

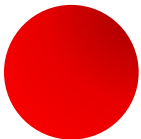
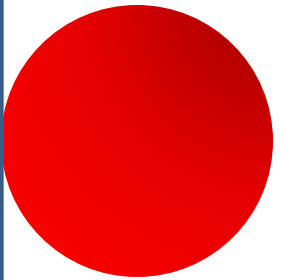
# □ Managing Committee –

- Elections

- Functions

- Role & Responsibilities  
Of Members

*By CA Chandrashekhar Syer*



# 97<sup>th</sup> Constitutional Amendment

- ❖ On 15<sup>th</sup> February, 2012 the 97<sup>th</sup> Constitutional Amendment came into force.
- ❖ By insertion of the words “Or Cooperatives Societies” in part III of Article 19(1)(c ) of the Constitution, formation of Cooperative Societies has become a Fundamental Right.
- ❖ By insertion Article 43B in part IV – promotion of Cooperative societies – Responsibility has been cast on the State Government to promote voluntary formation, autonomous functioning, democratic control and professional management of Cooperative Societies.

**Part IX B is inserted in the Constitution to include interalia the following:**

- ❖ Article 243ZJ – Number and term of members in the board and its office bearers.**
- ❖ Article 243ZK – Election of member of board**
- ❖ Article 243ZL – Suppression and suspension of board and interim management.**
- ❖ Article 243ZN – Convening of general body meetings**
- ❖ Article 243ZP – Returns**
- ❖ Article 243ZQ – Offences & Penalties**

The management of the affairs of the society shall vest in the committee duly constituted in accordance with the Provisions of the Act, Rule and Bye laws of the society – **Bye law No 111**

But the powers are subject to the directions given by the GB in accordance with the Act, Rule & Bye Laws – **Bye law No 112**

# Strength

No of Members of the Society	Strength of Managing Committee					Quorum (*)	
	General	Reserved			Total		
		Woman	SC/ ST	OBC	VJ/ NT/ SBC		
Upto 100	6	2	1	1	1	11	6
101-200	8	2	1	1	1	13	7
201-300	10	2	1	1	1	15	8
301-500	12	2	1	1	1	17	9
501 & Above	14	2	1	1	1	19	10

**(\*) Quorum for the meeting will be simple majority of the existing committee members**

## Section 73CB / Bye law No 115

- ❖ Elections will be held once in 5 years
- ❖ Intimate the SCEA for holding elections 6 months prior expiry of term for Type C Societies (includes housing society with 200 or more members)
- ❖ Failing to do so, the committee shall cease to hold office after expiry of the term and also attract action u/s 77A by the Registrar
- ❖ Election will be conducted by the State Cooperative Election Authority (SCEA) only.
- ❖ The Returning officer shall be the officer authorized by SCEA only.

# Main Rules as per The Maharashtra Cooperative Societies (Election to Committee) Rules, 2014

Notification No CSL/2014/C.R.12/13C, dtd 11/09/2014

Rule No	Details
3	Powers of State Cooperative Election Authority (SCEA)
4	Types of societies
18	Declaration of election program
41	Challenging of identity
44	Voting procedure
58	Scrutiny and rejection of ballot paper
64	Declaration of results and publication of names of the members of the committee
74	Casual vacancy
75	Election of Type C societies
76	Election of Type D societies
77	Election of office bearers

## **Section 73CA Bye law No 117**

- a) Is a defaulter in any society**
- b) If he represents a society whose Managing Committee is superseded**
- c) If he is convicted of offence involving moral turpitude, unless the period of 6 years has elapsed since conviction.**
- d) Defaulted in payment of dues to the society, within 3 months from the date of service of notice in writing.**
- e) Responsible for any act U/s 79, 88, 147 of the Act or responsible for payment of cost of enquiry U/s 85**
- f) Classified as a Non Active Member under Sub Section 2 of Section 26**
- g) Without intimation in writing sublet the flat or part thereof or sold his shares in the society**



**Bye law No 119 –**

**a) Member ceases to be a committee member if:**

- i. He has incurred any disqualification under Bye law No 117 or**
- ii. He has failed to attend 3 consecutive monthly meeting of the committee without leave of absence.**

**In case the Member is disqualified under 119a (i), the committee shall record the same in its Minutes and the Secretary shall intimate the Registrar. The member ceases to be the member of the committee only on the order of the Registrar.**

**Bye law No 116 – Prohibition against interest in the society**

**Bye law No 121 - Term of the Managing Committee is 5 years**

**Bye law No 124 – Handing over by outgoing Chairman**

**Bye law No : 125 b: Motion of no confidence against office bearers:**

**The officer of the society shall hold office for the period of 5 years from the date of election to the committee . Provided he shall cease to be officer of the society if a motion of no confidence is moved in the special meeting of the committee called and presided by the Registrar or such officer not below the rank of Asstt registrar upon the notice given by 1/3 rd**

members of the committee and which is passed by 2/3<sup>rd</sup> members present at the meeting , who are entitled to vote at the election of chairman / treasurer / secretary.

**Bye law No 126 – Quorum of Managing Committee Meetings**

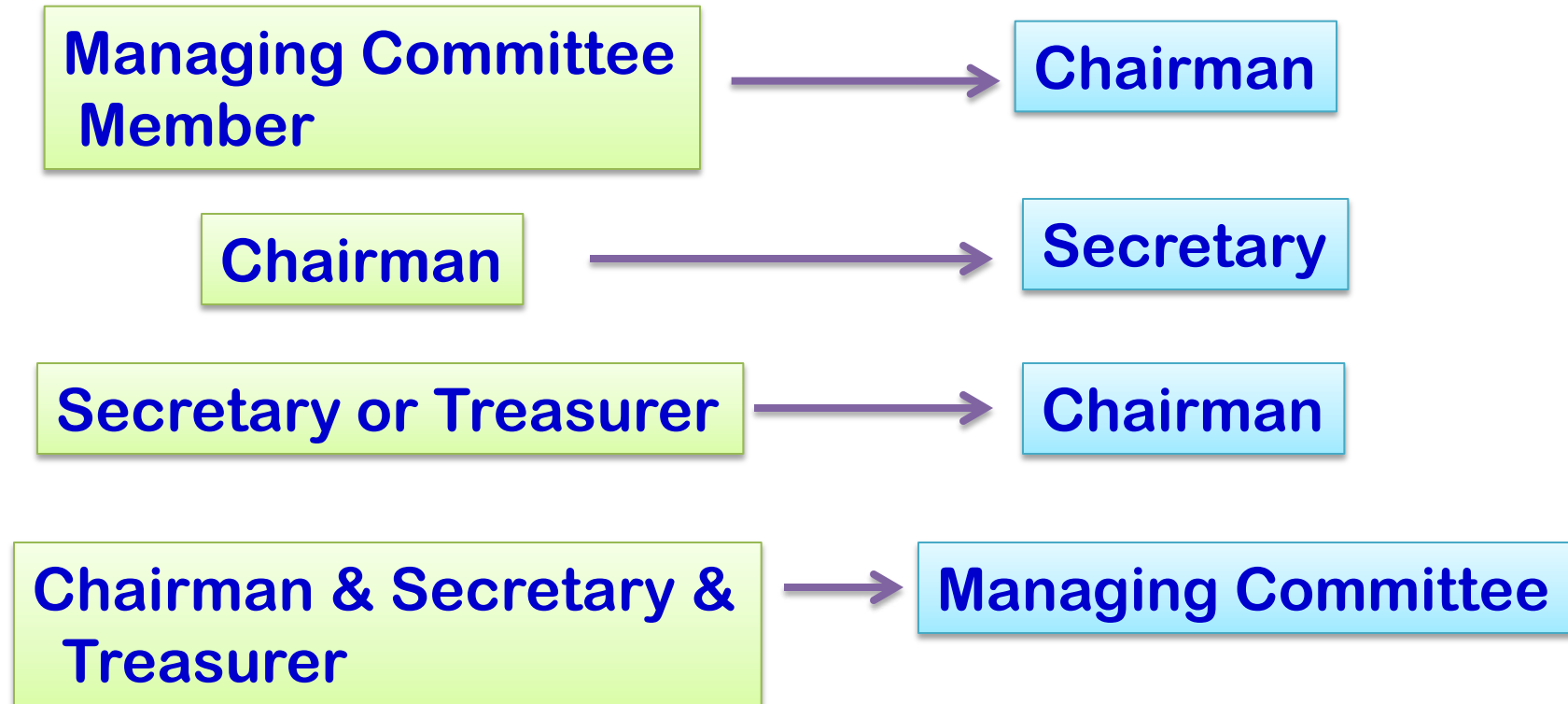
**Bye law No 127 – Frequency of Managing Committee Meeting**

**Bye law 128 – Casual vacancy in Managing Committee**

**Bye law No 129 – Tenure of Co-opted Member.**

**Bye law No 132 – Notice for Managing committee meetings**

## Bye law No. 130 & 131 – Resignation of Committee Members, Office Bearers, Entire committee



The resignation of office bearer/s will be effective only after handing over charge to the newly elected Office bearer/s as the case may be.

Entire Committee



General body

This will be effective from the date of acceptance by the GB. This resignation shall be communicated to the Registrar by the outgoing officers.

Registrar shall take action as per provision U/s 77A of the Act.

The existing committee shall continue to carry on with routine functioning of the society till alternate arrangements is made by Registrar.

**Bye law No 134 – One member one vote**

**Bye law No 135 – When can a Special meeting of committee be called**

**Bye law No 136 – Minutes of Managing Committee meeting**

**Bye Law No 137 – Liability of the Committee members**

**Bye law No 138 – Power, duties and functions of the Managing Committee**

**Bye law No 140 Duties of Secretary**

**Section 146 & 147 – Offences & Penalties:**

## **Section 78 – Powers for suspension of the committee**

**If in the opinion of the Registrar, :**

- ❖ the Committee is Making persistent default**
- ❖ Not performing, negligent, not discharging its functions and duties properly**
- ❖ Stalemate in the constitution and functioning of the committee**
- ❖ Occasioned by resignation,**
- ❖ Disqualification of members of the committee**

**Registrar issues show cause notice to the committee and after giving sufficient opportunity of being heard and in consultation with the Federal society to which it is affiliated, comes to a conclusion that the charge mentioned exist, he may by order :**

- ❖ Keep the committee suspended for temporary period, not exceeding 6 months**
- ❖ Appoint administrator**
- ❖ Change the committee or any member thereof**



**THANK YOU**