The Multi-State Cooperative Societies Rules, 2002

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The Multi-State Cooperative Societies

Rules, 2002

Ministry of Agriculture

(Department of Agriculture and Cooperation)

Notification

New Delhi, the 2nd December 2002

G.S.R 790(E) -In exercise of the powers conferred by section 124 of the Multi-State Cooperative Societies Act, 2002 (39 of 2002), the Central Government hereby make the following rules, namely:

Chapter 1

Preliminary

1. Short title, extent and commencement

1. These Rules may be called the Multi-State Cooperative Societies Rules, 2002.

2. These rules shall come into force on the date of their publication in the Official Gazette.

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2. Definitions

In these rules, unless the context otherwise requires,

(i) "Act" means the Multi-State Cooperative Societies Act, 2002 (39 of 2002);

(ii) "authorised office" means an officer authorised by the Central Government for the purpose of section 103 of the Act;

(iii) "decree" means any decree of a civil court and includes any decision or order referred to in section 94 of the Act;

(iv) "decree holder" means any person holding a decree as defined in clause (iii);

(v) "defaulter" means any multi-state cooperative society, any cooperative society, member or any other person committing default;

(vi) "form" means a form appended to these rules,

(vii) "general meeting" means a meeting of the general body including a representative general body referred to in the first proviso to subsection (1) of section 38;

(viii) "judgement debtor" means a meeting any multi-state cooperative

society against which or any person against whom a decree has been obtained;

(ix) "recovery officer" means any person authorised to execute the powers of the Central Registrar under section 94;

(x) "sale officer" means a person authorised by the Central Registrar by a general or special order, to attach and sale the property of judgement debtor or to execute any decree by attachment or sale of property;

(xi) "section" means a section of the Act;

(xii) "schedule" means a schedule appended to these rules;

(xiii) Words and expressions defined in the Act and used but not defined in these rules shall have the meanings respectively assigned to them in the Act.

Chapter 2
Registration

3. Application for registration

(1) An application for registration of a multi-state cooperative society under sub-section (1) of section 6 shall be made in Form I and shall, subject to the provisions of sub-section (2) of section 6 and sub-rules (2), (3), (4) and (5) of these Rules be signed by the applicants and be accompanied by

(a) four copies of the proposed bye-laws of the multi-state cooperative society, duly signed by each of the persons who sign the application for registration;

(b) a list of persons who have contributed to the share capital, together with the amount contributed by each of them, and the admission fee paid by them;

(c) a certificate from the bank or banks stating the credit balance in favour of the proposed multi-state cooperative society;

(d) a scheme showing the details explaining how the working of the multi-state cooperative society will be economically sound and the registration of such multi-state cooperative society will be beneficial for social and economic betterment of its members through self-help and mutual aid in accordance with the cooperative principles;

(e) certified copy of the resolution of the promoters which shall specify the name and address of one of the applicants to whom the Central Registrar may address correspondence under the rules before registration and dispatch or hand over registration documents.

(2) Where any member of a multi-state cooperative society to be registered is a multi-state cooperative society or a cooperative society, the Chairperson or Chief Executive or a member duly authorised by board of directors or the governing body of such multi-state cooperative society or cooperative society, as the case

may be, shall be authorised by that board by as resolution, to sign the application for registration and bye-laws on its behalf, and a copy of such resolution shall be suspended to the application.

(3) Where the members of a multi-state cooperative society to be registered are cooperative Societies or multi-state cooperative societies and individuals, such application shall be signed by individuals and authorised representative of such cooperative society or multi-state cooperative society.

(4) Where any member of multi-state cooperative society to be registered is a Government company, a corporate body or a society registered under the Societies Registration Act, 1860 (21 of 1860) such member duly authorise any person to sign the application for registration and the bye-laws on its behalf and a copy of such resolution giving such authority shall be appended to the application.

(5) A copy of resolution indicating the name of one or more applicants, who are authorised to make alterations or additions to the proposed bye-laws submitted with the application, as may be suggested by the Central Registrar, shall be submitted.

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

4. Registration

(1) On receipt of an application under rule 3, the Central Registrar shall enter the particulars of the application in the register of applications to be maintained in Form II, give a serial number to the application and issue a receipt in acknowledgement thereof.

(2) If the Central Registrar is satisfied that the proposed multi-state cooperative society has complied with the requirements of the Act and the rules, he may register the society and its bye-laws.

(3) Where the Central Registrar registers a multi-state cooperative society, he shall issue to the said society a certificate of registration signed by him and bearing his official seal containing registration number and date of registration of the said society. The Central Registrar shall also issue, along with the certificate of registration, a certified copy of bye-laws, as approved and registered by him, which shall be the registered bye-laws of the said society for the time being in force.

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5. Refusal of registration

(1) The order of refusal to register a multi-state cooperative society referred to in sub-section (3) of section 7 shall be communicated through registered post to the person referred to in clause (e) of sub-rule (1) of rule 3, of the proposed society.

(2) The manner of communication of orders refusing the registration under sub-rule (1) shall be conclusive proof for refusal of the registration of the proposed society.

6. Bye-laws

Every multi-state cooperative society applying for registration under this Act may make bye-laws consistent with the provisions of this Act and the rules made thereunder and model bye-laws, if any, framed by the Central Registrar. The subject matter of the bye-laws shall be as provided in section 10 and other relevant provisions of the Act and rules made thereunder. In addition, the bye-laws may also include,

(i) Procedure and manner of redemption of shares.

(ii) The provisions of office bearers of the society, the terms and conditions, their functions and responsibilities other than those specified in the Act.

(iii) Constitution of the committees of the board.

(iv) Rate of dividend subject to maximum of the rates specified in the bye-laws.

(v) The procedure for the association and representation of employees of the society.

(vi) Constitution of the committees of the board.

(vii) The procedure of election or selection for constitution of smaller body of delegates.

(viii) The method of recruitment, the condition of service and the authority competent to fix, revise or regulate the scales of pay and allowance to be paid to the officers and other employees of the society and the procedure to be followed in the disposal of disciplinary cases.

(ix) The constitution and powers of the representative general body and the restrictions subject to which this body may exercise its powers.

7. Refusal of amendment of bye-laws

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(1) Where the Central Registrar refuses to register an amendment of bye-laws of a multi state cooperative society under sub-section (9) of section 11, he shall communicate the order of refusal together with the reasons therefore to the chief executive of a multi-state cooperative society, through registered post.

(2) The manner of communication of the order of refusal under sub-rule (1) shall conclusive proof that the amendments of bye-laws have been refused and communicated to the society.

8. Principal place of business and address

(1) Every multi-state cooperative society shall have one principal place of business which shall be the registered office of the society and shall be specified in the bye laws.

(2) Every change in principal place of business of a multi-state cooperative society shall be made by an amendment of its bye-laws after the following procedure laid down in section 11 of the Act.

(3) Any change in registered office of a multi-state cooperative society, the same shall be notified to the Central Registrar within a period of fifteen days of its change.

9. Maintenance of Registration file by the society

(1) Every multi-state cooperative society shall maintain at its registered address a registration file containing,

(a) the certificate of registration;

(b) the registered bye-laws;

(c) all registered amendments to the bye-laws along with the certificates of registration of amendments;

(d) a copy of the Act and the rules.

(2) The registration file shall be kept open for inspection at all times during working hours to the Central Registrar or any other officer authorised by him or any member of multi-state cooperative society.

10. Change in name of multi-state cooperative society

(1) The name of a multi-state cooperative society may be changed after following the procedure given in the section 11, however, that it does not refer to any caste or religion denomination and is not inconsistent with the objects of the multi-state cooperative society.

(2) Every change in the name of the multi-state cooperative society shall be made by an amendment of its bye-laws.

(3) After the change in the name is approved by the Central Registrar

the multi-state cooperative society shall send the original registration certificate for amendment to the Central Registrar who shall return the same to the multi-state cooperative society duly amended.

11. Conditions to be complied with for membership

(1) No persons shall be admitted as a member of a multi-state cooperative society unless

(a) he has applied in writing in the form, if any, laid do0wn by the multi-state cooperative society or in the form specified by the Central Registrar, if any, for membership;

(b) his application is approved by the board of the multi-state cooperative society;

(c) he has purchased the minimum number of shares and paid the value thereof in full or in part in such calls as may be laid down in the bye-laws of the multi-state cooperative society;

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

(e) in the case of a multi-state cooperative society or a cooperative society or the national cooperative society or any other corporation owned or controlled by the Government or any Government or any Government company or body of persons whether incorporated or not, the application for membership shall be accompanied by a resolution authorising it to apply for such membership.

(2) No person shall be eligible for admission as a member of a multi-state cooperative society if he –

(a) has not attained the age of 18 years;

(b) has been adjudged by a competent court to be an insolvent or an undischarged insolvent;

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

(3) Notwithstanding anything contained in these rules or the bye-laws of the multi-state cooperative society, if a member becomes or has already become subject to any disqualifications specified in sub-rule (2), he shall be deemed to have ceased to be a member of the society from the date when the disqualification was incurred.

(4) No individual being a member of a primary level multi-state cooperative society or a multi-state credit society, or a multi-state urban cooperative bank, shall be the member of any other multi-state cooperative society or cooperative society of the same class without the general or special permission of the Central Registrar and where an individual has become a member of two such cooperative societies aforesaid, than either or both of the societies shall be bound to remove him from membership on written requisition from the Central Registrar to that effect.

(5) No multi-state cooperative society shall admit members within thirty days prior to the date of the meeting of its general body.

Chapter 3

Federal Cooperatives

12. Classification of federal cooperatives

(1) The federal cooperative societies may be classified with reference to the nature of their activities. Not more than one federal cooperative society shall be registered in similar and identical objects in same area of operation.

(2) The federal cooperatives for the sake of promotion of their constituent members will make suitable provisions in their bye-laws to avoid competition with the member societies.

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Chapter 4

Management of multi-state cooperative societies

13. Annual General Meeting

(1) Every multi-state cooperative society shall hold the annual general meeting of its members not later than a period of six months after the close of cooperative year. All the general meetings shall be called at the principal place of the society.

(2) Without prejudice to the provisions sub-section (3) of section 38 of the Act, a multi-state cooperative society with a membership exceeding one thousand may provide in its bye-laws for the constitution of a smaller body. The small body so constituted shall exercise all such powers of the general body as may be specified in the bye-laws.

14. Interim board and general meeting for the first election

The first general meeting of the society shall be held within six months of the registration of the society by the promoter members for the election

of the board of directors. The interim board selected by the applicants for the registration of a multi-state cooperative society shall hold office till the regular board is elected.

15. Notice for general meeting

(1) Annual general meeting of a multi-state cooperative society may be called by giving not less than fourteen days notice in writing.

(2) Special general meeting of a multi-state cooperative society may be called by giving not less than seven days notice in writing.

(3) When a general meeting is called by the Central Registrar or any person authorised by him under sub-section (2) of section 39 or a special general meeting under sub-section (2) of section 40, he may determine –

(i) the period of notice of such meeting which shall not be less than seven days;

(ii) the time and place of such meeting;
and
(iii) the subjects to be considered in such meeting.

The Central Registrar or any person authorised by him may preside over such meeting.

(4) The notice of annual general meeting shall be accompanied by a copy each of the audited balance sheet, profit and loss account, together with the auditor's report thereon relating to the preceding year and the report of the board, amendment of bye-laws, if any and election of members of the board, if any.

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16. Quorum at a general meeting

(1) Unless otherwise provided in the bye-laws, the quorum for a general meeting shall be one-fifth of the total number of members of the general body of a multi-state cooperative society.

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

(3) If within half-an hour from the time appointed for the meeting a quorum is not present, the meeting shall stand adjourned:

PROVIDED that a meeting which has been called on requisition of the members shall not be adjourned but dissolved.

(4) If at any time during the meeting sufficient number of members are

not present to form the quorum the Chairperson or the member presiding over the meeting on his own, or on his attention being drawn to this fact, shall adjourn the meeting and the business that remains to be transacted at this meeting, if any, shall be disposed of in the usual manner at the adjourned meeting.

(5) Where a meeting is adjourned under sub-rule (3) or sub-rule (4), the adjourned meeting shall be held either on the same day or on such date, time and place as may be decided by the Chairperson or the member presiding over the meeting, but within seven days from the date of adjourned meeting.

(6) No business shall be transacted at any adjourned meeting other than the business on the agenda of the adjourned meeting under sub-rule (3) or sub-rule (4).

(7) No quorum shall be necessary in respect of an adjourned general meeting.

17. Voting in general meeting

(1) All resolutions which are put to vote at the general meeting shall be decided by a majority of the members present and voting unless otherwise required under the Act, these rules or the bye-laws of the multi-state cooperative society. Every society shall provide in its bye-laws the procedure and manner of voting and other matters connected therewith.

(2) In the event of an equality of votes, the Chairperson of the meeting, shall have a second or casting vote.

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18. Minutes of the general meeting

Minutes of the proceedings of the general meeting shall be entered in a minutes book kept for the purpose and shall be signed by the Chairperson and Chief Executive of the meeting. The minutes so signed, shall be an evidence of the correct proceedings of that meeting.

19. Procedure for conduct of elections

(1) The election of members of the board shall be conducted by a returning officer appointed by the board in its meeting. The returning officer so appointed shall not be a member or an employee of the society:

Provided, that the Central Registrar shall appoint the returning officer to conduct the election of the National multi-state cooperative societies, multi-state urban cooperative banks, multi-stage agricultural processing cooperatives and Railway Employees Credit Societies. The Central Registrar may also appoint returning officer for the conduct of a election of a society if so requested by the board of Directors of such society.

(2) The election of the members of the board referred to in sub-rule (1) shall be conducted by secret ballot in the manner as specified in the schedule attached with these rules.

20. Election of the Office bearers

(1) The election of the office bearers of the board shall be conducted as per the programme given in the election schedule.

(2) The eligibility of the candidates for the election of office bearers shall be subject to the provisions contained in sections 43 and 44 of the Act.

21. Terms and conditions of the chief executive

Where the Central Government or a State Government holds fifty one percent or more equity capital of a multi-state cooperative society, the qualifications and eligibility conditions for the post of Chief Executive, the salaries and allowances, other terms and conditions of service including suspension, removal, pension, gratuity, retirement benefits etc. shall be as approved by the Central Government.

Chapter 5

Privileges, Properties and Funds of Multi-State Cooperative Societies

22. Certification of copies of entries in books

(1) (a) A copy of any entry in a book of a multi-state cooperative society regularly kept in the course of its business shall be certified by the Chief Executive or officer authorised by the bye-laws of the society.

(b) Where an order has been passed under section 123 superseding the board and appointing an administrator by administrator or any other officer authorised by him.

(c) Where an order has been passed under sub-section (1) of section 89 appointing a liquidator of the multi-state cooperative society, by the liquidator.

(2) Every certified copy shall bear the signature of the Chief Executive or any authorised officer and seal of the multi-state cooperative society.

(3) The charges to be levied for the supply of such certified copies shall

be as provided in the bye-laws of such a multi-state cooperative society. In absence of such a provision in the bye-laws of a multi-state cooperative society, a charge of rupees two per folio shall levied.

23. Government aid to multi-state cooperative societies

Subject to the provisions of section 61 of the Act, the Central Government or a State Government may provide aid to any multi-state cooperative society on the terms and conditions mutually agreed upon.

24. Distribution of profit to members

(1) No part of the funds, other than net profits, of a multi-state cooperative society shall be distributed by way of bonus or dividend or otherwise among the members.

(2) Payment of dividend to the members on their paid-up share capital shall be as specified in the bye-laws.

(3) The bye-laws of a multi-state cooperative society may provide for distribution of patronage bonus to its members in consonance with the transactions of a member with the society.

(4) Every multi-state cooperative society may also provide for in their bye-laws the subjects and purposes for which the reserve fund will be utilized.

25. Contribution towards Cooperative Education Fund

(1) Every multi-state cooperative society shall credit a sum calculated at one percent of its net profits every year as contribution to the cooperative education fund maintained by the National Cooperative Union of India Limited, New Delhi. The cooperative education fund shall be administered by a committee constituted by the Central Government for this purpose consisting of the following members –

(i) The President of the National Cooperative Union of India Ltd. New Delhi Chairperson

(ii) The Central Registrar Member

(iii) The Financial adviser to the Department of Agriculture and Cooperation in the Ministry of Agriculture Member

(iv) Two representatives of the multi-state cooperative societies to be nominated by the Central Government for every two years Members

(v) The Director General, National Council for Cooperative Training, New Delhi Member

(vi) The Director, Vaikunth Mehta National Institute of Cooperative Management, Pune Member

(2) No expenditure out of the cooperative education fund shall be incurred without approval of the committee.

(3) The National Cooperative Union of India Limited, shall maintain this fund in a separate account and all income by way of interest or otherwise accruing from contribution towards this fund shall be credited to this fund.

(4) The balance in the fund, constituted under rule 4 of the Multi-State Cooperative Societies (Privileges, Properties and Funds, Accounts, Audit, Winding up and Execution of Decrees, Orders and Decisions) Rules, 1985, at the commencement of these rules shall be construed the fund as if constituted under these rules.

(5) The cooperative education fund shall be utilised for the purposes connected with the cooperative education and training and human resource development for cooperatives. The Committee may undertake the programmes of cooperative education and training and human resource development, through National Cooperative Union of India, National Council for Cooperative Training, contributing members or any other professionally qualified body as the Committee may, decide.

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26. Contributory Provident Fund

(1) Every multi-state cooperative society which has in its service ten or more regular employees shall establish a Contributory Provident Fund referred to in sub-section (1) of section 69.

(2) The multi-state cooperative society creating such a fund shall provide for the following in its bye-laws –

(a) Authority to administer the fund.

(b) Amount of contribution to be deducted from the employee's salary.

(c) Mode of nomination for payment of the amount of the contributory provident fund in case of employee's death.

(d) Purpose for which, the extent to which, and the period after which, advances may be made against the security of such fund and the number of monthly installments in which advance is to be repaid.

(e) Refund of employee's contribution and contribution made by the society.

(f) Maintenance of accounts of such fund.

(3) The amount of contribution that can be deducted from the salary of an employee of the multi-state cooperative society shall not be less than the ceiling provided in the Employee's Provident Fund and Miscellaneous Provisions Act, 1952 (19 of 1952)

(4) The multi-state cooperative society may make such contribution every year to the employee's contributory provident fund as may be approved by the board subject to the maximum ceiling as provided in the Employee's Provident Fund and Miscellaneous Provisions Act, 1952 (19 of 1952).

27. Audit and Accounts

(1) Every multi-state cooperative society shall keep books of account with respect to–

(a) all sums of money received and expended and the matters in respect of which the receipt and expenditure take place;

(b) all sales and purchase of goods;

(c) the assets and liabilities;

(d) in the case of a multi-state cooperative society engaged in production, processing and manufacturing, particulars relating to utilisation of materials or labour or other items of costs as may be specified in the bye-laws of such a society.

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(2) The audit of a multi-state cooperative society under sub-section (1) of section 73 shall include, in addition to the matters specified in sub-section (2) of that section the following particulars –

(a) Whether the auditor has obtained all the information and explanations which, to the best of his knowledge and belief are necessary for the purposes of his audit;

(b) Whether in his opinion proper books of accounts as specified in these rules and bye-laws have been kept by the multi-state cooperative society so far as it appears from the examination of those books and proper returns adequate for the purposes of his audit have been received from the branches not visited by him;

(c) Whether the balance-sheet and profit and loss account exhibit a true and fair view of the state of affairs of the multi-state

cooperative society according to best of his information and explanation give to him and as shown by the books of the multi-state cooperative society; and

(d) Whether there has been any material impropriety or irregularity in the expenditure or in the realisation of money due to the multi-state cooperative society;

(e) Whether in case of a cooperative bank, the guidelines issued by the Reserve Bank and National Agriculture and Rural development Bank established under the National Agriculture and rural Development Bank Act, 1981 (61 of 1981) have been adhered to.

(3) The audit report shall also contain schedules with particulars of, –

(a) all transactions which appear to be contrary to the provisions of the Act, the rules or the bye-laws of the multi-state cooperative society;

(b) all transactions which appear to be contrary to the guidelines issued by the Reserve Bank and National Agriculture and Rural Development Bank;

(c) any money belonging to the multi-state cooperative society which appears to the auditor to be band or doubtful of recovery;

(d) the loans given by the multi-state cooperative society to the members of the board;

(e) any violation of guidelines, conditions etc. issued by the Reserve Bank of India or National Agriculture and Rural Development by any cooperative Bank;

(f) any other matters as may be specified by the Central Registrar in this regard.

28. Procedure to be adopted by liquidator

When liquidator has been appointed under sub-section (1) of section 89, the following procedure shall be adopted.

(a) The appointment of the liquidator shall be notified by the Central Registrar in the Official Gazette.

(b) The liquidator shall, as soon as the order of winding up of the multi-state cooperative society takes effect, publish by such means as he may, think proper, a notice, requiring all claims against the multi-state cooperative society, the winding up of

which has been ordered, to be submitted to him within two months of the publication of the notice. All liabilities recorded in the account books of a multi-state cooperative society shall be deemed ipso-fact to have been duly submitted to him under this clause.

(c) The liquidator shall investigate all the claims against the multi-state cooperative society and decide questions of priority arising between claimants.

(d) The liquidator shall recover all sums and other properties to which the multi-state cooperative society is entitled and may institute such suits for that purpose or such suits incidental to liquidation proceedings as he may think proper.

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

(f) The liquidator shall, after setting the assets and liabilities of multi-state cooperative society as they stood on the date on which the order of winding up is made, proceed next to determine from time to time the contribution including debts due and costs of liquidation to be made or remaining to be made by each of its 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 multi-state cooperative society, under clause (b) of sub-section (2) of section 90. Should necessity arise, he may also make a subsidiary order regarding such contributions and such order shall be enforceable in the same manner as the original order.

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(g) All funds in the charge of the liquidator shall be deposited in the Post Office Savings Banks or in a cooperative bank or with such other banks as may be approved by the Central Registrar and shall stand in his name.

(h) The Central 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 multi-state cooperative society in priority of all other claims.

(i) The liquidator may call for the meeting of the members of the multi-state cooperative society under liquidation.

(j) The liquidator shall submit to the Central Registrar a quarterly report in such form as the Central Registrar may, specify showing the progress made in liquidation of the multi-state cooperative society.

(k) The liquidator shall keep such books and accounts as may from time to time be specified by the Central Registrar who may at any time cause such books and accounts to be audited.

(l) At the conclusion of the liquidation, the liquidator shall call for a general meeting of the members of the dissolved society at which the liquidator or any other person authorised by him, by special or general order in writing in this behalf, shall summarise, the result of his proceedings and shall take a vote as to the disposal of any surplus funds. The liquidator shall submit his final report to the Central Registrar with a copy of the proceedings of the general meeting referred to above and make over to the Central Registrar all books and registers and accounts etc., belonging to the multi-state cooperative society and all books and accounts relating to the liquidation proceedings kept by him.

(m) 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 Cooperative Bank and shall be available for meeting the claims of the person or persons concerned.

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

(o) All the books and records of a multi-state cooperative society whose registration has been cancelled and the proceedings of liquidation of a multi-state cooperative society ordered to be wound up may be destroyed by the Central Registrar after the expiry of three years from the date of the order canceling the registration of the multi-state cooperative society.

29. Application of assets of the multi-state cooperative society

The assets of the multi-state cooperative society shall be applied in order of priority as given below for payment of the liabilities–

(1) Pro-rata payment of all outside liabilities.

(2) Pro-rata repayment of loans and deposits of members.

(3) Pro-rata refund of share capital

(4) Pro-rata payment of dividend on the share at the rate not exceeding 6.25 per cent per annum for the period of liquidation.

30. Disputes

(1) For the purposes of sub-section (4) of section 84 of the Act, the Central Registrar may appoint and fix the fee of the arbitrators subject to the provisions of Arbitration and Conciliation Act, 1996.

(2) Save as otherwise provided under this Act, the provisions of the Arbitration and Conciliation Act, 1996 shall apply to all arbitration under this Act as if the proceedings for arbitration were referred for settlement or decision under the provisions of the Arbitration and Conciliation Act, 1996.

Chapter 6
Appeals and Review

31. Appeals

For the purpose of sub-section (2) of section 99, an appeal against any decision or order shall be made, if the decision or order was made by–

(a) the Central Registrar appointed under sub-section (1) of section 4 of the Act, to the Officer not below the rank of Additional Secretary to the Government of India in the Department of Agriculture and Cooperation as may be decided by the Central Government;

(b) any officer of the Central Government or of a State Government of the rank of Registrar, on whom powers of the Central Registrar have been conferred under sub-section (2) of section 4 of the Act, to the Joint Secretary to the Government of India in the Department of Agriculture and Cooperation, Incharge of Cooperation;

(c) any other officer of the State Government on whom powers of Central Registrar have been conferred under sub-section (2) of section 4 of the Act, to the Chief Director (Cooperation) in the Ministry of Agriculture and Cooperation or any other Officer authorised by the Central Government in this behalf.

32. Procedure regarding appeals

(1) An appeal under sub-section (2) of section 99 shall be either presented in person or sent by registered post to the appellate authority.

(2) The appeal shall be in the form of a memorandum and shall be

accompanied by the original or certified copy of the order appealed from.

(3) Every appeal shall–

(a) specify the name and address of the appellant and also the name and address of the respondent or respondents;

(b) state by whom the order appealed against was made;

(c) set forth concisely and under distinct heads, the grounds of objection to the order appealed against together with a memorandum of evidence;

(d) state precisely the relief which the appellant sought for; and

(e) give the date of order appealed against or;

(f) the memorandum of the appeal inclusive of memorandum of evidence shall be supported by an affidavit duly sworn by the appellant.

(4) Where, an appeal under sub-section (2) of section 99 is preferred after the expiry of sixty days specified in the said sub-section, it shall be accompanied by a petition supported by an affidavit setting forth the facts on which the appellant relies to satisfy the appellate authority that he had sufficient cause for not preferring the appeal within the period mentioned in that sub-section.

(5) On receipt of the appeal, the appellate authority shall as soon as possible examine it and ensure that–

(a) the person presenting the appeal has the locus standi to do so;

(b) it is made within the prescribed time limit; and

(c) it conforms to all the provisions of the Act and rules.

(6) The appellate authority may call upon the appellant to remedy the defects if any, or furnish such additional information as may be necessary, within a period of fifteen days of the receipt of the notice to do so. If the appellant fails to remedy the defects or furnish the additional information called for within the said period, the appeal petition may be dismissed.

(7) The appellate authority may, before passing orders under section 99 obtain from any subordinate officer such further information in regard to the enquiry or the proceedings for the purpose of verifying the regularity of such proceedings or the correctness, legality or propriety of any decision passed or order made therein.

The appellate authority may also call for and obtain from the parties connected with such enquiry or proceedings such information as is necessary with reference to the examination of the records of enquiry or proceedings and the information obtained from the subordinate officer.

(8) The appellate authority shall on the basis of the enquiry conducted and with reference to the records examined, pass such order on the appeal as may deem just and reasonable.

(9) Every order of the appellate authority under sub-section (2) of section 99 shall be in writing and it shall be communicated to the appellant and to such other parties as in the opinion of that authority are likely to be affected by the decision or order and to the officer concerned against whose order was made.

33. Application for review

(1) Every application under section 101 shall be in the form of a memorandum setting forth concisely and under distinct heads the new and important facts which after the exercise of the due diligence, were not then within the knowledge of the applicant or could not be produced by him when the order was made or mistake or errors apparent on the face of the record or order reasons on the basis of which review is sought. It shall be accompanied by a memorandum of evidence.

(2) The application shall be accompanied by the original or a certified copy of the order to which the application relates.

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(3) No application for review shall be entertained unless it is accompanied by such additional number of copies as there are parties to the original order

(4) An application for review by any party shall be made within thirty days from the date of communication of the order of the appellate authority sought to be reviewed.

(5) The application shall, so far as it may be necessary, be disposed of by the appellant authority in such manner as may be deemed fit:

Provided that no order in review application shall be made unless notice has been given to all interested parties and they have been afforded a reasonable opportunity of being heard.

Chapter 7
Societies which become Multi-State Cooperative Societies Consequent on Reorganisation of States

34. Preparation of a scheme for the reconstitution or reorganisation of multi-state cooperative societies

(1) The Central Registrar or the authorised officer, as the case may be, shall prepare a scheme referred to in sub-section (2) of section 103 for the reconstitution or reorganisation of ay multi-state cooperative society rendered as such consequent on the reorganisation of States referred to in sub-section (1) of section 103. The Central Registrar or the authorised officer with the previous approval of the Central Government forward a copy of the scheme to the President or the Chairperson of the multi-state cooperative society with the direction that the scheme be placed before a meeting of the general body of the multi-state cooperative society specially convened for the purpose.

(2) The meeting referred to in sub-rule (1) shall be convened not less than forty days after the date of issue of the notice to the members and the creditors of the multi-state cooperative society in the manner specified in sub-rule (3).

(3) A written notice specifying the date, hour and place of meeting and the business to be transacted there at shall be given to every member and shall be accompanied by a copy of the scheme to be considered at the meeting. The notice to each member and creditor shall,

(i) be delivered or tendered to him in person;

(ii) be sent to him by registered post; or

(iii) be served on him in such other manner as may be specified in the bye-laws of the society.

(4) Notwithstanding anything to the contrary contained in any rule or bye-law governing the multi-state cooperative society, where the Central Registrar or the authorised officer in this behalf is satisfied that the President or Chairperson of the society has failed to convene the meeting of the general body as required under sub-rule (1), the Central Registrar or the authorised officer, as the case may be, shall convene a meeting of the general body of the multi-state cooperative society.

Chapter 8 Payment of fees for inspection of Records

35. Payment of fee for inspection of records

The fees for payment of inspection of records by any other person, other than the member shall be rupee one per folio.

Chapter 9
Miscellaneous

36. Mode of service of summon

(1) Every summon issued under the Act or these rules shall be in writing, shall be authenticated by the sea, 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. It shall require the person summoned to appear before the said officer at a stated time and place, and shall specify whether his attendance is required for the purpose of giving evidence, or to produce a document, or for both purposed, and ay particular document the production of which is required, shall described the summons with reasonable accuracy.

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

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

(a) by giving or tendering it to such person;
or
(b) if such person is not found, by delivering or transmitting at the place where the person or his agent empowered to accept the summons on behalf of the person, actually and voluntarily resides or carries on business or personally works for gain; or

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

(d) if none of the means aforesaid is available, by affixing it in some conspicuous part of his last known place where actually or voluntarily resides or carries on business or personally works for gain.

(4) Where the serving officer delivers or tenders a copy of the summons to the person personally or his agent on his behalf, he

shall require the signature of the person to whom the copy is so delivered or tendered as an acknowledgement of service endorsed on the original summons.

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

(6) Where the person to be summoned is a public officer or is a servant of a company or a local authority, the officer issuing the summons may, if it appear that the summons may be conveniently so served, send it by registered post acknowledgement 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 such person.

37. Procedure in execution of decrees, orders and decisions

(1) Any decree-holder requiring the provisions of clause (c) of section 94 to be applied, shall apply to the recovery officer in whose jurisdiction the cause of action arose and shall deposit the necessary costs as fixed by the Central 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 specified by the Central Registrar and shall be signed by the decree-holder. The decree-holder may indicate whether he wishes to proceed against the immovable property mortgaged to the decree-holder or other immovable property or to secure the attachment of movable property.

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

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

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

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

(5) In the attachment and sale of movable property, the following rules shall be observed, namely

(a) the Sale Officer, shall after giving previous notice to the decree-holder, proceed to the village or place where the judgment debtor resides or the property to be distrained is situated and serve a demand notice upon the judgment debtor if he is present. If the amount due together with expenses be not at once paid, the Sale Officer shall make the distress and shall immediately deliver to the judgment debtor a list or inventory of the property distrained and an intimation of place and day and hour at which the distrained property will be brought to sale if the amount 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 when such service cannot be effected, shall affix a copy of the demand notice on some conspicuous part of his residence. He shall then proceed to make the distress and shall fix the list of 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 distress is made, the Sale Officer may arrange for the custody of the property attached with the decree-holder or otherwise. If the Sale Officer requires the decree-holder to undertake the custody of the property he shall be bound to do so and any loss incurred owing to his negligence shall be made good by the decree-holder. If the attached property is live-stock, the decree-holder shall be responsible for providing the necessary food therefor. The Sale Officer may, at the instance of the judgment debtor or of any person claiming an interest in such property, leave it in the village or place where was attached, in the charge of such judgment debtor or person, if he gives a bond in the form specified by the Central Registrar with one or more sufficient sureties for the production of the property as and when called for.

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

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

(e) If crops or 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 expense of reaping or gathering and storing such crops or products shall be defrayed by the owner upon his redeeming the property or from the proceeds of the sale in the vent of its being sold.

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

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

(h) Where the Sale Officer may have reason to suppose that the property of a defaulter is lodged within a dwelling house the outer door of which may be shut or within any apartments appropriated to women which by custom or usage are considered private, the Sale Officer shall represent the fact to the officer in charge of the nearest police station. On such representation, the officer-in-charge of the said station shall send a police officer to the spot in the presence of whom the Sale Officer may force open the other door of such dwelling house, like manner as he may break open the door of any room within the house except the zenana. The Sale Officer may also, in the presence of a police officer, after due notice given for the removal of women within a zenana and, after furnishing means for their removal in a suitable manner if they be women of rank who, according to the custom of usage

cannot appear in public, enter the zenana apartments for the purpose of distraining 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 on the day previous to and on the day of sale cause proclamation of the time and place of the intended sale to be made by beat of drum in the village or place in which the judgment debtor resides on two consecutive days previous to the date of sale and on the day of sale prior to the commencement of the sale and in such other place or places as the officer may consider as the officer may consider necessary to give due publicity to the sale. No sale shall take place until after the expiration of the period of fifteen days from the date on which the sale notice has been served or affixed in the manner prescribed in clause (a) of this sub-rule:

Provided that where the property seized is subject to speedy or natural decay, or where the expense of keeping it in custody is likely to exceed its value, the Sale Officer may sell it at any time before the 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 up in one or more lots, as the Sale Officer may consider advisable and shall be disposed of to the highest bidder:

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

(k) The property 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. Where the purchaser may fail in payment of purchase money, the property shall be resold.

(l) Where any property which has been attached under these rules has been forcibly or clandestinely removed by any person, the Sale Officer may apply to a civil court having jurisdiction for restoration of such property. Where the court is satisfied about the truth of the facts, as alleged in the application, it may order forthwith such property to be restored to the Sale Officer.

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

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

(6) Where the movable property to be attached is the salary or allowance or wages of a public 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 (5 of 1908) be with-held from such salary or allowances or wages either in one payment or by monthly installment as the recovery officer may direct and upon receipt of the order, the officer or other person whose duty it is to disburse such salary or allowance or wages shall withhold and remit to the Sale Officer, the amount due under the order or the monthly installment, as the case may be.

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

(ii) Where the property to be attached is 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.

(iii) 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 recovery officer of another district, any question of title or priority arising between the decree-holder and any other person not being the judgment debtor claiming to be interested in such property by virtue of any assignment, attachment or otherwise shall be determined by such court or recovery officer.

(8) (i) Where the property to be attached is a decree either for the payment of money or 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 Central Registrar or any other person authorised by him.

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

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

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

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

(vi) On the application of the holder of a decree sought 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; an 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.

(9) Where the movable property to be attached is,

(a) a debt due to the judgment debtor in question,

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

(c) other movable property not in the possession of the 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-

signed by the recovery officer prohibiting

(i) in the case of 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, 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 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 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). In the case of other moveable property referred to in sub-clause (iii)of clause (c) the person concerned shall place it in the hands of the recovery officer when it becomes deliverable to the defaulter.

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

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

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

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

(b) The demand notice issued by the recovery officer under sub-rule (3) shall contain the name of the judgment debtor, the amount due, including the expenses, if any, and the batta to be paid to the person who shall serve the demand notice the time

allowed for payment and in case of non-payment, the particulars of the properties to be attached and sold or to be sold without attachment, as the case may be. After receiving the demand notice, the Sale Officer shall serve or cause to be served a copy of the demand notice upon the judgement 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 such immovable property to be attached and sold or sold without attachment, as the case may be:

(c) If the judgement 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 mentioned in the application for execution in the following manner.

(d) Where attachment is required before sale, the Sale Officer shall, if possible cause a notice of attachment to be served on the 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 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 of attachment notice shall be sent to the decree-holder. Where the Sale Officer so directs the attachment shall also be notified by public proclamation in the Official Gazette.

(e) Proclamation of sale shall be published by affixing a notice in the office of the recovery officer and the taluk office at least thirty days before the date fixed for the sale and also by beat of drum in the village (on two consecutive days previous to the date of sale and on the day of sale prior to the commencement of the sale). Such proclamation shall, where attachment is required before sale, be made after the attachment has been effected. Notice shall also be given to the decree-holder and the judgment debtor. The proclamation shall state the time and place of sale and specify as fairly and accurately as possible, the following namely –

(i) the property to be sold;

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

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

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

(f) When any immovable property is sold under these rules, the sale shall be subject to the prior encumbrances on the property, if any. The decree-holder shall, when the amount for the realisation of which the sale is held exceeds rupees one hundred, furnish to the Sale Officer within such time as may be fixed by him or by the recovery officer, an encumbrance certificate from the Registration Department for the period of not less than twelve years prior to the date of attachment of the property sought to be sold, or in cases falling under the proviso to sub-rule (10), prior to the date of the application for execution. The time for production of the encumbrance certificate may be extended at the discretion of the Sale Officer or the recovery officer, as the case may be. The sale shall be by public auction to the highest bidder:

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

Provided further that the recovery officer or the Sale Officer may in his discretion adjourn the sale to a specified day and hour recording his reason 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. 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 the village where the property to be sold is situated or such adjoining prominent place of public resort as may be fixed by the recovery officer:

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

(g) A sum of money equal to fifteen per cent of the price of the immovable property shall be deposited by the purchaser in the hands of the Sale Officer at the time of the purchase and in

default of such deposit, the property shall forthwith be resold:

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

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

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

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

(i) In default of payment within the period mentioned in clause (h) the deposit may, if the recovery officer thinks fit, after defraying the expenses of sale, be forfeited to the Central 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 herein before 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 satisfaction of the decree in whole or in part accordingly.

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

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

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

(ii) 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.

(b) 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, together with five per cent deposited by the applicant:

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

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

(14) (i) At any time within thirty days from the date of sale of immovable property, the decree-holder or any person entitled to share in a rate able distribution of the assets or whose interests are effected 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:

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

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

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

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

(v) After the confirmation of any such sale, the recovery officer shall grant a certificate of sale bearing his seal and signature to the purchaser, and such certificate shall state the property sold and the name of the purchaser 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.

(vi) 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.

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

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

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

(17) Persons employed in serving notice or in other process under these rules shall be entitled to batta at such rates as may from time to time be fixed by the recovery officer.

(18) Where the costs 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 this rule, exceeds the amount of the cost deposited from the sale proceeds of the property sold or the money paid by judgment debtor, as the case may be, and the balance shall be made available to the decree-holder.

(19) Every person making a payment towards any money due for the recovery of which application has been made under this rule shall

be entitled to a receipt for the amount signed by the Sale Officer or other officer empowered by the recovery officer in that behalf; such receipt shall state the name of the person making the payment and the subject matter in respect of which the payment is made.

20) (a) Where any claim is preferred to, or any objection is made to the property attached under this rule on the ground that such property is not liable to such attachment, the Sale Officer shall investigate the claim or objection and dispose it of on the merits:

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

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

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

(21) (i) Any deficiency of price which may arise on a resale held under clause (j) of sub-rule (11) 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 under the provisions of this rule. The cost, if any, incidental to such recovery shall be borne by the defaulting purchaser.

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

(22) 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.

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

Code of Civil Procedure 1908 (5 of 1908).

(24) Where a defaulter dies before the decree has been fully satisfied, an application under sub-rule (1) may be made against the legal representative of the deceased and thereupon all the provisions of this rule shall, save as otherwise provided in this sub-rule, apply as if such legal representative were the judgment debtor. Where the decree is executed against such legal representative, he shall liable only to the extent of the property of the deceased which has come to his hands and has not been duly disposed of, and for the purpose of ascertaining such liability, the recovery officer executing the decree may, of his won motion or on the application of the decree-holder compel such legal representative to produce such accounts as he thinks fit.

38. Repeal and Saving

(1) The Multi-State Cooperative Societies (Registration, Membership, Direction and Management, Settlement of Disputes, Appeal and Revision) Rules, 1985 and the Multi-State Cooperative Societies (Privileges, Properties and Funds, Accounts, Audit, Winding up and Execution of Decrees, Orders and Decisions) Rules, 1985 and hereby repealed.

(2) Notwithstanding such appeal, 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.

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SCHEDULE

1. Procedure for the conduct of election to the board of Multi-State Co-operative Societies

(a) The board of Directors in office shall meet, at least, sixty clear days in advance of the date of expiration of its term and by resolution determine the date, time and place for convening a general body meeting for the conduct of elections of its successor board. This provision will also apply mutatis mutandis to such Multi-State Co-operative Societies as are under the charge of the administrator appointed under sub-section (1) of section 123. The board of directors in this meeting shall also appoint a returning officer.

(b) A copy of the decision referred to in paragraph (a) shall forthwith be sent to the Central Registrar.

(c) The returning officer appointed under paragraph (a) shall, send intimation by local delivery or under postal certificate, about the date, time and place of the general meeting to each of the members of the Multi-State Co-operative Society. Where other co-operative societies or Multi-State Co-operative Society are members, the returning officer shall call on such societies to send the name of their Chairperson or President or the Chief Executive or a duly authorized member of the board of such

co-operative society or other Multi-State Co-operative Society as representative (hereinafter referred to as the delegate) in accordance with the provisions contained in sub-section (3) of section 38 together with the resolution of the board of the society and the specimen signature of the Chairperson or President or the Chief Executive or duly authorized member of the board, duly attested and bearing the seal of the society so as to reach him at least twenty-one clear days prior to the date fixed for the general meeting. Where there is no board of such co-operative society or other multi-state cooperative society, the administrator, or duly authorized administrator if there are more than on administrators, by whatever name called, shall intimate the returning officer in writing under his signature at least twenty-one clear days prior to the date fixed for the general meeting that he or the Chief Executive shall represent such society in the general meeting. Where no such resolution or communication intimating the name of the delegate is received by the date fixed or where any intimation changing the name of the delegate is received after such date, it shall not be accepted for inclusion in the list of members or delegates of member-societies. Fresh resolution shall be required for every general meeting at which election shall be held.

(d) It shall be the duty of the board of directors in office, or the administrator, as the case may be, to bring up-to-date the register of members and such other registers, as the returning officer may require and hand over such records, register or registers to the returning officer thirty days prior to the date fixed for the general meeting for the purpose of election.

(e) The election shall be held at a general of the society convened for the purpose, of which not less than fourteen days' notice shall be given to the members. Such elections shall take place after all other matters included in the agenda have been considered. For the conduct of elections, the returning officer shall preside over the meeting.

(f) The notice of the general meeting shall be sent to the members by any of the following modes, namely:-

(i) by local delivery; or

(ii) under postal certificate; or

(iii) by publication in the newspaper having wide circulation.

(g) Notice of the general meeting shall also be affixed on the notice board of the Multi-State Co-operative Society and its branches, if any. The notice shall contain information regarding:

(i) the number of vacancies to be filled by election;

(ii) the area of the constituency (specified in the bye-laws) from which the members are to be elected;

(iii) the qualifications, if any, specified in the bye-laws for eligibility for membership on the board;

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(iv) the name of the returning officer, date, place and hours between which nomination paper shall be filed by the members, such date being not less than one clear day before the date fixed for election or if that happens to be a holiday the day preceding which is not a public holiday.

Explanation: For the purpose of the sub-paragraph the term 'public holiday' means any day which is declared as a public holiday under section 25 of the Negotiable Instruments Act, 1981 (26 of 1881) or any day which has been notified by the Central Government, or as the case may be, the State Government to be a public holiday for the offices of the Central Government or the State Government;

(v) the date on which and the time and place at which the nomination papers will be taken up for scrutiny;

(vi) the date and time of which, the place at which and the time between which polling will take place.

2. Preparation of list of members/delegates

(a) The returning officer shall prepare a list of members eligible to vote as it stood on the date, thirty days prior to the date fixed for the poll and publish copies of the list by affixing them on the notice board at the principal place of business of the society and all its branches, if any, not less than fifteen days prior to the date fixed for election. The list shall specify-

(i) the admission number and name of the member, the name of the father or husband, and the address of such member in the case of an individual member; and

(ii) the admission number, the name of the society, name of the delegate proposed to represent the society, in the case of a member society;

the admission number, the name of the society, name of the delegate and the name of the constituency proposed to represent in the case of a member society and the admission number, the name of the delegate and the name of the constituency where a smaller body has been constituted under proviso to sub-section (1) of section 38.

(b) A copy of the list shall be supplied by the society to any member on payment of such fee as may be specified by the board. Where no fees has been specified, the person authorized as per bye-laws of the society shall supply such list on payment of an amount of rupees ten.

c) The returning officer shall also prepare an election programme specifying the date and time of receipt of nominations, scrutiny of nominations, withdrawal of nominations, the poll, if required and declaration of results. The election programme shall be displayed on

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the notice board of the society and also publish in the local newspaper at least fifteen days prior to the date of election.

3. Nomination of candidates

(a) Nomination of the candidate for election shall be made in Form III, which on application shall be supplied by the returning officer or any other officer authorized by him in this behalf, to any member free of cost.

(b) Every nomination paper shall be signed by two members whose names are included in the list of the members or delegates. One of the members shall sign the form as proposer and the other as seconder for the nomination. The nomination paper shall also contain a declaration signed by the candidate, expressing his willingness to stand for election.

(c) Every nomination paper shall be presented in person or sent by registered post with acknowledgement due, by the candidate himself to the Returning Officer or any person authorized by him in this behalf, so as to reach him before the date and time specified for the election programme. The returning officer or any other officer authorized by him who receives the nomination paper shall enter on the nomination paper its serial number and certify the date and time at which the nomination paper has been received by him and shall immediately give a written acknowledgement for the receipt of nomination papers, if presented in person, which shall also bear the seal of the society. The returning officer shall, at the close of the time fixed for the receipt of nomination papers, prepare and display on the notice board of the society, a list of nominations received by him. Any nomination paper which is not delivered or received on or before the date and time fixed for its receipt shall be rejected.

(d) No person shall be nominated as a candidate for election to fill a seat on the board if he-

(i) is ineligible to vote;

(ii) is disqualified to be the member or delegate or a member of the board under the provisions of the Act and these rules; and

(iii) does not possess the necessary qualifications specified in the bye-laws of the society for election as member of the board.

4. Scrutiny of nomination papers

(a)(i) on the day fixed for the scrutiny of nomination papers, the returning officer shall, at the appointed hours, take up the scrutiny of nomination papers. The candidate or the proposer or seconder of each of the candidate may be present at the time and place when nomination papers are scrutinized.

(ii) the returning officer shall examine the nomination papers and shall decide all objections which may be made by any candidate or his

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proposer or seconder in respect of any nomination and may, either on such objection, necessary, either accept or reject any nomination:

PROVIDED that the nomination of a candidate shall not be rejected, namely, on the ground of an incorrect description of his name or the name of his proposer or seconder or of any other particulars relating to the candidate or his proposer or seconder, as entered in the list of members referred to in paragraph 4(a) if the identity of the candidate, proposer or seconder, as the case may be, is established beyond reasonable doubt.

(iii) The returning officer shall endorse on each nomination paper his decision accepting or rejecting the same as the case may be, and if the nomination paper is rejected, he shall record in writing a brief statement of his reasons for such rejection.

(iv) The returning officer shall not allow any adjournment of the proceedings except when proceedings are interrupted or obstructed by riot or affray or by causes beyond his control.

(v) The list of valid nominations as decided by the returning officer shall be published on the notice board of the society containing the names in the alphabetical order in English and address of the candidate as given in the alphabetical order in English and a address of the candidate as given in the nomination paper on the same day on which the scrutiny of the nomination paper is completed.

(b) Any candidate may withdraw his candidature by notice in writing signed by him and delivered in person or by the person duly authorized by him at any time after the presentation of the nomination papers but before the date and time specified in the election programme for such withdrawal. A notice of withdrawal of candidate once given shall irrevocable.

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5. Voting

(a) If any area or constituency for which election is to be held, the number of candidates whose nomination papers have been declared valid, does not exceed the number of candidates to be elected for that area or constituency, the returning officer shall at the general meeting convened for the purpose of the election, declare them to have been duly elected to the board. If the number of candidate whose nominations are valid exceeds the number to be elected for any area or constituency, the returning officer shall arrange for conducting a poll on the date and time fixed for the purpose. The returning officer may appoint as many polling officers as may be necessary for conducting the poll.

(b) A candidate contesting the election, may be a letter, in Form IV, to the returning officer, appoint an agent to represent him where polling is held, to identify the voters and to watch the recording of votes. Such letter shall contain the consent in writing of the agent concerned.

(c) Canvassing of votes by any person at the place where elections are to be conducted shall be prohibited.

(d) Immediately before the commencement of the poll, the returning officer shall show the empty ballot box to such persons as may be present at the time and shall then lock it up and affix his seal in such manner as to prevent its being opened without breaking the seal. The candidate or his agent may also affix his own seal, if he so desires.

(e) Every member or delegate who desired to exercise his right of vote shall be supplied with a ballot paper containing the names of contesting candidates arranged in alphabetical order either printed, typewritten or cyclostyled, according to convenience, on the ballot paper. The ballot paper shall also bear the seal of the society and also the initials of the returning officer on reverse of the ballot paper and further contain a column, for the voter to inscribe mark 'X' against the name or names of the persons to whom he wants to vote.

(f) Each polling station and where there is more than one polling booth at a station, each such booth shall contain a separate compartment in which the members or delegates can record their votes in secrecy.

(g) Every member who desired to exercise his votes shall enter the polling station with an identity card, given to him by the society. The polling officer shall identify the member by putting questions to him with reference to the list of members or delegates eligible to vote in the polling station, furnished to him. If the poling officer is satisfied about the identity of the member and if there is no objection from any candidate or his polling agent present at the polling station, he shall issue a ballot paper to him after obtaining signature or thumb impression of the member or delegate on counterfoil perforated with the ballot paper. The counterfoil shall bear the serial number and other details of the ballot paper. On receipt of such ballot paper, the member shall proceed to the polling compartment set apart for the purpose and indicate the person or persons in whose favour he exercises his vote by inscribing a mark 'X' against the name of the candidate or candidates, as the case may be, and put the ballot paper in the ballot box kept for the purpose with utmost secrecy. If owing to blindness or other physical infirmity or illiteracy a member is unable to inscribe the mark on the ballot paper the polling officer, and where no such polling officer, is appointed, the returning officer shall ascertain from him the candidate or candidates, in whose favour he desired to vote, inscribe the mark 'X' on his behalf and put the ballot paper in the ballot box.

(h)(i) Every member whose name is entered in the list of members/delegates eligible to vote, furnished to the polling officer, is entitled to poll his vote, unless there is a challenge by the candidate or this agent against his identity. If there is such a challenge about the identify of a member or if the polling officer feels any reasonable doubt, he shall then refer the matter to the returning officer who shall make a summary inquiry and decide the question with reference to the books of the society.

(ii) The returning officer shall not entertain any challenge by a candidate or his polling agent, of a member's identity until the person who

challenges pays a fee of Rs.5/-(Rupees five only) for every such vote, in cash. The returning officer shall thereafter entertain the challenge and ask the member who has come to poll the vote to affix his thumb-impression or signature, as the case may be, on a declaration describing his identity. If he refuses to do so, the member shall not be allowed to vote. If, on the other hand, as a result of such summary enquiry the identity of the member is established to the satisfaction of the returning officer, the polling officer shall issue ballot paper, and the member shall then be allowed to vote. In such cases, the challenge fees paid shall be forfeited. At the end of the poll, the returning officer, shall render an account of challenge fees collected, fees refunded to the persons who challenged and the fees forfeited to the society together with a brief note on the decision arrived at by him after the summary inquiry in each case.

(I) (A) If, at any stage of the polling, the proceedings are interrupted or obstructed by any riot or affray or if at such election it is not possible to conduct poll for any sufficient cause, the returning officer shall have power to cancel the polling after recording his reasons for such action.

(B) Where the poll is stopped under clause (A) or where counting of votes is rendered impossible on account of destruction or loss of ballot boxes or any other sufficient reason, the returning officer shall cancel the polling after recording the reasons for such action in the minutes book of the society.

(j) No voter shall be admitted after the time fixed for the polling; but a voter who enters the premises where ballot papers are being issued before the close of the polling time shall be issued the ballot paper and allowed to vote.

(k) The counting of votes shall take place immediately after close of the poll. If this is not possible for reasons beyond the control of the returning officer, the ballot box shall be sealed with the seal of the returning officer and of the contesting candidates or of their agents, if they so desire, and deposited with the society for safe custody. The returning officer shall then announce and also intimate in writing to the candidates or their agents present the time and place at which the counting shall commence next day. Votes shall be counted by or under the supervision of the returning officer. Each candidate and his authorized agent shall have a right to be present at the time of counting. But the absence of any candidate or his agent at the time of counting shall not vitiate counting or announcement of results by the returning officer.

6. General

(a) A ballot paper shall be rejected by the returning officer, if,-

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

(ii) it does not bear the seal of the society or the initial of the returning officer; or

(iii) the mark indicating the vote thereon is placed in such a manner as to make it doubtful to which candidate the vote has been cast; or

(iv) is so damaged or mutilated that its identity as a genuine ballot paper cannot be established.

(b) If after the counting of the votes is completed, an equality of votes is found to exist between any candidates and the addition of one vote will entail any of those candidates to be declared elected, the returning officer shall forthwith decide between these candidates by lot and proceed as if the candidate on whom the lot falls had received an additional vote and declare him elected.

(c) After the returning officer has completed the counting of votes, he shall prepare a return of the results of the polling and shall forthwith declare the results. The returning officer shall immediately thereafter record the proceedings of the election in a comprehensive report which shall form part of the records of the society and shall be binding on all. The returning officer shall immediately also furnish a copy of such a report together with a copy of the return of the results of polling, to the society for onward transmission to the Central Registrar. The society shall immediately forward such report and return of the results furnished by the returning officer to the Central Registrar.

7. Election of office bearers

(1) As soon as the members of the board have been elected the returning officer shall, notwithstanding anything contained in the bye-laws of the Multi-State Co-operative Society, convene a meeting of the newly constituted board for the purpose of election of the President or Chairperson, Vice-President or Vice-Chairperson or other elected office bearers of the society, by whatever name they are called. Such a meeting of the board shall not be conducted unless a majority of the number of members of the newly constituted board, as per bye-laws are present.

(2) At the meeting so convened by the Returning Officer, he shall preside over the meeting for the purpose of election of the office bearers. The election of the office bearers of the Multi-State Co-operative Society shall be by secret ballot.

(3) The returning officer shall announce the schedule of election of office bearers, stating the number of vacancies to be filled by election, date, place and time between which nominations papers shall be filled by the members; the date on which and the time and place at which the nomination papers will be taken up for scrutiny; the date and time of withdrawal; and the date on which, the place at which the polling, if required, will take place. The returning officer shall intimate the schedule of election to all the newly elected or nominated members of the board. The nomination, in Form V, shall be made to the Returning Officer at such a meeting. The returning officer shall decide the objections if any, which may be made at the time, to any nomination and after making such summary inquiry, as he thinks necessary, announce the name of valid nominations.

(4) If for any office for which elections are to be held, the number of candidates in respect of whom valid nominations have been announced, does not exceed the number of candidates to be elected for that office, the candidates for whom valid

nominations have been announced shall be deemed to have been elected for that office and the returning officer shall make a declaration to that effect. If the number of candidates in respect of whom valid nominations have been announced for any office exceeds the number of candidates to be elected a poll by secret ballot shall be taken by the returning officer. The returning officer shall, thereafter, announce the number of votes secured by each candidate and the result of the election.

(5) The returning officer, shall immediately thereafter record the proceedings of the election in a comprehensive report which shall form part of the records of the society and shall be binding on all. The returning officer shall immediately also furnish a copy of such a report together with a copy of the return of the polling, to the society for onward transmission to the Central Registrar. The society shall immediately forward such report and return of the results furnished by the returning officer to the Central Registrar.

8. Custody of record of elections conducted

After declaration of the result of election, the returning officer shall hand over the ballot papers and records relating to the election of the members of the board of directors and the office bearers to the chief executive of the Multi-State Co-operative Society in a sealed cover. These shall safely, be preserved by the Chief executive of the society for a period of six months from the date of election or till such time a dispute regarding election, if any, filed is disposed of, whichever is later, and shall thereafter be destroyed.

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FORM – I

[See sub-rule (1) of rule 3]

Application for registration of a Multi-State Cooperative Society under the Multi-State Cooperative Societies Act, 2002

To,

The Central Registrar of Cooperative Societies,
New Delhi.

Sir,

We submit herewith a proposal for registration of the following Multi-State Cooperative Society along with enclosures as indicated below :

2. We also declare that the information given herewith including that in the enclosures is correct to the best of our knowledge.

(a) Name of the proposed Multi-State Co-operative Society;

(b) Headquarters and address to be registered;

(c) Area of operations;

(d) Main objectives;

(e) Why is it absolutely necessary for the society to be registered under the Multi-State Cooperative Societies Act,2002;

(f) A certificate in respect of provisions of clause (b) or sub-section(1) of section 7;

(g) A certificate in respect of provisions clause (c) of sub-section (1) of section 7;

(h) A certificate in respect of provisions of clause (d) of sub-section (1) of section 7;

(i) If all the members are individuals, indicate the number of persons from each State who have signed the application :

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Name of the State	Number of persons who have Signed the application

(j) Name and address of the applicant for the purpose of further correspondence.

3. Following documents are enclosed :

(a) A certificate from the _____ Bank stating credit balance there in favour of the proposed multi-state cooperative society.

(b) A scheme explaining how the proposed multi-state cooperative society has reasonable prospects of becoming a viable unit. We are sending herewith four copies of the bye-laws duly signed.

4. Following persons are authorised to sign the bye-laws and also to make necessary alteration therein.

5. The particulars of the applicants are given hereunder :

S. No.	Name	If representing a corporate body, name of the institution*	If the applicant is an individual
(1)	(2)	(3)	(4)

Age.	Nationality	Profession	Name of the State
(4A)	(4B)	(4C)	(5)

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Address.	Amount subscribed To share capital	In the case of representative of society or a multi-state cooperative society, whether he is Chairpersons/ President or Chief Executive of that society	Signature
(6)	(7)	(8)	(9)

For Official Use

Received by registered post on+ _____ by+ _____ in the office of the Central Registrar, or by hand from Shri+ _____ entered in the register of application at S.No. _____ .

Signature of officer receiving

Received registration proposal No. _____ on _____ for registration of _____ Society Ltd., (Proposed) alongwith the enclosures referred to above from _____ by post/hand deliver**.**

Place _____
Date _____

Central Registrar
Signature and Stamp

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***** **If representing a co-operative or any other co-operative body enclose a copy of the Resolution or authorization of the competent authority, authorizing the person to sign the application for registration.**

+ **blanks to be filled in.**

FORM – II

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

Register of applications for registration of multi-state co-operative societies received by the Central Registrar

S. No.	Name of the proposed multi-state co-operative society and the Chief Promoter	Complete address	Date of receipt and how received
(1)	(2)	(3)	(4)

Date and reference of acknowledgement	No. and date on which additional information in called	Prescribed date by which information is called	Date on which additional information received
(5)	(6)	(7)	(8)

No. and date of the report, if any sent to the Central Government, if the society is not registered, within six months	No. and date of order of		Initial	Remarks
	Registration	Refusal		
(9)	(10)	(11)	(12)	(13)

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FORM III

Nomination form for elections of Board of Directors

[See paragraph 3 (a) of the Schedule]

1.	Name of the Multi-State Cooperative Society and Address	:
2.	Name of the candidate in case of an Individual member or name of the delegate and the member cooperative Society or multi-state cooperative society which he is representing	:
3.	Serial no. in the register of members	:
4.	Father's or husband's name (in case of individual member)	:
5.	Address	:
6.	Name of the proposer in case the proposer is an individual member and the name of the society and The delegate in the case proposer Is a delegate of a society	:
7.	Serial no. of the proposer in the Register of members	:
8.	Signature of the proposer	:
9.	Name of the seconder when the seconder is an individual member and name of the society	:
10.	Serial no. of the seconder in the register of members	:

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11. Signature of the seconder :

CANDIDATES DECLARATION

I declare that I am willing to stand for election and that, to the best of my knowledge and belief I have not incurred any disqualification for membership of the board of _____ multi-state cooperative society in terms of the Act, the rules and the bye-laws of the multi-state cooperative society.

(Signature of the candidate)

ENDORSEMENT BY THE RETURNING OFFICER

This nomination paper was presented to me in person by _____/ received by registered post on _____ at _____ hrs.

Place _____

Date _____

Signature of Returning Officer
Or person authorized by him

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FORM IV

[See paragraph 5 (b) of the Schedule]

Application for appointing election agent

I, _____ name of father/spouse _____member of _____ (name of the society) contesting for election of members of board of directors/office bearers do hereby nominate the following person an my election agent/counting agent in the election _____(name of the society) to be held on _____(specify the date).

Name and Signature of the candidate

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FORM V

[See sub-paragraph (3) of paragraph 7 of the Schedule]

Nomination form for election of office bearers

1.	Name of the multi-state cooperative and address	:
2.	Office for which contesting	:
3.	Name of the candidate in case on an individual member or name of the delegate and the member cooperative society or multi-state cooperative society which he is representing	:
4.	Serial No. in the register of members	:
5.	Father's or husband's name (in case of Individual member)	:
6.	Address	:
7.	Name of the proposer in case the proposer is an individual member and the name of the society and the delegate in the case proposer is a delegate of a society	:
8.	Serial No. of the proposer in the Register of members	:
9.	Signature of the proposer	:
10.	Name of the seconder when the seconder is an individual	:

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member and name of the
society and the delegate in case
the seconder is a delegate of a society

11. Serial No. of the seconder in the register of members :

12. Signature of the seconder :

CANDIDATE'S DECLARATION

I declare that I am willing to stand for election of office of the President/Chairperson/Vice-President/ Vice-Chairperson (specify for any other office) and that, to the best of my knowledge and belief I have not incurred any disqualification for membership of the board of _____ multi-state cooperative society in terms of the Act, the rules and the bye-laws of the multi-state cooperative society.

(Signature of the candidate)

Endorsement by the Returning Officer

The nomination paper was presented to me in person by _____/received by registered post on _____ at _____hrs.

Place _____

Date _____

Signature of Returning Officer
Or person authorized by him

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