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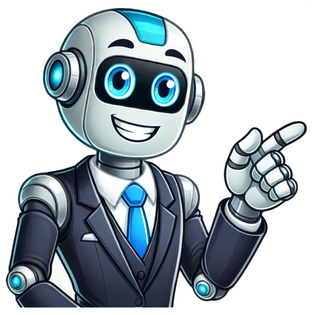

Every Residential Society has a Resident Welfare Association (RWA) . As the name suggests, its primary intention is to work towards the overall welfare of all residents of a particular residential society. At the same time, several rules, responsibilities, and roles are in place to ensure a specific area's smooth functioning. This write-up will help you examine the resident welfare association and its functions in India. A Resident Welfare Association is a Non-Governmental Organisation (NGO) that takes care of the interests and welfare of a residential society or colony in a city. Resident Welfare Associations are registered under the Societies Registration Act 1860. Every state in India may have a lot of amendments that differ from one another and keep changing with time as well. When a building is registered under the Societies Registration Act, the RWAs are governed by certain constitutional documents and cannot work as per one's own will. The documents ensure that the RWAs have special powers, which are also checked for a requirement. This can be sued and can sue, as well. This is a legal body with the power to exercise all the rights for all legal purposes. Several aspects are to be taken care of in a particular society where the RWA or the role of the RWA's president plays an integral part and is crucial. The resident welfare association's role is to improve the amenities and shared facilities, looking after the condition of the internal roads, street lights, drainage, water harvesting, overall cleanliness, and civic amenities like electricity and water. The RWA may have to do much more work in prominent societies. For example, the role of resident welfare associations in major societies also includes looking after and managing commercial activities within the society premises in bazaars, shops, transportation, or banks in that particular area. Also Read: Real Estate (Regulation and Development) Act, 2016 Residents Welfare Association (RWA) Governed by: Societies Registration Act, 1860 Financial year: April 1 to March 31 Selection of members to the governing body: Through election during the general body meeting. Responsibilities: Maintenance of the finances, premises, and society records and implementing the necessary rules. Every RWA would have its president, general secretary, vice-president, secretary, treasurer, finance advisor, and several executive members. The powers and functions of RWA Functionaries are listed below briefly:Presides over all the meetings of the general body and governing body.They have the right to vote on a draw.Supervising all the work done by various office bearers.May operate the societys bank accounts. Assist the president in all their duties. Act like a president in the presidents absence. Responsible for representing society in private or public office. Maintain the records of the concerned society and members. May operate the societys bank accounts. Play the role of the general secretary in their absence. Assist the RAW's general secretary whenever required. Collection of gifts, subscriptions, grants-in-aid and donations from the members and the general public. Maintain all the necessary account records of the society's funds. These particular funds are required to be maintained in a specific bank. Operating the resident welfare associations bank account. Assisting in societys daily works. Filing the list of office bearers with the Registrar of Societies whenever needed, as per Section 4 of the Societies Registration Act, 1860. Also read: What is a Refuge Area in a building? The RWA solely decides the subscription amount for all the residents of the society. Although all the residents can ask for an RWA membership , the RWA has the right to refuse such memberships after communicating a proper reason. The RWA also has the power to terminate the membership of any resident owing to her/his death for the failure to pay the subscription fees in case they conduct something against the interests of the society, in case the majority of the RWA members demand his/her termination on some valid ground. Also, the RWA's responsibility is to operate and implement all the necessary initiatives and policies within the Resident society. RWA membership is open for all the residents of the concerned society, and they can apply for the same. The financial year followed by an RWA begins from April 1 to March 31.You Might Also Like The funds of a particular RWA are to be retained in a scheduled bank. The account can be operated by the RWA's president, treasurer, or general secretary. A qualified auditor needs to be appointed by the governing body and shall audit all the RWAs accounts. The society's governing body is elected for a specific period while meeting the general body. The residents can raise their hands to elect a person during the meeting. RWA's final list of office bearers should not be less than seven. They must be attested by three outgoing bearers and filed with the societies' registrar. The following membership rules are applicable for RWA:- RWA can deny membership of any person or an individual in writing. The written application should be given to the concerned person. If any individual is not working as per the aim and objective of RWA, then the person can be terminated. If an individual does not attend three successive meetings, he will be terminated. This can be done without giving written notice. The Rules of RWA can be amended. Amendments are welcome in the Memorandum of Association, and such rules are to be carried out following the procedure laid down under Sections 12 and 12A of the Societies Registration Act, 1860. Also Read: Ancestral Property As per the Real Estate (Regulation and Development) Act, 2016 , a resident's welfare association (RWA) must be established in a housing society within three months from when most houses have been booked. If a developer does not take the necessary steps to form an RWA for such a society, the legal owners of the Residential society have the right to create such a body. No, RWAs are voluntary associations, and these bodies have considerable authority and power; this cannot impact your right over your property. In comparison, cooperative housing societies have more control. However, this has to be affirmed that the Resident Welfare Association does not possess the right to infringe on the right to any homeowner's speech or privacy. An RWA exercises its power or restraint in building/society maintenance or functioning or any workshops held on the society premises. Although the Resident Welfare Association holds much power in the maintenance, record-keeping and membership of residents. However, there are some limitations to their power. Here are a few RWA limitations to know about- An RWA can not have commercial transactions or own a property. The RWA can not officially be an owner of anything in society. Despite its power, the association is unable to interfere with the ownership rights of any resident. RWA can not file legal proceedings before the Cooperative Societies' Deputy Direct Registrar (DDR). The association can not take any steps that may result in curtailment of privacy, unwarranted damage or inconvenience, or the right to residents' free speech. This is irrespective of whether the resident is an RWA member or not. Common functions performed by an RWAResident Welfare Associations play an important role in regulating community guidelines, facilitating community coexistence besides ensuring the smooth functioning of certain other societal functions like the maintenance of common areas, waste management, etc. Some common functions performed by an RWA are: Fostering community empowerment - Due to their democratic nature, the primary objective of RWAs is to promote the collective interests of community members and promote an overall smooth functioning of the community. By formulating and enforcing norms and regulations, RWAs strive to empower communities and promote community cohesion. Maintaining and upkeep of rules and regulations - Ensuring proper maintenance of the society is the primary aim of RWAs. In order to ensure proper distribution and usage of its various facilities, RWAs devise rules and regulations that ensure proper upkeep of common areas of use, societys utilities, waste management, water conservation, etc. Framing a code of conduct - RWAs help define for the society a framework of expected behaviour and actions that the residents are supposed to abide by within the community. This code of conduct helps to promote mutual harmony and respect, discourage harmful actions that may pose a risk to peaceful coexistence of its members, and promote responsible use of common amenities. Handling community grievances - In case of any disputes arising between residents, RWAs play the role of a mediator in resolving them and settling grievances if any. This ensures issues are resolved amicably and fairly. Parking regulations - RWAs are also commonly known to impose parking and vehicle regulations to ensure traffic flow is properly maintained in the society. This involves allocating dedicated parking spots to disabled members of the society, saving spaces for guest parking, and regulating the entry of commercial vehicles. Managing finances and maintaining transparency - RWAs are responsible for maintaining the societys finances including collecting maintenance charges and other such fees from residents. RWAs are supposed to provide detailed financial reports on a timely basis and undergo audits to maintain financial transparency within the body. Ground Reality of RWAsThe main objective of RWA in India is to work towards the common welfare of the residents. However, there are often disputes between residents and RWA members. Some of the common complaints received by members of RWA are:- Throwing trash on the road Encroachment of common area Misusing Whatsapp group Arguments over parking space Keeping too many plants on the balcony The Haryana government has introduced a fresh set of rules to improve the functioning of Resident Welfare Associations (RWAs), aiming to curb the long-standing issues of membership disputes, election delays, and mismanagement. These changes, issued under the Haryana Registration and Regulation of Societies Act, 2012, come as part of the states efforts to bring more accountability, transparency, and fairness in the governance of residential societies.RWAs play a crucial role in managing residential societies, yet many struggle with internal conflicts, unauthorized appointments, and delayed elections. The new guidelines are intended to address these systemic issues with clearer protocols and stricter oversight mechanisms.If a societys governing body is functioning on an ad hoc basis or lacks a valid elected committee, the registrar must appoint an administrator.This administrator must be a serving or retired Class-I officer from the central or state government or a statutory authority.The administrators tenure is initially limited to 3 months, extendable by another 3 months. If elections are not held within this six-month period, the current administrator or ad hoc body must be replaced.Re-appointments can only be done with prior approval from the registrar general.One person cannot oversee more than two societies at a time, and repeat delays in conducting elections may lead to a ban on future appointments.These reforms are designed to prevent the misuse of administrator positions and to ensure elections happen on time, said a senior official from the Haryana Registrars office.Only genuine claimants to membership or those wrongfully removed can file petitions. This effectively bars third-party interference.The power to induct new members lies solely with the governing body of the RWA.This measure is expected to significantly reduce frivolous disputes and promote a more orderly induction of society members.The registrar has the discretion to halt or proceed with elections if a dispute arises.The intent is to avoid unnecessary delays in democratic processes and ensure stability within RWAs.Election stalls have long been a tool to prevent transitions in power. The new rules curb that misuse, noted a Gurgaon-based RWA president.These changes mark a significant shift towards transparency and efficiency. RWAs that have previously been marred by infighting or procedural delays will now face stricter timelines and accountability mechanisms. Administrators can no longer overstay or stall elections indefinitely.For residents, the revised framework promises smoother society governance, quicker dispute resolution, and more responsive administration.Haryana has redefined RWA administration rules to enforce stricter accountability.Only valid members or those wrongfully removed can contest membership issues.Election timelines are to be strictly adhered to, with penalties for delays.Administrators now face term limits and performance scrutiny.Q1. What prompted the Haryana government to update RWA guidelines?The update stems from growing complaints regarding misuse of administrator appointments, stalled elections, and unresolved membership disputes across various residential societies. The government aims to enhance transparency, ensure democratic functioning, and reduce litigation.Q2. Who can now be appointed as an RWA administrator under the new rules?Only a serving or retired Class-I officer from the central/state government or a statutory authority can be appointed. This change ensures a higher level of professionalism and accountability.Q3. What is the time limit for administrator tenure?The maximum tenure is six months an initial three months, extendable once. If elections are not held within this period, the administrator must be replaced.Q4. Can the same person be appointed as administrator in multiple societies?No. A person can only oversee up to two societies simultaneously. Any delay in elections under their charge may disqualify them from future appointments.Q5. What new rules have been introduced to resolve membership disputes?Only legitimate claimants such as those denied rightful membership or wrongfully removed can challenge the status. This reduces frivolous objections and keeps governance focused.Q6. Who can induct members into an RWA?Only the governing body has the authority to induct new members, as per the revised guidelines. This eliminates confusion and power tussles over membership rights.Q7. Can ongoing election disputes stall the RWA election process?Not necessarily. The registrar has the authority to decide whether elections should be halted or proceed, depending on the merits of the dispute. This balances due process with timely governance.Q8. How will these changes benefit society residents?Residents can expect better governance, timely elections, fewer internal disputes, and more transparent handling of society affairs. The new rules also protect against long-term administrative takeovers.Q9. Are these rules applicable across all cities in Haryana?Yes. The revised RWA guidelines apply to all residential societies registered under the Haryana Registration and Regulation of Societies Act, 2012, irrespective of the district or city.Q10. Where can society members access the full updated guidelines?The updated RWA rules are available through the office of the Registrar of Societies, Haryana, and will soon be published on the official government website for public access.Was this article helpful?This article is specific to laws in Uttar Pradesh and also has a video presentation | Download eManual on Apartment As per the information available on the Website of U.P. RERA there are around 2800 registered Group Housing projects. Similarly, by an estimation, there would be around equal or more number of already existing Group Housing apartments in the State of Uttar Pradesh. This means that there would be around and over 5000 registered Apartment Owners Association (hereinafter as AOA) in the State of Uttar Pradesh. Considering such a large number of Apartment Owners Associations, the Uttar Pradesh Government has enacted and enforced Model Bye-laws for such Associations thereby providing uniform Bye-laws. The Model Bye-laws provide for the method and procedure to be followed for conducting elections of the Board of Management and Office Bearers viz., President, Vice President, Secretary and Treasurer of an AOA. There often remains ambiguity amongst the members of AOA with respect to the process and procedure of conduct of elections. By means of this article, the author is trying to answer certain frequently asked questions with respect to the elections of Board of Management of an Apartment Owners Association. As per Bye-law 4, all persons who have purchased apartments in the concerned apartment condominium / Group Housing and executed the Deed of Apartment shall automatically become members of the Association of Apartment Owners of such Group Housing on payment of entrance fee of Rs.1000/-. Further on transfer of an apartment the new purchaser automatically becomes a member of Apartment Owners Association only after payment of fresh entrance fee of Rs.1000/-. There are many Group Housing projects in Uttar Pradesh where apartments have been handed over to the buyers but without execution of the Deed of Apartment (Sale Deed or Sub-lease Deed) because of, amongst others, non-grant of Completion Certificate to the project. Under such circumstances, as per judgement of the Honble Allahabad High Court in Design Arch case, the owners having possession of the apartments shall be treated as apartment owner and shall become members of the AOA. As per the said judgment, the spouse, daughter, son and authorized representative of a company owning an apartment are also apartment owners. Right to vote shall always rest with one of the co-owners amongst in whose name the Conveyance Deed (Sale Deed or Sub-lease Deed) is executed. Since there may be co-owners of an apartment and such situations are likely to arise. As such, the Model Bye-laws provide for Bye-law 5. The Bye-law 5 provide for the issuance of Share Certificate to the apartment where the apartment has been purchased jointly by two or more persons. The person whose name stands first in the Share Certificate alone will have the right to vote and as such to stand in the elections. Soon after registration of Apartment Owners Association, it is the duty of the Board of Management to start membership drive and offer membership to each and every apartment owner by issuing a form for membership seeking therein informations like Date of Allotment Date of Possession Flat Number Tower Number Name of first co-owner Name of second co-owner Name of third co-owner Super area of apartment as per Allotment Letter / Conveyance Deed Voting percentage as per Deed of Declaration Percentage of undivided share in the land as per Deed of Declaration Approved use of apartment (residential or commercial) Value of apartment Amongst co-owners whose name should be mentioned at first place as per Bye-law 5 in Share Certificate for voting purpose. Signature of co-owners On receiving such information as noted above (it is only indicative), the AOA should issue Share Certificate as soon as possible and in all circumstances before the next Annual General Body meeting. The Board should put the name of co-owner at first place in share-certificate as demanded by all the co-owners through the membership form. It is not necessary that the names of co-owners be put in the share-certificate in the seriatim as mentioned in the deed of the apartment. It is obligatory on the part of Board of Management to issue Share Certificate and the copy of Bye-laws to each and every apartment owner taking the membership of the AOA by depositing the membership fee of Rs.1000/-. Ans: When steps are taken for the formation of an apartment owners association it is a voluntarily exercise and there is no office or office bearers, to do detailed documentation i.e. preparation of records etc. for neither there is any authority with any person nor there is any authenticity to check the records. As such, it is advisable and practical that in case of co-ownership of apartments the person having the first name in the conveyance deed (Sale/Lease Deed) or the allotment letter alongwith possession letter be given preference to vote and nominate in first election of the AOA. Once the association is registered and duly elected office bearers have taken charge then they may start the process of issuing share certificate as per bye-law 5 of the Model Bye-Laws under the UP Apartment Act, 2010 and then give right to any of the co-owner of the apartment to participate as voter in AOA elections. For issuance of the share certificate the definition of the apartment owner as given in section 3(d) of the 2010 Act r/w. judgment of Honble Allahabad High Court in Designarch case has to be considered. In the share certificate name of the co-owner placed at the second number or thereafter in the conveyance deed can be placed at serial no.1 for the purpose of voting. Ans: If, the promoter and the residents are jointly forming the apartment owner association and there is a certified list of all the allottees of the apartment by the builder then in that scenario authority letter issued by the first owner may be treated as valid for voting rights provided that allowing second co-owner is allowed by the General Body Meeting called for the formation of the Association. As per Bye-law 7, there is only one ground for disqualification for an apartment owner disentitling him to vote in the election of members of the Board or to stand for election to such office, which is arrears of any sum due from him in respect of his contribution for common expenses for more than 60 days on the last day of the preceding year in which the election to Board would take place. Such dues should only be pending against the association.Any dues pending towards the Promoters will not disentitle an owner from voting or contesting. As per Model Bye-laws the apartment owners are required only to vote for the election of members of the Board of Management and there is no provision which specifically calls for voting for passing the resolutions for or against in the agenda put forth in the General Body meeting. However, if in the GBM it is requested by the present members of the Association that certain agenda is very crucial calling for participation of all the apartment owners then such agendas may be put to vote by all apartment owners through ballet paper on a future date. Such contentious agenda may be like amending the Bye-laws, raising some new permanent structure within the common areas, etc. as may be decided within the General Body meeting. Bye-law 10 provides that votes will be cast in person. Except as otherwise provided, resolution of the Association shall require approval by a majority of owners casting votes in person or proxy. This means that proxy voting is permissible by default, unless specifically excluded for certain matters. While in-person voting remains the preferred method, the bye-law clearly allows voting by proxy. To ensure transparency and integrity in the voting process, the Board must establish a mechanism to verify the validity of proxy authorisations and maintain proper records of such votes. Any person other than the individual whose name appears as the first owner in the Share Certificate, including co-owners, does not have an independent right to vote in the affairs of the Association. Such individuals may exercise voting rights only if the primary owner issues a valid proxy authorisation in their favour in accordance with the bye-laws. In the absence of such proxy, co-owners or family members cannot participate in voting or elections of the Association. An election process is started under Bye-law 13 whereby the annual meeting of the association shall be called by the Board of Management with a prior notice enlisting therein the agenda of the meeting along with a clear agenda of the election, selection of Election Officer (from the members present in the Annual meeting), Declaration of Election Schedule. As per Bye-law 13 at the Annual General Body meeting of the association, the Board of Management shall be elected by ballot of the apartment owners. There is no direction or bar restraining the Board of Management from declaring the Election Schedule in the General Body meeting. As such, to have a fixed time schedule, the Board of Management can declare an Election Schedule in the General Body meeting itself. Such election schedule is to be complied by the Election Committee. The essential steps for a free and fair election would include the following steps: Publication of provisional voters list. Time for raising objection/addition/deletion of voters. Publication of final voters list Filing of nomination/candidature Scrutiny of candidates Withdrawal of candidates Publication of final list of candidates Voting date There is no Bye-law in the Model Bye-laws which provide for the appointment of the Election Committee for conducting elections and voting. However, to ensure a free and fair election, general practice is followed of appointing an Election Committee in the Annual General Body meeting of the association from and amongst the members present in the meeting. The Election Committee so appointed should aspire the confidence of the members of the association with respect to their integrity, knowledge about elections and Bye-laws of the association, neutrality towards candidates and uprightness. The Election Committee appointed by the Board of Management independent will not aspire to be an independent committee, thereby jeopardizing from facing tenet of election i.e. free and fair election. As per Bye-law 18, the Board of Management shall be elected by the members of the association by simple majority in the Annual General Body meeting. The principal Office Bearers of the Association shall be a a President, a Vice President, a Secretary and a Treasurer, all of whom shall be elected from the Board. The Board may appoint an Assistant Secretary, an Assistant Treasurer and such other office bearers as the Board may consider necessary. Thus it is clear that the association will elect only the members of the Board. The Board members amongst itself, in their first meeting post-election, will choose their Office Bearers viz., President, Vice President, Secretary and Treasurer. As aper Bye-law 26(I), the term of the Office Bearers of the Board shall be one year. In case of any vacancy cast by any reason than the removal of the office bearer by vote of the association such vacancy shall be filled by voting of the majority of the remaining office berarers even though they may constitute less than a quorum. As per Bye-law 26(I), the Annual General Body meeting of the association is to be held in the first quarter of each financial year. It is generally known to the stakeholders that an AOA may have got registered in any of the remaining quarter other than first quarter of the first financial year and at the same time the term of the Board is also one year. As such it may not be possible for the AOA registered in any other quarter of the financial year to conduct election in the first quarter as one year tenure may not be ending in the first quarter of the financial year. A simple solution of such circumstances would be to pass a resolution in the General Body meeting either to shorten or extent the term of the first Board in such a manner that it may fall within the first quarter of the financial year or election may be conducted in the first quarter of the financial year and the elected members may join the Board after the expiry of the term of the outgoing Board of Management. he question of whether annual elections must be held for the retirement and replacement of one-third of the Board members each year has not been conclusively adjudicated by any competent authority, nor by the Honble High Court or the Honble Supreme Court. Although certain judicial pronouncements have made passing observations against the one-third staggered election mechanism, the final ratio decidendi in those cases did not rest upon this issue. In the considered opinion of the author, annual elections should be conducted to fill vacancies arising from the mandatory retirement of one-third of the Board members, as envisaged under Bye-law 26(2). This is particularly necessary because the term of the Board is one year, and it is entrusted with managing essential services such as electricity, water, and security in large group housing societies. The intent of the bye-laws is to ensure continuity through a rotating Board, wherein one-third of the members retire annually and are replaced, thereby ensuring a smooth and uninterrupted governance structure. If the Board makes a proper arrangement to identify and rotate retiring members annuallyso that all members complete a three-year termit would serve the larger interest of residents by maintaining administrative stability and institutional memory. The bye-laws make it abundantly clear that the Board is a continuing body not subject to dissolution. Its continuity is maintained through staggered elections, with each elected member serving a full term of three years, provided the mechanism for retirement and rotation is transparently implemented and duly communicated to all apartment owners. As per the proviso to Bye-law 26(I) that the office bearers shall hold office until their successors have been elected and hold their first meeting. A Board of Management never becomes time barred (kalateet) and it will be empowered to perform its functions until successors of the existing office bears hold their first meeting. As per Bye-laws the presence in person of thirty percent of owners constitute the quorum. If in any meeting of owners cannot be held for want of quorum the owners who are present may adjourn the meeting to a time not less than 48 hours from the time of original meeting was called. If at such meeting also, no quorum is present, the owners present in person being not less than two shall form the quorum. Generally it is not in the interest of association or its members to challenge election process once same has been declared by the General Body meeting as such challenges are open only after the conclusion of the election in an election petition under section 25(1) of the Societies Registration Act. Every apartment owner / member of the association having its name in the final voter list (as per share certificate) can file nomination/ candidature for being elected as member of the Board even if such member has retired from the Board in the same year itself. However, a Board member found guilty of misusing his post in its previous regime shall not be eligible for election. The use of word guilty here may be left to be determined by the General Body meeting. To prove someone guilty of misusing the post during his previous term a report submitted by the investigation committee appointed by the President may be sufficient. As per Bye-law 8 voting shall be on percentage basis and the percentage of the vote to which the owner is entitled is the percentage assigned to the dwelling unit or unit in the declaration. In the case of Manish Kansal vs. State of Uttar Pradesh the Honble High Court has held it to be a mandatory provision to be followed in the election of the Association. Any association where the Deed of Declaration has not been assigned the voting percentage in the Deed of Declaration against each apartment, then as per judgment of the Honble High Court in the case of Anurag Chowdhary vs. State of U.P. the association must file representation before the competent authority for correction of Deed of Declaration to include voting percentage of each and every apartment. A Resident Welfare Association (RWA) is a community organization formed by residents of a specific residential area, such as an apartment complex, housing society or colony. These associations play a crucial role in fostering a sense of community, promoting cooperation and managing the collective affairs of the residents. RWAs are particularly significant for managing day to day activities of the housing societies and meeting the regulatory requirement. They act as a bridge between the residents and the authorities.The primary objectives of an RWA include:Promoting mutual help and goodwill among residents.Ensuring the provision of basic amenities and services.Addressing common concerns related to maintenance, security and infrastructure.Organizing social and cultural activities to enhance community interaction.RWA communities are diverse and inclusive, comprising individuals and families from a wide range of backgrounds. Many RWAs are government-recognized and include residents who are current or retired employees of government departments, corporate professionals, business owners, private sector employees and entrepreneurs. This vibrant mix of people brings together a variety of experiences and perspectives, making RWAs truly representative of modern urban society. RWA Election Rules and Procedures To ensure that RWAs are managed effectively and democratically, elections are held periodically to choose the members of the Managing Committee. These elections are governed by a set of rules and procedures, often outlined in a Model Constitution, to maintain fairness and transparency.Key aspects of the election process include:Membership and Eligibility: Only eligible residents can become members of the RWA and participate in the elections. Typically, this involves being a resident of the specified area and fulfilling certain criteria, such as payment of membership fees.Voter List: A comprehensive and accurate voter list is crucial for a fair election. The RWA prepares a list of all eligible members, which is displayed publicly to allow for verification and corrections.Election Frequency and Timing: RWA elections are typically held every two years. The election process is usually scheduled to conclude by a specific date, such as the end of April.Returning Officer: An impartial Returning Officer is appointed to conduct the elections. This individual is responsible for overseeing the entire process, from receiving nominations to announcing the results.Nominations: Eligible members who wish to contest the election must file a nomination. This process involves being proposed and seconded by other members, and it often requires the candidate to meet certain eligibility criteria.Campaigning: Candidates may engage in campaigning to communicate their vision and plans to the voters. This can involve distributing pamphlets, holding meetings or using online platforms.Voting: The election culminates in the voting process, where eligible members cast their votes to elect the new Managing Committee.Results and Handover: After the votes are counted, the Returning Officer declares the results. The outgoing Managing Committee then hands over the charge to the newly elected members. The Importance of Secret Ballots The Model Constitution emphasizes that elections shall be conducted by secret ballot. This method ensures that each voter can exercise their right to vote freely and without fear of intimidation or influence. In a secret ballot, the voters choice is confidential, protecting them from any potential repercussions. This promotes fairness, transparency and trust in the election process. How Right2Vote Can Help in RWA Elections In todays digital age, online election platforms like Right2Vote offer a convenient, secure and efficient way to conduct RWA elections. Right2Vote is a government of India verified, tested and certified eVoting platform. Right2Vote manages more than 3000 elections every year, including elections in RWAs across India. Right2Votes eVoting platforms can streamline the entire process and enhance voter participation.Key features and benefits include:Invite and Reminder Notifications: Right2Vote sends invite notifications to all voters about election schedules to their registered email or mobile. Right2Vote also send reminder emails to voters who have not voted yet. This ensures that all members are well-informed and engaged.Secure Login and Voter Authentication: To prevent fraud and ensure that only authorised members can vote, Right2Vote employs secure login methods, such as OTP-based authentication. This verifies the identity of each voter, adding an extra layer of security to the election.Secret Ballot Functionality: Right2Vote provides the secret ballot system by ensuring that each vote is cast anonymously and securely. A vote is cast in secret, meaning that no one except the voter should know their individual choice. The purpose of a secret ballot is to ensure that a person can vote according to their free will, without facing any kind of pressure, be it physical or mental, during the voting process.Audit Trail and Transparency: A crucial feature of Right2Vote is the audit trail, which provides a secure and verifiable record of IP address, Time of voting and voter identity (Not Voters Choice) of voters. This enhances transparency and accountability, allowing for scrutiny of the election process if necessary.Voter Receipt and Confirmation: After casting their vote, residents receive a digital receipt or confirmation on their registered email or mobile, verifying that their vote has been successfully recorded. This feature provides assurance to the voters and builds trust in the system. Voter receipt feature is similar to VVPAT (Voter Verified Paper Audit Trail), however, in the Right2Vote platform we provide voters with digital receipt and not paper receipt. Multiple Voting: This feature is especially useful in scenarios where a single individual owns multiple flats within the same building or residential complex. Online voting platforms with multiple voting support allow such individuals to cast a separate vote for each flat they own. Benefits of Using Online Election Platforms Increased Voter Participation: Online voting offers convenience and flexibility, enabling more residents to participate in the elections, regardless of their location or schedule. This can significantly increase voter turnout compared to traditional in-person voting. Cost-Effectiveness: Conducting elections online can reduce costs associated with printing ballots, setting up polling stations and hiring election officials. This can save the RWA valuable resources.Time and Effort Saving: Right2Vote streamlines the entire election process from setting up the election and notifying voters to casting and counting votes. Organizers save time by avoiding manual tasks like printing, distributing, collecting and tallying ballots. Faster Results: Right2Vote can automate the vote-counting process, providing faster and more accurate results. This eliminates the delays and potential errors associated with manual counting. Accessibility: Online voting can be more accessible to residents with disabilities or those who may have difficulty travelling to a polling place.Case Studies In many large apartment complexes in Mumbai, Delhi,Bangalore, Hyderabad, Kolkata Chennai etc, the RWA decided to implement online voting. This decision was driven by the desire to increase voter turnout and make the election process more convenient for working professionals and elderly residents. The online platform successfully facilitated a smooth and transparent election, with a significant increase in voter participation compared to previous years.A proactive RWA in Mumbai organized extensive election awareness campaigns to educate residents about the election process and the importance of voting. They used a combination of online communication, notice board announcements and community meetings to encourage participation and ensure that all members were informed. Conclusion RWA elections are a cornerstone of community governance, empowering residents to shape the management and development of their living environment. By adhering to established rules and embracing technological advancements like Right2votes online election platform, RWAs can ensure that elections are fair, transparent and inclusive. Source: Size : 507 KBTo know more about Right2Votes election technology, please refer: Housing society elections: A step-by-step guide on rules, rights of members & all other important things explained by Advocate Vinod Sampat | How much does the commonman really know about the election process? Formany laymen, it is done and dusted after the last vote is counted. But is it really so? You will be surprised to know that the process is steeped in tradition, administrative and legal formalities. Find out what goes on between the word go and till the end of the process, the important role of the Returning officer, etc. and the nuts and bolts that go into its making. Read on for an exclusive and comprehensive step-by-step breakdown of how it works from one of the top legal experts - Advocate Vinod Sampat brought to you, our FPJ readers. ACCEPTANCE OF NOMINATION FORM BY REPRESENTATIVE OF RETURNING OFFICER.Q. Whether a substitute can accept nomination forms on behalf of the Returning Officer?Ans: As far as possible the returning officer has to remain present for five days continuously at the given time to accept nominations. But, in case of emergency, he may by written order authorize any other person as a substitute to accept nomination, but the responsibility shall vest on the returning officer only. ADDRESS OF MEMBERS WHERE PROVISIONAL LIST OF MEMBERS HAVE TO BE DELIVERED Q. Which address of the members is to be considered for delivery of the Provisional List of Voters?Ans: Address mentioned in the society`s record and if not residing in society than the last known address given in the registered agreement for sale/purchase of flat available with the society or the last known address available in the records of the society. ALPHABETS FOR ELECTION FORMS.Q. What alphabet is given for election forms?Ans: In coop societies there are various types of forms starting from A to Z. For Elections alphabet `E` is used meaning and hinting elections.APPEAL AGAINST APPOINTMENT OF RETURNING OFFICER BY MEMBER OF SOCIETYQ. Whether members can appeal against the decision of the Managing Committee to appoint returning officer?Ans: No. There is no such provision in the Rules. However, caution is to be taken to ensure that no employee or auditor or a member of the existing committee whose tenure has expired, or a member who desires to contest the election is appointed.APPEAL OF CANDIDATE UPHELD. CAN HE CONTEST ELECTIONS.Q. Whether candidate can contest the election if his appeal against rejection of nomination is upheld and accepted by the ward/taluka level Election officer?Ans: Yes, as his name will be published and displayed on the final list of candidates.APPOINTMENT OF RETURNING OFFICER BY AUTHORISED OFFICER OR BOARD OF ADMINISTRATORQ. Whether an Authorised officer or Board of Administrators appointed by the Registrar, where the Committee is suspended, is or are eligible to be appointed as returning officer.Ans: No.APPROVAL OF GENERAL BODY FOR APPOINTMENT OF RETURNING OFFICERQ. Whether approval of the General Body is required to appoint returning officer?Ans: There is no such provision for any class of societies. The Returning Officer has to be appointed by the Managing Committee for E class societies, while the SCEA appoints the Returning Officer for other class of societies.AREA OF OPERATION AND CLASSIFICATION OF CHS.Q. What are the area of operation and classification of coop societies?Ans: Classification and area of operation are as under:i) `A` Class: Coop Societies having area of operation in the entire state of Maharashtra are classified as A class.ii) `B` Class: Coop societies having area of operation throughout a district are classified as B class.iii) `C` Class: Coop Societies having membership above 251 members and above having area of operation at Taluka/Ward level.iv) `D` Class: Coop Societies are not in existence post amendment in election rules.v) `E` Class: Coop Societies having strength upto 250 members with area of operation at the taluka/ward level.ATTENDING GENERAL BODY MEETING.Q. Who can attend SGBM?Ans: Only those members whose names are displayed in the final list of voters can attend SGBM. The members who have transferred their voting rights are not supposed to be present in the SGBM.CAN MEMBER OF A SOCIETY ACT AS A RETURNING OFFICERQ. Can a member of the society act as Returning Officer?Ans: Yes by all means subject to the conditions that he does not desire to contest the election. The returning officer can be a member, Joint Member, Associate member or a Provisional Member who has undergone training for conducting elections from a Notified institute, notified by the state government and whose name is SCEA as well as in the list maintained by the Divisional Joint Registrar of Coop Societies.CAN MEMBER PROPROSE MORE THAN ONE CANDIDATE.Q.Is a Member permitted to be a Proposer or Seconder for more than one candidate?Ans: Yes, a Member can propose or second a candidate`s name for Maximum no of times depending upon the General Constituency. However, if he himself is a candidate then he can propose or second one name less than what is stated in the bye laws for the General Constituency as he is himself cannot propose his own name.CASTE RESERVATIONS.Q. Can Caste reservations of states other than Maharashtra be valid for Contesting elections of a coop society?Ans: No, Caste reservations only from the state of Maharashtra are eligible for aspiring candidate to contest elections of a coop society.CASTE VALIDITY CERTIFICATE.Q.Wheher caste validity Certificate is to be submitted by a candidate?Ans: No caste validity certificate is not required to be submitted.CATEGORY OF MEMBERS INCLUDED IN PROVISIONAL LISTQ. Which categories of Members are included in the Provisional List of Voters?Ans: Members and Provisional members whose names are included and entered in the `I` and `J` Register shall appear in the Provisional list of Voters.CLAIMS AND OBJECTIONS CAN BE SUBMITTED BY WHOMQ. Who can submit claims and objections and corrections?Ans: Any member be it Associate member, Joint member or Provisional Member who has interest in any flat of the society can raise claims/objections and corrections in the provisional List of Voters.CLAIMS AND OBJECTIONS TO BE RAISED BEFORE WHOM.Q. To whom the claims and objections can be raised?Ans: Claims and objections can be raised before the Returning Officer.CLASSIFICATION OF CHS.Q. How are Coop Societies classified?Ans: Registered Coop Societies are classified based on their strength in terms of membership of the society and also on the area of operation.CLASSIFICATION.Q. In which category taluka/ward level federation fall under?Ans: Though taluka/ward level federations having members below 250 are also classified and considered as district level societies and therefore they are classified under B category for election purposes.CONDUCTING ELECTIONS OF A, B, & C TYPE CHS.Q. Who conducts the elections of A, B and C type Coop societies?Ans: Elections for A, B and C type coop societies are conducted by the SCEA as a Returning Officer is appointed by SCEA.CONDUCTING ELECTIONS OF E CLASS CO-OP. SOCIETIES.Q. Who conducts elections of E class coop societies?Ans: Returning Officer appointed by the Managing Committee of a coop society Who has undergone training from a notified institute and whose name is Registered in the records maintained by Divisional Joint registrar of Coop Societies.CONTENTS OF PROVISIONAL LIST OF MEMBERSQ. What are the contents in the provisional list of voters?Ans: The Provisional list of voters is published in E-3 format which includes the name, region details and address of the society, date and place of publication of Provisional list of voters the names of members in Alphabetical order with surname first, membership no, gender, age, flat no, remarks.CONTESTING ELECTION IF A MEMBER HAS SUBLETTED THE FLAT.Q. Whether any member who has sublet his flat and residing outside the jurisdiction of the society can he file the Nomination for elections?Ans: Yes, if the member has obtained permission from the Managing Committee to sublet his flat, then such member is eligible to contest elections. However, section 154 B-23 (1) (ii) of Maharashtra Cooperative Societies Act states that a member carries on business of letting/subletting and selling of flats in a housing society where he is a member than he shall not be eligible to be appointed, nominated, co-opted or elected for the post of the Managing Committee.CONTESTING ELECTION IN GENERAL / LADIES SEAT BY LADIES.Q. Can ladies contest election from general/women and reserved constituencies?Ans: Yes, off course. But the vice versa men contesting election from women constituency is not permitted.COST OF NOMINATION FORM.Q.What is the cost of the Nomination form?Ans: The Nomination form is free of cost.DEFAULTER.Q. What is the definition of a defaulter and dues as per section 154B of the Maharashtra Cooperative Societies Act, 1960.Ans: As per section 154 B-1 (11 & 12), `Defaulter` means a member or a flat owner or an occupier who fails to pay dues of the society within three months from the date of service of bill or notice or due date of payment, whichever is later.Further, `Dues` means the amount payable by a member or flat owner to the society and demanded by the society by issuing bill or notice in writing and such demand is based on the provisions of this Act, rules and bye laws of the society.DEFAULTERS NAME MUST BE MENTIONED IN PROVISIONAL LISTQ. Whether the names of the members who are defaulters shall be added in the provisional list of Voters?Ans: Yes, the names of defaulters can be added in the Provisional list of voters but u/s. 154 B -23 (1) (ii)of the Maharashtra Cooperative Societies Act, no member shall be eligible to be appointed, nominated, elected or co-opted for being a member of the committee if he is a defaulter of the dues of the society.DELIVERING COPY OF PROVISIONAL LIST TO MEMBERS IS IT MANDATORYQ. Is it mandatory to deliver the copy of the provisional List of voters to all the members as well as to the Registrar? State the Mode of delivery?Ans: Yes, it is necessary to provide a copy of the provisional List of voters to the Registrar for information and to all members, so that claims and objections and corrections in the name and address can be sorted out and a prospective candidate is not derived of his rightful claim to contest election as a candidate or to vote in the election. The mode of delivery of Provisional list of voters can be by Hand delivery, by Regd Post or by Electronic Mode.DEPOSIT OF AMOUNT BY CANDIDATESQ. What is the amount of deposit to be deposited by candidates?Ans: Deposit amount for General/Women Constituencies are Rs.500/, while for SC/ST, OBC, SBC or NT is Rs.200/-.DUTIES & RESPONSIBILITIES OF RETURNING OFFICERQ.. What are the duties and responsibilities of a Returning officer for any Coop Society?Ans: The returning officer appointed either by a Committee for E class societies or by SCEA for A, B C & D type Coop Societies has to exercise his authority with the in-depth knowledge of the Act, Rules and Bye laws of the society. The returning officer must be fair and transparent while performing his duties. And his duties and responsibilities include as under:a) To decide the claims and objections regarding the provisional list of voters published and displayed by the Secretary of the society on the notice board and for which additional time frame of 10 days in addition to what is published in the provisional list of voters is given to the returning Officer to decide and resolve the issue.b) Based on the above to declare and publish the Final List of voters accordingly.c) To declare and publish the election programme along with the Notice of the Special General Body meeting.d) To distribute, accept and scrutinize the Nomination forms (E-5).e) To accept deposit fees and caste certificate as per the Constituency of the candidate.f) To prepare and publish the first and second list of contesting candidates eligible to contest election both pre and post scrutiny of Nomination forms of the candidates.g) To distribute and accept the Withdrawal forms of the candidates desiring to withdraw their candidature.h) To be present for the hearing u/s. 152A before the Ward/Taluka Election officer and to present his submissions in support and in defense for rejection of a candidates candidature.i) Publishing and displaying the Third and final List of contesting candidates eligible to contest elections.j) To allot symbols to the contesting candidates.k) To get the ballot papers printed as per requirement.l) To arrange for additional staff for polling purposes.m) To preside over the Special General Body Meeting called for declaration of uncontested election or for conducting the Poll.n) To supervise the poll and count the votes and thereafter to declare the result of the elections.o) Thereafter after a gap of 07 to 15 days maximum arrange for the meeting of the newly constituted committee to elect office bearer for a term of 5 years.p) To ensure that the elections are held in transparent and fair manner without being partial to any of the candidate. I.e. as per the provisions of the Act, Rules and bye laws.q) To educate the members about the importance of elections process and the consequences and repercussions if and when the elections are not held.Note: A written order from the Registrar is essential for the Returning Officer to preside over the meeting of the newly constituted committee for electing office bearers.E-1 & E-2 FORMS.Q. What are forms E-1 and E-2?Ans: Forms E-1 and E-2 are forms which highlights the name of the society, registration of the society, address of the society and the various constituencies and the tenure and date of the expiry of the present committee.E-3 (1) FORM.Q. What is the E-3 (1) forms?Ans: E-3 (1) forms are forms prepared, published and displayed on the notice board of the society by the Returning Officer. It is also called as the Final List of voters/members.E-3 FORM.Q. What is E-3 form?Ans: E-3 forms are forms which are called as provisional list of voters/members. It is prepared and published and displayed on the notice board of the society by the secretary of the society.ELECTION FORM CONTENTS ASPIRING TO CONTEST ELECTIONSQ. What are the contents in the 1st, 2nd and final list of candidates aspiring to contest elections?Ans: The said lists shall contain serial nos, constituencies, name in alphabetical order with surname first, address and the symbols allotted.FINAL LIST OF VOTERS.Q. Why is it that the final list of voters is termed as final List?Ans: The List of voters published by the Returning Officer is considered to be final because hereafter no changes or amendments can be made in the list.FORM IN WHICH CANDIDATE HAS TO SUBMIT HIS NOMINATION.Q. In which form a candidate has to submit his Nomination form of his candidature?Ans: Nomination of a candidate in Form E-5 duly filled and with enclosures like Aadhar card, Photo & caste certificate as applicable along with deposit fees either Rs. 500/- or Rs 200/- as applicable has to be presented to the Returning Officer.FORM NO. FOR WITHDRAWL OF NOMINATIONQ. Which form a candidate has to submit for withdrawal of nomination as a candidate?Ans: The candidate has to submit to the Reporting Officer form E-6 duly signed by him for withdrawal of his candidature.FORMALITIES AS REGARDS PREPARING FINAL LIST OF VOTERS BY RETURNING OFFICERQ. State the procedure to be adopted by the Reporting Officer for preparing the final and third list of candidates?Ans: 1) The Reporting Officer shall refer to the valid list of nominations 2) He shall exclude the names of candidates who have withdrawn. 3) He shall include the names of candidates whose appeal has been accepted by the ward/taluka election officer. 4) The Reporting Officer shall consider the request of candidates for allotment of common symbol if 30% candidates come together and form a group.HOW DECISIONS ARE TAKEN BY RETURNING OFFICER AS REGARDS CLAIMS AND OBJECTION.Q.How does the returning officer take decision on claims and objections?Ans: The returning Officer shall make enquiries and decide on the claims or objections by inspecting the records of the society such as `I & J` registers respectively.INCLUSION OF JOINT MEMBER AND ASSOCIATE MEMBER IN PROVISIONAL LIST AND FINAL LIST OF MEMBERSQ. what is the criteria for the Joint Member and Associate Members name to be included in the Provisional or final List of voters?Ans: Cooperative movement works on the principle of one member one vote only. Hence on the prior written recommendation and in the absence of the original member, the Joint Member as well as the Associate members name can be included either in the Provisional list of voters or in the Final list of Voters.INTIMATING SCEA BY CHS ABOUT ELECTIONS.Q. When are the Coop Societies supposed to inform SCEA about the elections that are dueAns: As per section 73 CB (14) of the Maharashtra Cooperative Societies Act, 1960 a coop society is supposed to inform six months in advance before the expiry of the tenure of the committee.INTIMATION BY RETURNING OFFICER TO BE GIVEN TO WHOM.Q. To whom the decision of the Returning Officer be given to the claims and objections?Ans: The Returning Officer shall give his decision to the member raising such claim or objection. A copy of his order will also be sent by returning officer to the Dy. / Asstt. Registrar.ISSUES ON THE BASIS OF WHICH CLAIMS AND OBJECTIONS CAN BE RAISED.Q.What are the issues on which the claims and objections can be raised?Ans: The claims and objections can be raised for any omissions and errors in respect of names, address and any particulars in the Provisional List of Voters.JOINT/ASSOCIATE MEMBERS CAN CONTEST THE ELECTIONS.Q. State whether names of Joint/Associate member be incorporated in the Provisional or final list of voters?Ans: Yes, by all means. However, consent of the main member is required for the sameLIST OF OWNERS AND LIST OF MEMBERSQ. What is the difference between List of Owners and List of Members/Voters?Ans: Property rights and Membership rights are distinct and different. Though both are linked, inter connected and interdependent on each other, yet Maharashtra Cooperative Societies Act, 1960 vide section 154 B-1 (18)(a) stipulates that Associate Member may be one amongst the twelve names given in the Act who do not possess the property rights and yet can become members of the society by virtue of prior written recommendation of the original member to exercise his rights in the absence of the original member. Hence the list is always called as the provisional List of Voters and not owners.LIST OF SYMBOLS APPROVED BY SCEA.Q. Is there any list of symbols, specified by SCEA?Ans: Yes, SCEA has specified symbols.MANDATORY TO ALLOT SYMBOLSQ. Whether allocation of symbols is mandatory?Ans: It is optional.NEED TO CONDUCT ELECTIONS AS PER Maharashtra Cooperative Societies ACT.Q. Why do we need to conduct elections as per Maharashtra Cooperative Societies Act in the state of Maharashtra?Ans: Cooperatives is a state subject and therefore the area of operation of Maharashtra Cooperative Societies Act is the entire geographical area of Maharashtra for coop societies.NEED TO CONTEST ELECTION IN CHS.Q. Why do Coop Societies have to conduct elections?Ans: We, in India are governed by the provisions given in the Indian Constitution which forms the basis of democratic set up and therefore the Maharashtra Cooperative Societies Act and the registered bye laws of a coop society mandates that election to the Managing Committee of a Coop Society has to be held at least once in five Years in a democratic manner.NUMBER OF TIMES A MEMBER CAN CONTEST MANAGING COMMITTEE ELECTIONS.Q. State the no of times in terms of tenure a Managing Committee member can officiate?Ans: There is no such restrictions and a Managing Committee member can contest elections and officiate as many times as he desires.OBJECTION BY WHOM.Q. State whether a non -candidate or a person who is not a proposer, can he take objections to a candidate at the time of scrutiny?Ans: No. At the time of scrutiny only candidates or proposers of candidates are allowed to participate and therefore no other person has any right to take objection.PERSONS INELIGIBLE TO BE MEMBERS OF MANAGING COMMITTEE.Q. Who are all disqualified by provisions of the Act, rules and bye laws to become member of Managing Committee despite his name appears in the Final list of voters?Ans: Following members are not eligible to contest elections:a) Defaulter of dues of the cooperative society. However just because dues are outstanding does not make a person a defaulter. A notice to this effect has to be given by the society demanding the dues and intimating the member that he is a defaulter.b) A person who is not duly admitted to membership of the society after its registration.c) A member who is convicted of the offence involving moral turpitude, unless the period of six years has lapsed since his conviction.d) If the member without the previous written permission of the society has sublet his flat or parted thereof or given it on leave and license basis or has parted with its possession in any other manner without the permission of the society or has sold his shares and interest in the society.e) A member who has been held responsible u/s. 79, 88, 154B-8(2) 0r 154B-27 or for payment of cost of enquiry u/s. 85 of the Act.f) If a member carries on business of letting, subletting and selling of flats in the housing society of which he is a member.g) If the member is held guilty for any offence u/s. 146 and convicted u/s. 147, is convicted with the imprisonment of not less than one year for an offence under provisions of any law for the time being in force.PREPARATION OF ELECTION PROGRAMMEQ. Who prepares the election programme?Ans: The Returning Officer prepares, publishes and displays on the notice board of the society the election programme.PREPARATION OF PROVISIONAL LIST OF MEMBERSQ. For any class of societies when is the Provisional list of voters to be prepared?Ans: The Secretary or the Authorized Officer or the Board of Administrators shall prepare and publish the provisional list of Voters at least 60 days before the expiry of the tenure /term of the Managing Committee.PRESIDING OVER OF SGBM FOR DECLARATION OF RESULTS OF ELECTIONS.Q. Who shall preside over the SGBM?Ans: The Reporting Officer presides over the SGBMPROCEDURE FOR ACCEPTANCE OF NOMINATION FORM TO BE FOLLOWED BY THE RETURNING OFFICER.Q. What is the procedure to be followed by the returning Officer for acceptance of Nomination forms from candidates desiring to contest elections?Ans: The Returning Officer shall:a) Make sufficient copies of Form E-5 and affix stamp of society and his signature at one corner and also provide Sr. Nos on each form.b) Provide, free of cost the nomination forms to the aspiring candidates whose name appears as a voter/member in the final list of voters and then to enter the candidates name in the register for receipt of nomination form.c) Accept election deposit either in cash or any other suitable mode and give receipt to candidates in duplicate.d) Provide specimen copy of available election symbols thereby the candidate can easily select the symbols of their choice.e) Before acceptance of the Nomination forms to confirm the names of the proposer, seconder and the candidates name appear in the final list of voters. Further to confirm that the candidates have affixed the signature on all declarations and whether the form is enclosed with self attested copy of caste certificate issued by the competent authority of Maharashtra for reserved

category seats.f) After receipt of the form, make entries in the nomination register and thereby inform the candidate to affix his signature in the register.g) Thereafter provide acknowledgement by mentioning the time, date and place of scrutiny.PROCEDURE FOR ALLOCATION OF SYMBOLS TO BE FOLLOWED B RETURNING OFFICER.Q. What is the procedure to be followed by the Returning Officer in allocation of symbols?Ans: The Returning Officer has to follow the following procedure:a) The Returning Officer should make available a list of symbols specified by the SCEA to the candidates and display the symbols on the notice board.b) The symbols of recognized political parties shall not be permitted.c) If a candidate submits multiple nomination forms then the symbol given in the first nomination form shall be considered as symbol of choice of that candidate.d) If more than 30% of candidates of total contesting seats come together and form a group and demand a common symbol by common written application and consent signed by all the candidates, in such a scenario the Ro may allot the group a common symbol.PROCEDURE FOR FILING APPEAL u/s. 152A of MAHARASHTRA CO OPERATIVE SOCIETIES ACTQ. What is the procedure of filing an appeal under section 152A and where is the appeal to be filed?Ans: Any candidate aggrieved by the rejection of nomination of his candidature, may appeal to the Ward/Taluka Election Officer, who is invariably The Registrar of Coop Societies at the ward/taluka level. This appeal has to be filed by the aggrieved candidate whose nomination is rejected within 3 days from the date of rejection of them nomination. The ward/taluka Election Officer has 10-day time period at his disposal to dispose of the appeal by taking an appropriate decision after hearing both the parties. i.e. Reporting Officer & aggrieved candidate. The Ward/taluka level Election Officer`s decision shall e final and no further appeal or revision shall lie against the decision of the ward/taluka level Election officer.PROCEDURE FOR FORFEITING CANDIDATES DEPOSIT AMOUNT.Q. What is the procedure to be followed by the Returning Officer for forfeiture of candidate`s deposit money?Ans: The deposit money shall be forfeited to the Election Fund, if at an election, where poll has taken place, the candidate is not elected and no of valid votes polled by him does not exceed one-tenth of the total no of valid votes polled by the candidate or in case of election of more than one member at the election one-tenth of the no of valid votes, so polled divided by the no of members to be elected.Example: -If the no of voters in the Raj SahakariGruhNirmanSansthaMaryadit Society is 95 as per the final list of voters and votes casted in the election are 70, out of which valid votes are 60.So, if candidate M got 5 votes in the general constituency where 6 candidates are to be elected. Then one-tenth of valid votes is 6. Now 6 divided by no of candidates to be elected are 6/6 that is 1. Therefore, if M got 5 votes his deposit shall not be forfeited.PROCEDURE FOR RETURN OF DEPOSIT AMOUNT TO CANDIDATES.Q. State the procedure for return of deposit money to candidates?Ans: The candidate contesting the elections and in case his deposit is not forfeited, it shall be returned back immediately after the result of the election is returned back and an acknowledgement to that effect is to be taken from the candidate.PROCEDURE FOR SCRUTINY.Q. What is the procedure for scrutiny?Ans: a) The Returning Officer shall in the presence of the members attending the scrutiny examine the Nomination forms and decide on any objection raised by any such member to any nomination.b) The Returning Officer may either suo-motto or upon any objections, conduct such summary enquiry as he may think fit and reject a nomination paper if he is satisfied that:i) The candidate is disqualified to be elected under the Act, rules or bye laws.ii) The signature of the proposer, seconder or a candidate is not genuine or they have not signed on the Nomination forms.PROCEDURE TO BE FOLLOWED BY REPORTING OFFICER ON RECEIPT OF REQUEST OF CANDIDATE TO WITHDRAW HIS NOMINSATIONQ. State the procedure to be followed by the Reporting Officer after receipt of withdrawal form E-6 form by the candidate?Ans: The Reporting Officer shall give the receipt for the same and record the same in the register with the date and timing.PROVISION OF APPEAL AS REGARDS CLAIMS AND OBJECTIONS AS REGARDS PUBLICATION OF FINAL LIST OF VOTERS.Q. Is there any provision for appeal on the decision of the returning officer on claims and objections.Ans: As per section 152 A of the Maharashtra Co-operative Societies Act appeal against order of returning officer rejecting the right of the candidate to contest the election can be filed within three days from the date of declaration of results of the final list of members.PROVISIONAL LIST OF VOTERS TO BE PREPARED BY.Q. Who prepares the Provisional List of Voters?Ans: The Provisional list of Voters is prepared either by the Secretary or the Authorised officer or Board of Administrators as the case may be.PROVISIONAL LIST OF VOTERSQ. What is Provisional List of Voters?Ans: Provisional means temporary and therefore the list can be termed as temporary list of voters/members.PROVISIONAL LIST TO BE PUBLISHED WHEREQ.Where is the Provisional List of Voters to be published?Ans: The Provisional List of voters shall be published on the Notice Board of the society.QUALIFICATIONS OF RETURNING OFFICERQ.State the criteria or eligibility required to function as a returning officer.Ans:There is no such criteria provided in the Rules, save and except that a Returning Officer must have undertaken training for conducting elections through a notified institute, notified by the State Government and approved by SCEA and whose name is listed in the list maintained by the Divisional Joint Registrar having jurisdiction.REASONABLE OPPORTUNITY TO MEMBERS AT THE TIME OF SCRUTINY OF NOMINATION FORMS.Q. Whether Returning Officer can allow examination of Nomination forms to the members at the time of scrutiny?Ans: Yes, The Returning Officer may give reasonable opportunity to the members present at the time of scrutiny to examine any nomination forms.REDUCTION IN AMOUNT OF DEPOSIT FROM CANDIDATES CONTESTTING ELECTIONS.Q. Can this amount be reduced as per the whims and fancies of the candidates/returning Officer?Ans: No. This is decided as per Election rules and constituencies of the candidates for which they aspire to contest. The Returning Officer does not have the powers and authority to either reduce or to increase the deposit fees.RETURNING OFFICER AND MEMBERSHIP.Q.Does the returning Officer have power to decide on issues pertaining to Membership?Ans: No. Membership issues are subject of the society/Registrar. The Returning Officer does not have power to decide membership issues but he can decide on the claims or objections based on the facts and records in the books of the society.RETURNING OFFICER NOT APPOINTED IN E CLASS SOCIETY BY CO-OP. SOCIETY.Q. if a society has failed to appoint Returning officer for E class societies within the prescribed limit, then what is the recourse of action to be taken?Ans: On an application of any member of the society or on suo-motto, if the registrar of the society comes to the conclusion that the society has failed to appoint the Returning Officer within the prescribed period, then the registrar shall appoint the Returning Officer from the panel. However reasonable opportunity of being heard shall be given to the society before issuing such order.REVOKING OF WITHDRAWL OF CANDIDATURE BY CANDIDATEQ. Can a candidate revoke his withdrawal of his candidature having once submitted to the Reporting Officer?Ans: The withdrawal form E-6, once submitted to the Reporting Officer by the candidate is irrevocable in nature and it cannot be cancelled because it will affect the final and third list of candidates as well as the election processRIGHT OF MEMBERS TO VOTE IF THEY HAVE MORE THAN ONE FLAT.Q. How many times the name of a member holding more than one flat appear in the Provisional List of voters?Ans: The List is termed as Provisional List of members/voters and not Owners.Hence, the names of members owning multiple flats are registered/listed only once in the provisional list of Voters because cooperatives function on principle of one ember one vote. In cooperative society the concept is one member one vote.SCEA MEANING.Q. Who is SCEA?Ans: SCEA means State Cooperative Election Authority, who is an IAS cadre Officer appointed by the Governor based on the recommendation of the State Government.SCRUTINY OF NOMINATION FORMS WHO CAN REMAIN PRESENT.Q. Who can remain present at the time of scrutiny of nomination (E-5) forms?Ans: The candidate and one proposer of each candidate duly authorized in writing may attend the scrutiny of nomination forms at the time and place as notified.SECTION 152-A OF MAHARASHTRA CO OPERATIVE SOCIETIES ActQ. What is section 152A of the Maharashtra Co Operative Societies Act?Ans: Section 152A is the provision of appeal which can be exercised by an aggrieved candidate whose nomination for candidature has been rejected by the Reporting Officer.SELECTION OF SYMBOL BY CANDIDATES.Q. If more than one candidate has preferred for the same symbol then to whom should the symbol be allotted?Ans: The symbol should be allotted on `First come First Serve basis`.STATUS OF PERSON WHOSE NAME DOES NOT APPEAR IN THE FINAL LIST OF VOTERS.Q. State the status of a person whose name does not appear in the final List of Voters?Ans: A person whose name is not listed in the final List of voters is not eligible to contest the election neither is he permitted to vote.SURRENDERING OF VOTING RIGHTS FOR SECOND FLAT OCCUPIED BY MEMBER.Q. Can an Original member owing two flats/Units in a CHS surrender his voting rights in favour of Joint/Associate member for the 2nd Unit?Ans: Technically the answer is no because this comes into effect whenever the original member remains absent for voting in election. However, the original member while he is present for voting for the first unit is not eligible to transfer his voting rights for the second unit.SYMBOLS FOR ELECTIONS.Q. Can symbols associated with political parties operating in India be used for elections of a coop society?Ans: No. The symbols associated with political parties cannot be used. However, Various other symbols approved and permitted by SCEA can be used by Coop societies.TENURE OF SCEA.Q. What is the tenure of the SCEA?Ans: The tenure of SCEA is three years. His tenure can be extended by another Two years. However he cannot continue in office after the age of 65 years.TIME FRAME TO RAISE OBJECTIONS.Q. State the time frame to raise claims/objections?Ans: Within 10 days from the publication and display of the provisional List of voters on the Notice board of the society.TIME FRAME WITHIN WHICH ELECTION OFFICER HAS TO DECIDE THE CLAIMS.Q. What is the time frame for the Returning Officer to decide on such claims and objections?Ans: if the claims/objections or corrections are minor in nature it can be done immediately. However, if they are major, then the Returning Officer has got another additional term of 10 days after the expiry of the initial ten days time mentioned in the provisional List of voters.TIME LIMIT FOR PUBLISHING FINAL LIST OF VOTERS.Q. When does the Returning Officer publish the Final list of Voter?Ans: The Returning Officer shall publish and display within two days the final list of voters after the claims, objections and corrections are sorted out.TRANSFER OF FORFEITED DEPOSIT AMOUNT BY RETURNING OFFICER.Q. Where does the Returning Officer need to transfer the forfeited deposit amount?Ans: The forfeited deposit amount should be transferred to the election fund of SCEA A/c no 34944703338 of SBI, Main Branch Pune. The amount shall be deposited within 2 days of election results by demand draft or bankers cheque and details to be communicated to the Hon. Secretary, SCEA, Pune.VALIDITY OF CASE CERTIFICATE ISSUED BY COMPETENT AUTHORITY OF OTHER STATES.Q. State the validity of caste certificate issued by a Competent Authority other than the State of Maharashtra?Ans: Caste Certificates issued by the state of Maharashtra are only valid. A Resident Welfare Association (RWA) embodies the very spirit of community, bringing together the diverse aspects of residents lives.Classified as Non-Governmental Organizations (NGOs), RWAs bear the responsibility of the welfare of residential societies. Enshrined under the Societies Registration Act of 1860, these associations are administrative bodies and legal entities vested with distinct rights and duties. The Bombay High Court has affirmed the legitimacy of housing societies collecting charges for cultural and recreational activities. This ruling underscores the pivotal role of social and cultural endeavours in housing societies, acknowledging these activities as integral to their objectives. The court highlighted that societies can establish a cultural fund, tapping into contributions beyond mere profits, creating a blend of financial prudence and cultural richness. The Central Board of Indirect Taxes and Customs (CBIC) clarifies the obligations of real estate developers and Resident Welfare Associations (RWAs). The verdict declares an 18% Central Sales Tax (CST) imposition on electricity bills if flat owners are charged beyond the tariff set by Distribution Companies (Discoms). However a pure agent status exempts them from GST implications if they align their charges with state electricity boards or Discoms. This alteration may tune up rental costs, introducing a new element in financial management for RWAs. The primary goal of Resident Welfare Associations members is to check out the interests of residents, take care of shared spaces, and develop the communitys well-being. RWAs are important for managing things organized, assisting residents stay connected, and working with outside authorities. The Presidents Role: Steering the ShipThe role of the President is pivotal in navigating through the currents of legalities and developmental strides. Lets delve into their duties and responsibilities.Guardian of Legal FortitudeThe President is the defender against legal disputes. With the power to sue or be sued, the President holds the key to the associations legal resilience.Architect of DecisionsThe President makes pivotal decisions. The final call on purchasing or approving any committee contract rests with the President. it is a strategic leadership role, ensuring that every decision aligns with the welfare of the residents.Custodian of CommunityThe President is also a member of Resident Welfare Association (RWA) and the communitys watchful eye. He stays aware of all events and occurrences within the society. He oversees expenses with a discerning eye, ensuring that every penny is a step toward resident well-being.Scaling Heights in Larger SocietiesIn larger societies, He supervises shops, mini bazaars, and even oversees aspects of banking, healthcare and transportation. He becomes a visionary leader steering the community towards comprehensive development.Presiding Over MeetingsThe President presides over every meeting of the general body and governing body. The right to vote on a draw symbolizes an active participation in shaping the course of the association.The Financiers OversightManaging the associations bank accounts is a testament to the Presidents oversight. Every letter or notice carries the Presidents authority as one of the primary signatories.The Resident Welfare Association Presidents role is about strategic decision-making, community guardianship, and comprehensive development. The President as an office bearer illuminates the path toward a thriving and harmonious community.The Vice-Presidents Role: A Steadfast SupportThe Vice-President is a steadfast ally, offering support and ensuring the continuity of effective leadership. Lets delve into his nuanced functions and significance.A Right Hand in LeadershipIn assisting the President in all their duties, the Vice-President becomes an essential collaborator, contributing to the seamless functioning of the association.The Act of SubstitutionThe Vice-President steps into the shoes of the President in their absence. This ensures that the associations operations do not falter in the Presidents nonattendance.The Vice-Presidents role emphasises that true leadership thrives in collaboration. He is a key player in the association, ensuring that the collective journey toward community well-being remains unwavering and continuous.The General Secretarys Role: The Multi-faceted MaestroThe General Secretarys role involves paperwork, administrative duties and also a crucial liaison between the community and the broader governmental landscape. Lets delve into the nuanced functions.Representing Society in the Public SphereThe General Secretary is the voice of the society in both private and public offices. They are the medium through which the RWA engages with external entities, representing the collective interests of the community.Custodian of Collective MemoryEvery resident, every home, and every event finds a place in the meticulous records kept by the General Secretary. They play the role of the custodian of the communitys history, memory and identity.Operating the Financial EngineOperating the societys bank accounts is a strategic responsibility. The General Secretarys role is a member of the Resident Welfare Association who ensure the fiscal health of the RWA, aligning financial decisions with the welfare of the residents.General Body MeetingsSecretarys responsibilities include organising general body meetings and actively shaping its discourse. His role is to foster a space where community matters are deliberated, decisions are made, and collective aspirations find expression.Guardian of Resident ConcernsThe Secretary assumes the role of a guardian, focusing on the qualms and concerns of each resident. Its about ensuring that the resolutions align with the collective vision. In doing so, the Secretary becomes a bridge between individual concerns and communal well-being.The Joint Secretarys SupportThe General Secretary is one of the important members of the Resident Welfare Association and does not operate in isolation. The Joint Secretary stands as a collaborative support, reinforcing the General Secretarys efforts. This partnership ensures the seamless execution of responsibilities and provides continuity in the face of any unavailability.The General Secretarys role is about representing the community with integrity and preserving its history with diligence.The Treasurers Role: Financial StewardThe Treasurer ensures the prudent management of funds that underpin the communitys well-being. Lets delve into the Treasurers financial responsibilities.Collecting and Maintaining FundsThe Treasurer is the custodianship of funds. Its his duty to collect and meticulously maintain all funds and associated documents. The Treasurer acts as the guardian of the financial pulse that sustains the RWAs diverse initiatives.Navigating High-Stake FinancesThe Treasurers role goes beyond transactions and involves management mastery. With funds and documents of high importance, the treasurer steers through the intricacies with prudence. The election of a seasoned professional with management expertise becomes crucial here.Overseeing the Fiscal HorizonBeyond the handling of funds, the Treasurer also oversees the fiscal horizon. Calculating monthly and yearly expenses, as well as monitoring the overall income, the treasurer ensures the financial equilibrium and a constant regulation of fund flow.Sourcing SupportThe Treasurer actively engages in sourcing support, collecting gifts, subscriptions, grants-in-aid, and donations from members and the general public. This collaborative effort fortifies the associations financial foundation, enabling a broader scope of community initiatives.Banking and BookkeepingThe role extends to prudent management of the Resident Welfare Association bank account and balancing the books of accounts ensuring that the financial records align with the associations objectives.The Treasurers role is a commitment to upholding the financial sanctity that underlines the collective aspirations of a thriving residential community.Executive Members: Pillars of SupportThe Executive Members form the bedrock of a well-functioning community. These members carry out the daily operations of the association with due dedication and administrative prowess. Lets delve into their nuanced roles and responsibilities.Daily OperationsExecutive Members actively participate in the daily operations of the RWA. From addressing immediate concerns to fostering a sense of camaraderie, Executive Members ensure the wheels of the community keep turning smoothly.Regulatory Compliance with RegistrarSection 4 of the Societies Registration Act, 1860, mandates the filing of the Resident Welfare Association list of office bearers with the Registrar of Societies. Executive Members shoulder this responsibility, ensuring that the association adheres to the stipulated regulations.Collaborative LeadershipThe Executive Members create a collaborative leadership. Each member brings a unique set of skills and perspectives, contributing to the associations robust functioning.Going beyond titles and regulations, Executive Members embody a commitment to community well-being that defines a thriving residential association. The Resident Welfare Association (RWA) is a custodian of rights and responsibilities. Its delicate functioning sustains a harmonious society. Lets unravel the legal and administrative powers this association has to shape the community it serves. RWA has the power to determine the subscription amount for all residents. its a strategic calibration of resources to ensure the collective well-being of the community. While residents have the right to seek RWA membership, the association retains the autonomy to refuse memberships, substantiating such decisions with proper reasons. In cases of non-payment of subscription fees or conduct against the interests of the society, the Resident Welfare Association (RWA) holds the power to terminate memberships. This power is grounded in the collective will, as the majority of RWA members can demand the termination of an individual on valid grounds. The association takes charge of implementing necessary initiatives and policies within the residential society. This operational mandate is a testament to the proactive role that RWAs play in shaping the living experience for all residents. An Resident Welfare Association (RWA) acts as a legal advocate for its residents. In the face of substandard construction and concerns about building materials, the association can wield its legal authority. Filing lawsuits against developers and liaising with law enforcement, the RWA becomes a guardian of the communitys rights, ensuring that legal recourse is pursued when the interests of the residents are at stake. The decisions made by RWAs echo the collective aspirations of the residents they serve. the powers vested in Resident Welfare Associations are strategic tools aimed at fostering community well-being, financial equilibrium, and legal protection. Also Check: Housing society membership rules RWAs make it easier to manage residential areas by ensuring that community rules are followed and any issues are dealt with quickly. An RWA helps improve security by setting up better safety measures and protocols, creating a more secure environment for everyone. RWAs take care of common areas and facilities, making sure theyre well-maintained and in good shape. RWAs play a key role in planning and hosting community events, which helps build a stronger sense of community and keeps everyone engaged. RWAs provide a clear process for addressing disputes and concerns, giving residents a way to resolve issues and get their problems sorted out. Effective financial management harmonizes the communitys well-being. Lets explore the intricate management of funds within the RWAs. The Financial YearThe financial year of an RWA moves from April 1 through March 31 of the subsequent year. This financial cycle provides a structured framework for fiscal planning and execution.Funding the CommunityPeriodic maintenance fees paid by residents is at RWAs financial core. This steady inflow ensures the continuous upkeep of the communitys shared spaces and amenities. Resident Welfare Association (RWAs) also employ ingenious strategies, from inter-resident activities and sports matches to hosting fairs and social events, creating vibrant spaces for community engagement while bolstering their finances as well.Entrepreneurial VenturesRWAs embrace entrepreneurial endeavours, renting out community halls and spaces for weddings and social gatherings. They welcome residents from outside to utilize these facilities. Even parking spaces become avenues for revenue generation, with the RWA levying fees on outsiders and visitors. This entrepreneurial spirit not only adds to the financial pool but fosters a sense of community outreach.The Auditory PreludeThe governing body ensures the appointment of an auditor who, like a vigilant conductor, scrutinizes every note in the Resident Welfare Association (RWAs) financial composition. This is to ensure that the financial composition resonates with integrity, transparency and accountability.The periodic contribution and active participation of residents in community composes the financial melody. The result is a harmonious community where financial management becomes a collective endeavour, creating a space of shared prosperity and well-being. For governance within Resident Welfare Associations (RWAs), the selection of members holds the key to community representation. Lets demystify the mechanisms underlying this leadership selection process. At the heart of every RWA lies its governing body, a collective of at least seven individuals in crucial roles like president, vice president, secretary, and treasurer. This collective manages the communitys affairs, ensuring a harmonious wave of governance. The Annual General Meeting (AGM) is the grand stage where governance takes centre stage. A quorum, a minimum number of residents, must be present for it to ensue. If the attendance falls short, the AGM transforms into an intermission, awaiting the return of its audience. Anyone of legal age, driven by the passion to contribute to societal development, is welcome to be an Resident Welfare Association (RWA) member. The selection of new members happens through a ballet. Residents cast their votes expressing their choice. Hand motions, too, can decide this democratic process. A new committee emerges, validated by the support of at least three officials from the outgoing ensemble. The Registrar of Societies receives the announcement, commencing a new chapter in community leadership. Residents of the society elect the associations members. This association then undergoes registration under the Societies Registration Act of 1860. Bound by constitutional documents like the Memorandum of Association (MOA), it solidifies its purpose and functions, crafting the blueprint of its existence. The selection of members is a communal exercise where each participant plays a key role in shared governance. Membership norms stand as the gateway to Resident Welfare Associations (RWAs) defining who steps into communal governance. Lets unfold these norms, deciphering the rationale behind the communitys operation. An RWA holds the authority to deny membership to an individual. But it comes with the responsibility of articulating the grounds for refusal in writing. This underscores the commitment to fairness, ensuring that every prospective member is informed about the reasons behind such decisions. Membership, once granted, is not an irrevocable covenant. Termination is possible in specific scenarios. A member becomes susceptible to termination if their actions run contrary to the aims and objectives of the society. Involvement of any office-bearer or managing committee member in political activities leads to termination. The Chief Welfare Officer, Department of Personnel & Training, assumes the role of a guardian in this context. The termination of an individual engaged, directly or indirectly, in political pursuits is a safeguard against the potential ramifications of political entanglements. The principle here is to maintain the apolitical character of RWAs, ensuring that their focus remains on community welfare. Membership termination ensues when an individual deviates from the core aims and objectives of the Resident Welfare Association (RWA). The termination process becomes a measure to recalibrate the associations trajectory, ensuring that every member is aligned with the shared ethos. Termination can result from a members absence from three successive meetings. This insists on the importance of active involvement. The termination without written notice in this context is an acknowledgement that sustained absence can impede collective progress. This mandate instils a sense of responsibility and fosters a culture of active participation. While the association holds the right to decide on membership matters, it needs to provide reasons for refusal or termination. This injects an element of accountability and transparency, which is crucial for cultivating an environment of trust and equitable governance. In RWAs, membership norms and rules balance personal commitment and group well-being while going on to shape the contours of community participation. The capacity to adapt and evolve is paramount in a Resident Welfare Association (RWA). The process of amending RWA rules is a strategic undertaking rooted in continuous improvement. Lets unravel the intricacies of amendment, guided by the provisions under Sections 12 and 12A of the Societies Registration Act, 1860. The Memorandum of Association is the foundational document explaining the fundamental purpose and essence of the RWA. Its a living document recognizing the need for evolution. Amendments to the rules are welcomed and seen as a mechanism to align the association with the changing times and emerging needs of its members. The procedure for amending RWA rules follows the path laid out in Sections 12 and 12A of the Societies Registration Act, 1860. This legal framework provides the necessary adherence to established norms and principles. The amendment process is a collective endeavour. Members play a pivotal role in shaping the rules that govern the association. Their participation, whether through suggestions, deliberations, or voting, echoes the democratic ethos embedded in the amendment process. The amendment process stands for Resident Welfare Association (RWAs) commitment to growth, responsiveness, and the timeless pursuit of creating a thriving and harmonious living environment for all residents. The presence of a Resident Welfare Association (RWA) is a statutory imperative ensuring harmonious governance and community welfare. The Real Estate (Regulation and Development) Act, 2016, essentializes the establishment of RWAs in housing societies. According to this act, the clock starts ticking from the moment a significant portion of houses are booked within the society. Within three months from this, the establishment of an RWA becomes not just a suggestion but a legal obligation. The responsibility of initiating the RWA formation process falls squarely on the shoulders of the developer. However, should the developer falter or neglect this responsibility, the legal owners of the residential society step into the arena. The RWA structure resonates with the democratic principle where decisions are not imposed but arise from the collective will of the residents. The mandatory status of RWAs in housing societies embodies the ideals of shared governance, communal well-being, and the transformative power of collective action. Resident Welfare Associations (RWAs) do not have inherent statutory powers in the same way government bodies or regulatory authorities do. They are voluntary associations where residents collectively contribute to the well-being of the community. Despite being voluntary, these bodies are bestowed with considerable legal authority and power. For example, the Societies Registration Act, 1860, or other relevant laws, may outline the procedures for forming and operating RWAs. Its vital to recognize the distinction between RWAs and cooperative housing societies. While RWAs wield authority, cooperative housing societies often have a more structured control mechanism. Resident Welfare Association (RWAs) are more organic, resident-driven entities. The authority vested in RWAs does not translate into an infringement on individual rights. Homeowners retain their right to speech and privacy without encumbrance. RWAs, in their exercise of power or restraint, focus on aspects directly related to building or society maintenance, functioning, or events held within the society premises. The essence lies in striking a balance between the authority necessary for effective community management and the safeguarding of individual liberties. RWAs, as facilitators of communal harmony, navigate this delicate equilibrium, The authority the RWAs wield is a reflection of the shared aspirations, endeavours, and ethical imperative to create better living spaces. Empowering Community LivingResident Welfare Association (RWA) is an embodiment of community collaboration. Comprising residents united by a shared living space, RWAs function with a primary objective to represent collective interests, ensuring a seamless and thriving community life.Establishing a Code of ConductRWAs lay the foundation for harmonious coexistence by crafting a Code of Conduct. This comprehensive set of guidelines delineates expected behaviors, fostering mutual respect and responsible use of shared amenities.Maintenance and Upkeep RegulationsRWAs ensure housing society maintenance. Regulations are instituted to govern utility usage, waste disposal, and routine maintenance of communal spaces. These rules enhance the quality of living and contribute to the overall aesthetics of the community.Parking and Vehicle RegulationsResident Welfare Associations (RWAs) implement parking and vehicle regulations. This ensures an organized approach, covering aspects such as designated parking zones, guest parking, and restrictions on commercial vehicles.Handling Disputes and GrievancesThe pursuit of common welfare often encounters challenges. Disputes arise, ranging from issues of waste disposal and encroachment to disagreements over the use of communication channels like WhatsApp groups. RWAs resolve disputes and grievances among residents. A structured mechanism for complaint resolution fosters fairness and amicable solutions, nurturing a community built on understanding and cooperation.Financial Management and TransparencyFinancial stewardship is a key RWA responsibility. Managing society finances is a commitment to transparency. Regular financial reports and audits also help build trust and confidence among residents.Harmony in DiversityThe functioning of RWAs establishes a harmonious community. Through codes, regulations, and conflict resolution, RWAs play a vital role in nurturing an environment where diverse individuals come together as a united and thriving community. The collective spirit that births a Resident Welfare Association (RWA) can also collectively decide its fate. When not less than 3/5th of its members choose the path of dissolution, the RWA existence leads to its immediate closure or a predefined timeline. This decision is undertaken in consultation with the Department of Personnel & Training. Property disposition to claims and liabilities, every facet undergoes scrutiny and resolution when the dissolution is set apace. This detailed process ensures that the RWAs closure is carried out transparently and fairly. In the aftermath of dissolution, some assets might remain behind after settling debts and liabilities. Unlike typical closures where remaining assets might revert to members, in the RWAs case, The Department of Personnel & Training directs these surplus assets towards another Association, Body, or Authority, ensuring a continuous legacy of community welfare. Even after dissolution, the echoes of the shared experiences, challenges, and triumphs defined by RWAs existence, go on to shape the collective memory of residents. Resident Welfare Associations (RWAs) are capable of both suing and being sued. The legal provision allows the RWA to initiate or defend legal actions using the name of either the President or the Secretary. When an RWA decides to sue, it does so as an entity with a distinct legal persona. The choice of representation, whether by the President or the Secretary, underlines the formal recognition of the resident welfare association (RWA) as an independent body capable of legal action. Conversely, when the RWA faces legal action, this provision ensures a clear line of representation, navigating the complexities of legal proceedings with defined leadership. The law prohibits joint ventures or federations with other associations or federations without the prior approval of the Department of Personnel & Training. This injects a layer of regulatory oversight. It ensures that the RWAs legal actions and affiliations are subject to scrutiny and approval, reinforcing a balance between autonomy and regulatory governance. Whether its a legal stand-off or an assertive legal pursuit, RWAs, through designated representatives, become legal entities with the power to shape community welfare. The emergence of casual vacancies is an opportunity to perform the delicate process of appointments. Every art of acceptance or rejection affirms the functional integrity of the association. When a void appears, the elected members of the Managing Committee become contenders for filling vacancies in the office bearers cadre. This internal promotion aligns with the democratic ethos of resident welfare association (RWAs), fostering a sense of continuity and shared responsibility. Crucially, the regular members of the association also become eligible for elevation to the Managing Committee to fill vacancies in the general membership. The committee, while having the flexibility to appoint, is bound by a capensuring that the total vacancies filled do not exceed or constitute 2/3rd of the total posts of the Managing Committee during the block year. This helps maintain stability while adapting to evolving circumstances. In the spirit of transparency and democratic accountability, a report detailing the appointments and the process undertaken is dispatched to the Area Welfare Officer/Chief Officer. This report then undergoes scrutiny and ratification in the subsequent General Body meeting. In appointments during casual vacancies, RWAs exemplify democratic succession while embracing transparency as a cornerstone of their functioning. RWAs are guardians of collective interests, ensuring that the voice of each resident is valued in the decisions that shape their community. With a cadre of well-deserving candidates carrying a wealth of experience and acumen, The resident welfare association (RWAs) carry forward their dedication to nurturing the fabric of the residential society they represent. NoBrokerHood society management app leverages modern technology to enhance the quality of life for community members. From advanced security systems to streamlined services and simplified billing, it offers a comprehensive solution for cooperative societies to thrive. With NoBrokerHood, you can easily manage house help, receive instant bill reminders, stay connected with your community, and even enjoy exclusive rewards. It simplifies various aspects of society operations, all while prioritising security and convenience. Dont miss out on the opportunity to transform your residential cooperative society into a well-connected, secure, and thriving community. Experience the future of community living by downloading the NoBrokerHood app today. And the best part? You can even get a free demo to witness the apps capabilities in action. Take your cooperative society to new heights today! Also Check: Apartment Management System 1. How does the Resident Welfare Association contribute to community life? RWAs ensure a harmonious community life by managing operations, handling disputes, and organizing events. They establish rules, maintain common areas, and promote collective interests, like installing society management system for a secure living environment. 2. What objectives does the RWA aim to fulfil? The RWA aims to represent residents collectively, enhance community life, and establish a secure living environment. Objectives include fostering mutual respect, transparent financial management, and addressing concerns through a structured grievance mechanism. 3. What authority does the RWA possess? RWAs have the authority to set subscription rates, terminate memberships, and manage the societys financial affairs. They establish codes of conduct, implement parking regulations, and act as mediators in dispute resolution, contributing significantly to the order of housing societies. 4. What advantages come with being a part of the RWA? Being an RWA member offers a say in decision-making, participation in community development, and access to well-maintained common areas. Members contribute to societys development, influence policies, and enjoy a secure living environment. 5. Who is eligible to become a member of the RWA? Any major individual committed to society development can become an RWA member. Eligibility criteria stress a commitment to the societys objectives without discrimination based on colour, caste, creed, or religion. The governing body comprises members elected during the general body meeting. 0 ratings0% found this document useful (0 votes)575 views7 pagesSaveSave Rwa Election Procedure Sample For Later0%0% found this document useful, undefined Equal voting right: In general, each member of the housing society who owns a property has equal voting rights. In general, a member with a larger flat, say 3BHK, does not have a higher voting weightage than someone with a smaller flat, say 2BHK. A person who owns two flats in the society, on the other hand, gets two votes. Votes are usually cast based on the number of units rather than the number of members. In exceptional societies formed as limited liability companies rather than cooperatives, voting rights vary depending on the size of the unit. The Right2Vote eVoting platform allows you to create all types of elections, including those with weightage based on the number of units and weightage based on the size of the flat.Voting rights of owners: All members of the housing society who own property have the right to vote. No member should be denied the right to vote. In most cases, the first owner has the right to vote, but co-owners may be allowed to vote as well.Denial of voting rights: A bylaw may state that members who have not paid their society dues in full may be denied voting rights.Tenant voting rights: In general, tenants do not have voting rights. Each flats voting rights are limited to the flats owner.Voting window: To vote, a voter must be given a reasonable voting window. Keeping a very short voting window is restrictive and may lead to members complaining that their right to vote was denied. We recommend a minimum voting window of 8 hours if all of your voters are in India, and a minimum of 24 hours if your members are located outside of India to account for different time zones. In general, many societies keep a voting window of less than 2 hours, which can lead to legal issues.Reasonable notice of election date and voting window: All voters should be given advance notice of the elections. In general, a minimum of 14 days advance notice is required. However, depending on the bye law, it can vary from society to society.Intimation of election date and process: A society must notify its members in advance of its intention to hold elections and solicit nominations for various positions. This is usually done at least 21 days before the election date. The rules and procedures for nomination and election must also be distributed by the society.Right to stand in elections: All owners/members have the same right to vote in elections. No owner can be denied the right to vote unless:the owners title to the property is in dispute.The owner has not paid all of the societys dues.Election method: The Acts or model bye laws have generally been silent on the election method, so both paper-based voting and online voting can be used. A show of hands is generally not recommended, especially when asecret ballot is required. More information on this topic can be found on this blog.Secret ballot: Most State Cooperative Acts and model bylaws state that members should be elected by secret ballot. Nobody, not even the election officer, should be able to tell which members voted for which candidates using a secret ballot. This is to ensure secrecy of members vote so that member can vote with his free will and there is no chance of coercion.Proxy voting: The majority of Acts and model bylaws state that members should vote in person. This means that proxy voting is not permitted. It should not be confused with the requirement of voter physical presence. It simply means that a voter cannot delegate his or her voting rights and responsibilities to someone else. Proxy voting clauses differ from society to society; please carefully review your bylaws for the same.Postal voting: Many Acts and bye-laws expressly provide for postal voting, in which members can vote by mail. However, due to election deadlines, postal voting is generally not feasible, and online voting is a preferred option for voters who live elsewhere or are traveling.Election of Committee Members: Rules differ in model byelaws relating to election of committee members. In a few states, such as West Bengal, members vote to elect committee members, and the committee members decide who will hold the titles of President, Treasurer, Secretary, and so on. Members in other states, such as Karnataka, vote directly to appoint specific candidates to positions such as President, Treasurer, Secretary, and so on. Members in other states, such as Karnataka, vote directly to appoint specific candidates to positions such as President, Treasurer, Secretary, and so on. A few members are also elected to the committee. Right2Votes eVoting platform includes Team Election Exact and Team Election Upto features to assist societies in electing a team of committee members from the same list of candidates. Check your bylaws to see if voters can choose an exact number of candidates or if they can choose fewer than the number of positions. Both customizations are available on the Right2Vote platform. This feature is not available on the majority of other platforms. Democracy is vital to every group, including gated communities. This is why every cooperative housing community regularly holds elections to elect a Management Committee (MC) or Resident Welfare Association (RWA). As a form of grassroots democracy, housing society elections are important as the elected body is responsible for making critical decisions for the community. Cooperative societies operate within the framework of their model bye-laws. Apart from rules and regulations for their day-to-day activities, these laws also dictate the duration of an MCs or RWAs term and when the elections should take place. Housing society elections have to be held soon after a societys registration. The Chief Promoter calls the societys first General Body Meeting within the first three months. Holding polls is the key priority during the meeting. Thereafter, elections must be held once every five years. Failing that, a member has the right to demand an election. What happens if this demand is ignored? The member has the right to complain with the committee which must respond within 15 days. In the absence of any response by the committee, the member can approach the Deputy Registrars office. The Deputy Registrar then issues a show cause notice to the housing society after which a hearing is held. The existing committee can be dissolved if it is found that it failed its duty to hold elections. Fresh polls should then be held within six months. In the interim, the Deputy Registrar can appoint an administrative officer to run the affairs of the society. Alternatively, the member can also approach a Cooperative Court or file a case in the civil court. Every member or associate member is eligible to cast a vote in housing society elections. Typically, each unit of the housing society gets one vote. So, if you own more than one unit, you are eligible to cast a vote for each unit. To qualify, a candidate must be: Above 18 years of ageA resident of the housing societyHave cleared all dues to the housing society within three months of nomination. Each committee has at least three members president, secretary, and treasurer. Additional members depend on the number of units in the community. In addition, every committee must have at least one woman. Since there is no ban on re-election, MC members often have a very long tenure. Read our articles to learn more about the importance of a management committee and their roles and responsibilities. You can also learn about the Code of Conduct for Management Committee Members of a Housing Society. As per the Cooperative Societies Act, the election process should ideally start about two months before the existing MCs term ends. The existing MC issues a notice about the expiry while inviting other members to file nominations for the next election. The committee is responsible for compiling a list of members who are eligible to cast a vote. The list must be posted on the notice board at least 60 days before the polls. Ideally, the committee should also appoint a Returning Officer to oversee the elections. The Returning Officer is a neutral party and is widely considered as highly trustworthy. Lastly, it should be kept in mind that many of these provisions are subject to state laws and community bye-laws. Information is an important tool in any election. For free and fair elections, it is important that all members are aware of the societys bye-laws and their rights. Another key requirement is the process of regularly informing all members about the election updates. ApnaComplex makes this easy through the following tools: Community Wiki is a repository of important information, including society bye-laws.Create and