

Date: 12<sup>th</sup> October 2015

**Subject: Revised set of model byelaws as per 97<sup>th</sup> Constitutional Amendment**

**Adoption of \_\_\_\_\_ by societies**

**CIRCULAR**

1. Rule 12(2) of the Maharashtra Co-operative Societies Rules 1961 prescribes the procedure to be followed for amendment to the bye-laws. The said rule prescribes a condition that a society shall give due notice in accordance with its bye-laws to all the members for considering any amendment thereof. The bye-law No. 167 in the existing Model bye-laws deals with the amendments to bye-laws. The sub-clause (i) of the said bye-laws says that “no bye-laws shall be made, altered or abrogated unless a proposal to do so has been communicated to all the members, 14 days before the General Meeting at which it is to be considered. Each member of the society need not have to be furnished with a copy of the existing Bye-laws and that of revised model bye-laws. Instead a copy of the existing bye-laws and a copy of the revised set of model bye-laws proposed to be adopted at the General Body meeting, should be kept in the office of the society for inspection by members of the society at the convenient time. The item on the agenda of the General Body meeting for adoption of the Model bye-laws should be as under:

To consider adoption of the revised set of model bye-laws of 2014 introduced by the Commissioner for Co-operation and Registrar, C.S., Maharashtra State, Pune in place of the existing Model bye-laws of the society.

**Note:** A copy of the existing Model bye-laws of the society and a copy of the revised Model bye-laws proposed to be adopted at the General Body meeting, are kept in the office of the society for inspection by members of the society, during \_\_\_AM/PM and \_\_\_\_\_AM/PM on the days preceding the date of the General Body meeting.

2. A proposal for amendment of the bye-laws is required to be submitted with five enclosures viz: enclosure I, II, III, IV and V. to enable the Cooperative housing societies to prepare amendment proposal correctly, specimen of the above I, II, III, IV and V enclosures are given herewith. The information in enclosure I and V could be filled in from the records of the society. The columns of the enclosure II, III and IV are to be filled to serve as per guidance. In addition to the above enclosures, the societies will have to furnish copies of the resolution of the managing committee/general body committee as under.

“Resolved that the Chairman Shri \_\_\_\_\_, The Hon. Secretary Shri \_\_\_\_\_, and the Managing Committee member Shri \_\_\_\_\_ be and are hereby authorized to sign the proposal for amendment to bye-laws (i.e. adopting the revised set of bye-laws in place of existing bye-laws).

**Proposed by:** \_\_\_\_\_

**Seconded by:** \_\_\_\_\_

**Resolution carried unanimously.**

3. The proposal, adopting the revised set of bye-laws, in place of the existing set of bye-laws of the society, should be prepared as shown in the specimen annexed to this circular letter and submitted to the Registering Authority within two months from the date of the General Body meeting at which the resolution of adoption of the revised set of bye-laws was adopted. If the proposal is not submitted within the prescribe time limit, it becomes invalid and entire fresh process will be necessary. For adoption purpose the name and signature of only Chairman, Secretary and Authorized member of the managing committee are necessary. Names and Signature of all promoters are necessary while submitting registration proposal only.

**Chairman**

**Maharashtra Societies Welfare Association**

**IMPORTANT GUIDELINES TO BE FOLLOWED**

1. Affix Rs.25.00 non Judicial Court Fee Stamp on the application.
2. Submit 4 copies of the Model bye-laws (to be adopted) bearing society name and stamp.
3. Submit a certified copy of the existing bye-laws of the society.
4. Enclose a certified copy of the Notice of the General Body meeting in which the adoption proposal was considered and approved.
5. Submit duly signed and stamped 4 copies of Enclosure I to “IV”.
6. Submit the proposal within 2 months from the date of its approval in the General Body Meeting.
7. Minutes of Managing Committee to authorize Office Bearers/Consultants to submit adoption forms
8. List of Committee Members & contact details

**Annexure "A"**

( ON SOCIETY'S LETTER HEAD )

ROUND STAMP OF THE SOCIETY

Affix Court Fee Stamp of Rs. 25/- to the application

From,

The Chairman,

\_\_\_\_\_ Co-operative Housing Society Ltd.,

\_\_\_\_\_

\_\_\_\_\_

To,

The Deputy Registrar / Assistant Registrar,

Co-operative Society, Ward \_\_\_\_\_, Mumbai.

\_\_\_\_\_

\_\_\_\_\_

Dear Sir,

- 1 I have the honour to forward herewith amendments approved by the General Meeting of the Society held on \_\_\_\_\_ and to request that you may please approve and register the same.
- 2 4 copies of the Bye-Laws along with Enclosures I to IV, which are required in this connection, are enclosed.
- 3 Shri \_\_\_\_\_, Chairman,  
Shri \_\_\_\_\_, Hon. Secretary,  
Shri \_\_\_\_\_, Member of  
the Managing Committee have been authorized to sign the amendment proposal.  
A copy of the General Body resolution is enclosed.

Yours faithfully,

**For \_\_\_\_\_ Co-operative Housing Society Ltd.,**

Chairman / Hon. Secretary.

(Round stamp of the Society)

## **Enclosure "I"**

**(ON SOCIETY'S LETTER HEAD )**

**Round stamp of Society**

We hereby certify that:

- (1) The period that has intervened between the date of notice and the date of General Meeting at which the amendments have been passed is not less than the period required under the Bye-Laws of the Society;
- (2) The notice has been given by the Officers empowered to the parties mentioned in the Bye-Laws and in the manner prescribed therein;
- (3) The date, hour and place of the meeting and the proposed amendments were mentioned in the notice;
- (4) The original copy of the notice and agenda are maintained in the records of the society.

Authorised

Hon. Secretary.

Managing Committee Member

Chairman

Enclosures:

1. 4 copies of the Model Bye Laws
2. Copy of Minutes of the General Body Meeting
3. Court Fee stamp of INR25/-.
4. Covering Note
5. Copy of last Audited Balance Sheet
6. Copy of currently Registrar approved Bye-Laws

(ON SOCIETY'S LETTER HEAD )

Round stamp of Society

Seal/Stamp of the Society

**ENCLOSURE 'II'**

**1. Total number of members on the register on the date of the General Meeting.....**

**2. Number of members present at the General Meeting .....**

**3. Number of members required to constitute a quorum .....**

**Extract of the proceeding to amendments approved at the General Meeting held on .....**

Original	Name of the Byelaw		Wording of the resolution passed Approving the amendments	Name of the Proposer	Name of the Seconder	Two third of the members Present at the meeting	Members voting In favour of the amendment
	Amended						
	1		2	3	4	5	6
1. Bye laws No. 1 to 175	"Resolved the Bye-law No.1 to 175 in the revised Set of Bye-laws		Resolved that the Bye-law No.1 to 175 in the revised set of Bye-laws				
2. Appendixs 1 to 28 of Various forms.	Appendixs 1 to 28 of Various forms.		Appendixs 1 to 28 of Various forms.				

**For ..... Co-op. Housing Society Ltd.**

**Appendix be & are hereby adopted in place of the Existing Bye-laws No. 1 to 175**  
Secretary

**Authorised Managing Committee Member  
Chairman**

(On Society Letter Head )

**ENCLOSURE "III"**

Seal/Stamp of the Society

<b>No. of Bye law</b>	<b>Wording of the Existing Byelaw</b>	<b>Wording of the Amended Byelaw</b>	<b>Reasons for Amendments</b>
1	2	3	4
Bye-Laws No.1 to 175, Annexures 1 to 28 Addenda & Corrigenda to bye-laws, Appendixs as per Copy of the revised set of Bye-laws, enclosed.	As per copy of the existing bye-laws enclosed	Bye-laws No.1 to 175 Appendixs 1 to 28 Addenda & Corrigenda to Bye-laws, Appendixs as per Copy of the revised set of Bye-laws, enclosed.	To switch over to the revised Model bye-laws as the present bye-laws of the society are not adequate to regulate the entire working of the Society .

Copy of the revised set of Bye-laws, enclosed

For \_\_\_\_\_ Co-operative Housing Society Ltd.

Authorised

Secretary

Managing Committee Member

Chairman

(On Society's Letter Head)

Seal/Stamp of the Society  
(To be submitted in four copies)

**ENCLOSURE "IV"**

Seal/Stamp of the Society

**NOTE:**

Four separate copies of this enclosure shall be supplied. Copy of the Bye-laws (as amended) approved at the General Meeting held on \_\_\_\_\_201\_\_\_\_,and/or the adjourned general meeting/meetings held on\_\_\_\_\_201\_\_\_\_\_

<b>No. of the amended Bye-laws</b>	<b>Wording of the Byelaws as they would read when amended</b>
Bye-laws No. 1 to 175, Appendix 1 to 28 to Bye-laws, Annexure and Appendix.	As per copy of the revised set of Bye-laws attached.

For \_\_\_\_\_ Co-operative Housing Society Ltd.

**Authorised**

Secretary

Managing Committee Member

Chairman

Seal/Stamp of the Society

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For \_\_\_\_\_ Co-operative Housing Society Ltd.

**Authorised**

Secretary

Managing Committee Member

Chairman

Seal/Stamp of the Society

(On Society's Letter Head)

**ENCLOSURE "V"**

Seal/Stamp of the Society

Additional Information relating to the society as on the date of the General Meeting;

1. Name of the Society \_\_\_\_\_

2. Address, Number and Date of Registration \_\_\_\_\_

\_\_\_\_\_  
Registration Number - \_\_\_\_\_

3. Authorised Share capital \_\_\_\_\_

4. Area of operation \_\_\_\_\_

5. Date of last Audit \_\_\_\_\_ Last Audit Classification \_\_\_\_\_

6. Rate of Interest on Borrowing: \_\_\_\_\_

7. Rate of Interest on Lending: \_\_\_\_\_

A) Deposits:

B) Loan from Central Bank:

Rate of Dividend:

C) Share Subscriptions:

D) Other Borrowings:

Capital & Liabilities	Rs. Ps.	Assets	Rs. Ps.
Paid up Share Capital: Reserve Funds:  Other Funds: Member's Deposits: Current Liabilities and Provisions:  Non-Members' Deposits : Loan from other Societies and Central Bank:  Loan from Govt of which over dues		1) Investment in a) Land & Building & Other Assets  c) other Societies  d) Shares of i) Central bank ii) other societies iii) Other Shares  2) Loans due from members a) of which overdue b) of which involved in arbitration 3) Deposits with Bank: 4) Other Assets	

Total:		Total:	
--------	--	--------	--

- a) Limit of outside borrowing as per Byelaws - \_\_\_\_\_
- b) Total amount of actual outside borrowings - \_\_\_\_\_
- c) Profit/Loss for the last three years - \_\_\_\_\_
- d) Limit of Individual Loans as per byelaws - \_\_\_\_\_

**For \_\_\_\_\_ Co-operative Housing Society Ltd.**

**Authorised**

**Secretary**

**Managing Committee Member**

**Chairman**

**Seal/Stamp of the Society**