

Consequences of not laying before Annual General Meeting declaration of date for election and conduct of election

I would like to deal with the very important aspect of consequences of breach of legal provisions by the members of the society in general, the office bearers in Managing Committee in particular.

To start with I will deal with the provision relating to election of the Managing Committee.

Section 75 of Maharashtra Co-operative Societies Act, 1960 specifically requires the Managing Committee to lay before the society declaration regarding date and “conduct of its election of its committee when due.” Failure of the committee to do so is an offence under section 146 of the Act and the offence is punishable with a fine which may extend to Rs. 5,000/-.

The members of the society in particular and the Managing Committee and office bearer in particular should note that the Maharashtra Co-operative Societies Act, 1960 requires them to do or avoid doing some act or the other as specified in the act. Most of the time these provisions are not taken seriously. The offences at times attract fine, penalty, disqualification as well as prosecution and imprisonment also.

In fact the compliance of legal provision is very much necessary; it is therefore advisable that instead of acting on the perception of the office bearers or the committee members on a particular issue under consideration, in case of any doubt legal advisable should be taken. At times it may also be advisable to take the legal opinion in writing.