



**MAHARASHTRA CHAMBER OF COMMERCE,
INDUSTRY & AGRICULTURE
MUMBAI**

**CONSTITUTION
AND
RULES AND REGULATIONS**

Amended up to 24th January, 2019

MAHARASHTRA CHAMBER OF COMMERCE, INDUSTRY & AGRICULTURE

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**MAHARASHTRA CHAMBER OF COMMERCE, INDUSTRY & AGRICULTURE
MUMBAI**

**(Registered under Public Trust Act, Regd. No E-6747- (BOM) of
8th March 1978)**

**CONSTITUTION
AND
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*Amended up to 24th January, 2019***

- 1. Name** The name of the Association shall be "**THE MAHARASHTRA CHAMBER OF COMMERCE, INDUSTRY & AGRICULTURE**"
- A. Office &** **Office**
The **Head Office** of the Chamber shall be situated in Brihan Mumbai.
- B. Definitions** **Definitions**
- (1) The Chamber referred to means **The Maharashtra Chamber of Commerce, Industry & Agriculture, Mumbai** as organization registered under the Mumbai Public Trust Act, 1950.
- (2) '**Contribution**' referred to in Rule No. 26 (c) means the fees paid by the members in holding certain office in the Chamber or on various Public Bodies.
- (3) The **Governing Council** means a Council of the members elected and it also includes the members co-opted and nominated subject to the provisions of sub-rule (iv) and sub-rule (x) of Rule 21.
- (4) '**Brihan Mumbai**' means areas as defined by the Municipal Corporation of Brihan Mumbai.
- (5) '**Committee**' referred to in Rule No.40, means the Committee formed by the Governing Council to study and deal with certain specific subjects.
- (6) The Term '**Territory**' means the area for the activities of the Chamber as defined in Rule No. 5.
- (7) '**The Trust**' referred to means '**The Maharashtra Chamber of Commerce Trust**' holding the property belonging to the Chamber.
- (8) '**The General Body**' means a body of members who are eligible as voters under the relevant rules of the Constitution.
- (9) The term means two official years for the members elected to the Governing Council **including Vice Presidents and One Official Year for the President & Senior Vice President.**
- (10) '**The Branch Office**' - The Branch Office means the Office of the Maharashtra Chamber of Commerce, Industry & Agriculture officially opened to serve the members of the Chamber from a particular region in the territorial limits of the Chamber as mentioned in Clause No. 5 having

more than 1000 members from that particular region and which shall be at the Regional Head Quarters only and the Branch Office/s shall function under the control and supervision of the Head Office of the Chamber. Provided if, in a region more than 700 but less than 1000 members of the chamber are being enrolled, the Governing Council taking into consideration all aspects for running a branch may decide to open such branch for that particular region.

3. Objects

The following are the aims and objects of the Chamber:

(i) **To encourage and promote** friendly relations and business co-operation among those engaged in trade, commerce, industry, agriculture, transport, banking, mining, insurance and the like in Maharashtra (vide Rule 5)

(ii) **To protect and** make systematic and organised efforts to promote and achieve the healthy growth and expansion of trade, commerce, industry and agriculture in Maharashtra.

(iii) **To initiate, encourage and promote** observance of just and equitable principles in trade and to form a code or codes of fair practices to ensure fair dealing and to promote confidence in the public in trade and business transactions.

(iv) **To make systematic and organized efforts** to secure the wellbeing of the people engaged in industry, trade, commerce and agriculture of Maharashtra in particular and of the Indian business community in general, both in India (Bharat) and abroad in all aspects.

(v) **To study** fully the economic, industrial and commercial problems with a view to promote the objects of the Chamber and to collect statistical and other information and try to disseminate the same among the members of the Chamber from time-to-time.

(vi) **To subscribe, to become a member** of and co-operate with any other association, whether incorporated or not, whose objects are either wholly or partly similar to those of the Chamber, and to procure from and communicate to any such association such information as may be likely to take further the objects of the Chamber.

(vii) **To take all legitimate steps** to initiate, encourage, promote, support or oppose according to necessity, legislative, administrative or such other measures of **Central and State** Government, Semi-Government, Local or any other Public Authority in the interest of trade, commerce, industry, **agriculture and all allied economic activities**.

(viii) **To make representations** either by correspondence or by leading deputations to Central or State Government or other proper authorities, as the case may be, and to take all necessary steps either to encourage the interests, or to seek redress in matters adversely affecting the interest of trade, commerce, industry & agriculture.

(ix) **To advance and promote** commercial and industrial education and to found and support establishments and institutions for the same and to associate with Universities or other Institutions in Maharashtra for promotion of such education or institutions.

(x) **To institute special inquiry** and take suitable action with a view to removing the difficulties in respect of any problem connected with trade, commerce, industry and agriculture.

(xi) **To settle any dispute relating to the interest of the Chamber;** between members of the Chamber; or between the Chamber and any member(s) or between Chamber and any other party including foreign entities by arbitration, conciliation and mediation as per Arbitration and Conciliation Act 1996 and any other application of legislation and amendment thereof from time to time.

(xii) **To secure,** wherever possible, organized and concerted action on all subjects involving the interests of members including regulating conditions of employment of industrial labour, in various industries represented by the members of the Chamber.

(xiii) **To purchase, take on lease or in exchange or otherwise acquire** lands, buildings, easements, rights of common property, moveable or immovable, which may be required for the purposes of or conveniently used or held in connection with any of the objects of the Chamber and to sell, demise, mortgage, give in exchange, manage, develop, lease, let, construct or dispose of the same or any part thereof.

(xiv) **To receive money** as donation or gifts, and/or to borrow, raise or secure the payment of money or to receive money on deposit with or without interest for the purposes of the Chamber and at such time or times and in such manner as may be thought fit and as security for any such money borrowed, raised or received to mortgage, pledge or charge the whole or any part of the property of the Chamber in such manners as may seem expedient.

(xv) **To invest** and otherwise deal with the moneys of the Chamber in such manner as may from time-to-time be determined by the Governing Council and to open and operate current, fixed deposit, savings and other accounts with any bank or banks and any other financial institutions.

(xvi) **To draw, make, accept, endorse, discount, execute** and issue promissory notes, bills of exchange, bills of lading, railway receipts, warrants, debenture and other negotiable or transferable instruments or securities.

(xvii) **To arrange to hold conferences and exhibitions,** from time-to time, to create awakening and focus popular attention on matters affecting trade, commerce, industry and agriculture and economic development of the country in general.

(xviii) **To organize meetings,** lectures, study classes and social functions, industrial or study tours in India or abroad, in furtherance of the aims and objects of the Chamber.

(xix) **To give suitable donations** for deserving causes, whenever desirable.

(xx) (a) **To institute, finance, encourage,** prosecute, develop and carry on all kinds of scientific and economic research relating to the Trade, Commerce, Industry & Agriculture.

(xx)(b) **To maintain and expand a library** of books and publications of statistical, economical, commercial, industrial and general interests

so as to diffuse knowledge and information on the various aspects of Trade, Commerce, Industry & Agriculture and concert measures for advancing economic, commercial, industrial and general knowledge and online magazine library also.

(xxi) **To receive money as donation** from an individual or Company or Association or Trust with a specific purpose and to create separate fund and utilize the interest out of it for the purpose specified by the Donor.

(xxii) **And generally try to do all that may be necessary** for the furtherance and realisation of these objects and the work will be carried on Non-profit basis, as this is a service organization set up for a charitable purpose to serve Trade, Commerce, Industry & Agriculture.

- 4. Official Year** The official Year of the Chamber shall be from 1st April to 31st March or as declared by the Government from time to time.
- 5. Territorial Limits** The territorial limit for the activity of the Chamber will be Brihan Mumbai and all other Districts of Maharashtra and Belgaum, Karwar and Goa.
- 6. Classes of Membership** There shall be following classes of members :
- (1) Honorary Members
 - (2) Patron Members,
 - (3) Life Members,
 - (4) Term members,
 - (5) Centenary Members,
 - (6) Ordinary Members,
 - (7) Associated Members and
 - (8) Special Members (not eligible to vote and stand for election of Governing Council)(Special Membership shall be decided in Governing Council and shall be ratified in General Body)
- 7. Eligibility of a Membership**
- (i) Any Individual, firm, joint-stock company, Government, Semi-Government undertaking, co-operative society, commercial body, or any other person carrying on or engaged in or connected with trade, commerce, industry, transport, banking, insurance, commercial services, mining, agriculture and the like, or any profession or vocation such as professors or research scholars, solicitors, accountants, auditors, engineers, surveyors are eligible to become a member of the Chamber and shall in the case of corporate body be represented by one person nominated by that body for the purpose, who alone will be entitled to exercise the rights of membership.
 - (ii) No individual, firm, company or association having its principal place of business or Head Office in Brihan Mumbai shall be eligible to be a member from the mofussil. They can, however, be additional members from the mofussil.
 - (iii) An individual carrying on studies, investigations or research in the field of economics or statistics relating to trade, commerce, industry, agriculture, transport, mining, insurance or other allied subjects, connected with the economic well-being of the country can also become a member of the Chamber
 - (iv) (1) Unless the application form is being approved by the membership scrutiny committee, the applicant will not be eligible for the membership of the Chamber in all the classes of Membership.

(2) Eligibility of special Membership shall be decided by the Governing Council on the recommendation of the Managing Committee of the Chamber. It shall be ratified in General Body.

8. Members

(a) Honorary Members - Persons who are distinguished for public service or who have attained a position of eminence in commerce, industry, science and technology and who are interested in the aims and objects of the Chamber, may on a recommendation of the Governing Council be elected as Honorary Members by the General Body of the Chamber by three-fourth majority of the members present at the meeting. Such members shall be exempted from paying membership fees.

(b) Patron Member - A firm or a company or an association paying Rs. 2.5 Lakhs (Rupees Two Lakhs Fifty Thousand only) or more and / or an individual paying Rs. 1 Lakh (Rupees One Lakh Only) or more towards the Corpus of Maharashtra Chamber by way of donation either by lump sum or by two installments within a year shall be entitled to become a Patron Member.

(c) Life Member - A firm or a company or an association paying Rs. 1.5 Lakh (Rupees One Lakh Fifty Thousand Only) or more and / or an individual paying Rs.50,000/- (Rupees Fifty Thousand only) or more either by lump sum or by two installments towards the Corpus of Maharashtra Chamber within a year shall be entitled to become a Life Member of the Chamber.

(d) Ordinary Members - Joint Stock Company, Government or Semi-Government Undertaking, firm, individual, commercial association, co-operative society can become Member of the Chamber on payment of Subscription and Admission Fees fixed by the General Body on recommendations of Governing council from time-to-time, by 3/4 th majority attending.

(d)(1) Term Members - Joint Stock Company, Govt. or Semi-Govt. Undertaking, firm, individual, commercial association, co-operative society, can become a Term member of the Chamber on payment of Subscription & Admission Fees fixed by the general body on the recommendation of Governing Council from time-to-time by 3/4 majority attending. The Term member will be member of the Chamber for a period of 15 years from date of his admission as Term member.

(2) Any individual, Proprietary Firm or Partnership Firm or any Association of Businessmen and/or Entrepreneurs or Traders or Manufacturers or Exporters or Agri Business Persons will be eligible for **Centenary Membership** of the Chamber which will be available from year 2017 and will expire by the end of year 2027. The fees for such Membership will be Rs. 10000/- including Admission Fees and appropriate taxes.

(e) Associate Members - An individual, firm, joint stock company or commercial association or semi-Government undertaking or co-operative societies engaged in trade, commerce, industry & agriculture or carrying on any other business outside the territorial limits of the Chamber (vide Rule 5) is eligible to be enrolled as an Associate Member on payment in advance of any annual fees fixed by the General Body from time-to time.

(f) Fees for Membership - Membership fees along with admission fees, if any, of all classes of members shall be fixed by the General

Body from time to time in the regular meetings or in Extra Ordinary General Meetings on the recommendation of the Governing Council.

(g) The fees for the ordinary membership of the Chamber along with admission fees shall be payable for the whole year while applying for the said membership of the chamber

(h) The proceeds of the admission fees and the membership fees of Patron and Life Members shall be credited to the Reserve Fund of the Trust.

(i) The proceeds of the subscription of Term Member will be credited proportionately to the revenue of the Chamber pertaining to the year under consideration and remaining amount will be carried forward as subscription received in advance.

9. How to be a Member

An individual, Partnership Firm, Proprietary Firm or Limited Liability Partnership(LLP), Private Limited Company or Joint Stock Company or Commercial/Industrial/Agri-business/Manufacturers/Exporters/Traders/Entrepreneurs/Professionals and such Other Association desiring to become a member of the Chamber shall send an application to the Secretary General of the Chamber on the prescribed printed form, signed and accompanied by the necessary fees. Such application shall be proposed in writing by one member of the Chamber and seconded by another member of the Chamber. The said application shall be placed before the Governing Council only after the scrutiny of it by the Membership Scrutiny Committee. Thereafter if approved and accepted by the Governing Council, the applicant will be enrolled as a member in appropriate class. And his name will be placed on the Register as from that date. The Governing Council shall have entire discretion to either accept or reject the membership without assigning any reason, and their decision shall be final.

10. Resignation of Membership

A member wishing to resign his membership shall forward his letter of resignation to the Secretary General at least one month before the expiry of the Official Year of the Chamber, along with dues, if any.

11. Disqualification

(a) If a member fails to pay his membership fees or any other dues to the Chamber, within six months from the time it becomes due, the Secretary General shall give such members one month notice to pay such membership fees or other dues and shall prepare the list of such members and present the same at the next meeting of the Governing Council. The Governing Council may pass a Resolution terminating the membership of such defaulting member/s.

(b) If a member becomes insolvent, his name shall be removed from the register of members.

(c) If a member is adjudged

i) Insolvent

ii) Insane

iii) Found to be engaged in such activities causing damage to the image of the Chamber, or proved guilty and sentenced by the court of law for any criminal or social offence involving moral turpitude as per provision of Public Trust Act, the General Body shall disqualify his membership by 3/4th majority of the members present in the meeting. Provided, before such action, a show cause notice is being issued to the said member and he is given opportunity of being heard by the Governing Council.

12. Rights and Privileges of Members

- a) Every member who has paid the membership fees in time shall receive the periodicals and other publications of the Chambers either free of charge or at concessional rate or at discounted price.
- b) All the members who has paid their fees in time shall be entitled to participate in various Conferences, Workshops, Exhibitions, Internal Study Tours, Training Programmes and like events and Seminar organised by the Chamber at a discounted price as decided by the Managing Committee.
- c) All the members except the Honorary Members, the Associated Members and the Special Members will have right to vote at all Half Yearly General Meeting, Ordinary and Extra Ordinary General Meetings of the Chamber.
- d) The Life Members, Patron Members, Term Members and Centenary Members shall have a right to vote at the election of the President, Sr. Vice President, Vice Presidents and the members of the Governing Council of the Chamber.
- e) An Ordinary Member of the Chamber will be entitled to Vote at the elections of the President, Sr. Vice President, Vice Presidents and the Members of the Governing Council of the Chamber; as per the provisions provided in clause 31 pertaining to the Electoral Roll and Elections.
- f) To offer himself as a candidate at the elections subject to the provision of the Rules No. 21, No 31 and No. 34.
- g) If an ordinary member fails to pay his yearly membership fees or any other due to the Chamber during the first quarter of the financial year of the Chamber, the Managing Committee may decide to discontinue the posting of monthly periodicals and other publication of chambers to such members.
Explanation : In case of Term Members and Centenary Members, the Secretary General Shall issue a request letter to them in writing 3months before the expiry of their Membership requesting them to continue the said membership by appropriately paying the membership fees applicable to their category. The Secretary General will also issue, if necessary, a final reminder before one month of the expiry of their Membership. If the appropriate fees are received by the end of the expiry of their membership, the Governing Council may or may not continue their membership. Otherwise at the end of the expiry they will cease to be the Member of the Chamber on the expiry itself and will not be entitled for any right and privileges of the membership.
- (h) The rights and privileges of the Special Members shall be determined by the Governing Council on the recommendations of the Managing Committee which will not include the right to vote and contest at the Elections of the Chamber.

13. General Meetings

(a) Half Yearly General Meetings The Managing Committee may decide to hold a half yearly general meeting of the members at any district place as decided by the Managing Committee.
This meeting will consider the half yearly report of the activities of the Chamber

(b) Annual General Meeting

- (1) Every Year there shall be an Annual General Meeting
- (2) The Annual General Meeting shall be held at the Head Quarter of the Chamber within six months of the expiry of the Official Year.
- (3) The Annual General Meeting shall consider the following subjects
 - (i) The Annual General Report of the Activities of the Chamber
 - (ii) To receive and adopt audited statements of accounts for the previous year;
 - (iii) To appoint auditors for the next year,
 - (iv) To announce and record the result of the election of the Governing Council, when so held.

14. Notice

Both the Half Yearly and Annual General Meetings shall be convened with at least seven clear day's notice. Notice shall be taken to have been properly given if the office has records to show that such notices are duly sent. Non-receipt of such a notice in time by any member shall not invalidate the proceedings of any such meetings.

15. An Extra-Ordinary General Meeting

The Governing Council may, whenever it deems necessary or shall, when requisition in writing is received, signed by not less than Ten per Cent (10%) of the total members of the Chamber specifying the object for which such a meeting is to be called, convene an Extra-Ordinary General Meeting of Chamber. Such Extra Ordinary General Meeting shall be called after giving seven clear days' notice, stating therein the place, time and business to be transacted in it. No business shall be transacted at an Extra Ordinary General Meeting other than that for which the meeting has been called.

16. Requisitioned Meeting

If the Governing Council does not proceed to call a meeting within 21 days from the date of the receipt of the requisition, the requisitionists may themselves call the meeting and such meeting shall be convened as early as possible in the same manner in which meetings are called by the Governing Council but any meeting so called shall not be held after 3 months from the date of receipt of the requisition. No business, however, shall be transacted unless at least fifty one per cent of the requisitionist members are present.

17. Quorum

At all General Meetings of the Chamber, fifty members shall constitute the quorum. In case of an Ordinary General Meeting, if within half an hour of the time fixed for the meeting no quorum is formed, no business shall be transacted. The meeting shall be adjourned for thirty minutes and such adjourned meeting will be held at the same place. Such adjourned meeting will require no quorum. In the case of Requisitioned meeting, subject to Rule 16, the meeting be dissolved at the time fixed for such meeting and no meeting will be called for the same purpose within six months.

18. Adjourned Meeting

At such adjourned meeting, the business on the old agenda shall be taken. This meeting requires no quorum. It shall transact only the business on the agenda and it shall not initiate any new business.

19. Chairman

The President of the Chamber and in his absence Sr. Vice President or one of the Vice- Presidents shall preside over the General Meetings. In their absence, the members present shall vote one of them to Chair.

20. Voting

Every resolution submitted to the meeting shall be decided by a majority of the votes of the members present, the votes being taken by a show of hands. In the case of equality of votes, the Chairman shall have a casting vote in addition to his own vote.

21. Governing Council, its Constitution Elected and Co-opted Members

(i)The affairs of the Chamber shall be governed by the Governing Council. The said Governing Council shall be elected every two years, except President and Sr. Vice President who shall be elected every year. The said Governing Council shall consist of the President, one Sr. Vice President and the seven Vice Presidents representing respective regions and the following members:

The President & the Sr. Vice President shall be elected by all the members who are eligible to vote. The seven Vice Presidents representing their respective regions shall be elected from and amongst the members of the Chamber in the districts of the said Regions as follows.:

Sr. No.	Name of the Region	Districts in the Region	No.of Vice President
1.	Mumbai 1	Area of Mumbai City District Mumbai (South Mumbai and BMC territory and Mumbai Suburban District.)	One
2.	Mumbai 2	Thane District (it includes Navi Mumbai) and Palghar District	One
2.	Western Maharashtra	Pune, Satara, Sangli, Kolhapur, Solapur.	One
3.	Konkan	Raigad, Ratngagiri, Sindhudurg, Goa, Belgaum and Karvar	One
4.	North Maharashtra	Nashik,Dhule, Ahmednagar, Nandurbar, Jalgaon.	One
5.	Marathwada	Aurangabad, Beed, Parbhani, Jalna, Hingoli, Nanded, Latur, Osmanabad.	One
6.	Vidarbha	Akola, Amaravati, Nagpur, Bhandara, Vashim, Chandrapur, Gadchiroli, Yavatmal, Gondia, Buldhana, Wardha	One

Note :

(a) There shall be two Vice Presidents elected from the region if the Total Members from that Region who are eligible to vote exceeds the number 1000 members. The one Vice President will be from that District in the said Region which are having Maximum Members and the another Vice President will be from the district where the total number of members is more than 300.

(b) No election shall be held for the post of Vice President for the region in which the total membership of Chamber in the said region does not exceed 300 members having power to vote and having inclusion in the Voter List.

(i) The President shall be the Ex-officio Trustees of the Chamber during his tenure of the office. The Sr. Vice President may be the Invitee to the Meetings of the Trustees during his tenure of the office.

The President during his tenure, may if he so desires, in consultation with Vice President, if any, of the concerned region, in which a separate branch or branches is/are opened and operated by the Chamber, appoint a Branch Head for each such branch. The President during his said tenure may cancel the said appointment

(ii) Twenty members shall be elected from amongst the members from Brihan Mumbai and Mumbai Sub-urban Districts.

(iii) Every other district other than Brihan Mumbai shall be represented on the Governing Council by:

(a) One member, if the district has at least 20 members on the Register;

(b) Two members, if the membership of the District is over 20 but does not exceed 50,

(c) Three members, if the membership of the District is over 50 but does not exceed 100, and

(d) One more member for every additional 50 or part thereof members in excess thereof.

(iv) An adequate number of members not exceeding ten shall be co-opted to represent collectively the districts having each less than 20 members on the Register from amongst the members, from those districts.

(v) Minimum Fifteen representatives and maximum fifty representatives co-opted from amongst the Commercial, Industrial, Manufacturers, Trade, Agricultural, Professionals and other Associations affiliated to the Chamber.

(vi) Fifteen persons co-opted from amongst the members of the Chamber.

(vii) All Past-Presidents, Past - Senior Vice-Presidents and Past Vice Presidents will be the permanent invitees on the Governing Council of the Chamber.

(viii) The Trustees of the Chamber appointed under Rule No.41 shall be ex-officio members of the Governing Council.

(ix) Representatives of the Chamber on Statutory Bodies and such other bodies as the Governing Council may decide from time-to-time will be ex-officio members on the Governing Council.

(x) All seats not filled in by election may be filled in by Co-option by the Governing Council.

(xi) In due course of time the Governing Council shall consist of member selected under sub-rules (i) and (iii) all inclusive, and ex-officio members under sub-rule (vii) of this Rule, all co-opt members on the Governing Council as provided under sub-rules (iv) to (vi) all inclusive and sub-rule (x).

22. Vacancies on the Governing Council

"Any vacancy on the Governing Council including that of Vice President caused by any reason whatsoever, other than by expiry of the term of Governing Council, the vacancy shall be filled in by the Governing Council from the constituency of the Governing Council member and/or Vice President, whose place has become vacant for the unexpired period of the term of the respective vacancy"

In the case of any vacancy of the President on the Governing Council shall be filled in by the Sr. Vice President for the unexpired period of the term of the Governing Council.

23. Life of the Governing Council

The Governing Council shall retire at the end of its term of office but shall continue to function till the succeeding Governing Council is constituted.

24. Rules to Regulate Governing Council's working

The Governing Council may, from time-to-time, frame bye-laws and rules of procedure not inconsistent with this Constitution for carrying the work of the Chamber. These may be amended, altered or revised as may be deemed necessary. They shall come into force on being communicated to the members of the Governing Council and confirmed at a subsequent meeting of the Governing Council.

(i) The Governing Council may enter into arrangements upon such terms and subjects to such conditions as the Governing Council may deem desirable for working or managing the affairs in connection with or for any Association / Associations organized for the protection or promotion or better development of any branch of trade, commerce, industry or manufacture in Maharashtra or in India having its Head Office in Mumbai or Maharashtra or with like objects who may apply to be allowed to work in co-operation and conjunction with the Chamber provided the objects which such Association / Associations is or shall be formed are not inconsistent with the aims and objects of the Chamber.

(ii) The Governing Council may make such bye-laws and undertake such work as it may consider expedient for the regulation of the joint working of the business of any Association / Associations connected with the Chamber or for the purpose of defining the terms and conditions of the joint working of the business of such Associations as may, from time-to-time, be agreed upon between such Association /Associations and the Governing Council.

(iii) The Governing Council may decide to open Branches at any places of Maharashtra as it may deem fit. The Governing Council shall have powers to- appoint Local Committee from amongst the members of the Chamber from that area as it may deem fit to conduct the affairs of the Chamber in the different areas of that part.

24.(A) The Managing Committee

(i) The Managing Committee shall consist of the - following members.

1. President.
2. Sr. Vice President
3. Seven Vice Presidents
4. Immediate Past President (Ex-Officio member)- IPP - Immediate Past President means the President who has handed over the charge of Office of the President to the newly elected President. In case the Seating President has been re-elected for the next succeeding term also, the IPP will be the same President who has retired and has handed over the charge to re-elected President.

(ii) The Managing Committee may decide to invite any person, who may or may not be a member of the Chamber, to attend any particular meeting of the Managing Committee as & when required. Such invitee shall not have voting rights at the meeting.

(iii) The Managing Committee shall ordinarily meet once in every calendar month or more, if required

(iv) Three office-bearers present in person, one of whom shall be from outside Brihan Mumbai shall constitute the quorum for Managing Committee meetings.

(v) The day-to-day affairs of the Chamber shall be managed by the Managing Committee.

25. Secretary General and Other Staff

As an administrative head of the organization and for implementation of its decisions, the Governing Council shall appoint a Secretary General on such terms and remuneration as it deem proper and prescribe his duties and responsibilities.

For assistance in administration, the Managing Committee may appoint such additional staff on such terms and conditions and on such remuneration, as it may deem proper on the basis of organizational structure and shall prescribe their designations, duties and responsibilities.

26. Annual Budget and Accounts

(a) Every year the Secretary General shall prepare a budget and place the same before the Governing Council for approval.

(b) The Governing Council shall cause accounts to be properly kept, with necessary vouchers and receipts and all funds shall be deposited into a bank or banks as may be decided by the Governing Council. Such accounts shall be regularly audited and placed for adoption at the Annual General Meeting.

(c) (i) The Governing Council shall fix from time-to-time the yearly contribution to be paid to the funds of the Chamber by the President, Sr. Vice President, the Vice Presidents, the Chairman and members of the Governing Council and other representatives nominated to various public bodies, Government, Semi-Government or other Organizations, various Committees, Councils etc. so also various representatives representing Chamber on various Committees appointed by State Government, Central Government, Other Organizations, autonomous bodies like Universities, Management Institutes, Post Office Dept., Custom Dept., Excise Dept. etc.

(ii) A member to be nominated as the Chamber's representative on Public Body/ies on which the Chamber may have representation shall while giving his consent for such nomination as a representative of the Chamber to such public body have to pay in advance the contribution fixed for such nomination by the Governing Council according to Sub-Clause(1). The contribution so fixed is on yearly basis and he has to pay every year till such time he is on that body or organization. However, no member of the Chamber shall be nominated to any such Public Body, Committee, Advisory Committee, Board for more than two consecutive terms.

(iii) The members of the Governing Council shall have to pay contribution as fixed from time-to-time by the Governing Council for the post which they may hold in the Governing Council. The said contribution so fixed shall be in addition to the membership fees of the Chamber.

The members co-opted on the Governing Council shall pay the contribution while giving their consent for such co-option.

(iv) The ex-officio members shall be exempt from payment of such contribution.

27. Meetings of the Governing Council

(a) The Governing Council shall at least meet once in three months.

(b) If in case of emergency it is not possible to issue notices to all members in pursuance of the usual practice, the Secretary General shall, in consultation with the President or in his absence Sr. Vice President or in his absence one of the Vice-Presidents, issue notices only to the members residing at Brihan Mumbai either by a circular or by any other means and call a meeting of the Governing Council. All the matters disposed of at such a meeting shall for all purposes be considered valid as if they were disposed of at a full meeting and the proceedings shall be forwarded to all the members of the Governing Council also for their information, but the same shall be ratified in the next ordinary meeting of the Governing Council.

(c) Fifteen members shall constitute quorum of the Governing Council.

28. Minutes of meetings of the Governing Council and Managing Committee

(a) The minutes of the proceedings of the meeting of the Governing Council and the Managing Committee shall be recorded and printed in a loose leaf binder form or any other form of printing and filing. Such minutes printed and serially pre-numbered folios shall be confirmed with amendments, at the subsequent meeting and shall be duly initialled on each page and signed on the last page, by the Chairman of the next meeting.

Such minutes duly printed and serially numbered shall be preserved in loose leaf binder form or any other mode of filling, duly confirmed at the next meeting and duly signed by the Chairman, shall be the conclusive evidence of the record of proceedings of the previous meeting.

(b) Such Minutes shall be available for inspection to any member of the Chamber with at least 24 hours' notice to the Secretary General.

29. Register of Members

The Secretary General shall maintain a register of members of the Chamber giving the following details :

- i) Full name and Address of the Member;
- ii) Full Name of the Representative;
- iii) Nature of Business
- iv) Register Number and Serial Number.

30. When one who is a Member in a representative capacity ceases to be a member

A person who is a member of the Chamber in a representative capacity representing either a firm, joint stock company or a commercial association shall continue to be a member in that capacity till that body appoints another representative in his place. He shall cease to be a member of the Chamber immediately he serves his connection with that firm, joint stock company or commercial association.

31. Electoral Roll and Election of the new Governing Council

a) Electoral Roll :

1. The Secretary General shall issue a general circular to all the members of the Chamber excluding Honourary Members, Associates Members and Special Members to intimate to him in writing the changes in the names of the representatives of firms, companies, associations by the end of March of Previous Year of the Election year

for the purpose of the Electoral Roll according to which the election of the Governing Council and President, Senior Vice President and Vice Presidents shall be held.

2. The Secretary General will also intimate to all the ordinary members of the Chamber that the Electoral Roll will consist of only those members who have paid their fees of the last year/s and also the fees of the year of the election which are to be paid by the end of 30th April.

– **Explanation** : If the fees are not being credited to the bank account of the Chamber either at the Head Office in Mumbai or at the Branch Office in Nashik or other such Branch Office, if any, at other region by the end of 30th April, it will be presumed that the fees are not received but are still due.

The names of Term Members, Centenary Members will be included in the Electoral Roll, provided that their period of membership has not expired in the year of Election. Life members and Paton Members will be included in the Electoral Roll.

3. The members are also to intimate any other changes like change in address, telephone number, email address to the Secretary General in writing by the end of March.
4. The Secretary General, thereafter, shall prepare the Electoral Roll for the Election and it will be ready and published by the end of 7th May in the year of election. The Electoral Roll will be published to view on the web site of the Chamber and the printed copies of it will be also available at the Head Office of the Chamber and Nashik Branch of the Chamber or at any other Branch of the Chamber if exists on a predetermined price.

b) Election of The New Governing Council :

1. The Election for the New Governing Council including for the post of President, Senior Vice President and Vice Presidents shall be held as per the Electoral Roll and the Election Schedule declared by the Returning Officer who will be duly appointed by the Governing Council of the Chamber. The Governing Council shall also appoint the Scrutiny Committee for the Nomination Forms and of Ballot Papers. It will also appoint the Election Grievance Committee (referred to clause 35 and 35A).
2. The Governing Council in its meeting, before the declaration of the Election shall decide whether the Elections are to be held by Actual Voting in Person or by the Electronic system or Digital Voting System or by the both and accordingly the Elections will be held and completed.
3. The Election schedule shall be declared by the Returning Officer in the first week of May and latest by 7th May.
4. The Election schedule will include the following steps :
 - i) Issue of Nomination Forms and the Last Date to receive the Nomination Forms.
 - ii) Scrutiny of the Nomination Forms and consideration of grievances, if any by the candidates
 - iii) Declaration of the Eligible Candidates.
 - iv) The Last Date of Withdrawal of Nomination Forms and Declaration of Final List of Candidates.
 - v) The Dates of Voting.

vi) Counting of the Votes and announcements of the Results.

5. The Returning Officer shall make all the necessary arrangements for voting by the eligible members to vote at the Head Office, Branch Office/s of the Chamber. He will also make voting arrangements separately at other district places where the eligible numbers of Voters is more than two hundred.

6. The Voting at the Head Office and Branch Office Center shall remain in force for three days between the office timing of the Chamber. At other voting centres it will be only for one day between 10.00 a.m. to 6.00 p.m.

The necessary ballot paper shall be available at the voting centers only and the eligible voters have to cast his/her vote by dropping it in the voting box kept at the voting centre.

At the end of the voting period or time, voting boxes will be appropriately sealed and on the same day or latest by next working day will be brought to the main voting center i.e. at the Head Office. The Returning Officer should take charge of all ballot boxes and make appropriate record of it.

7. On the day of counting of the votes, all the ballot papers will be mixed together and there after the counting will be held. The counting of the Votes will be continuously held with appropriate breaks of rests. And at the end the results will be announced and will be declared in Annual General Meeting by the Returning Officer.

8. In case of equality of votes recorded for the members of the Governing Council, lots will be drawn and the member whose name is drawn in the lot shall be declared to be elected.

In case of equality of votes recorded for the election of the President or the Sr. Vice President or the Vice-Presidents, lots will be drawn and the member whose name is drawn in the lot shall be declared as President/Sr. Vice President or Vice President as case may be, to be elected.

32. The number of votes each voter has and how he has to give them In an election a voter shall have the same number of votes as the number of seats to be filled in from any particular constituency.

33. When Ballot Paper shall be rejected. A ballot paper shall be declared invalid,
i) If the voter votes for more candidates than he is entitled to vote for,
ii) If he gives more than one vote to any candidate; or
iii) If the voter signs the ballot paper or writes anything on the ballot paper.

34. Non-Eligibility of Elections **(a) 1.** No person shall be allowed to contest any election of the chamber for any post, if he has been proved guilty and sentenced by the court of law for any criminal or social offence involving moral Turpitude.

2. No member is eligible to stand as a candidate for election to the Governing Council of the Chamber unless he has a member on the Register of the Chamber for twelve months on the last day of the immediately preceding official year

(b) 1. Any Member who has completed 12 Months of his membership shall be eligible for the post of Governing Council. However, in

case of the member who has served one term on the Governing Council shall be eligible to contest the post of either governing council or the Vice President, only if he has attended and participated in minimum 40% of the meetings of the Governing Council in person if he is from out side Mumbai and 50% of the meeting of the Governing Council in person if he is from Mumbai¹ and Mumbai². Further he should have cleared all his dues including that of membership before the date of declaration of the election.

Provided further that, the criteria of attendance shall be applicable only if the member is contesting for continuously successive elections.

2. No person shall be elected to the office of Senior Vice President unless he has been a Vice President for one Term and has attended in person minimum 50% of the total meetings of Managing Committee and Governing Council and General Body held during the previous term. Further he should have cleared all his dues of membership including that of membership before the declaration of the election. Provided further that, the criteria of attendance shall be applicable only if the member is contesting for continuously successive elections.

3.(i.) No person shall be elected to the office of a President unless he has been a Senior Vice President for one Term and has attended and participated at least 60% of the Meetings of the total meetings of Managing Committee and Governing Council and General Body held during the previous term. Further he should have cleared all his dues of membership including that of membership before the declaration of the election.

Provided further that, the criteria of attendance shall be applicable only if the member is contesting for continuously successive elections.

(ii.) Only the Retiring President, the Seating Senior Vice President and such Senior Vice President/s who has completed their term but has not been elected as President of the Chamber shall be eligible to contest for the post of President. No Past President of the Chamber shall be eligible to contest for the post of President.

(iii.) In any case a member of the Chamber can not be a President of the Chamber for more than four Terms means 4 Years.

(c) If the Chamber has to receive any sum on account of membership fees and / or contribution to be paid to the Chamber by the Governing Council Member and / or contribution to be paid to the fund of the Chamber on account of nomination to various Public Bodies, Government, Semi-Government or other organization and on various committees of the Government and other organizations and autonomous bodies etc. of which one Month's notice has been given to the said member and the said member has not paid the aforesaid dues, said member shall not be eligible for election to any post and also he shall not be eligible to propose and/or second the candidature for election to any post. Such member shall also not be eligible for being nominated to any Committee, Advisory Committee, Board and / or Public Body and/or Propose or Second

any member of the Chamber to any such Committee, Advisory Committee, Board and/or Public Body.

35. Scrutiny of Nomination Forms and Scrutiny and Counting of the Ballot Papers

The Governing Council shall nominate two members from the Governing Council itself or from the General Members who are members of the Chamber for at least 5 years, to be scrutineers who along with the Secretary General, who is the Returning Officer, shall carry the scrutiny of nomination forms and of the ballot papers also.

Scrutiny of the Nomination Forms. The Scrutiny Committee shall hold the scrutiny of the Nomination Forms and shall declare the results of valid nomination forms. The candidates or their representatives can remain present at the time of scrutiny of Nomination Forms. The returning officer shall record the reasons for rejecting the nomination form with his signature and a copy of the same, on demand shall be given to the candidate or his official representative whose nomination form has been rejected.

Scrutiny and Counting of Ballot Papers : The Scrutiny Committee shall hold the scrutiny of Ballot papers on the day of counting of the votes and shall record the result in the order of the votes secured by the candidates. The candidates or their representatives can remain present at the time of scrutiny and counting. The results will be recorded immediately and will be declared at the time of the Annual General Meeting.

The Scrutineers nominated shall not be eligible for contesting the elections for which they are appointed as scrutineers.

**35 The Election
a. Grievance Committee**

At the time of conducting each election, the Governing Council shall constitute the Election Grievance Committee, to deal with all questions or disputes, relating to the said Election and to hold office upto one week from the date of declaration of results of any election. The term of the Election Grievance Committee may be extended for dealing with any appeal, which is received and is remaining undecided, up to one week from the date of declaration of results of any election.

The election grievance committee shall have a Chairman and two other members. The Chairman Will be one of the Past Presidents of the Chamber and two members will be the members from Governing Council itself. In case the governing council members are not available, to be the members of Election Grievance Committee, then the two members shall be from the General Members who are the members of the Chamber at least continuously for five years.

The members of the Election Grievance Committee shall not be eligible for contesting the elections for which they are appointed as Election Grievance Committee Members.

Any person aggrieved by any decision or action of the Secretary General or the decision or action of the Scrutiny Committee, shall be entitled to appeal in writing, to the Election Grievance committee. The election grievance committee shall invite the aggrieved person to present his case in person before the Election Grievance Committee. After duly hearing the case the grievance committee shall record its decision and/or order along with the reasons for such decision/order. A copy of its decision/order shall be given to the aggrieved person. The Election Grievance Committee, shall deal with and decide on the appeal, within three working days of the receipt of the appeal. The Decision of the Election Grievance Committee Shall be final.

- 36. Operation of Bank Accounts** All moneys and funds of the Chamber shall be received by the Secretary General who shall deposit the same into an account to be opened in the name of the Chamber with a bank or banks approved by the Governing Council. All Cheques shall be signed by the President or Sr. Vice President or one of the Vice-Presidents and the Secretary General jointly. In the case of the bank accounts at the branch/branches all cheques shall be signed by the President or Sr. Vice-President or one of the Vice-Presidents or the Branch Head of the Branch, if any, and the Branch Secretary jointly.
- 37. Property Funds and Borrowing of the Chamber**
- A)** The property of the Chamber of whatsoever description shall, subject to the provisions of Rule 36, be vested in and shall, when necessary, be transferred to such members of the Chamber as may be appointed by the Governing Council vide Rule No.41 who shall hold the same in trust for the time-being and shall deal with the property of the Chamber as directed by the Resolution of the Governing Council, of which an entry in the Minutes Book shall be conclusive evidence.
- B)** If at any time the Chamber in General Meeting shall pass a resolution authorizing the Governing Council to borrow money, the Governing Council shall thereupon be empowered to borrow for the purpose of the Chamber such amount of money either at one time or from time-to-time and at such security as may be specified in such resolution and there upon the members of the Governing Council, in whom the property of the Chamber shall, for the time-being, be vested, shall at the direction of the Governing Council, make all such dispositions of the property of the Chamber or any part thereof and enter into such agreements in relation thereto as the Governing Council may deem proper giving security for such loans and interest. All members of the Chamber, whether voting on such Resolution or not, and all persons becoming such members, shall be deemed to have assented to the same, as if they had voted in favour of such Resolution.
- C)** The income and property of the Chamber whensoever derived shall be applied solely towards the promotion of the objects of the Chamber and no portion thereof shall be paid or transferred directly or indirectly by way of dividend, loans or otherwise, howsoever, by way of profit to the members of the Chamber provided that nothing therein shall prevent the payment in good faith of remuneration to the officers or servants of the Chamber or to any other members of the Chamber or other persons in return for any services actually rendered or to be rendered to the Chamber.
- 38. Expulsion of Members** **Expulsion of Members :** The Chamber reserves to itself the rights of expelling any member **(a)** in case he does any act or pursues any course of conduct that is either in contravention of the Rules of the Chamber, or detrimental to its credit, or in any way injurious to its welfare and interest or **(b)** for any other good or sufficient reason it is thought desirable to remove his membership of the chamber. But an action of this kind shall only be taken on the Resolution passed at a General Meeting with Three-fourth of members present voting in its favour.
- 39. Amendments and Alterations in the Constitution** **A)** All these foregoing Provisions and amendments thereof, shall be appropriately printed and a copy duly signed by the President, shall be kept in the records of the Chamber. Printed copies of the same shall be given to any member on payment of such fees as may be prescribed by the Governing Council, from time to time. No alteration

or addition shall be made to these rules save and except by three-fourth majority of the members of the Chamber present at a General Meeting called for the Purpose.

B) If any member has to propose any change in this Constitution, he must send in writing to the Secretary General, his proposal of the change at least one calendar month before the General Meeting. The Secretary General will then place it before the next meeting of the Governing Council for inclusion in the Agenda of the General Meeting.

C) The necessary permission of the Charity Commissioner to such amendments and alterations shall be obtained.

40. Committees

(a) On the recommendation of the Managing Committee, the Governing Council shall constitute various committees to study and act upon the various problems of the trade, commerce, industry, agriculture and all other economic activities.

The term of these committees will be co-extensive with that of the the Governing Council.

(b) The committees constituted as above will during their term arrange seminars, training programmes, round table conferences, exhibitions, etc. to take forward the cause of the Chamber. These Committees as and when necessary shall prepare memorandum on the subjects of their interest to be presented to the appropriate Government and Semi Government and all Public Authorities.

(c) The Governing Council may also appoint additional Committees to study incidental problems. The Committees so appointed shall cease to exist after they submit their reports.

(d) The President, Sr. Vice President and Vice Presidents and Branch Head/Heads, if any, shall be ex-officio members of all the Committees

(e) The Committees shall have power to co-opt more members and/or to call in experts from outside to obtain their advice.

41. Trust and Trust Deed

There shall not be less than five and not more than seven Trustees of the Maharashtra Chamber of Commerce Trust. Any vacancy in the Board of Trustees shall be filled in by the Governing Council of Chamber.