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उप-खण्ड (1)

राज्य सरकार तथा अन्य राज्य-प्राधिकारियों द्वारा जारी किये गये (सामान्य आदेशों, उप-विधियों आदि को सम्मिलित करते हुए) सामान्य कानूनी नियम।

CO-OPERATIVE DEPARTMENT

Notification

Jaipur, July 10, 2017

G.S.R.53 .-In exercise of the powers conferred by section 123 of the Rajasthan Co-operative Societies Act, 2001(Act No. 16 of 2002), the State Government hereby makes the following rules further to amend the Rajasthan Co-operative Societies Rules, 2003 and orders with reference to proviso to sub-section (1) of section 123 of the said Act that the previous publication of these rules is dispensed with, as the State Government considers in public interest that they should be brought into force at once, namely:-

1. Short title and commencement.- (1) These rules may be called the Rajasthan Co-operative Societies (Amendment) Rules, 2017.

(2) They shall come into force at once.

2. Amendment of rule 11.- In sub-rule (5) of rule 11 of the Rajasthan Co-operative Societies Rules, 2003, hereinafter referred to as the said rules, after the existing expression "under section 6" and before the existing expression "he shall register", the expression "and are in consonance with the provisions of sub-section (1) of section 10," shall be inserted.

3. Amendment of rule 14.- The existing sub-rule (1-A) of rule 14 of the said rules shall be deleted.

4. Amendment of rule 19.- The existing sub-rule (2) of rule 19 of the said rules shall be deleted.

5. Amendment of rule 23.- The existing sub-rule (2) of rule 23 of the said rules shall be deleted.

6. Amendment of rule 24.- The existing sub-rule (2) of rule 24 of the said rules shall be deleted.

7. Amendment of rule 25.- In rule 25 of the said rules, for the existing expression "if he is admitted or deemed to be a member under sub-section (4) of section 15", the expression "if he is admitted" shall be substituted.

8. Amendment of rule 27.- In sub-rule (1) of rule 27 of the said rules, for the existing expression "sub-section (3-A)", the expression "sub-section (4)" shall be substituted.

9. Amendment of rule 28.- The existing proviso to clause (iv) of sub-rule (2) of rule 28 of the said rules shall be substituted by the following, namely:-

"Provided that in case, the society belongs to any one of the categories wherein elections are to be conducted by the State Co-operative Election Authority under section 33 read with rule 45 of these rules, the Chief Executive Officer of the society, immediately after registration of the society, shall send a written request to the State Co-operative Election Authority and a copy thereof to the Registrar, to conduct elections to the committee of the society:

Provided further that in a society where there is no Chief Executive Officer, a person working in place of the Chief Executive Officer, as per the bye-laws of the society and if there is no such person working as the Chief Executive Officer, then the Chairperson of the society shall send such request to the State Co-operative Election Authority."

10. Amendment of rule 29.- In rule 29 of the said rules,-

(i) in sub-rule (2), for the existing expression "not be less than 50", the expression "not be less than 30" shall be substituted; and

(ii) the existing sub-rule (6) shall be substituted by the following, namely:-

"(6) The election for the Delegate General Body shall be conducted in the manner prescribed in the bye-laws:

Provided that in societies where election to the committee is to be conducted by the State Co-operative Election Authority as per the provisions of section 33 read with rule 45 of these rules, such elections for the Delegate General Body shall be conducted under intimation to the State Co-operative Election Authority. The Authority may appoint an observer for elections to the Delegate General Body of such society and may issue such other directions as it deems necessary in the interest of conducting the elections in a fair and transparent manner."

11. Amendment of rule 32.- In rule 32 of the said rules,-

(i) the existing sub-rule (2) shall be substituted by the following, namely:-

"(2) The quorum for a meeting of the committee shall be as specified in the bye-laws but it shall not be less than fifty percent of the total members of the committee subsisting at the time of such meeting or seven members, whichever is more."; and

(ii) after existing sub-rule (3), the following new sub-rule (4) shall be added, namely:-

"(4) Where a casual vacancy occurs in the committee of a society and at the time of occurrence of such vacancy, the remaining term of the committee is less than half of the total term for which it was elected, the committee may fill such vacancy by co-option out of the same class of members in respect of which the vacancy has arisen:

Provided that no such co-option shall be valid unless,-

- (i) all the sitting members of the committee and the Registrar have been served a notice of 15 days for the meeting of the committee having an agenda of the proposed co-option;
- (ii) the resolution of co-option is passed with a simple majority in the scheduled meeting of the committee having the necessary quorum for such meeting and in which not less than six elected members are present; and
- (iii) the resolution of such co-option is approved by the Registrar."

12. Amendment of rule 33.- In rule 33 of the said rules, for the existing clauses (d), (e) and (f) of sub-rule (2), the following clauses (d), (e), (f) and (g) shall be substituted, namely:-

"(d) if, for whatever reasons, he ceases to be the chairperson of the society from which he was elected as its delegate or whom he is representing; or

(e) if the committee of a society which elected him has been removed under the provisions of the Act and an Administrator is appointed, the Administrator so appointed shall represent the society in place of the Chairperson so removed; or

(f) if he had been appointed as an administrator under the provisions of the Act and the order of the appointment

of administrator has been set aside by a competent authority under the provisions of the Act; or
(g) if the registration of the society of which he is a delegate is cancelled or orders for winding up of the society have been issued."

13. Amendment of rule 34.- In rule 34 of the said rules,-

- (i) the existing sub-rules (2) and (3) shall be renumbered as sub-rules (3) and (4), respectively; and
- (ii) after the existing sub-rule (1) and before the sub-rule (3), so renumbered, the following new sub-rule (2) shall be inserted, namely:-

"(2) No member of a society shall be eligible to be elected, appointed, nominated or co-opted in the committee of a co-operative society, unless he has passed,-

- (i) class V from a school, in case of a primary dairy society, a weavers' society or a women's co-operative society; and
- (ii) class VIII from a school, in case of a primary level agricultural credit society, a consumer society, a housing society, a farming society, a marketing society, an urban co-operative bank, a primary land development bank, a credit society, a salary earners' society, a co-operative union or a central or an apex level co-operative society:

Provided that the above disqualification shall not be applicable on a member of a committee elected before commencement of the Rajasthan Co-operative Societies (Amendment) Rules, 2017."; and

- (iii) in the sub-rule (4), so renumbered, for the existing expression "(1) or (2)", the expression "(1) or (3)" shall be substituted.

14. Amendment of rule 35.- In sub-rule (1) of rule 35 of the said rules, for the existing expression "section 30", the expression "the provisions of the Act" shall be substituted.

15. Amendment of rule 36.- In rule 36 of the said rules,-

- (i) the existing sub-rules (1), (2), (3), (4), (4A) and (4B) shall be substituted by the following new sub-rules (1), (2) and (3), namely :-

"(1) Notwithstanding anything contained in the bye-laws of a society, where on the proposal of the Registering Authority of the society or otherwise, it comes to the knowledge of the authority specified in sub-section (1) or (2) of section 30, that the committee or a member of the committee of a society, as the case may be, is required to be removed for the reasons mentioned in the respective sub-sections as above, he shall, before making an order of such removal, give an opportunity to the committee or member concerned to show cause, within fifteen days from the date of issue of notice, as to why such order shall not be passed.

(2) If the competent authority is satisfied, after giving an opportunity of being heard to the committee or the member concerned, that the conditions exist, which make it necessary or desirable to take action under section 30, he shall, by an order in writing,-

- (a) remove the committee and appoint an administrator, who shall be a government servant, to manage the affairs of the society; or
- (b) remove the member of the committee and the vacancy shall be filled in as per the provisions of the Act.

(3) Notwithstanding anything contained in this rule, the Registrar, Co-operative Societies, Rajasthan shall remove the committee of the Apex Co-operative Bank or a Central Co-operative Bank on the recommendation of the Reserve Bank of India or of any other Co-operative Bank on the recommendation of the Reserve Bank of India and appoint an administrator in its place within one month of such recommendation.";

- (ii) the existing sub-rules (5), (6) and (7) shall be renumbered as sub-rules (4), (5) and (6), respectively; and
- (iii) in the sub-rule (4), so renumbered, for the existing expression "section 30", the expression "under the provisions of the Act" shall be substituted.

16. Amendment of rule 38.- In rule 38 of the said rules,-

- (i) for the existing punctuation mark “.”, appearing at the end of sub-rule (1), the punctuation mark “:” shall be substituted; and
- (ii) after the sub-rule (1), so amended, the following new proviso shall be added, namely:

“Provided that in a society where there is no Chief Executive Officer, a person working in place of the Chief Executive Officer, as per the bye-laws of the society and if there is no such person working as the Chief Executive Officer, then the Chairperson of the society may take action as above under this rule.”.

17. Amendment of rule 39.- In rule 39 of the said rules,-

- (i) in sub-rule (1), for the existing expression "The conditions of service including discipline", the expression "The conditions of service including the procedure of recruitment, discipline" shall be substituted; and
- (ii) the existing sub-rule (9) shall be substituted by the following, namely:-

“(9) A short term co-operative credit structure society shall, subject to the general conditions and norms laid down by the Registrar in this regard, have autonomy in internal administrative matters including the personnel policy, staffing, recruitment, posting and compensation to staff.”.

18. Insertion of new rule 39-A.- After the rule 39, so amended and before the existing rule 40, the following new rule 39-A shall be inserted, namely:-

"39-A. Recruitment Board for the co-operative societies.- (1) Recruitment of the employees of the categories of co-operative societies mentioned in sub-rule (4) shall be made by the Co-operative Recruitment Board, hereinafter called the Board in this rule, consisting of the following, namely:-

- (i) Additional Registrar-I,
Co-operative Department,
Rajasthan --- Chairman,
- (ii) One nominee of
the Registrar, Co-operative
Societies, Rajasthan, who
shall be an officer having a
grade pay not below Rs. 7600/- --- Member,

- (iii) Director,*
Rajasthan Institute
of Co-operative Education
and Management,
Jaipur --- Member- Secretary.

(2) The Government may also appoint such other officers and employees to assist the Board, as it may consider just and necessary.

(3) The Board shall take up the process of recruitment on the requisition of the society concerned in accordance with the rules applicable to the society after the approval of the Registrar.

(4) The Board shall be the competent authority for conducting the process of selection and recommending the names of the employees of the following categories of co-operative societies, namely:-

- (i) all apex and central level societies, except the societies in which there is neither any Government aid as mentioned in chapter VII of the Act nor any Government servant posted as the Chief Executive Officer or an Executive Officer,
- (ii) Primary Agricultural Credit Societies,
- (iii) Primary Land Development Banks,
- (iv) Urban Co-operative Banks,
- (v) other societies having a Government share capital of Rs. 5 lakh or more, and
- (vi) such other class of societies, on the recommendation of the Board mentioned in sub-rule (1), may be notified by the State Government for this purpose.

(5) Subject to the provisions of the rules applicable to the category of employees to be recruited by a society, the Board shall decide the selection criteria, procedure and criteria for short listing of candidates, including the manner of selection and other related issues, so that the recruitments are made in a fair and transparent manner.

(6) Where in the opinion of the Board, it is necessary to take services of an independent agency having suitable expertise and repute for conducting a particular type of examination, it may do so with the prior approval of the Registrar.

(7) The Board may charge the fees for examination from the candidates as per the norms laid down therefor with the approval of the Registrar. Where the cost of conducting the

examination is higher than the fees charged from the candidates, the Board shall be competent for charging the excess cost from the society concerned to recover its expenses."

19. Amendment of rule 41.- The existing sub-rule (2) of rule 41 of the said rules shall be substituted by the following, namely:-

"(2) A copy of the above statements of accounts shall be submitted, within fifteen days from the date of preparation, to the auditor appointed for the audit of the society as per the provisions of the Act and such statements of accounts shall be open to inspection by any member during office hours at the office of the society."

20. Amendment of rule 44.- In sub-rule (1) of rule 44 of the said rules,-

- (i) in clause (i), for the existing expression, "Principal Secretary/Secretary to the Government, Cooperative Department, Rajasthan.", the expression "The Secretary in-charge of the Co-operative Department, Rajasthan." shall be substituted; and
- (ii) in clause (ii), for the existing expression, "Principal Secretary/Secretary to the Government, Department of Personnel, Rajasthan.", the expression "The Secretary in-charge of the Department of Personnel, Rajasthan." shall be substituted.

21. Amendment of rule 45.- In rule 45 of the said rules,-

- (i) the existing sub-rule (1) shall be substituted by the following, namely:-

"(1) The superintendence, direction and control of the preparation of electoral rolls for and the conduct of elections to the following class of societies shall vest in the State Co-operative Election Authority, hereinafter referred to as the Authority, namely:-

- (i) all apex level societies;
- (ii) all central level societies;
- (iii) primary agricultural credit societies;
- (iv) farmer service societies;
- (v) primary land development banks;
- (vi) urban co-operative banks;
- (vii) consumer co-operative societies;
- (viii) dairy co-operative societies;
- (ix) weavers' co-operative societies;

- (x) housing co-operative societies;
- (xi) credit co-operative societies;
- (xii) any other society having a share capital of rupees five lakh or more; and

(xiii) such other class of societies as may be notified by the Government for this purpose:

Provided that the Authority may also conduct elections in societies other than those mentioned above, where a society requests it to do so or where the society does not conduct the elections in time.";

(ii) the existing sub-rules (2) to (23) shall be renumbered as (4) to (25), respectively;

(iii) after the sub-rule (1), so amended and before the sub-rule (4), so renumbered, the following new sub-rules (2) and (3) shall be inserted, namely:-

"(2) For the election of members and office bearers of the committee of the co-operative societies mentioned in sub-rule (1), the Authority shall appoint an Election Officer:

Provided that no member or employee of the society concerned shall be appointed as an Election Officer.

(3) The Elections to the members and the office bearers of the committee of a society mentioned in sub-rule (1) shall be conducted as per the provisions of the Act in the manner specified in this rule and in accordance with the bye-laws of the society.";

(iv) in sub-clause (c) of clause (i) of sub-rule (5), so renumbered, for the existing expression "under section 30," the expression "under section 30 or otherwise," shall be substituted;

(v) for the existing punctuation mark ":", appearing at the end of clause (iv) of sub-rule (5), so renumbered, the punctuation mark "!" shall be substituted;

- (vi) after the clause (iv) of sub-rule (5), so renumbered and amended, the following new proviso shall be added, namely:
 "Provided that if the bye-laws of the society do not provide a post of the Chief Executive Officer, a person working in place of the Chief Executive Officer, as per the bye-laws, shall render all the information, assistance and facilities to the State Co-operative Election Authority.";
- (vii) in sub-rule (7), so renumbered, the existing clause(i) and (ii) shall be substituted by the following, namely:-
 "(i) The notice of the election shall be sent by the Election Officer to the members by one or more of the following modes, namely:-
 (a) by local delivery;
 (b) by post under certificate of posting;
 (c) by circulation among the members;
 (d) by publication through beat of drum; and
 (e) by publication in a newspaper having circulation in the area of operation of the society.
 (ii) The notice of the election along with the election programme shall also be affixed on the notice board of the society and at such public places of importance as may be decided by the Election Officer."
- (viii) in sub-rule (8), so renumbered,-
 (a) for the existing punctuation mark ".", appearing at the end of clause (ii), the punctuation mark ":" shall be substituted;
 (b) after the clause (ii), so amended, the following new proviso shall be added, namely:-

- "Provided that no person shall contest elections for more than one seat in the committee of a society."; and
 (c) the existing clause (iii) shall be substituted by the following, namely:-
 "(iii) Every nomination paper accompanied with the security amount mentioned below, shall be presented in person to the Election Officer by the candidate himself or by his proposer or seconder, on the date(s) and between the hours specified in notice referred to in sub-rule (7) :-
 (1) Primary Society -- Rs. 200/
 (2) Marketing Society --- Rs. 500/
 (3) Wholesale Bhandar --- Rs. 500/
 (4) Primary Land Development Bank --- Rs. 1000/-
 (5) Other Central Society -- Rs.1000/
 (6) Central Co-operative Bank -- Rs.2000/-
 (7) Apex Society -- Rs. 2500/- .";
- (ix) the existing clause (iii) of sub-rule (24), so renumbered, shall be substituted by the following, namely:-
 "(iii) The result of the election shall be attested by the Election Officer."
- 22. Amendment of rule 46.-** In rule 46 of the said rules,-
 (i) the existing clause (ii) of sub-rule (1) shall be substituted by the following, namely:-
 "(ii) In societies specified in sub-rule (1) of rule 45, where the State Co-operative Election Authority is entrusted with conducting elections to the committee and the office bearers of a society, the Authority shall appoint an Election Officer to conduct elections of the office bearers as specified in the bye-laws of the society, in the manner specified in sub-rule (2) to (8) and in all other

societies such election shall be conducted as specified in rule 46-A.";

- (ii) the existing sub-rule (2) shall be substituted by the following, namely:-

"(2) After election of the members of the Committee, the Election Officer shall arrange to conduct elections of the office bearers of the society in accordance with its bye-laws;" and

- (iii) the existing sub-rule (7) shall be substituted; namely:-

"(7) Where elections are to be held on a vacant seat of an office bearer in accordance with the provisions of the Act and the bye-laws of the society, the procedure mentioned in this rule shall be followed."

23. Amendment of rule 46-A.- In rule 46-A of the said rules,-

- (i) the existing sub-rule (2) shall be renumbered as (5);

- (ii) the existing sub-rule (1) shall be substituted by the following sub-rules (1) to (4), namely:-

"(1) The elections of the members of the committee in societies other than those specified in sub-rule (1) of rule 45, shall be conducted in the general meeting of the society.

(2) The committee of the society shall, before expiry of its term, appoint an independent Election Officer, who shall not be a member or an employee of the society, to conduct elections for the next committee and office bearers of the society.

(3) A notice as provided in the bye-laws of the society, but in no case less than fifteen days shall be given to all members and the Registrar for the general body meeting in which elections are to be held.

(4) The Election Officer shall conduct the election in accordance with the bye-laws:

Provided that at the commencement of the meeting for the election, there shall be quorum specified in these rules and bye-laws.";

- (iii) in sub-rule (5), so renumbered, for the existing expression "clause (ii) of sub-rule (1) of rule 46", the expression " sub-rule (1) of rule 45" shall be substituted; and

- (iv) after the sub-rule (5), so renumbered and amended, the following new sub-rule (6) shall be added, namely:-

"(6) The proceedings of the meeting and the result of the election shall be recorded in the minutes book of the society and attested by the Election Officer."

24. Amendment of rule 72.- In rule 72 of the said rules,-

- (i) the existing sub-rules (1) and (2) shall be substituted by the following, namely:-

"(1) A co-operative society opting to get its audit from the departmental auditors mentioned in sub-clause (ii) of clause (a) of sub-section (5) of section 54 shall pay to the State Government a fee for the audit of its accounts in accordance with the scale of fee fixed by the Registrar with the previous approval of the Government in respect of the class of societies to which it belongs.

(2) A society which, under sub-section (2) of section 54, appoints an auditor from the panel of auditors mentioned in sub-clause (i) of clause (a) of sub-section (5) of section 54 or an auditing firm from a panel of auditing firms mentioned in clause (b) of sub-section (5) of section 54, shall be free to decide and pay the compensation for audit to its auditors or the auditing firms, as the case may be:

Provided that where the society fails to get audited its accounts in time and the Registrar, under the first proviso to sub-section (2) of section 54, appoints auditor(s) from the departmental auditors mentioned in sub-clause (ii) of clause (a) of sub-

section (5) of section 54, or where the Registrar, under the third proviso of sub-section (2) of section 54 appoints auditor(s) from the departmental auditors mentioned in sub-clause (ii) of clause (a) of sub-section (5) of section 54, the society shall pay to the State Government an audit fee in the same manner as mentioned in sub-rule (1), as if the society had itself appointed the departmental auditors under sub-section (2) of section 54."; and

(ii) in sub-rule (3), for the existing expression "All fee payable under this rule", the expression "All fee payable to the Government under this rule" shall be substituted.

25. Amendment of rule 73.- In rule 73 of the said rules,-

(i) the existing sub-rule (6) shall be renumbered as sub-rule (10);

(ii) the existing sub-rule (7) shall be deleted;

(iii) the existing sub-rules (8) to (15) shall be renumbered as sub-rules (11) to (18), respectively;

(iv) the existing sub-rule (16) shall be renumbered as sub-rule (20);

(v) the existing sub-rules (2) to (5) shall be substituted by the following sub-rules (2) to (9), namely:-

"(2) The Registrar shall prepare, approve and notify a panel of eligible auditors and auditing firms as per the provisions of sub-section (4) and (5) of section 54, from time to time, for such period as he may specify.

(3) The panel to be prepared under sub-rule (2) shall contain the following three parts, namely:-

(i) Part- A- containing the names of auditors as mentioned in sub-clause (i) of clause (a) of sub-section (5) of section 54,

(ii) Part-B- containing the names of auditing firms as mentioned in clause (b) of sub-section (5) of section 54, and

(iii) Part-C- which shall contain a pool of the eligible departmental auditors as per the norms decided by the Registrar, from time to time and which can also be classified and categorized by the Registrar in a manner decided by him, from time to time.

(4) Every society shall appoint an auditor or auditing firm for audit of its accounts for each financial year latest by the end of May following that financial year or upto such time as may be fixed by the Registrar, as per the procedure mentioned in this rule and intimate the Registrar with such appointment. If the society opts for appointment of a departmental auditor, the necessary requisition shall be submitted before the Registrar latest by the end of May following that financial year or upto such time as may be fixed by the Registrar and the Registrar shall, on receipt of such requisition, appoint auditor(s) to audit the accounts of that society from part-C of the panel specified in sub-rule (3).

(5) The decision regarding appointment of an auditor or auditing firm or requisition to appoint departmental auditors in the society shall be taken by the committee of the society and the decision shall be implemented by the Chief Executive Officer or a person working in place of the Chief Executive Officer as per the bye-laws of the society:

Provided that no such person or an auditing firm having such person as one of the partners of the firm, shall be appointed to audit the accounts of the society, who, either himself or one of his family members,

is associated with the society either as a member of the committee of the society or as an employee of the society.

(6) Whereas a society opting to appoint an auditor from part-A or an auditing firm from part-B of the panel shall make such appointment directly in the name of the auditor or the auditing firm concerned, as the case may be, under intimation to the Registrar. In case a society opts for appointment of an auditor from part-C of the panel, it shall not issue any appointment letter directly in the name of a particular person, but shall always address its requisition to the Registrar or an officer exercising the powers of the Registrar for this purpose, who shall appoint any one of the auditor(s) from the aforesaid part-C of the panel of departmental auditors to audit the accounts of the society.

(7) Where a society fails to intimate the Registrar with the appointment of auditor or auditing firm or to send a requisition to the Registrar for appointing auditors in the society to audit its accounts within the time stipulated therefor in sub-rule (4), the Registrar shall appoint an auditor(s) or auditing firm to audit its accounts from the panel of auditors or auditing firms prepared under sub-rule (2) and on such appointment of auditor(s) or auditing firm by the Registrar, any appointment made or claimed to have been made by the society shall be considered void and the society shall be bound to get its accounts audited by the auditor(s) or auditing firm appointed by the Registrar.

(8) Notwithstanding anything contained in sub-rule (4) to (7), the Registrar may, by an order, appoint an auditor(s) or auditing firm(s) to cause accounts of a

society or a class of societies to be audited for a particular period, which shall be binding on the society or the class of societies, as the case may be.

(9) No auditor or auditing firm shall be appointed to audit accounts of a society continuously for more than two years in continuation.”;

- (vi) in sub-rule (14), so renumbered, for the existing expression "sub-rule (10)", the expression "sub-rule (13)" shall be substituted;
- (vii) after sub-rule (18), so renumbered and before sub-rule (20), so renumbered, the following new sub-rule (19) shall be inserted, namely:-
“(19) If it comes to the knowledge of the Registrar that, prima facie, some financial irregularity has occurred in a society, the Registrar may get a special audit of the society conducted for the period during which such irregularity is believed to have taken place. The Registrar may, for conducting the special audit, appoint auditors requiring them to conduct audit for the period mentioned in his order keeping in view such issues as may be specifically mentioned in the order. Such special audit shall have the same effect as of a regular statutory audit.”; and
- (viii) in sub-rule (20), so renumbered, for the existing expression "to the concerned Bank.", the expression "to the concerned Bank and the Registrar." shall be inserted.

26. Amendment of rule 75.- In sub-rule (1) of rule 75 of the said rules, for the existing expression "under section 56", the expression "under section 55-A and 56" shall be substituted.

27. Amendment of rule 81.- In rule 81 of the said rules,-

- (i) the existing sub-rules (4) to (16) shall be renumbered as sub-rules (6) to (18), respectively; and

(ii) after the existing sub-rule (3) and before sub-rule (6), so renumbered, the following new sub-rules (4) and (5) shall be inserted, namely:-

"(4) If there is some such immovable property in the society, which may be utilised either for the benefit of the co-operative movement or for some other purpose of wider public interest, the liquidator shall send a report to the Registrar, specifying details of the property and the possible use to which the property can be put to in his opinion. If the Registrar is satisfied that the Property can be used for the betterment of the co-operative movement or for some other purpose of wider public interest, he may direct the liquidator to, -

(i) transfer the property to a co-operative society having Government share capital and a Government Officer as the Chief Executive Officer, which is identified for this purpose by the Registrar with the approval of the Government, on such terms and conditions, as he may decide, for use towards betterment of the co-operative movement and to create necessary infrastructure to facilitate development of the co-operative sector in the State:

Provided that in case it is found that the property transferred to a society is not being used for the purpose for which it was entrusted to it, the Registrar shall be competent to transfer the property to another society, as identified by him for the aforesaid purpose as above, in the interest of the co-operative movement of the State or surrender it to the Government for creating some facility of public use; or

(ii) surrender the property to the Government for creating some facility of public use.

(5) Where an immovable property, such as a community centre, is being used by the local residents of the area for their general welfare and community activities, the liquidator shall send a report to the Registrar, specifying details of the property and the actual use being made by the

local residents of the area. Where the Registrar is satisfied that it is in the public interest to allow the property for use of the local residents as before, he may, after seeking permission of the Government to that effect, direct the liquidator to transfer the property to a co-operative society of such residents, which they may form exclusively to maintain such common facility:

Provided that the property shall be transferred to such society only on the condition that the society so formed, shall neither amend their bye-laws to take up any other activity except to maintain the property for use of the residents as per the registered bye-laws of the society nor shall the property be alienated or put to any other use except for the registered objectives of the society:

Provided further that in case, it is found that the property entrusted to the society of the residents for community activities, is being used for an activity other than the community activities for which it was entrusted to the society, the Registrar shall be competent to transfer the property to another society in the interest of the co-operative movement of the State as provided in sub-rule (4) or surrender it to the Government for creating some facility of public use."

28. Insertion of new rule 102-A.- In CHAPTER XIII of the said rules, after the existing rule 102, the following new rule 102-A shall be added, namely:-

"102-A. Powers of Registrar to rescind certain resolutions.-

(1) If the Registrar is of the opinion that a resolution passed at

the general body meeting or the committee of a co-operative society is opposed to the objects of the society or is prejudicial to the interests of the society or its members at large, or is against the provisions of the Act, the rules or the byelaws of the society or is otherwise in excess of the powers of the society, he may, after giving the society an opportunity of being heard, rescind the resolution.

(2) Pending the hearing under sub-rule (1), the Registrar may pass such interlocutory orders, as he may consider necessary in the interest of the society or its members. "

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By the Order of the Governor,
Sukhaveer Saini,
Joint Secretary to the Government.

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