



GOVERNMENT OF ASSAM অসম ৰাজ্যিক গ্ৰামীণ জীৱিকা অভিযান

ASSAM STATE RURAL LIVELIHOODS MISSION SOCIETY

NABAJYOTI NAGAR, SIVA NATH GOGOI PATH, GUWAHATI, ASSSAM-781037

No: ASRLMS/VO/378/2014-15/156/10843

Date: 08/12/2016

To,

The Commissioner & Secretary to the Govt. of Assam Cooperation Department Dispur, Guwahati-6.

Sub: - Draft Model Bylaws for Village Organizations (VOs) and Producers
Collective promoted under ASRLMS -Reg.

Sir,

With reference to the subject cited above, I am submitting the Draft model bylaws, prepared by ASRLMS, for the Village Organizations (VOs) and Producers Collectives, which are to be registered under "The Assam Co-operative Societies Act 2007".

This is for your kind information and necessary action.

Encl.: As stated.

Yours sincerely

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MODEL BYELAW OF COOPERATIVE SOCIETIES FORMED WITH THE SELF HELP GROUPS OF ASRLMS

(SCHEDULE-B, SECTION-9 OF THE ASSAM COOPERATIVE SOCIETIES ACT, 2007)

Na	me, Registered Office & Area of Operation:
a)	The cooperative shall be named as
	b)
c)	Village Self Help Cooperative Society OR
	Gramya Sahayika Samabay Samity OR
	Gramya Atma Sahayak Samabay Samity
d)	Registered address
	Village
	Gram Panchayat
	Post officePS
	Development Block
	Sub-DivDistrict
	PIN
e)	The custody of the common seal of the society will be with the Chief Executive Officer (Secretary)
fì	Area of Operation of the cooperative shall be confined to the

2. Definitions:

1.

The words /expressions appearing in these bye-laws shall have the following meaning unless otherwise provided:

a) "The Act" means the Assam Co-operative Societies Act, 2007

.....Village(s).

- b) "Board" means the Board of Directors of the Cooperative constituted as per provision of these Bye-Laws.
- c) "District Cooperative" means the district cooperative of village Co-operatives.
- d) "Government" means the Government of Assam.
- g) "Executive Officer" means the secretary of the society appointed in terms of these bye-laws or appointed by the government as per provisions of the Act.
- h) "Registrar" means the Registrar of Cooperative Societies, Assam appointed by the State Government under the provisions of the Assam Co-Operative Societies Act.

2007.

- i) "Rules" means the Assam Co-operative Societies Rules framed under the Assam cooperative societies Act 2007 or any statuary amendment /modification thereof.
- j) "Bye-Laws" means the bye-laws of the cooperative for the time being in force which have been duly registered or deemed to have been registered under the Assam Cooperative Societies Act in force and include amendments there to.
- k) "Delegate" means a person who is duly authorized by the member SHGs of the society as its representative to the general body of the society or a person who is duly appointed/elected/selected by the members of the SHG to represent the SHG in the general body of the society of which the SHG is a member.
- "General Body" means all the delegates of member SHGs. An SHG shall nominate 4 (four) delegates to the General Body.
- m) "General Meeting" means a meeting of the general body of the society and includes special meetings.
- n) "Associate member" means institution /organization, which have been admitted as an Associate Member under the bye-laws of the society.
- o) "Financing Bank" means a bank(s) from whom any financial assistance is availed by the society for the purpose of its business or to forward it to the member SHGs.
- p) "Co-operative Society" means a cooperative society registered or deemed to be registered under any law relating to cooperative societies for the time being in force in any state or union territory.
- q) "Bank" means an institution, which undertakes banking business as authorized by the RBI.
- r) "Financial Year" means the period from 1st day of April to 31st March of the succeeding year.
- s) "Defaulter member" means a member of an SHG who has defaulted in payment of any kind of dues payable to the SHG or acted against the interest of the SHG or violated the principles of 'Panchasutra'
- t) "Defaulter SHG" means a member SHG which has defaulted in payment of any kind of dues payable to the society or acted against the interest of the society or violated the principles of 'Cooperatives'
- u) "Panchasutra" means Weekly Meeting, Weekly Savings, Regular Internal Lending, Timely Repayment and Updated Books of Records to be followed by each SHG, promoted under ASRLMS.

3. Objective of the cooperative:

- I. To work for the overall development of the shareholder SHGs.
- To unite and strengthen all the shareholder SHGs for their up-liftment for attainment of common economic goal.
- III. To establish liaison between the government, financing banks and the shareholder SHGs
- IV. To provide necessary guidance and support to the SHGs towards management of their business as well as agriculture and allied activities.
- V. To help the SHGs to secure loan and other monitory benefits from various government/semi-government organizations.
- To provide training to SHGs on livelihoods and strengthen their organizational structure.

- VII. To establish liaison with various insurance agencies for giving various insurance coverage benefits to the SHGs members and their assets.
- VIII. To generate awareness among the SHGs members on women empowerment and its Rights & entitlements.
 - IX. To act as a catalyst for the development of education, health and socio cultural activities of the shareholder SHGs.
 - X. To help the shareholder SHGs in getting the benefits provided by National Rural Livelihoods Mission through Assam State Rural Livelihoods Mission Society.
 - XI. To help the SHGs in following the principles of "Panchasutra" and "8-principles of cooperatives"
- XII. To resolve the differences amongst the shareholder SHGs.
- XIII. To do all such things that may be incidental or conducive to the attainment of any or all the aforesaid object or for the advancement of the co-operative movement in general.

4. Share Capital:

- II. No member SHG shall be allowed to subscribe/hold shares in excess of 25% of total subscribed share capital of the cooperative.
- III. To become a member, an SHG should subscribe a minimum of 1 (one) share.

5. Membership:

- Membership of the cooperative shall be open to women SHGs, promoted/ strengthened under ASRLMS, who are functioning within the area of operation.
- II. In difficult areas or areas having sparse population a cooperative society can be formed with a minimum of 5 women SHGs.

6. Eligibility for Membership.

- The membership of the society shall be limited to the SHGs as referred in clause 5 of these Byelaws.
- II. The SHGs must be six months old.
- III. The SHGs should follow the principles of Panchasutra.
- IV. Minimum 80% of the members of the SHG should participate and save regularly in the weekly meetings.
- In case the members have availed internal loan, recovery percentage should not be less than 90%.
- Membership fee and annual subscription fixed by the cooperative society should be paid regularly.

7. Membership Fees

 A sum of Rs. 10/- has to be paid by the SHGs for each member of the SHGs as Admission Fees to the cooperative. An Annual Fee of Rs. 100/- has to be paid by the member SHGs to the cooperative society for each member of the SHGs.

III. The member SHGs shall have to pay a fine of Rs. 5/- per Rs.100/- per day in case of default in payment of fees or any other repayment on time.

IV. All SHGs applying for membership of the cooperative society shall purchase at least 1 (one) share.

V. At any case, membership fee shall be non-refundable.

8. Application for membership

I. Application for membership of the Cooperative shall be addressed to the Executive Officer in writing in the form prescribed for the purpose together with the admission fee of Rs. 10 for each share applied for. All such correct and duly filled up applications received shall be disposed by the Board of Directors within 90 days from the date of receipt. The SHGs if admitted shall be allotted share/shares applied for or such Lesser numbers as the Board deems it proper. The decision refusing admission shall be communicated by the cooperative to the applicant and share money/admission fee deposited along with the application shall be refunded without interest within 90 days from the date of such refusal.

9. Withdrawal of membership

 A member may, with the approval of the Board of Directors withdraw it's membership and transfer its share to another member or to a non-member who is eligible and willing for membership of the cooperative. A fee of rupees one hundred shall be payable on each for such transfer.

II. However, no member shall be allowed to withdraw share within one year from the

date of allotment of the share.

III. No refund will be made against withdrawal of membership.

IV. No prayer for withdrawal will be entertained if the SHG have availed loan and have not repaid the amount fully.

10. Termination of membership

- A member SHG of the cooperative society may be terminated by the BOD by a resolution passed by three fourth majority of the directors present and voting subject to the approval by the AGM. for one or more of the following reasons
 - a) If the member persistently makes defaults in the payment of share money or other amounts due to the cooperative.
 - b) If the member willfully supplies materially false information to the cooperative and deceives the cooperative.
 - c) If the members acts in violation of the provisions of the Act and /or Rules framed there under or of the bye-laws without any reasonable cause.
 - d) If the conduct of the member is contrary to the objects of the cooperative or is prejudicial to the interests, reputation or creditability of the cooperative and its members.
 - e) The BOD shall give such members 15 days' notice in writing citing reasons for it's termination giving an opportunity to defend it's case. However if the replies are not satisfactory, the BOD shall give the member an opportunity of being heard and finally decide the matter of termination as per sub-clause 1 of clause 10.

However, any member thus terminated may appeal to the General Body within 30 (thirty) days from the date of termination. A terminated member shall not be eligible for readmission as a member of the cooperative for a period of four years from the date of such termination. The shares held by such terminated member may be transferred as per the provision of the bye-laws after three months from the date of termination of the member by the BOD or disposal of the appeal by the General Body and any proceeds payable to the terminated member be forwarded within one month after disposal of the matter by the General Body after deducting all dues.

11. Cessation of membership

The membership of a member SHG shall be ceased:

- a) on closure of operation of the SHG.
- if the individual members of the SHG fail to adhere to the principles of 'Panchasutra'.
- c) If at any given point of time the number of the individual members of the SHG reduces below 10 or 5, as the case may be (for difficult and sparsely populated areas).

12. LIABILITY OF MEMBERS:

In case the Society goes into liquidation and the liability is excess of assets on the date of liquidation, the member's liability towards the deficit will be limited to the value of shares subscribed by the member.

13. General Body:

General Body of the cooperative shall be constituted by all the delegates of the member SHGs, who are eligible to vote.

- a) The General Body members of the Cooperative shall meet from time to time and at least once a year within 180 days from the date of expiry of the Co-operative year. A meeting of the General Body shall be convened by the Executive Officer/Secretary of the Cooperative under the direction of the Board of Directors. Every SHG will be represented by 2 (two) persons fully authorized by the member SHG and the persons concerned will deposit the instrument so appointing them before the General meeting.
- b) At least 15 days clear notice, specifying the date, place and time and the agenda of the General meeting shall be given to all members, at least by any one of the following mode issue of letters under certificate of posting/ by private courier service/paper notice/by peon book. The quorum for the General meeting shall be two-third of the total member of members. However, if quorum is not formed within one hour of stipulated time of the meeting then the meeting should be postponed and it will be convened in the next week and at the same time, with the same agenda and at the same place. If necessary the president may decide to hold the meeting at any day within 14 days of date of the adjourned meeting. Proposal regarding necessary amendment to the bye-law should be enclosed along with the notice. If any disputers regarding the notice occurs, it should not be the cause for the cancelation of the meeting.

For adjourned meeting no quorum will be necessary.

- c) The Chairperson or, in her absence the Vice chairperson shall preside over meetings of the General body. When both of them are absent, the members present shall elect a chairperson amongst themselves to conduct the meeting.
- d) Every member of the General Body shall have one vote. Voting by proxies shall not be allowed. Proposals shall be decided by majority of votes of the members present. When the votes are equal the chairperson of the General meeting shall have a casting vote.
- e) Unless otherwise provided in these bye-laws, the ultimate authority in all matters relating to the administration of the Cooperative shall vest in the General Body.
- f) Without prejudice to the General Provisions of the preceding bye-laws, the General body of members shall have the following powers and duties.
- I. Electing/Selecting members to the Board of Directors (BOD). Election/Selection of members to the Board will be held after their remaining in office for 5 (five) years, i.e. term of the member of BOD will be five years.
- II. Appointment of internal auditor /auditors, who shall/will not be member of the BOD, and fixing the remuneration of the internal auditor and other conditions of service including the power to remove them as and when necessary.
- III. Consider the Annual Report of the BOD, Audit Report and Audited Annual Accounts and Balance Sheet and to review the working of the Society during the preceding Cooperative Year.
- IV. To consider the audit Memorandum and the relevant rectification reports from the Board of Directors, and any other communication received from the Registrar or any Officer authorized on his behalf.
- V. Decide how the profits are to be distributed in accordance with the Act and the Bye-Laws.
- VI. Pass the Annual Budget and approve the programme of work for the ensuing year.
- VII. Fixing the maximum amount of liability to be incurred during the ensuing year and the maximum rate of interest payable on deposits.
- VIII. Consider such other business as may be placed before the meeting in accordance with the Act and the Bye-Laws.

Provided that, it shall not be necessary to list-up on the Agenda of that may relate to the consideration of Audited Accounts distribution of profit, if the statutory Audited report if the relevant Accounts are not received within time. In that case a Special General Meeting shall be called within 3 months from the date of receipt of the said reports and Audited Accounts from the Department to discuss the same and to take necessary decision thereon.

14. Special General Meeting:

- A special general Body meeting may be called at any time by the General Body and shall be called by the President on receipt of a requisition from 1/4th of the total members from the General body.
- II. The special meeting shall be called within a period of 30 days of receipt of the requisition with reason or an order from the office of the Registrar of Cooperative Societies.
- III. The agenda and notice of the special meeting shall be set and dispatched to all members in advance.
- IV. 50 % of the total number shall form the quorum of the meeting of the special general meeting. In case the quorum is not formed within one hour of the appointed time, then meeting will not be held and the same will not be deferred to a later date.

15. Notice for the General meeting:

- The date of the general meeting should be informed to the SHG members 15 days prior to the commencement of the meeting.
- II. Date, time & place of the general meeting shall be announced in advance by a written notice pasted on notice board of the society, or taking signature in the notice book of the society or by sending postal information.
- III. The Notice for AGM/Special General Meeting, where amendment of Bye-laws is one of the agenda, should contain the existing provisions of the Bye-laws and the proposed amendments.

16. General body meeting, Rules and Regulations:

- The President will preside over the meetings of the General Body. In her absence the Vice- President will preside over the meeting. In case both are absent the members will select one amongst them to conduct the meeting.
- II. The General Body will have the supreme authority to take decision for the cooperatives formed with the Village Organization under ASRLMS as per the Assam Cooperative Societies Act, 2007 & Byelaws.
- III. However, General body will not interfere in respect of any work done by any office bearer for which the authority has been given as per the Act and the byelaws.
- IV. The General body, will obtain from the BOD, information about the previous years activity report, profit & loss account etc. If necessary, General body will also take decision in respect of distribution of dividend.
- V. In case, the account is audited, the balance sheet along with the comments will be discussed in the AGM/ Special AGM as the case may be.
- VI. The General body may expel any members as per the byelaws.
- VII. The General Body may amend the byelaws in the meeting.
- VIII. The member of the BOD can be changed in the General Body meeting.
- IX. Pass the annual budget and approve the programme of work for the ensuring year/ next year.
- X. Any other issue raised in the meeting with permission of the Chair, shall be discussed.
- XI. To fix required experience of a member to become BOD members.

17. Board of Director (BOD)/Management:

- A Board of Directors will be elected or selected amongst the members of the SHGs under the society. Each SHG under the society will select/elect two (2) members of the SHGs for this purpose. Each SHG will present their resolution, on the selection/election of the two (2) members to the BOD of the Society.
- A Management Committee will be constituted to oversee the day to day affairs of the society.
- III. The Management Committee will be constituted with the following office bearers, which will be elected/selected by the BOD:
 - a. President
 - b. Vice President
 - c. Secretary
 - d. Assistant Secretary
 - e. Treasurer
- IV. The term of the Board of Directors will be for 5 years and the term of the members of the Management Committee will be co-terminus with that of the BOD.
- V. The members of the Management Committee will provide voluntary and free services to the society. However, out of pocket, expenses like travelling, refreshment etc. incurred in connection with works related to the society may be suitably reimbursed.
- VI. For monitoring of the SHGs under the society various sub-committees as mentioned below will be formed comprising of 2- 4 members
 - a. Income & Expenditure Sub-Committee,
 - b. Bank Linkage Sub-Committee,
 - c. Loan Repayment Sub-Committee,
 - d. Social Welfare Sub-Committee.
 - e. Livelihoods Sub-Committee etc.

The number of Committees and the number of members in each committee may increase/decrease as per need and situation.

18. Eligibility of the members of BOD

- I. A member of the BOD of the society shall have to be members of its affiliated SHG.
- II. The age of the member should be minimum 18 years.
- III. The member should have a sound mind.
- IV. The member should not be a salaried person of the society.
- V. The member should posses integrity in financial matters.
- VI. The member of the BOD should not have any criminal case pending against her.
- VII. The member should posses the mentality of providing voluntary and social service to the society.
- VIII. The member should not be a member of another cooperative society constituted with the same objectives within the same area of operation; if anybody is found in future as a member of any of these, then she shall be expelled immediately from the BOD without any further notice.

- IX. *A Director shall cease to be a member of the Board, or, a member shall not be eligible for appointment as a Director on the Board or the office of the Director shall become vacant, if,
 - she or any of her relative upto first degree or daughter in-law is or becomes a member of any body such as Parliament, State Legislatures, Zilla Parishad, District Council, Gram/Village Panchayat; or
 - she or any of her relative upto first degree or daughter in-law is or becomes an office bearer of any political party at any level i.e. village, District, State or National level.
- X. **No member who is first degree blood relative of the Directors (including parents, siblings, children) and her daughter in-laws and grandchildren, can become the Director of the Society in future course.

19. Powers and duties of the BOD:

- To generate fund by availing loan as per the terms & conditions framed by the society.
- II. To sanction loans to the SHG members as per the Micro Credit Loan (MCP) prepared by the SHG as well as terms and conditions framed by the society.
- III. To extend the repayment period of loans availed by SHG members it they fail to repay on time due to genuine reasons. The reason of such extension must be recorded in each case.
- IV. To endorse enrollment of members and approve various fees to be levied.
- V. To present audited accounts in the General Body meeting.
- VI. To monitor the functioning of SHGs and forward monthly reports to respective departments.
- VII. To prepare and plan annual budget of the society in the BOD meeting.
- VIII. To approve the expenditures incurred by the society.
- IX. To form various sub committees for smooth functioning of the society.
- X. To assess the overdue loans of SHG members and take appropriate steps for recovery of the same.
- XI. To implement the resolution adopted by 2/3rd majority of the society.
- XII. To fill vacancies arising due to the death of sitting member of the BOD from the same SHG.

20. Meetings of the BOD

- BOD will meet once in a month. The date and venue of the next meeting will be finalized in the monthly meeting.
- II. The President of the society will preside over the BOD meeting. In her absence the Vice President will preside over the meeting. In case both President and Vice President are absent, the members will nominate the President for the meeting from amongst themselves.
- (*) These provisions are incorporated to avoid politicization of Cooperative Society and to ensure that the Cooperative Society runs purely as per commercial and professional principles of management.
- (**) This provision is incorporated keeping in view country wide past experience that many cooperative societies become a family fiefdom.

These provisions are necessary to maintain community ownership of the producer cooperative.

- III. The quorum of the meeting will be formed by presence of 50% members of the BOD.
- IV. For all decisions in the meeting, consent of the 2/3rd members present will be required.
- V. Monthly progress report of all the member SHGs shall be presented before each BOD meeting.
- VI. A fine of Rs. 10/- per day will be imposed if any SHG fails to send their monthly reports in two consecutive BOD meetings without prior intimation.

21. Duties and responsibilities of President

- To conduct monthly meetings, AGM/Special AGM and any other meetings of the society.
- To endorse all decisions taken in the meetings.
- III. To resolve all issues arising among members and the BOD in consultation with all the concerned SHGs/members.
- IV. To bring harmony amongst the Secretary, Treasurer and other members.
- V. To maintain cordial relation with bank and other government organization for smooth functioning of the society.

22. <u>Duties and responsibilities of Vice- President</u>

- I. To assist President in all works related to the society.
- II. To preside over the meetings of the AGM/Special AGM/BOD meetings during the absence of the President.

23. Duties and responsibilities of CEO (Secretary)

- To convene meetings with the approval of the President.
- To prepare Agenda prior to holding the meeting in consultation with the Presidents.
- III. To record the proceedings of the regular and special meetings of the society and to read them out to all the members.
- To read out adopted resolution at the end of the meeting.
- V. She should maintain the following books up to date:
 - a) Membership register,
 - b) Attendance register,
 - c) Activity register,
 - d) Minute's book.

24. <u>Duties and responsibilities of Assistant - Secretary</u>.

- To assist Secretary in all works related to the Society
- II. To perform the work of the Secretary in her absence in association with the treasurer.

25. Duties and responsibilities of Treasurer:

- I. To maintain all documents related to financial transaction of the Society.
- II. To record all documents related to accounts.
- III. To collect member contributions / annual subscription and maintain record.
- IV. To deposit collected Savings, fines, penalties, member contributions, annual subscription etc. and deposit it in the bank within two working days.
- V. To submit monthly financial statement at the BOD meetings.

26. Financial power

- The Bank account shall be jointly operated by the President and Secretary of the society.
- II. Individual members of the SHGs are eligible for availing loan from the society through their respective SHGs.
- III. Member SHGs of the society will be eligible for loan after fulfilling the following terms and conditions.
 - a) Member subscription of the SHG must be deposited regularly.
 - b) Previous loan, if availed any, must be repaid with principal and interest as per repayment schedule. If an SHG is found to be a defaulter, the SHG will not be considered for fresh loan. If the SHG has to repay one or more installment than the society may consider the applied loan amount as deem fit and proper.
 - c) The purpose of the loan should be reasonable and justified.
 - d) The loan amount shall be utilized for the purpose it is sanctioned.
 - e) The member SHG must follow Panchasutra.
 - IV. The BOD will take decision to fix the loan amount for disbursement to the SHG on the basis of availability of fund and also on the merit of Micro Credit Plan (MCP) prepared by the SHG.
 - V. Rate of interest of the loan will be decided by the BOD
 - VI. The Repayment schedule of the loan shall be decided by the BOD.
- VII. Particulars of Loan sanctioned should be recorded in the Proceeding Book of the
- VIII. If found that the loan amount is misused or used for unethical purpose, then the loan amount shall be recovered with principal and interest immediately by the BOD.

27. Management of Bank Account:.

Bank account shall be opened at the nearest bank branch as per decision of the General Meeting. The transaction of bank account shall be operated jointly by the President and Secretary of the society. No fund shall be withdrawn without the permission of the BOD. The amount shall be withdrawn or disbursed after approval of the BOD. All transaction shall be carried out through cheques, or through Bank transfer.

28. Amendment to the byelaws:

For changes of rules and byelaws, it has to be passed in the general meeting and 2/3rd of the total members must agree to the proposed changes.

29. Write-off losses:

Loss incurred by the society for any kind of theft, inability to realize the amount involved and inability to recover the loan amount or part of a loan, the General Body may write-off the same after consultation with the financial Bank and resolutions to that effect shall be sent to the Assistant Registrar of Cooperative Societies for approval.

30. Right of inspection by Bank official:

Bank official shall have the right to inspect all records of the society in respect of loan availed.

31. Annual Statement:

As per direction of the Registrar and/or as per the provision of Section 129 of the Assam Cooperative Societies Act, 2007, the following documents shall be submitted by the society within the prescribed time frame to the Registrar.

- i. Annual Receipt and payment in a proper format,
- ii. Transaction and utilization certificate,
- iii. Profit and loss ledger,
- iv. Balance sheet,
- v. Any other statement as directed by the Registrar of Cooperative Societies Acssam.
- vi. Records to be sent within the fixed time to the Registrar or the Bank and take necessary action as per provisions of the Act.

32. Member list:

As per clause (3) of byelaws a list of members shall be displayed at the office of the society so that the members can be identified easily. The Members list shall be supplied on payment to any members by the secretary as per rate fixed by the BOD.

33. The society will keep the co-operative law, rules and regulations, and byelaw in their records:

The records of the cooperative laws, rules, regulation and byelaws of society will be kept at the office of the society and shall be made easily accessible at the members of the society.

34. Internal conflict Resolution:

If any dispute or conflict arises regarding transaction/ business, the member of SHG will report to the office bearer in writing and the BOD of the society will take appropriate action as per rules.

35. General:

The President, Vice-President, Secretary and other members of the BOD can manage the affairs following the byelaws of the society and the Assam Cooperative Societies Act, 2007.

36. Dissolution of society:

Decision of dissolving of the society shall be applied with the consent of 2/3rd of the General Body member, and in such case, corpus of the society and its liabilities to be disclosed to all members. Only after adjustment of all liabilities, such decision for dissolving may be taken and the society may be sent for liquidation as per the provisions of the Act.