

**Annexure - 2**

<b>Explanatory notes for the Contents of the 'Byelaws' of a Society</b>		
<b>Sr. No.</b>	<b>Subject</b>	<b>Description</b>
1.	Name of Society	This should contain the name of the society as approved by the District Registrar, giving reference no. and date of the letter vide which such name has been approved.
2.	Membership of Society	Sections 14 to 23 of the Act may be carefully read while framing the byelaws in this behalf. It has been observed that the maximum number of disputes in a Society pertain to memberships. The byelaws must address the issues of the maximum number of members it would like to fix for the Society, types of membership, the fees for each type of membership, the manner and the process of admitting a person as a member, cessation of membership etc. Further, all particulars of a person admitted as a member, such as Name, Father's name, address (both correspondence and permanent address), contact details (such as telephone number, email ID), caste or community (if the byelaws of a Society so restrict), may be obtained for ease of establishment of identity as well as timely communications.
3.	Re-admission of expelled/ suspended members	The society may also lay down in its byelaws the procedure for re-admission of a person as a member who ceased to be a member of the society in terms of the provisions contained in section 22 of the Act, or suspension and reinstatement of a member, if deemed necessary. However, it may also keep in view that no such member, who has been either convicted of an offence amounting to moral turpitude or who has been removed from membership on the directions of the District Registrar/ Registrar/ Registrar General for any misconduct, should be re-admitted.
4.	Members' Rights/ Privileges and duties	The byelaws of a society should clearly define the rights/privileges and duties of its members. Section 20 of the Act may be carefully read while framing the byelaws in this behalf.

Explanatory notes for the Contents of the 'Byelaws' of a Society		
Sr. No.	Subject	Description
5.	Definition of General Body	<p>“General Body” means and refers to the body of ‘members’ of a Society, and which may be divided into electoral colleges where the membership is more than 300 in order to constitute the Collegium of the Society.</p> <p>The constitution of collegium and election of the representatives of the collegium should be decided by the Society/ its management as deemed appropriate and clearly defined in the byelaws of the society.</p>
6.	Size of the Governing Body and the Collegium	<p>The size of the Governing body, which can vary between 3 to 21 in terms of Section 33 of the Act, designations of its office-bearers and their powers &amp; duties should be clearly defined in the bye-laws of the society. Where a Society decides to keep its membership at more than 300, it will be required to constitute electoral colleges (not exceeding 300) and the Collegium so formed shall act as the General Body for all intents and purposes. In that case, the size of the Governing Body cannot exceed 1/5<sup>th</sup> the size of the Collegium.</p>
7.	Creation/ constitution of the electoral colleges	<p>In case of Societies with more than 300 members, these are required to carve out a scheme of creation of Electoral Colleges in its byelaws and election of members of the Collegium. Provisions contained in Rule 16 read with the illustrations in Appendix-2 may be referred for the purposes of clarity.</p>
8.	Elections of the Collegium/ Governing Body.	<p>Keeping in view that memberships and elections of Societies constitute a major part of the problems in smooth management of the affairs of a society, it is advisable that the procedures with regard to the elections of the Collegium and the Governing Body are clearly defined in the bye-laws of the society subject to the provisions of the Act and the rules framed there under.</p>

9.	Term of Governing Body	The tenure of the Governing Body of a Society shall not be more than three years. The bye-laws of the society should also contain a provision for filling-up of vacancy of any of the office-bearers or members of the Governing body, caused due to any reason whatsoever, during its tenure or till the election of new Governing Body.
10.	Requirement of Notice of meeting of the Governing Body	The notice periods for convening meetings of the Governing Body and the General Body should be prescribed in the byelaws subject to the provisions of the Act and the rules there under.
11.	Quorum of Meetings	The byelaws of a Society should provide for the quorum of any meeting. The Act specifies the quorum of a General Body/ Collegium meeting as 40%. The provisions contained in rule 16 may be kept in mind while specifying in the byelaws as to what should be quorum for a meeting adjourned on account of want of the quorum in the meeting convened in the first instance and adjourned.
12.	Governing Body and urgent Meetings	The byelaws may also contain a provision for convening urgent meetings of the Governing Body at shorter notice or without any formal notice with written consent of at least 50% of the total strength of the Governing body.
13.	Powers of Governing Body	The bye laws of the society should clearly define the powers that may be exercised by the Governing body and its office bearers for management of affairs of the society. The Governing body is the custodian of the assets of the society.
14.	Office-bearer of Society and their Powers	The byelaws of the society should also contain provisions pertaining to each of the office-bearers, their designations and their powers & duties. The office-bearers would be entitled to exercise such powers as are mentioned in the byelaws of the society. It may be useful to specify the operation of accounts singly or jointly by the office-bearers in order to have proper internal checks on financial transactions

15.	General Secretary/ Secretary	The responsibility for convening the meetings of a Society should generally vest in the Secretary/ General Secretary of the society who will also be the custodian of all records, documents, title deeds etc. of the society. Unless otherwise provided in the Byelaws, the Secretary will be responsible for implementing the decisions of the governing body and act as the compliance officer of the society for various types of statutory compliances under the Act.
16.	Management of funds by Treasurer	One of the members of the governing body should be designated as a Treasurer who should be responsible for proper management of funds and assets of the society as well as proper maintenance of the books of accounts according to the byelaws/rules of the society. He should be the custodian of all books of accounts/ statutory records and cheque- books of all bank accounts, FDRs, etc. The Byelaws should also specify the officer responsible for filing of all the documents in the office of the District Registrar as required under the Act.
17.	Provision for filling-up casual vacancies	Procedure with regard to filling- up of any vacancy of an office bearer of the society caused due to death, resignation, cessation of membership etc. should be defined in the byelaws of the society. Ideally, such a person should continue to hold the office & perform functions only till the next Annual General Meeting of the General Body, unless his appointment is further ratified in such Annual General Meeting.
18.	Sources of Income of a Society	Every Society should clearly define the sources of its income such as membership fee, annual subscription, donations, rent from property/assets, interest, gifts, etc. in its byelaws so as to maintain probity in its financial transactions.
19.	Provisions relating to Audit of the Society's Accounts	The byelaws of a society should provide for audit of annual accounts of the society from an auditor who is a member of the Institute of Chartered Accountants of India and such auditor should not be a member of the Governing Body of the society.
20.	Operation of Bank Accounts	The byelaws of a society should define the persons who are authorized to operate its bank accounts, which may include its

		employees and the office-bearers. The limits of cash-in-hand to meet the day-to-day expenses, the limits up to which the authorized person could sign the cheques individually and joint signatories beyond such limits should be clearly defined.
--	--	--

Annexure -1

Model 'Memorandum of Association' of a Society

Sr. No.	Subject	Description
1	Name of the Society	
2	The registered office of the Society shall be at:	
3	Jurisdiction	The Society shall work within _____ District of the territory of State of Haryana
4	Aims and Objects of the Society	The objectives, which are specific to a society, shall be enumerated below. <i>Some of the indicative objectives could be as under:</i>
(i)	Promotion of national unity and international peace and amity;	
(ii)	Promotion of communal and social harmony and brotherhood;	
(iii)	To work for the cause of enforcement of prohibition and initiate people's movement against smoking, alcoholism and drug abuse;	
(iv)	To create awareness and addressing some of the social evils, such as, female foeticide, dowry, extravagant expenditure on social functions like marriages, empowerment of women in decision making etc. etc.	
(v)	Promotion and progress of agriculture and animal husbandry;	
(vi)	To take up programmes for accelerating the pace of rural development with application of science and technology (techniques and technologies for cost reduction, improving productivity, etc.) especially in the field of water conservation, sanitation, low-cost housing, agriculture and animal husbandry and engineering sources;	
(vii)	To take up programmes for ensuring protection of environment and for regeneration of natural resources degraded due to past neglects;	

(viii)	Promotion and extension of appropriate technology including systems having renewable sources of energy;
(ix)	Promotion of cottage and small scale industries by taking up action research work;
(x)	To take up programmes in which science and technology may have major role in improving life, working conditions and opportunities for gainful employment of women.
(xi)	To engage in delivery of citizen services in a transparent manner with use of Information and Communication Technology.
(xii)	To undertake impact evaluation of economic and social projects.
(xiii)	To undertake programmes which ensure raising of income levels and expanding employment opportunities of the weaker sections of the Society, particularly of those living below the poverty line and women by involving participants in the planning, implementation and maintenance of activities taken up.
(xiv)	To organize disadvantaged section of Society and take steps for increasing their level of awareness in regards to the programme contents and facilities therein under Government/non-Government programmes, legal provisions, etc. and also for increasing their bargaining power by promoting co-operative and group action.
(xv)	To take up all formal and non-formal educational programme as per directives contained in the National Policy of Education, 1986.
(xvi)	To work for promotion of sports and health care activities.
(xvii)	To raise or acquire funds or property from Central Government, State Government, Non-government agencies, charitable trusts by way of donations or grants or contribution or by taking loan from public and private financial institutions. The funds, properties, assets and all other resources, present and future, of the Society shall be utilized for any or all the purposes or objects of the Society as stated above and also for all other similar activities in furtherance of ideals of truth and non-violence.

5.	The names of the founder members of the Society to which the rules and bye-laws of the management affairs is entrusted are as under:				
Sr. No.	Name	Father's/ Husband's name	Address	Occupation	Signatures
(i)					
(ii)					
(iii)					
(iv)					
(v)					
(vi)					
(vii)					