

# 97TH CONSTITUTIONAL

➤ **AMENDMENT** upon amendments in constitution of India GOM has amended MCS Act 1960.

➤ Amended Act came in to Force wef. 14/02/2013.

## **Article Sec. :-**

➤ 243 ZH 2 A (newly added)

➤ Authorised person means any

## **SEC. 11 A : Expert Director :-**

- Means a person having experience in the field of banking, management, co-operation and finance and includes person having specialization in any other field relating to objects of socy.
- **SEC. 19 (a 1) : Active Member :-**
- Means a person who participates in the affairs of socy. and utilizes minimum level of service or products as may be specified in the bylaws.

## Article 243 Z J : Sec. 73CA :-

- Constitution of Committee - Max. number of members of committee shall not exceed 21.
- Committee may co-op. expert directors.
- Number of expert directors shall not exceed 2 which is in addition to 21.
- Committee May nominate Functional directors as under
- Board members less than or = 17      1 one
- Board members more than 17      2 Two  
(One representative of union)

- In case where Govt. share capital is there in socy., there should be 2 officers of Govt. on BOD nominated by Govt.
- Functional directors, Govt. nominated and expert directors shall not be counted in Max. Number 21.
- They have no right to vote at election of socy. and shall not be eligible to be elected as office bearers.

## **Sec. 73 B : Three Reserve Seats on BOD**

- One For SC or ST
- One for OBC
- One for DNT, NT or SBC

## **Sec. 73 C : Two seats for women**

## **Sec. 73 CA : Disqualification for Member of Committee**

- In case of socy. which gives loans to members for purchase of Machinery, equipment or goods or which deals in such

# **Article 243 ZK**

## **Sec. 73 CB**

- The superintendence, direction, control of preparation of electoral rolls for and the conduct of election to the socy shall vest in State Election Authority constituted by State Govt.

## **Sec. 73 I**

- It is the duty of committee to intimate to SEA for holding of election at least 6

## **Article 243 ZN**

### **Sec. 75 AGM**

- Every socy shall within 4 months from close of FY get the books audited and within 6 months from close of FY call AGM.

- **Article 243 ZL**

- Supersession and suspension of BOD.

## **Sec. 78 Registrar May by order**

- i) Keep the committee under suspension for temporary period not exceeding 6 months and
- ii) Appoint administrator or committee of administrators in following circumstances.
  - a) Committee makes persistent default in performance of its duties or not discharging its functions properly and diligently.



b) There is stalement in constitution of committee occasioned by resignation, disqualification or otherwise

The above prov. will not apply to a society where there is no shareholding, loan, financial assistant of Govt in cash or in kind or guarantee by Govt.

In case of banks, period of suspension shall not exceed one year.

## **Sec. 78 (2)**

- Administrator will submit reports regarding remedial measures taken and if registrar is satisfied that charges mentioned in the notice are made good or remedied, Registrar will revoke order of suspension.

## **Sec. 78 A**

- Power of supersession of committee or

- i) Committee or any member of committee has committed any act which is prejudicial to the interest of socy or its members or
- ii) SEA has failed to conduct election.
- iii) Committee or any member thereof refuses or has ceased to discharge its functions and business has or is likely to come to stand still.
- iv) Serious financial irregularities or fraud

Registrar may supersede committee and appoint administrator or committee of administrators.

Remove the member and member so removed shall not be eligible as member of any committee of any socy. from the date on which he has been removed till the expiry of next one term of committee from the date of removal.

# **Article 243 ZP**

## **Sec. 79 (1A) : Returns**

Soc'y. shall file returns within 6 months of close of year to the Registrar.

- i) Annual report of activities.
- ii) Its audited statement of accounts.
- iii) Plan for disposal of surplus.
- iv) List of amendments to the bylaws.
- v) Declaration regarding date of AGM &

## **Sec. 79 (1B)**

- Every socy. shall file return regarding name of auditor and his return consent within one month from date of AGM.

## **Sec. 24 (A)**

### **Co-operative Education and training to members.**

- Every socy. shall organize education and training for its members, officers and employees through State Federal Societies or State apex training institute as may be notified by Govt.

## Set up of Co-op. Department

