of the notice of the entire property both moveable and immovable mentioned above.

(g)The proclamation of sale shall also be circulated/published by affixing notices in the office of Assistant Registrar's, Deputy Registrar's the sick society and other relevant place/places which are directly or indirectly concerned with the functioning of the said sick society and will give at least Thirty days time to materialise the entire sale process. Prior to two consecutive dates before the commencement of the date fixed for sale, the sale officer shall also announce by beat of drum in the locality/village/town byassuring himself that the details of the said property are being brought to the notice of public at large through beat of drum in a fairly reasonable manner. The proclamation shall state the time/place of sale and [1][complete particulars and specifications] of the property to be sold and any encumbrance to which the property of the said sick societies is liable and shall keep necessary record thereof.

(h)The sale officer shall proceed to get assessed the market value of the property, assets, machinery, furniture and fixtures stock, finished goods etc. from the Government approved contractors/valuer on ―as is where is basis‖ and shall also ascertain their price at his own level by studying the prevalent trends of these commodities in these market and shall forward a written proposal in this regard to the Registrar for his approval. In case of landed property situated in urban/semi urban and rural areas, the Registrar shall be guided by the latest guidelines of different authorities i.e. Haryana Urban Development Authority, municipal committees/corporation and Revenue Department guidelines etc. etc.

(i)The sale shall be made after sun arise and before sun set and not any other time.

(j)The sale officer shall ensuer that when the deal is materialized the sum offered by the purchaser is not less than the market value of the property /assets and shall, as nearly as possible, ensure that it is sold at the competitive price and not through a throw-away deal.

(k)The sale officer shall also ensure that the time limit set out in the notice published for sale does not affect those finished goods which are subject to speedy and natural decay and would cut short the period of

(l)The sale shall be by proclamation to the highest bidder provided that it shall be open to the sale officer to decline to accept the highest bid when the price offered appears to be unduly low or for some other reasons and may after consulting the Registrar may adjourn the sale to a specified date and hour after recording the reasons for such adjournment, where the sale is adjourned for a longer period than seven days, a fresh proclamation under clause ‗g' above shall be made again.

(m)At any time within thirty days from the date of the sale of immovable property and other assets, the Registrar may either *suo motu* or on the complaint of a person whose interest are affected by

1. Substituted for the words ―Specify as fully and accurately as possible about the nature‖ by The Haryana Co-operative Societies (Amendment) Rule, 2007, vide Notification No. SO. 5/HA 22/1984/Ss. 131 and 14A/2007 dated 19.01.2007.

the sale by getting an enquiry conducted, set-aside the sale on grounds of material irregularity or mistake or fraud conducting the sale.

(n)The purchaser of the proposed sick unit at the end of final settlement shall be liable to pay to such employees whose services are not taken over by the purchaser, such sums as may be awarded by the competent courts in terms of the provisions of the Industrial Disputes Act 1947 (Act 14 of Act 1947)

(o)The amount left after meeting the liabilities, shall be disposed of by a person authorized by the Registrar in this regard in the manner prescribed in Chapter XV of these Rules pertaining to winding up of cooperative society.

76 B. Transfer of Assets and Liabilities of Sick Societies by lease:-

(a)In case the committee of the sick society fails to act on the advice of the Registrar as conveyed in the notice referred to in Annexure B, the Registrar shall proceed to transfer the assets and liabilities of the sick society on lease for a minimum period of five years and a maximum of ten years. The Registrar shall proceed to get the notice for lease published in at least two daily newspapers published in the state having, — vide circulation and one National Daily having, — vide circulation and shall give the substance of offer of lease by giving at least thirty days notice for the above purpose.

(b)The notices for lease shall be got pasted in the office of Assistant Registrars and Deputy Registrars by the Registrar and also at all important places which are often visited by the public in general and the Registrar shall get the proclamation of lease announced through a beat of drum at such places and among such parties as he deems fit.

(c)It shall be clearly mentioned in the notice for lease that the party consenting to take the sick society on lease shall keep the cooperative character of the unit intact.

(d)The party offering to take the sick society on lease shall not embark upon any other trade or business or industrial activity other than aimed at by the sick unit.

(e)The lessee shall keep the accounts of the proposed unit strictly according to the system in practice.

(f)The Registrar or his nominee shall be competent to conduct inspection/audit of the lease unit as per provisions of the Act. The Registrar or the person authorized to inspect/audit the unit shall have free access to the books of a accounts, leased out premises, factory, machinery and other assets.

(g)In case lessees of the unit does not accept the entire staff of the sick unit, they shall be liable to pay such sums to the said staff as may be awarded by the competent courts in terms of the provisions of the Industrial Disputes Act 1947 (Act 14 of 1947).

(h)The lessee shall, not be permitted to sell, sub-let or remove from its original place, any assets without permission of the Registrar by giving full justification for the replacement/removal of any

non-productive assets.

(i)At the expiry of period of five years the working results of the unit would be reviewed and in the

event of non-fulfillment by the lessee, the lease shall be cancelled and no further extension would

be allowed.

(j)The terms and conditions of lease shall be reduced in writing on a non-judicial stamp paper as

required by the Indian Stamp Act 1899 (Act 2 of 1899), which shall be signed by the authorized

person and duly attested by the Magistrate 1st Class having jurisdiction of the area where the sick

unit is situated.

ANNEXURE 'A'
(See Rule 76A)

From

Registrar,
Cooperative Societies
Haryana,
Chandigarh.

To

The President,
…….
……..

Subject: Transfer of assets and liabilities of .....into.

On the perusal of balance sheet of your society for the year ending ..... , the

undersigned has made an objective assessment of its financial position for the last three years ending

……. and as no possibility is in sight wherebythe accumulated losses could be reclaimed

and as is revealed in the balance sheet that majority of shares of this society are held by the Government,

therefore, by virtue of the powers conferred upon me under section 14 (A)(1), I am of the opinion that the

assets and liabilities of this society be transferred to ——————————within a period of

ninety days but not later than……

(Date)

It is therefore, desired of you to place this issue before the Committee of your society by

convening a meeting the same and seek its concurrence under intimation to the undersigned. If no reply is

received within the stipulated time, the next course of action under the law transfer the assets and liabilities

shall be taken.

Sd/-
Registrar,
Cooperative Societies
Haryana,
Chandigarh.

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ANNEXURE 'B'

(See Rule 76A and 76B)

From

Registrar,
Cooperative Societies
Haryana,
Chandigarh.

To

The Members of the committee of the,

_____

(Name of the society)

Subject: Transfer of assets and liabilities of the society.

Vide this office Memo No…… Dated ..... the

undersigned had issued some guidelines to you to transfer assets and liabilities of your society to a firm,

Company, body or society, namely ———————————— the undersigned gave you

ninety days time to comply with the above guidelines. No response, whatsoever, has so far been received

from your side. The undersigned, being Registrar Cooperative Societies, hereby direct you to transfer

assets and liabilities of the above society into ..... within a period.

(Name of firm, society, company or body)

of thirty days and if no response is received from your side within stipulated period then the undersigned

will be left with no other alternative but to order transfer of assets and liabilities of your society into the

aforesaid firm, company, body or soc l stand dissolved.

Registrar,
Cooperative Societies Haryana,
Chandigarh.

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CHAPTER – XIII
Audit and Account

77. Auditing of Accounts. [Section 131 (2) (xiv)]:- The Accounts of the co-operative society shall be audited in such manner as the Registrar may specify from time to time.

78. Maintenance of account books and other record. [Section 131 (2) (xiv)]:- A cooperative society or a class of co-operative societies shall maintain the account books and other record in such form and manner as may be specified by the Registrar by a general or special order from time to time.

79. Preparation of balance sheet and other accounts. [Sections 131 (2) (xiv) and (xv)].— (1) A co-operative society shall prepare a balance sheet, profit and loss account, trading account and such other statements relating to accounts as may be specified , from time to time, by the Registrar within three months of the close of the co-operative year in such form as may be laid down by the Registrar.

(2) If the Registrar so directs, a copy of each of the statements referred to in sub-rule (1) shall be supplied by a co-operative society to the Registrar by such date as he may specify.

80.Audit Fee.[Section 131 (1)].—(1) Every co-operative society shall pay to the 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 Government in respect of the class of co-operative societies to which it belongs.

(2) The Registrar may, subject to such conditions as may be laid down by the Government remit the whole or any part of the fees payable under sub-rule (1) by a Co-operative Society or a class of Co-operative societies for any year or other specified period.

CHAPTER XIV
Settlement of disputes

81. Reference of disputes. [Section 131(2) (xix)].—When a party to the dispute referred to in sub-section(1) of section 102 desires to have the dispute determined in accordance with the said section, the party shall apply to the Registrar in writing, stating the substance of the dispute and the name and addresses of the other party.

82. Arbitration fee. [Section 131 (2) (xix)]. – (1) The Registrar shall have power to require the person referring a dispute under sub-section(1) of section 102 of deposit in advance the fee, if any, to be specified by the Registrar, for deciding the dispute.

(2)The Registrar may, in such cases as he thinks fit, order the payment of fee to the arbitrator. (3)No fee shall be payable to an arbitrator till the dispute referred to him is finally decided.

(4)The Registrar, may, in his discretion, remit the whole or any part of the fees collected under sub-rule (1).

83. Communication of date, time and place of hearing. [Section 131(2) (xxix)].—In an arbitration proceeding, the Registrar, or the arbitrator, as the case may be, shall communicate the date, time and place of hearing the dispute to all the parties concerned.

84. Power to appoint guardian for minors etc. [Section 131 (2)(xix)].—The Registrar or the arbitrator, as the case may be, shall have power to appoint or remove guardian for the party to

the dispute who is a minor or who, by reasons of unsoundness of mind or mental infirmity, is incapable of protecting his interest.

85. Hearing of disputes. [Section 131(2)(xix)].—The Registrar or the arbitrator as the case may be, shall hear [1][the parties, their legal representatives and witnesses] who attend. On the basis of such evidence and after consideration of any documentary evidence that may be, produced by either party, he shall give award, in accordance with justice, equity and good conscience. The award shall be reduced to writing announced to the parties and filed in the office of the Registrar. [2] [In case of wilful absence] of any party duly summoned to attend, the dispute may be decided *ex parte*.

86. Time limit for making awards. [Section 131 (2)(xix)].—The arbitrator or the Registrar shall make his award, within six months after entering on the reference or within such extended time as the next higher authoritymay allow.

87. Cost of arbitration. [Section 131 (2)(xix)].—The arbitrator or the Registrar, as the case may be, shall have the power to order the expenses of determining a dispute or the cost of either party to be borne by such party or parties to the dispute as he may think fit.

1.Substituted by Notification No. GSR 64/H.A 22/84/S. 131/95 dated 17.8.1995, published in Haryana Gazette (Extra.) L.S. Part III dated 17.8.1995.

2.Substituted by Notification No. GSR 64/H.A 22/84/S. 131/95 dated 17.8.1995, published in Haryana Gazette (Extra.) L.S. Part III dated 17.8.1995.

88. Maintenance of record or arbitration. [Section 131 (2)(xix)].—(1) The record of arbitration proceedings shall be kept in such place and in such manner as the Registrar may direct.

(2) A copy of the award shall, on application, be given to a party by the Registrar or payment of fees prescribed for obtaining copies.

CHAPTER –XV
Winding up of Cooperative Societies

89. Procedures to be followed by liquidators. [Section 131(2)(xxvii]. –

(1)The liquidator shall as soon as the order of winding up of the co-operative society takes effect published by such means as he may think proper, a notice requiring all claims against the Co-operative Society, the winding up of which has been ordered, to be submitted to him within one month of the publication of the notice. All liabilities recorded in the account books of a co-operative society shall be deemed, if so *facto* to have been duly submitted to him under the sub-rule.

(2)The liquidator shall, after settling the assets and liabilities of the Co-operative Societies as they stood on the date on which the order for winding up is made, proceed next to determine the contribution to be made by each of its members, past members or by the estates of nominees, heirs, or legal representatives of the deceases members or by any officer or any former officer to the assets of the society under clauses (b) and (c) of sub-section (2) of section 107. [1][If necessity arises], he may make a supplementary order regarding such contributions and such order shall be enforceable in the same manner as the original order.

(3)The liquidator may at anytime, call a meeting of the members or of the creditors or a joint meeting of the members and creditors and such meeting shall be called, held and conducted at such time and place in such manner as the liquidator may deem fit.

90. Approval by Registrar on order of liquidator. [Section 131 (2)(xxvii)]:- An order passed by the liquidator under clause (b) of sub-section (2) of section 107 shall be submitted by

him to the Registrar for approval. The Registrar may [2] [after reasons to be recorded modify such order or refer it back to the liquidator for further enquiry or action.

91. Submission of quarterly report by liquidator. [Section131 (2)(xxvii)].- The liquidator shall submit to the Registrar a quarterly report in such form as the Registrar may specify showing the progress made in the liquidation of the Co-operative society.

92. Deposit of funds of liquidator. [Section 131 (2) (xxvii)].—All [3][funds in the charge of] the liquidator shall be deposited with such institution or person as the Registrar may approve.

93. Expenses incurred by liquidator. [Section 131 (2) (xxvii)].—All expenses incurred in connection with the winding up of the co-operative society shall be subject to the approval of the Registrar.

[4]**[94. Distribution of assets. [Section 131 (2)(xxvii)].-** The liquidator shall distribute the realised assets to the claimants in such manner and in such priority as the Registrar may direct.]

1.Substituted by Notification No. GSR 64/H.A 22/84/S. 131/95 dated 17.8.1995, published in Haryana Gazette (Extra.) L.S. Part III dated 17.8.1995.

2.Inserted by The Haryana Co-operative Societies (Amendment) Rule, 2007, vide Notification No. SO. 5/HA 22/1984/ Ss. 131 and 14A/2007 dated 19.01.2007.

3.Substituted by Notification No. GSR 64/H.A 22/84/S. 131/95 dated 17.8.1995, published in Haryana Gazette (Extra.) L.S. Part III dated 17.8.1995.

4.Rule 94 Substituted by The Haryana Co-operative Societies (Amendment) Rule, 2007, vide Notification No. SO. 5/ HA 22/1984/Ss. 131 and 14A/2007 dated 19.01.2007.

95. Remuneration to liquidators. [Section 131(2)(xxvii)].—The remuneration fixed under section 106 (1) shall be included in the cost of liquidation which shall be payable out of the assets of the co-operative society in priority to all other claims.

96. Disposal of surplus assets. [Section 131 (2) (xxvii)].- After discharging the liabilities of the co-operative society and repayment of share-capital, the liquidator may utilize the surplus assets, if any, for one or more of the following purposes:—

(a)deposit the amount in a cooperative bank until a new cooperative society with similar area of operation is registered when it shall be credited to reserve fund of the new cooperative society;

(b)any purpose connected with the development of cooperative movement, subject to the approval of the Registrar;

(c) an object of public utility selected with due regard to the wishes of the members and approved by the Registrar.

97. Liability due to claimants whose whereabouts not known. [Section 131 (2)](xxvii)].—If any liability cannot be discharged by the liquidator owing to the where abouts of the claimant not being known or for any other cause the amount covered by such undischarged liability may be deposited in the Central Cooperative Bank, having ju which the Cooperative Society was

functioning and shall remain at the disposal of the claimants for a period of three years, after which the undrawn amount, if any, may be transferred to the State Cooperative Union for credit to the Cooperative Education Fund.

98. Removal of liquidator. [Section 131 (1)].—A liquidator may, at any time be removed by the Registrar and he shall on such removal, hand over all the property and documents relating to the society under liquidation to such persons as the Registrar may direct.

99. Maintenance of accounts by liquidator. [Section 131(2)(xxvii)].—The liquidator shall keep such books and accounts, as may be laid down by the Registrar from time to time. The Registrar may at any time cause books and accounts to be audited.

100. Final report by liquidator. [Section 131 (2) (xxvii)].- The liquidator shall, after meeting the liabilities of the society, submit a final report to the Registrar in such form as may, from time to time, be specified by the Registrar.

[1]**[101. Disposal of record. [Section 131(2) (xxvii)].** – All the books and records of a co-operative society whose registration has been cancelled may be destroyed except in relation to the cases pending in the court under the orders of the Registrar after the expiry of a period of three years from the date of cancellation.]

CHAPTER XVI

Execution of awards, decrees and orders

102. Enforcement of charge. [Sections 52 and 131 (1)].—(1) Without prejudice to any other mode of recovery provided in the Act or these Rules, the Registrar or any person subordinate to him empowered by the Registrar in this behalf on the application of a Cooperative Society make an order directing the payment of any debt or outstanding demand due to the society by any member or [2][ex-member] or deceased member, by sale of the property or any interest thereon, which is subject to a charge under section 52 or section 53.

1.Rule 101 substituted by The Haryana Co-operative Societies (Amendment) Rule, 2007, vide Notification No. SO. 5/ HA 22/1984/Ss. 131 and 14A/2007 dated 19.01.2007.

2.Substituted by Notification No. GSR 64/H.A 22/84/S. 131/95 dated 17.8.1995, published in Haryana Gazette (Extra.) L.S. Part III dated 17.8.1995.

Provided that no order [1] [shall be] issued under this rule unless the member, [2] [ex-member] or the nominee, heir or legal representative of the deceased member, has been served with a notice in the manner given in rule 103.

(2) The procedure for sale of property or any interest thereon under sub-rule (1) shall be the same as laid down in rule 104.

103. Manner and service of notice.—The notice under rule 102 shall indicate the substance of the demand or debt due to the cooperative society and shall be served in the manner laid down for the service of summons. No order under rule 102 shall be made until a period of thirty days has expired from the date of service of notice.

104. Procedure in execution of award etc. – (1) Any decree holder requiring the provisions of clause (b) of section 110 [3][to be applied, shall apply] to the Recovery Officer within whose jurisdiction defaulter resides [4][or carries on business] or the property of the defaulter is situated.

(2)Every such application shall be made in the form specified by the Registrar and shall be signed by the decree holder. The decree holder may indicate whether he wishes to proceed against the immovable property charged or mortgaged to the decree-holder or other immovable property or to secure the attachment of movable property.

(3) On receipt of such application the Recovery Officer shall verify the correctness and genuineness of the particulars set forth in the application with the record, if any, in the office of the Registrar and prepare a demand notice in writing in duplicate in the form specified by the Registrar, setting forth the name and address of the defaulter and the amount due and forward it to a sale officer.

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

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

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

(5) In the seizure and sale of movable property, the following procedure shall be observed:-

(a)The Sale Officer shall, after giving [5][prior] notice to the [6][decree-holder, and the defaulter, proceed] to the village or locality where the defaulter resides or the property to be distrained is situated and serve a demand notice to the defaulter if he is present. If the amount due together with the expenses is not at once paid, the Sale Officer shall make the distress and shall immediately deliver to the defaulter a

1.Inserted by The Haryana Co-operative Societies (Amendment) Rule, 2007, vide Notification No. SO. 5/HA 22/1984/ Ss. 131 and 14A/2007 dated 19.01.2007.

2.Substituted by Notification No. GSR 64/H.A 22/84/S. 131/95 dated 17.8.1995, published in Haryana Gazette (Extra.) L.S. Part III dated 17.8.1995.

3.Substituted by Notification No. GSR 64/H.A 22/84/S. 131/95 dated 17.8.1995, published in Haryana Gazette (Extra.) L.S. Part III dated 17.8.1995.

4.Inserted by The Haryana Co-operative Societies (Amendment) Rule, 2007, vide Notification No. SO. 5/HA 22/1984/Ss. 131 and 14A/2007 dated 19.01.2007.
5.Substituted for ―previous‖ by The HaryanaCo-operative Societies (Amendment) Rule,2007, vide Notification No. SO. 5/HA 22/1984/Ss. 131 and 14A/2007 dated 19.01.2007.
6.Substituted by Notification No. GSR 64/H.A 22/84/S. 131/95 dated 17.8.1995, published in Haryana Gazette (Extra.) L.S. Part III dated 17.8.1995.

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 amounts due are [1][not discharged by him]. 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 affected, 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 resident of the defaulter endorsing thereon the place where the property may be lodged or kept and place, day and hour of sale.

(b)After the distress is made, the Sale Officer may arrange for the custody of the property attached. If the sale officer requires the decree holder to undertake the custody of the property he shall be bound to do so and any loss incurred owing to his negligence shall be made good by the decree holder. If the attached property is livestock, the decree holder shall be responsible for providing the necessary food therefore. The Sale Officer may, at the instance of the defaulter or of any person claiming and interested in such property leave it at the village or place where it was attached in the charge of such defaulter or person, if he enters into a bond in the form specified by the Registrar with one or more sufficient sureties for the production of the property when called for.

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

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

(e)If crops or un-gathered 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 the season and stored in proper place until sold. In the later case the expenses of reaping or gathering and storing such crops or products shall be defrayed by the defaulter upon his redeeming the property or from the proceeds of the sale in the event of its being sold.

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

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

(h) When the Sale Officer may have reason to suppose that the property of the defaulter is lodged within a dwelling house the outer door of which maybe shut or within any apartments appropriated to women which by custom or usage are considered private, the Sale Officer shall

represent the fact to the Officer Incharge of the nearest police station. On such representation the Officer Incharge 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 and in like manner he may break open the door of any room within the house except the zenana. The Sale Officer may also in the presence of a police officer, after due notice is given for the removal of women within a zenana and after furnishing means for their removal in a suitable

1. Substituted by Notification No. GSR 64/H.A 22/84/S. 131/95 dated 17.8.1995, published in Haryana Gazette (Extra.) L.S. Part III dated 17.8.1995.

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

(i) The Sale Officer shall on the day previous to and on the day of sale cause proclamation of the time and place of the intended sale to be made by beat of drum in the village or locality in which the defaulter resides and in such other places as the officer may consider necessary to give due publicity to the sale. No sale shall take place until after the expiration of the period of fifteen days from the date on which the sale notice has been served or affixed in the manner prescribed in clause (a), provided that where the property seized is subject to speedy and natural decay, or where the expense of keeping it in custody is likely to exceed its value, the Sale Officer may sell it at any time before the said period of fifteen days unless the amount due to sooner paid;

(j) 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 off to the highest bidder :

Provided that it [1][shall be open to the] Sale Officer to decline to accept the highest bid where the price offered appears [2][to be unduly low or] for other reasons. Where the property is sold for more than the amount due, the excess amount, after deducting the interest and the expenses of process and the charges shall be paid to the defaulter;

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

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

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

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

(n)The movable properties mentioned as exempt from attachment in the proviso to section 60 of the Code of Civil Procedure, 1908 (5 of 1908) shall not be liable to attachment or sale under these rules.

(6)Where the movable property to be attached is the salary or allowance or wages of a public officer or of servant of a local authority or a firm or a company or any other institution, the recovery officer may, on receiving a report from the sale Officer, order that the amount shall, subject to the provisions of

1.Substituted by Notification No. GSR 64/H.A 22/84/S. 131/95 dated 17.8.1995, published in Haryana Gazette (Extra.) L.S. Part III dated 17.8.1995.

2.Substituted by Notification No. GSR 64/H.A 22/84/S. 131/95 dated 17.8.1995, published in Haryana Gazette (Extra.) L.S. Part III dated 17.8.1995.

section 60 of the Code of Civil Procedure 1908, (5 of 1908) be with held from such salary or allowances or wages either in one payment or by monthly installments as the said Recovery Officer may direct and upon notice of the order the officer or other person, whose duty it is to disburse such salary or allowances or wages shall withhold and remit to the Sale Officer the amount due under the order or the monthly installment, as the case may be.

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

(ii) Where the property to be attached is a negotiable instrument not deposited in a court nor in the custody of a public officer, the attachment shall be made actual seizure and the instrument [1][shall be deposited with the recovery officer, ordering the attachment subject to further orders.]

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

Provided that where such property is in the custody of a court or Recovery Officer of another district, any question of title or priority arising between the decree-holder and any other person not being the defaulter, claiming to be interested in such propertybyvirtue of anyassignment, attachment or otherwise shall be determined by such court or Recovery Officer.

(8) (i) Where the property to be attached is a decree either for the payment of money or [2][for sale in enforcement] of a mortgage or charge, the attachment shall be made by the order of the Registrar if the decree sought to be attached was passed by the Registrar under section 103 or by an arbitrator.

(ii)Where the property to be attached is a decree of the nature referred to in sub-rule (i) the attachment shall be made by the issue of a notice by the Recovery Officer to the holder of such decree prohibiting him from transferring or charging the same in any way.

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

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

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

(a) a debt due to the defaulter in question; or

(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

in or in the custody of any civil court, the attachment shall be made by a written order signed by the Recovery Officer prohibiting.—

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

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

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1.Substituted by Notification No. GSR 64/H.A 22/84/S. 131/95 dated 17.8.1995, published in Haryana Gazette (Extra.) L.S. Part III dated 17.8.1995.

2.Substituted by Notification No. GSR 64/H.A 22/84/S. 131/95 dated 17.8.1995, published in Haryana Gazette (Extra.) L.S. Part III dated 17.8.1995.

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

A copy of such order shall be sent, in the case the debt to the debtor, in the case of share or the deposit to the proper officer of the corporation and in case of any 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) above matures, the Recovery Officer may direct the person concerned to pay the amount to him. Where the share is not withdrawable the said Recovery Officer shall arrange for its sale through a broker. Where the share is withdrawable, its value shall be paid to the said Recovery Officer or to the party referred to in clause (c), the person concerned shall place it in the hands of the said Recovery Officer as it becomes deliverable to the defaulter.

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

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

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

(a)The application presented under sub-rule (3) shall contain a description of the immovable property to be proceeded against sufficient for its identification and in case such property can be identified by boundaries or numbers in a record of settlement or survey, the specification of such boundaries or numbers and the specification of the defaulters share or interest in such property to the best of the belief of the decree holder and so far as he has been able to ascertain it;

(b) The demand notice issued by the Recovery Officer under sub-rule (3) shall contain the name of the defaulter, the amount due, including the expenses, if any the time allowed for payment and in the case of non-payment the particulars of the properties to be attached and sold or to be sold without attachment, as the case may be. After receiving the demand notice the Sale Officer shall serve or cause to be served a copy of the demand notice upon the defaulter or upon some adult male member of his family at his usual place of residence, or upon his authorised agent or if such personal service is not possible shall affix a copy thereof on some conspicuous, part of the 1[immovable property required to be attached] and sold or sold without attachment as the case may be:

Provided the where the Recovery Officer 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 Recovery Officer under sub-rule

(3) shall not allow any time to the defaulter for payment of the amount due by him and the property of the defaulter shall be attached forthwith.

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

(d)Where attachment is required before sale, the Sale Officer shall if, possible, cause a notice of attachment to be served on the defaulter personally. Where personal service is not possible, the notice shall be affixed in some conspicuous part of the defaulters last known residence, if any. The

1. Substituted by Notification No. GSR 64/H.A 22/84/S. 131/95 dated 17.8.1995, published in Haryana Gazette (Extra.) L.S. Part III dated 17.8.1995.

fact of attachment shall also be proclaimed by the beat of drum or other customary mode at some place in or adjacent to such property and at such other place or places as the Recovery Officer may consider necessary to give due publicity to the sale. The attachment notice shall set forth that, unless the amount due with interest and expenses be paid within the date mentioned there in the property will be brought to sale. Acopy shall be sent to the decree holder. Where the Sale Officer so directs the attachment shall be notified by the public proclamation in official Gazette.

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

(i)the property to be sold;

(ii)a ny encumbrance to which the property is liable;

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

(iv) [1][any] other matter which the Sale Officer considers material for a purchaser to know in order to judge the nature and value of the property.

(f)Where any immovable property is sold under these rules, the sale shall be subject to the prior encumbrances on the property, if any. The decree-holder shall, when the amount for the realisation of which the sale is held exceeds Rs. 100, furnish to the Sale Officer within such time as may be fixed by him or by the Recovery Officer, an encumbrance certificate from the Registration Department for the period of not less than twelve years prior to the date of attachment of the property sought to be sold, or in cases falling under the proviso to sub-rule (10), prior to the date of application for execution. The time for production of the encumbrance certificate maybe extended at the discretion of the Sale Officer or the Recovery Officer, as the case may be. The sale shall be by public auction to the highest bidder, provided that it shall be open to the Sale Officer to decline to accept the highest bid where the price offered appears to be unduly low or for other reasons and provided also that the Recovery Officer or the Sale Officer, may, in his discretion, adjourn the sale to a specified day and hour, recording his reason for such adjournment. Where a sale is so adjourned for a longer period than seven days, a fresh proclamation under clause sh gment debtor consents to waive it.

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

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

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

1. Substituted for the ―every‖ by The Haryana Co-operative Societies (Amendment) Rule, 2007, vide Notification No. SO. 5/HA 22/1984/Ss. 131 and 14A/2007 dated 19.01.2007.

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

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

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

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

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

(j) Every re-sale or immovable property in default of payment of the amount mentioned in clause (h) within the period allowed for such payment, shall be made after the issue of a fresh proclamation in the manner and for the period here-in-before prescribed for the sale.

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

(12) Where prior to the date fixed for a sale, the defaulter or any person acting on his behalf or any person claiming interest in the property sought to be sold tenders payments of the full amount due together with interest, travelling and other expenses incurred in bringing the property to sale including the expenses of attachment if any, the Sale Officer shall forthwith release the property 1[after cancelling the order or an attachment in case the property has already been attached.]

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

(a)for payment to the purchaser a sum equal to five per cent of the purchase money, and

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

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

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

1. Substituted by Notification No. GSR 64/H.A 22/84/S. 131/95 dated 17.8.1995, published in Haryana Gazette (Extra.) L.S. Part III dated 17.8.1995.

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

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

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

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

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

Provided that if he shall have reason to [1][believe] that the sale ought to be set aside notwithstanding that no such application has been made or on grounds other than those alleged in any application which has been made and rejected he may, after recording his reasons in writing set aside the sale;

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

(v) After the confirmation of any such sale, the said Recovery Officer shall grant a certificate of sale in such form as may be specified by the Registrar bearing his seal and signature to the purchaser and such certificate shall state the property sold and the name of the purchaser and it shall be conclusive evidence of the fact of the purchase in all courts and tribunals where it may be necessary to prove it an no proof of the seal or signature of the Recovery Officer shall be necessary unless

the authority before whom it is produced shall have reasons to doubt its genuineness.

(15)Where any lawful purchaser of immovable property is resisted and prevented by any person other than a person (not being the defaulter) claiming in good faith to be in possession of the property on his own account from obtaining possession of the immovable property purchased, any court of competent jurisdiction on application and production of the certificate of sale provided for by sub-rule (14) shall cause the proper process to be issued for the purpose of putting such purchaser in possession in the same manner as if the immovable property purchased had been decreed to the purchaser by a decision of the Court.

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

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

(17)Where an attachment has been made under these rules any private transfer or delivery of the property attached or of any interest therein and any payment to the defaulter of any debt, dividend or other 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 include claims for the rateable distribution of assets under sub-rule (24).

1. Substituted by Notification No. GSR 64/H.A 22/84/S. 131/95 dated 17.8.1995, published in Haryana Gazette (Extra.) L.S. Part III dated 17.8.1995.

(18) Persons employed in serving notice or in other process under these rules shall be entitled

to travelling allowance at such rates as may, from time to time, be fixed by the Recovery Officer.

(19) Where the cost and charges incurred in connection with attachment and sale of moveable

property or the attachment and sale or sale without attachment of immovable property under this rule,

exceeds the amount of the cost deposited by the decree-holder, such excess shall be deducted from the

sale proceeds of the property sold or the money paid by the defaulter as the case may be, and the balance

shall be made available to the decree-holder.

(20) Every person making a payment towards any money due for the recovery of which

application has been made shall be entitled to a receipt for the amount signed by the Sale Officer or other

officer empowered by the Recovery Officer in that behalf. Such receipt shall state the name of the person

making the payment and the subject matter in respect of which the payment is made.

(21) (a) Where any claim is preferred to, or any objection is made to the attachment of any property under this rule on the ground that such property is not liable to such attachment the Sale

Officer shall investigate the claim or objection and dispose it of on merits:

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

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

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

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

(ii) Where the property may, on the second sale, [1][be sold for a higher price] than the first sale, the defaulting purchaser at the first sale shall have no claim to the difference or increase.

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

(24)(a) Where the Sale Officer attaches or has attached, any property not in the custody of any court, which is already under attachment made in execution of a decree of any court, such court shall receive and realise such property and shall determine claims thereto and any objections to the attachment thereof:

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

L.S. Part III dated 17.8.1995.

(b) Where assets are held by the Sale Officer and before the receipt of such assets demand notice in pursuance of application or execution of awards or order 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 cost 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.

(25) Where a defaulter dies before the demand has been fully satisfied, and application may be made against the legal representative of the deceased and there upon all the provisions of this rule shall, save as otherwise provided in this sub-rule, apply as if such legal representative was defaulter. Where the award or order is executed against such legal representative, he shall be liable only to the extent to the property of the deceased which has come to his hands and has not been duly disposed of and for the purpose of ascertaining such liability, the Recovery Officer executing the awards or order 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.

(26) Wherein connection with the proceedings on an application under section 110 of the Act any person requires the issue of any process or objects to any process issued or objects to any order passed, he shall pay such fee as may be specified by the Registrar in this behalf.

Explanation.—Under the context otherwise requires, in this rule the ―decree-holder‖ means the person in whose favour award, order or decision has been given and ―decree‖ means the award, order or decision.

CHAPTER – XVII

Mode of Service

105. Mode of Service. [Section 131(2)(xxx)].—Every summon issued under the Act shall be in writing [1][duly authenticated by the seal] of the officer by whom it is issued and shall be signed by such officer or by any person authorised by him in writing in that behalf. It shall require the person summoned to appear before the said officer [2][at a stated date, time] and place and shall specify whether his attendance is required for the purpose of giving evidence or to produce a document or for both purpose, and any particulars document the production of which is required shall be described in all summons [3][————].

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

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

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

1.Substituted by Notification No. GSR 64/H.A 22/84/S. 131/95 dated 17.8.1995, published in Haryana Gazette (Extra.) L.S. Part III dated 17.8.1995.

2.Substituted for the words ―at a stated time‖by Notification No. GSR 64/H.A 22/84/S. 131/95 dated 17.8.1995, published in Haryana Gazette (Extra.) L.S. Part III dated 17.8.1995.

3.The words ―with reasonable accuracy‖ omitted by Notification No. GSR 64/H.A 22/84/S. 131/95 dated 17.8.1995, published in Haryana Gazette (Extra.) L.S. Part III dated 17.8.1995.

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

(c) if the address of such person is known to the Registrar or other authorised person, by sending it to him by [1][registered post with A.D.]; or

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

(4)Where the serving officer delivers or tenders a copy of the summons to the defendant personally or to an agent or other person on his behalf, [2][he shall obtain] the signature of the person to whom the copy is so delivered or tendered, [3][as a token of acknowledgement] of service endorsed on the original summons.

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

(6) Where the party to be summoned is a public [4][servant] or is the servant of a company or local authority or any institution, the officer issuing the summons may, if it appears that the summons may be most conveniently so served, sent it by registered post pre-paid for acknowledgement for service on the party to be summoned to the head of the office in which he is employed together with the copy to be served endorsed on the original summons.

CHAPTER-XVIII

Miscellaneous

106.Appeals. [Section 131 (2)(xxviii)].— For the purpose of section 114, no appeal shall be entertained unless it is accompanied by a copy of the order appealed against.

107.Inspection of documents. [Section 131(2)(xxxv)].— Any member of the public shall be permitted, on payment of a fee of five rupees, for such occasion of inspecting to inspect for any lawful purpose, any public document (exclusive of public document privileged under section 123, 124, 128 and 131 of the Indian Evidence Act, 1872) filed in the office of the Registrar, Co-operative Societies, and in particular the following documents, namely:—

(1) registration register;

(2) registration certificate of a society; registered bye-laws of a society and amendments effected in such bye-laws; order cancelling the registration of a society;

(3) order directing dthe liquidation of a registered society; annual accounts of the society;

(4)

1.Substituted by Notification No. GSR 64/H.A 22/84/S. 131/95 dated 17.8.1995, published in Haryana Gazette (Extra.) L.S. Part III dated 17.8.1995.

2.Substituted by Notification No. GSR 64/H.A 22/84/S. 131/95 dated 17.8.1995, published in Haryana Gazette (Extra.) L.S. Part III dated 17.8.1995.

3.Substituted by Notification No. GSR 64/H.A 22/84/S. 131/95 dated 17.8.1995, published in Haryana Gazette (Extra.) L.S. Part III dated 17.8.1995.

4.Substituted for the ―Officer‖ by The Haryana Co-operative Societies (Amendment) Rule, 2007, vide Notification No. SO. 5/HA 22/1984/Ss. 131 and 14A/2007 dated 19.01.2007.

(7) any decision of the Registrar or award of an arbitrator.

108. Fees for copies of public documents. [Section 131 (2)(xxxv)].— The fees prescribed

for certified copies of any public documents, which any person has under the proceeding rule a right of

inspection shall be as follows:-

(1) for registration certificate Rs. 10.00

(2) in the case of other documents, a sum calculated at the following rates:—

(i) first two hundred words or under Rs. 1.50

(ii) every additional hundred words or fraction thereof. Rs. 0.75

109. Form of order. [Section 131 (2)(xxix)].— The order of liquidator under clause (b) and

clause (e) of sub-section(2) of Section 107 shall be in the form in Appendix _B'.

110. Special Rule. [Section 131(2) (viii)].— Notwithstanding anything contained in these

rules, the procedure laid down in this rule shall apply to a society where the Government has:—

(a) subscribed to the share capital of a Cooperative Society; or

(b) guaranteed the principal and interest in respect of debentures issued by the society; or

(c) guaranteed the Principal and interest in respect of loan and advances to the society; or

(d) assisted the society with loan and grants; by not less than one lac rupees.

(i) Atleast fifteen days, clear notice, specifying the date, place, time and agenda for a

meeting of a general body, committee and atleast seven days clear notice for a meeting of any

smaller body set up by either of them, whether, convened by the Registrar. The Chief Executive

Officer or otherwise, shall be given to all the members of the general body/committee or small

body, as the case may be.

Provided that a short notice maybe given to all the members of the general body committee

or smaller body, as the case may be with the permission of the Registrar or under this direction.

(ii) The Registrar, may of his own motion or on a reference made to him, declare the

proceedings of the meeting referred to in clause (i) as invalid, if he is satisified that the meeting was

held without proper notice or without all the members having received the notice for the meeting

or if the meeting was not conducted at the appropriate place and time; and

(iii) No matter shall, except with the permission or direction of the Registrar be considered in a meeting of a general body, committee or in a meeting of any smaller body set up by

either of them unless that matter is specifically included in the agenda which is circulated to all

members at least fifteen clear ance, respectively.

(iv) Should a difference of opinion in respect of any matter arise between a nominated

member of the committee and other members thereof, the opinion of the nominated member shall

be recorded in the minutes of the meeting in the words of the nominated member and the minutes

shall also be got signed from the nominated member. As required by sub-section (3) of section 29,

the chairman or the Chief Executive Officer shall, as soon as possible, make a reference to the

Government and if no reference is made within seven days of the date of the meeting, the Registrar

may, on receipt of a report from a nominated member, make a reference to the Government for

getting its decision.

(2) In a society in which shares have been subscribed by the Government and of which another Cooperative Society is a member, the Registrar may after such inquiry as he may deem fit

and after giving the person concerned a reasonable opportunity of showing cause, remove any

member of the committee who has been guilty of any act of omission or commission resulting in

financial loss to the Society.

111. Service of Order. [Section 131(2)(xl)].—Any order, decision or award and other document required under the Act or any rule made there under to be served upon any cooperative society

or any person shall, save as otherwise provided in the Act or such rules, be served:-

(a) if the document is addressed to the co-operative society:—

(i) bydelivering it to the Secretary, the President, the Chairman, the Managing Director,

the Manager or any other person to whom the management of the cooperative

society concerned is entrusted for the time being; or

(ii) by sending it by registered post to the persons mentioned in sub-clause (i);

(b) if the document is addressed to the member, creditor or any other person;

(i) by tendering or delivering it to him; or

(ii) by sending it by registered post to him; or

(iii) if such person cannot be found, by affixing on some conspicuous part of his last

known place of residence; or business or

(iv) if none of the means aforesaid is available, bypublishing it in the ―Sehkari Parkash‖

and some leading Hindi Newspaper having wide circulation in the locality.

112. Appointment of relatives to any office. [Section 131(2)(xxxix)].—Save in a producer

society, no relative of any member of the committee or of any other officer of a Cooperative Society shall be appointed to any office in the Cooperative Society except with the previous sanction of the Registrar.

113. Repeal.—The Punjab Cooperative Society Rules, 1963, are hereby repealed.

Provided that any action taken, order issued, by laws made under the provisions of the rules hereby repealed shall, in so far as it is not inconsistent with the provisions of these rules, be deemed to have been taken, issued or made under the provisions of these rules.

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FORM I
(See Rule 5)
APPLICATION FOR REGISTRATION OF A CO-OPERATIVE SOCIETY

We, the undersigned, hereby apply for the registration of a co-operative society, as proposed hereunder, under section 7 (1) of the Haryana Cooperative Societies Act, 1984 and enclose herewith three copies of they bye-laws as required by rule 8.

1. Name of proposed co-operative society.
2. Class of co-operative society and whether limited or unlimited.
3. Address to be registered.
4. Area of operation.
5. Main objects.
6. Number of members at present.
7. Occupation of members.
8. Capital with details of shares, admission fees and deposits, if any.
9. Value of share and mode of payment.
10. Names of members of the Managing Committee elected by the Promoter
11. members. Name of applicant for purpose of correspondence by the Registrar.
12. Particulars of the Promoter members:-

Sr. No.	Name and Father's Name	Age	Occupation	Place of residence (Village & Post Office)	Number of shares subscribed	Signature
1	2	3	4	5	6	7

Form II
(See Rule 7)
Certificate of Registration

I hereby certify that pursuant to the provision of the Haryana Co-operative Societies Act, 1984,

the ..... Cooperative Society Ltd., ... (Name of the place) ..... P.O. ..... Tehsil ..... District ..... has this day been registered at No. .....

Given under my hand and seal this ..... day of .....

1 .Signatures .....

2. Name of the Returning Authority .....

3. Rank .....

4. Address.....

*****

FORM III
(See Rule 7)

Name of the office

Register of Societies registered under the Haryana Cooperative Societies Act, 1984

Sr. No.	Date of receipt of application	Date of Registration	Registration No.	Name of the Society
1	2	3	4	5

Registered address of the Society	Area of operation	Numbers of the Promoter members
6	7	8

Names of the Committee Members elected by the Promoter members	Date of bringing it under winding up	Date of cancellation	Remarks
9	10	11	12

FORM IV
(SEE RULE 37)
DECLARATION OF CHARGE/MORTGAGE UNDER SECTIONS 3(B) OF THE HARYANA CO-OPERATIVE SOCIETIES ACT, 1984
(22 of 1984)

I, ———————————————— (age ————————————————),

residing at ———————————— having been admitted to the membership of ——

————————society limited and being desirous of borrowing loan from the society declare

that I hereby create a charge/mortgage on the land, building or immovable property or interest

specified in the schedule to this declaration for the payment of the amount of loan which the said

society may advance to me in pursuance of my application for loan and the interest thereon.

2.I hereby declare that the creation of this charge/mortgage shall bind me for all future loan(s), if any, which the said society may make to me, subject to the maximum amount of Rs. ———————— together with interest on the amount(s) of the loan(s).

3.I declare that the property specified in the schedule is owned by me and is without any encumbrance whatsoever. I hereby annex with this declaration the following documents:—

(a)Certified copy/copies of the document(s) in proof of the ownership of the property.

(b)Non-encumbrance certificate from the competent authority.

4.I declare that in case of default of payment of the money or any part thereof, due to the society, the society shall have the power, in addition to any other remedy to bring the mortgage/charged property to sale without the intervention of the court.

1.Date :

2.Place :

Witness:

1 .....

2 .....

1. Signature of the ———————— person making declaration.

2. Full name ————————————

3. Father‘s Name ————————

4. Address————————————

SCHEDULE

Name of village with Hadbast No.	Name of Tehsil	Name of District	Details of land/building/ immovable property or interest in the property under declaration of charge/mortgage.
1	2	3	4

Signature of the person making declaration.

(To be attested by a Gazetted Officer)

ATTESTED

Dated : ———————

Place : ———————

(SEAL)

1.Signature of the Gazetted Officer attesting the declaration.

2.Name of the Gazetted Officer———————————

3. Designation ———————————

— 4. Address ———————————

VERIFICATION

I——————————— Manager ——————————— society state that I have verified the contents of the declaration which have been found to be correct.

Dated:———————

Place: ———————

(SEAL)

1.Signature of the Manager of the Society———————————

2.Name of the Manager ———————————

Registered/Acknowledgement:

Forwarded with compliments to the Sub-Registrar ——————————— (in duplicate) with the request to record in the registrar maintained by him in this behalf the fact of this declaration. Copy of declaration may kindly be returned to the undersigned after registration.

Dated:———————

Place: ———————

1.Signature of the Manager———————

2.Name of the Manager——————————

3.Name of the Society——— ———————

2.Returned with compliments to the Manager ..... Society. The mortgage/charge created under this declaration has been registered and has been duly entered in the register maintained in this behalf.

1.Signature of the Sub Registrar————

Date:———————

2 . Name of the Sub Registrar————

Place: ———————

3. Seal of the Society——————— 3 .

Forwarded to the Tehsildar/Revenue Officer ..... with the request that the particulars of the mortgage/charge created in favour of ..... society may be noted in the record of rights

relating to land for which the mortgage/charge of land has been created. This may please be returned after doing the needful.

1. Signature of the Manager————————

Date:———————— Place: ————————

******

Form V

(See Rule 37)

Register of Declaration of Charge/Mortgager under Section 53 (b) of the Haryana Co-operative Societies Act, 1984

Sr. No.	Name of the Declarator	Father's Name	Address	Date of Declaration	Details of property placed under charge/mortgage
1	2	3	4	5	6

Whether under charge or mortgage	Themaximum amount for which charged/ mortgaged	Date of sending the declaration to the Sub-Registrar with his address	Name and designation of the official verifying the declaration
7	8	9	10

Name and designation of the Gazetted Officer attesting the declaration	Name of the witness to the declaration	Date of receipt of a copy of the declaration from the Sub-Registrar	Date of sending to Tehsildar/R.O.
11	12	13	14

Date of receipt from the Tehsildar/R.O.	Date of Advancement of loan (s)	Amount of loan(s) advanced	Signature of the official making these entries	Remarks
15	16	17	18	19

Form VI

(See rule 43(1))

Application under Section 72 of the Haryana Co-operative Societies Act, 1984 for distraint and sale of produce.

To

.....

.....

1. Applicant (Name of the Society) .....

2. Name of the defaulter ....., son of ....., village ..... Post Office ....., Police Station ..... Tehsil....., District.....

3. Particulars of the land mortgaged or charged:

Name of the village..... Khasra Nos ..... Area ..... , Post Office ..... Police Station ....., Tehsil ..... District .....

4. Date of Default. 1st instalment Next instalment.

5. Amount under default on ..... (date) .....

(i) Prinicipal : .....

(ii) Interest : .....

(iii) Total .....

The applicant seeks that the sums under the fault may be recovered by distraint and sale of produce of mortgaged/charged land as detailed above. The undersigned has been duly authorised by the society vide its resolution No. ....., dated .....(copy attached) to make this application.

1.Signature of the person Authorised by the Committee of the Society in this behalf.

2.Name and address of the person making this application.

Date : .....

Place : .....

FORM VII

(See rule 43(2)

Demand Notice under section 73 of the Haryana Cooperative Societies Act, 1984.

To

.....

..... (Defaulter)

1. Name of the Applicant (Society) .....
2. Name of the defaulter ....., son of .....Village .....

Post Office ..... Police Station ..... Tehsil.....
District.....

3. Amount under default as on .....
   (i) Principal:.....
   (ii) Interest: .....
   (iii) Total:.....

47

Forwarded to the distrainer for necessary action.

Date:..... Place: .....

To

****

FORM VIII

(See rule 43(3))

Warrants of Distrant (Seizor)

.....

.....

..... (Seizor)

WHEREAS, an application has been made by ..... (Name of the Society) under Section 72 of the Haryana Co-operative Societies Act, 1984, for the recovery of ..... from Shri ..... (Name of the defaulter) on account of .....

AND WHEREAS, after having been satisfied the undersigned has issued a demand notice to pay Rs..... including Rs ..... as interest.

Now, these are to command you to seize the produce of the land given in the schedule including the standing crop thereon.

Date ..... 1. Signature (REGISTRAR)

Place: .....

2. Name.....

3. Address.....

SCHEDULE

Particulars of the charged of mortgage land

Sr. No.	Name of the village	Name of Post Office	Name of Police Station	Name of Tehsil
1	2	3	4	5

Name of District	Khasra No. of the land under charge	Khasra No. of the land under mortgage	Area
6	7	8	9

FORM IX

(See rule 46(1))

DEMAND To

.....

.....

..... (defaulter)

WHEREAS in pursuance of warrant of distraint bearing no..... dated ..... issued by ..... (Registrar) for the recovery of Rs ..... the undersigned has distrained produce or standing crops or both of the land(s) mentioned below:—

Sr. No.	Name of the	Khasra No. of the land	Area of the land	Post Office
1	2	3	4	5

Police Station	Tehsil	District	Particulars of the produce or standing or both as the case may be
6	7	8	9

AND WHEREAS, the undersigned has received the demand notice for the recovery of Rs. ..... from you from ..... (Registrar) a copy of which is enclosed;

NOW THEREFORE, you are hereby required to deposit the amount of Rs ..... recoverable from you as per the demand notice..... within 15 days of receipt of this demand failing which the distrained property as mentioned above shall be sold on ..... (date) at be sold on .... (time) at ..... (Place).

Date:..... Place: .....

To

1. Signature of the distrainer..... 2. Name of the distrainer..... 3.Address of the distrainer.....

FORM X

(See Rule 57)

Application for sale of mortgaged property

.....

.....

..... (Registrar)

1. Name of the applicant (Society) .....

2. Name of the mortgager (defaulter) .....son of .....Village ..... Post

Office ..... Police Station ..... Tehsil.....

District.....

3. Description of the mortgaged property:—

Sr. No.	Name of the village	Name of the post office	Name of the Police Station	Tehsil	District	Khasra No. under mortgage	Area
1	2	3	4	5	6	7	8

4. Amount due for recovery as on

(i) Principal:.....

(ii) Interest: .....

(iii) Expenses incurred .....

Total:.....

5. The Name(s) and his address (es) of the persons on whom notice(s) in writing under section 75 (2)(b) has/have been served.

Serial No.	Name with full address
1	2

6.It is submitted that the property mortgaged as detailed above be sold and the dues recovered.

7.The applicant society has duly authorised the undersigned under section 75 of the Act vide resolution No. ..... dated ..... (copy enclosed)

1. Signature of the authorised person on behalf of society.....

2. Name of the person authorised.....

3.Address of the person authorised.....

Date:.....

Place: .....

FORM XI
(See rule 57)
Form of Notice

To

1. .....
.....
..... (Defaulter)
2. .....
.....
..... (Surety/Sureties)
3. .....
.....
..... (Person(s) having interest in mortgaged property)

WHEREAS an application has been made by ..... (Society) under Section 75(2)(b) of the Act;

NOW, THEREFORE, your are hereby served with this notice requiring you to pay an amount of Rs ..... due from you, (details are given hereinafter) failing which the property under mortgage (Details are given hereinafter),shall be sold on ..... (date) at ..... (place) at .....
(time)

2. Amount due as on
(iv) Principal
(v) Interest
(vi) Expenses incurred
.....
.....
.....
Total .....

3. Particulars of property to be sold in case of non-payment:

Sr. No.	Name of the village	Name of the post office	Name of the Police Station	Tehsil	District	Khasra No. of land under mortgage	Area
1	2	3	4	5	6	7	8

1. Signature of the Sale Officer.....
2. Name of the Sale Officer.....
3. Address of the Sale Officer.....

Date:.....

Place: .....

****

FORM XII

(See rule 59)

Proclamation of sale under Rule 63

1. Name of the applicant (society) : .....
2. Name of the defaulter with address : .....
3. Date of sale : .....
4. Time of sale : .....
5. Place of sale : .....
6. Particulars of property to be sold

Serial No.	Name of the village	Name of the post office	Name of the Police Station	Tehsil
1	2	3	4	5

District	Khasra No. of land under mortgage	Area	Land revenue or rent payable
6	7	8	9

7. Amount due for recovery as on :.....
   (i) Principal :.....
   (ii) Interest : .....
   (iii) Expenses :.....
   incurred Total :.....

Note.— The interest is to be calculated upto date.

8.Other particulars, if any

1.Signature of the Sale Officer.....

2. Name of the Sale Officer.....

3. Address of the Sale Officer..... Date:.....

Place: .....

APPENDIX 'A'

(See rule 25)

PART I

PROCEDURE FOR ELECTION TO THE COMMITTEE OF THE COOP: SOCIETIES

1.**Application** :— This procedure shall apply to all Cooperative Societies except to:—

(i)a Milk Producer Society and Dairy Development Cooperative Federation, where the Managing Committee shall be elected is accordance with their bye-laws.

(ii) a Cooperative society where all its members are represented on the committee;

(iii)a Cooperative Society where each member is represented on the committee in rotation without poll.

(iv)a Cooperative Society which is under the process of winding up.

2.**Definitions**.— In this Appendix, unless the context otherwise requires;

(a)—Candidate‖ means a voter who files his nomination papers to seek election:

(b)—Election‖ means election to the committee;

(c)—Manager‖ means the Chief Executive Officer of a Society, by whatsoever name called or any person other th mmittee appointed by the Registrar

for the purpose of election;

(d)—Polling Station‖ means a place specified for holding the poll.

(e)—Presiding Officer‖ means a person appointed by the Returning Officer to be incharge of the

Polling Station for the purpose of poll.

(f)—Returning Officer‖ means the Registrar or any other officer not below the rank of Assistant Registrar of Cooperative Societies authorised by him in this behalf by a special or general order;

(g)—Voter‖ means a person who is either a share-holder or an authorized representative of a member cooperative society duly qualified to participate in the election and includes, a delegate of a cooperative society elected or selected in accordance with the proviso to section 25 of the Act.

PART II

Rules for election for apex or central co-operative societies, the primary co-operative land development banks, cane growers co-operative societies, the marketing or marketing-cum-processing societies, sugar mills and urban banks.

3. **Preparation of list of Zones and Voters**.— (1) The Manager of a Cooperative Society of which another Cooperative Society is a member shall at least one-twenty days before the expiry of the tenure of a Committee or of the Administrator, as the case may be, require by a notice in writing every member Cooperative Society to appoint a representative subject to the provision of section 21 of the Act, to participate in the election of Managing Committee of that Cooperative Society.

(2) Within thirty days of receipt of notice under sub-para (1) a member society shall send the name and address of the representative together with a copy of resolution appointing the representative.

(3) The Manager of every co-operative society except that of a Primary Cooperative Society (other than Primary Land Development Bank, the cane-growers co-operative society, marketing or marketing-cum-processing society, Sugar Mills and Urban Banks) shall atleast ninety days before the expiryof tenure of the committee or of theAdministrator, as the case maybe, submit to the Zonal Committee, constituted under sub-para (4), a tentative list of zones and voters including the names of the representatives of the member co-operative societies under sub-para (2).

(4) The Zonal Committee shall:-

(i) for an Apex Co-operative Society, consist of -

(a)Additional Registrar, Co-operative Societies, or Joint Registrar, Co-operative Societies, nominated by the Registrar, Co-operative Societies; and

(b)two members of the committee nominated by the committee of the society concerned or the Administrator or the Administrators, as the case may be; and

(ii) for Central Co-operative Banks, consists of—

(a)Deputy Registrar, incharge of the Bank; and

(b)two members of the committee nominated by the committee of the society concerned or the Administrator or the Administrators as the case may be; and

(iii) for primary co-operative land development bank, cane growers co-operative society, a marketing or marketing-cum-processing society, sugar mills and urban bank or other central societies, consist of:-

(a) The Assistant Registrar, Co-operative societies, incharge of the society; and

(b)two members of the committee nominated by the Committee of the society concerned or the Administrator or the Administrators as the case may be.

(5) The quorum for any meeting of Zonal Committee shall be two members.

(6) On receipt of the tentative lists of zones and voters therein, the Zonal Committee shall,

after due consideration of the matter, accord its approval to the tentative list of zones and voters.

(7) A notice shall be published in a daily newspaper having wide circulation in the area of

operation of the co-operative society, informing the members of the co-operative society, of the date of

expiry of the tenure of the committee, preparation of the tentative lists of zones and voters, dates and

places of exhibition of tentative lists, place of filing objections and date of hearing of objections to the tentative lists by the Zonal Committee.

(8) The Manager, shall exhibit the tentative list of Zones and voters approved by the Zonal Committee for a period of not less than fifteen days; at—

(a) the registered office and the branch office, if any, of the cooperative society;

(b) the office of the Assistant Registrar and the Deputy Registrar of the Cooperative Society concerned; and

(c) any other common places in the area of operation of the cooperative society, as the Zonal Committee may direct.

(9) Any voter or share-holder of a cooperative society may, during the period of exhibition of the list, submit his objections to the list of zones and voters to the zonal committee on or before the date and time fixed for hearing of objections:

Provided that such objections may also be filed with the Manager.

(10) The Manager shall submit all the objections before the Zonal Committee on or before the date and time fixed hearing for the objections. The Zonal Committee shall prepare a final list of zones and voters, after considering the objections. In case during the consideration of the objections it is found that the name of any other voter has been included in the tentative voters list without a proper resolution or otherwise defective, or where a society has not appointed its representative under sub-para (I) and there are sufficient grounds for not doing so, the Zonal Committee shall direct the society to pass a fresh resolution, within the time as may be specified, to appoint the representative for the purpose of including the name of the said representative as voter in the final voters list. In case the society does not do so within the specified period it shall have no right to vote in the election.

Provided that if any change is made in the lists, reasons therefor shall be recorded therein.

(11)Where the Committee during its tenure or the Administrator or the Administrators during the period of his or their appointment under sections 33 and 34 of the Act, as the case may be fail(s)

to finalise the lists of Zones and Voters, the Manager shall submit the tentative lists of zones and Voters to the Registrar for finalisation.

(12)On receipt of the tentative list of Zones and Voters under sub-para (11), the Registrar shall finalise these lists in the manner specified in Paras 6 to 10.

4. **Fixation of date of election.—** (1) The Manager shall intimate to the Registrar that the list of zones and voters have been finalised and shall also specify the date on which the tenure of the committee shall expire. Such information shall be sent at least forty-five days before the date of expiry of the tenure of the committee.

(2)The Registrar shall fix the date of election of a cooperative society and appoint a Returning Officer for conducting elections.

(3)The date of election shall be communicated to the Returning Officer and the Manager, atleast thirty days before the date of election.

1**[5]. Election Programme.**— (1) The Returning Officer shall, within a period of three days of the receipt of the communication in respect of the date fixed for conducting the election, frame an election programme, specifying the date time and place as under:—

1. Substituted for the sign and figure ―(5)‖ by Notification No. GSR 64/H.A 22/84/S. 131/95 dated 17.8.1995, published in Haryana Gazette (Extra.) L.S. Part III dated 17.8.1995.

1[Sr. No	Programme	Date	Time	Place
1	2	3	4	5
1	2	3	4	5

(i)filling of nomination papers;
(ii)scrutiny of nomination papers;
(iii)display of list of validly nominated candidates; (iv)withdrawl of nomination papers;
(v)allocation of symbols;
(vi)display of the list of contesting candidates;
and (vii)taking of poll, if necessary.]

(2)On receiving from the Returning Officer, the election programme alongwith final list of zones and voters shall be exhibited within a week by the Manager for a period of not less than seven days at- (a)the registered office and the branch office, if any, of the co-operative society;

(b)the office of the Assistant Registrar and the Deputy Registrar of Co-operative Societies concerned; and

(c)such other common places in the area of the operation of the cooperative society as the Returning Officer maydirect in writing.

2[(3] Within five days of the exhibition of the election programme under sub-para(2), the Manager shall send copies thereof to all the voters of the cooperative societies, where membership of societies does not exceed 500, under postal certificate and by publication in one Hindi and English daily newspaper having vide circulation in the area of operation of the society, if membership of the society exceeds 500.] **6. Nomination of candidates.—(**1) On or

before the date, time and place fixed for filling of nomination papers, the candidate shall deliver his nomination papers complete in Form Aas appended, in person or through an authorised representative, to the Returning Officer, against proper receipt. (2)The nomination of each candidate shall be made on a separate nomination paper.

(3)The Returning Officer shall maintain a list of nomination papers received by him in Form ‗B' as appended.

(4)The Returning Officer shall display the list of candidates in his office and the office of the cooperative society.

7. Scrutiny of the nomination papers.—(1) The Returning Officer shall [3][Scrutinise the nomination papers at the place, date and time specified] in this behalf in the election programme, hear the objections presented if any by the objections in person to the eligibility of any candidate and dispose of the objections after such enquiry as he may consider necessary. The decision of rejecting or accepting the nomination papers, and a brief statement of reasons thereof shall be recorded on the nomination papers and signed by the Returning Officer. While scrutinising the nomination papers, the Returning Officer may:—

(a)permit any clerical error in the nomination papers in regard to names of members to be corrected in order to bring them in confirmity with the corresponding entries in the zonal list of voters; and

3. Substituted by Notification No. GSR 64/H.A 22/84/S. 131/95 dated 17.8.1995, published in Haryana Gazette (Extra.) L.S. Part III dated 17.8.1995.

1.Substituted by The Haryana Co-operative Societies (Amendment) Rule, 2007, vide Notification No. SO. 5/HA 22/ 1984/Ss. 131 and 14A/2001, dated 16.03.2007.

2.Substituted for the words ―specified scrutinise the nomination papers at the place, date and time‖ by Notification No. GSR 64/H.A 22/84/S. 131/95 dated 17.8.1995, published in Haryana Gazette (Extra.) L.S. Part III dated 17.8.1995.

(b)where necessary, ignore any clerical or printing errors in the said entries.

(2) The person objecting under sub-para (1) must be a voter.

8. Withdrawal of the nomination papers.— (1) Any candidate may withdraw his nomination by a notice in writing which shall be subscribed by him and delivered to the Returning Officer before the expiry of the period [1][prescribed for the purpose].

(2) No candidate who has given a notice of withdrawal under sub-para(1) shall be allowed to cancel the withdrawal or be renominated as a candidate for the same election.

9. Allocation of election symbols to the candidates.— (1) The Returning Officer shall on the expiryof the period fixed for withdrawal of nomination papers, allocate to each validlynominated candidate a symbol from the list of symbols given below:—

(a)	A cart	(f)	ATree
(b)	Atubewell with flowing water	(g)	A Goat
(c)	A pitcher	(h)	A Horse
(d)	A Bicycle	(i)	An Umbrella
(e)	Agun	(j)	A Table

(2) The returning Officer may add to or vary the list given in sub-para(1) provided the symbols so

added or varied for allocation to the candidates shall have no political or religious character.

10. Display of the list of candidates.— The Returning Officer shall immediately after the symbols

have been alloted to each candidate prepare a list in alphabetical order of the contesting candidates

showing against each candidates the symbol allotted, and display the same out-side his office. He shall

also send a copy of the list to the Manager of the Cooperative Society for being displayed outside the

registered office and branch offices of the cooperative society and such other common places as the

Returning Officer maydirect in writing.

11. Procedure to be observed when there is only one candidate.— The Returning Officer shall

declare the validly nominated candidate elected if either after the scrutiny of the withdrawal, there happens

to be only one validly nominated candidate in the Zone.

12. Poll to be taken if there are more than one candidate.— If there are more than one validly

nominated candidates in a zone, a poll shall be taken on the date, time and place fixed for the conduct of

the election.

13. Death of candidate before poll.— If a candidate who has been validly nominated dies and

death certificate duly signed by the Revenue Patwari of the village or by the Secretary of the municipality,

as the case may be, is received by the Returning Officer or the Presiding Officer before the commencement

of poll, the Returning Officer shall countermand the poll and all proceedings of the election shall be

commenced *de novo* in that particular zone.

14. Appointment of Presiding Officer etc.— The Returning Officer shall appoint a Presiding Officer

for each zone for conducting the poll.

(2) The Returning Officer shall also appoint polling Officers to assist the presiding officer,

and it before or at the time of poll, the Presiding Officer or the Polling Officer [2][ ] becomes incapable

of acting as such the Returning Officer shall appoint another person to act as Presiding Officer or Polling

Officer, as the case may be.

L.S. Part III dated 17.8.1995.

2. The words ―refuse to act of‖ omitted by Notification No. GSR 64/H.A 22/84/S. 131/95 dated 17.8.1995, published in

(3) The Presiding Officer shall, in addition to performing any other duties imposed on him, be in general charge of all arrangements at the polling station and may issue orders as to the manner in which the voters shall be admitted to the polling station and generally for the preservation of peace and order at or in the vicinity of the Polling Station.

15. Official Mark.— The Registrar may direct that before any ballot paper is delivered to a voter at the polling station, it shall be marked with such official mark as may be specified by him in his behalf and the official mark so specified shall be kept secret.

16. Material to be supplied at polling station.— The Manager shall provide at each polling station:— (a)the necessary number of ballot boxes.

(b)a sufficient number of ballot papers bearing the names (written in Hindi on the left side and the symbols on the right side) of the consisting candidates in alphabetic order.

(c)Presiding Officers, seals, one brass and one rubber seal.

(d)ink-pad and ink bottle, one each;

(e)three rubber seals of cross mark for the purpose of marketing ballot papers by voters; (f)sealing wax, candle, match bod, gum needle, thread ball and a piece of cloth for the purpose of covering and sealing the locks of the ballot boxes;

(g)one medium size bag of cloth, capable of being sealed for keeping the counted ballot papers;

(h)two final lists of voters of the concerned zone;

(i)two final lists of contesting candidates; and

(j)other necessary election material

17. Candidate and his agent to be allowed to enter the polling station.— The Presiding Officer, shall allow the candidates [1][or their agents] to enter the polling station during pollin g excepts the polling compartment.

18. Procedure before commencement of poll.— (1) Immediately before the commencement of the poll, the Presiding Officer shall show the ballot box to such of the candidats or their agents as may be present at the polling station so that they may see that the ballot box is empty. He shall thereafter lock it up and fix his sale as well as the seal of the candidates or their agents, if they so desire, upon the box in such manner as to prevent it being opened without breaking such seals.

(2) The ballot box shall be kept in front of the officer so as to remain visible to the candidates or their agents.

19. Voting.— The election shall be held by secret ballot and a voter shall exercise his vote in the zone in which he has been enlisted as a voter. Every voter wishing to record his vote shall do so in person by mean of a ballot paper to be supplied which shall bear the names and symbols of the candidates, the seal of cooperative society on the backside, and such official Mark, if any as may be specified in the Para 15. **20. Commencement and close of polling.—** The poll shall commence and close at the time fixed for the purpose in the election programme framed by the Returning Officer under Para 5, all the voters present in the polling station before the closing time shall, however, be entitled to have their votes recorded. **21. Procedure before recording votes.—** Before a ballot paper is delivered, the voter shall call his name and other particulars to the polling officer who shall compare the same with those in the zonal list of voters. The polling officer shall tick mark the copy of the zonal list of vote against the serial number of voter

1 . Substituted by Notification No. GSR 64/H.A 22/84/S. 131/95 dated 17.8.1995, published in Haryana Gazette (Extra.) L.S. Part III dated 17.8.1995.

to denote that he has received the ballot paper, and the serial number of the ballot paper issued to the voter

shall also be noted against the entry pertaining to the concerned voter in the zonal list of voters.

22. Question to be put to a voter:— (1) At any time before the ballot paper is delivered to a voter, the Presiding Officer may of his own accord if he has reason to doubt the identity of a voter, and shall if so required by a candidate or his agent put the following questions to the voter.

(1)Are you the person enrolled as follows (reading the whole entry from the zonal list of voter). (2)If the voter answers the questions in the affirmative he shall be allowed to vote.

23. Procedure of recording the votes.— The voter having been issued ballot paper shall be required to proceed to the Polling Compartment and shall be required to affix the rubber seal of cross mark on the election symbol of a candidate in whose favour the wishes to [1][cast] the vote. He shall insert the ballot paper duly[2][folded] in the ballot box.

24. Tendered Votes.— (1) If a person representing himself to be a particular voter named in the zonal list of voters applies for a ballot paper after another person has voted as such voter, he shall after duty answering such questions as the Presiding Officer may ask be entitled to vote but his ballot paper (hereinafter referred to as the ―Tendered Ballot Paper‖ prescribed on Form ‗C' as appended) instead of being given to him for inserting in the ballot box shall be handed over to the Presiding Officer, who shall ask the voter to write the name of the candidate for whom he wishes to vote, or if the voter is illiterate write the name himself on the reverse of the ballot paper then endorse the name of the voter, his serial number of the zonal list of voters and shall place the ballot in a separate packet.

(2)The name of the voter his serial number in the zonal list of voter and the name of the polling station to which the list relates shallbe entered in a list bearing the heading ―Tendered Votes List‖. The person tendering such ballot paper shall sign his name and address thereon or affix his thumb impression against the entry in that list.

Form D as appended to these rules.

25. Challenged Vote.— If any candidate or polling agent declares and undertakes to prove that any person applying for a ballot paper has committed the offence of impersonation the Presiding Officer may require such person to enter in the list of challenged votes, his name and address or if he is unable to write, to affix his thumb-impression thereto [3][and may further require] such person to produce evidence of identification. If the Presiding Officer is satisifed about [4][his identity as a voter] he shall be allowed to vote. The Presiding Officer shall in every case whether or not person challenged is allowed to vote, make a note of the circumstances in the list of challenged votes in Form E as appended.

26. Return of ballot paper by voter.— (1) If a voter after obtaining the ballot paper for the purpose of recording his vote decided not to use the same, he shall return the ballot paper to the Presiding Officer and the ballot paper so returned shall then be marked ―as Returned Cancelled‖ and kept in a separate envelope set apart for the purpose and record shall be kept by the Presiding Officer of all such ballot papers.

1 . Substituted for the words ―case‖ by Notification No. GSR 64/H.A 22/84/S. 131/95 dated 17.8.1995, published in Haryana Gazette (Extra.) L.S. Part III dated 17.8.1995.

2.Substituted for the words ―folder‖ by Notification No. GSR 64/H.A 22/84/S. 131/95 dated 17.8.1995, published in Haryana Gazette (Extra.) L.S. Part III dated 17.8.1995.

3.Substituted for the words ―any may further require‖ by Notification No. GSR 64/H.A 22/84/S. 131/95 dated 17.8.1995, published in Haryana Gazette (Extra.) L.S. Part III dated 17.8.1995.

4.Substituted for the words ―his identity as a voter‖ by Notification No. GSR 64/H.A 22/84/S. 131/95 dated 17.8.1995, published in Haryana Gazette (Extra.) L.S. Part III dated 17.8.1995.

(2) If any ballot paper which has been issued to any voter for the purpose of recording his vote has

not been put in the ballot box but it has been found to have been left by the voter at the polling station, it

shall be presumed as cancelled and dealt with in accordance with the provisions of sub-para (1) as it has

been returned to the Presiding Officer.

27. Fresh poll in case destruction of ballot boxes or due to natural calamity etc.— If at an election, any ballot box in unlawfully taken out of the custody of the Presiding Officer or is in any way

tempered with or is accidently destroyed or lost, the matter shall be reported by the Presiding officer to the

[1][Returning Officer] immediately.

(2)It shall be within the competence of the Presiding Officer to adjourn the polling at any polling

station if breach of law and order is, apprehended or any natural calamity over takes the area. The Presiding Officer, as soon as may be practical, report the matter to the Returning Officer.

(3)On receipt of a report under sub-para (1), the Returning Officer shall hold inquiries and if

satisfied about the report, the Returning Officer shall declare such poll to be void and shall fix another date,

time and place for taking of a fresh poll.

(4)On receipt of a report of Presiding Officer under sub-para (2) of the Returning officer shall

fix another date, time and place for poll or fresh poll as the case may be.

28. Counting of votes.— The Presiding Officer shall, as soon as practicable after the close of the

poll and in the presence of any candidate or polling agents, who may be present—

(a) inspect and also allow an opportunity to candidates or their polling agents to inspect the

ballot boxes and their seals to satisfy themselves that they are in order.

(b) open the ballot boxes, take out the ballot papers from the boxes and arrange them in

convenient bundles, separating the ballot papers which he deems valid from those be

rejects.

(c) allow the candidates and their agents, who may be present reasonable opportunity to

inspect all ballot papers which in the opinion of Presiding Officer are liable to be rejected

but shall not allow them to handle those or any other ballot paper. The Presiding Officer

shall on everyballot paper which is rejected, endorse the word ―Rejected‖. If any candidate

or his agent questions the correctness of the rejection of any ballot paper, the Presiding

Officer shall also record the grounds of rejection on such ballot paper.

(d) count the valid votes given to each candidate with the aid of persons appointed to assist

in the counting of votes and declare the election of the candidate who is found to have

obtained the largest number of the valid votes; and

(e) after the counting of ballot papers, contained in the ballot boxes, has been completed, the

Presiding Officer shall prepare a statement showing the total number of votes polled by

each candidate.

29. Rejection of the Ballot papers.— A ballot paper contained in the ballot box shall be rejected, if:—

(a) it bears any mark or writing by which the voter can be identified; or

(b) in case, where a direction has been issued under Para 15 that the ballot paper shall contain an official mark, it does not contain an official mark; or

L.S. Part III dated 17.8.1995.

(c) it does not bear the seal of the society; or

(d) the Presiding Officer is satisified that the ballot paper is spurious or that it has been so

damaged for mutilated that its identity as a genuine ballot paper cannot be established; or

(e) from the rubber seal of cross mark affixed on the ballot paper, it is not clear in whose favour the vote has been cast.

30. Procedure in case of tie.— If on completion of the counting or votes, an equality of votes is found to exist and the addition of one vote entitles any of those candidates to be declared elected, the Presiding Officer shall decide between those candidates by drawing a lot, and proceed as if the candidate on whom the lot falls has received an additional vote.

31. Preparation of returns.— When the counting of votes has been completed and the result has been declared under Para 28 and Para 30, the Presiding Officer shall forthwith prepare a return showing:—

(i) the names of the contesting candidates;

(ii) the number of valid vote cast in favour of each candidate; and

(iii) the name of the candidate declared to have been elected and shall forthwith forward a copy of the return together with the name of candidate declared to have been elected to the Returning Officer, the Manager of the cooperative society concerned and the Registrar.

32. Election papers to be forwarded to the Manager :—The Presiding Officer shall put in separate packages, on the outside of which shall be endorsed the description of their contents and after sealing them in separate packets, hand over against a regular receipt to the Manager :-

(a) the ballot papers counted as valid;

(b) the ballot papers rejected as invalid;

(c) the unused ballot papers;

(d) the issued tendered ballot papers;

(e) the unused tendered ballot papers;

(f) the cancelled and returned ballot papers;

(g) the list of challenged votes;

(h) the tendered votes list;

(i) account of the ballot papers; and

(j) the marked copy of the zonal list of voters of the cooperative society.

33. Custody of election papers :- The Manager shall retain the packets handed over to him under the preceding para in his custody till the next election.

PART III

PROCEDURE FOR ELECTION TO THE COMMITTEES OF THE PRIMARY COOPERATIVE SOCIETIES (OTHER THAN THE PRIMARY COOPERATIVE LAND

DEVELOPMENT BANKS) THE CANE GROWERS CO-OPERATIVE SOCIETIES, THE MARKETING OR MARKETING-CUM-PROCESSING SOCIETIES, SUGAR MILLS AND

URBAN BANKS HAVING MEMBERSHIP EXCEEDING THREE HUNDRED

34. Fixation of the date for election and voting.—(1) Notwithstanding anything contained in the

bye-laws of a cooperative society, no zones for election to the committee of a primary cooperative society shall be constituted. The election shall be held by secret ballot, and each voter shall have right to

exercise the vote for a candidate of his choice from amongst all the candidates at the election in a general

body meeting of the cooperative society called for the purpose of election.

(2) The Manager of every Primary Cooperative Society shall at least sixty days before the expiration of the tenure of the committee, intimate to the Assistant Registrar of Cooperative Society (hereinafter called as the ―Assistant Registrar‖ in whose jurisdiction the cooperative society concerned falls, the date on which the tenure of the committee expires.

(3) The election shall be held on the date fixed by the Assistant Registrar. In case the Manager fails to intimate the date as required under sub-para (2), the Assistant Registrar shall fix the date of election within a week when it comes to notice that the tenure of the committee has expired or likely to expire. The date of election fixed by the Assistant Registrar shall be communicated to the Manager of the Primary Cooperative Society concerned.

(4) The election shall be conducted by the Returning Officer.

35. Preparation of voters' list.— (1) Notwithstanding anything contained in the bye-laws of the Primary Cooperative Societyconcerned, the Manager shall, within a week of the receipt of communication in respect of the date fixed for conducting election, prepare the list of voters as on the date of the receipt of the communication referred to in sub-para (3) of Para 34, and submit the same to the Returning Officers for his approval.

(2) The notice indicating the list of voters shall be exhibited by the Returning Officer for a period of three days at his own office as well as the registered office and branch office, if any, of the Primary Cooperative Society concerned and at such other common place in the area of operation of the Primary Cooperative Society as the Returning Officer may specify.

(3) Any member of the Primary Cooperative Society may, on the last day of the exhibition of voters list, submit his objections, for amendment or corrections thereto, to the Returning Officer.

(4) The notice exhibited under sub-para (2) shall indicate the date, time and place for hearing the objections bythe Returning Officer. The Returning Officer shall hear and summarilydecide the objections, and the acceptance or rejections thereof shall be recorded with reasons. He shall there and then approve the list of voters which shall be conclusive for the purpose of election. The voters' list so approved shall be a priced publication.

36.Election Programme.— (1) The Returning Officer shall frame an election programme and intimate the same to the Manager, specifying the date, time and place as under.—

[1]Sr No.	Programme	Date	Time	Place
1	2	3	4	5
(i)	exhibition of the list of voters as required under sub-para (2) of rules 35;			
(ii)	hearing of the objections t			

list of voters, as required under sub-para (4) of para 35;

(iii) filing of nomination papers;
(iv) scrutiny of the nomination papers;
(v) display of list of validity nominated
(vi) candidates;
(vii) withdrawal of nomination papers;
) allocation of symbols
(viii display of the list of contesting candidates,

1. Substituted by Notification No. GSR 64/H.A 22/84/S. 131/95 dated 17.8.1995, published in Haryana Gazette (Extra.) L.S. Part III dated 17.8.1995.

(2) The notice indicating the election programme shall be got exhibited by the returning officer immediately on its issue in the manner laid down under sub-para (2) of Para 35. This would be in addition to any other mode of notice which may be laid down in the bye-laws of the Primary Cooperative Society concerned and the notice shall remain displayed at least twenty days earlier to the date fixed for filing the nomination papers.

[1][(3) Within seven days of the exhibited of the notice indicating the election programme under sub-para (2), the Manager of the cooperative society shall send copies thereof to all the voters of the societies, where membership of society does not exceed 500, under Postal Certificates and by publication in one Hindi and English daily newspaper having vide circulation in the area of operation of the society, if membership of the society exceeds 500].

37. Nomination of Candidates, allotment of election symbols and conduct of the poll, etc.—If the number of candidates happens to the larger than the number of members to be elected for the committee, then the provision of Para 6 to Para 33 shall apply *mutatis mutandis* for the conduct of election save that all provisions and references to Central and Apex Societies and Zones will not be applicable to co-operative societies governed for election under this part. The candidates, to the extent of vacancies to be filled, receiving the largest number of valid votes shall be declared elected.

PART-IV

PROCEDURE FOR ELECTION TO THE COMMITTEES OF THE PRIMARY COOPERATIVE SOCIETIES (OTHER THAN THE PRIMARY COOPERATIVE LAND DEVELOPMENT BANKS, THE CANE GROWERS CO-OPERATIVE SOCIETIES, THE MARKETING OR MARKETING-CUM-PROCESSING SOCIETIES, SUGAR MILLS AND URBAN BANKS HAVING MEMBERSHIP NOT EXCEEDING THREE HUNDRED

38. Calling of the general meeting.—(1) The general meeting for the election of members of the committee of a co-operative society not covered by the provisions of Para 3 to Para 37, shall be convened by the Manager of the co-operative society under the direction of the committee in the manner land down in the bye-low of the co-operative society concerned, and at least fifteen clear days notice specifying the date, time and place of the meeting shall be given to all the members.

(2) In case the Manager fails to convene the General Meeting as required under sub-para (1), the Assistant Registrar of Cooperative Societies in whose jurisdiction the cooperative society falls, shall fix the date of election and appoint the Presiding Officer as soon as it comes to his notice that the tenure of the committee has expired.

(3)The notice of the general meeting for the election of members of the committee shall be given, in addition to such other mode as may be prescribed under the bye-laws, by affixing a copy of the notice at the office of the cooperative society; if, any, and proclamation in the area of operation of the co-operative society concerned.

39. Presiding Officer of the general meeting.—(1) the meeting shall be presided over by the President and in his absence by the Vice-President. In the absence of both a person elected by the members among themselves shall preside over such a meeting, provided that a person seeking election shall not so preside.

(2) In case the general meeting is convened by the Assistant Registrar under sub-para (2) of Para 38, it shall be presided over by a person appointed by the Assistant Registrar in this behalf.

40. Proposals of candidates for contesting the election.—(1) The names of the candidates shall be proposed and seconded by any of the voter present in the meeting, provided the candidates fulfils the

1. Substituted by Notification No. GSR 64/H.A 22/84/S. 131/95 dated 17.8.1995, published in Haryana Gazette (Extra.) L.S. Part III dated 17.8.1995.

qualifications laid down under the Act, the rules framed thereunder, the bye-laws of the co-operative society concerned.

(2) The presiding Officer shall ask and permit the candidates to withdraw their names immediately after such proposals have been made.

41. Voting.— If the number of candidates left after withdrawal happens to be equal or less than the number of members to be elected for the committee, then all the candidates shall be declared by the Presiding Officer to be elected. In case, however, the members of candidates happens to be larger than the number of members required to be elected, then the election shall take place by show of hands. **42. Election Result.—**(1) The candidate found to have obtained largest number of votes in order of merit shall be declared elected by the Presiding Officer. In the event of candidates securing equal number of votes, the matter shall be deiced by the Presiding Officer by drawing lot.

(2)The Presiding Officer shall immediately after declaration communicate the result of elected members to the Manager of the Co-operative Society and send a copy of the same to the Assistant Registrar, Co-operative Society and the co-operative financing institution to which the co-operative society concerned is affiliated.

(3)The proceedings of the general meeting shall also be written in the minutes book of the co- operative society and shall be signed by the Presiding Officer.

43. Election of office bearers.— Notwihtstanding anything contained in the bye-laws of a society, the Government may determine the terms and conditions including the payment of remuneration of the Chairman appointed by the Government under section 30 of the Act. All such expenditure shall be paid out of the funds of the society.

1[Provided that such Chairman shall furnish a declaration regarding his assets at the time of appointment and on 1st January of every year thereafter.]

44. Election by Secret Ballot.— Notwithstanding anything contained in Part III, the election to the Committee of a primary Co-operative Society having membership of 300 or less, shall also be conducted by secret ballot in case there is a provision in the bye-laws of the co-operative society or the committee of the co-operative society concerned so decides or one-third of the total number of members of the co- operative society for the time being applying in writing to the Assistant Registrar of Co-operative Societies, in whose jurisdiction the co-operative society falls, at least four days earlier to the actual date fixed for convening the general meeting under Para 38.

In that event the election shall be conducted by the Assistant Registrar, Co-operative Societies in the manner prescribed in Para 34 to 37.

44. Miscellaneous.—If any question arises regarding the interpretation of any of the provisions of the procedure contained in Part I, Part II, Part III and Part IV, it shall be referred by the person interested or the official concerned to the Government, whose decision shall be final.

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1.Proviso inserted vide Notification dated 5.10.89.

FORM 'A"

[See para 6(3)]

Nomination Form

1.Name and number of the zone to which the candidate belongs and seeks election.

2.Particulars of the candidates:

(a) Name in Block letters.
(b) Father's Name.
(c) Age.
(d) Occupation (whether agriculturist or not).
(e) Whether Scheduled Caste or not.
(f) Full Address.
(g) Serial number of his name in the voters list of the concerned zone.
(h) Address of the co-operative society, if any, represented by him.

3.Declaration by the Candidate.

I hereby solemnly declare that:

(1) I agree to the above nomination.

(2) I do not suffer from any of the disqualifications mentioned in the Haryana Co-operative Societies Act, 1984, the rules frames thereunder and thebye-laws of the co-operative society.

(3) The particulars given above are correct to the best of my knowledge and belief.

Signature/ thumb mark of the candidate

Place : ———————————

Date:———————————

(To be certified by any Gazetted Officer of the Haryana Government, Notary Public or Oath Commissioner or Sarpanch of the village where the candidate resides).

I certify that the candidates is known to me personally and has signed/put this thumb mark in my presence.

Signature with name,
Designation and address

Place : ———————

Date: ———————

(To be used by the Returning Officer).

1. Date and time of receipt of the

2.Whether nomination papers accepted or rejected.
(Give brief reasons for rejection)

3. Symbol allotted

Place:———————————— Date :————————————

Signature of the Returning Officer with his official address.

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FORM 'B'

[See Para 6(3)]

List of Nomination Papers

Number and name of the zone	Name and full address of the candidate and name of the co-operative society, if any, represented by him	Date of receipt of the nomination papers	Time of the receipt of the nomination paper	Signature of the Returning Officer
1	**2**	**3**	**4**	**5**

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FORM 'C'

[See 1Para 24(1)]

TENDERED BALLOT PAPER

1.Name of the Co-operative Society and the Zone.

2.Polling Stattion.

3.Name of Voter.

4.Number in zonal list of the voter.

5.Name of the candidate to whom this is tendered.

Date: ————————————

Signature or the thumb impression of the Voter

1.Name of the candidate

2.Name of the Voter

3.Sr. No. of the Voter in Zonal list.

1 . Substituted for the words and figure ―para 26‖ by Notification No. GSR 64/H.A 22/84/S. 131/95 dated 17.8.1995, published in Haryana Gazette (Extra.) L.S. Part III dated 17.8.1995.

Signature of the Presiding Officer

FORM'D'

[See 1Para 24(3)]

TENDERED VOTERS LIST

1. Name of the Co-operative Society and the

2. Polling Station

Sr No.	Name of Voter	Number of the Zonal list of voters	Signature of voter, if literate or thumb impression, if illiterate with his address
1	2	3	4

Signature of the Presiding

Officer Dated:

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FORM'E'

(See [2]Para 25)

CHALLENGED VOTERS LIST

1. Polling Station _____
2. Signature sheet No. _____

Name of the. Co-operative Society	Number as in the zonal list of share holders	Number and address	Signature of voter, if literate or thumb impression of voter, if illiterate
1	2	3	4

Name of identifier, if any	Name of Challenger	Order of Presiding Office in each case
5	6	7

Signature of the Presiding Officer

Dated:

1.Substituted for the words and figure ―para 26‖ by Notification No. GSR 64/H.A 22/84/S. 131/95 dated 17.8.1995, published in Haryana Gazette (Extra.) L.S. Part III dated 17.8.1995.

2.Substituted for the words and figure ―para 27‖ by Notification No. GSR 64/H.A 22/84/S. 131/95 dated 17.8.1995, published in Haryana Gazette (Extra.) L.S. Part III dated 17.8.1995.

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APPENDIX 'B'

(See rule 109)

FORM OF LIQUIDATION ORDER

I. _____ (Liquidator of)

(Name of the liquidator)

the

(Name of the Society)

under liquidation,

Tehsil_____District_____authorised under section 107(2)(b) and (e) of the Haryana Cooperative Society Act, 1984 do hereby order/assess Shri _____ son of Shri _____ caste _____ resident of _____ Tehsil _____ District _____ to pay as debts/contribution/liquidation expenses, as member/past member/either nominee,

heir or legal respective of Sh. _____ son of Sh. _____ resident of deceased member/past officer/present officer towards assets of the society.

Place :

Date:

(1) Signature of the liquidator

(2) Name and address of the liquidator

Secretary to Government of
Haryana, Co-operation Department

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