

(Authoritative English text of this Department notification No. Coop.-A(3)-2/2020 dated 14th March 2024 as required under clause (3) of article 348 of the Constitution of India).

Res
Adm. & Admin.
Law
16/03/2024
16/03/2024

**Government of Himachal Pradesh
Co-operation Department**

Shimla-02 14th March, 2024

No. Coop.-A(3)-2/2020

NOTIFICATION

Whereas, the draft Himachal Pradesh Co-operative Societies Rules, 1971, were published in the Rajpatra (e-Gazette) Himachal Pradesh on 29.12.2023 vide this department notification of even number dated 26.12.2023 for inviting objection(s) and suggestion(s) from the persons likely to be affected thereby, as required under section 109 of the Himachal Pradesh Co-operative Societies Act, 1968 (Act No 3 of 1969);

And whereas, objection(s)/suggestion(s) have been received from the persons likely to be affected thereby within the specified period, which have been considered by the Government;

Now, therefore, in exercise of the powers conferred by the section 109 of the Himachal Pradesh Co-operative Societies Act, 1968 (Act No. 3 of 1969), the Governor of Himachal Pradesh is pleased to make the following rules, namely:-

DRAFT RULES

Short title and commencement

1. (1) These rules may be called the Himachal Pradesh Co-operative Societies (Amendment) Rules, 2024.
- (2) It shall come into force from the date of their publication in the Rajpartra (e-Gazette), Himachal Pradesh.

Amendment of rule 56.

2. **In the Himachal Pradesh Co-operative Societies Rules, 1971 (hereinafter referred to as the 'said rules'), for sub-rule (3) of rule 56, the following shall be substituted, namely:-**

“(3) No Co-operative Society shall employ a salaried officer or servant with total monthly emoluments exceeding rupees ‘fifteen thousand’ without the previous permission of the Registrar:

Provided that if operating expenses of a co-operative society, excluding the amount of depreciation exceeds its income in a financial year, such society shall not employ any salaried officer or servant in the next succeeding financial year:

Provided further that no co-operative society shall employ salaried officer or servant exceeding the cadre strength, if any, fixed by the Registrar by a special or general order, and shall not fill more than ten vacancies in a financial year under this sub-rule without prior permission of the Registrar.”.

Amendment of rule 69.

3. In rule 69 of the said rules,-

(a) for sub-rule(1), the following shall be substituted, namely:-

“(1) Every society shall contribute to the ‘Co-operative Education Fund’, as provided in section 54 of the Act. Every Cooperative Society shall contribute to this fund at the rate of rupees hundred or one percent of net profit of the year whichever is more but subject to a maximum of Rs. Five lacs to be administered by the Himachal Pradesh Co-operative Development Federation (hereinafter mentioned as State Co-operative Development Federation) and in its absence by any other agency duly authorized by the Government in this behalf. Every Cooperative society shall also contribute at the rate of Rs Two Hundred or 2% of its profit in a year whichever is more but subject to Rs. Ten Lac in Cooperative Education Fund to be administered at its own level. This fund shall be utilized by the Cooperative Society itself for cooperative education trainings in training institutes of Cooperation Department of State of Himachal Pradesh/Cooperative Banks/ Cooperative training Institutes of Government of India or through training/exposure visit by any NGO registered in Himachal Pradesh for promotion/training of Cooperatives.”;

(b) for sub-rule (3), the following shall be substituted, namely:-

“(3) No part of the Education Fund so administered by the State Cooperative Development Federation or in its absence by any other agency duly authorized by Government in this behalf shall be utilised till the permission of the Registrar is obtained, or regulations approved by him.

The rule provides for the constitution of a Co-operative Education Fund’ which shall be administered by the Himachal Pradesh State

Cooperative Development Federation or by any other agency in the absence of the former as well as by Cooperative Societies at their own level. The contribution to the fund shall be made by every registered society at the rate of Rs. 300/- or 3% of the net profits derived from the working in a given year subject to a maximum of Rs. 15 lakhs to be distributed between these institutions as per rule 69(1). The rule read with Section No. 54 of the Act, imposes a statutory obligation on every society for making contribution to this Fund. Out of 3% Cooperative education fund 1% shall be administered by Himachal Pradesh Co-operative Development Federation (hereinafter mentioned as State Co-operative Development Federation) and 2% by cooperative societies at their own level.

Any society desirous of contributing more than the maximum of 3% of profits may do so with the prior permission of the Registrar but this shall not in any way exceed 5% of the net profits of the year.”

Amendment of rule 83A.

4. In rule 83A of the said rules, in sub-rule (1), for clause (b), the following shall be substituted, namely :-

“a firm of more than one Chartered Accountants within the meaning of the Chartered Accountants Act, 1949.”

By order

(C. Paulrasu)
Secretary (Co-operation) to the
Government of Himachal Pradesh
Tel No. 0177-2621715

No. Coop. A(3)-2/2020,

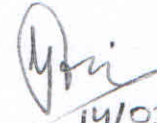
Dated Shimla-2,

14th March, 2024

Copy forwarded to:

1. The Secretary to the Governor, Himachal Pradesh, Shimla-171002.
2. The Spl. Private Secretary to the Hon'ble Chief Minister, Himachal Pradesh, Shimla-171002.
3. The Spl. Private Secretary to the Hon'ble Deputy Chief Minister, Himachal Pradesh, Shimla.
4. All the Secretaries to the Government of Himachal Pradesh.

5. The Secretary, H.P. Vidhan Sabha, Shimla-171004.
6. The LR-cum- Pr. Secretary (Law) to the Government of Himachal Pradesh.
7. All the Head of the Departments, Himachal Pradesh.
8. The Registrar, H.P. High Court Shimla-171001.
9. The Registrar Cooperative Societies, Himachal Pradesh Shimla-171009 with request to upload this notification on official website.
10. The DLR-cum-Deputy Secretary (Law) Himachal Pradesh Shimla-2.
11. The Controller, Printing and Stationary, Shimla-171005 for immediately publication in the Rajpatra (e-Gazette) (Extra-Ordinary).
12. All the Deputy Commissioner, Himachal Pradesh
13. All the Additional /Joint/Deputy/Assistant Registrar Cooperative Societies, H.P.
14. Guard file.



14/03/2024

(Parveen Kumar Taak)
Joint Secretary (Co-operation) to the
Government of Himachal Pradesh
Tel. No. 0177-2622686

हिमाचल प्रदेश सरकार
सहकारिता विभाग

संख्या : कूप-ए(3)-2/2020

तारीख: शिमला-2,

14th मार्च, 2024

अधिसूचना

इस विभाग की समसंख्यांक अधिसूचना, तारीख 26.12.2023 द्वारा हिमाचल प्रदेश कॉपरेटिव सोसाइटीज रूल्ज, 1971 प्रारूप को हिमाचल प्रदेश सहकारी सोसाइटी अधिनियम, 1968 (1969 का अधिनियम संख्यांक 3) की धारा 109 के अधीन यथाअपेक्षित तदधीन संभाव्य प्रभावित होने वाले व्यक्तियों से आक्षेप और सुझाव आमन्त्रित करने के लिए तारीख 29.12.2023 को राजपत्र (ई-गजट), हिमाचल प्रदेश में प्रकाशित किया गया था;

और विनिर्दिष्ट अवधि के भीतर सम्भाव्य प्रभावित होने वाले व्यक्तियों से इस निमित्त आक्षेप/सुझाव प्राप्त हुए हैं जिन पर सरकार द्वारा विचार किया गया है;

अतः हिमाचल प्रदेश के राज्यपाल, हिमाचल प्रदेश सहकारी सोसाइटीज अधिनियम, 1968 (1969 का अधिनियम संख्यांक 3) की धारा 109 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निम्नलिखित नियम बनाते हैं; अर्थात् :-

प्रारूप नियम

संक्षिप्त नाम और प्रारंभ।

1. (1) इन नियमों का संक्षिप्त नाम हिमाचल प्रदेश कॉपरेटिव सोसाइटीज (अमैण्डमेन्ट) रूल्ज, 2024 हैं।
(2) ये नियम राजपत्र (ई-गजट), हिमाचल प्रदेश में इनके प्रकाशन की तारीख से प्रवृत्त होंगे।

रूल 56 का संशोधन।

2. हिमाचल प्रदेश कॉपरेटिव सोसाइटीज रूल्ज, 1971 (जिन्हें इसमें इसके पश्चात 'उक्त नियम' कहा गया है) के रूल 56 के सब-रूलज (3) के स्थान पर निम्नलिखित रखा जाएगा, अर्थात् :-

“(3) No Co-operative Society shall employ a salaried officer or servant with total monthly emoluments exceeding rupees ‘fifteen thousand’ without the previous permission of the Registrar:

Provided that if operating expenses of a co-operative society, excluding the amount of depreciation exceeds its income in a financial year, such society shall not employ any salaried officer or servant in the next succeeding financial year:

Provided further that no co-operative society shall employ salaried officer or servant exceeding the

cadre strength, if any, fixed by the Registrar by a special or general order, and shall not fill more than ten vacancies in a financial year under this sub-rule without prior permission of the Registrar.”

रूल 69 का संशोधन।

3. उक्त नियमों के रूल 69 में, —

(क) सब रूल (1), के स्थान पर निम्नलिखित रखा जाएगा, अर्थात्:—

“(1) Every society shall contribute to the ‘Co-operative Education Fund’, as provided in section 54 of the Act. Every Cooperative Society shall contribute to this fund at the rate of rupees hundred or one percent of net profit of the year whichever is more but subject to a maximum of Rs. five lacs to be administered by the Himachal Pradesh Co-operative Development Federation (hereinafter mentioned as State Co-operative Development Federation) and in its absence by any other agency duly authorized by the Government in this behalf. Every Cooperative society shall also contribute at the rate of Rs Two Hundred or 2% of its profit in a year whichever is more but subject to Rs. Ten Lac in Cooperative Education Fund to be administered at its own level. This fund shall be utilized by the Cooperative Society itself for cooperative education trainings in training institutes of Cooperation Department of State of Himachal Pradesh/Cooperative Banks/ Cooperative training Institutes of Government of India or through training/ exposure visit by any NGO registered in Himachal Pradesh for promotion/training of Cooperatives”.

(ख) सब रूल (3), के स्थान पर निम्नलिखित रखा जाएगा, अर्थात्:—

“(3) No part of the Education Fund so administered by the State Cooperative Development Federation or in its absence by any other agency duly authorized by Government in this behalf shall be utilised till the permission of the Registrar is obtained, or regulations approved by him.

The rule provides for the constitution of a Co-operative Education Fund’ which shall be administered by the Himachal Pradesh State Cooperative Development

Federation or by any other agency in the absence of the former as well as by Cooperative Societies at their own level. The contribution to the fund shall be made by every registered society at the rate of Rs. 300/- or 3% of the net profits derived from the working in a given year subject to a maximum of Rs. 15 lakhs to be distributed between these institutions as per rule 69(1). The rule read with Section No. 54 of the Act, imposes a statutory obligation on every society for making contribution to this Fund. Out of 3% Cooperative education fund 1% shall be administered by Himachal Pradesh Co-operative Development Federation (hereinafter mentioned as State Co-operative Development Federation) and 2% by cooperative societies at their own level.

Any society desirous of contributing more than the maximum of 3% of profits may do so with the prior permission of the Registrar but this shall not in any way exceed 5% of the net profits of the year."

रूल 83-A का संशोधन।

4. उक्त नियमों के रूल 83-A में सब रूल (1) के क्लॉज (बी) के स्थान पर निम्नलिखित रखा जाएगा, अर्थात्:—

“a firm of more than one Chartered Accountants within the meaning of the Chartered Accountants Act, 1949.”

आदेश द्वारा,

(सी० पॉलरासु)
सचिव (सहकारिता)
हिमाचल प्रदेश सरकार।
दूरभाष नं० 0177-2621715

पृष्ठांकन संख्या: कूप-ए(3)-2/2020

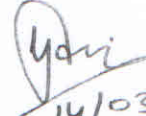
तारीख:

14th मार्च, 2024

प्रतिलिपि अग्रेषित है :-

1. सचिव, राज्यपाल, हिमाचल प्रदेश सरकार, शिमला-171002।
2. विशेष निजी सचिव, माननीय मुख्यमंत्री, हिमाचल प्रदेश, शिमला-171002।
3. विशेष निजी सचिव, माननीय उप मुख्यमंत्री, हिमाचल प्रदेश, शिमला-171002।
4. समस्त सचिव, हिमाचल प्रदेश सरकार।
5. सचिव, हिमाचल प्रदेश, विधान सभा, शिमला-171004।

6. विधि परामर्शी एवं प्रधान सचिव (विधि), हिमाचल प्रदेश सरकार, शिमला।
7. समस्त विभागाध्यक्ष, हिमाचल प्रदेश।
8. रजिस्ट्रार, हिमाचल प्रदेश, उच्च न्यायालय, शिमला -171001।
9. पंजीयक, सहकारी सभाएं, हिमाचल प्रदेश, शिमला-9।
10. उप विधि परामर्शी एवं अवर सचिव (विधि) हिमाचल प्रदेश सरकार, शिमला-171002।
11. नियन्त्रक, मुद्रण एवं लेखन सामग्री, शिमला-5 को राजपत्र (असाधारण) में प्रकाशित करने हेतु।
12. समस्त जिलाधीश, हिमाचल प्रदेश।
13. समस्त अतिरिक्त/संयुक्त/उप/सहायक पंजीयक, सहकारी सभाएं, हिमाचल प्रदेश।
14. गार्ड नस्ति।


14/03/2024

(प्रवीण कुमार टाक)
संयुक्त सचिव (सहकारिता)
हिमाचल प्रदेश सरकार।
दूरभाष नं० 0177-2622686