

# West Bengal Societies Registration Rules, 1963

WEST BENGAL

India

## West Bengal Societies Registration Rules, 1963

### Rule WEST-BENGAL-SOCIETIES-REGISTRATION-RULES-1963 of 1963

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West Bengal Societies Registration Rules, 1963

**049.**

#### **1. Short title.**

These rules may be called the West Bengal Societies Registration Rules, 1963.

#### **2. Definitions.**

In these rules, unless there is anything repugnant in the subject or context: (1) "the Act" means the West Bengal Societies Registration Act, 1961 (West Bengal Act 26 of 1961); (2) "Form" means a form appended to these rules; (3) "Section" means a section of the Act.

#### **3. Examination of the documents received by the Registrar.**

On receipt of every document required by the Act to be filed in this office, the Registrar shall examine the same and if it is found defective or incomplete in the particulars required to be given therein, he shall return the document to the person who filed the same. Unless proper rectification is made and the document resubmitted within fifteen days from the date of its return by the Registrar, the document shall not be deemed to have been filed at all.

#### **4. Register of Societies.**

There shall be maintained in the office of the Registrar a register of societies in Form I in which societies shall be given serial numbers in the order of their registration. All entries in the register

shall be attested by the Registrar.

## **5. Index to the Register of Societies.**

There shall be maintained in the office of the Registrar an index to the register of societies in Form II in which the names of societies shall be arranged alphabetically as soon as entries are made in the register of societies.

## **6. Filling of documents.**

A separate file shall be maintained in respect of each society in which all documents relating thereto received from time to time by the Registrar shall be kept. No document shall be received by the Registrar unless the fee prescribed therefor has been paid.

## **7. Acknowledgement of registration and documents.**

(1) Upon registration of a society, the Registrar shall grant a Certificate of registration. (2) On every document filed under the Act, the Registrar shall endorse by means of skeleton rubber stamp the following particulars: (i) registration number; (ii) serial number of the document; (iii) date of filing. The Registrar shall affix his signature and the seal of his office to such documents and shall grant to the person at whose instance a document is filed an acknowledgement therefor.

## **8. Inspection of documents etc.**

Any person who wishes to inspect a document or obtain a certified copy of the same or an extract therefrom shall apply to the Registrar in Form III. The application shall be accompanied by the fee mentioned in section 29 or in the Schedule to these rules, as the case may be. The applicant shall be allowed to inspect a document only during office hours and in the presence of the Registrar or of a person authorised by him in this behalf. The applicant shall not be allowed to make a verbatim copy of the document inspected. He may, however, take short notes in respect of the contents of the document inspected.

## **9. Alteration of Memorandum and Regulations.**

Whenever a society alters the Memorandum or the Regulations, a separate statement showing the previous provisions and the altered ones shall be filed with the Registrar, in Form IV along with a copy of every alteration of the Memorandum or the Regulations as required under sub-section (1) of section 9 or sub-section (2) of section 20.

## **10. Gift for specific purpose.**

Whenever a society applies to the Registrar for his written consent, as required under sub-section (1) of section 30 for using a gift for any purpose other than the specific purpose for which the gift

was made, the Registrar, in order to satisfy himself that the purpose for which the gift was made is incapable of execution by the society, may call on the society to furnish any information, explanation or particulars in connection with the gift.

## 11. Appeal.

(1) A Memorandum of appeal shall-(i) be filed in duplicate; (ii) contain the grounds of the appeal; (iii) be accompanied by a certified copy of the order appealed against; and (iv) be accompanied by the challan showing payment of the prescribed fee. (2) An appeal may be summarily rejected if the same is not in accordance with the provisions of the Act and the rules.

## 12. Permission for alteration of Memorandum.

An application for permission for alteration of the Memorandum of a society as contemplated in section 8 shall be filed in Form V.

## 13. Filing of annual and other returns.

The annual and other return mentioned in section 17 shall be forwarded in Form VI.

## 14. Fees.

The fees payable under the Act shall be as provided in the Schedule to these rules. All fees shall be paid in cash. Form I (See rule 4) Register of Societies The West Bengal Societies Registration Act, 1961 Number of the society on the register : Name of the society : Date of dissolution : How dissolved :

Serial No.	Date of Registration	Registered Office of the society	Description of document filed	By whom filed	Signature of the Registrar
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Form II (See rule 5) Index to the Register of Societies The West Bengal Societies Registration Act, 1961

Name of the society	Date of registration	Number of society in the register	Volume of register and folio
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Form III (See rule 8) Application for Inspection, Copy or Extract of Documents The West Bengal Societies Registration Act, 1961 To The Registrar of Firms, Societies and Non-trading Corporations, West Bengal. I hereby apply for inspection/copy/extract of document/documents, the particulars of which are given below: No. .... Dated ..... Name of the Society : Address of the Society : Registered number of the Society : Nature of particulars of documents Inspection/copy/extract fee Rs. : Copy wanted of ..... Particulars furnished ..... Stamp : Cartridge paper Copying fee Date on which copy was prepared : Delivered on ..... Signature of the person inspecting the document/documents or receiving delivery of the extract/copy of the document/documents Signature of the applicant with

addressForm IV(See rule 9)Filing of Alteration of the Memorandum or the Regulations by a SocietyThe West Bengal Societies Registration Act, 1961ToThe Registrar of Firms, Societies and Non-trading Corporations,West Bengal.I submit herewith, pursuant to rule 9, the altered Memorandum/Regulations a along with a brief statement of alteration as given below:Name of Society :Registered No, of the Society :Description of alterations in Memorandum/Regulations Date of alteration Previous position Altered position

Form V(See rule 12)Notice Of Alteration Of The Memorandum Of Association Of A SocietyThe West Bengal Societies Registration Act, 1961ToThe Registrar of Firms, Societies and Non-trading Corporation,West Bengal.I hereby apply, pursuant to section 8(1) of the West Bengal Society Registration Act, 1961 for permission to the following alteration/alterations of the Memorandum of Association of the Society whose particulars are given below:Name of the Society :Registered No. of the Society :Existing provisions Proposed provisions :Date :Signature of the President/Secretary(Seal of the Society)Form VI(See rule 13)Filing of Annual and Other Returns by a SocietyThe West Bengal Societies Registration Act, 1961ToThe Registrar of Firms, Societies and Non-Trading Corporations,West Bengal.I submit herewith the annual and other returns as required under section 17 of the West Bengal Societies Registration Act, 1961.Name of the Society :Registered No. of the Society :Date of the Annual General Meeting :Date of the previous Annual General :Meeting :Number of members on the date of the Annual General Meeting :Name and address of the Auditor :Enclosures :Date :Signature of President/Secretary(Seal of the Society)The Schedule(See rule 14)FeesSociety Registration fees 150

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|--|--|
| 1. Upon a Memorandum of appeal under section 7(3) of the Act.  | Rs. 70.00(Rupees Seventy)                      |
| 2. Upon alteration of Memorandum or Regulations under section9(1) of the Act.  | Rs. 50.00(Rupees Fifty)                        |
| 3. Upon Annual return under section 17(1) of the Act.  | Rs. 25.00(Rupees Twenty-five)                  |
| 4. Upon change in the composition of the Governing Body or in theholder of the office of the President or the Secretary undersection 17(3) of the Act. | Rs. 5.00(Rupees Five)                          |
| 5. For certified copy of Memorandum of Association or extract ofany document or any part of document under section 29 of the Act.                      | Rs. 10.00(Rupees Ten per page or part thereof) |
| 6. For duplicate copy of the certificate of Registration.  | Rs. 10.00(Rupees Ten)                          |
- 1.

Model FormofMemorandum of AssociationofCharitable and Religious OrganisationName

**1. The name of the society shall be .....**

Address

## 2. The registered office of the society shall be located at

.....

Objects

## 3. The society shall for the general welfare of the members of the society and of the people in general discharge the following functions, namely

(a)to establish schools, colleges, libraries, book-banks, charitable dispensaries, sports, schools, adult literary centres, youth clubs etc.;(b)to arrange for extension lectures, debates, group discussion, workshop, seminars, conferences, educational tours, exhibitions etc.:(c)to distribute textbooks among poor and needy students;(d)to help the physically and mentally handicapped people, the old and the diseased men in every possible way;(e)to undertake suitable programmes for preventing cruelty to animals;(f)to organise sports and games for the young people;(g)to organise, promote or undertake such other activities or functions as are considered beneficial or conducive towards the attainment of the objects of the society.

## 4. Names of members of the Managing Committee, their addresses and other particulars :

Name	Address	Profession	Post
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- |    |  |  |                  |
|----|--|--|------------------|
| 1. |  |  | President        |
| 2. |  |  | Vice-President   |
| 3. |  |  | Secretary        |
| 4. |  |  | Treasurer        |
| 5. |  |  | Internal Auditor |
| 6. |  |  | Executive Member |
| 7. |  |  | Ditto            |
| 8. |  |  | Ditto            |
| 9. |  |  | Ditto            |

## 5. Declaration : We, the undernoted persons wish to form a society in accordance with this Memorandum of Association.

Name	Post	Address	Signature	Left thumb impression
1.	President			
2.	Vice-President			
3.	Secretary			
4.	Treasurer			
5.	Internal Auditor			

6. Executive Member
7. Ditto
8. Ditto
9. Ditto
10. Member
11. Member
12. Member

WitnessThe above persons have signed in our presence.SignatureDateAddressSignature  
DateAddress

## 2.

Rules & RegulationsMembership

### 1.

(1)Area of membership of the society is confined to.....Sub-division of.....District.(2)Membership of the society is open to individuals above the age of 18 years, of good character and residing in the area of membership.(3)The following shall be members of the society, namely: (a)persons who have signed in the Memorandum of Association of the society; and(b)persons who may hereafter be admitted as members according to these regulations.(4)Every person admitted to membership shall (a)pay an admission fee of Rs. 2.00 only;(b)pay monthly subscription at the rate of Rs. 5.00 only;(c)name a place to be registered as his address. Such address shall for all purposes be deemed to be his residence.Funds

### 2. The funds of the society may be raised by receiving

(a)admission fee;(b)monthly subscriptions;(c)deposits from members and non-members;(d)loans;(e)grants-in-aid, donations and subsidies.Management

### 3. The business of the society shall be carried on and managed by the managing committee which will exercise all such powers of the society as are not required to be exercised by the society in a general meeting.

Annual General Meeting

### 4.

(1)The supreme authority of the society shall vest in the general meeting of the members. It shall maintain general supervision over the business of the society and in particular over the acts of the managing committee and shall be competent to take all steps that may be considered necessary in

the interest of the society.(2)The annual general meeting of the society shall be held at least once in every calender year.(3)The business of the annual general meeting shall be (i)to consider the report of the managing committee;(ii)to consider the audit report and audited statements of accounts;(iii)to fix maximum amount of borrowing for the ensuing year;(iv)to pass the annual budget and the programme of activities for the next year;(v)to elect members of the managing committee and such other officers as the meeting may think fit;(vi)to appoint sub-committees, if necessary;(vii)to transact any other business that may be laid before the meeting by the managing committee.Special General Meeting

**5. The President or the Secretary may call a special general meeting at any time.**

Quorum of General Meetings, Annual or Special

**6. The quorum of general meeting shall be one-fifth of the total number of members subsisting as such on the date of notice of the meeting.**

Secretary

**7.**

(1)The Managing Committee shall elect one of its members to be the Secretary of the Society.(2)The powers and duties of the Secretary shall be such as the Managing Committee may from time to time decide.Meetings of the Managing Committee

**8. The managing committee shall meet for the transaction of the business of the society at least once in two months and as more often as may be necessary in the interest of the society.**

Quorum of Managing Committee Meetings

**9. The quorum of a meeting of the Managing Committee shall be one-third of the total number of members of such committee subsisting on the date of issue of notice for the meeting.**

Inspections of the books of the society by the members of the public

**10. The society shall keep open to inspection, free of charge at all reasonable times, at the address of the society the following:**

(1)The West Bengal Societies Registration Act, 1961.(2)The West Bengal Societies Registration Rules, 1963.(3)A copy of these regulations.(4)Register of members.(5)Register of the members of

the Managing Committee.Audit

**11. At the close of every accounting year, the society shall cause the accounts of the society audited by a person who may be deemed to be competent for the purpose.**

Settlement of disputes

**12. Any dispute which cannot be decided by the Managing Committee shall be referred for adjudication or settlement to a general meeting, annual or special.**

Representation

**13. The Chairman, the Secretary and the Treasurer shall execute and sign all deeds and documents, creating, disposing or otherwise negotiating the properties and funds of the society and in-particular shall draw, accept, make, endorse and negotiate all bills of exchange, promissory notes, debentures, securities and other documents standing in the name of or held by the society : provided that in receipts, the Secretary or the Treasurer and the Accountant may sign on behalf of the society by way of acknowledgement.**

Common seal

**14. The managing committee shall provide a common seal for the purpose of the society. The seal shall be in the custody of the Secretary.**

Notice

**15.**

(1)Any notice required to be served by the society upon a member shall be given in writing and delivered or sent by post to the registered address of the member.(2)All notices to be given on the part of any member shall be left at or sent through the post to the registered office of the society.Dissolution

**16. The society may be wound up upon a resolution carried by three-fourths of the members present at a special general meeting called for the purpose.**



**3.**

FormsForm No. 1Model Bye-laws for A Lawn Tennis Club

- 1. The club shall be called the.....Lawn Tennis Club.**
- 2. The club is formed to provide for the members tennis courts and a club house, and to supply refreshments to members.**
- 3. The club shall consist of not more than.....playing members, .....non-playing members, and of.....provisional members.**
- 4. Persons of either sex shall be eligible for full membership, provided they are over sixteen years of age.**
- 5. Children below the age of sixteen years may be elected as junior members without a right to hold office or to exercise the power of voting. No member shall be permitted to purchase or consume intoxicating liquor upon the premises of the club whilst under the age of eighteen years.**
- 6. Every candidate for admission as a member shall be proposed by one member and seconded by another, both of whom shall vouch from their personal knowledge for the fitness of the candidate. The candidate shall be proposed by entering in the candidates' book his name in full, residence, profession or occupation, with the signatures of the proposer and seconder.**
- 7. The above particulars relating to a candidate shall be posted prominently in the club room for.....days preceding the day when the candidate comes up for election. The candidate shall be balloted for by the committee and one black ball in five shall exclude.**
- 8. A candidate not elected shall not be proposed again for election within a period of twelve months.**
- 9. On the election of a new member the secretary shall notify the same to him in writing, furnish him with a copy of the rule, and request him to pay his entrance fee and first subscription to the treasurer. If payment be not made within one month from the date of the secretary's notice the election shall be void unless sufficient cause be shown to the satisfaction of the committee.**

- 10. All candidates for admission shall come up for election in the order in which their names appear in the candidates' book.**
- 11. For a full playing member the entrance fee shall be (.....) and the annual subscription (.....) In the case of junior members the fees shall be (.....) and (.....) respectively.**
- 12. For a non-playing member only an annual subscription of (.....) shall be payable, but such a member may become a playing member on payment of the fees prescribed by rule.**
- 13. All annual subscription (except as provided by rule) shall be payable on the (.....) in each year, and if after a reminder has been given a subscription has not been paid on or before the (.....) following the default the defaulter shall thereupon cease to be a member of the club. He may, in the discretion of the committee, be re-admitted to membership on payment of all arrears without payment of any further entrance fee.**
- 14. Any member may resign his membership by giving to the secretary notice in writing to that effect Provided that if notice be given after the (.....) in any year he shall be liable to pay his subscription for that year.**
- 15. If at any time the committee shall be of opinion that the interests of the club so require, they may by letter invite any member to resign from the club within a time specified in such letter. In default of his resignation the question of his expulsion shall be submitted to a special general meeting to be held within three weeks after the date specified in such letter as the date before which he shall have been invited to resign. The member whose expulsion is sought shall have notice of such meeting and of the grounds on which it is sought to expel him. At such meeting the member shall be allowed to offer an explanation for his conduct verbally or in writing, and if two-thirds of the members present shall vote for his expulsion he shall thereupon cease to be a member of the club. Provided that the voting at any such special general meeting shall be by ballot if not less than five members present thereat shall so demand. It shall be in the power of the committee to exclude such member from the club house and grounds until such special general meeting shall be held.**

**16. Any person on ceasing to be a member of the club shall forfeit all right to and claim upon the club, its property, and funds.**

**17. The entire management of the club (except as otherwise provided by these rules) shall be deputed to a committee consisting of (.....) members, of whom four shall be ladies.**

**18. At the annual general meeting members of the committee shall retire, but shall be eligible for re-election. Any two members may propose any other candidate or candidates by notice in writing to the secretary.....days at least before the meeting. If any such notice be given all members entitled to vote shall be apprised thereof three days at least before the date of the meeting. Voting shall be by ballot and every member shall be entitled to vote for as many candidates as there are vacancies to be filled. The candidates up to the number of vacancies who shall receive most votes shall be declared elected, and in case of two or more candidates receiving an equal number of votes the chairman shall have a second or casting vote.**

**19. In the event of a vacancy on the committee the committee shall have power to appoint any playing member of the club to fill such vacancy, but the proceedings of the committee shall not be invalidated in consequence of there being less than the prescribed number of members thereof.**

**20. The president shall be elected by the members, and shall hold office until death or resignation unless removed from office by a resolution of the committee or members.**

**21. The property of the club shall be vested in (.....) trustees who shall be appointed by the committee and the property of the club shall be vested in them to be dealt with by them as the committee may from time to time direct by resolution (of which an entry in the minute book shall be conclusive evidence). The trustees shall be indemnified against risk and expense out of the club property. The trustees shall hold office until death or resignation or until removal from office by the committee. Where by reason of such death, resignation or removal it is necessary that a new trustee or trustees be appointed the committee shall nominate the person or persons to be appointed the new trustee or trustees. For the purpose of giving effect to such nomination the (specify an officer of the club) is hereby nominated as**

**the person to appoint new trustees of the club and he shall by deed duly appoint the person or persons so nominated by the committee.**

**22. The committee shall meet at east once a fortnight during the season to examine the accounts and arrange the affairs of the club; notices of meetings shall be sent to each member. A quorum shall consist of.....members.**

Minutes shall be taken of all proceedings of the committee, and shall be open to the inspection of any member of the club applying to the secretary therefor.

**23. The committee may from time to time appoint from among their members such sub-committees (in addition to the sub-committee under rule.....hereof) as they may deem necessary or expedient and may depute or refer to them such of the powers and duties of the committee as the committee may determine.**

Such sub-committees shall periodically report their proceedings to the committee and shall conduct their business in accordance with the committee for the following purposes:(a)To receive from the committee a report, balance sheet, and statement of accounts for the preceding financial year and an estimate of the receipts and expenditure for the current financial year.(b)To elect the committee and to appoint two auditors for the ensuing year.(c)To decide on any resolution which may be duly submitted to the meeting as hereinafter provided. A copy of the report, audited balance sheet, statement of accounts and estimate shall be sent to members (.....days) at least before the annual general meeting.

**24. Any member desirous of moving any resolution at the annual general meeting shall give notice thereof in writing to the secretary not less than(.....weeks) before the date of such meeting.**

**25. The committee may at any time for any special purpose calf a special general meeting and they shall do so forthwith upon the requisition in writing of any.....members stating the purposes for which the meeting is required.**

**26. (.....days) at least before the annual general meeting or any special general meeting, a printed or written notice of such meeting and of the business to be transacted thereat shall be sent to every member and no business other than that of which notice has been so given shall be brought forward at such meeting.**

**27. At all general meetings of the club the president, and in his absence a member selected by the meeting, shall take the chair. Every member presented entitled to vote shall have one vote upon every motion, and in the case of equality of votes the chairman shall have a second or casting vote.**

**28. The quorum at all general meetings shall be as follows : for meeting proposing any repeal or amendment of the rules.....members; for the repeal of any bye-laws members; for motions relating to the expulsion of any member.....members; for all other business.....members.**

**29. The financial year of club shall end on the last day of (February) in each year, to which day the accounts of the club shall be balanced.**

**30. At every annual general .meeting two members of the club not being trustees or members of the committee, shall be elected to serve as auditors for the ensuing year. A vacancy occurring in the office of auditor during the year shall be filled by the committee.**

**31. The charges for refreshments shall be fixed by the committee.**

**32. The purchase of intoxicating liquor for and supply by the club shall be in the absolute discretion of a sub-committee of not less than.....members being elected members of the committee appointed by the committee for that purpose. In the event of any member ceasing to be a member of the committee he shall automatically cease to be a member of the sub-committee, and another elected member of the committee shall be appointed in his place.**

**33. The permitted hours for the supply of intoxicating liquor shall be from.....to.....on weekdays and from.....to.....on.....**

**34. No member shall, except for professional services rendered at the request of the committee, receive any profit or emoluments from the funds or transactions of the club.**

**35. Every member shall be allowed to introduce visitors subject to such regulations or bye-laws as shall be made from time to time by the committee, and every visitor shall be the guest of and be accompanied by the member**

introducing him, both of whom shall sign the visitors book immediately on entering the club premises.

36. The club house shall not be used for gambling or for playing any game of chance and the committee shall have power to prohibit any games, the playing of which would in their opinion be injurious to the interests of the club.

37. These rules may be added to, repealed or amended by resolution at any annual or special general meeting. Provided that no such resolution shall be deemed to have been passed unless it be carried by a majority of at least two-thirds of the members voting thereon.

38. The committee shall from time to time make, repeal and amend all such bye-laws and regulations (not inconsistent with these rules) as they shall think expedient for the internal management, use of the courts, and well-being of the club. All such bye-laws and regulations shall be binding upon the members until repealed by the committee or set aside by a resolution of a general meeting of the club.

39. The committee shall have power to make arrangements for holding matches, tournaments, or other like competitions, including the imposition of a charge for the admission of non-members to the grounds, and to provide cups and other prizes for competition and to reserve courts as may be required on any occasion as the committee in their discretion think proper.

40. If at any time the club in general meeting shall pass a resolution authorising the committee to borrow money, the committee shall thereupon be empowered to borrow for the purposes of the club such amount of money either at one time or from time to time and at such rate of interest and in such form and manner and upon such security as shall be specified in such resolution, and thereupon the trustees shall at the direction of the committee make all such dispositions of the club property or any part thereof and enter into such agreements in relation thereto as the committee may deem proper for giving security for such loans and interest. All members of the club, whether voting on such resolution or not, and all persons becoming members of the club after the passing of such resolution shall be deemed to have assented to the same as if they had voted in favour of such resolution.

**41. If at any general meeting a resolution for the dissolution of the club shall be passed by a majority of the members present, and such resolution shall at a special general meeting held not less than one month thereafter at which not less than one-half of the members shall be present be confirmed by a resolution passed by a majority of two-thirds of the members voting thereon, the committee shall thereupon or at such future date as shall be specified in such resolution proceed to realise the property of the club and after the discharge of all liabilities shall divide the same equally among all the full members and upon the completion of such division the club shall be dissolved.**

Form No. 2 Model Rules and Regulations for an Athletic Club

- 1. The club shall be called.....the Club.**
- 2. The objects of the club shall be to provide facilities for (specify game or other athletic pursuit) and for the social intercourse of members.**
- 3. The club shall consist of not more than.....ordinary members of whom not more than..... shall be playing members and not more than..... shall be non-playing members.**
- 4. The club shall be managed by a committee of members. The committee shall be elected at the annual general meeting in each year, and subject to termination of office by resignation or otherwise, shall remain in office until their successors are elected at the annual general meeting next following their election. The committee shall have power to fill any vacancy that may occur. The retiring members of the committee shall be eligible for re-election.**
- 5. The annual subscription for playing members shall be Rs..... or, in the case of junior members under years of age, Rs.....The annual subscription for non-playing members shall be Rs Subscriptions shall be due on the..... day of..... in every year.**

In the case of two or more playing members of the same family residing in the same house the committee may in their discretion make such reduction in the annual subscription as they may think fit.

- 6. Any member who has been a full playing member for not less than one year may, subject to the consent of the committee, become a life member on payment of Rs..... in lieu of further annual subscriptions. The committee shall have power to fix a limit to the number of life members.**
- 7. The committee shall have power to elect as honorary life members, without payment of any further subscription, any member of not less than (.....) years' standing who shall in the opinion of the committee have rendered services to the club, but such election shall not take effect unless and until confirmed at the annual general meeting next ensuing the date of such election. There shall not be more than.....life members at any one time.**
- 8. The committee shall have power to elect members of other clubs to use and enjoy the premises and facilities of the club as visitors for any period not exceeding.....month. Such visitors shall not be entitled to vote at any meeting of members.**
- 9. Such entrance fees as the committee may determine shall be payable by a candidate who has been elected a member and shall be paid with the first annual subscription. No candidate who has been elected a member shall be entitled to the privileges of membership until payment of the entrance fee (if any) and the first annual subscription. If such entrance fee and subscription be not paid within.....month after notice shall have been sent informing the member of his election, such election shall be void.**
- 10. The names of all members whose current subscription shall not have been paid before the.....day of..... in any year and who neglect to comply with a written request for payment within days after the same shall have been sent to them, shall be posted on the notice board of the club, and such members shall cease to be members on the expiration of such days..... unless a reason satisfactory to the committee shall be given for the delay.**
- 11. Every candidate for membership shall be proposed by one member and seconded by another. All applications for membership shall be made in writing, and shall be signed by the candidate and the proposers, and the election shall be in the discretion of the committee.**



**12. A member desiring to withdraw from the club must give notice in writing to the secretary on or before the..... in any year, otherwise the subscription for the ensuing year shall be payable.**

**13. The committee shall have power to expel any member who shall offend against the rules of the club or whose conduct shall in the opinion of the committee render him unfit for membership of the club. Before any such member is expelled the secretary shall give him..... days written notice to attend a meeting of the committee and shall inform him of the complaints made against him. No member shall be expelled without first having an opportunity of appearing before the committee and answering complaints made against him nor unless at least two-thirds of the committee then present vote in favour of his expulsion.**

No member whose membership has been terminated under this rule or who owes money to the club shall be introduced by any other member as a visitor to any part of the club premises.

**14. The club servants shall be under the orders of the committee only, and no member shall reprimand a club servant. If a member has any cause of complaint he shall bring the same before the committee in writing.**

**15. The committee shall have power to alter the rules, but no such alteration shall take effect until the same has been confirmed at the annual general meeting or a special general meeting convened for the purpose.**

**16. The committee shall have power to make bye-laws for regulating the conduct and affairs of the club provided the same are not inconsistent with these rules. Such bye-laws shall be posted in some conspicuous part of the club premises and shall be binding on all the members.**

**17. A general meeting of the club shall be held in every year not later than..... to transact the following business:**

(a)to receive and, if approved, to adopt a statement of the club's accounts to the end of the preceding year,(b)to consider and, if approved, sanction any duly made alteration of the rules;(c)to appoint the officers and other members of the committee;(d)to appoint an auditor or auditors;(e)to deal with any special matter which the committee desire to bring before the members and to receive suggestions from the members for consideration by the committee. Notice convening the general meeting shall be sent to the members not less than..... days before the meeting, and shall

specify the matters to be dealt with.

**18. A special general meeting may be convened at any time by the committee and shall be convened within..... days from the receipt of a requisition in writing signed by not less than..... members specifying the object of the meeting for any of the following purposes:**

(a) to consider and, if approved, sanction any duly made alteration of the rules (b) to deal with any special matter which the committee may desire to place before the members, including the expulsion of a member; (c) to receive the resignation of the committee or to remove any member or members thereof from office and to fill any vacancy or vacancies caused thereby; (d) to deal with any special matter which the members requiring the meeting may desire to place before the club. Notice convening a special matter which the members requiring meeting not less than..... days before the meeting and shall specify the matters to be dealt with.

**19. At committee meetings and at general meetings a chairman shall be elected to preside, and he shall have a casting or additional vote in the event of an equality of votes.**

**20. At committee meetings (except for the purposes of rule.....) three shall form a quorum. At general meetings..... shall form a quorum. Junior and temporary members may attend general meetings, but they shall not be entitled to vote, and they shall not be counted as part of the necessary quorum.**

Form No. 3 Model Bye-laws for a Social Service Organisation

**1. The council shall be known as the [name of town or district] Council of Social Service.**

**2. (a) The council is established for charitable purposes only.**

(b) In particular the council is established: (i) To promote any charitable purposes for the benefit of the community in the city (borough, etc.) of [name of town or district] and in particular the advancement of education, the furtherance of health and the relief of poverty, distress and sickness. (ii) To promote and organise co-operation in the achievement of the above purposes and to that end to bring together in council representatives of the statutory authorities and voluntary organisations engaged in the furtherance of the above purposes within the city (borough, etc.) of [name of town or district]. (c) In the furtherance of the above purposes, but not further or otherwise, the council may: (i) Assist any body or bodies financially or otherwise. (ii) Obtain, collect and receive money and funds by way of contributions, donations, affiliation fees, subscriptions, legacies, grants

and any other lawful method, and accept and receive gifts of property of any description (whether subject to any special trusts or not).(iii)Procure and provide information.(iv)Procure to be written and print, publish, issue and circulate gratuitously or otherwise any reports or periodicals, books, pamphlets, leaflets, or other documents.(v)Arrange and provide for or join in arranging and providing for the holding of exhibitions, meetings, lectures and classes.(vi)Promote, encourage or undertake experimental work.

**3. (a) Any statutory authority or voluntary organisation which is pursuing any of the said purposes may be invited by the council to participate in its work and to appoint such number of representative members as the council may from time to time determine.**

(b)The council may from time to time invite the person holding any office to become an ex officio member of the council.(c)The council may co-opt persons having special knowledge or experience, provided that the number of co-opted members shall not exceed one-fourth of the representative members of the council.(d)The first members of the council shall be those indicated in the schedule.(e)Participating authorities and organisations may appoint proxies to replace representative members who are unable to attend any particular meeting of the council.(f)The council may invite any person to attend its meetings as an observer but without power to vote.

**4. (a) At the annual meeting the council shall elect a chairman and such other honorary officers (including a president and one or more vice-presidents) as the council may from time to time decide.**

(b)The chairman and the honorary officers shall hold office until the conclusion of the annual meeting of the council next after their appointment.(c)The chairman and the honorary officers shall be ex officio members of the executive committee and any other committee.(d)The council shall appoint a secretary and may determine his remuneration, duties and conditions of service.(e)The council shall appoint one or more qualified auditors and may determine their remuneration (if any).

**5. (a) There shall be an executive committee consisting of members of the council whose duty it shall be to carry out the general policy of the council, and, subject to any conditions imposed from time to time by the council, to provide for the administration, management and control of the affairs and property of the council.**

(b)The chairmen of the finance committee and any standing or group committee shall be ex officio members of the executive committee.(c)The executive committee shall have power to co-opt persons not being members of the council to serve on the committee, provided that the number of such co-opted members shall not exceed one-fourth of the total number of elected members serving on the committee.(d)One-third of the members of the executive committee shall retire annually but shall be eligible for re-election, the members so to retire being those who have been longest in office

since their last appointment, but not reckoning ex officio members. As between members who have been in office the same length of time, those due to retire shall be chosen by lot.(e)The executive committee may invite any official of any statutory authority to attend its meetings as an observer but without power to vote.(f)The executive committee shall meet not less than five times a year.(g)Any casual vacancy in the executive committee may be filled up by the executive committee and any person appointed to fill such a casual vacancy shall hold office until the conclusion of the next annual meeting of the council and shall be eligible for re-election at that meeting.(h)The proceedings of the executive committee shall not be invalidated by any failure to appoint or any defect in the appointment, election or qualification of any member.

**6. Nominations from members of the council for either honorary officers or members of the executive committee must be in writing and must be in the hands of the secretary at least fourteen days before the annual meeting. Should nominations exceed vacancies, election shall be by ballot. The executive committee may fill any casual vacancy occurring in the offices of honorary officers appointed by the council, and may, subject to any conditions imposed by the council, appoint any other honorary officers, but all such appointments shall be subject to confirmation by the council at its next meeting.**

**7. The council or, failing the council, the executive committee may appoint a finance committee and such other special or standing committees as may be deemed necessary, and may determine their terms of reference, powers, duration and composition, provided that no committee may be given power to co-opt more than one-fourth of its total membership.**

**8. (a) The annual meeting of the council shall be held in each year at such time (not being more than fifteen months after the holding of the preceding annual meeting) and place as the executive committee shall determine. At least twenty-one clear days' notice shall be given in writing by the secretary to the members. Other meetings of the council shall be held at such times as may be determined by the council.**

(b)A special meeting of the council shall be called at fourteen clear days. notice in writing upon the written demand of [number] members, or by the president, or vice-president acting in his absence, or by the chairman of the council or by the executive committee.(c)At the annual meeting the business shall include the election of a chairman and honorary officers, the election of persons to fill vacancies on the executive committee, the appointment of auditors, and the consideration of an annual report of the work done by or under the auspices of the council and of the audited accounts.(d)The proceedings of the council shall not be invalidated by any failure to appoint or any

defect in the appointment, election or qualification of any member.

**9. The quorum at a meeting of the council and at a meeting of the executive committee shall be one-quarter of the council or committee, or such other number as the council may from time to time determine.**

**10. (a) The council shall have power to raise money by means of affiliation fees from participating authorities and organisations, subscriptions from individuals, donations or legacies, grants-in-aid from statutory authorities. loans and other sources.**

(b)The income and property of the council whencesoever derived, shall be applied solely towards the promotion of the purposes of the council as set forth in this constitution, and no portion thereof shall be paid or transferred directly or indirectly by way of dividend, bonus or otherwise howsoever by way of profit to any member of the council. Provided that nothing herein shall prevent the payment in good faith of reasonable and proper remuneration to any officer or servant of the council or the repayment of out-of-pocket expenses.(c)The council may appoint and may determine the appointment of a custodian trustee or a trust corporation or not less than three persons to act as trustees for the purpose of holding any moneys or property belonging to the council.

**11. The council's year shall run from April 1st to Mar& 31st. Once at least in every year the accounts of the council shall be audited by one or more qualified auditors.**

**12. The council may at any time be dissolved by a resolution passed by a two-third majority of those present and voting at a meeting of the council of which at least twenty-one clear days' notice shall have been sent to all members of the council. Such resolution may give instructions for the disposal of any assets held by or in the name of the council, provided that if any property remains after the satisfaction of all debts and liabilities, such property shall not be paid to or distributed among the members of the council but shall be given or transferred to such other charitable institution or institutions having objects similar to some or all of the objects of the council as the council may, determine.**

**13. Alterations to the constitution shall receive the assent of not less than two-thirds of the members of the council present and voting. A resolution for the alteration of the constitution shall be received by the secretary of the council at least twenty-one clear days' notice before the meeting at which the**

**resolution is to be brought forward. At least fourteen clear days' notice in writing of such a meeting shall be given by the. secretary to the members and shall include notice of the alterations proposed. Provided that no alteration to clause 2 shall be made without the approval of the court or other authority having jurisdiction.**

## **Schedule**

Section 1Representatives of Voluntary Organisations[Names of representatives and organisations represented]Section 2Representatives of Statutory Bodies[Local authority and government department representatives]Section 3Ex Officio MembersForm No. 4Model Bye-laws and Regulations for Golf Club

- 1. The club shall be called the..... Golf Club.**
- 2. The club is formed to provide for the members a golf course, and club house, and to supply to members refreshments and all things incidental to the playing of golf.**
- 3. The club shall consist of not more than..... ordinary members, and of honorary, life, and provisional members. Amateur golfers of either sex are eligible for membership.**
- 4. The officers of the club shall be a president, two vice-presidents, a captain, a secretary, and a treasurer. They shall be proposed, seconded, and elected by ballot at each annual general meeting. They shall hold office until the next annual general meeting when they shall retire, but shall be eligible for re-election from year to year.**
- 5. The committee of management shall consist of the captain, secretary, and treasurer, and..... elected members..... members of the committee shall form a quorum.**
- 6. The election of members of the committee shall take place in the following manner:**
  - (a)Any two members of the club shall be at liberty to nominate a member to serve on the committee. The name of. each member so nominated shall be sent in writing to the secretary (.....days) at least before the annual general meeting, accompanied by a letter from the candidate consenting to**

serve if elected.(b)A list of the names in alphabetical order shall be affixed to the notice board of the club (.....days) at least before the annual general meeting. Balloting lists shall be prepared containing the names of the candidates only, and each member present at the annual general meeting shall be entitled to vote for any number of such candidates not exceeding the number of vacancies. In case there shall not be a sufficient number of candidates nominated, the committee shall fill up the remaining vacancies. If two or more candidates obtain an equal number of votes, the committee shall select by lot from such candidates the candidate or candidates who are to be members of the committee.(c)Of the members of the committee, other than the officers, two shall retire every at the annual general meeting, and shall not be eligible for re-election until the next annual general meeting. Members shall, if necessary for the purpose of creating vacancies on the committee. retire in order of seniority, and in case of equal seniority the order of retirement shall be determined by lot.

**7. Any casual vacancy on the committee shall be filled up by the committee, and any member so chosen shall retire at the following annual general meeting, but shall be eligible as a candidate for election on the committee at such annual general meeting. The service of any member on the committee chosen to fill a casual vacancy shall not be reckoned in calculating the seniority of such member if subsequently elected to serve on the committee.**

**8. The committee, in addition to the powers hereinafter specifically conferred upon them, shall have the control of the finances of the club, power to engage, control, and dismiss the club servants, and all such administrative powers as may be necessary for properly carrying out the objects of the club in accordance with these rules.**

**9. The secretary shall conduct the correspondence of the club, and shall have the custody of all documents belonging to the club. He shall keep full and correct minutes of all proceedings, and records of all competitions of the club.**

**10. The treasurer shall keep the accounts of the club and shall make up the annual statement of accounts and balance sheet of the club to the 31st day of December in each year, which shall, after audit, be printed and circulated amongst the members with the notice of the annual general meeting.**

**11. Two members shall be appointed auditors at the annual general meeting. They or one of them shall audit the annual statement of accounts and balance sheet, and shall certify the same before they are printed.**

**12. Candidates for election be balloted for by the committee. A candidate must be proposed and seconded by two members of the club, both of whom must be personally acquainted with him and responsible for his eligibility. (Before any candidate comes up for election his proposer and seconder must write to the committee stating what they know of the candidate, both socially and as a golfer, together with any special qualification he may have for election. In the absence of such letters the candidate will not be submitted for the ballot). The proposer shall give written notice to the secretary of the name and address of his candidate, and the secretary shall forthwith post the particulars prominently in the club room, and at least (.....) days shall elapse after such posting before the ballot takes place. Candidates balloted for and not elected shall not be proposed again for election within a period of (.....) months. On the election of a new member, the secretary shall notify the same to him in writing, furnish him with a copy of the rules, and request him to pay his entrance fee and first subscription to the treasurer. No member shall enjoy any of the benefits or privileges of the club till such payment shall have been made, and if such payment be not made within one month from the date of the secretary's notice the election shall be absolutely void, unless the member shall show sufficient cause for such delay to the satisfaction of the committee. The committee shall be empowered to give precedence in election in each year to (.....) eminent golfers.**

**13. The entrance fee shall be Rs..... and the annual subscription shall be Rs..... Members elected on or after the (.....) in each year shall be liable for only half the annual subscription for such year.**

**14. All annual subscriptions shall be payable in advance on the (.....) on which day the financial year shall commence. No member whose subscription is in arrear can compete for any club, prize, or vote at any meeting. A list of all such members shall be posted in the club house on, the (1st day of March) annually. Any member whose subscription is unpaid on the (31st day of March) shall cease to be a member, and his name shall be erased from the books of the club, but may be replaced by the committee upon an available vacancy and on payment of all arrears.**



**15. A member absent abroad for the whole of any year shall not be liable for any annual subscription for that year, provided he shall have given to the secretary previous notice in writing of his intention to be so absent.**

**16. On the recommendation of the committee, an ordinary member may be elected a life member at any general meeting of the club, and shall thereafter be entitled to all the privileges of membership without paying the annual subscription or any special payment for such life membership. A two-thirds majority of those present shall be necessary at such election. There shall not be more than (.....) life members of the club at any one time.**

**17. On the recommendation of the committee, honorary members may be elected at any general meeting of the club over and above the complement of ordinary members. A two-thirds majority of members present shall be necessary at such election. Honorary members may be elected for life or for such other period as the general meeting may deem expedient, and they shall be entitled to all the privileges of membership, except that they shall not be entitled to vote at meetings, or serve as officers or on the committee, or play for medals or other prizes.**

**18. The committee may elect any number of provisional members, not exceeding (.....); such members shall be duly proposed and seconded under rule..... and the other provisions of that rule and of rules..... and..... shall, so far as applicable, apply to. such elections with the following modifications:**

(a)A provisional member shall not be liable to pay any entrance fee, but if subsequently elected a full member of the club he shall pay the entrance fee then current.(b)A provisional member shall not be entitled to vote at any meeting of the club, or to play for any club medals or prizes or to use the club house or course on Saturdays, Sundays, Bank Holidays, or when in use for club fixtures.(c)A provisional member shall be entitled to introduce visitors under the provisions of rule..... except on the days on which he himself is not entitled to use the club house and course.(d)Provisional member shall be subject to the general rules and bye-laws of the club, and if any provisional member commits any breach thereof or of the rules relating to provisional members, the committee may cancel his election, and he shall have no claim for return of any part of his subscription.(e)A provisional member shall be entitled to come up for election as a full member in his regular turn provided he intimates in writing his desire to be come a full member to the secretary..... days at least prior to the date of the next election members after such notice.

**19. A member may at anytime by giving notice in writing to the secretary resign his membership of the club, but shall continue to liable for any annual subscription due and unpaid at the date of his resignation. Any such member having discharged all his liabilities to the club and wishing to rejoin may, upon an available vacancy, be proposed and balloted for in accordance with rule.....and the committee may, at their discretion, excuse him any entrance fee.**

**20. To expel a member from the club notice shall be sent to the secretary signed by (.....) members acquainting him with the circumstances that gave rise to such notice. The secretary shall then communicate with such member (so that he may have the opportunity of explaining, or withdrawing from the club), and shall call a meeting of the committee, who are empowered to decide the question. If a (two-thirds) majority of the members of the committee present vote for his expulsion the member shall be expelled. Any member so expelled shall have the right of appeal to an extraordinary general meeting, to be summoned within (.....) days of his expulsion, when a majority of (two-thirds) of those present shall be required to confirm the expulsion. If the expulsion be not confirmed, the member shall be reinstated.**

**21. Any member expelled in accordance with the rules or otherwise ceasing to be a member of the club, shall forfeit all such rights to, or claim upon, the club or its property or funds as he otherwise would have by reason of membership.**

**22. A member may introduce guests to the privileges of the club house and course on payment of..... a day for each guest, such guests to be accompanied by their introducer, but the same member shall not introduce the same guest more than (.....) twelve times in the same year. The guest's name and address and the name of his introducer shall be entered in the visitors' book, and payment made to the steward previous to play. No guest shall order or pay for any drink or refreshment in the club house.**

**23. Any member of a recognised golf club, on being introduced by a member of this club (who shall at least (.....hours) previously enter the visitor's name and club in the visitors' book), may be admitted as a visitor to all the**

privileges of the club house and course for a week at a time, four times a year separately or consecutively on payment of..... a week. Payment shall be made in advance to the steward. Members of golf clubs outside India, shall, on introduction by a member of this club, be entitled to the privileges of a visitor for a period not exceeding three months annually, on payment of a green fee of..... per month. In the event of payment not being made by a visitor, the member introducing the visitor shall be liable. No visitor shall be allowed to introduce a guest or to vote at meetings, or to play for medals or other club prizes. No charge for golf clubs, whether introduced as guests or as visitors unless otherwise determined by the committee.

24. The annual general meeting of the club shall be held each year in the month of..... at such time and place as the committee shall determine.

25. The committee may call an extraordinary general meeting when any question of urgent importance shall arise, and shall be bound to do so on receiving a requisition signed by (.....) members of the club, to appeal to an extraordinary general meeting.

26. At least (.....days) notice of any general meeting, specifying the business to be transacted, and the day, place, and hour of meeting, shall be sent to every member by letter to his address in the club register.

27. No rule of the club shall be repealed or altered, and no new rule shall be made, save by a (two-thirds) majority of the members present at a general meeting; and at least (one calendar month's) notice of the intention to propose any new rule or alteration shall be given to the secretary, who shall send notice of the same to every member to his address in the club register, at least(.....days) before the general meeting.

28. The committee are empowered to make, repeal and amend such bye-laws as they may from time to time consider necessary for the well-being of the club, which bye-laws, repeals, and amendments shall have effect till otherwise determined by the committee or a general meeting.

**29. All complaints shall be made in writing to the secretary, who, if he shall be unable to deal with them, shall submit them to the committee whose decision shall be final. In no instance shall a servant of the club be reprimanded directly by a member.**

**30. The property of the club shall be vested in (four) trustees who shall be appointed by the committee and the property of the club shall be vested in them to be dealt with by them as the committee may from time to time direct by resolution (of which an entry in the indemnified book shall be conclusive evidence). The trustees shall be indemnified against risk and expenses out of the club property. The trustees shall hold office until death or resignation or until removal from office by the committee. Where by reason of such death, resignation or removal it is necessary that a new trustee or trustees be appointed the committee shall nominate the person or persons to be appointed the new trustee or trustees. For the purpose of giving effect to such nomination the (specify an officer of the club) is hereby nominated as the person to appoint new trustees of the club and he shall be deemed to duly appoint the person or persons so nominated by the committee.**

**31. No member shall take away, or permit to be taken away, from the club house, under any pretence whatever, or shall injure or destroy, any property of the club.**

**32. The club house shall be opened daily at..... a.m., and closed at such hour as the committee shall from time to time determine.**

**33. The purchase of intoxicating liquor for supply by the club shall be in the absolute discretion of a sub-committee of not less than..... members being members. of the committee appointed by the committee for that purpose. In the event of any member ceasing to be a member of the committee he shall automatically cease to be a member of the sub-committee, and another member of the committee shall be appointed in his place.**

**34. The permitted hours for the supply of intoxicating liquor shall be from.....to..... on weekdays and from..... to..... on Sundays.**

**35. No paper, notice, or placard. written or printed, shall be exhibited, put. in the club house, or in any way brought to the notice of members with the sanction of a member of the committee.**

**36. Members are required to pay all expenses they incur on their own behalf or for guests in the club house or on the course before they leave.**

**37. Every member shall from time to time communicate to the secretary his address or that of his banker or agent. Such address shall be inserted in the register of members, and all notices sent by post to such address shall be deemed to have been duly delivered on the day following the date of posting.**

**38. The rules of the game of golf as adopted from time to time by the except in so far as they are modified by bye-laws of the club, shall be observed.**

**39. Every member shall be bound by and submit to the rules and bye-laws of the club.**

Form No. 5Model Bye-laws for a sports and travel club

**1. The name of the club is.....**

**2. The club is formed for (the social intercourse of.gentlemen interested in sports and travel and to afford the members facilities for meeting one another and entertaining their friends or whatever may be the special purpose of the club).**

**3. Persons (who are amateur sportsmen or have travelled abroad or are in general sympathy with the alms and objects of the club or as the case may be) are qualified for membership.**

**4. The club is a proprietary club, the proprietors and sole managers of which are (subject to these rules) the..... Company Limited.**

**5. The company will provide the club with a club house (in the and everything reasonably necessary for carrying on the club in accordance with its objects and these rules and will be solely responsible for all expenses connected therewith and for the engagement and payment of servants and for catering and all other matters involving expenditure of money except the purchase**

**and supply of intoxicating liquors and tobacco as provided by rule.**

**6. Every member of the club shall, subject to these rules and the bye-laws for the time being in force, be entitled to use and enjoy in common with the other members of the club, the club house and the furniture, fittings and other things therein provided by the company for the use of the club, but shall not by reason of his membership be under any financial liability except for payment of his annual subscription to the company.**

**7. The club shall consist of not more than..... ordinary members (including. (or excluding) life members elected under rule.....) and of honorary members elected in accordance with rule (and of debenture holders entitled to membership under rule.....). Ordinary members having a residential or business address within a radius of..... miles from the club house shall be town members. Ordinary members residing beyond the said radius and having no business or private address within the said radius other than that of a club, shall be country members.**

**8. On the recommendation of the general committee (hereinafter in these rules and the bye-laws called the committee), ordinary members may in special circumstances be elected life members at any general meeting of the club, and shall thereafter be entitled to all the privileges of membership without paying the yearly subscription or any special payment for such life membership. A two-thirds majority of those present and voting shall be necessary to ensure election (There shall not be more than..... life members at any one time).**

**9. On the recommendation of the committee honorary members may be elected at any general meeting of the club over and above the complement of ordinary members. A two-thirds majority of members present and voting shall be necessary to ensure election. Honorary members may be elected for life or such period as the general meeting may deem expedient. They shall be entitled to all the privileges of membership (except that they shall not be entitled to vote at meetings). (There shall not be more than..... honorary members at any one time).**

**10. The entrance fee payable by a member on election (not being a debenture holder) shall be such sum (if any) as the committee shall from time to time determine. The committee may demand entrance fees of varying amounts and may remit the whole or part of the entrance fee of any member (or class of members).**

**11. Original holders of debentures issued by the company are entitled to membership of the club free of entrance fee (and subscription) upon the terms and subject to the conditions which 'are endorsed on the debentures. Transferees from original holders of debentures if duly elected in accordance with rules..... shall be admitted to membership free of entrance fee and subscription.**

**12. The annual subscription for ordinary members shall in the case of town members be Rs..... and in the case of country members Rs..... (A member elected after the..... day of..... in any year shall only be required to pay half the subscription for that year).**

**13. A member absent abroad for the whole of any year shall pay a nominal subscription of Rs..... for that year provided he shall have given to the secretary previous notice in writing of his intention to be so absent.**

If a member who has given notice under this rule shall return from abroad temporarily, the company may admit such member to all the privileges of membership for such period as it thinks fit on payment of a proportionate part of his full annual subscription.

**14. Annual subscriptions shall be due and payable on the..... day of..... and shall on or before that day in each year be paid to the secretary on behalf of the company or to the account of the company at its bankers for the time being.**

**15. Every candidate for membership of the club shall be proposed by one member of the club and seconded by another member of the club both of whom shall be personally acquainted with the candidate and shall vouch for his fitness for membership. Proposals must be on the forms provided by the company and must be signed by the proposer and seconder. The candidate shall also sign a form of application for membership giving all particulars required by the company with an undertaking to be bound by the rules and**

**bye-laws of the club if. elected.**

**16. The name and address of every candidate shall be prominently displayed for not less than (.....) before his election in the principal club room. Any member who objects to the candidate may make his objection in writing (stating the grounds thereof) addressed to the honorary secretary, who shall communicate the same to the committee but to no other person.**

**17. A proposer or seconder may withdraw at any time before a candidate is elected. If a proposer or seconder has, before the candidate comes up for election, withdrawn or ceased to be a member, another member may sign the proposal form as proposer or seconder, provided that the candidate shall not be elected until his name has been posted for at least..... days with the names of the substituted proposer or seconder.**

**18. The election of candidates shall be by the committee and no person shall be admitted to membership of the club until so elected. The committee at every meeting thereof appointed for the election of members shall consider the applications of all candidates who have been duly proposed and whose names have been displayed in the principal club room in accordance with rule..... and shall elect or reject them in order of priority according to the dates of their applications for membership until a sufficient number have been elected to fill the vacancies in the membership of the club. A candidate who receives a majority of the votes of the members of the committee present and voting shall be declared elected.**

**19. The name of every candidate for membership who has been duly elected by the committee shall be forthwith communicated to the secretary of the company, who shall inform the member that he has been elected and send him a copy of these rules, with a request for payment' of his entrance fee and first' annual subscription.**

**20. When an elected candidate has paid his entrance fee and first annual subscription he shall be a member of the club and entitled to all the privileges of membership and shall be deemed to have agreed to be bound by these rules and all bye-laws made in accordance therewith.**



**21. If an elected candidate does not pay his entrance fee and first subscription within (.....) from the date when notification of his election has been posted to him, the committee may annul his election, but may nevertheless, if such entrance fee and subscription be paid before the vacancy in the club has been filled by the election of another candidate, accept the same and the candidate shall thereupon be a member of the club.**

**22. If any member's subscription is in arrear, the secretary shall send him notice with a request for immediate payment and if his subscription is not paid within (.....) from the time when such notice would be received in the ordinary course of post, the committee may remove his name from the register of members and he shall thereupon cease to be a member and forfeit all rights of membership. Provided that the committee may at any time in their discretion restore him to membership upon payment of all arrears of subscription then due.**

**23. A member may resign his membership at any time by letter addressed to the secretary at the club house, but shall be liable for his subscription for the year during which he resigns.**

**24. Any member who is adjudicated an insolvent or who makes a composition with his creditors under the provisions of any statute or is convicted of any indictable offence shall therefrom cease to be a member of the club. Provided that, if his adjudication is annulled or his conviction is set aside, the committee shall and in any other case the committee may restore him to membership as from the date when he ceased to be a member.**

**25. The committee may expel from the club any member whose conduct (in the club house) is such as shall in their opinion be injurious to the character of the club or the interests of the members. Before a member is expelled his conduct shall be inquired into by the committee and he shall be given full opportunity to defend himself and to justify or explain his conduct. If a majority of the committee present when the matter is inquired into are of opinion that the member has been guilty of such conduct as aforesaid and that the member has failed to justify or explain it satisfactorily, the committee shall call upon the member to resign and, if he does not resign, shall expel him. A member expelled shall forfeit all the privileges of membership and all**

**rights against the club.**

**26. An annual general meeting of the club shall be held once in every year for the election of members to serve on the committee and of officers of the club and for such other business as may be appointed in accordance with the rules and bye-laws. Special general meetings may be held in accordance with the bye-laws.**

**27. At all general meetings of the club every member of the club shall be entitled to be present and (except as, provided in rule.....) to give one vote and no more upon every question, provided that in case of equality of votes the chairman of the meeting shall have a second or casting vote.**

**28. The committee shall exercise the powers given to it by these rules and such other powers of management as the affairs of the club may from time to time require. The committee shall consist of not more than..... members elected by the members of the club in general.**

**29. The committee shall have power to settle and adjudicate upon disputes between members, arising in the club, of a kind which are usually referred to the committee of a members club. The committee shall also consider all suggestions made in the suggestion book and shall state therein what action, if any, is being taken to deal with them.**

**30. The club may from time to time in accordance with the bye-laws for the time being in force elect (a captain), an honorary secretary and other officers. The honorary secretary may act as treasurer of the wine committee.**

**31. It shall be the duty of the honorary secretary so far as statute permit to make all applications and render all returns required from time to time under the licensing and revenue statutes, and in any other case to take such steps as shall ensure that any necessary application or return is made upon the club's behalf.**

**32. The secretary of the company, if he is a member of the club, may be elected honorary secretary of the club, and if he is not so elected shall (if required) act as assistant secretary of the club without payment.**

**33. All expenses of the officers and committee reasonably incurred on behalf of the club for stationery, printing, postages and other things will be paid by the company.**

**34. (i) There shall be a sub-committee (hereinafter called the wine committee) appointed by the committee and consisting of not less than members being members of the committee. If any member of the wine committee ceases to be a member of the committee, he shall cease to be a member of the wine committee and another member of the committee shall be appointed in his place.**

(ii) The supply to the club of intoxicating liquors and tobacco shall be under the sole control of the wine committee, who shall arrange for the purchase thereof on behalf of the club and for the supply thereof to members at such prices as they shall from time to time determine. Any profit or loss made in one year shall be carried forward to the next year. (iii) The wine committee shall cause an account of all purchases and receipts to be kept and shall at every annual meeting present a report and financial statement for the preceding year. They shall also furnish to the honorary secretary all particulars necessary to enable him to make any statement required by any licensing or revenue statute, and shall pay to him the sums necessary to enable him to pay any duty or other payment required by the provisions of any such statute. (iv) No intoxicating liquors shall be supplied except to members and their guests in the club house, or sold to any person who is not a member.

**35. The permitted hours for the supply of intoxicating liquor shall be from.....to..... on weekdays and from..... to..... on Sundays.**

**36. No person shall at any time be entitled to receive at the expense of the club (or of any member thereof) any commission percentage or similar payment on or with reference to purchase of intoxicating liquor by the club; nor shall any person directly or indirectly derive any pecuniary benefit from the supply of intoxicating liquor by or on behalf of the club to members or guests apart from any benefit which a person derives indirectly by reason of the supply giving rise to or contributing to a general gain from carrying on the club.**

**37. The committee may from time to time, make, vary and revoke bye-laws not inconsistent with these rules for the regulation of the internal affairs of the club and the conduct of the members, All bye-laws shall, until revoked by the committee, be binding on the members.**

**38. All notices required by these rules and by the bye-laws to be given to members of the club may be given by prepaid letter addressed to a member at the last address which he was furnished to the secretary and shall be deemed to have been given on the day when such letter would have arrived in the due course of post. Members must furnish the secretary with their addresses from time to time.**

**39. Any dispute or difference which may arise as to the meaning or interpretation of these rules or the bye-laws or as to the powers of the officers or committee or the validity of any election or proceedings of the committee, shall be determined by the board of directors of the company, whose decision shall be final and binding upon all the members of the club.**

**40. These rules and any of them may from time to time be revoked, altered or added to by a resolution passed at a general meeting of the members of the club by a majority (of at least two-thirds) of the members present being members entitled to vote.**

**41. In the interpretation of these rules and the bye-laws "the company" means the..... Company Limited and the expressions "board", "director", and "secretary" respectively mean the board of directors, director and secretary of the company. The expression "the club" means the..... Club, and the expressions "member", and "honorary secretary", mean respectively, member of the..... Club, and honorary secretary of the club.**

**42. The following modifications of the rules shall have effect until the club is fully constituted:**

(i)The first annual general meeting of the club shall be called by the secretary of the company at such time and place as the company may direct and, until it is so called, rule..... shall be in abeyance; but special general meetings of the club may be called by the company if required for electing a wine committee and officers.(ii)Until a committee has been constituted all powers of the committee (including the making of bye-laws) shall be exercised by and vested in the board.  
Bye-LawsI. General Meetings

- 1. The annual general meeting of the club shall be held in every year at the club house on a day in the month of (March) to be appointed by the committee.**
- 2. (.....) days' notice of the meeting shall be given to every member of the club specifying the business to be transacted.**
- 3. If the committee does not call an annual general meeting in (March) in any year, any (five) members may call the meeting for any day in (April) by notice, signed by them and posted on the club notice board, not less than (.....) days before the date appointed by them for the meeting.**
- 4. Special general meetings may be called at any time by the committee by giving (.....) days' notice to each member. No business other than that specified in the notice shall be transacted at a special general meeting.**
- 5. Notices of motion for the annual general meeting must be received by the honorary secretary before the (1st day of February). Any notices of motion must be communicated to members along with the notice convening the meeting and any amendment to any such notice of motion must be in the hands of the honorary secretary not less than..... days before the date fixed for the meeting.**
- 6. No business other than the election of officers and members to serve on the committee and the passing of the accounts of the wine committee shall be transacted at any general meeting unless at least (.....) members are present.**
- 7. Voting at general meetings shall (except at contested elections of officers or members to serve on the committee) by show of hands or otherwise as the chairman may direct.**
- 8. At all general meetings the chairman of the committee shall preside. If the chairman of the committee is not present within minutes after theme appoint for holding the meeting, the meeting shall choose its own chairman.**

**9. The honorary secretary shall record in a minute book the proceedings of general meetings.**

**10. The chairman's decision as to the result of the voting on any question shall be final and an entry in the minute book signed by the chairman of the meeting within (.....) of the holding of the meeting shall be conclusive of the terms of any resolution and of its having been passed.**

## **II. Election of Committee**

**11. At the first annual general meeting of the club (.....) members shall be elected to serve on the committee, of who (.....) (to be chosen by lot) shall hold office until the second annual general meeting (.....) (to be chosen by lot) shall hold office until the third annual general meeting, and the remainder shall hold office until the fourth annual general meeting.**

**12. At every annual general meeting after the first (two) members shall be elected to hold office for..... years in the place of the retiring members. Retiring members of the committee shall not be eligible for re-election until after the expiration of..... year. A year in this bye-law and bye-law..... shall mean the interval between one annual general meeting and the next following annual general meeting.**

**13. If a casual vacancy occurs by the death or resignation of a member of the committee in the first or second year of his tenure of office, the vacancy shall be filled by the election of another member at the then next annual general meeting. A member so elected shall retire when the member whose place he takes would have retired and shall then be at once eligible for election for a term of three years.**

**14. Candidates for election to the committee must be proposed and seconded by members of the club. The name of every candidate with the names of his proposer and seconder must be sent in writing to the honorary secretary before (1st Day of February) and shall be printed in the notice convening the meeting. It shall not be necessary for the proposer or seconder to be present at the meeting.**

**15. If no names or an insufficient number of names of candidates eligible for election be received by the honorary secretary by the (1st day of February) candidates may be proposed at the meeting without notice.**

**16. If the number of candidates duly proposed and seconded exceeds the number to be elected, voting shall be by secret voting paper or ballot.**

### III. Election of Honorary Secretary

**17. An honorary secretary shall be elected at the first and every subsequent annual general meeting of the club, to hold office until the then next annual general meeting, when he shall be eligible for re-election.**

**18. Bye-laws..... shall apply, with regard to the proposal and election of an honorary secretary.**

**19. A casual vacancy occurring by death or resignation during the year of office of the honorary secretary shall be filled by the committee appointing one of their own number, or some other member of the club to be honorary secretary until the then next annual general meeting.**

### IV. Proceedings of Committee

**20. The committee shall choose its own chairman and regulate its own procedure.**

**21. Meetings of the committee shall be called by the honorary secretary at least four times a year. Additional meeting may be called by the honorary secretary and shall be called by him if requested by the chairman or any two members of the committee.**

**22. All members of the committee shall be summoned to meetings by (.....) days' notice in writing.**

**23. (.....) members shall be a quorum.**

**24. Every member of the committee shall have one vote on every question and in case of equality the chairman or other member presiding at the meeting shall have a second or casting vote.**

**25. The honorary secretary shall keep minutes of the proceedings of each meeting, which shall be read and confirmed at the next meeting.**

**26. The committee may appoint sub-committees and depute to them any of its powers, except those relating to the election and expulsion of members. Membership of any such sub-committee shall consist, as to two-thirds of its number, of elected members of the committee, except in the case of the wine committee or a sub-committee having less than four in number, when all shall be such elected members.**

Form No. 6 Model Rules & Bye-laws for a Social and Recreation Club

**1. The club shall be called.....**

**2. The registered office is at..... and shall not be changed except by resolution of a special general meeting (or except by resolution of the committee). Notice of any change in the situation of the registered office shall be sent to the registrar within fourteen days thereafter in the form prescribed by the Treasury regulations.**

**3. The purpose for which the club is established are to afford its members the means of social intercourse, mutual helpfulness, mental and moral improvement, and rational recreation.**

**4. All money received on account of entrance fees, subscriptions, levies, donations, payments for games and refreshments and for the use of club property, all interest on investments, and all other funds belonging to the club, shall be applied in carrying out the objects of the club in accordance with the rules.**

**5. Any individual of not less than..... years of age shall be eligible for election as a member.**

**6. A candidate for election as a member must be proposed by one and seconded by another member.**



**7. The name, address, and occupation of the candidate with the names of his proposer and seconder, shall be entered in a nomination book at least (seven) days before the day on which his name is submitted for election; and at the same time the sum of..... shall be deposited by such candidate through his proposer or seconder as entrance fee, which sum shall be returned if the candidate is not elected.**

**8. The election shall be by the committee and every member upon his election shall be furnished with a card of membership with his name written thereon. This card must be produced to any member of the committee whenever required. Every member shall, together with his card of membership, be provided with a copy of these rules, and shall be bound by them in all respects.**

**9. Every member shall pay a quarterly subscription of..... which shall become due on his election. Until the subscription is paid the member shall not be entitled to any privileges of the club. Subsequent subscription of..... shall be paid on the first day of January, April, July and October in each year**

**10. Any member who has not paid his subscription within twenty-eight days after it has become due shall be considered in arrear, and if the amount due be not paid within twenty-eight days of his becoming in arrear he shall cease to be a member.**

**11. A list of all members so in arrear shall be posted on the club notice board by the secretary, and no member whose name appears on the list shall be permitted to use the club.**

**12. A member may at any time retire from the club by giving to the secretary notice in writing of his wish to do so.**

**13. A person who has ceased to be a member may, upon payment of any arrears of subscription, be re-elected without entrance fee.**

**14. The committee may expel from membership any member wilfully disobeying any of these rules, or guilty of any conduct rendering him unfit in their opinion to be a member of the club. Provided that before expelling him**

**the committee shall call upon him for an explanation of his conduct. and shall hear what he may wish to urge in his defence. The committee may in its discretion return to an expelled member his entrance fee. A member expelled in accordance with this rule shall have no claim on the property of the club, and shall not be eligible for re-election as a member (within one year of his expulsion).**

**15. The committee may from time to time elect for life, or for such other period being not less than one year, a president and (four) vice-presidents who shall be honorary members of the club, and entitled to all the benefits of membership, and these rules shall be deemed applicable to them.**

**16. The management of the club shall be entrusted to a committee, consisting of the president and vice-presidents, and not more than..... members elected yearly by ballot at the annual general meetings, together with the officers appointed as provided by rule..... Any member of the committee may be removed by resolution of a special general meeting which may proceed to fill the vacancy.**

**17. The name of every candidate for membership of the committee shall be proposed and seconded by two members of the club. Such proposals shall be sent to the secretary in writing not less than ten days before the annual general meeting, and the name of every such candidate with the names of his proposer and seconder shall be posted in the club not less than seven days before the annual general meeting.**

**18. The committee shall meet at least once a..... for general business..... members shall form a quorum.**

**19. The chair shall be taken by the chairman of the committee, or in his absence by another member of the committee nominated by him to take the chair. The chairman of the committee ; or other member in the chair, shall be entitled to vote on any question, and in the event of an equal division of votes shall be entitled to a second or casting vote.**

**20. The committee shall subject to rule..... hold office from their election until the next annual general meeting, provided that any member of the committee may at any time retire therefrom by giving to the secretary notice in writing of his wish to do so.**

**21. The committee shall be empowered to elect any member of the club to fill any casual vacancy occurring by death or resignation or by reason of any member of the committee ceasing during his term of office to be a member of the club.**

**22. The committee shall have power:**

(a)generally to manage the affairs of the club in accordance with the rules and bye-laws;(b)to appoint from their own members sub-committees for special purposes, and to delegate to them any of the powers of the committee, except those of electing and expelling members, and making, altering, or revoking bye-laws.

**23. The committee are empowered from time to time to make, alter, and revoke bye-laws for the internal management of the club. All such bye-laws, until revoked, shall be binding on all members of the club as if they were contained in these rules.**

**24. The annual general meeting of the club shall be held in the (first) week of..... for the following purposes:**

(a)to receive a report and statement of accounts for the preceding year;(b)subject to rule..... to elect the committee for the ensuing year;(c)to decide upon any proposal or matter, and transact any other business, which shall be duly submitted to the meeting.

**25. Notice of the annual general meeting and of the business to be transacted thereat shall be posted on the notice board of the club one month before the date for holding the same.**

**26. At the annual general meeting any member may propose a new rule or bye-law, or alteration or repeal of any existing rule, or bring before the meeting any subject or proposal which relates to the affairs of the club, provided that not less than (.....) before the meeting he shall have given the secretary notice thereof in writing.**

**27. At the annual general meeting the chairman shall be the president, or in his absence one of the vice-presidents, or if none of them be present, the chairman, or some other member of the committee. The chairman shall ascertain the decision of the meeting by a show of hands or by taking a division in such other manner as he shall deem most convenient. Every member not in arrear with his subscription, within the meaning of rule shall be entitled to be present at the annual general meeting and, if present, to vote upon any resolution or question put to the meeting, and in the event of an equality of votes the chairman shall be entitled to a second or casting vote.**

**28. The committee may at any time for any special purpose call a special general meeting, and shall do so forthwith on the requisition in writing of any (.....) members stating the purposes for which the meeting is required. Notice of such special general meeting, and the purposes for which it is summoned, shall be posted in the club house (fourteen days) before holding the same. The procedure at such meeting and the rights of members to be present and vote thereat shall be the same in all respects as those provided in regard to the annual general meeting. The business to be transacted at such meeting shall be confined to the purposes named in the notice.**

**29. (Four) members of the club shall be trustees of the club, in whom all the funds and property of the club shall be vested. At the first general meeting of the club (four) members shall be elected trustees, and every vacancy among the trustees caused by death, resignation or removal from office shall from time to time be filled up by election at the annual or special general meeting not after the occurrence of such vacancy. The election shall be by a majority of the members present and entitled to vote upon a resolution for such, appointment. No member shall be at the same time a trustee and secretary or treasurer of the club. Every resolution appointing a trustee shall be entered in the minutes of the meeting at which he is appointed, and a copy of such resolution, signed by such trustee, shall be forwarded within fourteen days by the secretary to the registrar. Any trustee may be removed from office by a resolution passed by a majority of the members present and voting thereon at an annual or special general meetings Unless so removed every trustee shall hold office until he resigns or ceases to be a member of the club.**

**30. (a) So much of the funds as may not be wanted for immediate use, or to meet the usual accruing liabilities, shall, with the consent of the committee, or of a majority of the members present and entitled to vote in general meeting, be invested by the trustees in any of the following ways, namely, in the Post Office Savings Bank, or in any savings bank with any nationalised bank or in the public funds, or in the purchase of land, or in the erection or alteration of offices or other buildings thereon, or in any investment in which trustees are for the time being by law authorised to invest trust funds.**

(b)The trustees, with the consent of a special general meeting, may purchase or take on lease any land and may sell, exchange, mortgage, lease, or build upon that land (with power to alter and pull down buildings and again rebuild), and a purchaser, assignee, mortgagee, or tenant shall not be bound to inquire as to the authority for any sale, exchange, mortgage, or lease by the trustees, and the receipt of the trustees shall be a discharge for all monies arising from or in connection with such sale, exchange, mortgage, or lease.(c)Mortgages or other assurances for securing money to the club may be vacated by a receipt endorsed or annexed, signed by the trustees and countersigned by the secretary.

**31. The trustees, with the consent of a special general meeting, may borrow money for the purposes of the club upon the security of any assets of the club and shall have power to execute all deeds or other documents which may be required for the purpose.**

**32. (a) The committee shall once at least in every year submit the accounts for audit to one of the approved auditors appointed under the Act.**

(b)The auditor shall have access to all the books and accounts of the club, shall examine the annual return and shall verify it with the accounts, vouchers, deeds, documents of title and securities, and shall either sign it as found by him to be correct, duly vouched and in accordance with law, or specially report to the club in what respect he finds it incorrect, unvouched, or not in accordance with law.(c)The committee shall lay before the annual general meeting an accounts and balance sheet containing the same particulars as are shown in the annual return.

**33. (a) Every year, before the 1st June, the secretary shall send to the registrar an annual return of the club's receipts and expenditure for the year and of its funds and effects, certified by the auditor and made up to the 31st December then last, inclusively. The return must be made in the form prescribed by the Registrar, and contain such particulars as may from time to time be required by the form. A copy of any special report of the auditor must be sent with the annual return.**

(b)The committee shall supply gratuitously to every member or person interested in the funds of the club, on his application, either a copy of the last annual return or of a balance sheet or other document, duly audited, containing the same particulars as to the receipts and expenditure, funds and effects. as are contained in the annual return.

**34. The secretary shall, in addition to his other duties as specified in these rules, receive the subscriptions of members, the payment of which shall be entered in a subscription book kept for that purpose, and on the members' cards; he shall also receive the deposits payable by way of entrance fees, and enter the same as paid in the nomination book. He shall also receive all payments in respect of games. He shall keep an account of all monies received by him every Monday. hand over to the treasurer all monies received by him during the preceding week. The secretary shall keep minutes of the proceedings of all general and committee meetings, which minutes he shall transcribe into the minute book. He shall keep the accounts, papers and documents of the club. He shall receive such remuneration as the committee shall determine.**

**35. The treasurer shall be responsible for sums of money as may from time to time be paid into his hands by the secretary. He shall disburse all monies for and on account of the club, but shall not pay any account or bill for an amount exceeding (Rs.....) without the authority of the committee. He shall, when ever so required, deliver with vouchers for amounts exceeding (Rs.....) he shall receive such remuneration as the committee shall determine.**

**36. (a) If any dispute shall arise between a member or person claiming through a member or under the rules, or any person aggrieved who has ceased to be a member, or any person claiming through such person aggrieved, and the club, or any officer of the club, it shall be decided by reference to arbitration.**

(b)Five arbitrators shall be elected at a general meeting, none of them being directly or indirectly interested in the funds of the club, and any vacancy or vacancies shall be filled at a general meeting. The complaining party to a dispute, or someone appointed by him, shall draw three names out of the five by lot in the usual way and the three arbitrators whose names are first drawn shall decide the dispute.(c)In this rule the expression 'dispute" includes any dispute arising on the question whether a member or person aggrieved is entitled to be or continue to be a member or to be reinstated as a member but, save as aforesaid, in the case of a person who has ceased to be a member, does not

include any dispute other than a dispute on a question between him and the club or an officer thereof, which arose whilst he was a member or arises out of his previous relation as a member of the club.

**37. Every member may introduce a visitor (except a person who has been expelled from or rejected as a candidate for the club), on the first occasion gratis, and afterwards on the payment of for each visit, such payment to be made by the member introducing him. No visitor shall pay for any drink, meal, or other refreshment in the club. The member introducing a visitor shall be responsible for everything supplied to him. Every member shall, on introducing a visitor, enter his name and address, as well as his own name, in a book to be kept for that purpose; and any member neglecting to do so shall be fined a sum of.....**

**38. No petition of any kind shall be allowed to be brought into the club premises for the purpose of signature or otherwise without the sanction of the committee. No member shall be allowed without such sanction to solicit any member for any donation or subscription in the club. No person shall be allowed to canvass in the club for any political or other public election or to use the club for any political purpose. No notice, bill, or placard shall be exhibited in the club except by the secretary.**

**39. No intoxicating liquor shall be supplied for consumption off the club premises except personally to a member who is at the time on the club premises.**

**40. No fighting, swearing, drunkenness, or other offensive conduct shall be permitted in the club.**

**41. (a) The committee shall cause the books to be available for the inspection of any member or person having an interest in the funds of the club at all reasonable hours at the registered office or at any place where the books are kept, and it shall be the duty of the secretary to produce them accordingly.**

**(b) It shall be the duty of the committee to keep a copy of the last annual balance sheet, together with any special report of the auditor, always hung up in a conspicuous place at the registered office.**

**42. The club may at any time be dissolved by the consent of three-fourths of the members, testified by their signatures to an instrument of dissolution.**

**43. The secretary shall be supplied by the committee with copies of these rules and shall deliver to every person on demand a copy on payment of Rs.....**

**44. These rules may be repealed or amended, or new rules made, by a majority of members present and voting at any annual or special general meeting, provided that notice of such proposed repeal, amendment or new rule has been duly given in accordance with these rules.**

**45. In these rules, unless the contrary intention appears;**

(a) Words in the singular shall include the plural and words in the plural shall include the singular; (b) 'The Act' means the Societies Registration Act, 1860 and any Act amending or substituted for them and for the time being in force. Form No. 7 Clearing Agents' [Association] [Rules & Regulations for Cleaning Agents' Association to regulate the Code of Conduct for its members. [A Society to be registered under the Societies Registration Act.] Registered under the Societies Registration Act Code of Conduct

## **1. Objective:-**

The objectives of the Code of Conduct are: (a) To ensure fair business relationship amongst the members and between the members and their clients. (b) To maintain reputation, status, standing and goodwill of the Association and its members. (c) To remove and settle disputes/differences between the members themselves and also between the members and the Association and all other different authorities and clients for fair running of their business. (d) To maintain norms as set forth in the Customs' Clearing Agents Licensing Regulation, 1984.

## **2. Conduct in respect of relations with the public:-**

(a) A member undertakes to comply with the Standard Trading conditions, laid down by the Federation of Freight Forwarders Association in India in carrying on its business to ensure high professional standard in its services and to refrain from unhealthy practices. (b) A member shall charge only fair and reasonable rates based on the line of the 'Schedule of Charges' placed/to be placed before the authorities of Customs in relation to services rendered and responsibilities undertaken. However, after taking into consideration the relevant factors, the Association may, from time to time, circulate the recommended rates of services with required amendments/changes to be levied by its members. The rates so recommended will not be binding on any member and each of them would be at liberty to charge such rates for specialised services which they consider fair, proper and reasonable. (c) A member shall in no way part with his earnings by way of commission,



rebates on charges or pay or try to pay in cash or kind as an inducement directly or indirectly to his client to procure business, except to his Agent or to other members of the Association or Associations affiliated to the Federation of Freight Forwarders Association in India.(d)A member shall hold and maintain proper office, establishment and recruit employees (whenever necessary) of his own for carrying out his business. He will also maintain relevant records and registers etc. as per provision of different statutes and shall not part with his business with any other person/persons who do not have any legal locus-standi and establishment with proper licences issued under the law in the trade for carrying out such business.(e)When by arrangement a member acts for another person on organisation in a professional capacity, he shall not use any information gained to the disadvantage of that person or organisation.(f)A member shall not act prejudicially to the professional etiquettes required of a Custom House Agent vis-a-vis the clients and the authorities.(g)A member while acting in a professional capacity as a Custom House Agent shall not part with any information and/or papers acquired during the course of business to any other person except in discharge of his duties.

### **3. Code of Conduct between the members :-**

(a)A member shall not indulge in unfair competition or employ unfair means to attract clients away from another member.(b)A member shall not do business for a client with whom another member of the Association has financial dispute/outstanding dues and/or who has not settled the accounts of a member for which a directive against acceptance of work by its members, has been issued by the Association after making proper investigation, except in cases where the parties (a member and his clients) have agreed to refer the subject-matter in dispute for arbitration as provided here in the Code of Conduct under law or where a 'No Objection' certificate has been obtained either from the members or from the Association.(c)No employee of any member-firm can be employed by any other member-firm without obtaining a 'No-Objection' certificate from the original employer.(d)A member shall strictly observe the terms of any agreement or contract entered into by mutual consent during any business dealing with one another.

### **4. General :-**

(a)A member shall undertake to abide by the rules and regulations as laid down in the Memorandum and Articles of the Association of the Clearing Agents' Association registered under the..... Societies Registration Act.....(b)No member shall permit his licence to be used by any other person for transaction of his business and should not part with his business with the strength of the Clearing House Agents licence.(c)The members shall have to intimate the Association to all changes in their status/constitution and/or corporate names by any reason whatsoever.(d)A member shall undertake for the general good of all engaged in the profession to be regulated and disciplined by the measures laid down by the Federation of Freight Forwarders' Association in India and the Association from time to time, to improve the image of the profession and to practice good will and harmony within the profession.(e)A member will attract such disciplinary action as may be imposed by the Association for breach of any of the terms of the Code of Conduct or for indulging in any activities prejudicial to the interest of the Association.

## **5. Disciplinary Committee :-**

(a)The Association shall form a Disciplinary Committee from amongst the representatives of the members. Such Committee shall consist of not exceeding five members and one of them shall act as a Chairman. The Chairman of the Committee shall have power to co-opt an additional member suiting his convenience. A member will not be taken into the Committee, who is involved in anyway with the disputes for which the said Committee is formed.(b)The Disciplinary Committee shall be empowered to hear any complaint forwarded to them by the President/Vice-President/Secretary of the Association against any member whether made by client/member/statutory authority receiving a written request from the Disciplinary Committee, the member against whom the complaint has been made shall provide such further information or documents and within such period as may be reasonably required by the Disciplinary Committee. The Committee will give the said member full opportunity to make representation in writing, in person or through the, use of a duly appointed representative in connection with the said complaint before making any final decision. In the event, any of the members of this Committee is implicated in the dispute, then he will not be included in the Committee of this disputes. However, no professional counsel will be allowed to represent in any manner.

## **6. Arbitration :-**

The association shall form a Committee or Arbitrators as and when required duly empowered to settle disputes/differences between the members, if the same is referred to the Association by the member or members concerned.

## **7. Sanctions :-**

The Association shall be empowered with 'to order', 'to execute orders' as recommended by its various Committees on the following lines:(a)Warning/Fine(b)Suspension of membership of the Association.(c)Termination of membership of the Association.

## **8. Appeal :-**

(a)An appellate Committee should be formed with three members of the Association under Chairmanship of the President.(b)Any member aggrieved of any decision/order of the Committee and Sub-Committee of the Association in any matter referred to in the Code of Conduct or on any other matter may appeal to the Appellate Committee in writing within 30 days from the date of receipt such decision/ orders as may be, for redressal.(c)Upon receipt of the Appeal, the Appellate Committee after giving proper consideration to the issue (matters) from the parties concerned shall give their decision in writing and such decision shall be final and binding upon them in the matter of discipline.

**9. The Executive Committee of the Association shall have the power to execute all the matters contained in the Code of Conduct and in the matter of any difference/disputes its decision shall be final and binding on all concerned.**

Form No. 8 By-laws of the Bank Employees' Co-operative Credit Bank Ltd. [To be registered under the Co-operative Societies Act] Preliminary

**1. In these bye-laws, unless there is anything repugnant in the subject or context**

(a) "Act" means the Co-operative Societies Act, (b) "Rules" means the Co-operative Societies Rules, (c) "Bank" means the Bank Employees' Co-operative Credit Bank Ltd.; (d) Words and expressions defined in the Act and the Rules shall have the meanings assigned to them in the Act and the Rules. Name

**2. The name of the society is "The Bank Employees' Co-operative Credit Bank Ltd."**

Address

**3.**

(1) The Registered office of the Bank will be situated at in the city of (2) Notice of any change in the registered office shall be sent in the prescribed manner, within 30 days of such change to the Registrar and to the financing bank, if any, of which the society is for the time being a member. Objects

**4.**

(1) The objects of the society are (a) primarily to create funds to be lent to members; and (b) to provide facilities for the exercise of thrift and savings; and (c) generally to encourage self-help and mutual aid among members. (2) In furtherance of the above objects the society shall be at liberty (a) to receive money by way of loans, deposits or otherwise from members, non-members or any other source and to secure the repayment thereof either by mortgaging, assigning or pledging the properties of Society or otherwise; (b) to purchase, take on lease or in exchange, or otherwise acquire lands, buildings, or any movable or immovable property necessary for the business of the society; and (c) generally to do all such other things as are incidental or conducive to the attainment of its objects. Area of Membership

## **5. The area of membership of the society is.....**

Membership

### **6.**

(1) Membership of the society is open to individuals above the age of 18 years, of good character and residing in the registered area of membership/in the permanent employ of Scheduled and First Grade Banks. (2) The following shall be members of the society, namely (a) persons duly qualified who have joined in the application for registration; or (b) persons who may hereafter be elected according to these bye-laws. (3) Every person admitted to membership shall (a) pay an admission fee of Rs (b) hold at least share; (c) name a place to be registered as his address. Such address shall for all purposes be deemed to be his residence. (4) No person who is already a member of any other co-operative credit society shall be admitted to membership without previously obtaining the consent of the society of which he is a member and the approval of the Registrar. Election of Members

### **7.**

(1) Every person desirous of becoming a member shall submit an application to the secretary in such form as the managing committee may determine. The application shall be supported by at least two members. (2) The managing committee may after consideration sanction or under due cause refuse an application for membership. (3) Notice of election, or of refusal to membership shall be sent to the applicant within 30 days from the date of such decision. (4) In case of rejection the applicant shall have a right of appeal to the general meeting. Rights of Membership

## **8. A person shall not acquire the rights and privileges of membership until he has**

(a) paid the admission fee; (b) subscribed at least share and has made the payment due on account of such share; and (c) signed a declaration to the effect that he shall be bound by bye-laws. Nominee of a Member

### **9.**

(1) A member may nominate in writing any person to whom or to whose credit the share or interest or the value of such share or interest shall on his death be paid or transferred under the provisions of the Act and the Rules: Provided that the member may from time to time revoke or vary such nomination in writing. (2) The bank shall keep a register of all persons (if any) so nominated. (3) In case the nominee dies the member shall report the death to the society. Withdrawal from Membership

**10. A member, if he is not in debt to the society or is not a surety for any debt due to the society, may withdraw from the society after giving in writing one month's notice to the secretary.**

Removal of a Member

**11. A member who ceases to be qualified to be a member may be removed by the managing committee.**

Fine, suspension and expulsion of a Member

**12.**

(1)The managing committee may after due investigation into the conduct of a member and after taking such evidence as may be necessary, fine, suspend or expel him for any of the following reasons:(a)Wilful contravention of the Act, the Rules and the bye-laws of the bank.(b)Acts which in the opinion of the managing committee are prejudicial to the interest of the bank.(c)Wilful default, dishonesty or infringement of the terms of any of the contract entered into as a member of the bank.(2)A member suspended shall not be entitled to exercise any of the rights or enjoy the privileges of membership during the period of suspension.(3)A member fined, suspended or expelled may appeal to the general meeting against the order of the managing committee within one month of the date of the communication of the order of punishment.(4)The managing committee on receipt of the appeal shall convene a special general meeting within 3 months of its receipt for disposal of the appeal provided, however, if an ordinary general meeting is held within this period, a special general meeting shall be held to consider the appeal immediately before the ordinary general meeting is held.Cessation of Membership

**13. A member shall cease to be a member if he**

(a)transfers all the shares held by him;(b)loses the qualification for membership;(c)resigns his membership;(d)is expelled;(e)dies;(f)has been adjudged by a competent court to be insolvent or of unsound mind; and(g)has been punished with imprisonment for an offence involving moral turpitude.Payment to a Member withdrawing, removed or expelled

**14. Subject to the provisions of the Act and the Rules a member withdrawing, removed or expelled from the society shall be entitled to repayment with or without interest and within such period not exceeding two years as the managing committee may decide of any money paid by him or his predecessors in interest forwards the purchase of shares.**

Liability

**15. The liability of the members for the debts of the society shall be limited to the nominal value of the shares held by them.**

**Funds**

**16. Subject to the provisions of the Act, the Rules, and these bye-laws the funds of the society may be raised by**

(a)issuing shares;(b)receiving deposits from members and non-members;(c)taking loans from financing bank and other sources;(d)obtaining grants, donations and subsidies from Government and other sources; and(e)deriving income from properties, investments and other sources. Share Capital

**17.**

, (1) The nominal share capital of the society shall be Rs divided into shares of Rs each to be subscribed by members only.(2)No member shall hold more than of the share capital or rupees , whichever is less.Payment on Shale

**18.**

(1)For every share rupees shall be paid on allotment or such instalments as the managing committee may call; and the balance shall represent the reserve liability of the members.(2)The reserve liability shall become payable (a)in case of liquidation of the society; or(b)on calls being made by the society by a resolution of a general meeting.(3)If a sum called in respect of a share is not paid before or on the day appointed for payment thereof the member from whom the sum is due shall pay interest upon the sum at the rate of..... per cent per annum from the day appointed for the payment thereof to the day of actual payment, but the managing committee shall be at liberty to waive payment of that interest wholly or in part.Share Certificate

**19.**

(1)Every member shall free of charge be entitled to share certificate under the seal of the society specifying the share or shares held by him. Such certificates shall be signed by the chairman or vice-chairman and the secretary.(2)If a share certificate is defaced, lost, or destroyed, it may be renewed on payment of such fee, if any, not exceeding As and on such terms, if any, as the managing committee may determine.Transfer of Share

**20.**

(1)Share may, with the approval of the managing committee, by an instrument in writing and in such form as the managing committee may determine, be transferred to another member or to a non-member, who is eligible for membership and whom the managing committee is willing to admit

as a member.(2)The transfer is not Complete, and the transferrer shall be deemed to remain a holder of the share, until the transferee is admitted to membership and his name is entered in the register of members.**Forfeiture of Share**

## 21.

(1)If a member fails to pay any call or instalment of a call on or before the day appointed for payment thereof the managing committee may at any time thereafter during such time as the call or instalment remains unpaid, serve a notice on him to pay the same together with any interest that may have accrued and any expenses that may have been incurred by the society by reason of such non-payment.(2)The notice shall name a further day (not earlier than the expiration of thirty days from the date of the notice) on or before which the payment required by the notice is to be made. and shall state that in the event of non-payment on or before the day appointed the shares in respect of which the call was made will be liable to be forfeited.(3)If the requirements of any such notice as aforesaid are not complied with, any share in respect of which the notice has been given may at any time thereafter, before the payment required by the notice has been made, be forfeited by a resolution of the managing committee to that effect. Such forfeiture shall include all dividends declared in respect of the forfeited shares and not actually paid before the forfeiture.(4)A forfeited share may be sold or otherwise disposed of on such terms and in such manner as the managing committee think fit, and at any time before sale or disposition the forfeiture may be cancelled on such terms as the managing committee think fit.(5)A person whose shares have been forfeited shall cease to be a member in respect of the forfeited shares, but shall, notwithstanding, remain liable to pay to the society all moneys which, at the date of forfeiture, were presently payable by him to the society.**Borrowing**

## 22.

(1)The society may borrow in accordance with law from either members or non-members and all borrowings, subject to such restrictions as the general meeting may impose, shall be regulated by the managing committee.(2)The society shall not be accepting deposits or loans or in any other way incur liabilities exceeding ten times the sum of the paid-up share capital and the reserve fund for the time being separately invested outside the business.(3)The maximum amount the society may borrow in any one year shall be determined annually at a general meeting and the society shall not borrow beyond the maximum amount so determined and in force for the time being: Provided that the Registrar may at any time revise the limit fixed by a general meeting, and when he does so, the limit fixed by him shall not be exceeded.(4)The society shall not incur liabilities to non-members in excess of a maximum limit to be fixed from time to time in the general meeting and to be approved by the Registrar.**Fluid Resources or Liquid Cover**

## 23.

(1)The society shall keep a minimum liquid cover to meet the calls of the creditors according to the following scale:(a).....per cent of the amount held in fixed deposits repayable within the ensuing..... months;(b).....of the amount held in savings deposit: and(c).....of

the amount in current account.(2)Under special circumstances the managing committee may with the approval of the Registrar decrease the proportions of the liquid cover.

Employment of Funds

## **24.**

(1)The funds of the society may be applied in (a)giving loans and advances to members;(b)making investments for the benefit of the members;(c)purchasing lands and buildings and in the erection of buildings for office and other purposes necessary for the proper conduct of business;(d)creation of "reserve", "bad-debt", and other funds and in payment of dividend. bonus, remuneration; and(e)any other purposes incidental or conducive to the attainment of the objects.(2)Save with the permission of the Registrar no portion of the borrowed capital of the society shall be applied in payment of the charges specified in clauses (c) to (f) except the audit fee.

Members Thrift Fund

**25. (a) It shall be compulsory for every member of the society to subscribe to this fund at the rate of Rs..... per month until he ceases to be a member that the monthly subscription shall be placed at the credit of the member in the Fund.**

(b)The bank shall allow an interest on the amount on credit at a rate not exceeding....., per centum to be fixed at the general meeting.(c)The money at credit of the member of the bank in this Fund shall be paid to him or his nominees or heirs as the case may be, after setting off its dues against his liability as borrower or surety in the bank, if any, at the time of cessation of membership.

Loans to Members

## **26.**

(1)Loans shall be granted to members only.(2)Loans shall be of two kinds, namely (a)short term loan : repayable within a period of 24 months;(b)long term loan : repayable within a period exceeding 24 months.(3)No loan shall be granted to a member exceeding ten times the amount of share capital paid up by him, and not exceeding six months' substantive pay.(4)Save on such conditions as the Registrar may lay down no intermediate or long term loan shall be granted to a member except out of the intermediate or long term capital.(5)Application for loan in such form as the managing committee may determine and stating the purpose for which the loan is required shall be submitted to the secretary for consideration by the managing committee at the next meeting or so soon thereafter as is practicable.(6)A member applying for loan shall furnish a full statement of his (a)property and debts;(b)annual income;(c)annual expenditure (including instalment of principal and interest on prior debts, if any); and(d)available surplus for repayment of the loan applied for.(7)The managing committee, after due consideration and on proper grounds may reject an application for loan in part or in full; or may require an applicant to furnish such further information in respect of the application as may be necessary.(8)Every applicant must also sign a letter addressed to respective bank's authorities authorising the deduction of the instalment fixed from his pay each month before he gets it and it will be applicable wherever the applicant is transferred.

Credit of Members



**27. The managing committee shall in accordance with the Rules annually determine the maximum and the normal credit of a member and shall make no**

(a) short-term loan and excess of the normal credit; and (b) long-term loan in excess of the maximum credit, so determined for each member. Interest on Loans

**28. The rate of interest on loans shall be determined from time to time by the general meeting. Alteration in the rate of interest on loans, if considered necessary, the managing committee, in the interest of the bank may increase or reduce the rate of interest on loans but shall not exceed..... per cent per annum. The managing committee shall decide the rate of interest on short term/long term Loans.**

Purposes of Loans

**29. Loans may be granted for all or any of the following purposes, namely**

(a) short-term loan: (i) medical expenses; (ii) education of children; and (iii) any other purpose the managing committee consider as coming within the purposes of the society. (b) long-term loan: (i) liquidation of large debts; (ii) purchase of landed properties; and (iii) house building or repairing or maintenance of such properties involving large sums of money. Security of Loans

**30.**

(1) For every loan a member shall furnish one surety if the loan is up to Rs..... two sureties if the loan is up to Rs..... and three sureties in other cases. (2) In addition to the personal surety the managing committee in any case may take other approved security. (3) The managing committee may grant loans to a member without personal sureties up to..... of the amount of his Fixed Deposit in the bank. (4) No long-term loan shall be granted to a member except on the security of a Life Insurance Policy or such other security as may be approved by the managing committee. Instalment of Repayment

**31.**

(1) The instalments for repayment of a loan shall be fixed by the managing committee at the time the loan is granted. (2) The instalment for repayment of a loan shall not exceed the annual surplus income. (3) Except on such condition as the Registrar may lay down every loan shall be fully repayable within a period not exceeding three years. (4) If a member fails to pay interest or any instalment of principal on or before the due date and if the managing committee does not grant an extension of time, the entire loan may at the option of the committee become immediately payable irrespective of any condition on which the loan was made. (5) Every member shall at the time of

taking loan sign a written contract to repay by monthly instalment loan taken and shall authorise the bank in writing to recover such instalments by deduction from salary through his disbursing officer. Guarantee Fund

**32. A guarantee fund calculated at Rs..... for every Rs..... or part thereof received in cash on account of loan shall be opened in the name of every borrower and such fund shall be refundable only at the event of retirement, death or loss of service or cessation of membership either in cash or by adjustment against his subsisting liability as borrower or surety in the bank.**

Recalling a Loan in Special Case

**33.**

(1) Any sum outstanding against a member who has been expelled or who has otherwise ceased to be member shall be immediately payable irrespective of any condition on which the loan was granted. (2) Where the managing committee consider that the solvency of a member has in any way diminished the managing committee shall recall any sum due from the member at once. (3) Notwithstanding anything contained in any bye-laws the society reserves to itself the right of calling in any outstanding sums on 30 days' notice; but such power shall not be generally exercised save when there is a general run upon the society by its creditors, or in other exceptional circumstances. Renewal and Extension of Loans

**34. The managing committee may with the consent of sureties if any, in special cases on good cause shown and on the application of the borrower grant an extension of time for the repayment of a loan or grant a renewal of the loan.**

Custody of Funds

**35. The funds of the bank not used in or invested outside the business shall be kept in the custody of a Cashier to be appointed by the managing committee on such conditions as to furnishing of security, any, as the managing committee may determine:**

Provided that any person charged with the keeping of accounts shall not be placed in charge of the cash. Investment of Funds

**36. The funds of the society not used in the business may be invested or deposited**

(a)in a Government Savings Bank; or(b)in any of the securities specified in section 20 of the Indian Trusts Act, 1882; or(c)with the sanction of the Registrar, in the share or debentures or on the security of any other co-operative society with limited liability; or(d)in the Provincial Bank; or(e)in the shares of the Reserve Bank of India; or (t) in any other mode permitted by the Registrar.General Meeting

**37. The supreme authority of the society shall vest in the general meeting of members. It shall maintain a general supervision over the business of the society and in particular over the acts of the managing committee and shall be competent to take all steps that may be considered necessary in the interest of the society.**

Annual General Meeting

**38.**

(1)The Annual General Meeting of the society shall be held at least once in every co-operative year as provided in section..... of the Act.(2)The first Annual General Meeting of the society shall be held within.....months from the date of registration.(3)The business of the Annual General Meeting shall be (a)to consider the report of the managing committee;(b)to consider the audit report and the audited statement of accounts;(c)to fix maximum amount of borrowings for the ensuing year from(i)financing bank;(ii)members; and(iii)non-members;(d)to distribute the profits;(e)to pass the annual budget;(f)to elect directors and such other officers as the meeting may think fit; and(g)to transact any other business that may be laid before the meeting by the managing committee:Provided that, save with the permission of the Registrar, no matter disposed of by a general or special general meeting can be taken up for consideration by any general or special general meeting till after the lapse of six months from the date of which the subject was disposed of.Special General Meeting

**39.**

(1)Special General Meetings may be held as often as may necessary a d shall be held (a)on the requisition of the members, or(b)at the instance of the Registrar, as provided in the Act and the Rules.(2)A requisition for general meeting by the members shall state the object of the meeting, shall be signed by the requisitionists and shall be presented at or sent to the registered office of the society.(3)A Special General Meeting may consider all or any of the subjects specified to be the business of the Annual General Meeting.(4)At a Special General Meeting no subject other than the subjects notified shall be discussed.Notice of General Meeting

#### 40.

(1) A notice of the General Meeting stating the place, date and hour of the meeting together with a statement of business to be transacted at it shall be sent to every member at least 15 clear days before the date of the meeting. (2) In the case of a meeting called on the requisition of members a copy of the requisition together with the names of the signatories shall be sent to all members along with notice of the meeting. (3) Any accidental omission to give notice to any member or the non-receipt of the notice by any member shall not invalidate the proceedings of any meeting. Chairman of General Meeting

#### 41.

(1) The chairman of the general meeting shall maintain order in the meeting and shall control and conduct the proceedings in such manner as may be conducive to expeditious and satisfactory disposal of business. He shall decide all points of order and his decision upon such points shall be final. (2) The chairman of the meeting may direct any member to withdraw for disorderly conduct and the member so ordered shall forthwith withdraw and unless otherwise directed by the chairman shall remain absent during the remaining period of the meeting and shall not be entitled to vote without the permission of the chairman. (3) In the event of disorder arising, the chairman of the meeting may suspend the meeting and adjourn it subject to the provisions of the Act and the Rules to such date or time as he may think fit. Quorum of General Meeting

#### 42.

(1) The quorum for a general meeting shall..... be of the total number of members as on the date of giving notice of the meeting. (2) No business shall be transacted at any meeting unless a quorum of members is present at the time when the meeting proceeds to business. (3) If within half an hour from the time appointed for the meeting a quorum is not present, the meeting, if convened upon the requisition of members, shall be dissolved in any other case it shall stand adjourned to the same day in the next week at the same time and place, and, at such adjourned meeting if a quorum is not present within half an hour from the time appointed for the meetings the members present shall be a quorum. (4) If at any time during meeting sufficient members are not present to form a quorum the chairman of the meeting on his attention being drawn to this fact, shall adjourn the meeting to such convenient date, time and place as he thinks fit and the business to be transacted at this meeting shall be disposed of in the usual manner at the adjourned meeting and the members present in such adjourned meeting shall be a quorum. (5) The chairman may with the consent of any meeting at which a quorum is present (and shall if so desired by the members) adjourn the meeting from time to time and from place to place but no such adjournment shall be made for a period exceeding sixty days. (6) No business shall be transacted in any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place. (7) When a meeting is adjourned for six weeks or more, notice of the adjournment meeting shall be given as in the case of an original meeting. Save as aforesaid it shall not be necessary to give notice of an adjourned meeting. Voting in General Meeting

#### 43.

(1) Every resolution at a general meeting shall be decided by a majority of votes of members. In case of an equality of votes, whether on a show of hands or on a poll, the chairman of the meeting at which the show of hands takes place or at which the poll is demanded, shall be entitled to a second or casting vote. (2) A resolution which is put to the vote of the meeting shall be decided on a show of hands, unless a poll is (whether before or after the declaration of the result of the show of hands) demanded by at least..... members and agreed to by the chairman; and if no poll is so demanded, a declaration by the chairman of such meeting that a resolution has on the show of hands been carried or lost, and an entry to that effect in the book of the proceedings shall, be conclusive evidence of the fact that such resolution has been duly carried or lost but it shall not be proof of the number or proportion of the votes recorded in favour of or against such resolution: Provided that any member may demand to have this name recorded as voting for or against any resolution. (3) If a poll is duly demanded and agreed to by the chairman, it shall be taken in such manner and at such time as the chairman of the meeting directs and the result of the poll shall be deemed to be the resolution of the meeting at which the poll was demanded. (4) A poll demanded on the election of a chairman, or on a question of adjournment, shall be taken forthwith. (5) When a poll is taken (i) the voting may be by ballot if the chairman of the meeting subject to the Rules, so decides; (ii) the number of members voting for or against a resolution shall be re-recorded in the minutes of the proceedings; and (iii) any member may demand to have his name recorded as voting for or against any resolution. Minutes of General Meeting

#### 44.

(1) The society shall cause minutes of proceedings of general meetings to be entered in a book kept for the purpose. (2) The minutes shall contain the names of the members present and the resolutions and proceedings of the meeting, and shall be laid in the next ensuing general meeting. (3) Unless the minutes are drawn up and are duly signed by the chairman of the meeting immediately on the termination of the meeting, the minutes, free from all alterations or corrections, shall be drawn up and shall be signed by the chairman of the meeting within 72 hours from the time when the meeting terminated. The minutes so signed shall be evidence of the proceedings of that meeting. (4) Until the contrary is proved, every general meeting of the society in respect of the proceedings whereof minutes have been so recorded shall be deemed to have been duly called and held. Managing Committee

#### 45.

(1) The business of the society shall be carried on and managed by the managing committee who may pay all expenses incurred in getting up and registering the society and may exercise all such powers of the society as are not required to be exercised by the society in a general meeting. (2) Subject to the provisions of the Act, the Rules and these bye-laws and also the Regulations, if any, made in a general meeting and in force for the time being the committee shall enter into all such agreements, make all such arrangements, take all such proceedings and do all such acts and things as may be necessary and proper for the due management of the affairs of the society and for carrying out the

objects for which it has been established and for securing and furthering its interests in every way. Qualifications and Disqualification of Members of Managing Committee

**46.**

(1) Subject to the provisions of the Act, the Rules and these bye-laws every member of the society above the age of years shall be qualified to be elected or appointed as a director. (2) A member shall not be eligible for election or appointment as a director if he (a) has been adjudged by a competent court to be insolvent or of unsound mind; or (b) is concerned or participates in the profits of any contract with the society; or (c) has been punished with imprisonment for an offence involving moral turpitude; or (d) has failed to pay in three consecutive years immediately preceding the election at least..... an amount equivalent to..... year's instalment fixed for repayment of loan; or (e) holds any office or place of profit under the society; or (f) has been a member of the society for less than..... months immediately preceding the date of such election or appointment. Constitution of Managing Committee

**47.**

(1) The managing committee shall consist of..... elected directors and such other number of additional directors, if any, appointed by the Registrar. (2) At the first Annual General Meeting all the directors shall retire and shall be eligible for re-election. (3) In subsequent Annual General Meetings..... of the elected directors shall retire from office by rotation and shall not be eligible for re-election for..... year from the date of retirement. (4) The vacancies caused by retirement of elected directors shall be filled up by election at the general meeting at which they retire. (5) The directors to retire by rotation during the first..... years after the First Annual General Meeting shall be determined by lot in a meeting of the managing committee within..... months from the date of its constitution. (6) In subsequent years the..... who have been longest in office shall retire. As between..... or more directors who have been in office an equal length of time the directors to retire shall (in default of agreement between them) be determined by lot. (7) The casual vacancy in the office of an elected director shall be filled up by co-option of a director by the remaining directors within six weeks from the date of vacancy. The director co-opted shall retire at the next Annual General Meeting and the vacancy shall be filled up by election of a director for the remainder of the term, if any, of the director in whose place the vacancy originally occurred. (8) A casual vacancy in the office of an appointed director may be filled up by appointment by the Registrar. Any casual vacancy in the office of an appointed director shall forthwith be reported to the Registrar. Powers of Managing Committee

**48. Without restricting the general power conferred by these bye-laws the following powers and authorities are expressly given to and conferred upon the managing committee, namely**

(a) to admit new members; (b) to fine, suspend, remove or expel a member; (c) to raise funds; (d) to invest funds; (e) to appoint salaried or non-salaried officers and to define their duties; (f) to fine,

suspend, remove, and dismiss any salaried and non-salaried officers and employees appointed by the managing committee; (g) to compound or abandon or delay to enforce any debt or demand of the society or to institute, defend or compromise legal proceedings; (h) to dispose of applications for shares and of application for transfer of shares; (i) to dispose of applications for loans and to determine the security to be taken; (j) to appoint sub-committees as may be deemed necessary from time to time and define their powers and duties; and (k) to frame regulations for the conduct of the business of the society. Duties of Managing Committee

**49. The managing committee shall observe in all their transactions the Act, the Rules and these bye-laws and shall subject to any direction of the general meeting cause**

(a) to receive and disburse money; (b) to specify which of the officers shall keep books of accounts, keep other books and registers, shall prepare returns and statements and shall keep cash; (c) to enter the accounts of the society in proper books timely, and regularly; (d) to maintain true accounts of the money received and expended and the accounts of the assets and the liabilities; (e) to prepare and submit to the annual general meeting an annual report, the annual statements of accounts, the proposal for distribution of profit, if any, and the annual budget estimate; (f) to prepare the statements of accounts including detailed lists of assets and liabilities and lists of bad and doubtful debts if any required at audit and to place them before the auditors; (g) to prepare and submit all statements, accounts and returns required by the Registrar in such forms as he may direct; (h) to maintain the register of members and other books and accounts up to date; (i) to facilitate inspection of books and accounts by those entitled to inspect them; (j) to convene general meetings on requisition; (k) to convene the Annual General Meeting in due time; (l) to watch that the loans and advances are applied for the purposes for which they are made and that they are promptly repaid; (m) to examine and take prompt action in cases of all arrears and defaults in repayment of loans and advances; and (n) to remove and rectify all defects and irregularities pointed out at audit. Meeting of Managing Committee

**50.**

(1) The managing committee shall meet for the transaction of the business of the society at least once in every two months and as more often as may be necessary: Provided that if there be no business to be laid before the managing committee, the secretary with the approval of the chairman instead of calling the meeting, shall give notice of the fact to each director. (2) Notice of a meeting in writing shall be sent to every director specifying the place, date and hour of the meeting with a statement of business to be transacted thereat at least seven days before the date of the meeting. (3) The chairman of the society shall preside over all meetings at which he is present. In the absence of the chairman, vice-chairman shall take the chair or in his absence the directors present shall elect one of their number to be the chairman of the meeting. (4) The quorum at a meeting, shall be one-half of the total number of the directors. (5) Every resolution at a meeting shall be decided by a majority of votes and if the votes be equal the chairman shall have a second or casting vote. (6) Any three directors may requisition a special meeting of the managing committee. The requisitions shall specify the object of

the meeting and shall be signed by the requisitionists and shall be delivered at the office of the society.(7)At such special meeting no business other than that specified in the notice shall be transacted.(8)Minute. in which shall be recorded the names of the directors present at. and the proceedings of, each meeting of the managing committee, shall be drawn up and fairly entered in a book to be kept for that purpose, and shall be laid before the next ensuing meeting of the managing committee thereof.(9)If the Registrar so directs a copy of the minutes of the proceedings shall be forwarded to him within 10 days from the date on which the minutes of the proceedings of such meeting is signed by the chairman as aforesaid.(10)Every director present at any meeting shall sign his name in a book to be kept for the purpose.Chairman and Vice-Chairman

## **51.**

(1)The managing committee consisting of the elected directors and those, if any, appointed by the Registrar shall as soon after the general meeting as possible elect a chairman and vice-chairman and other office-bearers if any from amongst themselves.(2)if a casual vacancy occurs in the office of the chairman or vice-chairman the managing committees shall elect a director to fill such vacancy, and the chairman or vice-chairman so appointed shall continue in office so long only as the person in whose place he is appointed would have been entitled to continue in office.Powers and Duties of Chairman and Vice-Chairman

## **52.**

(1)The chairman and the vice-chairman shall exercise such powers and perform such duties as are conferred or imposed on them by the Act, the Rules and these bye-laws. and may from time to time, be conferred or required by the general meeting or the managing committee.(2)The chairman or the vice-chairman in absence of the chairman may in cases of urgency exercise all the powers and perform all the duties required to be exercised and performed under the Act, Rules and these bye-laws by the managing committee. All orders passed and all acts done by the chairman or the vice-chairman in the absence of the chairman shall be. placed before the managing committee in the next meeting immediately following such passing of orders or performance of duties:Provided that the chairman or the vice-chairman, as the case may be, shall not act in opposition to or in contravention of any order given or decision taken by the managing committee at a meeting or exercise any power or perform any duty which is expressly required to be exercised or performed by the managing committee in meetings.Secretary

## **53. The managing committee shall appoint a proper person to be the secretary for the conduct of the affairs of the society.**

Powers and Duties of Secretary



#### **54. Subject to the general direction of the managing committee the secretary shall conduct the business of the society and for this purpose**

(1)he shall exercise the following powers namely (a)control the staff of the society;(b)institute, defend and conduct legal proceedings in Law Courts and other places;(c)call the general meetings and the meetings of the managing committee and attend such meetings; and(2)He shall perform the following duties, namely (a)prepare and place before the managing committee an estimate(i)of the expenditure which should in his opinion be incurred by the society in the next ensuing year, and(ii)of the receipts from all sources during the said year, in such form and at such time as the managing committee may direct;(b)receive all moneys on behalf of the society and to issue receipts (other than contractual receipts) in effectual discharge of the money stated to have been received therein;(c)pay all costs of management and working expenses out of the funds of the society such as salaries of staff, legal expenses, charges on account of postage, telegrams, stationery, printing, advertisement, travelling, lighting, rent and the like expenses;(d)deposit all moneys and other properties received on behalf of the society in such bank as the managing committee may direct;(e)maintain proper and accurate record of the working of the society and its accounts;(f)place from time to time before such authorities as the managing committee may direct statements of receipts and disbursements.

**Removal of an Officer**

#### **55.**

(1)Any officer appointed by the general meeting may be removed from his office by a resolution of a general meeting specially convened for the purpose.(2)Any director who fails to attend six consecutive meetings without previous permission of the chairman obtained in writing may be removed from his office by the managing committee.

**Cessation of Membership of Managing Committee**

#### **56. A director shall cease to hold office if**

(a)he becomes subject to any disqualification as to membership of the society; or any disqualification mentioned in Rule 35; or(b)he resigns his office, or(c)he dies.

**Disposal of Profit**

#### **57.**

(1)Subject to the provisions of the Act and the Rules the net profits of the society shall be distributed in the following order, namely:(a).....per centum or such higher proportion as the general meeting may decide shall be carried to the reserve fund;(b).....an amount not exceeding per centum the balance as may be decided by the general meeting shall be contributed to the Co-operative Development Fund.(2)The balance of the realised profits as certified by the audit officer may subject to the provisions of the Act and the Rules and in accordance with the decision of the general meeting be applied to all or any of the following purposes, namely:(a)to the payment of a dividend on shares provided that the dividend paid on any share shall not exceed..... per centum:(b)to the making of a contribution to the 'Provident Fund of Members and Employees'

under section..... at a rate not exceeding the amount of contribution made by the members or the employees;(c)with the sanction of the Registrar for any specific service rendered to the society to the payment of a bonus to the members or employees at such rates, not exceeding . per centum of the net profits as may be recommended by the managing committee and approved by the general meeting;(d)to any charitable purpose permitted by the Act and the Rules; and(e)to carry forward to next year's account or to such special fund or funds for any other purpose, as may be determined by the general meeting.**Reserve Fund**

## **58.**

(1)The society shall maintain a reserve fund in respect of the profits, if any: derivable from its transaction.(2)The reserve fund shall consist of (a)not less than..... per centum or such higher proportion of the net profits annually carried to the fund;(b)admission fee (after deducting preliminary expenses incurred in constituting the society);(c)the value of all shares forfeited;(d)the lapsed dividends and fines.(3)The reserve fund shall belong to the society and shall be indivisible and no member shall have any claim to a specified share in it:Provided that in case of division of the society into two or more new societies, the reserve fund may, with the sanction of the Registrar, be distributed equitably amongst the new societies.(4)The reserve fund, with the previous sanction of the Registrar shall be available for all or any of the following purposes:(a)to cover any loss, such drawing upon it being reimbursed from the profit;(b)to meet any call on the society which cannot be met otherwise, such payments being reimbursed when fresh collections are made; and(c)to serve as security for loans which the society may contract.(5)The society may in special cases if the Registrar so permits draw on the reserve fund without being required to reimburse the same from the next accruing profit.**Use of Reserve Fund in Business**

## **59. The society may, subject to such conditions, if any, as the Registrar may impose, use in its business**

(a)up to..... of its reserve fund when the owned capital is less than the borrowed capital;(b)up to..... of its reserve fund when the owned capital is equal to or exceeds the borrowed capital; and(c)the entire reserve fund when there is no borrowed capital.

## **60. The reserve fund not used in the business of the society shall be invested or deposited**

(a)in the Government Saving Bank; or(b)in any of the securities specified in section 20 of the Indian Trusts Act, 1882, other than those specified in clause (.....) of that section; or(c)in any other bank approved by the Registrar.**Dividend**

## **61.**

(1)The society in general meeting may declare dividend; but no dividend shall exceed the amount recommended by the managing committee.(2). No dividend shall be paid otherwise than out of net

profits actually realised and certified as such by the auditor.(3)All dividends shall be declared and paid according to the amounts paid on shares.(4)All dividends remaining unclaimed for..... years after the declaration thereof by person entitled and competent to receive and give a valid receipt for the same, may at the end of the period and after due notice to the payee at the discretion of the managing committee, be forfeited to the society and cease to be payable.(5)No dividend shall bear interest against the society.

Supply of Bye-laws and Balance Sheet to Members

## **62. The society shall supply to all members**

(a)a copy of bye-laws, and(b)a copy of the annual balance sheet on payment of such fees, if any, the managing committee may determine.

Inspection of Books by Members

**63. The managing committee shall, with the approval of the Registrar from time to time, determine whether and to what extent and at what times and places and under what conditions the accounts and books of the society or any of them shall be open to the inspection of members and no member (not being a director) shall have any right of inspecting any other account or book or document of the society except as authorised in general meeting.**

Inspection of Books by Public and Supply of Copies

## **64.**

(1)The society shall keep open to inspection free of charge at all reasonable times at its office (a)a copy of the Act;(b)a copy of the Rules;(c)a copy of these bye-laws;(d)a copy of the (latest audited) balance sheet;(e)the register of members; and(f)the register of directors.(2)Certified copies of any document which a member of the public has a right to inspect shall on application be supplied under such terms and conditions as the managing committee may with the approval of the Registrar determine.(3)The fees for supply of such copies shall be a sum calculated at the rate of Rs..... for each..... words of the copy or extract and..... copies for each word in excess thereof.

Settlement of Disputes

**65. Any dispute as provided in Chapter of the Act which cannot be decided by the managing committee shall be referred to the Registrar in the manner as prescribed in the Rules.**

Amendment of Bye-laws

**66. Any of these bye-laws may be altered or rescinded or new bye-laws, made at a general meeting in accordance with the Rules in this behalf and such amendment will come into force after it has been registered by the**

## **Registrar.**

### Accounts

#### **67.**

(1)The managing committee shall cause proper books of accounts to be kept with respect to (a)all sums of money received and expended by the society and the matter in respect of which the receipt or expenditure takes place;(b)the assets and liabilities of the bank; and(c)all vouchers, documents, receipts and such other papers and books to support the entries in the books of accounts.(2)The books of account shall be kept at the registered office of the society, and shall always be open to the inspection of the members of managing committee.Internal Supervision and Audit

**68. The managing committee may arrange for such internal supervision and audit as it may deem proper and shall introduce such "Internal Check" as the Registrar may from time to time direct.**

### Representation

**69. The chairman and the secretary, or..... directors including either the chairman or the secretary shall execute and sign all deeds, documents creating, disposing or otherwise negotiating the properties and funds of the society and in particulars shall draw, accept, make endorse and negotiate all bills of exchange, promissory notes, debentures, securities and other documents standing in the name of or held by the society:**

Provided that in the case of cheques up to Rs..... and all receipts by way of acknowledgement the chairman or the secretary and any officer or employee duly authorised by the managing committee may sign on behalf of the society.Seal

#### **70.**

(1)The managing committee shall provide a common seal for the purpose of the society. The seal shall be in the custody of the secretary.(2)The seal shall not be affixed to any instrument or document except under the authority of the managing committee, and in the presence of a director and of the secretary or such other person as the managing committee may appoint for the purpose; and that director and the secretary or other person as aforesaid shall sign every instrument or document to which the seal of the society is so affixed in their presence.Evidence

**71. On the trial or hearing of any dispute or action or suit to be brought by the society against any member or his representatives to recover any debt or money claimed to be due to the society in respect of his shares, it shall be sufficient to prove that the name of the defendant or of the person whom he represents is or was, when the claim arose, on the register of members of the society as a holder of the shares in respect of which such claim is made and that the amount claimed is not entered as paid in the books of the society, and it shall not be necessary to prove the appointment of the managing committee who made any call or that a quorum of the managing committee was present at the meeting at which any call was made or that the meeting at which any call was made was duly convened or constituted or any other matters whatsoever, but the proof of the matter aforesaid shall be conclusive evidence of the debt.**

Notice

**72.**

(1)Any notice required to be served by the society upon a member shall subject to the provisions of the Act, Rules and these bye-laws be given in writing and delivered or sent by post to the registered address of the member.(2)Where a notice is sent by post, service of the notice shall be deemed to be effected by properly addressing, prepaying and proof of posting a letter containing the notice.(3)All notices to be given on the part of any member shall be left at or sent through the post to the registered office of the society.(4)The non-receipt by a member of any notice shall not effect the validity of the proceedings of any meeting or of the liability attaching to such notice.(5)Every person, who by operation of law of transfer or other means whatsoever shall become entitled to any share, shall be bound by any and every notice or other documents, which previous to his name and address being entered upon the register in respect of the share, may, have been given to the person from whom he derived his title and who is registered.(6)When any notice or document, in accordance with these bye-laws, is delivered at or sent to the registered address of a member or to his agent as above provided, then notwithstanding he be then deceased and whether or not the society has notice of his decease, such service of notice or other document shall for all purposes of these bye-laws, be deemed service thereof on his nominee, heirs, executors, administrators or other legal representatives.Dissolution

**73. The society may be wound up, with the approval of the Registrar, upon a resolution carried by ..... of the members present at a special general meeting called for the purpose.**

General

**74. All matters not specifically provided for by these bye-laws shall be decided according to the terms of the Act and the Rules and if there be no provision in the Act or the Rules applicable to such matters, then, subject to these bye-laws and the approval of the Registrar, shall be decided in such manner as the managing committee may determine.**

Rules and By-Laws of Multi-Storied Co-Owners' Building Societies

**1. The name of the Association shall be .....**

**2. The office of the Association shall be at .....**

**3. The objects for which this Association has been formed are:**

(a)To frame a scheme for the management and maintenance of all amenities and facilities required for the purpose of maintaining, administrating and taking care of the building known as .....situate at ..... required by all the co-owners in respect of the use and occupation thereof on no profit/no loss basis;(b)To provide for maintenance, repair, improvements and replacement of the common areas and facilities as mentioned in the Deeds of Conveyance and otherwise of the owners of the areas of .....and payments thereof;(c)To provide for and do any other thing for the administration of the common areas, common amenities, facilities and other common utility services at .....(d)To enforce, implement and to act on the terms and conditions, stipulations, restrictions and covenants contained in the Deeds of Conveyance of the owners of .....(e)To frame and impose restrictions, stipulations and terms and conditions to look after the interest of the owners of the building known as.....(f)To collect from the owners expenditure and common expenses in-curred or to be incurred for the purpose of maintenance, general upkeep of the common areas, common amenities and facilities at the said .....(g)The Association shall have the power to utilize the income or corpus of the fund for all or any of the objects and purposes as stated herein;(h)To invest the monies of the Association in Fixed Deposits with bank as determined by the executive committee;(i)To prepare and provide proper accounts of all kinds of expenses incurred or to be incurred;(j)To promote unity and friendship amongst the owners and to provide them with recreational facilities;(k)To remunerate any person or company for any services rendered to the owners;(l)To employ staff for the upkeep and security of the.....and its assets and to pay their remuneration;(m)To frame rules and regulations for maintenance, management and administration of the.....(n)To educate the members about their rights, duties and responsibilities;(o)To foster better relationship amongst the flat owners;(p)To take necessary steps for the upkeep and cleanliness of the common sanitary and electrical arrangements in the building and compound therein;(q)To take necessary steps for the maintenance of the building, lifts, tubewell, water pumps, electrical installations, generator and all other common areas/portions and for payment of taxes payable for the building and fix the contributions to be paid by each owner in

respect thereof and to receive and realise the same;(r)To take necessary steps for appointment of night guards, darwans, sweepers etc. for the protection and cleanliness of the building;(s)To represent the members of the Association before Government, Municipal authorities, Courts of law and other authorities in all matters concerning the building and flats;(t)To accept and raise money by subscription and donation or other-wise for the purpose of the Association;(u)To fix and collect the service charges for providing common facilities by the Association to the members;(v)To consider and make all decisions in relation to services and service charges in respect of the.....(w)For the aforesaid purposes to employ surveyor, engineers, accountants and other professionals;(x)To execute and do all works and things required by any statute and comply with the lawful requirements of all authorities affecting the owners or Association;(y)The Association shall do all or any of the above acts or things as are incidental or conducive to the attainment of any objects or any of them as principals, agents, trustees or otherwise and either alone or in common with others.

**4. Corpus Fund. (a) Corpus Funds of the Association shall consist of the amount of Rs..... contributed by each of the members as entrance fee.**

(b)The Association can have different funds for special purpose as may be decided by the committee members in general meetings and these funds shall consist of amounts contributed by the members for the purpose for which the same will be collected.

**5. Membership. (a) Only the owners of the flats at..... shall be entitled to become members of the Association;**

(b)All the persons, on becoming members of the Association, shall contribute Rs..... towards the Corpus Funds of the Association and shall also contribute towards the funds formed or created for specific purposes;(c)A member shall be regular in payment of all dues and contributions payable by him/her and in case of delay shall be liable to pay such penalty or interest as may be decided by the committee;(d)Every member shall have the right of use of all common passage, facilities and services as a tenant in common provided by the Association;(e)Every member shall be responsible for damages caused to the common areas and facilities existing in ..... as other co-owners;(f)The charges payable by the members are as follows:(i)Proportionate contribution towards maintenance and service charges to be collected on the basis which will include:maintenance costs of such amounts as salaries of the employees, maintenance of assets e.g. pumps, common areas, common electricity charges, corporation and/or other statutory taxes;(ii)Charges for running and maintenance of generator to be fixed from time to time by the committee of the owners;(iii)Corporation taxes and levies;(iv)All kinds of improvements and repair to amenities and facilities;(v)Any other charges and/or expenses as may be necessary and decided;(g)Membership of the Association can only be transferred to the purchaser on transferring of flat owned by the member and the member transferring shall inform the Association in writing. Membership will be automatically transferred in favour of the transferee after payment of all outstanding arrears and dues receivable from the seller and on payment of the entrance fee of Rs

.....and/or a transfer fee if any, to be decided by the Association and the same shall be credited/transferred to be Corpus Funds of the Association;(h)Where a member transfers his/her flat by sale he/she ceases to be a member of the Association and the purchaser on his/her notifying the purchase the purchaser immediately becomes a member of the Association in place of the transferor;(i)Where more persons than one jointly own a flat such persons shall nominate one of themselves to be member of the Association.(j)A member shall have the right to attend The general meeting of the Association and shall have voting right of one vote.

**6. Management. (a) The final authority of the Association shall be vested in the committee. It shall consist of President, Treasurer, Secretary and Committee members, who shall be members of the Association;**

(b)All the members of the committee shall elect office bearers of this committee at general meeting of the Association in each year (from April to March) and they shall retire at the Annual General Meeting in the following year when new office bearers shall be elected;(c)Vacancies occurred by the office bearer during the year shall be filled up the other committee members of the Association by ballot;(d)No member shall be eligible to be elected as office bearer unless his name is proposed by another member and he has paid all his dues to the association;(e)The President and in his absence one of the members of the committee shall be Chairman at the meeting of the committee;(f)Each member shall have one vote. However, if any member has not cleared his dues two days before the date of the meeting he/she shall not be eligible to vote;(g)The committee shall be the governing body of the members, who are owners of the flats at .....and in addition to the powers and authorities as expressly conferred by these Articles may exercise all such powers and do all such acts, deeds and things as have been expressly directed to be done in the general meeting;(h)The committee shall have the power from time to time to make such rules (not being inconsistent with these Articles) for the management of the Association as they think proper, including imposition of fines for late payment of dues or for damaging properties etc.;(i)The committee shall perform the following duties:(i)(a)To consider the Annual Report of the Association;(b)To consider financial statements of Accounts;(c)To consider and approve the annual budget for the next financial year;(d)To determine monthly contributions to be made by each owner towards common expenses;(ii)To purchase for the purpose and benefit of the members any asset in replacement or in addition to the existing assets as decided in the general meeting;(iii)To purchase all such stores and materials as may be required for day to day maintenance of.....;(iv)To remunerate any person or company for services rendered to the owners of ..... related to common facilities;(v)To appoint and dismiss the employees/servants of the Association;(vi)To maintain proper books of accounts, records and register as per the law prescribed for the smooth functioning of the Association and for the benefit of the members;(vii)To administer, and supervise the maintenance and management of the Association;(viii)To make all decisions in relation to any services provided or to be provided to the ..... and any reasonable decisions involving the payment of relevant expenditure.



## 7. Meeting :-

(A)Annual General Meeting. An Annual General Meeting (AGM) shall be convened and held where the following business shall be transacted:(i)To consider the Annual Report of the Committee;(ii)To consider and approve the Annual Statements of accounts;(iii)To approve the annual budget for the next year;(iv)To elect the office bearers;(v)To appoint auditors and fix their remuneration;(vi)To consider any other matter of general interest to the members.(B)An Extra-ordinary General Meeting shall be held:(i)if requisitioned by one-third members;(ii)if the committee thinks it fit to call such meeting in extra-ordinary circumstances.(C)Office bearers shall call meeting of the committee once in a quarter to acquaint members with the activities and/or problems and discuss matters of common interest and it shall be called a General Meeting.(D)Office bearers shall call a General Meeting of the members of the Association which shall be held within one month from the end of the accounting year. Each such General Meeting shall be called Annual General Meeting.(E)All members shall be given notice in advance of at least seven days of the Annual General Meeting to be delegated by the Secretary. In case of non-resident members notice may be posted to his/her official address at least seven days in advance. A copy of the notice shall also be hung on the notice-board, specifying date, place and time of such meeting.(F)Quorum for all General Meetings shall be one-third of total members, unless otherwise provided.(G)The Secretary and in his absence any committee member as authorised by the President shall properly maintain the minutes of the meeting and circulate the same to all members within seven days of the meeting. A copy of the minutes may be hung on the notice board.(H)The agenda for each meeting shall be specifically mentioned in the notice.

**8. Constitution of Office bearers and their functions. (i) There shall be office bearers in respect of the Association to carry on its objects, affairs and business and to exercise all such powers of the Association. The office bearers shall constitute (r) President, (ii) Treasurer, and (iii) Secretary;**

(ii)Subject to the final authority of the committee it shall be the duty of the office bearers to do all such acts, deeds and things and take all such steps as may be necessary and expedient for carrying out the purpose of the Association.(iii)The office bearers shall be directly responsible for (a)The care, upkeep, maintenance, repairs, improvement and replacement of the common areas and facilities.(b)Collection of money including arrears due from each owner on account of monthly assessment towards common expenses.(c)The proper maintenance of funds and accounts of the Association.(d)Hearing and dealing with all complaints.

**9. Financial. (a) All monies received shall be kept suitably in bank accounts, except a petty cash account to be maintained by the Treasurer. The signatories for opening and operating the bank accounts shall be the President, Secretary and Treasurer, jointly by any two of them;**

(b)The committee shall keep true accounts of all sums of money received and accepted by the

Association and all the assets, debts and liabilities of the Association;(c)At the Annual General Meeting every year the committee shall lay before the members Income & Expenditure Account and Balance Sheet of the Association for the year ended 31st March of every year. All books of accounts shall be open for inspection by any member;(d)The budget for succeeding year shall be passed in the Annual General Meeting;(e)The committee shall have full power to authorise only budgeted expenditure and any expenditure beyond that account shall be approved at the Annual General Meeting or at the General Meeting;(f)The treasurer shall keep the expenditure account on monthly basis and report any variations to the committee in writing;(g)All the surplus, if any, of contribution over expenditure shall be transferred to Contingency Fund.

**10. General. (a) Any complaint/letter received from the members shall be discussed at the committee meetings and suitably replied.**

(b)All members shall observe decorum at the meeting and allow all members to express their opinion freely.(c)These rules and by-laws can only be altered at an Extraordinary General Meeting specially called for the purpose where at least one-third of total members are present and approve the alterations.(d)Certified that this is the correct copy of the Rules and By-laws of the Association.Dated.....

.....(Treasurer)(President)(Secretary)5Form for Maintenance & Management of Co-Ownership BuildingsMemorandum of Association

**1. The name of the Association is .....**

**2. The Registered Office of the Association shall be situated at ..... in the State of West Bengal.**

**3. The objects for which this Association has been formed are:**

(a)To frame a scheme for the management and maintenance of all amenities and facilities required for the purpose of maintaining, administrating and taking care of the building known as .....required by all the co-owners in respect of the use and occupation thereof on no-profit/no loss basis;(b)To provide for maintenance, repair, improvements and replacement of the common areas and facilities as mentioned in the Deeds of Conveyance and otherwise of the owners of the areas of ..... and payments thereof;(c)To provide for and do any other thing for the administration of the common areas, common amenities, facilities and other common utility services at .....(d)To enforce, implement and to act on the terms and conditions, stipulations, restrictions and covenants contained in the Deeds of Conveyance of the owners of .....(e)To frame and impose restrictions, stipulations and terms and conditions to look after the interest of the owners of the building known as .....situate at .....(f)To collect from the owners expenditure and common expenses in-curred or to be incurred for the purpose of maintenance, general upkeep of the common areas, common amenities and facilities at the said .....;(g)The Association shall have the power to utilize the income or corpus of the fund for all or any of the

objects and purposes as stated herein;(h)To invest the monies of the Association in Fixed Deposits with bank as determined by the executive committee;(i)To prepare and provide proper accounts of all kinds of expenses incurred or to be incurred;(j)To promote unity and friendship amongst the owners and to provide them with recreational facilities;(k)To remunerate any person or company for any services rendered to the owners;(l)To employ staff for the upkeep and security of the ..... and its assets and to pay their remuneration:(m)To frame rules and regulations for maintenance, management and administration of the .....(n)To educate the members about their rights, duties and responsibilities;(o)To foster better relationship amongst the flat owners;(p)To take necessary steps for the upkeep and cleanliness of the common sanitary and electrical arrangements in the building and compound therein;(q)To take necessary steps for the maintenance of the building, lifts, tubewell, water pumps, electrical installations and all other common areas/portions and for payment of taxes payable for the building and fix the contributions to be paid by each owner in respect thereof and to receive and realise the same:(r)To take necessary steps for appointment of night guards, darwans, sweepers etc. for the protection and cleanliness of the building;(s)To represent the members of the Association before Government. Municipal authorities, Courts of law and other authorities in all matters concerning the building and flats;(t)To accept and raise money by subscription and donation or other-wise for the purpose of the Association;(u)To fix and collect the service charges for providing common facilities by the Association to the members:(v)To consider and make all decisions in relation to services and service charges in respect of the .....;(w)For the aforesaid purposes to employ surveyor, engineers, accountants and other professionals;(x)To execute and do all works and things required by any statute and comply with the lawful requirements of all authorities affecting the owners or Association;(y)The Association shall do all or any of the above acts or things as are incidental or conducive to the attainment of any objects or any of them as principals, agents, trustees or otherwise and either alone or in common with others.

**4. The income and property of the Association directly related to operation of the objects whensoever and howsoever derived or obtained shall be applied solely towards the maintenance, management, procurement and for promotion of the objects of the Association as set forth in this Memorandum of Association and no portion thereof shall be paid or transferred directly or indirectly by way of dividend or bonus or otherwise howsoever, by way of profit to the persons who at any time are to have been members of the Association or to any person or persons claiming through any of them, provided that nothing herein contained shall prevent the payments in good faith cost reimbursement, loan repayment, mortgage payment or remuneration, allowances to any officers or servants of the Association or to other persons in return for any services rendered or to be rendered to the Association and of the expenditure involved in promoting the objects of the Association.**

**5. No person or persons in whom for the time being any funds or any other property, movable or immovable, of the Association may be vested shall be answerable for any loss arising in the administration or application of the said funds or sum of money or any damages to or deterioration in the said property unless such loss, damage or deterioration shall be caused by or through his, her or their wilful default or neglect.**

**6. If upon the dissolution of the Association there shall remain after the satisfaction of all its debts and liabilities any property whatsoever the same shall not be paid to or distributed among the members of the Association or any of them but shall be given or transferred to some other Association or Associations, institution or institutions, having objects similar to the objects of this Association to be determined by majority of the members present, person-ally or by proxy at the time of dissolution or in default thereof by such court of justice as may have jurisdiction in the matter.**

The following are the names, addresses and descriptions of the members of the First Governing Body:

Name Address Occupation Designation

- 1.
- 2.
- 3.
- 4.
- 5.

We the several persons whose names, addresses and occupations are hereunto subscribed are desirous of being formed into an Association in pursuance of this Memorandum of Association. Date:.....

Name Address Occupation Signature

- 1.
- 2.
- 3.
- 4.
- 5.

The above signatures are attested by:

Name Address Occupation Signature

- 1.
- 2.

- 3.
- 4.
- 5.
- 6.

Memorandum of Association of Welfare Society(Model Form)

**1. Name of the society shall be .....**

**2. The Registered office of the society shall be situated at**

.....

**3. The object for which the society is established are:**

(a)To keep close relation among the members of the society i.e the residents' of .....;(b)To educate the members of the society in discharging their duties and responsibilities;(c)To establish good relation between the members of the society and their landlord;(d)To solve the various problems of the members of the society through discussion;(e)To help the residents for seeking legal advice and help;(f)To render needful co-operation and coordination to the residents of the premises;(g)To save the resident from unreasonable donation or subscription to the local youth who comes to realize the same during the pujas or other occasions;(h)To sympathise, promote fellow-feeling and unity among the members of society irrespective of caste, creed or religion;(i)To promote peaceful atmosphere in the premises by restraining both the landlord and tenant who are found to enter into tenancy related altercations;(j)To keep the building safe and secure from burglary and avoid interference by any outsider;(k)co-operate with the residents and occupiers at the time of any emergency and to maintain the developmental and peaceful environment of the building;(l)To hold meetings with the residents and occupiers to review the progress of any work and also to promote inter-personal relationship;(m)To ensure development and renovation of the building with the active collaboration of the members;(n)To keep the locality clean and to resist against any anti-social activities;(o)The objects of the society will always remain restricted within the scope of West Bengal Societies Registration Act, 1961. The society shall not avoid registration under any other Act or Acts if and whenever necessary just for the reason that the society is already registered under the West Bengal Societies Registration Act, 1961;(p)To do all such other things as may be deemed incidental or conducive to the attainment of the foregoing objects.The functions and objects of the society shall always remain restricted within the meaning of section 4(2) of the West Bengal Societies Registration Act, 1961 irrespective of any object mentioned in the present document or opposed to the said section.The income and properties of the society whatsoever derived or obtained shall be applied solely towards the promotion of the objects of the society and no portion thereof shall be paid to or divided amongst any of its members by way of profits.

#### **4. The names, addresses and descriptions of the members of the Governing Body:**

Sl. No. Name Address Designation

- 1.
- 2.
- 3.
- 4.
- 5.

We the several persons whose names, addresses and occupations are hereunto subscribed are desirous of being formed into an Association, in pursuance of this Memorandum of Association.

Sl. No. Name Address Designation

- 1.
- 2.
- 3.
- 4.
- 5.

Witness to the above signatures :Name & Signature :Address :Occupation :Date and place :

#### **7.**

Rules And Regulations Of Welfare Society(Model Form)

**1. Membership. Any person of the society over 18 years of age, irrespective of caste, creed or religion and who agrees in writing to be bound by the Memorandum of Association and Regulations of the society, may be admitted as a member of the society.**

**2. membership subsection. Any person of the society, qualified to be a member, by paying an ordinary membership fee per month along with an admission fee payable at the time of admission, which shall be determined by the Governing Body from time to time, may be admitted as an ordinary member of the society.**

**3. Cessation of membership. Any member of the society shall cease to be a member:**

(a)On his resignation from membership by a letter addressed to the Secretary;(b)On his becoming insane or insolvent;(c)On his conviction of any offence in connection with the formation, promotion,

management or conduct of the affairs of the society or a body corporate or of any offence involving moral turpitude.

**4. Register of Members.** The society shall maintain a Register of Members containing their names, addresses, occupations, the date of their admission as member of the Society and the date of their cessation from such membership. The Register will be kept open for inspection of the society on requisition

**5. Rights and obligations of members.-**

(a)Any member has the right to elect any member and also be elected in any election of the society;(b)To submit suggestion for discussion to the Governing Body and sub-committee on any matter;(c)To inspect the accounts of the society on appointment with the Secretary;(d)To fore go his membership after informing by writing to the Governing Body;(e)To pay his subscription within the prescribed time;(f)Defaulting members shall not be allowed to take part or vote at any meeting;(g)Members shall have one vote each.

**6. Composition and election of the Governing Body.** The Governing Body shall be elected by the general members of the society in the annual general meeting and the members of the Governing Body shall be not less than 7 members comprising of the President, Vice President, Secretary, Assistant Secretary, Treasurer and members. The office-bearers shall be elected by the Governing Body from amongst them in the first meeting of the Governing Body

**7. Termination of membership.** A member of the Governing Body shall cease to be a member if:

(a)he resigns by a letter addressed to the Secretary;(b)he absents himself from three consecutive meetings of the Governing Body without any leave or without reasonable grounds;(c)he is convicted of any offence in connection with the formation, promotion, management. or conduct of the affairs of the society or the body corporate or of any offence involving moral turpitude.

**8. Term of election.** All members of the Governing Body shall retire at the Annual General Meeting every year following their election when the new Governing Body shall be formed.

**9. Meeting.** A meeting of the Governing Body shall be held at least once in three months at such time and place as the President or the Secretary may determine. Any five members of the Governing Body may requisite a meeting of the Governing Body and the Secretary shall summon the same within 7 days, failing which the President or the requisitionist may do so provided no business other than that specified in the notice shall be transacted at such meeting.

**10. Notice.** Seven days' notice of the meeting specifying the time, place and the general nature of work and business to be transacted shall be given to every member of the Governing Body. Emergency meeting may be called on 24 hours' notice. One-third members personally present shall constitute a quorum if not present within 30 minutes of the time the members present may adjourn the meeting.

**11. Procedure of the meeting.** The President or in his absence the Vice President shall preside over all meetings of the Governing Body and in their absence the members present shall elect a Chairman of the meeting. All questions before the meeting will be decided by a majority of votes, each member having one vote. The President or the Chairman shall have a second or casting vote in the case of equality of votes.

**12. Powers and duties of the Governing Body.** The Governing Body shall have powers of supervision and conduct over all the affairs of the society and in particular shall discharge the following duties:

(a)To summon the annual general meeting of the society;(b)To appoint sub-committee with such power and duties as may be considered necessary in the interest of the society;(c)To accept gift, movable or immovable property for the use of the society;(d)To sell, lease, mortgage or otherwise dispose of and deal with all or any part of the property of the society as deemed necessary or expedient for the use of the society;(e)To keep proper accounts of the society and to open bank account in the name of society in one or more of the banks.

**13. Bank operation.** The banking accounts of the society shall be operated by the President, Secretary and Treasurer, any two of them jointly.



**14. Safe custody of funds.** The Governing Body of the society shall be responsible for the safe custody of the funds and assets of society. The funds of the society shall be kept in banks/post office and be invested in any securities as specified u/s. 20 of Indian Trusts Act, 1882.

**15. Books of Accounts, inspections of and Audit.** The books of accounts and other statutory books shall be kept at the registered office of the society and shall be kept open for inspection of the members of the Governing Body during usual office hours and the same shall be kept open for inspection of the member of society at such time and place as the Governing Body directs on a written request made by any member. The society shall maintain accounts, which will be audited annually by a qualified auditor or auditors.

**16. Accounting year.** The accounting year of the society shall be from 1st April of one year to 31st March of the following year.

**17. General Meeting.** There shall be three kinds of general meetings:

(a) Ordinary General Meeting; (b) Annual General Meeting; (c) Special General Meeting.

**18. Ordinary general Meeting.** The society shall hold an ordinary general meeting as and when necessary. At least 7 to 14 days' notice specifying the time, place, day and hour shall be given to every member of the society.

**19. Annual General Meeting.** The society shall hold an annual general meeting every year and not more than 15 months shall elapse between two successive annual general meetings. At least 14 days' notice specifying the time, place, day and hour shall be given to every member of the society.

**20. Quorum.** The quorum for transaction of any business in ordinary general meeting and annual general meeting shall be one-third of the total number of members present personally.

**21. The business to be transacted at the annual general meeting shall be:**

(a) To confirm the minutes of the last annual general meeting and of special general meeting, if any; (b) To adopt with or without modification the report of the working of the society for the previous year ended; (c) To pass audited accounts for the said year; (d) To appoint qualified auditor or auditors; (e) To elect the Governing Body Members.

## **22. Special General Meeting.-**

(a) A Special General Meeting may be convened by the Governing Body at any time in view of urgency of the matter. At least 14 days' notice shall be given for Special General Meeting. (b) A Special General Meeting shall be convened by the Secretary and hold such meeting within 21 days. In default of the Secretary the requisitionists shall hold such meeting provided no business other than that specified in the notice shall be transacted.

## **23. Duties of Office Bearers.-**

(a) President: (i) Shall preside over all meetings of the society; (ii) Take all disciplinary actions such as removal, dismissal etc. in consultation with the Governing Body. (b) Vice-President: Shall assist the President in all affairs of the society. In the absence of the President, he shall have the powers and perform the duties of the President. (c) Secretary: (i) Shall convene all meetings of the society; (ii) Maintain minute books of all meetings; (iii) Issue general circulars and notices; (iv) Receive all applications for membership, which shall be placed before the Governing Body; (v) Sign on behalf of the society all receipts for all sums received as subscriptions etc; (vi) Sign and give pay order on all bills for payment; (vii) Transact all other business subject to the directions of the Governing Body. (d) Assistant Secretary: (i) Shall assist the Secretary in all respects for smooth running of the society. (e) Treasurer: (i) Shall collect and receive all sorts of subscription, donation and deposit of money and grants receipt for money thereof; (ii) Maintain and keep cash book and such other accounts as are necessary.

**24. Suit and legal proceedings. All suits and legal proceedings by or against the Society shall be in the name of the Secretary or such person as shall be appointed by the committee.**

**25. Alteration of regulations. The Governing Body shall have powers to make such bye-laws as may be considered necessary in the interest of the society. The regulation may be altered, modified, rescinded or added to only by resolutions passed by the three-fourths majority of the members of the society present at a general meeting.**

**26. Dissolution. The society may be dissolved by a resolution to that effect passed by the three-fourths of the total members of the society at a general meeting. The said meeting shall also decide the manner of disbursement of the funds and assets of the society, if any, after dissolution as per provision of the Act.**

Certified to be true copy of Regulations of the Society:

**1.**

**2.**

**3.**

Members of the Governing Body