

राज्य सहकारी निवडणुक प्राधिकरण, महाराष्ट्र राज्य, पुणे.

जुनी मध्यवर्ती इमारत, तळ मजला, पुणे-४११००१

फोन नं.(०२०) २६०५०६४१

ई-मेल आयडी :- sccapune@gmail.com

OW No. SCEA / D-14 / Asso. mem. / clar. / 2015/2244
Date:- 16 /02/2015

To,

Mr. Vinit B. Kacheria
404, Parag Apartment,
27, Pedder Road, Mumbai – 400 026

Subject :- Clarification regarding role of "Associate Member" in election to committee of a co-operative society registered under M.C.S. Act, 1960

Reference :- your letter dated 04.02.2015

Dear Sir,

In response to your letter referred above, it is informed that,

1. The provision U/S 2 (19) (b) of M.C.S.Act,1960 reads as follows :

"associate member" means a member who holds jointly a share of a society with others, but whose name does not stand first in the share certificate.

Aforesaid definition clarifies that, "the associate member" must hold share jointly with a primary member whose name appears in the first place in the share certificate of the society.

2. The provision U/S 27 (2) of M.C.S.Act,1960 reads as follows :

27. Voting powers of members

(2) Where a share of a society is held jointly by more than one person, the person whose name stands first in the share certificate, if present, shall have the right to vote. But in his absence the person whose name stands second, and in the absence of both, the person whose name stands next, and likewise, in the absence of the preceding persons the person whose name is next on the share certificate, who is present and who is not a minor, shall have the right to vote.

Aforesaid provision clearly provides for the voting right of the "associate member" in absence of first or preceding member, as the case may be.

This provision clearly provides for voting rights of a associate member in absence of the primary member. Subsequently, it is clear that an associate member can exercise his voting right when his name is appearing in the share certificate in any next place after the primary member and his preceding persons including primary member, if absent, subject to the condition that the associate member who is going to exercise voting right is not a minor.

3. The provision in second proviso of Rule 20 (1) of M.C.S. (Election to Committee) Rules, 2014 reads as follows :

20. Nomination of candidates

Provided further that, in case of associate members of co-operative housing society and co-operative premises society, the member whose name stands first in the share certificate shall be eligible to be nominated as candidate for the election. In absence of such person whose name stands second as associate member and in absence of both, the person whose name stands next and likewise in the absence of the preceding persons the person whose name is next on the share certificate, who is not a minor shall be eligible to be nominated as candidate for the election.

Aforesaid provision in the election rules promulgated on 11th September 2014 provides for nomination of an associate member in election of a co-operative housing or premises society in the same manner in which the provision U/S 27 (2) of M.C.S.Act,1960 provides for voting right of the "Associate member".

All the provisions quoted above clearly substantiate that, "Associate Membership" is the term only limited up to "membership of a co-operative society held jointly with a primary member". This also implies that if anybody claims to have become associates member by paying fees only will not be allowed to vote in election in case his name does not appear in a share certificate as made clear U/s 27 of the M.C.S Act.

In other words a member even if claims to be an associate member, but has not his name duly entered in a share certificate after the name of a primary member (as specifically elaborated above) will not be able to vote.

It is also clarified that after amendment in the M.C.S. Act, 1960 the Rules under it are also amended accordingly and instead of election rules for notified and specified societies, M.C.S. (Election to Committee) Rules, 2014 have been introduced since 11th September, 2014 and all the elections are conducted strictly as per the rules by State Co-operative Election Authority.

WITH THE APPROVAL OF HON'BLE COMMISSIONER.



Dr. Anand Jogdand
Secretary,
State Co-operative Election Authority,
Pune