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25/4/17

Government of Himachal Pradesh
Sainik Welfare Department

File No. SWD-A(3)-1/2017

Dated: Shimla-2 07/04/2017.

NOTIFICATION


In continuation to this Department's Notification No.11-114/68-GAD-I dated 11th August, 1970 HE, the Governor, Himachal Pradesh, in his capacity as Chairman of the Himachal Pradesh State Managing Committee of Special Fund for Reconstruction and Rehabilitation of Ex-Servicemen, is pleased to amend the Bye-Laws framed under Rule 12 of the Rules of Special Fund for Reconstruction and Rehabilitation of Ex-Servicemen notified vide Notification No.13-3/54-GAD dated 27-6-1968 as here to annexed.


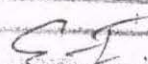
By order

Addl.Chief Secretary (SW) to the
Government of Himachal Pradesh
Dated: Shimla-2, 07/04/2017.

Endst. No. As above.
Copy forwarded to:-

1. The Secretary, Kendriya Sainik Board, Ministry of Defence, Government of India, New Delhi.
2. The Director General Resettlement, Ministry of Defence, Government of India, New Delhi.
3. The Private Secretatry to the Chief Secretary, Himachal Pradesh.
4. All the Addl.Chief Secretaries/ Pr.Secretaries/ Secretaries to the Government of Himachal Pradesh.
5. All Heads of Departments, Himachal Pradesh.
6. The Director, Sainik Welfare, Himachal Pradesh, Hamirpur- 177001
7. All Deputy Commissioners in Himachal Pradesh.
8. The Finance Department. (IF Branch) Himachal Pradesh Secretariat, Shimla-171002.


Special Secretary(SW) to the
Govt. of Himachal Pradesh.

P.A. Cell	
DHE	
20 APR 2017	
Branch	

Sp. Secy. to Govt.

Directorate of Higher Education
Himachal Pradesh

शिक्षा निदेशालय
18 MAY 2017

18 MAY 2017

Endst. No. No. EDN-HE(1)B(15)-1/2010-Imp. Instt. Dated Shimla - 171001 the
Copy for information and further necessary action is forwarded to :-

16/5/2017

1. The Additional Chief Secretary (SW) to the Govt. of HP w.r.t. letter No.SWD-A(3)- 1/2017 Dated 07.04.2017 for information please.
2. The Joint Director of Hr. Education (Admn), H.P.
3. The Joint Director of Hr. Education Dte. of Hr. Edu. H.P.(C-I / C-II), H.P.
4. The Joint Controller (F&A), Dte. of Hr. Education, H.P.
5. The DDO, Directorate of Higher Education, H.P.
6. The PS to the Director of Higher Education, H.P.
7. All the Branch Officer/ Superintendents Establishment Branches, Directorate of Higher Education, H.P. with the remarks that to take further necessary action in the matter accordingly.
8. All the Deputy Directors of Hr. Education, H.P. with the remarks that to take further necessary action in the matter accordingly.
9. The Chief Librarian, Center State Library Solan.
10. *The Incharge Computer Cell, Dte. of Hr. Education, H.P with the remarks to upload the said orders on the deptt. Website*
11. Guard File.

Joint Director Higher Education(Admn.)
Himachal Pradesh

(99)

IT Cell

**BYE-LAWS UNDER RULE 12 OF THE RULES OF THE SPECIAL FUND FOR
RECONSTRUCTION & REHABILITATION OF EX-SERVICEMEN IN H.P. NOTIFIED
UNDER NOTIFICATION NO.13-3/64-GAD DATED THE 27TH JUNE, 1968.**

1. SHORT TITLE AND COMMENCEMENT: -

- (1) These Bye-Laws may be called: - "The Bye-laws for the working of the Special Fund for the Reconstruction and Rehabilitation of Ex-Servicemen."
- (2) Extent of applicability: - They shall apply to the whole of State of Himachal Pradesh.
- (3) They shall come into force on such date as the State Managing Committee may, with the approval of the Himachal Pradesh Government fix.

2. DEFINITIONS.

In these bye-laws: -

(a) "Rules" means the Rules for the Administration of the Special Fund for Reconstruction and Rehabilitation of Ex-Servicemen appended to the H.P. Government (GAD) Notification No. 13-3/64-GAD dated 27.06.1968.

(b) "Ex-Serviceman" means a person, who has served in any rank whether as a combatant or non-combatant in the Regular Army, Navy and Air Force of the Indian Union and

- Who retired from such service after earning his/her pension or
- Who has been released from such service on medical grounds attributable to military service or circumstances beyond his control and awarded medical or other disability pension or
- Who has been released, otherwise than on his own request, from such service as a result of reduction in establishment; or
- Who has been released from such service after completing the specific period of engagements, otherwise than at his own request or by way of dismissal or discharge on account of misconduct or inefficiency, and has been given a gratuity; and includes personnel of the Territorial Army of the following categories, namely: -
 - (i) Pension holders for continuous embodied service,
 - (ii) Persons with disability attributable to military service, and
 - (iii) Gallantry award winners
- **Personnel of Army Postal Service:** - The personnel of Army Postal Service, who are a part of the Regular Army and retire from such service (that is, directly from the Army Postal Service itself without reversion to P&T Department) with a pension or who have been released from such service on medical grounds attributable to military service or circumstances beyond their control and awarded medical or other disability pension, come within the definition of ex-servicemen.
- **Those released on or after 01 Jul 79 but before 01 Jul 87:** - Any person who had served in any rank (whether as a combatant or not) in the Armed Forces of the Union for a continuous period of not less than six months after attestation, if discharged for reasons other than at their own request or by way of dismissal or discharged on account of misconduct or inefficiency and not less than 5 years of service if discharged at his own request.
- **Those released on or after 01 Jul 68 but before 01 Jul 79:** - Any person who had served in any rank (whether as a combatant or not) in the Armed Forces of the Union for a continuous period of not less than six months after attestation and released therefrom otherwise than by way of dismissal or discharge on account of misconduct and inefficiency.
- **Those released before 01 Jul 68:** - Any person who had served in any rank (whether as Combatant or not) in the Armed Forces of the Union and has been released therefrom otherwise than by way of dismissal or discharge on account of misconduct or inefficiency.

(c) "Fund" means the Special Fund for Reconstruction and Rehabilitation of Ex-Servicemen of the state of Himachal Pradesh.

(d) "Committee" or "State Managing Committee" means the State Managing Committee constituted under Rule 8 of the Rules read with the H.P. Government (GAD) Notification No.13-3/64-GAD dated the 29th June, 1968.

(e) Words and expressions used and not defined in these bye-laws, but defined in the Rules shall have the meanings respectively assigned to them in the said Rules.

3. FUNCTIONS OF THE COMMITTEE

The Committee shall function as an administrative body for the management and administration of the Fund subject to the general policy and directions of the Central Managing Committee.

4. OFFICE

The Office of the Committee shall be attached to the Office of Director, Sainik Welfare, Himachal Pradesh at Hamirpur.

5. CONDUCT OF BUSINESS

(1) The Business of the Committee shall be conducted in accordance with Rule 11 of the Rules.

(2) The Member Secretary (Director Sainik Welfare) of the Committee shall, with the approval of the Chairman, convene meetings of the Committee.

(3) There shall be at least one meeting of the Committee every year.

(4) The Committee may request any person whose presence is, in the opinion of the Committee, helpful for obtaining any expert opinion about a scheme, which the Committee is to examine at a meeting, to be present at that meeting.

(5) Decisions taken by the Committee at its meetings shall be in the form of minutes, which shall be approved by the Chairman and such minutes shall be sufficient authority for the Member Secretary (Director Sainik Welfare) of the Committee to act upon the decisions taken by the Committee.

(6) It shall be the responsibility of the Member Secretary (Director Sainik Welfare) to the Committee to implement the decisions taken by the Committee and for this purpose he shall exercise the powers specified in the Annexure attached to these bye-laws.

(7) The Member Secretary (Director Sainik Welfare) of the Committee shall forward a copy of the proceedings to the H.P. Government separately for information.

6. THE FUND SHALL BE UTILISED :-

(i) To grant stipends and scholarships to the children of ex-servicemen studying in various schools/colleges of the Pradesh and outside.

(ii) To grant scholarships/stipends to disabled/destitute ex-servicemen and disabled/destitute wards of ex-servicemen undergoing training in Queen Mary's Technical School Kirkee (Pune) & Paraplegic Rehabilitation Centre (Mohali).

(iii) To sanction scholarships or grants to dependents of ex-servicemen and children of deceased service officers, upto the maximum age of 25 years, for higher studies in India; beyond high school or Higher Secondary stage in technical, Vocational or agriculture education, at Government recognized institutes, the sanction of such scholarships being subject to satisfactory performance in such courses of studies by the recipients.

(iv) To sanction payment of chowkidars & sweepers of the Sainik Rest Houses, in case of any shortfall of funds in Sainik Rest House Fund. To sanction monthly maintenance amount @Rs. 1,000/- per month for Class-II Sainik Rest Houses & Rs. 2,000/- per month for Class-I Sainik Rest Houses.

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- (v) (a) To sanction expenditure for Medical/Public Health measures, library, Sewing Machines and other subsistence related equipments to widows of ex-servicemen and for holding Ex-servicemen Rallies.
- (b) Magazine subscriptions including electronic databases and information products.
- (c) Library materials including books not available under a statewide contract and papers.
- (d) Library services including printing & binding services not available under a statewide contract.
- (e) Library equipments, supplies and repair.
- (f) Purchase of computers, almira, computer table etc. to the welfare of ex-servicemen.
- (g) Purchase of entertainment equipments for the welfare of ex-servicemen.
- (h) Financial & Administrative powers under the rules of R&R Fund
- | | | |
|--|---|----------------|
| (i) Secretary Sainik Welfare | - | Rs. 3,00,000/- |
| (ii) Director Sainik Welfare, | - | Rs. 1,00,000/- |
| (iii) President (DC)
Zila Sainik Board | - | Rs. 25,000/- |
| (iv) Deputy Director,
Zila Sainik Welfare Office
(With the prior approval from
Director Sainik Welfare) | - | Rs. 15,000/- |
- Apart from above Rs.2,00,000/- for the rallies conducted within the district and Rs.5,00,000/- for the rallies conducted on state level is delegated to the Director, Sainik Welfare, Hamirpur.
- (i) To re-imburse 50% expenditure to Zila Sainik Welfare Offices incurred on Yearly Republic Day Parade.
- (j) To sanction funds for printing of Shurvir Hiteshi quarterly magazine and other magazines/books related to ex-servicemen welfare.

(vi) DELETED.

(vii) The Committee shall have powers to write off losses/objections involving finances, which do not involve fraud, neglect and theft.

(viii) The financial assistance granted out of the Fund by way of loans shall be governed by separate Rules appended to these bye-laws. The Fund shall not, however, be used to finance any scheme the provision of which is normally the responsibility of the Himachal Pradesh Government.

7. LIMITS OF EXPENDITURE

As far as possible, the expenditure from the Fund shall be limited to the sum total of the interest derived from the Fund and contributions received from the Central Government and the Himachal Pradesh Government from time to time.

8. CONDITIONS FOR GRANT OF BENEFITS

(1) An ex-serviceman employed and settled permanently outside Himachal Pradesh is not eligible for the benefit of the Fund.

(2) All ex-servicemen whose character assessed by the Defence Authorities at the time of discharge as good and above and not put under adverse report by the Civil Authorities afterwards shall be eligible for the benefits accruing from the Fund.

(3) Benefits from the fund cannot be claimed by any ex-serviceman or dependant as a matter of right and each case shall be decided by the Committee on its merits.

9. DATE OF TAKING EFFECT OF DECISIONS OF COMMITTEE

A decision taken by the Committee shall, unless otherwise specified therein, be deemed to have taken effect from the date of the decision, even if it is communicated later.

10. OPERATION OF THE FUND

The Fund shall be operated in accordance with the decision taken at the meetings of the Committee subject to the following provisions:-

(1) The corpus money of the R&R Fund invested in various banks as FDRs opened in the name of HP State Managing Committee of R&R Fund of Ex-servicemen shall not be utilized and all the schemes of this fund will be run from the annual interest accrued from the corpus money. Payments from the bank accounts opened in the name of HP State Managing Committee of R&R Fund of Ex-servicemen will be operated jointly by Director, Sainik Welfare and Officer On Special Duty, Directorate Sainik Welfare with the prior approval of Secretary (Sainik Welfare) to the Government of Himachal Pradesh.

(2) Payments from the bank accounts opened in the name of HP State Managing Committee of R&R Fund of Ex-servicemen will be operated jointly by Director, Sainik Welfare and Officer On Special Duty, Directorate Sainik Welfare with the prior approval of Secretary (Sainik Welfare) to the Government of Himachal Pradesh.

11. STATEMENT OF EXPENSES TO BE PLACED BEFORE THE COMMITTEE

The Member Secretary (Director Sainik Welfare) shall place before the Committee not later than the 15th of the month succeeding a half-year statement of expenditure incurred from the accounts during the previous half-year, for review and orders, if any, by the Committee.

12. SUB COMMITTEE

(1) There shall be a sub-committee consisting of the Chief Secretary to Himachal Pradesh Government (Senior Vice-Chairman), two members nominated by the Committee from among its members and the Member Secretary (Director Sainik Welfare) to the Committee, to assist the Committee in the day-to-day administration to the Fund. The nominated member shall cease to be a member of the Sub-Committee as and when he ceases to be a member of the Committee.

(2) The Sub-Committee shall have the following powers namely:-

- (a) To sanction grants in urgent cases subject to ratification by the Committee.
- (b) To examine schemes of ex-servicemen for assistance, from the Fund before they are placed before the Committee, and
- (c) To decide the manner in which the amounts sanctioned by the Committee should be disbursed.

(3) The Committee may constitute or request the Government to constitute any other sub-committee to assist in its functions.

13. ESTABLISHMENT

(1) The Member Secretary (Director Sainik Welfare) to the Committee shall be the Chief Executive Officer of the Committee and the Head of the office of the Committee.

(2) The Member Secretary (Director Sainik Welfare) shall exercise the administrative powers specified in the Annexure to these Bye-Laws.

(3) It shall be the duty of the Member Secretary (Director Sainik Welfare) to implement the decisions taken by the Committee.

(4) The Member Secretary (Director Sainik Welfare) shall have supervisory powers over all the institutions and activities which are financed either wholly or partly from the Fund.

- (5) There shall be an office of the Committee with such staff as may be appointed by the Committee to attend the working of the Fund.
- (6) Service Conditions of the employees of the Committee shall, subject to the provisions of these Bye-Laws, be the same as those applicable to Himachal Pradesh Government Employees.
- (7) Such employees shall not be entitled to pensionary benefits as in the case of Himachal Pradesh Government Employees. But they shall be paid at the time of retirement/death while in service/discharge on valid grounds, gratuity calculated at the rate of one month's pay for every completed year of service under the Committee, subject to the maximum of 15 months' pay, the pay last drawn by the employee concerned being taken into account for purposes of calculation. The gratuity shall be admissible only if the employee has put in a minimum service of five years under the Committee.
- (8) The Committee may, at its discretion, appoint employees of the H.P. Government service as employees of the Committee permanently or on deputation basis subject to such conditions as it may prescribe for the purpose.
- (9) The age of retirement of the employees of the Committee shall generally be that applicable to the employees of the Government of Himachal Pradesh, provided that the Committee may, under special circumstances, extend the date of retirement of any employee, stipulating such conditions as the Committee may deem necessary.
- (10) The Committee may, under special circumstances, take any decision at variance with the provisions of the Service Regulations and the Financial Rules applicable in Himachal Pradesh for their employees and such decisions shall be accepted as due authority for audit purposes.
- (11) The employees of the Fund shall be made permanent upon such conditions as the Committee may decide.
- (12) Notwithstanding anything contained in these Bye-Laws, the Committee may fix, at its discretion, any special grade of pay/allowances to the employees of the Fund.

14. ROLE OF THE ZILA SAINIK WELFARE OFFICES.

- (1) The Zila Sainik Welfare Offices shall assist the Committee in the administration of the Fund and for this purpose the Zila Sainik Welfare Offices shall act as sub-committee in each district.
- (2) The Zila Sainik Welfare Offices shall
- (a) Scrutinize the schemes for financial assistance and forward the same to the Member Secretary (Director Sainik Welfare) to the Committee with their recommendations, and
 - (b) Disburse such amount placed at their disposal by the Committee in the manner prescribed.

15. BUDGET

- (1) The annual budget of the Fund for a financial year shall be prepared and placed before the Committee before the close of the previous financial year. It shall be the responsibility of the Member Secretary (Director Sainik Welfare) to the Committee to arrange to place the budget before the Committee in time.
- (2) With a view to avoid delay in the incurring of expenditure of emergent nature, the Chairman of the State Managing Committee may sanction Budget Estimates of the Fund in anticipation of the meeting of the State Managing Committee.

16. FINANCIAL YEAR

- (1) The financial year of the Fund shall be from the first of April to 31st of March of the succeeding calendar year.

17. ACCOUNTS AND AUDIT

- (1) Regular accounts of all moneys drawn and spent from Fund shall be maintained by the Member Secretary (Director Sainik Welfare) to the Committee.
- (2) The Examiner of Local Fund Accounts, Himachal Pradesh shall be the Auditor of the Fund.

18. POWERS AND DUTIES OF THE EXAMINER OF LOCAL FUND ACCOUNTS

The role of the Examiner of Local Fund Accounts in the matter of accounts and audit of the Fund shall be similar to that of the Accountant General with regard to the State Revenue. It shall be his duty to see that the expenditure from the Fund is incurred for the purpose for which it sanctioned. He shall submit his audit report along with balance sheet for a year to the Committee within 3 months from the end of that financial year.

19. AMENDMENT OF BYE-LAWS.

The Committee shall have the powers to amend or rescind or alter any of the provisions contained in these bye-laws.

20. Notwithstanding anything contained in these bye-laws or the subsidiary rules thereunder regarding the grant of loans to Ex-Servicemen Societies and to individual Ex-servicemen, the Committee may, at its discretion, make such decisions at variance with the said bye-laws and subsidiary rules, as are deemed fit in view of the special nature of any case.

21. The Member Secretary (Director Sainik Welfare) shall represent the Committee in all legal proceedings.

RULES FOR THE GRANT OF LOANS TO EX-SERVICEMEN'S CO-OPERATIVE SOCIETIES

1. Short title and extent.

These rules shall extend to the whole of Himachal Pradesh and shall come into force at once.

2. In these rules unless the context otherwise requires.

(a) "Ex-Serviceman" means a person, who has served in any rank whether as a combatant or non-combatant in the Regular Army, Navy and Air Force of the Indian Union and

- Who retired from such service after earning his/her pension or
- Who has been released from such service on medical grounds attributable to military service or circumstances beyond his control and awarded medical or other disability pension or
- Who has been released, otherwise than on his own request, from such service as a result of reduction in establishment; or
- Who has been released from such service after completing the specific period of engagements, otherwise than at his own request or by way of dismissal or discharge on account of misconduct or inefficiency, and has been given a gratuity; and includes personnel of the Territorial Army of the following categories, namely: -

- (iv) Pension holders for continuous embodied service,
- (v) Persons with disability attributable to military service, and
- (vi) Gallantry award winners

- **Personnel of Army Postal Service:** - The personnel of Army Postal Service, who are a part of the Regular Army and retire from such service (that is, directly from the Army Postal Service itself without reversion to P&T Department) with a pension or who have been released from such service on medical grounds attributable to military service or circumstances beyond their control and awarded medical or other disability pension, come within the definition of ex-servicemen.

- **Those released on or after 01 Jul 79 but before 01 Jul 87:** - Any person who had served in any rank (whether as a combatant or not) in the Armed Forces of the Union for a continuous period of not less than six months after attestation, if discharged for reasons other than at their own request or by way of dismissal or discharged on account of misconduct or inefficiency and not less than 5 years of service if discharged at his own request.

- **Those released on or after 01 Jul 68 but before 01 Jul 79:** - Any person who had served in any rank (whether as a combatant or not) in the Armed Forces of the Union for a continuous period of not less than six months after attestation and released therefrom otherwise than by way of dismissal or discharge on account of misconduct and inefficiency.

- **Those released before 01 Jul 68:** - Any person who had served in any rank (whether as Combatant or not) in the Armed Forces of the Union and has been released therefrom otherwise than by way of dismissal or discharge on account of misconduct or inefficiency.

(b) "Fund" means the Special Fund for Reconstruction and Rehabilitation of Ex-Servicemen of the state of Himachal Pradesh.

(c) "SOCIETY" means a Co-operative Society the membership of which shall be opened to all ex-service personnel including ex-officers and their dependents and also to non ex-servicemen employed in the Society not exceeding 10 percent of the membership.

3. Civilians can be appointed in a society in any job for which they are specially trained for the speedy and efficient implementation of schemes when suitable ex-servicemen are not available for such appointment.

4. Societies seeking financial assistance from the Fund shall first submit their detailed scheme through the Zila Sainik Welfare Offices concerned in the form prescribed in Appendix "A" to these rules, for approval.
5. After such approval, the society, if not already registered, shall draft the society's Bye-laws in consultation with the Member Secretary (Director Sainik Welfare), State Managing Committee of the Fund and forward the same through the Fund Committee to the Registrar of Co-operative Societies for registration.
6. Bonds in the form prescribed in Appendix 'B' shall be executed by the Societies in favour of the State Managing Committee, incorporating therein the conditions regarding the utilization, payment, rate of interest etc. of the loan, and such bonds shall be signed by the President, Secretary, and two Committee members of the Society for and on behalf of the Society. These rules shall also be made part of the agreement to be executed by the Society.
7. The amount received as loan shall be deposited by the Society in a Bank approved by the Registrar of Co-operative Societies. The loans amount or any part thereof shall not be utilized for any purpose not connected with the scheme for which it is granted without prior specific sanction of the State Managing Committee.
8. Ex-servicemen's Co-operative Societies desirous of getting loans from the Fund shall agree to abide by the conditions laid down by the State Managing Committee of the Fund from time to time to ensure the successful working of the scheme. The loans from the Fund to the Co-operative Societies shall be subject to the following main conditions, namely: -
 - (a) The State Managing Committee shall have the right to arrange for the inspection of the accounts of the society;
 - (b) The State Managing Committee shall have the right to nominate one of its members to the society when the loan amount does not exceed Rs.10,000/- but is below Rs.50,000/-.
 - (c) The State Managing Committee shall have the right to nominate a majority of members in the Managing Committee of the Society when the loan amount is Rs.50,000/- and above.
 - (d) The nominated members shall have the right to vote in the Managing Committee of the society.
 - (e) The State Managing Committee shall have the right to appoint a Paid Secretary to the Society with the approval of the Registrar of Co-operative Societies on proper Security as the Chief Executive Officer who will operate the Bank account and will be the chief custodian of all the assets of the society.
 - (f) The services of the Secretary appointed under clause (e) shall be utilized by the Society till the liability to the Fund ceases to exist or till the State Managing Committee deems it not necessary whichever is earlier.
 - (g) The State Managing Committee shall have the right to send nominees to attend the meeting of the Societies and to give necessary guidance.
9. If a society desires to use the share capital for any activity not contemplated in the sanctioned scheme or for additional investments over and above that sanctioned under the scheme, it shall obtain the previous permission in writing of the Member Secretary (Director Sainik Welfare) of the State Managing Committee, who shall refer the matter to the respective Zila Sainik Welfare Office, and obtain their view before sanctioning or rejecting the proposal.
10. The loan amount shall be repaid in installments to be specified in the bond to be executed by the Society. In default of repayment of any installment, the society concerned shall pay a penal interest at the rate of 2% on the defaulted amounts.
11. Repayment of loans shall be made direct to the Member Secretary (Director Sainik Welfare), State Managing Committee who shall remit the amount to the account of Treasurer Charitable Endowments.

12. The society shall not acquire any ownership over such items (machines etc. purchased from the loan amount) and shall only have a right of user in respect of them and such articles shall not form part of the assets of the Society until the liability to the Fund is fully discharge.

13. The society receiving loans shall not dispose of or create any encumbrance in respect of the assets of the Society without the consent in writing of the State Managing Committee. In such cases, the approval of the Registrar of Co-operative Societies shall also be obtained.

14. In the event of default in repayment or of the non-compliance of any of the conditions on which loan is sanctioned, the State Managing Committee shall have the right to recover the loan on lump-sum basis.

APPENDIX 'A'

MODEL SCHEME

I. NAME OF SCHEME

1. Locality of working with headquarters.
2. Working jurisdiction.
3. Details of working of the scheme and scope of the scheme in the locality.
4. Number of Ex-servicemen that could benefited through employment or otherwise.
5. Line of communication, nearest rail or road-head.

II. FINANCIAL IMPLICATIONS

1. Expenditure involved.
 - (a) Recurring expenditure
 - (b) Non-recurring expenditure.
2. Establishment with details such as employees, rent etc., and for what period.

III. INCOME, ANTICIPATED WITH DETAILS OF GROSS AND NET.

1. The amount that could be raised as share capital.
2. The amount required as loan.
3. Duration and nature of repayment.

IV. OTHER RELEVANT DETAILS.

APPENDIX 'B'

(See Rule 6)

SPECIMEN FORM OF BOND TO BE EXECUTED BY THE SOCIETIES

This bond is executed on this the _____ day of _____ between _____ a society registered under _____ Act and having its registered office at _____ (hereinafter called "The Society") of the one part and the State Managing Committee of the Special Fund for the Reconstruction and Rehabilitation of Ex-Servicemen, Himachal Pradesh, (hereinafter called "The State Managing Committee") of the other part.

Whereas the _____ has applied to the State Managing Committee for a loan of Rs. _____ only under the Rules for the grant of loans to Ex-Servicemen's Co-operative Societies (hereinafter referred to as "The Rules") which shall form part of this deed for working a scheme for _____ and the State Managing Committee has sanctioned Rs. _____ only for the purpose subject to the terms and conditions hereinafter appearing and _____ has agreed to the said terms and conditions.

NOW THESE PRESENTS WITNESS AND IT IS HEREBY AGREED AS FOLLOWS: -

1. In consideration of the Loan of Rs. _____ only (the receipt of which is hereby acknowledged) the society shall deposit the same in a Bank approved by the Registrar of Co-operative Societies and shall utilize it only for the purpose for which it has been granted and in strict accordance with the scheme.
2. The Paid Secretary shall hold office as such and shall have the same powers as the Chief Executive Office of the Society. He shall not be removable from office or subjected to any disciplinary action except with the concurrence of the State Managing Committee.
3. The loan amount shall be the first charge on all the assets of the society.
4. The portion of the loan amount advanced to make up the share capital viz. Rs. _____ only shall be repaid in _____ installments of _____ with interest at _____ from the date of issue of loan and the first installment shall fall due _____.
5. The loan portion of Rs. _____ shall be _____ thereafter shall bear _____ interest and shall be repayable in installments of Rs. _____ the first installment to fall due _____. All such remittances shall be made to the Secretary, State Managing Committee, direct.
6. In case of default of repayment, penal interest at the rate of _____ besides the usual rate of interest shall be charged on the defaulted amounts.
7. A list of articles which already, form the assets of the society and of those, which are to be purchased for the working of this scheme shall be attached as a schedule to this bond.
8. The society shall not dispose of or otherwise effect any transfer of any right or create any encumbrance in respect of any assets of the _____ or divert for any purpose not contemplated in the scheme any assets of the _____ without the previous written consent of the State Managing Committee, and for this purpose the share capital of the society shall be deemed to be an asset of the Society.
9. If in a contravention of clause (8) the _____ does any act and the security of the State Managing Committee is affected thereby, the Paid Secretary shall be held responsible for the same and the buyer of any rights over any of the assets shall not acquire any right superseding the rights of the State Managing Committee.
10. The Secretary of the society shall submit monthly statement of accounts and shall also forward an annual report of the progress of working of the society at the end of each financial year to the State Managing Committee.
11. The Secretary shall inform the State Managing Committee sufficiently early about the Managing Committee and the General Body meeting with the agenda and notes thereon.
12. The _____ shall whenever the State Managing Committee brings to the notice of the former, any mismanagement of the Society, make a thorough investigation into the affairs of the society and report the result of such investigation to the State Managing Committee. If on perusal of such investigation report, it is found that a change in the management is necessary the _____ shall see that a change of the management is effected.
13. The society shall make available to the State Managing Committee or any officer deputed by them all necessary accounts, registers and records for inspection.
14. The society agrees that besides the usual records, separate accounts in respect of the income and expenditure on the working of the scheme shall be maintained.
15. The Society agrees to abide by the rules governing the issue of loans prescribed or to be prescribed from time to time by the State Managing Committee.
16. The Society agrees to accept the nominees of the State Managing Committee as regular members in the Managing Committee with all powers including right of voting.

17. Notwithstanding anything contained in the bye-laws, the Society agrees to the appointment of a Managing Committee for a specific period to be extended if found expedient by the State Managing Committee of the Fund whenever they deem it necessary.

18. The accounts of the Society shall, if the State Managing Committee so directs, be audited by a certified auditor appointed by the State Managing Committee and the cost of such audit shall be met by the society.

19. In the event of default in repayment of the loan amount or non-compliance of the terms and conditions herein contained, the amount outstanding with interest thereon shall be recoverable from the society on lump-sum basis.

20. All amounts due to the State Managing Committee under or by virtue of this deed shall be recoverable from the Society and its assets in any manner as the State Managing Committee may deem fit.

In witness whereof Shri _____ Shri _____ Shri _____
Shri _____ for and on behalf of the Society in the presence of witnesses: -

- 1.
- 2.

Signed by Shri _____ for and on behalf of the State Managing Committee.

In the presence of witnesses: -

- 1.
- 2.

**RULES FOR THE GRANT OF LOANS TO INDIVIDUAL EX-SERVICEMEN FOR
STARTING INDUSTRIES OR BUSINESS UNDERTAKINGS.**

1. Loans may be granted to individual ex-servicemen for starting industries or business undertakings.
2. Applicants for assistance shall furnish security of landed property to the extent of two times the amount of the loan applied for as certified by the revenue authority.
3. The applicant shall produce a valuation, possession and enjoyment certificate from the local Tehsildar and non-encumbrance certificate from the concerned Sub-Registrar in respect of the property offered as security for the loan.
4. All ex-servicemen who furnish the security provided in rule 2, irrespective of the rank held while in service are eligible to apply except those in the employ of Government in any manner.
5. A detailed scheme of the business undertaking proposed to be pursued shall be furnished along with the application for loan.
6. The scheme shall be scrutinized and recommended by the Zila Sainik Welfare Office of the District in which the individual resides permanently and the same shall be forwarded to the State Managing Committee for approval and sanction.
7. The sanction of the loan amount shall be on the merits of each case.
8. The loanees shall enter into an agreement with the State Managing Committee in the form appended to the rules for grant of loans to Ex-Servicemen's Co-operative Societies with suitable modifications.
9. The repayment of the loan shall commence from a date after one year from the date of payment of the loan or on such other date as the State Managing Committee may fix. Interest shall accrue only from the date on which the installment becomes payable.
10. Interest shall be at the rates fixed by the Government from time to time in respect of loans or advances.
11. The repayment of the loan amount together with interest shall be made within fifteen years from the date of repayment of the first installment.
12. If default is made in the payment of the installments, it shall be open to the State Managing Committee to proceed to recover the amount due with interest in lump-sum.
13. The Committee may, in cases where the loanee is able to pursue the enterprise in an efficient and profitable manner and repay the whole amount without any default, reduce or even waive the interest on the loan amount as recognition of the efforts of the loanee.
14. The State Managing Committee shall have power to amend, after or vary these rules.

**APPLICATION FOR LOAN FROM THE SPECIAL FUND
(UNDER THE INDIVIDUAL LOAN SCHEME)**

1. Name (in block letters)
 - (a) Present Postal Address.
2. Father's Name
3. Service Particulars.
 - (a) No.
 - (b) Rank
 - (c) Reasons for discharge
 - (d) Date of discharge
 - (e) Length of service
 - (f) Pension, if any
 - (g) If disabled, its nature
 - (h) Character as assessed
4. Present Occupation
5. Number of members in the family with name, age and relationship
6. Financial position of the applicant
7. Details of property: -
 - (a) Individual
 - (b) Family income
8. Amount required as loan
9. Purpose of the loan
10. Security offered (Property with details)
11. Value of the property offered as security:
12.
 - (a) Whether valuation, possession and enjoyment certificate from the Tehsildar concerned in respect of the above property has been produced.
 - (b) Whether non-encumbrance certificate in respect of the property has been produced.
13. Benefits if any, already received from the Fund.
(Details of the assistance such as date and amount sanctioned)

DECLARATION

14. I, hereby declare that the information given above is true.

Station

Signature

Date

Name

15. Recommendations of the Zila Sainik Board.
16. Decision of the State Managing Committee.

PROCEDURE FOR THE SANCTIONING OF LOANS AND GRANTS RULES.

1. **Applications:** Applications shall be made in the prescribed forms wherever prescribed for the purpose.
2. Applications shall accompany detailed statements of the scheme proposed to be undertaken in the form prescribed.
3. Technical opinions in respect of the scheme obtained from experts and approved by the State Managing Committee shall also be produced.
4. The application shall first be submitted to the Deputy Director, Zila Sainik Welfare Office of the District in which the scheme is proposed to be implemented.
5. The Deputy Director, Zila Sainik Welfare Office, if satisfied that the application is complete in all respects, shall place it before the Zila Sainik Board for their scrutiny and recommendations.
6. In consultation with the President(DC) of the Board, the Deputy Director shall convene a meeting of the Board in which the District Officials who can offer expert opinion about the scheme should also be invited to be present.
7. The scheme together with the recommendations of the Zila Sainik Board shall then be forwarded to the Member Secretary (Director Sainik Welfare) to the State Managing Committee of the Special Fund.
8. The Member Secretary (Director Sainik Welfare) to the State Managing Committee shall cause it to be placed before the State Managing Committee for sanction.
9. If, in the opinion of the State Managing Committee, the scheme is one which requires further scrutiny and examination by technical experts and officials at the State level, the State Managing Committee may constitute a sub-committee consisting of the Vice Chairman, Member Secretary (Director Sainik Welfare) and one member of the State Managing Committee for scrutinizing the scheme and also for recommending the nature and quantum of assistance to be given.
10. On receiving the recommendation of the Sub-Committee under rule 9 above, the Member Secretary (Director Sainik Welfare) shall proceed to obtain the sanction of the State Managing Committee either by placing it at a meeting of the Committee or by circulating it among the members as required under the Bye-Laws framed for the detailed working of the Fund.
11. On obtaining the sanction of the State Managing Committee the Member Secretary (Director Sainik Welfare) to the State Managing Committee shall obtain the documents, bonds and the vouchers etc.
12. The Member Secretary (Director Sainik Welfare) under rule 11 above shall arrange for the issue of a cheque for the amount sanctioned to the party concerned.

ANNEXURE

POWERS OF THE MEMBER SECRETARY(DIRECTOR SAINIK WELFARE) TO THE STATE MANAGING COMMITTEE OF THE SPECIAL FUND FOR RECONSTRUCTION AND REHABILITATION OF EX-SERVICEMEN

(The word "The Secretary" will be replaced by "Member Secretary (Director Sainik Welfare)" in these rules)

1. The Member Secretary (Director Sainik Welfare) shall convene meetings of the Committee with the approval of the Chairman of the Committee.
2. The Member Secretary (Director Sainik Welfare) shall maintain regular accounts of all moneys and properties of the Fund and keep all documents connected therewith in safe custody.
3. The Member Secretary (Director Sainik Welfare) shall take action to implement all decisions of the Committee and carry on necessary correspondence for the above purpose.
4. The Member Secretary (Director Sainik Welfare) shall arrange to issue cheques to the Deputy Directors, Zila Sainik Welfare Offices for amounts required to be paid to them for disbursements to individuals and Societies in accordance with the decision of the Committee.
5. The Member Secretary (Director Sainik Welfare) shall also arrange to issue cheques for amounts for payment of any item covered by the sanction of the Committee. He shall arrange to draw the amounts required to meet the expenditure towards contingencies and the pay and allowances of the staff.
6. The Director, Sainik Welfare shall draw the amount from the treasury from the budgeted provision for R&R fund with the prior approval of Secretary (Sainik Welfare) to the Government of Himachal Pradesh and invest the same in the corpus money of R&R fund.
7. In drawing amounts from the Bank Accounts, the limits prescribed by the Annual Budget sanctioned by the Committee in respect of the establishment or contingent charges shall not be exceeded.
8. The Member Secretary (Director Sainik Welfare) shall make available the accounts maintained by him in his capacity as Controlling Officer to the Fund for audit as and when required by the Examiner of Local Fund Accounts or his duly appointed representative and present the Auditor's report and certified copies of the accounts to the Committee not later than 6 months after the close of the financial year.
9. The Member Secretary (Director Sainik Welfare) shall exercise all financial and administrative powers as a Head of Office in the discharge of his duties as Secretary to the Committee.
10. The Member Secretary (Director Sainik Welfare) shall perform all other functions and duties as may be assigned to him by the Chairman or the Senior Vice-Chairman (Chief Secretary to the Himachal Pradesh Government) of the Committee. In all matters of doubt or importance, he shall consult the Chairman or any Vice-Chairman and in cases of financial matters The Secretary (SWD) to the Government of Himachal Pradesh.
11. In cases requiring decisions before the meeting of the Committee, the Member Secretary (Director Sainik Welfare) shall circulate sufficiently early the subject matter to the other members of the Committee or concerned officers with the permission of the Chairman and place their views before the Chairman for decision.
12. He shall himself attend or send representatives of the Committee to attend the meeting of the Societies, which have obtained loans from the Fund.
13. Under the directions from the Committee, the Member Secretary (Director Sainik Welfare) shall appoint Paid Secretaries of Societies, which have obtained loans from the Fund in consultation with the Registrar of Co-operative Societies, after inviting applications and interviewing the candidates by a selection committee consisting of the President of the Society concerned, a representative of the Registrar of Co-operative Societies and himself. In the case of Small Scale Industries, the managers shall be appointed in consultation with the Senior Vice-Chairman (Chief Secretary to Government).

14. The bonds to be executed by the individuals or Co-operative Societies shall be in conformity with the rules approved by the Committee. The Member Secretary (Director Sainik Welfare) shall sign the same on behalf of the Committee.

15. The Member Secretary (Director Sainik Welfare) shall arrange to take timely steps including those for initiating proceedings under the head Revenue Act as in force in Himachal Pradesh to recover all amounts due to the Fund.

16. The Member Secretary (Director Sainik Welfare) shall exercise such other powers as may be delegated to him by the Committee from time to time.