

JHARKHAND SELF-SUPPORTING CO-OPERATIVE SOCIETIES TRIBUNAL (CONSTITUTION AND PROCEDURE) RULES, 2020

Government of Jharkhand Agriculture, Animal Husbandry & Co-operative Department (Co-operative Division) -: Notification :- Notification [Ranchi, Dated-..... In exercise of the powers conferred by Section-39 of The Jharkhand Self- Supporting Co-Operative Societies Act, 1996 (adopted) as amended 2015, The Governor of Jharkhand constitutes The Jharkhand Self-Supporting Cooperative Societies Tribunal Rules, 2020. (1) (2) (3) 1. Short Title, Extent & Commencement These rules may be called The Jharkhand Self-Supporting Co- Operative Societies Tribunal (constitution and procedure) Rules, 2020 It will extend to the whole state of Jharkhand. It will come in force from the date of notification

2. Definitions In these rules, unless the context otherwise requires; (1) (2) (3) (4) (5) (6) (7) (8) (9) "Act" means the Jharkhand Self-Supporting Co-Operative Societies Act, 1996 (adopted), as amended 2015."Tribunal" means the Co-operative Tribunal constituted under section-39 of the Jharkhand self supporting Co-operative Societies Act, 1996 (adopted), as amended 2015. "Section" means section of the Jharkhand Self-Supporting Co- Operative Societies Act, 1996 (adopted), as amended 2015. "Appeal" means appeal preferred to the Tribunal under Jharkhand Self-Supporting Co-Operative Societies Act, 1996 (adopted), as amended 2015. "Application" means application filed before the Tribunal under the Jharkhand Self-Supporting Co-Operative Societies Act, 1996 (adopted), as amended 2015. "Chairman" means the Chairman of the Tribunal. "Form" means a form appended to these rules. "Gazette" means the official gazette of Jharkhand. "Party" means the appellant or applicant, as the case may be and include his pleader or any other person entitled to or authorized to represent on behalf of the appellant or applicant; 1 (10) (11) (12) (13) (14) (15) (1) (2) (3) (4) "Opposite Party" means respondents to an appeal or an application and shall include an authority whose order(s) are proposed to be taken/challenged in an appeal. "Respondents" means opposite party. "Pleader" means the pleader as defined in clause (15) of section 02 of the code of civil procedure, 1908 (Central Act-V of 1908). "Secretary" means the person who is discharging the function of the Secretary to the Tribunal. "State Government" means the Govt. of Jharkhand. Words and terms used but not defined shall have the meaning assign to them in the Act and rules made there under

3. Constitution of Tribunal There shall be a 'Tribunal' called The Jharkhand Self Supporting Co-operative Societies Tribunal.There will be a chairman in the Tribunal, who will be appointed by the state government from the following categories of personnel; (a) A Retired Judicial Officer not below the rank of District and Sessions Judge or a retired/serving officer of Indian Administrative Service not below the rank of Special Secretary to The Government of Jharkhand. The emoluments of the retired officer appointed in the Tribunal will be as per retired employee determined by Department of Planning and Finance (Finance Division), Government of Jharkhand time to time. The said official will be able to continue in the appointed post till the age of maximum 65 (sixty five) year. The Tribunal shall have its own staff, who shall be under the control of the Secretary of the Tribunal. The Secretary of the Tribunal shall be a Gazetted Officer of the Jharkhand Co-operative Service and not below the rank of Assistant Registrar, Co-operative Societies and shall be deputed by the State Government. Retired / serving Co-Operative Extension Officer, Stenographer, Clerk-cum- Computer Operator, Driver, Peon and Messenger will be appointed / deputed by the State Government as required by the Tribunal. The constitution of the Tribunal and appointment of The Chairman shall be published in the Official Gazette. 2

4. TERMS, HEADQUARTER AND OFFICE HOURS.4.1 TERM OF OFFICE The Chairnan of the Tribunal shall normally be appointed for a period of three years from the date of their appointment. Provided that the period of appointment can be reduced or extended by the state government, which will be limited to a maximum age of 65 (sixty five) year. (1) (2) 4.2 TERM AND CONDITIONS Chairman of the Tribunal shall be deemed to be a public servant within the meaning of section-21 of the Indian Penal Code, 1860 (XLV OF 1860) and the proceedings taken before the Tribunal shall be subject to section 195 and 340 of the code of Criminal procedure. The Chairnan of Tribunal shall not accept any other paid employment outside the duties of his Office during the tenn of his Chairmanship to the Tribunal. 4.3 HEADQUARTER OF THE TRIBUNAL The headquarter of the Tribunal shall be at Ranchi having its

jurisdiction all over The State of Jharkhand. 4.4 OFFICE HOURS The Tribunal shall hold its sitting during the days and hours as that of secretariat and attached offices of the State Govt

5. LANGUAGE The language of the Tribunal shall be Hindi: Provided that the parties to a proceeding before the Tribunal may file documents drawn up in English if they so desire. Provided further that the Tribunal may pass orders in English also

6. PRESENTATION OF APPEAL AND APPLICATION (1) (2) An appeal or an application, as the case may be, shall be presented to the Secretary of the Tribunal by the party himself or through an authorized agent or by a pleader or sending it through a registered post or online through authorized portal. Where an appeal or an application is presented by a pleader or an authorized agent, it shall be accompanied by a duly stamped letter or Affidavit of authority appointing him as such. 3 (3) (4) (5) Every such appeal or application shall be made in accordance with the act and these rules and shall be accompanied by a cash/online deposit receipt or by challan for the amount as prescribed hereunder- (a) (b) (d) (e) (f) In relation to monetary dispute - 1% of the claim subject to a Minimum of Rs. 1000/- (Rupees one thousand) and maximum of Rs.5000/- (Rupees five thousand) only. In relation to non-monetary disputes, other than election disputes- Rs.1000/- (Rupees one thousand) only. In relation to election disputes- Rs.2000/- (Rupees two thousand) only. In relation to appeal under section-5- Rs.1000/- (Rupees one thousand) only. In relation to application under Section-41- Rs. 1000/- (Rupees one thousand) only. In relation to application under Section-44 - Rs. 1000/- (Rupees one thousand) only. That State Govt. may revise the amount of fees as required time to time. An appeal shall contain the necessary parties to the appeal and the authority whose orders are proposed to be taken in an appeal and shall contain the name and address of the opposite party to whom the notice may have to be sent. An application shall contain the necessary parties to the case and the substance and grounds of the case or the dispute and shall contain the name and address of the opposite party to whom the notice may have to be sent

7. PROCEDURE FOR FILING APPLICATION An application shall be in the form of a plaint setting forth precisely the substances and the ground of the case and shall be accompanied by the original or certified copies of such documents and/or papers as are necessary to substantiate the case. Every application will also be accompanied by as many copies of the plaint as there are opposite parties in addition to the original

8. PROCEDURE FOR FILING APPEAL An appeal shall be in the form of a memo setting forth concisely the grounds of objections to the decision or order which is the subject matter of the appeal and shall be accompanied by the original or a certified copy of the decision or order passed by the authority competent to pass the said order. Every appeal shall also be accompanied by as many copies of the memo as there are respondents.

9. REGISTRATION OF APPEALS AND APPLICATIONS (1) (2) (3) (4) On receipt of an appeal or an application, the Secretary shall endorse on it the date of its receipt and shall maintain in Form-I in respect of appeals and in Form-II in respect of other application, appended to these rules. The Secretary shall thereafter examine: (a) Whether the person presenting it has an authority to do so; and (b) Whether it conforms to the provisions of the act and these. If the Secretary of the Tribunal finds that the appeal or application does not conform to the requirement of the Act and/or these rules, he shall cause it to be returned by making an endorsement on the same and calling upon the appellant or the applicant in



Form-III to rectify the defect or defects within a period of maximum 15 days and cause it to be entered in the remarks column of the Form-V. Form-II and affix it on the notice board of the Tribunal. The Secretary may, for sufficient cause, extend the said period, if the defect or defects are not rectified within the period allowed. If the defect or defects are not rectified within the period allowed, the Secretary shall make a report to the effect to the Chairman who may reject the appeal or the application, and the notice of the same will be affixed on the notice board of the Tribunal. If the Secretary is satisfied that the appeal or the application is presented properly, he shall cause the particulars of the same to be entered in the Registers in Form-I & II respectively, as the case may be. Such entries shall be numbered year wise according to the order in which they are registered. The serial number in the register shall be given as the case number of the appeal or the application as the case may be. Separate petition has to be filed for any interim order required. Writ petitions for interim order will be numbered as miscellaneous appeal or petition as the case may be. Provided that if more than one appeal is filed against the same order or more than one application are filed in the same matter, they shall be clubbed together and disposed off by a common order. (5) A duly filed appeal in the Tribunal will be disposed within a maximum of 90 working days from the date of acceptance

10. APPLICATION FOR INTERIM SUSPENSION ORDER Where a party seeks the interim stay/suspension of the impugned order, he shall file a separate application for the same. Every such application shall be supported by an affidavit in respect of application for stay or suspension of the impugned orders passed by the departmental authorities, especially relating to misappropriation of amounts and sanction of benami loans. No interim order in the nature of stay or suspension for a specified period shall be issued unless the applicant deposits not less than 40% of the amount involved in the impugned order and produces the receipt in original for the same or furnishes surety of equal value as directed by the Tribunal

11. STAY OF ORDERS In an appeal, if the Tribunal is satisfied on an application under rule (10) that it is just and reasonable that the operation of the impugned order be stayed or suspended, then (2) (1) It may, by order, suspend the operation of the impugned order temporarily after giving the notice to the affected person; or It may give notice to the respondent or respondents and after giving an opportunity of being heard to both the parties either confirm or vacate the order suspending or staying the operation of the impugned order

12. SETTLEMENT OF DISPUTES The Tribunal will dispose the disputes duly filed within a maximum of 90 working days from the date of acceptance of the suit subject to the provisions provided in Section 40 of the Jharkhand Self-Supporting Cooperative Societies Act, 1996. Provided that for disposal of election related dispute this period will be 120 working days

13. POWER OF THE TRIBUNAL **13.1 POWER OF THE TRIBUNAL TO ORDER RECOVERY** (1) The Tribunal will function as per the provisions provided in Section- 41 of the Jharkhand Self-Supporting Cooperative Societies Act, 1996. **13.2 SUPERSESSION OF THE BOARD BY THE TRIBUNAL** (1) The Tribunal will function as per the provisions provided in Section 41(A) of The Jharkhand Self Supporting Cooperative Societies Act, 1996 as amended 2015. 6

14. DISSOLUTION BY TRIBUNAL (1) The Tribunal will function as per the provisions provided in Section 44 of the Jharkhand Self-Supporting Cooperative Societies Act, 1996

15. PROCEDURE FOR HEARING AND ADJOURNMENT (1) (2) (3) (2) (3) The Tribunal shall fix date for hearing and notice of the dates fixed for hearing shall be issued to the parties concerned by registered post with acknowledgement in the



Form-IV annexed to this rule. A copy of the respondent memorandum of appeal or the plaint shall also be furnished to the respondent or respondents. A copy of the affidavit and the application for suspension of impugned order as the case may be shall also be furnished to the respondent or respondents along with the notice of hearing. On the date fixed for hearing or adjourned hearing to which the appellant/applicant or his advocate, as the case may be heard first in support of his case, the respondent or his advocate shall if necessary, be heard next and in such cases the appellant/applicant or his advocate shall be entitled to reply



16. EVIDENCE Where a party desires that a witness be examined by the Tribunal or cause production of documents for additional evidence, he may apply to the Presiding Officer through an affidavit for summoning the persons whose attendance is required either to give evidence or to produce documents and the Secretary shall issue summons in the



form-V (annexed with this rule) to the parties or his counsel for service on the person concerned, after the Presiding Officer pass an order on the application filed. Where the person to be summoned is a public servant, the party shall along with the application or summons, before summons is granted deposit before the Secretary a sum of money as appears to the Tribunal to be sufficient for traveling and other expenses of the person summoned for coming to the Tribunal and going back and for one days attendance. Where the person to be summoned is not a public servant, it shall be the duty of the parties who takes out the summons to produce the witness or cause the production of the evidence and where he fails to produce them, it shall be deemed that he has given up the claim for witness/evidence. 7 (1) (1) (2) (3) 17.

ADDITIONAL EVIDENCE The parties shall not be entitled to produce additional evidence whether oral or documentary before the Tribunal but, (b) (c) (d) (e) If the authority from whose order the appeal is preferred has refused to admit evidence which ought to have been admitted. If the opposite party in the case has refused to admit evidence which ought to have been admitted, or If the party seeking the additional evidence satisfies the Tribunal that such evidence, notwithstanding, the exercise of due diligence was not within his knowledge or could not be produced by him before time when the order under appeal was passed, or If the Tribunal requires any document to be produced or any witness to be examined so as to enable it to pass just order, and For any other sufficient reason Tribunal may allow such evidence or documents to be produced or witnesses examined: Provided that where such evidence is received the other party shall be entitled to produce rebutting evidence, if any

18. ADJOURNMENT The Tribunal may, on such terms as it thinks fit and at any stage adjourn the hearing of the appeals or applications on its own accord by mentioning in the open court or on an oral request or by an affidavit filed by the petitioner or the respondent. An application for adjournment shall be presented with an affidavit by the party or a person who is well acquainted with the facts of the case. Each application for an adjournment shall be stamped with the court fee of Rs. 200 (Rupees two hundred) only and copies of the applications shall also be given to the other parties

19. PROCEDURE m CASE OF DEATH OF AN APPELLANT OR AN APPLICANT (l) If an appellant or an applicant or the respondent therein dies while the case is pending and it cannot be proceeded with unless his legal representative is brought on record, the Tribunal shall adjourn further proceedings to enable the legal representatives of the deceased to be made a party. If such legal representative fails to do so within a period of sixty days from the date of death of the appellant or applicant, or if the appellant/applicant fails to file an application making the legal representative as per the appeal or application, shall abate as regards such deceased appellant or applicant or the respondent as the case may be. Notwithstanding anything contained in sub-rule (1) even after expiry of 60 days since the death of an appellant or an applicant or the respondent, if their valid representative files application before the Tribunal, the Tribunal may condone the delay to the purpose when the delay is properly explained. Notwithstanding anything contained in sub-rule (l) there shall be no abatement of an appeal or application by reason of the death of any party between the conclusion of the hearing and passing of the order and the order may, in such a case, be passed notwithstanding the death, and shall have the same force and effect as it would have had were it passed before the death took place

20. EFFECT ON THE DEATH OF AN APPELLANT OR APPLICANT (l) (2) (1) AFTER PASSR•dG THE ABATEMENT ORDER Whenever an order of abatement has been passed in a case where the appellant or applicant has died, his legal heir or representative, in a case where the respondent had died the appellant or applicant, may within 60 days from the date of such order apply to the Tribunal for setting aside the abatement and the Tribunal may on sufficient cause being shown to its satisfaction set aside the abatement and proceed with the appeal or application by reason of the death of any party between the conclusion of the hearing and passing of the order and the order may in such a case be passed notwithstanding the death and shall have the same force and effect as would had were it passed before the death took place. Where an application under sub-rule (1) has been filed after more than sixty days from the date of the order the Tribunal may condone the delay on a separate application filed to the purpose when the delay is properly explained

21. ORDER Every order of the Tribunal shall be in writing and shall be pronounced in the court immediately after hearing or on the date fixed for the purpose, which shall not be ordinarily more than fifteen days from the date of the final hearing. (2) (3) (1) (2) The order shall be pronounced in open

court after giving notice to the parties concerned. In case the order is not pronounced on the date fixed, it may be pronounced within fifteen days from the date originally fixed for the hearing with the reasons for the delay. A Tribunal shall serve a copy of the order to the appellant or applicant and the respondent or respondents after disposal

22. RETURN OF DOCUMENT The parties shall not be entitled for the return of the documents filed by them before the Tribunal within six weeks from the date of order of the Tribunal. The party may apply after six weeks from the date of the receipt of order with an undertaking to the effect that the documents shall be produced whenever the Tribunal calls for the same and, in such case, the documents may be returned to the parties



23. FEES FOR COPIES OF DOCUMENTS AND ORDERS (1) (2) (3) (4) Any party to any proceedings before the Tribunal may apply to the Secretary for the inspection of any document, or for a certified copy of any document and for the orders of the Tribunal. All application for copies shall be entered in the register in



Form-VI and all application for inspection of the documents shall be entered in the register in Form-VII and shall set out the names and addresses of the applicant in full, the date or description of the document or order of which a copy is required. Any application, which is not in the proper form, shall be returned for representation in proper form. The Tribunal may revise charges time to time for certified copy as per the requirement meant for compensating the expenses incurred in preparing the certified copies sought by any applicant and get them deposited. At the time of enforcement of the rule, the fees shall be as follows: - (a)

Copying Fees: (i) For the first 10 (ten) pages or less- English- Rs. 10.00 per page Hindi- Rs. 10.00 per page (ii) For Every additional page- English- Rs. 05.00 per page Hindi- Rs. 05.00 per page Certified copies of documents or order shall be delivered by the Secretary to the party concerned. (5) (6) (7) (8) (1) (2) If the Secretary has any doubt about the propriety of granting the copy of any document, he shall place the application before the Tribunal and act in accordance with his orders. The amount calculated to the above scale of fee in sub-rule (3) shall be retained by the Secretary as copying and comparing and the surplus amount, if any, deposited by the party shall be refunded to him at the time of supplying the copy. Provided that the party shall, if the amount deposited by him is not sufficient to cover the fees, pay the deficit amount before taking delivery of copy. Persons who are not parties to an appeal or application, may be supplied with a certified copy of any document or order under the orders of the Chairman and on payment of fees prescribed by this rule. Notwithstanding anything contained in this rule, certified copies of orders or documents shall be supplied to the Registrar Co-operative Societies, Jharkhand, Ranchi or such other officer or officers appointed to assist him as may be concerned with the appeal or application free of cost

24. SERVICE OF NOTICE The notice required to be issued by the Tribunal shall be sent to the parties by the registered post, the acknowledgement of which containing the signature of the addressee or any member of his family or his authorized agent when delivered or on endorsement by the postal Authorities to the effect that the notice was refused by the addressee shall, unless the contrary is proved, be deemed to be sufficient to hold that the notice was duly served. Where the Tribunal is satisfied that the addressee is evading service or that it is not possible to serve the notice in the ordinary way, the Tribunal may take action to summon him for taking personal delivery

25. FORMS OF NOTICES Form-111, IV & V appended to these rules, with such variations as the circumstances of any case may require, shall be used for the purpose of notices to be issued by the Tribunal. 11 (1) (2) (3) (1) (2) (3) **26. MAINTENANCE OF REGISTERS** All miscellaneous petitions shall be entered in the register in Form-VIII and will be numbered seriatum, and a mention to that effect has to be made in Register of original appeals or applications. All applications for copies of documents or orders on registration shall be entered in the register in Form-VI and numbered seriatum. All applications for inspection of documents on registration shall be entered in the register in Form-VII and numbered seriatum

27. REFUND OF FEES Subject to the provision of Rule 6 application to refund the fees by the party, on the direction of Tribunal the Secretary shall refund: - (a) The full fee paid where the fee was paid by mistake or in the manner not prescribed in sub-rule (3) of rule 6. (b) The excess amount, where the amount paid is in the excess of the prescribed fee; and. (c) The full fee paid, where the payment of fee is not followed by an appeal or an application to which, the fee was paid. No refund of fee shall be made if the application for such refund is not made within six months from the date of remittance of fee. The application for the refund of fee shall be made in the form of memorandum setting forth the grounds on which refund is sought and such application shall be stamped with a court fee stamp of Rs. 20 (Rupees Twenty) only

28. RULES RELATING TO CIVIL RULES OF PRACTICE TO BE FOLLOWED Whenever these rules are silent on the question of any procedure, the Tribunal shall follow the procedure stipulated under the Code of Civil procedure, 1908 (Central Act-V of 1908)

29. FUNCTIONS OF SECRETARY The Secretary shall perform such functions as are assigned to him under these rules or by the Tribunal under these rules

30. SEAL OF TRIBUNAL The Tribunal shall have an official seal of its own, which shall be kept in the custody of the Secretary.¹²

31. NOTICES, JUDGMENTS ETC., TO BE SIGNED AND SEALED Every notice and a certified copy of any document shall be signed by the Secretary with the date, month and year of signing and shall be sealed with the official seal of the Tribunal



32. RECORD The records of the Tribunal shall be kept in the custody of the Secretary. The proposal has been approved by the Cabinet in context to memorandum no.- 1423 dated-12.10.2020 of Agriculture, Animal Husbandry & Co-operative Department (Co-operative Division) vide the item no. 05 in meeting held on 09.11.2020. erve-r, gqp•r), .../* R-qZ6B?..l.....l.: 2020 (a-VT (3iöHUT 13



Form- III [See Rule 9(2)] Notice of defects in the Appeal / Application Before The Jharkhand Self-Supporting Co-Operative Societies Tribunal at Ranchi. Appeal /Case No.- 20 Appellant/ Applicant vs. Respondent To, The above named appellant / applicant, you have filed an Appeal against the orders of the the...../an application in the matter dated It does not comply with the provisions of the Jharkhand Self-Supporting Co-Operative Societies Act, 1996 as amended 2015 and the Jharkhand Self-Supporting Co-Operative Societies Tribunal (Constitution and Procedure) Rules, 2020 in the following respect :- You are hereby required to remedy the defects within of the receipt of this notice by you if you fail, the matter will be placed for orders before the Tribunal. (Given orders under the hand and Seal of The Secretary, Jharkhand Self-Supporting Co-Operative Societies Tribunal, Ranchi) By Order Date Secretary E.V.NNnnuCwp Fun (Eng' CSücx Form-IV Rule 15 Notice of Hearing Before The Jharkhand Self-Supporting Co-Operative Societies Tribunal at Ranchi. Appeal /Case No.- 20 Appellant/ Applicant vs. Respondent To, The above named appellant / applicant, you have filed an Appeal against the orders of the . dated/an application in the matter of..... The appeal/case is posted for hearing Hence, you are hereby required to be present in this Tribunal without fail by yourself or through authorized representative/agent or through advocate otherwise the appeal/application is treated as ex-parte. (Given orders under the hand and Seal of The Secretary, Jharkhand Self-Supporting Co-Operative Societies Tribunal, Ranchi) By Order Date Seal Secretary CS on 03 09 Form- V [See Rule 16(1)] Notice for tendering evidence Before The Jharkhand Self-Supporting Co-Operative Societies Tribunal at Ranchi. Appeal /Case No. •

20. Appellant/ Applicant vs. Respondent To, Mr.... .. The above named person has preferred an appeal No.....against the orders of/filed an application in the matter of..... You have been included as to tender evidence in the aforementioned case. You are therefore, requested to make available yourself in the Tribunal with following documents on..... 1. 2. (Given orders under the hand and Seal of The Secretary, Jharkhand Self-Supporting Co-Operative Societies Tribunal, Ranchi) By Order Date Secretary acv slo lie 04 048 0, 1673 6201202520 B4. hop % 64. O *TO-19/2011 .. 1996 2015 EIRT—39 gg 2020 (l) (2) (3) (l) (2) (3) (4) (5) (6) (7) (8) (9) 2020 zrg 1996 2015 1996 2015 X--18TlET I "qN" 1996 (3#fiq7) 2015 \$1 1996 (36fr@) 2015 I 1996 2015 I "g•qa" I e—zp.1T 1 (10) (11) (12) (13) (14) (15) (l) (2) (3) (4) "gmq•rQ" "g•RATQ" I 1908 1908) URT—02 (15) Qr gqp•r), 65 \$1 2 4.1 \$1 03 (67) -\$ fä-g 65 \$1 I (l) (2) (2) 42 gt 1860(XLV, 1860) 21 eæffi'ßf<, 4RT—195 340 I 4.3 4.4 *TIT I ur ASTé-a (3) (4) (5) 1 1000/— 5000/— 1000/— 2000/— @ i 6) (q) (z.) (q) (U) 4 (l) (2) (3) (4) (5) qqa—l a-Fu F) grr zrg 15 gtß--l n I 90 N) I (c 00 5

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