THE MADHYA PRADESH CO-OPERATIVE SOCIETIES RULES, 1962

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THE MADHYA PRADESH CO-OPERATIVE SOCIETIES RULES, 1962

AMENDING NOTIFICATIONS

1. Notfn. No. 5-18-73-I-XV, dated 7-11-73, Published in M.P. Gaz. Part 4(Ga), dated 7-12-73 at Page 820.

2. Notfn. No. 3455-16-XV-I-75, dated 25-08-75, Published in M.P. Gaz. Part 4(Ga), dated 7-11-75 at Page 757.

3. Notfn. No. 5-31-73-XV-I, dated 25-07-75, Published in M.P. Gaz. Part 4(Ga), dated 5-12-75 at Page 836.

4. Notfn. No. 5-18-73-1-XV, dated 20-01-76, Published in M.P. Gaz. Part 4(Ga), dated 7-05-76 at Page 342.

5. Notfn. No. D-3485-7857-XV-I-76, dated 23-08-76, Published in M.P. Gaz. Part 4(Ga), dated 26-11-76 at Page 815.

6. Notfn. No. 2561-1774-XV-I, dated 08-08-77, Published in M.P. Gaz. Part 4(Ga) dated 23-09-77 at Page 248.

7. Notfn. No. F-5-4-78-15-1, dated 15-04-78, Published in M.P. Gaz. Part 4(Ga) dated 2508-78 at Page 260.

8. Notfn. No. F-5-16-78-I-XV, dated 13-12-78, Published in M.P. Gaz. Part 4(Ga) dated 29-12-78 at Page 354.

9. Notfn No. F-5-4-78-I-XV, dated 03-02-79, Published in M.P. Gaz. Ext. dated 07-02-79 at Page 395.

10. Notfn. No. F-5-16-78-I-XV, dated 03-02-79, Published in M.P. Gaz. Ext. dated 07-02-79 at Page 396.

11. Notfn. No. F-5-10-77-1-XV, dated 26-07-78, Published in M.P. Gaz. Ext. dated 12-02-79 at Page 477.

12. Notfn. No. AF-5-7-79-I-XV, dated 13-04-79, Published in M.P. Gaz. Ext. dated 16-04-79 at Page 1154.

13. Notfn. No. F-5-7-79-I-XV-D, dated 02-05-79, Published in M.P. Gaz. Ext. dated 03-05-79 at Page 1486.

14. Notfn. No F-5-79-I-XV, dated 10-05-79, Published in M.P. Gaz. Ext. dated 11-05-79 at Page 1758.

15. Notfn. No. F-5-7-79-I-XV, dated 12-06-79, Published in M.P. Gaz. Ext. dated 18-06-79 at Page 2073.

16. Notfn. No. F-5-16-78-XV-1, dated 26-07-79, Published in MR Gaz. Ext. dated 31-08-79 at Page 2690.

17. Notfn. No. F-5-19-79-I-XV, dated 28-02-80, Published in M.P. Gaz. Ext. dated 12.03.80 at Page 382.

18. Notfn. No. F-5-10-80-1-XV, dated 9-10-80, Published in M.P. Gaz. Ext. dated 29-10-80 at Page 1729.

19. Notfn. No. 5-18-82-1-XV, dated 31-12-82, Published in M.P. Gaz. Ext. dated 3 1-12-82 at Page 2934.

20. Notfn. No. F-5-23-83-1-XV, dated 10-01-84, Published in M.P. Gaz. Part 4 (Ga) dated 12-04-85 at Page 171.

21. Notfn. No. F-5-13-83-1-XV, dated 23-01-84, Published in M.P. Gaz. Part 4 (Ga) dated 14-06-85 at Pages 265-66.

22. Notfn. No. F-5-40-84-1-XVI, dated 29-04-85, Published in M.P. Gaz. Part 4 (Ga) dated 17-05-85 at Page 234.

23. Notfn. No. F-15-13-83-1-XV, dated 8-10-87, Published in M.P. Gaz. Ext. dated 8-10-87 at Page 1874,

24. Notfn. No. F-5-4-88-XV-1, dated 28-06-88, Published in M.P. Gaz. Ext. dated 29-06-88 at Page 1267.

25. Notfn. No. 5-15-88-XVI, dated 14-11-88, Published in M.P, Gaz. Ext. dated 14-11-88 at Page 2110.

26. Notfn. No. P-5-15-88-XV-1, dated 23-12-88, Published in M.P. Gaz. Ext. dated 26-12-88 at Page 2641.

27. Notfn, No. F-5-2-89-XV-1, dated 18-01-89, Published in M.P. Gaz. Ext. dated 19-01-89 at Page 122.

28. Notfn. No. 5-5-90-XV, dated 12-05-90, Published in M.P. Gaz. Ext. dated 02-05-90 at Page 1046.

29. Notfn. No. F.5-3-91-XV-1, dated 18-04-91, Published in M.P. Gaz. Ext. dated 19-04-91 at Page 1018(8).

30. Notfn. No. F-5-7-94-XV-1, dated 21-07-95, Published in M.P. Gaz. Ext. dated 22-07-95 at Page 714(10).

31. Notfn. No. F-5-1-96-XV-1, dated 11-09-96, Published in M.P. Gaz. Ext. dated 11-09-96 at Page 798.

32. Notfn. No. F-5-5-97-XV-1, dated 12-03-97, Published in M.P. Gaz. Ext. dated 12-03-97 at Page 175.

33. Notfn No. 3078 3787 98-XV-1, dated 16-12-98, Published in M.P. Gaz. Ext. dated 16-12-98 at Page 1386.

34. Notfn. No. F-15-40-97-XV-1, dated 12-04-99, Published in M.P. Gaz. Ext. dated 12-04-99 at Page 608.
35. Notfn. No. F-5-2-99-XV-1, dated 1-05-99, Published in M.P. Gaz. Ext. dated 1-05-99 at Page 692(1).

36. Notfn. No. 3135-1157-99-15-1, dated 14-10-99, Published in M.P. Gaz. Ext. dated 14-10-99 at Page 1392(3).

37. Notfn. No. F-15-27-97-XV-1, dated 20-06-2000, Published in M.P. Gaz. Ext. dated 20-06-2000 at Page 708.

38. Notfn. No. F-XV-17-2000-15-1, dated 19-6-01, Published in M.P. Gaz. Ext. dated 20-6-01 at Page 684.

39. Notfn. No. F-5-11-2001-XV-1, dated 14-8-01, Published in M.P. Gaz. Ext. dated 14-8-01 at page 904.

40. Notfn. No. F-5-13-88-XV-1, dated 30-8-01, Published in M.P. Gaz. Ext. dated 30-8-01 at page 934 (4).

In exercise of powers conferred by sub-sections (1) and (2) of Sec. 95 of the Madhya Pradesh Co-operative Societies Act, 1960 (17 of 1961), the State Government hereby makes the following rules, namely:

CHAPTER I

PRELIMINARY

1. Short title and extent— (1) These rules may be called The Madhya Pradesh Co-operative Societies Rules, 1962.

(2) They extend to the whole of the State of Madhya Pradesh.

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

(a) "*Act*" means the Madhya Pradesh Co-operative Societies Act, 1960 (17 of 1961);

(b) "*Bonus*" means the payment admissible to an employee under the provisions of the Payment of Bonus Act, 1965 (No. 21 of 1965)];

(c) "*Cooperative Year*" means the year ending on the 31st March every year;

(cc) "*Certified copy*" means a copy of any entry in the books of the society together with a certificate written at the foot of such copy that it is a true copy of such entry, that such entry is contained in one of the ordinary books of the society and was made in the usual and ordinary course of business and that such book is still in the custody of the society. Such certificate being dated and subscribed by the officers (mentioned in Rule 24 from (a) to (d) with his name and official title) as defined in the Act;

(ccc) *"chairman"* means the Chairman of the Madhya Pradesh State Co-operative Tribunal;

(d) "*Decree*" means any order, decision or award referred to in Section 85;

(e) "*Decree-holder*" means any society or any person (including the State Government) holding a decree;

(f) "*Dividend*" means the amount paid out of the profits of a society to a member in proportion to value of the shares held by him;

(g*) "Form*" means a form appended to these rules;

(gg) "*Government*" means the Government of Madhya Pradesh;

(h) "*Judgment-debtor*" means any society against which or any person against whom a decree has been obtained;

(hh) *"Member*" means the member of the Madhya Pradesh State Co- operative Tribunal;

(i) "*President*" means the President or Chairman of a society;

(j) "*Recovery Officer*" means any person empowered to exercise the powers of the Registrar under Section 85;

(k) "*Sale Officer*" means a person empowered by the Registrar by general or special order, to attach and sell or attach and transfer the property of judgment-debtors, or to execute any decree by attachment and sale or attachment and transfer of property;

(kk) "*Schedule*" means a schedule appended to these rules;

(1) "*Section*" means a Section of the Act;

(m) "*Vice-President*" means the Vice-President or Vice-Chairman of a society;

(n) The words and expressions used in these rules and not defined, shall have the meaning respectively assigned to them in the Act.

CHAPTER II

REGISTRATION

3. Categories of Officers to assist the Registrar.— Subject to the provisions of sub-section (1) of Section 3, the State Government may appoint Audit Officers of Co-operative Societies to assist the Registrar.

4. Application for Registration.— (1) Every application for registration of a society under sub-section (1) of Section 7 shall be made in Form A.

(2) Where any member of a society to be registered is a registered society, a member of the committee of such society shall be authorised by such committee by a resolution to sign the application for registration on its behalf and a copy of such resolution shall be appended to the application.

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

(4) After receiving the application under sub-rule (3) the Registrar shall enter the application in the register maintained for the purpose and shall issue a receipt of such application duly signed by him, in which the date of receipt of such application shall also be mentioned.

5. Procedure on receipt of application.— The Registrar shall consider the application and may, if necessary, order further enquiry or refuse registration. Should he decide to allow registration, he shall register the society in a register of societies to be kept for the purpose. Every such entry shall be attested by the seal and signature of the Registrar. He shall also forward to the society a certificate of registration and a certified copy of the bye -laws as finally approved and registered by him.

6. Matters in respect of which bye-laws of a society may be made.— (1) Every application for registration under sub-section (1) of Section 7 shall be accompanied by bye-laws dealing with the following matters :— (a) the name, address and area of operation of the society;

(b) objects of the society;

(c) the services to be provided to its members;

(d) the eligibility for obtaining membership;

(e) the procedure for obtaining membership;

(f) the terms and conditions for continuing as member;

(g) the time limit before which a potential member must seek and obtain membership in order to continue to use the services of the society;

(h) the procedure for withdrawal/transfer of membership;

(i) the procedure for termination and cessation of membership; (j) the rights of members;

(k) the fixation of minimum performance required annually of each member vis-a-vis use of services, financial commitment and participation in meetings, in order to be eligible to exercise the right of membership including the right of vote;

(1) the consequences of default in payment of any sum due to a member;

(m) the nature and amount of capital, if any, of the society;

(n) the maximum capital to which a single member can subscribe; (o) the nature and extent of the liability of the members for the debts contracted by the society;

(p) the sources and types of funds to be raised by the society;

(q) the purposes for which the funds may be applied;

(r) the extent and conditions under which deposits, loans, debentures and other funds may be mobilised;

(s) the conditions and purposes for which State aid and aid from other financial institutions may be obtained;

(t) the manner of disposal of surplus;

(u) the constitutions of various funds, reserves and their purposes;

(v) the manner of convening general and other special meetings and quorum thereof;

(w) the frequency of general meetings;

(x) the role of the general body and subjects which shall be dealt with by the general body;

(y) the manner of making or amending byelaws;

(z) the procedure for conducting elections;

(aa) the procedure for conducting election in case the Registrar fails to do so;

(bb) the constitution of the board of directors;

(cc) eligibility for becoming director;

(dd) conditions for retaining directorship;

(ee) the terms of office of the directors, chairman and office bearers; (ff) the procedure for removal of Chairman, office bearers, directors and for filling of vacancies;

(gg) the manner of convening the board meetings and its quorum; (hh) the frequency of board meetings;

(ii) powers and functions of office bearers including chairman;

(jj) powers and functions of Chief executive;

(kk) penalties for acting against the interest of members and for non - fulfilment of duties by members, directors and staff;

(11) the appointment and role of auditors and procedure for conduct of audit where the society fails to make necessary arrangements and time limit for audit compliance;

(mm) the authorisation of an officer or officers to sign documents and to institute and defend suits and other legal proceedings on behalf of the society;

(nn) the terms on which a society may deal with non-members;

(oo) the terms on which a society may associate with other co- operative societies;

(pp) the terms on which a society may deal with other than cooperative;

(qq) the rights, if any, which the society may confer on any society or other federations and the circumstances under which these rights may be exercised by the federation/s;

(rr) the manner of disposal of funds under liquidation;

(ss) the accounting year for the society;

(tt) the transfer of shares and interest in the name of a nominee in case of death of a member;

(uu) the procedure of dissolution of the society;

(vv) the restriction, if any, on services to non-members;

(ww) to organise self-help groups of people living in its area and to conduct education and training programmes.

(2) The byelaws of a society may provide for such other matters not specified above, as are incidental to the organisation of the society and the management of its business.

7. Procedure regarding amendment of bye-laws.— (1) Where a society proposes to amend its bye-laws, no such amendment shall be made save by a resolution passed by a two-thirds majority of the members present and voting at a general meeting of the society.

(2) No such resolution shall be valid unless notice of the proposed amendment has been given to the members of the society in accordance with its bye-laws.

(3) In every case in which a society proposes to amend its bye -laws, an application shall be made to the Registrar together with—

(a) a certificate in Form B;

(b) four copies of other information in Form C; and

Form D.

(4) (a) Every such application shall be made with in one month from the date of the general meeting at which such amendment was passed:

Provided that the Registrar may condone the delay, if any, for sufficient cause.

(b) Every such application shall be sent to the Registrar by registered post or delivered by hand. After receiving the application, the Registrar shall enter the application in the register maintained for the purpose and Registrar shall issue a receipt of such application in which the date of receipt of such application, shall also be mentioned.

(5) A copy of the amendment of the byelaws registered or deemed to have been registered by the Registrar under sub-sections (2) and (3) of Section 11 shall be issued to the society.

8. Manner of serving the order under sub-section (1) of Section 12.— The order of the Registrar under sub-section (1) of Section 12 shall state the exact amendment with reasons therefor, which the society should make and
it shall be delivered personally or sent by registered post to the address of the society.

9. Procedure to be followed and conditions to be observed for change of name of society.— (1) The name of a society may be changed under Section 13, so, however, that it is not inconsistent with the objects of the society.

(2) Every change in name of a society shall be made by an amendment of its bye-laws. In every case in which a society proposes to change its name, it shall send its original certificate of registration to the Registrar.

(3) After the change in name is approved by the Registrar, he shall amend the original certificate of registration of the society and return the same to it.

(4) The Registrar shall enter the new name in the register of societies maintained by him.

10. Procedure to be followed and conditions to be observed for change of liability.—The change of liability of a society under Section 15 shall, subject to the provisions of the said Section, be secured by passing a resolution in that behalf at a general meeting of the society indicating in clear terms the manner of changing the liability.

11. Re-organisation of societies.— (1) Every society desiring to effect amalgamation, transfer of assets and liabilities, division or conversi on under sub-section (2) of Section 16 shall frame a full scheme of re -organisation indicating how the proposed amalgamation, transfer of assets and liabilities, division or conversion would be useful to the society and be given effect to. Where the scheme involves a division of a society into two or more societies, it shall contain proposals regarding the name, the area of operations, draft byelaws and the list of members and creditors of the new society or societies into which the society would be divided. Where the scheme involves conversion of the society into a class of society, the object of which is materially different from that under which it has been classified under the Act. It shall contain draft bye-laws of that class of society into which the society would be converted.

(2) After framing the scheme of re-organisation under sub-rule (1), the society shall convene a special general meeting by giving a written notice of twenty-one days to all its members along with the proposed scheme of re -organisation. In the case of the society desiring amalgamation with or transfer of the assets and liabilities in whole or in part to any other society (hereinafter referred to as the other society). the society shall send a copy of the notice and the proposed scheme to the other society also for information. The society shall pass a resolution for amalgamation, transfer of assets and liabilities, division or conversion, as the case maybe, by two-thirds majority of the members present and voting at the special general meeting and shall in the case of the

amalgamation or transfer of assets and liabilities forward a copy of such resolution to the other society.

(3) After the receipt of the resolution the other society shall convene a special general meeting by giving a written notice of twenty-one days to all its members along with the scheme of re-organisation and draft amendment to its bye-laws, if any, and pass a resolution by two-thirds majority of the members present and voting at the special general meeting for approving the scheme of re-organisation and the amendment to its bye-laws, if any, and send a copy of its resolution in respect of the approval to the society which has decided to re-organise itself.

(4) The affected society shall, in the case of amalgamation or transfer of assets and liabilities, after the receipt of the approval under sub -rule (3) and in the case of division or conversion, after the passing of the resolution under sub-rule (2), take action under sub-sections (5) and (6) of Section 16.

(5) The affected society shall submit a report to the Registrar of the action taken by it and request him to approve the decision for amalgamation, transfer of assets and liabilities, division or conversion.

(6) On receipt of the report from the affected society under sub-rule (5), the Registrar shall, after satisfying himself that the procedure has been properly followed, approve the decision of the society and register the amalgamated, divided or converted society or societies.

(7)(a) Before issuing any direction under sub-section (3) of Section 16 for the amalgamation, transfer of assets and liabilities, division or conversion of any society or societies, the Registrar shall prepare a draft scheme of reorganisation in respect of such amalgamation, trans fer of assets and liabilities, division or conversion stating in particular the manner in which the new committee or committees of the society or societies resulting from such amalgamation, transfer of assets and liabilities, division or conversion shall b e constituted and the bye-laws which such society or societies shall follow. The Registrar shall send a copy of the draft of the direction proposed to be issued by him under sub-section (3) of Section 16, to the society or each of the societies concerned calling upon it or them to invite objections or suggestions from any member or class of members thereof or from any creditor or class of creditors and to submit such objections or suggestions together with its own or their own opinion within a period to be specified by the Registrar.

(b) The Registrar shall consider all such objections, suggestions and opinion and make such modifications in the draft direction as may seem to him desirable in the light of those objections, suggestions or opinion and then iss ue a final direction under sub-section (3) of Section 16.

12. Compromise or arrangement for repayment of liabilities.—1[(1) On receipt of the order of the Registrar under sub-section (1) of Section
17, the society or the liquidator, as the case may be, shall issue notices of the meeting, at the cost of the society, to the creditors or any class of them or the members, as the case may be, stating therein the date, time and place of the meeting and enclose with such notice the latest audited balance sheet of the Society and shall also send a notice to the Deputy Registrar or Assistant Registrar of Co-operative Societies in charge of the district in which the society is situated.

(2) The President of the society or the liquidator in the case of the society which is being wound up, shall preside over the meeting. The question of compromise or arrangement shall be discussed in all aspects. A compromise or arrangement which appears to be prima facie practical and feasible shall be put to vote. Every creditor or member who is present in the meeting shall vote in person and no proxy shall be allowed. List of creditors or members, as the case may be, shall be prepared showing the names of those who approve of the compromise and of those who oppose the compromise and their signatures shall be taken.

12-A. (1) Where the Registrar is taking actions under Section 18 -A of the Act, he shall issue a public notice of the proceedings of the de-registration, to be published in a local daily

newspaper and a copy of such notice shall also be given to the affiliated society and creditor society, if any.

(2) The official assignee appointed under sub-section (2) of Section 18-A, shall be paid such remuneration and allowances as the Registrar ma y determine from time to time.

CHAPTER III

MEMBERS, THEIR RIGHTS, LIABILITIES AND PRIVILEGES

13. Form of undertaking— A written undertaking under sub-section (3) of Section 19 shall be in Form E.

14. Conditions to be complied with for admission for membership— No person shall be admitted as a member of a society unless—

(i) he has applied in writing in the form laid down by the society or in the form specified by the Registrar, if any, for membership;

(ii) he has purchased at least one share and paid the value thereof in full or in part in such calls as may be decided by the committee or general meeting of the society, as the case may be, according to the bye-laws of the society;

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

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

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

15. (Omitted)

16. Admission of members or transfer of shares before annual general meeting.— No society shall admit member or transfer shares within forty-five days prior to the date of its annual general meeting on which election of the committee or office hearers is to take place:

Provided that if there is a provision of general meeting by delegates in the byelaws of any society, such society shall not admit members or transfer shares to the members within 45 days from the date of convening the meeting for the election of the delegates.

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

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

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

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

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

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

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

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

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

18. (Omitted)

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

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

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

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

20. Procedure for ascertaining the value of share or interest of a member.— Where the member of a society ceases to be a member thereof, the sum representing the value of his share, or interest in the capital of the society to be paid to him or his nominee, heir, or legal representative, as the case may be, shall be ascertaining in the following manner, namely:-

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

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

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

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

(a) Application for registration of society Rs. 5.00 each

(b) Certificate of registration (c) Byelaws of a society

Rs. 5.00 each
Rs. 15.00 each

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

other order against which an appeal is provided — Rs. 1.00 per folio.

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

CHAPTER IV

DUTIES, PRIVILEGES, PROPERTY AND FUNDS OF SOCIETIES

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

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

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

(i) it is indicated in the bye-laws by amending them and the amendment so made is registered under the Act; and

(ii) the change is registered in the manner laid down in sub -rule (2).

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

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

(a) the name, address and occupation of each member;

(b) in the case of a society having share capital, the share held by each member;

(c) the date on which each person was admitted as a member;

(d) the date and number of resolution of the committee or general meetings, as the case may be, which admitted a person as member, if he is not one of the applicants for registration of the society;

(e) the name of the nominee of a member;

(f) the date on which the said nomination was made by a member;

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

(h) the caste of a member if he belongs to a Scheduled Caste, Scheduled Tribe or Other Backward Classes.

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

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

(b) Every person who is disqualified under sub-section (7) of Section 48 or Section 50-A shall be informed of the fact of his being so disqualified before preparation of the list under clause (c). A list of non-borrowing members and defaulters for a

period exceeding twelve months shall also be exhibited on the notice board of the society under the signature of the Manager/Secretary.

(c) Every society shall prepare a list of members, including the members who arc disqualified under sub-section (7) of Section 48 or Section 50-A as on the date preceding 45 days prior to the date of election of delegates or in which election of committee members is to take place, as the case may be. The list shall indicate the defaulter within the meaning of Section 50-A by assigning sign and word "X-defaulter" and in case of members belonging to Scheduled Castes, Scheduled Tribes and Other Backward Classes, the list shall indicate the respective category against their names. The list shall in case of a resource society, also indicate the non-borrowing members by assigning words "non-borrowing". The list so prepared shall be made available to the Returning Officer appointed by the Registrar atleast 33 days prior to the date fixed for the election of delegates or holding of annual general meeting/special general meeting for the election of committee members. The list shall be published by the Returning Officer at least 30 days prior to the date of the election of delegates or annual general meeting/special general meeting, as the case may be.

(d) The list to be made available shall be published by exhibiting it at the office of the society, and on the notice boards of the Deputy Registrar/Assistant Registrar of Co-operative Societies incharge of the District, and Financing Bank, and in case of a Society other than Financing Banks, Apex Institution of Society whose area of operation is for the whole district or beyond a district. Block Development Office and branch of the Financing Bank along with a notice:-

(i) inviting objection thereto by him or an Officer appointed by him in writing within 6 days from the date of notice;
(ii) fixing date, time and place for hearing of such objection and claims,

— All the members of the society shall be informed by a notice under certificate of posting that such list has been displayed at the place mentioned above to enable them to file objections, if any.

—Any person whose name is not entered in the list or is not properly entered or any person whose name is entered in the list and who objects to the inclusion of his name or name of any person in the list, may prefer a claim or object to the Returning Officer or person authorised by him in writing within 6 days from the publication of the list under this sub -clause.

(e) Claim or objection shall be accompanied by documents on which the claimant or objector relies.

(f) The Returning Officer or any person authorised by him shall, after holding such summary enquiry into the claims or objections as he thinks fit, record his decision in writing and shall dispose of all claims and objections within 9 days from the date of publications of the list under clause (d) of sub-rule (3).

(g) No person shall be represented by any legal practitioner or counsel in any proceeding under this rule.

(h) The Returning Officer shall indicate the defaulters within the meaning of Section 50-A of the Act who continue to be so on the date of finalization of the list by assigning "X-defaulter" sign against their names.

(i) The decision of the Returning Officer or the person authorised under clause (f), as the case may be, shall be final and binding and the list so made available by society shall stand amended in accordance with such decision. The list so amended shall be published by exhibiting it at the office of the society under the seal and

signature of the Returning Officer. The society shall prepare six copies of the list so amended and submit to the Returning Officer for his use at the polls.

(j) The list so amended shall be final and a copy of the same duly certified shall be handed over by the Returning Officer or the person authorised by him to the society and Registrar:

Provided further that any person whose name is shown in the list with sign "X-defaulter", may, at any time before the date on which polls is to be held, after making necessary payment of the dues on account of which he had
been shown as defaulter in the list to the society concerned and on production of a proof in token thereof in such form as the Registrar may provide for the purpose, get the list corrected by the Returning Officer:

Provided also that any person whose name is shown as "Non-borrowing" in the final list prepared under clause (1) above may, at any time before publication of election programmed made sub-rule (2) of Rule 41, on production of a documentary proof in token of having taken a loan from the resource society, get the list corrected by the Returning Officer.

(k) On receipt of the final list under Clause (i) above, the Registrar, in case of a society falling under sub-section (3) of Section 48, fix-up the number of seats in the committee to be filled by the members belonging to Scheduled Castes, Scheduled Tribes, Other Backward Classes and women accordingly.

(1) In the case of a society where the byelaws provide for the constitution of its general body by the election of delegates, belonging to Schedule Castes, Scheduled Tribes and Other Backward Classes as per sub-section (3) of Section 48-B and also identify the groups from which the delegates belonging to Scheduled Castes, Scheduled Tribes, Other Backward Classes and women shall be elected.

(m) The reservations made in the above clauses shall be intimated to the Returning Officer within 3 days from the receipt of final list under clause (i) and if the society fails to do so, the Returning Officer himself shall reserve the number of seats in the general body and the groups from which such delegates will be elected.

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

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

(a) by any two officers of the society as defined in clause (v) of Section 2, or,

(b) by the Registrar assuming charge of the society under su b-section (8) of Section 49, or—

(c) where an order has been passed under sub-section (1) of Section 53—

(i) by the person appointed to manage the affairs of the society; and

(ii) where the persons are appointed to manage the affairs of the society by any two of the persons so appointed; or

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

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

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

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

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

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

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

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

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

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

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

25-A. Intimation of loan etc. to be given to Tahsildar.— In addition to complying with the provisions of sub-section (1-A) of Section 37, every society when so directed by the Registrar, shall send to the Tahsildar of the tahsil, in which the society is situated, in

Form I, a list of its members, past, present or deceased, showing the amount of loan or advances outstanding against them at the close of the preceding co-operative year.

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

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

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

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

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

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

Provided that—

(i) in the areas where Central Co-operative bank is declared as „weak bank‟ by the Reserve Bank of India, the primary agricultural credit societies affiliated to the bank, as also such bank can write off the debt and losses on the certificate issued by the committee appointed by the State Government;

(ii) in the areas other than those mentioned in clause (1) above, no such bad debt or losses shall, be written off without the sanction of the general body;

(iii) before any such bad debt or losses are so written off, the society, if it is indebted to a financing bank, shall obtain the approval of such bank, in writing;

(iv) before any such bad debts or losses are so written off, the society, shall, obtain the approval of the Registrar in writing who may while giving approval, impose such conditions as to restoration of part or whole of the amount written off against the reserve fund from out of future profits, as he may deem fit;

(v) when a scheme of debt relief prepared by the State Government is implemented by a society, it may adjust its bad and doubtful reserve for writing off loans under the scheme.

29. Restrictions on transactions with non-members.— No society shall enter into any transactions with a person other than a member except those referred to in Sections 36 and 37, unless,—

(i) the bye-laws of the society permit it to enter into such transactions, and

(ii) previous sanction of the Registrar has been obtained by the society.

30 Rate of contribution.—The contribution to be made by a society under Clause (b) of sub-section (2) of Section 43 shall be—

(a) one and one half, per cent of the net profit where the net profit does not exceed fifteen lakh rupees; and

(b) two per cent of the net profit, where the net profit exceeds fifteen lakh rupees.

31. Investment and use of funds other than reserve fund. — (1) Subject to the provisions of Section 44, a society shall not, except with the previous sanction of the Registrar, invest and use the whole or any portion of its funds (other than reserve or other fund created for specified purposes) in the
purchase or lease of land or in acquisition, construction or renewal of any building or in the purchase of any machinery or mechanically propelled vehicle costing more than the limit fixed by the Registrar from time to time that may be necessary to conduct its business. The amount of the funds so invested shall be recouped on such terms as may be determined in each case by the Registrar.

(2) The provisions of sub-rule (1) shall not apply—

(a) to immovable property purchased—

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

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

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

(3) No recoupment of the amount invested under this rule shall be necessary where the investment is made—

(a) by a society from its building fund constituted out of profits; or

(b) by a society, other than a credit society, in which the share capital raised from the members is intended to built up the special kind of business for which it has been registered.

32. State aid to societies.—(1) Subject to the provisions of the Act, the State Government may—

(i) make share capital contribution to a society; or

(ii) give loans or financial assistance or other to a society; or

(iii) guarantee the payment of the principal of debentures issued by a society or interest thereon or both; or

(iv) guarantee the payment of the principal of, and payment of interest on, loans and advances given by the Reserve Bank of India or the State Bank of India or any other authority constituted under any law for the time being in force; or

(v) grant state aid in any other form to a society under Section 45, on the following terms and conditions, namely:-

(a) When the State Government purchases shares in a society, it shall be entitled to dividend on the said shares as is declared by the society concerned and is payable to other members of that society.

(b) A society receiving state aid shall not pay any dividend or distribute or take any profit in excess of such percentage rate upon the amount of the capital of the society as the State Government may, from time to time, fix.

(c) A society receiving state aid shall, with the approval of the Registrar appoint a paid secretary or manager of the society.

(d) A society receiving state aid shall be bound—

(i) to comply with any general or special order of the State Government relative to the inspection of the society;

(ii) to permit the inspection of all accounts relative to the society;

(iii) to maintain such accounts and to furnish such statements and returns as the State Government or the Registrar may, from time to time, require; and

(iv) to comply with any order or condition issued or imposed by the State Government as may in its opinion be necessary or expedient to safeguard its interest.

(1-A) A society receiving state aid shall appoint employees in accordance with a staffing pattern approved by,—

(i) the State Government if so directed by the State Government, or

(ii) the Registrar in other cases.

(2) If the society to which state aid has been given in any form, fails to comply with any order made under the Act or the rules framed thereunder or commits any breach of any terms or conditions laid down for the grant of state aid, or if on inspection of accounts, returns, statements or audit report of such society the State Government is of opinion that state aid should be withdrawn, the State Government may after considering any representation which the. society may make within such time as the State Government may allow, in this behalf, make an order directing—

(i) that the balance of any loan outstanding shall be recoverable forthwith;

(ii) that the guarantee given shall cease from the date of such order;

(iii) that the full value of any other state aid given and enjoyed till the date of the order shall be payable forthwith and the grant of such state aid beyond such date shall be discontinued.

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

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

(a) authority administering the Contributory Provident Fund;

(b) category of Fund;

(c) amount of contribution to be deducted from the employee‟s salary;

(d) the rate of contribution to be made by the society;

(e) mode of nomination for payment of the amount of the Contributory Provident Fund in case of employee‟s death;

(f) mode of investment of the contributory Provident Fund and payment of interest thereon;

(g) the purpose for which and the extent to which advances may be made against the security of the Contributory Provident Fund and the period after which this could be done and number of monthly instalments in which it is to be recouped;

(h) refund of employee‟s contribution and contribution made by the society;

(i) maintenance of accounts in respect of Contributory Provident Fund, withdrawals and such other matters as may be necessary in such form as may be specified by the Registrar;

(j) the authority to which disputes, if any, between employees and the society shall be referred.

CHAPTER V

MANAGEMENT OF SOCIETIES

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

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

(2) All general meetings of a society excepting the first annual general meeting shall be convened by the Secretary of the society or any other officer authorised by or under its bye-laws to convene such meetings.

(3) Unless otherwise provided in the bye-laws, notice of the general meeting stating the place, date and hour of the meeting together with a statement of business to be transacted thereat, shall be sent to every member 14 days before the date of meeting by,—

(a)(i) registered post in case of a society whose head-quarter is situated in urban area;

(a)(ii) ordinary post under certificate of posting or by hand delivery if number of members of the society is less than 250; or

(b) ordinary post under certificate of posting if number of members of society exceeds 250, in which case notice shall also be published in a local Hindi newspaper in circulation in the area of the society;

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

35. Special general meeting called by the Registrar, or any person authorised by him.— Notwithstanding anything contained in these rules or bye-laws of a society as to the mode of summoning a general meeting and the period of notice to be given for the said purpose, the Registrar or any person authorised by him in this behalf, may call a special general meeting, under sub -

section (2) of Section 50, in such manner and at such date, time or place as he may direct and may specify what matters shall be discussed in the meeting. The Registrar or the person authorised by him in this behalf shall preside at such meeting and exercise all the powers and perform all the duties of the President of a meeting including the power to adjourn the meeting to a date to be specified by him, but shall have no vote unless he is a member of the society. In the event of equality of votes, he shall have a casting vote except in the matter of election of the members of the committee where the question shall be decided by drawing lots.

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

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

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

37. Quorum for general meeting.— (1) Unless otherwise provided in the bye-laws of a society the quorum for general meeting shall be 1/10 or 50 of the total number of members on the date of the notice of the meeting.

(2) No business shall be transacted at any meeting unless there is a quorum at the time when the business of the meeting is to commence.

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

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

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

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

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

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

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

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

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

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

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

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

Provided that where the membership is so divided, provision shall be made for the reservation of seats for Scheduled Castes, Scheduled Tribes, Other Backward Classes and women, as laid down in Section 48 and Section 52 -B of the Act.

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

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

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

41. Procedure for election of members of the committee--(1)(a) Subject to the provisions of sub-section (6) of Section 49 the election the committee shall be held in the annual general meeting or special general meeting, as the case may be, of the society:

Provided that where in the byelaws of any Central or Apex Society, there is a provision for *suo motu* formation of committee by the representatives of its affiliated societies, the provisions of the sub-rules (2) to (24) of Rule 41 shall not apply.

(b) such election shall take place after all other matters, include d in the agenda, have been considered.

(2) Not less than ten days before the date fixed for the 3[annual general meeting or the special general meeting of a society, as the case may be] the Returning Officer shall paste a notice on the notice board of the society, stating—

(a) the number of members to be elected;

(a-1) (Omitted)

(b) the last date for making nominations, which shall not be later than seven days before the date fixed for holding the said meeting, the hours between which, the place at which and the person to whom nomination papers shall be presented;

(c) The date on which, the place at which and hours between which security of nomination papers shall be made and the date and place of polling, if necessary.

(d) the last date for the withdrawal of candidatures.

(d-1) the date for co-option against vacant seats of committee members, if any.

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

(3) Every nomination paper shall be signed by two members of the group, if any, of the society to which they belong, as proposer and seconder, and the candidate of that group shall sign a declaration on it expressing his willingness to stand for election:

Provided that where the number of members or voters in a group is less than seven the nomination paper shall be signed by only one member of the group.

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

(5) If a candidate files more than one nomination paper for any post, then all the nomination papers shall be scrutinized by the Returning Officer, and the candidate shall be entitled to contest the election on the basis of any valid nomination paper.

(6) Each candidate, either personally or through his proposer or seconder, shall deliver a nomination paper in Form G to the pers on specified under clause (b) of sub-rule (2).

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

(7-A) On presentation of nomination paper, the Returning Officer or the person authorised by him under clause (b) of sub-rule (2) shall satisfy himself that the name of the society and its registration number and the names and serial numbers in the list of members of the candidate and his proposer and seconder as entered in the nomination paper are the same as those entered in the list of members:

Provided that no misnomer or inaccurate description or clerical, technical or printing error in regard to the name of the candidate or his proposer seconder or in regard to any place mentioned in the list of members or the nomination paper and no clerical, technical or printing error in regard to the list of members, serial number of any such person in the list of members or the nomination paper shall affect the full operation of the list of members or the nomination paper with respect to such person or place in any case where the description in regard to the name of the person or place is such as to be commonly understood, and the Returning Officer or the person authorised by him shall permit any such misnomer or inaccurate description or clerical, technical or printing error to be corrected and where necessary, direct that any such misnomer, inaccurate description clerical, technical or printing error in
the list of members or in the nomination paper shall be overlooked. Further that if there are any blanks in the nomination paper the Returning Officer or the person receiving the nomination paper shall get such blanks filled in before recording his endorsement on the same.

(8) No nomination paper shall be received after the date and time fixed under Clause (b) of sub-rule (2). The person authorised to receive nomination papers shall on each day prepare a list of candidates alongwith their proposers, seconders and offices and exhibit the same on the notice board at the place fixed for receipt of nominations.

(9)(a) Nomination papers duly received shall be scrutinized by the Returning Officer on the date fixed for the scrutiny under clause (c) of sub -rule (2);

(b) It shall be open to the persons filling the nomination paper to be present at the time of scrutiny;

(c) The Returning Officer shall not reject any nomination paper on the ground of any defect which is not of a material character nor shall it be rejected on the ground of any irregularity in respect of a nomination form, if the candidate has been duly nominated by means of another nomination form, in respect of which no irregularity has been committed;

(d) The Returning Officer shall for reasons to be recorded in writing, reject a nomination paper only on the following grounds :—

(i) if the nomination paper is not in accordance with the preceding sub - rules;

(ii) if the candidate is dis-qualified to be elected or proposer/seconder is dis-qualified to vote by or under the Act, rules or bye-laws of the society;

(e) The Returning Officer shall prepare a list of valid nominations. If in the list more than one nomination papers are found valid for one post, then first valid nomination of the candidate shall be accepted and he will sign the list in token of its correctness and shall publish and affix on the notice board of the society.

(10) Any candidate may withdraw his candidature by notice in writing, subscribed by him and delivered either in person by the candidate or his proposer or seconder to the Returning Officer, on or before the date fixed under clause (d) of sub-rule (2). A candidate who has withdrawn his candidature shall not be allowed to cancel his withdrawal.

(11) On completion of the scrutiny of the nominations (10), the Returning Officer shall prepare a list of candidates whose nominations are in order and who have not withdrawn their candidature and cause it to be published on the notice board of the society.

(12) If the number of duly nominated candidates for election as committee members is equal to or less than the number of seats to he filled, the Returning Officer shall declare all of them elected and shall intimate this fact to the society.

(13) If the number of committee members, so elected falls short of the number of seats specified in the election notice for committee member, the committee members shall fill up the remaining seats by co-option in a meeting to be presided over by the Returning Officer:

Provided that, if the number of members elected falls short of the quorum fixed for the meeting of the committee in the bye -laws, co-option shall not be made and the election process shall be started afresh for the remaining seats.

(14)(a) If the number of duly nominated candidates is greater than the number of members to be elected, immediately after the expiry of the period within which candidature could be withdrawn under clause (d) of sub-rule (2), the Returning Officer shall prepare and publish in

Form-I, a list of contesting candidates whose nomination papers have been finally accepted and who have not withdrawn their candidature during the specified period.

(b) The list referred to in clause (a) shall contain the names of contesting candidates in alphabetical order in Hindi alongwith their addresses as given in nomination papers.

(c) The list of contesting candidates referred to in clause (a) shall contain the particulars set out in

Form-I and shall be prepared in Hindi in Dev Nagari Script.

(d) The alphabetical order referred in clause (b) shall be determined with reference to surname of the candidates having surnames and to the names proper in the case of other candidates.:

(e) Where a poll becomes necessary, the Returning Officer shall assign to each candidate 8[a symbol in serial order as listed below and the symbol shall be printed on the ballot paper—

(1) Flower	(2) Bullock	(3) Sword
(4) Two leaves	(5) Scales	(6) Box
(7) Lion	(8) Bullock cart	(9) Chair
(10) Hut	(11) Bird.	(12) Match Box
(13) Tree	(14) Book	(15)Television
(16) Fish	(17) Buffalow	(18) Deer
(19) Bear	(20) Well	(21) Pump
(22) Telephone	(23) Motor	(24) Cycle
(25) Aeroplane	(26) Engine	(27) Boat
(28) Fountain pen	(29) Wall Clock	(30) Ring.

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

Provided that no symbol allotted to any political party of the State by the Election Commissioner shall be allotted to any candidate;

(g) The symbols allotted to the contesting candidates of any group shall be printed on the ballot papers, meant for the group. The ballot paper shall show only the name of office for which the vote is being cast the names and the symbols of contesting candidates in the group in the same serial order as displayed in

Form I by the Returning Officer on the notice board of the Society under clause (j) of sub-rule (14) of Rule 41;

(h) The list of names of the contesting candidates for any group and the symbols allotted to each of them in the same serial order as mentioned in clause (g) of Rule 14 shall be displayed before the ballot box kept for casting of votes of the group concerned. Such list shall also be displayed on the gate of the Polling Booth and a copy thereof shall be given to each of the contesting candidates.

(i) The allotment of any symbol by the Returning Officer to a candidate shall be final.

(j) The Returning Officer shall immediately after preparation of the list of contesting candidates cause to be displayed a copy there of on the notice board of the society and shall also supply a copy thereof each of the contesting candidates.

(15) If the general meeting is adjourned for want of quorum, the list of duly nominated candidates shall hold good for the poll to be held in the adjourned general meeting.

(16) The Returning Officer shall appoint as many polling officers to conduct the poll and as many tellers to count the votes as may be necessary.

(17) A register shall be kept at the place of the meeting and every member that attends the meeting shall sign in such register before he ent ers the place of the meeting.

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

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

(20) The Returning Officer shall show the empty ballot boxes to the candidates, if any present, close and seal them leaving open the slit for insertion of ballot papers. Voting shall be by ballot and voters shall make a mark x on or against the symbols of candidates whom he wishes to elect, fold the ballot papers and deposit it in the ballot box. In the case of physically disabled who requires help, the Returning Officer shall help in marking marks on the symbols of the candidates according to the desire of such voter.

(21) The Returning Officer shall before taking the poll fix the hours which shall not be less than two hours during which the poll will be taken, make announcement to the effect in the general meeting and on the expiry of the hours so fixed he shall close the poll. Those voters, who though present at the place have not been able to vote for want of time, shall be given reasonable opportunity to obtain ballot papers and vote even though the time fixed for the poll has expired. After the closure of the poll, the slit of the ballot boxes shall be closed and sealed and delivered to the tellers. An account of used and un-used ballot papers shall be prepared and counter foils of used ballot papers, unused ballot papers and marked copy of voter list shall be put in an envelope and sealed kept in the box referred to in sub-rule (24).

(22) Tellers shall arrange all ballot papers—

(a) They shall reject a ballot paper after obtaining the approval of the Returning Officer—

(i) if it bears signature to identify the voter;

(ii) if it does not bear the seal of the society or the initials of Polling Officer;

(iii) if it contains no mark indicating a vote;

(iv) if it contains more marks than the number of seats to be filled.

(b) A mark made in a ballot paper in such a manner that it is ambiguous to which candidate the vote is given shall be rejected: Provided that other correctly made marks, if any, on such ballot paper shall be counted.

(23)(a) Soon after the counting of votes is over, the Returning Officer shall prepare and certify a return setting forth-

(i) the number of valid votes given to each candidates; and

(ii) the number of ballot papers declared to be invalid or rejected.

(b) On the basis of the said return the candidates who have secured the largest number of votes shall he declared elected by the Returning Officer at the general meeting and their names published on the notice board of the society under his signature.

(c) In case of equality of votes polled by two or more candidates, the lots shall be drawn in such manner as the returning officer may fix to determine the name or names of the successful candidate or candidates.]

(d) The names of the candidates elected or co-opted, as the case may be, under sub-rules (12) and (13) and a copy of the certified return prepared under clause (a) above, shall be submitted by the Returning Officer to the Registrar forthwith.

(24) The Returning Officer shall arrange to keep nomination papers and the Registers, referred to in sub-rules (7) and (17), the ballot papers and the return of election in safe custody in a sealed box with the Registrar or a person authorised by him in this regard. These records shall not be destroyed till the next elections of the society are held or till the final disposal of the election dispute filed under sub-section (v) of Section 64, if any. The Registrar shall thereafter cause them to be destroyed in his presence or in the presence of an officer authorised for this purpose.

(25) Every member of the committee and every employee of the society shall be bound to render every assistance to the Returning Officer, Polling Officer and Tellers in the conduct of elections and shall make available every record that may be required by the Returning Officer for this purpose. The society shall arrange to provide ballot boxes, locks and keys, sealing wax, tape, ballot papers, printed or typed or handwritten, and the stationery necessary for the conduct of election to the Returning Officer. All expenditure incurred in connection with such election shall be paid by the society.

(26) For the purposes of this rule the „Returning Officer" means an officer appointed by the Registrar by general or special order or appointed by the committee from amongst the members of the society, as per second proviso of sub-section (8) of Section 49, for performing the duties of a Returning Officer under the provisions of the Act and Rules thereunder.

(27) If the Returning Officer is appointed by the Committee of the society, then information of such appointment shall be sent to the Registrar in writing within 7 days from the date of such appointment.

42. (Omitted)

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

(2-A) A casual vacancy in the office of an elected member [xxx] shall be filled by co-option by the remaining members of the committee in a meeting to be presided over by the Returning Officer. Such co-opted member, [xxx] as the case may be, shall be from the same group and class in which the vacancy occurred. The member [xxx] so co-opted shall hold office until the expiry of term of the committee co-opting him:

Provided that, no co-option shall be made in a meeting of committee unless the subject has been included in the agenda circulated for that meeting and unless there is a quorum.

(3) (Omitted)

(3-A) In a primary society falling under sub-clause (i) of clause (a) of sub-section (3) of Section 48, not less than half the total number of seats on the committee shall be reserved for members belonging to 2[Scheduled Castes, Scheduled Tribes and Other Backward Classes] in the proportion which the numbers of the said 3[Castes, Tribes and Classes] bears to the total membership of such society.

(4)(a) The Returning Officer shall on the day fixed under clause (d -i) of sub-rule (2) of Rule 41 convene a meeting of the newly elected members 5[xxx] for co-option of members in the committee, if so required.

(b) Such meeting shall be presided over by the Returning Officer.]

(4-A) The Returning Officer shall on the date fixed under clause (e) of sub-rule (2) of Rule 41, convene a meeting of the elected, co -opted and such members nominated under Section 48 (3) (C) and second proviso of Section 52 -B, of the committee, notices whereof shall be given to each member atleast three clear days before the date fixed for election of President/Chairman, Vice -President/Vice-Chairman, representatives and other officers as per byelaws of the society. Such notices shall contain—

(a) the number of officers and the representatives to be elected;

(b) the time for making nominations, the hours between which, the place at which, and the person to whom, nomination papers shall be presented;

(c) the place at which and hours between which scrutiny of nomination papers shall be made and the time and place of polling, if necessary;

(d) the time for withdrawal of candidatures, and

(e) the time for election of President/Chairman, Vice-President! Vice-Chairman and representatives and such other officers as are specified in byelaws;

The meetings under sub-rule (4-A) shall be presided over by the Returning Officer.

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

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

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

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

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

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

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

(d) misuses the post held by him:

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

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

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

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

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

43-B. (Omitted)

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

(a) is an applicant to be adjudicated or is an undischarged insolvent; or

(b) is sentenced for an offence not involving moral turpitude and a period of five years has not elapsed from the date of expiry of the sentence; or

(c) is or becomes of unsound mind; or

(d) holds or accepts any office of profit in the society; or

(e) carries on business of the kind carried on by the society; or

(e-1) (Omitted)

(f) has been disqualified under Section 49, 50 or 53 for the period mentioned in the order; or

(g) has, at the time of nomination of his/her candidature, or subsequent to his/her election, his/her wife/husband/father/mother/ brother/sister/son/daughter as a paid employee of the society; or

(h) is or gets in default to the society or to any other society for a period exceeding twelve months in respect of any loan or loans taken by him; or

(i) has been a member of a society for less than forty five days immediately preceding the date of election; or

(j) has been removed from the service of Central Government or a State Government or any Public Undertaking institution or any local self institution or any co-operative society

(k) (Omitted)

(2) (Omitted)

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

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

(a) if he suffers from any of the disqualifications mentioned in Rule 44; or

(b) if he ceases to be a member of the society which he represents; or

(c) if elections fall due and the society, which he represents elects another representative; or

(d) if the registration of the society which he represents is canc elled under Section [18 or 18-A]; or

(e) if-

(1)the Registrar or an officer authorised by him assumes charge under sub-section (8) of Section 49 of the committee of the society which he represents; or

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

(iii) the committee of the society which he represents has been removed under sub-section (1) of Section 53; or

(f) if the society is ordered to be wound up under Section 69.

(2A) If a representative ceases to hold office in the circumstances referred to in clause (c) of sub-rule (2) the person or persons appointed by or under the relevant provisions of the Act to manage the affairs of the society shall have the power to nominate himself or one from among themselves, as the case may be, to fill the vacancy so caused.

(3) No representative of the society shall be eligible for election as a member of the committee of Cooperative Bank, Financing Bank, Federal Society or Apex Society and shall cease to hold his office as such if the society is or gets into default for a period exceeding twelve months in respect of any loan or loans taken by it from such Co-operative Bank, Financing Bank, Federal Society or Apex Society.

46. Prohibition against being interested in contracts, etc.-(1) No officer of a society shall have any interest, directly or indirectly otherwise than as such officer,-

(a) in any contract made with or by the society; or

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

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

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

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

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

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

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

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

(a) subject to the over all control and general superintendence of the committee to have general control over the administration of the society;

(b) to convene meetings of the committee and the general body in consultation with the President/Chairman;

(c) to receive all money and securities on behalf of the society and make arrangement for proper maintenance and custody of cash balances and other properties of the society;

(d) to endorse and transfer promissory notes, Government and othe r securities and endorse, sign and negotiate cheques and other negotiable instruments on behalf of the society;

(e) to sign all bonds and agreements in favour of the society;

(f) to be responsible for the general conduct, supervision and management of the day-to.-day business and affairs of the society;

(g) to sign all deposit receipts and operate the accounts of the society with banks;

(h) to institute, conduct, defend, compound or abandon any suit or other legal proceedings by or against the society or otherwise concerning the affairs of the society and also to compound and allow time for payment or satisfaction of any claims or demand by or against the society in accordance with the decisions of the committee;

(i) to submit such information, reports and returns concerning the affairs of the society as may be required by the Registrar or the State Government;

(j) subject to the provisions of bye-laws to determine the powers, duties and responsibilities of the employees of the society;

(k) to communicate decisions and to issue suitable directions or orders in compliance of the decisions of the committee or any other competent authority, as the case may be;

(l) to exercise such powers in respect of the employees of the society or the cadre employees as may be laid down in the service rules framed by the Registrar under Section 55 (1) or Section 54 (2) of the Act;

(m) such powers and duties as are specified by or under the bye -laws of the society;

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

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

(a) Agriculture Production Commissioner Chairman (b) Chairman of the concerned Apex Society Member (c) One Director of concerned Apex Society to be Member nominated by the Board of the Apex Society.

(d) Registrar, Co-operative Societies, Madhya Pradesh Member Secretary.

(2) Administrative Department of Apex Society shall make a reference to the Chairman of the Selection Committee for selection of the Managing Director and Chief Executive Officer.

(3) The Chairman of the Committee on receipt of the reference shall fix the date of the meeting of the Selection Committee.

(4) The Board of the concerned Apex Society shall send the name of one nominated Director to the Member Secretary of the Selection Committee 15 days before the meeting in writing.

(5) Notice of the meeting of the Selection Committee shall be issued by the Member Secretary of the Committee at least seven days before the meeting.

(6) The quorum of the meeting shall be at least 3 Members out of which the presence of the Chairman of the Selection Committee shall be compulsory.

(7) The Member Secretary as the case may be shall submit a panel of names before the Selection Committee in consultation with the General Administration Department of the Administrative Department of the concerned Apex Society and submit it to the committee.

(8) In case where the recommendation of the Committee is not unanimous, the decision of the Government shall be final.

(9) After the selection, the Member-Secretary shall inform the State Government in the Administrative Department or the General Administration Department, as the case may be.

CHAPTER VI

AUDIT, INQUIRY, INSPECTION AND SUPERVISION

50. Procedure for conducting audit.-(1) The person authorised by the Registrar to audit the accounts of a society under sub-section (i) of Section 58 (hereinafter referred to as auditor in this rule) shall submit an audit note to the Registrar in the form specified by the Registrar on the accounts examined by him and on the balance sheet and profit and loss account as on the date and for the period upto which the accounts have been audited and shall state whether in his opinion and to the best of his information and according to the explanation given to him, the said accounts give all the information required by the Act in the manner so required and give true and fair view,-

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

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

(2) The audit note shall state,-

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

(ii) whether in his opinion proper books of accounts, as required by the Act, these rules, the bye-laws of the society and the Registrar have been kept by the society so far as it appears from the examination of these books; and

(iii) whether the balance sheet and profit and loss account examined by him are in agreement with the books or accounts and returns of the society.

(3) Where any of the matters referred to in sub-rule (2) are answered in the negative or with a qualification, the audit note shall specify the reasons for the answer.

(4) The audit note shall also contain full particulars of,-

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

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

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

(iv) any money or property belonging to the society which appears to the auditor to be bad or doubtful debt; and

(v) any other matters specified by the Registrar in this behalf.

(5) The Registrar may direct that any portion of the audit note which appears to him to be of an objectionable nature or not justified by facts shall be expunged and the portion so expunged shall not form part of the audit note.

(6) The Registrar may from time to time specify the form or forms in which the statements of accounts and information shall be prepared for audit by the society.

(7) On completion of his audit, the auditor shall award an audit classification to the society whose accounts have been audited by him in accordance with the instructions issued by the Registrar from time to time. The Registrar may, if he thinks necessary, amend the audit classification for reasons to be recorded in writing.

50-A. Levy of audit fees.-(1) Every society the accounts of which are audited under sub-section (1) of Section 58 shall [x x x] pay to the State Government a charge for the audit of its accounts for each co -operative year in accordance with the scale laid down in the Schedule in respect of the class of society to which it belongs.

(2) The Registrar shall communicate the charges payable by the society under sub-rule (1) by an order in writing in Form FF to be delivered personally or sent by post to the address of the society under certificate of posting:

Provided that in the case of a primary credit society affiliated to a Co -operative Central Bank, the order shall be communicated to such Bank.

50-B. Procedure for conducting the audit by qualified Chartered Accountant.-(1) The Chartered Accountant appointed from the penal approved by the State Government shall audit the accounts of such societies a nd submit an audit note to the concerned society with a copy to the Registrar in the form specified by the Registrar and on the balance sheet and profit and loss account as on the date and for the period upto which the accounts have been audited, and shall state whether in his opinion and to the best of his information and according to the explanation given to him, the said accounts give all the information required by the Act and Rules made thereunder in the manner so required and give true and fair view :-

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

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

(2) The audit note shall state the details as mentioned in sub -rule (2) to (7) of Rule 50.

(3) The audit fee shall be paid by the society to Chartered Accountants, as mutually agreed upon.]

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

CHAPTER VII

DISPUTES AND ARBITRATION

52. Reference of a dispute.-A reference of dispute under Section 6 shall be made in writing to the Registrar in Form H. Wherever necessary, the Registrar may require the party referring the dispute on him to produce a certified copy of the relevant records on which the dispute is based and such other statements or records as may be required by him, before proceeding with the consideration of the reference.

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

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

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

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

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

(2) The Registrar, his nominee or board of nominees shall have the power to order the fees, if any, and expenses incurred in determining such dispute to be paid either out of the funds of

the society or by such party or parties to the dispute as he or it may think fit, according to the scale laid down by the Registrar after taking into account the amount deposited under sub -rule (1).

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

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

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

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

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

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

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

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

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

CHAPTER VIII

LIQUIDATION

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

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

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

(i) members;

(ii) past members, with dates of their withdrawal, who are subject to liability under Section 29; and

(iii) deceased members, with dates of their death, names of their legal heirs who represent their estate and who are subject to liability under Section 29.

(c) The liquidator shall, as soon as the order of winding up of the society takes effect, publish by such means as he may think proper, a notice requiring all claims against the society the winding up of which has been ordered, to be submitted to him with in two months of publication of the notice. All liabilities recorded in the account books of the society shall be deemed ipso-facto to have been duly submitted to him under this clause.

(d) The liquidator shall, after settling the assets and liabilities of the society, as they stood on the date on which the order of winding up takes effect, proceed next to determine the contribution (including debts due) to be made by each of the members, past members, or by the estates or nominees, heirs or legal representatives of deceased members or by any officers or former officers, to the assets of the society under clause (b) and as costs of liquidation determined under clause (e) of sub-section (2) of Section 71. He may also make a subsidiary order regarding such contributions and costs and such order shall be enforceable in the same manner as the original order.

(e) The liquidator shall submit to the Registrar such reports and returns in such form as the Registrar may specify showing the progress made in the liquidation of the society.

(f) The liquidator may empower any person by general or special order in writing, to make collections and grant valid receipts on his behalf.

(g) All funds in the charge of the liquidator shall be deposited in a Co-operative Bank or in the Post Office savings Bank or with such other bank as may be approved by the Registrar and shall stand in his name.

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

(i) The liquidator may issue summons to persons whose attendance is required to give evidence or to produce documents. He shall record brief notes of the evidence of such persons.

(j) If any liability cannot be discharged by the liquidator owing to the whereabouts of the claimants not being known or for any other cause, the amount covered by such undischarged liability may be deposited in a Co-operative Bank and shall be available for meeting the claims of the person or persons concerned.

(k) The liquidator shall have power to call meetings of members of the society under liquidation.

(l) At the conclusion of the liquidation, the liquidator shall call a general meeting of the members as they existed on the date of winding up of the society. The liquidator or any person authorised by him in writing in this behalf shall summarise the results of his proceedings in the meeting and report what sum, if any, remains in his possession after meeting all the liabilities of the society. If the bye-laws of the society do not describe the object to which the surplus assets, if any, have to be applied after liquidation, the liquidator shall proceed to take a vote of the members present to determine any object of public utility to which they have to be applied.

(m) After the liquidation proceedings of the society have been closed, the liquidator shall submit a final report as laid down in sub-section (3) of Section 71, to the Registrar together with a copy of the proceedings of the general meeting, if any, referred to in clause (1) and shall subject to the provisions of the said sub-section hand over all the records of the society to such person as the Registrar may direct.

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

(o) The liquidator shall keep such books and accounts as may from time to time be required to be kept by the Registrar, who may at any time cause such books and accounts to be audited. The liquidator shall pay such fees for the audit as may be levied under the Act.

58. Disposal of records of society whose registration is cancelled.-All the books and records of a society whose registration has been cancelled and the proceedings of liquidation may be destroyed by the Registrar after the expiry of two years from the date of the order cancelling the registration of the society.

58-A. Procedure to be adopted by Official Assignee.-The official assignee, appointed by the Registrar under sub-section (2) of Section 18-A, shall adopt the procedure to realise the assets and liquidate the liabilities as provided under Rules 57 and 58.

CHAPTER IX

APPEALS, REVISIONS AND REVIEW

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

(2) When such an appeal or application for revision or review is presented by an agent it shall be accompanied by the letter of authority of the appellant or applicant as the case may be, appointing him as such.

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

(4) Every appeal or application of review or revision shall-

(a) be either type-written or hand-written in ink legibility;

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

(c) state by whom the order, against which the appeal or application of review or revision is preferred, was made;

(d) clearly state the grounds on which the appeal or application is made;

(e) state precisely the relief which the appellant or applicant claims; and

(f) give the date of the order against which the appeal or review or revision is preferred.

(5) On receipt of the appeal or application for review or revision the Tribunal or the Registrar as the case may be shall endorse on it the date of its receipt.

59-A. Salary and other allowances, term and other conditions of service of the Chairman and Members of the Madhya Prade sh State Co-operative Tribunal.-(1) Salary, Allowances, Pension and other perquisites payable to the Chairman and Member of the tribunal in the case or retirement during the term of appointment in the Tribunal.-when, Chairman or Member of the Tribunal, at the time of his appointment as such is a District Judge or a Departmental member and during his tenure of Chairman or member, he retires from the post of a District Judge, or from the Co -operative Department, as the case maybe, in accordance with the terms and conditions applicable to him prior to his appointment as Chairman or Member, he shall continue as such till the completion of his tenure, for which he has been appointed and from date of retirement he shall be entitled to the last pay drawn and dearness pay and dearness allowance, interim relief and such other benefits appropriate to the last pay at the rates admissible from time to

time to a District Judge, or to an officer of the Co-operative Department, minus pension (including any portion of pension which may have been commuted) and the pension equivalent of other retirement benefits if any as his pay and allowances.

(2) Pay, Allowances & Other perquisites-

(i) „When Chairman of the Tribunal at the time of his appointment as such, is a retired Judge of the High Court and is in receipt of or has become entitled to receive any retirement benefits by way of pension, gratuity or otherwise, he shall be entitled to such monthly pay (including dearness allowance) as was admissible to him at the time of retirement as Judge of the High Court and all such other allowances as are admissible from time to time to a sitting Judge of the High Court, minus pension (including any portion of pension which may have been commuted) and the pension equivalent of other retirement benefits, if any, as his pay and allowances.

(ii) When the Chairman of the Tribunal, at the time of his appointment as such, is a District Judge, he shall be entitled to the same pay and allowances and other perks and facilities as are admissible to him as District & Sessions Judge (as a member of a Higher Judicial Service).

(iii) A Departmental Member at the time of his appointment is an officer of Co-operative Department he shall be entitled to the same pay and allowances admissible to him as an officer of Co-operative Department.

(iv) The non-official Member shall receive an honorarium of rupees 150 per day,-

(a) The officers and other employees of the Tribunal shall be entitled to draw pay and allowances at par with the State Government employees holding equivalent posts.

(b) In all matters like age of retirement, pensions, pay and allowances, other benefits and entitlements and disciplinary matters, the officers and other employees of the Tribunal shall be governed by the State Government Rules as applicable to persons holding equivalent posts.

(3) Term of Office.-The Chairman and other Members of the Tribunal may hold office not more than 5 years in accordance with the provisions of clause (a) of sub-section (5) of Section 77 of the Act, or upto the age of 65 years whichever is earlier.

(4) Headquarters of the Chairperson and the Members.-The headquarters of the Chairman and the Members shall be at Bhopal.

(5) Hours of work and holidays.-(i) The working hours and holidays for the Chairman and Members and their office shall be such as may be specified in the regulation:

Provided that till regulations are made the working hours and holidays for the Chairman and Member and their office shall be the same and observe such public holidays as observed by the Government of Madhya Pradesh and such local holidays as are declared by the local authorities from time to time.

(6) Leave,-

(i) The Chairman and the Members shall be entitled to earned leave on full pay and allowance upto 1/11th of the period spent on duty: Provided that they shall cease to earn such leave when the total leave earned exceeds 240 days:

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

Provided also that the Chairman and the Members who retire from the service of the Tribunal shall be entitled to the benefit of cash equivalent to leave salary in respect of earned leave at their credit on the date of their retirement subject to the maximum of 240 days.

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

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

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

(8) Travelling Allowances,-

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

(b) The Members shall be entitled to the travelling allowance, daily allowance and transportation of personal effects and other similar matters, at the scale and rates as admissible to a Class I Officer of the State Government.

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

(9) Leave Travel Concession.-The Chairman, or a Member shall be entitled to the leave travel concession at the same rates and the same scales and on the same conditions as are applicable to Group "A" Officer of the Central Government drawing a pay in the scale of Rs. 22,400—525—24,000 or above.

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

(11) Facility of accommodation,-

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

(b) The Chairman shall be entitled to the facility of official telephone on par with the head of the Departments of the Government and the Members shall be entitled to the same facility as was available to them before their appointment as Members.

(12) Conveyance Facility-

(i) The Chairman shall be entitled to the facility and use of Government car within the limit fixed for Principal Secretary.

(ii) There shall be staff car also in the office of the Tribunal.

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

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

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

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

(a) In regard to Class IV, Class III and Class II employees the disciplinary authority shall be the Registrar of the Tribunal or such other Officer or Member as may be designated in this behalf by the Chairman.

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

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

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

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

(17)The Members of the Tribunal shall be appointed by the Government in consultation with and prior approval of the Chairman.

(18) Miscellaneous.-In respect of any other matter for which special provision is not made by these rules, the condition of service shall be governed by the Rules and the orders for the time being applicable to the Judge of a High Court of Madhya Pradesh and as regards persons other than High Court Judge by the rules and orders for the time being applicable to the Services fr om which such person is drawn.

60. Procedure to be followed in disposing of appeals by the Registrar.-(1) If the appellate authority finds that the appeal presented does not conform to any of the provisions of Rule 59 it shall make a note on the appeal to that effect and may call upon the appellant or his agent t o remove the defects within a period of seven days of the receipt of notice to do so or in case the appeal has not been presented within the prescribed time limit to show cause within the said period why it should not be dismissed as time -barred by the appellate authority.

(2) If the defect is removed or the cause shown by the appellant or his agent satisfied the appellate authority, the appellate authority may proceed to consider the appeal.

(3) If the appellant or his agent fails to remove the defects or to show cause to the satisfaction of the appellate authority within the said period, the appellate authority may-if the appeal is not presented within the time limit dismiss the appeal as time-barred. In cases where it is considered necessary to give a hearing, the appellate authority may fix a date for hearing, of which due notice shall be given to the appellant or his agent.

(4) On the date so fixed, the appellate authority shall examine the relevant record hear the appellant or his agent, if present, and pass appropriate order.

(5) The appellate authority may, at its discretion, adjourn the hearing for any other day at any stage.

(6) When the hearing of the appeal is completed, the appellate authority shall announce the judgment forthwith or may fix another date for the judgment.

(7) Every decision or order of the appellate authority shall be in writing and a copy of the same shall be supplied to the appellant and such other parties as in the opinion of the appellate authority are likely to be affect ed by the decision or the order.

61. Appeal against rejection of an application for membership.-(1) Where an application for membership has been rejected under sub -section (4) of Section 19 an appeal shall lie to the Registrar.

(2) The provision of Rules 59 and 60 mutatis-mutandis apply to the presentation and disposal of the appeal under sub-rule (1).

CHAPTER X

EXECUTION OF DECREES

62. Application for execution to Recovery Officer.-(1) Any decree holder requiring the provisions of clause (c) of Section 85 to be applied shall apply to the Recovery Officer in whose jurisdiction the cause of action arose and shall deposit the necessary cost on a scale fixed by the Registrar. If the judgment-debtor resides or the property to be proceeded against is situated outside the jurisdiction of such Recovery Officer, the Recovery Officer shall transfer the application to the Recovery Officer in whose jurisdiction the judgment-debtor resides or the property is situated.

(2) Every such application shall be made in the form prescribed by the Registrar, and shall be signed by the decree-holder. The decree-holder may indicate whether he wishes to proceed in the first instance against the immovable property mortgaged to the decree-holder or other immovable property or to secure the attachment of the movable property. The decree - holder may also indicate whether he wishes to proceed for recovery under Rule 66 or 66(A) of the rules:

Provided that it shall be open to the decree-holder at any stage of the proceedings under Rule 66(A) to adopt the mode of recovery under Rule 66 for reasons of quick and effective recovery. The Recovery Officer and the Sales Officer shall then act accordingly.

(3) On receipt of the application, the Recovery Officer shall verify the correctness and genuineness of the particulars set forth in the application with the records, if any, in the office of the Registrar and prepare a demand notice in writing in duplicate in the form specified by the Registrar setting forth the name of the judgment-debtor and the amount due and forward it to the Sale Officer.

63. Procedure in execution.-Unless the decree-holder has expressed a desire that proceedings should be taken in a particular order, as laid down in sub-rule (2) of Rule 62, execution shall ordinarily be taken in the following manner :-

(i) movable property of the judgment-debtor shall be first proceeded against, but shall not preclude the immovable property being proceeded against simultaneously in case of necessity;

(ii) if there is no movable property, or if the sale proceeds of the movable property or properties attached and sold are insufficient to meet in full the demand of the decree-holder, the immovable property belonging to the judgment-debtor may be proceeded against.

64. Attachment and sale of specific movable property including crops on land.-In the attachment and sale of movable property, the following rules shall be observed :-

(a) The Sale Officer shall, after giving previous notice to the decree -holder, proceed to the village where the judgment-debtor resides, or the property to be attached is situated and served a demand notice upon the judgment-debtor, if he is present. If the amount due together with the expenses be not at once paid, the Sale Officer shall make the attachment by seizure or otherwise and shall immediately deliver to the judgment-debtor a list or inventory of the property attached and an intimation of the place and the day and hour at which the attached property will be brought to sale if the amounts due are not previously discharged. If the judgment-debtor is absent, the Sale Officer shall serve the demand notice on some adult male member of his family, or on his authorised agent, or where such service cannot be affected, shall affix a copy of the demand notice on some conspicuous part of his residence. He shall then proceed to make the attachment and shall fix the list of property attached on the

usual place of residence of the judgment -debtor, endorsing thereon the place where the property may be lodged or kept and an intimation of the place, day and hour of sale.

(b) After the attachment is made, the Sale Officer may arrange for the custody of the property attached, with the decree-holder or otherwise. If the Sale Officer requires the decree-holder to undertake the custody of the property he shall be bound to do and any loss incurred owing to his negligence shall be made good by the decree-holder. If the attached property is live-stock, the decree-holder shall be responsible for providing the necessary fodder therefore. The Sale Officer may, at the instance of the judgment-debtor or of any other person claiming an interest in such property, leave it in the village or place where it was attached, in the charge of such judgment-debtor or person, if he enters into a bond in the form specified by the Registrar with one or more sufficient sureties for the production of the property when called for.

(c)No attachment shall be made after sunset and before sunrise.

(d)The attachment made shall not be excessive, that is to say, the property attached shall be in value as nearly as possible proportionate in the sum due by the judgment-debtor, together with interest and all expenses incidental to the attachment and sale.

(e)If crops or ungathered products of the land belonging to a judgment-debtor are attached, the Sale Officer may cause them to be sold when fit for reaping or gathering, or at his option may cause them to be reaped or gathered in due season and stored in proper place until sold. In the latter case the expenses of reaping or gathering and storing such crops or products shall be defrayed by the owner upon his redeeming the property or from the proceeds of the sale in the event of its being sold.

(f) The Sale Officer shall not work the bullocks or cattle, or make use of the goods or movables attached and he shall provide the necessary fodder for the cattle or live-stock, the expenses attending which shall be defrayed by the owner upon his redeeming the property, or from the proceeds of the sale in the event of its bein g sold.

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

(h)Where the Sale Officer may have reason to suppose that the property of a judgment-debtor is lodged within a dwelling-house, the outer door of which may be shut or within any apartment appropriated to women, which by custom or usage are considered private, the Sale Officer shall report the fact to the Officer in-charge of the nearest police station. On such report the Officer-in-charge of the said station shall send a police officer to the spot in the presence of whom the Sale Officer may force open the outer door of such dwelling-house or break open the door of any room within the house except the room appropriated by women. The Sale Officer may also, in the presence of the police officer after due notice given for the removal of women within a zanana and after furnishing means for their removal in a suitable manner, if they be women of rank who, according to the custom or usage cannot appear in public, enter the

zanana apartments for the purpose of attaching the judgment-debtor‟s property, if any, deposited therein, but such property, if found, shall be immediately removed from such apartments after which they shall be left free to the former occupants.

(i) The Sale Officer shall cause proclamation of the time and place of the intended sale to be made by beat of drum in the village in which the judgment-debtor resides and in such other place or places, as the Sale Officer may consider necessary to give due publicity to the sale. No sale shall take place until after the expiration of the period of fifteen days from the date on which the sale notice has been served or affixed in the manner prescribed in clause (a):

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

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

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

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

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

(l)Where it is proved to the satisfaction of any Civil Court of competent jurisdiction that any property which has been attached 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 judgment -debtor or any person acting on his behalf or any person claiming an interest in the property attached, pays the full amount due including interest, bhatta and other costs incurred in attaching the property, the Sale Officer shall cancel the order of attachment and release the property forthwith.

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

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

(2) Where the property to be attached consists of the share or inte rest of the judgment-debtor in movable property belonging to him and another as co-owners, the attachment shall be

made by a notice to the judgment -debtor, prohibiting him from transferring the share or interest or charging it in any way.

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) other movable property not in the possession of the judgment - debtor, except property deposited in or in the custody of any Civil Court,

the attachment shall be made by a written order signed by the Recovery Officer prohibiting-

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

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

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

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

66. Attachment and sale of immovable property.— (1) Immovable property shall not be sold in execution of a decree unless such property has been previously attached:

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

(2) In the attachment and sale or sale without attachment of immovable property, the following rules shall be observed—

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

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

(c) If the judgment-debtor fails to pay the amount specified in the demand notice within the time allowed, the Sale Officer shall proceed to attach and sell, or sell

without attachment, as the case may be, the immovable property specified in the demand notice for execution in the following manner.

(d) Where the attachment is required before sale, the Sale Officer shall, if possible, cause a notice of attachment to be served on the judgment-debtor personally. Where personal service is not possible, the notice shall be affixed in some conspicuous part of the judgment-debtor‟s last known residence, if any. The fact of attachment shall also be proclaimed by beat of drum or other customary mode of announcement at some place on or adjacent to such property and at such other place or places as the Recovery Officer may consider necessary to give due publicity to the sale. The attachment notice shall set forth that, unless the amount due with interest and expenses be paid within the date therein mentioned, the property will be brought to sale. A copy shall be sent to the decree-holder. Where the Sale Officer so directs the attachment shall also be notified by public proclamation in a local newspaper, if any.

(e) Proclamation of sale shall be published by affixing a notice in the office of the Recovery Officer, office of the Co-operative Central Bank and in the tahsil office at least thirty days before the date fixed for the sale. It shall also be published by beat of drum in the village. Such proclamation shall, where attachment is required before sale, be made after the attachment has been affected.
Notice shall also be given to the decree-holder and the judgment-debtor. The proclamation shall state the time and place of sale and specify as fairly and accurately as possible—.

(i) the property to be sold,

(ii) any encumbrance to which the property is liable,

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

(iv) every other matter which the Sale Officer consider material for a purchaser to know in order to judge the nature and value of the property.

(f)(i) Where any immovable property is sold under these rules, the sale shall be subject to the prior encumbrances on the property, if any. The decree-holder shall where the amount for the realisation of which the sale is held exceeds 1[Rs. 5,0001 furnish to the Sale Officer within such times as may be fixed by him or by the Recovery Officer, an encumbrance certificate from the Registration Department for the period of not less than 1[seven] years prior to the date of attachment of the property sought to be sold, or in cases falling under the proviso to the sub-rule (1) prior to the date of the application for execution. The time for production of the encumbrance certificate may be extended at the discretion of the Sale Officer of the Recovery Officer, as the case may be. The sale shall be by public auction to the highest bidder:

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

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

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

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

(g) A sum of money equal to 25 percent of the price for which the immovable property is purchased in auction shall be paid by the purchaser to the Sale Officer at the time of the purchase, and in default of such deposit, the property shall forthwith be resold Provided that where the decree-holder is the purchaser and is entitled to set off the purchase money under clause (k) the Sale Officer shall dispense with the requirements of this clause.

(h) The remainder of the purchase money and the amount req uired for the general stamp for the sale certificate shall be paid within fifteen days from the date of sale Provided that the time for payment of the cost of the stamp may for good and sufficient reasons, be extended at the discretion of the Recovery Officer upto thirty days from the date of sale Provided further that in calculating the amounts to be paid under this clause, the purchaser shall have the advantage of any set-off to which he may be entitled under clause (k).

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

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

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

(3) Where prior to the date fixed for sale, the judgment -debtor or any person acting on his behalf or any person claiming an interest in the property sought to be sold, tenders payment of the full amount due together with interest, bhatta and other expenses incurred in bringing the property to sale, including the expenses of attachment, if any, the Sale Officer shall forthwith release the property after cancelling, where the property has been at tached, the order of attachment.

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

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

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

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

with the five percent deposited by the applicant Provided that, if more persons than one have made deposit and application under this sub-rule, the application of the first depositor to the Recovery Officer, shall be accepted.

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

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

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

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

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

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

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

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

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

(b) Serve notice on the person or persons in possession of the immovable property mentioned in the certificate of sale, to deliver possession there of to the purchaser within 15 days from the date of receipt of notice by him.

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

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

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

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

66-A. Attachment and lease of immovable property. —(1)

Immovable property shall not he transferred by lease for a specified period in execution of a decree unless such property has been previously attached:

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

(2) In the attachment and transfer or transfer without attachment of immovable property, the following rules shall be observed :—

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

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

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

(c) If the judgment-debtor fails to pay the amount specified in the demand notice within the time allowed, the Sale Officer shall proceed to attach and transfer or transfer without attachment, as the case may be, the immovable property specified in the demand notice for execution in the following manner.

(d) Where the attachment is required before transfer by lease, the Sale Officer shall, if possible, cause a notice of attachment to be served on the judgment-debtor personally, where personal service is not possible, the notice shall be affixed in some conspicuous part of the judgment-debtors last known residence, if any. The fact of attachment shall also be proclaimed by beat of drum or other customary mode of announcement at some place on or adjacent to such property and at such other place or places as the Recovery Officer may consider necessary to give due publicity to

the transfer by lease. The attachment notice shall set forth that, unless the amount due with interest and expenses be paid within the date therein mentioned, the property will be brought to transfer by lease. A copy shall be sent to the decree-holder. Where the Sale Officer so directs the attachment shall also be notified by public proclamation in a local news-paper, if any.

(e) Proclamation of transfer by lease shall be published by affixing a notice in the office of the Recovery Officer, Office of the Co -operative Central Bank and in the Tahsil Office at least thirtydays before the date fixed for the transfer by lease. It shall also be published by beat of drum in the village. Such proclamation shall,

where attachment is required before transfer, be made after the attachment has been affected. Notice shall also be given to the decree-holder and the judgment-debtor. The proclamation shall state the time and place of transfer by lease and specify as fairly and accurately as possible :—

(i) the property to be transferred by lease;

(ii) any encumbrance to which the property is liable;

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

(iv) every other matter, e.g., the period of lease, the terms and conditions of lease, penalty of Rs. 10/- per day per acre to be paid by the lessee in case he detains the land beyond the period for which the lease is granted, etc., which the Sale Officer considers material for a lease-holder to know in order to judge the nature and value of the property.

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

(ii) At the end of the period specified in the proclamation, the land will revert to the judgment-debtor for which the Recovery Officer will issue a certificate in prescribed form. The retention of the land beyond the period will result in penalty specified above.

(iii)The terms and conditions for the said lease may include that the lessee pays entire dues of the judgment-debtor to the satisfaction of the decree-holder in one instalment, the exact period of lease, prohibition of any permanent improvement on the land involved in the lease, no right to any compensation or return on the investment made on improvement of land, etc. These terms may be decided by the Registrar under Section 84 of the Madhya Pradesh Co-operative Societies (Amendment) Act, 1970.

(iv) This explanation should form part of the proclamation.

(f) (i) Where any immovable property is transferred under these rules, the transfer shall be subject to the prior encumbrances on the property, if any. The decree-holder shall, where the amount for the realisation of which the transfer is held exceeds Rs. 5,000/ - furnish to the Sale Officer within such time, as may be fixed by him or by the Recovery Officer, an encumbrance certificate from the Registration Department for the period of not less than one year prior to the date of attachment of the property sought to be transferred or in cases falling under the proviso to sub-rule (1) prior to the date of the application for execution. The time for production of the encumbrance certificate may be extended at the discretion of the Sale Officer or the Recovery Officer, as the case may be. The transfer shall be by public auction to the highest bidder Provided that it shall be open to the Sale Officer to decline to accept the highest bid where the price offered appears to be unduly low or for other reasons Provided further that the Recovery Officer or the Sale Officer may, in his discretion, adjourn the auction for transfer by lease to a specified day and hour, recording his reasons for such adjournment. Where auction for transfer is so adjourned for a longer period than seven days, a fresh proclamation under clause (e) shall be made, unless the judgment-debtor consents to waive it Provided also that for want of bidders, or inadequate amount of bid, or for other reasons the decree -holder may abandon procedure of recovery by transfer by lease and apply afresh to the Recovery Officer under sub-rule (2) of Rule 62, for recovery under Rule 66 of these rules. By virtue of the new

application under Rule 62, the previous application under Rule 62, for auction under Rule 66-A shall be deemed to have been cancelled.

(ii) The auction for transfer by lease shall be held after the expiry of not less than thirty days calculated from the date on which notice of the proclamation was affixed in the office of the Recovery Officer. The time and place of auction for transfer by lease shall be fixed by the Recovery Officer and the place of auction shall be the village where the property to be transferred is situated or such adjoining prominent place of public resort as may be fixed by the said Recovery Officer Provided that in cases where an encumbrance certificate is not obtainable owing to the destruction of the connected records, an affidavit from village Patwari in regard to the encumbrances known to him supported by a certificate from the Registration
Department that the encumbrance certificate cannot be granted owing to the destruction of the connected records, shall he accepted in the place of an encumbrance certificate.

(g) A sum of money equal to 33 per cent of the price for which the immovable property is leased out in auction shall be paid by the lessee to the Sale Officer at the time of the lease and in default of such deposit, the property shall forthwith be auctioned for leasing out against Provided that where the decree-holder is the lessee and is entitled to set off the lease money under clause (k) the Sale Officer shall dispense with the requirements of this clause.

(h) The remainder of the lease money and the amount required for the general stamp for the certificate of lease shall be paid within forty five days from the date of lease: Provided that in calculating the amounts to be paid under this clause, the lessee, shall have the advantage of any set off to which he may be entitled under clause (k).

(i) In default of payment of the lease money within the period mentioned in clause (h), the deposit may, if the Recovery Officer thinks fit after defraying the expenses of the lease be forfeited to the State Government and the defaulting lessee shall forfeit all claims to the property or to any part of the sum for which it may subsequently be leased out.

(j) Every release of immovable property in default, of payment of the amount mentioned in clause (h) within the period allowed for such payment shall be made after the issue of a fresh proclamation in the manner and for the period hereinbefore prescribed for the transfer by lease.

(k) Where a decree-holder is the lessee of the property the lease money and the amount due on the decree shall be set -off against one another and the Sale Officer shall enter up to satisfaction of the decree in whole or in part accordingly.

(3) Where prior to the date fixed for transfer by lease, the judgment -debtor or any person acting on his behalf or any person claiming an interest in the property sought to be transferred tenders payment of the full amount due together with interest, Bhatta and other expenses incurred in bringing the property to lease including the expenses of attachment, if any, the Sale Officer shall forthwith release the property after cancelling, where the property has been attached the order of attachment.

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

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

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

(ii) If such deposit and application are made within thirty days from the date of auction for lease, the Recovery Officer, shall pass an order setting aside the transfer and shall repay to the lessee the lease money so far as it has been deposited with the five per cent deposited by the applicant Provided that, if more persons than one have made deposit and application under this sub-rule, the application of the first depositor to the Recovery Officer, shall be accepted.

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

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

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

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

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

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

(ii) Whenever the transfer by lease of any immovable property is not so confirmed or is set aside, the deposit or the lease money, as the case may be, shall be returned to the lessee.

(iii)After the confirmation of any such transfer by lease, the Recovery Officer shall grant a certificate of lease bearing his seal and signature to the lessee, and the judgment -debtor and such certificate shall state the property leased out, and the name of the lessee, the exact period of lease etc. It shall also state that on the expiry of this lease period, the property shall revert to the judgment-debtor automatically. The certificate shall be conclusive evidence of the fact of the lease in all Courts and Tribunals, where it may be necessary to prove and no proof of the seal or signature of the Recovery Officer shall be necessary unless the authority before whom it is produced shall have reason to doubt its genuineness.

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

(7) Where any lawful lessee of immovable property is resisted and prevented by any person other than a person (not being the judgment -debtor) claiming in good faith to be in possession of the property on his own account from obtaining possession of the immovable property leased, any Court of competent jurisdiction on application and production of the

certificate of lease provided for by sub-rule (6) shall cause the proper process to be issued for the purpose of putting such lease in possession, in the same manner as if the immovable property leased out had been decreed to the lessee by a decision of the Court.

(8) It shall be lawful for the Sale Officer to lease the whole or any portion of the immovable property of a judgment-debtor in discharge of money due: Provided always that so far as may be practicable, no larger section or portion of immovable property shall be leased than may be sufficient to discharge the amount due with interest and expenses of attachment, if any.

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

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

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

(2) The Recovery Officer shall make an order directly to the lease -holder to handover the possession of the land to the original judgment -debtor.

(3) He shall also issue a certificate of termination of the lease, and reversion of the land to the original judgment-debtor bearing his seal and signature to the original judgment-debtor. The certificate shall state the property is reverting, the name of the judgment-debtor to whom the property now reverts. The certificate shall be conclusive evidence of the fact of the termination of the lease and reversion of the land to the original judgment -debtor in all the Courts and Tribunals, where it will not be necessary to prove it and no proof of the seal and signature of the Recovery Officer shall be necessary, unless the authority before whom it is produced, shall have reason to doubt its genuineness.

(4) An order made under this sub-rule shall be final and shall not be liable to be questioned in any Court or other legal proceedings.

(5) Where any lawful original owner and judgment-debtor is resisted and prevented by any person from obtaining possession of the immovable property, that was leased out, the Recovery Officer shall put up the original owner, judgment-debtor in possession in the same manner as if the immovable property had been decreed to him by the decision of the Court.

(6) The retention of the land beyond the period of the lease will be unlawful and subject to penalty of Rs. 10/- per day per acre to be paid to the original owner of the land.

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

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

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

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

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

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

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

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

69. Investigation of claims to property attached.—(1) Where any claim is preferred to, or any objection is made to the attachment of any property attached under these rules on the ground that such property is not liable to such attachment, the Sale Officer shall investigate the claim or objection and make an order either rejecting the claim or objection and dispose it of on merits:

Provided that the Sale Officer may refuse to investigate the claim or objection if he considers that the claim or objection is frivolous.

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

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

69-A. Investigation of claims to property attached for transfer by lease.—(1) Where any claim is preferred to or any objection is made to the attachment of any property attached under these rules on the ground that such property is not liable to such attachment, the Sale Officer shall investigate the claim or objection and make an order either rejecting the claim or objection and dispose it of on merits :

Provided that the Sale Officer may refuse to investigate claim or objection if he considers that the claim or objection is frivolous.

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

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

70. Loss caused by resale due to default by purchaser at first sale.—(1) Any deficiency of price which may arise on a resale held under clause (k) of Rule 64 or under clause (g) or (j) of sub-rule (2) of Rule 66 by reason of the purchaser‟s default, and all expenses attending such resale shall be certified by the Sale Officer to the Recovery Officer and shall, at the instance

of either the decree-holder or the judgment-debtor, be recoverable from the defaulting purchaser. The costs, if any, incidental to such recovery shall also be borne by the defaulting purchaser.

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

70-A. Loss caused by release due to default of losses at first transfer by lease.—(1) Any deficiency of price which may arise on a resale held under clause (k) of Rule 64 or reauction for lease under clause (g) or (j) of sub-rule (2) of Rule 66-A by reason of the lessee‟s default and all expenses attending such retransfer by lease shall be certified by the Sale Officer to the Recovery Officer and shall at the instance of either the decree -holder or the judgment-debtor, he recoverable from the defaulting lessee. The cost, if any, incidental to such recovery shall also be borne by the defaulting lessee.

(2) Where the property may on the second auction for lease fetch a higher price than first auction for lease, the defaulting lessee at the first auction shall have no claim to difference or increase.

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

72. Distribution of assets when there are claims under several decrees.—(1) Where the Sale Officer attaches or has attached under these rules, any property not in the custody of any Court, which is already under attachment in execution of a decree of any Court, such Court shall receive and realise such property and shall determine claims thereto and any objection to the attachment thereof:

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

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

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

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

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

74. Fees for processes issued under these rules.—Where, in connection with the proceedings on an application under clause (c) of Section 85, any person requires the issue of any process or objects to any process

issued or objects to any order passed, he shall pay such fee as may be specified by the Registrar in this behalf.

CHAPTER XI

MISCELLANEOUS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Schedule

Scale of Audit fees

[See Rule 50-A sub-rule (1)]

The audit fees shall be levied from a society as per its classification under section of the Madhya Pradesh Co-operative Societies Act, 1960 (No. 17 of 1961) by the Registrar, Co-operative Societies from time to time based on the annual business as under:—

S. No.	Class of society	Type o society	Basis of levy of audit fees
(1)	(2)	(3)	(4)
1.	Consumer society		
	(i)Except Electric Society	Primary	Total Sales
		Central Apex	-do-
			-do-
	(ii)Electric Society	Primary Apex	Total Turnover
			-do-
2.	Framing Society	Primary Apex	Total Turnover
			-do-
3.	Housing Society	Primary Apex	Total Turnover
			-do-
4.	Marketing Society	primary	Total Turnover
			-do-
5.	Producers Society		Total Turnover
	(i)Except Milk, Oil Seed & Vanopaj Laghu Society	Primary	Central -do-
		Apex	-do-
	(ii)Milk & Oil Seed Society	Primary Apex	Central Total Turnover
			-do-
			-do-
	(iii) Vanopaj Society	Primary Apex	Central As per Note No.5
6.	Processing Society		Total Sales
	(i)Except Sugar Federation	Primary	Central -do-
	(ii)Sugar Federation	Apex	
7.	Resource Societies		Working Capital
		Primary	Central -do-
		Apex	-do-
8.	Multipurpose societies		Total Turnover
		Primary	Central -do-
		Apex	-do-

Total Turnover

Apex -do-

-do-

2. The audit fees of a society shall be levied subject to the minimum!

maximum limit of audit fees corresponding to its annual business being less! more than the average business and at the rates and other conditions mentioned in the Annexure 1.

3. If annual business of a society is less than the average business mentioned in the corresponding slab, audit fees shall be levied subject to the minimum limit and, if the annual business of a society is more than the average limit, the audit fees shall be levied under maximum limit, but the audit fees of a Primary Agriculture Credit Society shall be maximum five thousand rupees only.

4. Audit fees for auditing the accounts of a society under liquidation shall be levied at the rate of one percent on assets realized.

5. In case of a society doing business on agency basis exclusively or in addition to its own business, the audit fees shall be levied at the rate of 2.5% on the commission earned/service charges received for service rendered, but audit fees under this clause will not be applicable in case of societies whose audit fees is levied on the basis of working capital and total turnover.

6. Processing unit, local/regional/district and divisional level branches! sale centre of a society will be treated as a separate branch for the purpose of levy and additional audit fees shall be levied as per rates mentioned below:—

S.No.	Particulars	Primary	Central	Apex
(1)	(2)	(3)	(4)	(5)
1.	For Financial Bank	250	500	1000
2.	For other societies	100	250	500
3.	For Processing Unit	500	500	500

7. Audit fees levied shall be rounded off to the nearest rupee.

8. All Central Co-operative Bank, Oil fed, Regional Oilseed Union, All Dugdha Sangha and all District Vanopaj Union shall pay audit fees for the audit of the member society affiliated to them and they shall be entitled to recover the same from the member society.

9. The concurrent audit of any Government aided Apex or Central Society and Urban Bank shall be conducted by the departmental Auditors, but in case of Chartered Accountant authorised for conducting final audit of such society, the Audit fees shall be levied as per the same manner as given in this schedule but the amount of audit fee to be deposited in the Government Treasury shall be calculated by deducting the amount of remuneration payable to Chartered Accountant.

10. Exemption from payment of Audit fee.-(1) No audit fee shall be levied in case of a society which is either defunct or dormant or economically weak or under liquidation or having no cash transactions.

(2) Each primary society of every class shall be exempted from payment of audit fee for the first two Accounting years from the date of its registration but the society organized by women members and educated unemployed persons, shall have exemption for five years.

(3) Sale of the controlled commodities approved by the Government shall be exempted from levy of audit fee.

11. Definitions.-(1) "Annual audit" means the audit of accounts of a society of an accounting year to be conducted after the close of that accounting year.

(2) “Concurrent audit” means audit of account of a society of an accounting year to be conducted on day to day regularly during the current year.

(3) “Final audit” means submission of audit note after verification and analysis of financial statement of a society.

(4) “Periodical audit” means quarterly audit of accounts of a society.

(5) “Audit fees” means service charge levied on a society in lieu of services rendered by the department for conducting audit, inspection, enquiry and supervision thereof.

(6) “Total sales” means amount of sale of commodities obtained during the course of trading activities which shall not include sales return, transfer sales and all type of taxes, if charged separately.

(7) “Total Turnover” means the amount of total receipts or total disbursements arrived at after deducting opening or closing cash balances, deposits into or withdrawals from the Banks, as the case may be and head office/branch adjustments, contra items, internal transfer of adjustments, whichever is more.

(8) “Working capital” means the total of all items of the liability side show in the balance-sheet including accumulated and year‟s profit, if any, and the difference of branch adjustment as the case may be, but excluding the contra items and accumulated losses.

12. Remuneration payable to the certified auditors. - (1) A Chartered Accountant, empanelled by the Registrar shall be called certified auditor, for conducting audit of any Apex or Central Societies or Urban Bank under Section 58(1) of Madhya Pradesh Co-operative Societies Act, 1960.

(2) The remuneration payable shall be fixed through mutual consent of the society concerned and the certified auditors by the Regis trar Co-operative Societies under Rule 50-B of the Madhya Pradesh Co-operative Societies Rules, 1962.

(3) The amount of remuneration payable to the certified auditors shall be deducted from the amount of audit fees levied and it will be mentioned in the levy memo under Rule 50-A of the Madhya Pradesh Co-operative Societies Rules, 1962.

(4) Authorised „Certified Auditor‟ shall be accountable to the Registrar for conducting the audit of a society.

(5) The remuneration payable to the certified auditors, shall not exceed the maximum ceiling as mentioned below:-

Gradation of certified auditor	Limit of annual business	Concurrent/Periodical & Final Audit	Annual & Final audit	Only final audit
(1)	(2)	(3)	(4)	(5)
Grade „A‟	More than 100 crores	1,00,000	50,000	10,000
Grade „B‟	Less than 100 crores but more than 50 crores	50,000	25,000	7,500
Grade „C‟	Less than 50 crores	25,000	12,500	5,000

(6) The additional remuneration for the concurrent/periodical/annual audit of a societies‟ branch/processing unit shall not exceed the rates mentioned below:—

Additional remuneration per	Grade „A‟	Grade „B‟	Grade „C‟

Branch/unit	1500/-	1000-	500/-

(7) The maximum period for the audit work shall be as under-

Concurrent/periodical & Final Audit	Annual/Final audit	Final Audit
6 months	4 months	2 months

(8) The authorized certified auditor and their assistants shall be eligible for the reimbursement of travelling, logging and boarding charges at the same rate as „Incharge Accounts ‟ and „Accountants‟ of concerned soci ety are entitled in accordance with respective T.A. Rules.

(9) In the case of delayed submission of audit report after the prescribed period in the notification, the remuneration payable to the certified auditors shall be deducted at the rate of 10% per week.

13. The scales of audit fee under this notification shall be effective from the date of publication in the Madhya

Calculation Chart of Scales of Audit Fee

(Annexure - I)

S. No.	Limit of Annual Business	Average Business	From to 100 lakh Levy of Audit fee			S. No.	From to 100 crores Levy of Audit fee		
			Rate per Lakh	Mini-mum	Maxi-mum		Rate per Lakh	Mini-mum	Maxi-mum
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
1	0-1	0.50	150/-	-	75	20	125/-	-	-
2	1-2	1.50	150/-	150	225	21	125/-	12500	18750
3	2-3	2.50	150/-	300	375	22	100/-	20000	25000
4	3-4	3.50	150/-	450	525	23	100/-	30000	35000
5	4-5	4.50	150/-	600	675	24	100/-	40000	45000
6	5-6	5.50	150/-	750	825	25	100/-	50000	55000
7	6-7	6.50	150/-	900	975	26	100/-	60000	65000
8	7-8	7.50	150/-	1050	1125	27	100/-	70000	75000
9	8-9	8.50	150/-	1200	1275	28	100/-	80000	85000
10	9-10	9.50	150/-	1350	1425	29	100/-	90000	95000
11	10-20	15.00	150/-	1500	2250	30	100/-	100000	150000
12	20-30	25.00	125/-	2500	3125	31	75/-	150000	187500
13	30-40	35.00	125/-	3750	4375	32	75/-	225000	262500
14	40-50	45.00	125/-	5000	5625	33	75/-	300000	337500
15	50-60	55.00	125/-	6250	6875	34	75/-	375000	412500
16	60-70	65.00	125/-	7500	8125	35	75/-	450000	487500
17	70-80	75.00	125/-	8750	9375	36	75/-	525000	562500
18	80-90	85.00	125/-	10000	10625	37	75/-	600000	637500
19	90-100	95.00	125/-	11250	11875	38	75/-	675000	712500

Note:-Audit fee of a society, on annual business above 100 crores shall be levied @ Rs. 30/- per lakh and after including minimum Rs. 7.50 lakhs shall be recovered under the maximum limit of Rs. 50 lakhs. But after inforcement of this notification additional audit fee shall be levied at the prescribed rate for the business of every new branch of the society.

FORM-A

[See sub-rule (1) of Rule 4]

Application for registration of a Society

(To be submitted in duplicate)

1. Name of the proposed society …… 2. Address (village, post office, block, tehsil and district) …… 3. Form of liability ……..

4. Area of operation …….

5. Objects …… 6. Share Capital—

(a) Authorised…… (b) Value of different category of shares……..

7. Number of persons who have agreed to join as members

8. Full name and address of the first signatory to the application 9. The applicants have elected the following person to the provisional committee which is to conduct the affairs of the society for a period of three months from the date of registration of the society or for such further period as the Registrar may permit in writing.

(1) ……
(2) ……
(3) ……
(4) ……
(5) ……
(6) ……
(7) ……

Under Section 7 of the Madhya Pradesh Co-operative Societies Act, 1960 (17 of 1961) we, the undersigned, being persons possessing the qualifications proposed for election to membership according to the bye -laws, four copies of which are enclosed, request that the society may be registered.

We declare that we belong*/do not belong to at least five different families defined in clause (i) of Section 2.*ibid.*

S. No.	Name	Father"s name	Age	Profession	Place of residence
(1)	(2)	(3)	(4)	(5)	(6)
No. of shares purchased	Value of shares subscribed	Value of shares paid up	Signature or thumb impression	Attestation of thumb impressions, if any	
(7)	(8)	(9)	(10)	(11)	

FORM B

[See sub-rule (3) of Rule 7] Name of Society……..

Registration No……

We hereby certify that—

(1) the period that has intervened between the date of notice and the date of general meeting/adjourned general meeting at which the amendments have been passed is not less than the period required under the bye-laws of the society;

(2) the notice has been given to all the members in the manner required under the bye-laws of the society;

(3) the notice has been issued by an Officer empowered to do so;

(4) the date, hour and place of the meetings and the proposed amendments were mentioned in the notice; and

(5) the original copy of the notice and agenda are maintained in the records of the society.

Secretary *Member of the Committee* *President* ----------

---------- *Strike off whichever is not applicable.

FORM C

[See sub-rule (3) of Rule 7] Name of the society…….

Registration No…….

(1) Total number of members in the society on the date of issue of notice of the general meeting …….. (2) Date of issue of notice ……..

(3) Period of notice required to be given under the bye-laws of the society ……..

(4) Date of general meeting at which the amendment was made …….. (5)

Number of members present at the general meeting ……..

(6) Number of members required to form a quorum……..

Number of the bye-law		No. & date of the resolution approving the amendment (true copy to be enclosed in each case)	Name of proposer
Original	Amended		
(1)	(2)	(3)	(4)

Name of seconder	Two-thirds of the No. of members that are present at the meeting	No. of members voting in favour of the amendment
(5)	(6)	(7)

Secretary *Member of the Committee* *President*

FORM D

[See sub-rule (4) of Rule 7]

Name of the Society President…….

Registration No…….

Number of the bye-law	Wording of the existing bye-Law	Wording of the bye-laws as amended	Reasons for amendment
(1)	(2)	(3)	(4)

Secretary *Member of the Committee* *President*

Note:— Columns (1), (2) and (3) of this form should be filled in the language in which the original bye-laws of the society are maintained.

FORM E

[See Rule 13]

Whereas Shri …….son of…… age ……..

resident of ……..Tahsil…….. district……. who is a student of …….and is not competent to contract under Section 11 of the Indian Contract Act, 1872 (IX of 1872);

And whereas the said Shri…… (hereinafter called the student) has joined in the application for the registration of*/has a pplied to become a member of the society…… to be formed */formed exclusively for the benefit of students;

And whereas under sub-section (3) of Section 19 of the Madhya Pradesh Co-operative Societies Act, 1960, such application should be accompanied by a written undertaking from the guardian of the said student or other person competent to contract under Section 11 of the Indian Contract Act, 1872 (IX of 1872):

Now, therefore, I…….. son of …….resident of

…….. tehsil …….of…….. district, do hereby undertake that if the said student, who is wholly dependent upon me, fails to discharge any financial or other liabilities which he is required to fulfil them being the member of the society as provided under the Madhya Pradesh Co -operative Societies Act, 1960, or causes, directly or indirectly, any loss of any description whatsoever to the society, through his default, negligence or in any manner whatsoever, being such member, I …….....shall fulfil such liability and make good such losses of any description whatsoever to the entire satisfaction of the society. I also agree that the decision of the Registrar, Co -operative Societies, Madhya Pradesh, or any officer authorised by him in this behalf in regard to whether loss has been sustained or incurred to the extent of the loss so fixed by the Registrar or the officer, as the case maybe, shall be binding on me in the same manner and to the same extent as it would have been enforceable upon the said student had he been major and compete nt to contract under Section 11 of the Indian Contract Act, 1872.

In witness whereof I have signed here under this…….. day of …….20…….

Witnesses-

1…….

2……

Signature of the guardian

Dated …….

FORM-F

[See sub-rule (1) of Rule 26]

Whereas I,…… son of……. resident of …… tehsil ……..district…… * am/have become a member of more than one society dispensing credit, the names of which are given below :—

(1) …….

(2) …….

(3) …….

I hereby declare, as required by sub-rule (1) of Rule 26 of the Madhya Pradesh Co-operative Societies Rules, 1962, that I shall borrow only from the……. society.

Witnesses—

1…….

2……..

Signature

Dated…….

---------- * Strike off whichever is not applicable.

FORM-FF

[See sub-rule (2) of Rule 50-A]

Order

Office of the Assistant/Deputy Registrar, Co-operative Societies

No……..…… ……. …….

Dated…….

Subject: Levy of audit fee for the audit of accounts of the society for the cooperative year……..

In exercise of the powers conferred by Rule 50-A of the Madhya Pradesh Co-operative Societies Rules, 1962, I assess the audit fee of Rs…… (in words) payable by the…… Society …… Registration No……. for the audit of its accounts for the co-operative year…… as detailed below :—

Please credit the amount in the nearest Government Treasury under head…… within two months of the issue of this order and arrange to send a copy of the Treasury Challan to this office for record. Care may please be taken that the amount is not credited under any other head.

…….

Registrar, Co-operative Societies

FORM-G

[See sub-rule (6) of Rule 41]

Form of Nomination

1. Name of the Society ……..…… 2. Registration No…….…… 3. Name of the office for which candidate is nominated …… 4. Name of the candidate with Father‟s/Husband‟s name and full address

……...

…….….

5. Serial number of the candidate in the voters list …….

6. Proposer‟s name and his serial number in the voter list ….….

7. Signature of the proposer with date ……..

8. Name of the seconder and his serial number in the voters list...

……..

9. Signature of the seconder with (and his) date…….

10 Declaration under Section 50-A (1-a) of the Act:-

I…….. father‟s name…….. resident of …… Member/ Delegate/Representative of…… Society, S.No. of member‟s list ……..hereby declare that I have not more than two living children one of whom is born on or after 26th January, 2001.

I hereby declare that I agree to this nomination.

Date……..

…… (Signature of Candidate)

Note.— If the candidate, proposer or seconder is a representative of any society, the name of the society he represents shall also be mentioned. If item nos. 1 and 2 are left blank the person receiving the nomination paper sh all fill up such blanks in his own hand-writing or by affixing a seal.

Serial Number ……

The form of nomination was delivered to me by Shri…….. on……. (date), at……. (time).

Date……

……..

(Signature of the person receiving of form of nomination)

FORM-H

(See Rule 52)

Application regarding reference of a dispute To

The Registrar/Deputy/Assistant Registrar…….

1. Name, age, occupation and address……. Plaintiffs 2. Name, age, occupation and address……

Versus

1. Name, age, occupation and address……. Defendants

2. Name, age, occupation and address……

Particulars of the claim or the facts constituting the cause of action and when it arose :—

The Plaintiff/Plaintiffs prays/pray as under :—

In support of the above claim or relief sought I/we enclose documents and papers as per the list annexed hereto.

Date……. (signed)……

Plaintiff/Plaintiffs I/We …….. Plaintiff/Plaintiffs declare that the facts stated above are true to the best of my/our knowledge and belief.

Date……

(1)……

(3)……

(2)……

Plaintiff/Plaintiffs

Note.-1. In case there are more plaintiffs or defendants their names, addresses, ages and occupations should also be mentioned.

2. When a society is a plaintiff, a copy of the resolution of its committee shall accompany the application.

3. In disputes relating to monetary claims, the plaintiffs should state the precise amount claimed but where this cannot be exactly ascertained the plaintiffs shall state the approximate amount claimed.

FORM I

[See Rule 25-A (1)]

Form of intimation of loan and advances to be sent to the Tahsildar

S. No.	Year	Date of entry of Loan or advance in the ledger of loan of society	Name of Member
(1)	(2)	(3)	(4)

Father"s name	Name of village in which borrower resides	Name of village in which borrower holds land
(5)	(6)	(7)

Amount of loan/advance/ advanced to the member	Remarks	Signature of the Chairman and Manager
(9)	(9)	(10)

FORM J

[See Rule 25-A (2)]

Form of intimation of Loans and Advances owing to be sent to the Tahsildar

S. No.	Year	Date of entry of Loan or advance in the ledger of loan of society	Name of Member	Father‟s name
(1)	(2)	(3)	(4)	(5)
Name of village in which borrower resides	Name of village in which borrower holds land	Amount of loan outstanding against the members on 30th June including interest as per demand register	Remarks	Signature of the Chairman and Manager
(6)	(7)	(8)	(9)	(10)