

OFFICE OF THE REGISTRAR OF
CO-OPERATIVE SOCIETIES
PONICHERRY-1

RC.A.11590/68

Pondicherry, the 1.4.1969

CIRCULAR

Sub: Act and Rules - Pondicherry Co-operative Societies Act, 1965 – Section 28 -
Disqualification for membership of committee - Certain points – Clarified.

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In the application of the provisions of Section 28 of the Pondicherry Co-operative Societies Act, 1965 some doubts have been raised. The following clarifications are, therefore, issued for guidance:

Clause (a) of sub-section (5) of the Section 28 of the Pondicherry Co-operative Societies Act, 1965, provides that no member of the committee which has been superseded shall be eligible for election or appointment to the committee for a period of three years from the date of expiry of the period of supersession. This provision bars the member of a particular committee which has been superseded from becoming member of that committee for a period of three years from the date of expiry of the period for which it is superseded. This provision penalizes the members by whose commissions and omissions the necessity for superseding the committee has arisen. The effect of this provision is that even after the reconstitution of the superseded committee, the old members cannot become members of that committee for a period of three years. Thus, this provision bars the members from becoming the members of the same committee immediately after the expiry of the period of supersession. It does not, however, bar the members from becoming the members of any other committee.

Regarding Section 28 (4) of the Pondicherry Co-operative Societies Act, 1965, the sub-section bars a member of a committee who has been surcharged from the eligibility for election or appointment as a member of the committee for a period of three years from the date of such order. It has been clarified that the position here is similar to that under Section 28 (5) (a) of the Pondicherry Co-operative Societies Act, 1965. The bar is, therefore, only in respect of the committee in which he holds office and which is surcharged for acts of commissions and omissions. But, Section 28(1) (b) (ii) of the Pondicherry Co-operative Societies Act, 1965, provides that no person shall be eligible for being elected or appointed as a member of a committee, if he is a person against whom any decree, decision, award or order referred to in Section 91 has been obtained. Surcharge proceeding under Section 71 has been referred to in Section 91 of the Act. Hence consequent of this disqualification, a member against whom surcharge order under Section 71 has been passed is barred from becoming a member of all committees.

M. SRIRAMULU
REGISTRAR OF CO-OPERATIVE SOCIETIES

Government of Pondicherry
Revenue and Development Department
(G.O.Ms.No.40, dated 10th May 1969)

NOTIFICATION

G.S.R.No.19 – In exercise of the powers conferred by clause (a) of Section 43 of the Pondicherry Co-operative Societies Act, 1965 (Pondicherry Act 11 of 1965) and in supersession of all previous notifications on the subject, the Lieutenant Governor, Pondicherry, hereby remits the stamp duty chargeable on :-

(i) Instruments (other than bills of exchange, cheques promissory notes, bills of lading, letters of credit, policies of insurance, transfer of shares, debentures, proxies and receipts and any other instrument chargeable to stamp duty and falling within entry 96 in List I of the Seventh Schedule to the Constitution).

(a) executed by or on behalf of or in favour of any co-operative society for the time being registered or deemed to be registered under the said Act; or

(b) executed by any officer or member of such society and relating to the business thereof; and

(ii) decisions, awards or orders of the Registrar of Co-operative Societies or Arbitrators under the said Act.

S. AROUL
UNDER SECRETARY TO GOVERNMENT

**OFFICE OF THE REGISTRAR OF CO-OPERATIVE SOCIETIES
PONDICHERRY**

RCS/A/IX-3/74/387

Date: 4.7.1974

CIRCULAR

Sub: Act and Rules – Pondicherry Co-operative Societies Act, 1972 and
Pondicherry Co-operative Societies Rules 1973 – Classification of
Societies – Regarding.

Under Section 18 of the Pondicherry Co-operative Societies Act, 1972 read with Rule 11 (5) of the Pondicherry Co-operative Societies Rules 1973, the societies mentioned in the Annexure are classified as 'Apex' society or 'Central' society, as the case may be.

2. The societies not covered by this order shall fall under the classification 'Primary Society'.

ANNEXURE

Sl.No.	Name of the Society	Class to which the society belongs
<u>Apex Societies</u>		
1.	The Pondicherry State Co-operative Bank, Ltd., Pondicherry.	Credit Society
2.	The Pondicherry State Co-operative Land Mortgage Bank Ltd., Pondicherry.	Credit Society
3.	The Pondicherry State Weavers Co-op. Society Ltd., Pondicherry.	Productive Society
4.	The Pondicherry State Co-operative Union, Pondicherry.	Co-operative Union
<u>Central Societies</u>		
1. (i)	The Pondicherry Co-op. Wholesale Stores Ltd., Pondicherry.	Distributive Society
(ii)	The Karaikal Co-op. Wholesale Stores Ltd., Karaikal.	Distributive Society
2.	The Pondicherry Central Co-op. Processing Supply & Marketing Society Ltd., Pondicherry.	Marketing Society
3.	The Pondicherry Co-operative Milk Producers Union	Productive Society

For the purpose of Rule 11(3) and (4), the societies are further classified as under:-

<u>Sl.No.</u>	<u>Class of Societies specified in rule 11 (1)</u>	<u>Categories into which each class of society may be sub-divided.</u>
(a)	Co-operative Union	No sub-division is necessary.
(b)	Credit Society	This may be sub-divided into the following categories of societies. i. Financing Bank, ii. Agricultural Credit Society ,and iii. Non-Agricultural Credit Society.

The list of societies falling under the above categories are as follows:

(i) Financing Bank

- a) The Pondicherry State Co-op. Bank Ltd.,
- b) The Pondicherry State Co-op. Land Mortgage Bank Ltd.,

(ii) Agricultural Credit Society

- a) Village Agricultural Credit Society.
- b) Co-op. Rural Bank
- c) Large Sized Co-op. Society

iii) Non-Agricultural Credit Society

- a) Urban Bank
- b) Employees credit Society
 - i) Co-operative Stores
 - ii) Employees Co-op. Stores
 - iii) Students Co-op. Stores
 - iv) Co-operative Canteen and Restaurants
- i) Irrigation Society
- ii) Other Farming Society
- i) Co-op. Housing Society
- ii) Co-op. House Building Society
- iii) Co-op. Industrial Housing Society

No subdivision is necessary

No subdivision is necessary

Co-op. Sugar Factory

- i) Milk Supply Society.
 - ii) Weavers Co-op. Society
 - iii) Other non-Agricultural Productive Society (Industrial co-operatives)
 - iv) Other Agricultural Productive Society
- No sub-division is necessary.
- i) Co-op. Printing & Publishing Society
 - ii) Other Miscellaneous Society.

(c) Distributive Society

(d) Farming Society

(e) Housing Society

(f) Labour Contract Society

(g) Marketing Society

(h) Processing Society

(i) Productive Society

(j) Training Institute

(k) Miscellaneous Society

P.R. RAMANATHAN

REGISTRAR OF CO-OPERATIVE SOCIETIES

b The classification of societies is revised, for updated classification, kindly see P. 9.142

**OFFICE OF THE REGISTRAR OF CO-OPERATIVE SOCIETIES
PONDICHERRY**

RCS/A/IX-3/74/388

Date: 4.7.1974

CIRCULAR

Sub: Elections – Holding of Elections in the Co-operative Societies – List of societies which are to hold elections under Rule 32 of Pondicherry Co-operative Societies Rules 1973 – Regarding.

According to Rule 32 (1) of the Pondicherry Co-operative Societies Rules 1973, all 'Apex' and 'Central' societies will have to conduct the election as per the detailed election procedure indicated in the said Rule. So far as the primary societies are concerned under Rule 32(1) (iii) of the Pondicherry Co-operative Societies Rules 1973, I, P.R. Ramanathan, the Registrar of Co-operative Societies, Pondicherry hereby specify the following classes of societies which shall also conduct the election of members to the committees of co-operative societies in the manner specified in Rule 32 of the Pondicherry Co-operative Societies Rules 1973.

<u>Sl.No.</u>	<u>Category of Societies</u>
1.	Urban Bank
2.	Employees Credit Societies
3.	Marketing Societies
4.	Employees Stores
5.	Canteens and Restaurants
6.	Housing Societies
7.	Consumers Stores
8.	Printing and Publishing Society
9.	Co-operative Rural Bank
10.	Large Sized Co-operative Society

The undersigned further specifies that any other society not specified above may, by a board resolution passed by a majority of the committee members, opt to conduct the election of members of the committee in the manner specified under the said rule 32.

The election of members of the committee of a society not falling under the above category of societies should be conducted in manner specified under Rule 33.

**P.R. RAMANATHAN
REGISTRAR OF CO-OPERATIVE SOCIETIES**

b This circular is superseded vide P. 9.91. For updated list, kindly see P. 9.100.

GOVERNMENT OF PONDICHERRY
ABSTRACT

Fisheries – The Pondicherry Co-operative Societies Act 1972 and rules framed thereunder- Powers of the Registrar under the Act - Delegation of powers to the Director of Fisheries, Pondicherry – Orders - Issued.

DEVELOPMENT DEPARTMENT

G.O. Ms. No. 102

Date: 4.9.1974

ORDER:

The following notification shall be published in the next issue of the State Gazette without fail.

NOTIFICATION

No. 13009/Dev./74/F1

In exercise of the powers conferred by Section 3 of the Pondicherry Co-operative Societies Act 1972 (No.7 of 1973) the Lieutenant Governor, Pondicherry hereby appoints the Director of Fisheries, Pondicherry as the Additional Registrar and confers on him all the powers of a Registrar exercisable under the said Act except Section 74 and Section 133 in respect of the Fishermen Co-operative Societies in the Union territory of Pondicherry.

R. BADRINATH
SECRETARY TO GOVERNMENT

**OFFICE OF THE REGISTRAR OF CO-OPERATIVE SOCIETIES
PONDICHERRY**

RCS/A/IX-3/74

Date: 1.10.1974

PROCEEDINGS

Sub: Pondicherry Co-operative Societies Rules 1973 – Fee prescribed under Rule 64 (7) (a) for deciding the disputes referred under Sub-Section (1) of Section 84 of the Pondicherry Co-operative Societies Act, 1972 – Regarding.

In exercise of the powers conferred on me under Rule 64 (7) (a) of the Pondicherry Co-operative Societies Rules, 1973, I. P.R. Ramanathan, Registrar of Co-operative Societies, Pondicherry hereby prescribes the following fees required to be deposited to refer any dispute mentioned hereunder for decision:

- | | | | |
|-----|---|---|--------------------------|
| i) | Monetary dispute (under sub-section (1) of Section 84 of the Pondicherry Co-operative Societies Act, 1972). | } | Rs.5.00 (in each case) |
| ii) | Non-Monetary dispute (under sub-section (1) of Section 84 of the Pondicherry Co-operative Societies Act, 1972). | } | Rs.100.00 (in each case) |

**P.R. RAMANATHAN
REGISTRAR OF CO-OPERATIVE SOCIETIES**

b This order is superseded vide order at P. 9.74, for the revised fees, kindly see P. 9.103

GOVERNMENT OF PONDICHERRY
ABSTRACT

Co-operation – The Pondicherry Co-operative Societies Act, 1972 – Delegation of powers of Registrar to his subordinate Officers – Notification – Order – Issued.

DEVELOPMENT DEPARTMENT

G.O.Ms.No.125

Date: 20.11. 1974

READ: 1. G.O.Ms.No.60 dated 13-5-1974 of the Development Department, Pondicherry.
2. Letter No.RCS/A/IX-3/74/381 dated 28.6.1974 from the Registrar of Co-operative Societies, Pondicherry.

ORDER:

The following Notification shall be published in the extra-ordinary official Gazette of Pondicherry.

NOTIFICAION

In exercise of the powers conferred by sub-section (2) of Section 3 of the Pondicherry Co-operative Societies Act 1972, the Lieutenant Governor of the Union territory of Pondicherry, hereby confers on the officers specified in column 1 of the Table below, the powers of the Registrar specified in the corresponding entries in column 2 thereof under the said Act and the Pondicherry Co-operative Societies Rules 1973.

TABLE

OFFICER	POWER
Assistant Registrar	1. All the powers of the Registrar under the Pondicherry Co-operative Societies Act, 1972 except those referred to in Sections 12,15, 32 (2), 33, 68 (c), 87 (1), 126 (1) and 141. 2. All the powers of the Registrar under the Pondicherry Co-operative Societies Rules 1973 except those referred to in Rules 9, 25, 27, 37, 38, 47, 48, 49, 50, 52, 57, 63, 81, 91, 92, 110 and 114. Provided that the powers of the Registrar under Sections 129 and 131 of the Act are exercisable by the Assistant Registrars of Co-operative Societies only in respect of societies ordered to be wound up by him under Section 126 (2) of the said Act.

Dairy Development Officer	1. All the powers of the Registrar in respect of Co-operative Milk Supply Societies and Poultry Breeders' Co-operative Societies only under the Pondicherry Co-operative Societies Act, 1972 except those referred to in Section 12,15,32 (2), 33, 68 (c), 87 (1), 126 (1) and 141. 2. All the powers of the Registrar in respect of Co-operative Milk Supply Societies and Poultry Breeders Co-op. Societies only under the Pondicherry Co-operative Societies Rules 1973 except those referred to in Rules 9, 25, 27, 37, 38, 47, 48, 49, 50, 52, 57, 63, 81, 91, 92, 110 and 114. Provided that the powers of the Registrar under Section 129 and 131 of the Act are exercisable by the Dairy Development Officer only in respect of Milk Supply Societies and Poultry Breeders Co-operative Societies ordered to be wound up by him under section 126 (2) of the said Act.
Junior Accounts Officer (Audit)	1. The powers of the Registrar under Section 71 and 74 of the said Act. 2. The powers of the Registrar under Rule 14, 17 and 62 of the said Rules.
Co-operative Sub-Registrars	1. All the powers of the Registrar under Section 31 (3) (4) and (5), 32 (7), 65 (1), 68 (d), 71, 74, 75, 76, 78, 82 (up to Rs.3000/-), 84 (up to Rs.3000/-); 101 (1), 133, 156(5) and (6). 2. All the powers of the Registrar of Co-operative Societies under Rule 14, 17, 62, 64, 67, 68, 70, 75, 83, 85, 87 and 90.

M. SRIRAAMULU
UNDER SECRETARY TO GOVERNMENT

**b This order is modified by orders at P. 9.12, P. 9.15 and P. 9.41.
For updated order, kindly see P. 9.68.**

Law

RCS/A/IX-3/74/614
Government of Pondicherry
Co-operative Department

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Pondicherry, the 30.11.1974

To

The Under Secretary to Government (Ind.)
Development Department,
Pondicherry.

Sir,

Sub: Rule 22 of the Pondicherry Co-operative Societies Rules, 1973 – Correct interpretation – Regarding.

--:-:--

Under Rule 22 of the Pondicherry Co-operative Societies Rules, 1973, some restrictions on defaulting members to vote at the elections have been specified. In this connection, I am to state that the apex and central co-operative societies have primary co-operatives also as their members besides the individual members. Since, the word 'he' is used in sub-rules (i) and (ii) of Rule 22 of the Pondicherry Co-operative Societies Rules, 1973, an impression is created that the restrictions imposed under the said rule would apply only to the individual members and not to the member societies in the apex and central co-operative institutions. The stand taken by the Department on this issue is that the restrictions on voting right as specified under the above rule would apply both to the individual members and the member-societies and hence in the case of delegates to another societies, both the member-society and the individual delegate should be free from default as on 30 days prior to the date of election as per Rule 23, read with Rule 40 (e).

However, I am to request that legal opinion on the issue regarding interpretation of Rule 22 of the Pondicherry Cooperative Societies Rules 1973, in so far as it applies to societies which are members of federal co-operative institutions may kindly be obtained and the correct position indicated to this office for our guidance.

Yours faithfully,

C.D. DAYAL
REGISTRAR OF CO-OPERATIVE SOCIETIES

No.22783/74-Coop.
Government of Pondicherry
Development Department

Pondicherry, the 4.2.1975

MEMORANDUM

Sub: Rule 22 of the Pondicherry Co-operative Societies Rules, 1973 – Correct interpretation – Reg.

Ref: Registrar of Co-operative Societies letter No.RCS/A/IX-3/74/614 dated 30.11.1974.

Reference letter cited on the subject noted above.

Law Department is of the opinion that the stand taken by the Department, viz. that the restrictions on voting right as specified under sub-rules (i) and (ii) of Rule 22 of the Pondicherry Co-operative Societies Rules 1973 would apply both to the individual members and the member-societies appears to be correct.

Registrar of Co-operative Societies is, therefore, requested to submit necessary proposal for amending the rules so as to remove any ambiguity.

M. SRIRAMULU
UNDER SECRETARY TO GOVERNMENT

GOVERNMENT OF PONDICHERRY
ABSTRACT

Co-operation – The Pondicherry Co-operative Societies Act, 1972 – Delegation of powers of Registrar to his subordinate Officers – Amendment - Notified.

DEVELOPMENT DEPARTMENT

G.O.Ms.No.37

Date: 8.4.1975

READ:

1. This Department's G.O.Ms.No.125 dated 20.11.74.
2. This Department's G.O.Ms.No.27 dated 7.3.1975.
3. Registrar of Co-operative Societies Letter No. RCS/A/IX/3/74/144 dated 22.3.1975.

ORDER:

The following notification shall be published in the official Gazette.

NOTIFICATION (Amendment)

In column (1) & (2) of the Table under the Notification published in G.O. Ms. No. 125 dated 20.11.1974 the appellation 'Assistant Registrar' whenever it occurs may be read as 'Deputy Registrar'.

M. SRIRAAMULU
UNDER SECRETARY TO GOVERNMENT

b For updated order on delegation of powers, kindly see P. 9.68

GOVERNMENT OF PONDICHERRY
ABSTRACT

Co-operative Department – The Pondicherry Co-operative Societies Rules, 1973 –
Rectification of certain clerical mistakes – Corrigendum – Issued.

DEVELOPMENT DEPARTMENT

G.O.Ms.No.45

Dated: 3.5. 1975

READ: Registrar of Co-operative Societies letter No.RCS/A/IX-3/74-19 dated
10.1.1975 & U.O. Note No.RCS/A/IX-3/74/200 dated 21.4.1975.

ORDER: The following corrigendum will be published in the official Gazette of
Pondicherry.

CORRIGENDUM

With reference to the Pondicherry Co-operative Societies Rules, 1973 published
in Development Department's Notification G.O.Ms.No.60 dated 13.5.1974, in
Extraordinaire State Gazette No.78, dated 29.6.1974, the following corrigendum is issued
namely:-

in the said Gazette publishing the said rules:-

- i. In page 2, line 7 [in the preamble of the notification] for the figures and
letter '9' of 1972 read '7' of 1973.
- ii. In page 57, line 2 [in sub-rule (6) of rule 64] for the word 'legal' read
'shall'.
- iii. In page 57, at line 26 [sub-rule (8) of rule 64] for the word 'shall' read
'legal'.
- iv. In page 74, in line 13 [second proviso to clause (vi) of rule 75] after the
word 'certificate' and before the word 'cannot' the following shall be
inserted, namely:- 'from the Registration Department that an encumbrance
certificate'.
- v. In page 80, line 1 [sub-rule (1) of the rule 87], the letter 'r' of the word
'Registrar' may be read as capital 'R' and in line 3, the word recovery
may be said as 'recovery'.
- vi. In page 86, line 11, [clause (c) of sub-rule (2) of rule 98] the word 'notict'
may be read as 'notice'.
- vii. In page 39, line 16 [sub-rule (1) of rule 41] for the word 'fifteen' read as
'seven'.

(By order)

M. SRIRAAMULU
UNDER SECRETARY TO GOVERNMENT

**OFFICE OF THE REGISTRAR OF CO-OPERATIVE SOCIETIES
PONDICHERRY**

RCS/B3/13907/75/272

Pondicherry, the 22.11.1975

PROCEEDINGS

Sub: Pondicherry Co-operative Societies Rules 1973 – Fee prescribed under Rule 67 (1) for the process of execution petition referred under Section 133 of the Pondicherry Co-operative Societies Act, 1972 – Regarding.

In exercise of the powers conferred on him under Rule 67(1) of the Pondicherry Co-operative Societies Rules 1973, the Registrar of Co-operative Societies, Pondicherry hereby prescribed that the fees for each execution petition filed under Section 133 of the Pondicherry Co-operative Societies Act, 1972 shall be Rs.20/- (Rupees twenty only).

This order will come into force with immediate effect.

**S. SEETHARAMAN
REGISTRAR OF CO-OPERATIVE SOCIETIES**

b This order is superseded vide order at P. 9.73, for updated fees, kindly refer P. 9.102

GOVERNMENT OF PONDICHERRY
ABSTRACT

Co-operation – The Pondicherry Co-operative Societies Act, 1972 – Delegation of powers of Registrar of Co-operative Societies to Deputy Registrars – Notification – Issued.

DEVELOPMENT DEPARTMENT

G.O.Ms.No.4

Date: 20.1.1977

READ: 1. G.O.Ms.No.125 dated 20.11.1974 of the Development Department, Pondicherry.
2. G.O.Ms.No.37 dated 8.4.1975 of Development, Pondicherry.
3. Letter No.RCS/A/13729/76/268 dated 16.12.1976 from Co-operative Department, Pondicherry.

ORDER:

The following notification shall be published in official Gazette of Pondicherry.

NOTIFICATION

In exercise of the powers conferred by sub-section (2) of Section 3 of the Pondicherry Co-operative Societies Act, 1972, the Lieutenant Governor of the Union territory of Pondicherry, hereby confers on the officers specified in the column 1 of the Table below, the powers of the Registrar of Co-operative Societies specified in the corresponding entry in column 2 thereof under the Pondicherry Co-operative Societies Rules, 1973.

TABLE

<u>OFFICERS (1)</u>		<u>POWERS (2)</u>
Deputy Registrars	in	The powers of the Registrar of Co-operative Societies under Rule 63 of the Pondicherry Co-operative Societies Rules, 1973.
Co-operative Department		

/ BY ORDER OF THE LT. GOVERNOR/

P.C. MYTHILY
UNDER SECRETARY TO GOVERNMENT

b For updated order on delegation of powers, kindly see P. 9.68
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GOVERNMENT OF PONDICHERRY
A B S T R A C T

Co-operative Department – The Pondicherry Co-operative Societies Rules 1973 – Amendment to Rule 39 – Issued.

DEVELOPMENT DEPARTMENT

G.O.Ms.No.62

Date: 28.4.1977

READ: Registrar of Co-operative Societies, Pondicherry letter No. 5600/ 77 –
RCS/A-191 dated 2-4-1977.

ORDER :

The following notification shall be published in the next issue of the State Gazette of Pondicherry.

NOTIFICATION

In exercise of the powers conferred by sub-section (1) of Section 170 of the Pondicherry Co-operative Societies Act, 1972 the Lieutenant Governor, Pondicherry hereby makes the following rules further to amend the Pondicherry Co-operative Societies Rules, 1973 published in official extraordinary Gazette No.78 dated 29th June 1974, namely:-

1. These rules may be called ‘The Pondicherry Co-operative Societies (Amendment) Rules, 1977’.
2. They shall come into force from the date of publication in the Gazette.
3. For Rule 39 of the Pondicherry Co-operative Societies Rules, 1973, the following shall be substituted.

“39. Election and term of office of delegate of a society.-

A delegate may be elected by a society to represent it on the general body of another society of which it is a member. The delegate shall be elected at a meeting of the committee of the member society. He shall cease to be a delegate:

- a) If he resigns; or
- b) If he is withdrawn by the committee; or
- c) If the committee is dissolved under Section 83:

Provided that the person or persons appointed under Section 83 shall have power to nominate himself or one among them or any member of the society as a delegate to the other society; or

- d) On the cancellation of the registration of the society represented by him; or
- e) If he incurs any disqualification mentioned in Rule 23”.

/BY ORDER OF THE LIEUTENANT GOVERNOR/

P.C. MYTHILY
UNDER SECRETARY TO GOVERNMENT

b Rule 39 is amended further vide order at P. 9.111

RCS/A/19668/78
Government of Pondicherry
Co-operative Department

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Pondicherry, the 17.10.1978

CIRCULAR

Sub: Disqualification for membership of committee as provided under Section 34 of the Pondicherry Co-operative Societies Act, 1972 – Certain clarifications
- Issued.

--:-:--

Sub-section (2) of Section 34 of the Pondicherry Co-operative Societies Act, 1972 provides that “no person shall be eligible for being elected or appointed as a member of a committee, if he had held office as a member of the committee for two consecutive terms, unless a period of three years has elapsed from the date on which his last term of office expired”.

Sub-section (8) of the Section *ibid*, however laid down that “nothing in this section apply to a member nominated to the committee by the Government or the Registrar”.

As per the provisions cited above, a member of the committee can hold office as such for a period of six years (two terms) continuously.

In this connection, the Law Department was approached for getting their benefit of advice on the following points in the light of a combined reading of Section 34(2) and 34(8) of the Pondicherry Co-operative Societies Act, 1972.

(a) “X” – a member of the society was nominated by the Registrar as a member of a committee for a full term of 3 years. Subsequently, the same “X” was elected as a member to hold office in the same committee for another term i.e., second term. After the expiry of the second term an election was held. “X” contested in the election and won it. Is the election of the member “X” is valid on the ground that the first term was held by nomination (*vide* sub-section (8) of Section 34 of the Pondicherry Co-operative Societies Act, 1972).

(b) In respect of the case referred to at (a), suppose election after the expiry of the second term could not be conducted and Registrar nominated “X” himself for the third term. Is the nomination of the member “X” will be valid?

(c) Suppose, the said member “X” held office in the first two terms by election and the Registrar nominated him for the third term, as elections could not be conducted in the society after expiry of the second term. In such case, is the nomination valid?

In this connection, the rulings given by the Law Department is extracted below:-

“According to sub-section (2) of Section 34 of the Pondicherry Co-operative Societies Act, 1972, no person shall be eligible for being appointed as a member of the committee for two consecutive terms unless a period of three years has elapsed from the date on which his last term of office expired.

The Full Bench of Andhra Pradesh High Court, while interpreting section 21-C of the Andhra Pradesh (Andhra area) Co-operative Societies Act, 1964 which provides that a person who holds or has held office as a member of the committee for two consecutive terms shall not be eligible for being chosen as a member of the committee for a third term in continuation has held in **AIR 1976 AP 340** that the word “committee” used in Section means both nominated and elected committee. The Court further observed that the object of the Section was to prevent growth of vested interests in co-operative societies and hence the legislature would not have intended holding of office of a member of the committee only with regard to an elected committee and not a nominated committee. This interpretation holds good even in respect of sub-section (2) of Section 34 of the Pondicherry Co-operative Societies Act, 1972. If a member continuously held office as a member of a committee for two consecutive terms, he will not be eligible to be elected or appointed to the committee irrespective of whether his previous holding was by nomination or by election.

However, if he is nominated as a member, none of the restrictions in the Section 34 will apply by virtue of sub-section (8) of Section 34. This is obviously for the reason that the nomination is done by the Registrar with whom the general superintendence and control of the societies is vested and the legislature naturally repose faith in him.

In the light of the above interpretation, the propositions cited by the Co-operative Department are answered below:-

- (a) “X” cannot hold the third term by election, as sub-section (2) of Section 34 will be a bar.
- (b) & (c) The nomination of “X” will be valid, if it is otherwise in consonance with the Act.”

The observation made by the Law Department is communicated to all the Departmental officials for information and guidance.

If, however, any other concrete case arises they may be brought to the notice of this Department individually for advice.

S. SIVAPRAGASAM
DEPUTY REGISTRAR

No. RCS/A/1/79
Government of Pondicherry
Co-operative Department

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Pondicherry, the 2.2.1979

CIRCULAR

Sub: Co-operative Department – Procedure to be followed when a new
committee resigns from office before the expiry of the term –
Clarifications – Issued.

The Pondicherry Co-operative Societies Act, 1972 and the rules framed thereunder have not envisaged a situation, wherein a newly constituted committee as per Section 32 and Rule 33, will resign from office soon after assuming office.

In case the new committee resigns from office, one course open to the Registrar is to appoint an Administrator or a committee of Administrators as per Section 33(1) (b) (ii) or Section 33 (1) (b) (i) and to conduct election at the appropriate time i.e., by the end of the term.

Section 32(5) (a) lays down that “all the members of any committee constituted under this Act, shall hold office for a term of three years from such date as may be specified The election of all the members of the committee shall be completed one week before the date of expiry of the term.” From this Section it appears that no election can be conducted before the term is completed and the vacuum has to be filled in only by appointing an Administrator or a new committee as referred to in para 2 supra.

As such, it is not clear whether it is proper for the Registrar to request the committee to continue in office till such time a new committee is elected in a ‘bye-election’ by observing the procedure indicated in Rule 33, so that the administration of the society can be passed on to the new committee from the other committee, thereby avoiding the appointment of an individual as Administrator.

Again Rule 33(2) says that “the election shall be held at a general meeting of the society the President or in his absence any other person presiding over the meeting shall commence and conduct the election after satisfying himself that for the commencement of the general meeting there shall be the quorum specified in the bye laws”. The rule does not however, explain how shall the President “satisfy himself” that the specified quorum is present. Is it mandatory on the part of the President to obtain the signature of the members as a proof of their presence? In case a President or Presiding Officer does not obtain the signature as a proof of the presence of the members, but records in the minutes to the effect that sufficient number of members were present to honour the quorum, can the Registrar disqualify the election on the ground that there is no documentary evidence to prove the quorum?

Rule 33(8) says “..... the presiding officer shall arrange for taking the poll on the same day or on the succeeding day as specified in the meeting notice.” For some reason or other, suppose the polling cannot be held on the same day and the presiding officer announces the succeeding day as polling date, in such a case, is it necessary (a) as stipulated under rule 33(2), for quorum to be secured on this day also; or (b) can the members present on the polling day constitute the quorum for the purpose of election; and (c) whether the election conducted as per (b) above is invalid?

This issue was referred to the Law Department for their advice. The relevant observation made by the Law Department is extracted below for the guidance of the officials of this Department.

“In fact, clause (a) of sub- section 5 of Section 32 of the Act gives an indication that when a member resigns his membership from the committee, he can be replaced by election or co-option. When the entire committee resigns enbloc as pointed out by the Cooperative Department, the courses open are under sub-clauses (i) and (ii) of clause (b) of sub-section (1) of Section 33. As the committee members are resigning, it does not appear nor will it be conducive to the interest of the society to ask them to continue in office even though the clause (b) of sub-section (5) of Section 32 enables the Registrar to extend the term of office after expiry. The Act does not provide for any care-taker committee to be in office in case of resignation. It, therefore, appears that the proper course of action to be taken in this respect is only to constitute a new committee or appoint an Administrator to manage the affairs of the society.

The term “satisfy himself” occurring in sub-rule (2) of rule 33 means the subjective satisfaction of the Presiding Officer. Until the contrary is proved, the Registrar has to accept the minutes recorded as to quorum by the Presiding Officer, It does not, therefore, appear proper for the Registrar to disqualify the election on the ground that there is no documentary evidence to prove the quorum. Perhaps, if signatures are taken, it may be fool-proof and if so felt such, instructions can be issued to cover future cases.

Rule 33(2) provides that election shall be held at a general meeting of the society with the quorum as specified in the bye laws. Sub-rule (8) of the rule enables the Presiding Officer to arrange for taking poll on the same day or on the succeeding day as specified in the meeting notice. In other words, the date of the poll should be announced in the notice of general meeting sent to the members under sub-rule (3). It is, therefore, clear that the general meeting and polling etc., from one and the same event and it does not appear that that there should be quorum on both the days”.

S. SEETHARAMAN
REGISTRAR OF CO-OPERATIVE SOCIETIES

Law

RCS/J/11637/79/1004
Government of Pondicherry
Co-operative Department

--:-:--

Pondicherry, the 23.6.1979

To
The President / Secretary
Pondicherry State Co-operative Bank Ltd.
Pondicherry.

Sir

Sub: Act and Rules - Pondicherry Co-operative Societies Act, 1972 – Powers of the 'Registrar' under Section 133 of the Act conferment on the Deputy Registrar / Secretary of the Pondicherry State Co-operative Bank – Regarding.

Ref: G.O. Ms.No.40/Development Department (Co-op.) dated 25.11.1978.

--:-:--

In their orders cited Government have conferred the powers of the Registrar under Section 133 of the Pondicherry Co-operative Societies Act, 1972 (Act No. 7 of 1973) on the Deputy Registrar-Secretary of the Pondicherry State Co-operative Bank, Pondicherry (copy of the G.O. is enclosed). In view of these orders the following guidelines are issued:

(1) The Deputy Registrar-Secretary of the Pondicherry State Co-operative Bank shall entertain and dispose of execution petitions in respect of attachment of movables of all agricultural credit societies including farmers service co-operative societies affiliated to the Bank in Pondicherry region. The execution in respect of attachment and sale of immovable shall however be retained by the Co-operative Department.

(2) The Deputy Registrar-Secretary is barred from so functioning in relation to execution petitions in which the Bank itself is the decree-holder.

(3) The Deputy Registrar-Secretary shall have to empower only the Government Officer on deputation to the Bank as Executive Officer/Sale Officer on foreign service terms to deal with execution petitions. The Bank may take the services of one or more Departmental Sale Officers for this purpose.

(4) The fees for execution petitions at the rate of Rs.20 per case shall be collected by the Bank and this amount should be accounted separately under a suspense account. The cost of Sale Officers including their pension and leave salary contribution etc., shall have to be set off from this account. The excess, if any found in the account shall have to be remitted by the Bank into Government account and if the income from execution petition fees over the cost of deputation is less, the difference should be borne by the Bank. For this purpose the period shall reckon from 1st July to 30th June of every year.

5) The Deputy Registrar-Secretary shall furnish a progress report periodically to the Registrar in this regard.

6) The existing execution petitions filed by the agricultural co-operative credit societies and pending with the Department will be transferred to the Deputy Registrar-Secretary of the Bank.

7) No additional recruitment of staff should be made by the Bank for this purpose.

These procedures will come into force from 1.7.1979.

Yours faithfully,

HEMACHANDRAN
REGISTRAR OF CO-OPERATIVE SOCIETIES

GOVERNMENT OF PONDICHERRY
Development Department
(Co-operation)

G.O. Ms. No.40

Dated 25.11.1978

NOTIFICATION

In exercise of the powers conferred under sub-section (2) of Section 3 of the Pondicherry Co-operative Societies Act, 1972 (Act No.7 of 1973), and subject to limitations specified in the note below, the Lieutenant-Governor, Pondicherry hereby confers on the Deputy Registrar of Cooperative Societies, Pondicherry appointed on foreign service to officiate as Secretary of the Pondicherry State Co-operative Bank Limited, Pondicherry, the powers of the Registrar under Section 133 of the said Act.

- Note: (i) The powers conferred herein shall not be exercised in relation to execution petitions in which the Pondicherry State Co-operative Bank Limited, Pondicherry, is the decree holder; and
- (ii) The powers shall be exercised under the general guidance, superintendence and control of the Registrar.

(By Order of the Lieutenant- Governor)

S. SEETHARAMAN
DEPUTY SECRETARY TO GOVERNMENT

Published in the Gazette No. 5 dated 2.2.1982
Government of Pondicherry
Development (Cooperation) Department

G.O. Ms. No. 9

Dated 31.12.1981

NOTIFICATION

Whereas Pondicherry has been included in the Operation Flood Project financed by the World Bank through the Government of India and Indian Dairy Corporation/National Dairy Development Board;

And whereas it is a pre-requisite for the implementation of said project in Pondicherry that the bye-laws of the dairy co-operatives should be amended as per the guidelines given by the National Dairy Development Board;

And whereas according to the guidelines given by the said Board, a Co-operative Milk Producers' Union (hereinafter referred to as the Union) shall be formed, inter alia, with registered Primary Milk Producers' Co-operative Societies as members;

And whereas according to the model bye-laws given by the said Board, the Milk Producers' Co-operative Societies shall be represented in the Union by their respective Presidents/Administrators/Special Officers;

And whereas the said model bye-laws further provide that the board of directors of the Union shall consist of twelve elected delegates of the member societies;

And whereas according to Section 35 of the Pondicherry Co-operative Societies Act, 1972 (Act No. 7 of 1973), a member of the governing body of a registered society shall not hold any office of any designation in the committee of more than one society;

And whereas, after careful consideration, it has been deemed fit and proper to apply the provisions of sub-section (1) of Section 35 of the said Act in a modified form to the primary milk producers' co-operative societies and the Pondicherry Co-operative Milk Producers' Co-operative Milk Producers' Union so that the members of the committee of these primary societies are enabled to be members of the committee of the Union.

Now, therefore, in exercise of the power conferred by Section 160 of the Pondicherry Co-operative Societies Act, 1972 (Act No.7 of 1973), the Lieutenant Governor, Pondicherry hereby directs that sub-section (1) of Section 35 of the said Act shall apply with immediate effect to the Pondicherry Co-operative Milk Producers' Union and the Primary Milk Producers' Co-operative Societies registered under the said Act in the following modified form, namely:-

“35. (1) A member of the committee shall not hold any of the offices of President, Chairman, Vice-President, Secretary, Assistant Secretary, Treasurer, or an office of any other designation in more than one registered society:

Provided that nothing in this sub-section shall prevent a member of the committee of a Primary Milk Producers' Co-operative Society from holding any such office in the committee of the Pondicherry Co-operative Milk Producers' Union”.

(By Order of the Lieutenant-Governor)

S. SEETHARAMAN
DEPUTY SECRETARY TO GOVERNMENT

**GOVERNMENT OF PONDICHERRY
DEVELOPMENT (CO-OPERATION) DEPARTMENT**

G.O.Ms.No.10

Dated 5.4.1982

NOTIFICATION

Whereas Pondicherry has been included in the Operation Flood-II Project financed by the World Bank through the Government of India and Indian Dairy Corporation/National Dairy Development Board;

And whereas it is a pre-requisite for the implementation of the said project in Pondicherry that the bye-laws of the primary dairy co-operatives should be amended as per the guidelines given by the National Dairy Development Board;

And whereas according to the guidelines given by the said Board, a Co-operative Milk Producer's Union (hereinafter referred to as the Union) shall be formed inter alia with registered primary milk producers' co-operative societies as members;

And whereas according to the model bye-laws formulated by the said Board, the Milk Producers' Co-operative Societies shall be represented in the Union by their respective presidents/administrators/special officers;

And whereas according to rule 39 of the Pondicherry Co-operative Societies Rules, 1973, a delegate has to be elected by a society to represent it on the general body of another society of which it is a member;

And whereas after careful consideration, it has been deemed fit and proper to apply rule 39 of the said rules in a modified form to the dairy co-operatives so that only the President of a primary society is enabled to represent the society in the Union of which it is a member;

Now, therefore, in exercise of the powers conferred by rule 113 of the Pondicherry Co-operative Societies Rules, 1973 the Lieutenant-Governor, Pondicherry, hereby directs that rule 39 of the said rules shall apply to the primary co-operative milk producers' societies registered under the Pondicherry Co-operative Societies Act, 1972 (No. 7 of 1973), with the following modification, namely:-

MODIFICATION

In rule 39 of the Pondicherry Co-operative Societies Rules, 1973, the existing rule shall be numbered as sub-rule (1), and after the sub-rule so numbered, the following sub-rule shall be inserted, namely:-

“(2) Notwithstanding anything contained in sub-rule (1), the President of a primary co-operative milk producers’ society shall be the delegate to represent it on the general body of the Pondicherry Co-operative Milk Producers’ Union of which it is a member:

Provided that where a person or persons are appointed under section 33 or under section 83 to manage the affairs of such society, such person or persons may nominate himself or one among them, as the case may be, as a delegate to the said Union”.

(By order of the Lieutenant-Governor)

S. SEETHARAMAN
DEPUTY SECRETARY TO GOVERNMENT

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No.RCS/A/1626/82/153
Government of Pondicherry
Co-operative Department

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Pondicherry, the 29.4.1982

C I R C U L A R

Sub: Co-operative Department, Pondicherry--Delegates of a society representing
in the general body of another society--Election/nomination of
Administrators/Special Officers – Instructions – Issued.

Attention is invited to Rule 39 of the Pondicherry Co-operative Societies Rules, 1973 under which a delegate of a society to represent it in the general body of another society in which it is a member is required to be elected at the meeting of the committee of the member society. On the occasions when there is no committee functioning and when the affairs of a particular society are managed by an Administrator appointed under Section 33(1) or by a Special Officer appointed under Section 83 of the Act, the question of election of a delegate often poses problems. Representations have been received that in some such cases the Administrators/Special Officers have appointed themselves as delegates of the co-operative institutions in their charge and this situation has also attracted adverse criticism.

It is pointed out in this connection that while Special Officers appointed under Section 83 are empowered by the proviso of clause (c) of rule 39 to nominate themselves as delegates, there is no such power vested in the Administrators appointed under Section 33(1) of the Act. This has been often overlooked and instances have been brought to the notice of the undersigned that even Administrators appointed under Section 33(1) nominate themselves as delegates. With a view to avoid ambiguities and misconceptions, the following instructions are issued in the matter of nominating delegates whenever an Administrator/ a Special Officer is appointed to manage the affairs of a member society:

- (i) When the Administrator is appointed under Section 33(1) of the Act, the member already elected by the previous committee to represent the society on the general body of another society of which it is a member, may continue to be a delegate till he is substituted by another member by election;
- (ii) The Administrators appointed under Section 33 (1) of the Act have no powers to nominate themselves as delegates and as such they should not resort to it under any circumstances;
- (iii) Where a Special Officer is appointed under Section 83 of the Act to manage the affairs of a co-operative society, no doubt, he is empowered by the proviso to clause (c) of rule 39 *inter alia* to nominate himself as a delegate. However, where the Special Officers appoint themselves as delegates to represent the society in the general body of another society, they should maintain absolute neutrality and should not participate or vote in the elections of the society. There is, however, no objection to the Special Officer participating in general bodies convened to transact other business of the co-operative societies to which they are delegates.

The above instructions are issued by virtue of powers conferred on the undersigned under Sections 33(2) and 83(3) of the Pondicherry Co-operative Societies Act, 1972.

S. SEETHARAMAN
REGISTRAR OF CO-OPERATIVE SOCIETIES

b The instructions shall not apply to the co-operative milk producers societies vide circular at P. 9.32. The instructions are superseded vide circular at P. 9.113

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**GOVERNMENT OF PONDICHERY
ABSTRACT**

Co-operative Department – Pondicherry Co-operative Spinning and Weaving Mills Ltd.
No.P.396 – Reconstitution of the committee of management – Exemption from the provisions of clause (a) and (c) of sub-section (5) of Section 32 and Section 35 of the Pondicherry Co-operative Societies Act, 1972 – Orders – Issued.

DEVELOPMENT (CO-OPERATION) DEPARTMENT

G.O.Ms.No.252

Pondicherry, the 4.7.1983

READ: Letter No. PCSWM/77/82 dated 4.1.1983 of the Managing
Director, Pondicherry Co-operative Spinning and Weaving Mills
Ltd.

ORDER:

The following Notification shall be published in the Extra-ordinary Gazette of Pondicherry

NOTIFICATION

WHEREAS the board of directors (committee of management) of the Pondicherry Co-operative Spinning and Weaving Mills Limited (P.396), has been nominated by the Registrar of Co-operative Societies;

AND WHEREAS it is considered necessary in the interest of the said society to have the board of directors (committee of management) of the said society appointed by nomination by the Government beyond the initial three years.

NOW, THEREFORE, in exercise of the powers conferred by Section 160 of the Pondicherry Co-operative Societies Act, 1972 (Act No. 7 of 1973), the Lieutenant Governor, Pondicherry hereby exempts the Pondicherry Co-operative Spinning and Weaving Mills Limited (P.396) from the provisions of clauses (a) and (c) of sub-section (5) of section 32 and Section 35 of the said Act, and also directs that sub-section (2) of section 32 shall apply to the said society in the following modified form, namely:-

“(2) Notwithstanding anything contained in the bye-laws, the Government may, by notification in the Official Gazette, nominate the committee with such number of members not exceeding twenty-one and for such period as may be specified in the said notification”.

/By Order of the Lieutenant Governor/

**M. SYED KABEER AHAMAD
DEPUTY SECRETARY TO GOVERNMENT**

No.5/2/2/10/RCS/H/84/756
Government of Pondicherry
Co-operative Department

--:-:--

Pondicherry, the 23.5.1984

PROCEEDINGS

Sub: Karaikal Co-operative Processing, Supply and Marketing Society Limited,
Karaikal - Classification of the society converting into central society –
Orders – Issued.

Ref: The society's general body resolution No.6 dated 7.2.1983.

--:-:--

In exercise of the powers conferred on him under Section 18 of the Pondicherry Co-operative Societies Act, 1972 read with Rule 11 of the Pondicherry Co-operative Societies Rules, 1973, the Registrar of Co-operative Societies, Pondicherry is pleased to classify the Karaikal Co-operative Processing, Supply and Marketing Society Limited, Karaikal as Central Society. This is in partial modification to the circular issued by the Registrar vide reference No.RCS/A/IX-3/74/387 dated 4.7.1974.

This comes into force with immediate effect.

M. SRIRAAMULU
REGISTRAR OF CO-OPERATIVE SOCIETIES

No.5/11/1/19/RCS/A/85/179
Government of Pondicherry
Co-operative Department

Pondicherry, the 5.8.1985

C I R C U L A R

Sub: Co-operative Department – Pondicherry – Delegates of
a society representing it in the general body of another
society – Election / Nomination of Administrators/
Special Officers – Instructions – Issued.

Ref: Circular No.RCS/A/1626/B2/153 dated 29.4.1982.

Attention is invited to Rule 39 of the Pondicherry Co-operative Societies Rules, 1973 under which a delegate of a society to represent it in the general body of another society in which it is member is required to be elected at the meeting of the committee of the member society. On the occasions when there is no committee functioning and when the affairs of a particular society are managed by an Administrator appointed under Section 33(1) or by a Special Officer appointed under Section 83 of the Act, the question of election of a delegate often poses problems.

It is pointed out in this connection, that while Special Officers appointed under Section 83 are empowered by the proviso to clause (c) of Rule 39 to nominate themselves as delegates, there is no such power vested in the Administrators appointed under Section 33 (1) of the Act. This has been often overlooked and instances have been brought to the notice of the undersigned that even Administrators appointed under Section 33 (1) nominate themselves as delegates. With a view to avoid ambiguities and misconceptions, the following instructions are issued in the matter of nominating delegates whenever an Administrator/ a Special Officer is appointed to manage the affairs of a member society:

1. When the Administrator is appointed under Section 33(1) of the Act, the members already elected by the previous committee to represent the society on the general body of another society of which it is member may continue to be a delegate till he is substituted by another member by election.

2. The Administrators appointed under Section 33(1) of the Act have no powers to nominate themselves as delegates and as such they should not resort to in under any circumstances.

3. The Administrators appointed under Section 33(1) of the Act have no powers to nominate themselves or any member of the society as delegate to another society and if a member has been nominated they should be immediately withdrawn. The said instructions would not affect the positions of elections already held prior to the issue of the instructions.

4. Where a Special Officer is appointed under Section 83 of the Act to manage the affairs of a co-operative society, no doubt he is empowered by the proviso to clause (c) of Rule 39 inter alia, to nominate himself as a delegate. However, where the Special Officers appoint themselves as delegates to represent the society in the general body of another society, they should maintain absolute neutrality and should not participate or vote in the elections of the society. There is however, no objection to the Special Officer participating in general bodies convened to transact other business of the co-operative societies to which they are delegates.

The above instructions are issued by virtue of powers conferred on the undersigned under Section 33(2) and Section 83(3) of the Pondicherry Co-operative Societies Act, 1972.

G. GEORGE
REGISTRAR OF CO-OPERATIVE SOCIETIES

b The instructions are superseded vide circular at P. 9.113.

v z .5/11/19/MH.r.v] /v/85/180
GJ i t muR
\$ ILwTj J i w

GJ i t ehs: 5.8.1985

Rwwwf i f

nghUs: \$ ILwTj J i w GJ i t – xU r q f j j d g u j e j j
kwnwhU r q f j j d nghJrrigay g u j e j j J t k
t f j j y - e H t h f f s - j d m j f h h f s e a k d k -
nrayJ i w f f l l i s g w g g j j y - r k k e j k h f .

j f t y : , t t Y t y f R w w w f i f v z . M H . r . v] / v / 1626/82/152
N j j 29.4.1982.

1973 M k M z L G J r N r u \$ I L w T r r q f q f s d t j j f s d 39 t J
t j j a y \$ w g g l l n g h U s f S f F f t d k < H f f g g L f w J . m j d g b k w n w h U
r q f j j y c W g g d u h f , U f F k r q f k m e j r q f j j d n g h J r r i g \$ I l j j y
g u j e j j J t k t f g g j w F x U g u j e j j i a j j d D i l a e H t h f f F O t y
N j u e n j L f f N t z L k . x U r q f j j y e u t h f f F O n r a y y , y y h j e i y a Y k
x U F w g g l l r q f j j d e H t h f k \$ I L w T r r l l j j d g u T 33(1)-d f o
e a k f f g g l l e H t h f a h N y h m y y J , r r l l j j d g u T 83-d f o e a k f f g g l l
j d m j f h u a h N y h e H t f f f g g L k n g h O J k g u j e j j i a j N j u n j L j j y n j h l H g h f
r y g u r r i d f s v O f d w d .

\$ I L w T r r l l j j d 83-tJ g u t d f o e a k d k n r a a g g l l j d
m j f h u f s 39-tJ t j a d (,) g u t d t u k G e g e j i d a d f o j q f i s N a
g u j e j j f s h f e a k d k n r a J n f h s s m j f h u k s f f g g l b U f f 33(1) g u t d f o
e a k f f g g l l e H t h f f S f F m j j i f a m j f h u k m s f f g g l t y i y n a d g J
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g u t d f o e a k d k n r a a g g l l e H t h f f s j q f i s N a g u j e j j f s h f e a k d k
n r a J n f h s S k r k g t q f s g j t h s u d f t d j j w F f n f h z L t u g g l L s s d .
N k w \$ w a t h W g y f U j J f S f F , l k j U k e i y i k i a A k j t w h d
v z z j i j A k e f F k n g h U I L x U r q f j j d t t f h u q f i s f t d g g j w F e H t h f
/ j d m j f h u e a k d k n r a a g g l t J F w j J f o f f z l n r a y f l l i s f s
g w g g f f g g L f d w d .

1. r l l j j d 33(1) g u t d f o e h t h f e a k d k n r a a g g L k n g h O J N t n w h U
r q f j j d n g h J r r i g a y g u j e j j J t k t f g g j w f h d K e i j a e h t h f f
F O t y V w f d N t N j h e n j L f f g g l l c W g g d N u N j h j y y N t n w h U g u j e j j
m t U f F g g j y h f N j u e n j L f f g g L k t i u , g u j e j j a h f j n j h l h e J , U f f y h k .
m d d h h d g u j e j j J t j i j e h t h f k h w w N t z b a m t r a k , y i y .

2. r l l j j d g u T 33 (1)-d f o N j u e n j L f f g g l l e u t h f f S f F j
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v e j r e j u g g j j Y k j q f i s N a g u j e j j f s h f e a k j J f n f h s s f \$ l h J .

3. r l l j j d g u T 33(1)-d f o e a k f f g g L k e H t h f f s N t n w h U
r q f j j d n g h J r r i g a y g u j e j j J t k t f g g j w F j j q f i s N a h m y y J
r q f j j d v e j c W g g d i u a h t J g u j e a h f K d d N k N a n r a j U e j h y m i j
c l d b a h f t h g j n g w W f n f h s s g g l N t z L k . M d h y , e j n r a y f l l i s

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4. rlljjd guT 83-d fo xU rqfjjd ttfhuqfiss ftdggjwfhf
eakdk nraaggll jd mjfhuj tjj 39(,) guTd egejidad fo
jdidNa xU gujejjahf eakjJfnfhss mjfhukilatuhthu vdgjy
lakyiy. ,UggDk NtnwhU rqfjjd nghJrrigf \$lljy
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jd mjfhufs KOikahd eL eiyik tfggJld rqfjjd Njujyfsy
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rqfqfs Njhjy jtu kww t\aqfis ghryid nratjwfhf kllk
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vejttjjji lAkyiy.

1972-Mk MzL GJrNru \$lLwTr rqfqfs rlljjd guT 33(2) kwWk
83(3) -d fo mbay ifnahggklltUfF msffggllss mjfhufiss
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nrayoeJssd.

GOVERNMENT OF PONDICHERRY

Abstract

Co-operation – The Pondicherry Co-operative Societies Act, 1972 – Delegation of powers of Registrar of Co-operative Societies to Senior Accounts Officer – Notification – Issued.

DEPARTMENT OF RURAL DEVELOPMENT (CO-OPERATION)

G.O. Ms. No.16/Coop.

Pondicherry, the 30.7.1987

- Read: 1. G.O. Ms. No.125 dated 20.11.1974 of the Development Department,
Pondicherry.
2. G.O. Ms. No.37 dated 8.4.1975 of the Development Department,
Pondicherry.
3. G.O. Ms. No.4 dated 20.1.1977 of the Development Department,
Pondicherry.

ORDER:

The following notification shall be published in the official Gazette of Pondicherry.

NOTIFICATION

In exercise of powers conferred by sub-section (2) of section 3 of the Pondicherry Co-operative Societies Act, 1972, the Lieutenant-Governor of Pondicherry hereby confers on the Officer specified in column 1 of the table below the powers of the Registrar of Co-operative Societies specified in the corresponding Co-operative Societies Rules, 1973.

TABLE

(1)	(2)
Senior Accounts Officer in Co-operative Department	1. The powers of the Registrar of Co-operative Societies Act under sections 71, 74 and 76 of the Pondicherry Co-operative Societies Act, 1972. 2. The powers of the Registrar of Co-operative Societies under rules 14, 17 and 62 of the Pondicherry Co-operative Societies Rules, 1973.

-By Order of the Lieutenant Governor-

A. MOHAMED HASAN
DEPUTY SECRETARY TO GOVERNMENT

b This order is superseded by order at P. 9.68

Government of Pondicherry

Abstract

Co-operation – The Pondicherry Co-operative Societies Act, 1972 – Delegation of powers of Registrar to his subordinate Officers – Amendment – Notified.

**Department of Rural Development
(Co-operation)**

G.O. Ms. No.22 / Coop.

Pondicherry, the 2.9.1987

Read: 1. Development Department G.O. Ms.No.125, dated 20.11.1974.
2. Registrar of Co-operative Societies letter No.4/10/RCS/A1/84/581,
dated 3.3.1987.

ORDER:

The following notification shall be published in the official gazette:

In exercise of the power conferred by sub-section (2) of Section 3 of the Pondicherry Co-operative Societies Act, 1972, the Lieutenant-Governor, Pondicherry hereby makes the following amendment to the notification issued in Development Department's G.O. Ms. No.125, dated 20th November, 1974, namely :-

NOTIFICATION

In column 1 of the Table under the said notification for the words "Co-operative Sub-Registrars", the words "Co-operative Officers" shall be substituted.

**N. PAJANISSAMY
DEPUTY SECRETARY TO GOVERNMENT**

b For updated order on delegation of powers, kindly see P.9.68

**GOVERNMENT OF PONDICHERRY
ABSTRACT**

The Pondicherry Co-operative Societies Act 1972 – Delegation of Additional Registrar to his subordinate officers – Notification – Orders – issued.

DEPARTMENT OF RURAL DEVELOPMENT

G.O. Ms. No. 6/Py

Pondicherry, the 1.3.1988

- Read: 1. G.O.Ms.No.102 dated 4.9.1974 of the Development Department,
Pondicherry.
2. G.O.Ms.No.125 dated 20.11.1974 of the Development Department,
Pondicherry
3. G.O.Ms.No.37 dated 8.4.1975 of the Development Department,
Pondicherry.

ORDER :

The following notification shall be published in the Official Gazette of Pondicherry.

N O T I F I C A T I O N

In, exercise of the powers conferred by sub-section (2) of Section 3 of the Pondicherry Co-operative Societies Act 1972 (No.7 of 1973), the Lieutenant Governor of the Union territory of Pondicherry, hereby confers on the officers specified in column 1 of the table below, the powers of the Registrar under the said Act and the Pondicherry Co-operative Societies Rules 1973, specified in the corresponding entries in column 2 of the said table in respect of the fishermen co-operative societies in the Union territory of Pondicherry.

T A B L E

OFFICER	POWERS

1. Joint Director of Fisheries/ Deputy Director of Fisheries.	i. All the powers of Additional Registrar under the Pondicherry Co-operative Societies Act, 1972 except those referred to in Sections 12, 15, 32(2) 33, 68 (c),

- 74, 87(1), 126 (1), 133 and 141;
and
- ii. All the powers of Additional Registrar under the said rules except those referred to in Rules 9, 25, 27, 37, 38, 47, 48, 49, 50, 52, 57, 62, 63, 67, 81, 91, 92, 110 and 114:
Provided that the powers of the Additional Registrar under Sections 129 and 131 of the said Act are exercisable by the Joint Director of Fisheries/ Deputy Director of Fisheries only in respect of societies ordered to be wound up by him under Section 126(2) of said Act.
2. Assistant Director of Fisheries /
Co-operative Officer (Fisheries)
- i. All the powers of the Additional Registrar under Sections 31(3) (4) and (5), 32(7), 65(1), 68(d), 71, 75, 76, 78, 82, (up to Rs.3,000), 84 (up to Rs.3000), 101(1), 156(5) and 156(6) and
- ii. All the powers of Additional Registrar under rules 14, 17, 64, and 90 of the said Rules.

-/By Order of the Lieutenant Governor/-

P. SUBRAMANABARATHI
UNDER SECRETARY TO GOVERNMENT

No.12/2/6/RCS/M/87/179
Government of Pondicherry
Co-operative Department

Pondicherry, the 24.6.1988

CIRCULAR NO.16/88

Sub: Pondicherry Co-operative Societies (Amendment) Act,
1988 (Act No.7 of 1988) - Change of accounting year for
Co-operative Societies – Regarding.

Ref: G.O. Ms. No.11/Co-op. dated 15.6.1988 of the Department of
Rural Development (Co-op.), Government of Pondicherry.

The Pondicherry Co-operative Societies (Amendment) Act, 1988 (Act No. 7 of 1988) is brought into force from 29th June, 1988 as per the Notification of the Government issued in the reference cited. The Amendment Act seeks to facilitate adoption of the financial year ending 31st March as the Accounting year by all co-operative societies in this Union territory.

Significance of the Amendment:

Consequent on the decision of the Government of India to simplify and rationalize the Direct Tax Laws and to adopt the financial year viz., year ending 31st March as the uniform accounting year for tax purposes, the question for amending the Pondicherry Co-operative Societies Act for changing the accounting year of the co-operatives has been examined. The adoption of the financial year as the uniform accounting year means that all the assesses, including the co-operatives societies, will be required disclose their income for income Tax purposes for the year ending on 31st March) as the accounting year for the co-operative societies in this Union territory. The Amendment Act re-defines the term 'Co-operative Year' occurring in clause (9) of Section 2 of the Pondicherry Co-operative, Societies Act, 1972, according to which the co-operative year shall commence on 1st April and end with 31st March of the succeeding year, hereafter, the co-operative societies will be required to close their accounts only on 31st March instead on 30th June.

Transitional Year 1987-89:

As per the provisions of Section 3 of the Amendment Act, the current co-operative year which commenced on 1st July, 1987 be ending with 31st day of March, 1989. In other words, the act co-operative year which has commenced on 1st July, 1987 will automatically get extended up to 31st March, 1989 covering a period 21 months, before switching over to the new co-operative year as per the amended Act.

Follow-up Measures:

In view of a longer transitional period of 21 months for the current Co-operative Year 1987-89, the following clarifications are issued in regard to closing of accounts, conducting of stock verification, auditing of accounts, etc.

- (a) Statutory stock verification for the half year ending 30.6.1988, and again for the period ending 31st March, 1989 will be conducted by the departmental officials. The half yearly stock verification as at the end of 31st December, 1988 will have to be conducted as usual by the institutions themselves as per the standing instructions.
- (b) Due to administrative reasons, all the co-operative societies will have to close their accounts at the end of 30th June, 1988 and commence writing up of accounts in the new set of books from 1st July, 1988, and close the accounts at the end of 31st March, 1989, so as to conform to the transitional year 1987-89. This arrangement will facilitate timely completion of audit and easy preparation of financial statements.
- (c) The final audit of accounts of the societies will be done in two phases for the transitional year. Part –I will cover the audit for accounts for the period of 12 months from 1.7.1987 to 30.6.1988 and Part-II will cover a period of 9 months from 1.7.1988 to 31.3.1989. Both the parts will be consolidated and the final audit memorandum issued as a single report as at the end of 31.3.1989 to cover the transitional year as a whole.
- (d) The co-operative societies would have normally prepared the budget for the current co-operative year for the period ending 30th June, 1988 only. If the budget for the co-operative year 1988-89 has already been prepared and approved by the general body, no fresh budget covering a period of 9 months (from 1.7.1988 to 31.3.1989) need be prepared again at this stage. Such of those societies which have not yet prepared the budget for a period of 21 months, i.e., from 1.7.1987 to 31.3.1989 and get it approved by the general body.
- (e) Regarding filing of income tax returns by the co-operatives it is informed that Section 139 of the Income Tax Act as amended provides that for the transitional accounting year 1987-1989, the co-operatives will have to file their returns by 31st October, 1989. The date prescribed, viz., 31st October 1989 is mandatory and will have to be strictly adhered to, to avoid penal consequences. The Income Tax Act does not allow any discretion to the Income Tax Officer to extend in order to avoid hardships during the period of transition which exceeds 12 months, the Income Tax Act provides for payment of averages rate of tax applicable to the proportionate income of 12 months in deserving cases.

- (f) The switch over to the new co-operative year as amended does not have any relation to the term of office of the elected committees of management in co-operative societies. The provisions of the by-laws of the societies concerned in regard to computation of the term of office of the elected committees of management will continue to be applicable.
- (g) Under clause (9) of Section 2 of the Pondicherry Co-operative Societies Act, 1972, the Pondicherry Co-operative Sugar Mills and the Pondicherry Co-operative Milk Producers' Union were already permitted to adopt a different co-operative year with the previous sanction of the Registrar, for closing of their accounts. The said two co-operative institutions may continue to follow the same accounting year.

The receipt of the circular may kindly be acknowledged.

G. GEORGE
REGISTRAR OF CO-OPERATIVE SOCIETIES

v z .12/2/6/MH.r.v] /vk/87/179
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GJ i t ehs: 24.6.1988

Rwwwf i f v z . 16 - 88

nghUs: 1988 Mk M z bd GJrNrh \$ILwT rqfqfsd (jUjj) rllk
(1988 Mk M z bd 7-tJ rllk) \$ILwT rqfqfsd f z fF
M z by khwwk nratJ - rkkejkhf.

nghUs: GJ i t murd fuhkja tshrr (\$ILwT) Jiward 15-6-1988
Njjall Mi z kvj v z .11/\$ILwT.

jftyf f z l murd mwtfifa dgb 1988 M z bd GJrNrh \$ILwTr
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rllk GJrNrh a d ad g uNjrjjYss \$ILwTr rqfqfsd khhr khjk
31-Mk NjjAld Kbt ilAk ejjahz il f z fF M z lhf khwwk nraa
to t i f nraf wJ.

,ej jUjjjjid r w g mkrqfs :

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ruhd Kiway nfhzL tUtjwf hf khhr khjk 31-Mk NjjNahL Kbt ilAk
ejjahz bid thfs Nehffjjwfhf xNu khjphahd f z f f h z lhf khwWtjwF
,ejja muR KbT nrajjjj njhlheJ GJrNrh \$ILwTr rqfqfsd f z fF
M z by khwwk nratjwf hf GJrNrh \$ILwTr rqfqfsd rlljjjj
jUjjk nratJgww ghryid nraagglJJ. \$ILwTr rqfqfs clgl
tUkhd th nrYjJgthfs midtUk khhr khjk 31k Njj Kbt ilAk
xtnthU M z bd ,Wj aYk tUkhd th f z f f wfhf j qfs tUkhdjij
fhll Nt z Lk vd gJ ,ej ejjahz il xNu khjphahd f z fF M z lhf
khwWtjd NehffkhFk. ,ejja murd M Nyhrida d gb khhr khjk 31k
Njj Kbt ilAk ejj M z bid ,ej a d ad g uNjrjjjy c s s \$ILwTr
rqfqfsd f z fF M z lhf eilKiwg gLjj KbT nraagglLssJ.
1972Mk M z L \$ILwT rqfqfsd rll 2-tJ ghT 9-tJ clgh t y
\$wgg lLss \$ILwT M z il> ,ej jUjj rllk k z Lk tiuaiw nraf wJ.
,ej jUjj rlljjjdgb> \$ILwT M z L Vguy khjk 1k Njj MukgjjJ

mLjj MzL khhr khjk 31k Njj KbtIlAk. ,ej jUjj rllggg>
\$ILwTr rqqfqs_d [_d khjk 30-Mk NjjfFg gjyhf khhr khjk 31-Mk
Njj mdNw jqfs fzfFfis KbjJfnfhss NtzLk.

1987-89 eiykhWk fhyk :

1988 Mk Mzbd jUjj rlljjd 3-tJ gh_t_dgb> 1987 Mk MzL
[_iy khjk 1Mk NjjadW njhlqf eilngwW tUk \$ILwT MzL 1989
Mk MzL khhr khjk 31k NjjadW KbtIlAk. RUffkhff
\$wNtzLnkdwhy> 1987 Mk MzL [_iy khjk 1 Mk Njj njhlqf
eilngWk \$ILwT MzL> jUjj rlljjdgb Gj_a \$ILwT MzLfF khwwk
nratjwF Kdghf> 1989 Mk MzL khhr khjk 31 Mk Njj tiua_yhd 21
khj fhyjjwF jddr_rahf ebffggLk.

njhlh eltbffs :

1987-89 Mk Mzby mlqf_a 21 khj eiykhW fhyjjd t_isthf>
fzfFfis Kbjjy> rufF ,UgGg gh_Nrhjid eljJjy kwWk fzfFfis
jzpfif nrajy rkkejkhf foffzl tsffqfs juggLf_dwd.

(m) 1988 Mk MzL [_d khjk 30 Mk Njj mdW KbtIlAk
miuahzL kwWk 1989 Mk MzL khhr khjk 31 Mk Njj KbtIlAk
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tjpf_s_dgb> toffkNghy \$ILwT rqqfqsNyNa eljjgngwy NtzLk.

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fzfFfis MukgjJ> 1987-89 clgll eiykhW fhyjjwfhd tjpfis
mDrhfFknghUIL 1989 Mk MzL khhr khjk 31 Mk Njj jqfs
fzfFfis KbjJfnfhss NtzLk. Fwjj fhyjjy jzpfifia
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No.6/4/3/RCS/ISN/84/385
Government of Pondicherry
Co-operative Department

Pondicherry, the 27.10.1988

C I R C U L A R No. 30/88

Sub: Filing of case under Section 152 of the Pondicherry Co-operative Societies Act, 1972 – General Instructions - Regarding

Section 152(1) of the Pondicherry Co-operative Societies Act, 1972 specifies certain offences which are deemed to be corrupt practices and that no court inferior to that of a Sub-Divisional Magistrate shall try any offence under the said Act. In sub-section (2) of section 152 of the Pondicherry Co-operative Societies Act, 1972, it is laid down that a person found guilty of any corrupt practice shall be punishable with fine which may extend to Rs.500/- or imprisonment for not more than one year or both. In a few cases filed under Section 152 of the Act, where judgments were pronounced by the Courts, it is observed that all such cases are governed by the Law of Limitation and accordingly, the time limit prescribed in Section 468 of the Cr. P.C. should be strictly adhered to.

If the offence is punishable with imprisonment for a term not exceeding one year, the limitation to take cognizance of the offence is only one year from the first day on which such offence came to the knowledge of the Department. Normally, the final audit report is relied upon as the starting point of limitation. However, it has been held that if there is already any record to show that the offence came to the knowledge of the Department well before the final audit report, then the limitation period would start from the date on which the offence first came to the knowledge of the Department and not from the final audit.

Therefore, the Branch Officers are instructed to keep in mind the limitation of time within which prosecution could be launched under Section 152 of the Pondicherry Co-operative Societies Act, 1972 and accordingly process the cases if any pending with them. They would be personally being held responsible if the prosecution is time-barred due to the above limitation.

M.J. AMBROISE
REGISTRAR OF CO-OPERATIVE SOCIETIES

GOVERNMENT OF PONDICHERY
LAW AND LABOUR DEPARTMENT

No. 627/Leg./90-LLD.

Pondicherry, the 6.11.1990

The following Act of the Legislative Assembly, Pondicherry received the assent of the Lieutenant-Governor, Pondicherry on the 6th November, 1990 and is hereby published for general information:-

**THE PONDICHERY CO-OPERATIVE SOCIETIES
(APPOINTMENT OF SPECIAL OFFICERS)
ACT, 1990**
(Act No.7 of 1990)

[6-11-1990]

AN

ACT

**to provide for the appointment, in the public interest,
of special officers for certain co-operative societies in
the Union territory of Pondicherry.**

WHEREAS it is expedient to provide for the appointment of special officers for certain co-operative societies for a limited period in the public interest for the purpose of safeguarding the interest of the members or depositors, for ensuring the proper utilization of the amounts invested by the Government and for improving the efficiency of the administration of such societies.

BE it enacted by the Legislative Assembly of Pondicherry in the Forty-first year of the Republic of India as follows:-

Short title,
extent and
commencement

1. (1) This Act may be called the Pondicherry Co-operative Societies (Appointment of Special Officers) Act, 1990.

(2) It extends to the whole of the Union territory of Pondicherry.

(3) It shall come into force on such date as the Government may, by notification in the official gazette, appoint.

Definitions 2. In this Act, unless the context otherwise requires, -

- (a) “appointed day” means, -
 - (i) in relation to any co-operative society included in the Schedule in the first instance, the date appointed by the Government under sub-section (3) of section 1; and
 - (ii) in relation to any other co-operative society, the date from which it is included in the Schedule under sub-section (1) of section 8;

Act No.7 of 1973 (b) “Co-operative Societies Act” means the Pondicherry Co-operative Societies Act, 1972;

(c) “Schedule” means the Schedule to this Act;

(d) “Scheduled Co-operative Society” means any co-operative society specified in the schedule and any other co-operative society included in that Schedule under section 8;

(e) Words and expressions used and not defined in this Act but defined in the Co-operative Societies Act shall have the meanings respectively assigned to them in that Act.

3. Notwithstanding anything contained in the Co-operative Societies Act or in any other law for the time being in force, the term of office of the members of the committee or the board, as the case may be or any person exercising the powers of such committee or board of every scheduled co-operative society including its president and vice-president, or chairman and vice-chairman, as the case may be, holding office as such immediately before the appointed day shall expire on the appointed day and the members shall vacate their office on and from such day.

Term of office of members of committee or board of scheduled co-operative societies to expire on the appointed day.

4. (1) Notwithstanding anything contained in the Co-operative Societies Act or in any other law for the time being in force, on and from the appointed day, the Government shall appoint a person as special officer for each scheduled co-operative society for such period or periods not exceeding two years in the aggregate as may be specified by the Government from time to time.

Appointment of special officers for scheduled co-operative societies.

(2) The special officer appointed under sub-section (1) shall, subject to the control of the Registrar and to such directions as he may, from time to time give, have power to exercise all or any of the functions of the committee or the board, as the case may be, or of any officer of the scheduled co-operative society and to take such action as may be required in the interest of such scheduled co-operative society.

(3) The Government may fix the remuneration payable to the special officer appointed under sub-section (1) and the amount of remuneration so fixed and such other expenditure incidental to the management of the scheduled co-operative society as may be approved by the Registrar, shall be payable from the funds of such scheduled co-operative society.

(4) The special officer appointed under sub-section (1) shall arrange for the constitution of a new committee or board, as the case may be, in accordance with the provisions of the Co-operative Societies Act and the rules made thereunder and the bye-laws of the scheduled co-operative society so that the new committee or board, as the case may be, may be constituted and the members thereof come into office at the expiry of the period of appointment of the special officer.

Co-operative Societies Act and rules made thereunder to apply to special officer.

5. Except otherwise provided in section 4, the provisions of the Co-operative Societies Act and the rules made thereunder shall apply in relation to a special officer appointed under sub-section (1) of that section as they apply in relation to a special officer appointed under sub-section (1) of section 83 of the Co-operative Societies Act.

Delegation of powers of Government.

6. (1) The Government may, by notification, authorize the Registrar to exercise any of the powers vested in it under section 4 in respect of any scheduled co-operative society.

(2) The exercise of any power delegated under sub-section (1) shall be subject to such restrictions and conditions as may be specified in the notification and subject also to control and revision by the Government.

7. (1) No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act. Protection of action taken in good faith.

(2) No suit or other legal proceedings shall lie against the Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act.

8. (1) The Government may, by notification, from time to time, include in the Schedule, any co-operative society registered under the Co-operative Societies Act. Powers to amend Schedule.

(2) All references made in this Act to the Schedule shall be construed as references to the said Schedule as for the time being amended in exercise of the powers conferred by this section.

SCHEDULE

[See section 2 (d)]

1. The Pondicherry Co-operative Milk Producers' Union Limited P.1
2. The Pondicherry State Co-operative Union Limited P.259.

A. CHANDRASEKHARA MENON
SECRETARY TO GOVERNMENT

GOVERNMENT OF PONDICHERRY

ABSTRACT

Co-operation – The Pondicherry Co-operative Societies (Appointment of Special Officers) Act, 1990 – Notification of Appointed Day – Orders – Issued.

CHIEF SECRETARIAT (CO-OPERATION)

G.O. Ms. No. 21/Coop.

Pondicherry, the 8.11.1990

ORDER:

The following Notification shall be published in an extraordinary Gazette:-

NOTIFICATION

In exercise of the powers conferred by sub-section (3) of section 1 of the Pondicherry Co-operative Societies (Appointment of Special Officers) Act, 1990 (Act No.7 of 1990) the Lieutenant Governor, Pondicherry hereby appoints the eighth day of November, 1990 as the date on which the said Act shall come into force.

- / **By Order** / -

M.J. AMBROISE
DEPUTY SECRETARY TO GOVERNMENT

GOVERNMENT OF PONDICHEERY
ABSTRACT

Co-operation – Pondicherry Co-operative Societies Act, 1972 – Application of Section 33 to SPINCO – Modification of – Orders – Issued.

CHIEF SECRETARIAT (CO-OPERATION)

G.O.Ms.No.24/Co-op.

Pondicherry, the 30.11.1990

The following Notification shall be published in the extra-ordinary Gazette of Pondicherry.

NOTIFICATION

In exercise of the powers conferred by section 160 of the Pondicherry Co-operative Societies Act, 1972 (Act No.7 of 1973), the Lieutenant Governor, Pondicherry hereby exempts the Pondicherry Co-operative Spinning Mills Limited (P.396) from the provisions of sub-section (3) of section 33 of the said Act and also directs that sub-section (1) and sub-section (2) of the said section shall apply to the said society in the following modified form, namely:-

- (i) Notwithstanding anything contained in sub-section (1) and (2) of section 32, the Government may, if it is satisfied that it is in the interest of the society so to do, by notification in the Official Gazette, appoint one or more administrator or administrators, who need not be a member or members of the society, to manage the affairs of the society for such period as may be specified in the said Notification.
- (ii) The administrator or administrators appointed under sub-section (1) 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 any officer of the society and take all such action as may be required in the interest of the society.

/By Order of the Lieutenant Governor/

M. J. AMBROISE
DEPUTY SECRETARY TO GOVERNMENT

No.CLC/Cir/91/59
Government of Pondicherry
Co-operative Department

Pondicherry, the 12.12.1991

C I R C U L A R

Sub: Pondicherry Co-operative Societies Act, 1972 and Pondicherry Co-operative Societies Rules, 1973 - Disqualification for membership of committee of a registered society under Section 34 of the Act - Procedure to be followed for giving effect to the disqualification – Instructions – Issued.

Section 34 of the Pondicherry Co-operatives Societies Act, 1972 enumerates the disqualifications for membership of the committee. Sub-section (1) of Section 34 deals with the eligibility of a person for being elected or appointed as a member of the committee and sub-section (6) deals with cessation of membership of the committee, when he becomes subject to the disqualifications mentioned in sub-section (1).

Sub-section (9) of Section 34 empowers Registrar to decide any question as to whether a member of the committee was or has become subject to any of the disqualifications mentioned in Section 34. The procedure for deciding questions regarding a disqualification under sub-section (9) of Section 34 is spelt out in Rule 45 of the Pondicherry Co-operative Societies Rule and Rule 46 speaks of the power of the Registrar to take suo-moto action for the removal of a member of the committee of a society.

The powers of the Registrar under sub-section (9) of Section 34 have been conferred on the Deputy Registrars and Dairy Development Officer, vide G.O.Ms.No.125 dated 20.11.1974 of the Development Department, Pondicherry.

The following guidelines are issued for guidance while taking action under sub-section (9) of Section 34 read with Rules 45 and 46.

(i) Notice under Rule 45

- (a) The Deputy Registrar/Dairy Development Officer shall issue a show cause notice under registered post with acknowledgement due to the member of the committee concerned who has incurred the disqualification under Section 34, calling for his explanation before the question of his disqualification under sub-section (9) of Section 34 is decided.

- (b) Not less than 10 days time from the date of receipt of the notice may be given to the member concerned to make his representation. A copy of the notice is to be marked to the President of the society concerned.
- (c) In the show cause notice, details of the nature of the disqualification and the relevant provision of Section 34 under which it falls and how action under sub-section (9) has arisen shall be specified.
- (d) In the show cause notice, it shall be specified that in case the member concerned has not made his representation within 10 days of receipt of notice, it shall be deemed that the member concerned has no representation to make and that orders will be passed on merits.

(ii) Order under Section 34 (9)

- (a) The Deputy Registrar/Dairy Development Officer shall consider the representation, if any, received from the member concerned before taking a decision on the question of disqualification.
- (b) If no reply is received within the time limit or if the explanation received is not satisfactory to him an order is to be made under sub-section (9).
- (c) An order communicating his decision on the question of disqualification shall be issued. The order shall be a speaking order, containing a gist of the nature of disqualification, a gist of the representation received and the decision arrived thereon.
- (d) The decision should also be communicated to the President of the society concerned.

(iii) Notice under proviso to Rule 46(1)

- (a) Immediately after serving the order under sub-section (9) of Section 34, a notice under proviso to sub-rule (1) of Rule 46 is to be issued on the disqualified member and the committee of which he is a member to make his and its representations against the removal of the member. A notice to the President with a request to place the matter before the committee can be taken as the notice to the committee.
- (b) Other procedures spelt out under the notice under Rule 45 mutatis mutandis apply to the notice here also.

(iv) Order Under Rule 46(1)

- (a) The representation received from the disqualified member and the committee concerned shall be considered.
- (b) Deciding the matter on merits, an order in writing shall be made directing the removal of the member of the committee, under sub-rule (1) of Rule 46. The order shall be a speaking order.

The Deputy Registrars and the Dairy Development Officer should strictly follow the sequence of the action. Wherever feasible the assistance of the Legal Cell of the Department should be taken.

UDDIPTA RAY
REGISTRAR OF CO-OPERATIVE SOCIETIES

No.RCS/CLC/Adv/92
Government of Pondicherry
Co-operative Department

--:~:--

Pondicherry, the 7.7.1992

C I R C U L A R

Sub: The Pondicherry Co-operative Societies Act, 1972 and Pondicherry
Co-operative Societies Rules, 1973 – Election of office bearers by the
members of the committee – Clarification – Issued.

Rule 34 of the Pondicherry Co-operative Societies Rules, 1973 deals with election of President, Vice-President, Treasurer or any other officer by whatever name he is designated. A point has been raised for clarification whether quorum is necessary for the meeting of the members of the committee convened for the election of office-bearers under rule 34 of the Pondicherry Co-operative Societies Rules, 1973.

It is clarified that the committee of a registered society cannot meet and transact any business if there is no quorum for the meeting. Rule 34 does not dispense with the requirement to have a quorum. It is, therefore, necessary that the quorum specified in the bye laws of a society for a meeting of the committee is a definite pre-requisite for the meeting convened for the election of office-bearers under Rule 34 of the said Rules.

It is also clarified that the words “chosen by the committee” appearing in rule 34(3) denote the committee consisting of newly elected members and the nominees and not the outgoing committee.

This clarification supersedes the guidelines issued by this Department in 4.4 at P.38 Election Procedure under the Pondicherry Co-operative Societies Act, 1972.

//By order of the Registrar of Co-operative Societies//

**T.R. VENKATESAN
DEPUTY REGISTRAR (CONSUMERS)**

No.CLC/Cir/91
Government of Pondicherry
Co-operative Department

Pondicherry, the 14.8.1992

C I R C U L A R

Sub: The Pondicherry Co-operative Societies Act, 1972 and Pondicherry
Co-operative Societies Rules, 1973 - Registration amendment to
by-laws of Co-operative Societies –Instructions - Issued.

Section 11 of the Pondicherry Co-operative Societies Act, 1972 and Rule 7 of the Pondicherry Co-operative Societies Rules, 1973 deal with registration of amendment of the by-laws of registered co-operative societies. The powers of the Registrar of Co-operative Societies under the aforesaid Section and Rule have been conferred on the Deputy Registrar of Co-operative Societies vide G.O.Ms.No.125 dated 20.11.1974. The following procedure should be ensured and followed regarding the amendment of by-laws and their registration.

- (a) Every amendment of by-laws should be made by a resolution passed by a majority of the members present and voting at a meeting of the general body.
- (b) The resolution for registration of amendment of by-laws shall be forwarded to the Registrar by registered post, within a period of two months from the date of such meeting.
- (c) If the proposal is not submitted within the dead-line, the society should justify the reasons for the delay and seek for condonation of delay.
- (d) Notice of the amendment should have been sent by the society to its members in accordance with the rules and bye-laws.
- (e) The application made to the Registrar for the registration of an amendment shall be signed by the President and two other members of the committee and shall contain particulars, specified under Rule 7 (iii).
- (f) The amendment of by-laws should be examined carefully and should be ensured that whether the proposed amendment -
 - i. Conforms to co-operative principles;
 - ii. Promotes the socio-economic or general welfare of the members;
 - iii. Is in the interest of the society and in promotion of its objects;
 - iv. Complies with the provision of the Act and Rules ;
 - v. Complies with the provisions of any other law applicable to the business of the society; and,
 - vi. Is not contradictory to any other by-law provision in the concerned society's by-laws.

- (g) If the aforesaid provisions are followed properly and if it is to the objective satisfaction of the authority who is registering the amendment, the amendment could be registered. Though no time limit is fixed for disposal of application for registration of amendment of by-laws received from a society, it may be done expeditiously in any case within a month's time.
- (h) Immediately after registering the amendment, the cols. 10, 11 and 12 should be filled up in the register of co-operative societies registered under the Act (in Form -3).
- (i) A copy of the amendment of the by-laws duly certified shall be issued to the society with copies marked to the financing bank, the apex / central society, if any, to which the society is affiliated and in case of societies of outlying regions to the heads of regional office.
- (j) If the registration is to take place from a future date, that should be specifically stated in the order, as otherwise the amendment shall take effect from the date on which it is registered.
- (k) If on the examination of the amendment it is found that the amendment proposed does not comply with any of the provisions contained at (f) above, a notice is to be sent calling upon the society to show cause within a period of fifteen days from the date of receipt of such notice as to why an order refusing to register the amendment should not be passed.
- (l) If representations are received within the time specified in the notice and the registering authority is satisfied on examination of the said representations, the amendment can be registered.
- (m) In case where no representation is received from the society within the period specified in the notice or on examination of the said representations received within the specified period, if the registering authority is not satisfied with the proposal, he shall pass an order, refusing to register the amendment and communicate the same with reasons therefor by registered post to the society.
- (n) If the amendment of the by-laws proposed by the society involves a material change in the objects or operations of the society, the procedure spelt out in Rule 12 are to be followed.

At any cost the registering authority should not alter the proposal by himself without the stamp of approval of the general body. Any modification to the proposal can only be made by the general body.

In the respect of the societies at outlying regions, the regional head shall receive the proposal, scrutinize and forward the same to this office with his recommendations/ comments.

These instructions should be complied with, without any deviation.

P.MATHEW SAMUEL
REGISTRAR OF CO-OPERATIVE SOCIETIES

No.CLC/Circular/91/105
Government of Pondicherry
Co-operative Department

Pondicherry, the 7.9.1992

C I R C U L A R

Sub: Co-operative Legal Cell – Pondicherry Co-operative Societies Act, 1972 and the Pondicherry Co-operative Societies Rules, 1973 – Registration of Co-operative Societies - Adherence of time limit and avoidance of delay - Instructions – Issued.

Sections 4, 6, 8, 9 and 10 of the Pondicherry Co-operative Societies Act, 1972 and the Rules 3 and 5 of the Pondicherry Co-operative Societies Rules, 1973 deal with registration of a co-operative society. The powers of the Registrar of Co-operative Societies are conferred on the Deputy Registrar of Co-operative Societies and Dairy Development Officer in respect of milk supply societies and poultry breeders' societies. The registering authorities should scrupulously follow the provisions contained in the aforesaid Sections and Rules while dealing with the application for registration of societies.

2. When an application for registration of a society is received, the registering authority should examine it and satisfy himself that:

- i. The application for the registration of the proposed society is made in duplicate and in Form No.1, duly filled in ;
- ii. The objects of the proposed society relate to promotion of the economic interests of the members in accordance with the co-operative principles, or facilitating the operations of such society;
- iii. The application is signed by at least twenty five independent persons residing or owning immovable property in the area of operation of the society, in the case of a proposed society of which no member is a registered society;
- iv. In the case of a society of which a member is a registered society, by a duly authorized person on behalf of every such registered society, and where all the members of the society are not registered society, by twenty five members, by all of them;
- v. The proposed society has the prospects of sound business and reasonable chances of working successfully;

Law

- vi. The area of operation of the proposed society is clearly demarcated and does not overlap with the area of operation of another society of the same class or category, save as permitted;
- vii. The application is accompanied by seven copies of the proposed bye laws of the society;
- viii. The bye laws of the proposed society are not contrary to the provisions of the Act and the rules or to the co-operative principles or to any other law applicable to the society;
- ix. The bye laws of the proposed society are in conformity with the model bye laws, if any, prescribed for such class or category of societies to which the proposed society belongs.

3. The bye laws of the proposed society shall deal with the matters specified under Rule 4. While scrutinizing the bye laws, the following points are to be borne in mind:

- i. A bye law which tries to legalize what has been prohibited by the Act or Rules will be bad;
- ii. A bye law which prohibits what has been legalized by the Act or Rules is also bad;
- iii. A bye law which only supplements the general law, i.e. the Act or Rules, by providing something which is not in any way repugnant to the Act or Rules but clarifies, lays parameter or is in furtherance of the provisions of the Act or Rules is a good law.

4. The registering authority may call for such further particulars or make such enquiry as he may deem necessary for satisfying himself as to completeness of the requirements. He can also alter the draft bye laws, in consultation with the applications.

5. On satisfying with the conditions aforesaid, the registering authority shall register the society within a period of three months from the date of receipt of the application, as otherwise extension of time is to be sought from the Government. The registering authority should take more care and caution and see that the time limit prescribed for disposal of application for registration of a society is strictly adhered to.

6. Whenever a society is registered, the registering authority shall issue a certificate of registration in Form No.2 together with two certified copies of the bye laws registered. He shall furnish a copy of the certificate of registration together with a copy of the registered byelaws, to the:

- i. The financing bank.
 - ii. The central / apex society, if any, which the society is affiliated.
 - iii. The regional head of Karaikal / Mahe / Yanam in respect of a society in the concerned region.
 - iv. The Deputy Registrar (Audit) – certificate of registration only.
7. The society shall keep one copy of the registered bye laws in the safe custody and another copy as a reference copy, as required under Section 26 (1).
8. The registering authority shall also fill in the columns in the register of co-operative societies registered under the Act, in Form No.3.
9. If the registering authority refuses to register a society and its bye laws, he shall communicate, within a period of three months from the date of receipt of application, an order of refusal together with the reasons for refusal to any person who has signed the application for registration of the society and who has been nominated in this behalf by the applications.
10. The above instructions should be followed without any deviation.

P. MATHEW SAMUEL
REGISTRAR OF CO-OPERATIVE SOCIETIES

GOVERNMENT OF PONDICHERRY
Abstract

Co-operation – The Pondicherry Co-operative Societies Act. 1972 – Delegation of powers of Registrar of Co-operative Societies to this Subordinate Officers – Notification – Order – Issued.

CHIEF SECRETARIAT
(CO-OPERATION AND COMMUNITY DEVELOPMENT)

G.O.Ms.No.21/Co-op.

Pondicherry, the 18.11.1992

- Read:
1. G.O.Ms.No.125 dated 20.11.1974 of Development Department, Pondicherry.
 2. G.O.Ms.No.4 dated 20.1.1977 of Development Department, Pondicherry.
 3. G.O.Ms.No.16 / Co-op. dated 30.7.1987 of Rural Development (Cooperation), Pondicherry.
 4. Letter No.RCS/LC/1/91 dated 2.4.1992 of Co-operative Department, Pondicherry.

ORDER :-

The following notification shall be published in the extra-ordinary official Gazette of Pondicherry.

N O T I F I C A T I O N

In exercise of the powers conferred by sub-section (2) of Section 3 of the Pondicherry Co-operative Societies Act, 1972 (No.7 of 1973), and in supersession of the notifications issued in G.O. Ms. No.125 dated 20th November 1974, G.O. Ms. No.4 dated 20th January, 1977 and G.O. Ms. No.16/Co-op. dated 30th July, 1987, save as respects things done or omitted to be done before such supersession, the Lieutenant-Governor for Pondicherry hereby confers on the Officers specified in column (1) of the table below, the powers of the Registrar specified in corresponding entries in column (2) thereof under the said Act and the Pondicherry Co-operative Societies Rules, 1973, namely:-

TABLE

OFFICER (1)	POWERS (2)
JOINT REGISTRAR	(i) In respect of any registered society, other than apex society or central society, all the powers of a Registrar under the Pondicherry Co-operative Societies Act 1972, <u>except</u> those referred to in Sections 33, 83 and 141;

(ii) In respect of any apex society or central society, all the powers of a Registrar under the said Act, except those referred to in Sections 12, 15, 32(2), 33, 83, 126(1) and 141:

Provided that the powers of the Registrar under Section 129 and 131 of the Act are exercisable by the Joint Registrar of Co-operative Societies only in respect of societies ordered to be wound up by him under Section 126(1) of the said Act.

(iii) In respect of any registered society, other than apex society or central society, all the powers of a registrar under the Pondicherry Co-operative Societies Rules, 1973 except those referred to in Rules 38, 47, 52, 92, 110 and 114;

(iv) In respect of any apex or central society, all the powers of a Registrar under the said Rules, except those referred to in Rules 9, 37, 38, 47, 52, 92, 110 and 114.

DEPUTY REGISTRAR AND
DAIRY DEVELOPMENT
OFFICER

(i) In respect of any registered society, the powers of a Registrar under the Pondicherry Co-operative Societies Act, 1972 except those referred to in Sections 12, 15, 32(2), 33, 83, 87(1), 126(1) and 141:

Provided that the powers of the Registrar under Sections 129 and 131 of the Act are exercise able by the Deputy Registrar of Co-operative Societies and Dairy Development Officer only in respect of societies ordered to be wound up by them under Section 126(2) of the said Act;

(ii) In respect of any registered society all the powers of a Registrar under the Pondicherry Co-operative Societies Rules, 1973 except those referred to in rules 9, 25, 27, 37, 38, 47, 48, 49, 50, 52, 57, 82, 91, 92, 110 and 114.

CO-OPERATIVE OFFICER

(i) In respect of any registered society, all the powers of a Registrar under Sections 31(3), 31(4), 31(5), 32(7), 65(1), 68(d), 71, 74, 75, 76, 78, 82, 84, 101(1), 133, 156(5), 156(6) of the Pondicherry Co-operative Societies Act, 1973 subject to the condition that the Co-operative Officer shall exercise the powers under Section 82 or under Section 84 only in respect of monetary cases involving a sum not exceeding Rs.3,000/-

(ii) In respect of any registered society all the powers of a Registrar and Rules 14, 17, 62, 64, 67, 68, 70, 75, 83, 85, 87 and 90 of the Pondicherry Co-operative Societies Rules, 1973.

/BY ORDER OF THE LIEUTENANT GOVERNOR/

P. KAILASAM
DEPUTY SECRETARY TO GOVERNMENT

No.7/1/2/RCS/A/91(PF)
Government of Pondicherry
Co-operative Department

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Pondicherry, the 20.10.1993

C I R C U L A R

Sub: Co-operative Department – Arbitration – Period of Limitation for referring a dispute under Section 84 of the Pondicherry Co-operative Societies Act, 1972 - Guidelines - Issued.

- : -

Instances have been brought to the notice of the Department that the arbitrators of the Department are not fully appreciating the provisions relating to the period of limitation while disposing the disputes referred to them for decision. Hence, the following guidelines are issued in this regard.

2. Section 84 of the Pondicherry Co-operative Societies Act, 1972 requires that any dispute touching the constitution of the committee or the management or the business of a registered society be referred to the Registrar for decision. The procedure for referring the dispute is spelt out in Rule 64 of the Pondicherry Co-operative Societies Rules, 1973.

3. Rule 64 (2) prescribes that the period of limitation for referring a dispute shall be regulated by the provisions of the Indian Limitations Act, 1963 (Central Act No.36 of 1963) as if the dispute were a suit and the Registrar a Civil Court. The first proviso to the said sub-rule (2) prescribes a specific period of limitation of three years for referring a dispute between the society or its committee and any past committee, any past officer, past agent or past servant or their nominees, heirs or legal representatives.

4. When the provisions of the Indian Limitation Act have been applied to the reference of disputes under the Pondicherry Co-operative Societies Act by way of incorporation under Rule 64 (2), such incorporation will have with it the application of Section 29 (2) of the Indian Limitation Act, 1963 to such disputes. The High Court of Madras has saved the limitation provisions in the French Civil Code in respect of the cause of action that had arisen in the Union territory of Pondicherry. Hence the French Civil Code will also apply to the commutation of limitation under Rule 64(2) of the Pondicherry Co-operative Societies Rules and as per the provisions of the French Law of Limitations which is deemed to be in force in Pondicherry, the cause of action extinguishes only after the expiry of 30 years.

5. However, if such dispute is the one falling under the first proviso of Rule 64(2), the period of limitation will be only three years, notwithstanding the fact that the French Civil Code applies by virtue of the main proviso of Rule 64(2) to other disputes.

6. There is, however, no ambiguity in the matter of disputes relating to in connection with any election of officer, as it should be referred within two months from the date of declaration of results of such election as enumerated in the second proviso to Rule 64 (2).

7. *To sum up,*

- (a) Disputes, including monetary disputes, but other than a dispute regarding disciplinary action taken by the society or its committee against a paid servant of the society, between the society or its committee versus any past committee, any past officer, past agent, or past servant or the nominee, heirs or legal representatives or any deceased officer, deceased agent or deceased servant of the society shall be referred to the Registrar within three years from the cause of action.
- (b) Dispute relating to or in connection with any election of officer shall be referred to within two months from the date of declaration of results of such election.
- (c) Disputes not governed under (a) and (b) above shall be referred to within 30 years from the cause of action.

8. The arbitrators should take into account the guidelines given above, while disposing off the claims referred to them for decision.

P. MATHEW SAMUEL
REGISTRAR OF CO-OPERATIVE SOCIETIES

b The guidelines are modified by circular at P. 9.82

No.7/1/14/RCS/A/94/94
Government of Pondicherry
Co-operative Department

Pondicherry, the 28.2.1994

**PROCEEDINGS OF THE REGISTRAR OF CO-OPERATIVE SOCIETIES
PONDICHERRY**

Sub: Co-operative Department - Arbitration - Pondicherry Co-operative Societies Rules, 1973 - Fees prescribed under Rule 67 (1) for the process of execution petition referred under Section 133 of the Pondicherry Co-operative Societies Act, 1972 - Regarding.

Read: Proceedings No.RCS/B3/13807/75/272, dated 22.11.1975 from the Registrar of Co-operative Societies, Pondicherry.

ORDER:

In supersession of the order issued in the proceedings cited, the Registrar of Co-operative Societies, Pondicherry, in exercise of the powers conferred on him under Rule 67 (1) of the Pondicherry Co-operative Societies Rules, 1973, hereby prescribes that the fees for each execution petition filed under Section 133 of the Pondicherry Co-operative Societies Act, 1972 shall be Rs.100 (Rupees one hundred only).

This order will come into force from 10.3.1994.

**P. MATHEW SAMUEL
REGISTRAR OF CO-OPERATIVE SOCIETIES**

b This order is superseded vide order at P. 9.102

No.7/1/14/RCS/A/94/93
Government of Pondicherry
Co-operative Department

Pondicherry, the 28.2.1994

**PROCEEDINGS OF THE REGISTRAR OF CO-OPERATIVE SOCIETIES
PONDICHERRY**

Present: Thiru P. MATHEW SAMUEL
Registrar of Co-operative Societies

Sub: Co-operative Department – Arbitration – Pondicherry Co-operative Societies Rules, 1973 – Fees prescribed under Rule 64 (7) (a) for deciding the dispute referred under sub-section (1) of Section 84 of the Pondicherry Co-operative Societies Act, 1972 – Regarding.

Read: Proceedings No.RCS/AI/XI3/74, dated 1.10.1974 of the Registrar of Co-operative Societies, Pondicherry.

ORDER:

In supersession of the order issued in the proceedings cited, the Registrar of Co-operative Societies, Pondicherry, in exercise of the powers conferred on him under Rule 64 (7) (a) of the Pondicherry Co-operative Societies Rules, 1973, hereby prescribes the following fees required to be deposited to refer any disputes mentioned hereunder for decision.

Sl. No.	Name of the claim	Prescribed fees
1.	Monetary dispute [under sub-section (1) of Section 84 of the Pondicherry Co-operative Societies Act, 1972].	Rs.25 (in each case)
2.	Non Monetary dispute [under sub-section (1) of the Section 84 of the Pondicherry Co-operative Societies Act, 1972].	Rs.200 (in each case)

This order will come into force from 10.3.1994.

**P. MATHEW SAMUEL
REGISTRAR OF CO-OPERATIVE SOCIETIES**

b This order is superseded vide order at P. 9.103

**PROCEEDINGS OF THE REGISTRAR OF CO-OPERATIVE
SOCIETIES, PONDICHERRY**

Present: Thiru G. RAGESH CHANDRA
Registrar of Co-operative Societies

No.RCS/CLC/4/94/381

Pondicherry, the 7.10.1994

Sub: Pondicherry Co-operative Societies Act, 1972 and Pondicherry Co-operative Societies Rules, 1973 – Classification of Societies – Regarding.

Ref: 1) Circular No.RCS/A/IV-3/74/387, dated 4.7.1974 of the Registrar of Co-operative Societies, Pondicherry.

2) Proceedings No.5/2/2/10/RCS/H/84/756, dated 23.5.1984 of the Registrar of Co-operative Societies, Pondicherry.

ORDER

In supersession of the circular and proceedings read above and in exercise of the powers conferred under Section 18 of the Pondicherry Co-operative Societies Act, 1972 read with sub-rule (5) of Rule 11 of Pondicherry Co-operative Societies Rules, 1973, the undersigned hereby classifies the societies mentioned in the Annexure as ‘Apex Society’ or ‘Central Society’ as the case may be.

2. The societies not covered by this order shall fall under the classification “Primary Society”.

ANNEXURE

Sl. No. (1)	Name of the society (2)	Class to which the society belongs (3)
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APEX SOCIETIES

1.	The Pondicherry State Co-operative Bank Limited	Credit Society
2.	The Pondicherry Central Co-operative Land Development Bank Limited	Credit Society
3.	The Pondicherry State Weavers Co-operative Society Limited	Productive Society
4.	The Pondicherry State Co-operative Union Limited	Co-operative Union

Law

- | | | |
|----|---|-----------------------|
| 5. | The Pondicherry State Co-operative Fishermen Federation Limited | Miscellaneous Society |
| 6. | The Pondicherry State Co-operative Consumer Federation Limited | Distributive Society |
| 7. | The Pondicherry State Co-operative Housing Federation Limited | Housing Society |

CENTRAL SOCIETIES

- | | | |
|----|---|----------------------|
| 1. | The Pondicherry State Co-operative Wholesale Stores Limited | Distributive Society |
| 2. | The Karaikal Co-operative Wholesale Stores Limited | Distributive Society |
| 3. | The Pondicherry Central Co-operative Processing, Supply and Marketing Society Limited | Marketing Society |
| 4. | The Karaikal Co-operative Processing, Supply and Marketing Society Limited | Marketing Society |
| 5. | The Pondicherry Co-operative Milk Producers Union Limited | Productive Society |
| 6. | The Pondicherry Co-operative Building Centre Limited | Housing Society |

For the purpose of sub-rule (3) and (4) of Rule 11, the societies are further classified as under.

Sl. No.	Class of societies specified in Rule 11(1) (2)	Categories into which each class of society may be sub-divided (3)
1.	Co-operative Union	No sub-division is necessary
2.	Credit Society	This may be sub-divided into the following categories of societies: i) Financing Bank ii) Land Development Bank iii) Agricultural Credit Society and iv) Non-Agricultural Credit Society.

The list of societies falling under the above categories are as follows:-

i)Financing Bank

Pondicherry State Co-operative Bank
Limited

ii) Land Development Bank

Pondicherry Central Co-operative Land
Development Bank Limited

iii) Agricultural Credit Society

- a) Village Agricultural Credit Society
- b) Co-operative Rural Bank
- c) Farmers Service Co-operative
Society and
- d) Primary Co-operative Bank.

iv) Non-Agricultural Credit Society

- a) Urban Bank
- b) Employees Co-operative Credit
Society and
- c) Staff Co-operative Credit Society

3. Distributive Society

- i) Co-operative Stores
- ii) Employees Co-operative Stores
- iii) Students Co-operative Stores and
- iv) Co-operative Canteens and restaurants

4. Farming Society

Lift Irrigation Co-operative Society

5. Housing Society

- i) Co-operative Housing Society
- ii) Co-operative Building Society
- iii) Industrial Worker Co-operative Housing
Society and
- iv) Co-operative Building Centre

6. Labour Contract Society

No sub-division is necessary

7. Marketing Society

No sub-division is necessary

8. Processing Society

- i) Co-operative Sugar Mills and
- ii)Co-operative Spinning Mills

- | | | |
|-----|-----------------------|--|
| 9. | Productive Society | i) Milk Producers Society
ii) Milk Supply Society
iii) Weavers Co-operative Society and
iv) Other Non-Agricultural Production Society |
| 10. | Miscellaneous Society | i) Co-operative Printing Press and
ii) Other Miscellaneous Society |
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G. RAGESH CHANDRA
REGISTRAR OF CO-OPERATIVE SOCIETIES

b The classifications of societies is revised, for updated classifications, kindly see P. 9.142

No.12/1/3/RCS/PA/95/33
Government of Pondicherry
Co-operative Department

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Pondicherry, the 9.3.1995

I. D NOTE

Sub: Streamlining of Office Procedure – Exercising delegated powers under the Pondicherry Co-operative Societies Act, 1972 and the Rules made there under – Regarding.

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Instances have been brought to the notice of the undersigned that in quite a few cases even the routine correspondences are submitted to the undersigned for disposal/approval. Instances are not uncommon where even routine I.D. Notes and reminders are got issued over the signature of the undersigned.

2. Similarly the undersigned has noticed with concern that the officers are not exercising powers delegated to them under the Pondicherry Co-operative Societies Act, 1972 and Pondicherry Co-operative Societies Rules, 1973 and with a result the delegation of powers is not serving the purpose. Even certificates for registration of societies are put up to the undersigned for signature.

3. It has become imperative to lay down procedures with a view to ensure better functioning of Department and avoid delay in disposal of proposals and other communication. The following procedure is, therefore, suggested for implementation:

- 1) Whenever a proposal is received for registration of society, the file is to be submitted to the undersigned at the time of appointing chief promoter. Thereafter it would be enough if the file comes to the undersigned for nominating the first set of board of directors under Section 32.
- 2) All the orders and proceedings issued under the statute may be got approved and thereafter the proceedings of the Registrar may be issued by the Branch Officer marking “By Order”.
- 3) The Branch Officers are expected to invoke the delegated powers and they need not seek the approval of the undersigned in respect of such proposals which they can clear under the delegated powers.
- 4) All the proposals pertaining to staff strength of the societies, service regulations of the employees, subsidiary regulations should be submitted to the undersigned for approval and as stated above, the approved proposal may be sent to societies by way of proceedings or orders, as the case may be, signed by the Branch Officer as “By Order of the Registrar of Co-operative

Societies". All the proposals for issue of complimentary articles should be approved by the undersigned invariably.

- 5) D.O. reminders and letters addressed to Secretariat and Government of India may be got issued over the signature of the undersigned. However, reminders to Secretariat and Government of India may be sent by the Joint Registrar/Branch Officers.
4. It is hoped that the Branch Officers would scrupulously adhere to the procedure spelt out above in the better interest of the Department and dealing public.

G. RAGESH CHANDRA
REGISTRAR OF CO-OPERATIVE SOCIETIES

No.RCS/CLC/1/95/343
Government of Pondicherry
Co-operative Department

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Pondicherry, the 7.4.1995

I.D. NOTE

Sub: Co-operative Department – Streamlining of procedures – Statutory
Directions – Issue of guidelines – Reg.

The following guidelines are issued in the matter of amendment of bye laws, issue of circulars, orders and proceedings:-

(i) Whenever an amendment is registered to the bye laws of a society, it may be sent to CLC for allotting a number. The proceedings registering the amendment should contain not only the file number, but also the number allotted by CLC. CLC will maintain a register for each sector. A copy of the proceedings registering the amendment will be sent to CLC for record and it is proposed to make a compendium annually which will facilitate future reference.

(ii) Similarly, all the proceedings, circulars and orders issued under the Pondicherry Co-operative Societies Act, 1972 and the Rules made thereunder may be sent to CLC for getting a number and hereagain a register will be maintained by CLC and the circular or order, as the case may be, should contain not only the file number but also the number allotted by CLC for that particular circular/order. A copy of the proceedings/circular/order is to be sent to CLC for record.

(iii) The branch officers are requested to kindly follow the above guidelines. This will take effect from 1.4.1995.

**G. RAGESH CHANDRA
REGISTRAR OF CO-OPERATIVE SOCIETIES**

Government of Pondicherry
Co-operative Department

Pondicherry, the 13.4.1995

CIRCULAR No.MS/CLC/1/95.

Sub: Co-operative Department-Co-operative Law Cell - Period of limitation for referring dispute under the Pondicherry Co-operative Societies Act. 1972- Guidelines - Modification – Issued.

Ref: Circular No.7/1/2/RCS/A/91(PF)-693 dated 20.10.1993 of Co-operative Department, Pondicherry.

In the circular referred above, guidelines were issued to the arbitrators of the Department, bringing out the provisions relating to period of limitation vis-a vis the application of French Civil Code. It was mentioned therein that as per the provision of French Law of Limitation, which was deemed to be in force in Pondicherry, the cause of action extinguishes only after the expiry of 30 years.

2. The Legislative Assembly, Pondicherry, has passed an enactment called “The Pondicherry Limitation (Repeal of Local Laws) Act 1994 (Act No. 15 of 1994)” which received the assent of the President of India on 3rd January 1995. The Act came into force with effect from 1st March 1995.

3. According to Section 3 of the said Act, all local laws in force in the Union territory of Pondicherry or any area thereof, corresponding to Limitation Act, 1963 (Central Act 31 of 1963) shall such repealed from 1st March 1995.

4. In view of this, the period of limitation for referring a dispute mentioned in sub rule (1) of Rule 64 of the Pondicherry Co-operative Societies Rules, 1973 shall be regulated by the provisions of the India Limitation Act, 1963.

5. However, nothing in the Pondicherry Limitation (Repeal of Local Laws) Act, 1994 shall enable any suit appeal or application to be instituted, preferred or made, for which the period of limitation prescribed by the local laws expired before the commencement of this Act or affect any suit, appeal or expiry or application instituted, preferred or made before, and pending at such commencement.

6. The Arbitrators shall take into account the guidelines given above while deciding the claims referred to them for decision. Guidelines given in the circular referred above shall stand modified to that extent.

**G. RAGESH CHANDRA
REGISTRAR OF CO-OPERATIVE SOCIETIES**

No.RCS/CLC/1/95/346
Government of Pondicherry
Co-operative Department

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Pondicherry, the 3.5.1995

CIRICULAR No. Ms./CLC/2/95

Sub: Co-operative Department – Co-operative Law Cell – Streamlining of Office Procedures – Nomination to the committee of the management under Section 32 (2) of the Pondicherry Co-operative Societies Act, 1972 – Extension of term – Submission of proposal in time – Regarding.

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Sub-section (2) of Section 32 of the Pondicherry Co-operative Societies Act, 1972, empowers the Government or Registrar to nominate all or any of the members of the committee for such period, as may be specified in by-laws and the proviso to the said sub-section provides for nomination of the entire committee for a total period not exceeding three years from the commencement of the society.

2. The above nomination is normally made for an initial period of one year from the date of starting of the society and thereafter it is extended periodically, subject to the time limit of three years. Instances are brought to the notice of the undersigned, wherein extension of the period of office of the persons in-charge is made belatedly, after the expiry of the term of nomination. It is needless to state that it is imperative that the nomination is extended on time so as to avoid giving any retrospective effect to the order. No formal proposal, seeking extension of nomination, is necessary from the society. However it should be ensured that the persons in-charge of the committee evince keen interest in the affairs of the society and the extension of the nomination to such persons will be in the interest of the society. This should be ensured, if necessary by asking the inspecting staff attached to the branch officers to visit the society and submit a report.

3. The branch officers are also requested to see that a nomination register is maintained to watch the dates of expiry of the term of the committee appointed under Section 32(2) and check up these registers monthly to ensure timely submission of the proposal. Whenever extension is made to third year, it may be restricted to such period of the expiry of the term of the office of the committee, as specified in the bylaws, so that the nominated committee can conduct election before expiry of its term and the elected committee can take up office, as specified in the bylaws.

4. The branch officers may kindly ensure that the procedures spelt out above is followed scrupulously and ensure that the proposals seeking extension of term is submitted to the undersigned sufficiently in advance, preferably at least two weeks.

**G. RAGESH CHANDRA
REGISTRAR OF CO-OPERATIVE SOCIETIES**

No.RCS/CLC/Cir./96/21
Government of Pondicherry
Co-operative Department

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No.MS/CLC/1/96

Pondicherry, the 20.6.1996

C I R C U L A R

Sub: Co-operative Department – Co-operative Law Cell – Follow up action in the matter of cases filed in various Courts – Instructions – Issued.

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Instances have been brought to the notice of the undersigned that some of the co-operative institutions in this Union territory of Pondicherry are not taking proper follow up action in the matter of the cases filed in various Courts. By handing over the relevant papers to their counsels, the societies are in the erroneous impression that it is for the counsel to follow up the matter and whenever any reference is made with regard to the pending cases, the Chief Executives are not in a position to furnish the state at which the case stands. It is pertinent to point out that the advocate is to be briefed by the responsible officer of the society and it is the duty of the Chief Executive to follow up the case till it ends in judgment. Whenever any appeal is to be filed over the judgment of the lower Court, it should be filed in time as otherwise the societies are put in unenviable position to get over the limitation.

In the matter of disciplinary cases, it is found that the societies needlessly pay subsistence allowance to the employees without making any review periodically. Though the Disciplinary Authorities are at liberty to make their own decision, in the interest of the societies it is advised that the societies should closely monitor the cases and make periodical review.

The Chief Executives should personally keep a track on the progress of the cases and they should maintain a register indicating the various stages of the matter. Unless the societies are vigilant in taking care of various stages of pending cases, the societies can not expect cases to end in judgment early.

These instructions should be followed scrupulously and the Chief Executives will personally responsible for any lapse in the follow up of the cases.

**G. RAGESH CHANDRA
REGISTRAR OF CO-OPERATIVE SOCIETIES**

No.RCS/CLC/1/95/40
Government of Pondicherry
Co-operative Department

Pondicherry, the 24.9.1996

I. D NOTE

Sub: Streamlining of Office Procedures – Sending the file to Financing Bank
or other societies for opinion - Regarding.

It has been repeatedly brought to the notice of the undersigned that the file as a whole is forwarded to the financing bank/other societies to obtain the views of the bank/societies. In the matter of appointment of Administrator/three member committee, directing amendment of bye-laws under Section 12 of the Pondicherry Co-operative Societies Act, 1972, supersession of the committee of management and in the matter of appointment of Liquidator, etc., the files are referred as U.O. file to the financing bank. Even though for securing the views urgently this is done, this may not be a healthy practice as the financing bank/other society need not know the entire notings of the department and as a matter of fact forwarding the file to other society/financing bank is always to be discouraged. In such cases it would be better to send a letter in detail mentioning the circumstances under which the opinion of financing bank/societies is required and the Branch Officers concerned should ensure speedy receipt of such opinion. It is also imperative on the part of the financing bank/societies to keep a record of the views and, therefore, the copy of the remarks/opinion can be placed in their files, if only a formal letter is sent to them.

It is, therefore, impressed that the Branch Officers may discontinue the practice of referring the file as a whole, to the financing bank/societies whenever views/ information are sought for. This may be complied with invariably.

- BY ORDER -

A. VALAVAN
JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES

No. RCS/CLC/CIR/91/95
Government of Pondicherry
Co-operative Department

No. Ms/CLC/5/97

Pondicherry, the 25.6.1997

C I R C U L A R

Sub: Co-operative Law cell – Conduct of inquiry under section 75 and
Inspection under section 76 of the Pondicherry Co-operative Societies
Act, 1972 –Procedure to be followed – Instructions – Issued.

1. INTRODUCTION

- 1.1. Conduct of inquiry and inspection is an administrative function. The statute does not prescribe any particular mode for conducting such inquiry or inspection. However, the expression ‘inquiry’ or ‘inspection’ must be construed as a fair, reasonable, just and valid. It should not be an empty formality or an illusory neither one nor it can be taken for granted.
- 1.2. The inquiry or inspection assumes greater importance as it become foundation for taking further action to set the matters right in a co-operative society. Removal of disqualification (Section 36), Suspension of Officer or servant of society (Section 80), Surcharge (Section 82), winding up and cancellation of registration (Section 126) presuppose conduct of, inter alia, inquiry or inspection.

2. INQUIRY

- 2.1. Section 75 of the Pondicherry Co-operative Societies Act. 1972, empowers the Registrar to hold an inquiry or direct some other person, authorized by him by order in writing in this behalf, to hold an inquiry into the constitution, working and financial condition of a registered society. Further, he shall hold the inquiry or direct some other person authorized by him to hold an inquiry, if an application is received from a majority of the committee, or of not less than 1/3rd of the members of the society or on the request of the Collector, or at the request of the financing bank.
- 2.2. An inquiry may be necessary if there are serious defects in the working of the society; if the committee or any officer / employee is working prejudicially and that the interest of the members are not safe, It is deterrent against mismanagement, restores confidence in the minds of all concerned and helps the management and employees to set right every thing before it is too late.

2.3. When inquiry may be held:

2.3.1. Constitution:

Under this head, it is to be investigated whether or not the society is properly constituted and the provisions contained in the Act, the rules and the bye-laws have been dully complied with. Infringement, if any, must be noted by the person making the inquiry and explanations of all concerned should be taken.

2.3.2. Working:

Inquiry into the working does not mean to investigate in the day-to-day activity of the society. It means the manner in which the business and management of the society are conducted. The inquiry into its working is to see that it has made proper use of powers, privileges and facilities given to it, and has worked on the lines of prudent management yielding profits to its members and resulting in their economic betterment. All lapses on the part of the management, relating to the business of the society, should be noted, and the causes of its failure or partial success should be carefully gone into.

2.3.3. Finance:

The financial condition of the society in all its bearings is to be discussed under this head, whether advances are made within the limit fixed by the bye laws or the regulations made therefor, whether proper instilments are fixed and realized on the due dates, whether, the surplus funds are invested in accordance with the provisions of the Act and Rules, whether the profits are allocated according to the statues, whether repayments are made to the financing bank / institution on the due dates, position of recoveries from the members, action taken against the defaulters are all to be inquired under this heading.

The power of ordering an inquiry is delegated to the Joint Registrar / Deputy Registrar and, therefore, whenever inquiry / inspection is ordered the authority should satisfy himself under which category the inquiry is to be ordered. It should not be a mechanical reproduction of the phraseology from the Act, like constitution, working and financial condition of the society. The inquiry provides a check against mismanagement of the society and creates confidence amongst the members and the public. However, before holding an inquiry, the authority should carefully specify the charges leveled against the society and should see whether the same can be remedied by any other measure, because while an inquiry gives itself an insight of the working of the society, it also adversely affects the reputation and that of its committee.

The authority ordering inquiry shall pass a speaking order:

While ordering inquiry, the order shall state the point of pointers of inquiry, the period during which the inquiry has to be conducted and submission of the report to the Registrar. If such points and scope of inquiry are not mentioned, no proper inquiry will be possible and it will not be possible for the office-bearers to meet the points properly. A copy of the order should necessarily be sent to the society, whose affairs are to be inquired into. apex / central society, to which the society is

affiliated, and the financing bank to which the society is affiliated, should also get a copy of the order appointing Inquiry Officer, when an inquiry is ordered into a specific case of alleged irregularity, it would suffice, if the Inquiry Officer restricts the inquiry to that alleged irregularity only. He need not examine all aspects like constitution, general working and overall financial condition of the society.

Time limit for inquiry:

The authority should specify the time within which the inquiry report may be submitted. The authority should allow reasonable time for completion of the inquiry. If the inquiry Officer is unable to complete the inquiry within the time limit, he should submit an interim report, stating the reasons for the delay in completion of inquiry and the authority may grant extension of limit for completion of inquiry. It is also possible to withdraw the inquiry from him and entrust it to some other person as deems fit.

The authority ordering the inquiry should closely monitor and follow-up the receipt of report and a separate register is to be maintained in each sector, furnishing details of the inquiry ordered, receipt of reports, further action taken, etc.

Report of the inquiry:

The Inquiry Officer should submit a report to the registrar on all the points mentioned in the order. The report should contain his findings and the reasons therefore, supported by such documentary or other evidences, as recorded by him during the course of inquiry.

Processing the inquiry report:

Whenever the report is received, the authority ordering the inquiry should make a detailed and in depth study of the report and wherever the findings are not supported by evidences the additional information may be called for from the inquiry officers. The action should be taken in a time bound manner and delay should be strictly avoided. The inquiry report and the connected records, if any, should be kept in safe custody by a responsible officials/ officer.

Communication of the results of the inquiry:

Section 75(3) makes it obligatory on the part of the Registrar to communicate the results of the inquiry to the Government, if the Government have taken shares of the society, to the financing bank, to which society is affiliated inquiry should ensure that this is done without any deviation as otherwise it gives a handle to the society to complain that the results of the inquiry have not been communicated. It is not necessary to supply a copy of the report to the society and only the results

are can be communicated. While communicating the results, the authority should ensure that they are given in a logical sequence, so that the society can initiate action wherever necessary. An outsider is not entitled to a copy of the report.

Communication of the results of the inquiry is a statutory duty and subsequent action on inquiry report would be bad in law, if results are not communicated.

Results of inquiry should be communicated even where the Inquiry Officer has recommended that revival of the society is not possible and action is contemplated up the affairs of the society under Section 126 of the Act.

Follow up action on inquiry:

Section 75 (4) empowers the Registrar to direct any officer of the society or its financing bank to take such action as may be specified in the order to remedy, within such time as may be specified in the order, the defects disclosed as a result of the inquiry.

3. INSPECTION

When inspection is to be ordered:

The main object of Section 76 is to inspire confidence in the mind of the creditor and to ensure safety of the money sent to or deposited in the society. It may be seen that the purposes for which an inquiry is ordered is different from the purposes of conducting inspection. The authority should carefully note the difference and should see that the inspection is only with regard to the books of the society and even though the Inspecting Officer has the powers of the Inquiry Officer, the scope of inspection is limited any where an inquiry is to be ordered it should not be substituted by an inspection under Section 76.

3.2. Passing of speaking order, time limit for inspection processing of the inspection report:

The points noted under 2.4, 2.5, and 2.7, shall mutatis mutandis apply for inspection.

3.3. Report of the Inspection:

Inspection conducted under Section 76 should be distinguished from a casual or periodical inspection of a society, which is one in an administrative capacity. The inspection report should cover all the points and be supported by financial statements in support of the point of reference.

3.4. Communicating of results of inspection:

A duty is cast under Section 76(2) to communicate the results of inspection to the society if the inspection is made or ordered by Registrar on his own motion, to the creditor and the financing bank, if the inspection is made on the application of the creditor.

3.5 Follow up action on inspection:

Section 76(3) empowers Registrar to direct any Officer to remedy the defects pointed out in the course of inspection.

The Branch Officers may take care of the above aspects in the matter of inquiry / inspection and follow instructions for the betterment of the Department.

**G. RAGESH CHANDRA
REGISTRAR OF CO-OPERTIVE SOCIETIES**

No.CLC/Cir/91/103
Government of Pondicherry
Co-operative Department

--:-:--

Pondicherry, the 15.7.1997

PROCEEDING OF THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
PONDICHERRY

Present: Thiru G.RAGESH CHANDRA
Registrar of Co-operative Societies, Pondicherry

- :-

Sub: Election – Holding of election in the co-operative societies – List of societies/class of societies which are to hold election under Rule 32 of the Pondicherry Co-operative Society Rules, 1973 – Specified.

Read: Circular No. RCS/A/IX-4/74/388 dated 4.7.1974 of the Registrar of Co-operative Societies, Pondicherry.

--:-:--

In supersession of the circular read above and in exercise of the powers conferred on him by Rule 32(1) (iii) of the Pondicherry Co-operative Societies Rules, 1973, the undersigned hereby specifies the following societies and class of societies which shall hold election to the committee of management in the manner specified under Rule 32 of the said Rules, viz:-

1. The Pondicherry Co-operative Urban Bank Ltd;
2. All consumers co-operative stores;
(Including employees co-operative stores)
3. All employees co-operative credit societies;
4. Co-operative canteens / restaurants;
5. Co-operative housing societies;
6. Farmers' service co-operative societies;
7. Service co-operative banks and co-operative rural banks;
8. Primary agricultural co-operative banks; and
9. The Pondicherry Industrial Co-operative Printing Press.

The undersigned further specifies that societies / class of societies not covered above, but have 500 or more members on roll and have provided for constituencies in accordance with Rule 31 of the said Rules, shall also hold election to the committee of management in the manner specified under Rule 32. It is clarified that such of those societies whose number of members has once reached 500, but subsequently fallen below 500, shall continue to hold election to the committee of management under the said Rule 32.

Law

The election to the committee of management of the societies, not falling under the above category, shall be conducted in the manner specified under Rule 33.

This, however, shall not apply to students co-operative stores. Irrespective of the strength of membership, the students' co-operative stores shall conduct election only under Rule 33 of the said Rules.

G. RAGESH CHANDRA
REGISTRAR OF CO-OPERATIVE SOCIETIES

b This order is modified vide P. 9.100.

**GOVERNMENT OF PONDICHERRY
ABSTRACT**

Co-operation – The Pondicherry Co-operative Societies Act, 1972 – Co-operative Tribunals – Notification – Amendment of – Notification – Issued.

CHIEF SECRETARIAT (CO-OPERATION)

G.O. Ms. No.7/Coop.

Pondicherry, the 22.7.1997

ORDER:

The following notification shall be published in the Official Gazette:

NOTIFICATION

In exercise of the powers conferred by Section 139 of the Pondicherry Co-operative Societies Act, 1972 (No.7 of 1973), the Lt. Governor, Pondicherry is pleased to appoint the Chief Judge, Pondicherry as Member of the Co-operative Tribunal at Pondicherry and the Additional District and Sessions Judge, Pondicherry at Karaikal as Member of the Co-operative Tribunal at Karaikal and hereby makes the following amendment to the notification issued under G.O. Ms. No.413/82-Coop. dated the 22nd November, 1982 of the Development (Co-operation) Department, Pondicherry and published in the Official Gazette No. 50 dated 14th December, 1982, namely :-

In the table appended to the said notification –

- (i) for the words and figure “ the I Additional District and Sessions Judge, Pondicherry” under column (3) against serial number 1, the words “The Chief Judge, Pondicherry” shall be substituted and
- (ii) for the words “ Thiru E.V. Kumar, Additional District and Sessions Judge, Pondicherry at Karaikal” under column (3) against serial number 2, the words “The Additional District and Sessions Judge, Pondicherry at Karaikal” shall be substituted.

// By order of the Lt. Governor //

**Dr. JAYANTA KUMAR RAY
UNDER SECRETARY TO GOVERNMENT**

No.RCS/CLC/CIR/91 /108
Government of Pondicherry
Co-operative Department

--:-:--

No.MS/CLC/7/97

Pondicherry, the 5.8.1997

C I R C U L A R

Sub: Co-operative Law Cell – Appointment of New Committee / Administrator –
Appointment of Special Officer or Managing Committee – Guidelines –
Issued

Section 33(1) of the Pondicherry Co-operative Societies Act, 1972, enumerates the following circumstances under which a new committee or one or more Administrator or Administrators can be appointed:

- (1) The term of office of a committee has expired and a new committee has not been constituted;
or
- (2) A new committee cannot be constituted before the expiry of the term of office of the existing committee;
or
- (3) A new committee fails to enter upon office for reasons like, where the office-bearers of the society are not elected by the new committee; or due to the intervention of the court restraining the new committee to enter upon office or to hold meeting to elect the office bearers, etc., on the date on which the term of office of the existing committee expires.

In such cases, the Registrar is empowered to appoint either a new committee, consisting of not more than three members of the society, or one or more Administrator or Administrators, who need not be a member or members of the society, to manage the affairs of the society, till a new committee enters upon office. This order can be made by the Registrar either on his own motion or on the application of any member of the society. Before making the order, the financing bank is to be consulted. The consultation is necessary, whether the bank has financed the society or not. While consulting the financing bank, it is necessary to explain to the said bank the circumstances which warrant the appointment of the committee or Administrator. Again, before making such order, a notice shall be published on the notice board of the head office of the society, inviting objections to the making of the order, within a period specified in the notice, and once the objections are received, they are to be considered. This gets the stamp of approval of the general body before appointing the committee or Administrator. Where alternative arrangements are to be made expeditiously and where there is no time to publish a notice, publication of notice can be dispensed with.

Sub-section (3) of the said Section enjoins on the committee or Administrator to arrange for constitution of the new committee or for entering upon office of the new committee, as the case may be. The Branch Officers should, therefore, review the necessity of continuing with the Administrator or the committee in a society and wherever feasible, action should be taken to conduct elections.

Rule 42 empowers the Registrar to fix remuneration to the committee or Administrator and the same shall be borne by the society or societies concerned.

Section 83(1) empowers the Registrar to supersede a committee of management, if in the opinion of the Registrar, the committee of any registered society (i) is not functioning properly; or (ii) willfully disobeys or willfully fails to comply with any lawful orders or directions issued under this Act or the Rules.

This sub-section mandates giving an opportunity to the members of the committee to make their representations as to why the committee should not be superseded. The notice should list out the various commissions and omissions which form the basis for taking action and the notice should be sent to all the members of the committee. A copy of the said notice is to be marked to the apex/central society concerned and also to the financing bank to which the society is indebted.

When once the representations are received from the members of the committee, they are to be considered and if the representations are not satisfactory and where the committee members have not fully met the charges, an order may be passed superseding the committee and appointing a Special Officer or a committee of two or more persons who shall be called as managing committee. The order shall be a speaking order. Before passing such order, the financing Bank to which the society is indebted, should be consulted.

If the society has not borrowed from the financing bank, the said Bank need not be informed and consulted, while initiating action or passing an order, as the case may be.

On considering the representation, if it is found that the representation is satisfactory, an order is to be passed dropping further action and the order should be sent to all the members of the committee concerned.

The Special Officer or the managing committee shall be appointed for a period not exceeding two years and the period can be extended, from time to time, provided the entire period does not run for more than four years.

Notwithstanding what have been said above, sub-section (9) of the said Section empowers Registrar to dissolve the committee of management without giving an opportunity to the committee and without consulting the financing bank, where it is not reasonably practicable to do so. This can be resorted to only where emergent circumstances exist, which warrant dispensing with the notice and consultation with the financing bank. In such cases, the Special Officer or the managing committee shall generally have the term for six months and in case a new committee cannot be constituted within the period of suppression, the period may be extended for a further period not exceeding six months.

The remuneration payable to the Special Officer or the managing committee is regulated by Section 83(4). A duty is cast by Section 83(5) on the Special Officer or the managing committee to arrange for the constitution of the new committee before the expiry of the period of his/its appointment.

When the Special Officer or the managing committee has taken action to hold election and when the new committee could not be constituted, Section 33 can be pressed into service.

Whenever the strength of the managing committee falls below the quorum and the committee can no longer function lawfully it would only mean that the committee is not functioning properly and in that case, recourse should be made only to Section 83. This is a case where the committee exists but does not function and this cannot be equated to non existing committee which warrants action under Section 33. #

The Branch Officers may keep in mind the above guidelines.

G. RAGESH CHANDRA
REGISTRAR OF CO-OPERATIVE SOCIETIES

**b # Modified vide P. 9.107, for additional guidelines, kindly
refer P. 9.110**

No.RCS/CLC/Genl/4/98/
Government of Pondicherry
Co-operative Department

Pondicherry, the 25.9.1998

**PROCEEDINGS OF THE REGISTRAR OF CO-OPERATIVE SOCIETIES
PONDICHERRY**

President : Thiru G. Ragesh Chandra,
Registrar of Co-operative Societies,
Pondicherry.

Sub : Pondicherry Co-operative Societies Act, 1972- Pondicherry
Co-operative Societies Rules, 1973 – Classification of Societies –
Regarding.

Ref : Proceedings No. RCCS/CLC/4/94/381 dated 7.10.1994 of the
Registrar of Co-operative Societies, Pondicherry.

O R D E R :

In supersession of the proceedings read above and in exercise of the powers conferred under Section 18 of the Pondicherry Co-operative Societies Act, 1972 read with sub-rule (5) of Rule 11 of the Pondicherry Co-operative Societies Rules, 1973, the undersigned hereby classifies the societies mentioned in the Annexure as “Apex Society” of the “Central Society” as the case may be.

2. The societies not covered by this Order shall fall under the classification “Primary Society”.

- A N N E X U R E -

Sl. No.	Name of the Society	Class to which the Society belongs.
1	2	3
APEX SOCIETIES		
1.	The Pondicherry State Co-operative Bank Ltd.	Credit Society
2.	The Pondicherry Central Co-operative Land Development Bank Ltd.	Credit Society
3.	The Pondicherry State weavers Co-operative Society Ltd.	Productive Society
4.	The Pondicherry State Co-operative Union Ltd.	Co-operative Union
5.	The Pondicherry State Co-operative Fishermen Federation Ltd.	Miscellaneous Society
6.	The Pondicherry State Co-operative Consumers Federation Ltd.	Distributive Society
7.	The Pondicherry State Co-operative Housing Federation Ltd.	Housing Society

CENTRAL SOCIETIES

- | | | |
|----|---|----------------------|
| 1. | The Pondicherry Co-operative Wholesale stores Ltd. | Distributive Society |
| 2. | The Karaikal Co-operative wholesale Stores Ltd., | Distributive Society |
| 3. | The Pondicherry Central Co-operative Processing Supply & Marketing Society Ltd. | Marketing Society |
| 4. | The Karaikal Co-operatives Processing Supply & Marketing Society Ltd. | Marketing Society |
| 5. | The Pondicherry Co-operative Milk Producers Union Ltd. | Productive Society |
| 6. | The Pondicherry Co-operative Building Centre Ltd. | Housing Society |

For the purpose of sub-rule (3) and (4) of Rule 11, the societies are further classified as under:

Sl. No.	Class of societies specified in Rule 11(1)	Categories into which each class of society may be sub-divided
1	2	3
1.	Co-operative Union	No sub-division is necessary
2.	Credit Society	This may be sub-divided into the following categories of societies:- - Financing Bank - Land Development Bank - Urban Bank - Agricultural credit society The list of societies flowing under the above categories are as follows:- <u>Financing Bank</u> Pondicherry State Co-operative Bank Ltd., <u>Land Development Bank</u> Pondicherry Central Co-operative Land Development Bank Ltd., <u>Urban Bank</u> Pondicherry Co-operative Urban Bank Ltd. <u>Agricultural Credit Societies</u> - All Village Co-operative Agricultural Credit Societies. - All Co-operative Rural Banks. - All Farmers Service Co-operative Societies. - All Primary Agricultural Co-operative Banks; and - All Service Co-operative Banks. <u>Non – Agricultural Credit Society</u> All primary i.e., all salary earners' co-operative credit societies.

- | | | |
|-----|-------------------------|--|
| 3. | Distributive Societies | i) All Co-operative Store including Employees Co-operative Stores.
ii) All Students Co-operative Stores. |
| 4. | Farming society | i) All Lift Irrigation Co-operative Societies |
| 5. | Housing Society | i) All Co-operative Housing Societies.
ii) All Co-operative Building Societies.
iii) All Industrial Workers Co-operative Housing Societies and
iv) Co-operative Building Centre. |
| 6. | Labour Contract Society | No sub-division is necessary. |
| 7. | Marketing society | No sub-division is necessary. |
| 8. | Processing Society | i) Co-operative Spinning Mills.
ii) Co-operative Spinning Mills. |
| 9. | Productive society | i) All Milk Producers Co-operative Societies.
ii) All Milk supply Societies.
iii) All Weavers Co-operative Societies
iv) Other non-agricultural production Societies.
v) All Co-operative Canteen and Restaurants. |
| 10. | Miscellaneous Society | i) All Co-operative Printing Press.
ii) All Fishermen Co-operative Societies.
iii) All Industrial type Co-operative Societies undertaking production activity.
iv) Book society
v) All type of Transport Societies.
vi) All Agricultural Field Labourers Co-operative Societies |
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G. RAGESH CHANDRA
REGISTRAR OF CO-OPERATIVE SOCIETIES

b The classification of societies is revised, for updated classification, kindly see P. 9.142

No. RCS/CLC/Genl/3/99/
Government of Pondicherry
Co-operative Department

Pondicherry, the 16.3.1999

**PROCEEDINGS OF THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
PONDICHERRY**

Present: Thiru G. RAGESH CHANDRA
Registrar of Co-operative Societies,
Pondicherry.

Subject: Election to co-operative societies – List of societies in which
elections to be conducted under Rule 32 of the Pondicherry
Co-operative Societies Rules, 1973 – Modified.

Read : Proceedings No.CLC/Cir/91/103 dated 15.7.1997 of the
Registrar of Co-operative Societies, Pondicherry.

ORDER :

In partial modification of the proceedings read above and in exercise of the powers conferred on him by Rule 32 (1) (iii) of the Pondicherry Co-operative Societies Rules 1973, the undersigned hereby specifies the following societies and class of societies which shall, hold election to the committee of management in the manner specified under Rule 32 of the said Rules, viz.:

1. The Pondicherry Co-operative Urban Bank Ltd.,
2. All the consumer co-operative stores (including employees co-operative stores).
3. All the employees co-operative credit societies.
4. Co-operative housing societies.
5. All primary milk producers co-operative societies/co-operative milk supply societies.
6. Farmers' service co-operative societies.
7. Service co-operative banks and co-operative rural banks.
8. Primary agricultural co-operative banks.
9. Co-operative canteens / restaurants.
10. The Pondicherry Industrial Co-operative Printing Press Limited..

The undersigned further specifies that societies / class of societies not covered above, but have 500 or more members on rolls and have provided for constituencies in accordance with Rule 31 of the said Rules, shall also hold election to the committee of management in the manner specified under Rule 32.

It is clarified that such of those societies whose number of members a have once reached 500, but subsequently for below shall continue to hold election under Rule 32. The all of the societies, not falling under the above category shall be conducted in the manner specified under Rule 33.

This, however, shall not apply to student's co-operative stores. Irrespective of the strength of membership, students' co-operative stores shall conduct election only under Rule 33 of the said Rules.

G. RAGESH CHANDRA
REGISTRAR OF CO-OPERATIVE SOCIETIES

b For additions, kindly see P. 9.104 and P. 9.105.

No.7/1/2/RCS/A/99/21
Government of Pondicherry
Co-operative Department
*

Pondicherry, the 18.3.1999

PROCEEDINGS OF THE REGISTRAR OF CO – OPERATIVE SOCIETIES, PONDICHERRY.

Present: Thiru G.RAGESH CHANDRA
REGISTRAR OF CO-OPERATIVE SOCIETIES

Sub: Co-operative Department – Arbitration- Pondicherry Co-operative Societies Rules, 1973- Fees prescribed under Rule 67(1) for the process of Execution Petition referred under Section 133 of the Pondicherry Co-operative Societies Act, 1972 – Regarding.

Ref: Proceedings No.7/1/14/RCS/ A/94/94 dated 28.2.1994 of the Registrar of Co-operative Societies, Pondicherry.

- * -

ORDER:

In supersession of the order issued in the proceedings cited, the Registrar of Co-operative Societies, Pondicherry in exercise of the powers conferred on him under Rule 67 (1) of the Pondicherry Co-operative Societies Rules, 1973, hereby prescribes that the fees for each execution petition filed under Section 133 of the Pondicherry Co-operative Societies Act, 1972 shall be Rs.250 /- (Rupees two hundred and fifty only).

This order will come into force from 1.4.1999.

**G. RAGESH CHANDRA
REGISTRAR OF CO-OPERATIVE SOCIETIES**

No.7/1/2/RCS/A/99
Government of Pondicherry
Co-operative Department
*

Pondicherry, the 18.3.1999

PROCEEDINGS OF THE REGISTRAR OF CO-OPERATIVE SOCIETIES, PONDICHERRY

Present: Thiru G. RAGESH CHANDRA
Registrar of Co-operative Societies

Sub: Co-operative Department –Arbitration – Pondicherry Co-operative Societies Rules, 1973 – Fees prescribed under Rule 64 (7) (a) for deciding the dispute referred under sub-section (1) of Section 84 of the Pondicherry Co-operative Societies Act, 1972 – Regarding.

Read: Proceedings No.7/1/14/RCS/A/94/93dated 28.2.1994 of the Registrar of Co-operative Societies, Pondicherry

ORDER:

In supersession of the order issued in the proceedings cited, the Registrar of Co-operative Societies, Pondicherry in exercise of the powers conferred on him under Rule 64(7) (a) of the Pondicherry Co-operative Societies Rules, 1973, hereby prescribes the following fees required to be deposited to refer any disputes mentioned hereunder for decision:

Sl.No.	Nature of the claim	Prescribed Fees
1.	Monetary dispute [under sub-section (1) of Section 84 of the Pondicherry Co-operative Societies Act, 1972]	Rs.100/- (in each case)
2.	Non-monetary dispute [under sub-section (1) of Section 84 of the Pondicherry Co-operative Societies Act, 1972]	Rs.500/- (in each case)

This order will come into force from 1.4.1999.

G.RAGESH CHANDRA
REGISTRAR OF CO-OPERATIVE SOCIETIES

No.RCS/CLC/Genl/3/99
Government of Pondicherry
Co-operative Department
*

Pondicherry, the 1.10.1999

**PROCEEDINGS OF THE REGISTRAR OF CO-OPERATIVE SOCIETIES
PONDICHERRY**

Present: Thiru G. RAGESH CHANDRA
Registrar of Co-operative Societies
Pondicherry.

Subject : Election to Co-operatives Societies – List of societies in
which election to be conducted under Rule 32 of the
Pondicherry Co-operative Societies Rules, 1973 –
Ordered.

Read : Proceedings No.RCS/CLC/Genl/3/99/133, dated
16.3.1999.

O R D E R :

In exercise of the powers conferred on him by Rule 32(1) (iii) of the Pondicherry Co-operative Societies Rules, 1973, the undersigned hereby specifies that the following societies and class of societies shall hold election to the committee of management in the manner specified under Rule 32 of the said Rules:-

1. All village co-operative agricultural credit societies / Farmers service co-operative societies.
2. Spinning mills.
3. Sugar mills.

**G. RAGESH CHAANDRA
REGISTRAR OF CO-OPERATIVE SOCIETIES**

No.RCS/CLC/Genl/3/99/77
Government of Pondicherry
Co-operative Department

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Pondicherry, the 10.7.2000

**PROCEEDINGS OF THE REGISTRAR OF CO-OPERATIVE SOCIETIES
PONDICHERRY**

Present: Thiru. C. KANNIAPPAN
Registrar of Co-operative Societies,
Pondicherry.

Sub: Election to Co-operative Societies Conduct of election
under Rule 32 of the Pondicherry Co-operative
Societies Rules, 1973 – Orders.

Read : Proceedings No.CLC/Cir/91/103,dated 15.7.1997,
16.3.1999 and 1.10.1999.

O R D E R :

WHEREAS, in the proceedings read above, the undersigned, in exercise of the powers conferred on him, by Rule 32(i)(iii) of the Pondicherry Co-operative Societies Rules, 1973, had specified the classes of societies, who shall hold election to the committee of management in the manner specified under Rule 32 of the Pondicherry Co-operative Societies Rules, 1973.

AND NOW, the undersigned, in exercise of the powers conferred on him, by Rule 32(i)(iii) of the Pondicherry Co-operative Societies Rules, 1973, specifies that all the weavers co-operative societies as a class, shall also hold election to their committee of Management only in the manner specified under Rule 32 of the Pondicherry Co-operative Societies Rules 1973.

This order shall take effect from the date of issue of this order.

**C. KANNIAPPAN
REGISTRAR OF CO-OPERATIVE SOCIETIES**

**GOVERNMENT OF PONDICHERRY
ABSTRACT**

Co-operative Department – The Pondicherry Co-operative Societies Rules, 1973 –
Amendment to Rule 19 – Issued.

CHIEF SECRETARIAT (CO-OPERATION)

G.O. Ms. No.2/Co-op.

Date: 29.1.2001

Read: Registrar of Co-operative Societies, Pondicherry File No. RCS/CLC/
Genl-1/2/2000 dated 28.2.2000.

ORDER:

The following notification shall be published in the next issue of official Gazette of Pondicherry.

NOTIFICATION

In exercise of the powers conferred by sub-section (1) of section 170 of the Pondicherry Co-operative Societies Act, 1972 the Lieutenant-Governor of Pondicherry hereby makes the following rules, further to amend the Pondicherry Co-operative Societies Rules, 1973, notified in G.O. Ms. No.60, dated the 13th May 1974 of the Development Department, Government of Pondicherry and published in the official Extraordinary Gazette No.78, dated 29th June 1974, namely: -

1. *Short title and commencement* – (1) These rules may be called “The Pondicherry Co-operative Societies (Amendment) Rules, 2000.”

(2) They shall come into force from the date of their publication in the Official Gazette.

2. *Amendment of rule 19* – For rule 19 of the Pondicherry Co-operative Societies Rules, 1973, the following shall be substituted, namely: -

“19. Restriction on the Admission of Associate Members –

Pondicherry State Co-operative Bank, Primary Agricultural Co-operative Banks, Farmers Service Credit Societies, Primary Agricultural Co-operative Credit Societies, Village Agricultural Credit Societies, Non-Agricultural Credit Societies, Marketing Societies and Distributive Societies, shall be the classes of societies for the purpose of sub-section (1) of section 21.”

- / By order of the Lieutenant-Governor / -

**PANKAJ KUMAR JHA
UNDER SECRETARY TO GOVERNMENT**

No.RCS/CLC/RC/4/2001/35
Government of Pondicherry
Co-operative Department

*

Pondicherry, the 25.6.2001

CIRCULAR

Sub: Co-operative Law cell - Appointment of new committee/
Administrator - Appointment of Special Officer/Managing
Committee – Guidelines - Modification – Issued.

Ref: Circular No.RCS/CLC/Cir/91/108, dated 5th August 1997.

The circular referred above, guidelines were issued in the matter of appointment of the new committee/Administrator and appointment of Special Officer/managing committee.

In para 3 at page 3 of the said circular, it was stated that whenever the strength of the managing committee falls below the quorum and the committee can no longer function lawfully it would mean that the committee is not functioning properly and in that case recourse should be made only to Section 83.

When the committee of the Pondicherry Teachers Co-operative Housing Society was superseded and a Special Officer was appointed, the decision was challenged in the High Court of Judicature of Madras in the case of Dr. Gunasekaran vs. The Registrar of Co-operative Societies Pondicherry in the W.P.No.15211 of 1997, the Madras High Court has held that **“when there is no quorum for the committee, there is no warrant to pass an order under Section 83(1) of the Act and the Registrar is well justified in appointing and Administrator under Section 33 of the Act”**.

In view of the decision of the High Court the guidelines issued in para – 3 of page – 3 of the circular is modified to the extent that **“when the strength of the managing committee falls below quorum or the committee members resign en bloc Section 33 should be pressed into service and a new committee one or more Administrator or Administrators should be appointed”**.

The Branch Officers may keep in mind the above modification.

Smt. DEVIMATHEWS
REGISTRAR OF CO-OPERATIVE SOCIETIES

b For additional guidelines, kindly refer P. 9.110

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No.RCS/CLC/RC/4/2001
Government of Pondicherry
Co-operative Department

*

Pondicherry, the 3.1.2002

C I R C U L A R

Sub: Co-operative Law Cell –Appointment of New Committee /Administrator –
Appointment of Special Officer/Managing Committee – Guidelines –
Modification –Issued.

Ref: 1.Circular No. RCS /CLC/Cir/91/108/dated 5th August 1997;
2. Circular No.RCS/CLC/RC/4/2001/35 dated 25th June, 2001.

In the circulars referred above, guidelines were issued in the matter of appointment of a new committee / administrator /special officer/managing committee.

When an administrator/committee is appointed under section 33 of the Pondicherry Co-operative Societies Act, in the event of the strength of the managing committee falls below quorum, the following points should be taken into account:

- i) Whenever letters are received by this office from the members of the managing committee of the society addressed to the Registrar of Co-operative Societies informing that they are tendering their resignation from the committee, the letters should be transmitted to the President of the society for further action as almost all the bye laws of the societies invariably contain a provision empowering the committee to accept the resignation of the members from the committee.
- ii) Even where the letters addressed to the President of the society and copies of the same marked to the Registrar are received by this office, no action needs to be taken under section 33 of the Act, until such resignations are accepted by the committee and communicated to this office. However a report may be called for from the President of the society on the action taken on such resignation letters.
- iii) Publishing a notice in the notice board of the society, inviting objection to the proposal of the administrator/committee, as provided in the first proviso to sub-section (1) of section 33 should not be dispensed with lightly, by stating that alternative arrangements are to be made expeditiously and every effort should be taken to publish a notice. Dispensing of notice should be an exception and not a routine affair.

The Branch Officers are requested to adhere to the guidelines scrupulously.

Smt. DEVI MATTHEWS
REGISTRAR OF CO-OPERATIVE SOCIETIES

**GOVERNMENT OF PONDICHERRY
ABSTRACT**

Co-operative Department – The Pondicherry Co-operative Societies Rules, 1973 - Amendment to Rule 39 – Issued.

CHIEF SECRETARIAT (CO-OPERATION)

G.O. Ms. No.9/Co-op.

Dated 16.1.2002

Read: File No.RCS/CLC/Genl/1/2001, dated 31st July, 2001 from the
Registrar of Co-operative Societies, Pondicherry.

ORDER:

NOTIFICATION

In exercise of the powers conferred by sub-section (1) of Section 170 of the Pondicherry Co-operative Societies Act, 1972, the Lieutenant-Governor, Pondicherry hereby makes the following rules further to amend the Pondicherry Co-operative Societies Rules 1973, issued in G. O. Ms No. 61, dated 13th May 1974 and published in the official Extraordinary Gazette No.78, dated 29th June 1974, namely:-

1. Short title and commencement:-(1) These rules may be called the Pondicherry Co-operative Societies (Amendment) Rules, 2001.

(2) They shall come into force from the date of publication in the gazette.

2. Amendment of rule 39:- (1) For rule 39 of the Pondicherry Co-operative Societies Rules, 1973, the following rule shall be substituted, namely:-

“39 (1) A delegate may be elected by a society to represent it on the general body of another society of which it is a member. The delegate shall be elected at a meeting of the committee of the member-society. He shall cease to be a delegate,-

- (a) if he resigns;
- (b) if he is withdrawn by the committee;
- (c) if an administrator or administrators is or are appointed under section 33;
- (d) if the committee is dissolved under section 83;
Provided that the person or persons appointed under section 83 or 33 shall have power to nominate himself or one among them as a delegate to the other society;
- (e) on the cancellation of registration of the society represented by him;
- (f) if he incurs any disqualification mentioned in the Act, these rules and the bye-laws;

- (g) if the delegate ceases to be a member of the society which sent him as a delegate; or
- (h) if the term of the committee of the society which elected him as a delegate expires.

(2) Notwithstanding anything contained in sub-rule (1), the President of a Primary Co-operative Milk Producers' Society shall be the delegate to represent it on the general body of the Pondicherry Co-operative Milk Producers' Union of which it is a member."

(By order of the Lieutenant-Governor)

**S. KANDIAH
UNDER SECRETARY TO GOVERNMENT**

No.RCS/CLC/Genl/1/2001
Government of Pondicherry
Co-operative Department

Pondicherry, the 25.1.2002

CIRCULAR

Sub: Delegates of a society representing in the general body of another society – Election/Nomination of Administrator/
Special Officer – Instructions – Rescinded.

Ref: 1. This office circular No.5/11/1/19/RCS/A/85/179 dated 5.8.1985.
2. G.O.Ms.No.9/Co-op. dated 16.1.2002 of the Chief Secretary (Co-operation), Government of Pondicherry as communicated vide Endt. No.RCS/CLC/Genl/2001 dated 17.1.2002

In the reference first cited, certain instructions were issued in the matter of appointment of delegates of a society, which is administered by an Administrator, appointed under Section 33 of the Pondicherry Co-operative Societies Act, 1972, to represent in the general body of another society.

Rule 39 of the Pondicherry Co-operative Societies Rules, 1973, has since been amended, vide reference second cited, which, inter-alia, clothes the Administrator with the power to nominate himself as a delegate to another society.

In view of the said amendment, the instructions issued vide reference first above, in the matter of nominating delegate in respect of societies which are administered by the Administrator are hereby rescinded.

However, the Administrator/Special Officer shall continue to maintain absolute neutrality and should not participate or vote in the election to the committee of management or office – bearers of another society.

**Smt. DEVI MATTHEWS
REGISTRAR OF CO-OPERATIVE SOCIETIES**

No.5/1/1/76/RCS/Cr/C2/90/V.IV/200
Government of Pondicherry
Co-operative Department

Pondicherry, the 19.9.2002

CIRCULAR

Sub: Three-men committee appointed under sub-section (1) of Section 33 of the Pondicherry Co-operative Societies Act, 1972 – Instructions under sub-section (2) of the said Section – Issued.

In exercise of the powers conferred by sub-section (2) of Section 33 of the Pondicherry Co-operative Societies Act, 1972, the Registrar of Co-operative Societies, Pondicherry issues the following instructions to the three men committees, which were appointed by the Registrar of Co-operative Societies, Pondicherry, under sub-section (1) of the said Section:

- (1) The three-men committee should arrange to conduct election to the committee of management on or before 20.12.2002, so that the committee to be elected will assume office with effect from 1.1.2003.
- (2) The three-men committees should not take any policy decision, which may affect the financial position of their society, without prior permission of the Registrar of Co-operative Societies.
- (3) The three-men committee should not engage or appoint any staff/remove any member of staff, without prior permission of the Registrar of Co-operative Societies.
- (4) The three-men committee should not either reinstate the staff member, who is under suspension, or place any one under suspension, without prior permission of the Registrar of Co-operative Societies.

The three-men committee should invariably adhere the above said instructions, without any lapses. It may be noted that violation of the above said instructions will be liable for legal action in accordance with law.

/By Order of the Registrar of Co-operative Societies/

V. RAMANURTHY
DEPUTY REGISTRAR OF CO-OP. SOCIETIES (CREDIT)

GOVERNMENT OF PONDICHERRY
ABSTRACT

Co-operation – The Pondicherry Co-operative Societies Rules, 1973 – Modification of Rule 49(1) in respect of the Pondicherry State Co-operative Bank Ltd., - Notification under Rule 113 – Orders – Issued.

CHIEF SECRETARIAT (CO-OPERATION)

G.O.Ms.No.3/Coop.

Pondicherry, the 8.1.2003

READ: Proposal of the Registrar of Co-operative Societies, Pondicherry,
dated 3.9.2002, with a copy of the letter No.PSCB/LA No.2/
2002-2003/M.T.Loan/Housefed dated 9.8.2002.

ORDER: The following notification shall be published in the extra-ordinary official Gazette of Pondicherry.

NOTIFICATION

WHEREAS the “Financing Bank”, viz., “The Pondicherry State Co-operative Bank Limited No.P.78”, which has the object of lending of money to other registered co-operative societies as its principal object, has proposed to extend long-term financial assistance under “Housing Finance Scheme” to the registered co-operative societies functioning in the Union territory of Pondicherry, so as to enable them to issue long term housing loans to their members, repayable within a period of 15 years;

AND WHEREAS Rule 49(1) of the Pondicherry Co-operative Societies Rules, 1973 specifies, inter-alia, that no financing bank shall grant loans for period exceeding three years and that the Registrar of Co-operative Societies may, as a recognition of good management, permit such financing bank to grant loans for periods exceeding three years but not exceeding five years;

AND WHEREAS on examination of the proposal read above in the light of the said rule, it is felt necessary to issue modification to the said sub-rule for enabling the said financing bank to extend long-term financial assistance under “Housing Finance Scheme” to the registered co-operative societies functioning in the Union territory of Pondicherry so as to enable them to issue long term housing loans to their members repayable within a period of 15 years;

AND WHEREAS after careful consideration, it has been deemed fit and proper to apply said sub-rule (1) of Rule 49 of the said Rules in a modified form to the said financing bank, for enabling the said financing bank, to extend long-term financial assistance under “Housing Finance Scheme”, to the registered co-operative societies functioning in the Union territory of Pondicherry, so as to enable them to issue long-term housing loans to their members, repayable within a period of 15 years;

NOW, THEREFORE, in exercise of the powers conferred by Rule 113 of the Pondicherry Co-operative Societies Rules, 1973, the Lieutenant Governor, Pondicherry hereby directs that sub-rule (1) of Rule 49 of the said Rules shall apply to the said financing bank, viz., “ The Pondicherry State Co-operative Bank Limited No.P.78” with the following modification, namely:-

MODIFICATION

Further purposes of the Pondicherry State Co-operative Bank Limited, after the existing proviso to sub-rule (1) of Rule 49 of the Pondicherry Co-operative Societies Rules, 1973, the following second proviso, shall be inserted, namely:-

“Provided further that, notwithstanding anything contained in this sub-rule, the financing bank, namely “The Pondicherry State Co-operative Bank Limited No.P.78”, may extend long-term financial assistance, under “Housing Finance Scheme”, to the registered co-operative societies, functioning in the Union territory of Pondicherry, for a period not exceeding fifteen years, so as to enable them to issue long-term housing loans to their members, repayable within a period of fifteen years”.

-/ BY ORDER OF THE LIEUTENANT-GOVERNOR, PONDICHERRY -/

**G. MALARKANNAN
UNDER SECRETARY TO GOVERNMENT (CO-OPERATION)**

b This order is modified vide P. 9.126.

No. RCS/CLC/CIR/2003/4
Government of Pondicherry
Co-operative Department

Pondicherry, the 22.1.2003

**DIRECTIONS OF THE REGISTRAR OF CO-OPERATIVE SOCIETIES ISSUED
UNDER SECTION 81 OF THE PONDICHERRY CO-OPERATIVE
SOCIETIES ACT, 1972**

Present: THIRU G. RANGANATHAN,
Registrar of Co-operative Societies,
Pondicherry.

Sub: Admission of individual members in primary co-operative
societies – Procedures to be followed by committee of
management – Direction under Section 81 of the Pondicherry
Co-operative Societies Act, 1972 – Issued.

ORDER:

WHEREAS, it has been brought to my notice that some primary co-operative societies do not follow the established procedure in the matter of admission members and this gives rise to multiplicity of litigation in various forums;

AND WHEREAS, the admission of members to a co-operative society and procedure to be followed are provided in the Pondicherry Co-operative Societies Act, 1972 (for brevity “Act”) and the rules made thereunder, which are enunciate below:-

- (a) Sub-section (1) of Section 20 of the Act provides for the qualification which a person must possess for being eligible for membership of co-operative society.
- (b) Sub-section (2) of Section 20 of the Act empowers the committee management of co-operative societies to admit individual as members of their societies.
- (c) Clause (d) of sub-section (2) of Section 20 of the Act provides that the committee fails to act according to the procedures laid down in said Section, the applicant, sought for admission as a member will have the right to appeal, under clause (b) of sub-section (2) of Section 140 of the Act to the Registrar of Co-operative Societies, who shall pass necessary order, presuming that the applicant has been refuse admission.

- (d) Sub-section (1) of Section 22 of the Act lays down the disqualification to become a member of a co-operative society.

NOW, THEREFORE, in view of the above and for securing proper management of primary co-operative societies and to ensure strict adherence of the provisions of the Act and in exercise of the powers conferred by Section 81 of the Act. I hereby direct the committee of management of the primary co-operative societies, functioning in the Union territory of Pondicherry, to strictly follow the guidelines annexed herewith, in the matter of admission of individuals as members of their societies.

The receipt of this direction should be acknowledged.

G. RANGANATHAN
REGISTRAR OF CO-OPERATIVE SOCIETIES

- Enc: 1. Guidelines
2. Specimen application form (Form I)
3. Specimen nomination form (Form II)

No.RCS/CLC/CIR/2003/4
Annexure to the Directions of the
Registrar of Co-operative Societies

Pondicherry, the 22.1.2003

Guidelines for admission of individuals as members of registered primary co-operative societies.

- 1) **Application for membership**: Any individual, seeking admission in a society shall make an application to the society, in the form prescribed for purpose by the society.

Specimen of membership application form (Form – I) is given. The specimen form is not exhaustive but only an illustrative and hence societies are at liberty to seek more information from the applicant in addition to the information sought for in the specimen form.

- 2) **Issue of Application Form by the Society**: On request made by individual, the society shall supply an application form, free of cost to such individual who intends to become a member in the society.
- 3) **Enclosures to the application** : The application should enclose any on of the following documents (attested photostat copy) with the application to prove the address given in the application:-
 - a) Residence certificate issued by the Revenue Department.
 - b) Voters identity card issued by the Election Commission of India..
 - c) Permanent Account Number (PAN) issued by the Income Tax Department.
 - d) Passport issued by the Government of India.
 - e) Employment Exchange Registration Card.
 - f) Identity card issued by Government or reputed organization.
 - g) Ration card issued by the Civil Supplies Department.
- 4) **Verification of application**: The Officer/Official of the society, authorized the committee in this behalf, shall receive the application and verify ensure that:
 - i. the application is duly filed in and is signed by the applicant, and
 - ii. the applicant is residing or working or doing business within area of operation are of the society.

Application that is not duly filled in or without enclosures shall be returned the applicant.

- 5) **Acknowledgement for thje receipt of application** : If the application is to be in order, then the person receiving the application shall give an acknowledgement to the applicant.

- 6) **Committee's decision:** The application received shall be placed before committee for its decision. The committee, within a period of 14 days from date of receipt of the application, shall decide the admissibility or otherwise of the applicant as a member of the society and shall pass a resolution in regard.

It is imperative on the part of the committee to admit only such applicants who are likely to get the benefit of the society since admission of individuals without any reason will fetch no benefit either to the society or to the member. Before admitting the applicant as a member of the society the committee should ensure that the applicant is –

- (a) possessing the required qualifications, if any, specified in the bye-laws of the society to become a member,
 - (b) residing or working or doing business within the area of operation of the society, and
 - (c) not subject to any of the disqualifications stated in sub-section (1) of Section 22 of the Act.
- 7) **Disqualification:** The following persons are not admission as a member in a any registered co-operative society:
- (a) **Insolvents** : Undischarged insolvents and persons who have applied to the Court for being adjudicated as insolvents.
 - (b) **Offenders**: Offenders, convicted for offences involving moral turpitude (such offenders may be admitted as members after a period of 5 years from the date of the expiration of the sentence)
 - (c) **Paid employees**: Paid employees of the society or of its financing bank or of any other society for which it is the financing bank.
 - (d) **Expelled members**: Persons expelled from membership under the Act. (such expelled members may be admitted as members after a period of 3 years from the date of expulsion).
 - (e) **Persons doing similar business**: Persons engaged either directly or indirectly, in a business or industry or activity similar to that of the society or inconsistent with or prejudicial to the work of the society.
 - (f) **Resigned members**: Persons who have resigned from the membership of the society, (such members may be admitted as members after a period of 2 years from the date of resignation).
 - (g) **Person holding membership in another society of same class**: Persons holding membership in similar type of co-operative society.
- 8) **Admission of members:** If the committee is satisfied that the applicant possesses the required qualification, if any, specified in the bye-laws of the society and does not have any of the disqualifications stated in sub-section (1) of Section 22 of the Act, then it shall resolve to admit the applicant as a member of the society.

- 9) **Communication to the applicant:** The decision of the committee shall be informed to the applicant with a request to remit (a) admission fee/entrance fee, and (b) minimum share capital contribution, as specified in its bye laws, within a month.
- 10) **Cash remittance by the applicant:** On receipt of information from the society and within a month, the applicant shall remit the required amount, by cash, in person, to the society and obtain an official receipt for the amount. The cash receipt should be signed by both the receiver and the applicant. Member number allotted to the applicant should also be specified in the receipt itself.
- 11) **Entries in the Member Admission Registrar:** The society should make necessary entries in the “member admission register”, based on the information given in the application and obtain the signature of the member in the said register.
- 12) **Nomination:** A nomination should be obtained from the member signed by him and attested by two witnesses. Specimen of nomination form (Form – II) is given. The member making it may revoke the nomination at any time.
- 13) **Acquiring rights of member:** The applicant will acquire the rights of the member of the society only after remitting admission fee/entrance fee and minimum share capital contribution.
- 14) **Refusal of admission (preliminary):** If the committee resolved not to admit the applicant as a member of the society, for good and sufficient reasons to be recorded, the committee shall inform the applicant, by registered post within 14 days from the date of receipt of application the reasons for not admitting him and invite his representation, if any. Within 14 days from the date of receipt of the letter from the society, the applicant can make his representation, if any, in the matter of refusal of admission by the committee.
- 15) **Committee’s decision:** On receipt of the representation from the applicant within the deadline of 14 days or where no representation is received, the committee shall either admit the applicant or for good and sufficient reasons to be recorded, refuse admission to the applicant. If the committee is satisfied with the representation of the applicant and resolved to admit the applicant then the procedures specified at paras 9 to 12 shall be followed, If the committee resolved not to admit the applicant, it shall inform the applicant, by registered post, within 7 days from the date of such resolution, stating the reasons for not admitting him as a member of the society.

16) **Applicant's right to appeal to the Registrar of Co-operative Societies:** It must be borne in mind that an applicant, who has been denied admission, is entitled to prefer an appeal, within two months, under clause (b) of sub-section (2) of Section 140 of the Act to the Registrar of Co-operative Societies seeking redressal.

17) **Associate members:**

(a) **Societies entitled to admit associate members** : As per Rule 19 of the Pondicherry Co-operative Societies Rules, 1973 only the following types of co-operative societies are entitled to admit associate members.

- i. Pondicherry State Co-operative Bank Ltd.,
- ii. Primary agricultural co-operative banks,
- iii. Farmers service co-operative credit societies,
- iv. Primary agricultural co-operative credit societies,
- v. Village agricultural co-operative credit societies,
- vi. Non-agricultural co-operative credit societies,
- vii. Marketing co-operative societies,
- viii. Distributive co-operative societies.

(b) **Admission of institutions as associate members:** As per sub-section (1) of Section 21 of the Act, religious institutions, educational institutions medical institutions social organizations, canteens local bodies joint stock companies and partnership firms can be admitted as associate members with the approval of the Government.

(c) **Restrictions to exercise membership rights** : As per sub-section (2) of Section 21 of the Act, an associate member shall not be entitled to any of the privileges of membership to participate in the general meetings and elections or to become an officer of the society or to take any share in any form whatsoever in the assets or profits of the society.

(d) **Application form and admission register:** Separate application form and admission register shall be provided for in respect of admission of associate members.

Specimen Form I

Name of the society with address

APPLICATION FOR ADMISION AS A MEMBER

Applicant's recent
passport size photo
should be affixed
here

1. Name of the applicant : _____
2. Son of / Daughter of / Wife of : _____
3. Sex : Male/Female
4. Age as on date : ----- years
5. Date of birth (attach proof) : _____
6. Whether belongs to the following Categories :

Whether belongs to	Put a tick mark in the	
	YES	NO
Indian Nationality		
Scheduled Caste		
Scheduled Tribe		
Physically challenged		
Freedom Fighter		
Ex-Service man		

7. Residential address
(full postal address with PINCODE) : _____
 (a) Permanent : _____
 (b) Temporary (if differs from above) : _____
8. Occupation / Office / Business address
full postal address with PINCODE) : _____

9. Phone No. / Mobile No. :
10. Ration card No. :
11. Voters Identity Card No. :
12. Details of immovable property owned
in the Union territory of Pondicherry :

Law

I hereby express my willingness to become a member in the society and undertake to abide by the bye-laws of the society for the time being in force. I declare that I am not a member in any registered co-operative society of the same class.

Date:

Place:

Signature / Left-thumb impression
of the applicant.

FOR OFFICE USE

Committee's Resolution No. _____ dated _____

Cash receipt no. _____ dated _____ for Rs. _____

Signature of the
Chief Executive / Authorized person

Acknowledgement for the receipt of membership application form

Thiru./Tmt. / Selvi _____ has submitted this day a
"Membership Application Form"

Date:

Signature of the
Authorized Officer / Official
of the society

Specimen of Form – II
NOMINATION FORM

(See Rule 24 of the Pondicherry Co-operative Societies Rules, 1973)

I,----- a member (Member No.-----) of the -----
----- (Name of the society) hereby nominate the following person(s) to whom in the event of my death, the share capital and other money due to me from the said co-operative society may be returned by the said co-operative society.

Name, father's/husband's name and residential address of the nominee(s)	Relationship with the member	Age of the nominee(s)	% of share to be paid	Contingencies on the happening of which the nomination shall become invalid	Name, father's/husband's name, residential address, relationship with the member and age of the person(s), if any, to whom the right of the nominee shall pass in the event of the pre-deceasing the member

Signed in the presence of the following two witnesses, on this ----- day of ----- 20-----, at -----

Signature of the member

WITNESSES:

Particulars	Witness (1)	Witness (2)
Name		
Father's/Husband's name		
Residential address		
Signature		

FOR OFFICE USE

Date of receipt of the nomination form: -----

Nomination Registration No. : -----

**Signature of the President/Administrator/
Special Officer/Authorized person**

**GOVERNMENT OF PONDICHERRY
CHIEF SECRETARIAT (CO-OPERATION)**

G.O.Ms.No.6/Co-op.

Date: 3.3.2003

NOTIFICATION

Whereas, the Ministry of Rural Development, Government of India, has launched a new programmed known as “Swarnajayanti Gram Swarozgar Yojana”(SGSY), with effect from 1st April 1999, by restructuring the various self-employment programmes, inter alia, organization of self-help groups (SHGs), for the upliftment of the below poverty line sector;

And whereas, the self-help groups are organized, promoted and controlled by District Rural Development Agency (DRDA), Fisheries Department, Government of Pondicherry, Local Bodies of Government of Pondicherry, National Bank for Agricultural and Rural Development (NABARD), and Pondicherry Corporation for Development of Women Limited. The said self-help groups aim at organization of the poor at grassroots level through a process of social mobilization for poverty eradication. Social mobilization enables the poor to build their own organizations (self-help groups) in which they participate fully and directly and take decisions on all issues concerning poverty eradication. One of the co-operative principles, viz., “Self-help and mutual-help” is the fundamental objective of the said self-help groups;

And whereas, the above said department/organization/agencies have requested the financing bank, viz., the Pondicherry State Co-operative Bank Limited and the Primary Agricultural Co-operative Credit Societies to admit the said self-help groups as members of their societies;

And whereas, section 21(1) of the Pondicherry Co-operative Societies Act, 1972 (Act No.7 of 1973) provides, inter alia, that any social organization may be admitted as an associate member in the registered societies, as prescribed in the Pondicherry Co-operative Societies Rules, 1973, with the approval of the Government;

And whereas, in view of the above facts, the Registrar of Co-operative Societies, Pondicherry has requested the Government, to accord approval, under the said section, for the admission of the said self-help groups as associate members of registered co-operative societies, as prescribed in the said rule 19;

And whereas, after careful consideration of the request of the Registrar of Co-operative Societies, it has been deemed fit and proper to accord approval, under sub-section (1) of Section 21 of the said Act, for enabling the said self-help groups to become associate members of registered co-operative societies, as prescribed in the said rules;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 21 of the Pondicherry Co-operative Societies Act, 1972 (Act No 7 of 1973), the Lieutenant-Governor, Pondicherry hereby permits the self-help groups, organized and promoted by District Rural Development Agency (DRDA), Fisheries Department, Government of Pondicherry, Local Bodies of Government of Pondicherry, National Bank for Agricultural and Rural Development (NABARD), and Pondicherry Corporation for Development of Women Limited to become associate members of the registered co-operative societies, as prescribed in rule 19 of the Pondicherry Co-operative Societies Rules, 1973, functioning in the Union territory of Pondicherry.

- / By order of the Lieutenant-Governor / -

G.MALARKANNAN
UNDER SECRETARY TO GOVERNMENT (CO-OPERATION)

**GOVERNMENT OF PONDICHERRY
ABSTRACT**

Co-operation – The Pondicherry Co-operative Societies Rules, 1973 – Modification of Rule 49(1) – Notification under Rule 113 – Orders – Issued.

CHIEF SECRETARIAT (CO-OPERATION)

G.O.Ms.No.3 /Coop.

Pondicherry, the 26.5.2003.

READ: (1) G.O.Ms.3/Coop. dated 8th January, 2003 of Chief Secretariat
(Co-operation), Government of Pondicherry.

(2) Proposal of the Registrar of Co-operative Societies, Pondicherry,
dated 29.1.2003.

ORDER: The following notification shall be published in the extra-ordinary
Official Gazette of Pondicherry.

NOTIFICATION

WHEREAS, vide reference 1st read above, a notification was issued, whereby sub-rule(1) of rule 49 of the Pondicherry Co-operative Societies Rules, 1973 has been modified, by way of inserting a new proviso, called second proviso. As per the said modification, the “Financing Bank”, namely “The Pondicherry State Co-operative Bank Limited No.P.78”, has been permitted to extend long-term financial assistance, under “Housing Finance Scheme”, to the registered co-operative societies, functioning in the Union territory of Pondicherry, for a period not exceeding fifteen years, so as to enable them to issue long-term housing loans to their members, repayable within a period of fifteen years;

AND WHEREAS, vide the proposal 2nd read above, it has been reported that the Pondicherry State Co-operative Housing Federation Limited No. P.468, an apex co-operative society, which has been formed mainly for the purpose of catering the financial needs of all the affiliated primary housing co-operative societies, has represented that the very existence of the said Federation would be questionable, since the said Bank has been permitted to extend long-term financial assistance, under “Housing Finance Scheme” to the registered co-operative societies, functioning in the Union territory of Pondicherry, including the primary housing co-operative societies, which are affiliated to the said Federation;

AND WHEREAS on examination of the proposal 2nd read above, it is felt necessary to issue modification to the said sub-rule, for enabling the said Federation to cater to the financial needs of its affiliated primary housing co-operative societies and to restrict the said bank to extend long-term financial assistance, under “Housing Finance Scheme” only to the said Federation;

AND WHEREAS, after careful consideration, it has been deemed fit and proper, to modify the second proviso to sub-rule (1) of Rule 49 of the said Rules, so as to restrict the said bank to extend long-term financial assistance, under "Housing Finance Scheme" only to the said Federation.

NOW, THEREFORE, in exercise of the powers conferred by rule 113 of the Pondicherry Co-operative Societies Rules, 1973, the Lieutenant-Governor, Pondicherry hereby modifies the second proviso to sub-rule (1) of rule 49 of the said Rules as follows:

MODIFICATION

For the purpose of the Pondicherry State Co-operative Bank Ltd. No.P.78, for the existing second proviso to sub-rule (1) of rule 49 of the Pondicherry Co-operative Societies Rules, 1973, the following shall be substituted, namely:-

"Provided further that, notwithstanding anything contained in this sub-rule, the financing bank, namely "The Pondicherry State Co-operative Bank Limited No.P.78" may extend long-term financial assistance, under "Housing Finance Scheme", to "The Pondicherry State Co-operative Housing Federation Limited No. P. 468" only, repayable within a period of fifteen years."

// By order of the Lieutenant-Governor, Pondicherry //

G. MALARKANNAN
UNDER SECRETARY TO GOVERNMENT (CO-OPERATION)

No.RCS/CLC/CIR/2004/32
Government of Pondicherry
Co-operative Department

Pondicherry, the 27.9.2004

C I R C U L A R

Sub: Streamlining of office procedures – Exercise of delegated powers under the Pondicherry Co-operative Society Act, 1972 and the Pondicherry Co-operative Societies Rules, 1973 – Guidelines – Issued.

Ref: (1) G.O.Ms.No.21/Coop. dated 18.11.1992, of Chief Secretariat (Co-operation and Community Development), Government of Pondicherry.

(2) I.D. Note No.12/1/3/RCS/PA/95/33 dated 9.3.1995 of the Registrar of Co-operative Societies, Pondicherry.

Almost all the powers of the undersigned, excepting a few under the Pondicherry Co-operative Societies Act, 1972 (for short “the Act”) and the Pondicherry Co-operative Societies Rules, 1973 (for short “the Rules”), have been delegated to the Branch Officers, vide reference 1st cited for the purpose of sharing of work load, improving the service rendered by this department and speedy disposal of proposals.

2. The Branch Officers were often requested to invariably exercise their delegated powers. An I.D Note, vide reference 2nd cited, was also issued in the matter of streamlining of office procedures. The Branch Officers were requested to invoke their delegated powers rather than seeking approval of the undersigned in respect of proposals, which can be disposed of under delegated powers. However, it is noticed with concern that most of the Branch Officers are not exercising their powers delegated to them, for reason best known to them. This leads to unnecessary delay in disposal of proposals from co-operative societies and paves way for litigations and filing of cases in Courts against this department by the aggrieved parties.

3. In view of the above, the following guidelines are issued:

(1) Exercising delegated powers by the Branch Officers: The Branch Officers shall invariably exercise their delegated powers, especially in respect of the following:-

- a) Registration or amendment of bye-laws (Section 11)
- b) Disqualification of members of societies (Section 22)
- c) Disqualification of members of committee of management (Section 34)

- d) Disqualification of office-bearers of societies (Section 35)
- e) Disqualification or removal of members of committee of management (Section 36)
- f) Inquiry (Section 75)
- g) Inspection (Section 76)
- h) Suspension of employees of societies (Section 80)
- i) Direction to societies (Section 81)
- j) Surcharge inquiry (Section 82)

However the Branch Officer may orally inform the undersigned and the Joint Registrar of Co-operative Societies, then and there, about important or sensitive issues.

(2) Submission of files for approval of the undersigned: Proposals in respect of the following, which require the exercise of powers by the undersigned, shall be submitted to the undersigned, through the Joint Registrar of Co-operative Societies, for order or decision or approval or permission, as the case may be.

- (i) Direct amendment of by-laws (Section 12)
- (ii) Direct amalgamation of societies (Section 15)
- (iii) Nomination of first set of committee of management (Section 32)
- (iv) Appointment of administrator or committee of management (Section 33)
- (v) Supersession of committee of management (Section 83)
- (vi) Extension of term of the special officer (Section 83)
- (vii) Winding up of the affairs of societies (Section 126)
- (viii) Approval of subsidiary regulations.

- (a) Even in such cases, it is the duty of the Branch Officers to ensure that the note file contains a brief description of the proposal and the observations of the administrative section, narrated in a precise manner, which will facilitate the undersigned to make quick and correct decisions. Necessary references should be marked properly for easy and ready reference. The Branch Officers need not suggest possible course of action. However, in view of urgency of importance of the matter, the Branch Officers are at liberty to have discussion with the undersigned before submitting files for decision.
- (b) As per the decision of the undersigned, the administrative section shall prepare a draft notice or order or proceedings, as the case may be, and submit the same to the undersigned for approval. The draft should be neatly typed rather than handwritten.
- (c) On approval of the draft by the undersigned, it shall be fair typed and issued over the signature of the Branch Officer concerned, making "By Order of the Registrar of Co-operative Societies". The draft approved by the undersigned shall also be kept in the file.

(3) Application of principles of natural justice in administrative decisions: It is a well settled law that quasi-judicial authorities and administrative bodies should invariably observe principles of natural justice while making decisions. Discretionary powers whether quasi-judicial or administrative, are governed by and subject to the principles of natural justice. Further, quasi-judicial and administrative decisions are subjected to judicial review, and hence, principles of natural justice should invariably be followed before arriving at a decision.

Principles of natural justice:

- (a) Unbiased decisions
- (b) No one shall be condemned without hearing
- (c) One who hears must decide
- (d) No one who shall be a judge in his own cause.
- (e) Justice must not only be done but also manifestly seem to be done.
- (f) Speaking orders.

(4) Drafting of notice/order/proceedings: Notice or proceedings, issued under the Act or the Rules, shall speak itself. The facts and circumstances, which necessitated for the issue of such notice or proceedings, must be precisely, briefly and chronologically incorporated in such notice or proceedings.

(5) Vetting of draft notice or proceedings under the Act or the Rules, by the Co-operative Law Cell: In case of complex notice or proceedings, (such as show cause notice or proceedings in respect of disqualification of members of a society, disqualification of members of committee of management, disqualification of office bearers, supersession of committee of management) and if need be, such draft notice or proceedings may be sent to CLC, through the Joint Registrar of Co-operative Societies, for vetting, and in such case, the draft should be neatly typed rather than handwritten. Suggestions given and /or corrections made by CLC may be considered by the administrative section, and if need be, the draft may be revised accordingly. In respect of routine notice or proceedings, it shall not be sent to CLC.

(6) Consultation with other Branch Officers: While appointing staff of this department to perform duties under the Act or the Rules (such as inquiry officer, inspection officer, election officer, polling officer, observer), and when the proposed appointee is working under the control of other Branch Officer, the appointing Branch Officer shall consult other Branch Officer, whose staff is proposed to be appointed to perform such duties. This will avoid indifferences among the Branch Officers. A copy of the order shall be marked to the other Branch Officer, whose staff is appointed.

(7) Disposal of proposals: If a proposal is received from a society appears to be not inconsistent with the provisions of the Act, the Rules the bye-laws or directions/instructions of this department and in the better interest of the society, the administrative section shall approve, register, dispose of such proposal, as the case may be as early as possible. Time limit prescribed, if any, in the Act and the Rules, for disposal should be adhered.

(8) Refusal of proposals: If a proposal received from a society appears to be inconsistent with the provisions of the Act, the Rules, the bye-laws, or directions/instructions of this department and seems to be prejudice to the better interest of the members, depositors or creditors, the administrative section shall disallow, refuse or reject such proposal, as the case may be, and the concerned society shall be informed accordingly, as early as possible. Time limit prescribed, if any, in the Act and the Rules, for disposal should be adhered.

(9) Referring of files to Law Department: Issues of more complex in nature, which need to be examined in the light of provisions of different statutes or which requires expertise legal opinion, may be sent to the Law Department, in consultation with the undersigned.

(10) Referring of files to CLC: In view of the above, henceforth, no files should be referred to CLC. The Branch Officers are strictly instructed not to refer files to CLC, for advice, guidance, suggestion, views, opinion, decision or clarification.

4. The Branch Officers are hereby strictly instructed to adhere the above guidelines and to enlighten their staff about the contents of this circular. It is hoped that, the branch officers would scrupulously adhere the above guidelines in the better interest of the department.

G. RANGANATHAN
REGISTRAR OF CO-OPERATIVE SOCIETIES

- / By order of the Registrar of Co-operative Societies /-

R. PONNUSAMY
JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES

**GOVERNMENT OF PONDICHERRY
ABSTRACT**

Co-operation – The Pondicherry Co-operative Societies Act, 1972 – Appeal, Revision and Review powers of the Government – Re-delegation - Notification – Orders – Issued.

CHIEF SECRETARIAT (CO-OPERATION)

G.O. Ms. No.5 / Coop.

Pondicherry, the 29.12.2004

READ: I.D. File No. RCS/CLC/PCS Act/Delegation/2004 dated 1.12.2004 of the Registrar of Co-operative Societies, Pondicherry.

ORDER: The following notification shall be published in the extra-ordinary official Gazette of Pondicherry.

NOTIFICATION

In exercise of the powers conferred by sub-section (1) of the Section 161 of the Pondicherry Co-operative Societies Act, 1972 (Act No.7 of 1973), His Excellency the Lieutenant-Governor of Pondicherry hereby delegates the appeal, revision and review powers of the Government, vested in it under sub-section (2) of Section 140 and Section 141 respectively of the said Act read with Rule 104 of the Pondicherry Co-operative Societies Rules, 1973, to the Secretary to Government (Co-operation), Government of Pondicherry.

-/ BY ORDER OF THE LIEUTENANT-GOVERNOR, PONDICHERRY -/

**V. KANNABIRAN
UNDER SECRETARY TO GOVERNMENT (CO-OPERATION)**

RCS/CLS/Misc/2004/149
Government of Pondicherry
Co-operative Department

*

Pondicherry, the 28.4.2006

OFFICE ORDER

Sub: Code of Civil Procedure, 1908 – Prior notice to Government under
Section 80 – Reply by Government – Nomination of Officer – Orders –
Issued.

Ref: Direction of the Supreme Court of India made in Writ Petition (Civil)
No.496/2002, dated 2.8.2005, as communicated by I.D. Note
No.3243/Lit/05-06/LD, dated 7.4.2006 of the Law Department,
Pondicherry (copy enclosed).

The Supreme Court of India has directed the Government departments, vide reference cited, to nominate an officer in respect of replies to prior notices made under Section 80 of the Code of Civil Procedure, 1908. In pursuance of the said direction, the Joint Registrar of Co-operative Societies, Pondicherry is hereby nominated to receive prior notices made under Section 80 of the Civil Procedure Code and arrange to give replies thereof in respect of Co-operative Department, Pondicherry, as per the direction issued vide reference cited, without deviation.

This order takes immediate effect.

G. RANGANATHAN
REGISTRAR OF CO-OPERATIVE SOCIETIES

**GOVERNMENT OF PONDICHERY
LAW DEPARTMENT**

No.3243/Lit/05-06/LD

Pondicherry, the 7.4.2006

I.D.NOTE/MEMORANDUM

Sub: W.P. (Civil) No.496 of 2002 on the file of the Supreme Court of India -
Directions – Compliance - Regarding

In the judgment dated 2.8.2005 of the Supreme Court in Writ Petition (Civil) No.496 of 2002 – Salem Advocate Bar Association, Tamil Nadu Vs Union of India, the Supreme Court has passed certain directions with regard to furnishing of replies by Government Departments in response to notices served on such Departments in pursuance of Section 80 of the Code of Civil Procedure. The Supreme Court has also directed that an officer in each Department shall be nominated to ensure that replies to notices under Section 80 CPC or similar provisions are sent within the prescribed period in the legislation. As extract of the Judgment relevant to the aforesaid directions is reproduced below:-

“Section 80 (1) of the Code requires prior notice of two months to be served on the Government as a condition for filing a suit, except when there is urgency for interim order, in which case the Court may not insist on the rigid rule of prior notice. The two months period has been provided for so that the Government shall examine the claim put up in the notice and has sufficient time to send a suitable reply. The underlying object is to curtail the litigation. The object also is to curtail the area of dispute and controversy. Similar provisions also exist in various other legislations as well. Wherever the statutory provision requires service of notice as a condition precedent for filing of suit and prescribed period therefor, it is not only necessary for the Governments or departments or other statutory bodies to send a reply to such a notice, but it is further necessary to properly deal with all material points and issues raised in the notice. The Governments, Government departments or statutory authorities are defendants in large number of suits pending in various courts in the country. Judicial notice can be taken of the fact that in large number of cases either the notice is not replied or in few cases where reply is sent, it is generally vague and evasive. The result is that the object underlying Section 80 of the Code and similar provisions gets defeated. It not only gives rise to avoidable litigation but also results in heavy expense and cost to the exchequer as well. Proper reply can result in reduction of litigation between State and the citizens. In case proper reply is sent, either the claim in the notice may be admitted or area of controversy curtailed or the citizen may be satisfied on knowing the stand of the State. There is no accountability in the Government, Central or State or the statutory authorities in violating the spirit and object of Section 80.”

“These provisions cast an implied duty on all concerned Governments and States and statutory authorities to send appropriate reply to such notices. Having regard to the existing state of affairs, we direct all concerned governments, Central or State or other authorities, whenever any statute requires service of notice as a condition precedent for filing of suit or other proceedings against it, to nominate, within a period of three months, an officer who shall be made responsible to ensure that replies to notices under section 80 or similar provisions are sent within the period stipulated in a particular legislation. The replies shall be sent after due application of mind. Despite such nomination, if the Court finds that either the notice has not been replied or reply is evasive and vague and has been sent without proper application of mind, the Court shall ordinarily award heavy cost against the Government and direct it to take appropriate action against the concerned Officer including recovery of costs from him.”

2. All Heads of Departments are therefore requested to kindly nominate an officer by issue of an order for the purpose and furnish a copy of the same to this department.

3. This may kindly be accorded TOP PRIORITY. Such nomination is required to be sent so as to reach this department on or before 27.4.2006 for submitting necessary particulars to the Supreme Court.

JOHN CLAUDE POMPEI MARIADASSOU
DEPUTY SECRETARY TO GOVERNMENT

**GOVERNMENT OF PUDUCHERRY
CHIEF SECRETARIAT (CO-OPERATION)**

G.O.Ms.No.7/Co-op.

Pondicherry, the 5.3.2007

NOTIFICATION

In exercise of the powers conferred by sub-section (1) of section 170 of the Pondicherry Co-operative Societies Act, 1972, the Lieutenant Governor, Puducherry hereby makes the following rules further to amend the Pondicherry Co-operative Societies Rules, 1973, issued in G.O. Ms. No.61 dated 13th May 1974, and published in the Official Extraordinary Gazette No. 78, dated 29th June, 1974, namely:-

1. **Short title and commencement** – (1) These rules may be called the Pondicherry Co-operative Societies (Amendment) Rules, 2007.

(2) They shall come into force from the date of their publication in the gazette.

2. **Amendment to rule 40** – (1) In rule 40 of the Pondicherry Co-operative Societies Rules, 1973, the following shall be inserted as clause (b) and the existing clauses (b), (c), (d) and (e) shall be renumbered as clause (c), (d), (e) and (f) respectively.

“(b) if an administrator or administrators is or are appointed under section 33 to the society which elected him as delegate; or”

(By order of the Lieutenant-Governor)

**M. SUBRAMANIAN
UNDER SECRETARY TO GOVERNMENT**

No. RCS /CLC/MSCS Act/2007
Government of Puducherry
Co-operative Department

Puducherry, the 9.1.2008

PROCEEDINGS OF THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
PUDUCHERRY

Present: Dr. S. SUNDARAVADIVELU
Registrar of Co-operative Societies, Puducherry.

Sub : The Multi State Co-operative Societies Act, 2002 – Appointment of
Arbitrators under Section 84 – Panel of Arbitrators – Approved.

Read : Notification No.L.11012/3/2002-L&M dated 24.2.2003 issued by the
Department of Agriculture and Co-operation, Ministry of Agriculture,
Government of India.

ORDER:

In pursuance of the reference cited and in exercise of the powers of the Central Registrar conferred on me under sub-section (2) Section 4 of the Multi State Co-operative Societies Act, 2002, I hereby approve the following list of arbitrators to adjudicate the disputes referred under Section 84 of the said Act.

Table No.1

Sl. No.	Name Tvl.	Address	Status
1	P. Krishnamoorthy	Volga Ganga, No.2, Iyanar Nagar, Kospalayam, Puducherry – 605 001	Advocate
2	V.A.Edward Kumar	Kamalalayam, No.5, Vallalar Road, Venkata Nagar, Puducherry – 605 011	Advocate
3	A.P.Asokan	Maidanam Road, Behind Sub Court, Mahe – 673 310 Puducherry State	Advocate

Table No.2

Sl. No.	Name Tvl.	Address	Status
1	S. Vaithianathan	229, Ambalathadayar Madam Street, Puducherry – 605 001	Chartered Accountant
2	S. Swaminathan	M/s. Ganesan & Company, No.23, Jawaharlal Nehru Street, Puducherry – 605 001	Chartered Accountant
3	T. Thiagarajan	No.1-G, I Floor, Rahamanaih Complex, Near D.A.T. Office, Anna Salai, Puducherry – 605 001.	Chartered Accountant

The Advocates listed in Table No.1 shall deal with both monetary and non-monetary disputes and the Chartered Accountants listed in Table No.2 shall deal with monetary disputes only.

Whenever disputes are referred under Section 84 of the Act, the arbitrator shall be appointed from the above list.

The order shall remain in force until further orders.

Dr. S. SUNDARAVADIVELU
REGISTRAR OF CO-OPERATIVE SOCIETIES

No. RCS/CLC/PALO/2008
Government of Puducherry
Co-operative Department
*

Puducherry, the 7.11.2008

CIRCULAR

Sub: The Puducherry Adaption of Laws Order, 2007 - Alteration of the name as Puducherry – Guidelines – Issued.

Ref: G.O. Ms. No.27/2007-LD dated 21.9.2007 of the Law Department, Puducherry.

The Union territory of Pondicherry has been made known as Union territory of Puducherry with effect from 1st October, 2006 by virtue of section 3 of the Pondicherry (Alteration of Name) Act, 2006.

2. In exercise of the powers conferred by section 8 of the said Act, the Administrator, Puducherry has, inter alia, made an order, that in every Act of the Legislative Assembly of the Union territory of Puducherry, the word “Pondicherry” shall be substituted by the word “Puducherry” and wherever the word “Pondicherry” or the expression “Union territory of Pondicherry” occurs in any such law, they shall be substituted therefor by the word “Puducherry” or the expression “Union territory of Puducherry” respectively.

3. In view of the above, the Pondicherry Co-operative Societies Act, 1972” and the “Pondicherry Co-operative Societies Rules, 1973” shall henceforth be known as the “Puducherry Co-operative Societies Act, 1972” and the “Puducherry Co-operative Societies Rules, 1973” respectively. In the said Act and Rules, for the word “Pondicherry” and the expression “Union territory of Pondicherry”, wherever they occur, the word “Puducherry” and the expression “Union territory of Puducherry” shall henceforth be substituted respectively. In all the references the alteration of the name may be carried out.

4. The co-operative societies in the Union territory of Puducherry shall adapt the alteration of name as Puducherry in their respective names, bye-laws and subsidiary regulations with immediate effect by adapting the procedure enshrined in their respective bye-laws and after getting resolutions passed to that effect by the general body.

5. Action taken in this regard may kindly be intimated to the Registrar of Co-operative Societies for the purpose of taking necessary follow-up action.

Dr. S. SUNDARAVADIVELU
REGISTRAR OF CO-OPERATIVE SOCIETIES

No.RCS/CLC/Genl./4/98/250
Government of Puducherry
Co-operative Department

Pondicherry, the 23.12.2008

PROCEEDINGS OF THE REGISTRAR OF CO-OPERATIVE SOCIETIES
PUDUCHERRY

Present: Thiru. A.S.P.S. RAVI PRAKASH
Registrar of Co-operative Societies, Puducherry.

Sub : Puducherry Co-operative Societies Act, 1972 and
Puducherry Co-operative Societies Rules, 1973 –
Classification of societies – Reg.

Read : Proceedings No.RCS/CLC/Genl./4/98/79 dated 25th
September, 1998.

ORDER:

In supersession of the proceedings read above and in exercise of the powers conferred under section 18 of the Puducherry Co-operative Societies Act, 1972 read with sub-rule (5) of rule 11 of the Puducherry Co-operative Societies Rules, 1973, I hereby classify the societies mentioned in the annexure as “Apex society” or the “Central society” as the case may be.

2. The societies not covered by this order shall fall under the classification “primary society”.

ANNEXURE
PART-A
APEX SOCIETIES

Sl.No.	Name of the society	Class to which the society belongs
1.	The Pondicherry State Co-operative Bank	Credit society
2.	The Pondicherry Central Co-operative Land Development Bank	Credit society
3.	The Pondicherry State Weavers Co-operative society	Productive society
4.	The Pondicherry State Co-operative Union	Co-operative Union
5.	The Pondicherry State Co-operative Fishermen Federation	Miscellaneous society
6.	The Pondicherry State Co-operative Consumers Federation	Distributive society
7.	The Pondicherry State Co-operative Housing Federation	Housing society
8.	The Puducherry State Co-operative Handicrafts and Handlooms Federation	Miscellaneous society

PART-B
CENTRAL SOCIETIES

Sl.No.	Name of the society	Class to which the society belongs
1.	The Pondicherry Co-operative Wholesale Stores	Distributive society
2.	The Pondicherry Central Co-operative Processing Supply and Marketing Society	Marketing society
3.	The Karaikal Co-operative Processing Supply and Marketing Society	Marketing society
4.	The Pondicherry Co-operative Milk Producers Union	Productive society
5.	The Pondicherry Co-operative Building Centre	Housing society
6.	The Karaikal Co-operative Milk Producers Union	Productive society

For the purpose of sub-rules (3) and (4) of Rule 11, the societies are further classified as under:-

Sl.No.	Class of societies specified in rule 11(1)	Categories into which each class of society may be sub-divided
1.	Co-operative Union	No sub-division is necessary
2.	Credit society	This may be sub-divided into the following categories of societies:- i) Financing Bank ii) Land Development Bank iii) Urban Bank iv) Agricultural credit society v) Non-Agricultural credit society The list of societies falling under the above categories are as follows: <u>i. Financing Bank</u> Pondicherry State Co-operative Bank. <u>ii. Land Development Bank</u> Pondicherry Central Co-operative Land Development Bank <u>iii. Urban Bank</u> Pondicherry Co-operative Urban Bank. <u>iv. Agricultural credit societies</u> a. All Village Co-operative Agricultural Credit Societies b. All Co-operative Rural Banks c. All Farmers Service Co-operative Societies d. All Primary Agricultural Co-operative Banks, and e. All Service Co-operative Banks

		<u>v. Non-Agricultural Credit Societies</u> All Primary Salary Earners Co-operative Credit societies
3.	Distributive society	i. All Co-operative Stores including Employees Co-operative Stores ii. All Students Co-operative Stores
4.	Farming society	All Lift Irrigation Co-operative Societies
5.	Housing society	i. All Co-operative Housing Societies ii. All Co-operative Building Societies iii. All Industrial Workers Co-operative Housing Societies, and iv. Co-operative Building Centre
6.	Labour Contract society	No sub-division is necessary
7.	Marketing society	No sub-division is necessary
8.	Processing society	i. Co-operative Sugar Mills Ltd. ii. Co-operative Spinning Mills Ltd.
9.	Productive society	i. All Milk Producers Co-operative Societies ii. All Milk Supply Co-operative Societies iii. All Weavers Co-operative Societies iv. Other Non-agricultural Production Co-operative Societies v. All Co-operative Canteen & Restaurants
10.	Miscellaneous Society	i. All Co-operative Printing Press ii. All Fishermen Co-operative Societies iii. All Industrial type Co-operative Societies undertaking production activities iv. Co-operative Book Societies v. All type of Transport Co-operative Societies vi. All Agricultural Field Labourers Co-operative Societies

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