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NOTIFICATION

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THE MIZORAM COOPERATIVE SOCIETIES RULES, 1996.

In exercise of the powers conferred Under Section 106 of the Mizoram Cooperative Societies Act, 1991 (Act No. 19 of 1991) the Governor is pleased to make the following rules, namely :-

CHAPTER – I
PRELIMINARY

1. SHORT TITLE, EXTENT AND COMMENCEMENT :

- (1) These Rules may be called the Mizoram Cooperative Societies Rules, 1996.
- (2) They shall extend to the whole of the State of Mizoram.
- (3) They shall come into force on and from the date of their publication in the Mizoram Gazette.

2. DEFINITIONS.

In these Rules, unless the context otherwise requires :-

- (a) “Act” means the Mizoram Cooperative Societies Act, 1991 (Act No. 19 of 1991);
- (b) “Administrative Council” means a body intermediary between a Managing Body and the General Assembly of registered society ;

- (c) "Affiliating Society" means the registered society in which a particular society is a member and "Affiliated Society" means the particular society which is a member of the affiliating Society;
- (d) "Arbitrator" means a person appointed under the provisions of the Act to decide any dispute referred to him ;
- (e) "Audit Officer" means a person appointed by the Registrar under the provisions of the Act to audit the accounts of registered society ;
- (f) "Bye-Law" refers to the registered bye-laws for the time being in force and includes a registered amendment of bye-laws;
- (g) "Borrowed Capital" means the total of loans, deposits and other borrowing of a Co-operative Societies.
- (h) "Co-operative Demand Certificate" means a certificate as defined in section 90 of the Act ;
- (i) "Co-operative Year" means the period beginning and ending on such dates as may be fixed by the Registrar for the purpose of drawing up the balance sheets of registered societies ;
- (j) "Member of Committee" means a member of an Administrative Council, Managing Committee or any Managing Body of a Society as the case may be vested with the powers of its management ;
- (k) "Employee" means a person, not being an Office-bearer, employed by a registered society on a salary or similar form of remuneration other than advance patronage dividend or payment for goods sold to or through such society ;
- (l) "General Assembly" means the supreme body of a registered society as defined in section 31 ;
- (m) "Managing body" means the body to which the management of the affairs of registered society is directly entrusted and does not include the Administrative Council ;
- (n) "Member" means a person admitted to a membership after registration in accordance with the bye-laws and rules of the society and includes a promoter ;
- (o) "Office-Bearer" means a member duly elected by the appropriate body of a registered society, according to its bye-laws to any Office of such society, including the Office of President, Chairman, Vice President, Vice Chairman, Secretary, Managing Director and Treasurer provided that any Officer appointed to hold charge of any Office of a registered society shall be deemed to be an Office-bearer unless specifically stated to the contrary ;
- (p) "Owned Capital" means the total of paid up share capital and accumulated Reserved and other funds created out of profits of a Co-operative Society ;

- (q) “Promoter” means any eligible person or registered society signing the application for registration of a society ;
- (r) “Registrar” means a person appointed to perform the duties of a Registrar of Co-operative Societies under the Act ;
- (s) “Registered Society” means a Co-operative Society registered or deemed to have been registered under the Act and includes a Society formed after amalgamation of such two or more societies or by division of such an existing society ;
- (t) “Rules” means rules made under the Act ;
- (u) “Signature” includes the thumb-impression of the illiterate persons ;
- (v) “Section” means a section of the Act ;
- (w) “working Capital” means the total capital of a Co-operative Society consisting of borrowed capital and owned capital ;
- (x) Words and expressions not defined in these rules but defined in the Act shall bear the meaning as defined in the Act.

CHAPTER II

LIABILITY OF MEMBERS

3. RESTRICTION ON ACQUISITION OF SHARES IN SOCIETY.

Where the liability of members is limited by shares, no member other than a member of a registered society shall—

- (a) hold more than such portion of the share capital of the Society, subject to a maximum of one-fourth or as may be prescribed by the Bye-Laws of the Society, or
- (b) have or claim any interest in the share of the society exceeding five thousand rupees, provided that if the society is a Housing Society or a wholesale society for procurement and distribution of any article or any special type of society, a member may have or claim an interest in the share of the society not exceeding Rs. 25,000/-. In such cases, the Registrar will decide whether the maximum limit of share allowed to an individual member should be Rs. 25,000/- or less and his decision shall be final.

4. CHANGE OF LIABILITY.

(1) When a registered society resolves to change its form of liability, it shall convene a special meeting of the General Assembly for the purpose and shall adopt proposals for such amendment of its bye-laws as may be consequential and necessary for the safe conduct of its business and submit an application in the manner as provided in the rule for registration of such amendments.

(2) At least clear fifteen days written notice of such meeting with the special agenda shall be given to its members together with a copy of the proposed resolution with regard to the change of liability.

(3) A copy of such resolution shall be sent to the Registrar within fifteen days of its adoption.

(4) The notice required under clause (a) of sub-section (1) of section 9 shall be issued under a certificate of posting; provided that this shall not be necessary in the case of a Primary Agricultural Credit Society.

CHAPTER—III

REGISTRATION

5. REGISTRAR.

The State Government may appoint a person to be the Registrar of Cooperative Societies for the State, and may appoint one or more than one person to assist the Registrar, and may, by general or special order, confer on any such person or persons all or any of the powers of the Registrar under the Mizoram Cooperative Societies Act, 1991. The person or persons so appointed to assist the Registrar and on whom any powers of the Registrar are conferred, shall work under the General guidance supervision, superintendence and control of the Registrar.

6. SOCIETIES WHICH MAY BE REGISTERED UNDER THE ACT.

A society, which has as its objects the promotion of the economic interests or general welfare of its members or of the public, in accordance with cooperative principles, or, a society established with the object of facilitating the operations of any such society, may be registered:

Provided that, no society shall be registered if it is likely to be economically unsound, or the registration of which may have an adverse effect on the development of the Cooperative Movement.

7. APPLICATION FOR REGISTRATION.

(1) Every application for the registration of a society under sub-section (1) of section 10 shall be in the Form "A" appended to these rules and shall be submitted in triplicate to the Registrar or authorised District Cooperative Officer and each copy of annexed Promoters list shall be signed by each member not less than 15 different family members. The Registrar may consult the Deputy Commissioner of the concerned Civil Administrative District or as the case may be or the Sub-Divisional Officer concerned whenever he considered necessary.

(2) Where a Cooperative Society is an applicant, the application shall be signed by an office-bearer of such a society duly authorised by a resolution to sign the application for registration and the Bye-Laws on its behalf.

(3) If the society intends to be member of a Central Society, another copy of the Bye-Laws signed by the President of the Inaugural General Meeting in addition to the copy of the Bye-Laws which are required under sub-section (3) of section 10, shall be forwarded therewith.

CONDITIONS FOR REGISTRATION AND REFUSAL TO REGISTER.

(1) A society may be registered with limited or unlimited liability under the following conditions :-

(a) Every application for registration of society under sub-section(1) of section 10 shall be made in the Form set forth in the Schedule appended to these Rules and shall be submitted in triplicate to the Registrar and each copy of the form for application for registration shall be signed by the promoters and be accompanied by.

- (i) two copies of the proposed bye-laws of the society;
- (ii) two copies of the Project Report of the Proposed society showing the data explaining how the working of the society will be economically sound and, when the scheme envisages the holding of immovable properties proposed to be purchased, leased, acquired or transferred to the society;
- (iii) a list of Promoters at least 15 persons (each) of such persons being a member of different family) who have contributed by each of them, and the admission fee paid by them signed by the members of the concerned Village Council Authority of the concerned jurisdiction area;
- (iv) a certificate from the bank or banks stating a credit balance in favour of the proposed society thereof;
- (v) the application shall also mention the name and detail address of one the applicants to whom any communication may be sent by the Registrar or his authorised Officers;
- (vi) such other documents as may be specified in the model Bye-Laws, if any, framed by the Registrar;
- (vii) the application shall be signed by the Office Bearers of such society duly authorised by a resolution to sign the application for registration and a copy of such resolutions shall be appended to the application;

(b) Where any member of a society to be registered is a Firm, Company, Corporate Body, Society registered under the Societies Registration Act, 1860 or public trust registered under any law for the time being in force, relating to registration of public trust, or local authority, then such firm, company, corporate body, society, public trust or local authority, shall duly authorise any person to sign the application for registration on its behalf, and a copy of the resolution giving such authority shall be appended to the application.

- (c) the application shall be sent to the Registrar or his authorised person by registered post or delivered by hand.
- (2) On receipt of the application for registration the Registrar shall examine the application for registration, the preliminary Investigation Reports submitted by the concerned Assistant Registrar or Sub-Division Cooperative Officer and the Bye-Laws in order to satisfy himself:-
- (a) that the application and the proposed bye-laws are in conformity with the Act and Rules;
- (b) that the bye-laws are suitable for carrying out the objects of the society and ensures safe conduct of its business; and
- (c) that the Project Report is found feasible to make the society to be economically sound in all respect; and
- (d) that the proposed society has reasonable chances of success having regard to local conditions and may call for further information or made such enquiry as he may deems necessary.
- (3) (a) If the Registrar is satisfied on all the points mentioned in sub-clauses (i) to (vii) of clause (a) under sub-rule (1) and clauses (b) and (c) of sub-rule (1) and sub-rule (2) above, he may register the proposed society and its bye-laws.
- (b) Such registration shall be entered in a General Register kept for the purpose in the Form found suitable and the entry of such registration shall be attested by the Registrar or his authorised person to do so.
- (c) When society is registered under clause (a) or (b), the Registrar shall grant a Certificate of Registration in the Form "B" set forth in the Schedule appended to these rules.
- (4) The Certificate of Registration together with a copy of its bye-laws approved by the Registrar duly stamped with his Seal shall be sent to the applicant. Out of the remaining three copies of the Registration Certificate together with the Registered bye-laws, one shall be sent to the Assistant Registrar or Sub-Divisional Cooperative Officer concerned and one copy shall be sent to the Controller, Printing and Stationery, Mizoram for publication in the Mizoram Gazette and one copy shall be retained in the office of the Registrar, Mizoram.
- (5) If the society intend to be a member of any affiliating society, an extra copy shall be authenticated and be sent to the Society.

9. REFUSAL OF REGISTRATION

- (1) If the Registrar decided to refuse registration of the society or its bye-laws, he shall record in writing the reasons for his refusal and shall communicate his decision to the applicant.

(2) When, for the purpose of the formation or continuance of a society, any question arises whether a person is agriculturist or not or, whether any person resides within the area of operation of the Society or not such question shall be decided by the Registrar. The decision of the Registrar shall be a final.

CHAPTER IV

CLASSIFICATION OF SOCIETIES.

10. CLASSIFICATION AND SUB-CLASSIFICATION OF SOCIETIES.

(1) After registration of a society the Registrar shall classify the following classes and sub-classes of Societies prescribed below according to the principal objects provided in its Bye-Laws :-

Class	Sub-Class	Examples of Societies following in the class or sub-class as the case may be
1	2	3
(a) Agricultural Marketing Society.	—	All Marketing Societies and all purchase and sale Societies of Agricultural produces.
(b) Consumers' Society	—	Stores, Canteen and all non-Agricultural purchase and sale Societies.
(c) Cooperative Banks	(i) State Cooperative Bank. (ii) Central Cooperative Banks. (iii) Other Banks.	State Cooperative Banks, District Central Banks, and other Banks having provisions in their bye-laws to advance loans to Cooperative Societies.
(d) Farming	(i) Collective Farming Society (ii) Joint Farming Society	Farming Societies where major area of lands is acquired from outside agency for cultivation by members. Society where the major area of land brought together for cultivation is held by members.

(e) Housing Society	(i) Tenant Ownership Housing Society.	Housing Societies where land is held either on lease-hold or free-hold basis by Societies and houses are owned or to be own by members.
	(ii) Tenant Co-partnership Housing Society.	Housing Societies which is held both land and buildings, either on lease-hold or free-hold basis and all of them to their members.
	(iii) Other Housing Society.	House Mortgage Societies and House Construction Societies.
(f) Processing Society.	(i) Agricultural Processing Society.	Societies which process agricultural produce like Co-operative Paddy-husking, oil-crushing, cotton Ginning, Fruit-canning societies.
	(ii) Industrial Processing Society.	Tanners' Co-operative Society.
(g) Producers' Society.	(i) Industrial Producers' Society.	Weaver, Carpenters, Potters, Tailors, Brass Makers Societies.
	(ii) Labourers' Industrial Society.	Forest Labourers' Societies and Labour Contract Societies.
	(iii) Agricultural Producers Society	Cattle Breeding, Poultry, Dairy and Piggery Societies.
(h) Resource Society.	(i) Credit Resources Society.	Agricultural Credit, Thrist and Urban Credit Societies.
	(ii) Non-Credit Resource Society.	Seeds and Implements and Agricultural Requirements Societies.
	(iii) Service Resource Society.	Service Co-operative and Multi-purpose Co-operative Societies.
(i) General Society.	(i) Social	Better Living Societies and Education Societies.
	(ii) Commercial	Insurance and Motor Transport Societies.
	(iii) Others	Not failing in either of the above sub-classes.

(2) The Registrar may, for reasons to be recorded in writing, alter the classification of a society from one class of Society to another, or from one-class thereof to another and may, in the public interest and subject to such terms and conditions as he may think fit to impose, allow any society so classified, to undertake the activities of a Society belong to another class.

(3) A Society may, by resolution passed at a General Meeting and with the approval of the Registrar change its name ; but such change shall not affect or obligation of the society or of any of its members ; and any legal proceedings pending before any person, authority or Court may be confined by or against the Society, under its new name.

(4) Where a Society changes its name, the Registrar shall enter the name and address of the Society in the Registrar of Societies and shall amend the Certificate of registration accordingly.

(5) A list of all Societies so classified shall be published by the Registrar every three years in such manner as the Government may, from time to time, direct.

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

11. RESTRICTION AND LIMIT OF MEMBERSHIP.

(1) No person or Society qualified under the bye-laws to be a member of a Co-operative Society shall be excluded from membership without sufficient cause.

Provided that without the sanction of the Registrar :—

(a) No registered Society with unlimited liability shall have more than 100 members, except with the approval of the Registrar which shall not be given except for special reasons to be accorded in writing.

(b) No registered Society with unlimited liability shall have more than 50 members at the start ; the member may be increased by not more than 20 members a year upto the maximum prescribed above.

(c) No registered Society with other than unlimited liability shall have more than 50 members of different families at the start ; the members may be increased in every year.

(2) In case of amalgamation of Societies as provided in section 15 and change of liability under section 9, the restrictions and limits set forth above shall not be operative.

12. PROVISIONS IN THE BYE-LAWS OF A SOCIETY.

(1) Every Society shall make bye-laws in respect of the following matters, namely:—

(a) the name and registered address of the Society and its branches, if any ;

- (b) the area of its operation ;
- (c) the objects of the Society ;
- (d) the purpose of which its funds may be applied ;
- (e) qualifications required for membership and the terms of admission of members ;
- (f) the rights and liabilities of membership ;
- (g) the nature and amount of the share capital, if pay, of the society and where there is a share capital, the maximum share capital which a single member can hold ;
- (h) the manner in which capital may be raised by means of share and debentures, borrowing from non-members, deposits of members or otherwise ;
- (i) the entrance and other fees and the fines, if any, to be collected from the members ;
- (j) withdrawal, removal and expulsion of members and payment if any, to be made to such members ;
- (k) transfer of share or interest of a member ;
- (l) the circumstances under which withdrawal from membership shall be permitted and the procedure to be followed in case of withdrawal, ineligibility and death of members ;
- (m) the mode of appointment and renewal of members of Committee and Office-bearers of the Society and the duties and powers of the managing body and other Committees of bodies which may be formed and specify the composition of such bodies, their powers, duties ;
- (n) the mode of summoning and conducting meetings and the right of working, fixing of quorum for meetings ;
- (o) subject to the provisions of rules and, the manner of making altering and abrogating bye-laws ;
- (p) the general conduct of the business of the society ;
- (q) the disposal of profits ;
- (r) creation and use of reserve and other funds ;
- (s) the mode of custody and of investment outside the business and the custody of books, accounts and securities ;
- (t) the mode of keeping accounts ;
- (u) settlement of disputes ;

2. In the case of credit society —

- (a) the conditions under which loans may be granted, fixing of the maximum and normal credit of members and the maximum loan admissible to a member ;
- (b) the rate of interest on loans and the system of calculation of interest ;
- (c) purposes for which loans may be granted ;
- (d) security for repayment of loans ;
- (e) period of repayment and recovery of loans ;
- (f) extension of the period of repayment and renewal of loans ; and in the case of non-credit societies.

(3) In the case of non-credit societies —

- (a) the mode of conducting business ;
- (b) procedure to be followed in conducting business, purchasing, selling, stock taking and other matters relating to stores, raw materials and finished products.

CHAPTER—V

AMENDMENTS OF BYE-LAWS

13. APPLICATION FOR AMENDMENT OF BYE-LAWS.

(1) Subject to the provisions of section 13, a Society may, from time to time, amend its bye-laws by altering or rescinding them or by making a new bye-law;

Provided that every such amendment shall be made only by a resolution passed by a majority of the members at a meeting of the General Assembly and at which not less than two-thirds of the members of the society are present;

Provided further that such resolution be valid unless clear fifteen days notice of such meetings has been given of the proposal to alter or rescind the bye-laws.

(2) The registrar may, in special cases, register an amendment which is passed by two-thirds of the members present at a meeting of the General Assembly or at an adjourned meeting of the General Assembly at which the number of members required by the above rules was not present, if he is satisfied for reasons to be recorded in writing:—

- (a) that it is impracticable for the society to secure the attendance of two-thirds of the total number of members at a meeting of the General Assembly;

- (b) that the adoption of the proposed amendment, is in the interest of the Society; and
- (c) that such amendment is likely to meet with the approval of the general body of members.

14. MODE OF AMENDMENT OF BYE-LAWS

- (1) In every case of amendment of bye-laws, an application seth forth in Form 'C' schedule for registration of a new or altered bye-law or for the abrogation of an existing bye-law shall be submitted to the Registrar, within the time prescribed in sub-section (2) of section 13, signed by the members of the Managing body. The application shall show—
 - (a) the date of the meeting of the General Assembly at which the amendment was passed;
 - (b) the number of members on the roll of the Society on the date of issuing the notice of the general Assembly Meeting;
 - (c) number of members present at the meeting; and
 - (d) the number of members who voted in support of the amendment.
- (2) The application for registration of the amendment of the bye-laws shall be accompanied by a copy of the resolution making the amendments passed at the meeting, the General Assembly along with fourth copy of the existing bye-laws and a fifth copy of such amendments of bye-laws, if the Society is a member of any affiliating Society.
- (3) When the Registrar registers an amendment of bye-laws, he shall return to the Society the copy of the old bye-laws duly corrected and attested by him, together with a certificate of registration of the amendment in the form 'D' set forth in the Schedule. The copy of the resolution and one copy of the proposed amendment shall be retained by the Registrar in his office with the old bye-laws which shall be duly corrected and attested by him. Of the remaining two copies, one will be sent to the Assistant Registrar and the other to the Controller, Printing and Stationery Mizoram, duly sealed and signed by the Registrar as a token of registration.
- (4) When the Registrar refuses to register an amendment of bye-laws he shall record in writing, the reasons for his refusal and shall communicate his decision to the Society.

15. AMENDMENT OF BYE-LAWS AT THE DIRECTION OF THE REGISTRAR.

- (1) When the Registrar directs any Society to amend its bye-laws in accordance with the amendment drafted and forwarded to the Society by him, the Society shall, on receipt of such direction proceed in the manner provided in the rule 14

to consider the making of such amendment within two months or such longer period as may be specified in the order. When the Society adopted any amendments of bye-laws, action shall be taken as provided in rule 14 for registration.

(2) In case, however, the society proposes to file objection, the case shall be represented before the Registrar within fifteen days of the meeting along with a copy of the proceeding of the meeting of the General Assembly considering the drafted amendment, signed by the Chairman of the meeting. The Registrar after considering the objections of the society may—

- (a) withdraw the direction for amendment of the bye-laws; or
- (b) register the same.

(3) In case of registration copy of the amendment of the bye-law as registered shall be forwarded to the Society together with a certificate signed by him in the form 'D' amendment of the bye-laws shall be duly entered and certified by the Registrar in the copy of the bye-laws retained in his office. The Assistant Registrar and the Controller, Printing and Stationery, Mizoram will also be supplied with a copy signed by Registrar for being incorporated in their copies of the bye-laws.

16. AMENDMENT OF BYE-LAWS AT THE SUGGESTION OF AFFILIATING SOCIETY.

(1) - When it appears to an affiliating society that an amendment of the bye-laws of a Society which is affiliated or indebted to it is necessary or desirable, it may direct such a society to make the amendment, only in respect of matters pertaining to—

- (a) the constitution of its Administrative Council and the managing body; and
- (b) the investment of funds.

(2) The affiliating Society in suggestion any such amendment to the affiliated society shall by definite resolution of the Administrative Council or the Managing Body as the case may be direct the Society to make the amendment within specified time.

(3) The affiliating Society shall forward to the Society concerned by registered post, —

- (a) a copy of the proposed amendment of the bye-laws and
- (b) copy of the resolution approving such amendment.

(4) The affiliated Society, on receipt of the direction for such amendment shall proceed in the manner provided in rule 13.

(5) If within the period as may be specified by the affiliating society the date of receipt the direction, the Society —

- (a) fails to make the amendment of its bye-laws, or
- (b) files an objection to such an amendmend the affiliating Society, after considering the objections of the Society if any, may –
 - (i) withdraw the direction of amendment of the bye law ; or
 - (ii) forward the amendment together with the objection, if any, filed by the Society and its comments thereon to the Registrar for consideration and registration.

17. ADOPTION OF RULES OF PROCEDURE.

1 Subject to provision in the bye-laws, the managing body of a Society by whatever name, it is called, shall frame rules for their own guidance regarding –

- (a) the manner of receipt and disbursement of money;
- (b) the mode of keeping custody of books accounts, securities and funds, and
- (c) the terms of service of salaried officers dealing with pay, leave, discharge and dismissal.

(2) The adoption of the rules thus framed will require prior approval of the Registrar and they shall remain in force until duly modified or rescinded.

18. CHANGE OF LIABILITY.

(1) The change of liability of a society from unlimited to limited or vice versa or in terms of multiple of share capital shall be secured by passing a resolution in that behalf at a general meeting of the society indicating in clear terms the manner of changing the liability. The society shall give thirty days, notice in writing of such meeting to all its members and creditors and shall furnish them with copies of the resolution proposed to be moved at the meeting. After the resolution is duly moved and passed, a copy thereof shall be sent to the Registrar within thirty days of its passing.

(2) Every notice to be given by the society under sub-section (1) of section 9 shall be sent by post under certificate of posting or otherwise to the address of each of its members and creditors as recorded in the books of the society. A copy of such notice shall be exhibited on the notice board of the society and a copy shall also be sent to the Registrar and thereupon, notice of the resolution to change the form or extent of its liability shall be deemed to have been duly given to all its members and creditors, notice not being sent to their correct address or notice not being received by them, notwithstanding.

(3) For the purpose of determining the claims of a member under clauses (b) and (c) of sub-section (1) and sub-section (2) of section 9, the value of a share of a member in a society shall be ascertained as follows :—

(a) In the case of a society with unlimited liability the value of a share shall be the actual amount received by the society in respect of such share.

(b) In the case of a society with limited liability, the value of a share shall be the amount arrived at by a valuation based on the financial position of the society as shown in the last audited balance sheet; provided that it shall not exceed the actual amount received by the society in respect of such share.

(4) Any member of creditor desiring to exercise his opinion under clause (b) of sub-section (1) of section 9 shall inform the society accordingly in writing, and when he does not propose to withdraw his entire shares or deposits, the member of creditor shall clearly indicate in writing the extent of his withdrawal. The society shall examine and draw up a scheme for orderly payment of all claimed in an equitable manner including shares, the value of which shall be ascertained in accordance with the provisions of sub-rule (3). The scheme may also provide for settlement of claims by the mutual agreement. Where the Registrar does not approve the scheme on the ground of impracticability or undesirability, the resolution passed by the society under sub-rule (1) shall be in effective, form the extent of liability of a society shall not be deemed to be changed in accordance with the resolution passed aforesaid.

(5) After the Registrar approved the scheme, the society shall make payments to members and creditors as provided in clause (b) of sub-section (4) of section 9 make a report to that effect to the Registrar and furnish the Registrar with a proposal to amend the bye-laws of the society duly passed in that behalf. On receipt of the proposal, the Registrar shall register the amendment in accordance with the provisions of section 13(1).

19. AMALGAMATION, TRANSFER OF ASSETS AND LIABILITIES, DIVISION OF CONVERSION OF SOCIETIES.

(1) Every society desiring to effect amalgamation, transfer of assets and liabilities, division or conversion shall make an application to the Registrar in that behalf giving full details about such amalgamation, transfer, division as the case may be.

(2) On receipt of such application, the Registrar may, after examining the detail furnished in the application and other particulars which he may call upon the society to furnish, give his approval to the amalgamation, transfer, division or conversion, as the case may be, to be in the interest of the society.

(3) After the receipt of the Registrar's approval under sub-rule (2), the society shall convene a special General Meeting by giving notice at least 15 clear days to all its members and creditors and pass a resolution for amalgamation, transfer of assets and liabilities, division or conversion, as the case may be, by two thirds majority of the members present and voting at the meeting. The resolution so passed shall contain the purpose and the full Scheme indicating how the proposed amalgamation, transfer or division or conversion would be useful to the society and be given effect to. Where the scheme does not involve transfer of liabilities of the society to another society, a statement to that effect shall be made in the application to be made under sub-rule (1). Where the scheme involves transfer of liabilities of society, the society shall give written notice in FORM "E" to all its

members, creditors and other persons whose interests are likely to be effected by such transfer. The notice shall also be published in at least one news paper in circulation and a copy thereof shall also be exhibited on the Notice Board of the society

(4) Within one month from the date of notice referred to in sub-rule (3), the members, creditors and other persons whose interest are likely to be affected by the transfer of the society's liabilities may exercise their option as required by clause (d) of sub-section (1) and clause (c) sub-section (2) of section 15. Failing which they shall be deemed to have assented to the transfer of liabilities of the society to another society.

(5) The society shall meet in full or otherwise satisfy all claims of members and creditors and other interested persons who exercise the option.

(6) The society shall submit a report to the Registrar of the action taken by it and request him to give effect to its decision for amalgamation, transfer, division or conversion by registering the amalgamated or converted society or the new society, as the case may be, and cancelling the registration of the societies which have been amalgamated, divided or converted.

(7) On receipt of the report from the society under sub-rule (6) the Registrar shall, after satisfying himself that the procedure has been properly followed, register the amalgamated, divided or converted society or the new society, as the case may be, and cancelling the registration of societies which have been amalgamated, divided or converted.

20. DIRECTION BY REGISTRAR FOR AMALGAMATION, DIVISIONAL RE-ORGANISATION OF SOCIETIES.

(1) Before issuing any order clause (a) of sub-section (1) of section 14 providing for the amalgamation, division or re-organisation of any society or societies, the Registrar shall prepare a draft scheme in respect of such amalgamation, division, or re-organisation on stating in particular the manner in which the new committee or committees of the society or societies resulting from such amalgamation, conversion or re-organisation shall be constituted and the bye-laws which such society or societies shall follow. The Registrar shall, then, send a copy of the order proposed to be issued by him under clause (a) sub-section (1) of section 14 to the society or each of the societies concerned calling upon it or them to invite objections or suggestions from any member or class of members thereof or from any creditor or class of creditors and to submit such objections and suggestions and suggestions together within a period of not less than two months from the date of which the copy of the draft aforesaid was received by it or them.

(2) The Registrar shall considered all such objections and suggestions and make such modifications in the draft order as may seem to him desirable in the light of those suggestions and then issue a final order under clause (a) of sub-section (1) of section 14.

(3) Any member or creditor of the societies to be amalgamated, divided or

reorganised, who has objected to the scheme of amalgamation, division, or re-organisation within the period specified in sub-rule (1) may apply to the Registrar for payment of his share or interest, if he be a member and the amount in satisfaction of his dues, if he be a creditor. Such application shall be separate and distinct from the objection or suggestion which he may have submitted to the society or the Registrar under clause (a) of sub-section (3) of section 15. It shall be competent for the Registrar to nominate an officer not below the rank of a Deputy Registrar to investigate such application and to determine the payments required to be made to the members or creditors, as the case may be.

(4) Subject to the provisions of the Act, the Rules and the bye-laws, the Registrar may by order require the society concerned to meet in full or satisfy otherwise all due claims of the members and creditors and there upon the society shall be bound to meet in full or satisfy otherwise all due claims of the members and creditors within such time as may be specified by the Registrar in the order.

(5) Notwithstanding anything contained in these rules or Bye-laws, the Registrar or any person authorised by him, shall have the power to call the meeting of the Administrative Council or the Managing Body of any Societies as may be necessary from time to time at the place, date and hour appointed by him.

21. NON-OFFICIAL HELPERS.

(1) The State Government may appoint any person as a non-official adviser to help Cooperative Societies in certain specified areas. The name of persons so appointed who will be designated as "Honorary Organiser of Cooperative Societies" shall be published in the Mizoram Gazette.

(2) Functions of the "Honorary Organiser of Cooperative Societies" shall be :—

- (a) to take active interest in the working of existing Cooperatives;
- (b) to prepare grounds by educating the people of the locality in the principles of Cooperation and creating a Cooperative atmosphere, amongst them;
- (c) to inspect Cooperative Societies within his jurisdiction submitting his report in the form prescribed by the Registrar for the purpose ; and
- (d) to perform any other functions as may be consigned to him by the Registrar from time to time.

(3) The Honorary Organiser of Cooperative Societies shall be entitled to travelling allowance to cover expenses of journeys undertaken at rates to be fixed for the purpose.

CHAPTER-VI

RIGHTS AND LIABILITIES OF MEMBERS OF REGISTERED SOCIETIES.

22. EXERCISE OF RIGHTS OF MEMBERSHIP.

(1) No member of a Society shall exercise the rights of a member unless and until he has made such payments to the Society in respect of membership or acquired such interest in the Society as may be prescribed in the bye-laws, subject to the following conditions :—

(a) Every applicant for admission as a member must agree to pay application fee as may be prescribed in the bye laws; but such fee shall not be less than one rupee but shall not exceed five rupees;

(b) Every applicant for admission as a member must also agree to pay such admission fee as may be prescribed in the bye-laws. Such fee shall not be less than five rupees where the applicant is an individual and ten rupees where the applicant is a registered Society.

(c) Where the capital is to be raised by the issue of shares, each member must agree to subscribe to at least one shares, as prescribed in the bye-laws and has paid the dues on account of such share or shares, as required under the provisions of the bye-laws.

(2) No person shall be accepted as one of the applicant for the registration of a society or admitted as a member —

(a) who does not satisfy the requirements of the Acts and Rules; or

(b) who is legally or mentally disabled or

(c) who is a bankrupt; or

(d) who is convicted of a criminal offence, involving moral turpitude.

(3) No person who has ceased, within a period of four years to be a member of any Society with unlimited liability shall be allowed to be a member of another Society with unlimited liability, without special permission of the Registrar.

(4) Any member who may, at any time be found disqualified for any of the reasons in sub-rules (2) and (3) above shall be removed from the Society.

(5) In cases of any doubt, the Registrar shall decide whether a person is or is not eligible as an applicant for registration or liable to be removed from the Society.

23. DISQUALIFICATION FOR VOTING

No member of a Cooperative Society shall be eligible for appointment to enable him to vote in the affairs of another Cooperative Society, of which his Society is a member—

- (a) if such member is in any way disqualified under the provisions of these rules or any bye-laws of the Society for voting in the affairs of the Society of which he is a member or for being appointed as a member of Committee; or
- (b) if, in the case of credit society, the member is a habitual defaulter and no extension of time for payment of the instalments defaulted has been granted by the Managing body or the members of Committee;
- (c) if, in the case of any other type of Societies, the member is in arrears in any way in payment of his dues or is not loyal to the Society as required under the bye-laws.

EXPLANATION :

“a habitual defaulter” referred to in clause (b) means a member of a credit Society who has failed to pay three instalments already due immediately preceding the election.

24. PROMOTERS OF UNLIMITED LIABILITY SOCIETY AND MEMBERS OF ALL OTHER SOCIETIES, SEEKING LOAN TO FURNISH INFORMATION AS TO FINANCIAL POSITION.

- (1) A full true and accurate statement of assets including immovable property and liabilities shall also be furnished—
 - (a) by a promoter signing the application for registration of a society with unlimited liability, together with the application for registration of the Society; and
 - (b) by a member of a limited Society applying for a loan or for acceptance as a surety for a loan.
- (2) Such statement signed by member in the form that may be prescribed by Registrar from time to time, showing assets and liabilities at the time of admission as well as on the last date of each Cooperative year shall be preserved by the Society.

25. THE MANNER OF RECALLING A LOAN NOT UTILISED FOR THE PURPOSE FOR WHICH ADVANCED.

When the Managing body of a Cooperative Society is convinced or has reasons to believe that a member has not utilised a loan fully or in part for the purpose for which it was advanced, it may by a written notice direct the member—

- (1) to show cause within a reasonable time specified in the notice why the loan shall not be recalled.

(2) where no cause is shown to the satisfaction of the Society within the specified period, the Managing body may recall the loan and if the loan is not refunded immediately it shall apply to the Registrar for an award under section 76 in order to recover the loan.

26. RESTRICTIONS ON TRANSFER OF SHARE OR INTEREST.

The transfer or charge of the share or interest of a member in the capital of a society shall be subject to maximum holding as prescribed in clause (b) of rule 3.

27. NOMINATION OF TRANSFEREE.

(1) A member may, by writing under his hand, deposited with the Society during his life time, or by a statement signed by the member made in any book kept by the Society, nominate any person or persons to whom under section 23 his share or interest in the Society or so much thereof as may be specified in such nomination, shall be paid or transferred on his death. A nominee may become a member only, if admitted by the Managing Committee. A nominee thus admitted shall be exempted from payment of admission fee.

(2) A nomination so made may be revoked or varied by another nomination similarly made.

(3) The name and address of every person nominated under sub-rule (1) above shall be entered in the Register of members.

28. PROCEDURE FOR CALCULATING THE VALUE OF SHARES OR INTEREST OF CEASED MEMBERS.

(1) Where a Cooperative Society has to make a refund of the value of share or interest of a person who has ceased to be a member under section 25, the value of the share shall be deemed to be equal to the amount actually paid up on the share; provided that where a position of the assets is estimated to be bad or doubtful in the latest audited balance sheet and is not covered by funds created for the purpose out of profit; the Managing Committee may for the purpose of such payment, reduce the value of the share proportionately taking into consideration the assets which are bad or doubtful.

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

29. MANNER OF DETERMINING VALUE OF LAND.

(1) Value of land for the purpose of clauses (3) and (5) of section 27 shall be determined by the Society in the manner detailed below :-

(a) by reference to any recorded sale of similar land in the locality during recent periods; or

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

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

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

CHAPTER – VII

MANAGEMENT

30. CHAIRMAN OF THE GENERAL MEETING.

(1) The Chairman or in his absence, the Vice Chairman of a society shall preside over the meetings of its General Assembly. If both the Chairman and Vice Chairman are absent or are unwilling to act as Chairman, the members present and entitled to vote shall elect one from amongst themselves to preside over the meeting; provided, however, where the bye-laws of a Society provides for any outsider to preside over the meetings of the General Assembly, such an outsider if elected shall preside over such meeting.

(2) The Chairman of a meeting of the General Assembly shall maintain order in the meeting and shall control and conduct proceeding in such manner as may be conducive expedition and effective disposal of business. He shall decide all points of order and his decision upon such points shall be final.

(3) The Chairman of the meetings of the General Assembly may direct any member to withdraw for disorderly conduct and the member so ordered shall immediately withdraw and unless otherwise directed by the Chairman shall remain absent during the remaining period of the meeting and shall not be entitled to vote without the permission of the Chairman.

(4) In the event of disorder, the Chairman of the meeting may suspend the meeting and adjourn it to such a date and time as he may think fit subject to the provision of the bye-laws.

31. QUORUM OF MEETINGS OF GENERAL ASSEMBLY.

(1) Unless otherwise provided in the bye-laws, the quorum of a meeting of the General Assembly shall be one-fifth of the total number of members existing as such on the date of issue of the notice of the meeting or one hundred whichever is less.

(2) No business shall be transacted at any meeting of the General Assembly 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 fixed for the meeting of the General Assembly a quorum is not present the meeting shall stand adjourned ordinarily to the same day in the next week at the same time and place but the Chairman of the meeting may, however, decide to adjourn the meeting to a date not later than fourteen days or as may be provided in the bye-laws of the Society; provided that a meeting of the General Assembly which has been called on the requisition of members under clause (c) of sub-section (1) of section 33 shall not adjourned but dissolved;

(4) If at any time during a meeting of the General Assembly, attendance of members falls below the quorum as prescribed above, the Chairman of the meeting on his own initiative may adjourn the meeting to such a date, time and place as he may think convenient, and the business to be transacted at this meeting and shall be disposed of in the usual manner at the adjourned meeting even without a quorum.

32. VOTING IN MEETING OF GENERAL ASSEMBLY.

(1) Except where otherwise prescribed, all matters brought before a meeting of the General Assembly shall be decided by a majority of votes

(2) A resolution which is put to the vote at a meeting of the General Assembly shall be decided by at least members and agreed to by the Chairman of the meeting.

(3) If a poll is decided, the vote shall be taken in such manner and such time as the Chairman of the meeting may direct subject to any provision in the bye-laws in this behalf, and the result of such poll shall be deemed to be the decision regarding the resolution.

(4) In case of a poll being taken the number of members voting for and against a resolution shall be recorded in the proceeding book.

33. RECORDS OF MEETING.

(1) The names of the members present in a meeting of the General Assembly shall be entered in the proceedings of the meeting which shall be recorded in a book kept for the purpose.

(2) The proceeding shall be signed by the Chairman of the meeting after being read to and confirmed by the members present at that meeting or at the next meeting.

(3) The Chairman in his discretion may admit any person not being a member, to any meeting of the General Assembly for the purpose of giving expert advice. Such person shall not be entitled to vote.

(4) Proceedings of all meetings of General Assembly shall be submitted to the Registrar or to the person/persons in the manner as may be prescribed by him from time to time for approval and until such approval is obtained, proceedings of such meetings shall not be valid.

(5) A list showing the total number of members on the date of holding meetings and number of members present thereat with their names shall be attached to all such proceedings when submitted to the Registrar or the person authorised by him on his behalf for obtaining approval.

34. ELECTION AND RETIREMENT OF THE MEMBERS OF ADMINISTRATIVE COUNCIL AND MANAGING BODY IN COOPERATIVE SOCIETIES OTHER THAN A NON-AGRICULTURAL CREDIT SOCIETY.

(1) The members of Administrative Council and Managing Body of Co-operative Societies other than a non-agricultural credit society shall retire annually from office but shall be eligible for re-election.

Provided that except with the previous permission of the Registrar which should only be given in exceptional cases no member shall hold office for more than four years in succession or having already held office for four years be re-elected within a shorter interval than two years from the date on which he ceased to be a member of such council or body.

(2) The vacancies caused by the retirement of the members of Administrative Council and Managing Body shall be filled up by election at the annual meeting of the General Assembly at which they retire.

35. ELECTION AND RETIREMENT OF THE MEMBERS OF ADMINISTRATIVE COUNCIL AND MANAGING BODY IN NON-AGRICULTURAL CREDIT SOCIETIES.

(1) At the first annual meetings of the General Assembly of non-agricultural credit society held after the commencement of these Rules, the entire body of members of Administrative Council and Managing Body shall retire but shall be eligible for re-election.

Provided that no Administrative and Managing body members who has held office for more than four years in succession shall be eligible for re-election for two years from the date of his retirement without the previous permission of the Registrar.

(2) In subsequent years, one third of the members of elected by the members shall retire from office at the next annual meeting of the General Assembly and shall not be eligible for re-election for one year from the date of retirement.

(3) The vacancies caused by the retirement of members of Administrative Council and Managing body under sub-rule (1) or sub-rule (2) shall be filled up by elections at the annual meeting of the General Assembly at which they retire.

4. The members of Committee who are to retire in accordance with sub-rule (2) above at the second and the third annual meetings of the General Assembly shall be determined by lot in a meeting of administrative council or the managing body

as the case may be within three months from the date of its first constitution after the commencement of these rules. In subsequent annual meeting of the General Assembly, the directors who have been holding the office longest among them shall retire.

EXPLANATION :

For the Purpose of this sub-rule, the term of office of any member elected to fill a casual vacancy in the administrative council or managing body shall be deemed to include the period of membership of his predecessors.

CHAPTER—VIII

36. ELECTION OF MEMBERS OF COMMITTEE, APPOINTMENT, QUALIFICATION ETC., OF ADMINISTRATIVE COUNCIL.

- 1) The Election of members of the Committee of a Society shall be held in the manner specified herein after.
- (2) The Registrar or any other officer authorised by him shall appoint one or more Election Officers as may be necessary for conducting the election of President/Chairman, Vice President/Vice Chairman or any other office bearer of the Society.
- (3) The election shall be held in the General Meeting of the Society.
- (4) The notice of the general meeting under clause (a) of sub-section (1) of section 32 and sub-section (3) of section 33 shall be sent by local delivery or by Post or by publication through press and contain the following information-
 - (a) the date on which, the place at which and the hours between which the nomination papers shall be filled :
 - (b) the date on which, the place at which and the hours between which voting shall take place :
 - (c) the place at which and the hours between which the electoral roll can be inspected by the members :
 - (d) the number of vacancies with class of members (if any) to be filled up by election and the area of the operation from which members are to be elected (if for any area of operation the election is held)
- (5) (a) The secretary or manager or managing Director or the Executive officer or any other person responsible for the management of the affairs of society shall prepare the list of members on the roll with address who are qualified in accordance with the provisions of the Act, Rules and the bye-laws to participate in

the elections as it stood 30 (thirty) days prior to the date of an election and publish copies of the same by affixing them to the notice board at the head office of the society and all its branches (if there be) 4 (four) weeks prior to the date fixed for election.

(b) Objections, if any, concerning anything published in the list, may be heard by the Election Officer and decide within 7 days of such publication and the final list shall be prepared and published.

(c) A copy of the final list published shall be supplied by the society to any member on payment of such fees as may be specified by the Registrar or any person authorised by him.

(6) (a) The nomination of the candidate shall be made in form "F" on the date fixed as mentioned in clauses (a) and (b) of sub—rule (4);

(b) Every nomination paper shall be signed by two members whose names are included in the final list of the electoral roll published for the purpose. One of the members shall sign in the form as proposer and the other as seconder for the nomination.

(c) The nomination paper shall contain a declaration signed by the candidate proposed for election to the effect that he is willing to attend for election.

(d) Every nomination shall be presented to the election officer in person in the office of the society.

(7) (a) The Election Officer who received the nomination paper shall maintain a register in which all nomination papers shall be entered chronologically as soon as they are received and acknowledge the receipt, if demanded. No nomination paper shall be entered after specified date and time.

(b) At the expiry of time specified for the receipt of nomination paper, the Election Officer, shall draw up a horizontal line under the last nomination paper received and write underneath "Nomination closed" and affix his signature with date.

(c) The Election Officer shall give all reasonable facilities to the contesting candidate to examine all nomination papers and raise objection.

(d) At the time of scrutiny, the Election Officer shall endorse his decision of acceptance or rejection of the nomination paper. In case of rejection, he shall record in writing briefly the reason for such rejection on the nomination paper.

(e) The Election Officer is the final authority as regards approval of the symbol or imposition of any symbol, which is binding on the candidate concerned provided that if the number of candidates to be elected, the Election Officer shall declare such eligible candidate to be duly elected.

(8) The list of valid nomination shall be published in the notice board of the society or any place as decided by the Election Officer immediately after scrutiny.

(9) Any candidate may withdraw his candidature by a letter in writing signed by him and delivered to the Election Officer seven days prior to the date fixed for general meeting by the candidate in person. The letter of withdrawal of a candidate once given shall be final.

(10) (a) Notwithstanding any other provision of these rules or bye-laws of the society, the voting shall be by secret ballot.

(b) The Election Officer shall maintain order in the election meeting and shall see that election is fairly conducted. For this purpose he may take the help of police assistance.

(11) The Secretary or the Manager or Managing Director or the Executive Officer or any other person responsible for the management of the affairs of the society shall provide the ballot boxes, ballot papers copy of final electoral rolls and other articles as may be necessary for conducting the election.

(12) There shall be a separate Compartment to be known as Polling Compartment screen from observation by others in which the members are to record their votes.

(13) No ballot paper shall be issued to a member unless the Election Officer or any person authorised by him is satisfied that the member concerned is the same person as noted in the electoral roll furnished to him.

(14) On receiving the ballot paper, a member shall forthwith proceed into the polling Compartment put a cross mark on the symbol/symbols of ballot papers against the name or names of the candidate or candidates for whom he desires to vote and insert paper into the ballot box kept before the Election Officer or any Officer authorised by him with the utmost secrecy.

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

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

(17) An elector who inadvertently deal with his ballot paper in such a manner that cannot be conveniently used as a ballot paper may, on delivering it to the Election Officer or any person authorised by him to preside over the meeting and satisfying him of the inadvertency the latter shall together with its counterfoil be marked as "Cancelled" by the Election Officer or any person authorised by him to preside over the meeting who shall put his signature thereto.

(18) The counting of votes shall commence as soon as possible after voting is completed. Votes shall be counted by or under the supervision of Election Officer. Each candidate has right to be present and polling agents be present at the time of counting and to give their signature.

(19) A ballot paper shall be rejected by the Election Officer if :—

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

(b) it does not bear the seal of the society ; or

(c) it does not bear the signature of the Election Officer or any Officer authorised to preside over the meeting or any special mark given in the ballot paper by the Election Officer ;

(d) the marks indicating the symbol of voting against the name or any symbol of a candidate is marked in such manner as to make it doubtful to which candidate, the vote has been casted or it bears no marks at all.

(20) The Election Officer shall count the votes and declare the result. Proceedings shall be recorded in the minute book of the Society, by the Election Officer with a copy to the Registrar. Each candidate has a right to be present or polling Agents be present at the time of counting and to give their signatures.

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

(22) On completion of election, the Election Officer, shall hand over the ballot papers and other records relating to the election in a secured container to the Secretary or Manager or Managing Director or the Executive Officer or any other person responsible for the management of the affairs of the society which shall be locked and sealed with the seal of the society and the Election Officer and of the candidates who desire to affix their seals. The ballot papers shall be destroyed after expiry of the period of 3 months if no dispute relating to the election is referred to the Registrar.

(23) The Election of the Chairman, Vice Chairman shall be elected by members present in the General Meeting but the Secretary and the Treasurer or any Officers of the Society shall be elected from the members of committee by secret ballot in the manner specified hereunder.

(24) After the Election of the committee members and the receipt of the Government nomination, if any, the Election Officer shall arrange to convene a meeting of the committee for election of the Secretary and the Treasurer or any other officer of the society with the assistance of the Secretary or Manager or Managing Director or or the Executive Officer or any other person responsible for the management of the affairs of the society. The Election Officer shall give seven days' notice of the meeting to every member of the Board.

(25) The Election Officer, shall preside over the meeting and he shall call for a nomination of the candidate for the election of the Secretary and the Treasurer or any officers of the Society.

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

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

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

(29) The provisions contained in sub-rules (10) to (22) of this rule shall mutatis apply to such election.

(30) The Government servant who is filing nomination for election in any registered Cooperative Institutions should produce prior permission of the head of Department concerned as per clause (a) of sub-section (1) of section 42 of the Act.

37. APPOINTMENT OF MEMBERS OF COMMITTEE BY THE REGISTRAR.

(1) In order to safeguard and represent appropriate interest in a Cooperative Society, the Registrar shall have powers to appoint all or fraction of the number of members provided in bye-laws appoint additional members to the Administrative Council or the Managing Body not exceeding one half of the member of the elected members of Committee.

(2) The members so appointed shall hold office till the next election of members of Committee appointed under these rules may or may not be a members of the society.

(3) If any vacancy occurs in the office of such an appointed members of committee the vacancy shall be filled up by appointment.

(4) The members so appointed shall hold office till the next election of members of Committee appointed under these Rules and he may or may not be a member of the society.

(5) If any vacancy occurs in the office of such an appointed members of committee vacancy shall be filled up by appointment.

38. QUALIFICATION OF MEMBER OF ADMINISTRATIVE COUNCIL AND MANAGING COMMITTEE.

Subject to the provision of the Rules, every member of a society above the age of 21 years shall be eligible for election or for appointment as a member of the Administrative Council and the Managing Body.

39. DISQUALIFICATION FOR MEMBERSHIP OF ADMINISTRATIVE COUNCIL AND MANAGING BODY.

A member shall not be eligible for being chosen, or for being appointed, as a member of the Administrative Council and the Managing Body of a Society of another society to which the society is affiliated if such member—

- (a) is adjudged by a competent court to be insolvent or of unsound mind;
- (b) has been punished with imprisonment for an offence involving moral turpitude;
- (c) is concerned or participates in the profits of any contract with the society;
- (d) in a credit society has failed to pay in three consecutive years immediately preceding the election at least an amount equivalent to one year instalment fixed for the repayment of the loan.

40. CESSATION OF MEMBERSHIP OF ADMINISTRATIVE COUNCIL AND MANAGING BODY.

A Board member shall cease to hold office—

- (a) if he becomes subject to any disqualification mentioned in rule 33 or
- (b) if he resigns his office by notice in writing to the administrative council or the managing body concerned; or
- (c) if, without the consent of the administrative council or the managing body, he is absent from meetings for more than three consecutive meetings; or
- (d) if the society of which he is a representative is dissolved or disaffiliated.

41. REMOVAL, EXPULSION ETC., OF THE SECRETARY, TREASURER, MEMBERS OF BOARD AND OTHER OFFICE-BEARERS.

(1) The Secretary or Treasurer of a Society or any other office-bearer may be removed from office by a resolution of a meeting of the General Assembly specially convened for the purpose.

(2) Unless, otherwise provided in the bye-laws or in the terms of appointment, any Officer of a society appointed by the administrative council or the managing body may be removed from his Office by the said Council or body.

42. PROCEDURE OF CONVENING MEETINGS OF THE ADMINISTRATIVE COUNCIL AND THE MANAGING BODY.

(1) At least fifteen days' notice of all Meetings of the Administrative Council and at least four days' notice of all meetings of the managing body shall be given to each member specifying the date, hour and place of the meeting with a statement of business to be transacted thereat.

Provided that—

- (a) no business transacted at meeting of the administrative council or the managing body so convened shall be deemed invalid on account of non-receipt of the notice by a member in due time; and
- (b) any urgent business though not included in the Agenda accompanying the notice, may be brought up and considered with the consent of all the members present at the meeting.

(2) Proceeding of all meetings of the Administrative Council and the Managing Body shall be submitted to the Registrar or his authorised person for approval and until such approval is obtained the proceedings of such meeting shall not be valid.

43. POWERS OF THE ADMINISTRATIVE COUNCIL AND MANAGING BODY.

The administrative council or the managing body shall exercise all or any of the following powers as may be provided in the bye-laws

- (a) to admit new members and to suspend, fine, remove or expel existing members ;
- (b) to raise funds ;
- (c) to invest funds ;
- (d) to appoint salaried or non-salaried officers for proper conduct of the business, on such terms as to remuneration, security etc., and with such powers and authorities including the powers to enter into contracts on behalf of the society as they may deem fit for and to define their duties ;
- (e) to dismiss, suspend or punish each officers mentioned in sub-clause (d) ;
- (f) to institute, defend or compromise legal proceeding ;
- (g) to dispose of applications for loans and to determine the security to be taken;
- (h) to appoint sub-committees as may be deemed necessary from time to time; and
- (i) to delegate, with or without conditions, all or any of the powers exerciseable by the administrative council or the managing body to any office-bearer or to any committee formed.

44. DUTIES OF THE ADMINISTRATIVE COUNCIL AND THE MANAGING BODY.

(1) The Administrative Council or the Managing Body shall observe in all their transactions, the provisions of the Act, Rules and Bye-Laws and directions of the Registrar and shall cause to perform the following duties, namely —

- (a) to provide for the management of the affairs of the society ;
 - (b) to receive and disburse money ;
 - (c) to maintain true accounts of money received and expended and of assets and liabilities ;
 - (d) to prepare an annual report on the working of the society for submission to the annual meeting of the general assembly which shall include :
 - (i) Cash account ;
 - (ii) balance sheet
 - (iii) trading account (if any);
 - (iv) profit and loss account and ;
 - (v) profit and loss appropriation account ;
 - (e) to prepare the statement of accounts required for audit and to place them before the auditors ;
 - (f) to prepare and submit all statements and returns required by the Registrar in such forms as he may direct;
 - (g) to enter accounts of the society regularly in proper register ;
 - (h) to maintain a register of members upto-date ;
 - (i) to facilitate the inspection of books and records by the inspecting officers;
 - (j) to convene meetings of the general assembly on requisition ;
 - (k) to convene the annual meeting of General Assembly in due time;
 - (l) to watch that the loans are applied for the purposes they are advanced and that they repaid punctually ;
 - (m) to examine and take prompt action in cases of all arrears and defaults in respect of repayment of loans;
 - (n) to examine the stock register and verify the actual stock;
 - (o) to supervise and examine the work of the sub-committees and the office-bearers; and
 - (p) to perform such other duties as may be entrusted by the General Assembly.
- (2) No society, without prior approval of the Registrar shall take into consideration any balance sheet at its annual general meeting or make any distribution of its profits by way of dividend or bonus or otherwise among its office-bearers, employees and members, unless and until the balance sheet (for the period during which such profits have accrued) shall have been certified to be a true and correct statement of the financial position of the society by the Registrar or the person authorised by him in that behalf.

(3) All societies with limited liabilities shall obtain the Registrar's approval to their proposal of the distribution of the profits whether to their office bearers or employees or members before considering it at the annual general meeting.

45. DEPUTATION OF A GOVERNMENT SERVANT TO MANAGE THE AFFAIRS OF A COOPERATIVE SOCIETY.

(1) A Government servant when deputed to the service of a Cooperative Society by the State Government under section 35 shall be called the Executive Officer of the society.

(2) Subject to any condition to the contrary that the State Government may in any particular case think fit to impose, he shall be under the general control of the administrative council or the managing body of the society as the case may be and shall exercise the following powers in the conduct of the business of the society namely :—

(a) have full control over the staff of the society with powers to punish, suspend or dismiss any member thereof; provided that the power of dismissal shall be exercised with the previous concurrence of the administrative council or the managing body as the case may be;

(b) to institute, defend or compromise legal proceedings.

46. DUTIES OF EXECUTIVE OFFICER.

Unless otherwise directed by the administrative council or the managing body as the case may be the executive officer shall perform the following duties, namely—

(1) received all money on behalf of the society and issue receipts;

(2) pay all costs of management and working expenses out of the funds of the society, e.g. salaries of the staff, travelling and other contingent expenses, necessary for the work of the society;

(3) deposit all money received on behalf of the society as well as securities and other effects as prescribed under rule 55;

(4) maintain regular and accurate accounts;

(5) maintain records in prescribed form;

(6) convene meetings of the administrative council or the managing body as may be necessary from time to time;

(7) submit such statements as required by the administrative council or the managing body.

47. PROCEDURE IN CASE OF DIFFERENCE OF OPINION-

In the event of any difference of opinion between the Executive Officer and the Administrative Council or the managing Body of the Society, with regard to any matter concerning its management not expressly covered by the Act, the Rules, the bye-laws and conditions laid down by the state Government at the time of appointment the executive Officer may refer the matter to the Registrar whose decision shall be final.

48. COST OF SERVICE AND WITHDRAWAL OF EXECUTIVE OFFICER.

(1) The Executive Officer shall be indemnified out of the funds of the Cooperative Society for all costs, charges, travelling and other expenses incurred by him in the discharge of his duties in conducting its business and no suit or legal proceeding whatever shall lie against him in respect of anything done in good faith or intended to be done in accordance with the powers conferred on him.

(2) At any time, the State Government may after giving one month's notice withdraw the service of the Government servant, deputed to manage the affairs of the society under section 35.

(3) The Society may at any time, by a resolution, in the meeting of the General Assembly apply to the state Government for withdrawing any Government servant so deputed.

(4) The Society shall make such contribution towards the cost of the deputation of the officer as the state Government may direct.

49. SUSPENSION OR SUPERSESSION OF AN ADMINISTRATIVE COUNCIL AND MANAGING OR ANY OTHER BODY.

(1) In case where the administrative council or the managing body of a society after receipt of a notice fails to carry out the direction of the Registrar issued under section 37 or forwards its reasons for not so doing, the Registrar after due consideration of the reasons given, may by an order in writing-

(a) withdraw or modify the order; or

(b) dissolve the administrative council or the managing body.

(2) (a) Whereas on emergent measure the Registrar considers it necessary to suspend forthwith the administrative council, managing or other bodies, and appoint a person or persons, to be in full control of the suspended body until a new body has been elected or action has been taken in accordance with section 38, the Registrar shall fix the date and time by which the person or persons appointed shall take over charge of the society from the suspended body and prescribe the condition under which they shall work.

(b) rule 45 shall be applicable in case of person or persons so appointed

50. APPOINTMENT OF PERSON OR PERSONS TO MANAGE THE AFFAIRS OF A SOCIETY.

(1) When the Registrar orders the Administrative Council, Managing Committee or any other bodies as the case may be, of a society dissolved and appoints person or persons under section 38, he shall fix—

- (a) the date and time by which charge of the society shall be taken over from the dissolved body;
- (b) the condition under which work shall be carried on;
- (c) the remuneration, if any, to be paid to manage the affairs of the society;
- (d) the security of any to be furnished by those appointed.
- (e) the date by which a new administrative council, managing or other body as the case may be, is to be elected.

(2) Unless authorised directed by the Registrar, the remuneration of any person or persons appointed under section 38 shall be defrayed out of the funds of the society.

CHAPTER – IX

DUTIES OF REGISTERED SOCIETY/SOCIETIES

51. DOCUMENTS TO BE KEPT OPEN TO INSPECTION.

In addition to the provisions of section 44, every society shall keep documents and allow inspection by any member of the society :-

- (a) the register of members,
- (b) the register of the members of the administrative council if any and of the managing body, and
- (c) other books and records of the society.

52. RIGHTS OF MEMBERS OF COOPERATIVE SOCIETY WITH UNLIMITED LIABILITY TO SEE ACCOUNTS.

The members of Cooperative Societies with unlimited liability shall have a right to see the accounts of all the borrowers of such societies in the office of the societies concerned.

53. FEES FOR INSPECTION OF DOCUMENTS, BYE—LAWS. ETC.

Members of Cooperative Society on written application stating the purpose may on payment of a fee of two rupees for each document or each occasion of inspection, and with the permission of Registrar inspect any public document exclusive of documents privileged under sections 123, 124, 129 and 132 of the Indian Evidence Act, 1872 (Act I of 1872) such as—

- (a) general register;
- (b) certificate of Registration;
- (c) bye—laws;
- (d) amendments of bye—laws;
- (e) orders for its cancellation;
- (f) the annual cash account, balance sheet and revenue accounts; and
- (g) audit memorandum.

54. FEES FOR CERTIFIED COPIES OF DOCUMENTS.

Certified copies of any document, which any person has right under the foregoing sub—rule to inspect, shall be supplied on payment of two rupees for a certificate of registration of a Cooperative Society and in case of other documents a sum calculated of 25 paise for each hundred words of the copy taken, subject to a minimum of rupees two.

55. BORROWING LIMIT.

- (1) The maximum amount which a society may receive as deposit and borrow from its members and non—members shall be determined at an Annual General Meeting of the Society and no Society shall borrow beyond the maximum amount so determined and in force for the time being.

Provided that the Registrar or any person authorised by him may at any time, reduce the limit fixed by the General Assembly.

- (2) Save as is provided in rule 56 no society shall incur liabilities from person who are not members in excess of the maximum limit fixed from time to time by a meeting of the General Assembly subject to the approval of the Registrar.

56. RESTRICTION OF BORROWINGS OF SOCIETY WITH UNLIMITED LIABILITY.

A Cooperative Society with unlimited liability which is a member of an affiliating financing bank shall not take loans from any non-member without the sanction of the affiliating society and where the society is not a member of such affiliating society, without the previous sanction of the Registrar,

57. RESTRICTION ON BORROWINGS OF SOCIETY WITH LIMITED LIABILITY.

- (1) No society with limited liability shall by accepting deposits or loans or in any other way incur liabilities exceeding fifteen times the sum of the paid up share capital and the reserve fund for the time being separately invested outside the business of the society.
- (2) The Apex Bank or a Central Cooperative Bank for the purpose of financing its affiliated societies, the Apex Bank may incur liabilities by floating debentures accepting deposits or in any other way to the extent of twenty times the value of paid up share capital and the reserve fund for the time being separately invested, unless relaxation is made by Registrar by an order in writing.

(3) An agricultural society or a bank financing such society may with permission of the Registrar or any person authorised on his behalf and under such condition as he may impose, incur liabilities for the purpose of advancing seasonal loan to members for production of crops for financing the disposal of produce, repayable within a period of twelve months, irrespective of the amount of its paid up share capital or reserve fund separately invested outside the business.

58. RESTRICTION ON BORROWINGS BY SOCIETIES.

(1) Cooperative Societies may accept fixed deposits for members and non-members, subject to such rules and restrictions and for such periods as the Registrar may deem fit to impose, provided always that efficient management is ensured and that adequate fluid resources are maintained according to the rules prescribed.

(2) All Cooperative Societies with limited liability other than agriculture credit societies and other types of societies in rural areas which make adequate provision for fluid resources as provided for in the rules, may accept savings bank deposits both from members and non-members, subject to rules for deposit framed by the society and approved by the Registrar.

(3) No Cooperative Society shall undertake current deposit accounts business without the sanction of the Registrar and such sanction shall not be given by the Registrar unless he is satisfied about the stability of the concerned and of its provision for adequate fluid resources as prescribed under the rules.

59. PROVISION FOR FLUID RESOURCES OR LIQUID COVERS.

Any Cooperative Society accepting loans and deposits as provided in the foregoing rules shall keep the maximum fluid resources against loans and deposit held by its according to the scales :-

(a) 25 percent of the amount held in fixed deposits and loans due for repayments within the ensuing six months (less than amounts for which written notice of renewal has been received);

(b) 33 percent of the amount held in savings deposits;

(c) 60 percent of the amount held in current deposit ; and

(d) the entire amount of undrawn cash credits granted.

EXPLANATION

“Fluid Resources” means any assets which can be converted into ready cash at once and which are maintained in one or more than one of the following forms :-

(a) Cash in hand, or in banks or with bankers approved by the Registrar;

(b) Government Securities, including Post Office cash certificates;

(c) Deposits in Post Office Savings Banks;

(d) Other investment of a liquid nature in outside concerns approved by the Registrar; and

(e) the undrawn portion of assured cash credit with

(i) any joint-stock bank or private banker approved by Registrar; or

(ii) the Apex Bank or any other Cooperative Bank approved by the Registrar.

60. REGISTRAR'S POWERS TO PERMIT A DECREASE IN THE PROPORTION OF FLUID RESOURCES, ETC.

Under special circumstances, the Registrar may by general order, empower any particular society or any class of societies to reduce the proportions of the fluid resources as mentioned in rule 53.

61. RESTRICTION ON ISSUE OF LOANS AND FIXATION OF MAXIMUM LIABILITY OF A MEMBER.

(1) Every credit society of unlimited liability shall from time to time, fix in the annual general meeting of the General Assembly. The maximum liability a member may incur. The maximum limit so fixed shall be subject to the sanction of the Registrar of some person authorised by him who may, if he thinks fit reduce it or impose such conditions as he may think necessary. No loan shall be granted to an individual member of a society which shall bring his total debts to the society exceeding the maximum amount so fixed.

(2) In any Cooperative Society in which the liability of the members is limited by shares, no loan shall be granted to a member exceeding 20 times the amount of the share capital paid by him but not exceeding the limit provided in the bye-laws or determined by the annual general meeting of the General Assembly —

(a) a society may grant loans to its members upto twenty times the amount share capital paid up by a member, in case of loans being issued on mortgage or valuable security, as provided in clause (c) of sub-section (2) of section 48 of the Act;

(b) the Apex Bank or any other financing bank may grant loans to any affiliated Cooperative land mortgage bank upto twenty times the amount of share capital paid up by the land mortgage bank;

(c) the Apex Bank may advance loans to an affiliated society engaged in the purchase of production and disposal of goods of its members in excess of 20 times the share capital paid up by such society;

(d) an agricultural society may grant loans to its members repayable within a period of twelve months for facilitating the production or disposal of produce, irrespective of the amount of the share capital paid up by such member with previous permission of the Registrar and under such conditions as he impose.

62. MAXIMUM AND NORMAL CREDIT TO MEMBERS

A Cooperative Society shall determined and fix the maximum or normal credit of its members in a manner as it thinks fit :

Provided that —

- (a) in a primary non-agricultural credit society, the maximum or normal credit of a member shall be determined by taking into consideration his assets, liabilities and his repaying capacity.
- (b) in a primary agricultural credit society the maximum or normal credit shall not exceed one-half of the total value of the agricultural lands of a member which is actually under his cultivation during the period of assessing normal credit or two-thirds of the total estimated net income of his lands during the period of the repayment of the loan whichever is less.

CHAPTER—X

PRIVILEGES OF REGISTERED SOCIETY

63. DECLARATION OF CHARGES.

- (1) A declaration to be made under clause (a) of sub-section (2) of section 50 shall be made in Form 'G' appended.

Three copies of the same shall be signed by the member, one copy being retained in the office of the society and the other two copies sent to the Assistant Settlement Officer of the Circle within whose jurisdiction the land is situated.

- (2) A register of such declaration shall be kept by the society in Form "H" appended.

- (3) A charge of any immoveable property created by a member in favour of a society for amount borrowed or likely to be borrowed by him from time to time, shall, subject to the provision of clauses (b), (c) and (d) of section 50 continue in force till the person creating the charge ceases to be member of the society.

- (4) When a member of the society creates a charge on his/her land or his/her interest on any land as tenant by declaration, the society may, if compelled to make use of such property or interest in the property for the recovery of the loan granted to such member against the security of such property or interest in the property, utilise the whole or any portion of such property which may be sufficient to satisfy the amount due with interest and any incidental expenses incurred in this connection.

- (5) The Society shall cause to record such particulars of charge referred to in sub-rule (1) in the record of rights maintained by the Revenue Officer-in-

charge of Revenue Circle concerned. Such recording in the charge in the record of rights of the village shall be treated as reasonable notice of such charge created under sub-section (2) of section 50.

64. PROCEDURE OF REGISTRATION OF MORTGAGE DEEDS.

- (1) All mortgages referred to sub-section (1) of section 54 shall be in the Form "I"
- (2) The mortgager shall execute the deed in triplicate in presence of the Chairman and the Secretary of the Cooperative Apex Bank, Cooperative Land Development Bank or Primary Cooperative Society as the case may be, in addition to at least two witnesses.
- (3) When a mortgage deed is executed by a member mortgaging his land as tenant the society shall cause to deliver all the three copies of the registering authority within the local limits of whose jurisdiction whole or any part of the mortgage land is situated with ten days of execution of the mortgage deed.
- (4) The registering authority shall file a copy as provided in sub-section (2) of section 50 and shall return other two copies to the society. Such filing of mortgage deed shall be treated as duly registered mortgage.
- (5) The Society shall send one copy to the financing Bank, if any.
- (6) A register of such mortgages executed by the member under sub-section (1) of section 50 shall be kept by the society in Form "J" appended.

CHAPTER - XI

PROPERTY AND FUNDS OF REGISTERED SOCIETY.

65. INVESTMENT OF FUNDS.

In addition to the provision made in section 56, a Cooperative Society may invest or deposit its funds—

- (a) with the Mizoram Cooperative Apex Bank Ltd., or
- (b) in the purchase or leasing of land or buildings; or
- (c) in the construction of buildings, provided that the purchase of such land or the construction of such building is likely to be advantageous to the society in its working; or
- (d) in any other manner permitted by the Registrar.

66. RESERVED FUND AND ITS OBJECTS.

- (1) Every society shall form and maintain a reserve fund which shall belong to the society as a whole and shall be built up by carrying in each year not less than twenty five per cent of its net profits. The fund shall be invisible and no member shall have any claim or share in it.

(2) With the previous sanction of the Registrar, a Cooperative Society with shares and with limited liability may meet the loss of any year partly or wholly from the reserve fund provided that no dividend or shares, bonus, patronage dividend or rebate is paid during the year out of the profit. No less than fifty per cent of the reserve shall be separately invested every year not to be utilised in the ordinary working of the society subject to rule 65.

67. CREATION OF RESERVE FUND ON A SOCIETY.

(1) In every registered Society with shares unlimited liability and without shares not less than three-fourths of the net profits in any year shall be carried to the reserve fund.

(2) In every registered Society with shares and with unlimited liability not less than one-half of the net profits in any year shall be carried to the reserve fund until that fund is equal to one-half of the total borrowed capital; thereafter not less than one-third of the net profits in any year until the reserve fund equals the amount of borrowed capital and thereafter not less than one-fourth of the net profits in any year shall be carried to the reserve fund.

Provided that if any increase in the borrowed capital the proportion of the reserve fund to the borrowed capital is reduced in any year, the share of the net profits to be credited to the reserve fund shall be raised to the extent required until the proportion is restored.

68. USE OF RESERVE FUND IN THE BUSINESS OF A SOCIETY.

A Cooperative Society may, subject to the approval of the Registrar and to such conditions as he may impose, use in its business—

(a) upto one-third of its reserve fund which the owned capital is less than the borrowed capitals;

(b) upto two-thirds of its reserve fund when the owned capital is equal to or exceeds the borrowed capital; and

(c) the entire reserve fund when there is no borrowed capital;

Provided that a society not being a credit society may, with the special sanction of the Registrar utilise the whole of its reserve funds in its business.

69. A COOPERATIVE DEVELOPMENT FUND TO CHARITABLE PURPOSES.

(1) After the proportion required by sub-rule (1) of rule 58 above has been carried to the reserve fund from the profits of the year every Cooperative Society shall, in the manner prescribed, contribute an amount not exceeding 6 per cent of the year's net profits for Cooperative education and for such other purposes, as prescribed herein, to be credited to a fund to be called "The Cooperative Development Fund" (hereinafter referred to as the development fund).

Provided that if the net profit of any year of a society do not exceed two hundred rupees the society shall not be required to contribute anything towards Cooperative Development Fund for that year.

(2) The fund shall be administered by a committee appointed by the State Government consisting of—

- (a) the Registrar (Ex-Officio);
- (b) the Joint Registrar of Cooperative Societies (Ex-officio);
- (c) an economist;
- (d) a representative of rural credit societies;
- (e) a representative of trading and consumer societies; and
- (f) a representative of other types of societies;
- (g) one member of the State Legislative Assembly;
- (h) one or two others connected with the Cooperative Movement likely to be helpful may be co-opted if necessary.

(3) Every Cooperative Society shall, at the close of each Cooperative year after consideration of the audited balance sheet in the General Assembly, make such contribution to the fund as may be approved by the General Assembly.

(4) All sums so contributed shall forthwith be sent by the respective societies to the Apex Bank or to such other bank as the Registrar may direct.

(5) The fund may be utilised for any one of the following purposes, namely—

- (a) the education of members of Cooperative Societies in Cooperative principles and practice; or
- (b) the development of new types of Cooperative Societies; or
- (c) the improvement of Cooperative Societies in general.

70. CHARITABLE PURPOSES.

A Cooperative Society may build up a fund and contribute not more than 6 percent of net profits for any charitable purpose including relief of the poor, education, medical relief and the advancement of any other object of general public utility, purposes relating exclusively to religious teaching or worship are, however, excluded. Any contribution out of the fund shall be made with the approval the Registrar.

71. DISTRIBUTION OF NET PROFITS.

(1) After making the allocation to the reserve fund as prescribed in rules 65 and 67, the remaining "Net Profits" may be distribute according to the provision in the bye-laws of the society subject to—

(a) no Cooperative shall pay its share holders in any year a dividend exceeding twelve and a half per cent on the paid-up shares unless otherwise permitted by the Registrar in writing.

(b) no dividend shall be paid by any Cooperative Society with shares and unlimited liability without the previous sanction of the Registrar and that the rate of such dividend shall not exceed six per cent per annum on the paid-up shares;

(c) no Cooperative Society shall declare a dividend at a rate exceeding recommended by its Administrative Council, or managing body.

Provided that if any Cooperative Society other than a credit society is enable to pay a dividend of four per cent of any year, it may make good the deficit by paying the difference out of profits in future years at any time not later than five years immediately succeeding the year of such deficit.

(2) A Society may credit in any year a sum out of the dividend under clause(2) of sub-rule (1) not exceeding three per cent on the paid-up share capital to a fund called the "Dividend Equalisation Fund" till the total amount in such fund accumulated to nine per cent of the paid-up share capital.

Provided that except for the purpose of paying a dividend no withdrawal from such fund shall be made without the previous written sanction of the Registrar.

72. PATRONAGE DIVIDEND OR REBATE.

(1) A Cooperative Society may set apart certain per cent of its net profits as provided in the bye-laws for the payment of patronage dividend or rebate to its members in proportion to the money value of the business transacted by them during the year with the society as buyer, sellers, wage earning producers, or otherwise, if such payment is recommended by the Managing Body and approve by the General Assembly.

(2) In case of advance patronage dividend is allowed to be paid under sub-section (2) of section 59, the total amount of such patronage dividend shall not exceed the limit as provided in the bye-aws.

73. PAYMENT OF BONUS OR REMUNERATION.

A Cooperative Society may set apart not more than 30 per cent of its net profits as provided in the bye-laws for the payment of bonus or remuneration to its members, office bearers, salaried officers employees or other helpers if such payment is recommended by the Managing Body and approved by the General Assembly.

74. PROVISION FOR BAD AND DOUBTFUL DEBTS.

(1) All Cooperative Societies other than that the societies with unlimited liability and without shares, shall be required to make adequate provisions for bad and doubtful assets of any such assets is declared bad or doubtful as prescribed in clause (b) of sub-section (2) of section 59.

(2) Unless such provision has been made or any exemption has been granted, by the Registrar on the recommendation of the Audit Officer, no society shall pay any dividend, bonus, remuneration, patronage dividend or rebate.

75. PROVISION FOR BUILDING FUND.

A Cooperative Society may create a separate fund out of profits for the purpose of constructing buildings for conducting its business and such a fund shall be called a "Building Fund". The amount of such fund, when not used for the purpose for which it has been created may be utilised in the business or be invested or deposited with any Bank approved by the Registrar.

76. PAYMENT OF INTEREST ON SHARE CAPITAL.

Fixed interest on share capital may be paid to members as provided in the bye-laws, but such interest shall be taken into account before arriving at net profits.

CHAPTER—XII AUDIT

77. EXPLANATION OF BAD OR DOUBTFUL ASSET.

Any assets in a society declared as bad or doubtful by an audit officer in his report as provided in clause (b) sub-section (2) of section 59 shall be interpreted in the following manner:-

(1) If a member fails for three consecutive years without reasonable and acceptable to the Managing Committee, to pay at least twenty five per cent of each of the instalments of principal and interest fixed for repayment of a loan at a time of its issue, than notwithstanding that on an examination of his assets and by the assets of his sureties, if any, the debt appears to be covered by the value of such assets, the debt may be considered as doubtful.

(2) When the total amount due by a member to Cooperative Society by way of principal and interest exceeds the total of his assets and the available assets of his sureties, if any, and the amount due by way of arrear interest exceeds three years demand, such, excess or his total due including interest over the total assets shall be considered as bad-debt. Besides, where a member has inadequate repaying capacity and he/his sureties have no available assets the debt shall be termed as bad debt.

(3) A debt considered a doubtful if not recovered after action has been taken under section 76 of the Act to recover it or the recovery of which has become barred by limitation shall be considered as bad debt.

78. WRITTING OFF OF BAD-DEBTS.

(1) Best proceeding to take action to write off any assets considered bad, all possible steps shall be taken by the Managing Committee including amicable persuasion, action under section 76 of the Act,

(2) Any debt considered bad shall, if so approved by the Registrar be written off by the annual meeting of the General Assembly, in the following order against-

(a) the bad debt fund or any created out of the profits as provision for bad debts;

(b) any other fund created out of profits but not earmarked for any specific purpose;

(c) the reserve fund constituted under rules 58 and 61.

(3) When the society is affiliated to a financing bank and is indebted to it, the Registrar shall consult the financing bank before sanctioning the writing off of any debt.

79. DATE OF AUDIT OF COOPERATIVE SOCIETY.

Unless the Registrar directs otherwise for any societies, or class of societies the annual statutory audit as provided in section 60 shall be conducted and the audit report shall be submitted-

(1) in case of a primary agricultural credit society, within nine months and;

(2) in case of any other society, within six months, from the date of the close of the Cooperative year.

80. PROCEDURE OF AUDIT.

(1) Unless the Registrar directs otherwise the audit of a Cooperative Society shall always be conducted in the registered office of the society.

(2) Previous and timely intimation shall always be given to the society by the audit officer before the audit is commenced.

Provided that the verification or examination required under clauses (a), (b) and (c) of section 62 may be carried out by any audit officer without any previous intimation to the society.

(3) The defects and errors detected in course of audit and which can be remedied on the spot shall be rectified by the audit officer and he shall also convene a meeting of the Managing Body for rectification of all defects including account irregularities which can be remedied by the Managing Committee. All other defects of a serious nature shall be remedied in the annual meeting of the General Assembly subject to provisions under sections 63 and 64 of the Act.

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

81. CERTIFICATE OF AUDITED CASH BOOK.

(1) When the annual audit of Cooperative Society is completed the audit officer will record a certificate in the cash book in the following form— "Certified that I have this day completed the audit of the for the period from to and that a copy of the balance sheet together with the statement as required under section 63 shall be sent within a week to the society for record".

(2) The Audit Certificate in the balance sheet of the Audit Officer shall be in the following form "Certified that I have audited the balance sheet as at and the annexed profit and loss account for the year ended and have obtained all the information and explanations I required. In my opinion the balance sheet and the profit and loss account have been drawn up in conformity with law and subject to my separate report of even date, the balance sheet exhibit a true and correct view of the state of the society's affairs according to the best of my information and the explanations given to me and as shown by the books of the society".

82. FORM OF AUDIT STATEMENTS.

The statement of accounts shall be prepared by the managing body in such forms as the Registrar may prescribe or approve.

83. AUDIT FEE.

(1) For the purpose of audit of a registered society the Cooperative year shall begin on the 1st July and end on the 30th June each year and physical stock-taking shall be done by every appropriate society to ascertain the actual value of stock as it stands on the 30th June.

(2) Every registered society shall be assessed audit fees at the rate and in the manner as prescribed in sub-rules (3) and (4) of this rule below and as per sub-section (3) of section 60 as provided and such fees shall be collected at the time of audit for the Cooperative Year to which the audit relates.

(3) A credit type of Society, a Society for scheduled tribe or a Cottage Industrial Society or a Farming Co-operative Society should not be levied audit fees if their turn over does not exceeding Rs. 35,000.00 only.

(4) Audit fee of a registered societies shall be assessed on the annual business turnover of the Society as it stood of the close of the previous Co-operative year as per the the following basis of assessment of different classes and categories of Societies.

Sl. No.	Type of Society	Rate of Audit fee	Basis of assessment	Minimum Amount	Maximum Amount	REMARKS
1	2	3	4	5	6	7
1. AGRICULTURAL MARKETING SOCIETIES						
(a)	Apex Society	10 paise for every one hundred rupees and fraction thereof.	On total value of goods sold during the year.	Rs. 4,000.00	Rs. 10,000.00	
(b)	District level Societies	—do—	—do—	Rs. 1,000.00	Rs. 5,000.00	
(c)	Primary Societies	—do—	—do—	Rs. 200.00	Rs. 1,000.00	
2. CONSUMERS SOCIETIES						
(a)	Apex Society	10 paise for every one hundred rupees and fraction thereof.	On total value of goods sold during the year.	Rs. 4,000.00	Rs. 10,000.00	
(b)	District level Societies	—do—	—do—	Rs. 1,000.00	Rs. 5,000.00	
(c)	Primary Societies	—do—	—do—	Rs. 200.00	Rs. 5,000.00	
3. CO-OPERATIVE BANK						
(a)	Apex Co-operative Bank.	10 paise for every one hundred rupees or part thereof.	On the working capital as stood on the last day of the year.	Rs. 4,000.00	Rs. 15,000.00	

1	2	3	4	5	6	7
(b)	Primary Cooperative Bank (Urban Type)	10 paise for every hundred rupees or part thereof.	On the working capital as stood on the last day of the year.	Rs. 1,000.00	Rs. 5,000.00	
(c)	Land Development Cooperative Banks					
(i)	Apex	—do—	—do—	Rs. 4,000.00	Rs. 10,000.00	
(ii)	Primary	—do—	—do—	Rs. 200.00	Rs. 1,000.00	
4.	FARMING COOPERATIVE					
(a)	Apex Society	10 paise for every one hundred rupees or fraction thereof	On the total value of annual turnover during the year.	Rs. 200.00	Rs. 1,000.00	
5.	HOUSING COOPERATIVES					
(a)	Apex Society	10 paise for every hundred rupees and fraction thereof.	On the working capital as stood on the last day of the year.	Rs. 4,000.00	Rs. 10,000.00	
(b)	Primary Society	—do—	—do—	Rs. 200.00	Rs. 1,000.00	
6.	PROCESSINGS SOCIETIES (Both Agril & Industrial)					
(a)	Apex Society	10 paise for every one hundred rupees or fraction thereof.	On the total value of goods sold during the year.	Rs. 4,000.00	Rs. 10,000.00	
(b)	Primary Society	—do—		Rs. 200.00	Rs. 1,000.00	

1	2	3	4	5	6	7
7.	PRODUCERS SOCIETIES					
	(a) Weaving Cooperative	10 paise for every	On the total	Rs. 4,000.00	Rs. 10,000.00	
	(i) Apex	one hundred rupees	value of goods			
	(ii) Primary	or fraction thereof.	sold during the			
			year.			
	(b) Other Industrial Cooperatives.	—do—	—do—	Rs. 200.00	Rs. 1,000.00	
	(c) Agriculture Producers societies					
	(i) Apex	—do—	—do—	Rs. 1,000.00	Rs. 5,000.00	
	(ii) Primary	—do—	—do—	Rs. 200.00	Rs. 1,000.00	
8.	RESOURCE SOCIETIES					
	(a) LAMPS/GPL MPCs LTD (s)	10 paise for every	On the working	Rs. 500.00	Rs. 5,000.00	
		one hundred rupees	capital as stood			
		or part thereof.	on the last day			
			of the year.			
	(b) Non-Agril Credit	—do—	—do—	Rs. 200.00	Rs. 1,000.00	
9.	GENERAL SOCIETY					
	SOCIAL					
	(a) Better living and education societies	Exempted from the payment of audit fees.				
	(b) COMMERCIAL					
	(i) Apex Transport Society	10 paise for every one hundred rupees or fraction thereof.	On the total value of annual turnover during the year.	Rs. 1,000.00	Rs. 5,000.00	
	(ii) Primary Societies.	—do—	—do—	Rs. 200.00	Rs. 1,000.00	
	(c) OTHERS					
	(i) Apex Fishing/ pisciculture Society.	30 paise for every one hundred rupees or fraction thereof.	On the total value of annual turnover during the year.	Rs. 1,000.00	Rs. 5,000.00	

1	2	3	4	5	6	7
(ii) Primary Societies	30 paise for every one hundred rupees or fraction thereof.	On the total value of annual turnover during the year.	Rs. 200.00	Rs. 1,000.00		
(d) Others not falling in either of the Sub-Class :						
(i) Apex	30 paise for every one hundred rupees or fraction thereof.	On total value of annual turn over during the year.	Rs. 1,000.00	Rs. 5,000.00		
(ii) Primary	-do-	-do-	Rs. 200.00	Rs. 1,000.00		

N.B :- 1) Total value of goods sold during the year would mean total sale proceeds of goods both Cash sales and Credit sales.

2) Turnover would mean total receipts or disbursement of the year, whichever is higher, after excluding the deposits and withdrawals from Bank and also opening, closing balance as the case may be.

(5) "Annual Business Turnover" in a Cooperative Society to be calculated as follows :—

- (a) In case of purchase and sale societies and as well as societies engaged in sale business turnover will mean "SALES" only.
 - (b) In case of bank and Credit Societies, the total of debts will mean working capital.
 - (c) In case of HOUSING SOCIETY, the total of debts in a year mean working capital.
- (6) No Societies should be levied audit fee if it has not completed three Cooperative years of working.
- (7) The Registrar may at his discretion for reasons to be recorded in writing remit wholly or in part the audit fees payable by any registered society under the rule.

84. COLLECTION AND ASSESSMENT OF AUDIT FEE.

(1) An Audit Officer on completion of the audit of a registered Society shall cause to be filled up the relevant columns of "Return of audit fees" by the Secretary or the Manager of the society in six copies in form "K" annexed to these rules on the spot and shall collect the total sum payable on this provisional assessment by the society as shown against item 9 of form "K" then and there shall furnish an official printed receipt, the counterfoil receipt being kept by him. A copy of the "Return of audit fees" shall be retained by the society.

(2) In case of default the total sum payable shall be realised under sub-section (1) of section 90 of the Act.

(3) The Audit Officer shall immediately after the collection of the audit fees of a registered society deposit them in the Treasury or Sub-Treasury under the head-0425-Cooperation, 101-Audit Fee.

(4) The Audit Officer, after filling up the relevant columns of the remaining five copies of the "Return of Audit fees" and certifying the particulars to be correct shall forward four copies thereof together with the receipt copy of the treasury challan to his Regional Auditor.

(5) The Regional Auditor on receipt of the four copies of the "Return of Audit Fees" together with the Treasury challan shall make a final assessment on these returns after due check and verification and shall fill-up the remaining columns of the Form. Out of these copies of the "Return of Audit Fees" the Regional Auditor shall forward one copy to the Chief Audit Officer and one copy to the Society concerned. One copy to the Audit Officer and the remaining copy shall be retained by him for record in separate files for each sub-division.

(6) In the event of any discrepancy being found by the Regional Auditor, resulting in any excess amount of audit fees to be realised or any refund to be made to the society, he shall note the fact in the "Remarks Column" of the "Return of Audit Fees" to be added or adjusted as the case may be in the following year's return.

(7) The Regional Auditor shall maintain a register of collection of audit fees" in Form "L" annexed to these rules to be compiled from the "Return of Audit Fees" and shall be responsible for the due collection of all audit fees within his region. The names of the societies in each sub-division shall be entered in the Register in serial order of the registration number.

85. CHIEF AUDIT OFFICER.

(1) The Chief Audit Officer of Cooperative Societies shall record copies of the "Return of Audit Fees" received by him from the Regional Auditors in separate files for each sub-division and shall maintain a register in Form "L" appended to these rules in the same manner as prescribed in sub-rule (7) of rule 84. He shall be responsible for the due and correct collection of audit fees throughout the State.

(2) The Chief Audit Officer of Cooperative Societies shall be responsible for reconciling the statement showing the receipts of audit in the figures shown by the Controller and Auditor General of India.

86. EMPLOYMENT OF STAFF FOR AUDIT.

The Registrar shall have power to employ such staff for audit as he may consider necessary and suitable and shall have full control over such staff. Besides the Government audit staff the Registrar may engage others on such terms as he may considered necessary.

87. AUDIT CLASSIFICATION.

The Audit Officer shall, at the completion of audit classify the societies whose accounts are audited, as A, B, C and D on the following principles and their standards as may from time to time be laid down by the Registrar :—

(a) 'A' class-Societies which are managed will be kept their accounts neatly and correctly, have built up a strong and financial position, observe Cooperative principles, have a Cooperative outlook in all their dealings and do not require outside guidance or supervision and further enforce punctual recovery of dues from members with complete loyalty assured from all members.

(b) 'B' class-societies may contain certain elements of defaulting members, its accounts are not entirely faultless, but have displayed a certain amount of Co-operative spirit with a general desire for self-improvement, self-help and thrift. Outstanding of dues should not be more than 25 per cent of the total fund of the society in the Accounts Register.

(c) 'C' class-society where bye-laws and rules are not properly followed, management is not satisfactory, the financial position is weak and overdues exceed than that of 'B' class but within fifty per cent of the total outstanding and,

(d) 'D' class-Societies which fail to show any activity, have forfeited the confidence of creditors where the overdues are more than fifty per cent and they do not show any chance of improvement to class 'C' within two years of such classification. and should be considered for liquidation.

88. AUDIT OF SOCIETIES UNDER LIQUIDATION.

(1) The accounts of liquidated society shall be audited once a year in the same manner as those of other societies according to the Act and the Rules and this audit shall be completed within six months at the latest.

(2) The statements of accounts shall be prepared by the auditing staff in such forms as the Registrar may approve.

CHAPTER—XIII

INQUIRY AND INSPECTION.

86. PROCEDURE OF INQUIRY UNDER SECTION 65 AND INSPECTION UNDER SECTION 66.

(1) Unless the Registrar otherwise directs the enquiry regarding the affairs of a Co-operative Society under section 65 shall be conducted in its registered Office.

(2) Timely intimation shall be given to the Society before the enquiry is held :

Provided that the verification of the cash balance and securities or the examination of any particular register and registers may be carried out without any previous intimation to the society.

(3) The Officers, employees and other members shall furnish all information required by the Inspection Officer for the completion of the enquiry and for this purpose they shall prepare such statements and take such action as may be necessary for the verification and examination of Society's records as required by him to look into its constitution, working and financial condition under section 65 of section 66.

(4) (a) The Registrar or any person authorised by him under section 49, 60, 65 and 83 of the Act shall have power to require by summons the production at a convenient places of any books, documents or accounts relating to the affairs of a Society or of cash belonging to the Society by the person in possession of such books, documents or cash.

(b) Such summons may be sent by registered post or served in the manner prescribed by sub-rule (2) of rule 108.

2 of rule 108.

(c) Any person duly summoned under sub-rule (a) above to appear or to produce any documents or cash shall be liable to the same penalties as provided in rule 114.

90. INSPECTION OF AFFILIATED SOCIETIES BY MEMBERS OF THE PAID STAFF OF FINANCING BANK.

A member of the paid staff of a financing bank may be certified as competent to inspect Cooperative Societies if he—

(a) is a regular employee of the bank and have received training in institution or in any other way approved by the Registrar adequate for supervising and inspecting a society, and

(b) possesses such qualifications as the Registrar may from time to time require.

CHAPTER — XIV

SETTLEMENT OF DISPUTES.

91. REFERENCE OF DISPUTES.

A dispute referred to under section 69 shall include claims by a Co-operative Society for debts or any other demands due to it from a member or past member or the heirs or assets of a past member or from others as provided in clauses (a), (b), (c), (d) of section 69.

Provided that if the question at issue between a Co-operative Society and a claimant or different claimants, is one involving complicated questions of law and fact, the Registrar may, if he thinks fit, suspend proceedings in the matter until the question has been tried by a regular suit instituted by one of the parties or by the society concerned. If no such suit is instituted within three months of the Registrar's order suspending proceedings, the Registrar shall take action as prescribed in section 70.

92. PROCEDURE FOR FILING A DISPUTE.

A reference to the Registrar of any dispute under section 69 shall be in writing in the Form "M" set forth in the Schedule and shall be accompanied by—

(a) a statement of the subject-matter of the dispute referred to, in the form set forth in Form "N";

(b) a statement of the claims in the Form "N" appended to these rules;

(c) copy of the ledger account of the defendant in respect of money suit; and

(d) such other statement or records as may be required by the Registrar.

93. FEE FOR FILING A DISPUTE.

Every application for a reference of dispute to the Registrar under section 69 shall bear a court fee stamp of one rupee, unless the Registrar permits otherwise.

94. APPOINTMENT OF ARBITRATOR/ARBITRATORS.

(1) When the Registrar decides to refer a dispute made under section 69 for disposal to a Board composed of more than one Arbitrator, he shall—

(a) issue a show-cause notice to the respondent and notice calling on each of the parties to nominate within such time as he may direct and where a party consists of more than one person such parties shall jointly make only one nomination;

(b) nominate the third Arbitrator who shall act as Chairman.

(2) In case of difference of opinion between the two Arbitrators, the Chairman's verdict shall prevail.

(3) If a party fails to make a nomination within the appointed time, the Registrar may himself make the nomination.

(4) If one of the Arbitrators fails to attend or refuse to work as an Arbitrator, the remaining Arbitrators shall refer the case to the Registrar who shall cancel the appointment of the Arbitrator, and may either:—

(a) constitute a new Board under clause (b) of sub-section (I) of section 70 and sub--rule (1) above, or;

(b) appoint only one Arbitrator; or

(c) decide the case himself by making an award in the manner as provided in rule 92 and 93.

95. PERSON QUALIFIED TO BE APPOINTED AS ARBITRATOR/ARBITRATORS.

The Registrar may appoint an Arbitrators from—

(a) officers of the Cooperative Department;

(b) officers of any other Departments of the Government;

(c) members, officers or paid employees of Cooperative Societies;

(d) members of any local body;

(e) teachers of any educational institutional; or

(f) Registered Accountants.

96. PAYMENT OF REMUNERATION TO ARBITRATOR/ARBITRATORS

- (1) Remuneration may be paid to Arbitrator/Arbitrators in such cases as the Registrar think proper.
- (2) Remuneration to the Arbitrator/Arbitrators shall be fixed by the Registrar subject to a minimum of two hundred fifty rupees and maximum of five hundred rupees to each appointed Arbitrator/Arbitrators in each case, payable from the funds of the Society and realisable as cost against the party or parties against whom any sum would be found due by the Arbitrator or Arbitrators or the Chairman.
- (3) When any remuneration is to be paid to the Arbitrator or Arbitrators it shall be deposited with the Registrar by the Society concerned in such manner as he may direct before the Arbitrator/Arbitrators is/are appointed.
- (4) No remuneration shall be payable to an Arbitrator or Arbitrators till the dispute referred to him/them is finally decided.

97. PROCEDURE FOR DISPOSAL OF DISPUTE.

- (1) In such proceeding, the Registrar or his nominee or the Arbitrator appointed under clause (b) of sub-section (1) of section 70 shall fix the date, hour and the place of the hearing of the dispute, and issue notices to the parties concerned in Form "O" as set forth in the schedule. The Arbitrator shall have power to appoint or remove guardians and the next friends.
- (2) The Arbitrator may issue summons or notices at least fifteen days before the date fixed for the hearing of the dispute requiring -
 - (a) the attendance of the parties concerned and for witnesses; and
 - (b) the production of all books and documents relating the matter in dispute;
 - (c) and shall have the power to administer oaths of all parties concerned.
- (3) Summons or notices may be served by -
 - (a) personal service through the Chairman or the Secretary or a member of the staff of the Society or any of the dispute or
 - (b) registered post with acknowledgement due or
 - (c) affixing a copy of the summons or notice at the last known place of residence or business of the person concerned through any office bearer or employee of the society, when he refuses to accept the notice and sign the acknowledgement or he cannot be found.

(4) Service of summons or notice on the Chairman, the Secretary or the principal executive officer by whatever designation known shall be regarded as Service on the society.

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

(6) The serving officer in all cases in which the summons has been served under clauses (a) and (c) of sub-rule (3), caused to endorse on, or annexed 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 concerned and witnessing the delivery or tender of the summons.

(7) The sufficiency of proof of service of summons or notice shall be decided by the authority issuing the same.

(8) In the case of absence of any party to the suit duly summoned, the dispute may be decided ex parte.

(9) In these proceedings no party shall be represented by any legal practitioner.

98. DECISION OR AWARD.

(1) The Registrar or his nominee, the Arbitrator deciding the dispute shall record a brief note in English or in the vernacular, of the proceedings together with a memorandum of the statements of the parties who attend and of such witnesses as are examined, and upon evidence so recorded, and after consideration of any documentary evidence produced by the parties shall give a decision or make an award as the case may be in accordance with justice, equity and good conscience; he shall record his decision or award in writing as set forth in form "P" appended, sign and date it and shall communicate it to the parties concerned in Form "R" appended.

(2) If no award is made immediately, upon the conclusion of the bearing of the parties, the Registrar or his nominee, the Arbitrator shall fix the date and place of delivery of the award and shall, except for reasons to be recorded in writing, deliver the award in the date so fixed.

(3) The award shall be communicated to the Chairman or parties by –

(a) pronouncement of the award; or

(b) registered post to any party absent on such date.

99. EXECUTION OF DECISION OR AWARD.

(1) In any dispute other than a claim in respect of any sum payable to or by a Cooperative Society, the decision or the award of the Registrar or his nominee, the Arbitrator shall be enforceable by civil court having local jurisdiction in the same manner as a decree of such court upon application, as if it were a decree of the court.

(2) When an award in a monetary dispute has been obtained against a society, it shall not be executed except against the assets of the society including amounts due to the society by the members.

(3) When an award in a monetary dispute has been obtained, it should be sent to the Registrar or such other officer as may have powers delegated to him in this behalf, for reducing the award in the form of Cooperative Demand Certificate under section 90 if the amount has not been realised within two months from the date of the award.

(4) When the Cooperative Demand Certificate is received from issuing officer duly signed, it will then be submitted to the head of the local administration having jurisdiction of the recovery of the amounts as arrears of land revenue.

100. WITHDRAWAL OF REFERENCE BY THE REGISTRAR.

On an application by any party to an Arbitration proceeding pending before an authority other than the Registrar deciding the dispute, the Registrar may reason to be recorded in writing withdraw the reference from the authority appointed to decide the dispute and may decide the dispute himself and make fresh appointment.

101. PAYMENT OF EXPENSES OF DISPUTES REFERRED TO THE REGISTRAR.

The Registrar or his nominee and the Arbitrators shall have power to order the expenses of determining the dispute to be paid out of the fund of the society, or by such party or parties to the dispute as they may think fit, according to a scale as laid down by the Registrar. The Registrar may fix the fees to be paid to his nominee out of the expenses so recovered.

102. DISPOSAL OF RECORDS.

(2) The original records of dispute proceedings after the decision or award has been delivered shall be kept in such place and manner as the Registrar may direct from time to time.

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

103. CERTIFIED COPY.

A copy of the decision of award shall, on application be given to a party by the Registrar duly certified on payment of such fees as the Registrar may fix, subject to maximum limit of twenty five paise for each hundred words or a part thereof.

104. PROCEDURE FOR CONDITIONAL ATTACHMENT OF PROPERTY.

(1) An application for a conditional order of attachment under sub-section (3) of section 70 shall be made to Registrar and shall contained -

(a) evidence in support of the contention that the party is about to dispute of the whole or any part of his property or is about to remove the whole or part of his property from the local limit of the jurisdiction of the Registrar, and that the party has failed to furnish additional security even on demand; and

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

(2) The Registrar on receipt of an application for conditional order of attachment of mortgaged properties and other properties may direct the defendant in Form "S" appended within time to be fixed by him either to furnish security in such sum as may be specified in order to produced and place of the disposal of the Registrar, when required the said property or its value, or such portion thereof as may be sufficient to satisfy to the decision or to appear and so caused why he should not furnish security.

(3) Order of attachment if any, passed by the Registrar shall be served by such persons as the Registrar may empower in form "U" appended. The person so empowered shall follow, as far as possible, the procedure laid down in Order XXI of the First Schedule to the Court of Civil Procedure, 1908 (Central Act No. 5 of 1908).

(4) The Registrar may also in the order direct the conditional attachment of the whole or any portion of the said property so specified.

(5) Conditional order of attachment shall continue in force until withdrawn or cancelled by the Registrar.

(6) Such conditional order of attachment, when passed by the Registrar shall reduced to the form set forth in the Schedule.

CHAPTER—XV**DISSOLUTION OF SOCIETY****105. OBLIGATORY CANCELLATION OF REGISTRATION.**

The Registrar shall cancel the registration of a society under clause (i) and (ii) of sub-section (2) of section 71 which—

(a) has not commenced working within a period of twelve months from the date of registration, and

(b) has not carried on business during the previous eighteen months, after giving the society a notice in writing in manner as he thinks fit.

106. REMUNERATION OF LIQUIDATORS.

The Registrar may permit a liquidator to utilise such percentage of the collected assets of a dissolved society, as may be determined by him for maintenance of his office and office staff in such manner as the Registrar may determine.

107. PROCEDURE OF TAKING OVER CHARGES AND PREPARATION OF FINAL BALANCE—SHEET.

The Liquidator, while taking over charge of the dissolved society as provided in sub-section (3) of section 71 and sub-section (2) of section 72 shall-

- (a) prepare a list of the books, records, cash and other properties of the society taken charge of;
- (b) prepare an up-to-date list of--
 - (i) members;
 - (ii) past members with dates of withdrawal; and
 - (iii) deceased members, with dates of their decease, name of the legal heirs who represent their estates.
- (c) make a final audit of the accounts of the society;
- (d) draw up final balance sheet as it stands on the date of cancellation of registration; and
- (e) prepare a statement in the prescribed form, showing assets and liabilities as in the final balance-sheet.

108. ISSUE OF SUMMONS, NOTICE, ETC. BY A LIQUIDATOR.

- (1) For carrying out the purposes of section 72, the Liquidator may issue summons to persons whose attendance is required either to give evidence or to produce documents. He may compel the attendance of any persons to whom summons have been issued and for that purpose issue a warrant for his arrest.
- (2) The Liquidator shall send all such notices, summons or warrant for service to the District or Sub—Divisional Officers concerned. He may also send such notice and summons by registered post.
- (3) The District or Sub-Divisional Officer on receipt thereof shall proceed as if such notice; summons or warrants has been issued by him and shall return them to the liquidator with a report of service.
- (4) Any person duly summoned by the Liquidator to appear before him or to produce any document shall be subject to the same obligations and liable to the same penalties as in the case of summons issued by the court under the provision of the Code of Civil Procedure, 1908.

(5) The Liquidator shall keep short-notes of the depositions of the persons thus summoned to give evidence.

(6) The Liquidator shall then make an order noticing the names of members, past members and heirs of the deceased members of the society and the amount to be realised from each as debt or contributions under clauses (c) and (d) of sub-section (3) of section 72, the cost of liquidation under clause (e) of the same sub-section.

(7) All orders relating to fixation of contributions by the liquidator in respect of deficiency in assets shall be submitted to the Registrar for approval.

(8) All assets and contribution recoverable, shall be reduced to the form of the Cooperative Demand Certificate under section 90.

(9) The Liquidator shall prepare Cooperative Demand Certificate under section 90 in duplicate and forward the same to the Registrar;

or

such officer may have powers delegated to him in this behalf for signature. One copy shall be retained by the issuing officer and the other copy will be returned to the Liquidator who will then submit it to the Deputy Commissioner or Sub-Divisional Officer having jurisdiction for recovery of the amount as arrears of land revenue.

(10) Each Demand Certificate submitted for signature shall be supported by a specific order of the Liquidator to that effect separately, and accompanied by a copy of the notice as required in the Cooperative Demand Certificate duly served upon the Certificate debtor.

(11) The Liquidator shall submit to the Registrar or any other officer empowered in this behalf by the Registrar a half-yearly progress statement in the prescribed form and such other reports and returns as may be called for by the Registrar from time to time.

(12) All proceedings and transactions of the Liquidator in connection with the Liquidation proceedings shall be recorded in the order-sheet in prescribed form "V" set forth in the Schedule appended.

(13) The Liquidator shall have a power to consider any application for reconstruction of a society subject to prior approval of the scheme by the Registrar.

109. DISTRIBUTION OF ASSETS AND PRIORITY OF CLAIMS.

(1) All Government dues including audit fees and all cost, charges and expenses incurred in the winding up of the society, including the remuneration of the Liquidator shall be payable in priority to all other claims.

(2) After the liabilities other than owned capital as they stood on the date of winding up are paid off, the Liquidator shall submit to the Registrar his approval for the distribution of the assets, if any, left with him for employment in the following order if priority :-

- (a) all loans including those from Central and Apex Bank;
- (b) deposits from non-members; and
- (c) deposit from members.

(3) After the liabilities mentioned in sub-clause (2) are paid off, the assets, if any, left with the Liquidator shall be employed in refunding share capital and dividend on shares, if any, at a rate not exceeding six per cent per annum payable as shown in the final balance sheet.

N.B. : (a) Payments shall always be made rateably on a prorata basis.

- (b) Payment of interest included in the claims of the above categories shall be deferred until full payment of principal has been made to all creditors.

110. TERMINATION OF LIQUIDATION PROCEEDINGS OBLIGATORY ON THE REGISTRAR IN CERTAIN CASES.

The Liquidation Proceeding of a society shall be closed within a period of three years from the date when the cancellation of registration takes effect, unless the period is extended by the Registrar.

Provided that the Registrar shall not grant any extension for a period exceeding one year at a time of five years in all.

EXPLANATION - In the case of society which is under liquidation at the commencement of these rules, the order for the winding up of Liquidation proceedings of the society shall be deemed to have been passed on the date on which these rules come into operation.

111. DISPOSAL OF THE RECORDS OF LIQUIDATION PROCEEDINGS

After the expiry of three years from the date of the Registration under section 74 for the closure of the Liquidation proceedings and direct to the Liquidator to deposit the record, the Registrar may order the destruction of records.

CHAPTER—XVI

RECOVERY OF SUMS DUE AND ENFORCEMENT OF OBLIGATIONS.

112. CHARGE AND SURCHARGE.

(1) When the Registrar holds an enquiry under section 78, he shall draw up proceeding against any member, officer, employee, past or present of the Society concerned showing the charges against him and shall-

- (a) supply the person concerned with a copy of the proceedings and a summary of the evidence which prima facie appear against him ;
 - (b) call on the person concerned to furnish his explanation by a specified date ;
 - (c) allow him an opportunity to look into a relevant records of the society if required for furnishing and explanation of charges include in the proceedings drawn up against him ;
 - (d) receive and record such evidence as may be adduced;
 - (e) record a decision;
- (2) The Registrar passing any order in writing under Sub-section (3) of section 78 of the Act, may required such member, officer or employee. When found liable, to pay a sum not exceeding rupees five hundred with interest to the society by way of compensation in respect of any payment or loss or failure to restore any property.
- (3) The Registrar may, by an order in writing, fix a sum not exceeding rupees twenty five to meet the cost of the proceeding under sub-section (3) of section 78 of the Act.

113. GROSS NEGLIGENCE.

The following matters shall be deemed to gross negligence within the meaning of clause (b) of sub-section (1) of section 78-

- (a) investment, custody and employment of funds contrary to the provisions of the Act, Rules or Bye-Laws or any written direction of the Registrar given in accordance therewith.
- (b) failure to remedy audit defects and irregularities in time when directed by the Registrar under section 64 ; and
- (c) failure to file disputes against defaulters and executive any decree or awards within the period of limitation.

114. PENALTIES.

If a registered society or an Officer or member of employees or agents there contravenes any of the provisions of these rules, he shall be punishable with a fine which may extend to five hundred rupees for every offence.

FORM — 'A'

APPLICATION FORM FOR THE REGISTRATION OF A COOPERATIVE SOCIETY

(TO BE FILLED IN QUADRUPLICATE)
(see sub-rule (I) of rule 7)

To

The Registrar,
Cooperative Societies,
Mizoram, Aizawl.

Sir,

We apply for Registration of the Cooperative Society with limited/unlimited liabilities under sub-section (2) of section 4 of the Mizoram Cooperative Societies Act, 1991 (Act No. 19 of 1991).

1. Name of the society (Block letters)
2. Registered Address
 - (a) Village/Town
 - (b) Post Office
 - (c) Police Station
 - (d) Sub-Division
 - (e) District
3. Area of operation
4. Type of Society
5. Face value of each share
 - "A" Class.....Rs.
 - "B" Class.....Rs.
 - "C" Class.....Rs.
 - "D" Class.....Rs.
6. Admission fee be fixed at Rs.....
7. Nos of shares purchased
8. Availability of sites/plot of land/land pass No. & Date.
9. Main activities undertaken, if any, date of commencement.
10. Availability of power/water connection.

11. Bank/Post Office Account
 - (a) A/C No.
 - (b) Bank balance as on the last investigation Reports.....Rs.
12. Last preliminary Investigation Report.
13. Main Aims/objects of the Society (4 copies).
14. Collection of the required material, if any —
 - 1.
 - 2.
 - 3.
 - 4.
15. Proceedings of the promoters General Meeting for establishment of Cooperative Society (4 copies).
16. Final promoter list in a prescribed Form with signatures and certificate of the village Authority (4 copies).
17. Proposed Bye-laws/constitutions (4 copies).
18. Availability of trained personnel/technicians.

We, the members of the society (list enclosed), hereby agree to the memorandum of Association and also agree to conform to the conditions laid down in the Mizoram Cooperative Societies Act, 1991 (Act No. 19 of 1991) and Rules that are made thereunder.

Date.....

The.....

Signature of Chairman

DECLARATION CERTIFICATE

We hereby affirm the followings:-

- (i) Adequate steps shall be taken to the satisfaction of Government and appropriate authority for well functioning of the society satisfactory.
- (ii) Assistance to procedure goods, components, materials and inputs will be regulated, subject to the satisfaction of Registration Authority in accordance with the Act/Rules/Bye-laws/ policies and procedure notified by the Government from time to time.
- (iii) We agree to abide all conditions which the Registration Authority have prescribed or will prescribe.
- (iv) The responsibilities for obtaining all statutory clearances/permits/Registration will lie on us.

- (v) We declare that all information given in this form is true and correct to the best for our knowledge and belief.

Place_____

Date_____

Signature of
Authorised person

(i) Name (Block letters) & Seal.

(ii) Permanent Registration
No. & Date allotted—

(iii) Signature of Registering
Authority with Seal.

FORM - B

FORM OF CERTIFICATE OF REGISTRATION

GOVERNMENT OF MIZORAM DEPARTMENT OF CO-OPERATION (see sub-rule (4) of rule 8)

REGISTRATION CERTIFICATE OF A COOPERATIVE SOCIETY UNDER MIZORAM COOPERATIVE SOCIETIES ACT, 1991 (Act No. 19 of 1991) REGISTRATION NO. _____ OF _____

* In the matter of application of _____
and _____ others for the Registration of a Cooperative Soc-
iety at _____ Village _____ P.O. _____
P.S. _____ District of _____ in the _____
Sub-Division.

I do hereby certify that pursuant to sub-section (2) of section 11 the Mizo-
ram Cooperative Societies Act, 1991 (Act No. 19 of 1991), the said society has
been registered in my office as a Cooperative Society with limited/unlimited lia-
bility under the title of the _____ and numbered as No. _____
of _____ 19 _____, dated, this the _____ day of
Anno Domini of the year one thousand nine hundred and _____.

The Bye-laws adopted by the said society have been registered.

The following is the area of operation of the society :-

- 1.
- 2.
- 3.

Registrar,
Cooperative Societies,
Mizoram, Aizawl.

N.B.

1. This registration is valid for the Area of operation, and the Bye-laws/Constitutions of the Society at the time of allotment of this Certificate.
2. This registration is liable to revocation or cancellation in the event of any misuse or unauthorised diversion as determined by the Registrar, Cooperative Societies, Mizoram.
3. The registration Certificate should be kept in safe custody and will have to be produced for incorporating any charges like change of location and alteration or classification of the society and liquidation of the Society.

Registrar,
Cooperative Societies,
Mizoram, Aizawl.

FORM — "C"

FORM OF APPLICATION FOR THE REGISTRATION OF AMENDMENTS OF BYE-LAWS OF A REGISTERED SOCIETY

(see sub-rules (1) and (2) of rule 14)

To,
The Registrar of Cooperative Societies, Mizoram
(Through the Assistant Registrar of Cooperative Societies, _____)
(Through the proper channel)
_____ Date _____ the _____ 199—)

Sir,

We, the undersigned, beg to enclose herewith—in triplicate/quadruplicate the marginally noted amendment of the bye-laws of the _____ village _____ P.O. _____ P.S. _____ Sub-Division _____ of the District of _____ and to apply registration of the amendment under sub-section (2) of section 13 of the Mizoram Cooperative Societies Act, 1991 (Act No. 19 of 1991). The necessary particulars about the meeting of the General Assembly at which the amendment was passed are noted below :

1. the proposed amendment of bye-laws No. _____
2. Recession of Bye-laws No. _____
3. A complete amendment substituting entire set of bye-laws in supersession of all previous bye-laws.

- (a) (1) Date of the meeting.
- (2) The total number of member of the Society on the date of issue of notice of the meeting of General Assembly.
- (3) Number of members present at the meeting.
- (4) Number and names of members who voted against the amendment.
- (b) For reasons noted below the quorum required under sub-rule (1) of rule 13 could not be secured.

We certify that the adoption of the amendment of the bye-laws would be in the interest of the society, and that such amendment has been duly approved by the General Body meeting.

CHAIRMAN.....

Signature of Secretary.....

Members of the Managing Committee

(1) Name.....Signature.....

(2) Name.....Signature.....

(3) Name.....Signature.....

FORM — “D”

CERTIFICATE OF REGISTRATION OF AMENDMENT OF BYE-LAWS (see sub-rule (3) of rule 14)

In the office of the Registrar of Cooperative Societies under the Mizoram Cooperative societies Act, 1991 (Act 19 of 1991).

I do hereby certify that pursuant to the Mizoram Cooperative Societies Act, 1991 (Act 19 of 1991), the amendment shown in the enclosed document of the bye-laws of the Cooperative Society registered under the afore-said Act on the on day of 19 under No. in the district of has been duly registered. The following is the area of operation of the Society :-

1.

2.

3.

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

Complete amendment of previous bye-laws

Recision of Bye-laws Nos.-----

Partial amendment of bye-laws Nos.-----..---

Registrar of Cooperative Societies,
Mizoram.

Date this... day of
 one thousand nine hundred and

FORM - "E"

NOTICE TO MEMBERS, CREDITORS AND OTHER PERSONS WHOSE INTEREST WILL BE AFFECTED BY THE AMALGAMATION/TRANSFER OF ASSETS AND LIABILITIES/CONVERSION/DIVISION

(see sub-rule (3) of rule 19)

Notice is hereby given as required by the proviso to sub section (1) of section 15 of the Mizoram Cooperative Societies Act, 1991, by the Society registered under No..... dated..... and having its registered office at..... to all members/creditors/persons interested that the society, after obtaining the approval of the Registrar and a preliminary resolution to that effect having been passed by a special general meeting of the society held on has decided to amalgamate itself with Society; convert itself into Society; divide itself into (1) (2) Societies, transfer its assets and liabilities to Society.

The details regarding the transfer of liabilities of the society to be amalgamated, transferred, converted or divided are given in the schedule given below:

1. Applicable to Societies amalgamating, transferring assets and liabilities or converting -

- (1) Name of the Society or Societies.....
- (2) Statement showing the assets and liabilities of the society (to be enclosed)
- (3) Names of members and creditors

N.B : Information should be given separately in respect of each society which is affected by the amalgamation, transfer of assets and liabilities or conversion.

II. Applicable to societies to be divided:

- (1) Name of the society
- (2) Present area of operation
- (3) Statement showing assets and liabilities (to be enclosed)
- (4) Names of members
- (5) Names of creditors

III. Applicable to societies which will stand divided-Particulars of (1) Society.

- (i) Assets and liabilities which will remain with the society after division (statement to be enclosed).....

(ii) Proposed area of operation

(iii) Name of members who will remain with the Society

(iv) Names of creditors who will remain with the Society.....

Particulars of (2)..... Society

(i) Assets and liabilities which will remain with the society after division
(statement to be enclosed).....

(ii) Proposed area of operation

(iii) Names of members who remain with the society

(iv) Names of creditors who will remain with the society

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

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

Place :

Date :

Secretary,
By order of the Board/Managing Committee.

FORM - "F"

NOMINATION FORM FOR ELECTION

(see clause (a) of sub-rule (6) of rule 36)

1. Name of the Candidate :

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

3. Father's/Husband's name :

4. Full address of the candidate :

5. In case the Candidate is :
seeking election to represent
any society, mention the name
of Society.
6. Board Meeting resolution on :
his/her nomination should be
enclosed.
7. Proposer's name and his :
membership No.
8. Signature/Thumb impression :
of the proposer.
9. Seconder's name and his :
membership No.
10. No objection Certificate :
be attached in case of the
Govt. servant.

DECLARATION

I hereby declare that I am willing and eligible under Mizoram Cooperative Societies Act, Rules and Bye-Laws of the Society to stand for the election of the

Signature/Thumb Impression
of the candidate.

Endorsement by the election Officer.

The nomination was presented to be in
person at

date..... on the
at..... A.M/P.M
by him.

Signature of Election Officer.

FORM - "G"

Declaration under sub-section (2) of section 50 of Mizoram Cooperative Societies Act, 1991.

(see sub-rule (1) of rule 63)

I age
son/wife of of Village
Thana District
having been admitted to the membership of
..... Society Ltd.....
and being desirous of borrowed loan from the society having borrowed loan
from the society make this declaration as required by sub-section (2) of section 50
of the Mizoram Cooperative Societies Act, 1991. That I own/I have interest as

tenant in land specified in the Schedule and I hereby create charge of the said land/interest in land in favour of the Society for the payment of amount of the loan which the Society may make /has made and for all future advances, if any, which the Society may make to me subject to the maximum amount of Rs together with interest on such amount of loan and advances.

Schedule

Name of the declarant	Name of the owner (in case of interest in land)	District	Village	Land Registration No. and date.
1	2	3	4	5
Area Boundaries.	Land Revenue	Approximate	Encumbrances if any Nature Amount	REMARKS
6	7	8	9	10
11	12			

In witness whereof, I, Shri hereunder set my hand this day of in the year one thousand nine hundred and Anno Domini.

Witness ...

Signed and delivered by the above named in presence of—

- 1.
- 2.

Applicant's Signature

Attested by

Borrowers

Forwarded with compliments to the Sub—Deputy Collector/Assistant Settlement Officer with a request to include the particulars of the charge created under the declaration in the Record of Rights of the Village and to return to the society for records.

Chairman of the Society

Secretary

Returned with compliments to the Chairman The charge created under the declaration is duly included in the Records of Rights on the days of one thousand nine hundred and A.D.

Assistant Settlement Officer —I

(Seal)

FORM-'H'

Register of declaration made under sub-section (2) of section 50 of Mizoram Cooperative Societies Act, 1991.

(See sub-rule (2) of rule 63)

Encumbrances,
if any

1	Serial No.
2	Date of Entry in the register.
3	Name of the member
4	Father's Name
5	Date of declaration
6	Name of Village
7	Name of Revenue circle
8	Name of District
9	Land Registration No. and date.
10	Boundary
11	Area
12	Amount of land Revenue
13	Approximate value
14	
15	Amount of maximum loan required by declarant
16	REMARKS
17	Initial of the Chairman.

FORM—"I"

FORM OF THE MORTGAGE DEED
(see sub-rule (1) of rule 64)

This deed of mortgage is made on this..... day of.....
one thousand nine hundred and Anno Domini between
..... son of residing at..... a
member of the..... Co-operative Society Limited/Land Mortgagor
Bank Ltd. bearing No (hereinafter called the "Mortgagor"
which expressing unless his heirs, executors, administrators, legal representative
and assigns of the one part and the Co-operative Society
Ltd./Land Mortgagee Bank Ltd..... (hereinafter called the
"Mortgagee" which expression unless exclude by or repugnant to the context shall
be deemed to include its successors and assigns) of the other part.

Whereas the mortgagor being in need of finance for the purpose of
..... has applied to the mortgagee for a loan accommodation of Rs.
..... (Rupees) on the securities des-
cribed in the schedule hereto annexed and on the terms and conditions herein
mentioned, and whereas the mortgagee has already agreed to grant such loan to
the mortgagor in consideration of the repayment of the said sum with interest at
the rate hereinafter mentioned being secured in the manner hereinafter appearing;

Now this deed of mortgage witnesses as follows:

1. The mortgagor hereby mortgages to the mortgagee by way of simple mort-
gage the plot/plots of land described in the Schedule hereto together with its/their
appurtenances as security for the sum of Rs. (Rupees
.....) paid to the mortgagor (the receipt where of the
mortgagor hereby acknowledge in the manner herein mentioned, together with in-
terest accruing therein and other charges incidental to the disbursement and reco-
very thereof).

2. That the loan will be repaid within years in annual
equal/equated instalments. The first instalment to commence
within year/years of the drawal of the loan, Annual instal-
ment shall be paid on or before..... every year.

3. The amount hereby borrowed will bear interest at the rate of Rs
..... per cent per annum from the date of availing the loan or
any part thereof till the date of final satisfaction of the loan account; provided
however, that it shall be lawful for the mortgagee at any time by notice in writing
addressed to the mortgagor to change the rate of interest payable under these
presents and consequently to change the amount of instalments payable by the
mortgagor to the mortgagee under these present.

The annual payment shall be made on or before the date fixed for the pur-
pose by the mortgagor in each year. If any instalment of principal or interest
is not paid on or before the due date, the mortgagor shall pay penal interest at
one and a half per cent per annum. When the mortgagor is so in def

when the loan is for closing under the bye-laws of the aforesaid Bank/Co-operative Society, the mortgagee shall be entitled to call in the loan without reference to the period for which the loan has been granted and recover the entire amount outstanding with interest at per cent per annum from the date of closing of the loan account to the date of the recovery together with the charges hereinbefore referred to and the mortgagee shall be entitled to take possession of the land for such time not exceeding three years for which the loan was granted as the Administrative Council/Managing Committee may consider expedient and enjoy the rent and profits arising therefrom and apply the same in or towards satisfaction of the loan hereby made.

4. The mortgagee shall have all legal rights on the property of the mortgagor mortgaged as per this deed until the loan is repaid in full along with interest.

5. The entire amount of the loan will be solely devoted for the aforesaid purposes for which it is taken and the Bank/Society's Supervising Staff, the Officer of the Co-operative Department and duly authorised Officers of the financing Banks shall have unfettered right to enquire about the actual utilisation of the loan for the borrower from time to time and to demand repayment of the instalments as they fall due.

6. In case of misapplication of the loan by the mortgagor the mortgagee shall have the right to demand repayment of the entire loan or any part thereof lying due at the time whether it is due or not according to the stipulation herein contained.

7. All instalments shall be repayable on due dates. In case of default of any instalments in part or in case of default of payment of the mortgage money or any part thereof the entire balance of the loan with interest shall fall due and be realisable as arrears of land revenue.

8. That the mortgagee shall have the right to transfer or assign all its rights conferred by the deed including the securities hereby offered to any other bank or person for any reason whatsoever even without any separate letter of consent and the mortgagor shall be bound to such transferee or assignee in the same way and to the same extent as the mortgagee.

9. That in consideration of aforesaid and in further pursuance of this agreement of the mortgagor does hereby convey upon the mortgagee by way of simple mortgage all these properties described in the Schedule below belonging to him which are free from the encumbrances to the intent that the properties hereby mortgaged shall remain and be charged with the due repayment of the loan with all interest and costs.

10. The mortgagor hereby declares that the property mortgaged is free from encumbrances. If, for any reason, litigation ensues concerning the property mortgaged and the mortgagee suffers any loss thereby the mortgagor covenants with the mortgagee that he will not only make good the loss but also render all help necessary in regard to the safeguarding of the property mortgaged.

11. The mortgagor hereby covenants with the mortgagee that he will not alienate the mortgaged property either by way of sale, gift, subsequent mortgaged or otherwise without the previous consent in writing of the mortgagee. If any such alienation is made, the mortgagee shall be at liberty to demand repayment of the loan and recover the entire outstanding loan without reference to the period for which the loan is given with interest at Rs.per cent per annum from the date of demand till the date of payment together with the charge hereinbefore referred to.

12. The mortgagor further covenants that he will regularly pay the rent/revenue due to the Landlord/Government on the property mortgaged.

13. The present shall be a security not only for the moneys hereinbefore expressed to be secured but also for any other money that now are or may be hereafter become due to the mortgagee from the mortgagor on any account whatsoever.

14. In case of default in payment of the loan in accordance with the terms herein contained, the mortgagee or its transferee or assignee shall have the right to bring the mortgaged property to sale without the interventions of the Court and to enforce its or his remedies against the other immovable assets of the mortgagor in case of the sale proceeds of the property hereby mortgaged are not sufficient or rendered unfit for sale to liquidate the entire loan with interest and cost.

15. On repayment of the amount due to the mortgagee under this deed, the mortgagee at the request of the mortgagor shall issue to the mortgagor a certificate of complete discharge.

SCHEDULE OF MORTGAGED PROPERTIES

In witness thereof the said mortgagor does hereunto set his hand on the day of the year mentioned at the outset.

Witnesses :

Name	Address in full	Mortgagor
1.		
2.		
3.		
4.		
5.		

Duly executed in our presence

Chairman Secretary
Seal of the Society

Forwarded in triplicate to the Assistant Registrar for favour of filing one copy in the Book No. I prescribed under section 51 of the Indian Registration Act, 1908 and return other two copies.

Secretary

Returned after compliance to the Secretary. The document had been filed in volume No. and numbered as

Assistant Registrar,
Cooperative Societies,
(Seal)

FORM — "J"

(see sub-rule (6) of rule 64)

Register of Mortgages

1. Serial Number
2. Name of the Mortgagor
3. Father's Name
4. Date of execution of mortgage deed
5. Name of the village where land is situated
6. Name of District
7. Name of Sub-Registrar's Office
8. Land Registration No.
9. Boundary
10. Area
11. Amount of the land revenue
12. Approximate value
13. Amount of loan
14. Date of submission to the Assistant Registrar
15. Registration No. and date as indicated by Sub-Registrar
16. Remarks

FORM “K”
RETURN OF AUDIT FEES

(See sub-rule (1) of rule 84)

1. Name of the Society :
2. Address :
3. Registration No. and date :
4. Assessment year of Audit fee :
5. Total Capital :
6. Funds separately invested :
7. Net Business Turnover to the nearest hundred rupees (see sub-rule (5) of rule 83 i.e. item 5 minus item 6). :
8. Rate of Audit Fee (see sub-rule (4) of rule 83) :
9. Provisional assessment of audit fee payable to the nearest rupees. :
10. Deduction or additional account of previous year's over or under payment (see item 14 of previous year's assessment). :
11. Total amount due (Item 9 & 10) :
12. Amount paid vide Receipt and chalan (Give Nos. and Dates) to be filled by audit Officer. :
13. Final order of assessment by Regional Auditor. :
14. Remarks regional Auditor to state amount of refund or extra payment due in next year's audit. :

Submitted to the Auditor of Cooperative Societies

(Through the Cooperative Branch of the
 Development Office).

Dated 199 Secretary of the Society

FORM—"L"

REGISTER FOR COLLECTION OF AUDIT FEE

(see sub-rule (7) of rule 84)

(To be maintained by the Chief Auditor and Sub-Division by Sub-Division or District each Society of the Sub-Division or District being entered in serial order of the registration number)

Name of sub-Division/District

Serial No.	Name and Registered Number of Society	Year		Year		Year		Year		Year		Year	
		Amount collected (item 12 of form No.1).	Office reference No. (i.e. File No. plus page in the file at which the "Return of Audit Fees" has been placed)	As in column 3	As in column 4	As in column 3	As in column 4	As in column 3	As in column 4	As in column 3	As in column 4	As in column 3	As in column 4
1	2	3	4	5	6	7	8	9	10	11	12	13	14

FORM — “M”

APPLICATION FORM FOR FILING ARBITRATION SUITS

(See Rule 92)

Ref. No.

In the Court of the Registrar of Cooperative Societies
Asst. Registrar

The humble petition of the Committee of _____ at _____
 P.O. _____ and District _____

2. We, the Committee of _____ hereby beg to report that a dispute exists between us on the one side and the member/ members named in the annexed list on the other. The said member/members owe the society the amount shown in the attached statement in form No. “N” He/they has/has defaulted payment and now refuse to pay either principal or interest/the amount due makes/make excuses.

3. In support of the above claimed or relief sought, I/we enclose documents and papers as per the list annexed hereto.

4. But we, the committee of the society, are satisfied that he/they is/are in a position to pay and, therefore, we request you to _____ a decision against him/them. _____ an award.

5. We _____ disputant/disputants declare that the facts stated above are true in the best of my/our knowledge and belief.

Dated at _____
 the _____ day of _____
 _____ 19____

1. Name _____ Signature _____
 Chairman

2. Name _____ Signature _____
 Secretary
 Committee Members

3. Name _____ Signature _____

4. Name _____ Signature _____

5. Name _____ Signature _____

Members of the Committee of the _____

Seal
 of the Society

(Authorised under resolution No _____
 of the meeting of the _____
 date _____)

- NOTE ;
- 1) In case there are more than disputants or opponents their names, addresses ages and occupation should be mentioned.
 - 2) In disputes relating to monetary claims, the applicants should state that the precise amount claimed but where this cannot be exactly ascertained the applicants shall state the approximate amount claimed.
 - 3) When a society is a disputant, a copy of the resolution of its committee of administrative Council or Managing Body shall accompany the application.

FORM—"N"

(See clauses (a) and (b) of rule 92)

Statement showing the disputed claims of the against its member/members referred to the arbitration of the Registrar,/Assistant Registrar, Cooperative Societies, Mizoram under the managing Committee's resolution No. dated 19

Sl. No.	Full name of member and his father's name.	Name of his Surety/Sureties, if any, being members of the Society and his father's name.	Original advance			Date or dates on which repayments fell due.	Total repayments upto the date to which the account is drawn		Balance of amount now due and claimed		Date upto which the account is drawn	Remarks (Details regarding demands made)
			Date of issue	Amount	Rate of interest		Principal	Interest	Principal	Interest		
1	2	3	4	5	6	7	8	9	10	11	12	13

Certify that I have personally enquired into this application and examined the relevant records of the Society and I am satisfied that the amount claimed against the defaulter is correct. The bond**executed by the members are attached herewith. bonds

Signature :—

Secretary/Executive Officer of the
 Countersigned by the Chairman of the
 Date

** If no separate bond was executed the sentence to be struck off.

FORM — "O"

FORM OF NOTICE TO SHOW — CAUSE
(see sub-rule (1) of rule 97)

OFFICE OF THE REGISTRAR OF COOPERATIVE SOCIETIES, MIZORAM

Notice to show cause why a decision should not be given Case No
of 199Notice under sub rule (1) of rule 97 of the rules made under section 106 of
the Mizoram Cooperative Societies Act, 1991 (Act No, 19 of 1991)Notice is hereby given in the name of and his surety
member of the

2. Whereas the Committee members of the
have applied to the Registrar, that a sum of Rs. (Rupees
..... only) on account of interest or principal Rs
(Rupees only) on account of interest has been due from
you which you did not pay on the date it fell due or you did not pay the over-
due in time and that you do not pay the sum to the society inspite of the socie-
ty demanding the same.

3. And whereas the said society have referred to dispute to me for a deci-
sion under rules 91 and 92 of the rules framed under section 106 of the Mizoram
Cooperative Societies Act, 1991 (Act No. 19 of 1991), I do hereby give notice
that within two weeks of the receipt of this notice you should show cause by a
registered letter why a decision should not be given to the society against you.

4. Take notice that in the event of the claim not being contested by a de-
cision shall be given ex-parte.

Given under my hand and the seal of my office at this
day 199..

SEAL

Registrar,
Cooperative Societies,
Mizoram

Memo No. dated at
the of 19.....

Copy of the notice with notices to the
above mentioned borrower and his surety/sureties is forwarded herewith to
..... Chairman of the Village.....
P.O District
for service to the persons concerned.

2. Notices are to be served on the persons concerned and signature (in ink) or thumb impression* (if illiterate) is to be taken in the back notice in acknowledgement of the receipt of the notice by the persons concerned.

3. In case of the borrower of the surety refusing to accept the notice or is not available, the notice is to be served by hanging in the doors of persons concerned and take signatures or thumb impressions two witnesses to that effect.

4. Notices are returnable on or before the and if the notices are not returned after service within the time specified, the Chairman shall be made personally liable, for any loss suffering by the society on this account.

Registrar,
Cooperative Societies,
Mizoram.

* To be attested duly with two witnesses.

FORM - "P"

OFFICE OF THE REGISTRAR OF CO OPERATIVE SOCIETIES : MIZORAM INTIMATION OF AWARD GIVEN TO THE JUDGEMENT DEBTOR

(see sub - rule (1) of rule 98)

Reference Case No. _____ of 19 _____
No. dated at
the day of

To, _____
.....

Member of the

(Through the Secretary

..... is hereby informed that a dispute having been referred to the undersigned for decision by the a decree has been awarded against him and his surety for Rs. on account of the interest due to the said Society up to the and further

interest on the Principal sum adjudged at the rate of percent per annum from..... together with all cost till the date of realisation.

Registrar,
Cooperative Societies,
Mizoram.

Memo No.Dated.....

Copy to Suretyfor information and necessary action.

Registrar,
Cooperative Societies,
Mizoram.

FORM - "O"

INTIMATION OF AWARD TO THE CHAIRMAN (see sub-rule (3) of rule 98)

To, The Chairman of the.....
Village.....
P.O.....

Reference Case No..... of 199....
District
Datedthe199....

Sir,
Award passed againstand surety is sent herewith for necessary action.

2. If the amount adjudged in the award is not realised within two months, from the date of this award, the award should be sent immediately to the for reducing it to the form of a Co-operative Demand Certificate, under section 90 of the Act, with request to issue the Certificate in the name of the..... Society and to deliver to him to be recovered as an arrear of land revenue.

3. Notices to the borrower and surety enclosed herewith should be delivered to the parties concerned forthwith.

Yours faithfully,

Registrar,
Cooperative Societies,
Mizoram.

FORM - "R"

FORM OF SIMPLE AWARD

(see sub-rule (1) of rule 99)

OFFICE OF THE.....
Case No. of 19.....

District/Sub-Division/Development-Block area In the matter of

Versus
Member of the.....

Whereas the committee members of the.....have made a reference in writing to me complaining that member of that Society, owes it Rs..... by way of principaland Rs.....by way of interest upto the same and whereas the said.....after being served with a notice to show cause why a decision in favour of the said should not be given has submitted an explanation which is quite unsatisfactory and evasive and in which not submitted any explanation and the full extent of the liability as claimed by the aforesaid Society has been denied.

Now therefore' I in accordance with Rule 97 of the Rules framed by the State Government under section 76 of the Mizoram Cooperative Societies Act, 1991 (Act No.19 of 1991), hereby make the following decision against the said, viz., that he do pay to the.....Rs..... as principal and Rs.....as interest which was due on the..... ..and further interest on the principal sum adjudged at the rate of per cent per annum from together with all cost till the date of realisation within a period of 2 months from the date of this award failing which the dues covered by this award shall be reduced to the form of a Cooperative Demand Certificate as provided in section 90 of the Act to be recoverable as an arrear of Land and Revenue Act, 1955.

Given under my hand and seal, at.....this.....
.....day of.....19....

Registrar,
Cooperative Societies,
Mizoram

FORM - "S"

FORM OF MORTGAGE AWARD
(see sub-rule (2) of rule 104)

OFFICE OF THE Case No. of 199.....

District/Sub-Division/Development-Block area

In the matter of the

Versus

Members of the

Whereas the committee members of the have made a reference in writing to me complaining it at member of that society, owes it Rs. by way of interest upto the and evades payment of the same and whereas the said after being served with a notice to show cause why a decision in favour of the said should not be given has submitted an explanation which is quite unsatisfactory and evasive and in which not submitted any explanation and the full extent of the liability as claimed by the aforesaid Society has not been denied.

Now therefore, I, in accordance with rule 98 framed by the State Government under section 76 of the Mizoram Cooperative Societies Act, 1991 (Act No. 19 of 1991), hereby made the following decision against the said viz., that he do pay to the Rs. as principal and Rs. as interest which was due on the and further interest of the principal sum adjudged at the rate of per cent per annum from together with all costs till the date of realisation, within a period of 2 months from the date of this award, failing which the right, title and interest of the defendant in the properties set out and described in the Schedule below will be sold under a Cooperative and Certificate to be sought and issued on that behalf under section 90 of the said Act to be recoverable as an arrear of land revenue under the provisions of the Mizoram Land and Revenue Act, 1956 and that if the sale proceeds should be found insufficient to discharge the dues with subsequent interest at the above rate till the realisation and cost in full, the balance will be realised by attachment of other movable and immovable properties of the judgement debtor similarly included under a Certificate to be issued on that behalf under the said section of the Act.

Given under my hand and seal of the court at this day of 199.....

SEAL

Registra
Cooperative Societies,
Mizoram.

FORM — "T"

NOTICE TO FURNISH SECURITY FOR FULFILMENT OF DECREE
(See sub—rule (2) of rule 104)

Under sub—section (3) of section 70 of Mizoram Cooperative Societies Act, 1991
(Mizoram Act No. 19 of 1991)

To member of the

Whereas the Committee member of the have filled a dispute to me that a sum of Rs. on account of Principal/or and Rs. on account of interest thereon upto has been due from you which you did not pay inspite of demands and that with intent to defeat or delay the execution of any decision that may be passed against you thereon. You are about to dispose or remove your property to any part of the same. You are hereby directed on or before the day of 199..... either to furnish security for the sum of Rs. (Rupees) only to produce and place at the disposal of the value thereof. Or such portion of the value as may be sufficient to satisfy any decision that may be passed against you or appear on at in my office and show cause why you should not furnish security.

Given under my hand and seal of the Court, at this day at 19.....

SEAL

Registrar,
Cooperative Societies,
Mizoram.

FORM — "U"

FORM OF CONDITIONAL ORDER OF ATTACHMENT BEFORE AWARD
(See sub—rule (3) of rule 104)

OFFICE OF THE REGISTRAR OF COOPERATIVE SOCIETIES: MIZORAM
Case No.

In the matter of the
Versus
.....

.....
member of the

Whereas the Committee members of the have made a reference in writing to me complaining that member of the Society, owes it Rs. by way of Compensation with interest

is about to dispose of the property from the local units of the jurisdiction of the Registrar and whereas I am satisfied as to bonafide of Committee's reference and declaration and accordingly the said member was called upon to furnish Security for the sum of Rs.to produce and place at my disposal or the value vide my orders dated .. and whereas the member failed to furnish the Security. Now, therefore, I, in accordance with clause (b) of sub-section (3) of section 70 of the Mizoram Cooperative Societies Act of 1991 (Act No. 19 of 1991) hereby make the following order against the said that the right title and interest of the defendant in the properties set out and described in the Schedule below the forthwith attached and shall remain attached until further orders.

This attachment will be vacated at any time if the defendant furnishes security to the satisfaction of the Registrar.

This decision is enforceable decree of the Civil Court having local Jurisdiction.

* Date
the..... 199.....

Registrar,
Cooperative Societies,
Mizoram.

FORM "V"

SCHEDULE

Form of Order-Sheet
(See sub-rule (12) of rule 108)

No. of Proceedings or Orders.	Order or Proceedings	Signature of Arbitrator or Liquidator with date

FORM — “W”**NOTICE OF CHANGE OF REGISTERED ADDRESS**

(Section 43 of the Act and Rules 10(3) and (4))

Notice is hereby given, pursuant to section 43 of the Mizoram Cooperative Societies Act, 1991 (Act No. 19 of 1991), by (name of the Society) registered on under Certificate of Registration No. of of the alternation in the address of the registered Office of the Society.

Previous address	Present address	Date of changes

Certified that the change of address of the Society set forth was adopted under resolution No of the meeting of the Administrative/Managing.

Council dated the 199—

Committee

Signature of

(1)
(2)
(3)
(4)
(5)

Signature of (1)
Chairman

(2)
Secretary

Registrar,
Cooperative Societies,
Mizoram, Aizawl.

Memo No :

Dated Aizawl

Copy to :—

1. The Chairman/Secretary for information and future reference.

Registrar,
Cooperative Societies,
Mizoram, Aizawl.