

# **RECOMMENDATIONS OF ELECTORAL REFORMS COMMITTEE**

Democracy is effective and vibrant when voters exercise their franchise in a prudent manner. However, to give each voter an opportunity to select the right individual to govern be it an Institution like ASM or a Nation we should have a fair method of selection procedure with a set of Rules and Regulations.

Managing Committee of ASM had assigned this task of having a re-look into the Election Rules and its conduct to a select Committee consisting of 5 members and thus this Electoral Reforms Committee after having met on more than 5 occasions have come out with our recommendations. Interim recommendations were given for implementation during last elections which were considered in finalising this Report.

Following are our recommendations:

**1. The role of Scrutiny Committee is recommended to be broadened by entrusting additional responsibility of finalising eligible Voters' list before election date. The voters' list should be ready at least a few weeks before the elections. The cut-off date for the voters' eligibility should be 1 August of the year in which the election is held, i.e., Fees must be fully paid and dues, if any, settled on or before 31st July of the year in which the Election is scheduled. Only those members valid on the Register are entitled to vote and could be a candidate provided other criteria are fulfilled.**

Explanation: Finalisation of Voters' List is essential for a smooth conduct of Elections as members will know their status of eligibility to vote in advance. Scrutiny Committee can do this job much better than an employee of the ASM. Further, this final list will be a useful document for scrutiny of Nomination Forms of a prospective candidate.

**2. Term of Office Bearers and Managing Committee members shall be for 3 years' duration in which One third of MC members will retire every year by rotation.**

Explanation: Existing 2-year term is too short for a Governing Body to plan schemes and perform well for the Society. A fair amount of time must be given to the Governing Body members to implement their schemes. Hence this amendment is desired.

**3. A new member will become eligible to vote in the society elections after completion of 2 continuous years without default as a Resident Life or Ordinary Member of ASM as on 31<sup>st</sup> July.**

Explanation: A Member should have a good understanding of the Society and its Objects for which it is formed which will be known in this 2-year duration. New Members will have an opportunity to observe and understand the capability of those

who are contesting as candidates through their work in various Sub- Committees and/or Governing Body in previous terms. Further, no default in any form is a basic requirement of a member to cast a vote which is in conformity with discipline and decency of being a member.

4. Eligibility of a member to contest in an Election is as follows: -

**a) Should have been a member for five continuous years, as on 1 August or of the month in which election is held without any default (default shall include all types of fines/penalties/dues/non-return of books etc. and shall be not limited to annual membership dues only).**

Explanation: A Governing Body member is an important position to govern and take appropriate decisions for which a candidate should have an understanding of the Society and its functioning very well during this period of 5 years.

**b) Should have served for 2 years minimum in any one or two Sub-Committees after being admitted as a member of ASM.**

Explanation: This will give a member who is a prospective candidate to understand the ethos, objectives and the functioning of ASM and being in Sub Committee/s during those 2 years will make him understand the functioning process through which Objects of the ASM are achieved.

**c) Should not be less than 25 years of age or more than 75 years as on 31<sup>st</sup> July or last day of the previous month in which election is held.**

Explanation: For a member to be able to govern well in an Institution like ASM a member should not be too young hence 25 years is advised. As regards the restriction on upper age 75 years a member has to be alert and active in attendance for meetings and other activities of the society. Moreover, it has become more or less a norm in other bodies like Corporates and Institutions in our country to restrict members of this age and above.

**d) Should not have been a Managing Committee Member or an Office bearer in the preceding 6 Six years i.e. Two consecutive terms. However, a member can contest after a gap of 2 years of these two consecutive terms. In other words, there will be a cooling period of 2 years after two consecutive terms being in the Governing Body of the ASM in any capacity either as a Managing Committee member or as an Office bearer.**

Explanation: We have proposed to increase the term of both Office bearers and MC members to 3 years' duration. Earlier a Managing Committee member used to circumvent this provision by contesting as an office bearer and vice versa and thus defeating the whole purpose for which this provision has been incorporated in the Bye Laws. This is the need of the hour to ward off any undue permanent influence of a member in the governance of ASM forever and detrimental too. Moreover, it will also give an opportunity for newcomers to contest and be a part of Governance for which the members will have a good scrutiny before casting vote. Thus, any

Governing Body member of the society who has served in total 6 years continuously as an Office bearer or as a Managing Committee member, including for ad-hoc term period shall be eligible to serve third term only after a gap of two consecutive years i.e.: after the completion of Second three-year term. Thus, there is a cooling off Period of 2 years for continuance in Governing Body of ASM.

**5. In the case of a vacancy among the Office Bearers the same could be filled in only from Managing Committee members on an ad-hoc basis till next elections. An exception could be in the case of a Finance Secretary.**

Explanation: This could avoid a back door entry of a member through influence or otherwise without contesting an election or by a defeated candidate which may be a mockery of election itself. As a subject expert, the position of Finance secretary could be filled by members other than from the elected body.

**6. There will be no Co-option for any vacancy occurring in Managing Committee till next elections.**

Explanation: It is ideal and always better for an elected member to be in the Governing Body taking decisions than a non-elected member.

**7. A member shall not contest for 2 posts in the same election.**

Explanation: This is essential to avoid a vacancy if the candidate wins on both posts and thus vitiating the election process. Hence contesting on two posts is restricted here.

**8. Any sitting member of the Managing Committee or Office bearer who wishes to contest in an election as a candidate for another post before his/her term ends shall resign from the position held before submission of the Nomination Form.**

Explanation: This will create a vacancy if he or she wins. Further, by any chance if a defeated candidate in a recently contested election continue to remain in Governing Body in another position other than for which he contested and got defeated, then it will be an insult to the voters as the rejection itself is a no confidence by them and it should be given due credence.

**9. Rule 14 (b) should be dropped for withdrawal within 24 hours of time fixed for Annual General Body meeting**

Explanation: This contradicts with the time limit in the Election schedule set by Managing Committee for withdrawal of Nominations which is usually two working days after scrutiny and acceptance of Nomination forms by the Returning Officer. To remove the ambiguity and consequent confusion for the members, when the unwilling and withdrawn candidate's name will appear in Ballot paper then voters will be left with wonderment and thus get confused.

**10. Rule 14 (c) for the appointment of Hon. Finance Secretary and two Joint Finance Secretaries to assist him or her the same criteria of continuation for**

**Governing Body members are suggested, i.e., maximum continuation up to 6 years and reappointment can be after a cooling period of 2 years.**

Explanation: This must be similar terms with the Governing Body members to make it uniform for all members.

**11. Rule 14 c (iv) must be dropped.**

Explanation: It is always better and ideal to have elected representatives to be in the Governing Body than Co-option of 2 members for Special reasons.

**12. Rule 15, second paragraph of co-option from the members of Society will have to be dropped**

Explanation: It is ideal for the Society to have members in the Governing Body be elected representatives only on whom General Body members have reposed faith. Co-options may be done from the Managing Committee members if a vacancy occurs for Vice-President and in case of President one of the Vice-President can fill the position till next elections. The Managing Committee member who acted as an Interim Vice President will revert to continue as Managing Committee member and the Vice-President who acted as a President will revert to continue as Vice-President till his/her term ends.

Above are our submissions after a series of discussions among members in the Electoral Reforms Committee.

The Committee had examined other options of franchise like postal voting, electronic means and mobile forms of voting methods but believed our Society has no infrastructure to implement these alternative forms in addition to the Ballot if necessary. We leave this point to the Managing Committee so that as and when this is feasible ASM may adopt these forms of franchise to accommodate more voters' say in selection of Governing Body members

Suggestions from our members were called and we have had some good responses too. This Committee has done its best to incorporate them wherever possible within the framework of our Bye Laws and Rules. We have made suggestions for changes only to those portions in the Rules pertaining to role of the Scrutiny Committee, the process for conduct of Elections and selection of Governing Body members and method for co-option of members in case of a vacancy occurring.

These recommendations may be implemented on an early date preferably from the 2023 Elections with the approval of a Special General Body.

A separate sheet is attached with these recommendations to amend the Bye Laws of the ASM by convening a Special General Body Meeting.

The amendments may be carried in the Bye Laws after obtaining consent from the General Body in the form of either a simple majority or 2/3<sup>rd</sup> majority as the need be

in accordance with the provisions of Rule 57 (a) of the Rules and Regulations of Asiatic Society of Mumbai.

Any clarification or elucidation needed to clarify the above suggestions you may contact the convenor, or any member and we shall be glad to help you out in this matter.

We are thankful to the Managing Committee in having faith in us and for giving us an opportunity to suggest reforms to Electoral bye laws of Asiatic Society of Mumbai. We hope we have served the purpose to your expectation.

Yours faithfully,

A V GOPALAKRISHNAN

CHIRAG DIGHE

DEVDUTTA MALSHE

VILAS DHAVAL

&

VINAYAK PARAB

Dated: 17th January, 2023

# **Proposed Amendments in Rules and Regulations of Asiatic Society of Mumbai**

**Add Rule 6 (h):** Scrutiny Committee will prepare the Final List of voters as on 31st July each year and submit it for reference to Returning Officer before Scrutiny of Nomination Forms of proposed candidates. Eligible members will be those who have no dues, fines, late fees, penalties, late return of any books, pending in any form as on 31st July.

**Amend Rule 13 (b):** A member who, on 31st July of the Election year or on the last working date of previous month in which the Election is held, has any arrears of subscription, or is liable to pay any dues, fines, late fees, penalties, late return of any books to the Society, shall not be entitled to participate in any way at such meeting.

**Add Rule 13 (c):** A member who has completed 2 years of his admission to ASM shall have a right to vote. For this there should not be a lapse or discontinuance of membership subscription during the last 2 year

## **Governing Body Meetings**

**14.** The Society shall be administered by a Governing Body consisting of President, four Vice-Presidents, an Hon. Secretary who will be the Chief Executive Officer of the Society and 15 Managing Committee members elected from the Resident members subject to following conditions:

**(A) Qualification for a member to contest as a Managing Committee member**  
**is as follows:**

- (1)** The member should have completed Five (5) years of continuous membership after admission.
- (2)** should have been a member of any one or more Sub-committees during any two years earlier after admission as a member.
- (3)** should not have been a member of the Governing Body in any capacity for the immediate past two earlier consecutive terms of three (3) years.
- (4)** If had been a member of Managing Committee or Office Bearer of ASM earlier for two consecutive terms, then a gap of two years or more years are completed.
- (5)** should not be less than 25 years of age or more than 75 years as on 31<sup>st</sup> July or last day of the previous month in which election is held.
- (6)** should not have misappropriated the Funds of the Society which is considered as such by a General Body or by an appropriate Court.

**(B) Qualification for a member to contest as an Office bearer is as follows:**

- (1) should have been a Managing Committee member for a full term of Three (3) years in any one of earlier years.
- (2) should not have been a member of the Governing Body in any capacity for immediate past two consecutive terms of three (3) years.
- (3) If had been a member of Managing Committee or Office Bearer of ASM for the immediate past two consecutive terms earlier, then a gap of two years or more is completed.
- (4) Should not be less than 25 years of age or more than 75 years as on 31<sup>st</sup> July or last day of the previous month in which election is held
- (5) should not have misappropriated with the Funds of the Society which is considered by a General Body or by an appropriate Court,

(C) A sitting member of Managing Committee who is in a continuing term cannot file a Nomination for Office bear's post unless he/she resigns from the post before the day of filing his/her Nomination form. Similarly, an Office bearer who is in a continuing term cannot file a Nomination for Managing Committee member's post unless he/she resigns from the post before the day of filing his/her Nomination. In both these cases the Governing Body should accept the Resignation in the next meeting itself.

(D) The nominations on the Society's official form must be supported by two members and signed by the candidate indicating her willingness to serve and must be received by the Society's office by the deadline set by the Managing Committee, which shall not be less than eight and more than fifteen days before the General Body Meeting,

(E) All members of the Governing Body which includes Office Bearers and Managing Committee members shall be elected for a period of three years' term and hold office in their elected capacity. Only in the case of Managing Committee members one third members will retire every year by rotation after serving their period of three years term and shall be replaced by five members for a period of another three-year term,

(F) In addition to the elected members, there will be one each representative of the Central Government and the State Government, who will attend the meetings of Managing Committee as well as the General Body. They will have no right to vote. Their travel and other expenses will be borne by respective Governments,

**(G)** In addition, there will be a representative of the staff on the Managing Committee, elected by the employees. The said representative will not have the rights and privileges of an elected representative including the right to vote. He/she may participate in the discussion on items of agenda of the Managing Committee concerning the employees only. His/her tenure will be for three years, and he/she shall be eligible for re-election.

**(H)** A member who is in arrears of subscription or has any other dues, fines, penalties, or late fees payable to the Society or has been a defaulter for non-return of books as on the day of finalisation of voter's list by Scrutiny Committee, shall not be eligible to seek election to Managing Committee. The same shall apply to proposer and seconder of all candidates.

**(I)** The Managing Committee will frame the election programme and publish it on the notice board and circulate the same along with notice of the meeting of General Body. The Managing Committee will appoint a member of the Society of at least five years' standing as Returning Officer who shall not be a Member of the Managing Committee and who is not a contesting candidate. The Returning Officer will be fully in charge of the conduct of elections and his/her decision shall be final and binding to all.

**(J)** No member shall be a member of the Governing Body in any post for more than two consecutive terms of three years. the Governing Body in this context includes Office bearers and Managing Committee members. The term of co-opted Office bearer will be considered as with the residual period of the vacant seat. The co-opted Office Bearer's term will end on by the end of the year and an election to the Office Bearer's post has to be held in the immediate next election for the remaining term of the original Office Bearer's tenure.

**(K)** It shall be competent to the Managing Committee:

(i) to appoint Hon. Finance Secretary from among the members of the Society for supervision of financial affairs of the Society subject to the general control of the Managing Committee.

(ii) In the case of the Finance Secretary is not an elected member of the Committee he/she shall be an ex- officio member of the Managing Committee. For such a member shall have the same conditions applicable to as that of Governing Body members and shall cease to be an ex-officio member after two consecutive terms of 3 years and may be re-elected or appointed only after a gap of two years. If the Finance Secretary is selected from the elected members of the Managing Committee, the vacancy of that position shall be filled through an election in the following year for the reminder of the tenure of that position.

**(L)** to appoint, if necessary, not more than two Hon. Joint Finance Secretaries from among the elected members or from among the members of society for assisting the Hon. Secretary in the performance of his/her duties. In case any or both Joint



Finance Secretaries is/are not elected members of the Managing Committee, they shall be ex- officio members of that Committee. In case the additional Hon Joint Finance Secretaries are selected from the elected members, they will serve as an additional responsibility till their respective term of membership ends. For such a member/s shall have the same conditions applicable to as that of Governing Body members and shall cease to be ex-officio member/s after two consecutive terms of 3 years and may be re-elected or appointed only after a gap of two years.

**(M)** To appoint, if necessary, an Hon. Joint Secretary from among its own Managing Committee members. In such an event, the term of the Hon Joint Secretary will last till the tenure of the member in the committee.

**(N)** In case of a contest between candidates for 2 different terms in an Election, those candidates who obtain a smaller number of votes in ranking will be considered as elected for shorter period of the term. Further, in case of a tie between two or more candidates, the winning ones will be decided based on Lots drawn in the presence of Returning Officer before declaration of results.

**Amend Rule 15.** In the event of a vacancy for *either* office bearers *or* of the Managing Committee it shall be filled in the next immediate election. Co-options may be done from the Managing Committee members only if a vacancy occurs for Vice-President and in case of President one of the Vice-Presidents only can fill the position till next elections. The Managing Committee member who acted as an Interim Vice President will revert to continue as Managing Committee member till his/her term ends. Similarly interim President will revert to the post of Vice President till his/her term ends.

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