MEMORANDUM OF ASSOCIATION OF RESIDENT WELFARE ASSOCIATION POCKET K, DDA FLATS, SHEIKH SARAI PHASE 2, NEW DELHI-110017

Name of the Society: Pocket K, DDA Flats, Sheikh Sarai Phase 2, New Delhi-110017
Registered Office: Gate No 1, Pocket K, Sheikh Sarai Phase 2, New Delhi-110017

RWA (Residents' Welfare Association) bye-laws refer to the set of rules and regulations that govern the functioning and management of an RWA. These bye-laws outline the responsibilities, rights, and duties of the members, office bearers, and the general structure of the association. They are typically created and adopted when forming an RWA, and they can vary based on the region and the specific needs of the community.

Purpose of the Residents' Welfare Association (RWA)

The primary purpose of the Residents' Welfare Association (RWA) is to foster a safe, harmonious, and well-maintained living environment for all residents within the community. The RWA shall strive to address the common interests and welfare of its members by focusing on the following objectives:

1. **Welfare of Residents**: To promote the overall well-being of all residents by addressing their concerns, ensuring a secure environment, and creating a sense of community. This includes organizing social, cultural, and recreational activities to enhance the quality of life.
2. **Maintenance of Common Areas**: To manage and maintain the common areas and facilities within the community, including but not limited to parks, playgrounds, parking spaces, roads, and recreational areas. The RWA shall ensure that these areas are kept clean, safe, and in good condition for the use of all residents.
3. **Addressing Community Issues**: To act as a liaison between the residents and local authorities or external service providers in addressing issues such as water supply, waste management, electricity, safety, security, and any other concerns that impact the residents' day-to-day life.
4. **Conflict Resolution**: To provide a platform for amicably resolving disputes and conflicts among residents, ensuring that issues are addressed fairly and in a timely manner while fostering mutual respect and understanding.
5. **Financial Management**: To manage the financial resources of the RWA transparently and efficiently, ensuring that funds are allocated appropriately for the maintenance of common areas, services, and community projects. The association may also collect membership fees and contributions to cover costs incurred in the upkeep of the community.
6. **Compliance with Laws**: To ensure that the RWA's activities and operations are in full compliance with local, state, and national laws and regulations, including building codes, safety standards, and property rights.

Through these objectives, the RWA aims to create a cooperative and supportive community where residents can enjoy a peaceful, healthy, and well-maintained living environment.

RULES AND REGULATIONS OF RESIDENTS WELFARE ASSOCAIOTION POCKET K, SHAIEKH SARAI PHASE 2, NEW DELHI-110017

Membership of the Residents' Welfare Association (RWA)

1. **Eligibility for Membership**:
    - Membership in the RWA is open exclusively to individuals who own a property within the residential society.
    - To be eligible for high-post positions (President, Vice President, and Secretary), the candidate must have resided in the society for at least 5 years.
    - Additionally, the candidate must have paid a minimum of 3 years of continuous monthly or yearly RWA subscription fees.
    - Any government employee seeking to hold a position in the Residents' Welfare Association (RWA), such as President, Vice President, Secretary, or any other high-ranking role, must obtain a No Objection Certificate (NOC) from their employer or the relevant government department.

2. **Rights of Members:**
    - **Voting Rights**: Each member who have fully paid their annual membership fee or subscription fee up to the current financial year shall have the right to vote in the general body meetings, including on matters such as election of office bearers.
    - **Right to Attend Meetings**: All members have the right to attend, participate, and raise concerns in general body meetings, annual meetings, and any other meetings called by the RWA.
    - **Right to Use Common Areas and Facilities**: All members are entitled to the use of the common areas and facilities maintained by the RWA, subject to the guidelines and rules set by the association.
    - **Right to Be Informed**: Members have the right to be informed about the RWA's activities, financial status, and any decisions that may affect the community, including through regular communication such as newsletters or notices.

3. **Process for Joining the RWA**:
    - **Application**: To join the RWA, eligible individuals must submit a completed membership application form, available from the RWA office or the association's designated representatives.
    - **Approval**: The membership application will be reviewed by the RWA's governing body or an elected committee. Once approved, the applicant shall be notified of their membership status.
    - **Issuance of Membership**: Once the application is approved, the individual will be officially enrolled as a member of the RWA and will receive a membership card or acknowledgment.

4. **Process for Leaving or Terminating Membership**:
    - **Voluntary Exit**: A member may voluntarily leave the association by submitting a written resignation or notice of withdrawal to the RWA's governing body. The resignation will be processed, and the member will no longer have any rights or responsibilities within the RWA once the exit process is completed.
    - **Non-payment of Dues**: If a member fails to pay the prescribed membership fees or any other dues to the association for a period

exceeding 3 months, the membership may be considered terminated, following a formal notice and approval process.
    - **Expulsion**: A member may be expelled from the RWA for reasons such as severe violation of the association's rules, disruptive behaviour, or actions that are detrimental to the well-being of the community. The expulsion process shall involve a fair hearing, and the decision shall require the approval of a majority of the governing body.

5. **Obligations of Members**:
    - All members are required to adhere to the rules and regulations set out in the RWA's bye-laws and to contribute to the smooth functioning of the association by participating in meetings, events, and adhering to the community's guidelines for maintenance and conduct.
    - Members are also expected to pay their membership dues and any other fees promptly, as decided by the RWA.

By becoming a member of the RWA, individuals agree to abide by the association's governing rules and contribute to the collective welfare of the community.

Meetings of the Residents' Welfare Association (RWA)

1. **General Body Meetings (GBMs)**:
    - **Frequency**: The General Body Meeting (GBM) shall be held at least once every quarter to discuss ongoing matters, address residents' concerns, and make decisions on community-related issues.
    - **Conduct**: The GBM will be presided over by the President or, in their absence, by another designated office bearer. The meeting will follow a pre-circulated agenda and may include discussions, reports on financial status, updates on maintenance activities, and any other issues raised by members.
    - **Notice**: A notice of at least 7 days prior to the scheduled date of the GBM must be given to all members, either through email, physical notice, or other communication channels.
    - **Quorum**: The quorum for a General Body Meeting shall be at least 25% of the total members or at least 10 members (whichever is greater). If the quorum is not met, the meeting may be adjourned and rescheduled.

2. **Annual General Meeting (AGM)**:
    - **Frequency**: The Annual General Meeting (AGM) shall be held once every year, typically within the first quarter of the financial year, to review the association's performance, approve annual budgets, elect office bearers, and discuss long-term goals and strategies for the community.
    - **Conduct**: The AGM will be conducted with a structured agenda, which will include the following:
        - Approval of the previous year's minutes
        - Financial report (including income, expenses, and audit report)
        - Election of office bearers (if applicable)
        - Presentation of the annual report on RWA activities
        - Discussion of new projects or initiatives for the upcoming year

- **Notice**: A notice of at least 14 days must be provided to all members prior to the AGM, with the full agenda and supporting documents (e.g., financial reports) included.
- **Quorum**: The quorum for the AGM shall be 50% of the total members. If the quorum is not met, the AGM may proceed with the available members but any decisions will be provisional and subject to ratification at a subsequent meeting.

3. **Voting Procedures**:
   - **Voting Rights**: Each member in good standing (i.e., having paid all dues) shall have one vote per issue discussed during any meeting, whether General Body, Special, or AGM.
   - **Method of Voting**:
     - Voting on issues may be conducted by show of hands during the meeting. However, if a member requests, a secret ballot may be conducted, especially for elections of office bearers or sensitive matters.
     - If there is an electronic voting mechanism in place (for example, through an online portal), members may vote in advance of the meeting.
   - **Majority Voting**: Decisions in meetings will be made by a simple majority vote unless specified otherwise in the bye-laws for particular matters. For example:
     - 50% plus one of the votes cast will be sufficient for most decisions (e.g., approval of budgets, election of office bearers).
     - For amendments to the bye-laws, a two-thirds majority of members present and voting is required.

4. **Adjournment of Meetings**:
   - In case of a lack of quorum or other unavoidable circumstances, meetings may be adjourned and rescheduled. The notice for the adjourned meeting must state the date, time, and venue of the reconvened meeting, as well as a reduced quorum (where applicable).
   - If the meeting continues with a reduced quorum, decisions made will still be valid unless otherwise stated in the bye-laws.

By ensuring transparency and fairness in the conduct of meetings, these guidelines aim to empower all members to actively participate in the decision-making process and to ensure that the RWA operates in the best interests of the community.

Managing Committee of the Residents' Welfare Association (RWA)

The Managing Committee (MC) of the Residents' Welfare Association (RWA) plays a pivotal role in ensuring that the day-to-day operations of the association are carried out efficiently. The MC is composed of office bearers and additional members who work together to manage the various tasks required to maintain the welfare of the residents and the society at large.

Composition of the Managing Committee

The Managing Committee typically consists of the office bearers as well as additional members. These additional members are typically elected or appointed by the General Body, and sometimes the Managing Committee members themselves may have the authority to elect certain members or officials within the committee. The size and composition of the committee can vary based on the needs and the size of the community, but it generally includes:

- President
- Vice President
- Secretary
- Joint Secretary
- Treasurer
- Members at Large (Additional members of the committee with specific responsibilities)

Office Bearers of the Residents' Welfare Association (RWA)

1. **President**:
    - **Role**: The President is the chief executive of the RWA and plays a pivotal role in guiding and overseeing the activities of the association. The President ensures that the association operates in accordance with the objectives outlined in the bye-laws.
    - **Powers and Duties**:
        - Preside over all general body meetings, special meetings, and the AGM.
        - Represent the RWA in external communications, with government authorities, and in any legal matters.
        - Ensure the implementation of decisions made by the general body.
        - Supervise the activities of the RWA office bearers and committees.
        - Maintain a close working relationship with other office bearers, ensuring a collaborative approach to decision-making.
        - Call meetings and set the agenda for the meetings.
        - Provide leadership and set a positive example for the association members.

2. **Vice President**:
    - **Role**: The Vice President acts as a deputy to the President and steps in for the President when they are unavailable.
    - **Powers and Duties**:
        - Assist the President in their duties and responsibilities.
        - Take on the role of acting President during the President's absence.
        - Support the coordination of meetings and activities of the RWA.
        - Assume specific tasks or projects as delegated by the President.

3. **Secretary**:
    - **Role**: The Secretary is responsible for maintaining all records, correspondence, and communication within the RWA.
    - **Powers and Duties**:
        - Maintain a register of members and ensure up-to-date membership records.

        - Handle all official communication, including sending notices for meetings, managing correspondence with external authorities, and distributing relevant documents to members.
        - Record the minutes of the meetings and ensure that decisions and resolutions are accurately documented.
        - Organize and maintain files related to RWA meetings, projects, and financial records.
        - Ensure compliance with all legal documentation and filing requirements.
        - Coordinate with the Treasurer on financial reports and documentation for the meetings.

4. **Joint Secretary**:
    - **Role**: The Joint Secretary assists the Secretary in carrying out their responsibilities.
    - **Powers and Duties**:
        - Support the Secretary in organizing meetings and maintaining records.
        - Step in as the acting Secretary in the absence of the Secretary.
        - Assist with documentation, minutes, and communication as necessary.
        - Ensure that all correspondence is handled promptly.

5. **Treasurer**:
    - **Role**: The Treasurer is responsible for managing the financial affairs of the RWA, including collecting fees, maintaining accounts, and ensuring financial transparency.
    - **Powers and Duties**:
        - Collect membership fees and any other contributions from residents.
        - Maintain detailed and accurate financial records, including income, expenses, and bank accounts.
        - Prepare the annual budget and present it for approval during the AGM.
        - Ensure that funds are utilized effectively and that financial resources are available for the maintenance and development of common areas and services.
        - Prepare and present financial reports at the GBM and AGM, including an audited balance sheet.
        - Oversee any financial audits and comply with relevant tax regulations.
        - Ensure that financial decisions are made in the best interest of the RWA and the community.

6. **Committee Members**:
    - **Role**: The Committee Members are usually elected to handle specific tasks or projects within the RWA, such as security, maintenance, or community events.
    - **Powers and Duties**:
        - Actively contribute to the planning, decision-making, and execution of community projects or initiatives.
        - Attend meetings and provide input on relevant matters.

- Collaborate with other office bearers and members to ensure the smooth functioning of the association.
- Carry out tasks as assigned by the President or Secretary.

Election of Office Bearers:

- **Frequency**: Elections for office bearers shall be held every 2 years or as specified in the RWA's bye-laws.
- **Nomination Process**: Members interested in standing for office must submit a nomination form signed by at least two other members, within a specified period prior to the election. The names of the nominees will be circulated to all members.
- **Election Procedure**: Elections will be conducted by secret ballot or any other method agreed upon by the general body. Candidates will be elected by a simple majority vote.
- **Vacancy**: In case of a vacancy in any office, a special election or appointment may be held to fill the position, in accordance with the RWA's procedures.

The office bearers should carry out their roles in a transparent, responsible, and ethical manner, upholding the interests and welfare of the residents and the community as a whole.

Financial Management of the Residents' Welfare Association (RWA)

1. **Sources of Funds**: The financial resources of the RWA will primarily come from the following sources:
    - **Membership Fees**: Each member is required to pay a one-time registration fee (if applicable) and annual membership fees as decided by the RWA. The membership fee structure may be revised periodically based on the needs of the society.
    - **Contributions**: Additional contributions may be collected for specific purposes, such as major repairs, community events, or development projects.
    - **Donations and Sponsorships**: The RWA may accept donations or sponsorships from residents or external sources to fund community activities, amenities, or special projects.
    - **Income from Assets**: If the RWA owns any assets (e.g., rental properties or a clubhouse), income generated from them may be used to support the association's activities.
    - **Other Funds**: The RWA may explore other legitimate sources of income, such as organizing community events, fairs, or fundraising activities, as long as they align with the welfare objectives of the association.

2. **Management of Funds**:
    - **Bank Accounts**: The RWA will maintain a separate bank account under its name, where all funds will be deposited and managed. The bank account will require at least two authorized signatories—typically the

President and Treasurer or any other office bearers designated by the general body.

- **Record Keeping**: The Treasurer will maintain clear, accurate, and up-to-date financial records, including income, expenses, and bank statements. These records must be accessible for review by members during meetings or upon request.
- **Separation of Personal and Association Funds**: Personal funds of members, office bearers, or residents must be kept entirely separate from RWA funds to ensure transparency and proper accountability.

3. **Budgeting**:
   - **Preparation of Annual Budget**: The Treasurer will prepare an annual budget at the beginning of each financial year, outlining the expected income and planned expenditures. The budget should include allocations for the following:
     - Maintenance and repair of common areas and facilities (e.g., parks, roads, security).
     - Community development projects (e.g., landscaping, recreational activities).
     - Administrative costs (e.g., office supplies, salaries, legal fees).
     - Emergency or contingency funds for unforeseen expenditures.
   - **Approval of Budget**: The annual budget must be approved by the General Body during the Annual General Meeting (AGM). Any amendments to the budget during the year must also be approved by the General Body.
   - **Monitoring of Expenditures**: The Treasurer will regularly monitor the RWA's expenditures against the budget and provide updates during the General Body Meetings (GBM). In case of any significant deviation, the Treasurer must present an explanation and seek approval for adjustments.

4. **Membership Fees and Dues**:
   - **Fee Collection**: The RWA will issue a notice to all members for the collection of annual membership fees. Payment deadlines should be clearly stated in the notice, and reminders will be sent to members who fail to pay within the prescribed time frame.
   - **Late Payment**: If a member fails to pay the fees within the stipulated time, the RWA may impose a late payment fee or take other steps as outlined in the bye-laws, including suspension of membership rights.
   - **Fee Revision**: The General Body may propose a revision of membership fees based on inflation, increased costs of services, or major projects. A majority vote in the GBM or AGM will be required to approve any fee hikes.

5. **Expenditures**:
   - **Approval Process**: Any expenditure above a pre-determined threshold (e.g., ₹20,000 or as set by the association) must be approved by the General Body or the Executive Committee. Smaller expenses may be authorized by the President, Secretary or Treasurer.
   - **Transparency**: All payments and receipts should be documented, and invoices or receipts should be maintained as proof of transaction.

- **Emergency Expenditures**: In case of emergency expenditures (e.g., urgent repair works, legal fees), the President and Secretary may approve expenditures up to a certain limit, subject to later approval by the General Body.

6. **Audits**:
   - **Annual Audit**: The RWA will ensure that its accounts are audited annually by an independent chartered accountant (CA) or internal auditor. The audit report will be presented during the AGM for approval by the General Body.
   - **Audit Procedure**: The auditor will review all financial records, including bank statements, receipts, invoices, and expenditures, to ensure transparency and compliance with financial regulations.
   - **Audit Report**: The final audited report will include a statement of income and expenditure, a balance sheet, and any recommendations for improving financial practices. The report will be made available to all members upon request.
   - **Internal Audits**: Apart from the annual external audit, the Treasurer and/or an internal audit committee may conduct periodic checks to ensure that financial procedures are being followed and that there is no misuse of funds.

7. **Financial Reporting and Transparency**:
   - **Monthly Financial Reports**: The Treasurer will provide a monthly financial report to the Executive Committee, highlighting the financial status of the RWA, including income, expenses, and bank balances.
   - **Quarterly Updates**: The RWA will provide quarterly financial updates to the General Body during the GBMs, ensuring transparency and regular communication on financial matters.
   - **Access to Financial Records**: Members will have the right to request and review the RWA's financial records during meetings or at any reasonable time, ensuring openness and accountability.

8. **Reserve Fund**:
   - The RWA may establish a reserve fund to address long-term maintenance or emergency expenses. A percentage of the annual membership fees may be allocated to this fund. The use of this reserve fund must be approved by the General Body.

9. **Compliance with Tax and Legal Regulations**:
   - The RWA will ensure that its financial operations comply with all applicable tax laws and regulations under the Income Tax Act and other relevant legislation.
   - If required, the RWA will obtain the necessary registrations and file returns with government authorities in accordance with the law.

By maintaining a robust system for managing funds, budgeting, auditing, and ensuring transparency, the RWA aims to build trust among residents and ensure that financial resources are used effectively to improve the welfare of the community.

<u>Dispute Resolution for the Residents' Welfare Association (RWA)</u>

1. **Introduction**: The Residents' Welfare Association (RWA) is committed to maintaining harmony within the community. However, in case of disagreements or disputes between members, or between the RWA and external parties, it is essential to follow a structured procedure for resolution. The dispute resolution process aims to provide fair, transparent, and timely solutions to conflicts while maintaining the well-being of the community.

2. **Types of Disputes**: Disputes can arise in various forms, including but not limited to:
    - Disagreements between members of the RWA (e.g., regarding fees, usage of common areas, behaviour, etc.).
    - Conflicts related to maintenance, repair, or security services.
    - Issues related to the interpretation of the RWA's bye-laws.
    - Disputes between the RWA and external contractors, service providers, or authorities.
    - Complaints against the RWA office bearers or management.

3. **Internal Disputes (Between Members or with the RWA)**:

a. **Informal Resolution**:

- In the first instance, the RWA encourages informal resolution through direct dialogue. Both parties should make an effort to resolve the issue amicably through communication.
- A neutral mediator, such as a senior member or office bearer, may assist in facilitating discussions between the parties involved.
- The goal of this informal approach is to reach a mutual understanding or agreement without escalating the matter.

b. **Formal Complaint**:

- If informal resolution fails, the aggrieved party can file a formal written complaint to the RWA, detailing the nature of the dispute, the involved parties, and any relevant facts.
- The complaint must be submitted to the Secretary of the RWA, who will acknowledge receipt of the complaint within a specified period (e.g., 3 days).

c. **Investigation and Mediation**:

- Upon receipt of the formal complaint, the RWA shall form a Dispute Resolution Committee (DRC), consisting of at least three neutral members, including at least one office bearer, to investigate the matter.
- The DRC will review all relevant documents, interview the involved parties, and, if necessary, seek external advice or experts.
- The committee will facilitate a mediation session between the parties involved to help them reach an amicable resolution. Mediation will focus on finding a mutually agreeable solution while maintaining a respectful and cooperative environment.

d. **Resolution**:

- If mediation is successful, a written settlement agreement will be prepared, outlining the terms of the resolution, and signed by all parties involved.
- If the dispute remains unresolved through mediation, the matter may be referred to the General Body for a final decision. The General Body will discuss the issue in an open forum and vote on the appropriate resolution.
- In case the General Body vote does not result in a solution, the RWA may refer the issue to an external arbitrator or a local legal authority.

4. **Dispute with External Parties (Contractors, Service Providers, Authorities)**:

a. **Initial Negotiation**:

- If there is a dispute with an external party (e.g., a service provider or contractor), the RWA should first attempt to resolve the issue by negotiating directly with the concerned party.
- The office bearers or an assigned committee member will engage in discussions, with the aim of finding a resolution that is fair to both parties.

b. **Mediation and Arbitration**:

- If direct negotiation does not resolve the issue, the RWA may propose to engage a third-party mediator or an external arbitrator to mediate the dispute. This process helps avoid a prolonged conflict and provides a neutral forum for resolving the issue.
- In case of an arbitration process, the decision of the arbitrator will be **binding**, unless otherwise agreed upon by both parties.

c. **Legal Action**:

- If informal resolution, mediation, and arbitration do not result in a satisfactory resolution, the RWA may choose to pursue legal action. Legal avenues include filing a complaint with consumer courts or initiating a civil suit based on the nature of the dispute.
- Before resorting to legal action, the RWA must obtain approval from the General Body to ensure that the action aligns with the collective interest of the residents.

5. **Preventive Measures for Disputes**: To minimize the occurrence of disputes, the RWA will:
   - Regularly communicate updates, rules, and policies to the residents, ensuring clarity and transparency.
   - Organize community meetings to address concerns and provide a platform for members to raise issues.
   - Create clear guidelines and rules for common areas, maintenance, fees, and usage that are easily accessible to all members.
   - Maintain a dispute resolution policy that is published and available for reference by all members.

6. **Role of the Dispute Resolution Committee (DRC)**: The **Dispute Resolution Committee (DRC)** plays a central role in handling and resolving disputes:

- The DRC shall consist of neutral and unbiased members with an understanding of community welfare and conflict resolution.
- The committee will act as mediators, facilitators, and advisors in disputes but will not have binding authority unless the dispute has been escalated to the General Body or arbitration.
- The DRC will ensure that all parties involved in the dispute are given a fair opportunity to present their case and that the dispute is handled in a confidential and respectful manner.

7. **Confidentiality**:
   - All parties involved in the dispute resolution process are expected to maintain **confidentiality** throughout the process. This ensures that the discussions remain constructive and that members feel comfortable raising issues without fear of reprisal or public embarrassment.
   - Information disclosed during the resolution process will be shared only with those directly involved in resolving the dispute, unless otherwise required by law.

8. **Enforcement of Resolutions**:
   - Once a dispute has been resolved, whether through mediation, arbitration, or a decision by the General Body, the terms of the resolution must be respected and enforced by all parties.
   - The RWA will ensure that any decisions or agreements made are implemented promptly, and failure to comply with the resolution may result in disciplinary action, including suspension of membership rights or further legal action.

By establishing a clear, structured, and fair dispute resolution process, the RWA ensures that conflicts are addressed proactively and fairly, fostering a peaceful and cooperative living environment for all residents.

Clause Regarding Sale and Purchase of Property in the Society

To maintain the integrity, welfare, and smooth functioning of the society, it is mandatory for residents to obtain a No Objection Certificate (NOC) from the Residents' Welfare Association (RWA) before proceeding with the sale or purchase of any property within the society. This requirement ensures that the transfer of property aligns with the association's guidelines and ensures that the new owners adhere to the community's rules and regulations.

Clause Regarding PG (Paying Guest) and House on Rent Information to RWA

To ensure the proper functioning of the society and to maintain the security, privacy, and overall well-being of all residents, it is mandatory for residents who wish to rent out their properties as Paying Guest (PG) accommodations or for house rentals to inform the Residents' Welfare Association (RWA) beforehand. This ensures that the RWA is aware of all tenants and guests residing within the premises and can take appropriate action in case of emergencies or issues related to the property.