

BYE-LAWS
OF
NATIONAL COOPERATIVE CONSUMERS' FEDERATION
OF INDIA LIMITED, NEW DELHI

1. Name and Registered Office:

- a) The Cooperative Society shall be called "The National Cooperative Consumers' Federation of India Ltd" (Hereinafter called 'NCCF') AND IN THE Hindi Version as भारतीय राष्ट्रीय उपभोक्ता सहकारी संघ मर्यादित.
- b) Its registered office shall be at Delhi and any change shall be notified within 14 days of such change to the Central Registrar, Cooperative Societies.

2. Area of Operation

- (i) The area of operation of the NCCF shall extend to the whole of Indian Union.

(ii) Definitions:

- (a) The expression "Act & Rules" whenever it occurs in these bye laws shall mean the Multi State Cooperative Societies Act, 2002 and Rules 2002 as amended from time to time.
- (b) "Central Registrar" means the Central Registrar of Cooperative Societies appointed under the Multi State Cooperative Societies Act and includes any officer empowered to exercise the powers of the Central Registrar, Cooperative Societies.
- (c) "NCCF" means "National Cooperative Consumers' Federation of India Limited" a national cooperative society.
- (d) "Board" means the Board of Directors of the NCCF to which the directions and control of the management of the affairs of the NCCF is entrusted.
- (e) "Executive Committee" and "Business Committee" means the executive committee and business committee constituted by Board of Directors in terms of these bye laws.
- (f) "Sub-Committee" means a committee constituted by the Board of Directors to undertake specific task to further the objects of the NCCF.

Besides the executive committee and business committee, the number of other committees or sub-committees shall not exceed two.

- (g) "Consumer Articles" shall include all household articles of daily use.

- (h) "Services" mean performance of a duty or function, availability, disposal, supply and supplementary activities for the advantage of consumers.
- (i) "Bye-laws" means the Bye-laws for the time being in force, which have been duly registered or deemed to have been registered under the Act and include amendments thereto, which have been duly registered or deemed to have been registered under the Act.
- (j) "Managing Director" means a person appointed by the Board of Directors as the Chief Executive of the NCCF in terms of these bye-laws and service regulations for the employees of the NCCF, if any.
- (k) "Cooperative Principles" means cooperative principles specified in the Act and Rules.
- (l) "Cooperative year" means the year commencing on the 1st of April and ending on the 31st day of March.
- (m) "Officer" means Chairman, Vice-Chairman, Managing Director, Secretary, General Manager, Managers, Members of Board, Treasurer, Liquidator and Administrator appointed under the Act and includes any other person empowered under the Act or Rules or the bye-laws to give directions in regard to business of NCCF.
- (n) "General Body" means all the delegates of members as defined under bye laws (5) of the NCCF.
- (o) "National Cooperative Societies" mean Multi State Cooperative Societies specified in the Second Schedule of the Act.
- (p) "Chairman" of the NCCF shall be elected by the Board of Directors as per Bye-law 25(f) from among the representatives of the member cooperatives in the Board.
- (q) "General Meeting" means a meeting of the General Body of the NCCF and includes Special General Meeting.

3. The objects of the NCCF shall be to assist, aid and counsel its member institutions as per principles of cooperation and to facilitate their working including providing supply support to consumer cooperatives and other agencies for distribution of consumer goods at reasonable and affordable rates and rendering technical guidance and assistance to them for improving their managerial and operational efficiency and generally to act as spokesman of consumers' cooperative movement in India and also to assist organization and promotion of consumer cooperative institutions in areas, where the State Consumer Federations or the existing Wholesale Stores (in places where there are no State Consumer Federations) are not doing so. In furtherance of these

objectives, it may undertake one of or more of the following activities:

- (i) Render technical guidance and assistance to its member institutions in particular, and consumer cooperative societies in general in grading, packaging, standardization, bulk buying, storing, pricing, account keeping, other business techniques and management methods to improve and increase their operational and managerial efficiency.
- (ii) Create and promote the formation of cadres of employees for the NCCF and member institutions and arrange for their proper training in collaboration with the NCUI and/or such other institutions.
- (iii) To hold seminars, conferences, meetings and to undertake training programme, publicity and similar other activities for the development of human resources as well as the consumers' cooperative movement in the country.
- (iv) To establish trade connections with consumers which will include Governments, Government Undertakings, Local Bodies and others, as well as, manufacturers, distributors and suppliers/dealers including Government agencies, cooperative or corporate organizations and in furtherance to that undertake purchase, sale and supply of:-
 - (a) All kind of consumer goods, services including environment related activities and trade thereof.
 - (b) All kind of produces of Agriculture, Horticulture, Floriculture, Pisciculture, Vermiculture etc. and services related thereto.
 - (c) Drugs, medicines pharmaceuticals and other health related consumer goods and services.
 - (d) Coal & their finished products, by-products, scraps, chemicals, fertilizers, pesticides, insecticides and all kinds of organic and in-organic agri-inputs and service related thereto.
 - (e) Metal scrap business as also setting up and running of warehouses and cold storages.
- (v) To establish, run, manage or sponsor units such as workshops, factories etc. for manufacturing, producing, processing of commodities mentioned in Bye-law No. 3(iv) and if necessary in collaboration with other agencies under different kind of agreements.
- (vi) To undertake Import and export of items given in Bye-law 3(iv).
- (vii) To secure from the Governments or other sources, such requisite facilities, assistance and financial aids, for itself and for its member institutions, in furtherance of the objectives of these bye laws.

- (viii) Acquire land, building, warehouses, vehicles, factories, workshops, machinery and equipment for its activities.
- (ix) Arrange supplies of various items required by the Central/State Government, Public Sector Undertakings, Cooperative Organizations and others and to undertake job - work including infrastructure development like Housing Projects and any other construction work, laying of roads, transportation, packaging work etc., entrusted by them.
- (x) To solicit/procure insurance business as a corporate agent and/or in association of any insurance company/joint venture insurance company in the country.
- (xi) To coordinate the working of its member institutions with other national level cooperative institutions.
- (xii) To collect and disseminate necessary marketing intelligence for the benefit of its member institutions in particular and consumer cooperative societies in general and to undertake research work and study in furtherance of the consumer cooperative movement.
- (xiii) To act as agents of Central, State Governments or undertakings, corporations or cooperative institutions or any other business enterprises for the purpose of sale, storage and distribution of items and activities enumerated in paras 3(iv) to 3(x) of these bye laws.
- (xiv) To enter into collaboration with International Agency(s) or Body(s) for undertaking the activities given in bye-laws No. 3 (iv) to 3(x).
- (xv) To act as C&F Agent of various organizations/ companies.
- (xvi) To establish test laboratories and undertake tests of different consumer items, activities for standardization and/or quality control etc.
- (xvii) To subscribe to the share capital of other enterprises, institutions in furtherance to the objectives of NCCF.
- (xviii) To do all such things and to undertake such steps as are incidental or conducive to the attainment of any or all the objects, in collaboration with other cooperatives, Governments and other agencies, within and outside the country.

4. FUNCTIONS

Subject to the provisions in the Act and Rules and any other law for the time being in force, NCCF being a federal Cooperative would discharge the functions to facilitate the voluntary formation and democratic functioning of member institutions based on self-help and mutual aid in the following areas: -

- a) ensure compliance of the cooperative principles;
- b) make model bye-laws and policies for its member cooperatives;

- c) provide specialized training, education and data-base information;
- d) undertake research, evaluation and assist in preparation of perspective development plans for its member cooperatives;
- e) promote harmonious relations amongst member cooperatives;
- f) help member cooperatives to settle disputes among themselves;
- g) undertake business/services on behalf of its member cooperatives, if so required by them;
- h) provide management development services to member cooperatives;
- i) evolve code of conduct for observance by member cooperatives;
- j) evolve viability norms for member cooperatives;
- k) provide legal aid and advice to member cooperatives, wherever needed.
- l) assist member cooperatives in self help management;
- m) develop market information system, logo, brand promotion, quality control and technology up-gradation.

5. MEMBERSHIP

The membership of the NCCF shall be open to the following:

- a) Apex Level Consumer Cooperative Federation in State.

Note:

Apex Level Consumer Cooperative Federation means a federal society, the area of operation of which extends to the whole of state as may be approved by the Registrar Cooperative Societies of that State. Only one state level cooperative organization, representing the consumer sector shall be eligible for membership under this clause.

- b) State level cooperative organizations which have distribution of consumer goods as one of their objectives, such as cooperative marketing-cum-consumer Federation in such States as do not have exclusive apex federation of consumer cooperatives and that, from any one State, only one State Level cooperative organization, representing the consumer sector, as may be approved by the Registrar of Cooperative Societies of the concerned State, shall be eligible for membership under this clause.

- c) Consumer Cooperative Societies and other Cooperative Societies doing retail distribution of consumer goods by whatever name they may be called provided they have sales turnover of Rs.50 Lakhs and above during the cooperative year preceding the date of application of membership.

Note:

Consumer Cooperative Societies mean Wholesale/Central Consumer Cooperative Society/Store (primary consumer cooperative societies already enrolled, will continue as members).

- d) Government of India.
- e) National Cooperative Development Corporation (NCDC).
- f) National Cooperative Union of India (NCUI), without any obligation to pay either admission fee or share money.
- g) National Agricultural Cooperative Marketing Federation of India Ltd. (NAFED) or any other National Cooperative Organization on reciprocal basis.

NOMINAL MEMBERSHIP

- h) Such other societies, institutions, public sector undertakings and Government agencies not covered in bye-law No. 5(a) to 5(g) above, with whom the NCCF is likely to do business or store goods or arrange sale thereof, provided the application for admission for such membership is received alongwith the admission fee of Rs.5000/- and is duly accepted by the Board of Directors, may be admitted as a nominal member. The admission fee shall not be refundable in any case. Such members shall not be entitled to subscribe to the shares of the NCCF or have any interest in the management thereof including right to vote and to be elected as Director of the Board or participate in the General Body Meetings or in sharing of its profits, purchase rebates or liabilities.
- i) No member of the NCCF shall be admitted within 30 days, prior to the date of holding the meeting of its General Body.

6. The membership of the NCCF shall consist of the state level apex societies of consumers' cooperatives societies and others qualified in accordance with bye-laws No. 5 which have joined or which may thereafter be admitted in accordance with these bye-laws.

7. Every member shall pay Rs.5000/- as admission fee, also the share money alongwith application for membership. The admission fee shall not be refundable in any case.

8.(a) Applications for admission as members and for allotment of shares, duly completed in all respect in the prescribed form, shall be made to the Managing Director of the NCCF for the purpose.

(b) Every application for admission as member of the NCCF shall be disposed of by the Board of Directors as early as possible but in no case later than the expiration of period of four months from the date of receipt of application complete in all respect by the NCCF and the decision taken on the application shall be communicated to the applicant within 15 days from the date of such decision. In case of refusal to admit, NCCF shall communicate its decision together with the reasons thereof to the applicant. Provided that if the application is not disposed of within the period aforesaid or the decision is not communicated within the period of 15 days of the expiry of the aforesaid period of four months, NCCF shall be deemed to have made a decision on the date of expiry of such period refusing admission to the applicant.

9. State level apex society qualified for membership in accordance with the bye-law No. 5(a) and 5 (b) shall not acquire rights and privileges of membership until it has paid the admission fee and share money calculated on the basis of Rs.2000/- per whole/central store/society for the time being affiliated to it subject to a minimum of Rs.5,00,000/- and in case of other member cooperatives under bye-law 5(c) minimum of Rs. 30,000/-. In case of NCDC and NAFED, the contribution will be determined by the Board of Directors of NCCF.

10. (a) when an institution has been admitted to membership by the Board of Directors after it has paid its admission fee and share money, it shall be deemed to have acquired all rights and incurred all the obligations and liabilities of a member of the NCCF, as laid down in the Act & Rules made there-under and these bye-laws.

(b) Every member shall promote and protect the interest and objectives of NCCF.

(c) No member of NCCF shall exercise the rights of a member unless due payment of membership is made.

11. Any member institution may by a resolution of its appropriate body authorize either its Chairman/President or the Chief Executive or a member of the Board and where there is no Board of such member institutions for whatever reasons, the Administrator by whatever name called to act as its delegate, who shall be entitled to exercise the same power on behalf of the institution which he represents as that institution could exercise as a member of the NCCF.

12. CESSATION OF MEMBERSHIP

Membership of the NCCF shall cease:

(a) On cancellation of registration of member institution or on its losing qualification for membership.

(b) If the member-institution resolves to disaffiliate itself provided that such resolution is communicated in writing to the NCCF and is accepted by its Board of Directors.

(c) On ceasing to hold the minimum number of shares as per Bye-law No.9.

13. EXPULSION OF MEMBERS.

A member institution may be expelled if it persistently defaults in payment of its dues to the NCCF or fails to carry out its obligations to the NCCF and fails to comply with the provisions of the bye-laws or in the opinion of the Board of NCCF has brought disrepute to the NCCF or has done any other act detrimental to the interest of the NCCF provided a resolution to that effect is adopted by a majority of not less than 2/3rd of the members present and voting at a General Meeting of members and member concerned had been given reasonable opportunity for making representation in the matter. No member of the NCCF, who has been expelled, shall be eligible for re-admission as a member for a period of one year from the date of such expulsion.

14. Where the membership of the NCCF ceases in accordance with bye law No. 12 or a member institution is expelled in accordance with the bye-law No. 13 the member institution concerned will be entitled for payment of the sum representing the value of its share in the NCCF, which shall be the amount arrived at by a valuation based on the financial position of the NCCF, as shown in the audited balance sheet of the cooperative year preceding the cessation or expulsion of membership provided that the amount so arrived at shall not exceed the actual amount received by the NCCF in respect of such share.

15. LIABILITY

The liability of the members for any deficit in the assets of the NCCF shall be limited to the face value of their subscribed shares.

16. FUNDS

NCCF may raise funds from one or more of the following sources:

- a) Share capital and admission fees.
- b) Loans & Deposits.
- c) Donations, grants, subsidy and contributions
- d) Any other sources as may be approved by the Board of Directors
- e) Consultancy services.
- f) Undistributed net profit.

Note:

The funds of the NCCF when not employed in the business shall be invested in the manner prescribed in section 64 of the Act.

17. BORROWING LIMIT:

NCCF shall be eligible to receive deposits & loans from members, financial institutions and others upto ten times of its subscribed share capital plus accumulated reserves minus accumulated losses at the beginning of the year as per provisions in Section 67 of the Act, as may be determined by the Board of Directors. This will include the cash credit and other limits from bank(s) for financing the business operations.

18. SHARE CAPITAL

- i. The authorized share capital of the NCCF shall be Rs.50 Crores consisting of 2,50,000 shares of the value of Rs.2,000/- each to be subscribed by members.
- ii. The value of the shares shall be paid in full on application.
- iii. No member other than Central Government and National Cooperative Development Corporation, shall hold share capital exceeding 1/5 of the total share capital of the NCCF.
- iv. Transfer and withdrawal of shares shall be governed by the provisions of the Act and Rules and the Bye-laws.
- v. Share shall not be withdrawn or transferred unless held for one year.
- vi. A member institution may transfer its share or shares after holding them for one year to other member with the approval of the Board of Directors. However, transfer of shares within 30 days prior to the date fixed for the General Body Meeting shall not be permitted.
- vii. The NCCF may retire the shares held by the Govt. of India as per terms of sanction or in the manner as agreed upon between them.
- viii. The shares of the NCCF shall not be hypothecated to any institution by the members as security for a loan.

19. The NCCF shall have the right to set off any money due on any account from a member in payment of any sum, which it owes, to the NCCF or for which it stands surety or is a guarantor.

GENERAL BODY

- 20.** (a) The ultimate authority of the NCCF shall vest in the General Body of its members, subject to the provisions of the Act & Rules and the bye-laws.
- (b) The General Body of the NCCF shall consist of one representative of each member admitted under bye-law No. 5 except members admitted under bye-law 5(h). Where in any meeting of the General Body or the Board of the NCCF, a cooperative Society or another Multi State Cooperative Society is to be represented, they shall be represented in such meeting through the Chairman/President or the Chief Executive or a member of the Board if such member is so authorized by the Board of such Cooperative Societies or other Multi State Cooperative Societies as the case may be and where there is no Board of such Cooperative Societies or other Multi State Cooperative Societies for whatever reasons, through the Administrator by whatever name called of such Cooperative Societies or other Multi State Cooperative Societies.
- (c) Every delegate present at the General Body Meeting shall have one vote, which shall be exercised by him in person and no delegate shall be permitted to vote by proxy.
- (d) The Chairman shall have a casting vote in the event of equality of votes in the meeting.
- (e) The instrument appointing a delegate by the member institution on the General Body of the NCCF shall be in writing and will be in force till the next General Meeting at which election shall be held. The certified copies of the resolution of the competent authority of member institutions nominating their delegates on the General Body shall be sent to the Managing Director of the NCCF alongwith the instrument of nomination.
- (f) A special General Body Meeting may be called by the Managing Director at any time on the direction of the Board or within one month after receipt of a requisition in writing from the Central Registrar or from the members stating the object of the meeting duly signed by atleast 2/3rd of the total number of members. No business other than specified in the notice will be transacted in a special general body meeting. If the special meeting of NCCF is not called in accordance with the aforesaid, the Central Registrar or any person authorized by him in this behalf may take action in accordance with section 40(2) of the Act.

- (g) The Board of Directors shall within six months after the close of the previous year i.e. by the 30th September each year, call the Annual General Meeting in the manner prescribed, for the purpose of:-
- (i) Consideration of the audited statements of accounts
 - (ii) Consideration of the audit report and annual report.
 - (iii) Consideration of audit compliance report.
 - (iv) Disposal of net profits (if any).
 - (v) Review of operational deficit, if any.
 - (vi) Creation of specific reserves and other funds.
 - (vii) Approval of the annual work programme and budget estimate for the next financial year.
 - (viii) Review of actual utilization of reserve and other funds.
 - (ix) Approval of the long term perspective plan and the annual operational plan.
 - (x) Review of annual report and accounts of subsidiary institution, if any.
 - (xi) Expulsion of members (if any).
 - (xii) List of employees, who are relatives of members of Board or of the Managing Director.
 - (xiii) Amendment of bye-laws, if any.
 - (xiv) Formulation of code of conduct for the members of the Board and officers.
 - (xv) Election of members of the Board, if any.
 - (xvi) To consider any other issue with the permission of the Chairman of the meeting.
- (h) If the Annual General Meeting as specified in bye-laws 20(f) above, is not convened by 30th September, the Central Registrar or the person authorized by him in this behalf shall be competent to convene such Annual General Meeting within a period of ninety days from the date of expiry of the prescribed period and the expenditure incurred on such meeting shall be borne by the NCCF.
- (i) At every Annual General Meeting, the Board of Directors shall lay a statement showing the details of the loans, if any given or goods sold on credit to any of the members of the Board or to the spouse or a son or daughter of a member of the Board during the preceding year or amounts outstanding against him or against such spouse or son or daughter of the member of the board.
- (j) The date, time and place of the General Body Meeting shall be announced atleast 14 clear days in advance and in that of Special General Meeting atleast 7 days in advance by a notice in writing.

The notice of the Annual General Meeting shall be accompanied by a copy each of audited balance sheet, profit and loss account together with the report of the Auditors thereon relating to the preceding year and the report of the Board of Directors and budget estimates for the ensuing year.

- (k) The presence of atleast 1/5th of the total number of members subsisting as such on the date of notice of the meeting shall be necessary when the business of the meeting is due to commence, for the disposal of any business at a General Body Meeting. No proxy shall be allowed.
- (l) The Chairman or in his absence the Vice-Chairman or in their absence one of the other delegates elected for the purpose shall preside.
- (m) If within half an hour from the time appointed for the meeting, a quorum is not present, the meeting shall stand adjourned. Provided that meeting which has been called on requisition of the members shall not be adjourned but dissolved. Where a meeting is adjourned, the adjourned meeting shall be held either on the same day or on such date, time and place as may be decided by the Chairman or any other person presiding over the meeting. The adjourned meeting shall take place within maximum period of 7 days.
- (n) No business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place. No quorum will be necessary for the adjourned meeting.

21. DUTIES AND POWERS OF GENERAL BODY

The duties and powers of the General Body shall be:

- (i) To elect, the members of the Board of Directors and suspend/remove them, except those nominated by the Government, the National Cooperative Union of India and the National Cooperative Development Corporation and NAFED on grounds given in the bye-laws.
- (ii) To consider the annual report of the NCCF, its audited balance sheet, profit and loss account, inspection notes of the Central Registrar or any other person authorized by him in this behalf.
- (iii) To dispose of profits in accordance with the Acts, Rules and these bye-laws.

- (iv) To approve the budget and the programme of work for the next year.
- (v) To lay down for the guidance of the Board of Directors general policy on the conduct of business of the NCCF.
- (vi) To amend the bye-laws.
- (vii) To consider procedural matters relating to election of members of the Board of Directors.

22. Minutes of the proceedings of the General Meeting shall be entered in a minutes book kept for the purpose and shall be signed by the Managing Director and the Chairman of the Meeting. The minutes so signed shall be an evidence of the correct proceedings of that meeting.

23. The amendments of the bye laws shall be deemed to have been duly approved if a resolution in that behalf is adopted at a meeting of its general body or in a special General Body Meeting by not less than 2/3rd of the members present there and voting, provided 15 clear days notice of the proposed amendments has been given to the members. Such amendments shall be forwarded to the Central Registrar for registration within a period of 60 days from the date of the meeting at which the resolution was adopted.

24. All other matters before the General Meeting shall be decided by the majority of votes.

25. BOARD OF DIRECTORS

The Board of directors shall be constituted for a period of 5 years as per section 41 of the act in the manner prescribed in the schedule attached to the rules.

The Board of Directors shall consist of not exceeding 17 members excluding two (2) co-opted Directors as specified hereunder elected/constituted by the General Body:

- (a) *5 Directors to be elected from the members admitted under bye law No. 5(a) and 5(b) provided that the said State Federation has transacted business worth of atleast 15% of its turnover of the items being dealt by the NCCF, excluding the business of confiscated goods, other items allotted to the State Federation by their respective State Government, under Public Distribution System or under any special obligation during the preceding year, before the election.*

- (b) Nominee(s) of the Government of India as per Section 48(i) of the Act.
- (c) One nominee each of:
 - (i) National Cooperative Union of India (NCUI)
 - (ii) National Cooperative Development Corporation (NCDC).
 - (iii) National Agricultural Cooperative Marketing Federation of India Limited (NAFED) on reciprocal basis.
- (d) (i) Members admitted under Bye-law No. 5 (c) shall form one constituency and elect five Directors from amongst themselves subject to the condition that atleast one Director is elected from each Zone and have transacted business with NCCF during the preceding year before the election.
 - (ii) Not more than two eminent cooperators, economists or management experts in the country may be co-opted by the Board of Directors provided that such co-opted Directors shall have no right of vote nor shall be eligible to stand for election to the post of any office bearer.
- (e) Managing Director.

SUBSIDIARY RULES FOR THE ELECTION OF DIRECTORS OF NCCF IN ACCORDANCE WITH CLAUSE 25d (i) OF THE BYE-LAWS

Short Title and commencement:-

1. These rules shall be called "Rules for election to the Board of Directors of NCCF".
2. The election of the Directors shall be conducted in accordance with bye-laws and Act and Rules as applicable to NCCF.
3. The members admitted under bye-law 5(c) shall form one constituency and shall elect 5 Directors from amongst themselves to the Board of Directors subject to the condition that atleast one member shall be elected from amongst the representatives of the societies from each of the following zone and there shall not be more than one member from each State/U.T. So long as there is no membership, from a particular Zone, the stipulation of atleast one member being elected from amongst the representatives of societies from each of the said Zones may be dispensed with.

In view of the non-uniformity of the membership covering the zones and to make the election more wide-based, all the members from all the Zones may cast their votes together for all the five Zones.

Name of Zone	Group of States including U.Ts.
West Zone	Maharashtra, Gujarat, Goa, Daman & Diu.
Northern Zone	Rajasthan, Haryana, Punjab, H.P., J&K, Delhi & Chandigarh.
Southern Zone	A.P., Karnataka, Tamil Nadu, Kerala, Pondicherry Lakshadweep.
Central Zone	UP, Uttaranchal, M.P. & Chattisgarh.
Eastern Zone	West Bengal, Bihar, Jharkhand, Orissa, Assam, Nagaland, Manipur, Meghalaya, Mizoram, Tripura, Sikkim, A&N Islands.

The existing Board of Directors shall be responsible for holding and conducting elections for reconstitution of the Board for the next term in a General meeting of the Members in accordance with the Subsidiary Rules for Election as indicated above.

ELECTION OF CHAIRMAN & VICE-CHAIRMAN

- (f) The Directors shall elect the Chairman and a Vice-Chairman as per Act & Rules and these bye-laws. No member of the Board shall be eligible to be elected as Chairman or Vice-Chairman if such member is a Minister in the Central Government or State Government. No member of the Board shall be eligible to be elected as Chairman after he has held the office as such during two consecutive terms, whether full or part as per provision of section 44- of MSCS Act, 2002. The term of the Chairman and Vice-Chairman shall be co-terminus with the term of the Board of Directors. In case of any casual vacancy, the Board will fill up the vacancy through election or nomination/cooption as the case maybe for the un-expired term of the Board, provided that the Chairman and/or Vice-Chairman may be removed from their offices by a 2/3rd majority of the members of the Board.
- (g) (i) Any vacancy occurring from amongst the Directors where no election is involved or in case of change of nominee of the Central Government, shall be filled by fresh nomination from the concerned organization or the Central Government.
- (ii) Any vacancy among the elected Directors under clause 25(d) (i) of these bye-law shall be filled by fresh election from the same group of members.

26. TERM OF THE BOARD OF DIRECTORS

The term of the Board of Directors shall be five years or as provided in the Act from time to time from the date of election and they shall be eligible for re-election subject to the provision of the Act and Rules. All members of the Board of Directors including those elected/nominated in casual vacancies whether representing member

institutions or who are members of the Board in other capacities shall vacate the respective offices on the same day on which their successors are selected/nominated irrespective of the date on which they were selected as member of the Board.

27. DISQUALIFICATION OF MEMBER OF BOARD

A member of the Board shall cease to hold office if he:

- (a) Becomes subject of any disqualification which would have prevented him from seeking election, had he incurred that disqualification before election in his institution.
- (b) Is a member of the Committee of the member-institution which elected him as a delegate has been superseded.
- (c) Is a delegate of the member-institution, the affairs of which are ordered to be wound-up.
- (d) Hold any office of profit under NCCF except the Managing Director in NCCF or a person elected by the employees of NCCF to represent them on the Board of NCCF.
- (e) Has directly or indirectly any interest in any contract to which the NCCF is a party except in transactions made with the NCCF, as a member in accordance with the objectives of the NCCF as stated in the bye laws.
- (f) Ceases to be the nominee of the Government or Institution nominating them as per bye-law No.25.
- (g) Has been convicted for an offence involving moral turpitude.
- (h) Has been adjudged by a competent court to be insolvent or of unsound mind.
- (i) Is a person against whom any amount due under a decree, decision or order is pending recovery.
- (j) An elected member of a Board who has acted adversely to the interest of the NCCF on the basis of a report from the Central Registrar or otherwise be removed from the Board upon a resolution of the General Body passed at its meeting by majority of not less than 2/3rd of the members present and voting at the meeting provided that the member concerned shall not be removed unless he has been given a reasonable opportunity of making representation in the matter.
- (k) Has been a representative of a member, which is a member of the NCCF for less than twelve months immediately preceding the date of such election or appointment.

- (l) Has taken loan or purchased goods on credit from the NCCF or is otherwise indebted to NCCF after the receipt of a notice of default issued to him by NCCF, has defaulted in repayment of such loan or debt or in payment of the price of the goods taken on credit, as the case may be, within the date fixed for such repayment or payment or where such date is extended, which in no case shall exceed six months, within the date so extended.

Provided that a member of the Board who has ceased to hold office as such under this Clause shall not be eligible, for a period of one year, from the date on which he ceased to hold office, for re-election as a member of the Board of NCCF or for the election to the Board of any other Multi-State Cooperative Society.

- (m) Is retained or employed as a legal practitioner on behalf of or against the *NCCF* or on behalf of or against any other Multi-State Cooperative Society which is a member of the NCCF.
- (n) Has been convicted for any offence under the Act.
- (o) Absents himself from three consecutive Meetings of Board and such absence has not been condoned by the Board of Directors.
- (p) Absents himself from three consecutive General Body Meetings and such absence has not been condoned by the members in the General Body.
- (q) A person shall not be eligible for being elected as member of Board for a period of five years if the Board fails:
 - i. to conduct elections of the Board under the Act, Rules and Bye-laws.
 - ii. to convene the Annual General Meeting under the Act, Rules and Bye-laws.
 - iii. to prepare the financial statements and present the same in the Annual General Meeting as per provisions in the Act, Rules and the Bye-laws.

28. DUTIES AND POWERS OF THE BOARD

The Board shall exercise all the powers of the NCCF except those reserved for the General Body and in particular, shall have the following powers and duties:

- i. To observe in all their transactions the provisions of the Act, Rules and these Bye-laws.
- ii. To admit members and allot shares.
- iii. To authorize convening of meetings of the General Body.
- iv. To place before the General Body the Annual Report and Audit Report.
- v. To decide the NCCF's share contribution in other cooperatives and in respect of contribution of NCDC and NAFED to the NCCF.

- vi. To recommend to the General Body the distribution of profits.
- vii. To prepare and lay before the General Body the programme of work for the ensuing year.
- viii. To consider the inspection notes of the Central Registrar or of any other person authorized on his behalf and take necessary action.
- ix. To decide matters relating to withdrawals, transfers, refund and forfeitures of shares.
- x. To accept or reject the resignation from the members of the Board of Directors.
- xi. To appoint the Managing Director and suspend, punish and dismiss him provided that suspension, punishment, dismissal and reversion of Managing Director appointed on deputation from Government or other institutions would be governed by the terms and conditions of deputation. The appointment of Managing Director will be made by the Board of Directors in terms of these bye-laws and Service Regulations for the employees of the NCCF.
- xii. To authorize person or persons to sign on behalf of the NCCF, cheques, contracts, documents, receipts etc.
- xiii. Appoint agent or agents for the business.
- xiv. Through any member or officer or employee of the NCCF or any person specially authorized to institute, conduct, defend, compromise, refer to arbitration or abandon legal proceedings by or against the NCCF or the Board or officers or employees concerning the affairs of the NCCF.
- xv. To make provisions for regulating the appointment of employees and the scales of pay, allowances and other conditions of service, including disciplinary action against such employees.
- xvi. To sanction posts for the administration of NCCF.
- xvii. To arrange for safe custody of books and records and the property of the NCCF and to maintain them in a good state and where necessary to arrange for their insurance.
- xviii. To determine terms and conditions of commercial collaboration with cooperatives and others in India and abroad.
- xix. To settle the terms and conditions regarding retirement of share capital contributions from the Government of India.
- xx. To appoint from amongst the own members, the Executive Committee, Business Committee and other Sub-Committees for specified purposes to

conduct the business efficiently. The Committees shall in the discharge of the functions entrusted to them conform in all respect to these bye-laws and to the instructions given by the Board. The deliberations and decisions of the Committees shall be subject to review by the Board.

- xxi. To construct, purchase or otherwise acquire godowns, trucks, machinery or other property considered necessary for carrying out the business of the NCCF and enter into contract for the purpose and disposal of any property.
- xxii. Consideration and approval of contracts/agreements as may be proposed by the Managing Director.
- xxiii. To appoint trustee(s) and attorney(s) for the business of the NCCF.
- xxiv. Laying down the criteria for determining the default by members.
- xxv. To interpret the organizational objectives and set up specified goals to be achieved towards these objectives.
- xxvi. To make periodical appraisal of operations.
- xxvii. To raise funds within the approved borrowing limits as also to authorize opening, operation and closure of bank accounts as may be necessary from time to time.
- xxviii. To take such other measures or to do such other acts as may be prescribed or required under the Act and Rules.
- xxix. To decide the terms on which the NCCF may deal with other organizations and other cooperative societies or may associate with other co-operative societies and other organisations.
- xxx. To devise such guidelines as may be necessary for associating the representative(s) of the employees in the decision making process.
- xxxi. To delegate all or any of the powers, authority and discretion vested in the Board of Directors to the Managing Director or other employees or Executive Committee or Business Committee or other Committee(s) subject to the ultimate control being retained by the Board.
- xxxii. The Board of Directors shall exercise powers of general supervision over the affairs of NCCF.

In the conduct of the affairs of the NCCF, the Board of Directors shall exercise the prudence and diligence of ordinary man of business and shall be responsible for any loss sustained through acts contrary to the Act, the Rules and these bye-laws.

29. MEETING OF THE BOARD OF DIRECTORS

- (a) The Board shall meet atleast once in every quarter provided that the total number of the meetings of the Board shall not ordinarily exceed six in a year. For convening a meeting of the Board of Directors ordinarily 7 days notice shall be given in writing to each Director specifying the place, date and hours of the meeting with a statement of business to be transacted.
- (b) The Managing Director shall convene the meeting of the Board at the instance of the Chairman or in his absence, the Vice –Chairman acting on behalf of the Chairman.
- (c) One third of the Directors of the Board (excluding co-opted members) shall form a quorum.
- (d) The Chairman or in his absence the Vice-chairman shall preside over all meetings of the Board. In their absence, members present in the meeting shall elect a Chairperson for the meeting.
- (e) All questions before the Board shall be decided by majority of votes and in case the votes are equal, the Chairman shall have a second or a casting vote.
- (f) The minutes of the proceeding of the Board of Directors shall be entered in a minute book kept for the purpose and shall be signed by the Managing Director and Chairman of NCCF. The minutes so signed shall be the evidence of the correct proceeding of that meeting. The minutes of each meeting shall contain the names of the members present and names of members if any dissenting from or non-concurring to any resolution

30. EXECUTIVE COMMITTEE

The Board of Directors shall constitute an Executive Committee comprising the following members

- (i) Chairman
- (ii) 4 Directors inclusive of Vice-Chairman (not more than 2 from one Zone).
- (iii) One of the Govt. Nominees on the Board of Directors.
- (iv) Managing Director.

31. POWERS AND FUNCTIONS OF EXECUTIVE COMMITTEE

The Executive committee shall have the following powers and functions:

- (i) To maintain true and accurate Accounts of all money received, spent and all stock bought or sold and keep register of members correct and up to date.
- (ii) To keep true account of assets and liabilities of the NCCF.
- (iii) To arrange for internal audit of the accounts of NCCF atleast once in a quarter.

- (iv) To examine the account and supervise the maintenance of the prescribed registers and books.
 - (v) To fix the limit of cash balance to be kept by various officers and branches and for incurring contingent expenditure by them within the approved budget provisions.
 - (vi) To accept/receive share money and annual subscription, if any.
 - (vii) To decide the terms or the periods on which loans and advances are to be received, and to arrange for the re-payment of such loans and advances.
 - (viii) To decide the terms, period for and the rate of interest at which deposits are to be received and to arrange for payment such deposits.
 - (ix) To acquire shares in cooperatives or other Institutions as may be decided by the Board of Directors.
 - (x) To take on hire buildings, godowns, trucks, machinery or other property considered necessary for carrying out the Business of the NCCF and enter into contract for the purpose.
 - (xi) To organize publicity by advertising and through educational campaigns and arrange training of employees of the NCCF and member-institutions.
 - (xii) To monitor the work of member-institutions.
 - (xiii) To transact all other business incidental to and necessary for the management of the NCCF.
 - (xiv) To exercise any other power as may be delegated by the Board of Directors from time to time.
 - (xv) To delegate its powers to such officers of the NCCF, as it may deem fit to discharge its powers & functions.
- 32.**
- i) The Executive Committee may meet as often as necessary but atleast once in a quarter and preferably one day preceding the meeting of the Board of Directors. All business discussed or decided at the meeting of the committee shall be recorded in a proceeding book, which shall be signed by the Managing Director and the Chairman.
 - (ii) A minimum of four members shall form a quorum in the meeting of the Executive Committee. The meeting of the Executive Committee shall be presided over by the Chairman, and in his absence the Vice-Chairman and in their absence, one of the members present in the meeting who will preside over the meeting.
 - (iii) Generally 7 days notice in writing will be required for convening a meeting of the Executive Committee.

33. BUSINESS COMMITTEE

- (a) The Board of Directors shall constitute from amongst themselves a Business Committee comprising as under:
 - (i) Chairman.
 - (ii) 3 Directors inclusive of Vice-Chairman (not more than 2 from one Zone).
 - (iii) One of the Government nominees on the Board of Directors.
 - (iv) Managing Director.

POWERS & FUNCTIONS OF BUSINESS COMMITTEE

- (b)
 - (i) The Business Committee shall lay down the general policy about the overall business of the NCCF and shall prescribe such terms and conditions as it may deem fit from time to time. It shall also review the progress made in business once in every quarter.
 - (ii) To plan for procurement of commodities, storage and disposal thereof and may also arrange for processing, manufacturing of consumer goods as and when thought desirable and necessary.
 - (iii) Any other power delegated by the Board of Directors.
- (c) The Business Committee may meet as often as necessary but atleast once in three months. All business discussed or decided at the meeting of the committee shall be recorded in a proceeding book, which shall be signed by the Managing Director and the Chairman.
- (d) 7 days notice in writing will be required for calling a meeting of the Business Committee, generally.
- (e) A minimum of 3 members shall form a quorum in the meeting of the Business Committee. The meeting shall be presided over by the Chairman and in his absence by the Vice-Chairman and in their absence one of the members shall be elected as Chairman from amongst the members present in the meeting who will preside over the meeting.

34. AUDIT COMMITTEE

The Board of Directors will constitute an Audit Committee consisting of the Chairman, 2 Directors including Vice Chairman, one of the Government Nominees and the Managing Director. The Head of the Accounts & Finance Division will be the convenor of the audit committee.

The audit committee will meet in each quarter and will have atleast 4 meetings in a year.

It will have the following duties and responsibilities subject to the overall control and authority of the Board of Directors.

- (a) To review the NCCF's financial reporting process to ensure that the financial statements are correct.
- (b) Reviewing the annual financial statements before submission of the same to the Board, particularly about:
 - Any changes in accounting policies.
 - Major financial transactions.
 - Compliance with accounting standards.
 - Significant adjustments, provisions, write offs/write backs etc.
 - Observations/comments of the Auditors in the audit report and comments/compliance report of the management on the same.
- (c) Reviewing quarterly, half-yearly and annual financial statements before submission of the Board;
- (d) Reviewing the adequacy of internal control systems;
- (e) Periodical discussions with the Auditors about the scope of audit including the observations of the auditors and compliance to the same.
- (f) Reviewing the adequacy of internal audit function, including the structure of the internal audit department, staffing and reporting structure, coverage and frequency of internal audit;
- (g) Discussion with internal auditors on any significant findings and follow up there on; if necessary.
- (h) Reviewing the reports by the internal as well as statutory auditors into matters where there is suspected fraud or irregularity or a failure of internal control system of a material nature.

The Audit Committee shall have the authority to investigate into any matter in relation to the items under its scope of work or the matters/issues referred to it by the Board of Directors.

35. POWERS OF THE CHAIRMAN:

- (a) The Chairman shall exercise such power and perform such duties as are conferred on him by the act, rules and these Bye-Laws

- (b) The Chairman shall be the spokesman of the NCCF.
- (c) The Chairman shall be competent to take decisions as or of urgent nature concerning policies of the NCCF on behalf of Board of Directors, Executive Committee, Business Committee and any other Committee, which may be deemed urgent on the advice of the Managing Director. Any such action taken or approved by the Chairman shall be placed before the next meeting of the Board or the Committee concerned for ratification.
- (d) In the event of equality of votes on a resolution, the Chairman shall have an additional casting vote in the meeting of the Board of Directors and the general body.
- (e) The Chairman shall exercise the powers delegated to him by the Board of Directors from time to time.

36. MANAGING DIRECTOR

- (a) The Board of Directors shall appoint a Managing Director, who shall be a full time employee of the NCCF on such terms and conditions and for such period as it may decide.
- (b) (i) The Managing Director shall act as the Chief Executive Officer of NCCF and shall conduct the business and exercise control over the administration of NCCF subject to the overall control of the Board of Directors.
- (ii) He shall advise the Board of Directors, Executive Committee and Business Committee in framing the policies and programmes of the NCCF and implement these after approval.
- (iii) The Managing Director shall be a member of the Board and of the Executive Committee and other Committees as constituted under these bye-laws.

37. POWERS AND DUTIES OF THE MANAGING DIRECTOR

The following shall be the powers/duties of the Managing Director:

- (i) To summon the meeting of the General Body, Board of Directors, Executive Committee, Business Committee and other Committees, with the approval of the Chairman or under the instructions of the Chairman or in his absence, the vice-Chairman authorized to carry out the functions of the Chairman by common consent or resolution of the Board of Directors for the purpose and participate in them but shall have no right to vote.
- (ii) To be responsible for the general conduct, supervision and management of the day-to-day business and affairs, of NCCF.

- (iii) To ensure proper maintenance of accounts of the NCCF, prepare monthly reports on working results of the NCCF and to submit quarterly management reports to the Board of Directors.
- (iv) To receive all moneys and securities on behalf of NCCF and to arrange for the safe custody of cash, records, properties and others assets of NCCF.
- (v) To assist in the inspection of the books and records by various authorities empowered to do so under the Act, Rules and Bye-laws.
- (vi) To institute, conduct, defend, compound or abandon any legal proceedings by or against the NCCF or otherwise concerning the affairs of the NCCF and also to compound and allow time for payment or settlement of any claim or demand, by or against the NCCF.
- (vii) To certify copies of entries in the books .
- (viii) To control expenditure within the approved budget estimates.
- (ix) To keep in safe custody of all the registers and other records in use and other properties of NCCF.
- (x) To arrange for the safe custody of all money received by NCCF and all other properties of NCCF and proper maintenance of accounts thereof and investment of funds of NCCF subject to the provisions of the Act, Rules and directions of the Board of Directors/Executive Committee.
- (xi) To sign all receipts for all money received and deposit receipts and operate the accounts of NCCF with the banks.
- (xii) To be the officer of NCCF to sue or to be sued on behalf of the NCCF and sign and execute bonds, agreements and other documents for and on behalf of NCCF.
- (xiii) To determine the powers, duties and responsibilities of the employees of NCCF for ensuring proper conduct of the day-to-day business of NCCF.
- (xiv) To present the draft annual report and financial statements to the Board of Directors within 30 days of the close of the year.

38. The Managing Director shall exercise control and supervision of the administration of the NCCF and to conduct the affairs of the NCCF in conformity with the provisions in the Act and Rules and these Bye-laws and the decision of the General Body, Board of Directors, Executive Committee, Business Committee and other Committees. He shall have in addition the following powers:

- (i) Subject to these bye-laws and such other rules particularly the service regulations and recruitment & promotion rules, framed from time to time and decisions of the Board of Directors and the Executive Committee, appointment,

suspension and punishment of employees of the NCCF and to grant them leave, normal increments and other perquisites.

- (ii) To create temporary posts of casual nature for a period not exceeding three months to meet any emergent situation in respect of such categories of staff as may be decided by the Executive Committee.
- (iii) To initiate and carry on the business of the NCCF and to take such steps as may be necessary for carrying on the day-to-day business of the NCCF.
- (iv) Subject to such general commercial prudence or specific decision as the Board of Directors and/or the Business Committee, to enter into negotiations and contracts and to rescind and vary such contracts and execute and do all such acts, deeds, and things in the name of and on behalf of NCCF in relation to any of the matters about the commercial operations of NCCF.
- (v) To incur contingent expenditure within the approved budget provisions.
- (vi) To delegate all or any of the powers, authorities and duties vested in him to an employee or employees of the NCCF subject to the ultimate control and authority being retained by him.

39. MAINTENANCE OF REGISTERS AND BOOKS OF ACCOUNTS:

- (i) The Managing Director shall cause proper books of accounts, registers and other documents to be maintained as may be prescribed by the Act, Rules and the bye-laws.
- (ii) Copies of the Bye-laws and the annual report of NCCF shall be supplied free on demand to any member. The last audited accounts shall be open to public inspection during office hours on all working days.

40. AUDIT

- (a) The Board of Directors shall arrange for proper internal audit and supervision either through its own employees or through firm(s) of Chartered Accountants to be appointed by it.
- (b) The General Body of the NCCF in its Annual Meeting shall appoint Auditor or Auditors to conduct statutory audit of the accounts of the next year. Such Auditor or Auditors could be appointed from the panel of Auditors approved by the Central Registrar or from the panel of Auditors prepared by the NCCF.
- (c) The Board of Directors shall fix remuneration of the Auditors depending upon the business transacted and volume of work involved.
- (d) No person shall be qualified for appointment as an Auditor or Auditors unless he is a Chartered Accountant within the meaning of Chartered Accountants Act, 1949.
- (e) The scope of audit, power & duties of the auditors and disqualification of the auditors, will be as per the provisions in the Act & Rules.

41. DISTRIBUTION OF NET PROFITS:

The net profit of NCCF after tax and adjustment of carry forward losses, if any will be distributed/appropriated as follows:

- (a) Not less than 25% of the Reserve Funds.
- (b) 1% to the Cooperative Education Fund maintained by National Cooperative Union of India, New Delhi in the manner decided by the Board of Directors.
- (c) Not less than 10% to the Business Reserve Fund for meeting unforeseen losses.
- (d) The balance of net profit maybe utilized for all or any of the following purposes namely:
 - (i) Payment of dividend to the members on their paid up share capital upto a maximum of 20%.
 - (ii) Allocation/Contribution to such special funds including Education Fund as may be decided by the Board.
 - (iii) Donation of amounts not exceeding 5% of the net profits for any purpose connected with the development of cooperative movement or charitable purpose as defined in Section 2 of the Charitable Endowments Act, 1890.
- (e) Rebate on purchase/deferred discount to member institutions shall be paid as a charge against profits and in accordance with the rules framed from time to time by the Board of Directors.
- (f) Allocation and distribution of profits shall be made only after the annual audit and no dividend shall be paid otherwise than out of realized net profits and certified as such by the Auditors.

42. RESERVE FUND

Reserve Fund is indivisible and no member is entitled to claim any share in it.

43. DISSOLUTION

The NCCF may be wound up in accordance with the provisions of the Act and Rules.

44. MISCELLANEOUS

- (1) All matters not specifically provided for in these bye-laws shall be decided according to the provisions of the Act and the Rules and if there is no provision in the act and the rules as applicable to such matter, then the subject may be decided in manner as may be decided/directed by the Central Registrar. Should any doubt arise as to the interpretation of the Act and Rules and the Bye-Laws, the Board of Directors shall refer the matter to the Central Registrar, whose advice shall be binding.
- (2) No act of the General Body, Board of Directors, Executive Committee, Business Committee or any other Committees or Sub-Committees shall be deemed invalid by reasons of any defect in the election of the members thereof or by reason of any vacancy therein not having been filled in accordance with these Bye-laws.
- (3) Should there be a conflict between the Bye-laws of the NCCF and those of member institutions, the provisions of these bye-laws shall always prevail.
- (4) Settlement of Dispute:

Any dispute arising between the members (including past members) and with the members of the NCCF or its Board, Officers, Agents, touching the constitution, management or business of NCCF will be referred to arbitration as provided for in section 84 of the Act.
- (5) Inspection of documents:

NCCF shall keep copies of the Act, Rules and Bye-laws and list of its members for inspection during office hours at its Head Office.
- (6) Filing of Returns:

NCCF will be required to file the following returns to the Central Registrar within 6 months of the close of the year:

 - i. Annual Report.
 - ii. Audited Statements of Accounts.
 - iii. Proceedings of the Meeting of the general body (including proposal of amendment of bye-laws & constitution of Board of Directors).
 - iv. Any other document/information as may be required by the Central Registrar.

(Registered by Central Registrar of Cooperative Societies vide Order No. L-1 1015/ 14/76-L&M dated 16.05.2013)

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MAY, 2013



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BYE-LAWS

**NATIONAL COOPERATIVE CONSUMERS'
FEDERATION OF INDIA LIMITED
NEW DELHI -110019**