

BIHAR CO-OPERATIVE SOCIETY (AMENDMENT) RULE, 2008

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9. OTT I" Äzrq 20 (3) "U: CT) 20 (5) (lii) —"(lii) 1959 I 1959 217T (2) qrgvrT I 1959 21a 1959 21q 10. 1959 21q 21H Gi) \$1 (lii) I 120 1 (lii) I" 11. 1959 22(1) 22 I 22(1) Ull—lüfä fti6. 4 26 2008 26 2008 7 // ft. 7340 26.11.08 2008 t, 348 (3) The 26th November 2008 THE BIHAR CO-OPERATIVE SOCIETIES (AMENDMENT) RULES, 2008 To amend the Bihar Co-operative Societies Rules, 1959 AMENDMENT No. 7 /Ä. exercise of powers conferred by section 66 of the Bihar Cooperative Societies Act 1935, the Governor of Bihar is pleased to make the following amendments to the Bihar Cooperative Societies Rules, 1959, the same having been previously published in the Bihar Gazette, dated 18th September, 2008, as required by sub-section (3) of the said section of Act. I. Short Title and commencement:- (a) These rules may be called the Bihar Co-operative Societies (Amendment) Rules, 2008. (b) It shall come into force at once

2. Amendment in Rule 2 of the Bihar Co-operative Societies Rules, 1959:- (a) (b) (c) (c) (f) (g) (h) (i) (j) (k) The word 'and Orissa' after "Bihar" in rule 2 (i) of the said rules shall be deleted, The rule 2 (vi) of said rules shall be substituted by the following:- "working capital" means the sum of borrowing and owned fund minus accumulated loss" , The clause (a) of rule 2 (ix) of the said rules shall be substituted by the following:- "(a) a co-operative society whose area of operation covers the whole of Bihar and which has central societies as its members;" or The clause (a) of rule 2 (xi) of the said rules shall be substituted by the following:- "(a) a co-operative society which has only primary Co-operative societies as its members;" or The clause (a) of rule 2 (xii) of the said rules shall be deleted; The rule 2 (xiii) of the said rules shall be deleted; The rule 2 (xiv) of the said rules shall be deleted; The rule 2 (xv) of the said rules shall be deleted; The clause (a) of rule 2 (xvi) of the said rules shall be deleted; The rule 2 (xvii) of the said rules shall be substituted by the following:- "Election Officer means any officer, by whatever name he/she may be known, entrusted in these rules with the responsibilities of conducting election of a co-operative society" In rule 2 (xix) of the said rules, the word "a delegate/delegates," shall be deleted; The clause (b) of rule 2 (xx) of the said rules shall be deleted; (m) The clause (c) of rule 2(xx) may be substituted by the following:- 'in other cases, the list of delegates for the General Meeting, as published by the Election Officer"; (n) The rule 2 (xxi) of the said rules shall be deleted; (o) The rule 2 (xxviii) of the said rules shall be deleted and substituted by the following:- "Election Authority" means the authority as defined under Section 14 A(l) of the Act for the conduct of elections to the Managing Committee of a class or classes of registered societies"; (p) After Rule 2 (xxviii) of the said rules, the following rule 2 (xxix) shall be added 7T3e, 26 2008 5 O 3. 4. 5. "Notified Society" means a class or classes of registered societies as notified under Section 14 A(l) of the Act.". Amendment in Rule 7 of the Bihar Co-operative Societies Rules, 1959:-The following sub-rule (4) shall be added after sub-rule (3) of Rule 7 of the said rules — "Notwithstanding anything contrary contained in this rule or bye-laws of a Primary Agriculture Credit Society, if any person applies for membership of such a society with a declaration to the Block development Officer or Assistant Registrar, Cooperative societies or District Cooperative Officer that- (a) he fulfills the criteria for attaining membership of such a society, (b) no other member of his family is a member of the society and (c) he has applied for membership to the managing committee of such society and has not been admitted as a member, the concerned Block Development Officer or Assistant Registrar Co-operative Societies or District Co-operative Officer, as the case may be, shall order such person to be made a member of the said society.". The following rule 12A shall be added after Rule 12 of the Bihar Co-operative Societies Rules, 1959:- "12A. Notwithstanding anything contrary contained in this rule or bye-laws of a cooperative society, there shall be no individual member in any apex society or any central society and further no primary society shall be member of any apex society: Provided that the individual members of any apex society or central society shall continue to remain members of such society till such

individual ceases to be member of such society for whatever reason and such membership shall not be transferable; Provided further that a primary society which is already a member of any apex society shall continue to be a member of such apex society till such society ceases to be member of such affiliating society," Amendment in Rule 20 of the Bihar Co-operative Societies Rules, 1959:-The following new sub-rule 20(1 A) shall be added after sub-rule 20(I) "(a) Notwithstanding anything contrary contained in this rule or bye-laws of any cooperative society, the chairperson of the society shall be the delegate of that cooperative society who shall represent that society in the affiliating societies including the General Meetings of such affiliating societies of which that cooperative society is a member. Provided that there shall be no delegate for a society which is under supersession." 6. 7. 8. 9. 10. (b) In the rule 20(3) of the said rules, the words "Grace Period" shall be substituted by the words "six months." (c) The rule 20(5)(iii) of the said rules shall be substituted by the following:- "Notwithstanding anything contrary contained in this rule or bye-laws of any cooperative societies, all the delegates to an affiliating society shall directly participate in the Special General Meeting of such affiliating society. Amendment in Rule 21A of the Bihar Co-operative Societies Rules, 1959:- (a) In rule 21A of the said rules, the words 'office bearers thereof and the delegates' shall be substituted by the words "and office bearers." (b) In the proviso of Rule 21A of the said rules, the word "office bearers and the delegates" shall be substituted by the words "and office bearers" Amendment in Rule 21C of the Bihar Co-operative Societies Rules, 1959:-The sub rule (2) of rule 21C of the said rules shall be deleted. Amendment in Rule 21P of the Bihar Co-operative Societies Rule, 1959:-The proviso to sub-rule (2) of rule 21P of the said rules shall be deleted. Amendment in Rule 21 X of the Bihar Co-operative Societies Rule, 1959:-In Rule 21 X of the said rules, the words "30 days" shall be substituted by the words "90 days. Addition of a new Rule 21 Y in the Bihar Co-operative Societies Rules, 1959:- The following new rule 21 Y shall be added after Rule 21 X: 6 (3rd Feb 2008) "21 Y Election by the Election Authority - (a) The election to the Managing Committee and office bearers of notified societies shall be held under the superintendence, direction and control of the Election Authority, which shall include the following (i) Preparation of voter list, (ii) Appointment of Election Officers, (iii) Notification of place of voting and counting. (b) Notwithstanding anything contrary in these rules or bye laws of any notified society, the Election Authority shall get the voter list prepared and decide the cut-off date for the preparation of (i) such voter list, which shall not be more than 120 days prior to the date of election. (ii) shall determine the programme for such elections including venue, date and time for various stages of the election process including counting. (iii) shall appoint the Election Officer or authorise any other officer not below the rank of Sub-divisional Magistrate for appointment of Election Officers." 11. Insertion of new sub-rule 22(1A) in the Bihar Cooperative Societies Rules, 1959:-The following sub-rule 22(1A) shall be inserted after sub-rule 22(I): ' 1A) Notwithstanding anything contrary contained in this rule or the bye-laws of any cooperative society, if different types/classes/groups of members are provided in the bye-laws of a cooperative society and office bearers or number of members of managing committee to be elected from such types/classes/groups of members are also earmarked in the bye-laws of that cooperative society, only members belonging to that particular type/class/group shall vote for election of the office bearers and members of the managing committee earmarked for a particular type/class/group of members." By order of the Governor of Bihar, JAI NARAIN SINGH, Joint Secretary to Government. (31st Feb 2008) 544-571+300-2008