

HIMACHAL PRADESH BOARD OF DEPARTMENTAL EXAMINATIONS
DEPARTMENTAL EXAMINATION OF OTHER GAZETTED OFFICER OF
HIMACHAL PRADESH.

JUNE 2018

Time Allowed: 3 hours

Maximum Marks: 100

PAPER-4

CO-OPERATIVE LAW

Note:-

1. *Attempt any five questions.*
2. *All questions carry equal marks. Do quote relevant law in support of your answer.*
3. *The answers should be in your own words and bare reproduction of relevant sections of Act/ Rules should be avoided.*
4. *Books allowed: Bare Acts and Rules.*

- *H.P. Cooperative Societies Act, 1968.*
- *Himachal Pradesh Cooperative Societies Rules, 1971.*

- Q.No.1:**
- (a) What are surcharge proceedings? What are the grounds on which these can be started? What are the important things that should be kept in mind while conducting these proceedings? (10)
 - (b) What is the role of the Registrar in laying down the service conditions of employee in Co-operative Societies? Do you think Co-operatives should be given more freedom in this regard? (10)
- Q.No.2:**
- (a) Under what circumstances a Cooperative Society is directed to be wound up? What is the procedure for its winding up? How is an order for winding up different from other orders issued under the Act? (10)
 - (b) What are the main reasons for the delay in finalization of liquidation proceedings? Suggest some ways through which early completion of such proceedings can be ensured? (10)
- Q.No.3:**
- (a) What is the distinction between an Appeal, a Review and a Revision? Do you think there is a need for setting up a Co-operative Appellate Tribunal in H.P. in view of rising litigation? What advantages will it have? (10)
 - (b) Do you think the avenues available for investment of funds by a Co-operative society under the Act/ Rules are adequate or do they require

any changes to give more flexibility to them in view of the wider investment to them in view of the wider investment opportunities now available? (10)

Q.No.4: (a) How an order of Liquidation is different from any other order passed under the H.P. Co-operative Societies Act, 1968? What are the main features of such an order? (10)

(b) Do you think the Directive of not charging any interest on Bank CCLs/ loans of a Co-operative Society under liquidation is reasonable and justified? Discuss the *pros* and *cons* of this practice. (10)

Q.No.5: Write short notes on any two of the following:

(a) Powers of the Registrar to give directions to a Co-operative society

(b) Bar on Jurisdiction of Courts

(c) Difference between Appeal, Review and Revision

(10X2)

Q.No.6: Write notes on the following:

1. Appointment of Managing Committee Members by Registrar u/s 34-A of the H.P. Co-operative Societies Act, 1968.

2. Nomination of Managing Committee Members by State Government u/s 35 of the H.P. Cooperative Societies Act, 1968.

(10X2)

Q.No.7: What are execution proceedings? What are the bottlenecks or constraints affecting speedy recovery in execution proceedings? How can these be overcome? Do you think the conferring of Collector's powers on Deputy Registrar has led to a speeding up of recoveries? What further measures do you suggest for improving recoveries in execution? (20)

Q.No.8: (a) What do you understand by the term '*Body Corporate*' in respect of a Co-operative Society? What advantage does a Co-operative Society get by becoming a '*Body Corporate*'? (10)

(b) What is the difference between limited and unlimited liability? Which Co-operative Societies can be registered with unlimited liability? (10)