

**THE ASSAM CO-OPERATIVE SOCIETIES  
RULES, 1953**

**No. CG. 28/50/253, dated 4<sup>th</sup> February, 1953.**

- 1.** In exercise of the powers conferred by S. 100 of the Assam Co-operative Societies Act, 1949 (Act I of 1950), the Governor of Assam is pleased to make the following rules in order to carry out the purposes of the said Act in the State of Assam.
  
- 2.** The rules framed under the Co-operative Societies Act II of 1912 and adopted under Notification No. 963-L S.G. (A), dated the 18<sup>th</sup> April, 1941, are hereby rescinded.

# CHAPTER I

## Preliminary

### 1. Short title.

These Rules may be called the Assam Co-operative Societies Rules, 1952.

### 2. Definitions.

In these Rules, unless there is anything repugnant in the subject or context-

- (a) **“Act”** shall mean the Assam Co-operative Societies Act, 1949 (Act I of 1950);
- (b) Words and expressions used in these Rules shall bear the meanings respectively assigned to them in the Act;
- (c) **“Section”** means a section of the Act;
- (d) **“Schedule”** means the Schedule of forms appended to these Rules;

- (e) **“Society”** means a registered co-operative society registered or deemed to have been registered under the Act and includes an society formed after amalgamation of such two or more societies or by division of such an existing society; a registered co-operative society may be called a **“Co-operative”**;
- (f) **“Director”** 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;
- (g) **“Borrowed capital”** means the total of loans, deposits and other borrowings of a co-operative society;
- (h) **“Owned capital”** means the total of paid-up share capital and accumulated reserve and other funds created out of profits of a co-operative society;
- (i) **“Working capital”** means the total capital of a co-operative society consisting of borrowed capital and owned capital;
- (j) **“Record of rights”** means record of rights maintained under the, Assam Land and Revenue Regulation, 1886;
- (k) **“Primary Society”** means a co-operative society registered under the Act to which no other registered

co-operative society is admitted as member, and shall include a Gaon Panchayat Level Multipurpose Co-operative Society;

- (l) **“Land Development Bank”** or **“Land Mortgage Bank”** means a Co-operative Land Mortgage Bank, registered under the Assam Co-operative Societies Act, 1049 and includes any other registered co-operative society notified by the State Government in this behalf.

### **COMMENTS**

Clauses (j), (k) and (l) have been inserted by Assam Rules VIII of 1975.

## **CHAPTER II**

### **Registration of Societies**

#### **3. Restriction on acquisition of shares in society.**

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

- (a) hold more than such portion of the share capital of the society, subject to a maximum of one-fourth, as may be prescribed by the by-laws of the society; or
- (b) have or claim any interest in the shares 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 shares 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.

## COMMENTS

The restriction on acquisition of shares in a society have already been provided in S. 7 of the principal Act.

#### **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 by-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 rules 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 sub-S. (1) (i) of S. 9 of the Act shall be issued under a certificate of posting; provided that this shall not be necessary in the case of a primary agricultural credit society.

## **COMMENTS**

Under S. 9, a registered society may with the previous sanction of the Registrar change its liability from limited to unlimited or from unlimited to limited subject to this rule.

### **5. Application for registration.**

- (1) Every application for the registration of a society under sub-S. (1) of S. 10 shall be 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 a application for registration shall be signed by the promoters.

Registrar may consult to Deputy Commissioner or the Sub-divisional Officer or the Political Officer concerned whenever he considers necessary.

- (2) Where a co-operative 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 by-laws on its behalf.
- (3) If the society intends to be a member of a Central Society, another copy of the by-laws signed by the president of the inaugural general meeting, in

addition to the copy of the by-laws which are required under sub-S. (3) S. 10 of the Act, shall be forwarded therewith.

## **COMMENTS**

Under S 10 specific provisions have been made for making application for registration of society and this rule prescribes the procedure thereof.

### **6. Conditions of registration of a society and refusal to register.**

- (1) On receipt of the application for registration the Registrar shall examine the application for registration and the by-laws in order to satisfy himself-
  - (a) that the application and by-laws are in conformity with the Act and the Rules;
  - (b) that the by-laws are suitable for carrying out the objects of the society and ensure safe conduct of its business; and

- (c) that the proposed society has reasonable chances of success having regard to local conditions, and may call for further information or make such enquiry as hi may deem necessary.
- (2)
  - (a) If a Registrar is satisfied on all the points mentioned in Cls. (a), (b) and (c) of sub-R. (1), he may register the society and its by-laws.
  - (b) Such registration shall be entered in a general register kept for the purpose in the form fund suitable and the entry of such registration shall be attested by the seal and signature of the Registrar.
- (3) When a society is registered, the Registrar shall grant a certificate of registration in the form set forth in the Schedule.
- (4) The certificate of registration together with a copy of the by-laws as approved by the Registrar duly stamped with his official seal shall be sent to the applicant. Of the three remaining copies of the registered by-laws, one shall be retained in the office of the Registrar; one sent to the Assistant Registrar and the third to the Inspector concerned with a copy of the certificate of registration.

- (5) If the society intends to be a member of any “affiliating society” an extra copy shall be authenticated and sent to the society concerned.
- (6) If the Registrar refuses to register a society or its by-laws he shall record in writing the reasons for his refusal and shall communicate his decision to the applicants.

## **COMMENTS**

Under S. 11, the Registrar is to decide all questions as to whether the application complies with the provisions of the Act and the rules made thereunder. This rule prescribes the conditions of registration of a society and refusal to register the same.

### **7. Restriction and limit of membership.**

- (1) No person or society qualified under the by-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 Register-

- (i) no registered society with unlimited liability shall have more than 100 members, except with the approval of the Registrar which will not be given except for special reasons to be recorded in writing;
  - (ii) 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 up to the maximum prescribed above.
- (2) In case of amalgamation of societies as provided in S. 15 and change of liability under S. 9, the restrictions and limits set forth above shall not be operative.

**8. Provisions in the by-laws of the society.**

Every society shall make by-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 to 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 maximum number of members that may be admitted;
- (h) the nature and amount of the share capital, if any, of the society and where there is a share capital, the maximum share capital which a single member can hold;
- (i) the manner in which capital may be raised by means of shares and debentures, borrowing from non-members, deposits of members or otherwise;
- (j) the entrance and other fees and the fines, if any, to be collected from the members;
- (k) withdrawal, removal and expulsion of members and the payment, if any, to any, to be made to such members;
- (l) transfer of share or such members;
- (m) the circumstances under which withdrawal from membership shall be permitted and the procedure to

be followed in cases of withdrawal, ineligibility and death of members;

- (n) the mode of appointment and removal of directors and office-bearers of the society and the duties and powers of the managing body and other committees or bodies which may be formed and specify the composition of such bodies, their powers, duties;
- (o) the mode of summoning and conducting meetings and the right of working, fixing of quorum for meetings;
- (p) subject to the provisions of rules and the manner of making, altering and abrogating by-laws;
- (q) the general conduct of the business of the society;
- (r) the disposal of profits;
- (s) creation and use of reserve and other funds;
- (t) the mode of custody and of investment of funds outside the business and the custody of books, accounts and securities;
- (u) the mode of keeping accounts;
- (v) settlement of disputes;

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 payment of loans;
- (e) period of payment and recovery of loans;
- (f) extension of the period of repayment and renewal of loans; and

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.

## COMMENTS

Under the Act, the society may frame bye laws and get the same registered which as provided under S. 93 shall not be deemed to go beyond the provisions of the Act, if their effect is not to lessen the degree of control expressly provided for in the Act.

Rule 8 prescribes the provisions to be made in the by-laws of a society.

### **9. Amendment of by-laws.**

- (1) Subject to the provisions of S. 13, a society may, from time to time, amend its by-laws by altering or rescinding them or by making a new by-law:

Provided that —

- (i) 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;
- (ii) no such resolution shall be valid unless not less than clear fifteen days' notice of such meetings has been given of the proposal to alter or rescind the by-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 rule was not present, if he is satisfied for reasons to be recorded in writing —

(i) that it is impracticable for the society to secure the attendance of two-thirds of the total numbers at a meeting of the general assembly;

(ii) that the adoption of the proposed amendment is in the interest of the society; and

(ii) that such amendment is likely to meet the approval of the general body of members.

#### **10. Mode of amendment of by-laws.**

(1) In every case of amendment of by-laws, an application in the form as set forth in the 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-S. (2) of S. 13, signed by the members of the managing body. The application will show —

- (a) the date of 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 by-laws shall be accompanied by a copy of the resolution making the amendment passed at the meeting, the general assembly along with forth copy of the existing by-laws and a fifth copy of such amendments of by-laws, if the society is a member of any affiliating society.
- (3) When the Registrar registers an amendment of by-laws, he shall return to the society, the copy of the old by-laws duly corrected and attested by him, together with a certificate of registration of the amendment in the form set forth in the Schedule. The copy of the resolution and one copy of the proposed amendment shall be retained by dully corrected and attested by him. Of the remaining two

copies, one will be sent to the Assistant Registrar and the other to the Inspector concerned, duly sealed and signed by the Registrar as a token of registration.

- (4) When the Registrar refuses to register an amendment of by-laws he shall record in writing reasons for his refusal and communicate his decision to the society.

**11. Amendment of by-laws at the direction of the Registrar.**

- (1) When the Registrar directs any society to amend its by-laws in accordance with the amendment drafted and forwarded to the society by him, society shall, on receipt of such direction proceed in the manner provided in R. 10 to consider the making of such amendment within two months or such longer period as may be specified in the order. When the society adopts any amendments of by-laws, action shall be taken as provided in R. 10 for registration.
- (2) In case, whoever, the society proposes to file any objection, the case shall be presented before the Registrar within fifteen days of the meeting along with a copy of the proceedings 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-

- (i) withdraw the direction for amendment of the by-laws; or
  - (ii) register the same.
- (3) In case of registration copy of the amendment of the by-laws as registered shall be forwarded to the society together with a certificate signed by him, amendment of the by-laws will be duly entered and certified by the Registrar in the copy of the by-laws retained in his office. The Assistant Registrar and the inspector concerned with also be supplied with a copy signed by the Registrar for being incorporated in their copies of the by-laws.

**12. Amendment of by-laws at the suggestion of affiliating society or financing Bank.**

- (1) When it appears to an affiliating society or financing bank that the amendment of the by-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 or the financing Bank in suggesting 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 a specified time.
  
- (3) The affiliating society or a financing Bank shall forward to the society concerned by registered post-
  - (a) a copy of the proposed amendment of the by-laws, and
  
  - (b) a copy of the resolution and decision approving such amendment.
  
- (4) The society, on receipt of the direction for the direction for such amendment shall proceed in the manner provided in R .9.
  
- (5) If within the period as may be specified by the affiliating society from the date of receipt of the direction, the society -
  - (a) fails to make the amendment of its by-laws, or
  
  - (b) files an objection to such an amendment,

the affiliating society or the financing Bank, after considering the objections of the society, if any, may —

- (i) withdraw the direction amendment of the bye-law; or
- (ii) forward the amendment together with the objections, if any, filed by the society and its comments thereon to the Registrar for consideration and registration.

## **COMMENTS**

This rule has been substituted by Assam Rules VIII of 1975. The substituted R. 12 read as follows:

“12. (1) When it appears to an affiliating society that an amendment of the by-laws of a society which is affiliated and 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 suggesting 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 by-laws; and
  - (b) a 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 R. 9.
- (5) If within the period as may be specified by the affiliation society from the date of the direction, the society —
  - (a) fails to make the amendment of its by-laws, or
  - (b) files an objection to such an amendment,

the affiliating society, after considering the objections of the society, if any, may —

- (i) withdraw the direction for the amendment of the by-laws:
- (iii) forward the amendment together with the objections, if any, filed by the society and its comments thereon to the registrar for consideration and registration.”

### **13. Adoption of rules of procedure.**

Subject to provisions in the by-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 .

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

**14. Non-official helpers.**

- (a) The state government may appoint any person as a non-official adviser to help co-operative societies in certain specified areas. The name of person so appointed who will be designated as “Honorary Organiser of co-operative Societies” shall be published in the Assam Gazette.
  
- (b) Function of the “Honorary Organiser of Co-operative societies” will be to -
  - (i) take active interest in the working of existing co-operatives:
  
  - (ii) prepare grounds by educating the people of the locality in the principles of co-operative atmosphere amongst them;
  
  - (iii) inspect co-operative societies within his jurisdiction, submitting his report in the form prescribed by the Registrar for the purpose; and perform any other functions as may be consigned to him by the registrar from time to time .
  
- (c) The “Honorary Organiser of co-operative societies” shall be entitled to traveling allowance to cover

expenses of journeys undertaken at rates fixed fro the purpose.

## CHAPTER III

### **Rights and liabilities of members of registered societies**

#### **15. Exercise of rights of membership.**

- (1) No member of a society shall exercise the right 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) *Application fee.* Every applicant for admission as a member must agree to pay an application fee as may be prescribed in the by-laws; but such fee shall not be less than eight annas or exceed two rupees.
  - (b) Every application for admission as a member must also agree to pay such admission fee as may be prescribed in the by-laws. Such fee shall not be less than one rupee where the applicant is an individual and five 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 share or the minimum number or shares as prescribed in the by-laws and has paid the dues on account of such share or the bye- laws.
- (2) No person shall be accepted as one of the applicants for the registration of a society or admitted as a member-
- (a) who does not satisfy the requirements of the Act 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 may society with unlimited liability shall be allowed to be a member of another society with unlimited liability, with out special permission of the Registrar.

- (a) Any members who may at any time, be found disqualified for any of the reasons in Cls. (2) and (3) above shall be removed from the society.
- (b) 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.

### **COMMENTS**

This rule has been framed under s. 16 of the Act, which details the conditions subject shall exercise the right as such when he has not made the payment to the society in respect of his membership or has acquired such interest in the society

#### **16. Disqualification for voting.**

No member of a co-operative society shall be eligible for appointment to enable him to vote in the affairs of another co-operative society, of which his society is a member -

- (a) if such member is in any way disqualified under the provisions of the Rules or any by-laws of the society

for voting in the affairs of the society of which he is a member or for being appointed as a director; or

- (b) if, in the case of ad credit society, the member is a habitual defaulter and no extension of time for payment of the installments defaulted has been granted by the managing body;
- (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 by-laws.

*Explanation.* — “A habitual defaulter” referred to in Cl. (b) means a member of a credit society who has failed to pay three installments already due immediately preceding the election.

## **COMMENTS**

Under S. 17, the provisions have been made in respect of votes of members and this rule prescribes the disqualifications for voting.

**17. Promoters of unlimited liability society and member of all other societies, seeking loan to furnish information as to financial position.**

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.

*Form for furnishing statement of assets and liabilities by member of unlimited liability society.* 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 co-operative year shall be preserved by the society.

**COMMENTS**

Under S. 18, the member of an unlimited society is required to furnish all the information as to his financial position and this rule has been made under that section.

**18. The manner of recalling a loan not utilised for the purpose for which advanced.**

When the managing body of a co-operative society is convinced or has reason 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 S. 70 in order to recover the loan.

**COMMENTS**

Under S. 19, the loan advanced by a registered society to member thereof is to be utilized for the purpose for which it has been advanced and under this rule, provisions have been made to recall such a loan which is not utilised for the purpose for which it is advanced.

**19. 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 R. 3 (b)

**COMMENTS**

Under S 20, the transfer or charge or the share or interest of a member in the capital of registered society shall be subject to R. 19 herein.

**20. 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 S. 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 fees.

- (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-R. (1) above shall be entered in the Register of Members.

### **COMMENTS**

Under this rule, any member of the society may nominate a person or persons to whom under S. 23 the share or interest in the society shall be paid or transferred on his death.

*Provision that nominee may become member. [Rule 20].* Whereas R. 20 (1) provides that a nominee may become a member only if admitted by the Managing Committee, it means that the Managing Committee will admit a nominee provided he is nominated as provided under S. 23. The provision for nomination is subject to by-laws. In *Karuna Kanta v. State of Assam* [AIR 1976 Assam 33] a provision for nomination was found in Cl. 5 (7) of the news wherein it is found that each member may nominate a person as nominee who will inherit the share or interest of the member on his death, but this is made subject to the decision of the Managing Committee. Since S. 23 refers to by-laws make the inheritance by nominee subject to decision of the Managing Committee, hence the provision in R 20 (1) that a nominee may become a member only if admitted by the Managing Committee may not be *ultra vires* S. 23 or S. 24 of the Act. If any member

dies then it will necessarily be the concern of the society as a whole whether the legal heir of the deceased member, if legally nominated, may be accepted as member. This acceptance has double consequences: firstly Managing Committee may think that acceptance of the nominee as a member in place of the deceased member may not be in the interest of the society as a whole and in such circumstances the society may not accept him as a new member, and, secondly, a nominee of a deceased member may not himself like to become a member seeing the condition and state of affairs of the society itself. In such a circumstance the society cannot thrust the membership upon an unwilling nominee or legal heir of a deceased member. There is always an element of voluntariness in such society.

*Held*, that a provision that a nominee may become a member only if admitted by the Managing Committee is not beyond the scope of Ss. 23 and 24, inasmuch as, the nomination itself is conditioned by the by-laws and the bye-law also provides for membership of the nominee subject to the decision of the Managing Committee.

**21. Procedure for calculating the value of shares or interest of ceased members.**

- (1) Where a co-operative society has to make a refund of the value of share or interest of a person who has ceased to be a member under S. 25, the value of the share shall be deemed to be equal to the amount

actually paid up on the share; provided that where the 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 profits, 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.

## **COMMENTS**

Under S. 24, when a member of a registered society dies, his share and interest in the society shall be transferred subject to the provisions of the Act and under S. 21, the procedures for calculating the value of shares or interest of deceased member have been provided.

### **22. Manner of determining value of land.**

- (1) Value of land for the purpose of Cls. (3) and (5) of s. 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 period ; 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 the land 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 IV**

### **Management**

#### **23. Chairman of the general meeting.**

- (i) 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 by-laws of a society provides for any outsider to preside over the meetings of the general assembly, such an outsider if elected shall preside.
- (ii) The Chairman of a meeting of the general assembly shall maintain order in the meeting and shall control and conduct proceedings in such manner as may be conducive to expeditious and effective disposal of business. He shall decide all points of order and his decision upon such points shall be final.
- (iii) The Chairman of a meeting 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 provision of Chairman.

- (iv) 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 provisions of the by-laws.

## **COMMENTS**

Section 31 prescribes about the constitution of the general assembly and under S. 32 provisions have been made about the holding of such annual general meetings of the general assembly. Under S. 33 provisions have been made about the special meetings of the general assembly and under R. 23, provisions have been made about the presiding over of the meetings of the general assembly and as such under R. 24, provisions have been made about the voting in such meeting, the records of the meetings etc. are to be kept and maintained under R. 26.

**24. Quorum of meetings of general assembly.**

- (i) Unless otherwise provided in the by-laws, the quorum of a meeting of the general assembly shall be one-fifth of the total number of members existing as such as on the date of issue of the notice of the meeting or one hundred, whichever is less.
  
- (ii) 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.
  
- (iii) 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 on 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 by-laws of the society:

Provided that a meeting of the general assembly which has been called on the requisition of members under Cl. (c) of sub-S. (1) of S. 33 shall not be adjourned but dissolved.

- (iv) 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 attention being drawn to the fact or 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 shall be disposed of in the usual manner at the adjourned meeting even without a quorum.

**25. Voting in meeting of general assembly.**

- (1) Except where otherwise prescribed all matters brought before meeting of the general assembly shall be decided by a majority of votes.
- (2) A resolution which is put to vote at a meeting of the general assembly shall be decided by show of hands unless a poll is demanded by at least ten 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 at such time as the Chairman of the meeting may direct subject to any provision in the by-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 or against a resolution shall be recorded in the proceedings book.

**26. Records of meetings.**

- (i) 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 the in a book kept for the purpose.
- (ii) The proceedings 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.
- (iii) *Admission of non-member.* 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.

Proceeding 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, proceeding of such meetings shall not be valid.

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 him on his behalf for obtaining approval.

## **COMMENTS**

*Approval or disapproval of the proceedings of the meeting — Power of Registrar.* Unless the proceedings of a meeting including the annual general meeting is approved, the entire proceedings become *non est* and inoperative. Election of the Board of Directors of Managing Committee general meeting is disapproved. The power of approval or disapproval contemplated under R. 26 is not arbitrary. The power cannot be exercised arbitrarily or capriciously. The approving authority should not and must not lightly disapprove the proceeding of an annual general meeting where the incoming Board of Directors or Managing Committee is elected and must be slow and retrospect before disapproving the proceedings. Election of a Managing Committee or Board of Directors of a Co-operative Society in annual general meeting should normally be approved at the earliest so that the body elected can manage the affairs of the society, and that according approval of the proceeding of the proceeding of the annual general meeting should be taken as the rule and the disapproval of the proceeding is an exception. The

election of Managing Committee or Board of Directors of a co-operative society in annual general meeting can be disapproved only under exceptional and compelling circumstances when it becomes apparent from the records that election was held with gross irregularity and in gross violation of rules and procedure. Mere irregularity will not justify such disapproval. In *Sanjay Kumar Mahanta v. State of Assam* [(1993) 2 GLR 170] the records did not disclose any irregularity far less serious irregularity in the matter of election of the Board of Directors, which will warrant disapproval of the proceedings.

**27. Election and retirement of directors in a primary society other than a non-agricultural credit society.**

- (i) The directors of a primary society 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 than two years from the date on which he ceased to be a director.

- (ii) The vacancies caused by the retirement of the directors shall be filled up by election at the annual meeting of the general assembly at which they retire.

**28. Election and retirement of directors in non-agricultural credit societies.**

- (i) At the first annual meeting of the general assembly of non-agricultural credit society held after the commencement of these Rules, the entire body of directors shall retire but shall eligible for re-election:

Provided that no director 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.

- (ii) In subsequent year one-third of the directors elected by the members shall retire from office at the next annual meeting of the general assembly and shall not be legible for re-election for one year from the date of retirement.
- (iii) The vacancies cause by the retirement of directors under sub-R (i) or sub-R. (ii) shall be filled up by election at the annual meeting of the general assembly in which they retire.

- (iv) The directors who are to retire in accordance with sub-R. (ii) at the second and the third annual meetings of general assembly shall be determined by lot in a meeting of the 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 longest in office shall retire.

*Explanation.* For the purposes 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 periods of membership of his predecessors.

**29. Appointment of directors by the Registrar.**

- (i) In order to safe guard and represent appropriate interest in a co-operative society, the Registrar shall have powers to appoint all or fraction of the number of members provided in the by-laws or appoint additional members to the administrative council or the managing body not exceeding one-half of the number of the elected directors.

- (ii) The members so appointed shall office till the next election of directors appointed under this rule, may or may not be members of the society
- (iii) If any vacancy occurs in the office of such an appointed director, the vacancy shall be filled up by appointment.

**30. Qualification of members of Administrative Council and Managing Committee.**

Subject to the provisions of the rules, every member of a society above the age of 21 years shall be eligible for election or for appointment as member of the Administrative Council and the managing body.

**COMMENTS**

Under S. 14, it is provided that the management of every registered society shall vest in the managing body of the society except in the case of a society that for administrative convenience necessitate by reasons such as wide area of operation, such responsibility of management shall vest in as Administrative Council. The powers and duties of the Administrative Council and the managing body have been provided and detailed in Rr. 35 and 36.

**31. 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 or 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 contract with the society;
- (d) if a credit society has failed to pay in three consecutive years immediately preceding the election at least an amount equivalent to one year's installment fixed for the repayment of the loan.

**32. Cessation of membership of Administrative Council and Managing Body.**

A director shall cease to hold office-

- (a) if he becomes subject to any disqualification mentioned in R. 31, 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 meeting for more than three consecutive meetings; or
- (d) if the society of which, he is a representative is dissolved or disaffiliated.

**33. Removal, expulsion, etc. of the Secretary, Treasurer, Directors 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 provide in the by-laws or in the terms of appointments, 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.

## COMMENTS

*Secretary whether an employee officer or office bearer, [Rules 33 (2) and 35].* Under R. 33 office-bearer, that is to say, members duly elected by the appropriate body of a registered society, can only be removed by officer of the society appointed by managing body, unless it is provided by the by-laws or in terms of appointment, he may be removed from his office by the managing body. Rule 35 provides, *inter alia*, that Administrative Council or the managing body has, as may be provided in the by-laws, the power to appoint salaried or non-salaried officers for proper conduct of the business, on such terms as to remuneration, security, etc. and dismiss, suspend or punish such an officer. Reading Ss. 2 (h) and (i) together with the provisions of the by-laws, it was held in *Risheswar Neog v. State of Assam* [(1993) 1 GLR 184] that the Secretary appointed in the office of a society is an employee officer and not the Secretary of a society, and office-bearer.

Hence *held*, that the appointment of the petitioner as a Secretary in the office of the Secretary and his removal from service shall be governed by Rr. 33 (2) and 35 of the Rules read with bye-law 27.

*By-laws of a co-operative society — If to have the force of law.* As held in *Co-operative Central Bank v. Addl. Industrial Tribunal* [AIR 1970 SC 245] the by-laws of the co-operative society framed in pursuance of the provisions of the Act cannot be held

to be law or to have the force of law. The by-laws that are contemplated by the Act can be merely those which govern the internal management, business or administration of a society. They may be binding between the persons affected by them. In respect of by-laws laying down conditions of service of the employee of a society, if any person enters the employment of a society, those conditions of service will have to be treated as conditions accepted by the employee when entering the service and will thus bind him like conditions of service specifically forming part of the conditions of service.

**34. Procedure of convening meetings of the Administrative Council and the Managing Body.**

At least fifteen days notice of all meetings of the administrative council and at least four days' notice of all meetings of 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 —

- (i) 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
- (ii) 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.

**35. 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 by-laws —

- (i) to admit new members and to suspend, fine, remove or expel existing member;
- (ii) to raise funds;
- (iii) to invest funds;
- (iv) 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 power to enter into contracts on behalf of the society as they may deem fit and to define their duties;

Provided that in case of agricultural credit societies, no office bearer should be appointed to function as Secretary of the society unless he is paid and trained in the Training Institute provided by the Government for the purpose and non untrained

Secretary should hold office for more than six months without special permission of the Registrar;

- (v) to dismiss, suspend or punish each officers mentioned in sub-Cl. (iv);
- (vi) to institute, defend or compromise legal proceedings;
- (vii) to dispose of applications for loans and to determine the security to be taken;
- (viii) to appoint sub-committees as may be deemed necessary from time to time; and
- (ix) to delegate, with or without conditions, all or any of the power exercisable by the administrative council or the managing body to any office-bearer or to any committee formed.

## **COMMENTS**

Clause (iv) of R. 35 has been substituted by Notification No. C.G. 128/54/15, dated 22-10-1955, published in Assam Gazette, Part II-A, dated 20-10-1955, p. 1884. The Notification ran as under:

*“No. C G. 128/54/15, dated the 22<sup>nd</sup> October, 1955. In exercise of the powers conferred under S. 100 of the Assam*

Co-operative Societies Act, 1949 (Act 1 of 1950), the Governor of Assam is pleased to adopt R. 35 (iv) of the Assam Go-operative Societies Rules 1953, as under, with immediate effect as published in the Assam Gazette, Notification No. C.G. 53/52/48, dated 12<sup>th</sup> July, 1955.”

**36. Duties of the Administrative Council and Managing Body.**

(1) The administrative council or the managing body shall observe in all their transactions the provisions of the Act, Rules, by-laws and directions of the Registrar and shall cause to perform the following duties, namely :

- (1) to provide for the management of the affairs of the society;
- (2) to receive and disburse money;
- (3) to maintain true accounts of money received and expended and of assets and liabilities;
- (4) to prepare for submission to the annual meeting of the general assembly -
  - (a) an annual report on the working of the society;

- (b) an annual statement of accounts 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;
- (5) to prepare the statement of accounts required for audit and to place them before the auditors;
- (6) to prepare and submit all statements and returns requires by the Registrar in such forms as he may direct;
- (7) to enter account's of the society regularly in proper registers;
- (8) to maintain a register of members up-to-date;
- (9) to facilitate the inspection of books and records by the inspecting officers;

- (10) to convene meetings of the general assembly on requisition;
  - (11) to convene the annual meeting of general assembly in due time;
  - (12) to watch that the loans are applied for the purposes they are advanced and that they are repaid punctually;
  - (13) to examine and take prompt action in cases of all arrears and defaults in respect of repayment of loans;
  - (14) to examine the stock register and verify the actual stock;
  - (15) to supervise and examine the work of the sub-committees and the office-bearers ; and
  - (16) to perform such other duties as may be entrusted by the general assembly.
- (2) (a) 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.

- (b) 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.

**37. Deputation of a Government servant to manage the affairs of a co-operative society.**

- (1) A Government servant when deputed to the service of a co-operative society by the State Government under S. 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 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 power 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.

**38. 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:

- (i) receive all money on behalf of the society and issue receipts;
- (ii) pay all costs of management and working expenses out of the funds of the society, *e.g.*, salaries of the staff, traveling and other contingent expenses necessary for the work of the society;
- (iii) deposit all money received on behalf of the society as well as securities and other effects as prescribed under R. 35;

- (iv) maintain regular and accurate accounts;
- (v) maintain records in prescribed form;
- (vi) convene meetings of the administrative council or the managing body as may be necessary from time to time;
- (vii) submit such statements as required by the administrative council or the managing body.

**39. 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 by-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.

**40. Executive Officer — Cost of his service, withdrawal, etc.**

- (1) The Executive Officer shall be indemnified out of the funds of the co-operative society for all costs, charges, traveling 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 S. 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.

**41. Suspension or supersession of an Administrative Council, a 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 S. 36 or forwards its reasons for not so doing, the Registrar after due consideration of the reasons given, may, by an order in writing.

- (i) withdraw or modify the order; or
  - (ii) dissolve the administrative council or the managing body.
- (2) (i) Where, as an 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 S. 37, 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 will work.
- (ii) Rule 40 shall be applicable in case of a person or persons so appointed.

**42. Appointment of person or persons to manage the affairs of a society.**

- (1) When the Registrar orders the administrative council, managing or any other body, as the case may be, of a society to be dissolved and appoints a person or persons under S. 37, he shall fix —

- (i) the date and time by which charge of the society shall be taken over from the dissolved body;
  - (ii) the condition under which work shall be carried on;
  - (iii) the remuneration, if any, to be paid to manage the affairs of the society;
  - (iv) the security, if any, to be furnished by those appointed; and
  - (v) the date by which a new administrative council, managing or other body, as the case may be, is to be elected.
- (2) Unless otherwise directed by the Registrar, the remuneration of any person or persons appointed under S. 37 shall be defrayed out of the funds of the society.

## **CHAPTER V**

### **Duties of Registered Society**

#### **43. Documents to be kept open to inspection.**

In addition to the provisions of S. 41, every society shall keep documents and allow inspection by any member of the society –

- (i) the register of members,
- (ii) the register of the members of the administrative council, if any, and of the managing body, and
- (iii) other books and records of the society.

#### **44. Rights of members of co-operative society with unlimited liability to see accounts.**

The members of co-operative societies with unlimited liability shall have a right to see the accounts of all the borrowers of such societies in the offices of the societies concerned.

**45. Fees for inspection of documents, by-laws, etc.**

Members of co-operative societies on a written application stating the purpose may, on payment of a fee of two rupees for each document on each occasion of inspection, and with the permission of Registrar, inspect any public documents exclusive of documents privileged under Ss. 123, 124, 129 and 131 of the Indian Evidence Act, I of 1872, such as —

- (i) general register,
- (ii) Certificate of Registration,
- (iii) by-laws,
- (iv) amendment of by-laws,
- (v) orders for its cancellation,
- (vi) the annual cash account, balance sheet and revenue account and
- (vii) audit memorandum.

## **COMMENTS**

Under S. 41, every society is required to keep and allow inspection free of charge by any member thereof and such other persons may be prescribed to inspect the documents such as —

- (1) copy of the Act,
- (2) copy of the rules framed,
- (3) copy of the by-laws of the society,
- (4) copy of all rules framed under the by-laws of the society,
- (5) Annual Balance sheet,
- (6) such other Books, Forms, Registers or other documents

as may be prescribed by the Registrar. And under this rule inspection fees of documents etc. have been prescribed.

### **46. Fees for certified copies of documents.**

Certified copies of any documents, which any persons has right under the foregoing sub-rule to inspect, shall be supplied on payment of two rupees for a certificate of

registration of a co-operative society and in case of other documents a sum calculated at the rate of four annas for each hundred words of the copy taken subject to a minimum of rupees two.

## **COMMENTS**

Under sub-S. (2) of S. 41, certified copies may be obtained of the society's by-laws or rules, copies of documents certified to be true copies and under this rule fees for such certified copies have been prescribed.

### **47. 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 R. 48 no society shall incur liabilities from persons who are not members in

excess of the maximum limit fixed from time to time in a meeting of the general assembly subject to the approval of the Registrar.

**48. Restriction of borrowings of society with unlimited liability.**

A co-operative 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 Register.

### **COMMENTS**

Under S. 42, restrictions have been put on borrowing from its members and from non-members of a registered society and specific provisions have been made under R. 48 prescribing restriction of borrowings of society with unlimited liability; under R. 49 restrictions have been prescribed on borrowing of limited liability society; and under R. 50 restrictions are prescribed on borrowing by society.

**49. Restriction on borrowings of limited liability society.**

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.

Provided that -

- (a) the Apex Bank or a Central Co-operative 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;
  
- (b) an agricultural society or a bank financing such societies may with the permission of the Registrar or any person authorised on his behalf and under such conditions as he may impose, incur liabilities for the purpose of advancing seasonal loans to members for production of crops and for financing disposal of producer, 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.

**50. Restrictions on borrowings by societies.**

- (1) *Fixed deposits.* Co-operative societies may accept fixed deposits from members and non-members, subject to such and restrictions and for such periods as the Registrar may deem fit to impose: provided always that efficient management is ensued and that adequate fluid resources are maintained according to the rules prescribed.
- (2) *Saving Bank deposits.* All co-operative societies with limited liability other than agricultural credit societies and other type of societies in rural areas which make adequate provision for fluid resources as provided for in the rules, may accept saving bank deposits both from members and non-members, subject to rules for deposits framed by the society and approved by the Registrar.
- (3) *Current deposits.* No co-operative 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 concern and of its provisions for adequate fluid resources as prescribed under the rules.

**51. Provision for fluid resources or liquid covers.**

Any co-operative society, accepting loans and deposits as provided in the foregoing rules shall keep the maximum fluid resources against loans and deposits held by it according to the following scale -

- (i) 25 per cent of the amount held in fixed deposits and loans due for repayment within the ensuing six months (less the amounts for which written notice of renewal has been received);
- (ii) 33 per cent of the amount held in savings deposits;
- (iii) 60 per cent of the amount held in current deposits;  
and
- (iv) the entire amount of undrawn cash credit granted.

*Explanation.*        **“Fluid resources”** means any assets which can be converted into ready cash at once and which are maintained in one or more 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 Saving 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 the Registrar; or
  - (ii) the Apex Bank or any other Co-operative Bank approved by the Registrar.

**52. Registrar's power to permit a decrease in the proportion of fluid resources etc.**

Under specified circumstances, the "Registrar may, by general or special order, empower any particular society or any class of societies to reduce the proportions of the fluid resources as mentioned in R. 51.

**53. Restriction on issue of loans.**

- (1) *Fixation of maximum liability of a member of credit society with unlimited liability.* Every credit society of unlimited liability shall from time to time, fix in the annual general meeting of the general assembly the

maximum limit so fixed shall be subject to the sanction of the Registrar or 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) *Fixation of maximum liability of a member of limited liability society.* In any co-operative society in which the liability of the members is limited by shares, no loan shall be granted to a member exceeding ten times the amount of the share capital paid by him but not exceeding the limit provided in the by-laws or determined by the annual general meeting of the general assembly-

(a) a society may grant loans to its members up to twenty times the amount of share capital paid up by a member, in case of such loans being issued on mortgage or valuable security, as provided in sub-S. (2) (c) of S. 44 of the Act.

Provisions of R. 53 (2) (a) of the Assam Co-operative Societies Rules, 1953 shall apply in case of Agricultural Credit Co-operative Societies with the modification that up to a loan amount of Rs. 5,000 on mortgage or valuable security will be necessary.

- (b) the Apex Bank or any other financing bank may grant loans to any affiliated co-operative land mortgage bank up to 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 ten 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 the previous permission of the Registrar and under such conditions as he may impose.

### **COMMENTS**

The para under Cl.(a) of sub-R. (2) of R. 53 has been added *vide* Notification No. Co-op. 140/80/Pt./28, dated 24-5-83, (AG-IIA dated 22-6-1983, p. 801).

Under S. 44, restrictions have been imposed on loans from a Registered society and further provisions have been made under this rule.

**53.-A. Interest on short term agricultural loan not to exceed the principal loan.**

Notwithstanding anything contained in any agreement or in any law for the time being in force, a society (other than Land Development Bank) shall not, for any loan given by it to any member for a period not exceeding 15 months in case of short term loan charge on account of interest, a sum greater than the principal of the loan.

**COMMENTS**

Rule 53-A has been inserted vide Notification No. Co-op. 267/80/18, dated the 12th December, 1989 (A. G. part II-A, dated 27-6-90, page 489).

**54. Maximum and normal credit to members.**

A Co-operative society shall determine 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 from such lands during the period of the repayment of the loan, whichever is less.

## **CHAPTER V-A**

### **Privileges of Registered Society**

#### **54-A. Declaration of charge.**

- (1) A declaration to be made under Cl. (b) of sub-S. (2) of S. 46 shall be in Form 'A'.

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 Sub-Deputy Collector, 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 B.
- (3) A charge of any immovable property created by a member in favour of a society for amounts borrowed or likely to be borrowed by him from time to time, shall, subject to the provisions of Cls (b), (c) and (d) of S. 46 continue in force till the person creating the charge ceases to be member of the society.
- (4) When a member of a society creates a charge on his land or his interest on any land as tenant by

declaration, the society may, of 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, utilize 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-R. (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 S. 46 (2).

**54-B. Procedure of registration of mortgage deeds.**

- (1) All mortgages referred to in S. 49-A (1) shall be in the Form C.
- (2) The mortgagor shall execute the deed in triplicate in presence of the Chairman and the Secretary of the Co-operative Land Development Bank or Primary Co-operatives 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 three copies of the registering authority within the local limits of whose jurisdiction whole or any part of the mortgage land is situated within ten days of execution of the mortgage deed.
- (4) The registering authority shall file a copy as provided in S. 49-A (2) 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 S. 49-A (1) shall be kept by the security in Form D.

### **COMMENTS**

A new Chapter V-A, with the heading “Privileges of Registered Society” has been added by Assam Rules VIII of 1975 and these rules, *viz.*, 54-A and 54-B have been newly inserted by virtue of such Amendment Rules. Rule 54-A shall be deemed to have come into force with effect from 1<sup>st</sup> November, 1974.

## **CHAPTER VI**

### **Property and funds of Registered Society**

#### **55. Investment of fund.**

In addition to the provisions made in S. 51, a co-operative society may invest or deposit its funds -

- (i) with the Assam Co-operative Apex Bank limited ; or
- (ii) in the purchase or leasing of land or buildings ; or
- (iii) in the construction on 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
- (iv) in any other manner permitted by the Registrar.

### **COMMENTS**

Under S. 51, specific provisions have been made about the investment of funds and in addition thereof further provisions have been made about such investments under this rule.

**56. Reserve Fund and its subject.**

- (i) 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 indivisible and no member shall have any claim or share in it.
  
- (ii) With the previous sanction of the Registrar, a co-operative 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. Not less than fifty per cent of the reserve fund shall be separately invested every year not to be utilized in the ordinary working of the society subject to R. 58.

**COMMENTS**

Under S. 52, a registered society is required to maintain a reserve fund and further provisions have been made under this rule in respect thereof.

**57. Creation of reserve fund in a society.**

- (i) In every registered society with unlimited liability and without shares not less than three-fourth of the net profits in any year shall be carried to the reserve fund.
  
- (ii) In every co-operative 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 by 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 requires until the proportion is restored.

**58. Use of reserve fund in business of a society.**

A co-operative society may, subject to the approval of the Registrar and to such conditions as he may impose, use in its business —

- (i) up to one-third of its reserve fund when the owned capital is less than the borrowed capital;
- (ii) up to two-thirds of its reserve of fund when the owned capital is equal to or exceeds the borrowed capital; and
- (iii) the entire reserve fund when there is no borrowed capital:

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

**59. Contribution to charitable purposes.**

- (1) *Co-operative Development fund.* After the proportion required by sub-R. (1) of R. 56 above has been carried to the reserve fund from the profits of the year every co-operative society shall, to the manner prescribed, contribute an amount not exceeding  $6 \frac{1}{4}$  per cent of the year's net profits for co-operative education and for such other purposes as prescribed herein, to be

credited to a fund to be called **“The Co-operative Development Fund”** (hereinafter referred to as the Fund):

Provided that if the net profit of any year of a society do not exceed Rs. 200, the society shall not be required to contribute anything towards Co-operative Development Fund for that year.

- (2) (i) The fund shall be administered by a committee appointed by the State Government composed of —
- (a) the Registrar (*ex-officio*);
  - (b) the Deputy Registrar of Co-operative Societies (*ex-officio*);
  - (c) an Economist;
  - (d) a representative of rural credit societies;
  - (e) a representative of trading and consumer societies;
  - (f) a representative of other types of societies ; and

(g) one member of the State Legislative Assembly.

One or two other members connected with the co-operative movement likely to be helpful may be co-opted, if necessary.

(ii) The Registrar shall be the Chairman with the Deputy Registrar of Co-operative Societies as the secretary and Treasurer of the Committee. The Registrar shall frame rules for the detailed procedure of working and disposal of the fund.

(3) Every co-operative society shall, at the close of each co-operative 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 utilized for any one of the following purposes, namely:

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

**60. Charitable purposes.**

A co-operative society may built up a fund and contribute not more than  $6 \frac{1}{4}$  per cent 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 of the Registrar.

**61. Distribution of net profits.**

After making the allocation to the reserve fund as prescribed in Rr. 56 and 59, the remaining “net profits” may be distributed according to the provisions in the by-laws of the society subject to -

- (a) *Payment of dividend on shares.* No co-operative society 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:

Provided that if any co-operative society other than a credit society is unable 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.

- (b) No dividend shall be paid by any co-operative society with shares and unlimited liability without the previous sanction of the Registrar and that the rate of such dividend shall not exceed 6  $\frac{1}{4}$  percent per annum on the paid-up share.
- (c) No co-operative society shall declare a dividend at a rate exceeding that recommended by its administrative council or managing body;
- (d) *Dividend Equalization Fund.* A society may credit in any year a sum out of the dividend allotted under (a) above not exceeding 3 per cent on the paid-up share capital to a fund called the **“Dividend Equalization Fund”** till the total amount in such fund

accumulates to 9 per cent of the paid up share capital:

Provided that except for the purpose of paying a dividend on withdrawals from such fund shall be made without the previous written sanction of the Registrar.

**62. Patronage dividend or rebate.**

- (a) A co-operative society may set apart a certain per cent its net profits as provided in the by-laws for the payment of patronage dividend or rebate to its membership in proportion to the money value of the business transacted by them during the year with the society as buyers, sellers, wage earning producers, or otherwise, if such payment is recommended by the managing body and approved by the general assembly.
- (b) In case advance patronage dividend is allowed to be paid under S. 54. (2), the total amount of such patronage dividend shall not exceed the limit as provided in the by-laws.

**63. Payment of bonus or remuneration.**

A co-operative society may set apart not more than 30 per cent of its net profits as provided in the by-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.

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.

**65. Provision for building fund.**

A co-operative society may create a separate fund out of profits for the purpose of constructing buildings for conduction 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.

**66. Payment of interests on share capital.**

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

## CHAPTER VII

### Audit

#### 67. Explanation of bad or doubtful asset.

Any asset in a society declared as bad or doubtful by an audit officer in his report as provided in sub-S. (2) (b) of S. 54 shall be interpreted in the following manner:

- (a) *Doubtful debt.* If a member fails for three consecutive years without reasonable ground acceptable to the managing committee, to pay at least 25 per cent of each of the installments of principal and interest fixed for repayment of a loan at the time of its issue, then notwithstanding that on an examination of his assets and 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.
  
- (b) *Bad debt.*
  - (i) When the total amount due by a member of a co-operative society by way of principal and [This part of the original printed matter is not visible.] and the amount due by way of arrear interest exceeds three years' demand, such

excess of his total dues including interest over the total assets shall be considered as bad debt. Besides. Where a member has inadequate repaying capacity and he and his sureties have no available assets, the debt shall be termed as bad debt.

- (ii) A debt considered as doubtful if not recovered after action has been taken under Chapter X or S 70 of the Act to recover it or the recovery of which has become barred by limitation shall be considered as a bad debt.

## **COMMENTS**

Under S. 55 it has been specifically prescribed that the Registrar shall audit or cause to be audited the accounts of every Registered Society under liquidation once at least in every year and further provisions have been made in Ss. 56, 57, 58 and 59.

Under sub-S. (2) (b) of S. 54, if any assets in a society is declared as bad or doubtful by an audit officer in his report such doubtful debt shall be interpreted as provided in R. 67 and procedures for writing off of bad debt have been prescribed in R. 68. Section 57 deals with the nature of audit and R. 70 deals with the procedure of audit. Rule

73 prescribes the audit fee and under R. 74, provisions have been made for collection and assessment of audit fees. Further provisions have been made under Rr. 75, 76, 77 and 78 regarding audit.

**68. Writing off of bad debts.**

- (1) Best proceeding to take action to write off any asset considered bad, is that all possible steps shall be taken by the managing committee including amicable persuasion, action under Chapter X or S. 70 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 -
  - (i) the bad debt fund or any fund created out of profits as provision for bad debts;
  - (ii) any other fund created out of profits but not earmarked for any specific purpose;
  - (iii) the reserve fund constituted under Rr. 56 and 59.
- (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.

**69. Date of audit of co-operative society.**

Unless the Registrar directs otherwise for any society or class of societies, the annual statutory audit as provided in S 55, shall be conducted and the audit report shall be submitted -

- (i) in case of a primary agricultural credit society, within nine months, and
- (ii) in case of any other society, within six months from the date of the close of the co-operative year.

**70. Procedure of audit.**

- (1) Unless the Registrar directs otherwise the audit of a co-operative 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 Cls. (i) (ii) and (iii) of S. 57, 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 Ss. 58 and 59.
- (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.

**71. (1)** When the annual audit of a co-operative society is completed, the audit officer will record a certificate in the cashbook 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 of accounts audited and the audit report with

the statement as required under S. 58 shall be sent within a week to the society for record”.

- (2) The audit certificate in the balance sheets of the audit officer shall be in the following form:

“I report 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 informations and explanations I required. In my opinion the balance sheet and the profits and loss account have been drawn up in conformity with the law and subject to my separate report of even date, the balance sheet exhibits 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.”

## **72. 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.

**73. Audit fee.**

- (1) (a) For the purpose of audit, the physical stock taking shall be done by appropriate co-operative societies to ascertain the actual value of the stock as it stands on the last date of the operative year, as may be fixed by the Registrar of Co-operative society.
  - (b) Any reference to co-operative ..... [This part of the original printed matter is not visible.]
- (2) Every registered society shall be assessed audit fees at the rate and in the manner as prescribed in sub-Rr. (3) and (4) of this rule and such fees shall be collected at the time of audit for the year to which the audit relates.
- (3) Audit fees of a registered society shall be assessed on the net working capital of the society as it stood at the close of the previous year which shall include (a) share capital, (b) deposits, (c) borrowings, (d) undistributed profits and all other funds of the society utilised in the business of the society.
- (4) Audit fees of registered society or a class of registered societies shall be assessed at the following rates :-

- (a) Primary Credit Societies — at annas 8 per one hundred rupees subject to a maximum of Rs. 150.
  - (b) All other co-operative societies — at Re. 1 per one hundred rupees subject to a maximum of Rs. 5,000 unless the society has regional branches in which case in which case the maximum shall be Rs. 10,000.
- (5) 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 these Rules.

## **COMMENTS**

Sub-rule (1) of R. 73 has been substituted vide Notification No. Co -op. 21/87/30, dated 6-5-1986.

### **74. Collection and assessment of audit fees.**

- (1) An auditing office on completion of the audit of a registered society shall cause to be filled up the relevant columns of the "Return of audit fees" by the Secretary or the Manager of the society in 6 copies in Form No. 1 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 11 Form No. 1 then and there and 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 be realised under 83 (10) of the Act S. 83(1) of the Act.
- (3) The auditing 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 "XXXI — Co-operative — I — Audit fees"
- (4) The auditing officer, after filling up the relevant columns of the remaining 5 copies of the "Return of Audit fees" and certifying the particulars to be correct, shall forward 4 copies thereof together with the receipted copy of the treasury challan to his Regional Auditor.
- (5) The Regional Auditor on receipt of the 4 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 4 copies of the "Return of Audit Fees" the Regional Auditor shall forward one copy to the Chief Auditor, one copy to the society concerned one copy to the

auditing 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 audits fees to be realised or any refund to be made the society, he shall not the fact in the “Remarks column” of the “Return of Audit Fees” to be added on adjusted, as the case may be, in the following years return.
- (7) The regional Auditor shall maintain a “Register of collection of Audit Fees” in Form No. 2 annexed to these rules to be complied 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.

**75. Chief Auditor.**

- (1) The Chief Auditor of Co operative Societies shall record copies of the “Return of Audit Fees” received by him from the Regional Auditor in separate files for each sub divisional and shall maintain a Register in Form No. 2 annexed to these Rules in the same manner as prescribed in R. 74 (7). He shall be

responsible for the due and correct collection of audit fees throughout the State.

- (2) The Chief Auditor of Co-operative Societies shall be responsible for reconciling the statement showing the receipt of audit fees received from the Comptroller, Assam, in case of any discrepancy in the figures in the 'Register of Collection of Audit fees' and to the figures shown by the Comptroller.

**76. 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 consider necessary.

**77. 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 other standard as may, from time to time be laid down by the Registrar –

- (i) "A" Class – Societies which are well managed, keep their accounts neatly and correctly, have built up a strong financial position, observed co-operative principles, have a Co operative outlook in all their

dealings and do not require outside guidance or supervision and further enforce punctual recovering of dues from members with complete loyalty assured for all members.

- (ii) “B” class – Societies which may contain certain of defaulting members, their accounts are not entirely faultless but have displayed a certain amount of cooperative spirit with a general desire for self-improvement, self help and thrift. Outstanding of dues should not be more than 25 percent of the total.
- (iii) “C” Class – Societies where bye- laws and rules and not proper observed, management in not satisfactory, the financial position is weak and overdues exceed than that of “B” class buy within 50 percent of the total outstanding, and
- (iv) “D” class – Societies which fail to show any activity, have forfeited the confidence of creditor where the overdues are more than 50 percent and they do not show any chance of improvement to class “C” within 2 years of such classification, but where should be considered for liquidation.

**78. 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 the six month at the latest.
  
- (2) The statements of accounts shall be prepared by the auditing staff in such forms as the Registrar may approve.

## **CHAPTER VIII**

### **Inquiry and inspection**

#### **79. Procedure of enquiry under S. 60 and inspection under S. 61.**

- (1) Unless the Registrar otherwise directs, the enquiry regarding the affairs of a co-operative society under S. 60 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 inspecting 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 S. 60 or S. 61.

- (4) (i) The registrar or any person authorized by him under Ss. 45, 55, 60, 61 and 75 of the Act shall have power to require by summons the production at a convenient place of any books, documents or accounts relating to the affairs of society or of cash belonging to the society by the person in possession of such books, documents or cash .
- (ii) Such summons may be sent by registered post or served in the manner prescribed by R. 98 (2).
- (iii) Any person duly summoned under Sub -R (i) above to appear or to produce any document or cash shall be libel to the same penalties as provided in R. 105.

**80. Inspection of affiliated societies by members of the paid staff of financing bank.**

A member of the paid staff of a financial bank may be certified as competent to inspect co-operative societies if he —

- (i) is a regular employee of the bank and has received training in institution or in any other way approved

by the Registrar adequate for supervising and inspecting, and

- (ii) Possesses such qualification as the Registrar may from time to time require.

## **CHAPTER IX**

### **Settlement of dispute**

- 81.** A dispute referred to under S. 63 shall include claims by a co operative society for debts or any debts of any other demand due to it for a member or post member or the heirs or assets of a post member or from other as provided in sub-Ss. (a), (b) (c) and (d) of s. 63 whether such debts or demands be admitted or not. :

Provided, however, 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 proceeding 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 proceeding, the Registrar shall take action as prescribed in S. 64.

**82. Disputes and appointment of arbitrators.**

- (1) When the Registrar decides to refer to a dispute made under S. 63 for disposal to a Board composed of more than one arbitrator, he shall —

- (i) issue a notice calling on each of the parties to nominate one person as its nominee within such time as he may direct and where a party consists of more than one person shall jointly make only one nomination.
  - (ii) shall nominate the third arbitrators, he shall act as Chairman.
- (2) In case of difference of opinion between the two arbitrators, the Chairman's verdict will 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 a arbitrators fails to attend or refuses to work as an arbitrator, the remaining arbitrators shall refer the case to the Registrar who shall cancel the appointment of the arbitrators, and may either —
  - (a) constitute a new Board under sub -S. (1) (b) of S. 64 and sub- R. (1) above; or
  - (b) appoint only one arbitrator; or

- (c) decide the case himself by making an award in the manner as provided in Rr 88 and 89.

**83. Persons qualified to be appointed as arbitrators.**

The Registrar may appoint an Arbitrator or Arbitrators from —

- (i) officers of the Co-operative Department;
- (ii) officers of any other department of Government ;
- (iii) members, officers, or paid employees of co-operative societies;
- (iv) members of any local body;
- (v) teachers of any educational institutions; or
- (vi) registered accountants.

**84. Payment of remuneration to arbitrators.**

- (a) Remuneration may be paid to arbitrators in such cases as the Registrar thinks proper.

- (b) Remuneration to the arbitrators will be fixed by the Registrar subject to minimum of five rupees and maximum of fifty rupees to each arbitrator in each case, payable from the fund of the society and realizable as cost against the party or parties against who any sum would be found due by the arbitrator or the chairman.
  
- (c) When any remuneration is to be paid to the arbitrators it shall be deposited with the Registrar by the society concerned in such manner as he may direct before the arbitrator is appointed.
  
- (d) No remuneration shall be payable to an arbitrator till the dispute referred to him is decided.

**85. 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 funds of the society, or by such 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.

**86. Reference of a dispute.**

A reference to the Registrar of any dispute under S. 63 shall be in writing and shall be accompanied by –

- (a) Statement of the subject-matter of the dispute referred to, in the form as set forth in the Schedule;
- (b) A statement of the claims in the form as set forth in the Schedule;
- (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.

**87. Fee for filing a dispute.**

Every application for reference of a dispute to the Registrar under S. 63 shall bear a court-fee stamp of one rupee, unless the Registrar permits otherwise.

**88. Procedure of disposal or dispute.**

- (1) In such proceeding, the Registrar or him nominee or the arbitrator appointed under Sub – S. (1) (b) of S. 64 shall fix the date, hour and the place of the hearing of the dispute and issue notices to the

parties concerned in form as set forth in the Schedule. The arbitrator shall have power to appoint or remove guardians and next friends.

(2) The arbitrator may issue summons or notices at least fifteen day before the date fixed for the hearing of the dispute requiring —

(a) The attendance of the parties concerned and of witnesses;

(ii) The production of all books and documents relating to the matter in dispute; and

(iii) shall have the power to administer oaths of all parties concerned.

(3) Summons or notice may be served by -

(i) personal service through the Chairman or the Secretary or a member of the staff of the society or any of the disputes; or

(ii) registered post with acknowledgement due; or

(iii) 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 serviced on that society.
- (5) Where the serving officer delivers or tenders a copy of the summons personally to the person summoned or to an agent or any other person on his behalf, he shall require the signature of the person to whom the copy is so delivered or tender 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 Cls. (i) and (iii) of sub-R. (3), cause to be endorsed 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, in 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 issued 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 neither party shall be represented by any legal practitioner

**89. 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 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 in the form as set forth in the Schedule and date in and shall communicate it to the parties concerned
- (2) If no award is made immediately, upon the conclusion of the hearing 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 on the date so fixed.

- (3) The award shall be communicated to the parties by -
- (i) Pronouncement of the award ;or
  - (iii) Registered post to any party absent on such date.

**90. Withdrawal of reference by the Registrar.**

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

**91. Execution of decision or award.**

- (1) In any dispute other than a claim in respect of any sum payable to or by a co-operative society, the decision or the award of the Registrar or his nominee or the arbitrator shall be enforceable by any 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 excited

except against the assets of the society, including amounts due to the society by its member.

- (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 a Co-operative Demand Certificate under S. 83, if the amount has not been realized within two months from the date of the award.
- (4) When the Co-operative Demand Certificate is received from the issuing office duly signed, it will then be submitted to the head of the local administration having jurisdiction, for the recovery of the amount as arrears of land revenue.

## **92. Disposal of records.**

- (1) The original records of dispute proceeding 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.

**93. Certified copy.**

A copy of the decision or 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 a maximum limit of four annas for each hundred words or a part thereof.

**94. Procedure for conditional attachment of property.**

- (1) An application for a conditional order of attachment under sub-S. (3) of S. 64 shall be made to the Registrar and shall contain —
  - (a) evidence in support of the contention that the party is about to dispose of the whole of any part of his property or is about to remove the whole or part of his property from the local limits of the jurisdiction of the Registrar; and
  - (b) full details of the property to be attached, its estimated value and the claim of the society,
- (2) The Registrar on receipt of an application for a conditional order of attachment, if he is satisfied to the bona fides of the application, may make an order of conditional attachment of the property as specified in the application.

- (3) The Registrar may, in the order direct the conditional attachment of the whole or any portion of the said property so specified.
- (4) Order of attachment, if any passed by the Registrar shall be served by such person as the Registrar may empower. The person so empowered shall follow the procedure laid down in Order XXI of the First Schedule to the Code of Civil Procedure, 1980.
- (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 be reduced to the form set forth in the Schedule.

## **COMMENTS**

Sections 60 and 61 deal with enquiry by Registrar in to the constitution working and financial condition of a registered society and also inspection of such society by the Registrar or any person authorizes by him in the behalf and procedure of such enquiry under S. 60 have been prescribed under R. 79.

Rules 81 to 94 deal with settlement of disputes attaching the business of registered society, other than dispute regarding disciplinary action by a society against an

employee of the society, or of the liquidator of society, Under S. 63 provisions have been made for reference of dispute and under S. 64: provisions have been made for settlement of dispute being referred as such under S. 63. Under R. 82 provision have been made about the appointment of arbitrators; R. 83 proscribes about the persons qualified to be appointed as arbitrator; R. 84 prescribes about the payment of remuneration to arbitrators; R. 85 proscribes about the experience of disputes referred to the Registrar; R. 86 prescribes about the references a dispute under S. 63 of the Act; R. 87 prescribes fee for filing such dispute: R. 88 prescribes procedure for disposal of disputes; R. 89 proscribed about the decision or award on the adjudication of such dispute ; R. 90 prescribed for withdrawal of a reference by the registrar for reasons to be recorded in writing ; R. 91 prescribed the procedure for execution the decision or award , being enforceable by any civil court . Under sub-S. (3) of S. \* the Registrar may direct conditional attachment of the properties, pending adjudication settlement of disputes referred under S. 63 and procedure to such conditional attachment of property have been prescribed under R. 94.

Sub-rules (2), (3) and (4) of R. 94 have been substituted by Assam Rules VIII of 1975. The sub-rules so substituted were as follows:

- “(2) The Register on receipt of an application for a conditional order of attachment may direct the defendant, within a time to be fixed by him either to furnish security, in such sum as may be specified in the order to produce and place at the disposal of the Registrar, when required the said property or its value, or such portion there of as may be sufficient to satisfy the decision or to appear and show cause why he should not furnish security.
- (3) Order of attachment, if any passed by the registrar shall be served by such person as the Registrar may empower. The person so empowered shall follow, as far as possible, the procedure laid down in Order XXI of the First Schedule to the code of civil procedure, 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.”

Sub- rule (1) (a) of R. 94 has been substituted by Assam Rule VIII of 1975 and the old sub-R (a) ran as follows:

- “(a) evidence in support of the contention that the party is about to dispose of the whole or any part of his property or is about to remove the

whole or part of his property for the local limits of the jurisdiction of the Registrar, and that the party has failed to furnish additional security even on demand; and”

## **CHAPTER X**

### **Dissolution of society**

#### **95. Obligatory cancellation of registration.**

The Registrar shall cancel the registration of society under sub-S. (2) (i) and (ii) of S. 65 which –

- (i) has not commenced working within a period of twelve months from the date of registration; and
- (ii) has not carried on business during the previous eighteen months after given the society a notice in writing in such manner as he thinks fit.

#### **96. Remuneration of liquidators.**

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

**97. Procedure of taking over charge and preparation of final balance sheet.**

The liquidator while taking over charge of the dissolved society as provided in Ss. 65(3) and 66 (2) shall -

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

**98. Issue of summons, notice, etc, by a liquidator.**

- (1) For carrying out the purposes of S. 66 the liquidator may issue summonses to persons whose attendance is required either to give evidence or to produce documents. He may compel the attendance of any person to whom summons have been issued and for that purposed issued a warrant for his arrest.
- (2) The liquidator shall send all such notices, summons or warrant for service to the District, Sub divisional and Political Officers concerned. He may also send such notices and summons by registered post
- (3) The District, Sub divisional or Political Officers on receipt thereof shall proceed as if such notice, summons or warrant had 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 obligation and liable to the same penalties as in the case of summons issued by the court under the provisional of the code of Civil Procedure, 1908.

- (5) *Liquidator to keep notes of deposition.* 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 noting the name of the members, past members and heirs of the deposed members of the society and the amount to be realised for each as debt contribution under Cl (c) and (d) of S. 66, the cost of liquidation under Cl. (e) of the same sub-section.
- (7) All orders relating to fixation of contribution 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 co-operative Demand Certificate. According to the provisions of S. 83.
- (9) *Recovery of contributions and debts due.* The liquidator shall prepare co-operative Demand Certificate under S. 83 in duplicate and forward the same to the Registrar or such officer as may have powers delegated to him in this behalf for signature. One copy shall be retained by issuing officer and the other copy will be returned to the liquidator who will then submit it to the Deputy Commissioner, Sub-Divisional Officer or Political 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 public of the liquidator to that effect separately, and accompanied by a copy of the notice as required in the con operative 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) *Proceeding to be recorded in the order sheet.* All proceedings and transaction of the liquidator in connection with the liquidation proceedings shall be recorded in the order sheet in prescribed form

**99. Distribution of assets and priority of claims.**

- (1) All Government dues including audit fees and all costs, charges and expenses incurred in the winding up to the society, including the remuneration or 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 will submit to the Registrar his proposal for the distribution of the assets, if any, left with him for employment in the following order of priority —
- (i) all loans including those from Central and Apex Bank;
  - (ii) deposits from non-members; and
  - (iii) deposit from members.
- (3) After the liabilities mentioned in sub-Cl. (2) are paid off, the assets in any, left with the liquidator shall be employed in refunding share capital and divided on shares, if any at a rate not exceeding 6¼ per cent per annum payable as shown in the final balance sheet.

**N. B.-** (a) payments shall always be made ratably on a *pro-rata* basis.

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

**100. Termination of liquidation proceedings obligatory on the Registrar in certain case.**

The liquidation proceeding of society shall be closed within a period of three years from the date from which the cancellation of registration taken effect, unless the period is extended by the Registrar:

Provided that the Registrar shall not grant any extension or period exceeding one year at a time 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 on which these rules come in to operation.

**101. Disposal of the records of liquidation proceedings.**

After the expiry of three years from the date of the order of the Register under S. 68 for the close of the liquidation proceedings and direction to the liquidator to deposit records, the Registrar may order the destruction of records.

## **COMMENTS**

Rules 95 to 101 prescribed the provisions of dissolution of a registered society. Such provision has also been made under Chapter XI of the Act covered by Ss., 65 to 69.

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## **CHAPTER XI**

### **Recovery of sums due and enforcement of obligations**

#### **102. Charge and Surcharge.**

- (1) When the Registrar holds an enquiry under S. 71, he shall draw up proceedings against any member, officer, employed, past or present, of the society concerned showing the charges against him and shall —
  - (i) supply the person concerned with a copy of the proceeding and a summary of the evidence which *prima facie* appear against him;
  - (ii) call on the person concerned to furnish his explanation by a specified date;
  - (iii) allow him an opportunity to look in to relevant records of the society if required for furnishing an explanation of charges included in the proceedings drawn up against him;

- (iv) receive and record such evidence may be adduced;:
  - (v) record a decision .
- (2) (a) The Registrar passing any order in writing under sub-S (3) of S. 71 of the Act requires such member, officer or employee which found liable to pay a sum not exceeding Rupees fifty with interest to the society by way of compensation in respect of any payment or loss or failure to restore any property .
- (b) 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-S (3) of S.71 of the Act.

**102-A.**     **I.**     *Procedure for appointment for distrainer.* On receipt of an application from a co- operative society signed by the Secretary duly authorized by the Managing Committee in this behalf setting forth full particulars of the property required to be distrained, the Register shall, if satisfied that the particulars set forth in the application are correct, appoint the distrainer who shall be an Officer of the Co operative department not below the rank of Senior Inspector/Auditor of Co-operative Societies:

Provided that no detrainee shall be appointed unless the application deposits such for crust of the distraint and sale, as the Registrar may direct.

**II.** *Powers and functions of the distrainer.*

(1) The distrainer on appointment shall serve on the defaulter a written demand specifying the amount for which at distraint is made, in the form set forth in the schedule. The demand shall be dated and signed by the distrainer and shall be served on the defaulter by delivering a copy to him or some adult member of his family at his usual place of abode, or when such service cannot be effected, by affixing a copy of the demand on some conspicuous part of the abode and of his land.

(2) simultaneously with the service of the notice the distrainer shall cause the property specified in the application to be attached by affixing an order of attachment in the form set forth in the Schedule:

- (a) where such produce is growing crop on the land on which such crop has grown; or
  - (b) Where such produce has been cut or gathered on the threshing floor or place for trading out grain or the like or fodder stack on or chain it is deposited; and another copy in a conspicuous manner on the outer door of the premises where he resides or works or is known to have last resided.
- (3) Where agricultural produce is attached, the distrainer shall make such arrangement for the custody thereof, as he may deem sufficient.
- (4) Subject to such conditions as may be imposed on the distrainer the defaulter may tend, cut gather and store the produce and do any other act necessary for maturing or proving it if the defaulter fails to do all or any such act the distrainer may do all or any of them, either by himself or by any person appointed by him in this behalf and the cost incurred by the distrainer shall be

recoverable from the defaulter, as if they were included in, or formed part of, the order of attachment.

- (5) Agricultural produce, attached as a growing crop, shall not be deemed to have ceased to be under attachment or to require re-attachment, merely because it has been served from the soil.
- (6) Crops which are perishable and do not admit of being stored may be sold before they are cut or gathered.
- (7) No distraint shall be made before sunrise and after sunset.

***III. Sale of distrained property.***

- (1) If within seven days from the date of service of the demand notice the defaulter does not pay the amount for which a distraint has been affected, the distrainer may sell, in auction the distrained property or such part hereof in one or more lots as may in his opinion, be necessary to satisfy the demand together with the expenses of the distraint and the cost of the sale.

- (2) Before a sale is actually made, the distrainer shall make proclamation of the time and place of the intended sale by beat of drum in the village in which the defaulter resides or the produce is kept and in such other place or place as the distrainer may consider necessary to give due public to the sale:

Provided that the sale may be made in the nearest bazar or other place of public resort if the distrainer is of opinion that better price is likely to be obtained there.

- (3) The sale shall be made to the highest bidder who shall be required to pay at least fifty percent of the purchase money in cash immediately and the balance within a period not exceeding five days and the purchaser shall not be permitted to carry away part of the property until the full amount of the purchase money is paid.
- (4) If the purchaser fails to pay the balance of the purchase money the amount already paid by him shall be forfeited to

the society and the property shall be re-sold. Any deficiency of the price which may ensue from the expenses connected with such re-sale shall be certified by the distrainer and shall be recoverable as follows:

- (i) from the amount paid by the defaulting purchaser and forfeited to the society;
  - (ii) the balance, if any from the defaulting purchaser, through a civil court having competent jurisdiction.
- (5) No distrainer or any person employed by or subordinate to him shall purchase either directly or indirectly, any property distrained and put up for sale under these Rules.
- (6) From the proceeds of such sale, a deduction, at the rate not exceeding six paise in a rupee, may be made on account of the cost of the sale.

- (7) Balance of the sale proceeds shall be distributed as laid down hereunder on priority basis:
- (a) other expenses incurred in connection with the distraint ;
  - (b) dues of the society for which the distraint has been made ;
  - (c) balance, if any, to the defaulter.
- (8) If at any time before the sale taken place the defaulter or any person on his behalf deposits with the distrainer or the society concerned, the amount for which the attachment was made together with such costs as may have been incurred up to the date of deposit for causing the distraint, the property attached shall be released.

**IV. Investigation of Claims, etc.**

- (1) Where any written claim is preferred by any person other than the defaulter to any right or interest in the distrained property, the distrainer may, after being *prima facie* satisfied with the claim on

payment of rupees ten, refer the claimant to the Registrar and may stay the sale and shall also inform the society of the claim.

Provided that if the property distrained is of a perishable nature he shall forthwith sell the property after intimating the claimant the date and the time of such sale and keep the sale proceeds in custody

- (2) The Registrar, on receipt of a claim to a distrained property, shall forthwith notify the distrainer and also the society of such claim and may state the sale.
- (3) The Registrar shall investigate the claim and pass such order as he thinks fit and proper and communicate his orders to the distrainer who shall act accordingly:

Provided that if the claim is not sustained, the deposit of rupees ten mentioned in sub R (1) shall be forfeited and paid to the society.

- (4) If no application is made to the Registrar within seven days of the date of the

claim made under sub -R. (1) if any the distrainer shall with out further delay, proceed with the sale.

## **COMMENTS**

This rule has been newly inserted by Assam Rules VIII of 1975.

### **103. Gross negligence.**

The following matters shall be deemed to be gross negligence within the meaning of Cl. (b) of sub-S (1) of S. 71.

- (i) investment, custody and employment of funds contrary to the provisions of the Act, rules or by-laws or any written direction of the Registrar given in accordance there with;
- (ii) failure to remedy audit defects and irregularities in times when directed by the Registrar under S. 59; and
- (iii) failure to file disputes against defaulters and to execute any decree or award within the period of limitation.

**104.** If a registered society or an officer or member or employees or agents thereof contravenes any of the provision of these rules, he shall be punishable with a fine, which may extend to fifty rupees for every offence.

## **SCHEDULE**

[Rule 5 (1)]

**Form of application for the registration of a Co-operative  
Society with limited / unlimited liability under S. 11 of the  
Assam Co-operative Societies Act, 1949  
(Assam Act 1 of 1950)**

To

The Registrar of Co-operative Societies, Assam,  
Shillong (Assam)

Dated ..... the .....19

Sir,

We apply for registration of the society mentioned herein a  
Co-operative society with limited / unlimited liability under S. (2)  
of the Assam Co- Operative Societies Act, 1949 (Act 1 of 1950).

1. The name of the proposed society.....
2. The registered address of the society is Village /  
Town, Post office..... Mauza / Chowkidari Circle,  
Thana ..... Sub division ..... district .....

3. The liability of the member shall be limited/  
unlimited.....
4. The area of operation .....
5. The object of the society .....
6. Language in which the books and account will be  
kept .....
7. Four copies of proposed by-laws signed by president  
of the inaugural meeting are sent herewith .....
8. Each member shall pay an admission fee of .....  
and subscribe to at least one share on nominal value  
of Rs.....
9. A copy of the proceeding of the inaugural meeting of  
the proposed society is enclosed herewith .....
10. Three copies of the application for registration with  
signature of the applicants and particulars as  
requires, are submitted in the prescribed form .....

(2) Further we, the undersigned, hereby agree to the Memorandum of Association and also agree to conform to the conditions of the Assam Co-operative Societies Act, 1949 (Assam Act I of 1950 and rules that are made thereunder.

		Serial No.
	1	
	2	Name of the applicant for registration.
	3	Fathers / Husbands name of the application.
	4	Age of the applicant.
	5	Residence of the applicant And postal address.
	6	Occupation of the applicant.
	7	Number of shears subscribed.
	8	Signature of the applicant.

## Form of Certificate of Registration

[Rule 6 (3)]

Certificate of Registration No.....of  
19.....in the office of the Registration of Co-operative  
Societies, Assam.

Under

Assam co operative Societies Act, 1949 (Assam Act I of 1950)

In the matter of the application of ..... and  
others for the registration of a co operative society at .....  
village ..... P. O..... P.S. .... In the Sub-division  
..... district of .....

I do hereby certify that pursuant to S. 11 (2) of the Assam  
Co-operative Societies Act, 1949 (Act I of 1950), the said society  
has been registered in my office as a co-operative society with  
limited / unlimited liability under the title of the .....  
and number as No .....of .....19..... dated this the  
day of..... of the year one thousand nine hundred and  
..... *Anno Domini*.

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

3. The following is the area of operation of the society :

Registrar of Co-operative Societies, Assam

**Form of application for the registration of amendments of  
by-laws of a registered society**

[Rule 10 (1)]

To

The Registrar of Co-operative Societies, Assam  
(Through the Assistant Registrar of Co-operative Societies, .....)  
(Through the Inspector of Co-operative Societies, .....)

Dated .....the .....19

Sir,

We, the undersigned, beg to enclose herewith –

1. the proposed amendment of by-law No.....
2. Resession by-law No ....
3. a complete amendment substituting entire set of by-laws in supersession of all previous by-laws

In triplicate / quadruplicate the marginally noted amendment of the by-laws of the .....at village.....P.O.....P.S..... Sub-division ..... in the district of.....and to apply for registration of the amendment under S. 13 (2) of the Assam Co operative Societies Act, 1949 (Assam Act I of 1950). The necessary particulars about the meeting of the general assembly at which the amendment was passed are noted below :

- (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 member present at the meeting .....
  - (4) Number and member who voted in support of the amendment .....
  - (5) Number and name of member who vote against the amendment.....
- (b) For reasons noted below the quorum required under R. 10 (i) could not be secured.

We certify that adoption of the amendment of the by-laws would be in the interest of the society, and that such amendment has been duly approved by the general body of members.

Signature of

- Chairman .....
- Secretary.....
- Members of the Managing Committee
- (1)
- (2)
- (3)

**Certificate of registration amendment of by-laws**

[Rule 10 (3)]

In the office of the Registrar of the Co- operative Societies, under the Assam Co-operative Societies Act, 1949 (Act of 1950).

I do hereby certify that pursuant to the Assam Co operative Societies Act, 1949 (Act I of 1950). The amendments shown in the enclosed document on the by-laws of the ..... co operative society registered under the aforesaid Act on the ..... day of ..... 19 ..... under No ..... in the district of ..... has been duly registered the following is the area of operation of the society :

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

Complete amendment of previous by-laws.....

Partial amendment of by-laws Nos. ....

Registrar of Co-operative Societies, Assam

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

## FORM A

### Declaration under S. 46 (2) of Assam Co-operative Societies Act, 1949

[See Rule 54 -A]

I ..... age ..... son/wife of  
.....of village .....  
Thana .....District. ....having been admitted to the  
membership of .....Society Ltd,..... and  
being desirous of borrowing loan from the society / having  
borrowed loan from the society make this declaration as  
required by S. 46 (2) of the Assam Co-operative societies Act, 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 the 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 future advances if any, which the society may  
make to me subject to the maximum amount of  
Rs.....together with interest on subject  
amount of loan and advances.

## Schedule

Name of the declarant	Name of the owner (in case of interest inland)	Mouza	District	Village	Patta No.
1	2	3	4	5	6

Dag No.	Area	Boundaries	Land Revenue	Approximate Value	Encumbrances, If any		Remarks
					Nature	Amount	
7	8	9	10	11	12	13	14

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.

Attested by

Applicant's Signature  
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 its records.

\_\_\_\_\_  
Chairman of the society

Secretary

Returned with compliments to the Chairman .....

The charge created under the declaration is duly included  
in the Record of Rights on the ..... day of .....  
One thousand nine hundred nine hundred and .....A.D.

Sub-Deputy Collector /  
Assistant Settlement officer

**FORM B**  
**Register of declaration made under S. 46 (2) of Assam Co-  
operative Societies Act, 1949**

1	Serial No.	<div style="border: 1px solid black; padding: 10px; margin: 0 auto; width: 80%;"> Encumbrances, if any </div>
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 Mouza	
8	Name of Revenue Circle	
9	Name of District	
10	Patta No.	
11	Dag No	
12	Boundary	
13	Area	
14	Amount of land revenue	
15	Approximate value	
16 (a)	Nature	
16 (b)	Amount	
17	Amount of maximum loan required by declaration	
18	Remarks	
19	Initial of the Chairman	

**FORM C**

**Form of the Mortgage deed**

[See Rule 54-B]

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 Mortgage Bank Ltd, bearing No.....(hereinafter called the “Mortgagor” which expression unless excluded by or repugnant to the context shall be deemed to include his heirs, executors, administrators, legal representative and assigns of the one part; and the. .... Co-operative society Ltd. / land Mortgage bank Ltd. ....(hereinafter called the “Mortgagee” which expression unless excluded 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 mortgage for a loan accommodation of Rs .....(Rupees.....) on the securities described 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 witness as follows:

1. The mortgagor hereby mortgages to the mortgagee by way of simple mortgage 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 whereof the said mortgagor hereby acknowledges) in the manner herein mentioned, together with interest accruing therein and other charges incidental to the disbursement and recovery thereof .
2. That than will be repaid within.....years in annual equal / equated installments. The first installment to commence..... within.....year/ years of the drawl of the loan. Annual installment 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 amount; Provided however, that is shall be lawful for the mortgagor to change the rate of interest payable under these present and consequently to charge the amount of installments payable by the mortgagor to the mortgagee under these presents.

The annual payment shall be made on or before the date fixed for the purpose by the mortgagor in each year. If any installment 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 default or when the loan is for closing under the by-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 Board of Directors/Managing Committee may consider expedient and enjoy the rent and profits arising there from 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 land 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 supervising staff, the officer of the Co-operative Department and duly authorised officer 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 installments 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 land or any part thereof laying due at the time whether it is due or not according to the stipulation herein obtained.
7. All installment shall be repayable on due dates. In case of default of any installment in part or in case on 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 loan 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 mortgage.
9. That in consideration 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 bellowing to him which are free from the encumbrance 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 litigation ensues concerning the property mortgaged and the mortgagee suffers any loss hereby 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 mortgage or otherwise with 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 with 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 charges herein before 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 herein before 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 whereof 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.		

Duly executed in our presence

Chairman

Secretary

Seal of the Society

Forwarded in triplicate to the Sub-Registrar .....for favour of filing one copy in the book No.1 prescribed under S. 51 of the Indian Registration Act, 1908 and return other two copies.

Secretary

Returned after compliance to the Secretary.

The document had been filled in volume No.....

and numbered as.....

Sub- Registrar

**FORM D**

[See Rule 54 -B (6)]

**Register of Mortgages**

1. Serial No .....
2. Name of the Mortgagor.....
3. Father's name.....
4. Date of execution of mortgage deed.....
5. Name of village where land is situated.....
6. Name of Mauza.....
7. Name of Sub-Registers officer.....
8. Dag No.....
9. Patta No.....
10. Boundary.....
11. Area .....

12. Amount of the land revenue.....
13. Approximate value .....
14. Amount of Loan.....
15. Date of submission to the Sub-Registrar.....
16. Registration No. and date as indicated by Sub -Registrar....
17. Remarks .....

**Form of Notice of Demand by Distrainer**

[See Rule 102-A]

To

Shri .....

.....

Whereas on the.....day of..... your borrowed Rs.....from the.....Co-operative Society Ltd, and whereas you have failed to pay the society the sum of Rs.....as principal and Rs.....as interest thereon (total Rs.....), You are hereby required to pay the sum of Rs.....immediately. Your failure to do so will result in produce of the land on which you have created a charge, being distrained and sold for the purpose of the said sum in addition to other lawful steps that may be taken against you.

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

Distrainer

**The order of attachment of Property**

[See Rule 102-A]

To

Shri .....  
.....

Whereas on the.....day of.....you borrowed Rs .....from the Co-operative Society and as you have failed to pay the Co-operative Society the sum of Rs. ....Principal Rs. ....and interest, total Rs.....it is ordered that you the said ..... be and you are hereby prohibited and restrained until further orders from transferring or charging the property specified in the schedule hereunto annexed by sale, gift or other wise and that all person be and they are hereby prohibited from receiving the same by purchase, gift or other wise.

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

**Schedule of Property**

- (1) Name of Mauza.....
- (2) Name of village.....
- (3) Patta No .....
- (4) Dag No.....
- (5) Description of property detained....

Distrainer

**FORM NO. 1**  
**Return of audit Fees**

[Rule 74 (a)]

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 working capital to the nearest hundred rupees [See R.36 (3)], i.e., item 5 *minus* item 6.....
8. Rate of Audit Fee per hundred of rupees [See Rule 36 (4)]
9. Provisional assessment of Audit Fee—payable to the nearest rupee.....
10. Deduction or addition on account of previous year's over or under payment (See item 14 of previous years assessment.....)

11. Total amount due (Items 9 and 10).....
12. Amount paid *vide* Receipt and Challan (Give Nos., and dates) to be filled in by auditing officer...
13. Final order of assessment by Regional Auditor.....
14. Remarks of Regional Auditor to state amount of refund or extra payment due in next years audit).....

Submitted to the Auditor of Co-operative Societies.....

(Though the Co-operative Branch of the development office).....

Dated.....19.

Secretary of the Society

**FORM NO 2**

[Rule 74 (7)]

**Register of Collection of Audit Fees**

(To be maintained by the Chief Auditor and Auditors, sub-division by sub-division, each Society of the sub-division being entered in serial order of the Registration No.)

Name of Sub-Division.....

Sl. No.	Name and Register ed No. of Society	Year		Office Reference No. (i.e., File No. <i>Plus page</i> in the file lat which the “Return of Audit fees” has been placed	Year		Year		Year		Year			
		Amount collected (item 12 of Form No. 1)	No.		5	6	7	8	9	10	11	12	13	14
					(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)

**FORM No.1**

**Application Form for filling arbitration suits**

[Rule 86(a)]

Ref. No.

In the court of the Registrar/Assistant Registrar of Co-operative Societies, Assam.

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/member own the society the amount shown in the attached statement in Form No 2. He/they has/have defaulted payment and now refuse to pay either principal or interest/the amount due and makes/make excuses.

3. 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 / an award against him / them.

Signature

Dated at.....the .....  
..... day of 19.....

1. Chairman
2. Secretary
- Committee members
- 3.
- 4.
- 5.

Members of the Committee of  
the .....

Seal  
Of the  
Society

(Authorised under Resolution No.....  
of the meeting of the .....  
date ..... ).



Certified 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/bonds \*executed by the member is/members are attached herewith.

Signature

Secretary/Executive officer of the .....

Countersigned by the chairman of the.....

Date .....

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

**OFFICE OF THE REGISTRAR OF CO-OPERATIVE  
SOCIETIES, ASSAM**

**Notice to show cause why a decision  
should not be given**

[Rule 88 (1)]

Case No .....of 19....

Notice under R. 88 (1) of the rules made under Assam co-operative societies Act, 1949 (Assam Act I of 1950).

Notice is hereby given in the name of.....and his surety  
.....member of the .....

2. Whereas the committee member of the .. .. .  
have applied to the Registrar, that a sum of  
Rs.....(Rupee ..... only) on account of 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 overdubs in time  
and that you do not pay the said sum to the society  
demanding the same;

3. And whereas the said society have referred the dispute to me for a decision under Rr 81 and 86 of the rule framed under S. 100 of the Assam Co-Operative Societies Act, 1949 Assam Act I of 1950), I do hereby given 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 claim not being contested by you, a decision shall be given *ex- parte*.

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

SEAL Registrar of Co-operative Societies, Assam

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

Copy of the notice with.....notices of 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 person concerned and signature (in ink) or thumb impression\* (if illiterate) is to be taken on the back of notice in acknowledgement of the receipt of the notice by persons concerned.
3. In case of the borrower or the surety refusing to accept the notice or is not available, the notice is to be served by having in the doors of persons concerned and take signature or thumb impressions of 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 will be made personally liable for any loss suffered by the society on this account.

Registrar of Co-operative Societies, Assam

\* To be attested duly with two witnesses.

**OFFICE OF THE REGISTRAR OF CO-OPERATIVE  
SOCIETIES, ASSAM**

[Rule 89]

**Intimation of award given to the judgment-debtor**

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

To,

Member of the.. ..

(Through the Secretary.....)

.....is hereby informed that a dispute having been referred to the under signed for decision by the.... ..... a decree has been awarded against him and his surety ..... For Rs.....on account of principal and 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 less from .....together with all cost till the date of realisation.

Registrar of Co -Operative Societies, Assam

Memo No..... ..dated.....

Copy to Surety.....for information and necessary action

Registrar of Co-operative Societies, Assam

**Intimation of award to the Chairman**

[Rule 89]

To

The Chairman of the.....

Village.. ... ..

P.O. .. ..

Reference Case No. .. ..of 19.....

District .....

Dated the .....19.....

Sir,

Award passed against.....and  
surety.....is sent here with for necessary action.

2. If the amount adjudged in the award is not realised within two months from the a date of this award, the award, the award should be sent immediately to the.....for reducing it to the form of a Cooperative Demand certificate under S. 83 of the Act, with request issue the Certificates 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 of Co- operative Societies, Assam

**Form of simples award**

**[Rule 89]**

**OFFICE OF THE .....**

Case no .....of 19  
District/Sub-division/  
Political area

In the matter of ... ..

*Versus*

.. ..Member of the.. ..

Whereas the Committee members of the .. ..  
.. ..have made a referenced in writing to me  
complaining that member of that society, owes it  
Rs.....by way of principal .....  
.....and Rs.....by way of interest  
up to the .....and evades payment of  
the same and where the said .. ..  
...after being served with a notice to show cause why a design in  
favors 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 R. 88 of the rules framed by the State Government under S. 70 hereby marked the following decision against the said, *viz*, that he does 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 realization 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 Co-operative Demand Certificate as provided in S. 83 of Act to be recoverable as an arrear of land revenue under the provisions of the Assam Land Revenue Regulation.

Given under my hand and seal, at.....This  
.....days of .....19...

**SEAL**  
Assam

Registrar of Co-operative Societies,

**Form of Mortgage Award**

[Rule 89]

OFFICE OF THE .....

Case No .....of 19...  
District/Sub-division/  
Political area

In the matter of the.....

*Versus*

..... .. ..Member of the .. .. ..

Whereas the Committee members of the .. .. ..  
.. .. .. have made of reference in writing to me  
complaining it at ..... member of the  
society, owes it Rs... .. .. by way of principal  
and Rs .....by way of interest up to 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 R. 89 of the Rules framed by the State Government under S. 70 of the Assam Co-operative Societies Act, 1949 (Assam act I of 1950) hereby make the following decision against the said .....

.....  
.. Viz, that he does 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 ..... percent per annum from .....

..... together with all costs till the date of realization, within a period of 2 months from the date of this awarded, 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 Co-operative Demand Certificate to be sought and issued on that behalf under S. 83 of the said Act to recoverable as an arrear of land revenue under the provisions of the Assam land and Revenue Regulation and that if the sale proceeds should be found insufficient to discharge the dues with subsequent interest at the above rate till the date of realization and cost in full, the balance will be relied by attachment and sale of other movable and immovable properties of the judgment debtor similarly being included under a certificate be issued on that under the said section of the Act .

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

Registrar of Co-operative Societies, Assam

**SEAL**

Schedule of property -

**\* Notice to furnish Security for fulfilment  
of Decree  
[Rule 94 (2)]**

Under sub- S. (3) of S. 64 of the Assam Co-operative Societies  
Act, 1949  
(Assam act of 1950)

To

.. ... ..member of the.. ... ..

Whereas the committee members of the ... .. have  
filed a dispute to me that sum of Rs .....on account of  
principal/or .. .... ..and Rs.....  
..... .. on account of interest thereon up to  
.....has been due from you which you did not pay  
in spite 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 or  
nay part of the same, you are hereby directed on or before the  
..... day or .....19, either to furnish security for  
the sum of Rs. ....(Rupees .....only) to produce and  
place at the disposal of this Court when required, the said  
property.. .. or the value thereof or  
such portion of the value as may be sufficient to satisfy any

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\*Deleted by Assam Rules VIII of 1975.

decision that 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 of .....19....

**SEAL**

Registrar of Co-operative Societies, Assam

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**Form of Conditional Order of Attachment  
Before Award**

[Rule 94 (6)]

**Office of the Registrar of Co-operative Societies, Assam**

Case no .....

In the matter of the     ...     ...     ....     ....     ....     ....     ....

*Versus*

..     ...     ....     ...     .. members 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 principal/ compensation with interest at.     ...     ...  
... and Rs ...     ...     .. by way of interest up to the date  
of realization and evades payment of the same and whereas the  
said Committee members of the society further declare that the  
same member ..     ...     ....     ..     ... is about to  
dispose of the property from the local limits of the jurisdiction of  
the Registrar; and whereas I am satisfied as to *bona fides* 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 society ]

Now, therefore, I in accordance with S. 64 (3) (b) of the Assam Co-operative Societies act, 1949 (Act I of 1950) 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 be 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 as decree of the Civil Court having local jurisdiction.

Dated.....

The .....19...

Registrar of Co – Operative Societies, Assam

\*Deleted by Assam Rules VIII of 1975.

## **Schedule**

### **Form of order sheet**

*[Rule 98 (6) & (12)]*

No. of Proceedings or orders	Order or proceedings	Signature of Liquidator with date

## **Notice of change of registered address**

### **Address of societies**

Notice is hereby given, pursuant to S. 40 of the Assam Co-operative Societies Act, 1949 (Assam Act 1 of 1950) by... (Name of Society) registered on .....under certificate of Registration No. .... of .....of the alteration 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 above was adapted under Resolution No.....of the meeting of the Administrative council/Managing committee dated the .....19..

Signature of -

- (1).
- (2)
- (3)
- (4)
- (5)

Signature of

- (1) CHAIRMAN
- (2) SECRETARY