

**REPORT**

**OF**

**THE SELECT COMMITTEE**

**ON**

**THE TRIPURA CO-OPERATIVE  
SOCIETIES BILL, 1973.**

**( TRIPURA BILL NO. 3 OF 1973 )**

**RATIVE SOCIETIES BILL, 1973**  
**(TRIPURA BILL NO. 3 OF 1973).**

**A**  
**BILL**

to consolidate and amend the law relating to Co-operative Societies in the State of Tripura.

**COMPOSITION OF SELECT COMMITTEE**

**Chairman :**

Sri Sailesh Chandra Some, Deputy Minister.

**Members :**

Sri Jaduprasanna Bhattacharjee.  
Sri Tarit Mohan Dasgupta.  
Sri Moulana Abdul Latif.  
Sri Gopinath Tripura.  
Sri Kalipada Banerjee.  
Sri Benoy Bhusan Banerjee.  
Sri Jitendra Lal Das.  
Sri Nripendra Chakraborty.  
Sri Bajuban Riyan.  
Sri Bulu Kuki.

**Legislature Secretariat :**

Sri P. K. Dev Burman, Secretary.  
Sri J. K. Banerjee, Under Secretary.

**Government Officials :**

Secretary, Co-operative Deptt.  
Secretary, Law Department.  
Under Secretary, Law Department.  
Registrar, Co-operative Societies.

## REPORT

I, the Chairman of the Select Committee on 'The Tripura Co-operative Societies Bill, 1973' having been authorised by the Committee present on its behalf this Report.

The Tripura Co-operative Societies Bill, 1973 (Tripura Bill No. 3 of 1973) was introduced in the House on the 21st March, 1973 by Sri S. C. Some, Dy. Minister and on a Motion moved by the Dy. Minister Sri S. C. Some and adopted by the House on the 17th April, '73 the Bill was referred to the Select Committee for examination, consideration and Report.

The Committee in all held fourteen sittings on 10th, 11th, 14th May, 20th June, 23rd, 26th, 27th July, 27th, 28th, 29th August, 16th, 19th November, 1973, 17th January, and 22nd February, 1974 to examine and consider the bill and to finalise its Report. In its last sitting held on 22nd February, '74 the Committee adopted this Report.

At the beginning of its work the Committee issued a Press Note inviting memorandum containing opinion, suggestions on the bill from the interested individuals, associations, managing Committees of the Co-operative Societies etc. Separate letters along with a copy of the bill were also sent to the various Co-operative credit societies, Co-operative marketing Societies, some individuals who were connected with the working and function of the Co-operative Societies State Co-operative Bank, Co-operative Land Mortgage Bank, Political Parties and Bar Associations in Tripura requesting them to offer their comments/suggestions, if any on the Bill. In response thereto the Committee received comments and Memorandum from the following organisations and individuals copies of which are appended to the Report.

1. The Communist Party of India, (Marxist) Tripura State Committee, Agartala.
2. Manager, Tripura Co-operative Land Mortgage Bank Ltd., Agartala.
3. Secretary, Krishi Kalyan Seva S. S. Ltd., Salema, Kamalpur, Tripura.
4. Sri Surendra Chandra Dey, Akhaura Road, Agartala.
5. Sri Amaresh Nandi Majumder, H. G. Basak Road, Agartala.

The Committee went through the Comments and Memorandum and also took oral evidence. In course of Examination the Committee, have also gone through the Co-operative Bill of West Bengal and Maharashtra and Instructions of the Government of India which were said to have been considered by the Govt. while drafting the bill.

At the conclusion of the examination of all Papers placed before the Committee, the Committee held a General Discussion on the bill and then took up the clauses and amendments submitted by the members of the Committee on the various clauses of the bill for examination and consideration. The Committee held eight sittings to dispose of the amendments. After examination and due consideration the Committee adopted some amendments to the bill. The Bill as finally amended by the Committee is appended to this Report.

Details about the works of the Committee and its discussion on the bill and amendments would be available in the proceedings of the sittings of the Committee appended to this Report.

The Committee obtained extension of time twice for presentation of its Report to the House as required under Rule 266(1) of the Rules of Procedure and Conduct of Business in the Tripura Legislative Assembly.

The Committee concludes with the recommendation that the bill as amended be passed.

The Note of dissent submitted by Sarbasree Nripendra Chakraborty, Bajuban Riyan, Bulu kuki and by Sri Jitendra Lal Das are enclosed as a part of this Report.

The Committee takes this opportunity to express its sense of gratitude to persons and bodies and Institutions who displayed keen interest in sending memorandum and appearing before the Committee.

The Committee also expressed its thanks and appreciation to the officers and staff of the Assembly Secretariat and officers of the Law Department and Department of Co-operative who helped the Committee in considering the bill and examining the amendments and also framing the draft bill and the report.

Dated, Agartala.  
the 28th Feb. 1974.

Sailesh Ch. Some,  
Chairman,  
Select Committee on  
The Tripura Co-operative Societies Bill,  
1973.

## NOTE OF DISSENT

Sri Nripendra Chakraborty  
Member,  
Tripura Legislative Assembly  
Agartala.

Dated, 22-2-74.

To  
The Secretary,  
Tripura Legislative Assembly,  
Agartala.

Dear Sir,

Kindly find enclosed a Note of Dissent on the Tripura Co-operative Societies Bill, 1973, as modified by the Select Committee, signed by Sri Bajuban Riyan, and Bulu Kaki alongwith myself, as members of the Select Committee.

Yours faithfully,  
Nripendra Chakraborty,  
Member,  
Tripura Legislative Assembly,  
22-2-74.

A Note of Dissent on the Tripura  
Co-operative Societies Bill, 1973  
as modified by the Select. Committee.

1. The Tripura Co-operative Societies Bill, 1973 as emerged from the Select Committee, remains unsatisfactory, and, \*\*\*\*\* in many of its essential features.

2. In November, 1958, in its Resolution on Co-operative Policy, the National Development Council agreed that Co-operative should be organised on the basis of Village Community as the primary unit and that responsibility and initiative for social and economic development at the Village level should be placed fully on the village Co-operative and Village Panchayat (emphasis ours).

In the light of this general approach the Government should have reviewed the activities of the existing Co-operative Societies of Tripura so that the Bill presented could have removed some of the hurdles that stand on their way to fulfill the role envisaged. But this, evidently, has not been done.

3. The Bill has vested the Registrar of Societies with extra-ordinary powers. This will only kill whatever scope remains for the people to display responsibility and initiative in discharge of their duties in these societies.

The authors of this Bill suffered from this wrong idea that it was lack of power that prevented the Government, and on its behalf, the Registrar, to intervene wherever the Societies were deteriorating. The facts are just the contrary. Public Accounts Committee, in their Eleventh Report, has reviewed the Co-operative movement, at least in part, and pointed out that, the Societies suffered due to, among others, the following reasons :

- a) Lack of vigilance on the growth of vested interest in the Societies.
- b) Democracy in Society was not promoted.
- c) Powers given to the Government, under the existing Act. (Sections 43 and 44), were used in very few cases.
- d) The Government did not give any direction to its nominees in the Board of Directors of the Societies.

The present bill, if adopted, would, instead of removing these weakness, open up further scope for murder of democracy.

4. We strongly hold that this Bill could not be supported, unless drastic changes are brought about, particularly, in the Sections noted below, to cut down the draconic powers given to the Registrar : Section 9, 12, 14, 21, 43, 45, 74, 77, 79, 81, 91, 137, 160 & 162.

5. We are totally opposed to the setting up of Co-operative Land Development Banks on the lines suggested in Chap. XII of this Bill.

About 70 P. C. of the Rayats in Tripura have less than 2 acres of land per family. The aim of any Development Bank should have been to make these Rayats economically viable. But provisions of this bill empowers the Bank to grab land (even the land belonging to the Sch. Tribes) of the poor. Thus, instead of fighting vested interest, this Chapter creates fresh opportunity for them to eliminate weaker Sections from agriculture. All this would, of course, be done in the name of 'development of agriculture'.

While opposing this Section, we strongly hold that there should be provision for setting up of village-wise rural Societies which could replace the village Mahajan through supply of cheap credit (as Land Mortgage Banks) and essential commodities, and, for marketing of agri. commodities. All development works in the countryside, so far as agriculture is concerned, should be piloted through these village societies, in close Co-operation with Village Panchayats.

6. We regret that unless the above suggestions are incorporated in the bill, it could not be supported by us.

Nripendra Chakraborty,  
Bajuban Riyan,  
Bulu Kuki.

To **NOTE OF DISSENT**

The Chairman, Select Committee on  
"The Tripura Co-operative Societies Bill, 1973".

Sir,

I, herewith, submit my note of dissents to the Tripura Co-operative Societies Bill, 1973 as re-drafted by the Select Committee due to the fact that the amendments as suggested in the encloser have not been incorporated in the Bill.

Yours faithfully

Jitendra Lal Das, Member  
of the Select Committee.

Dated, Agartala  
the 22nd Feb'74.

### Chapter—I

ENCLOSURE.

Section 2 (1)

Include one new clause (c) after the existing clause (b) which will read as follows ;  
(c) and, of which not a single person carrying on wholesale or retail business on agricultural produce is allowed to be a member.

### Chapter—II

Section—11 should be amended as follows—

Last part of the last line should be replaced by the words ;

"Such question shall be decided by the majority of the members of the Society."

Sub-Section (2) of section 14 be amended as follows :—

2. If the Society fails to make the amendment within the time specified, the Registrar shall call the general meeting of the Society in the manner prescribed and explain the necessity of the amendment and after such explanation the decision of the meeting taken by the majority of votes present, will be final.

### Chapter—VII

Section 74 (1) shall be amended as follows ;—

after "If in the opinion of the Registrar.....from the date of issue of notice".

The words : "call the general meeting of the society and ask to remove the Committee or the member of the Committee, as the case may be, and in such a meeting final decision shall be taken by the majority of the votes of the members present" will replace the existing words ;

and delete the clauses (a) (1) (11) (b), sub-section (2) (3) (4) (5) and (6) of section 74.

## Tripura Bill No. 3 of 1973.

## THE TRIPURA CO-OPERATIVE SOCIETIES BILL, 1974

A

BILL

*to consolidate and amend the law relating to co-operative societies in the State of Tripura.*

BE it enacted by the Legislative Assembly of Tripura in the Twenty-fifth Year of the Republic of India as follows :—

## CHAPTER I

## PRELIMINARY

Short title, extent and commencement.

1. (1) This Act may be called the Tripura Co-operative Societies Act, 1974.

(2) It extends to the whole of Tripura.

(3) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires,—

(1) "agricultural marketing society" means a society—

(a) the object of which is the marketing of agricultural produce and the supply of implements and other requisites for agricultural production, and

(b) not less than eighty per centum of the members of which are agriculturists, or societies formed by agriculturists :

Note :—In this sub-section, "agriculturist" means a person employed in agricultural work whether owning any land or not and includes a bargadar.

(2) "auditor" includes a person appointed by the Registrar to audit the accounts of a society ;

(3) "bonus" means payment made in cash or kind out of the profits of a society to a member, or to a person who is not a member, on the basis of his contribution (including any contribution in the form of labour or service) to the business of the society, and in the case of farming society, on the basis both of such contribution and also the

value or income or, as the case may be, the area of the lands of the members brought together for joint cultivation as may be decided by the society ;

(4) "bye-laws" mean bye-laws registered under this Act and for the time being in force, and include registered amendments of such bye-laws ;

(5) "committee" means the committee of management, or other governing body, by whatever name called, to which the management of the affairs of a society is entrusted ;

1 of 1956. (6) "company" means a company as defined in the Companies Act, 1956 and includes a Banking Company and also any board, corporation or other corporate body, constituted or established by any Central, State or Provincial Act for the purpose of the development of any industry ;

(7) "consumers society" means a society the object of which is —

(a) the procurement, production or processing and distribution of goods to, or the performance of other services for its members as also other customers, and

(b) the distribution among its members and customers, in the proportion prescribed by rules or by the bye-laws of the society, of the profits accruing from such procurement, production or processing, and distribution ;

(8) "credit society" means a co-operative society, the primary object of which is to create funds out of which money is to be lent to its members and includes credit union ;

10 of 1949. (9) "co-operative bank" means a society registered under this Act and doing the business of banking as defined in clause (b) of sub-section (1) of section 5 of the Banking Regulation Act, 1949 ;

(10) "co-operative land development bank" means a society which is functioning or is to function as a land development bank under Chapter XII ;

(11) "dividend" means the amount paid, out of the profits of a society, to a member in proportion to the shares held by him ;

5 of 1970. (12) "financing bank" means a co-operative bank, or a corresponding new bank constituted under the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, the objects of which include the creation of funds to be loaned to other societies ;

(13) "farming society" means a society in which, with the object of increasing agricultural production, employment and income and better utilisation of resources, lands are brought together and jointly cultivated by all the members, such lands—

(a) being owned by or leased to the members (or some of them), or

(b) coming in possession of the society, in any other manner whatsoever ;

Societies which  
may be regis-  
tered.

4. A society, which has its objects the promotion of the economic interests or general welfare of its members, or of the public, in accordance with co-operative principles, or a society established with the object of facilitating the operations of any such society, may be registered under this Act :

Provided that no society shall be registered if it is likely to be economically unsound, or the registration of which may have an adverse effect on the development of the co-operative movement :

Provided further that the Registrar may lay down conditions towards formation of economic unit societies.

Registration  
with limited  
or unlimited  
liability.

5. A society may be registered with limited or unlimited liability.

Conditions of  
registration.

6. (1) No society, other than a federal society, shall be registered under this Act, unless it consists of at least ten persons (each of such persons being a member of a different family), who are qualified to be members under this Act, and who reside in the area of operation of the society.

(2) No society with unlimited liability shall be registered, unless all persons forming the society reside in the same town or village, or in the same group of villages.

(3) No federal society shall be registered, unless it has at least five societies as its members.

(4) No society shall be registered if the bye-laws of such society permit admission, as member thereof, of a person carrying on transaction or business of the same kind or nature as carried on by such society.

(5) In particular and without prejudice to the generality of the provisions of sub-section (4) —

(a) no credit society shall be registered if the bye-laws of such society permit admission, as member thereof, of a person who is a money-lender by profession,

(b) no consumers society shall be registered if the bye-laws of such society permit admission, as member thereof, of a person who is a grocer by profession, and

(c) no industrial society shall be registered if the bye-laws of such society permit admission, as member thereof, of a person who is carrying on, on his own account or has interest in, any business of the kind carried on by such society.

(6) No society formed by particular community, class or group of people for the promotion of economic interests of such community, class or group of people exclusively through specified activity or activities shall be registered where its bye-laws permit more than ten per centum of its members to be persons not to be directly benefitted by such activity or activities.

(7) Nothing in this Act shall be deemed to affect the registration of any society made before the commencement of this Act.

(8) The word "limited" or "unlimited" shall be the last word in the name of every society with limited or unlimited liability, as the case may be, which is registered or deemed to be registered under this Act.

*Explanation*—For the purposes of this section and section 8, the expression "member of a family" means a wife, husband, father, mother, son or unmarried daughter.

Power to exempt societies from conditions as to registration.

7. Notwithstanding anything contained in this Act, the Government may, by special order in each case, exempt subject to such conditions (if any) as it may impose, any society from any of the requirements of this Act as to registration.

Application for registration.

8. (1) For the purposes of registration, an application shall be made to the Registrar in the prescribed form, and shall be accompanied by four copies of the proposed bye-laws of the society. The persons by whom, or on whose behalf, such application is made, shall furnish such information in regard to the society, as the Registrar may require.

(2) The application shall be signed—

(a) in the case of a society other than a federal society, by at least ten persons (each of such persons being a member of a different family), who are qualified under this Act, and

(b) in the case of a federal society, by at least five societies.

(3) No signature to an application on behalf of a society shall be valid, unless the person signing is a member of the committee of such society, and is authorised by the committee by resolution to sign on its behalf the application for registration of the society and its bye-laws and a copy of such resolution is appended to the application.

Registration.

9. (1) If the Registrar is satisfied that a proposed society has complied with the provisions of this Act and the rules, and that its proposed bye-laws are not contrary to this Act or to the rules, he may, within six months from the date of receipt of the application, register the society and its bye-laws.

(2) If the Registrar is unable to dispose of an application for registration within the period mentioned in the foregoing sub-section, he shall make a report to the Government stating therein the reasons therefor : and he shall thereafter act in accordance with such directions as may be issued to him by the Government.

(3) Where the Registrar refuses to register a proposed society, he shall forthwith communicate his decision, with the reasons therefor, to the person who has signed first on the application.

(4) The Registrar shall maintain a register of all societies registered, or deemed to be registered under this Act.

Evidence of Registration.

10. A certificate of registration signed by the Registrar shall be conclusive evidence that the society therein mentioned is duly registered, unless it is proved that the registration of the society has been cancelled.

Power of Registrar to decide certain questions.

11. When, for the purpose of the formation, or registration or continuance of a society, any question arises whether a person is an agriculturist or not, or whether any person resides in the area of

operation of the society or not, such question shall be decided by the Registrar.

Classification of societies.

12. (1) The Registrar shall classify all societies into one or other of the classes of societies defined in section 2, and also into such sub-classes thereof as may be prescribed by rules.

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

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

Amendment of by-laws of society.

13. (1) No amendment of the bye-laws of a society shall be valid until registered under this Act. For the purpose of registration of an amendment of the bye-laws, a copy of the amendment passed, in the manner prescribed, at a general meeting of the society, shall be forwarded to the Registrar.

(2) When the Registrar registers an amendment of the bye-laws of a society, he shall issue to the society a copy of the amendment certified by him which shall be conclusive evidence that the same is duly registered.

(3) Where the Registrar refuses to register an amendment of the bye-laws of a society, he shall communicate the order of refusal, together with his reasons therefor, to the society.

Power to direct amendment of by-laws.

14. (1) If it appears to the Registrar that an amendment of the bye-laws of a society is necessary or desirable in the interest of such society, he may call upon the society, in the manner prescribed, to make the amendment within such time as he may specify.

(2) If the society fails to make the amendment within the time specified, the Registrar may, after giving the society an opportunity of being heard and after consulting the financing bank to which the society is affiliated, register such amendment, and issue to the society a copy of such amendment certified by him. With effect from the date of registration of the amendment in the manner aforesaid, the bye-laws shall be deemed to have been duly amended accordingly; and the bye-laws as amended shall be binding on the society and its members.

Change of name.

15. (1) A society may, by resolution passed at a general meeting, and with the approval of the Registrar, change its name; but such change shall not affect any right or obligation of the society, or of any of its members, or past members, or deceased members; and any legal proceedings pending before any person, authority or court may be continued by or against the society, under its new name.

(2) Where a society changes its name, the Registrar shall enter the new name in its place in the register of societies, and shall also amend the certificate of registration accordingly.

Change of liability.

16. (1) Subject to the provisions of this Act and the rules, a society may, by amendment of its bye-laws, change the form or extent of its liability.

(2) When a society has passed a resolution to change the form or extent of its liability, it shall give notice thereof in writing to all its members and creditors and, notwithstanding anything in any bye-law or contract to the contrary, any member or creditor shall, during a period of one month from the date of service of such notice upon him, have the option of withdrawing his shares, deposits or loans.

(3) Any member or creditor who does not exercise his option within the period specified in sub-section (2), shall be deemed to have assented to the change.

(4) An amendment of the bye-laws of a society, changing the form or extent of its liability, shall not be registered or take effect until, either—

- (a) all members and creditors have assented, or deemed to have assented, thereto as aforesaid ; or
- (b) all claims of members and creditors who exercise the option, given by sub-section (2), within the period specified therein, have been met in full or otherwise satisfied.

Amalgamation, transfer, division or conversion of societies.

17. (1) A society may, with the previous approval of the Registrar, by resolution passed by two-thirds majority of the members present and voting at a special general meeting held for the purpose, decide—

- (a) to amalgamate with another society ;
- (b) to transfer its assets and liabilities, in whole or in part, to any other society ;
- (c) to divide itself into two or more societies ; or
- (d) to convert itself into another class of society :

Provided that when such amalgamation, transfer, division or conversion aforesaid, involves a transfer of the liabilities of a society to any other society, no order on the resolution shall be passed by the Registrar, unless he is satisfied that—

- (i) the society, after passing such resolution has given notice thereof in such manner as may be prescribed to all its members, creditors and other persons whose interests are likely to be affected (hereinafter, in this section referred to as "other interested persons"), giving them the option, to be exercised within one month from the date of such notice, of becoming members of any of the new societies, or continuing their membership in the amalgamated or converted society, or demanding payment of their share or interest or dues, as the case may be ;
- (ii) all the members and creditors and other interested persons have assented to the decision, or deemed to have assented

thereto by virtue of any member or creditors or any other interested person failing to exercise his option within the period specified in clause (i) aforesaid ; and

- (iii) all claims of members and creditors and other interested persons, who exercise the option within the period specified, have been met in full or otherwise satisfied.

4 of 1882  
16 of 1908.

(2) Notwithstanding anything contained in the Transfer of Property Act, 1882, or the Registration Act, 1908, in the event of division or conversion, the registration of the new societies or, as the case may be, of the converted society, and in the event of amalgamation, the resolution of the societies concerned with amalgamation, shall in each case be sufficient conveyance to vest the assets and liabilities of the original society or amalgamating societies in the new societies or converted or amalgamated society as the case may be.

(3) The amalgamation of societies, or division or conversion of a society shall not affect any right or obligation of the societies so amalgamated, or society so divided or converted, or render defective any legal proceedings which might have been continued or commenced by or against the societies which have been amalgamated, or divided or converted ; and accordingly, such legal proceedings may be continued or commenced by or against the amalgamated society, or, as the case may be, the converted society, or the new societies.

(4) Where two or more societies have been amalgamated, or a society has been divided or converted, the registration of such societies or society shall be cancelled on the date of registration of the amalgamated society, or the converted society, or the new societies between which the society may have been divided.

Power to direct  
amalgamation,  
division and  
reorganisation  
in public  
interest, etc.

18. (1) Where the Registrar is satisfied that it is essential in the public interest, or in the interest of the co-operative movement, or for the purpose of securing the proper management of any society, that two or more societies should amalgamate or any society should be divided to form two or more societies or should be reorganised, then notwithstanding anything contained in the last preceding section but subject to the provisions of this section, the Registrar may, after consulting the financing bank to which the society is affiliated, by order notified in the Official Gazette, provide for the amalgamation, division or reorganisation of those societies into a single society, or into societies with such constitution, property, rights, interests and authorities, and such liabilities, duties and obligations, as may be specified in the order.

(2) No order shall be made under this section, unless—

- (a) a copy of the proposed order has been sent in draft to the society or each of the societies concerned ;
- (b) the Registrar has considered and made such modifications in the draft order as may seem to him desirable in

the light of any suggestions and objections which may be received by him within such period (not being less than two months from the date on which the copy of the order as aforesaid was received by the society) as the Registrar may fix in that behalf, either from the society or from any member or class of members thereof, or from any creditor or class of creditors ; and

- (c) the prior approval of the State Government has been obtained for such reorganisation, amalgamation or division.

(3) The order referred to in sub-section (1) may contain such incidental, consequential and supplemental provisions as may, in the opinion of the Registrar, be necessary to give effect to the amalgamation, division or reorganisation.

(4) Every member or creditor of each of the societies to be amalgamated, divided or reorganised, who has objected to the scheme of amalgamation, division or reorganisation within the period specified, shall be entitled to receive, on the issue of the order of amalgamation, division or reorganisation his share or interest if he be a member, and the amount in satisfaction of his dues if he be a creditor.

(5) On the issue of an order under sub-section (1), the provisions in sub-sections (2), (3) and (4) of section 17 shall apply to the societies so amalgamated, divided or reorganised as if they were amalgamated, divided or reorganised under that section, and to the society amalgamated, divided or reorganised.

Reconstruction  
of societies.

19. Where a proposal for compromise or arrangement,—

- (a) between a society and its creditors, or  
(b) between a society and its members, is approved at a special general meeting called for the purpose, the Registrar may, on the application of the society or of any member or of any creditor of the society, or in the case of a society which is being wound up, of the Liquidator, order reconstruction in the prescribed manner, of the society.

Partnership of  
societies.

20. (1) Any two or more societies may, with the prior approval of the Registrar, by resolution passed by three-fourths majority of the members present and voting at a general meeting of each such society, enter into a partnership for carrying out any specific business or businesses, provided that each member has had clear ten days' written notice of the resolution and the date of the meeting.

9 of 1932.

(2) Nothing in the Indian Partnership Act, 1932, shall apply to such partnership.

Cancellation of  
registration.

21. The Registrar shall make an order cancelling the registration of a society if it transfers the whole of its assets and liabilities to another society, or if its affairs are wound up, or the winding up proceedings in respect of the society are closed or terminated under section 112, or it has not commenced business within one year of its registration, or has ceased to function, or if he is satisfied, after making

such inquiry as he thinks fit, that the society no longer has genuinely as its objects one or more of the objects specified in section 4 and its registration ought to, in the interests of the general public, be cancelled. The society shall, from the date of such order of cancellation, be deemed to be dissolved, and shall cease to exist as a corporate body.

### CHAPTER III

#### MEMBERS AND THEIR RIGHTS AND LIABILITIES

Persons who  
may become  
member.

22. (1) Subject to the provisions of section 24, no person shall be admitted as a member of a society except the following, that is to say—

- (a) an individual, who is competent to contract under the Indian Contract Act, 1872 ;
- (b) a firm, company or any other body corporate constituted under any law for the time being in force, or a society registered under the Societies Registration Act, 1860 ;
- (c) a society registered or deemed to be registered, under this Act ;
- (d) the Government ;
- (e) a local authority ;
- (f) a public trust registered under any law for the time being in force for the registration of such trusts ;

Provided that the provisions of clause (a) shall not apply to an individual seeking admission to a society exclusively formed for the benefit of students of a school or college :

Provided further that subject to such terms and conditions as may be laid down by the Government by general or special order, a firm or a company may be admitted as a member only of a society which is a federal or urban society or which conducts or intends to conduct as industrial undertakings :

Provided also that any firm or company, which is immediately before the commencement of this Act a member of a society deemed to be registered under this Act, shall have, subject to the other provisions of this Act, the right to continue to be such member on and after such commencement.

*Explanation*—For the purposes of this section, an “urban society” means a society the business of which mainly falls within the limits of a municipal corporation, municipality, cantonment, notified area or a sub-divisional town.

(2) Notwithstanding anything contained in sub-section (1), Government may, having regard to the fact that the interest of any person or class of persons conflicts or is likely to conflict with the

objects of any society or class of societies, by general or special order, published in the Official Gazette, declare that any person or class of persons engaged in or carrying on any profession, business or employment shall be disqualified from being admitted, or for continuing, as members or shall be eligible for membership only to a limited extent of any specified society or class of societies, so long as such person or persons are engaged in or carry on that profession, business or employment, as the case may be.

(3) Where a person is refused admission as a member of a society, the decision (with the reasons therefor) shall be communicated to that person within fifteen days of the date of the decision, or within three months from the date of the application for admission, whichever is earlier.

Open membership.

23. (1) No society shall, without sufficient cause, refuse admission to membership to any person duly qualified therefor under the provisions of this Act and its bye-laws.

(2) Any person aggrieved by the decision of a society, refusing his admission to its membership, may appeal to the State Government.

(3) The decision of the State Government in appeal, shall be final and the State Government shall communicate its decision to the parties within fifteen days from the date thereof.

Nominal and sympathiser member.

24. (1) Notwithstanding anything contained in section 22, a society may admit any person as a nominal or sympathiser member.

(2) A nominal member or sympathiser member shall not be entitled to any share in any form whatsoever in the profits or assets of the society as such member. A nominal or sympathiser member shall ordinarily not have any of the privileges and rights of a member, but such a member may, subject to the provisions of sub-section (8) of section 27, have such privileges and rights and be subject to such liabilities, of a member, as may be specified in the bye-laws of the society.

*Explanation.*—In this section, the expression “person” includes a company.

Cessation of membership.

25. A person shall cease to be a member of a society on his resignation from the membership thereof being accepted, or on the transfer of the whole of his share or interest in the society to another member, or on his death, or expulsion from the society:

Provided that resignation of a person from membership of a society will be accepted only when he or she is not indebted to the society or is not a surety for any unpaid debt due to the society.

No rights of membership to be exercised till due payments are made.

26. No person shall exercise the rights of a member of a society until he has made such payment to the society in respect of membership, or acquired such interest in the society, as may be prescribed by the rules or the bye-laws of such society.

Voting powers  
of members.

27. (1) (a) No member of any society shall have more than one vote in its affairs :

Provided that, in the case of an equality of votes the chairman shall have the casting vote.

(b) Every member of a society shall exercise his vote in person and no member shall be permitted to vote by proxy.

(2) Where a share of a society is held jointly by more than one person, only the person whose name stands first in the share certificate, shall have the right to vote.

(3) A society which has invested any part of its funds in the shares of another society, may appoint one of its members to vote on its behalf in the affairs of that other society ; and accordingly such member shall have the right to vote on behalf of the first society.

(4) A company or any other body corporate, constituted under any law for the time being in force which has invested any part of its funds in the shares of a society may appoint any one of its directors or officers to vote on its behalf in the affairs of such society ; and accordingly such director or officer shall have the right to vote on behalf of the company or the body corporate.

(5) Where a firm has invested any part of its funds in the shares of a society, any one of its partners appointed the firm shall be entitled to vote in the affairs of the society on behalf of the firm.

(6) A local authority or public trust which has invested any part of its funds in the shares of a society, may appoint any of its members or trustees, to vote on its behalf in the affairs of that society ; and accordingly such person shall have the right to vote on behalf of the local authority or the public trust, as the case may be.

(7) In the case of federal society, the voting rights of individual members thereof shall be such as may be regulated by the rules made under this Act and by the bye-laws of the society.

(8) No nominal or sympathiser member shall have the right to vote.

(9) Where the Government is a member of a co-operative society, each person nominated by the Government, on the committee of such society shall have one vote.

Restrictions on  
holding of  
shares.

28. In any society, no member other than the Government or any other society shall—

(a) hold more than such portion of the total share capital of the society (in no case exceeding one-tenth thereof) as may be prescribed, or

(b) have or claim any interest in the shares of the society exceeding five thousand rupees :

Provided that the Government may, by notification in the Official Gazette, specify in respect of any class of societies a higher or lower maximum than one-fifth of the share capital or, as the case may be, a higher or lower amount than five thousand rupees.

Restrictions on transfer or charge on share or interest.

29. (1) Subject to the provisions of the last preceding section as to the maximum holding of shares and to any rules made in this behalf, a transfer of, or charge on, the share or interest of a member in the share capital of a society shall be subject to such conditions as may be prescribed.

(2) A member shall not transfer any share held by him or his interest in the capital or property of any society or any part thereof, unless—

- (a) he has held such share or interest for not less than six months ;
- (b) the transfer or charge is made to a member of the society or to a person whose application for membership has been accepted by the society ; and
- (c) the committee has approved such transfer.

(3) Notwithstanding anything contained in sub-sections (1) and (2), where a member is allowed to resign, or is expelled, or ceases to be a member on account of his being disqualified by this Act or by the rules made thereunder or by the bye-laws of the society, the society may acquire the share or interest of such member in the share capital by paying for it at the value determined in the manner prescribed, provided that the total payment of share capital of a society in any financial year for such purpose does not exceed ten per cent of the paid-up share capital of the society on the last day of the financial year immediately preceding.

Explanation.—(i) The right to forfeit the share or interest of any expelled member in the share capital by virtue of any bye-laws of the society, shall not be affected by the aforesaid provision.

- (ii) In this sub-section the expression "financial year" means the year ending on the 30th June or, in the case of any society or class of societies the accounts of which are, with the previous sanction of the Registrar, balanced on any other day, the year ending on such day.

(4) Where the Government is a member of a society, the restrictions contained in this section shall not apply to any transfer made by it of its share or interest in the capital of the society ; and that the Government may, notwithstanding anything in this Act, withdraw from the society its share capital at any time, after giving to the society notice thereof of not less than six months.

Transfer of interest on death of member.

30. (1) On the death of a member of a society, the society shall transfer the share or interest of the deceased member to a person or

persons nominated in accordance with the rules, or, if no person has been so nominated, to such person as may appear to the committee to be the heir or legal representative of the deceased member :

Provided that such nominee, heir or legal representatives, as the case may be, is duly admitted as a member of the society :

Provided further that nothing in this sub-section or in section 22 shall prevent a minor or a person of unsound mind from acquiring by inheritance or otherwise, any share or interest of a deceased member, in a society.

(2) Notwithstanding anything contained in sub-section (1), any such nominee, heir or legal representative, as the case may be, may require the society to pay to him the value of the share or interest of the deceased member, ascertained in accordance with the rules.

(3) A society may pay all other moneys due to the deceased member from the society to such nominee, heir or legal representative as the case may be.

(4) All transfers and payments duly made by a society in accordance with the provisions of this section, shall be valid and effectual against any demand made upon the society by any other person.

Share or interest not liable to attachment.

31. The share or interest of a member in the capital of a society, or in the loan-stock issued by a housing society, or in the funds raised by a society from its members by way of savings deposit, or fixed deposit, shall not be liable to attachment or sale under any decree or order of a court for or in respect of any debt or liability incurred by the member ; and accordingly, neither a Receiver under the Provincial Insolvency Act, 1920, nor any such person or authority under any corresponding law for the time being in force, shall be entitled to or have any claim on, such share or interest.

5 of 1920.

Rights of members to see books, etc.

32. (1) Every member of a society shall be entitled to inspect free of cost, at the society's office during office hours, or any time fixed for the purpose by the society, a copy of this Act, the rules and the bye-laws, the last audited annual balance sheet including audit notes, if any the profit and loss account, the list of the members of the committee, the register of members, the minutes of general meetings, the minutes of committee meetings and those portions of the books and records in which his transactions with the society have been recorded.

(2) A society shall furnish to a member, on request in writing and on payment of such fees as may be prescribed therefor, a copy of any of the documents mentioned in the foregoing sub-section within one month from the date of payment of such fees.

Liability of past member and estate of deceased member.

33. (1) Subject to the provisions of sub-section (2), the liability of a past member, or of the estate of a deceased member, of a society for the debts of the society as they stood,—

(a) in the case of a past member, on the date on which he ceased to be a member, and

(b) in the case of a deceased member, on the date of his death,

shall continue for a period of two years from such date.

(2) Where a society is ordered to be wound up under any provision of this Act, the liability of a past member or of the estate of a deceased member, who ceased to be member or died, within two years immediately preceding the date of the order of winding up, shall continue until the entire liquidation proceedings are completed; but such liability shall extend only to the debts of the society as they stood on the date of his ceasing to be a member or death, as the case may be.

Insolvency of  
members  
5 of 1920.

34. Notwithstanding anything contained in the Provincial Insolvency Act, 1920, or any corresponding law for the time being in force, the dues of a society from a member, in insolvency proceedings against him, shall rank in order of priority next to the dues payable by him to the Government or to a local authority.

Expulsion of  
members.

35. (1) A society may, by resolution passed by a majority of not less than three-fourths of the members entitled to vote who are present at a general meeting held for the purpose, expel a member for acts which are detrimental to the interest or proper working of the society :

Provided that no resolution shall be valid, unless the member concerned is given an opportunity of representing his case to the general body, and no resolutions shall be effective unless it is approved by the Registrar.

(2) No member of a society who has been expelled under the foregoing sub-section shall be eligible for re-admission as a member of that society, or for admission as a member of any other society, for a period of one year from the date of such expulsion :

Provided that the Registrar may, on an application by the society and in special circumstances, sanction the re-admission or admission, within the said period, of any such member as a member of the said society or of any other society, as the case may be.

Disqualification  
For membership.

36. (1) No person shall be eligible for admission as member of any society, if he—

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

(b) has been sentenced for any offence involving moral turpitude, such sentence not having been reversed and the offence pardoned and a period of five years has not elapsed from the date of expiry of the sentence; or

(c) has been expelled from membership under this Act.

(2) If any person becomes a member of any society on his making a declaration as required by the bye-laws of the society or otherwise and such declaration is found to be false, then such person shall be disqualified to continue as a member of the society.

(3) In a federal society with the order of winding up of a society which is affiliated to such federal society, its membership in the federal society shall cease forthwith.

(4) If a member becomes subject to any of the disqualifications specified in sub-section (1) he shall be deemed to have ceased to be a member from the date when the disqualification was incurred.

(5) No individual being a member of a credit society, shall be eligible for admission as a member of any other such society without the general or special sanction of the Registrar.

*Explanation* :—For purposes of sub-section (5) "credit society" means a society which lends or gives credit to its members whether in cash or in kind.

Liability of members.

37. (1) The members of a society shall, upon the winding up of the society, be jointly and severally liable to contribute towards any deficiency in the assets of the society—

- (a) in the case of a society with unlimited liability, without limit ; and
- (b) in the case of a society with limited liability, subject to such limitation of amount as may be provided in the bye-laws.

## CHAPTER IV

### INCORPORATION, DUTIES AND PRIVILEGES OF SOCIETIES

Societies to be bodies corporate.

38. The registration of a society shall render it a body corporate by the name under which it is registered, with perpetual succession and a common seal, and with power to acquire, hold and dispose of property, to enter into contracts, to institute and defend suits and other legal proceedings, and to do all such things as are necessary for the purpose for which it is constituted.

Address of Societies.

39. Every society shall have an address, registered in accordance with the rules, to which all notices and communications may be sent, and the society shall send notice in writing to the Registrar of any change in the said address, within thirty days thereof.

Register of members.

40. (1) Every society shall keep a register of its members, and enter therein the following particulars, that is to say,—

- (a) the name, address and occupation of each member ;
- (b) in the case of a society having share capital, the share hold by each member ;

- (c) the date on which each person was admitted as member ;
- (d) the date on which any person ceased to be a member ;  
and
- (e) such other particulars as may be prescribed :

Provided that where a society has, by or under this Act, permitted a member to transfer his share or interest on death to any person, the register shall also show against the member concerned the name of the person entitled to the share or interest of the member, and the date on which the nomination was recorded.

(2) The register shall be prima facie evidence of the date on which any person was admitted to membership, and of the date on which he ceased to be a member.

Copy of Act,  
etc., to be open  
to inspection.

41. Every society shall keep, at the registered address of the society, a copy of this Act and the rules and of its bye-laws and a list of members, open to inspection to the public, free of charge during office hours or any hours fixed by the society therefor.

Admissibility  
of copy of entry  
as evidence.

42. (1) A copy of any entry in any book, register or list, regularly kept in the course of business and in the possession of a society, shall, if duly certified in such manner as may be prescribed, be admissible in evidence of the existence of the entry, and shall be admitted as evidence of the matters and transactions therein recorded in every case where, and to the same extent to which, the original entry would, if produced, have been admissible to prove such matters.

(2) In the case of such societies, as the Government may, by general or special order, director or officer of a society shall in any legal proceedings to which the society is not a party, be compelled to produce any of the societies books, the contents of which can be proved under the foregoing sub-section or to appear as a witness to prove the matters, transactions and accounts therein recorded, unless by order of the Court or a Judge made for special cause.

Exemption from  
compulsory  
registration of  
instruments rela-  
ting to shares  
and debentures  
of society.  
16 of 1908.

43. Nothing in clauses (b) and (c) of sub-section (1) of section 17 of the Registration Act, 1908, shall apply—

- (a) to any instrument relating to shares in a society, notwithstanding that the assets of the society consist in whole or in part of immovable property ; or
- (b) to any debentures issued by any society and not creating, declaring, assigning, limiting or extinguishing any right, title or interest to or in immovable property, except in so far as it entitles the holder to the security afforded by registered instrument whereby the society has mortgaged, conveyed or otherwise transferred the whole or part of its immovable property, or any interest therein to trustees upon trust for the benefit of the holders of such debentures ; or

- (c) to any endorsement upon, or transfer of, any debentures issued by any society.

Power to exempt from taxation.

44. The Government may, by notification in the Official Gazette, in the case of any society or class of societies, remit—

- (a) the stamp duty with which, under any law relating to stamp duty for the time being in force, instruments executed by or on behalf of a society or by an officer or member thereof, and relating to the business of the society, or any class of such instruments, or awards of the Registrar or his nominee or board of nominees under this Act, are respectively chargeable,
- (b) any fee payable by or on behalf of a society under the law relating to the registration of documents and to court-fees, for the time being in force, and
- (c) any other tax or fee or duty (or any portion thereof) payable by or on behalf of a society under any law for the time being in force, which the Government is competent to levy.

Restrictions on borrowings.

45. (1) A society shall receive deposits and loans from members and other persons, only to such extent, and under such conditions, as may be prescribed, or specified by the bye-laws of the society.

(2) If in the opinion of the Registrar it is necessary so to do for ensuring safety of the funds obtained under sub-section (1), for proper utilisation of such funds in furtherance of the objects of the society or societies concerned and for keeping them within the borrowing limits as laid down in the rules and bye-laws, the Registrar may, by general or special order, impose additional conditions on any society or class of societies, subject to which and the extent upto which such society or class of societies, may receive deposits, issue debentures or raise loans from any creditor other than the financing bank.

Regulation of loan making policy.

46. (1) No society shall make a loan to any person other than a member, or on the security of its own shares, or on the security of any person who is not a member :

Provided that with the special sanction of the Registrar, a society may make loans to another society.

(2) Notwithstanding anything contained in the foregoing sub-section, a society may make loan to a depositor on the security of his deposit.

(3) If in the opinion of the Government, it is necessary in the interest of the society or societies concerned to do so, the Government may, by general or special order, prohibit, restrict, or regulate the lending of money by any society or class of societies on the security of any property :

Provided that the Registrar may, for ensuring safety of the funds of the society or societies concerned, for proper utilisation of such funds in furtherance of their objects and for keeping them within the loan making limits laid down in the rules and bye-laws, with the approval of the financing bank, by general or special order, regulate further the extent, conditions and manner of making loans by society or class of societies to its members or other societies.

Restrictions on other transactions with non-members.

47. Save as is provided in this Act, the transactions of a society with persons other than members, shall be subject to such restrictions, if any, as may be prescribed.

Charge and set off in respect of share or interest of member.

48. A society shall have a charge upon the share or interest in the capital, and on the deposits, of a member or past member or deceased member, and upon any dividend, bonus or profits payable to such member, in respect of any debt due from such member or his estate to the society and the society may set-off any sum credited or payable to such member in or towards the payment of any such debt :

Provided that no co-operative bank shall have a charge upon any sum invested with it by a society out of the provident fund established by it under section 63, or its reserve fund ; and no co-operative bank shall be entitled to set-off any such sum towards any debts due from the society.

Prior claim of society.

49. (1) Notwithstanding anything contained in any other law for the time being in force, but subject to any prior claim of Government in respect of land revenue or any money recoverable as land revenue and to the provisions of sections 60 and 61 of the Code of Civil Procedure, 1908,—

5 of 1908.

- (a) any debt or outstanding demand, owing to a society by any member or past member or deceased member, shall be a first charge upon—
  - (i) the crops or other agricultural produce raised in whole or in part whether with or without a loan taken from the society by such member or past member or deceased member.
  - (ii) any cattle, fodder for cattle, agricultural or industrial implements or machinery, or raw materials for manufacture, workshop, godown or place of business, supplied to or purchased by such member or past member or deceased member, in whole or in part, from any loan whether in money or goods made to him by the society, and
  - (iii) any movable property which may have been hypothecated pledge or otherwise mortgaged by a member with the society, and remaining in his custody ;

- (b) any outstanding demands or dues payable to a society by any member or past member or deceased member, in respect of rent, shares, loans or purchase money or any other rights or amounts payable to such society, shall be a first charge upon his interest in the immovable property of the society.

*Explanation* :—The prior claim of Government in respect of dues, other than land revenue, shall be restricted for the purpose of sub-section (1) to the assets created by a member out of the funds in respect of which the Government has a claim.

(2) No property or interest in property, which is subject to a charge under the foregoing sub-section, shall be transferred in any manner without the previous permission of the society; and such transfer shall be subject to such conditions, if any, as the society may impose.

(3) Any transfer made in contravention of sub-section (2) shall be void.

(4) Notwithstanding anything contained in sub-sections (2) and (3), a society, which has one of its objects the disposal of the produce of its members, may provide in its bye-laws, or may otherwise contract with its members,—

- (a) that every such member shall dispose of his produce through the society, and
- (b) that any member, who is found guilty of breach of the bye-law or of any such contract, shall reimburse the society for any loss, determined in such manner as may be specified in the bye-laws.

50. Notwithstanding anything contained in this Act or in any other law for the time being in force,—

- (a) any person who makes an application to a society of which he is a member, for a loan shall, if he owns any land or has interest in any land as a tenant, make a declaration in the form prescribed. Such declaration shall state that the applicant thereby creates a charge on such land or interest specified in the declaration for the payment of the amount of the loan which the society may make to the member in pursuance of the application, and for all future advances (if any) required by him which the society may make to him as such member, subject to such maximum as may be determined by the society, together with interest on such amount of the loan and advances;
- (b) any person who has taken a loan from a society of which he is a member, before the date of the coming into force

Charge on immovable property of members borrowing from certain societies.

of this Act, and who owns any land or has interest in land as a tenant, and who has not already made such a declaration before the aforesaid date shall, as soon as possible thereafter, make a declaration in the form and to the effect referred to in clause (a) ; and no such person shall, unless and until he has made such declaration, be entitled to exercise any right as a member of the society ;

- (c) a declaration made under clause (a) or (b) may be varied at any time by a member, with the consent of the society in favour of which such charge is created ;
- (d) no member shall alienate the whole or any part of the land or interest therein, specified in the declaration made under clause (a) or clause (b) until the whole amount borrowed by the member, together with interest thereon, is repaid in full ;

Provided that if a part of the amount borrowed by a member is paid, the society with the approval of the financing bank to which it may be indebted, may, on an application from the member, release from the charge created under the declaration made under clause (a) or clause (b), such part of the movable or immovable property specified in the said declaration, as it may deem proper, with due regard to the security of the balance of the amount remaining outstanding from the member ;

- (e) any alienation made in contravention of the provisions of clause (d) shall be void ;
- (f) subject to all claims of the Government in respect of land revenue or any money, recoverable as land revenue and all claims of the land development bank in respect of its dues, in either case whether prior in time or subsequently, there shall be a first charge in favour of the society on the land or interest specified in the declaration made under clause (a) or clause (b), for and to the extent of the dues owing by the member on account of the loan ;
- (g) and in particular, the record of rights maintained under the settlement and survey rules for the time being in force in Tripura shall also include the particulars of every charge on land or interest created under a declaration under clause (a) or clause (b).

*Explanation.*—For the purposes of this section, the expression “society” means—

- (i) any resource society, the majority of the members of which are agriculturists and the primary object of which is to obtain credit for its members, or

- (ii) any society, or any society of the class of societies specified in this behalf by the Government, by a general or special order.

Deduction from salary to meet society's claim in certain case.

51. (1) A member of a society may execute an agreement in favour of the society, providing that his employer shall be competent to deduct from the salary or wages payable to him by the employer, such amount as may be specified in the agreement, and to pay to the society the amount so deducted in satisfaction of any debt or other demand of the society against the member.

4 of 1936.

(2) On the execution of such agreement, the employer shall, if so required by the society by a requisition in writing, and so long as the society does not intimate that the whole of such debt or demand has been paid, make the deduction in accordance with the agreement, and pay the amount so deducted to the society, as if it were a part of the wages payable by him as required under the Payment of Wages Act, 1936 on the day on which he makes payment.

(3) If after the receipt of a requisition made under the foregoing sub-section, the employer at any time fails to deduct the amount specified in the requisition from the salary or wages payable to the member concerned, or makes default in remitting the amount deducted to the society, the employer shall be personally liable for payment thereof ; and the amount shall be recoverable on behalf of the society from him as an arrear of land revenue, and the amount so due shall rank in priority in respect of such liability of the employer as wages in arrears.

(4) Nothing contained in this section shall apply to persons employed in any railways (within the meaning of the Constitution of India), and in mines and oil fields.

*Explanation.*—In this section, the expression "society" includes a co-operative society registered or deemed to be registered in any State or Union territory outside the State of Tripura which the Government may by notification in the Official Gazette, declare to be a reciprocating State or Union territory for the purpose of this section.

## CHAPTER V

### GOVERNMENT AID TO SOCIETIES

Partnership of Government in societies.

52. The Government may subscribe to the share capital of a society with limited liability, upon such terms and conditions as may be agreed upon.

Liability to be limited in respect of shares purchased by Government.

53. Where any shares are purchased in a society by the Government the liability in respect of such shares shall, in the event of the society of which the shares are purchased is wound up, be limited to the amount paid in respect of such shares.

Other forms of Government aid to societies.

54. (1) Notwithstanding anything contained in any law for the time being in force, but subject to such conditions as the Government may, by general or special order, specify in this behalf, the Government may give loans to a society.

(2) The Government may—

- (a) guarantee the payment of the principal of debentures issued by a society, or of interest thereon, or both, or the repayment of the share capital of a society to its members or the payment of dividends thereon at such rates as may be specified by the Government ;
- (b) guarantee the repayment of loans given by a co-operative bank to a society ;
- (c) guarantee the repayment of the principal of, and payment of interest on, loans and advances given by the Reserve Bank of India, or the Industrial Finance Corporation of India, or any other authority constituted under any law for the time being in force ; or
- (d) provide financial assistance, in any other form (including subsidies), to a society.

Provisions of this Chapter to override other laws.

55. The provisions of sections 52 to 54 in this Chapter shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

## CHAPTER VI

### PROPERTY AND FUNDS OF SOCIETIES

Funds not to be divided among members.

56. (1) No part of the funds of a society except net profits as declared by the annual general meeting in conformity with this Act, rules and bye-laws, shall be divided by way of bonus or dividend or otherwise among its members.

(2) No honorarium shall be paid out of the funds and assets of the society other than net profits and such honorarium shall not exceed the prescribed limit :

Provided that, a member may be paid remuneration on such scale as may be laid down by the bye-laws, for any services rendered by him to the society.

Appropriation of profits.

57. (1) A society earning profit shall calculate the net profits by deducting from the gross profits for the year, all interest accrued and accruing in accounts which are over due, establishment charges, interest payable on loans and deposits, audit fees, working expenses including repairs, rent, taxes and depreciation, and after providing for or writing off bad debts and losses not adjusted against any fund

created out of profits. A society may, however, add to the net profits for the year, interest accrued in the preceding years, but actually recovered during the year. The net profits thus arrived at, together with the amount of profits brought forward from the previous year, shall be available for appropriation.

(2) A society may appropriate its net profits to the reserve fund or any other fund, to payment of dividends to members on their shares, to the contribution to the educational fund as may be prescribed, to the payment of bonus on the basis of support received from members and persons who are not members to its business to payment of honoraria, and to any other purpose which may be specified in the rules or bye-laws :

Provided that no part of the net profits shall be appropriated except with the approval of the general body of members in annual general meeting and in conformity with the Act, rules and bye-laws.

**Reserve Fund.**

58. (1) Every society which does, or can derive net profit from its transactions shall maintain a reserve fund.

(2) Of the net profits of a society in each year there shall be carried to the reserve fund not less than twenty-five per centum :

Provided that no part of the reserve fund shall be invested in the business of the society or in any other purpose without the approval of the Registrar as prescribed in rules.

(3) Reserve fund not invested in the business of the society shall be invested or deposited in the manner provided under section 62.

(4) Any officer wilfully failing to comply with the requirements of this section shall be personally liable for making good the amount to the society.

(5) The reserve fund or bad debt reserve fund of a society invested by such society in accordance with the provisions of section 62 shall not be liable to attachment under any decree or order of a court in respect of any debt or liability incurred by the society.

**Restrictions on dividend.**

59. No society shall pay a dividend to its members at a rate exceeding nine per cent per annum.

**Contribution to educational fund of the federal society notified by the Government.**

60. (1) Every society which declares, a dividend to its members at a rate of four per cent or more, shall contribute towards the educational fund of such federal society as may be notified in this behalf by the Government at such rate as may be prescribed.

(2) No society, liable to contribute towards the educational fund, shall pay a dividend to its members, unless the said contribution is made to the federal society notified as aforesaid. An officer

wilfully failing to comply with the requirement of this section, shall be personally liable for making good the amount to the federal society notified as aforesaid.

Contribution  
to public  
purposes.

61. After providing for the reserve fund as provided in section 58 and for the educational fund as provided in section 60, a society may set aside a sum not exceeding twenty-five per cent of its net profits, and utilise, with the approval of such federal society as may be notified by the Government in this behalf from time to time, the whole or part of such sum in contributing to any co-operative purpose, or to any charitable purpose within the meaning of section 2 of the Charitable Endowments Act, 1890 or to any other public purpose.

6 of 1890.

Investment  
of funds.

62. (1) A society shall invest or deposit its funds in one or more of the following,—

- (a) in the State Co-operative Bank or State Bank of India ;
- (b) in any of the securities specified in section 20 of the Indian Trust Act, 1882 ;
- (c) in the shares, or security bonds, or debentures, issued by any other society with limited liability ;
- (d) in any banking company, approved for this purpose by the Registrar, and on such conditions as the Registrar may, from time to time, impose ;
- (e) in the postal Savings bank ; or
- (f) in any other mode permitted by rules, or by general or special order, of the Government.

2 of 1882.

(2) Notwithstanding anything contained in sub-section (1) the Registrar may order a society or class of societies to invest any funds in a particular manner or may impose conditions regarding the mode of investment of funds. It will be an offence on the part of the officers wilfully failing to comply with the requirements of this section.

Employees'  
provident fund.

63. (1) Any society may establish for its employees a provident fund, into which shall be paid the contributions made by its employees and by the society. Such Provident fund shall not be used in the business of the society, or shall it form part of the assets of the society ; but shall be invested under the provisions of the last preceding section, and shall be administered in the manner prescribed.

(2) Notwithstanding anything contained in the foregoing sub-section, a provident fund established by a society to which the Employees' Provident Funds Act, 1952 is applicable, shall be governed by that Act.

19 of 1952.

(3) The employees' provident fund established by a society under sub-section (1) shall not be liable to attachment or be subject to any other process of any court or other authority.

## CHAPTER VII

### MANAGEMENT OF SOCIETIES

Final authority  
of society.

64. Subject to the provisions in this Act and the rules, the final authority of every society shall vest in the general body of members in general meeting, summoned in such a manner as may be specified in the bye-laws.

Committee, its  
powers and  
functions.

65. (1) The management of every society shall vest in a committee, constituted in accordance with this Act, the rules and the bye-laws, which shall exercise such powers and perform such duties as may be conferred or imposed respectively by this Act, the rules and the bye-laws.

(2) Notwithstanding anything contained in any provision of this Act, rules or bye-laws, election of the members of a committee shall be by secret voting method in the manner prescribed.

Disqualification  
for membership  
of committees.

66. (1) No person shall be eligible for being elected or appointed as a member of the committee if he,—

- (a) is in default to the society or any other society in respect of any loan or advance taken by him or of any other dues to the society or any other society ;
- (b) is interested directly or indirectly in any contract made with the society or in any sale or purchase made by the society privately or in any auction or any contract or transaction involving financial interest ;
- (c) is an applicant to be adjudicated a bankrupt or an insolvent or an uncertified bankrupt or an undischarged insolvent ;
- (d) is employed as legal practitioner on behalf of the society or against the society or on behalf of or against any other society which is a member of the former society ;
- (e) has been sentenced for any offence including moral turpitude, such sentence not having been reversed and the offence pardoned and a period of five years has not elapsed from the date of expiry of the sentence ;
- (f) is a nominal or sympathiser member ;
- (g) is a person of unsound mind ;
- (h) is a minor ;

Provided that clause (h) shall not be applicable in case of a society exclusively formed for the benefit of students of a school or college ;

- (i) is a paid employee of the society or of the federal society to which the society is affiliated ;
- (j) ceases to be a member of a society and in case of federal society on cancellation of affiliation of a society of which he is a member ;
- (k) incurs other disqualifications as may be prescribed in the rules.

(2) (a) A member of the committee shall cease to hold his office if he becomes subject to the disqualifications mentioned in sub-section (1).

(b) In a federal society the representative or representatives of the affiliated society or societies on the committee of federal society shall cease forthwith to be a member or members of committee with the order of winding up of such society or societies.

Term to office of the members of the committee.

67. The members of the committee of a society shall hold office for such term not exceeding three years as may be prescribed in bye-laws. After the term of office the committee shall hand over the charge of office of the committee to the newly elected committee forthwith.

Restrictions on holding office simultaneously in a number of institutions.

68. Notwithstanding anything contained in this Act, a person shall be disqualified for election as, or for being, the president, vice-president, chairman, vice-chairman, managing director, secretary, joint secretary or treasurer of a Committee,—

- (a) if he has held any such office on that committee during two consecutive terms, whether full or part ;
- (b) if he holds any such office on a committee of another co-operative society of the same type ;
- (c) if he holds any such office on the committees of three or more co-operative societies of a different type or different types :

Provided that nothing contained in this section shall be deemed to disqualify any such person for election as, or for being, a delegate of a society or a member of another committee.

*Explanation 1.*—Where any person holding any office as aforesaid at the commencement of this Act is again elected to any such office after such commencement, he shall for the purpose of this section be deemed to have held that office for one term before such election

*Explanation 2.*—A person who has ceased to hold any such office as aforesaid continuously for one full term shall again be qualified for election to any of those office.

Appointment of manager, secretary and other officers.

69. The qualifications for the appointment of any whole-time employee such as general manager, manager, executive officer, secretary, accountant or any other officer or employee of a society and the conditions of service of such officers and employees shall be such as may, from time to time, be prescribed :

Provided that no qualification shall be prescribed in respect of part-time employees.

Power to depute Government servant in the service of a society.

70. The Government may, on the application of a society and on such conditions as may be prescribed, depute a servant of the Government to the service of the society for the purpose of assisting the committee to manage its affairs.

Annual general meeting.

71. (1) Every society shall, within a period of three months next after the date fixed for making up its accounts for the year under the rules for the time being in force, call a general meeting of its members :

Provided that the Registrar may, by general or special order, extend the period for holding such meeting for a further period not exceeding three months :

Provided further that if in the opinion of the Registrar, no such extension is necessary, or such meeting is not called by the society within the extended period (if any) granted by him, the Registrar or any person authorised by him may call such meeting in the manner prescribed, and that meeting shall be deemed to be a general meeting duly called by the society and the Registrar may order that the expenditure incurred in calling such a meeting shall be paid out of the funds of the society or by such person or persons who in the opinion of the Registrar were responsible for the refusal or failure to convene the general meeting.

(2) At every general meeting of a society, the committee shall lay before the society a statement showing the details of the loans (if any) given to any of the members of the committee or any member of the family of any committee member during the last preceding year along with a balance sheet and profit and loss account for the year in the manner, prescribed by the Registrar by general or special order for any class or classes of societies.

*Explanation.*—In the case of society not carrying on business for profit, an income and expenditure account shall be placed before the society at the annual general meeting instead of profit and loss account ; and all references to profit and loss account, and to "profit" or "loss" in this Act, shall be construed in relation to such society as references, respectively, to the "excess of income over expenditure" and "the excess of expenditure over income".

(3) There shall be attached to every balance sheet laid before the society in general meeting, a report by its committee, with respect to—

- (a) the state of the society's affairs ;
- (b) the amounts, if any, which it proposes to carry to any reserve fund either in such balance sheet, or any specific balance sheet; and
- (c) the amounts, if any, which it recommends, should be paid by way of dividend, bonus, or honoraria to honorary workers.

The committee's report shall also deal with any changes, which have occurred during the year for which the accounts are made up, in the nature of the society's business. The committee's report shall be signed by its chairman, or any other member authorised to sign on behalf of the committee.

(4) At every annual general meeting, the balance sheet, the profit and loss account, the auditor's report and the committee's report, shall be placed for adoption, and such other business will be transacted as may be laid down in the bye-laws and of which due notice has been given.

(5) If default is made, in calling a general meeting within the period or, as the case may be, the extended period, prescribed under sub-section (1), or in complying with sub-sections (2), (3) or (4), the Registrar may by order declare any officer or member of the committee whose duty it was to call such a meeting or comply with sub-sections (2), (3) or (4), and who without reasonable excuse failed to comply with any of the aforesaid sub-sections disqualified for being elected and for being an officer or member of the committee for such period not exceeding three years, as he may specify in such an order and, if the officer is a servant of the society, impose a penalty on him to pay an amount not exceeding one hundred rupees. Before making an order under this sub-section, the Registrar shall give, or cause to be given, a reasonable opportunity to the person concerned of showing cause against the action proposed to be taken in regard to him.

Special  
general  
meeting.

72. (1) A special general meeting of a society may be called at any time by a majority of the committee or by any paid servant authorised by the committee or bye-laws of a society in this behalf, and shall be called by the majority of the committee or by any paid servant authorised by the committee or bye-laws of a society in this behalf within one month,—

- (i) on a requisition in writing of one fifth of the members of the society or of members the number of which is specified in the bye-laws for the purpose, whichever is less, or

(ii) at the instance of the Registrar or any person authorised by him in this behalf, or

(iii) in the case of a society, which is a member of a federal society, at the instance of the committee of such federal society.

(2) Where any officer or a member of the committee, whose duty it was to call such meeting without reasonable excuse, fails to call such meeting, the Registrar may by order declare such officer or member disqualified for being a member of the committee for such period not exceeding three years, as he may specify in such order ; and if the officer is a servant of the society, he may impose on him a penalty not exceeding one hundred rupees. Before making an order under this sub-section, the Registrar shall give, or cause to be given, a reasonable opportunity to the person concerned of showing cause against the action proposed to be taken in regard to him.

(3) If a special general meeting of a society is not called in accordance with the requisition referred to in sub-section (1) the Registrar or any person authorised by him in this behalf, shall have power to call such meeting, and that meeting shall be deemed to be a meeting duly called by the committee.

(4) The Registrar shall have power to order that expenditure incurred in calling a meeting under sub-section (3) shall be paid out of the funds of the society or by such person or persons who, in the opinion of the Registrar, were responsible for the refusal or failure to convene the meeting.

(5) Any penalty imposed under sub-section (5) of section 71 or under sub-section (2) of this section may be recovered in the manner provided in the Code of Criminal Procedure, 1898, for the recovery of fines imposed by a magistrate as if such fine was imposed by the magistrate himself.

5 of 1898.

Acts of societies etc., not to be invalidated by certain defects.

73. (1) No act of a society or a committee or any officer, done in good faith in pursuance of the business of the society shall be deemed to be invalid by reason only of some defects subsequently discovered in the organisation of the society, or in the constitution of the committee, or in the appointment or election of an officer or on the ground that such officer was disqualified for his office.

(2) No act done in good faith by any person appointed under this Act, the rules and the bye-laws shall be invalid merely by reason of the fact that his appointment has been cancelled by or in consequence of any order subsequently passed under this Act, rules, and the bye-laws.

(3) The Registrar shall decide whether any act was done in good faith in pursuance of the business of the society ; and his decision thereon shall be final.

Power of  
Removal of  
committee  
or member  
thereof.

74. (1) If, in the opinion of the Registrar, the committee of any society or any member of such committee persistently makes default, or is negligent, in the performance of the duties imposed on it or him by this Act or the rules or the bye-laws, or commits any act which is prejudicial to the interests of the society or its members, or wilfully disobeys directions issued by the Registrar for the purposes of securing proper implementation of co-operative production and other development programmes approved or undertaken by Government, or is otherwise not discharging its or his functions properly, the Registrar may, after giving the committee or the member, as the case may be, an opportunity of stating its or his objections (if any) within fifteen days from the date of issue of notice, and after consulting the federal society to which the society is affiliated, by order published in the Official Gazette,—

(a) remove the committee, and

(i) appoint a committee, consisting of three or more members of the society, in its place, or

(ii) appoint one or more administrators, who need not to be members of the society,

to manage the affairs of the society for a period not exceeding one year) specified in the order, which period may at the discretion of the Registrar be extended, from time to time, so however that the total period does not exceed three years in the aggregate ;

(b) remove the member and appoint any person as a member of such committee, in his place, for the remainder of the term of office of the member removed.

(2) The committee or administrator so appointed shall, subject to the control of the Registrar and to such instructions as he may from time to time give, have power to exercise all or any of the functions of the committee or of any officer of the society, and take all such action as may be required in the interests of the society. The committee or administrator appointed as aforesaid shall, notwithstanding anything contained in the bye-laws, have power to call a special general meeting of the society to review or to reconsider the decision or the resolution taken or passed at the general meeting called by the previous committee or to endorse actions taken by it.

(3) The Registrar may fix the remuneration payable to the administrators and any expenses of management which shall be payable out of the funds of the society within such time and as such intervals as the Registrar may fix, and if such remuneration or expenses are not paid within such time or at such intervals, the Registrar may direct the person having custody of the funds of the society to pay to the administrators such remuneration and expenses in priority to any other payments (except land revenue, arrears of land revenues, or any sum recoverable from the society as arrears of land revenue) and he shall, so far as the funds to the credit of the society allow, comply with the orders of the Registrar.

(4) If at any time during any period, or extended period referred to in sub-section (1), it appears to the Registrar that it is no longer necessary to continue to carry on the affairs of the society as aforesaid, the Registrar may, by an order published in the Official Gazette, direct that the management shall terminate; and on such order being made, the management of the society shall be handed over to a new committee duly constituted.

(5) The committee or administrator shall, at the expiry or termination of it or his term of office, arrange for the constitution of a new committee in accordance with the bye-laws of the society.

(6) All acts done or purported to be done by the committee or administrator during the period the affairs of the society are carried on by the committee or administrator appointed under sub-section (1), shall be binding on the new committee.

Registrar's  
power to en-  
force perfor-  
mance of  
obligations.

75. (1) The Registrar may direct any society or class of societies, to keep proper books of accounts with respect to all sums of money received and expended by the society, and the matters in respect of which the receipt and expenditure take place, all sales and purchases of goods by the society, and the assets and liabilities of the society, and to furnish such statements and returns and to produce such records as he may require from time to time; and the officer or officers of the society shall be bound to comply with his order within the period specified therein.

(2) Where any society is required to take any action under this Act, the rules or the bye-laws, or to comply with an order made under the foregoing sub-section and such action is not taken—

- (a) within the time provided in this Act, the rules or the bye-laws, or the order, as the case may be, or
- (b) where no time is so provided, within such time, having regard to the nature and extent of the action to be taken, as the Registrar may specify by notice in writing,

the Registrar may himself, or through a person authorised by him, take such action, at the expense of the society; and such expense shall be recoverable from the society as if it were an arrear of land revenue.

(3) Where the Registrar takes action under sub-section (2), the Registrar may call upon the officer or officers of the society whom he considers to be responsible for not complying with the provisions of this Act, the rules or the bye-laws, or the order made under sub-section (1), and, after giving such officer or officers an opportunity of being heard, may require him or them to pay to the society the expenses paid or payable by it to the Government as a result of their failure to take action, and to pay to the assets of the society such sum not exceeding twenty-five rupees as the Registrar may think fit for each day until the Registrar's directions are carried out.

Registrar's  
power to seize  
records, etc.

76. (1) Where the Registrar is satisfied that the books and records of a society are likely to be suppressed, tampered with or destroyed, or the funds and property of a society are likely to be misappropriated or misapplied, the Registrar or the person authorised by him may apply to the first class magistrate within whose jurisdiction the society is functioning for seizing and taking possession of the records and property of the society.

(2) On receipt of an application under sub-section (1), the magistrate may authorise any police officer, not below the rank of a sub-inspector, to enter and search any place where the records and property are kept or likely to be kept, and to seize them and hand over possession thereof to the Registrar or the person authorised by him, as the case may be :

Provided that actions taken in the manner as provided in foregoing sub-sections (1) and (2) shall not be subjected to any challenge in any court of law.

Securing  
possession of  
records etc.

77. (1) On the election of a new committee of a society or on the removal of the committee or any member thereof under section 74 or when the society is ordered to be wound up under section 105 the outgoing members of the committee and any paid servant or servants authorised by the committee in this behalf shall hand over charge of the records and properties of the society to the new committee or the administrator or administrators or the committee appointed under section 74 or the Liquidator as the case may be.

(2) If the outgoing members of the committee and the paid servant or servants authorised by the committee in this behalf do not hand over, or in any manner obstruct the taking over charge of the records and properties of the society by the new committee or the administrator or administrators or the committee so appointed or the Liquidator, then without prejudice to any other action, the new committee or the administrator or administrators or the committee so appointed or the Liquidator may apply to the magistrate within whose jurisdiction the society functions for securing the records and properties of the society. On receipt of the application, the magistrate may, by a warrant authorise any police officer not below the rank of sub-inspector to enter and search any place where the records and properties are kept or are believed to be kept and to seize such records and properties; and the records and properties so seized shall be handed over to the new committee or the administrator or administrators or the committee so appointed or the Liquidator, as the case may be.

(3) The action taken in respect of securing possession of records and properties against the outgoing members of the committee and the paid servant or servants authorised by the committee in this behalf in the manner as provided in sub-section (2) shall not be subjected to any challenge in the court of law.

Power to  
appoint  
Government  
nominee.

78. Where the Government has subscribed to the share capital of a society or the Government has guaranteed the repayment of the Principal of and payment of interest on debentures issued or loans raised by a society, the Government shall have the right to nominate (not more than three) representative on the committee of such society, in such manner as may be determined by the Government from time to time. The members so nominated shall hold office during the pleasure of the Government or for such period as may be specified in the order by which they are appointed.

## CHAPTER VIII

### AUDIT, INQUIRY, INSPECTION AND SUSPENSION.

Audit.

79. (1) The Registrar shall audit, or cause to be audited by a person authorised by him by general or special order in writing in this behalf, the accounts of every society at least once in each year.

(2) The audit under the foregoing sub-section shall include an examination of overdue debts, if any, the verification of the cash balance and the securities, a valuation of the assets and liabilities of the society, examination of all transactions of the society, the statement of accounts prepared by the committee and other particulars as may be prescribed.

(3) The Registrar or the person authorised shall, for the purpose of audit, at all times have access to all the books, accounts, documents, papers, securities, cash and other properties belonging to, or in the custody of, the society, and may summon any person in possession or responsible for the custody of any such books, accounts, documents, papers, securities, cash or other properties, to produce the same at any place at the headquarters of the society or any branch thereof.

(4) Every person who is or has at any time being, an officer or employee of the society, and every member and past member of the society, shall furnish such information in regard to the transactions and working of the society as the Registrar, or the person authorised by him, may require.

(5) The auditor appointed under sub-section (1) shall have the right to receive all notices, and every communication relating to the annual general meeting of the society and to attend such meeting and to be heard thereat, in respect of any part of the business with which he is concerned as auditor.

(6) If it appears to the Registrar, on an application by a society or otherwise, that it is necessary or expedient to re-audit any accounts

of the society, the Registrar may, by order, provide for such re-audit and the provisions of this Act applicable to audit of accounts of the society shall apply to such re-audit.

(7) For auditing the accounts of a society under this section the society shall be liable to pay audit fee as such scale as may be prescribed :

Provided that the Registrar may remit the whole or any part of the fee payable for audit by any society or class of societies for any co-operative year.

(8) The statement of accounts audited together with modifications, if any, made therein by the Registrar, shall be final and binding upon the society.

(9) If at the time of audit, the accounts of a society are not found complete, the Registrar, or with his approval the auditor, may cause the accounts to be written upto date at the expense of the society.

*Explanation.*—For the purpose of this section audit shall include annual or periodical audit, running or continuous audit, test audit or super audit and re-audit.

Rectification  
of defects in  
accounts.

80. If the result of the audit held under section 79 discloses any defects in the working of a society, the society shall within three months from the date of the audit report, explain to the Registrar the defects or the irregularities pointed out by the auditor, and take steps to rectify the defects and remedy the irregularities, and report to the Registrar the action taken by it thereon. The Registrar may also make an order directing the society or its officers to take such action, as may be specified in the order, to remedy the defects, within the time specified therein. Where the society is affiliated to a financing bank Registrar shall bring it to the notice of that financing bank.

Inquiry by  
Registrar.

81. (1) The Registrar may, of his own motion, himself, or by a person duly authorised by him in writing in this behalf, hold an inquiry into the constitution, working and financial conditions of a society.

(2) The Registrar shall hold such an enquiry—

- (a) on the requisition of a society duly authorised by rules made in this behalf to make such requisition, in respect of one of its members, such member being itself a society ;  
or
- (b) on the application of a majority of the committee of a society ; or
- (c) on the application of one-third of the members of a society.

(3) (a) All officers, members and past members of the society in respect of which an inquiry is held, and any other person who in the opinion of the officer holding the inquiry is in possession of any

information, books and papers relating to the society, shall furnish such information as is in their possession, and produce all books and papers relating to the society which are in their custody or power, and otherwise give to the officer holding at inquiry all assistance in connection with the inquiry which they can reasonably give.

(b) If any such person refuses to produce to the Registrar or any person authorised by him under sub-section (1), any book or papers which it is his duty under clause (a) to produce or to answer any question which is put to him by the Registrar or the person authorised by the Registrar may certify the refusal and the Registrar, after hearing any statement which may be offered in defence, punish the defaulter with a penalty not exceeding five hundred rupees. Any sum imposed as penalty under this section shall, on the application by the Registrar or the person authorised by him to a magistrate having jurisdiction, be recoverable by the magistrate as if it were a fine imposed by himself.

(4) The result of any inquiry under this section shall be communicated to the society whose affairs have been investigated.

(5) It shall be competent for the Registrar to withdraw any inquiry from the officer to whom it is entrusted, and to hold the inquiry himself or entrust it to any other person as he deems fit.

Inspection of  
books of  
indebted society

82. (1) On the application of a creditor of a society who—

- (a) satisfies the Registrar that the debt is a sum then due, and that he has demanded payment thereof and has not received satisfaction within a reasonable time, and
- (b) deposits with the Registrar such sum as the Registrar may require as security for the costs of any inspection of the books of the society,

the Registrar may, if he thinks it necessary, inspect or direct some person authorised by him by order in writing in this behalf, to inspect the books of the society.

(2) The Registrar shall communicate the result of any such inspection to the applicant, and to the society whose books have been inspected.

(3) It shall be competent for the Registrar to withdraw any order of inspection from the officer to whom it is entrusted, and to inspect himself or entrust it to any other person as he deems fit.

Cost of inquiry  
and inspection.

83. (1) Where an inquiry is held under section 81, or an inspection is made under section 82, the Registrar may apportion the costs, or such part of the costs, as he may think just, between the society, the member or creditors demanding the inquiry or inspection, the officers or former officers and the members or past members or the estates of the deceased members of the society :

Provided that—

- (a) no order of apportionment of the costs shall be made under this section, unless the society or persons or the legal representative of the deceased person liable to pay the costs thereunder, has or have been heard, or has or have had a reasonable opportunity of being heard ;
- (b) the Registrar shall state in writing the grounds on which the costs are apportioned.

(2) No expenditure from the funds of a society shall be incurred for the purpose of defraying any costs in support of any appeal preferred by any person other than the society against an order made under the foregoing sub-section.

Recovery  
of costs.

84. Any sum awarded by way of costs under section 83, may be recovered, on an application by the Registrar to a magistrate having jurisdiction in the place where the person from whom the money is claimable resides or carries on business, and such magistrate shall proceed to recover the same in the same manner as if it were a fine imposed by himself.

Registrar to  
bring defects  
disclosed in  
inquiry or  
inspection to  
the notice  
of society.

85. (1) If the result of any inquiry held under section 81 or an inspection made under section 82 discloses any defects in the constitution, working or financial condition or the books of a society the Registrar may bring such defects to the notice of the society. The Registrar may also make an order directing the society or its officers to take such action as may be specified in the order to remedy the defects, within the time specified therein.

(2) The Society concerned may, within sixty days from the date of any order made by the Registrar under the foregoing sub-section, appeal against it to the Government.

(3) The Government may, in deciding the appeal, annul, reverse, modify or confirm, the order of the Registrar.

(4) Where the society fails to rectify the defects as directed by the Registrar and where no appeal has been made to the Government under sub-section (2) or where on the appeal so made, the Government has not annulled, reversed or modified the order, the Registrar may himself take steps to have the defects rectified, and may recover the costs from the officer or officers of the society who in his opinion has or have failed to rectify the defects.

Inspection of  
societies by  
Registrar at  
his own motion.

86. (1) Every society shall be liable at any time to inspection by the Registrar at his own motion either by himself or by any person authorised by him in this behalf by general or special order.

(2) The Registrar or the person authorised by him in this behalf, shall for the purpose of inspection, at all times, have access to all the

books, accounts, documents, securities, papers, cash and other properties belonging to, or in the custody of the society for examination and verification of the same and shall also call for such information, statements and returns as may be necessary to ascertain the financial condition and working of the society and may summon any person, who is, or has at any time been, an officer or employee of the society and every member and past member of the society, in possession or responsible for the custody of such books, accounts, documents, papers, securities, cash and other properties to produce the same at any place in the headquarters of the society or any branch thereof to such officer as and when required.

(3) The result of an inspection shall be communicated to the society and to the financing bank to which it is affiliated. If the inspection discloses any defects in the working and financial condition of a society, Registrar or the person authorised by him in this behalf may bring such defects to the notice of the society in order to remedy the defects disclosed in inspection within such time as may be specified therein.

*Explanation.*—For the purpose of this section, the expression “inspection” includes supervision of society also.

Inspection of indebted society by the financing bank.

87. (1) Where a society is indebted to any financing bank, such bank shall have the right to inspect books, accounts, documents, papers, securities, cash and other properties belonging to, or in the custody of, the indebted society for examination and verification of the same to ascertain the financial condition and working of the indebted society and the safety of the sums lent to it by the bank. The inspection may be made either by an officer of the bank authorised by the committee of such bank or by a member of its paid staff certified by the Registrar. The officer or paid staff so inspecting shall have free access to the books, accounts, documents, cash and other properties belonging to, or in the custody of, the indebted society for inspection at any time and at any place in the head-quarters of the society or any branch thereof.

(2) When the inspection is made by a financing bank the result of the inspection shall be communicated to the indebted society and to the Registrar by the financing bank. If the inspection discloses any defects, the financing bank shall bring the defects to the notice of the indebted society directing the society as may be specified in the order to remedy the defects within the time specified therein.

*Explanation.*—For the purpose of this section the expression “inspection” includes supervision of society also.

Power of Registrar to assess damages against delinquent promoters etc.

88. (1) Where, in the course of or as a result of an audit under section 79 or an inquiry under section 81 or an inspection under section 82 or section 86 or the winding up of a society, the Registrar is satisfied, on the basis of the report made by the auditor or the person authorised to make inquiry under section 81 or the person authorised to inspect the books under section 82 or section 86 or the Liquidator

under section 108 or otherwise, that any person who has taken any part in the organisation or management of the society or any deceased person or any past or present officer of the society has within a period of five years prior to the date of commencement of such audit or date of order for enquiry, inspection or order for winding up, misapplied or retained, or became liable or accountable for any money or property of the society, or has been guilty of misfeasance or breach of trust in relation to the society, the Registrar, or a person authorised by him in that behalf, may frame charges against such person or persons, and after giving a reasonable opportunity to the person concerned, and in the case of a deceased person to his representative who inherits his estate, to answer the charges, make an order requiring him to repay or restore the money or property or any part thereof, with interest at such rate as the Registrar or the person authorised under this section may determine, or to contribute such sum to the assets of the society by way of compensation in regard to the misapplication, retention, misfeasance or breach of trust, as he may determine.

(2) The Registrar, or the person authorised under sub-section (1), in making any order under this section, may provide therein for the payment of the cost or any part thereof, as he thinks just, and he may direct that such costs or any part thereof shall be recovered from the person against whom the order has been issued.

(3) This section shall apply, notwithstanding that the act is one for which the person concerned may be criminally responsible.

Power to enforce attendance etc.

89. The Registrar or the person authorised by him, when acting under sections 79, 81, 82, 86 and 88 shall have the power to summon and enforce the attendance of any person to give evidence and examine him on oath or affirmation or by affidavit or to compel the production of any document or other material object, by the same means and in the same manner as is provided in the case of a civil court under the Code of Civil Procedure, 1908.

5 of 1908.

Recognition of financing bank or federal societies to supervise the working of societies.

90. The Government may recognise any financing bank or one or more federal societies for the supervision of a society or class of societies in such manner and subject to such conditions as may be prescribed.

Suspension of paid officer or servant of a society.

91. (1) Where in the course of an audit under section 79, or in inquiry under section 81, or an inspection under section 82 or section 86, it is brought to the notice of the Registrar that a paid officer or servant of a society has committed or has been otherwise responsible for misappropriation, breach of trust or any other offence, in relation to the society, the Registrar may, if in his opinion there is a prima facie evidence against such paid officer or servant and the suspension of such paid officer or servant is necessary in the interest of the society, direct the committee of the society pending the investigation and disposal of the matter, to place or cause to be placed such paid officer or servant under suspension from such date and for such period as may be specified by him.

(2) On receipt of a direction from the Registrar under sub-section (1), the committee of the society shall, notwithstanding any provision to the contrary in the bye-laws, place or cause to be placed the paid officer or servant under suspension forthwith.

(3) The Registrar may direct the committee to extend from time to time the period of suspension and the paid officer or servant suspended shall not be reinstated except with the previous sanction of the Registrar.

(4) If the committee fails to comply with the direction issued under sub-section (1), the Registrar may make an order placing such paid officer or servant under suspension from such date and for such period as he may specify in the order and there-upon the paid officer or servant as the case may be, shall be under suspension. Order issued by the Registrar in this behalf shall be final and binding upon the society and no appeal shall lie against the order.

## CHAPTER IX

### PROCEDURE FOR DECIDING DISPUTES.

Dispute.

92. (1) Notwithstanding anything contained in any other law for the time being in force, any dispute touching the constitution, elections of the office bearers, conduct of general meetings, management or business of a society, other than a dispute regarding disciplinary action taken by a society or its committee against the paid servant of the society or of the Liquidator of a society, shall be referred by any of the parties to the dispute, or by a federal society to which the society is affiliated, or by a creditor of the society, to the Registrar for decision, if both the parties thereto are one or other of the following, namely :—

- (a) a society, its committee, any past committee, any past or present officer, any past or present agent, any past or present servant or nominee heir or legal representative of any deceased officer, deceased agent or deceased servant of the society, or the Liquidator of the society ;
- (b) a member, past member or a person claiming through a member, past member or a deceased member of a society, or a society which is a member of the society ;
- (c) a person, other than a member of the society, who has been granted a loan by the society, or with whom the society has or had transactions under the provisions of section 46, and any person claiming through such a person ;
- (d) a surety of a member, past member or a deceased member, or a person other than a member who has been granted a loan by the society under section 46, whether such a surety is or is not a member of the society ;

(e) any other society, or the Liquidator of such a society.

(2) When any question arises whether for the purpose of the foregoing sub-section, a matter referred to for decision is a dispute or not, the question shall be considered by the Registrar, whose decision shall be final.

(3) Save as otherwise provided under sub-section (3) of section 95, no Court shall have jurisdiction to entertain any suit or other proceedings in respect of any dispute referred to in sub-section (1).

*Explanation—1.* A dispute between the Liquidator of a society and the members (including past members or nominees, heirs or legal representatives of deceased members) of the same society shall not be referred to the Registrar under the provisions of sub-section (1).

*Explanation—2.*—For the purpose of this sub-section, a dispute shall include—

- (i) a claim by or against a society for any debt or demand due to it from a member or due from it to a member, past member or the nominee, heir or legal representative of a deceased member, or servant or employee whether such a debt or demand be admitted or not ;
- (ii) a claim by a surety for any sum or demand due to him from the principal borrower in respect of a loan by a society and recovered from the surety owing to the default of the principal borrower, whether such a sum or demand be admitted or not ;
- (iii) a claim by a society for any loss caused to it by a member, past member or deceased member, by any officer, past officer or deceased officer, by any agent, past agent or deceased agent, or by any servant, past servant or deceased servant, or by its committee, past or present, whether such loss be admitted or not ;
- (iv) a refusal or failure by a member, past member or a nominee, heir or legal representative of a deceased member, to deliver possession to a society of land or any other asset resumed by it for breach of conditions of the assignment.

Powers of financing bank to proceed against members of a society for recovery of moneys due to it from such society.

93. (1) If a society is unable to pay its debts to a financing bank by reason of its members' committing default in the payment of the moneys due by them, the financing bank may direct the committee of such society to proceed against such members under section 92 or section 155, as the case may be, and if the committee fails to do so within a period of ninety days from the date of receipt of such direction, the financing bank itself may proceed against such members under section 92 or section 155, in which case, the provisions of this Act, the rules or the bye-laws shall apply as if all references to the society or its committee in the said provisions were references to the financing bank.

(2) Where a financing bank has obtained a decree or award against a society in respect of moneys due to it from the society, the financing bank may proceed to recover such moneys firstly from the assets of the society and secondly from the members to the extent of their debts due to the society.

Limitation.  
36 of 1963.

94. (1) Notwithstanding anything contained in the Limitation Act, 1963, but subject to the specific provisions made in this Act, the period of limitation in the case of a dispute referred to the Registrar under section 92 shall—

- (a) when the dispute relates to the recovery of any sum, including interests thereon, due to a society by a member thereof, be computed from the date on which such member dies or ceases to be a member of the society ;
- (b) when the dispute is between a society or its committee, and any past committee, any past or present officer, or past or present agent, or past or present servant or the nominee, heir or legal representative of a deceased officer, deceased agent or deceased servant of the society or a member, or a past member, or the nominee, heir or legal representative of a deceased member, and when the dispute relates to any act or omission on the part of either party to the dispute, be six years from the date on which the act or omission with reference to which the dispute arose, took place ;
- (c) when the dispute is in respect of any matter touching the constitution, management or business of a society which has been ordered to be wound up under section 105, or in respect of which a nominated committee or an administrator has been appointed under section 74, be six years from the date of the order issued under section 105, or section 74, as the case may be ;
- (d) when the dispute is in respect of an election of an office-bearer of the society, be one month from the date of the declaration of the result of the election.

(2) The period of limitation in the case of any other dispute except those mentioned in the foregoing sub-section which are required to be referred to the Registrar under section 92 shall be regulated by the provisions of the Limitation Act, 1963, as if the dispute were a suit, and the Registrar a civil court.

36 of 1963.

(3) Notwithstanding anything contained in sub-sections (1) and (2), the Registrar may admit a dispute after the expiry of the limitation period, if the applicant satisfies the Registrar that he had sufficient cause for not referring the dispute within such period and the dispute so admitted shall be a dispute which shall not be barred on the ground that the period of limitation has expired.

Settlement of  
disputes.

95. (1) If the Registrar is satisfied that any matter referred to him or brought to his notice is a dispute within the meaning of section 92, the Registrar shall, subject to the rules, decide the dispute himself, or refer it for disposal to a nominee, or a board of nominees, appointed by the Registrar.

(2) Where any dispute is referred under the foregoing sub-section for decision to the Registrar's nominee or board of nominees, the Registrar may at any time, for reasons to be recorded in writing, withdraw such dispute from his nominee or board of nominees, and may decide the dispute himself, or refer it again for decision to any other nominee, or board of nominees, appointed by him.

(3) Notwithstanding anything contained in section 92 the Registrar may if he thinks fit, suspend proceedings in regard to any dispute, if the question at issue between a society and a claimant or between different claimants, is one involving complicated questions of law and fact, until the question has been tried by a regular suit instituted by one of the parties or by the society. If any such suit is not instituted within two months from the Registrar's order suspending the proceedings, the Registrar shall take action as is provided in sub-section (1).

Procedure for  
settlement of  
disputes and  
power of Regis-  
trar his nominee  
or board of  
nominees.

96. (1) The Registrar, or his nominee or board of nominees, hearing a dispute under section 95 shall hear the dispute in the manner prescribed, and shall have power to summon and enforce attendance of witnesses including the parties interested or any of them and to compel them to give evidence on oath, affirmation or affidavit, and to compel the production of documents by the same means and as far as possible in the same manner, as is provided in the case of a civil court by the Code of Civil Procedure, 1908.

5 of 1908.

(2) No legal practitioner in his capacity as a legal practitioner or as a person holding a power of attorney shall be permitted to represent any party at the hearing of the dispute.

(3) (a) If the Registrar or his nominee or board of nominees is satisfied that a person, whether he be a member of the society or not, has acquired any interest in the property of a person who is a party to a dispute, he may order that the person who has acquired the interest in the property may join as a party to the dispute; and any decision that may be passed on the reference by the Registrar or his nominee or board of nominees shall be binding on the party so joined, in the same manner as if he were an original party to the dispute.

(b) Where a dispute has been instituted in the name of a wrong person, or where all the defendants have not been included, the Registrar or his nominee or board of nominees may, at any stage of the hearing of the dispute, if satisfied that the mistake was bonafide, order any other person to be substituted or added as a plaintiff or a defendant, upon such terms as he thinks just.

(c) The Registrar, his nominee or board of nominees may, at any stage of the proceedings, either upon or without the application

of either party, and on such terms as may appear to the Registrar, his nominee or board of nominees, as the case may be, to be just, order that the name of any party improperly joined whether as plaintiff or defendant, be struck out, and that the name of any person who ought to have been joined whether as plaintiff or defendant or whose presence before the Registrar, his nominee or board of nominees, as the case may be, may be necessary in order to enable the Registrar, his nominee or board of nominees effectually and completely to adjudicate upon and settle all the questions involved in the dispute, be added.

(d) Any person who is a party to the dispute and entitled to more than one relief in respect of the same cause of action may claim all or any of such reliefs ; but if he omits to claim for all such reliefs, he shall not forward a claim for any relief so omitted, except with the leave of the Registrar, his nominee or board of nominees.

Attachment  
before award  
and interlocutory  
orders.

97. (1) Where a dispute has been referred to the Registrar or his nominee or board of nominees under section 95 or under section 108 or where the Registrar or the person authorised under section 88 hears a person against whom charges are framed under that section, the Registrar or his nominee or board of nominees, or, as the case may be, the person so authorised under section 88, if satisfied on enquiry or otherwise that a party to such dispute or against whom proceedings are pending under section 88 with intent to defeat, delay or obstruct the execution of any award or the carrying out of any order that may be made,—

- (a) is about to dispose of whole or any part of his property,  
or
- (b) is about to remove the whole or any part of his property from the jurisdiction of the Registrar, may, unless adequate security is furnished, direct conditional attachment of the said property, and such attachment shall have the same effect as if made by a competent civil court.

(2) Where the Registrar or his nominee or board of nominees or the person authorised under section 88 directs attachment of property under the foregoing sub-section, he shall issue a notice calling upon the person whose property is so attached to furnish security which he thinks adequate within a specified period ; and if the person fails to provide the security so demanded, the Registrar or his nominee or board of nominees or, as the case may be, the person authorised under section 88, may confirm the order, and after the decision in the dispute or the completion of the proceedings referred to in the foregoing sub-section, may direct the disposal of the property so attached towards the claim, if awarded.

(3) Attachment made under this section shall not affect the rights, subsisting prior to the attachment of the property, of persons not parties to the proceedings in connection with which the attachment is made, or bar any person holding a decree against the person whose property is so attached from applying for the sale of the property under attachment in execution of such decree.

(4) The Registrar or his nominee or board of nominees or the person authorised under section 83, as the case may be, may, in order to prevent the ends of justice being defeated, make such inter-locutory orders pending the decision in a dispute referred to in sub-section (1) as may appear to be just and convenient.

Decision of Registrar or his nominee or board of nominees.

98. When a dispute is referred to the Registrar for decision, he or his nominee or board of nominees may, after giving a reasonable opportunity to the parties to the dispute to be heard, make an award on the dispute, the expenses incurred by the parties to the dispute in connection with the proceedings, and the fees and expenses payable to the Registrar or his nominee or, as the case may be, board of nominees. Such an award shall, subject to any appeal, or review, or revision, be binding on the parties to the dispute.

Finality of order.

99. An award of the Registrar or his nominee or board of nominees under section 98 shall not be liable to be called in question in any civil or revenue court.

Appeal against decision of Registrar or his nominee or board of nominees.

100. Any party aggrieved by any decision of the Registrar or his nominee or board of nominees under section 98 or an order passed under section 97 may, within two months from the date of the decision or order, appeal to the Tribunal.

Money how recovered.

101. Every order passed by the Registrar or a person authorised by him under section 88, or by the Registrar, his nominee or board of nominees under section 97 or section 98, every order passed in appeal under section 100, every order passed by Liquidator under section 108, every order passed by the Government in appeal against orders passed under section 105 and every order passed in revision under section 153 shall, if not carried out,—

- (a) on a certificate signed by the Registrar or a Liquidator, be deemed to be a decree of a civil court, and shall be executed in the same manner as a decree of such court, or
- (b) be executed according to the law and under the rules for the time being in force for the recovery of arrears of land revenue :

Provided that any application for the recovery in such manner of any such sum shall be made to the Collector, and shall be accompanied by a certificate signed by the Registrar, or by the Deputy Registrar or by any Assistant Registrar to whom the said power has been delegated by the Registrar. Such application shall be made within twelve years from the date fixed in the order and if no such date is fixed, from the date of the order.

Private transfer of property made after issue of certificate void against society.

102. Any private transfer or delivery of, or encumbrance or charge on, property made or created after the issue of the certificate of the Registrar, Liquidator, Deputy Registrar or Assistant Registrar, as the case may be, under section 101 shall be null and void as against the society on whose application the said certificate was issued.

Transfer of property which cannot be sold.

103. (1) When in any execution of an order sought to be executed under section 101, any property cannot be sold for want of buyers, if such property is in occupancy of the defaulter, or of some person in his behalf, or of some person claiming under a title created by the defaulter subsequently to the issue of the certificate of the Registrar, Liquidator, Deputy Registrar or the Assistant Registrar, under clause (a) or clause (b) of section 101, the court or the Collector or the Registrar, as the case may be, may, notwithstanding anything contained in any law for the time being in force, direct that the said property or any portion thereof shall be transferred to the society which has applied for the execution of the said order, in the manner prescribed.

(2) Where property is transferred to the society under the foregoing sub-section, or where property is sold under section 101, the court, the Collector or the Registrar, as the case may be, may, in accordance with the rules, place the society or the purchaser, as the case may be, in possession of the property transferred or sold.

(3) Subject to such rules as may be made in this behalf, and to any rights, encumbrances, charges or equities lawfully subsisting in favour of any person, such property or portion thereof shall be held under sub-section (1) by the said society on such terms and conditions as may be agreed upon between the court, the Collector or the Registrar, as the case may be, and the said society.

Recovery of crop loan.

104. (1) Notwithstanding anything contained in sections 92, 95 and 101, on an application made by a resource society undertaking the financing of crop and seasonal finance for the recovery of arrears of any sum advanced by it to any of its members on account of crop or seasonal finance, and on its furnishing a statement of accounts in respect of the arrears, the Registrar may, after making such inquiries as he deems fit, grant a certificate for the recovery of the amount stated therein to be due as arrears.

(2) Where the Registrar is satisfied that a resource society has failed to take action under the foregoing sub-section in respect of arrears of any sum advanced by it to any of its members on account of the financing of crop or seasonal finance, the Registrar may, of his own motion, after making such inquiries as he deems fit, grant a certificate for the recovery of the amount stated therein to be due as arrears, and such certificate shall be deemed to have been issued as if on an application made by the society concerned.

(3) A certificate granted by the Registrar under sub-section (1) or sub-section (2) shall be final and a conclusive proof of the arrears stated to be due therein, and the same shall be recoverable according to the law for the time being in force for the recovery of land revenue.

## CHAPTER X LIQUIDATION

Winding up.

105. (1) If the Registrar, after an inquiry has been held under section 81, or an inspection has been made under section 82 or section 86, or

on receipt of an application made upon a resolution carried by three-fourths of the members of a society present at a special general meeting called for the purpose, or on the report of the audit held under section 79, is of the opinion that the society ought to be wound up, he may, after giving the society an opportunity of making its representation within a reasonable time as may be decided by him, issue an order directing it to be wound up and such order shall forthwith be communicated to the society by registered post.

(2) Where an appeal is preferred against the order of winding up of a society under sub-section (1) of section 107, the order of winding up shall not operate thereafter until the order is confirmed in appeal :

Provided that the Liquidator shall continue to have custody or control of the properties and effects and actionable claims.

(3) The Registrar may of his own motion, direct in writing the winding up of any society—

(a) where the society has not commenced working or has ceased to work within the period as prescribed, or

(b) where the number of members has been reduced to less than ten or the amount of their deposits and share capital less than five hundred rupees.

#### Appointment of Liquidator

106. (1) When the Registrar passes an order under section 105 for the winding up of a society, he may appoint a person to be the Liquidator of the society and fix his remuneration. The appointment of Liquidator shall be notified by the Registrar in the Official Gazette.

(2) On the issue of the order, the officer of the society shall hand over to the Liquidator the custody and control of all the properties, effects and actionable claims to which the society is or appears to be entitled, and of all books, records and other documents pertaining to the business of the society and, shall have no access to any of them.

(3) The person appointed under this section as Liquidator shall, subject to the general control of the Registrar, exercise all or any of the powers mentioned in section 108. The Registrar may remove such person and appoint another in his place, without assigning any reason.

(4) The whole of the assets of the society shall, on the appointment of Liquidator under this section, vest in such Liquidator, and notwithstanding anything contained in any law for the time being in force, if any immovable property is held by a Liquidator on behalf of the society, the title over the land shall be complete as soon as the mutation of the name of his office is effected, and no Court shall question the title on the ground of dispossession, want of possession or physical delivery of possession.

(5) In the event of the order of winding up being vacated in appeal, the person appointed as Liquidator shall hand over the proper-

ties, effects and actionable claims and books, records and other documents of the society to the officer who had delivered the same to him. The acts done, and the proceedings taken by the Liquidator, shall be binding on the society, and such proceedings shall, after the order has been cancelled in appeal under section 107, be continued by the officers of the society.

Appeal against order of winding up.

107. (1) The committee, or any member, of the society ordered to be wound up, may, within two months from the date of the issue of the order made under section 105, appeal to the Government :

Provided that no appeal shall lie against an order issued under clause (a) or (b) of sub-section (3) of section 105.

(2) No appeal from a member under this section shall be entertained unless it is accompanied by such sum as security for the costs of hearing the appeal, as may be prescribed.

Powers and duties of Liquidator.

108. (1) The Liquidator appointed under section 106 shall have power subject to the rules and the general supervision, control and direction of the Registrar,—

- (a) to institute and defend suits and other legal proceedings, civil or criminal, on behalf of the society, in the name of his office ;
- (b) to carry on the business of the society, so far as may be necessary for the beneficial winding up of the same ;
- (c) to sell the immovable and movable property and actionable claims of the society by public auction or private contract, with power to transfer the whole or part thereof to any person or body corporate, or sell the same in parcels ;
- (d) to raise, on the security of the assets of the society, any money required ;
- (e) to investigate all claims against the society and, subject to the provisions of the Act, to decide questions of property arising out of such claims, and to pay any class or classes of creditors in full or rateably according to the amount of such debts, the surplus being applied in payment of interest from the date of liquidation at a rate to be approved by the Registrar, but not exceeding the contract rates ;
- (f) to make any compromise or arrangement with creditors or persons claiming to be creditors, or having or alleging themselves to have any claim, present or future, whereby the society may be rendered liable ;
- (g) to compromise all calls or liabilities to calls and debts or liabilities capable of resulting in debts, and all claims

present or future, certain or contingent, subsisting or supposed to subsist between the society and a contributory or alleged contributory or other debtor or person apprehending liability to the society, and all questions in any way relating to or affecting the assets or the winding up of the society, on such terms as may be agreed, and take any security for the discharge of any such call, liability, debt, or claim, and give a complete discharge in respect thereof ;

- (h) to determine from time to time, after giving an opportunity to answer the claim, the contribution to be made or remaining to be made by the members or past members or by the estate, nominees, heirs or legal representatives of deceased members, or by any officer, past officer or the estate or nominees, heirs, or legal representative of a deceased officer to the assets of the society, such contribution being inclusive of debts due from such members or officers ;
- (i) to issue requisitions under section 101 ;
- (j) to get disputes referred to the Registrar for decision by himself or his nominee or board of nominees ;
- (k) to determine by what persons and in what proportion the costs of the liquidation shall be borne ;
- (l) to fix the time or times within which the creditors shall prove their debts and claims or be included for the benefit of any distribution made before these debts or claims are proved ;
- (m) to summon and enforce the attendance of witness and to compel the production of any books, accounts, documents, securities, cash or other properties belonging to or in the custody of the society by the same means and in the same manner as is provided in the case of a civil court under the Code of Civil Procedure, 1908 ;
- (n) to do all acts and to execute in the name and on behalf of society, all deeds, receipts and other documents, as may be necessary to such winding up ;
- (o) to take such action as may be necessary under section 19 with the prior approval of the Registrar, if there is reason to believe that the society can be reconstructed.

(2) The Liquidator shall submit to the Registrar a quarterly report in such form as the Registrar may specify showing the progress made in the liquidation of the society.

(3) All funds of the society, under liquidation shall be deposited by the Liquidator in the co-operative Bank, post office savings bank or any other bank approved by the Registrar.

Effect of order of winding up.

109. After expiry of the period for appeal against the order made under section 195, or where the appeal has been dismissed, the order for winding up shall be effective and shall operate in respect of all the creditors and all the contributories of the society, as if it had been made on the joint petition of creditors and contributories. When a winding up order becomes effective, the Liquidator shall proceed to realise the assets of the society by sale or otherwise, and no dispute shall be commenced or, if pending at the date of the winding up order, shall be proceeded with, against the society, except by leave of the Registrar and subject to such terms as the Registrar may impose. The Registrar may, of his own motion, however entertain or dispose of any dispute by or against the society.

Bar of suit in winding up and dissolution matters.

110. Save as expressly provided in this Act, no civil court shall take cognizance of any matter connected with the winding up or dissolution of a society under this Act ; and when a winding up order has been made, no suit or other legal proceedings shall lie or be proceeded with against the society or the Liquidator, except by leave of the Registrar and subject to such terms as he may impose :

Provided that where the winding up order is cancelled, the provisions of this section shall cease to operate so far as the liability of the society and of the members thereof to be sued is concerned ; but they shall continue to apply to the person who acted as Liquidator.

Audit of Liquidator's accounts.

111. (1) The Liquidator shall during the tenure of office, at such times as may be prescribed, but not less than twice each year, present to the Registrar an account, in the prescribed form, of his receipts and payments as Liquidator. The Registrar shall cause the account to be audited in such manner as he thinks fit ; and for the purpose of audit, the Liquidator shall furnish the Registrar with such vouchers and information as he, or the person appointed by him, may require.

(2) The Liquidator shall cause a summary of audited accounts to be prepared, and shall send a copy of such summary to every contributory.

(3) The Liquidator shall pay such fees as the Registrar may direct, for the audit of the accounts and books kept by him in the manner prescribed.

(4) The Liquidator shall be held liable for any irregularities which might be discovered in the course or as a result of audit in respect of transactions subsequent to his taking over the affairs of the society, and may be proceeded against as if it were an act against which action could be taken under section 88 :

Provided that no such action shall be taken unless the irregularities have caused or are likely to cause loss to the society, and have occurred due to gross negligence or wanton omission, in carrying out the duties and functions.

Termination of liquidation proceedings.

112. (1) The winding up proceedings of a society shall be closed within three years from the date of the order of the winding up, unless the period is extended by the Registrar :

Provided that the Registrar shall not grant any extension for a period exceeding one year at a time and four years in the aggregate, and shall, immediately after the expiry of seven years from the date of the order for winding up of the society, deem that the liquidation proceedings have been terminated, and pass an order terminating the liquidation proceedings.

*Explanation*—In the case of a society which is under liquidation at the commencement of this Act, an order for the winding up of the society shall be deemed for the purpose of this section to have been passed on the date of such commencement.

(2) Notwithstanding anything contained in the foregoing subsection, the Registrar shall terminate the liquidation proceedings on receipt of the final report from the Liquidator. The final report of the Liquidator shall state that the liquidation proceedings of the society have been closed, and also state that the winding up has been conducted and the property and the claims of the society have been disposed of and shall include a statement showing a summary of the account of the winding up including the cost of liquidation, the amount (if any) standing to the credit of the society in liquidation, after paying off its liabilities including the share or interest of members, and suggest how the surplus should be utilised.

(3) The Registrar on receipt of the final report from the Liquidator, shall direct the Liquidator to convene a general meeting of the members of the society for recording his final report.

Disposal of surplus assets

113. The surplus assets, as shown in the final report of the Liquidator of a society which has been wound up, may either be divided by the Registrar, with the previous sanction of the Government, amongst its members in such manner as may be prescribed, or be devoted to any object or objects provided in the bye-laws of the society, if they specify that such a surplus shall be utilised for the particular purpose, or may be utilised for both the purposes. When the surplus is not so divided amongst the members and the society has no such bye-law, the surplus shall vest in the Registrar who shall hold it in trust and shall transfer it to the reserve fund of a new society registered with a similar object, and serving more or less an area which the society to which the surplus belonged was serving :

Provided that where no such society exists or is registered within three years of the cancellation of the registration of the society whose

surplus is vested in the Registrar, the Registrar may distribute the surplus, in the manner he thinks best, among any or all of the following :—

- a) an object of public utility and of local interest as may be recommended by the members in the general meeting held under section 112 ;
- b) a federal society with similar objects to which the cancelled society was eligible for affiliation or, where no federal society exists, any other society which may be notified in this behalf by the Government ; and
- c) any charitable purpose as defined in section 2 of the Charitable Endowments Act, 1890.

5 of 1890.

## CHAPTER XI INSURED CO-OPERATIVE BANKS

Insured co-operative banks.

114. Notwithstanding anything contained in this Act, in the case of an insured co-operative bank—

- a) an order for the winding up, or an order sanctioning a scheme of compromise or arrangement or of amalgamation or reconstruction (including division or reorganisation), of the bank may be made only with the previous sanction in writing of the Reserve Bank of India ;
- b) an order for the winding up of the bank shall be made by the Registrar, if so required by the Reserve Bank of India in the circumstances referred to in section 13 D of Deposit Insurance Corporation Act, 1961 ;
- c) if so required by the Reserve Bank of India in the public interest, or for preventing the affairs of the bank from being conducted in a manner detrimental to the interests of the depositors, or for securing the proper management of the bank, an order shall be made for the supersession (removal) of the committee of management or other managing body ( by whatever name called) of the bank and the appointment of an administrator therefor for such period or periods not exceeding five years in the aggregate, as may, from time to time be specified by the Reserve Bank of India, and the administrator, so appointed, shall, after the expiry of his term of office, continue in office until the day immediately preceding the date of the first meeting of the new committee ;
- d) no appeal, revision or review shall lie or be permissible against an order such as is referred to in clause (a), (b) or (c) made with the previous sanction in writing or

47 of 1961

on the requisition of the Reserve Bank of India and such order or sanction shall not be liable to be called in question in any manner ;

- 47 of 1961. (e) the Liquidator or the insured co-operative bank or transferee bank, as the case may be, shall be under an obligation to repay the Deposit Insurance Corporation established under the Deposit Insurance Corporation Act, 1961 in the circumstances, to the extent and in the manner referred to in section 21 of that Act.

*Explanation*—For the purposes of this section,—

- 47 of 1961. (a) “a co-operative bank” means a bank as has been defined in the Deposit Insurance Corporation Act, 1961 ;
- 47 of 1961. (b) “insured co-operative bank” means a society which is an insured bank under the provisions of the Deposit Insurance Corporation Act, 1961 ;
- (c) “transferee bank” in relation to an insured co-operative bank means a co-operative bank—
- (i) with which such insured co-operative bank is amalgamated, or
  - (ii) to which the assets and liabilities of such insured co-operative bank are transferred, or
  - (iii) into which such insured co-operative bank is divided or converted under the provisions of sub-section (1) of section 17 of this Act.

## CHAPTER XII

### COOPERATIVE LAND DEVELOPMENT BANKS

Application of Chapter to Co-operative land development bank.

115. This Chapter shall apply to—

- (a) co-operative land development banks advancing loans other than short term loans for the purposes of—
  - (i) land development and productive purposes ;
  - (ii) the erection, re-building or repairing of houses for agricultural purposes ,
  - (iii) purchase of agricultural lands by the agriculturists in order to constitute a basic holding ,
  - (iv) redemption of old debts , and
  - (v) any other purposes as may be prescribed by the Registrar with the approval of the State Government in this behalf ;

- (b) any other co-operative bank permitted by the Registrar under section 141 to function as co-operative land development bank.

*Explanation 1.*—For the purposes of this section, “short term loan” means a loan for a duration of less than 18 months.

*Explanation 2.*—“Land improvement and productive purposes” mean any work, construction or activity which adds to the productivity of the land and, in particular, includes the following, that is to say—

- (a) construction and repair of wells (including tube wells) tanks and other works for the storage, supply or distribution of water for the purpose of agriculture, or for the use of men and cattle employed in agriculture ;
- (b) renewal or reconstruction of any of the foregoing works, or alterations therein, or additions thereto ;
- (c) preparation of land for irrigation ;
- (d) drainage, reclamation from rivers or other waters, or protection from floods or from erosion or other damage by water, of land used for agricultural purposes, or waste land which is cultivable ;
- (e) bunding and similar improvements ;
- (f) reclamation, clearance and enclosure or permanent improvement of land for agricultural purposes ;
- (g) horticulture ;
- (h) purchase of oil-engines, pumping sets and electrical motors for any of the purposes mentioned therein ;
- (i) purchase of tractors or other agricultural machinery ;
- (j) increase of the productive capacity of land by addition to it of special variety of soil ;
- (k) construction of permanent farm-houses, cattle-sheds and sheds for processing of agricultural produce at any stage ; and
- (l) such other purposes as the Government may, from time to time, by notification in the Official Gazette, declare to be improvement or productive purpose for the purpose of this Chapter.

*Explanation 3.*— In this section, the expression “basic holding” has the same meaning as assigned to it under the Tripura Land Revenue and Land Reforms Act, 1960.

43 of 1960

Co-operative  
land develop-  
ment bank and  
its branches.

116. There shall be a co-operative land development bank for the State of Tripura and as many branches opened by the bank as may be deemed necessary after obtaining approval of the Registrar.

Appointment  
powers and  
functions of  
trustee.

117. (1) The Registrar, or any other person appointed by the Government in this behalf, shall be Trustee for the purpose of securing the fulfilment of the obligations of the co-operative land development bank to the holders of debentures issued by it.

(2) The Trustee shall be a corporation sole by the name of the Trustee for the debentures in respect of which he is appointed, and shall have perpetual succession and a common seal, and in his corporate name may sue and be sued.

(4) The powers and functions of the Trustee shall be governed by the provisions of this Act, and the instrument of trust executed between the co-operative land development bank and the Trustee, as modified from time to time by mutual agreement between the co-operative land development bank and the Trustee.

Issue of  
debentures.

118. (1) With the previous sanction of the Government and the Trustee, and subject to such terms and conditions as the Government may impose, the co-operative land development bank may issue debentures of such denominations, for such period and at such rates of interest, as it may deem expedient on the security of mortgages or mortgages to be acquired or partly on mortgages held and partly to be acquired, and properties and other assets of the co-operative land development bank.

(2) Every debenture may contain a term fixing a period not exceeding thirty years from the date of issue during which it shall be redeemable, or reserving to the committee the right to redeem at any time in advance of the date fixed for redemption, after giving to the holders of the debenture not less than three months' notice in writing.

(3) The total amount due on debentures issued by the co-operative land development bank, and outstanding at any time, shall not exceed—

- (a) where debentures are issued against mortgages held, the aggregate of—
  - (i) the amounts due on the mortgages ;
  - (ii) the value of the properties and other assets transferred by the members to the co-operative land development bank and subsisting at such time ; and
  - (iii) the amounts paid under the mortgages aforesaid and the unsecured amounts remaining in the hands of the co-operative land development bank or the Trustee at the time ;
- (b) where debentures are issued otherwise than on mortgages held, the total amount as calculated under clause (a) increased by such portion of the amount obtained on the debentures as is not covered by a mortgage.

- Guarantee by Government. 119. The principal of, and interest on the debentures issued under section 118, or any specified portion thereof, may carry, the guarantee of the Government, subject to such maximum amount as may be fixed by the Government, and to such conditions as the Government may think fit to impose.
- Vesting of property in trustee and debenture holders' charge on assets. 120. Upon the issue of the debentures under the provisions of section 118, the mortgaged properties and other assets referred to in sub-section (3) of section 118 held by the co-operative land development bank, shall vest in the Trustee, and the holders of debentures shall have a floating charge on all such mortgages and assets, and on the amount paid under such mortgages, and remaining in the hands of the co-operative land development bank or of the Trustee.
- Powers of co-operative land development bank to advance loans and to hold lands. 121. Subject to the provisions of this Act and the rules made thereunder, it shall be competent for the co-operative land development bank to advance loans for the purposes referred to in section 115 and to hold lands the possession of which is transferred to them under the provisions of this Chapter.
- Mood of dealing with applications for loans. 122. (1) When an application for a loan is made for any of the purposes mentioned in section 115, a public notice shall be given of the application in such manner as may be prescribed calling upon all persons interested to present their objections to the loan, if any, in person, at a time and place fixed therein. The Government may, from time to time, prescribe the persons by whom such public notice shall be given and the manner in which the objections shall be heard and disposed of.
- (2) The prescribed officer shall consider every objection submitted under sub-section (1) and make an order in writing either upholding or overruling it :
- Provided that when the question raised by an objection is in the opinion of the officer one of such a nature that it cannot be satisfactorily decided except by a civil court, he shall postpone the proceedings on the application until the question has been so decided.
- (3) A notice under sub-section (1), published in the manner prescribed, shall, for the purpose of this Act be deemed to be proper notice to all persons having or claiming interest in the land to be improved, or offer as security for the loan.
- (4) Subject to such rules as may be prescribed, the co-operative land development bank shall consider such applications after due enquiry for the purpose of making loans under this Chapter.
- (5) The cooperative land development bank on being satisfied as to the genuineness of purpose and correctness of the properties to be mortgaged to it shall refer the application for loan to the Registrar for obtaining his recommendation. On receipt of the recommendation from the Registrar the co-operative land development bank shall dispose of the application for loan.

(6) Such application for loan shall be disposed of by the co-operative land development bank within a maximum period of nine months from the date of receipt of the application for loan.

(7) The co-operative land development bank shall have the right to reject any application for loan if this is found not suitable after enquiry or if the member fails to comply with any condition laid down by the co-operative land development bank after sanction of the application for loan :

Provided that the decision of the co-operative land development bank in this regard shall be communicated to the member applicant within fifteen days from the date of such decision.

Registration of mortgage or lease in favour of land development bank.  
16 of 1908.

123. Notwithstanding anything contained in the Registration Act, 1908, it shall not be necessary to register mortgages or leases executed in favour of the co-operative land development bank, provided that the co-operative land development bank concerned sends within such time and in such manner as may be prescribed, a cell of the instrument whereby immovable property is mortgaged or leased for the purpose of securing repayment of the loan to the registering officer within the local limits of whose jurisdiction the whole or any part of the property mortgaged or, as the case may be, leased is situated and such registering officer shall file a copy or copies, as the case may be, in his Book No. 1, prescribed under section 51 of the Registration Act, 1908.

16 of 1908.

Mortgages not to be questioned on insolvency of mortgagors.

5 of 1920.

124. Notwithstanding anything contained in the Provincial Insolvency Act, 1920 or any corresponding law for the time being in force, a mortgage, executed in favour of a co-operative land development bank, shall not be called in question in any insolvency proceedings on the ground that it was not executed in good faith for valuable consideration, or on the ground that it was executed in order to give the bank a preference over other creditors of the mortgagor.

Right of co-operative land development bank to pay prior debts of mortgagor.  
4 of 1882.

125. (1) Where a mortgage is executed in favour of a co-operative land development bank for payment of prior debts of the mortgagor, such bank shall, notwithstanding anything contained in the Transfer of Property Act, 1882, by notice in writing, require any person to whom any such debt is due to receive payment of such debt or part thereof from the bank at its registered office, within such period as may be specified in the notice.

(2) Where any such person fails to accept such notice or, to receive such payments, such debt or part thereof, as the case may be, shall cease to carry interest from the expiry of the period specified in the notice :

Provided that where there is a dispute as regards the amount of any such debt, the person to whom such debt is due shall be bound to receive payment of the amount agreed by the co-operative land development bank towards the debt, but such receipt shall

not prejudice the right, if any, of such person to recover the balance claimed by him.

Mortgages executed by managers of joint Hindu families.

126. (1) Mortgages, in respect of loans by a co-operative land development bank, either before or after the commencement of this Act, by the manager of a Hindu joint family for any of the purposes mentioned in section 115 shall be binding on every member of such joint Hindu family, notwithstanding any law to the contrary.

(2) In other cases, where a mortgage executed in favour of a co-operative land development bank either before or after the commencement of this Act, is called in question on the ground that it was executed by the manager of a Hindu joint family for a purpose not binding on the members (whether such members have attained majority or not) thereof, the burden of proving the same shall, notwithstanding any law to the contrary, lie on the party alleging it.

Section 8 of Act 32 of 1956 to apply to mortgages to co-operative land development bank.

127. Section 8 of the Hindu Minority and Guardianship Act, 1956, shall apply to mortgages in favour of a co-operative land development bank.

32 of 1956. Restriction on lease. 4 of 1882.

128. (1) Notwithstanding anything contained in the Transfer of Property Act, 1882, or any other law for the time being in force, no mortgagor of property mortgaged to a co-operative land development bank, shall except with the prior consent in writing of the bank, and subject to such terms and conditions as the bank may impose, lease or create any tenancy rights on any such property :

Provided that the rights of a co-operative land development bank shall be enforceable against the tenant purchaser, the lessee or the tenant, as the case may be, as if he himself were a mortgagor.

(2) Where land, mortgaged with possession to a co-operative land development bank, is in actual possession of a tenant, the mortgagor or the co-operative land development bank shall give notice to the tenant to pay rent to the co-operative land development bank during the currency of the lease and the mortgage, and on such notice being given, the tenant shall be deemed to have attorned to the co-operative land development bank.

Powers of co-operative land development bank where mortgaged property is destroyed or security becomes insufficient.

129. Where any property mortgaged to a co-operative land development bank is wholly or partially destroyed, or for any reason the security is rendered insufficient, and the mortgagor, having been given a reasonable opportunity by the bank to provide further security enough to render the whole security sufficient, or to repay such portion of the loan as may be determined by the bank, has failed to provide such security or to repay such portion of the loan, the whole of the loan shall be deemed to have fallen due at once; and the bank shall be entitled to take action against the

mortgagor under section 132 or section 133 for the recovery thereof.

*Explanation.*—Security shall be deemed insufficient within the meaning of this section, unless the value of the mortgaged property (including improvement made thereon) exceeds the amount for the time being due on the mortgage by such proportion as may be specified in the rules, regulations or the bye-laws of the co-operative land development bank.

Right of co-operative land development bank to buy mortgaged property.

43 of 1960

130. (1) Property purchased under sub-section (3) of section 137 by, and property transferred under section 103 to, the co-operative land development bank may be disposed of by such bank by sale within such period as may be fixed by the Trustee, subject to the condition that such sale shall be in favour only of agriculturists eligible to hold land under the Tripura Land Revenue and Land Reforms Act, 1960 or any corresponding law for the time being in force, or may be leased out by them on such terms and conditions as may be laid down by the Government from time to time.

(2) Nothing contained in any law for the time being in force fixing the maximum limit of agricultural holdings shall apply to the acquisition or holding of land by the co-operative land development bank under this section.

Recovery of loans by co-operative land development bank.

131. All loans granted by the co-operative land development bank, all interests (if any) chargeable thereon, and costs (if any), incurred in making the same, shall, when they become due, be recoverable by the co-operative land development bank concerned.

Power to distrain.

4 of 1882.

132. (1) If any instalment payable under a mortgage executed in favour of a co-operative land development bank, or any part of such instalment, has remained unpaid for more than two months from the date on which it fell due, the committee of such bank may, in addition to any other remedy available to the bank, apply to the Registrar or the Collector for the recovery of such instalments or part thereof by distraint and sale of the produce of the mortgaged land, including the standing crops thereon.

(2) On receipt of such application, the Registrar or the Collector, as the case may be, may, notwithstanding anything contained in the Transfer of Property Act, 1882, take action in the manner prescribed for the purpose of distraining and selling such produce :

Provided that no distraint shall be made after the expiry of twelve months from the date on which the instalment fell due.

(3) The value of the property distrained shall, as nearly as possible, be equal to the amount due and the expenses of the distraint and the cost of the sale.

Sale of mort-  
gaged property  
4 of 1882.

133. (1) Notwithstanding anything contained in the Transfer of Property Act, 1882, the co-operative land development bank or any person authorised by it in this behalf shall in case of default of payment of the mortgage money, or any part thereof, have power, in addition to any other remedy available to the bank, to bring the mortgaged property to sale by public auction in the village in which the mortgaged property is situate or at the nearest place of public resort, without the intervention of the court :

Provided that no action shall be taken under this sub-section and no such power shall be exercised, unless and until—

- (a) the co-operative land development bank has been previously authorised by the State Government to exercise the power conferred under this sub-section after hearing the objections, if any, of the mortgagor or mortgagors ;
- (b) notice in writing requiring payment of such mortgage money or part thereof has been served upon—
  - (i) the mortgagor or each of the mortgagors,
  - (ii) any person who has any interest in, or charge upon, the property mortgaged, or in or upon the right to redeem the same so far as is known to the bank,
  - (iii) any surety for the payment of the mortgaged debt or any part thereof, and
  - (iv) any creditor of the mortgagor who has in a suit for administration of his estate obtained a decree for sale of the mortgaged property ; and
- (c) default has been made in payment of such mortgage money or part thereof, for three months after service of the notice.

(2) If the co-operative land development bank fails to take action against a defaulter under section 130 or section 132 or under this section, the Trustee may take action. If such action is taken by the Trustee, the provisions of this Chapter and of any rules prescribed shall apply in respect thereto, as if all references to the co-operative land development bank in the said provisions were references to the Trustee.

(3) Notwithstanding anything contained in any law for the time being in force, it shall be lawful for the co-operative land development bank to purchase any mortgaged property sold under this Chapter.

Confirmation  
of sale.

134. (1) On effecting the sale by a co-operative land development bank under section 133, the bank shall, in the prescribed manner, submit to the State Government a report setting forth the manner in which the sale has been effected and the result of the sale, and the co-operative land development bank may, with the approval of the State Government confirm the sale or cancel it.

(2) Where the sale is effected by the co-operative land development bank or the Trustee under section 133, the co-operative land development bank or the Trustee, as the case may be, shall, in the prescribed manner, submit to the State Government a report setting forth the manner in which the sale has been effected and the result of the sale, and the State Government may confirm or cancel the sale.

Disposal of  
sale proceeds.

135. (1) The proceeds of every sale effected under section 133 and confirmed under section 134, shall be applied first in payment of all costs, charges incurred in connection with the sale or attempted sales, secondly in payment of any or all interest due on account of the mortgage in consequence whereof the mortgaged property was sold, and thirdly in payment of the principal due on account of the mortgage including costs and charges incidental to the recovery.

(2) If there remains any residue from the proceeds of sale, the same shall be paid to the person proving himself interested in the property sold, or if there are more such persons than one, then to such persons upon their joint receipt or according to their respective interest therein as may be determined by the co-operative land development bank :

Provided that before any such payment is made, the unsecured dues owing—

- (a) from the mortgagor to the co-operative land development bank may be adjusted, and
- (b) from any member or past member to whom the mortgagor is indebted may also be adjusted under the written authority given by such member and past member, and after holding such inquiry as may be deemed necessary.

Certificate to  
purchaser,  
delivery of  
property and  
title of pur-  
chaser.

16 of 1908.

136. (1) Where a sale of mortgaged property has become absolute under section 134 and the sale-proceeds have been received in full by the co-operative land development bank, the bank shall grant a certificate to the purchaser in the prescribed form certifying the property sold, the sale-price, the date of its sale, the name of the person who at the time of the sale is declared to be the purchaser, and the date on which the same became absolute; and upon the production of such certificate the Sub-Registrar appointed under the Registration Act, 1908, within the limits of whose jurisdiction the whole or any part of the property specified in the certificate is situated, shall enter the contents of such certificate in his register relating to immovable property.

(2) (a) Where the mortgaged property sold is in the occupancy of the mortgagor or of some person on his behalf, or some person claiming under a title created by the mortgagor, subsequent to the mortgage in favour of the co-operative land development bank, and a certificate in respect thereof has been granted under the foregoing sub-section, the Collector shall, on the application of the purchaser order delivery to be made by putting such purchaser or any person

whom he may appoint to receive delivery on his behalf, in possession of the property.

(b) Where the property sold is in the occupancy of a tenant or other person entitled to occupy the same, and a certificate in respect thereof has been granted under the foregoing sub-section, the Collector shall, on the application of the purchaser and after notice to such tenants or other persons, order the delivery to be made by affixing copy of the certificate of sale in a conspicuous place on the property and proclaiming to the occupant by beat of drum or other customary mode at some convenient place, that the right, title and interest of the mortgagor have been transferred to the purchaser.

(3) Where any property is sold in the exercise or purported exercise of a power of sale under section 133, the title of the purchaser shall not be questioned on the ground that the circumstances required for authorising the sale had not arisen, or due notice of the sale was not given, or the power of sale was otherwise improperly or irregularly exercised :

Provided that any person who suffers damage on account of unauthorised, improper or irregular exercise of such power shall have a remedy in damages against co-operative land development bank.

Recovery of  
loans on  
certificate by  
Registrar.

137. (1) Notwithstanding anything contained in sections 92 and 103, on an application made by a co-operative land development bank for the recovery of arrears of any sum advanced by it to any of its members and on its furnishing a statement of accounts in respect of the arrears, the Registrar may, after making such inquiries as he deems fit, grant a certificate for the recovery of the amount stated therein to be due as arrears.

(2) A certificate by the Registrar under sub-section (1) shall be final and conclusive as to arrears due. The arrears stated to be due therein shall be recoverable according to the law for the time being in force for the recovery of arrears of land revenue.

(3) It shall be lawful to the Collector to take necessary measures authorised by rule 111 of the Tripura Land Revenue and Land Reforms Rules, 1961 or any law or provision corresponding thereto for the time being in force until the arrears due to the co-operative land development bank together with interest and any incidental charges incurred in the recovery of such arrears, are paid or security of such arrears is furnished to the satisfaction of the Registrar.

(4) It shall be competent for the Registrar or a person authorised by him to direct conditional attachment of the property of the mortgagor until the arrears due to the co-operative land development bank together with interest and any incidental charges incurred in recovery of such arrears, are paid or security for payment of such

arrears is furnished to the satisfaction of the Registrar and the provisions of section 97 shall apply mutatis mutandis to conditional attachment of any property made or to be made under this section.

Mode of  
recovery by  
Collector.

138. Any amount due to a co-operative land development bank (including cost of recovery thereof) shall on an application by it in this behalf be recoverable by the Collector, or any officer specially authorised by the Collector in this behalf, in all or any of the following modes, namely :—

- (a) from the borrower—as if they were arrears of land revenue due by him ;
- (b) out of the land for the benefit of which the loan has been granted—as if they were arrears of land revenue due in respect of that loan ;
- (c) from a surety (if any)—as if they were arrears of land revenue due by him ;
- (d) out of the property comprised in the collateral security (if any)—according to the procedure for the realisation of land revenue by the sale of immovable property other than the land on which the revenue is due.

Officers of  
banks not to  
bid at sales.

139. At any sale of movable or immovable property, held under the provisions of this Chapter, no officer or employee of a co-operative land development bank, except on behalf of the bank of which he is an officer or an employee, and no person having any duty to perform in connection with such sale, shall either directly or indirectly bid for, or acquire or attempt to acquire any interest in, such property.

Provision for  
guarantee funds  
to meet certain  
losses.

140. (1) It shall be competent for the Government to constitute one or more Guarantee Funds on such terms and conditions as it may deem fit, for the purpose of meeting losses that might arise as a result of loans being made by the co-operative land development bank on titles to immovable property subsequently found to be defective or for any other purpose under this Chapter, for which in the opinion of the Government, it is necessary to provide for or create a separate Guarantee Fund.

(2) Co-operative land development bank shall contribute to such funds and at such rate as may be prescribed, and the constitution, maintenance and utilisation of such funds shall be governed by such rules as may be made by the Government in this behalf.

Registrar's  
power to per-  
mit any co-  
operative bank  
to function as  
a co-operative  
land develop-  
ment bank.

141. It shall be competent for the Registrar to permit any co-operative bank to function as a co-operative land development bank under such terms and conditions and for such period as he may deem fit.

Service of notice.  
4 of 1882.

142. The provisions of sections 102 and 103 of the Transfer of Property Act, 1882, and of any rules made under section 104 thereof, shall apply, so far as may be, in respect of all notices to be served under this Chapter.

### CHAPTER XIII

#### OFFENCES AND PENALTIES

Prohibition of  
use of the  
word "Co-  
operative".

143. (1) No person, other than a society registered, or deemed to be registered, under this Act, and no person or his successor-in-interest of any name or title under which he traded or carried on business at the date on which this Act comes into force, shall without the sanction of the Government, function, trade or carry on business under any name or title of which the word "co-operative", or its equivalent in any Indian language, forms part.

(2) Every person contravening the provision of the foregoing subsection, shall, on conviction, be punished with fine which may extend to five hundred rupees.

Offences.

144. It shall be an offence under this Act, if—

- (a) any member of a society transfers any property or interest in property in contravention of sub-section (2) of section 49 or any person knowingly acquires, or abets in the acquisition of, such property ; or
- (b) any employer or any director, manager, secretary or other officer or agent acting on behalf of such employer, without sufficient cause, fails to comply with sub-section (2) of section 51 ; or
- (c) a committee of a society or an officer or member thereof fails to invest funds of such society in the manner required by section 62 ; or
- (d) any person, collecting share money for a society in formation, does not within a reasonable period deposit the same in the co-operative bank, or postal savings bank ; or
- (e) any person, collecting the share money for a society in formation, makes use of the funds so raised for conducting any business or trading in the name of a society to be registered or otherwise ; or
- (f) a committee of a society, or an officer or member thereof, fails to comply with the provisions of sub-sections (2), (3) or (4) of section 71 ; or

- (g) any officer or member of a society who is in possession of information, books and records, fails to furnish such information or produce such books, papers and records, or give assistance to a person appointed or authorised by the Government or the Registrar under sections 70, 74, 78, 79, 81, 82, 86, 96 or 106 ; or
- (h) any officer of a society fails to hand over the custody of books, records, cash, security and other property belonging to the society of which he is an officer to a person appointed under sections 70, 74, 77 or 106 ;

Note.—For the purpose of this clause, the word 'officer' shall include an outgoing member of the committee and the paid servant of a society ;

- (i) a committee of a society with a working capital of fifty thousand rupees or more, or any officer or member thereof, fails without any reasonable excuse to give any notice, send any return or document, do, or allow to be done, anything which the committee, officer or member is by this Act required to give, send, do or allow to be done or comply with orders under section 75 ; or
- (j) a committee of a society or an officer or member thereof wilfully neglects or refuses to do any act, or to furnish any information required for the purposes of this Act by the Registrar, or any other person duly authorised by him in writing in this behalf ; or
- (k) a committee of a society, or an officer or member thereof, wilfully makes a false return, or furnishes false information, or fails to maintain proper accounts ; or
- (l) any officer, member, agent or servant of a society fails to comply with the requirements of sub-section (4) of section 79 ; or
- (m) any officer or a member of a society wilfully fails to comply with any decision, award or order passed under section 95 ; or
- (n) a member of a society fraudulently disposes of property over which the society has a prior claim, or a member or officer or employee or any person disposes of his property by sale, transfer, mortgage, gift or otherwise, with the fraudulent intention of evading the dues of the society ; or
- (o) any officer of a society wilfully recommends or sanctions for his own personal use or benefit or for the use or benefit of a person in whom he is interested, a loan in the name of any other person ; or

- (p) any officer or member of a society destroys, mutilates, tampers with, or otherwise alters, falsifies or secretes or is privy to the destruction, mutilation, alteration, falsification or secreting of any books, papers or securities or makes, or is privy to the making of any false or fraudulent entry in any register, books of account or document belonging to the society ; or
- (q) any officer or member of a society or any person does any act declared by the rules to be an offence.

*Explanation* :—For the purpose of this section, an officer or a member referred to in the section shall include a past officer or a past member, as the case may be.

Punishments  
for offences  
under section  
144.

145. Every society, officer or past officer, member or past member, employee or past employee of a society, or any other person, who commits an offence under section 144 shall, on conviction, be punished,—

- (a) if it is an offence under clause (a) of that section, with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both ;
- (b) if it is an offence under clause (b) of that section, with imprisonment for a term which may extend to one month, or with fine which may extend to two thousand rupees, or with both ;
- (c) if it is an offence under clause (c) of that section, with fine which may extend to five hundred rupees ;
- (d) if it is an offence under clause (d) of that section, with fine which may extend to five hundred rupees ;
- (e) if it is an offence under clause (e) of that section, with imprisonment for a term which may extend to one year, or with fine, or with both ;
- (f) if it is an offence under clause (f) of that section, with fine which may extend to two hundred and fifty rupees ;
- (g) if it is an offence under clause (g) of that section, with fine which may extend to five hundred rupees ;
- (h) if it is an offence under clause (h) of that section, with fine which may extend to five hundred rupees ;
- (i) if it is an offence under clause (i) of that section, with fine which may extend to five hundred rupees ;
- (j) if it is an offence under clause (j) of that section, with imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both .

- (k) if it is an offence under clause (k) of that section, with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both ;
- (l) if it is an offence under clause (l) of that section, with fine which may extend to one hundred rupees ;
- (m) if it is an offence under clause (m) of that section, with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees, or with both ;
- (n) if it is an offence under clause (n) of that section, with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both ;
- (o) if it is an offence under clause (o) of that section, with imprisonment for a term which may extend to two years, or with fine, or with both ;
- (p) if it is an offence under clause (p) of that section, with imprisonment for a term which may extend to two years, or with fine, or with both ;
- (q) if it is an offence under clause (q) of that section, with fine which may extend to two hundred and fifty rupees.

Punishment  
for offences  
not otherwise  
provided for.

146. Any society or any officer or past officer, member or past member, employee or past employee of a society or any other person guilty of an offence under this Act for which no punishment is expressly provided herein shall be punishable with fine not exceeding fifty rupees.

Cognizance of  
offences.

147. (1) No court inferior to that of a magistrate of the first class shall try any offence under this Act.

(2) No prosecution under this Act shall be lodged, except with the previous sanction of the Government in the case of an offence under clause (b) of section 144 and of the Registrar in the case of any other offence under this Act. Such sanction shall not be given except after hearing the party concerned, by an officer authorised in this behalf by the Government by a **general or special order**.

CHAPTER XIV  
APPEALS, REVIEW AND REVISION

Tripura  
co-operative  
Tribunal.

148. (1) The Government shall constitute a Tribunal called the Tripura Co-operative Tribunal, to exercise the functions conferred on the Tribunal by or under this Act.

(2) The Tribunal shall consist of the President, and not more than two other members possessing such qualifications as may be prescribed.

(3) Any vacancy in the membership of the Tribunal shall be filled by the Government.

(4) Where the Tribunal consists of three members including the President, any two members of the Tribunal shall form the quorum for the disposal of its business :

Provided that any interlocutory application may be heard by one or more members who may be present.

(5) Where a matter is heard by all members of the Tribunal, the opinion of the majority shall prevail, and the decision shall be in accordance with the opinion of the majority. Where a matter is heard by two members and the members are equally divided, if the President be one of the members, the opinion of the President shall prevail ; and in other cases, the matter shall be referred for hearing to the President and shall be decided in accordance with his decision.

(6) Subject to the previous sanction of the Government, the Tribunal shall frame regulations consistent with the provisions of this Act and rules made thereunder, for regulating its procedure and the disposal of its business.

(7) The regulations made under sub-section (6), shall be published in the Official Gazette.

(8) The Tribunal may call for and examine the record of any proceeding in which an appeal lies to it, for the purpose of satisfying itself as to the legality or propriety of any decision or order passed. If in any case, it appears to the Tribunal that any such decision or order should be modified, annulled or reversed, the Tribunal may pass such order thereon as it may deem just.

(9) Where an appeal or application is made to the Tribunal under this Act, it may, in order to prevent the ends of justice from being defeated, make such interlocutory orders pending the decision of the appeal or application, as the case may be, as may appear to it to be just and convenient, or such orders as may be necessary for the ends of justice, or to prevent the abuse of the process of the Tribunal.

(10) An order passed in appeal, or in revision under sub-section (8), or in review under section 149 by the Tribunal, shall be final and conclusive, and shall not be called in question in any civil or revenue court.

*Explanation* :—The Tribunal hearing an appeal under this Act shall exercise all the powers conferred upon an appellate court by section 95 and Order XLI in the First Schedule of the Code of Civil Procedure, 1908.

5 of 1908.

Review of  
orders of  
Tribunal.

149. (1) The Tribunal may, either on the application of the Registrar, or on the application of any party interested, review its own order in any case, and pass in reference thereto such order as it thinks just :

Provided that no such application made by the party interested shall be entertained, unless the Tribunal is satisfied that there has been the discovery of new and important matter of evidence, which after the exercise of due diligence was not within the knowledge of the applicant or could not be produced by him at the time when its order was made, or that there has been some mistake or error apparent on the face of the record, or for any other sufficient reason :

Provided further that no such order shall be varied or revised, unless notice has been given to the parties interested to appear and be heard in support of such order.

(2) An application for review under the foregoing sub-section by any party, shall be made within ninety days from the date of the communication of the order of the Tribunal.

Tribunal to have power of civil court.

150. (1) In exercising the functions conferred on it by or under this Act, the Tribunal shall have the same powers as are vested in a civil court in respect of,—

- (a) proof of facts by affidavit,
- (b) summoning and enforcing the attendance of any person and examining him on oath,
- (c) compelling discovery or the production of documents, and
- (d) issuing commissions for the examination of witnesses.

(2) In the case of any such affidavit, any officer appointed by the Tribunal in this behalf may administer the oath to the deponent.

Appeals.

151. (1) An appeal against an order or decision under sections 4, 9, 11, 12, 13, 14, 17, 19, 21, 29, 35, 74 and 108 shall lie.—

- (a) if made or sanctioned or approved by the Registrar or the Additional or Joint Registrar on whom powers of the Registrar are conferred, to the Government,
- (b) if made or sanctioned by any person other than the Registrar, or the Additional or Joint Registrar on whom the powers of the Registrar are conferred, to the Registrar.

(2) An appeal against an order or decision under sections 75, 83 and 88, and any order passed by the Registrar for paying compensation to a society, and any other order for which an appeal to the Tribunal has been provided under this Act, shall lie to the Tribunal.

(3) An appeal under sub-section (1) or sub-section (2) shall be filled within two months of the date of the communication of the order or decision.

(4) Save as provided in this Act, no appeal shall lie against any order, decision or award passed in accordance with this Act ; and every such order, decision or award shall be final, and where any appeal has been provided for, any order passed on appeal shall be final and no further appeal shall lie against it.

Extension of period of limitation by appellate authority in certain cases

152. In all cases in which it is provided under this Act that an appeal may be filed against any decision or order within a specified period, the appellate authority may admit an appeal after the expiry of such period, if the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within such period.

Power of Government and Registrar to call for proceedings of subordinate officers and to pass orders thereon.

153. The Government and the Registrar may call for and examine the record of any inquiry or the proceedings of any other matter of any officer subordinate to them, except those referred to in sub-section (8) of section 149 for the purpose of satisfying themselves as to the legality or propriety of any decision or order passed, and as to the regularity of the proceedings of such officer. If in any case, it appears to the Government, or the Registrar, that any decision or order or proceedings so called for should be modified, annulled or reversed, the Government or the Registrar, as the case may be, may, after giving the persons affected thereby an opportunity of being heard, pass such order thereon as to them may seem just.

#### CHAPTER XV. MISCELLANEOUS

Recovery of sums due to Government.

154. (1) Unless otherwise provided by this Act, all sums due from a society or from an officer or member or past member or a deceased member of a society as such to the Government, may be recovered according to the law and under the rules for the time being in force for the recovery of arrears of land revenue.

(2) Sums due from a society to the Government and recoverable under the foregoing sub-section may be recovered, firstly from the property of the society, secondly in the case of a society of which the liability of the members is limited, from the members or past members or the estate of deceased members subject to the limit of their liability, and, thirdly, in the case of societies with unlimited liability from the members or past members or the estate of deceased members.

(3) The liability of past members or the estate of deceased members shall in all case be subject to the provisions of section 33.

Registrar's powers to recover certain sums by attachment and sale of property.

155. (1) The Registrar or any officer subordinate to him and empowered by him in this behalf may, subject to such rules as may be made by the Government, but without prejudice to any other mode of recovery provided by or under this Act, recover,—

- (a) any amount due under a decree or order of a civil court obtained by a society ;
- (b) any amount due under a decision, award or order of the Registrar, or any officer subordinate to him and empowered by him in this behalf, arbitrator or Liquidator or Tribunal ;
- (c) any sum awarded by way of costs under this Act ;
- (d) any sum ordered to be paid under this Act as a contribution to the assets of the society ; together with interest, if any, due on such amount or sum and the costs of process by the attachment and sale or by sale without attachment of the property of the person or a society against whom such decree, decision, award or order has been obtained or passed ;
- (e) any amount due under a certificate granted by the Registrar under sub-section (1) or (2) of section 104 or under sub-section (1) of section 138.

(2) The Registrar or the officer empowered by him shall be deemed, when exercising the powers for the recovery of an amount by attachment and sale or by sale without attachment of any property, under the foregoing sub-section, or when passing any orders on any application made to him for such recovery or to take steps in aid of such recovery to be a civil court for the purpose of article 182 in the First Schedule to the Limitation Act, 1963.

Power to exempt societies from provisions of Act.

156. The Government may, by general or special order, to be published in the Official Gazette, exempt any society or class of societies from any of the provisions of this Act, or may direct that such provisions shall apply to such society or class of societies with such modifications not affecting the substance thereof as may be specified in the order :

Provided that no order to the prejudice of any society shall be passed without an opportunity being given to such society to represent its case.

Delegation of powers of Registrar to federal societies.

157. The State Government may, by notification in the Official Gazette, and subject to such conditions, if any, as it may think fit to impose, delegate all or any of the powers of the Registrar under this Act to any federal society or to an officer thereof, specified in the notification.

Branches, etc. of societies outside the State of Tripura.

158. (1) No society shall open a branch or a place of business outside the State of Tripura, and no co-operative society registered under any law in any other State or Union territory shall open a branch or a place of business in the State of Tripura, without the permission of the Registrar.

(2) Every co-operative society registered under any law in any other State or Union territory, and permitted to open a branch or a place of business in the State of Tripura under the foregoing sub-section, or which has a branch or a place of business in the State of Tripura at the commencement of this Act, shall, within three months from the opening of such branch or place of business or from the commencement of this Act, as the case may be, file with the Registrar a certified copy of the bye-laws and amendments and if these are not written in English language, a certified translation thereof in English or Bengali and shall submit to the Registrar such returns and information as are submitted by similar societies registered under this Act in addition to those which may be submitted to the Registrar of the State or Union territory where such society is registered.

Competency of a member to transfer land or interest therein to society.  
4 of 1882.  
16 of 1908.

159. Notwithstanding anything contained in the Transfer of Property Act, 1882, and the Registration Act, 1908 it shall be lawful for a member of farming society to transfer to the society any land held by him or the whole or part of his interest in any land by an agreement and in such manner as may be prescribed.

Registrar's powers to enforce performance of obligation.

160. Notwithstanding anything contained in this Act, where any co-operative society is required to take any action under this Act, the rules or the bye-Laws and such action is not taken—

- (a) within the time provided in this Act, the rules or the bye-laws ; or
- (b) where no time is so provided, within such time, having regard to the nature and extent of the action to be taken, as the Registrar may specify by a notice in writing,

the Registrar may himself, or by a person authorised by him in this behalf, take such action at the expense of the society, or may call upon any officer of the society whom, in accordance with such principles as may be prescribed, he considers to be responsible for the carrying out of his directions and, after giving such officer an opportunity of being heard, may require him to pay, to the assets of the society, such sum not exceeding ten rupees, as the Registrar may think fit, for each day, until the Registrar's directions are carried out.

Registrar and other officers to be public servants.

45 of 1860.

Indemnity for acts done in good faith.

Bar of jurisdiction of courts.

Notice necessary in suits.

Power to make rules.

161. The Registrar, a person exercising the powers of the Registrar, a person authorised to audit the accounts of a society under section 79 or to hold an inquiry under section 81 or to make an inspection under section 82 or section 86 and a person appointed as an administrator under section 74, or as a nominee or board of nominees under section 95, or as a Liquidator under section 106, shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860.

162. No suit, prosecution or other legal proceedings shall lie against the Registrar or any person subordinate to him or acting on his authority, in respect of any thing in good faith done, or purported to be done by him or under this Act.

163. (1) Save as expressly provided in this Act, no civil or revenue court shall have any jurisdiction in respect of—

- (a) the registration of a society or its bye-laws, or the amendment of its bye-laws, or the dissolution of the committee of a society, or the management of the society on dissolution thereof ; or
- (b) any dispute required to be referred to the Registrar, or his nominee, or board of nominees, for decision ; or
- (c) any matter concerned with the winding up and dissolution of a society.

(2) While a society is being wound up, no suit or other legal proceedings relating to the business of such society shall be proceeded with or instituted against the society or any member thereof, or any matter touching the affairs of the society, except by leave of the Registrar, and subject to such terms as he may impose.

(3) All orders, decisions or awards passed in accordance with this Act or the rules, shall, subject to the provisions for appeal or revision in this Act, be final ; and no such order, decision or award shall be liable to be challenged, set aside, modified, revised or declared void in any court upon the merits, or upon any other ground whatsoever except for want of jurisdiction.

164. No suit shall be instituted against a society, or any of its officers, in respect of any act touching the business of the society until the expiration of two months next after notice in writing has been delivered to the Registrar or left at his office, stating the cause of action, the name, description and place of residence of the plaintiff and the relief which he claims, and the plaint shall contain a statement that such notice has been delivered or left.

165. (1) The Government may, for the whole or any part of the State of Tripura, and for any co-operative society or class of co-operative societies, after previous publication, make rules to carry out the purpose of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may—

- (i) subject to the provisions of section 3, prescribe the delegation of powers vested in the Registrar to persons appointed to assist the Registrar ;
- (ii) prescribe the forms to be used and the conditions to be complied with in the making of applications for the registration of a society under section 8 and the procedure in the matter of such application ;

- (iii) prescribe the matters in respect of which a society may make, or the Registrar may direct a society to make, bye-laws and the procedure to be followed in making, altering and abrogating bye-laws and the conditions to be satisfied prior to such making, alteration or abrogation ;
- (iv) prescribe the procedure to be followed and conditions to be observed for change of name or liability, amalgamation, transfer, division, conversion or reconstruction of society ;
- (v) prescribe the forms of, and procedure for, an application under section 19 and the procedure for reconstruction of a society under that section ;
- (vi) prescribe the conditions to be complied with by a person applying for admission or admitted as a member and provide for the election and admission of members and the payment to be made and the interests to be acquired before the exercise of the right of membership ;
- (vii) prescribe in the case of a federal society or class of federal societies the proportion of individual members to society members in such society or class of societies and the proportion of individual members to society members in the committee of such society or class of societies ;
- (viii) subject to the provisions of section 28, prescribe the maximum number of shares or portion of the capital of a society which may be held by a member ;
- (ix) prescribe the procedure for the admission of joint members, members of a joint Hindu undivided family, and minors and persons of unsound mind inheriting the share or interest of deceased members and provide for their rights and liabilities ;
- (x) provide for the withdrawal, or expulsion of members and for the payments to them and for the liabilities of past members and the estate of deceased members ;
- (xi) prescribe the conditions and procedure for the transfer of share or interest ;
- (xii) provide for the nomination of a person to whom the share or the interest of a deceased member may be paid or transferred ;
- (xiii) provide for ascertaining the value of a share or interest of a past member or a deceased member ;
- (xiv) prescribe the payments to be made and the conditions to be complied with by members applying for loans, the period for which loans may be, made, and the amount which may be lent to an individual member ;
- (xv) provide for the inspection of documents in the Registrar's office and the levy of fee granting certified copies of the same ;
- (xvi) provide for the procedure for registering the address of a society and the change of its address ;
- (xvii) provide for the formation and maintenance of a register of members, and where the liability of members is limited by shares, of a register of shares and a list of members ;

- (xviii) provide for securing that the share capital of any society shall be variable in such a way as may be necessary to secure that the share shall not appreciate in value and that necessary capital shall be available for the society as required ;
- (xix) provide for the procedure to be adopted by a society with limited liability in order to reduce its share capital ;
- (xx) prescribe the period for, and the terms upon which, Government aid may be given to societies and terms under which the Government may subscribe to the share capital of and guarantee the payment of the principal of and interest on debentures issued by societies ;
- (xxi) regulate the manner in which funds may be raised by a society or class of societies by means of shares or debentures or otherwise, and the quantum of funds so raised ;
- (xxii) prescribe the limits for loans to be granted by a society or class of societies against different classes of securities or without security and the procedure for granting loans ;
- (xxiii) prescribe the manner of recalling a loan ;
- (xxiv) prescribe the limits for granting credit by a non-credit society or a class of non-credit societies ;
- (xxv) prescribe the prohibitions and restrictions subject to which societies may trade or transact business with persons who are not members ;
- (xxvi) prescribe the conditions on which any charge in favour of a society shall be satisfied and the extent to which and the order in which the property charged shall be used in its satisfaction ;
- (xxvii) provide for giving reasonable notice of the charge under section 50 ;
- (xxviii) prescribe the procedure by which a society shall calculate and write off bad debts ;
- (xxix) prescribe the sums which, in addition to those referred to in sub-section (1) of section 57, shall be deducted from profits before arriving at the profit for the purpose of sub-section (2) of section 57 ;
- (xxx) provide for the formation and maintenance of reserve fund, and the objects to which such fund may be applied and for the investment and use of any fund including reserve fund under the control of a society ;
- (xxxi) prescribe the conditions under which profits may be distributed as dividend and bonus among the members and non-members of a society ;
- (xxxii) prescribe the rate at which a society shall contribute towards the educational fund of the federal society under section 60 ;
- (xxxiii) define the co-operative purpose for which a society shall, under section 61, utilise its fund ;
- (xxxiv) prescribe the mode of investment of funds of a society under section 62 and the proportion of investment in any security or class of securities ;

- (xxxv) provide for the payment of contribution to any provident fund which may be established by a society for the benefit of officers and servants employed by it and for the administration of such provident fund ;
- (xxxvi) prescribe the procedure and conditions for the exercise by a federal society of the powers conferred by this Act ;
- (xxxvii) provide for general meetings of the members, for the procedure at such meetings and the powers to be exercised by such meetings ;
- (xxxviii) prescribe the conditions in which a member of a society may be disqualified from voting ;
- (xxxix) provide for the appointment, suspension of the members of the committee and other officers and for the appointment of administrator under section 74 and prescribe the procedure to be followed at the meeting of the committee and the powers to be exercised and the duties to be performed by the committee, administrator and other officers ;
- (xl) prescribe the qualifications for members of the committee and employees of a society or class of societies and the conditions of service subject to which persons may be employed by societies ;
- (xli) prescribe the returns to be submitted by a society to the Registrar and provide for the persons by whom and the form in which such returns shall be submitted ;
- (xlii) provide for the persons by whom and the form in which copies of documents and entries in books of societies may be certified and the charges to be levied for the supply of copies thereof ;
- (xliii) provide for the procedure to be adopted by the Registrar in the cases where the taking of possession of books, documents, securities, cash and other properties of a society or of a society the affairs of which have been ordered to be wound up, by the Registrar or by a person entitled to the same is resisted or obstructed ;
- (xliv) provide for the procedure to be adopted for taking possession of books, documents, securities, cash and other property of a society by a person acting under sections 79, 81 and 82 in cases where misappropriation of funds, breach of trust or fraud has been committed or where it is suspected or apprehended that the books, documents, securities, cash and other properties are likely to be tampered with or destroyed or removed ;
- (xlv) prescribe the accounts and books to be kept by a society or class of societies ;
- (xlvi) prescribe the procedure for conducting an audit, the matters on which the auditor shall submit a report, the form in which the statement of accounts shall be prepared for his audit, the limits within which the auditor may examine the monetary transactions of a society, the form of audit, memorandum and report and the charges, if any, to be paid by a society for audit ;
- (xlvii) prescribe the procedure for appointment of auditors under section 79 ;
- (xlviii) prescribe the form for the rectification of defects discovered in the course of audit, inspection or inquiry ;

- (ALix) prescribe the procedure and principles for the conduct of inquiry under section 81 and inspection under section 82 ;
- (L) prescribe the procedure for apportioning the cost of inquiry and inspection and for assessing damages against delinquent promoters under section 88 and for recovery of cost and damages ;
- (Li) prescribe the manner in which appointment shall be made and control exercised by, and the number of person comprising, and functions to be performed by, the authority constituted under section 90, the manner of election and nomination of such persons, the fees to be paid to such authority and the manner of such payment and the procedure for and the method of calculating any cost, charges or expenses required to be levied under this Act or the rules ;
- (Lii) provide for appointment of the Registrar's nominee or board of nominees, procedure to be followed in proceedings before the Registrar or his nominee or board of nominees and for fixing and levying the expenses for determining the dispute and for enforcing the decisions or awards in such proceedings ;
- (Liii) prescribe the form in which a dispute shall be referred to the Registrar ;
- (Liv) provide for the issue and service of processes and for proving of service thereof ;
- (Lv) provide for the investigation of claims and objections that may be preferred against any attachment effected by the Registrar ;
- (Lvi) prescribe the procedure for and the method of recovery of any sums due under this Act or the rules ;
- (Lvii) prescribe the procedure to be followed for the custody of property attached under section 97 ;
- (Lviii) prescribe the procedure to be followed in the execution of awards ;
- (Lix) prescribe the manner in which any property shall be delivered to, and the terms and conditions subject to which such property shall be held by, a society under section 103 ;
- (Lx) prescribe the procedure for attachment and sale of property for the realisation of any security given by a person in the course of execution of proceedings ;
- (Lxi) prescribe the procedure and conditions for the exercise of the powers conferred under section 108 and the procedure to be followed by a Liquidator and provide for the disposal of surplus assets ;
- (Lxii) prescribe the matters in which an appeal shall lie from the order of a Liquidator appointed under section 106 ;
- (Lxiii) prescribe the procedure and conditions for the issue, redemption, re-issue, transfer, replacement or conversion of debentures issued by a society to which Chapter XII is applicable ;
- (Lxiv) prescribe the maximum amount of principal, the rate of interest and other conditions for the guarantee of debentures issued by a society to which Chapter XII is applicable ;

- (LXV) prescribe the qualifications and methods of appointment of an officer to effect sale under section 133 and the powers and functions which such an officer may exercise ;
- (LXvi) prescribe the appointment of a receiver of the produce and income of the mortgaged property for sale under section 133, the conditions in which he may be appointed or removed, the powers and functions which he may exercise and the expenses of management and remuneration which he may receive ;
- (LXvii) prescribe the circumstances in which action may be taken by a co-operative land development bank against a mortgagor under sub-section (2) of section 133 ;
- (LXviii) prescribe, in case of sale of immovable property under Chapter XII—
  - (a) the procedure for proclamation and conduct of the sale and the conditions on which an attempt of sale may be abandoned,
  - (b) the method of calculating the expenses incidental to the sale or attempted sale,
  - (c) the procedure for the receipt of deposit and disposal of the proceeds of sale,
  - (d) the procedure for a re-sale if an attempted sale is abandoned or the purchase money is not deposited within the prescribed time and the penalty to be levied against the purchaser who fails so to deposit the purchase money,
  - (e) the form and method of disposal of money by a co-operative land development bank under section 135,
  - (f) the form of sale certificate under section 136,
  - (g) the procedure for the delivery of the property purchased to the purchaser under section 136,
  - (h) the form of the notice referred to in section 142, and
  - (i) the fee payable for the service of such notices and the manner of serving such notices, on and of the transmitting landlord's fee to, the landlord named in such notices ;
- (LXix) prescribe the time within which and the procedure according to which property purchased by a co-operative development bank at a sale of immovable property under Chapter XII shall be disposed of by the bank ;
- (LXX) prescribe the procedure to be followed in presenting and disposing of appeals ;
- (LXXi) prescribe the qualifications of the members of the Tribunal ;
- (LXXii) prescribe in the case of appeals lying to the Government the authority to which power of hearing appeals may be delegated ;
- (LXXiii) prescribe the method of communicating or publishing any order, decision or award required to be communicated or published under this Act or the rules ;

(LXXIV) provide that the contravention of any of the rules shall be an offence under the Act ; and

(LXXV) provide for all other matters expressly required or allowed by this Act to be prescribed by rules.

(3) In making any rule under this Act the Government may direct that any person committing a breach thereof shall, on conviction by a court, be punishable with fine which may extend to fifty rupees and where the breach is a continuing one, with further fine which may extend to ten rupees for every day after the first breach during which the breach continues subsequent to such conviction.

(4) Every rule made under this section shall be laid as soon as may be after it is made before the Legislative Assembly of Tripura while it is in session for a total period of fourteen days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the House agrees in making any modification in the rule or the House agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be ; so however, that any modification or annulment shall be without prejudice to the validity of anything done under that rule.

**Repeal, saving and construction.**  
Bombay Act 4 of 1925.  
30 of 1950.

166. (1) The Bombay Co-operative Societies Act, 1925 (hereinafter referred to as the said Act), as extended to the Union territory of Tripura under section 2 of the Union Territories (Laws) Act, 1950, is hereby repealed :

Provided that the repeal shall not affect the previous operation of the Act so repealed and anything done or any action taken or deemed to have been done or taken (including any appointment or delegation made, application or other document filed, certificate of registration granted, agreement executed, notification, order, direction or notice issued, regulation, form or bye-law framed, rule made or deemed to be made or proceeding instituted before any Registrar, Liquidator or Tribunal or other officer, authority or person) by or under the provisions of the said Act shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act, and shall continue in force unless and until superseded by anything done or any action taken under this Act.

(2) Accordingly, all societies registered or deemed to be registered under the Act repealed the registration of which is in force at the commencement of this Act, shall on such commencement be deemed to be registered under this Act ; and all proceedings pending immediately before such commencement before any Registrar, Liquidator or Tribunal or other officer, authority or person under the provision of the repealed Act shall stand transferred, where necessary to the Registrar, Liquidator or Tribunal or other corresponding officer, authority or person under this Act, and if no such office, authority or person exists or if there be a doubt as to the corresponding officer, authority or person to such officer, authority or person as the Government may designate and shall be continued and disposed of before such officer, authority or person in accordance with the provisions of this Act.

(3) Any reference to the Act repealed or to any provisions thereof or to any officer, authority or person entrusted with any functions thereunder, in any law for the time being in force or in any instrument or document, shall be construed, where necessary, as a reference to this Act or its relevant provisions or the corresponding officer, authority or person functioning under this Act, and the corresponding officer, authority or person, as the case may be, shall have and exercise the functions under the repealed Act or under the instrument or document.

Companies Act  
not to apply.  
1 of 1956.

167. For the removal of doubt, it is hereby declared that the provisions of the Companies Act, 1956, shall not apply to societies registered, or deemed to be registered, under this Act.

**GOVERNMENT OF TRIPURA  
LAW DEPARTMENT**

No. F.2(9)-Law/Leg/73.

Dated, Agartala, the 17th April, 1973.

To  
The Secretary,  
Tripura Legislative Assembly,  
Agartala.

Sir,

In supersession of my notice for moving the motion for consideration and passing as communicated to you under No. F.2(9)-Law/Leg/73 dated the 17th March, 1973, I beg to give notice of my intention to move 'That the Tripura Co-operative Societies Bill, 1973 (Tripura Bill No. 3 of 1973) be referred to Select Committee of the House consisting of the members named below :—

Yours faithfully,  
Sd/-S. C. Some, 17/4/73  
Deputy Minister  
Tripura.

Name of the Members of the Select Committee

1. Sri Sailesh Chandra Some,
2. Sri Tarit Mohan Das Gupta,
3. Sri Jadu Prasanna Bhattacharjee,
4. Sri Moulana Abdul Latif,
5. Sri Gopinath Tripura,
6. Sri Kalipada Banerjee,
7. Sri Benoy Bhusan Banerjee,
8. Sri Jitendra Lal Das,
9. Sri Nripendra Chakraborty,
10. Sri Bajuban Riyan,
11. Sri Bulu Kuki.

## APPENDIX

(Vide para 7 of the Report)

Proceedings of the sittings of the Select Committee on the 'Tripura Co-operative Societies Bill, 1973 (Tripura Bill No. 3 of 1973.)'

**1st & 2nd Sittings**

Meetings of the Select Committee on the Tripura Co-operative Societies Bill, 1973 was held on 10-5-73 & 11-5-73 at 11 a.m. in the Committee Room of the Assembly Secretariat with Sri Tarit Mohan Das Gupta in the Chair. The following members were also present in the meeting :—

Sri Kalipada Banerjee,	Member
Sri Jitendra Lal Das	-do-
Sri Nripendra Chakraborty	-do-
Sri Jaduprasanna Bhattacharjee	-do-
Sri Benoy Bhusan Banerjee	-do-

Sri Dasgupta was elected Chairman by the members of the Committee for both the days due to absence of the Chairman, Shri Sailesh Ch. Some, Dy. Minister.

The Committee approved the Rules for internal working of the Committee on 10-5-73. The Committee did not transact any Business in absence of the Minister-in-charge of the bill and adjourned the meeting till 11 a.m. on Monday the 14th May, 1973.

**3rd Sitting**

A meeting of the Select Committee on the Co-operative Societies Bill, 1973 was held on 14-5-73 at 11 a.m. in the Committee Room of the Assembly Secretariat. The members were present in the meeting :—

Sri Sailesh Ch. Some, Dy. Minister,	Chairman
Sri Jaduprasanna Bhattacharjee,	Member
Sri Tarit Mohan Dasgupta,	Member
Sri Kalipada Banerjee,	Member
Sri Benoy Bhusan Banerjee,	Member
Sri Jitendra Lal Das,	Member
Sri Nripendra Chakraborty.	Member

Before going through the Bill, the Committee desired to have the following papers :—

1. Memorandum showing the provisions of original Act, and the Amendment proposed on those.
2. Bombay Co-operative (Amendment) Act, 1959.
3. West Bengal Co-operative (Amendment) Act.
4. Deposit Insurance Act, 1961.

Then the Committee asked the Secretary to contact the Government for publication of the Bill in the Tripura Gazette immediately. Immediate after Gazette Notification of the Bill, a Press Note should be issued inviting the public opinion and comments on the bill which as required should be submitted within 15 days from the date of publication. The Committee also asked the Secretary to send a copy of the Bill to the following Organisations /Associations/Persons for their comments if any :—

1. Secretaries of all Bar Associations.
2. Manager, Co-operative Bank/Land Mortgage Bank.
3. All political Parties.
4. Krishak Samity/Krishak Samaj.
5. All Industrial Societies :—
  - (a) Sarabamangal Weavers' Co-operative Society.
  - (b) Sachindranagar Weavers' Co-operative Society.
  - (c) Swasti Samity.
  - (d) All credit Societies dealing with amount more than 1 lakh.
  - (e) All Primary marketing Societies.
6. Secretary/President, Co-operative Societies.
  - (a) Sri S. C. Dey
  - (b) Sri Sachindra Dewanji
  - (c) Sri Amaresh Nandi Majumder.
  - (d) Sri Priyadas Chakraborty.
  - (e) Sri Ashu Mukharjee.

The Committee then desired to meet again on 15-6-73 at 11 a.m. The meeting was then adjourned.

#### 4th Sitting

A meeting of the Select Committee on the Tripura Co-operative Societies Bill, 1973 was held on 20-6-73 at 11 a.m. in the Committee Room of the Assembly Secretariat under the Chairmanship of Shri Sailesh Chandra Some, Dy. Minister-in-charge of the Bill. The following members were also present in the meeting :—

- |                                    |        |
|------------------------------------|--------|
| 1. Sri Jaduprasanna Bhattacharjee, | Member |
| 2. Sri Kalipada Banerjee,          | Member |
| 3. Sri Benoy Bhusan Banerjee,      | Member |
| 4. Sri Moulana Abdul Latif,        | Member |
| 5. Sri Gopinath Tripura,           | Member |
| 6. Sri Jitendra Lal Das,           | Member |

The Agenda for the meeting was examination and consideration of the Tripura Co-operative Societies Bill, 1973.

At the outset, the Chairman informed the members of the Committee that as per desire of the Committee the following papers were received except the Deposit Insurance Act, 1961.

1. Memorandum showing the provisions of original Act and the amendments proposed on those.
2. The Bombay Co-operative (Amendment) Act, 1959.
3. West Bengal Co-operative (Amendment) Act, 1973.

Secondly, some comments and suggestions on the proposed bill were also received from the following persons/Institutions :

1. The Manager, Land Mortgage Bank.
2. Sri Amaresh Nandi Majumder.
3. Sri Surendra Chandra Dey.
4. Secretary, Krishi Kalayan Seva S. S. Ltd., Salema.
5. C.P.I.(M) Tripura State Committee.

The Chairman observed that the Committee should work-out with the papers, comments and suggestions so far received, otherwise there will be delay in reporting its decision to the House.

The Chairman also observed that with reference to the statements of objects and reasons such as inspection of Societies by the Registrar at his own motion, ratification of defects in accounts, power of Registrar to direct bye-laws, provision against vested interest, catagorical codification of land development banks etc., as appended in the proposed Bill, a comperative statement of those provision as in West Bengal Act should be prepared and circulated to all the members of the Committee.

Then the Committee directed the Assembly Secretariat to prepare another statement showing therein the provisions in West Bengal (Amendment) Bill, 1973 but absent from our proposed Bill and sent the same to the members concerned a week ahead of its next meeting for facilitating the members in its examination.

The Committee then desired to meet again on 17-7-73 at 11 a.m.

The meeting was then adjourned *SINE DIE*.

#### 5th Sitting

A meeting of the Select Committee on 'The Tripura Co-operative Societies Bill, 1973 was held on 23-7-73 at 11 a.m. in the Committee Room of the Assembly Secretariat under the Chairmanship of Shri Sailesh Chandra Some, Deputy Minister-in-charge of the Bill. The following members were present in the meeting :

1. Shri Jaduprasanna Bhattacharjee,
2. Shri Moulana Abdul Latif,
3. Shri Gopinath Tripura,
4. Shri Kalipada Banerjee,
5. Shri Benoy Bhusan Banerjee,
6. Shri Jitendra Lal Das,
7. Shri Nripendra Chakraborty,
8. Shri Bajuban Riyan.
9. Shri Bulu Kuki.

Secretary, Co-operative Department was also present in the meeting for giving clarification, if when necessary by the Committee.

At the outset, Chairman of the Committee informed the members regarding the working result of the Committee so far done and explained the necessity of having recommendation of the Committee early, for consideration and passing of the Bill by the House in its next session.

**Shri Nripendra Chakraborty**—Before enter into the General discussion we should know from the department what were the difficulties they were facing with special reference to the statement of object and reasons of the Bill and what are their suggestions to overcome those difficulties ?

**Secretary—Inspection of the Societies by the Registrar.** অডিট করার পাওয়ার আছে আন্ডার দি বোম্বে একট কিস্ত ইনস্পেকশান করার কোন পাওয়ার নেই। আমাদের যে প্রিভিয়াস একট ছিল সেটাতে ইনস্পেকশানের কোন পাওয়ার রেজিস্ট্রার বা ডিপার্টমেন্টের উপর ছিলনা, সেখানে অডিট করার পাওয়ারটা যেনা ছিল ইনস্পেকশানের সুবিধার জন্য অথবা ফিনানসিয়েল অবজেকশান না দিয়ে যদি এ্যাডমিনিস্ট্রেটিভ বিষয়ে কোন ডিফেকটস থাকে তা হলে সেগুলিকে রিমুভ করার জন্য চেঞ্জটা নেওয়া যায়। সুতরাং আমাদের সোসাইটিগুলিকে যদি ঠিকমত ওয়াকিং স্টেজে আনতে হয় তাহলে আমাদের মনে হয়েছে যে এই ধরনের একটা প্রতিশান রাখার প্রয়োজন আছে। যোহেতু এ্যানুয়েল অডিট করা ছাড়া ইনস্পেকশান করে তাদেরকে কোন রকম হেল্প করার মত কোন প্রতিশান ছিল না। আর যেটা করা হত সেটা উইদাউট এ্যানী প্রতিশান যদি কোন ইনস্পেকশান দেওয়া হত সেটা সোসাইটির পক্ষে বাইন্ডিং ছিল না। তাছাড়া বাইনজগুলি কমিটির মেম্বারেরা তৈরী করে থাকে সেগুলির উপর আমাদের রেজিস্ট্রার যাতে কিছু কমেন্টস দিতে পারে, সেজন্য ক্লমতা চাওয়া হয়েছে। আর একটা ক্লমতা আমরা যেটা চেয়েছি, সেটা হচ্ছে এ্যামালগেশান অব সোসাইটি, যেটা ক্লিয়ারলি আগের একটে ছিল না। কিন্তু নতুনটার মধ্যে আছে। যেমন আমাদের যে সমস্ত সোসাইটিগুলি উইকার হয়ে পড়েছে অথবা সেগুলির ২/৩ টাকে যাতে একটা সোসাইটি করা যায়, তার জন্য একটা প্রতিশান আমরা এই বিলের মধ্যে রেখেছি।

**শ্রীশৈলেশ চক্রবর্তী**—আমি স্পেসিফিকেলী আপনাকে জিজ্ঞাসা করতে চাই যে কি কি কারণ হ্যাণ্ডফুল অব পিপলদের হাতে এইটা চলে যায় এবং ডেমোক্রেটিক রাইটা আস্তে আস্তে লস হয়ে যায়, আপনার এ্যাক্সপেরিয়েন্সটা কি? যেমন ধরুন আমি একটা সোসাইটির কথা বলতে পারি, যেটা একটা পার্টিকুলার ফেলিসির মধ্যে সীমাবদ্ধ, সে নিজে সোসাইটির প্রেসিডেন্ট, তার ছেলে ম্যানেজার এবং তার আয়ীস্বজনেরা তার থেকে নোন পেয়েছেন, এটা আগরতনার কাছেই একটা Big Co-operative, এই যে ঘটনাগুলি ঘটছে, এগুলি কি কি weakness এর জন্য ঘটছে? Hand full People বলতে আমরা যাকে বলি Vested Interest, সেই Vested Interest র হাতে এই Co-operative গুলি না যাওয়ার কি গ্যারান্টি আছে? তাছাড়া এখানে Statement of object and reasons এর মধ্যে বলা হয়েছে যে আমরা Vested Interest এর হাতে Co-operative গুলিকে দিতে চাইনা। তাহলে What are the actual provision you have made in the bill যা Vested Interest এর হাতে Co-operative গুলিকে যাওয়ার পথে বাঁধা দিতে পারে?

**শ্রীশৈলেশ চক্র সোম**—আগে যে কোন নোক যে কোন সোসাইটির মেম্বার বা কর্মকর্তা হিসাবে একাধিক বছর থাকতে পারত এবং সেজন্য কোন বার ছিল না কিন্তু এখন কার বিলে সেই বার রয়েছে। আর Inspection এর কথা যেটা বলা হয়েছে এটা Section 43 তে আগেও ছিল, কিন্তু সেজন্য Complain করতে হবে under some Circumstances, out of his own initiative Registrar সেটা করার কোন সুযোগ ছিল না।

**শ্রীযদুপ্রসন্ন ভট্টাচার্য**—Inspection Section 43 তে own initiative এ করা যায়।

**Secretary**—Complain না আসলে পরে own initiative এ Registrar Inspection করতে পারে না। অর্থাৎ Inspection টা Normal হয় না।

**শ্রীকানীপদ ব্যানাজী**—Registrar-এর কাছে যে সমস্ত বাইনজ আসে Approval-এর জন্য সেগুলি কি উনি Approve করেন না?

**শ্রী শৈলেশ চক্র সোম**—তিনি approve করেন কি করেন না সেটা কোন কথা নয়। কিন্তু Inspectionটা হওয়ার দরকার আছে।

**শ্রী কানীপদ ব্যানাজী**—তাহলে রেজিস্ট্রারের কাছে approval র জন্য যে সব বাইনজ আসে সেগুলি কি তিনি দেখাবেন না যে এর ভিত্তর কি আছে না আছে?

**শ্রী শৈলেশ চক্র সোম**—ধরুন Amendmentটা যে যে পয়েন্টের উপর আসার দরকার সেই পয়েন্টের উপর সোসাইটির থেকে কোন প্রপোজাল আসল না। সোসাইটির ইন্টারেস্ট রেজিস্ট্রার তাদেরকে বলতে পারে যে তোমরা এই এই এ্যামেন্ডমেন্ট আন কিন্তু রেজিস্ট্রার তাদেরকে সেইগুলি আনার জন্য বাধ্য করতে পারে না।

**শ্রী জিতেন্দ্র লাল দাস**—রেজিস্ট্রার তো ইচ্ছা করলেই যে কোন সোসাইটির বাইনজ তৈরী করতে পারে আবার ইচ্ছা করলে সেগুলি বাতিলও করতে পারে। তাহলে সোসাইটির এ্যাক্সিস্টেন্সের কি রূপ নেবে?

**শ্রী শৈলেশ চক্র সোম**—ধরুন কতগুলি সোসাইটির প্যাটান অব বাইনজ আছে এবং সেইগুলিকে কেউ কেউ ১৯-২০ করে নেয় একডিন্ট দি চেঞ্জস সারকামপেন্টেনসেস। এই অবস্থায় সে বাইনজটার কথা বলছেন সেটা যদি রেজিস্ট্রার নস্যোগ করে দেয় তাহলে সেই সোসাইটিটা কিসের ভিত্তিতে চলবে? এখন রেজিস্ট্রার যদি বা-নজ তৈরী করার অধিকার একবারেই না থাকে তাহলে সে কি করে তৈরী করবে?

শ্রীমদুপ্রসন্ন ভট্টাচার্য্য :-—বাই-লজ তৈরী করার রাইটগুলো রেজিস্ট্রারের নাই এটা তৈরী করার রাইট আছে সোসাইটির মেম্বারদের। সে simply প্রপ্রেজ করতে পারে মডিফিকেশন করার জন্য। এমন যদি কোন বোর্ড অব ডাইরেক্টর্স রেজিস্ট্রারের প্রপ্রেজাল কনসিডারেশনে না আনে তাহলে তার জন্য আনাদা একটা প্রভিশান করুন যাতে যাদের রাইট রয়েছে তারা এটাকে মডিফাই করতে পারেন বা চেঞ্জ করতে পারেন।

শ্রী শৈলেশ চন্দ্র সোম :-—তিনি তাদেরকে বলতে পারেন কিন্তু তারা সেটা করতে বাধা নয়।

**Secretary—**Here is the Section 14(1)—“If it appears to the Registrar that an amendment of the bye-laws of a society is necessary or desirable in the interest of such society, he may call upon the society, in the manner prescribed, to make the amendment within such time as he may specify.

(2) If the society fails to make the amendment within the time specified, the Registrar may, after giving the society an opportunity of being heard and after consulting the financing bank to which the society is affiliated register such amendment, and issue to the society a copy of such amendment certified by him” তাহলে দেখা যাচ্ছে কনসালটিং করার মত সেকোপ রয়ে গেছে।

শ্রী নৃপেন্দ্র চক্রবর্তী :-—এখন তাহলে আমরা বিনের উপর একটা জেনারেল ডিস্কাশশান করতে পারি এবং ক্লজওয়াইজ যখন amendment আসবে, তখন ক্লজওয়াইজ ডিস্কাশশান করা হবে। এখন চেয়ারম্যান মহোদয় পরামর্শনা দিনেই আমরা ডিস্কাশশান করতে পারি।

শ্রী শৈলেশ চন্দ্র সোম :-—হ্যাঁ ডিস্কাশশান করতে পারেন।

শ্রী নৃপেন্দ্র চক্রবর্তী :-—আমরাও এতদিন এইটা অনুভব করেছিলাম যে বর্তমানে যে এ্যাকটো আছে সেটা amendment করা হউক এবং কি কারণে এটা অনুভব করেছিলাম তা এই বিল প্রণেতা যারা তারাও ভাল করেই উপলব্ধি করেছেন কারণ যে এ্যাকটো আমাদের এখানে ছিল, এটা তখনকার Bombay এর act এবং এটাকে হবহ এখানে এনে উপস্থিত করা হয়েছিল। কিন্তু আমরা যদি বলব এবং আমাদের এখানকার অর্থনৈতিক চিত্রের সংগে তুলনা করে দেখি তাহলে দেখব যে এটা একটা আকাশ পাতাল তফাৎ। ত্রিপুরা রাজ্যের রায়তদের শতকরা ৭০ জন এর ৫ কাণি বা তারও কম জমি আছে। অথচ জমিওয়ালার লোকদের মধ্যেই এই অবস্থা চলছে। তাহাড়া জমি ছাড়াও এমন লোক আছে—জুমিয়া এবং ল্যাণ্ড লেস আছে এবং তাদের সংখ্যা ১ লক্ষের উপর হবে এবং এই যে সংখ্যটা এটাকে আমরা বলি weaker section এই weaker section অথবা property land এর কাছাকাছি যারা রয়েছে তারা victim of money lender's হয়। কাজেই আমরা এমন একটা Co-operative movement চাই যাতে money lenders দের হাত থেকে এই লোকগুলিকে সেভ করা যায়, production এ তাদেরকে usefully engage করা যায়। তারা production এর জন্য যে source থেকে টাকাটা এনেছেন সেটাকে ঠিকমত খাটিয়ে সেই টাকাটা যাতে আবার ফেরত দিতে পারেন—এই রকমের একটা movement আমাদের এখানে Develop করতে চাই। Naturally এটা একটা agri ডিপার্টমেন্ট হবে। কারণ যে রাজ্যের লোক সংখ্যার শতকরা ৭৫ জন কৃষির উপর নির্ভরশীল সেখানে কৃষির উপর জোর দিয়ে এই ধরনের Co-operative গুলি আমাদের গঠনকরা উচিত। কিন্তু সেই রকম কোন study কি করা হয়েছে? আমি দেখলাম Central Govt. এখানে যে সমস্ত instruction পাঠিয়েছে তার মধ্যে অবশ্য দুই একটি কথা বলা হয়েছে যে vested interest এর হাত থেকে এই সব Co-operative রক্ষা করতে হবে। আর অন্য যে গুলির কথা বলেছেন সেগুলি হল minor amendment, প্রধানতঃ যেটার উপর জোর দেওয়া হয়েছে আমি ত্রিপুরার Economy র সংগে মহারাষ্ট্রের Economy এর তুলনা করছি কেন আজকে মহারাষ্ট্র কৃষি এবং খনতন্ত্রে কিছুটা বিকাশ লাভ করেছে। সেখানে আখের চাষ কিংবা ম্যানি Crops সে গুলিতে একটা অংশ যারা Co-operative এর মাধ্যমে হাজার টাকা নয়া লক্ষ লক্ষ টাকা নিয়ে invest করে কাজে লাগাচ্ছেন যার জন্য কৃষির Production কিছু পরিমাণে বাড়ানো হয়েছে পাজাব এবং মহারাষ্ট্রের সংগে আমাদের ত্রিপুরার কৃষির কোন তুলনা হয় না। আমাদের এখানকার কৃষির প্রধানতঃ সামস্ত হলের উপর নির্ভরশীল বা বর্গাদারদের উপর নির্ভরশীল কাজেই তার সম্পর্কে আনাদা দৃষ্টি তুলি নিয়ে আমাদের এই বিল আনার দরকার ছিল কিন্তু, জোর দেওয়া হয়েছে কোনটার উপর? না মনে করা হচ্ছে প্রধান কারণ যেন Govt. এর হাতে কোন ক্ষমতা ছিলনা Co-operative পরিচালনা করার আর সেইজন্যই কো-অপারেটিভ অ্যাপ্রোচমেন্ট ফেল করেছে। Unfortunately আমাকে এখানে Point out করতে হয় যে Refugee কলোনী গুলিতে কতগুলি Co-operative করা হয়েছিল যেগুলি এখন নামে মাত্র Co-operative আছে। অথচ সেখানে Govt. এর লোক President, Govt. এর লোক Secretary এবং Govt. হাতে সমস্ত কিছু দেওয়ার পরও সেই সব Co-operative গুলির কোন চিহ্ন মাত্র সেখানে দেখতে পাওয়া যাচ্ছে না। এরপরেও কি কেউ বলবে যে Govt. র হাতে কম ক্ষমতা ছিল বলেই এগুলি ফেল করেছে? এটা কি কেউ স্টাডি করে দেখেছে? সেখানে ৪০টি Rehabilitation Centre এ ৪০টা Co-operative গঠনমেন্ট করেছে এবং তার মধ্যে ১ লক্ষ টাকা করে দেওয়া হয়েছে minium, আবার অনেক Co-operative ৩/৪ লক্ষ টাকা করেও পেয়েছে কিন্তু সেগুলির চিহ্ন মাত্র এখন নাই। কাজেই এটা ঠিক নয়। যেমন ধরুন আমি Apex Co-operative এর বাই-লজগুলি দেখছিলাম সেখানে তিনজন Govt. নমিনি রয়েছে অথচ এই Co-operative এ সে Loss হল সেই সম্পর্কে কোন হেঁচকি করণ না এবং Govt. এর কাছে Report দিল না। কাজেই লোক নেই তার জন্য হয়নি তা নয়। লোক যে কারণেই হউক তারা তাদের দায়িত্ব পালন করেননি এবং কো-অপারেটিভ ডিপার্টমেন্টকে আমি বলব তারাও তাদের দায়িত্ব পালন

করে নি। এবং কো-অপারেটিভগুলির মধ্যে এমন কোন ব্যবস্থা ছিল না যাতে সেগুলি ভেস্টেড ইন্টারেস্টেড এর হাতে না পড়ে। ধরুন যদি এই রকম কো-অপারেটিভ করা হয় যাতে ৫ কাণির বেশী জমির লোক সেই কো-অপারেটিভ এর মেম্বার হাতে পারবে না,—যেমন আমরা ভূমিহীন এবং জমিয়াদের কো-অপারেটিভ করে দিলাম। উনি অবশ্য একটা গ্যারান্টির কথা বলেছেন যে একজন দুই বারের বেশী ইলেক্টেড হাতে পারবে না, আমি এটাকে সাপোর্ট করি কিন্তু এই রকম কথা কোন কোন জায়গাতে আছে যা বিলের মধ্যে খুঁজে পাব যে কো-অপারেটিভটা ভেস্টেড ইন্টারেস্টেড এর হাতে যেতে অসুবিধা আছে।

শ্রী নৃপেন্দ্র চক্রবর্তী :—আজকে আমরা কি দেখছি যে গ্রাপেন্স মার্কেটিং সোসাইটির অবস্থা খারাপ তার একটা রিপোর্ট পর্মাণ্ড দেয় নাই যে সেখানে এই অবস্থা ঘটছে। সেখানে লোক নাই তার জন্য হয় নাই তা নয়। আমি বলব যাদের উপর দায়িত্ব দেওয়া হয়েছে তারা ঠিক ঠিক মত দায়িত্ব পালন করছেন। আমি এখানে বিস্তারিত ভাবে বলতে চাইনা। আমার কথা হচ্ছে যে—পাঁচ কাণি বা তার নীচে জমি আছে তাদের নিয়ে যে কো-অপারেটিভ হবে সেখানে পাঁচ কাণির উর্ধে যাদের জমি তারা মেম্বার হতে পারবে না। একজন মেম্বার যেমন দুইটি সোসাইটির মেম্বার হতে পারবে না তেমনি কোন সোসাইটিতে যাদের পাঁচ কাণির উপরে জমি আছে তারা মেম্বার হতে পারবে না সেইরকম একটা প্রতিশ্রুতি থাকা দরকার যাতে সেই সোসাইটিতে ভেস্টেড ইন্টারেস্টেড টুকো না যেতে পারে। দ্বিতীয়তঃ হচ্ছে ইলেকশান সম্পর্কে। ইলেকশান সম্পর্কে এনাবোরেরট রুলস বা বাই-লজ আছে কিনা আমি জানিনা।

শ্রী শৈলেশ চন্দ্র সোম :—জেনারেল ইলেকশান সম্পর্কে যে প্রসিডিউর আছে এই ক্ষেত্রেও প্রায় সেটাই ফলো করা হয়।

শ্রী নৃপেন্দ্র চক্রবর্তী :—রিটানিং অফিসার যদি একজন কো-অপারেটিভ অফিসারকে করে দেওয়া হয় তাহলে আমার আপত্তি আছে। ডিস্ট্রিক্ট ম্যাজিস্ট্রেট এর রায়কের নীচে কেউ রিটানিং অফিসার হতে পারবেনা। এটি নিস্ট ফাশ্ট ক্লাস মেজিস্ট্রেটের পাওয়ার আছে সেইরকম একজন রেসপনসিবল লোককে সেই ভার দেওয়া হউক, এই হচ্ছে আমার সাজেশান।

শ্রী কানিপিদ ব্যানার্জী :—কো-অপারেটিভ এর সংগ সম্পর্কে নেই এমন লোককে রিটানিং অফিসার করতে হবে।

শ্রী নৃপেন্দ্র চক্রবর্তী :—আমাদের রিটানিং অফিসার সম্পর্কে আমি বলছি তারপর আফটার ইলেকশান আমরা দেখছি যে ইলেক্টেড নডি বছরের পর বছর কোন মিটিং ডাকে না সেইগুলি যাতে গ্যারান্টিউ করা যায় তার প্রতিশ্রুতি আমি এখানে এই বিলে রাখতে চাই—টু থ্রু দি নুপোহান্স। আমরা এখন দেখছি যে কো-অপারেটিভ এর যে প্রেসিডেন্ট এবং সেক্রেটারী আছে তাদের ভেস্টেড ইন্টারেস্টেড সেখানে কাজ করছে। সেগুলি যাতে না হয় সেইভাবে আমাদের নতুন বিল করতে হবে।

শ্রী যদুপ্রসন্ন ভট্টাচার্য্য :—মেনিভিজ কমিটির রিজলুশান ছাড়া কোন কিছু করতে পারেনা। কো-অপারেটিভ রুলস তারা ইগনোর করছে। মেইন কথা হচ্ছে আপনি যেটা বলছেন সেটা যদি করতে হয় তাহলে সেই ইউনিয়নকে স্টেটংদন করা উচিত। প্রত্যেকটি মেম্বারের ফাংশান কি দায়িত্ব কি এই সমস্ত বুঝানোর জন্য একটা স্টাডি সাকল করতে হবে।

শ্রী নৃপেন্দ্র চক্রবর্তী :—আই কম্পনীয়নী ডিসএগ্রী দাট। তারপর আমার মনে হয় এই সার্ভিস কো-অপারেটিভগুলি যে সমস্ত ইমপর্টেন্ট এবং অন্যান্য ধরণের এ্যাগ্রিকালচারেল সার্ভিস কৃষককে দিতে হয় সেটা তারা দিতে পারে নাই। তাই আমি বলছি যে আজকে যা হচ্ছে তার চেয়ে আগামী দিনে যা চাচ্ছি তফাৎ যদি করতে হয় ছোট পিডেন্টিয়াল জন আলাদা সার্ভিস কো-অপারেটিভ করা দরকার যাতে সেইসব ইমপর্টেন্ট এবং অন্যান্য সার্ভিস যে গুলি আছে সেইগুলি কৃষকদের হাতে রীচ করে। সার বা অন্যান্য জিনিষ যাতে কৃষক পেতে পারে সেটা দীর্ঘ কো-অপারেটিভ সোসাইটিজ তা করা উচিত।

শ্রী শৈলেশ চন্দ্র সোম :—সার্ভিস কো-অপারেটিভ এর কতকগুলি কন্ডিশান আছে। প্রত্যেকটি চামীর নামে লোন স্যাংশান হচ্ছে।

শ্রী নৃপেন্দ্র চক্রবর্তী :—এই হওয়ার ফলে আমরা দেখি, যে আপার সেকশান পিডেন্টিয়াল হাতে চলে যাচ্ছে বেনিফিটারী, তাই উইকার যে সেকশান তার জন্য এ্যাকটিভ প্রতিশ্রুতি থাকা দরকার। প্রত্যেকটি লোককেতো আর খণ দেয় না। কাজেই তার মধ্যে যে সিলেকশান হয়, যারা উইকার সেকশান তারা বাদ যায়, যারা ওয়েল টু তারা সেটার বেনিফিটারী পায়।

শ্রী শৈলেশ চন্দ্র সোম :—যদি আগের খণ পরিশোধ করে তারা নিশ্চয়ই পায়।

শ্রী নৃপেন্দ্র চক্রবর্তী :—আমার অভিযোগ পায় না। আমি তার বহু দৃষ্টান্ত দিতে পারি। যে লোক সাত্রুমে কাজ করে সে যোগেশনগর থেকে খণ পাবে।

শ্রী শৈলেশ চন্দ্র সোম :—দু'একটা কেস থাকতে পারে।

শ্রী যদুপ্রসন্ন ভট্টাচার্য্য :—আপনি সাজেশান রাখুন।

শ্রী নৃপেন্দ্র চক্রবর্তী :—আমার Suggestion হচ্ছে প্রপার্টির জিমিটেশান করা দরকার এই সেকশান শুধু মেম্বার হবে। মার্কেটিং কো-অপারেটিভ সম্পর্কে বলছি ধরুন, এখন একটা সিস্টেম আছে—দাদন সিস্টেম

শ্রী শৈলেশ চন্দ্র সোম :—তাহলে সার্ভিস কো-অপারেটিভ সম্পর্কে আপনার সাজেশান হচ্ছে যে একই এরিয়া অপারেশানের ভিতর দু'বর্ষের জন্য সার্ভিস কো-অপারেটিভ থাকুক এবং others এর জন্য আলাদা Co-operative Society থাকুক।

শ্রী নৃপেন্দ্র চক্রবর্তীঃ—হ্যাঁ

শ্রী যদুপ্রসন্ন ভট্টাচার্য্যঃ—তাহলে দুর্বল কারা তার ডেফিনিশান তাহলে খাবতে হবে।

শ্রী নৃপেন্দ্র চক্রবর্তীঃ—আমার Suggestions up to ৫ কাগি পর্যন্ত। Standard একর আমাদের আছে what are it means. আমাদের এখানে এক কাগি নান জমি দুই কাগি ঢীলা জমির সমান। আমি মনে করি দুই একর Standard জমির মালিক অথবা তার কম জমির মালিক যারা তাদের জন্য আলাদা সার্ভিস Cooperative Society করতে হবে। তেমনি Landless যারা তাদের জন্য দুই রকম হওয়া দরকার। প্রপারটি কম যাদের-সে ৫ হাজার টাকার বা তার কম টাকার প্রপারটি যাদের তাদের জন্য আলাদা কো-অপারেটিভ করতে হবে যাতে এই সব জায়গাতে সেইসব Co-operative গুলি ডেস্টেড Interest এর হাতে গিয়ে না পড়ে। Marketing System কি দেখি মহাজনরা দাদান দেয় তার ফলে কৃষির একটা বিরাট অংশ Dis-honest Trader, মহাজনদের হাতে চলে যায়। How to safe it? আজকে দেখছি Marketing Co-operative Society গুলি চিনি Marketig করছে, এক ছিটে Paddyও কিনছে না। আজকে যখন চাউলের দর কমছে পাটের, দাম কমছে তারজন্য Marketing Society নেই। এই কাজটা কে করবে? Marketing Society এই কাজগুলি করতে ভরসা পাচ্ছে না।

তারপর হচ্ছে Land Mortgage Bank সম্পর্কে। এখানে দেখছি যে ল্যান্ড Mortgage নামটা পরিবর্তন করে Land Development হওয়া দরকার, if it is so simple তাহলে আমরা বলার কিছু নেই। Central Government এর একটা চিঠিতে আছে Mortgageকথাটা বাদ দিয়ে Development করার কথা। আমরা আসামে এই Land Development এর ব্যাপারটা, তাদের নতুন যে Act যা করেছে দেখলাম, সেটা ভয় পাওয়ারই মত জিনিস। সেটা হচ্ছে Big farm করে Director দিয়ে যাতে সেটা করা যেতে পারে তারই একটা Provision, তার দ্বারা ছোট ছোট পিজেনট্রী উচ্ছেদ হবে From the land ছোট ছোট জমি concentrate হোক। বিগ ফার্মে পরিনত হউক ল্যান্ড ডেভলপমেন্টের নাম দিয়ে এবং সেটা ব্যাক রান করবে, এটা আমি সমর্থন করতে পারছি না। তবে ল্যান্ড মর্টগেজ ব্যাঙ্কের ফাংশন ইমপ্রুভ করা সেটা হচ্ছে না। এখন কি কারণে হচ্ছে না, সেইদিকে লিগাল ডিফিকাল্টিজ কি আছে সেইগুলি দেখা দরকার। এই ব্যাঙ্ক এর মাধ্যমে লোন নেওয়ার সুযোগ সুবিধা বর্গাদারদের নেই। তেমনি Industrial সোসাইটি যেগুলি আছে সেগুলির কথা ও বলতে হবে। ধরুন তাত। কতগুলি সোসাইটি হয়েছে—মোহনপুর সোসাইটি ডান সোসাইটি, ছিল, খোয়াই ডান সোসাইটি ছিল, নতুন নগর সোসাইটি ছিল কেন এইগুলি Closed down হয়ে গেল, আমাদের আর্টিজেনদের হাত থেকে মহাজনদের হাতে চলে গেল সেটা আমাদের দেখতে হবে। সামবডি ইজ ডুইং দিস জব। মহাজনরা করছে, তারা স্তো দিচ্ছে, ফিনিশড প্রডাক্ট কিনে নিচ্ছে।

শ্রী যদুপ্রসন্ন ভট্টাচার্য্যঃ—তাদের জন্য সেপারেট ইনডাস্ট্রিয়াল সেলস এম্পোরিয়াম ডিপার্টমেন্ট করুন। কো-অপারেটিভ এর মাধ্যমে যে প্রডাকশন হবে তা আলাদা ভাবে রাখা হউক।

শ্রী নৃপেন্দ্র চক্রবর্তীঃ—শুধু প্রডাকশন নয় র-মেটেরিয়ালস্ দিতে হবে। আধুনিক ছোট ছোট ইম্প্রজিমেন্টস যা আছে তা দিতে হবে।

শ্রী যদুপ্রসন্ন ভট্টাচার্য্যঃ—বাধার সৃষ্টি করছে মেনেজমেন্ট।

শ্রী নৃপেন্দ্র চক্রবর্তীঃ—আইন বাধার সৃষ্টি করছে। ক্লজ বাই ক্লজ যখন আসবে তখন আমি ডিটেলস বলব এবং সাজেশান রাখব। এখানে আমি ইনজেনারেল বলছি। একটা আইন যখন আমরা করব, যা বাস্তব আমরা দেখছি, সেই রিয়েলিটিজের উপর ভিত্তি করে সেই আইনটা করতে হবে। কৃষকরা কোন কোন জায়গায় আটকাচ্ছে তারজন্য এই আইন। লোকের যে অসুবিধাগুলি আছে সেগুলি ফাইট করার ওয়েপন হচ্ছে এই আইন। সেই আইন যদি লোকের ওয়েপন না হয়ে লোকের against হয় তাহলে তো মুশকিল। আমি এই কথা বলছি না যে সরকার ক্ষমতার অভাবের জন্য কিছু করতে পারছেন না, সরকারকে বেশী ক্ষমতা দেওয়া হয়েছে বনাই কো-অপারেটিভ সাকসেসফুল হচ্ছে না। রেজিস্ট্রার গভর্নমেন্টের কাছে রিপোর্ট করে না। কেটে যায় না। ওয়ান ম্যান শো একটা কো-অপারেটিভ করে দেওয়া।

Development Commissioner—Government এর হাতে কিছু ক্ষমতা রাখতে হবে। কারণ গভর্নমেন্টকে রেসপনসিবিলাটি বেয়ার করতে হয়।

শ্রী নৃপেন্দ্র চক্রবর্তীঃ—গভর্নমেন্ট যে অথরিটি এক্সারসাইজ করবে কি উদ্দেশ্যে? টু সেফ দি উইকার সেকশন। আমার মতে অল পিপলের জন্য আমি বলি না। আমি বলছি ল্যান্ড লডস্ বেকমারকেটিয়াস তাদের কো-অপারেটিভে আনব না, ডেস্টেড ইন্টারেলস্ট আনব না। তাদের বাদ দিয়ে অল।

শ্রী অমর সিং (ডি,সি)—আমাদের আর্টিক্যাল ৬৬ যেটা আছে, সেখানে We have given certain conditions করা করা কমিটির মেম্বর হতে পারবে না (Page—27) Member of the Management Committees সেখানে disqualification of the Members দেওয়া আছে।

শ্রী শৈলেশ চন্দ্র সোম :—ভেস্টেড ইন্টারেস্টদের উপর কোন ব্যর আছে কি না?

শ্রী নৃপেন্দ্র চক্রবর্তী :—সেকশান ২২—এক্সপ্লানাটরী নোট আছে যে Government may declare that any person or class of persons engaged in or carrying on any profession, business or employment shall be disqualified এখানে বলাছে গভর্নমেন্ট বা রেজিস্ট্রার যেই হোক। আমি বলছি এখানে disqualification এর প্রতিশান থাকবে। মোদাই শুড উই ডিপেন্ড অন দি রেজিস্ট্রার। তারপর ব্যালিং কমিশন যেটা রিপোর্ট করেছিলেন সেই কমিশন বলেছিলেন যে কতগুলি রুয়াল কো-অপারেটিভ আছে সেইগুলিকে রুয়াল ব্যাকে কনভার্ট করা এবং নতুন কো-অপারেটিভ হলে সেখানেও যাতে সেটা থাকে। রুয়াল কো-অপারেটিভ সোসাইটিজ শুড বি কনভার্টেড ইনটু রুয়াল ব্যালেন্স—তার প্রতিশান থাকা দরকার। এটা ব্যালিং করপোরেশন রিকমেণ্ডেশান করছেন। সেটা এই কালে আছে কিনা যাতে সেগুলি কনভার্ট করা হয় এবং এই কালেকশানে ডিপোজিট ইনসুরেন্স এ্যাক্ট ১৯৬৯ এটা আসি চেষ্টা হিনাম। সেটা পাওয়া যায় নি। এই হল কেডিউ সোসাইটি সম্পর্কে। কেডিউ সোসাইটি সম্পর্কে থাকা দরকার যাতে সেগুলি কনভার্টেড হয় ইনটু রুয়াল ব্যালেন্স। তাতে কেডিউ পাওয়ার পক্ষে লোকের সুবিধা হবে খুঁ দি সোসাইটি। এই হচ্ছে মোটামুটি আমার জেনারেল অবজারভেশান এই বিনটা শুডনট বি টেকেন আপ এট অন। তারপর আমি করন ব্যাখ্যা করব যে কিভাবে ডেমোক্রেটিক ফাংশান অব দি কো-অপারেটিভ সোসাইটি যেটা কাটেন করেছেন তাতে যে বিন আনা হয়েছে এই বিন টোটালি রিজেক্ট করা উচিত।

শ্রী বুলু কৃষ্ণী :—এর উপর আমার অবজার্ভেশান আছে যে কো-অপারেটিভ নোন পাওয়ার পর ইনডিভিডুয়াল যে দরখাস্ত করে নোন নিল সেটা রিয়েনাইজেশনের ব্যাপারে কো-অপারেটিভকে এমন কোন পাওয়ার দেওয়া হয় নাট। যার ফলে অনেক গরীব লোকেরা যারা মনে করে যদি আমরা এই নোন পরিশোধ করি তাহলে আমরা পরেও নোন পাব। এই আশায় তারা নোনটা পরিশোধ করে তারা আবার নোন পায় না কারণ অন্যান্য যারা আছে তারা নোনটা পরিশোধ করে না। কাজেই কো-অপারেটিভ সোসাইটি একটু নোনটা পরিশোধ করতে পারে না। ফলে এই গরীব লোক যারা নোনটা পরিশোধ করল তারাও পরের নোন পাওয়া থেকে বঞ্চিত হল এটা কার জন্য হয়? যারা বড় বড় সেতদার তাদের জন্য এটা হয়। অনেক ল্যান্ডলেস বা জুমিয়া আছে তারা এই ডাবে নোন নিয়ে পরিশোধ করবেও আবার নোন পায় না।

চেয়ারম্যান :—যারা ছোট চাষী তাদের টাকাটা ব্যালেন্স জমা হয়েছে কিনা সেটাও দেখতে হবে।

শ্রী বুলু কৃষ্ণী :—ইনডিভিডুয়ালের নাম তো ব্যালেন্স জমা হয় না। কো-অপারেটিভ রিয়েনাইজ করে এবং সেই টাকাটা এককীলন জমা দেয়। কিন্তু অধিকাংশ লোক সেটা দেয় না যার ফলে ম্যানেজিং কমিটির কোন নোন রিয়েনাইজেশান করার ক্ষমতা না থাকার জন্য তারা চাপ সৃষ্টি করতে পারে না। দুই একবার নোটিশ দেওয়ার পরই চাপ চাপ হয়ে যায়। কিন্তু কেস দেওয়ার পরে কিছু আওয়ার্ড হয়েছে কিছু সামন হয়েছে। তারপর কি হল না হল কিছুই বুঝলাম না। কারণ কো-অপারেটিভের নিয়ম আছে নাইনটি পারসেন্ট নোন রিয়েনাইজেশান না করলে আর নোন পায় না। কিন্তু যারা পরিশোধ করেছে তারাও আবার নোন নেওয়ার সমস্যা থেকে বঞ্চিত থেকে যায়। সেইজন্য আমার সাজেশান হচ্ছে যে ছোট চাষীদের যেন এইভাবে বঞ্চিত না করা হয়। আর একটা হল কৃষকেরা কো-অপারেটিভে অংশ গ্রহন করেছে কারণ তারা কৃষির উন্নতি করতে চায় এবং মহাজনের শোষণ থেকে রক্ষা পেতে চায়। কো-অপারেটিভ হয়ত ১০০ টাকা নোন দিন। কিন্তু তারপরেও তার নোন করতে হয় মহাজনদের কাছ থেকে। ফসল উঠার সমস্যা মহাজন সেট খান ফসলের মাধ্যমে নিয়ে যায় আদায় করে। কাজেই এমন ব্যবস্থা করতে হবে যাতে কো-অপারেটিভ থেকে টাকা দিয়ে তাদের ফসলটা রক্ষা করতে পারে।

চেয়ারম্যান :—মহাজনরা টাকা আদায় করতে পারলে সোসাইটি কেন পারে না?

শ্রী নৃপেন্দ্র চক্রবর্তী :—মহাজনকে যদি আমি এখন টাকা দিয়ে দেই তাহলে আমি আবার এখন টাকা পাব। কিন্তু কো-অপারেটিভ থেকে তো টাকা আর পাচ্ছি না।

শ্রী কালীপদ বানার্জি :—আসল কথা হল ডিরেক্টরদের কোন ইন্টারেস্টই নাই যে টাকাটা রিয়েনাইজ করা হোক। তাদের স্পিরিট নাই, ফিলিংস নাই।

চেয়ারম্যান :—ব্যাপার হচ্ছে মহাজনদের কেউ কেউ এটার মধ্যে ঢুকে পড়েছে

**Development Commissioner**—নূপেন বাবু একটা ইম্পর্টেন্ট পয়েন্ট রেজ করেছেন যে গরীব লোক যারা টাকা রিপে করে অথচ তারা নোন আবার পাচ্ছে না। সেট ডিফিকাল্টি এখন আর নাই। যারা টাকা দিয়েছে তাদের জন্য আমরা আবার টাকা দিই।

শ্রী কালীপদ বানার্জি :—এই রেস্ট্রিকশান তুনে নেওয়ার পরে কি রকম সাড়া পাওয়া যাবে?

**Development Commissioner**—কথা হলো এতে আর হাট হোক যারা রিপে করে তারা আবার পাচ্ছে।

শ্রী কালীপদ বানার্জি :—লোকে কো-অপারেটিভ সম্পর্কে কোন এডুকেশান পাচ্ছে না, আমার মনে হয় সেটজন্যই এটা ইম্প্রুভ করছে না।

শ্রী নৃপেন্দ্র চক্রবর্তী :—এডুকেশান মানে কি? যদি লোকে বুঝে যে তাদের সামান্যতম ইন্টারেস্ট আছে তাহলে তারা সেখানে যাবেই। তারজন্য আর আলান্দা এডুকেশানের দরকার পড়ে না।

শ্রী জিতেন্দ্রনাথ দাসঃ—আমাদের বর্তমান সোসাইটিতে কো-অপারেটিভ মডেলেন্ট করাটা বড় কঠিন। তা সত্ত্বেও বর্তমান পরিস্থিতিতে কো-অপারেটিভ মডেলেন্ট যে সমস্ত জটিলতা দেখা দেয় সেই সমস্ত জটিলতাকে ফাইট করতে হবে। এখন কো-অপারেটিভ সেকটরে যে সমস্ত গোলমাল দেখা যায় তাতে এক নম্বর গোলমাল ভেস্টেড ইন্টারেস্ট। দুই নম্বর হল ক্লাস ব্যারেকটারের দিক দিয়ে হয়ত ভেস্টেড ইন্টারেস্ট বলা যায় না, তবু কয়েকজন দুশ্চিন্তা নোক কো-অপারেটিভের মধ্যে ঢুকে পড়ে এবং এই কয়েক জনের হাতেই কো-অপারেটিভ গিয়ে পড়ে। একটা বাজার কো-অপারেটিভের জিনিয়ও চলে শেকের জিনিয়ও চলে। সেই মার্কেটে হয়ত দুই বস্তা চিনি কো-অপারেটিভে বিক্রি না করে শেক মার্কেটে দিলাম। কেউ জানল না। কো-অপারেটিভের দরই। কো-অপারেটিভে গিলাম আর বাকীটা বেলক নিয়ে গেলোম। এখন পশ্চিম বেঙ্গল ক্ষেত্রে দেখা যাচ্ছে ভেস্টেড ইন্টারেস্ট কি করে মোক্ষ করা যায়। কো-অপারেটিভ সোসাইটির ক্ষেত্রে ভেস্টেড ইন্টারেস্ট মেম্বার আর মানি লেন্ডারের ক্ষেত্রে গ্লোসার হল ভেস্টেড ইন্টারেস্ট। অথচ কো-অপারেটিভের ক্ষেত্রে মানি লেন্ডারের কেউ মেম্বার হতে পারে না। সেটা কো-অপারেটিভ তিক করা উচিত কে মানি লেন্ডার আর কে নয়। এ্যাক্টে কো-অপারেটিভের জেনারেল মেম্বার ছাড়া আর কেউ পারবে না মানি লেন্ডার তিক করতে। তারা গ্রামের লোককে জানে। এই ছাড়া দ্বিতীয় কোন পথ নাই এবং তার পরবর্তী সময়েও তখন কোন কোন লুপ-হোল দেখা দিতে পারে। কাজেই আমরা কোন স্টেটিসটিকস্ ফল তৈরী করতে পারব না। কারণ সব সময়েই এই ডিকালকট গুলি দেখা দেবে। আমরা মূলতঃ একটা ভেস্টেড ইন্টারেস্ট তিক করেছিলাম যেমন মানি লেন্ডারস্, গ্লোসারস্ এরা কো-অপারেটিভের ক্ষেত্রে ভেস্টেড ইন্টারেস্ট। তাছাড়া যারা কো-অপারেটিভের মধ্যে থাকল তাদের মধ্যেও রিলেটিভতাই উইকার সেকশন আছে তাদের ভেস্টেড ইন্টারেস্ট-হিসাবে ধরলাম না। আমরা এও জানি যে অনেক লোক কো-অপারেটিভ করার জন্য অনেক লোকের কাছ থেকে চাঁদা আদায় করছে। এই রকম ঘটনা ত্রিপুরা রাজ্যের প্রায় সর্বত্র ঘটছে। বর্গাদার বা ৫-২০ কানির জমির মালিক তারা একই কো-অপারেটিভের মেম্বার হতে পারে এবং যখন কো-অপারেটিভ মডেলেন্টের প্রম আসে তখন তারা কেউ ভেস্টেড ইন্টারেস্টের মধ্যে পড়ে না। কিন্তু তা সত্ত্বেও তাদের মধ্যে গুটীংগর এ্যান্ড উইকার সেকশন রয়ে গেছে। কাজেই আমাদের এই আইনের মধ্যে এমন একটা প্রতিশান রাখা উচিত কিনা যে কো-অপারেটিভটা হবে তার মধ্যে এই এই কমিউনিটির এই পারসেন্ট করে লোক মেম্বার হিসাবে থাকতে পারবে, আর ফলে গুটীংগর আর উইকার সেকশনের মধ্যে একটা ব্যালেন্স রাখা সম্ভব হবে। এটা আমাদের চিন্তা করে দেখতে হবে। আর তখনই বিনয়ের মধ্যে যেটা মনে করা হচ্ছে সে গভর্নমেন্টের হাতে বেশী ক্ষমতা থাকলে এটাকে ভাল ভাবে চেক করা হবে, এটা অমি তিক মনে করি না। তারপর আর একটা গুটিংগর আমি লক্ষ্য করেছি সেটা হচ্ছে কো-অপারেটিভ পরিচালনার জন্য যে সমস্ত বাই-লজ তৈরী করা হয় সেটা সম্পর্কে কো-অপারেটিভ এর মেম্বারদের অনেকেই অনেক কিছু জানা থাকে না। সেখানে যে কয়েকজন ইনিসিয়েটিভ নিয়ে কো-অপারেটিভ করেছে, তারা নিজেরাই নিজেদের সূবিধামত বাই-লজ গুলি তৈরী করে ফেলে। কাজেই এই গুটিংগর করার ব্যাবস্থা করা উচিত।

শ্রী শৈলেশ চন্দ্র সোমঃ—আগে তো বাই-লজ তৈরী হবে, তারপর কো-অপারেটিভ সোসাইটি গুলি তৈরী হবে। কিন্তু এই বাই-লজ তৈরী করতে গিয়ে তারমধ্যে যে সমস্ত লুপ-হোল থেকে যায়, সেগুলি আগে দূর করা দরকার। তাছাড়া অডিটের সিস্টেমটা বদলানো প্রয়োজন বলে আমি মনে করি। এবং অডিট সম্পর্কে একটা সেপারেট রুল করার প্রয়োজন আছে। কাজেই আমি আশা করব আপনারা এই সম্পর্কে আপনাদের সূচিত্রিত মতামত দিবেন।

শ্রী জিতেন্দ্রনাথ দাসঃ—তাছাড়া যারা কো-অপারেটিভ গুলি পরিচালনা করে তাদের কিছু ভাতা দেওয়ার ব্যাবস্থা করা যায় কিনা সেটা ভেবে দেখা দরকার।

শ্রী কালীদাস বানার্জিঃ—কো-অপারেটিভ গুলি যদি তিকভাবে চালানো হয় তাহলে তো তার যে আয় হবে সেটা থেকেই তারা তাদের ভাতা নিতে পারে।

শ্রী শৈলেশ চন্দ্র সোমঃ—কিছু কো-অপারেটিভ গুলি যে ভাবে টাকানশট করে ফেলছে তাতে কে কাকে ভাতা দিবে।

শ্রী কালীদাস বানার্জিঃ—সেইজন্যই তো বলছিলাম যে কো-অপারেটিভ সোসাইটি গুলির টাকানশট পয়সা থাকলে তারা নিজেরাই সেটা চালাতে পারে এবং তাহাদের নিজেদের মধ্যে লভ্যাংশ ভাগ করে নিতে পারে। কিন্তু বাস্তবে যে সেটা হচ্ছে না

শ্রী যদুপ্রসন্ন ডট্টাচার্য্যঃ—আমার বক্তব্য হচ্ছে এটি কো-অপারেটিভটা ডেমক্রেটিক মডেলেন্টের মধ্যে অন্যতম। কাজেই এইটার হেলদিনেস্ আনার জন্য ইউনিয়নটাকে কি ভাবে গ্রেটুংদেন করা যায় সেই সম্পর্কে আমি আমার সাজেশন রাখতে চেষ্টা করব।

শ্রী শৈলেশ চন্দ্র সোমঃ—আমি জানতে চাইছি যে যতদিন পর্যন্ত ইউনিয়ন ডনপ্রতিনিধিদের হাতে ছিল ততদিন পর্যন্ত তারা কো-অপারেটিভ মডেলেন্টটাকে কতখানি গাইড করতে পেরেছেন।

শ্রী যদুপ্রসন্ন ডট্টাচার্য্যঃ—যতটুকু করার ক্ষমতা ছিল নিশ্চয় ততটুকু করা হয়েছে। আজকে যে চাইলের দাম কেজি প্রতি এক টাকার নিচে পড়ে গেছে অথচ আপনাদের মার্কেটিং সোসাইটি রয়েছে তারা কি করছে? এইজন্য রিজিস্ট্রারেরতো প্রচুর ক্ষমতা রয়েছে। কাজেই পাওয়ার থাকলেই সব কিছু হয় না। আসল কথা যেটা, সেটা হচ্ছে আমাদের আউটলুকটার পরিবর্তন করার দরকার আছে। আপনারা তো আজকে কৃষকদের কেডিট দিয়ে যাচ্ছেন কিন্তু সেই সপ্ত আপনারা মার্কেটিং সোসাইটি গুলি ইন্-এ্যাক্টিভ করে রেখেছেন কেন? আজকের দিনে সোসাইটি গুলি মাদরকে প্রাইস্ সাপোর্ট দিতে পারে তারা তা দিতে পারছে না।

শ্রী নৃপেন্দ্র চক্রবর্তীঃ—এখনতো এ্যাডমিনিস্ট্রেশনের হাতে এত ক্ষমতা আছে তবু কেন এ্যাপেক্স কো-অপারেটিভ বাজার থেকে ধান চাউন কিনতে পারছে না?

শ্রী শৈলেশ চন্দ্র সোম :—এতটাকা মার্কেটিং সোসাইটিতে নশ্ট হয়ে যাওয়ার পর এখন ক্ষমতা দিয়ে কি লাভ হবে? ব্যাংক্রাসীর দুয়ারে এনে তাদেরকে দিয়ে এখন ধান চাউন পার্সেজ করার কথা বলে লাভ কি?

শ্রী নৃপেন্দ্র চক্রবর্তী :—৮০ পয়সাতে কো-অপারেটিভ গুলি চাউন কিনে না কেন? খোয়াইতে তো প্রতি কেজি চাউন আশি পয়সাতে বিক্রি হচ্ছে।

সেক্রেটারী—স্যার, আমরা তো অনরেডি ইনস্ট্রাকশান ইস্যু করে দিয়েছি যে মার্কেটিং সোসাইটি হটক আর প্রাইমারী সোসাইটি হোক যাদের গো-ডাউন আছে তারা ১.০৫ পয়সা করে (কেজি) চাউন কিনতে পারে। তাতে করে আমার মনে হয় যেখানে ৮০ পয়সাতে প্রতি কেজি চাউন বিক্রি হচ্ছে সেটাকে সাপোর্ট করা যাবে।

শ্রী শৈলেশ চন্দ্র সোম :—আচ্ছা, যারা এই কমিটির কাছে মেমোরেণ্ডাম ইত্যাদি পাঠিয়েছে তাদেরকে ডাকার প্রয়োজন আছে কিনা?

শ্রী নৃপেন্দ্র চক্রবর্তী :—আমি তাদেরকে ডাকার মত আর কোন প্রয়োজন আছে বলে মনে করিনা। আমাদের এম, এল, এ, যতীন্দ্র বাবুকে ডাকার প্রয়োজন বলে আমি মনে করি কেন না তার মতামত আমাদের কিছুটা হেল্প করতে পারে।

শ্রী শৈলেশ চন্দ্র সোম :—অনরাইট, তাহলে আপনারা যারা যারা গ্র্যামেন্ডমেন্ট দিতে চান, তারা আগামী বুধবার বেলা ১২টার মধ্যে সেগুলি দিয়ে দিবেন। আর এম, এল, এ, যতীন্দ্র বাবুকে তার বক্তব্য কমিটির কাছে পেশ করার সুযোগ দেওয়া উচিত বলে আমি মনে করি এবং তাকে রহস্যপতিবারদিন বেলা ১২টার সময় কমিটির কাছে হাজির হতে বলছি।

The meeting was then adjourned till 11 a. m. of Thursday, the 26th July, 1973.

## 6th Sitting

A meeting of the Select Committee on the Tripura Co-operative Societies Bill, 1973 was held at 11 a.m. on Thursday the 26th July, 1973 in the Committee Room of the Assembly Secretariat under the Chairmanship of Sri Sailesh Chandra Some, Dy. Minister to consider the amendments brought by various Members of the Committee and to hear the opinion of Sri Jatindra Kr. Majumder, MLA who desired to convey his opinion on the Bill before the Committee. The following members were also present in the meeting :—

Sri Nripendra Chakraborty,	Member
Sri Kalipada Banerjee	Member
Sri Bajuban Riyan,	Member
Sri Bulu Kuki,	Member
Sri Moulana Abdul Latif,	Member
Sri Benoy Bhusan Banerjee,	Member
Sri Hangshadhvaj Dewan	Member
Sri Jitendra Lal Das	Member
Sri Jaduprasanna Bhattacharjee	Member

First of all the Committee took the opinion of Sri Jatindra Kr. Majumder on the Bill.

শ্রী শৈলেশ চন্দ্র সোম :—আপনি দেখেছেন তো?

শ্রী যতীন্দ্র কুমার মজুমদার :—মোটামুটি দেখেছি।

শ্রী শৈলেশ চন্দ্র সোম :—এটার মধ্যে আপনার observation কি বলুন।

শ্রী কানিশপদ ব্যানার্জী :—এর মধ্যে কিছু অদল বদল করা মুক্তি সংগত বলে আপনি মনে করেন. না, যা আছে তাই থাকবে?

শ্রী যতীন্দ্র কুমার মজুমদার :—হব্ব যদি এইভাবে হয়ে যায় তাহলে কোন কোন ক্ষেত্রে অসুবিধা হতে পারে। যেমন Section—6 Sub section—5 এর explanation এ দেওয়া আছে কারা কারা Family member হবে। Family এর Definition দেওয়া আছে 6(5)—Explanation—for a the purpose of this Section and Section 8, the expression 'Member of Family' means a wife, husband, Father, Mother, son or unmarried daughter.

এছাড়া অনেক Family আমরা দেখতে পাই যে এক বাবার চার ছেলে চারছেলেরই Married অর্থাৎ তারা এত গরীব যে এর বাবা একটা মাত্র শেয়ার কিনতে পারে, অন্যরা কিনতে পারবে না, Unmarried daughter ও কিনতে পারবে না। যদি জয়েন্ট Family হয়, তাহলে মাত্র একজন Member share কিনতে পারবে। এখানে আমরা কথা হচ্ছে যে শেয়ার কেনার একটা নিমিটেশন আছে, সেই নিমিটেশনের মধ্যে যদি সেটা Credit Society হয়, তাহলে সেখানে তারা Share কিনতে পারবে, কিন্তু অন্যান্য যে Loan এর benifit ইত্যাদি আছে, সেই বেনিফিট নিতে পারবে না, সেই নকম Proviion থাকলে এখানে কি অসুবিধা হত?

শ্রী নুপেন্দ্র চক্রবর্তী :—আমি এটা পড়ে যা বুঝেছি, সেটা হচ্ছে একটা Society কে Registry করতে গেল, একই পরিবারের সব লোককে নিয়ে সেটা রেজিস্ট্রি করল নাম সেটা Prevented, share কেনা Prevented নয়। Share আমরা ছেলে কিনতে পারে; আমি কিনতে পারি, কিন্তু যখন সোসাইটিটা Regitry করার জন্য Apply করব, আমার এক পরিবারের লোক মিলে সেটা Start করতে পারব না, সেই জায়গায় বাধা আছে, কাজেই আপনি যেটা বলছেন এক Family এর চারজন যদি লোক থাকে তার শেয়ার কিনতে বাধা নেই এখানে যেটা করা হয়েছে সেটা শুধু Registration এর জন্য। তবে Share কত টাকা পর্যন্ত কেনা যাবে তার একটা Limitation আছে। আমি মনে করি একটা Family তে ১০ জন লোক আছে তারা মিলে যে সোসাইটি করবে, তাদের নামে Registration করবে সেটা Prevent করা দরকার।

শ্রী শৈলেশ চন্দ্র সোম :—Sense টা হচ্ছে Co-operative যেন একটা পরিবারের না হয়।

শ্রী যতীন্দ্র কুমার মজুমদার :—আনাদা Sub-section করে এটা যদি Control না করা যায়, তাহলে একটা পরিবার টা কুক্ষিগত করতে পারে।

শ্রী শৈলেশ চন্দ্র সোম :—এই সম্পর্কে আপনার Suggestion কি?

শ্রী যতীন্দ্র কুমার মজুমদার :—আমার কথা হচ্ছে একই Family এর নোক তিন্ন Family দেখিয়ে যাতে সেটা কুক্ষিগত না করতে পারে। আজকে Boook-grant ইত্যাদির ব্যাপারে আমরা খেটা দেখছি বাবার Income বেশী হলে সে তার বাবার Income না দেখিয়ে Book-Stpiend ইত্যাদি নিয়ে যাচ্ছে, সেটা যেন না হতে পারে। এটা Control করার জন্য বা এটাকে Safe-guard দেওয়ার জন্য কি করা যায় সেটা Hon'ble Member রা দেখবেন চিন্তা করে।

তারপর হচ্ছে Section—13, P-7 of the bill clause—Amendment of the bye-laws,

এখানে দেখা যায়, Amendment of by-laws করতে হলে general meeting এ করতে হবে কিন্তু অনেক সময় দেখা যায় যে Meeting এ Quorum র অভাবে, সেটা করা যায় না। বিভিন্ন জায়গায় আমরা দেখছি যে Quorum এর Rate তিন্ন তিন্ন, কোন জায়গায় দেখছি যে  $\frac{1}{2}$  of the general member আবার কোন জায়গায়  $\frac{2}{3}$  of the general member এ রকম আছে, কাজেই কোরামের একটা নির্দিষ্ট uniform Ratio থাকা দরকার বলে আমি মনে করি, তাহলে কাজটা সুবিধা হয়। তাছাড়া এখানে আরেকটা জিনিষ আমরা দেখছি যে, এই by-laws amendment এর ব্যাপারে Registrar কে বেশী ক্ষমতা দেওয়া হয়েছে, যার ফলে তিনি সেই গনতান্ত্রিক Society এর উপর খবরদারী করতে পারেন এই আইন বলে, আমার Suggestion এই জিনিষটা যাতে না হয় সেই দিকে নজর দেওয়া দরকার এবং সেটা Check দেবার জন্য Provision রাখা দরকার।

শ্রী কালিপদ ব্যানার্জী :—যদি Registrar Refuse করেন amendment Registry করতে, তাহলে তাকে জানাতে হবে কেন Refuse করেছেন।

শ্রী নৃপেন্দ্র চক্রবর্তী :—Section 13 (1) (2) (3) & Section 14 (1) (2) সবটাই এক সংগে এই by-laws amendment সম্পর্কে এখানে যখনই Registrar amendment registry করতে refuse করবেন, উনি communicate করবেন কেন refuse করেছেন এবং যখন তিনি impose করবে প্রথমে pursuation এর মাধ্যমে চেষ্টা করবেন। যদি তারা না নেয়, তাহলে impose করবেন না, তা আপনি কি Registrar কে ক্ষমতা দেওয়ার বিরুদ্ধে।

শ্রী যতীন্দ্র কুমার মজুমদার :—আধিক ক্ষমতা যদি দেওয়া হয়, তাহলে এর জনগনতান্ত্রিক হয়ে যাবে। এরজন্য alternative কোন Section দেওয়া যায় কিনা।

শ্রী শৈলেশ চন্দ্র সোম :—Clause 14 এ আছে সেখানে Register direct করবে Society কে, সে এই করতে হবে।

শ্রী কালিপদ ব্যানার্জী :—সেখানে Registrar নিয়ম করে দেবে, time limit করে দেবে।

শ্রী শৈলেশ চন্দ্র সোম :—Clause--13 হচ্ছে Society যাতে যা খুশি তা না করতে পারে তার জন্য Clause---13.

শ্রী নৃপেন্দ্র চক্রবর্তী :—এই দুটি Clause কে এক সংগে দেখতে হবে। Section--14 Sub-Section--2 এর উপর শ্রী জিতেন্দ্র নাল দাসের একটি amendment আছে।

শ্রী যদুপ্রসন্ন ভট্টাচার্য :—আমি সেই Amendment কে Support করি।

শ্রী যতীন্দ্র কুমার মজুমদার :—P—27 & 28—Management of Societies, Section'68 এর বলা হয়েছে a Person shall be disqualified for election as or for, being the President, Vice President, Chairman, Vice Chairman, Managing Director, Secretary, Joint Secretary, or Treasurer of a Committee (a) if he has held any such office on that Committee during two consecutive terms, whether full or part, এই clarification সম্বন্ধে আমার সন্দেহ হচ্ছে এটার কারণ কি? উনি যদি Defaulter না হয়ে থাকেন, তিনি two consecutive terms office hold করতে পারবেন না কেন, যদি Society এর Member রা তাকে চায়, লোকটা যদি সৎ হয়, দরদী হয়, Member রা যদি তাকে চায়, তাহলে তিনি কেন দুই বছর পর Office hold করতে পারবেন না।

শ্রী যদুপ্রসন্ন ভট্টাচার্য :—যদি লোকটা efficient হয়, লোকটাকে সত্যি সত্যি মেম্বাররা চায় সেখানে বাধা কি আছে?

শ্রী নৃপেন্দ্র চক্রবর্তী :—এটা আপনার theory, কিন্তু বাস্তবে কি হচ্ছে, অল্প কিছু member কে হাত করে সে সেখানে

শ্রী যতীন্দ্র কুমার মজুমদার :—কিন্তু এই রকম case হতে পারে যে Society লোকটাকে চাচ্ছে, কিন্তু এই আইনের বলে তাকে সেখানে রাখা যাচ্ছেনা।

শ্রী শৈলেশ চন্দ্র সোম :—এখানে দেখা যায় যে শতকরা ৮০ ভাগ লোকই যারা বার বার আসেন, তারা সেখানে তাদের vested interested করে নেয়, আর বাকি শতকরা ২০ ভাগ লোক আছে যারা ভাল। এখন আপনারা ৮০ ভাগ লোকেরটা দেখবেন না, ২০ ভাগ লোকের interest দেখবেন।

শ্রী যতীন্দ্র কুমার মজুমদার :—আমরা বেশী লোকের কথাই চিন্তা করব।

শ্রী যদুপ্রসন্ন ভট্টাচার্য্য :—এটাকে আপনারা by-laws এ নিয়ে নিতে পারতেন।

শ্রী কালিপ্রদ ব্যানার্জী :—এখানে যেটা আছে সেটা ঠিকই আছে, তিনি President, Secretary বা Vice President থাকতে পারছেন না, কিন্তু তার Service থাকছে, তিনি Member থাকতে পারেন। এই জিনিসটা থাকা দরকার।

শ্রী যতীন্দ্র কুমার মজুমদার :—এরপর Section 62, P—29 appointment of Manager, Secretary প্রভৃতি এই সম্পর্কে কি Governor Rule করবেন বলতে চান?

শ্রী শৈলেশ চন্দ্র সোম :—হ্যাঁ

শ্রী যতীন্দ্র কুমার মজুমদার :—তারপর Section 72 (1) (i) Special general meeting of a Society may be called at a time by a majority—(i) on a requisition in writing of one fifth of the members of the Society or of member the number of which is specified in the bye-laws for the purpose which-ever is less এখানে বলা হয়েছে, members of the Society, not members of the management committee কিন্তু কত পারসেন্ট উপস্থিত থাকলে কোরাম হবে সেটা বলা হয়নি।

শ্রী নৃপেন্দ্র চক্রবর্তী :—Bye-laws এ কোরাম আছে। General meeting কোরাম এর জন্য আটকায় না, প্রথমদিন যদি কোরাম এর অভাবে মিটিং না হয়, তাহলে দ্বিতীয় দিনে কোরাম না থাকলেও মিটিং হবে।

শ্রী যতীন্দ্র কুমার মজুমদার :—আমার কথা হচ্ছে যে একটা uniform কোরাম করা যায় কিনা? তা না হলে আমি মনে করি এতে একটা corruption এর সুবিধা থেকে যায়। তারপর section—74 P--33, এখানে 74(1) (a) Registrar কে ক্ষমতা দেওয়া হয়েছে to remove the committee

(i) Appoint a committee, consisting of three or more member of the society, in its place, or (ii) appoint one or more administrators who need not to be members of the Society etc. যাদের কে remove করা হ'ল কমিটি থেকে তাদের থেকে তিনজনকে নিতে পারবে, তাছাড়া বলা হয়েছে one or more Admins - trator can appoint, এটাতে কি সুবিধা আমি বুঝতে পারছি না। One Administrator is sufficient, তাহলে একজনের বেশী কেন? তারপর Audit সম্পর্কে Section 79, P—35 & 36 (5) (7) (8) (9) এ আছে। এখন yearly audit হয়। সেটা যদি quarterly করা হয়, তাহলে management committee তে যারা আছে, তারা alter থাকেন, কোন corruption টুকলে সঙ্গে সঙ্গে detect করা যায়।

শ্রী শৈলেশ চন্দ্র সোম :—এটা examination এর ব্যাপার, accounts matter এ এক বছরের কমে কোন statement করা যায় কিনা?

শ্রী নৃপেন্দ্র চক্রবর্তী :—এক বছরের কমে statement করা যায় না।

শ্রী যতীন্দ্র কুমার মজুমদার :—তারপর হল Page—37 Section—33 এখানে যে cost এর কথা বলা হয়েছে, সে cost টা কে দেবে? এখানে cost এর প্রশ্ন না রাখাই ভাল মনে করি।

এই কথাটি observation ছাড়া এই বিল মোটামুটি ভালই আছে, যদি এটা ঠিক ঠিক ভাবে চালু করা যায়, তাহলে বিভ্রাট খুবই সুন্দর হবে। এর উপর আমার আর কোন বক্তব্য নেই।

The Committee then took all the amendments given by the members of the Committee for consideration. All the amendments were taken as moved.

The Committee took first the amendment given by Shri Jitendra Lal Das on Chapter I, of the Bill, Section 2(1)(b)/p/1.

Chapter. Section and form of the amendment	Name of the Member	Committee's observation
Chapter—I (Preliminary). Sec. 2(1)(b)— 'not less than ninety percent of the members of which are agriculturists, or societies formed by agriculturists.	Sri J. L. Das	The Committee did not agree with the amendment in the same form but unanimously decided that the word 'not less than three-fourths' may be replaced by the words 'not less than 80%'.

As Shri Nripendra Chakraborty stressed upon the word—"Agriculturists" and wanted a clear definition of the agriculturists the Committee decided to add the following with the above mentioned clause as an explanation—

"For the purpose of this Section, the agriculturists include—landless agriculturists and share holders".

Chapter, Section & form of the amendment	Name of the proposer	Committee's observation
Chapter—I Section 2(1) inclusion as a new clause "(c) and, of which not a single person carrying on whole sale or retail business on agricultural produce is allowed to be a member.	Sri J. L. Das.	The Committee observed that inclusion of a new clause was not necessary at this stage due to amendment so made in clause(b) above and hence the amendment was lost.
Chapter—I, Section 2(2) "Omit rest of the sub-Clause from "and includes etc."	Sri B. B. Riyan	As the word "arbitrator" was not found in the Bill the Committee directed the Law Secretary to examine, if the definition of word "arbitrator" should be omitted from the bill and report the matter to the Committee for consideration in its next meeting.
Chapter—I Section 2(3) replace this sentence by the following—"auditor" includes a person or persons appointed for the purpose of auditing by the State Government.	Sri Nripendra Chakraborty	The Chairman of the Committee opined that the audit system of the Societies should be modified suitably in view of the changed circumstances. So this Section may be finalised later on giving due weight.
Chapter—I Section 2(8) inclusion as a new clause "(c) and not a single person carrying on grocery or any other business on consumer commodity will be allowed to be a member of such Society.	Shri J. L. Das	The Committee discussed in details both the amendments but unanimously decided that section 12 of West Bengal Co-operative Bill, 1973 be inserted as a new section after section 5 of Chapter-II.
Chapter—I, Section 2(5) Omit rest of the sentence from "and include etc."	Sri B. B. Riyan	After detail discussion on the amendment the Committee observed that no omission is required in this Section and hence the amendment was lost.

The meeting was then adjourned till 2 P.M. of 27th July, 1973.

## 7th Sitting

A meeting of the Select Committee on the Tripura Co-operative Societies Bill, 1973 was held at 2 P.M. on Friday the 27th July, 1973 in the Committee Room of the Assembly Secretariat under the Chairmanship of Sri Sailesh Chandra Some, Dy. Minister. The following members were also present in the meeting :

Shri Nripendra Chakraborty,	Member
Shri Kalipada Banerjee,	Member
Shri Bency Bhusan Banerjee,	Member
Shri Jaduprasanna Bhattacharjee,	Member
Shri Bulu Kuki,	Member
Shri Moulana Abdul Latif	Member

The Committee was to consider the amendments brought by various members of the Committee on the bill.

Chapter, Section & form of the amendments	Name of the proposer	Committee's observation
Chapter—I, Section 2(8) Add the following para at the end. Not less than $\frac{3}{4}$ members of such a society shall belong to low-income group of Societies formed by such people, as prescribed in rules".	Shri Nripendra Chakraborty.	The Committee did not agree to accept the amendment hence the amendment was lost.
In section 2, Sub-section (10)—replace the word "Development" by "Mortgage".	Shri B. B. Riyan	After discussion the amendment was lost.
Chapter—I Section 2(12) after Co-operative Bank add "or any other Schedule Bank"	Shri B. B. Riyan	The amendment was agreed to.
Chapter—I Section 2(13) replace (a) & (b) by the following—"being owned by members themselves" and further, a new para as following "such a Society shall have not less than of its members from agriculturists having land upto basic holding limit (2 standard acres)"	Shri Nripendra Chakraborty	The amendment was not agreed to. Hence 2(13) (a) & (b) remained as it is.
Chapter—I Section 2(17) Add after "its members" the following : "Not less than members of the Society belong to low-income group, as prescribed in rules.	Shri Nripendra Chakraborty.	At first the Committee discussed in details about the amendment of Sri Chakraborty but unanimously decided that the amendment should be in the following manner : "2(17)" housing Society "means a Society the object of which is providing its members belonging to low income group with an income of not more than Rs. 500/- per month with dwelling houses."
Amendment to Section 2(19) after "market Committee" add "or any other local Committee".	Sri B. B. Riyan	after discussion the amendment was lost.

1	2	3
Chapter—I Section 2(27) add 3 new sub-sections as the following :—"28 Labour Society" means a society the object of which is to create employment opportunity for the unemployed persons, members of which shall not include any body except the unemployed.	Shri Nripendra Chakraborty	The Committee discussed all these amendments but was of opinion that no Society should be formed with a particular community or caste etc. and hence all the amendments were lost.
(29) "Transport Society" means a society the object of which is to develop transport, members of which shall not include any body who is not a worker in any transport. (30) "Society for Sch. Tribes" means a society the members of which must belong to one of Sch. of Tribes of Tripura.		
Chapter—II Section 4—omit rest of the sentence beginning from "Provided that etc." upto Co-operative movement".	Shri B. B. Riyan	After detail discussion that Committee observed that no omission is required in this Section and hence the amendment was lost.
Chapter—II Section 7—Omit Section—7	Shri Nripendra Chakraborty	As per explanation of the representative of the law department the Committee observed that omission of the Section is not necessary and hence the amendment was lost.
Chapter—II, Section 9(3) add further—"the Registrar shall also communicate his decision to State Govt. who shall hear all appeals against such decision, if any".	Shri B. B. Riyan	The Committee has gone through all the sub-sections and observed that no amendment is required and hence the amendments was lost.
Chapter—II Section 9(1) replace—'Six' by 'four'		—do—
Chapter—II Section—11 in line 4 after "Or not" add "whether any person— belongs to low income groups or not or whether any person has land measuring 2 standard acres or less of the Society.	Sri Nripendra Chakraborty	} The Committee discussed both the amendments but was of opinion that no amendment is necessary in this section and hence both the amendments were lost.
Section—11 In the last line "such question shall be decided by the majority of the members of the society.	Sri J. L. Das,	
Chapter—II Section 14—Omit Section 14	Sri B. B. Riyan	} The Committee discussed both the amendments but was of opinion that without omitting the section or amending any sub-section there of a provision should be made giving scope for appeal to the Govt. by the Society.
Section 14(2) "If the Society fails to make the amendment within the time specified	Sri J. L. Das	
the General meeting of the Society in the manner prescribed and will try to convince the necessity of the amendment and after such explanation the decision of the meeting taken by the majority votes will be final.		} Law Secretary has been requested to make such suitable provision and report to the Committee for consideration in its next meeting.

The meeting was then adjourned sine-die.

1	2	3
Chapter—II Section—18 Amendment to Sec. 18(1), (2), (3), (4) & (5)	Sri J. L. Das	The amendments were not agreed to.
In Section—18 sub-section (2) add "unless a prior permission of the State Govt. has been obtained for such re-organisation, amalgamation or division" Re-number (a) (b)	Sri B. B. Riyan	The Committee agreed to add a new paragraph (c) with the section 18(2) as below :—  " (c) prior permission of the State Government has been obtained for such reorganisation, amalgamation or division."
Chapter—II Section 21—Replace the words "within a reasonable time" by "One year"	Sri Nripendra Chakraborty	The amendment was agreed to by the Committee in the following form— Add—after "a reasonable time" the words "which shall not be more than one year."
Chapter—III Section 22(1) Explanation—Add—"or the existing sub-divisional town of the Tripura State.	Shri B. B. Riyan	The amendment was agreed to.
Chapter—III Section 22(2)—add—"Provided further that no person shall be qualified for the membership if he is a money lenders (as defined in Bombay Money Lenders Act as extended to Tripura), or a dishonest trader as prescribed in Rules".	Sri Nripendra Chakraborty	The Committee agreed to open a new chapter under caption "Registration and disqualification of membership in different societies in light of West Bengal.
In sub-section (3) add at the end the following "a member thus disqualified for membership shall be entitled to prefer an appeal to the State Govt. within a month of the decision.		
Chapter—III Section 23(2) Replace "Registrar" by "the State Government" and then add "whose decision shall be final" and omit sub-section(3).	Sri Nripendra Chakraborty	The Committee agreed to replace 'Registrar' by the "State Government" etc.
Chapter—III—Section 27, omit sub-section—(4) (5) (6) & (9)	Sri B. B. Riyan	The amendments were not accepted.
Chapter—III—Section 18 sub-section (a) replace "one fifth" by "one tenth" and at sub-section (b) replace "5 thousand" by "2 thousand" and make consequential changes in the number of paragraphs following.	Sri B. B. Riyan	The Committee agreed to accept the following ; (a) "one fifth" may be replaced by "one tenth" (b) "one tenth" or 5 thousand which ever is less.
Chapter—III Section 29(4) replace "3 months" by "one year".	Sri B. B. Riyan	The Committee agreed to amend both sub-section 29(2) (a) and 29(4) as follows :— 29(2) (a)—replace "one year" by "6 months" and 29(4)—replace 'there months" by "Six months".

1	2	3
Chapter—III Section 32(1) after "profit & loss account" and "including audit inspection report if any."	Sri Nripendra Chakraborty	The Committee agreed to amend as follows :—after "profit & loss account" add "including audit note, if any."
Chapter—IV Section—45(2) add at the end the following "provided that for such imposition of additional conditions the Registrar shall obtain prior approval of the State Government".	Sri Nripendra Chakraborty	The Committee did not accept the amendment.
Chapter—IV Section 46(3) omit the paragraph beginning with "provided that etc."	Sri B. B. Riyan	The Committee did not accept the amendment.

The meeting was then adjourned sine-die.

#### 8th Sitting

A meeting of the Select Committee on 'The Tripura Co-operative Societies Bill, 1973 was held on 27-8-73 at 11 a.m. in the Committee Room of the Assembly Secretariat under the Chairmanship of Sri Sailesh Chandra Some, Dy. Minister-in-charge of the bill. The following members were also present in the meeting :—

Sri Kalipada Banerjee,	Member
Sri Benoy Bhusan Banerjee,	Member
Sri Jitendra Lal Das	Member
Sri Moulana Abdul Latif	Member
Sri Gopinath Tripura	Member
Sri Bajuban Riyan	Member

The Committee met to consider the amendments given by the members of the Committee on the Bill. The Committee took the amendments Chapter-wise, discussed elaborately the merits and demerits of those amendments and took the following decisions :

Name of the proposer	Amendment proposed	Decision taken by the Committee
1	2	3
Sri B. B. Riyan	Chapter—IV Clause 49 "omit sub-clause (4)"	Amendment lost.
Sri Nripendra Chakraborty.	Clause 50(d) after sub-clause (b) replace rest of the sentence from word "until" by the following—  "within two years from the date on which the charges created."	Amendment lost.

1	2	3
Sri B. B. Riyan	Chapter—VI Clause 58(1) add “net” before “profit”.	Amendment passed.
Sri B. B. Riyan Sri Nripendra Chakraborty	Clause—60—“Delete clause—60”. Chapter—VII—Clause—65 add the following paragraph : “The Election of the Committee and its office bearers shall be held by secret ballot voting method and an officer, not below the rank of a 1st class Magistrate, appointed by the State Govt. as returning officer, shall supervise in the manner prescribed, these election in the General meeting of the General Body of the members to be convened for the purpose.	Amendment lost. Decision will be taken later on.
Sri B. B. Riyan	Chapter—VII clause 66 (k)—omit “or bye-laws”—	Amendment passed.
—Do—	Clause—67 after “for” replace rest of the sentences by the following : “A term not exceeding two years”.	The Committee amended the clause as follows :— after word “for” add the words “a term not exceeding, three years.”
—Do—	Clause 68(b)—Omit of the same type ; and omit sub-clause(c)	Amendment lost.
—Do—	Clause—69 Omit the sentence “Provided that etc.”	Amendment lost.
Sri Nripendra Chakraborty	Clause 74(1)(a)(ii)—omit rest of the sentence from “or more” and add the following :— One must be an Officer not below Gazetted rank” and replace “two” by “one” and “four” by “two”	The Committee amended the clause as follows :— replaced “two” by “one” and “four” by “three”

Then the Committee authorised the Chairman to move a motion seeking extension of time for presentation of the report of the Committee to the House.

The meeting was then adjourned till 11 a.m. on Tuesday the 28th August, 1973.

## 9th Sitting

A meeting of the Select Committee was held on 28-8-73 at 11 a.m. under the Chairmanship of Sri Sailesh Chandra Some, Dy. Minister in the Committee Room of the Assembly Secretariat. The following members were present in the meeting :—

1. Sri Jaduprasanna Bhattacharjee,
2. Sri Tarit Mohan Dasgupta,
3. Sri Kalipada Banerjee,
4. Sri Benoybhusan Banerjee,
5. Sri Jitendra Lal Das,
6. Sri Gopinath Tripura,
7. Sri Moulana Abdul Latif,
8. Sri Bjuban Riyan,
9. Sri Bulu Kuki.

The Committee met to consider the amendments given by the Members of the Committee on the Tripura Co-operative Societies Bill, 1973.

The Committee scrutinized the amendments and took the following decisions.

Name of the Proposer	Amendment Proposed	Decision taken by the Committee
Sri Jitendra Lal Das.	Chapter—VII, Section 74(1) after—“if in the opinion of Registrar.....from the date of issue of notice” call the general meeting of the society and ask to remove the committee and in such a meeting final decision will be taken by three-fourth majority of the votes of the members present.	The amendment Lost.
Sri Jitendra Las Das	Deletion : of Clauses (a)(1) (II) (b) sub-section (2)(3)(4)(5) & (6) of Section 74	Amendment Lost
Sri Nripendra Chakraborty.	In Section 74 Sub-Section(1) Sub-Clause (a)(ii) omit rest of the sentence from “Or more” and add the following—“Who must be an Officer not below Gazetted Rank” and replace “Two” by “One” and “Four” by “Three”	Amendment passed as follows :— “Two” by “One” & ‘Four’ by “Three”
Sri Bajuban Riyan	At the end of the Section 74 sub-section (1) sub-clause(a) (ii) add a new paragraph :— “The State Govt. shall entertain appeal from such a Committee or its members if the appeal is made within two months of its removal.”	Amendment Lost
	In Section 74 sub-section (1) sub-clause (b)— Omit the whole clause beginning from “Remove the Act”.	Amendment Lost
	In Section 74. Sub-section (5) add after “With the” “Provisions of rules” and	Amendment Lost

1	2	3
Sri Nripendra Chakraborty.	In section 79 sub-section(1) replace Registrar" by "State Government"	Amendment Lost
Sri Nripendra Chakraborty	In section 77, sub-section(3) add a new paragraph as follows —“The aggrieved person shall have the right to prefer an appeal to the State Govt. against any action taken by the Registrar”	Decision pending.
Sri Nripendra Chakraborty.	In section 79, sub-section(3) & (8) replace "Registrar" by "State Government"	Amendment lost
Sri Nripendra Chakraborty.	In Section 81, sub-section(5) at the end of the paragraph add the following—“And grounds for such withdrawal of enquiry shall have to be communicated to the State Government”	Amendment Lost.
Sri Nripendra Chakraborty.	Section 87 is to be deleted	Amendment lost
Sri Nripendra Chakraborty.	Omit Section 90	Amendment lost
Sr Nripendra Chakraborty.	In section 91, sub-section(4) at the end after “and binding etc.” replace rest of the sentence by the following—“The state Govt. shall entertain appeal against such an order, if such an appeal has been made within 60 (sixty) days”	Decision pending

The meeting was then adjourned till 11 a.m. of 29-8-73.

## 10th Sitting

A meeting of the Select Committee on the Tripura Co-operative Societies Bill, 1973 was held on 29-8-73 at 11 a.m. under the Chairmanship of Sri Sailesh Chandra Some, Dy. Minister, in the Committee Room of the Assembly Secretariat. The following members were also present in the meeting :—

1.	Sri Tarit Mohan Das Gupta.	Member
2.	Sri Jaduprasanna Bhattacharjee	Member
3.	Sri Kalipada Banerjee	Member
4.	Sri Benoy Bhusan Banerjee	Member
5.	Sri Moulana Abdul Latif,	Member
6.	Sri Gopinath Tripura,	Member
7.	Sri Bajuban Rryan,	Member
8.	Sri Bulu Kuki,	Member

The Committee was to consider the amendments raised by the members on "The Tripura Co-operative Societies Bill, 1973".

The Committee broadly discussed on the raised amendments and made the following decisions—

Name of the proposer	Proposed amendments	Decision taken by the Committee
Sri Nripendra Chakraborty.	In Section 91, sub-section(4) at the end after "and binding etc", replace rest of the sentence by the following "The State Govt." shall entertain appeal against such an order if, such appeal has been made within 60 (sixty) days".	Amendment lost.
Sri Nripendra Chakraborty.	Section 92, Sub-section (1) delete "Election of the office bearers".	Amendment lost.
Sri Nripendra Chakraborty.	Section 92, sub-section(3) at the end add the following—"Except in the case dispute arising out of election of the Committee or its office bearers in which case the dispute shall be referred to a 'District Judges Court' in the manner prescribed."	Amendment lost.
Sri Nripendra Chakraborty.	Section—115. explanation 2 omit—"Purchase of Tractors etc. in(i)	Amendment lost.
Sri Baju ban Rryan	In section—115—sub-section(a) omit sub-clause (a) (iii) & (a) (v) and in a (i) and after "productive purposes of the following— "Such as development of minor Irrigation, Reclamation, Flood protection and other similar purposes.	The Committee recommended to read after "constitute" "the land holding up to two standard acres with reference to (a) (iii) in section 115.

1	2	3
		The Committee also recommended to read after "Registrar" with approval of the Govt. with reference to (a)(v) in Sec. 115.
		The amendment raised on (a)(i) in Section 115 was lost.
Sri Bajuban Riyan	In Section 117 sub-section (1) after any other person add "or Committee".	The amendment lost.
Sri Bajuban Riyan	Section 121, omit rest of the sentence from "and to hold lands etc.	Amendment lost.
Sri Bajuban Riyan	In section 122 sub-section (4) at the end add the followig— "Such enquiry and consideration of application shall not take more than 60 (sixty) days from the date of receipt of the application.	Amendment lost.
Sri Bajuban Riyan.	In section 122, sub-section(6) at the end replace "nine months" by "three months"	Amendment lost.
Sri Bajuban Riyan	In section 122, sub-section (7) add the following new sentences at the end "the aggrieved member applicant shall have the right of appeal to the State Government within thirty days of such a decision.	Amendment lost.
Sri Nripendra Chakraborty	In section 130, omit sub-section (2) and add the following :— "Notwithstanding anything contained in this Act, no rights belonging to scheduled Tribe and Scheduled Caste, as provided in the T.L.R. and L.R. Act, 1960 in respect of non transference of land shall be infringed.	The amendment Lost.

The meeting was then adjourned sine-die.

## 11th Sitting

A meeting of the Select Committee on the Tripura Co-operative Societies Bill, 1973 was held on 16/11/73 at 11 A.M. in the Committee Room of the Assembly Secretariat under the Chairmanship of Shri Sailesh Ch. Some, Deputy Minister. The following members were present in the meeting :—

1. Shri Tarit Mohan Dasgupta.
2. Shri Nripendra Chakraborty.
3. Shri Jaduprasanna Bhattacharjee.
4. Shri Maulana Abdul Latif.
5. Shri Kalipada Banerjee,
6. Shri Benoy Bhusan Banerjee.
7. Shri Jitendra Lal Das.
8. Shri Bajuban Riyan,
9. Shri Gopinath Tripura.

The Committee took rest of the amendments for consideration.

**Chairman** :—Today, we can start with Section 132. On this Section an amendment notice was given by Sri Bajuban Riyan as follows :—

In Section 132, sub-section (1) replace “one” by “six” and omit—“including the standing crops thereon”, and add the following—“no money shall be collected through sale of cattle or implements of agriculturists.”

In moving the amendment Sri Bajuban Riyan stressed upon the necessity of enhancing the time because agriculturists should be given more opportunity to repay their dues.

Shri Nipendra Chakraborty—also impressed upon the point that in no way agricultural implements or cattle etc. should be distrained or sold. If their cattle or implements are distrained then they have nothing to produce again.

Shri Tarit Mohan Dasgupta—opined that if there is no provision for getting back the money from the loanees then the Bank cannot offer further loans to the farmers. So there should be a provision as to get refund the money from the loanees. Chairman supported Shri Tarit Mohan Dasgupta and opined that there should be a provision for getting back the money from the loanees and the question of enhancing the time may be considered, so as to give opportunities to the farmers for refunding their dues.

Then the Committee decided that no amendment is necessary except the word “one” which should be replaced by words “two” occurred in 3rd line of sub-section (1) of section 132.

**Chairman** :—Section 133. On this section also an amendment notice was given by Shri Nripendra Chakraborty as follows :—

In Section 133, sub-section (1) add a new sub-clause as (d)—“(d) the Cooperative Land Development Bank shall take prior permission of the State Govt. for sale of such mortgaged properties”, and after sub-section (3) add the new sub-section as following :

“(4) Where such mortgaged properties are purchased by the Land Development Bank, it shall be leased out to its members as per rules prescribed.

In moving the amendment Shri Nripendra Chakraborty stressed upon the point that in case of transfer of mortgaged land or properties prior permission should be obtained from the State Govt. by the Bank, otherwise, we have been experienced that, such mortgaged land, specially mortgaged land of the tribal may go to the jotedar e.g., non-tribal jotedar. As for

example, we have the provision in the land Revenue & Land Reforms Act that those who have less than 5 kanis of land cannot sell their land. Now, if it is mortgaged to the Bank and the Bank may sell it for getting back its money from the farmers then what should happen? So, we should consider how a restriction could be imposed upon the Bank so that sale of land cannot be done without the permission of the State Govt. Even, if it is not possible, then I am in favour of leasing out of land.

As the meaning of the word "it" after word "by" occurred in the 3rd line of sub-section(1) of section 133 was not clear, to the Committee, requested the Under Secretary to explain what is the implication of this word or whether this word is meant for "State Government".

Under Secretary on reply regretted to explain the implication of the word just now, but stated that after going through the provision he would be able to explain it to-morrow.

Then the Committee requested him to go through the provision and give his suggestion to the Committee on next day's meeting.

Amendment of Shri Nripendra Chakraborty.

#### On Section 134

In Section 134, Sub-sections (1) & (2) replace "Registrar" by "State Government".

**Chairman** :—What is the opinion of the members on this?

**Shri T. M. Dasgupta** —In my opinion the word "Registrar" may be there.

**Chairman** :—In many sections we have kept the word "Registrar".

**Shri Jaduprasanna Bhattacharjee** :—If we make it "State Government", it will come again to Registrar.

**Chairman** :—Then let it be "State Govt." (The amendment was passed).

Amendment of Shri Nripendra Chakraborty for inclusion of a new Section—in the Bill.

After Section 142, add a new section as 143.

"143—the State Govt. may convert Rural credit Society into rural credit Bank and frame necessary rules for its financing and operation and make consequential changes of number of sections.

**Chairman** :—There is a recommendation of the Banking Cooperation that a minimum paid up share of Rs. 1.00 lakh should be purchased by the Banks. But as we have opened 11 branches of the Co-operative bank and we will also open 7 or 8 more branches and as it will increase gradually, now we are to think whether such provision is necessary in this regard. What is the opinion of the Hon'ble members on it?

**Shri T. M. Dasgupta** :—The definition given in clause 9 of page 2 of the bill covers all kinds of banks. Every kind of Co-operative bank may come under this clause. (The amendment was then lost)

Amendment of Shri Nripendra Chakraborty.

#### On Section 148.

In section 148, Sub-section(8) add after—"tribunal may" the word "suomoto or".

**Shri Kalipada Banerjee** :—It is implied. It is suo-moto.

**Chairman** :—Yes, it is implied (The amendment was lost).

**Chairman** :—Then the next amendment of Shri Bajuban Riyan.

Amendment of Shri Bajuban Riyan.

Amendment to Section 157. In Section 157 omit "any federal Society".

**Chairman** :—This clause is here only for the "federal society". Omission of "federal society" means the omission of the clause.

**Shri Nripendra Chakraborty** :—Society includes federal society. So it may remain as it is. (The amendment was then lost).  
**Amendment to Section 159.**

In Section 159 at the end add the following :—

“but such transfer shall not be valid for more than two years at a stretch”

**Shri T. M. Dasgupta** :—It is not the question of two years. It will be according to agreement made with the owner of the land. It may be two years or it may be 5 years if he so wishes.

**Shri Nripendra Chakraborty** :—The amendment means that the agreement should not be more than two years period.

**Shri T. M. Dasgupta** :—It is the question of forming a Co-operative society. Then after two years will the co-operative dissolve ?

**Shri Nripendra Chakraborty** :—He can afford other things like tractors, seeds etc. but why the land ?

**Shri T. M. Dasgupta** :—If all the members decide that they have formed the co-operatives with a view to give land commonly and to get produce of it commonly then what is the bar ?

**Shri Nripendra Chakraborty** :—It can be only for a fixed period of two years.

**Shri T. M. Dasgupta** :—Then you are against the Co-operative.

**Shri Nripendra Chakraborty** :—No, he can give everything excepting land for more than two years, otherwise some persons may become landlords like Swasti Samity.

**Chairman** :—Swasti Samity and Co-operative is not be same thing. Then let the section remain as it is. (The amendment was lost).

**Amendment on Section 160 by Shri Nripendra Chakraborty.**

In Section 160, omit Sub-section(2).

**Shri Jaduprasanna Bhattacharjee** :—It is an overwhelming power given to the Registrar.

**Shri Nripendra Chakraborty** :—Co-operative itself means the voluntary organisation. Do you like that the Registrar should be a “Daroga”? Then what is the meaning of Co-operative ?

**Shri T. M. Dasgupta** :—Then if the directions of the Government are not followed by any Co-operative then how they will be compelled to follow ?

**Shri Jaduprasanna Bhattacharjee** :—It is an overwhelming power and it cannot be conferred on him.

**Shri T. M. Dasgupta** :—Then what can be done if the direction is not abided by ?

**Shri Jaduprasanna Bhattacharjee** :—No question of direction. It will be binding on them as per rules.

**Shri Nripendra Chakraborty** :—The Registrar may direct him to realise the loan money. If an officer of the Society cannot realise inspite of his utmost efforts then will he be punished ?

**Shri Jaduprasanna Bhattacharjee** :—Suppose the Registrar directed me to procure. But I have no money to procure and I could not procure. Then should I be punished ?

What type of direction it is ?

**Chairman** :—If there is no money then why he will be punished ?

**Shri Jaduprasanna Bhattacharjee** :—If he is punished, then ? My Co-operative is based on the principles of the Govt. Then what is the necessity of any extra direction ?

**Shri Nripendra Chakraborty** :—The directions about which provision are made here are the directions of the Govt. It may be provided that if any Co-operative cannot do the work then it will be brought before the notice of the Registrar.

**Shri T. M. Dasgupta** :—The main question is that the work should be done. As for example a Co-operative is given money for procurement. But an officer of the Co-operative did not procure. Then now this officer will be punished ?

**Shri Kalipada Banerjee** :—In that case the registration of that Co-operative should be withdrawn.

**Shri T. M. Dasgupta** :—My point is that something should be there so that the work can be done by the Co-operative Society. The language may be changed. There may be provision that the Registrar will be able to punish him in consultation with the Govt.

**Shri Jaduprasanna Bhattacharjee** :—I was going to say that any of his directions should be as per rules and bye-laws of the Govt. and the Society. In that case if he violates then there should be a provision of his punishment. I have formed a Society and according to the bye-laws I have been running the society. After two years I got a development programme from the Govt. with direction by the Registrar that I am to implement this programme. But my bye-laws do not permit me to implement this programme. Then there is a question of my ability. These are to be looked out by me. The Registrar is not running the society. If I find that it is not possible for me to implement the programme then why should I be punished ? The Registrar may be friend not the ruler.

**Shri Nripendra Chakraborty** :—All right, he will report to the Govt. and the Govt. will do so they will like.

**Shri T. M. Dasgupta** :—Make a draft of this provision and we shall see that again.

The Committee observed that the following lines may be inserted by deleting the portion "may call.....of the land revenue" in section 160(2)—

"Will bring it to the notice of the Govt. for taking action in the manner prescribed".

#### **Amendment of Shri Nripendra Chakraborty in Section 163.**

##### **Omit Section 163.**

**Shri Nripendra Chakraborty** :—We have provided in some sections that those matters will not be within the jurisdiction of the courts. Again we have made another provision that the court will have no jurisdiction over any matter. I think it is not necessary.

**Shri Jaduprasanna Bhattacharjee** :—There are some provisions that the court will have jurisdiction over them and there are also some provisions where the court will not have any jurisdiction.

**Shri Nripendra Chakraborty** :—But this section provides that in no matter there will be jurisdiction of the court.

**Chairman** :—The meaning of the provision is that the court will have jurisdiction only on them in regard to which it has been expressly provided but not in other cases (Then amendment was lost).

The meeting was then adjourned till 11 A.M. on 19th Nov. '73.

## 12th Sitting

A meeting of the Select Committee on the Tripura Co-operative Societies Bill, 1973 was held on 19.11.73 at 11 A.M. in the Committee Room of the Assembly Secretariat under the Chairmanship of Shri Sailesh Ch. Some, Deputy Minister. The following members were present in the meeting :—

1. Shri Tarit Mohan Dasgupta,
2. Shri Nripendra Chakraborty,
3. Shri Moulana Abdul Latif,
4. Shri Kalipada Banerjee,
5. Shri Benoy Bhushan Banerjee,
6. Shri Jitendra Lal Das,
7. Shri Gopinath Tripura,
8. Shri Bajuban Riyan,
9. Shri Jaduprasanna Bhattacharjee,
10. Shri Bulu Kuki.

The Committee considered the amendments which were not decided finally in its last meetings and took the following decisions : Section 2(3)—Decision of the last meeting was—

The Chairman of the Committee opined that the audit system of the Societies should be modified suitably in view of the changed circumstances. So this section may be finalised later on.

In elaborating his previous opinion, Chairman further explained that it has been experienced in many cases, the auditor without going through all the connected papers of accounts of the Co-operative Societies simply used to put some tick marks on the vouchers etc. In this way no proper auditing of accounts is possible. So, he wanted a good audit system to be provided in auditing accounts of the Co-operative Societies.

Shri Tarit Mohan Dasgupta observed that the auditor has to audit the accounts first and then submit his report to the Deptt. In this case, if the auditor could not check up the accounts properly then the responsibility lies with him and the Committee has nothing to do in this respect.

Shri Nripendra Chakraborty stressed upon the necessity of a good auditing of accounts of the Co-operative Societies by the qualified auditors. In this respect, he made some queries as to whether auditing of accounts of the Co-operative Societies can be done by the Chartered Accountant.

Under Secretary, Law Deptt. on clarification said that if any omission or commission is found in the auditing done by the Chartered Accountant then complain only may be lodged against him. But if such omission or commission is found in the auditing by a departmental Auditor, then action could be taken against him that is the departmental proceedings. Probably in this case, no auditing of accounts is possible to be done by the Chartered Accountant except the departmental auditors.

Then the Committee unanimously decided that if nothing could be done in this respect then the Section 2(3) would be kept as it is.

Section 2(2)—Decision of the last meeting was—

As the word "arbitrator" was not found in the Bill the Committee directed the Law Secretary, to examine, if the definition of word "Arbitrator" should be omitted from the Bill and report the matter to the Committee for consideration in its next meeting.

Under Secretary, Law Deptt. informed the Committee that the word "Arbitrator" exists in Section 166(1) & (2) at page 79 of the Bill. So the question of omitting the word "Arbitrator" does not arise.

Then the Committee decided that no amendment is necessary in respect of Section 2(2) of the Bill.

Chapter II—Section 14(2)—Decision of the last meeting was.

The Committee discussed both the amendments but was of opinion that without omitting the section or amending any subsection thereof a provisions should be made giving scope for appeal to the Govt. by the Society.

Law Secretary has been requested to make such suitable provision and report to the Committee for consideration in its next meeting.

Under Secretary, Law Deptt. expressed regret that he is not in a position to suggest any suitable provision on this section just now and he wanted time for the purpose.

Then the Committee requested him again to find out a suitable provision giving the scope for appeal to the Govt. by the Society. The Committee also observed that the Law Secretary should examine so that this section may be included under section 151 so as to serve the purpose of the amendment.

Section 65 of the Chapter VII—Decision of the last meeting was—

Decision will be taken later on.

Amendment of Shri Nripendra Chakraborty on this Section was—

Add the following paragraph :—

“The Election of the Committee and its office bearers shall be held by secret ballot voting method and an officer, not below the rank of a 1st Class Magistrate, appointed by the State Govt. as returning officer, shall supervise in the manner prescribed, these election in the General meeting of the General Body of the members to be convened for the purpose”.

Under Secretary, Law Deptt. stated that it is not possible for the Govt. to supervise the election of Co-operative Societies by appointing a 1st Class Magistrate as Returning Officer. He further stated that in some of the Co-operative Societies, election of the Committee and its office bearers are held by secret ballot voting method. So if any Society wanted to elect its office bearers by the method of secret ballot voting, then they may do so.

Shri Nripendra Chakraborty remarked that there is nothing compulsory. So he stressed upon the necessity of keeping a provision for secret ballot voting method in the Bill for avoiding inconvenience in the existing system.

Then the Committee unanimously decided and requested the Under Secretary, Law Deptt. to include the following lines either at the end of Section 65 or suitably making another clause or sub-clause ;

“The election of the Committee and its office bearers shall be held by secret ballot voting method in the manner prescribed.”

Section 77(3)—Amendment moved by Shri Nripendra Chakraborty was—

Add a new paragraph as follows—

“The aggrieved person shall have a right to prefer an appeal to the State Govt. against any action taken by the Registrar.”

The Committee decided that the proviso under Section 77 may be inserted by deleting the word and figure “and (3)” occurred in the 4th line after sub-section 2 of Section 77 and sub-section 3 would be kept as it is.

The Committee further decided that with a view to give scope for appeal a suitable modification should be made under Section 144(h) at page 66 as under :

In Section 144(h)—The words “or a retiring member” may be inserted after the words “any officer” and the figure “77” may be replaced by figure “77(3)”.

The Committee also requested the Under Secretary, Law Deptt., to examine the whole section with its sub-section etc. while redrafting the Bill.

Section 133—Decision of the last meeting was—

Law Secretary has been requested to go through the provision and to give his suggestion to the Committee in its next meeting.

Under Secretary, Law. stated that he has gone through provision and saw that there is no specific mention by whom it would be authorised. So, it would be appropriate, if the words "by the State Govt.", be inserted in between the words "authorised" "in" in section 133(1a). The Committee approved the same for inclusion accordingly.

Under Secretary, Law Deptt. pointed out a printing mistake in section 133(2). There will be 132 in place of 133. The Committee directed him to correct the mistake.

Section 74(1)—With permission of the Chairman, Shri Jaduprasanna Bhattacharjee again raised discussion on Section 74(1). Sri Bhattacharjee observed that though it has been passed in its last meeting, contradiction may arise in case of judgement as it is found here that a Committee is being removed at the approval of the Govt. and this action is generally exercised by the same Govt. or some-body else working under this Govt. My point is that due to such removal order I, however, am compelled to appeal to that Govt. who has given this removal order. Further, he stated that the Judge against whom I appealed for mitigating my grievances is the same authority to give judgement on my appeal, how it is possible.

The Committee had gone through the Section and decided that the words "and with the approval of the Govt." may be deleted from the last second sentence under Section 74(1), for which it will be convenient to make any appeal to the Govt.

**Section 137**—Shri Tarit Mohan Dasgupta raised the Section before the Committee for clarification of its Sub-section (3). The Committee had gone through the whole Section. Under Secretary, Law Deptt. stated that as it is seen that there is nothing to be modified eventhough the Committee desired we may see it. Shri Tarit Mohan Dasgupta requested the Under Secretary, Law Deptt. to examine the whole section again.

The Committee decided to hold its next meeting in the last week of December, 1973 or first week of January, 1974 as it deemed convenient to the Chairman for consideration of the draft amended Bill.

The Committee directed the Secretary, Law Deptt., to prepare a draft Bill in accordance with the recommendations and decisions made by the Committee so as to place the same before the Committee in its next meeting for approval.

The meeting was then adjourned sine-die.

## 13th Sitting

A meeting of the Select Committee on the Tripura Co-operative Societies Bill, 1973 was held at 11 A.M. of 17th February, 1974 in the Committee Room of the Assembly Secretariat under the Chairmanship of Shri Sailesh Ch. Some. Dy. Minister to consider the draft bill (Tripura Co-operative Societies Bill, 1973) as amended by the Committee. The following members were present in the meeting :

Shri Jaduprasanna Bhattacharjee.	Member
Shri Tarit Mohan Das Gupta,	-do-
Shri Moulana Abdul Latif.	-do-
Shri Kalipada Banerjee.	-do-
Shri Bulu Kuki.	-do-
Shri Nripendra Chakraborty.	-do-

Secretary and Under Secretary of the Law Deptt. were also present on invitation.

At the outset, Law Secretary submitted a Note prepared by the Dept. from the drafting point of view on the various amendments approved by the Select Committee on the Tripura Co-operative Societies Bill, 1973 with comments of the Law Deptt. thereon.

The Committee examined the Note and took the following decisions.

## Section—2

First para of the report as drafted was accepted by the Committee.

The amendment proposed by the Committee regarding Section 2, sub-section 1(b) of the bill which was omitted in the draft is to be included as follows :—

“add the following with the above mentioned clause as an explanation.”

“For the purpose of this Section, the agriculturists includes—landless agriculturists and Bargadars”.

The Committee also decided to include the following amendment in the above mentioned clause which was suggested by the Committee and not included in the Draft prepared by the Law Department.

“Not less than three-fourths’ may be replaced by the words “not less than 80%”

Regarding 2(8)(c) the Committee was given to understand by the Law Secretary that it has been included in Section 6 of the Bill.

Regarding 2(12) of the Bill, the Committee’s previous amendment was withdrawn by the Committee as it was difficult to add from the Law point of view and suggested to substitute the word ‘means’ appearing after words “financing bank” by the word “includes”.

Regarding 2(17) of the Bill, previous amendment of the Committee was accepted.

Regarding Section 14, the Committee was given to understand that the proposed amendment was included in Section 151 of the Bill.

Regarding Section 18(2) of the previous amendment of the Committee accepted.

Regarding Section 21, the Committee’s amendment was accepted.

**Section 22(1)**—The Committee’s amendment was accepted.

**Section 22(2)**—The Committee was given to understand by the Law Secretary that the purpose of the amendment will be served by the provision made in Section 6 of the Bill.

**Section 23(2)**—The Committee’s previous amendment was accepted.

**Section 28(a)**—The amendment proposed by the Committee was accepted.

**Section 29(2)(a) & 29(4)**—The amendment suggested by the Committee was accepted.

**Section 32(1)**—The amendment suggested by the Committee was accepted.

**Section 58(1)**— -do-

**Section 65**—The amendment suggested by the Committee was accepted deleting the word “ballot” appearing after secret and before voting.

**Section 66(k)**—The Committee’s amendment was accepted.

**Section 67**— -do-

**Section 74(1)(a)(ii)** -do-

**Section 77**—The amendment drafted by the Law Deptt. was accepted by the Committee.

**Section 115(a)(iii)**—Suggestion of the Law Deptt. was accepted.

**Section 115(a)(v)**—The Committee’s amendment was accepted.

**Section 132**— -do-

**Section 133**—The Committee’s amendment was accepted.

**Section 134(1) & (2)** -do-

**Section 137(3)**— -do-

**Section 144**—The amendment as drafted by the Law Deptt. was accepted.

**Section 151(1)**—Drafted amendment was accepted.

**Section 160(2) & for Section 74**—It should be redrafted in the line of West Bengal only with one exception as follows—Rs. 25/- is to be substituted by Rs. 10/- in case of Tripura.

**Section 166**—The Committee’s amendment was accepted. -

The Committee then decided to meet again in 3rd week of Feb., '74, the meeting was then adjourned.

## 14th Sitting

A meeting of the Select Committee on "The Tripura Co-operative Societies Bill, 1973 was held at 11 A.M. on Friday the 22nd February, 1974 in the Committee Room of the Assembly Secretariat under the Chairmanship of Shri Sailesh Ch. Some, Dy. Minister for consideration and passing of the Draft Report prepared by the Secretariat on the Bill. The following members were also present in the meeting.

Shri Nripendra Chakraborty, M.L.A.	Member
Shri Bajuban Riyan, M.L.A.	Member
Shri Kalipada Banerjee, M.L.A.	Member
Shri Benoy Bhushan Banerjee, M.L.A.	Member
Shri Maulana Abdul Latif, M.L.A.	Member
Shri Gopinath Tripura, M.L.A.	Member
Shri Jitendra Lal Das, M.L.A.	Member

The Committee took the Draft Report for consideration and after proper scrutiny approved the same, and authorised the Chairman Shri Sailesh Ch. Some, Dy. Minister to place the report before the House on behalf of the Committee. The Committee also allowed to append the note of dissents submitted by Sharvasree Nripendra Chakraborty, Bajuban Riyan, Bulu Kuki (jointly) and Shri Jitendra Lal Das (individually) with the Report and also the memoranda submitted by various individuals organisations, associations etc.

The meeting was then adjourned sine-die.

Dated, Salema, the 5th June, 1973.

To  
The Under Secretary,  
Tripura Legislative Assembly.

Ref :—F. 9(18)—LA/73 dated 22-5-73.

Sub :—The Tripura Co-operative Societies Bill, 1973 consideration thereof  
by the Select Committee.

Sir,

After through discussion on provisions, related to Co-operative Societies, as amended in the bill, members of the board of directors, Krishi Kalyan S.S.S Ltd. have been pleased to permit me to convey congratulation in favour of the Bill.

This refers our resolution dt. 4-6-73.

Yours faithfully,  
Sd/- Illegible  
Secretary,  
5/6/73  
Krishi Kalyan Seva S. S. Ltd.  
Salema, Kamalpur, Tripura.

From :—Sri Surendra Ch. Dey.  
31, Akhaura Road, Agartala.

To  
The Secretary,  
Tripura Legislative Assembly,  
Tripura, Agartala.

Sub :—F. 9(18)—LA/73 dated 22. 5. 73

Sub :—The Tripura Co-operative Societies Bill, 1973, consideration thereof by the Select Committee.

Dear Sir,

Kindly refer to your number mentioned above. In this Connection I am enclosing herewith my comments, suggestion in respect of some of the provisions of the Tripura Co-operative Societies Bill, 1973 which may kindly be placed for consideration of the Select Committee.

Yours faithfully,

Sd/- Surendra Ch. Dey.  
8/6/73

#### MEMORANDUM

The Tripura Co-operative Societies Bill, 1973 as it stands now is neither conduces towards healthy growth of the Co-operative movement in Tripura nor towards any benefit to the Co-operators or of the different sections of the people for whom Co-operation are meant for.

A brief analysis of the provisions under the following clauses would show that heavy concentration of powers have been made with the Registrar, Co-operative Societies under the bill as a result of which Registrar instead of being friend philosopher and guide to the Co-operative movement is likely to be a dictator in almost all spheres where democratic control is the main principle of the Co-operation as would appear from below :—

Under clause—4 in the section of proviso Registrar has been given discretionary power to laid down condition towards formation of unit society which means the Registrar's order would be the final order in forming the Co-operative society instead of peoples' will.

Under Clause—14(2) the Registrar has been given wide discretionary power for compelling any society to make amendments according to this bill.

Under clause 35(5) Registrar has been given discretionary power to select a person for being a member of a society.

Under clause 45(2) Registrar has been made the Sole authority regarding investment of fund of the society and in the matter of receive deposits, issue debentures hampering the prospect of any impotus in the matter of doing business independently. The imposition of these restrictions has further been confirmed under clause 62(2). Incidentally it is proposed under clause 62(1)(a) that a society should be allowed to invest or deposit its fund as in the State Co-operative Bank as in any other Nationalised Bank instead of only State Bank of India. Provision under clause 68 is good in a State where there is no want of enterprenureship but in a state like Tripura where the enterprenureship is absent not only in the Co-operative movement but in the people as a whole as the provision would discourage formation of good society. Provision under clause 69 seems to be a vague one in the absence as to who would prescribe the qualification for appointment of whole time employee in a Co-operative Society.

Provision ought to be made in such a way so that the Committee or the bye-laws have the sole authority for prescribing the qualification of the whole time employee.

Powers given to the Registrar under clause 74(3) should vest with the State Government as meritorious policy is necessary in the matters of fixing remuneration etc. of an Administrator rather than depending on any individual person. Proviso under clause 76(2) seems to be against fundamental principle laid down in the Constitution. The proviso under clause 77(3) also seems to be against fundamental rights offered by the Indian Constitution.

Under clause 81 (3)(b) wide power has been given to the Registrar which is not desirable in the interest of equity and justice. This clause requires to be examined with appropriate provision under Cr. P.C. The entire clause 91(1)(2)(3)(4) should be deleted as these are against the democratic principle of Co-operation. The sole authority of a society being its general body. The discretionary powers proposed to be vested with the Registrar under clause 115(v) should be omitted as it is not only redundant but unnecessary discretionary has been vested with the Registrar by its laws without any provisions.

Clause 114 is not only redundant but it may give occasion to misuse of the powers vested therein by the Registrar.

Clause 116 (1)(2) it is against the principle of democratic control of Co-operation and should be omitted.

Under Clause 145(3) the penal provision is not at all clear. Either this clause should be omitted or what is independent to be an offence under this section should be clearly defined by appropriate amendment.

Under clause 2 the definition of the following terms should be suitably amended (3) auditor should mean a person appointed by the Registrar or by a federal society or by Govt. to audit the accounts of the society.

Under definition (30) of society with limited liability should be a society having liability of its member liability by this provision of bye-laws and this conform to the provision under clause 37(1)(b)

Under clause 8(2)(b) provision has been made so as to form a federal society by at least 5 societies. It is preferred if the provision is made for formation of a federal society by at least 10 societies. Provision may be made for audit of the important federal types of societies by auditors independent of the Registrar of Co-operative Societies.

TRIPURA CO-OPERATIVE LAND MORTGAGE BANK LTD.  
44, HARIGANGA BASAK ROAD  
(PRANAB BHAVAN 1ST FLOOR)  
AGARTALA, TRIPURA.

Ref. No. 844/LMB/115/72-73

Agartala, 13th June, 1973.

To  
The Under Secretary,  
Tripura Legislative Assembly,  
Agartala.

Sub :—The Tripura Co-operative Societies Bill, 1973 consideration thereof by the Select Committee.

Ref :—Your Office No. F.9(18)—LA/73 dated 28.5.73.

Sir,

We would like to enclose herewith our suggestions for favour of your doing the needful.

We regret for the delay.

Yours faithfully,

Encl :—(2 sheets) as stated.

Sd/- A. K. Majumder. 13/6/73.  
Manager.

TRIPURA CO-OPERATIVE LAND MORTGAGE BANK LTD.  
AGARTALA, TRIPURA.

(1) Page 55—In explanation 2 of the words “Land improvement and productive purposes” relate to sub-clause (i) of clause (a) of Section 115, which reads as “Land Development and productive purposes”. In explanation 2 the words should be exactly the provision of Section 115 (a)(i), i.e. “Land Development and productive purposes”.

(2) Page 55—In explanation 2(L) power for declaration of purposes has been vested with the Government, while in original provision in sub-clause (v) of clause (a) of Section 115 the power has been vested with the Registrar.

(3) Page 57—Clauses (1), (2) and (3) of Section 122—if the purpose of the provisions is to ascertain the genuineness of the title possession of the applicant to the land, that is being done, from the Settlement records, deeds and certificate issued by Tehashil office etc. besides Banks local enquiry. To ascertain that the land is not encumbered in any way, the Bank now obtains non-encumbrance certificate. As such purpose of the provision seems to be not clear.

Earlier the non-encumbrance certificates were issued by the Registration Officers, i.e. the Sub-Registrars, District Sub-Registrar etc. Subsequently issue of such certificate were discontinued. The present procedure is that the applicant is to administer an oath declaration on which one Pleader issues the certificate after search of the papers. That is the responsibility for any omission rests perhaps with the Pleader and not with the office. The applicant is to bear the cost of affidavit, cost of pleader and cost of searching fee. As such like provision of section 123 facilitating registration of mortgage deeds etc, a provision may be made requiring the Registration Officers, i.e. the Sub-Registrars, District Sub-Registrars etc. to issue non-encumbrance certificates at the requisition of the bank.

(4) Page 58—Section 123 (2nd line)—The word “registrar” will perhaps be replaced by the word “register”.

(5) Page 64—Section 138—There should be provision authorising recovery of dues “out of the land mortgaged to the Bank for sanction of loan—as if they were arrears of land revenue due in respect of that loan”.

In Clause (b) of section 138 provision has been made to recover dues of land for the benefit of which loan has been granted. The loanee may not offer the land to be benefited as security or only land to be benefited may not be considered sound and sufficient in initial stage for the purpose of security of Banks' money, in which circumstances the Bank is to take some more or other lands as security. As such all lands mortgaged as security should be kept under charge for recovery of dues to the Bank.

(6) Page—58—Section 123—In 5th line the word “cell” may perhaps be replaced by the word “copy”.

COMMUNIST PARTY OF INDIA (MARXIST)  
TRIPURA STATE COMMITTEE

BATTALA  
AGARTALA

To  
Shri J. K. Banerjee,  
Under Secretary,  
Tripura Legislative Assembly,  
Agartala.

Date 31-5-73.

Dear Sir,

In response to the desire of the Select Committee, we beg to enclose our short comments and suggestions on the Tripura Co-operative Societies Bill, 1973.

Yours faithfully,  
Sd/- Illegible  
For Tripura State Secretariat  
Communist Party of India (Marxist).

Short Comments and suggestions on the Tripura Co-operative Societies Bill, 1973.

1) People who drafted this Bill have failed to take lessons from a proper review of the past Co-operative activities of Tripura, which were guided by the present Bombay Co-operative Societies Act, 1925 (Acts of 1925), as extended to Tripura in 1959, though they agreed that rectification of defects of that Act has become necessary. A perusal of the provisions of these Bill convinces us that, instead of taking special economic features of Tripura into consideration, this Bill incorporates only certain stereotyped All India formulars mostly of out and out anti-democratic and reactionary character.

We are of firm opinion that without breaking the present Capitalist Landlord, economic frame-work, no Act, however ideal in its professed objective, can be helpful to the weaker sections of our people.

(2) 75 percent of people in Tripura live on Agriculture. But 70 percent of the ryots in Tripura have land measuring 2 acres or less. About a lakh of agriculturists are landless. 12,000 tribal zumias families live in Reserve forests, like nomads. While the real tillers remain landless and land-poor, land of the poor and middle-peasants pass on to the non-cultivating land lords Big-Jotedars, Mahajans, Contractors and traders. Before we expect a Co-operative movement to take root in this State, the first thing for the Govt. to do is to give land to the actual Tillers, and, prevent transfer of land to non-cultivating ryots. Only 22% of Tripura's land has been brought under cultivation. 60% of the land is forest land, 60% of the cultivated land is high tilla, rainfed land. Unless more Khas, Govt. land is made available for allotment to the landless tillers and, unless land belonging to non-cultivating ryots is taken and, distributed among the landless free of cost, no climate could be created for Co-operative Societies to grow.

(3) Co-operative Societies in Tripura should mostly belong to the following categories :—

(a) Services Co-operatives for the agriculturists, including landless agriculturists, Bargadars etc.

(b) Credit Co-operatives, including Co-operatives for Land mortgage purposes and for Banking purposes also.

(c) Marketing Co-operative Societies, including Societies for catering of essential commodities at fixed price.

(d) Industrial Co-operative Societies, mainly for developing rural Cottage Industries, and, for urban small scale industries.

4) Service Co-operative should supply (a) seeds, (b) inputs, (c) Cattle, (d) Agricultural implements of better quality, (e) irrigation water etc. Each Gao-Sabha should have one such Society for the Agriculturists. Credit ability of the agriculturists should not depend on the landed properties in their possession.

(5) Credit Co-operative Societies should not only help the ryots, but also the under rayot Bargadars, landless agriculturists, Zumias etc.

Dharmagolas (grain-Banks) should also be registered as Credit Societies.

All land that have passed to the Mahajans as mortgaged land, should be restored by these Societies to their original owners. The Co-operative Deptt. should make a village to village survey and set-up Societies for restoration of possession of mortgaged land.

Credit Societies should give crop loan, particularly to tribal zumias, to replace the present *Dadan System*.

As recommended by Banking Commission, some of the Societies should function as rural Credit Banks.

(6) Marketing Societies should cover rural markets to conduct price-support purchases whenever necessary. Godowns and, where necessary, Cold Storage, should be set-up under the management of these Societies.

These Societies should also function as organisations for distribution of essential commodities among rural people at fixed Govt. rate.

Transfer of land to these Societies should be prohibited.

(7) Industrial Co-operative Societies should cater raw-materials, particularly, to Cottage industries and small scale industries. Improved implements should be supplied to them. At the same time, products of these Societies should be marketed either through these societies, or, through the Societies set up for marketing purposes.

(8) It is idle to expect that the present Bill can bring into existence Societies which could fulfil the purpose noted above. On the contrary, the very statement of objects and Reasons reveals the dark intentions of the framers of this Bill.

The Soul of a Co-operative Society is its democratic functioning. A section of the people have a wrong idea that the Co-operative Societies of Tripura withered away, because there was too much of democracy in their functioning. This is not true. On the contrary, it was too much Govt. interference with the work of these societies, and, ultimately Govt. take-over of Societies, as it happened in the case of Societies in Refugee Rehabilitation Centres, that sounded the death-knell of these Societies.

The wrong idea noted above has developed particularly from this understanding that the elected people alone are susceptible to corruption, and the Govt. officials are mostly angels who are above corruption. The truth is just the opposite. If a review is made, it would be found that it is the Govt. machinery which corrupts the elected people, and, ruin a Co-operative Society, hand it over to vested interests.

The present Bill has been drafted with the explicit objective of curtailing whatever little democracy there is in the functioning of Co-operative Societies under the existing Act. This slaughter of democracy, the Bill wants to do, by making the Registrar of the Society a virtual dictator. In the name of fighting vested interest, he is given total power to hand over the Co-operative Societies to the *vested interest*, as is seen throughout India to-day.

(9) A look into the provisions of Chap-II of the Bill would conclusively prove this contention. The registration of a Society, as well as the cancellation of the registration will depend completely on the sweet-will of the Registrar. The Registrar shall have powers to amend the bye-laws, even if the Society is not in agreement with him. He shall direct Societies to amalgamate with other Societies, even if the Societies do not agree to do so. There is no scope for appeal to the Govt. against any of the decisions of the Registrar in such matters.

Similarly, in Chap-III of the Bill final powers have been given to the Registrar to exclude a member from a Society. In this chapter, members nominated by the Govt. or a local authority have been given right to vote.

In Chap-IV, the Registrar has been given power to impose additional conditions on Societies for receiving deposits, issuing debentures or raising funds etc. from any creditor other than the financing Bank.

Similarly, in Chap. VII, Chapt. VIII and Chapt. IX, sweeping powers have been given to the Registrar, in matters of Management, enquiry, inspection, suspension of officer or servant of a Society, recovery of arrears etc.

Unless the Bill is suitably amended, the elected Managing Committees of the Societies will become non-entities, sans eyes, sans teeth, sans ev'rything.

10) A close scrutiny of the provisions of Chapt. XII would show that the proposed Co-operative Land Development Banks, under the Trustiship of the Registrar shall, in the name of Development of agriculture try to help development of Capitalism in agriculture.

Land would get alienated from the poorer sections of the agriculturists, and get concentrated in these Banks, and the Management of these Banks would go to a coterie of non-cultivating big Jotedars and Money-lenders, who themselves would help the big Jotedars to prosper.

In a word, these Banks would help big non-cultivating Jotedars to keep their excess land intact, even if the ceiling limit is lowered by any new Legislation, and have them cultivated and improved at Govt. money.

If these Banks are to help the indebted poor and middle peasants to get their mortgaged land released from the clutches of Mahajans, this Chapt. XII of the Bill is to be amended drastically. Trustiship of the Bank should go to an elected Committee. No non-cultivating Jotedar should get entrance into these Banks. Alienation of Land should be prohibited.

Lastly, it is curious to note that there is not a single provision in this bill for implementation of the recommendations of the Banking Commission of India, so far as Co-operative Credit Banks are concerned. A new chapter has to be added to make provision for such Banks.

To

The Chairman & Members of the Select Committee.  
(for the consideration of the 'The Tripura Co-operative Societies Bill, 1973')  
Tripura Legislative Assembly,  
Tripura, Agartala.

### MEMORANDUM

Sub :—The Tripura Co-operative Societies Bill, 1973 consideration thereof by the Select Committee.

Ref. No. F.9(18)-LA/73 dt. nil.

Dear Sir/Sirs,

I have the great pleasure in going through "The Tripura Co-operative Societies Bill, 1973" a copy of which has been sent to me for offering my comments and suggestions, on the aforesaid Bill.

Short time has been provided and allotted for the purpose which requires a month in the least

I have asked for time through a letter addressed to the Under Secretary, Tripura Legislative Assembly but without any response as yet.

However, I shall try to express my views in short after having a look through it. I am ready to appear before the Select Committee to express views personally, if necessary.

After having a first hand look through the Bill, the following points arise in my mind.

1. For whom the Bill is meant for ? Is it for the development of the Co-operative movement and Welfare and betterment of the democratic Co-operators (including prospective Co-operators) I got the answer in the negative. I think the Co-operators will be highly disappointed.

If it is meant for the Bureaucrats in the Administration who are in the helm of the Co-operative movement in Tripura, who had failed to give a correct and proper move to the movement and have become unsuccessful in creating better environment and atmosphere in the field of Co-operation, then I must say that the Bill is alright.

The entire Bill as it seems revolves round the Registrar at the Centre and conferred on the Registrar more and more powers to control the movement just like a 'Pseudo Dictator' in the field of Co-operation, when a man of personality & Integrity with missionary zeal is a necessity.

From my experience of the last 20 years if not more, I can safely say that the Registrars could not justify with their previous activities for having more powers and they themselves are responsible for the deterioration and failure of the Co-operative movement in Tripura. They are the persons who with the connivance and collusion with their political leaders imported and infused men of vested interest and corrupt practices, for the reasons best known to them and have made the Co-operatives a failure in Tripura Co-operation has failed in Tripura but it must succeed.

I am sorry to point out that there has been no provision in the entire Bill to restrict the Registrar from such activities and no panel clause for their illegal whimsical and ultravires activities Societies are being put to losses for the negligence of duty on the part of the Registrars and his subordinate.

Provisions should be made in the Act itself for taking actions against such officers who are very much interested in acting in a manner likely to be prejudicial to the interest of the Society under the influence of their political masters.

2. The next point arose in my mind is whether the Co-operative movement in Tripura has expanded and is it imperative for such a Bill to be introduced taking the existing act as an outdated one and felt short of the requirement to be effective enough for proper development of the movement.

It will be completely false if any body says so. In my opinion it will be an attempt to suppress and Cammouflage their inefficiency and worthiness in the Co-operative field.

There are about 700 Co-operative Societies in Tripura but those who are in the helm of affairs and acting as friend, philosopher and guide to the movement, in no way can claim a single Society functioning and working according to Co-operative principles and an ideal one.

They themselves are now the victims of the corrupt practices imported and infused in the Co-operative movement and Societies in Tripura.

If there be an impartial enquiry Committee the fact will be revealed. I think the present Bill may wait till there is an enquiry report in respect of the Co-operative movements in Tripura. I have strong belief that the P.A.C. will share my views in consideration of the reports before them.

It can not be said that the existing Act has become out-dated at least at the present stage of the Co-operative movement in Tripura.

Of course every body desires that there must be an Act of his own at the base which will help them in achieving their goal of economic amelioration & democracy.

3. Now it has been stated in the Statement of objects and reasons, enclosed with the Bill, that,

(i) The Co-operative movement in Tripura expanded, in my opinion it only in number but not in quality. Out of 700 approximately not a single Society may be claimed as an ideal one.

There are 5 state wise Co-operative Institutions always managed by the Departmental Officers, besides a good number of primary Societies and these are managed by them with an ulterior motive. Is there any development in those Societies not to speak of others? Yes there are developments in corruption are introduced by the officers themselves not by the Co-operators and now they want more and more power to bring Societies under there own management to fulfil their vested interest in the economic field.

It is better to put all these 700 Societies to liquidation and sponsor institution under separate Corporation Act, which means business of the Govt. employees in the name of Nationalisation.

(ii) Absence of various statutory provisions in the Bombay Co-operative Societies Act in force in Tripura such as (a) Inspection of Societies by the Registrar at his own motion-I will request the members of the Select Committee to go through the Sections 43, 44, 46A, and other relevant section of the existing Act and shall find whether the statement is correct or not.

(b) Rectification of defects in accounts, please go through the Sections 22, 22A, 44, 46A, again and shall find how far the statement is correct.

(c) Power of the Registrar to direct amendment of bye-laws. This is an encroachment over the fundamental right of the Co-operators and the Select Committee will be surprised to know that the Department has already taken up that power in the existing Act. after usurping the Legislative power under the shelter of Section 67 of the Existing Act.

(d) Provisions against vested interest : This is vague term talking big things and doing nothing. The Select Committee will not be able to find a single Section provided against the vested interest and specific purpose.

It is better to speak less on this point where custodian of the movements are themselves responsible for the importation of vested interest in the movement.

If any action is necessary, it is for and against those Bureaucrats of vested interest. Why the Co-operators are to be blamed for that.

(e) Categorical codification of Land Development Bank etc., The Select Committee will be surprised to know that there is only one Bank in Tripura at present and such codification becomes essential when there will be many primary Land Development Banks at the base with an Apex institution at the top, and not at the present stage, what the custodians of the movement did for the last 20 years.

Of course such modification will be necessary in future when there will be too many banks at the primary level.

In view of the above stated facts I think the contents of the "Statement of object and reasons" as annexed fails through.

4. The Bill as it is formulated is an imported one without any consideration of the local condition & needs, 95% of the Maharashtra Act has been inserted in toto together with a section here and there from other states only with a view to vest have power to the Registrar. Requirement of the Co-operators in Tripura have been neglected.

It would have been better to have a Bill introduced by the Legislators who are the representatives of the people as they are conversant with the local condition and circumstance of the area and the movement.

It will be a history if details are to be discussed in respect of the movement and its custodians and this is not the place, let the Select Committee be conversant after an enquiry.

5. Now let me have some discussion and comments on the provisions of the Bill for which I have Selected some salient points.

Chapterwise :

#### CHAPTER—I

Section 2—Page-5

There is no clear cut classifications of Societies except a few definitions of a few types of Societies.

Classification of Societies is necessary and may be included in the Bill.

#### CHAPTER—II

Section 4—Page-5

Second proviso be omitted.

Section 9(1)—Page-6

The words "he may within six months" after the words "this Act or rules" and before the words "from the date of receipt of the application" be omitted and be replaced the words "he shall/must within two months".

9(2)

This sub-clause should be omitted. This is only a tactics to avoid registration when there will be no other grounds.

I have got experience that even when everything is alright the registration has not been made in few years and there are instances of Registration overnight.

A penal section should also be provided against such actions of the Registrar and other officers.

Section 12—Page-6

There is no classification of Societies as stated earlier only some definitions of particular types of Societies in Section 2.

Section 14—Page-7

The words "in the Act, Rules and bye-laws" be added after the words "manners prescribed" in the third line and before the words "to make the amendments etc."

#### CHAPTER—III

Section 22, 36—  
Page-11, 16, 17.

Where is the provision against the persons of vested interest which is much spoken of ?

## CHAPTER—VI

Section 62(1)(a)—Page

The words "and any other Nationalised Banks" be added at the end of the Sentence.

Section 66, 68—  
Page-27 & 28.

Where is the provision for the restriction of the persons of vested interests ?

Section 69—Page-29.

The words "in Act, Rules and Bye-laws" be inserted at the end of the 5th line of the section.

Section 74—Page-32.

The words "with the knowledge and approval of the general Body in its general meeting called for the purpose" be added after the words "Society is affiliated" in the 13th line of the provision of section 74 and before the words "and with the approval. etc."

## CHAPTER—VIII

Section 79(1)—Page-35

This section be modified and amended as follows : "There shall be an Audit Section under the Control and management of the Finance Deptt. of the Govt. of Tripura, the persons appointed by the Govt. shall audit or cause to be audited by a person appointed by him by special or general order in writing in this behalf, the accounts of every Society at least once in each year".

Section 80—Page-36.

The words "receipt of" be inserted after the words "months from the date of" and before the words "the Audit report etc." in the 3rd line of the section.

And a separate para be added with a provision for the issue of a separate order pointing out the specific defects and irregularities and the remedy thereof as desired by the Registrar or the persons appointed by the Finance Department.

And if the power of audit be transferred to the Finance Deptt. the whole chapter will have to be reconstituted.

Section 81(4)—Page 37.

The words "within 24 hours of the completion of the inquiry" be added at the end of the sentence of the Section.

Section 85(1)—Page-38.

The words "The Registrar is to bring the specific defects with specific remedies suggested by him, to the notice of the society in a separate order immediately and within 24 hours of completion of the enquiry" be added as a separate para after the section 85(1). And a penal clause be provided for the negligence of duty on the part of Registrar and other officers.

Section 86(3)—Page-39  
Section 87(2)—Page-39

These sections be strictly reconstrued and provision be made for furnishing the concerned Societies with a copy of the inspection reports within specified time on completion of the enquiry.

## CHAPTER—IX

## Procedure for deciding disputes

Section 92-104—Page-41-47 There must be a separate “Board of Arbitration” with powers and responsibilities similar to that of the Tribunal and the disputes are to be referred to the Board for decision.

The Registrars for the last 20 years could not create confidence in respect of the spirit of equity, Justice and good conscious. The Co-operators lost their confidence in respect of disputed to be decided by himself or his nominee, rather they themselves become parties and vitiates the dispute.

So the whole chapter requires to be completely reconstructed and strictly construed for the ends of Justice.

## CHAPTER—XIII &amp; XIV

Section 143-153—Page-65 to 71. These two chapters require complete reconstruction on the fact of the views mentioned for the chapter IX and it is to be considered whether the powers are to be vested with the Registrar.

## CHAPTER XV

Section 156—Page-72. The words “such modifications not effection the substance” in the 4th line requires further amplification.

It is this section under the shelter of which the Registrars have managed to using the powers of the Legislature and amend the acts in the name of modifications.

Section 165—Page-73 No comment is necessary only a suggestion that let the Rules be framed first and simultaneously with the Bill, in absence of that the Bill may be kept inabeyance.

Proper rules could not be framed for the last 20 years, the rules that were framed are insufficient and inadequate to carry out the purpose of the Act and full of contradictories. So the Rules be framed now other-wise all good wishes will fail.

Conclusion The Co-operative Societies Bill, 1973, requires thorough discussion Section by Section which has not been possible within this short period and as such short comments and suggestions have been given in the foregoing pages leaving out some chapter untouched. Only some salient sections have been taken up and commented these are now summarised below.

Comments 1. Mere statement of imperativeness or urgency does not justify the replacement of the existing Act.

2. The statement of object and reasons as enclosed with the Bill does not stand and falls through.

3. There is an extension of Co-operative Societies in numbers but not in quality. The movement has not developed rather deteriorated.

4. The Bill is nothing but importation of section only from other provinces to suit the purpose of the Bureaucrats with economic vested interest and does not fulfil the aspirations of the people of Tripura.

5. The Rules to carry out the purpose of the Act has not been constituted.

Suggestions

Before the enforcement of the Bill a Rules be framed and put before the Legislators in the Assembly for consideration.

2. To get a clear picture regarding the development or deterioration of the movement an enquiry Committee be constituted who will also assess the necessity and requirements of the Co-operative in Tripura. Till then the Bill be kept in abeyance.

3. The power of deciding disputes be withdrawn from the Registrar or his nominee and be vested with the "Board of Arbitration".

4. Audit should be separated from the Co-operative Deptt. and placed under the control of the Finance Department.

5. There must be some specific provisions in the Act itself for the creation of better atmosphere and environment for healthy growth of Co-operative in a democratic way and for the economic amelioration of the people in general.

Persons in the post of Registrar be selected in such a way that he must be a man of distinction with a spirit of quity, justice and good conscience and missionary Zeal.

With these few words I take leave of the honourable members of the Seleet Committee and ready to appear or to speak personally, if required and called for.

Thanking you.

Yours faithfully,

Sd/- Amaresh Nandi Majumder  
8-6-73

54, Hariganga Basak Road.  
P.O. Agartala, Tripura.

Dated, Agartala,  
the 8th June, 1973

54, Hariganga Basak Road.  
P.O.—Agartala,  
West Tripura.  
15th June, 1973.

To  
The Under Secretary,  
Tripura Legislative Assembly, Secretariat,  
Agartala, West Tripura.  
Sub :—Tripura Coop. Societies Bill—1973.

Sir,

In continuation to my earlier suggestions submitted on 8-6-73 I am sending herewith further suggestions for consideration of the Select Committee.

Yours faithfully,  
Sd/- A. Nandy Majumder. 15/6.

Encl :—One sheet.

In the Chapter on Co-operative Land Development Banks (Chapter XII-Section 115 to 142).

1) No positive thoughts seem to have been given on the dominating problems experienced by loanees as well as the Land Mortgage Bank.

(a) The prospective loanee/member of the Bank do not get necessary records of title and possession from the Settlement and Revenue offices easily. There is no provision to make such records, such as Parcha, Khatian, Map other land records etc. in original or copies, available easily to the applicant. The concerned Departments should be made to supply necessary records with *specified time*.

(b) There should be positive provision exempting the members of the Bank from payment of stamp duty in registering execution of bonds etc. in favour of the Bank. Majority of the Agriculturists are poor. For the purpose of helping them and encouraging them for causing development of their lands, for popularising banks activity and also to help the co-operative movement, specific provision should be made for the purpose. The notification issued under No. 39(279)Rev/70 dt. 22-2-73 does not include the name of the Bank.

(c) There should be specific provision for exempting the Bank from stamp duty etc. for trust deed, debenture bonds etc. to help the Bank in reviving its position.

(d) There should be specific and positive provision requiring the Registering offices, such as of sub-Registrars, District Sub-Registrars etc. to issue non-encumbrance certificates for lands proposed to be mortgaged to the Bank, on requisition from the Bank within *specified time*.

(2) The aim and object of the provisions of clauses 1 to 3 of section 122 is confusing. It is an additional process imposed upon the present procedure. If it aims at doing away with the necessity of encumbrance certificate, in that case it should be clearly indicated in the Section that any subsequent claim of interest on the property to be mortgaged will not stand. Otherwise the aim of the provision should be clarified in the Section itself. Without any specific purpose this will rather delay disposal of the applications by the Bank.

(3) While in clause (6) of Section 122 time for disposal of loan has been specified as nine months from the date of receipt of loan application, time should also be specified for disposal at different levels, such as Public notice, issue of encumbrance Certificate, Papers from settlement and Revenue offices, giving of recommendation at Registrar's office etc.

(4) For recovery of dues from wilful defaulters only the stereotype provision of causing recoveries through Collector, on the strength of the certificate to be issued by the Registrar will not serve any purpose as it did not serve previously. For months and years together cases remain pending with the Collector yielding no benefit to the financing institutions. This position is fact for the land Development bank as well as other co-operative Institutions. Again recoveries in many cases are deposited with Treasury like recovery of Govt. dues. Consequently the financing institutions suffer for non receipt of recovered amounts.

To do away with these experienced evils, the provision should categorise the period within which the amounts shall be recovered and also that on recovery the amounts shall be deposited with the bank.

There should be also a provision requiring the Registrar to issue certificate *within a specified* period on receipt of papers from the Bank.

---

---

Printed by  
The Superintendent, Tripura Government Press,  
Agartala.

---

---

TGPA—11-9-74—250.