Co-operative Housing Society AGM Rules

This is a general guide for housing and apartment societies in India. Your registered bye-laws and state law take precedence, and figures vary by state.

1. Governing framework

- **Cooperative housing society:** state Cooperative Societies Act, rules made under it, and registered bye-laws.
- **Society registered under the Societies Registration Act (or a state equivalent):** its memorandum of association and rules.
- **Apartment owners' association:** state apartment ownership act and its bye-laws.
- Where the bye-laws conflict with the statute, the statute prevails.

2. When the AGM must be held

- Once every financial year (April to March).
- Usually within 3 to 6 months after 31 March, depending on the state. Some states fix a specific date, such as 30 September.
- Failure to hold it can attract action from the Registrar or the committee's removal. Members can complain to the Registrar of Societies.

3. Who calls it

- The managing committee, through the secretary, on the chairperson's direction.
- If the committee fails to call it, members or the Registrar can often step in.

4. Notice requirements

- **Form:** written, delivered by hand, post or email. Many societies also display it on the notice board.
- **Period:** commonly 14 clear days. Some states and bye-laws use 7 or 21. "Clear days" excludes the day of sending and the day of the meeting.
- **Contents:** date, time, venue and a full agenda.
- **Enclosures:** often the audited accounts, the previous minutes and the committee's report.
- **Members' items:** members who want a matter discussed usually must submit it in writing, 7 to 10 days before the meeting.

- **Defective notice:** failure to serve notice properly can invalidate the meeting and its decisions.

5. Quorum

- Fixed by the bye-laws. Common figures are one-fourth of members, or a set number such as 10 or 25.
- **If there is no quorum:**
    - The meeting is adjourned, typically by 30 minutes to a week.
    - The adjourned meeting can proceed with the members present.
    - The notice should state this, and the cut-off for adjournment usually cannot be shortened.
- A meeting that is called on a requisition by members often must be cancelled if quorum is lacking.

6. Standard agenda

1. Confirm attendance and quorum.
2. Read and confirm the minutes of the last AGM.
3. Present the committee's annual report.
4. Present and approve the audited accounts and balance sheet.
5. Approve the budget for the coming year.
6. Appoint the auditor and fix the remuneration.
7. Elect the managing committee, if the term is over.
8. Consider any proposed bye-law amendments.
9. Take up other matters, with the chair's permission.
10. Vote of thanks.

7. Conduct of the meeting

- **Chair:** the chairperson presides. If absent, members elect one from those present.
- **Speaking:** the chair controls the order of speakers, time limits and relevance.
- **Order:** the chair can warn or remove members who disrupt the meeting.
- **Items outside the agenda:** only discussed with the chair's consent, and no binding decision should be taken on them.

8. Voting

- **Rule:** one member, one vote. Joint owners get one vote between them.
- **Majority:**

    - Simple majority for most resolutions.
    - Two-thirds (and sometimes three-fourths) for bye-law amendments, major repairs or spending above set limits, and removing the committee.
- **Method:** show of hands, or a poll or secret ballot if a set number of members ask for it. Elections are usually by ballot.
- **Casting vote:** the chair usually gets one in the event of a tie.
- **Proxies:** allowed only if the bye-laws or state law permit it, and usually restricted to a family member or another member, with a written authorisation.
- **Defaulters:** members with unpaid dues commonly lose their voting rights and cannot contest elections.

9. Elections

- Held when the committee's term (often 3 to 5 years) ends.
- Candidates must be eligible members, not defaulters, and sometimes limited in the number of terms.
- Many states require a returning officer or election authority for the process.
- Results are declared at the meeting or soon after, and filed with the Registrar.

10. Minutes

- Recorded by the secretary, covering attendance, resolutions, votes and any objections.
- Signed by the chair, often within a set period such as 30 days.
- Circulated to members and confirmed at the next meeting.
- Kept permanently in the minute book. Members can usually inspect them.

11. After the AGM

- File the audited accounts and a copy of the minutes or resolutions with the Registrar within the prescribed time, where required.
- Inform the Registrar of changes in the committee.
- Implement the resolutions and record the action taken.

12. Special General Meeting (SGM)

- Called for urgent matters between AGMs.
- Members can requisition one by a written request signed by one-fifth to one-fourth of members, stating the purpose.
- The committee must call it within a set time, often 15 to 30 days. If it doesn't, the requisitioners or the Registrar can call it.

- Only the matters in the notice can be discussed.

13. Common reasons a meeting is challenged

- Improper or short notice.
- Wrong or hidden agenda.
- No quorum.
- Votes counted from ineligible members.
- Minutes not recorded or altered afterwards.

14. Practical checklist

- Check the bye-laws for notice period, quorum and voting rules
- Circulate the notice and agenda on time, with the accounts
- Keep an attendance register and a voting list
- Confirm quorum before starting
- Record minutes during the meeting
- Sign and circulate the minutes
- File the required documents with the Registrar