

1. Name, Address and Area of Operation

- 1.1 The name of the Cooperative Society shall be... Milk Producers' Cooperative Society Limited hereinafter referred to as 'Society'.
- 1.2 Its registered address shall be at... District... Any change in this address shall be notified to the District Milk Producers Cooperative Union to which it is affiliated and the Managing Director, Haryana Dairy Development Cooperative Federation Limited within 30 days.
- 1.3 The area of operation of the society shall cover... village/villages.

2. Objects

- 2.1 The objects of the Society shall be to promote the economic interests of its members by improving quality and increasing quantity of milk production per buffalo or cow and to provide necessary guidance and assistance to the members on cattle breeding and cattle rearing. In furtherance of the above objects, the Society may undertake one or more of the following activities :—
- i) To undertake activities necessary for the production of clean and quality milk and to increase the quantum of milk per animal.
 - ii) To provide facilities for profitable marketing of milk through the District Milk Producers' Union.
 - iii) To undertake programme in dairy extension and dairy husbandry aimed at improving the breed and health of the animals.
 - iv) To undertake the sale of balanced cattle feed and to promote fodder cultivation leading to increased fodder availability and its efficient feeding to the milch animals.
 - v) To take up all other concerned activities for carrying out the above objectives for the over all development of dairying.
 - vi) To undertake necessary measures to spread the knowledge of cooperative principles and practices.

3. Funds

- 3.1 The Society may raise funds from one or more of the following sources :—
- i) Shares
 - ii) Deposits

- iii) Loans
- iv) Donations Subsidies, grant in aids
- v) Admission fees

3.2 i) The authorised share capital of the society shall be Rs. twenty five thousand divided by twenty five hundred shares of Rs. 10/- each which shall be paid in full on allotment.

ii) The face value of each share will be Rs. 10/- which shall be paid in lump sum at the time of admission of a member.

3.3 The Society may receive deposits in current, saving ordered accounts at such a rate of interest and for a period as may be decided by the Managing Committee. However, the rate of interest on the fixed and saving deposits will be one percent less than the rate on similar deposits, offered by the banks. No interest shall be paid on current account.

3.4 The surplus funds of the society shall be deposited as per section 85 of the Haryana Cooperative Societies Act, 1984.

4. Maximum Borrowing Limit

4.1 The total amount of loans and deposits shall not exceed ten times the owned capital of the Society. The owned capital shall mean the total paid up capital, reserve fund and other funds and undistributed profits minus accumulated losses.

5. Membership

5.1 A milk producer shall be entitled to be a member if :

- i) he is a resident of the village and has completed 18 years of age and is competent to contract.
- ii) he has signed the application of this Society for registration or has applied for membership in the form prescribed by the society and has been approved by the Managing Committee of the Society.
- iii) he rears buffalo/cow for milk production and has given milk to the society for three consecutive months as a prospective member, preceding the date of his application.
- iv) he has taken atleast one share and paid an admission fee of rupee one.
- v) he or any of his family members is not in the business of milk and milk products.
- vi) he has agreed to supply milk to the Society.

vii) he is not bankrupt or is not legally debarred from membership.

viii) he is not convicted for moral turpitude.

5.2 A person authorised by a share holder to receive his share and/or interest in the society after his death or his/her legal successor shall be exempted from bye-law No. 5.1 (iv), provided he possesses the requisite qualifications for membership and his admission is approved by the Managing Committee.

5.3 A member ceases his right to vote and shall not be eligible for seeds and cattle feed and other facilities, provided to members on subsidised rate if ;

i) he is a defaulter of any sum due to the society.

ii) he ceases to have any of the qualifications for membership prescribed in bye-law 5.1.

iii) he has not supplied atleast 200 litres of milk to the Society over 180 days during the previous cooperative year.

5.4 Any member may withdraw from the society at any time by submitting his resignation to the Managing Committee and getting it approved but such approval shall not be given if he is indebted to the society or is a surety to any unpaid debt.

5.5 A member of the society may be expelled by giving him an opportunity of being heard and by a resolution passed by threefour majority of the members present and voting at a General Body meeting for one or more of the following reasons.

i) If he is a defaulter.

ii) If he wilfully deceives the society by making false statements.

iii) If he intentionally does any act likely to injure the reputation of the society.

iv) If he persistently dishonours the suggestions and resolutions of the Managing Committee.

v) If he diverts his milk to any other party.

vi) If he deals in sale and purchase of milk and milk products.

vii) If he does not reside in the area of operation of the society regularly.

viii) If he ceases to possess any of the qualifications for becoming a member.

5.6 A member shall cease to be such for all or any of the following reasons :—

i) On death.

ii) If his resignation is accepted by the Managing Committee and is not surety for an unpaid debt.

iii) If all shares belonging to him are transferred to another member.

iv) If he is expelled from the society as per bye-law No. 5.5

v) If he is expelled according to the provisions of Act and Rules. (ii)

5.7 The Managing Committee of the Society shall be competent to cease a member from membership of the society after providing an opportunity of being heard.

5.8 When a person is expelled or has ceased to be a member, the society shall refund, all his dues within six months.

5.9 Application for allotment of shares shall be made in writing and shall be disposed off by the Managing Committee.

5.10 If a shareholder fails to pay the amount of share(s) allotted to it within 30 days, the paid up share(s) may be forfeited by the Managing Committee and the share amount of such forfeited share(s) shall be credited to the reserve fund. The share holder shall, however, be provided an opportunity of being heard before forfeiting the shares.

5.11 A member may transfer his share (s) to another member (s) after holding such share (s) for a year with the approval of the Managing Committee of the Society.

5.12 No member shall be entitled to purchase the shares of the society exceeding one fifth of paid up share capital or Rs. 1000/- which ever is less.

5.13 A member of the society, may nominate any person except an employee or officer of the society, authorising him to receive his share from the society after his death.

5.14 On the death of any member, the amount standing to his credit by way of share(s) shall be paid to his nominee. In the absence of such a nominee, it shall be paid to any person, who, according to the Managing Committee, is entitled to receive the amount as heir or legal representative of the deceased member on the execution of an indemnity bond in favour of the society. The amount of dividend, bonus, deposits and interest, if any, shall however, be paid to the heir or legal representative of the deceased in accordance with the terms of the payable amount after deducting the amount recoverable from the deceased and after adjusting towards his liability for an unpaid debt.

6. Liability of Members

6.1 The liability of members for meeting any deficit in the assets of the society in the event of its being wound up, shall be limited to the paid up shares only.

7. General Body

7.1 There shall be a General Body comprising of :

- i) Members of the society as on the close of previous cooperative year possessing qualifications as per bye-law 5.3.
- ii) Govt. nominees if any.

7.2 Members of the society as explained in Bye-law 7.1 above as on the close of the previous cooperative year and the Govt. nominees on the day of meeting shall be entitled to participate in the meetings of the General Body.

7.3 The supreme authority of the Society, shall be vested with the General Body, subject to powers and functions assigned in the Act, Rules or Bye-laws.

8. Powers and Functions of the General Body

8.1 The General Body shall exercise powers as under :—

- i) To (confirm the minutes of the last General Body Meeting.
- ii) To receive from Managing Committee a report on the working of the society for the preceding year together with the statements of trading account, profit and loss account and balance sheet for the year and to sanction the appropriation and distribution of profit.
- iii) To elect the Managing Committee for the society in the manner prescribed in election rules contained in Annexure 'A' of bye-laws.
- iv) To sanction the budget for the next year, if deemed necessary.
- v) To consider and take necessary decision on the Audit Memo and other correspondence received from the District Cooperative Milk Producers Union and the Central Cooperative Bank and Department of Cooperation.
- vi) To fix maximum Credit Limit for deposits and loans to be raised under bye-law 4 of these Bye-laws.
- vii) To make necessary arrangements for the collection of milk and the transport of the same according to the instructions of the Union.
- viii) To make necessary amendments, additions, alterations in the bye-laws subject to their registration by the Registrar.
- ix) To appoint internal audit, if necessary.

9. Meetings of the General Body

9.1 Meetings of the General Body of the society shall be held atleast once in every accounting year with in 30 days of the date of receipts of audit report, under a resolution of the Managing Committee.

9.2 A special meeting of the General Body shall be called by the Chairman of the society within one month of the written requisition from atleast one third of the members constituting the General Body or from majority of the members of the Managing Committee or from Registrar Cooperative Societies having jurisdiction over the society or from the Chief Executive Officer of the District Milk

Producers Union. The requisition shall be sent to the Chairman of the society and shall state the subject for which special meeting of the General Body is to be called.

- 9.3 At least 15 days notice shall be given for the meeting of the General Body to all members who constitute the General Body by publishing the notice on the Notice Board of the Society and by beat of drum in the area of operation of the Society.
- 9.4 The quorum for the meeting of the General Body shall be one half of the strength of the General Body or 30 whichever is less. If there is no quorum for a meeting, it shall be adjourned to such date and time as the Chairman of the meeting may decide. If there is no quorum at the adjourned meeting, the business of the meeting shall be disposed off without a quorum. The notice of the adjourned meeting shall be published outside the office of the society specifying the place, date and time of the meeting.
- 9.5 The Chairman of the society shall preside over the meetings of the General Body. In the absence of the Chairman the members present in the meeting shall elect a Chairman for the meeting from amongst themselves.
- 9.6 All matters of the meeting of the General Body other than amendment in the bye-laws shall be decided by a majority of votes. In case of equality of votes, the Chairman of the meeting shall have a casting or second vote.
For amendment of bye-laws procedure prescribed in the Rules shall be followed.
- 9.7 Every member shall have one vote. Proxies shall not be allowed.
- 9.8 It shall not be necessary for a member participating in the General Body Meeting to give prior notice in the following cases :—
- i) Any request for a change in the order of the business of the agenda.
 - ii) Any request for adjournment or to dissolve the meeting.
 - iii) Any request that a particular agenda be postponed for the next meeting.
 - iv) Any request to refer a particular agenda for consideration of Board and for report to the General Body in the next meeting.
- 9.9 No resolution passed in the General Body shall be put up for change or cancellation, However, where two third members of the Managing Committee or Chief Executive Officer of the District Cooperative Milk Producers Union Limited to which the society is affiliated or the Assistant Registrar Cooperative Societies having jurisdiction over the society, are of the opinion that a particular resolution is required to be changed or altered in the interest of the society then the Chairman may call a special General Body Meeting for reconsideration of the resolution passed by it earlier. The decision taken in the meeting shall be final.

10. Managing Committee

- 10.1 The Managing Committee of the society shall comprise of nine members elected by members eligible to participate and vote as per bye-law 7.2 of these bye-laws. The members elected must be eligible to participate and vote in the General Body in which they were elected.
- 10.2 The elected members of the Managing Committee shall hold office for a period of three year and, 1/3rd members shall retire by rotation every year. The elected members shall retire either by mutual consent or by drawing lots for the first two years and thereafter the elected members shall retire on their turn. Subject to the provisions of Act and Rules, the retiring members shall be eligible for re-election.
- 10.3 The presence of more than one half of the members of the Managing Committee shall form a quorum of the meeting of a Managing Committee.
- 10.4 Where the Managing Committee or any of its member persistently makes default or is negligent in the performance of its duties or commits any act which is prejudicial to the interest of society, the Registrar, may after giving the Managing Committee or the concerned member, an opportunity of being heard, remove the Managing Committee or the concerned member and order fresh election or appoint Administrator(s) in accordance with the provisions of the Act.

Provided that the Registrar may place the Managing Committee or the concerned member under suspension during the period of proceedings of the case.

11. Disqualification for Membership of the Managing Committee

- 11.1 No member shall be eligible to contest the election of the Managing Committee if he is ;
- i) a defaulter of any sum due to the society as principal debtor or as surety since the beginning of the current cooperative year.
 - ii) directly or indirectly having interest in any contract with the society in respect of any dealings including the sale, purchase and lease of property.
 - iii) convicted of an act of moral turpitude, misappropriation of funds of any institution during the last 4 years.
 - iv) under arbitration or other proceedings for recovery of dues of the society during the previous four years.
 - v) paid employee of the society or any other cooperative society any time of during the last three years or is related to any of the paid employee of the society.

- vi) carrying on any business of the kind carried on by the society either by himself or through any member of the joint family.
- vii) convicted of an offence under Section 117 of the Haryana Cooperative Societies Act, 1984.
- viii) adjudged to be insolvent or of unsound mind by a competent court.
- ix) not rearing a buffalo or cow for supply of milk to the society or is selling milk to sources other than the society.
- x) subject to any disqualifications as per Haryana Cooperative Societies Act, 1984, and Rules framed thereunder and election Rules in appendix 'A' to these bye-laws.

12. Cessation from Membership of the Managing Committee

12.1 Any member of the Managing Committee automatically ceases to be a member if ;

- i) he has submitted his resignation and the same is accepted by the Managing Committee.
- ii) he ceases to be a member of the society, due to death or any other reason.
- iii) he ceases to possess any of the required qualifications for a member of the Managing Committee.
- iv) he remains absent at three or more consecutive meetings of the Managing Committee without valid leave of absence.
- v) he has applied for insolvency.
- vi) he becomes of unsound mind.
- vii) he becomes subject to any of the disqualifications which would have prevented him from attaining membership of the Managing Committee, had he incurred that disqualification before attaining membership.

13. Meeting of the Managing Committee

13.1 Every year, the Managing Committee shall elect a Chairman out of its elected members within 30 days after the General Body Meeting electing members for the Managing Committee. A candidate for the office of Chairman, shall not preside over the meeting of Managing Committee electing the Chairman.

13.2 Save as provided in bye-law 13.1 above, the Chairman shall preside over the meetings of the Committee. In the absence of the Chairman, the members present shall elect another member as the Chairman for the meeting.

13.3 The committee shall take decision by majority of vote. When there is a tie over

any subject, Chairman of the meeting shall have a casting vote in addition to his usual vote but no such vote shall be exercised in case of election of office bearers of the society.

- 13.4 All the members of the Managing Committee including the Chairman shall be honorary and shall not draw any honorarium from the society. No travelling, daily or sitting allowance shall be paid to the members for the meetings of the Managing Committee.
- 13.5 There shall be no office of Vice Chairman in the Managing Committee of the Society.
- 13.6 The Committee shall meet as many times as necessary to transact the business but it shall meet atleast once in a month.
- 13.7 No member shall remain present and vote on any matter in which he has personal interest, but if any decision is to be taken against his interests, he shall be given an opportunity to explain.
- 13.8 Vacancies on the Managing Committee occuring during the year on death or any other reason may, be filled up by cooption by Managing Committee for the unexpired period of the term of the member causing vacancy.
- 13.9 All acts done by the Managing Committee or by any person acting as a member of the Managing Committee shall be considered as valid even if, at any stage, it is discovered that the constitution of the Committee, suffered with some material defect.
- 13.10 All the decisions of the Managing Committee shall be recorded in the minutes book alongwith the proceedings of the meeting and the signature of the members present shall be taken in token of having attended the meeting.
- 13.11 A member of the Managing Committee may resign from the office by sending his resignation to the secretary of the society. The resignation shall take effect, from the day it is accepted by the Managing Committee.

14. Powers, Responsibilties and Functions of the Managing Committee.

- 14.1 Powers, responsibilities and functions of the Managing Committee over and above those mentioned elsewhere in these bye-laws shall be as under :—
 - i) To approve the minutes of the previous meeting.
 - ii) To deal with application for membership, resignation, demand for shares, transfer of shares and refund of shares.
 - iii) To raise necessary funds for the working of the society and to decide the conditions to receive deposits and to invest surplus funds of the society according to section 85 & 87 of the Haryana State Cooperative Societies Act, 1984.

- iv) To open necessary accounts in a Bank in the name of the society and to delegate necessary powers to transact money.
- v) To depute representatives, as and when required to the cooperative institutions to which the society is affiliated.
- vi) To verify the register of members, books of accounts and other registers and to take necessary action to have these written systematically and completely.
- vii) To inspect the accounts of society, to verify the cash physically and to authorise the chairman or any other member of the committee to sign the cash book regularly.
- viii) To decide date, time place and agenda of the General Body Meeting, to make necessary arrangements to call Special General Body Meeting according to section 26 of the Haryana State Cooperative Societies Act, 1984 and to see that the Annual General Body Meeting is held within the prescribed time limit.
- ix) To prepare Annual Report and accounts statements in time and to authorise the Chairman or any other member of the Committee to publish them and to recommend the distribution of profits to the Annual General Body Meeting.
- x) To file claims, protect and Comprise legal suits and hear other complaints and dispose them off.
- xi) To hire buildings for office use and godowns for storing or selling goods, or to build or purchase the same by getting prior approval of the General Body and the Registrar.
- xii) To frame administrative or business rules and resolution of General Body for the efficient working of the society. Such rules shall be recorded in the minutes book of the society.
- xiii) To provide necessary facilities, information and statements to auditors, other offices of the Cooperative Department, Central Cooperative Bank and the District Cooperative Milk Producers Unions.
- xiv) To take note of Audit and Inspection Reports of the Society and to arrange to implement the instructions given in the audit and inspection reports. To rectify the defects shown in the Audit and Inspection Reports and to send Rectification Reports within a month after receiving the same. These report alongwith rectifications will be presented for approval in the next General Body Meeting.
- xv) To recommend to the General Body Meeting the amendments, alterations and modifications of the bye-laws and rules of the society.

- xvi) To demand from the Secretary of the Society, monthly statements of accounts of the society such a trading accounts profit and loss accounts, stock of goods etc. for inspection and approval and to approve the expenditure within the limit of the budget sanctioned by the General Body.
- xvii) To fix specific responsibilities for safe custody of records, equipment, stock of goods etc. of society.
- xviii) To take package insurance policy at reasonable rates against loss of cash and other commodities.
- xix) To arrange the purchase/sale of milk, ghee, cattle feed etc. as per the instructions of the District Milk Producers Union and to carry out all the instructions of the Union.
- xx) To take necessary steps to recover any outstanding debt of the society.
- xxi) To take all steps to increase milk production and conduct necessary animal husbandry activities including animal breeding as per the directives of the Union.
- xxii) To dispose off the disputes which have not been settled by the Chairman.
- xxiii)
 - a) To appoint the Secretary of the Society and all other paid employees and to relieve them or dismiss them or take disciplinary action against them, if necessary.
 - b) To fix the pay scales, conditions of service and qualifications of all paid employees of the society within the pay scales and norms circulated by the Haryana Dairy Development Cooperative Federation Limited and to fix duties, authority and responsibilities of all the employees.
 - c) To get the surety bonds executed from all the employees of the society and to keep these surety bonds in the Central Cooperative Bank for safe custody after obtaining a receipt for the same. To ensure every year that the surities of the employees are alive and to take note of the same in the committee meetings.
 - d) To decide the office hours of the society.
- xxiv) An employee to be appointed by the Managing Committee must possess the following qualifications for initial appointment and to continue as an employee of the society in addition to the other qualifications fixed by the Managing Committee.
 - a) He should not be dealing in any business or contract independently or in partnership with others which relates to the activities of the society such as milk and milk products cattle feed, transport of milk etc.

- b) He should not be holding any position as a full time or part time paid employee in any other cooperative society.
- c) He should not been convicted for moral turpitude.
- d) He should not be guilty of violating any provision of Haryana Cooperative Societies Act, 1984.

xxv) The Managing Committee may invest money within the limits of section 85 of Haryana Cooperative Societies Act, 1984 but if such investment is to be made in building, it cannot be done without the prior approval of the competent authority.

15. Duties and Functions of Chairman.

15.1 The duties of the Chairman, over and above those mentioned elsewhere in the bye-laws will be as under :—

- i) To execute through the Secretary the resolutions passed by the Managing Committee and the General Body Meeting.
- ii) To supervise the daily routine work of the Secretary.
- iii) To see that the surplus amount exceeding the limit as specified by the Managing Committee is deposited in the bank.
- iv) To verify or get verified the stock of goods, equipment, dead stock, etc. atleast once in three months and to make note of having done the same in the Managing Committee by a resolution.
- v) To see that the work of the society is conducted according to the Cooperative Societies Act/Rules and bye-laws of the society.
- vi) To take necessary action to rectify the objections mentioned in audit reports, inspection memos and visit notes.
- vii) To arrange to furnish all details and informations asked for by the Cooperative Department, the Central Cooperative Bank and the District Cooperative Milk Producers' Union.
- viii) To dispose off the complaints, wherever possible and to place such complaints before the Managing Committee with the findings.

16. Duties and Functions of Secretary.

16.1 Duties and responsibilities of the Secretary, over and above those mentioned elsewhere in the bye-laws shall be as follows :—

- i) To call meetings of the General body, Managing Committee, according to the instructions of the Chairman and to remain present at these meetings and to record the proceedings of such meetings in a minutes book.

- ii) To spend, withdraw and recover money according to the instructions of the Managing Committee.
 - iii) To receive all communications addressed to the Societies and to draw the attention of the Committee on all important matters
 - iv) To prepare all receipt vouchers, annual reports, trading, profit and loss accounts, balance sheet and other necessary statements for the society and to furnish in time the required information, records, etc. to the Cooperative Department, the Central Cooperative Bank and the District Cooperative Milk Producers Union.
 - v) To conduct necessary correspondence pertaining to the routine administration of the society and to furnish all the required information to members and to correspond with the prior approval of Chairman in special matters.
 - vi) To place before the Managing Committee, without delay, the Audit Report and to rectify immediately the discrepancies shown in the Report and submit the same to the Auditor within one month after getting it approved by the Managing Committee.
 - vii) To guide supervise and to control the work of the other employees of the Society and get their duties and responsibilities fixed from the Managing Committee after mutual consultation.
 - viii) To write or to get written the cash book and books of accounts of the society regularly.
 - ix) To withdraw money for the purchase of milk, to collect every day the sale proceeds of local sale of milk and other sales from the concerned persons of the society.
 - x) To produce for approval monthly trading, profit and loss account and other statements of sale/purchase etc. before the Managing Committee.
 - xi) To deposit the surplus cash in the bank.
 - xii) To take necessary steps, subject to the bye-laws for increasing the business of the society.
 - xiii) To see that the dues of the society are regularly recovered and if it is not possible, to prepare the required statements for legal action in consultation with the Managing Committee.
- 16.2 In the absence of the Secretary, the Managing Committee shall authorise any other person to attend to the work of the Secretary. If such authority is not given by the Managing Committee, the next person whose salary is less than that of the Secretary shall take charge of the latter.

17 Distribution of Profit.

17.1 The gross profit of the previous year shall be declared in the Annual General Body Meeting and the following deductions shall be made from :—

- i) Interest payable on loans and deposits.
- ii) Working expenses of the society.
- iii) Losses.
- iv) Depreciation on building and other assets.
- v) Contribution, if any, to staff provident fund and Staff Gratuity.

17.2 The balance remaining after these deductions shall be treated as net profit. The net profit shall be disbursed as follows :—

- i) At least 25% shall be taken to the Reserve Fund.
- ii) At least 10% shall be carried to bad and doubtful debt fund.
- iii) Not exceeding 5% to be carried to Cooperative Education Fund out of which contribution may also be given to Haryana Cooperative Development Federation Limited.
- iv) Not exceeding 10% may be disbursed to share holders as dividend on paid up share capital.
- v) Not exceeding 5% of the profits may be taken to Common Good Fund for the welfare of the village.

17.3 The balance of net profits after the above deductions shall be distributed as under :—

- i) 75% as bonus to the members in accordance with the price of milk supplied by them to the society.
- ii) 10% to be set aside for the cattle development.
- iii) 15% as bonus to the staff but the amount should not exceed more than one month pay in each case.
- iv) The balance if any, remaining after these deductions shall be credited to the Reserve Fund.

17.4 The funds credited out of profits are not divisible amongst members.

17.5 The Managing Committee may frame rules, for the utilization of these funds.

17.6 In addition to the sums prescribed above, all admission fees, fines, share transfer fees, forfeited amount of shares capital and donations shall be carried over to the Reserve Fund.

18. Amendment.

- 18.1 An amendment in the bye-laws shall be made as per provisions in the Act and Rules framed thereunder. Amendment adopted by General Body shall come into effect only, after they are registered by Registrar.

19. Miscellaneous.

- 19.1 Accounts and records shall be maintained in the forms prescribed by the Registrar with such additions and alterations as the Managing Committee thinks necessary.
- 19.2 The Chairman or any other member of the Managing Committee, as may be authorised by the Managing Committee and the Secretary, shall have the power jointly to execute documents, grant receipts, sign share certificates, make transactions with the bank and sign cash book on behalf of the society, while all the receipts issued by the society shall be signed by the person authorised by the Managing Committee.
- 19.3 Any member of the society may inspect any of the registers or records during office hours, so far as it relates to his own business transactions.
- 19.4 Before 30th April every year, the Managing Committee shall prepare statements, showing the trading accounts, profits and loss accounts, balance sheet and the report of previous year. A copy of these statements shall be submitted to the Auditor before 15th of May.
- 19.5 The notice which is to be served to any member shall be considered as served only when it is sent to the registered address of the member.
- 19.6 The society shall be affiliated to the Central Cooperative Bank and District Cooperative Milk Producers Union and such other institutions, which are useful to promote the objectives of the society.
- 19.7 Each member will be given a pass book and all his transactions with the society will be recorded in it. It shall be the responsibility of the member to get it recorded regularly.
- 19.8 In case of difference of opinion regarding interpretation of these Bye-laws, the decision of the Chief Executive Officer of the District Milk Producers' Cooperative Union, to which the society is affiliated shall be final and binding on all concerned.

The.....Milk Producers Cooperative Society Ltd.....
.....Village & Post Office.....District.....

ANNEXURE—A

Rules of Election referred to in Bye-laws 8.1 and 10.1

1. These Rules may be called Rules of Election for the Managing Committee and Chairman of the Society.
2. In these Rules, unless there is anything repugnant in the subject or context :—
 - i) “Act” means Haryana Cooperative Societies Act, 1984.
 - ii) “Union” means the District Cooperative Milk Producers Union to which the society is affiliated.
 - iii) “Chief Executive Officer” means the Chief Executive Officer of the Union by whatever designation called and include a person appointed to perform his duties and functions.
 - iv) “Bye-laws” means registered bye-laws of the society only.
3. **First Managing Committee**
 - 3.1 The first Managing Committee of a newly registered Society, shall be elected by the promoter members as contained in the application for registration. The tenure of this Managing Committee shall not exceed one year from the date of Registration.
4. **Elected Managing Committee**
 - 4.1 Save as provided in Rule 3.1 above, the members of the Society shall elect the Managing Committee of the Society, in the General Body Meeting to be held during the month of April and May each year. The members of the Society as on 31st March last who are disqualified as per bye-law 5.3 of these bye-laws shall not be eligible to participate and vote in the General Body Meeting.
5. **Number of Vacant Seats and list of Members.**
 - 5.1 One third of the members of the Managing Committee of the society shall retire every year. The elected members shall retire either by mutual consent or by drawing lots for the first two years and thereafter the elected members shall retire on their turn.
 - 5.2 The Managing Committee shall notify the number of seats to be filled by election. The Managing Committee shall also fix a suitable date in the month of April or May each year for the General Body Meeting to be called for holding election of the members of the Managing Committee against vacant seats.
 - 5.3 Atleast 30 days before the date of election of the members of the Managing Committee, the Secretary shall prepare a list of existing members from the Register of members as on 31st of March last who qualify to participate and vote in the General Body Meeting.

5.4 A notice shall be exhibited on the notice board of the society informing the members of the society of the place, date and time of the General Body Meeting, number of seats to be filled and the tentative list of members eligible to participate and vote in the General Body Meeting. A copy of the notice including the tentative list of members shall also be sent to the Union for information. The notice shall remain exhibited at the notice Board of the society for a period of 5 days.

5.5 Any member of the Society may, during the period of exhibition of the notice, submit the objections, to the tentative list of members, to the Secretary of the Society.

5.6 The Secretary shall submit all the objections before the Managing Committee who, after due consideration of the matter, shall prepare the final list of members eligible to participate and vote in the General Body Meeting. The final list of members shall also be exhibited on the notice Board of the Society till the expiry date of the meeting.

6. General Body Meeting

6.1 General Body Meeting for the election of the members of the Managing Committee of the society shall be convened by the secretary of the society under the direction of the Managing Committee and atleast fifteen days clear notice specifying the date, time and place of the meeting shall be given to the members.

6.2 In case the Secretary fails to convene the General Body Meeting as required under Rule 6.1, the Chief Executive Officer of the Union shall fix the date, time and place of General Body Meeting for holding election and appoint the Presiding Officer as soon as it comes to his notice that the tenure of the Committee in full or in part has expired, or is likely to expire.

6.3 The notice of the General Body Meeting for the election of the Managing Committee shall be given, in addition to such other mode as may be prescribed under the bye-law, by affixing a copy of the notice at the office of the society, if any, and by proclamation in the area of operation of the society.

6.4 The meeting shall be presided over by the Chairman and in his absence by the members elected by the General Body to preside over the meeting.

Provided that a person seeking election shall not so preside.

6.5 In case the General Body Meeting, is convened by the Chief Executive Officer of the Union, Under Rule 6.2, it shall be presided over by a person appointed by the Chief Executive Officer of the Union in this behalf who shall not be a member of the society and shall not have right of vote in the General Body Meeting.

7. Proposal of Candidates

7.1 The Presiding Officer shall read out to the members present, the number of vacant seats to be filled and disqualification for a member of the Managing Committee,

in the General Body Meeting and ask for names of candidate out of names in the list of members.

- 7.2 The names of candidates shall be proposed and seconded by any of the member present in the meeting; provided the candidate fulfills the qualifications laid down under the Act, the rules framed thereunder and the bye-laws of the society.

8. Voting

- 8.1 If the number of candidates left after withdrawal happens to be equal or less than the number of members to be elected for the Committee, then all candidates shall be declared elected by the Presiding Officer. In case, however, the number of candidates happens to be larger than the number of members required to be elected, then the election shall take place by show of hands.

- 8.2 Each member shall have one vote only and voting by proxy shall not be allowed.

9. Election Result

- 9.1 The candidates found to have obtained largest number of votes orders of merit shall be declared elected by the Presiding Officer. In the event of candidates securing equal number of votes, the matter shall be decided by the Presiding Officer by draw of lots.
- 9.2 The Presiding Officer shall immediately after declaration of the result, communicate the result of elected members to the Secretary of the Society and send a copy of the same to the Chief Executive Officer of the Union and the cooperative financing institution to which the society is affiliated.
- 9.3 The proceedings of the General Body Meeting shall also be written in the minutes book of the society and shall be signed by the Presiding Officer and members attending the meeting.

10. Election by Secret Ballot

- 10.1 If the Managing Committee of the society or one third of the total number of members of the Society as on 31st March eligible to participate and vote in the General Body Meeting so decide and apply in writing for holding election by secret ballot to the Chief Executive Officer of the Union, atleast four days earlier to the actual date fixed for convening the General Body Meeting under Rule 6.1 or 6.2 of these Rules, then notwithstanding anything contained in these Rules, the election shall be conducted by secret ballot. The Chief Executive Officer of the Union shall appoint a Presiding Officer to conduct the election. The Presiding Officer shall preside over the General Body Meeting at the place, date and time already fixed in the manner laid down in Rule 6.1 or 6.2 of these Rules. All members participating in the General Body Meeting, shall sign the proceeding book of Society in token of their participation in the election of the Managing

Committee of the Society. He shall read out the number of vacant seats and disqualifications provided in the Act, Rules and Bye-laws for a member of Managing Committee. He shall ask the members to propose and second any member eligible to contest the election of Managing Committee. He shall ask and also permit the candidates to withdraw their names immediately after such proposals have been made. If the number of candidates left after withdrawal happens to be equal or less than the number of members to be elected for the Managing Committee, then, all candidates shall be declared as elected. In case, however, the number of candidates happens to be larger than the number of members required to be elected, then the election shall take place by secret ballot.

- 10.2 The Chief Executive Officer of the Union shall publish a list of symbols and may in like manner add to or vary such list when the exigencies so require.
- 10.3 The Presiding Officer shall allocate symbol out of approved list of symbols to each contesting candidate by draw of lots.
- 10.4 The Presiding Officer shall, immediately after symbols have been allotted to each contesting candidate prepare and publish by affixing outside the place of meeting, a list in the alphabetical order in Hindi in Devnagri Script, showing against each candidate, the symbol allotted to him and the timings of the poll.
- 10.5 A separate Ballot Box capable of being locked, shall be provided for each candidate and the symbol allotted to him shall be pasted both inside and outside the Ballot Box. The Ballot Box shall also be marked with the name of the candidate.
- 10.6 Immediately before the commencement of the poll, the Presiding Officer shall show the ballot boxes to such person as may be present at the polling station so that they may see that the ballot-boxes are empty. He shall thereafter lock them up and if necessary affix his seal as well the seal, if any, of the candidates, if they so desire, in such a manner as to prevent their being used without breaking such seals. The ballot-boxes shall be placed in the polling compartment side by side in the same order, in which the names of the contesting candidates appear in the list prepared and in such manner that the front vertical side of each of the boxes bears a symbol assigned to the candidate to whom the ballot-box has been allotted. The candidates shall be allowed to see before the commencement of the poll that the boxes are placed in the proper order. No other container or box besides the ballot-boxes allotted to the candidates shall be kept inside the polling compartment during polling hours.
- 10.7 Voting shall be by improvised ballot made on a plain paper and every member wishing to record his vote, shall do so in person and not by proxy, by means of the above ballot paper to be supplied to the member which shall bear a serial number and signature of the Presiding Officer.

10.8 The poll shall commence and close at the time fixed for the purpose under rule 10.4 :

Provided that :—

- a) all members present at the place fixed for the poll before it is closed shall be entitled to have their votes recorded :
- b) If for any reason it is not possible to open the polling station at the fixed hour or if by reason of disorder at the polling station or for any other reason, polling for sometime has to be stopped, the Presiding Officer shall keep the polling station open for a period equal to that which had lapsed between the hour appointed for the opening of the polling station and the hour at which it was actually opened or the time during which the polling was stopped, as the case may be.

10.9 Before a ballot-paper is delivered to a member, his serial number, name and description as stated in the final list of members shall be called out and a tick mark shall be placed in the copy of the final list of members against the number of the members to denote that he has received the ballot-paper issued to him shall be noted against the entry pertaining to him in the final list of members.

10.10 (i) At any time before a ballot-paper is delivered to a member, the Presiding Officer may, of his own accord, if he has reason to doubt the identity of a member and shall, if so required by a candidate, put the following question to the member :—

“Are you the person enrolled as follows (reading the whole entry from the list)

- (ii) If the member answers the question in the affirmative and the candidate objects or proves otherwise and the objection is sustained, the member shall not be allowed to vote and his vote shall be cancelled by the Presiding Officer and such person shall be handed over to the police for impersonation.

10.11 If a person representing himself to be a particular voter named in the list applies for a ballot-paper after another person has voted in his place, he shall, after duly satisfying the Presiding officer about his identity be entitled to vote. His ballot-paper in form-I instead of being given to him for inserting in the ballot-box, shall be handed over to the Presiding Officer, who shall ask the member to write the name of the candidate in whose favour he wishes to cast the vote and if he happens to be illiterate, write the name himself on the reverse of ballot-paper. He shall endorse the name of the member, his serial number in the list and the name of the village to which the list relates and shall place the ballot-papers in a separate packet.

10.12 If any candidate declares and undertakes to prove that any person by applying for a ballot-paper, has committed an offence of impersonation, the Presiding Officer may require such person to enter in the list of challenged votes his name and

address, and if he is unable to write, to obtain his thumb-impression and may further require such person to produce evidence of identification. If such a person on being questioned answers in the affirmative and any of the candidates present do not object he shall be allowed to cast his vote. The Presiding Officer shall in every case, whether or not the person challenged is allowed to vote, make a note of the happenings in the list of challenged votes in Form-II

10.13 A voter, who has inadvertently spoiled his ballot-paper in such a way that it cannot conveniently be used as a ballot-paper, may on delivering it to the Presiding Officer and satisfying him of his inadvertence, obtain another ballot-paper in place of the spoiled ballot-paper and the latter should be marked as cancelled.

10.14 If owing to blindness or any other infirmity a member is unable to read the symbol on ballot box, the Presiding Officer shall allow any person of his choice to enter to Polling Compartment to assist him and to insert the ballot-paper in the ballot-box of a candidate in accordance with the wishes of such member. The Presiding Officer shall keep a brief record of such instance.

10.15 (i) If a member after obtaining any ballot-paper for the purpose of recording his vote decides not to use the same, he shall return the ballot-paper to the Presiding Officer, and the ballot-paper so returned shall then be marked "Cancelled returned" and kept in separate packet set apart for the purpose and record shall be kept by the Presiding Officer of all such ballot-papers.

(ii) If any ballot-paper which has been issued to any voter for the purpose of recording his vote has not been put in the ballot-box but has been left by the voter at the polling station or the polling compartment, it shall be presumed as cancelled and dealt with in accordance with the provisions of sub-rule (i) above as if it has been returned to the Presiding Officer.

10.16 (i) If at an election any ballot-box or boxes is or are unlawfully taken out of the custody of the Presiding Officer or is or are in any way tampered with, or is or are either accidentally or intentionally destroyed or lost the polling shall be liable to be declared void by the Chief Executive Officer of the Union.

(ii) Whenever the polling is liable to be declared void under sub-rule (i) above, the Presiding Officer shall, report the matter to the Chief Executive Officer of the Union, who shall after holding such enquiry as he may deem necessary, declare such polling to be void and shall fix a date and time for taking of a fresh poll and fix the hours during which the poll shall be taken. The votes shall not be counted until such fresh poll has been completed.

(iii) The provisions of these rules shall apply to every such fresh poll as they apply to the original poll.

10.17 (i) The Presiding Officer shall as soon as practicable, after the close of the poll and in the presence of any candidate who may be present,

- a) Inspect and also allow an opportunity to candidates to inspect the ballot-boxes and their seals to satisfy themselves that they are in order.
- b) Open the ballot-box of each candidate in the order in which their names occur in the list of contesting candidates prepared under Rule 10.4 and after checking the mark of marks made on the box and the label containing the symbol affixed inside the box take out the ballot-papers from the box and arrange them in convenient bundles separating the valid ballot-papers from those he rejects ;
- c) Allow the candidates who may be present reasonable opportunity to inspect all ballot-papers, which in the opinion of the Presiding Officer are liable to be rejected. The Presiding Officer shall, on every ballot-paper which he rejects, endorse the word, 'rejected'. If any candidate questions the correctness of the rejection of any ballot-paper, the Presiding Officer shall also record the grounds of rejection of each such ballot-paper. A brief record shall be kept of all rejected ballot-papers and the ballot-boxes from where they were found.
- d) Count the valid votes scored by each candidate with the assistance of persons appointed in the counting of votes and declare the election of the candidates who are found to have obtained the largest number of valid votes.
- e) After the counting of ballot-paper contained in all the ballot-boxes has been completed, the Presiding Officer shall record a statement in Form III showing the total number of votes polled by each candidate.

10.18 If, after the counting of votes, the votes of two or more candidates are equal and an additional vote can entitle any of the candidates to be declared elected, the Presiding Officer shall forthwith decide between those candidates by draw of lots and proceed as if the candidate on whom the lot falls has received an additional vote.

10.19 A ballot-paper contained in a ballot-box shall be rejected, if :—

- a) It bears any mark or writing by which the voter can be identified.
- b) In the case, where a direction has been issued that the ballot-paper shall contain an official mark and it does not contain that mark.
- c) The Presiding Officer is satisfied that the ballot-paper is spurious or that it has been so damaged or mutilated that its identity as a genuine ballot-paper cannot be established.

10.20 When the counting of votes has been completed and the result has been declared. The Presiding Officer shall forthwith record a resolution in the proceeding book of the society duly signed by the Presiding Officer showing :—

- a) The name of the contesting candidates;

- b) the number of valid votes scored by each candidate; and
- c) the name (s) of the candidate (s) declared to have been elected, and shall forthwith send a copy of the resolution to the Secretary of the Society and to the Chief Executive Officer of the Union.
- 10.21 The Presiding Officer shall put in separate packages, on the outside of which shall be endorsed a description of their contents, and after sealing them in separate packets, forward to the Chief Executive Officer of the Union.
- a) the ballot-papers counted as valid;
 - b) the ballot-paper rejected as invalid;
 - c) the issued tendered ballot-papers;
 - d) the spoiled ballot-papers;
 - e) the cancelled/returned ballot-papers;
 - f) tendered votes list;
 - g) the list of challenged votes;
 - h) the marked copy of the final list of members.
- 10.22 The Chief Executive Officer of the Union shall retain the packets forwarded to him in his custody until the expiry of one year from the date of election or till the conclusion of an election petition, if one is pending, whichever is later and shall then subject to any direction to the contrary given by the Board of Directors of the Union cause them to be destroyed.

11. Procedure for Filling Casual Vacancies

- 11.1 Whenever a vacancy occurs due to death, resignation or removal of a member of the Managing Committee, the same shall be filled by cooption out of members eligible for participation and voting in a General Body Meeting as on 31st March last, by the Managing Committee of the Society.
- 11.2 The coopted member shall hold office for the unexpired term of the member in whose place, he has been coopted.
- 11.3 The qualifications and disqualifications for an elected member of the Managing Committee shall also apply to coopted members of the Managing Committee.

12. Election of the Chairman

- 12.1 Within 30 days of the date of General Body Meeting the members of the Managing Committee including those nominated by the Government under Section 26 of

the Act, and coopted by the Managing Committee, if any, shall elect a Chairman out of the elected members of the Managing Committee of the Society.

12.2 The Chairman elected shall hold office till a new Chairman is elected but not exceeding 15 months from the date of his election as Chairman.

13. Election Dispute

Any dispute relating to election, may be referred to for arbitration under Section 102 of the Act, to the Managing Director, Haryana Dairy Development Cooperative Federation Limited who by virtue of powers of Registrar Cooperative Societies vested in him may decide the dispute himself or may appoint an arbitrator for decision in the matter within 60 days from the date of General Body Meeting holding the election.

FORM—I

Form of Tendered Ballot-Papers

(Rule 10.11)

Election for Managing Committee of the.....Milk Producers Cooperative
Society Limited, Post Office.....District.....

Name of member.....

Name of candidate for whom this is tendered.....

Dated.....

Signature of the Presiding Officer

FORM—II

(Rule 10.12)

The.....Milk Producers Cooperative Society Limited,
P. O.....District.....

Challenged Voter List.

Number on final list of members.	Name and address	Signature of member if literate or thumb impression if illiterate	Name of identifier if any	Name of Challenger	Order of Presiding Officer in each case
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Dated.....

Signature of Presiding Officer

(Rule 10.17)

(Statement of votes polled for the election).

Total Number of:—

- (a) Valid votes.....
- (b) Rejected Votes.....
- (c) Votes Polled.....

Signature of Presiding Officer