

AMENDMENT OF 2001 Bye Laws carried out in 2009 Bye Laws.

AMENDMENT IN BYE LAWS of CO-OPERATIVE HOUSING SOCIETIES.

Many of us are concerned with the working of Co-operative Housing Societies either as members of Managing Committees or as members of Co-operative Housing Societies. It is therefore necessary for all to have some basic idea about recent amendments to the Bye Laws. With this in mind, I have shortlisted recent amendment in the Byelaws. Some minor, clarificatory and corrective amendments are not included here.

***Bye-laws No.7:-**

Amended to provide for raising of funds in the form corpus Fund that may be received from developer in case of redevelopment.

***Bye-laws No.14:-**

Which deals with utilization of funds by society. Amended to provide that the society need not obtained prior permission of registering authority for utilization of sinking fund. Fund can be created and rule of its use can be decided by General Body.

Bye-laws No.17:-

It has been amended by changes in note to provide that excess members compared to the flats in society shall not have right, title or interest in society' property or shall not be eligible for voting and further that it will be binding on the Managing Committee to induct the members to the extent of number of flats only. **This is very important amendment because many a times the members are admitted for the places which are not flat as defined in the Bye Laws of society.**

***Bye-laws No.19:-**

An individual has to pay value of 10 shares and statutory body has to pay value of 20 shares of the society along with application for membership.

Bye-laws No.32:-

It amended to provide that every fresh nomination shall be charged amended fees of Rs. 100/- (it was Rs. 50/- prior to amendment).

***Bye-laws No.38:-**

The Bye-laws itself is not amended; however the forms prescribed under Urban Land Ceiling Act have been deleted on Account of repeal of that Act.

Now agreements need to be stamp duty paid and registered. Previous entry specified only stamp duty payment.

***Bye-laws No.41:-**

Now Deed of Exchange of flats needs to be stamp duty paid and registered.

Bye-laws No.60:-

The note requiring the committee to take action under Bye laws 61 (to take note of cessation of membership and inform the concern member within 7 days) on cessation of nominal membership of license is deleted.

***Bye-laws No.78:-**

By amendment the word **purchased** is replaced by the work **“allotted”**. As such the member will hold the parking space if allotted by the Builder/developer and it will be a transferrable right with flat or to other eligible member of the society.

***Bye-laws No.79:-**

The words “which he has purchased” is replaced by “which has been allotted“. As such the member will not be entitled to use the space which is allotted to him.

***Bye-laws No.114:-**

Amended to provide that a banking account can be opened in any Scheduled Co-operative Bank without permission of Registrar and banking account in nationalized bank can be opened only with prior permission of the Registrar.

***Bye-laws No.118:-**

Amendment provides that a person who is declared ineligible under the Maharashtra Co-operative Societies Act, 1961, Maharashtra Co-operative Societies Rules, 1960 cannot become committee members or cannot be co-opted.

Bye-laws No.128:-

Amendment provides for a kind of circular resolution in case of emergency and such resolution is to be ratified in next Managing Committee meeting.

***Bye-laws No.129:-**

Amendment provides that the vacancies in the Managing Committee to be filled in by co-option shall not exceed two at the time.

***Bye-laws No.138:-**

Drastic amendment to provide that the Members of the Committee shall make Good loss which socially may have suffered an account of negligence or omission to perform any duties or function cast upon him.

Bye-laws No.139:-

Clause added which provides that members shall be provided necessary documents as required by Sec. 32 of Maharashtra Co-operative Societies Act, 1961 and Rule No. 27 of Maharashtra Co-operative Societies Rules, 1960.

Clauses added to provide that Managing Committee will enter into contract with architect and scrutinize tenders etc. and report to General Body and enter into contract with contractor.

Bye-laws No.146:-

It is amended to provide that all expenses in excess of Rs. 1,500/- shall be made by cross A/c Payee cheque only, and has also deleted separate limits based on the number of members in a Co-operative Housing Society.

***Bye-laws No.158:-**

Provided that General Body will decide the limit of expenditure on repairing and maintenance during a co-operative year.

Also provided that a tender for the work worth up to Rs. 1,00,000/- should be approved by the Managing Committee and while doing so it will ensure the quality of the work.

***Bye-laws No.160:-**

Amended to delete the expense item relating to electric lines up to main switches in the flat out of the expenses to be incurred by the society. It means the expenses for electric fitting from the meter room to flat will be incurred by the flat owner.

***Bye-laws No.161:-**

It has been is totally redrafted to provide that:-

- a. Insurance against flood shall be taken by society.
- b. Society will have Emergency Planning Scheme for dangers to society and surrounding areas.
- c. Society will assure that there is no child labor employed in society.
- d. Society will take precautions that no injury is done to widow of a deceased member.

***Bye-laws No.166:-**

Has been amended to prescribe maximum ceiling of Rs. 1,000/- of penalty for breach of Bye Laws.

***Bye-laws No.171:-**

Managing Committee shall make available the space on the terrace of society to any member who wants to install solar power equipment for his own use.

***Bye-laws No.172:-**

Is amended which deals with giving copies of documents to members to provide that besides the specified copies, certified copies of documents u/S 32 and rule 27 will be provided.

***Bye-laws No.175:-**

By amendment provision is made for constitution of **Advisory Committee** by the General Body of the society. The members will have to approach the advisory committee before approaching authorized officer of relevant authority depending on nature of complaint.

Bye-laws No.176:-

This new Bye Laws is added to make it mandatory for the society to follow the guide lines issued by the Government of Maharashtra in the matter of redevelopment of Co-operative Housing Society.