



United Residents Joint Action of Delhi

10th February 2017

Dear Sir.

In our meetings with political leaders and bureaucrats we heard regular complaints about RWA not following proper procedures, not holding elections, and not including women and young persons in this vital community task. Also, that different RWA simply followed their own whims in drafting their Memorandum and articles of Association.

It is also felt that there are multiple RWA in a same colony, some RWA do not hold regular elections. Many RWA do not get their accounts audited.

RWA play a pre-eminent role in Last Mile Governance and URJA is of the firm view, that their influence can be greatly increased through uniting under a common constitution

URJA has drafted a Model Constitution/ MoA which all RWA can adopt.

Some of the Salient features are

- 1. There will be only one RWA in any colony/Block --- Page (4)**
- 2. Adult Franchise. All residents, who are voters in the colony/block, will be eligible to become members, can vote and can hold office in the RWA ---Page (7)**
- 3. No members can have more than two continuous tenures as office bearers in the RWA Executive. ---page (8)**
- 4. Election- by secret Ballot ---Page (13)**
- 5. More powers and flexibility provided to General Body to decide, day to day, rules of business, depending upon the local circumstances of the RWA. ----page (12)**

6. Accounts must be audited, every year. Page (8) & (11)

7. All existing and new Members committed to follow rules and regulations, including payment of dues, by signing MOA --- Page (7)

8. Dispute Resolution mechanisms --- page (11)

We look forward to your suggestions, therefore please indicate the Para/Line where you suggest a change, omission, or addition

I look forward to your response

Yours Faithfully

A handwritten signature in black ink, appearing to read 'J.S. Chadda', written over a horizontal line.

Wg. Cdr. J.S. Chadda

Chief Convener

9312626900

MODEL CONSTITUTION IN RESPECT OF RESIDENTS WELFARE ASSOCIATIONS RECOGNISED BY VARIOUS GOVERNMENT DEPARTMENTS FOR INTERACTION, CONSULTATION, AND LAST MILE DELIVERY OF SERVICES

Definition

- The RWA will be a welfare body for residents as well as a key element of Last Mile Governance
- It is also envisaged that the RWA will further enhance their participation in Ward Committees, Nagrik Sabha, Thana Level Committee, public health & disease eradication programmes, and other such Government initiatives to enlarge the scope

- of participative Governance and public consultation
- All welfare Associations in the NCT of Delhi shall be required to be registered under the Societies Registration Act, 1860.
- A residents' collective, intending to constitute itself into a RWA may, by subscribing their names to a Memorandum of Association form themselves into a Resident Welfare Association under the Societies Registration Act.1860. A RWA must represent a Colony/block of minimum 200 voters on the Electoral rolls of the Election commission within that colony/block. (unless otherwise justified as a special case)
- At least 50 residents, should be signatories to the MoA before it is registered. Further all subscribing members of the RWA must be signatories to the MoA.
- In the case of existing RWA that do not conform to these provisions the RWA shall amend its MoA and adopt the Model constitution.
- The area should be clearly defined as unique. This is meant to avoid duplicity of RWA. It is a common complaint that multiple set of NGOs registered as RWA represent the same set of residents. It should be noted that a minimum 200 numbers of voters are mandatory, unless the colony/block itself as per municipal records has less than 200 voters on electoral rolls. Two RWA in one block shall not be allowed and if pre-existing, should round off and hold common elections.
- The Act lays down that the 'Memorandum of Association' and the 'Rules and Regulations' of any Society/Associations should be drawn up separately. Further, that whereas the 'Memorandum of Association' should contain the names of the Society, the names, addresses and occupations of the members of the governing body etc., the 'Rules and Regulations' should have the details of the Constitution like membership, manner of holding meetings, powers of the functionaries etc., the page-numbering of
- the rules and their classification/numbering are also required to be done separately from the Memorandum.

The '**MEMORANDUM & ARTICLES OF ASSOCIATION**' (MoA) shall contain the following provisions: -

THE NAME OF THE RWA

No distinction of class or character should appear in the name of RWA(s). It is advisable to name an Association as (Resident welfare Association or Lok Kalyan *Samiti*-followed by the name of Blocks/Type/Number of colony/area covered or

represented by the Association to suitably give identification to it. No names other than the two mentioned above will be acceptable and, for the sake of uniformity, such Associations having different names should initiate action to change their names.

THE ADDRESS OF THE REGISTERED OFFICE OF THE RWA

The RWA shall have a registered address and will also provide an office address (both may be same) for day to day management of records and communication and the same shall be communicated to the Registering Authority

THE AREA OF OPERATION OF THE RWA

This shall state in un-ambiguous terms the authority of the Association in which it shall function. There should be a specific mention of the name of Blocks e.g., Block 'A', 'B', 'C' of ----- or the types of Qtrs./Blocks (e.g. 500 Qtrs. from No. _____ to No. _____), the residents of which shall be entitled to become members of the Association. The area of operation should be a compact one, it should not be fragmented/disjointed or scattered. Another important point is that it should not encroach upon or overlap the authority of another Association in the vicinity recognised by the Department of Personnel & Training.

THE OBJECTS FOR WHICH THE RWA IS ESTABLISHED

- To foster a spirit of mutual help and goodwill among the inhabitants of the colony in general, and the members of the Association in particular.
- To make all possible efforts to achieve general amenities, consumer protection, including leveraging for the delivery of promised civic amenities from Municipal authorities, monitoring of the public distribution system including supply of essential and consumable items and environmental protection such as steps to curb pollution, ensure cleanliness, plantation of trees, and other contemporary scientific methods, interaction with authorities on any environmental aspects and for this purpose, represent the interest of the residents before appropriate authorities.
- To undertake all such other lawful acts, deeds or things including Sports and Cultural activities as are incidental or conducive to the attainment of any or all of the above objects including the general Welfare of the Employees and their families.

- To promote such welfare and socio-economic activities as may be approved by the General body
- The Managing Executive Committee will set targets in the areas stated in the objects and conduct half-yearly reviews to assess the achievements of targets. This will be called the Annual Action Plan of the RWA. The RWA, while applying for grants or aid from the Government shall indicate, with special reference to the Action Plan, achievements, or shortfalls with reasons.
- To participate in collaborative efforts in participatory governance through ward committees, ward Sabhas or any other instrument established by the Government under the 73rd/74th Constitutional amendment
- The RWA shall, however, desist/refrain from taking part in the activities of any political party.
- The 'Memorandum' of the Association should, further, give the names, address, occupations, and designations of the members of the governing body (at the time of registration) to whom the management and affairs of the Association have been entrusted. It is also required to be duly signed by these members before it is registered.

THE 'RULES AND REGULATIONS' OF THE RWA shall contain the following provisions:

RULES AND REGULATIONS

I. OFFICIAL YEAR

The official year shall be the financial year i.e., from 1st April to 31st March.

II. MEMBERSHIP

(a) All Voters within the boundary of the RWA, in the electoral rolls of the election commission shall be eligible to become members of the RWA

And that each person will be inducted as a member into the society only by being a signatory to the A&M of the association, a copy of which will be provided to him & by paying the membership fee as specified by the General body.

(b) There should be a drive to maximize number of paid subscriptions. For this purpose, as many persons, who fulfill the eligibility conditions for membership are to be so enrolled on the payment of the fee prescribed by the General Body of the Association. No person, who is eligible to become

- a member and who is willing to pay the prescribed fee, shall be denied membership.
- (c) Only the members who have paid their dues up to date shall be permitted to seek and/or remain in the office of the executive committee

III. ADMISSION FEE & SUBSCRIPTION

a. Every person admitted as a member shall have to pay an admission fee at the time of enrolment and annual subscription as decided by the Association in their Constitution, in advance. Proper receipts will be issued to the members in token of having received the enrolment fee and the subscription. The signatures of the members shall be obtained on a copy of the MoA as having read and accepted the provisions contained therein. The membership shall cease automatically if the same is not renewed within three months of the beginning of the next official year. In such cases, membership can be revived only after payment of all arrears on account of subscription or other dues outstanding against the member plus a nominal fine as may be prescribed by the Executive Committee.

(b) The Executive Committee shall have the right to raise funds as and when necessary and charge additional subscription from members for any individual games, events, activity, or function of the RWA

IV. MANAGEMENT

a. The affairs of the Association shall be managed by an Executive Committee consisting of the following office-bearers :-

b. Minimum 5 posts as following, more as decided by the General body, depending on the size and need

(i)	President	One Post
(ii)	Vice-President	One Post
(iii)	Secretary	One Post
(iv)	Joint Secretary	One Post
(v)	Treasurer	One Post

More office bearers can be chosen if so decided by the General body

- c. All the above members of the Managing Committee will be elected simultaneously
d. The office-bearers and members of the Executive Committee shall hold office for

three years. However, they shall continue until fresh elections are held and results declared by the 30th of September, of that year whichever is earlier.

The annual audited accounts must be prepared and tabled by the executive and must be approved by the General body before 31st August every year.

*A Chartered Accountant should audit the accounts, or in other cases a person or persons, nominated by the General body should do so.

The Tenure of the Executive committee shall be 3 years. No office-bearers i.e., President, Vice-President, Secretary, and Treasurer shall hold any of these offices for more than two terms continuously (Block years) i.e., for a period of 6(six) years. Hershel may continue in the Executive Committee in any other capacity. Any executive holding the above offices in the Executive Committee may, however, seek office again after a lapse of one term (three years) to any of the above mentioned FIVE posts. The contestants for Treasurer post should preferably have the knowledge of accounting procedure.

(e) The Executive Committee shall meet once a month.

(f) The quorum for ordinary meetings of the Executive Committee shall be 1/3rd of the total membership thereof whereas no quorum shall be necessary for an emergent meeting. Any member who does not attend three meetings of the Executive Committee consecutively without permission (from the President or the Vice-President in the case of President himself) shall be removed from the Managing Committee and would be informed in writing.

(g) Every member present and voting in the Executive Committee shall have one vote provided in the case of equal division of votes, the President shall have casting vote.

(h) The committee shall be responsible for the day-to-day management of the affairs of the Association and shall have the power to incur expenditure within the funds available with the Association for conducting the activities of the RWA It shall not go in debts or take loans for conducting its activities.

(i) The General Body shall, at the appropriate time, appoint a returning officer from among the members of the RWA for holding the annual elections, provided that such member shall not himself be taking part or contesting in the said elections.

Only subscribing members would be eligible for such appointment. No such person who held an executive post in the last Managing Committee will be eligible to be appointed as Returning Officer.

(j) The committee shall have the right to accept or reject the resignation(s) of office bearers/members and to make appointment to fill vacancies caused either due to resignation or any other reasons, as under: -

j.1. From amongst the elected Member of the Executive Committee to fill the vacancies of officer bearers.

j.2. From amongst the 'regular' members of the Association to fill the vacancies of Members of Executive Committee. The Executive Committee can fill the vacancies for the remaining part of the term thereof subject to the condition that the total vacancies (to be filled) do not exceed or constitute 2/3rd of the total posts of the executive Committee during the Block year.

A report on filling up of vacancies etc. shall be sent to The Registrar of societies and required to be presented for ratification in the next meeting of the General Body.

j.3. All office-bearers shall function and act under the control of the Executive Committee. The Committee shall have the power to set up ad-hoc Committee or sub-Committee and to delegate powers to them as deemed necessary. The committee shall have the right to co-opt members of the RWA for such specific purpose or purposes, as it may deem fit.

DUTIES, POWERS, AND RESPONSIBILITIES OF OFFICE BEARERS OF THE EXECUTIVE COMMITTEE:

All RWA office bearers and other sub committees, will actively devote time to oversee, and monitor the construction of public works, sanitation, waste management, water supply, drainage of rain-water and sewage, water harvesting and recycling initiatives, colony level security, maintenance of parks and roads, public toilets, and other such services that are provided by civic authorities. The Office bearers will also keep in touch with the Government bodies, the media and public service groups and NGO that can potentially enhance the quality of life of their members

PRESIDENT:

He shall preside over the meetings of the General Body/Managing Committee and exercise general supervision over the activities of the RWA He may dispose of such important and urgent matter which for want of time cannot be put up to the Managing Committee and report the same in the next meeting of the Managing committee. He would be treated as 'Head' of the RWA In the event of resignation by any office bearer/member the President shall arrange to convene a meeting of the Managing Committee within a week of receipt of resignation in which Area Welfare Officer will also be invited.

VICE-PRESIDENT

He shall carry out such duties as may be assigned to him from time to time by the President. In the absence of the President, he shall assume the duties and powers of the President.

GENERAL SECRETARY

He shall (i) maintain a register containing the names and addresses of the members of the Association, (ii) issue notice of the meetings in consultation with the President and record the minutes of the meetings, (iii) be responsible to the Managing Committee for all activities of the Association and will conduct correspondence on behalf of the Association, (iv) submit a report on the working of Association for the preceding year at the Annual General meeting and (vi) execute contracts on behalf of the Association as and when authorised to do so by the Managing Committee, (vii) keep all the records (excluding cash and accounts) of the correspondence with him.

JOINT SECRETARY

He shall carry out such duties as may be assigned to him from time to time by the President/Secretary. In the absence of the Secretary, he shall assume the duties and powers of the Secretary and shall be responsible to submit a quarterly report of activities to the Under Secretary (Welfare), Department of Personnel & training and annual report and audited annual accounts within 60 days of the close of the financial year.

TREASURER

He shall (i) be responsible for making all collections and receive cash and give receipts thereof on behalf of the Association and be responsible for the proper maintenance of Association Accounts, (ii) keep regular accounts of money received and disbursed and be responsible for the proper maintenance of the accounts book and other

Registers of the Association and for this purpose, he shall post all the receipts of income & expenditure regularly in the Cash Book and put it up for information of the Managing Committee in its next meeting. (iii) work as Financial Adviser to the President/ Secretary of the Association, (iv) prepare an annual statement of accounts at the end of the financial year and after approval of the Managing Committee, submit it to the Annual General Body meeting, duly audited (along with the Auditor's report and replies thereto, if any).

CONVENOR

The Convener shall look after the work relating to the field of his assignment in consultation with President/Secretary

AUDITOR

He shall be appointed by the Managing Committee before the end of March every year for audit of accounts of that financial year from amongst the regular members of the Association (other than a sitting member of the Managing/ Executive Committee). He shall audit the accounts of the Association and obtain clarifications in this regard, if necessary, from the office-bearers of the Managing Committee. He shall suitably endorse his report on the Annual statement of the accounts and on the list of assets of the Association etc.

Dispute Resolution: A dispute resolution committee comprising of three members of the association (not from the management committee) will be established to arbitrate upon conflicts arising between members. The Committee may draw assistance from the Delhi dispute resolution society

* The financial powers of the office bearers shall be decided by the General body of the RWA from time to time

GENERAL BODY

The General Body shall consist of all members of the Association and the final authority of the Association shall vest in it.

The rights and privileges of the General body shall be: -

To demand through their RWA better delivery of services by the public authority and provide all assistance to the office bearers in the furtherance of this objective

To consider it their responsibility to attend RWA meetings in strength and wide numbers when called upon to do so as responsible citizens. To work as a collective to enhance the bargaining capacity of their RWA with the authorities.

- To elect the Executive Committee
- To remove any office-bearer of the Executive Committee
- To pass the accounts of the previous year and consider the Auditor's report and Annual report and to appoint auditors for the next financial year.
- To approve the programmes of activities of the Association for the ensuing year.
- To appoint the returning office for elections to the Executive Committee.
- To discuss any other item with the permission of the Chair.

ORDINARY MEETING OF THE GENERAL BODY

(1) The quorum for the General Body meeting shall be decided by the General Body
(2) A notice of at least 7 days shall be given in writing for convening an ordinary meeting of the General Body.

(3) A meeting for want of quorum may be adjourned by the President/Presiding Officer and no quorum shall be necessary for such an adjourned meeting which can be re-convened by giving as much time as decided by the Executive committee.

(4) Meeting of the General Body of the Association shall be held at least once every year within a period of 5 months after the completion of the financial year i.e., before the 31st of August. Annual Report, Annual Accounts for the previous financial year and general plan/programmes for the next financial year would be approved/decided in these meetings.

(5) An Extra-ordinary meeting of the General Body may be held either at the instance of the President of the RWA or on a requisition signed by at least as many members as decided by the General body of the RWA to discuss specific matters to be stated in writing. The quorum for such meetings shall be at least ½ the members who have signed the requisition.

If a request for Extra- ordinary meeting is received, signed by the requisite number of members, the meeting must be convened within 15 days of such request

REMOVAL OF OFFICE BEARERS.

Matters pertaining to the removal of office-bearers including members and/or the

removal of any members of the Association and appeals against the decisions of Managing Committee shall require 2/3rd majority of the members present and voting. The quorum for such meetings shall be 1/3rd of the total members on roll.

IX. ELECTIONS

The list of members as on 31st March should be displayed or circulated, on or before 1st April and finalized within 30 clear days of such display/notification after considering representation for rectification of errors, if any. In any case, the final voters list should be published latest by 15th June.

All Office Bearers and Members of the Managing/Executive Committee shall be elected in the General Elections to be held by secret ballots. The date of elections, which should be on or before 31st September, shall be decided by the General Body. The terms of the elected Office-Bearers and Members shall be three years (block of three years). The Managing Committee shall cease to exist, at the end of its 3-year tenure, on the 1st October of the election year or till the new Committee is declared elected whichever is earlier. The Tenure of the committee cannot be extended except in circumstances beyond control, like natural calamities

Members, whose subscription, and other dues are not in arrears up to 31st of March of the year preceding the election year, shall be eligible to vote. Thus, only eligible residents who become member/associate member of the Association by 31st March of a year, shall be eligible to vote and/or contest elections, during the next financial year.

Every member present and voting shall have one vote.

Voting shall be by SECRET BALLOT.

Elections shall be conducted by the Returning Officer who will be appointed in the AGM by the General Body. The Returning Officer would be given copies of voters' list (clearly indicating the voter number) on his appointment along with necessary material i.e., stationery/blank nomination forms/requisite Funds etc. for carrying out activities connected with the conducting of the elections. The RWA may request the state election commission to provide on costs an observer. The Returning Officer would be given full assistance and co-operation by the Managing Committee/Members for smooth conduct of the elections. Nomination forms, duly signed by the contestant member for a particular office, shall be received by the Returning Officer by a certain date and time fixed by the Executive Committee. No

person can hold more than one office at a time and, therefore, will be eligible to contest only for one office.

No proposing or seconding is required and an eligible candidate can file his/her own nomination

All the members of the Association, who are eligible to vote in the elections to elect the office-bearers/Members of the Managing/Executive Committee, will be informed through wide publicity of the programme of election, as noted at (f) above, well in time in writing. While intimating them, they should be advised to bring their Identity Cards and allotment letters/electricity bills in their name and any other valid documents with them to substantiate the validity of their membership at the time the elections are held.

In case of any dispute arising in the matter of Election process or Election Results, the Delhi Dispute Resolution society shall be approached by the aggrieved. They will attempt to resolve the dispute and appoint an interim ad-hoc committee if needed

Persons aggrieved with the decision of the DDRS may only then approach a court of appropriate jurisdiction

SOURCE OF INCOME

The source of income of the Association shall be:-

Subscriptions and fees as laid down in the Constitution and/or funds raised from time to time on specified counts.

Grants-in-aid from the Government.

Donations from Government(s) or Official Bodies or individuals.

CSR & other Corporate Support mechanisms

Advertisement from Residents' Directory and other advertisement revenue.

WITHDRAWALS FROM THE BANK

These shall be authorised by the Joint signatures of the Treasurer and either the President or the Secretary.

The outgoing Managing Committee will not make any withdrawal from the Bank

Account after the date of election has been announced.

SUITS BY AND AGAINST THE RWA

The Association may sue or be sued in the name of the President or the Secretary.

HANDING OVER OF CHARGE

The General Secretary of the outgoing Managing Committee will be responsible for handing over the charge to the General Secretary of newly elected Managing Committee within 15 days of the date on which the Returning officer declares the election results. It shall be the duty of the General Secretary of the outgoing Executive Committee to ensure that all documents, Registers relating to Accounts including Pass-Book, cheque Book and other papers are handed over to the Treasurer of the newly elected Executive Committee whereas all other documents, Registers, papers, and other assets/equipment/articles will be handed over to the General Secretary of the newly elected Executive Committee. If the post of the General Secretary is vacant for any reason, another office-bearer, shall be nominated by the Executive Committee who shall be responsible for handing over the charge to the General Secretary of the newly elected Executive Committee within 15 days of the declaration of the results.

Such office bearers who fail/refuse to hand over the complete charge to the succeeding office bearers within a period of one month of the date of election, shall be debarred from holding the post of any office-bearer in the Resident Welfare Association in future.

DISSOLUTION

Dissolution of the RWA can be done as per the provisions of the Societies Registration Act 1860

C E R T I F I C A T E

I, Shri/Smt./Kum. -----am a resident of house/ flat No -----

in (Name of the Colony)-----

I certify that my name is listed in the voters list of the colony, at Sl no -----sheet No -----

I wish to become a member/renew membership or associate membership of _____RWA and undertake to pay the prescribed fee,

as fixed by the General Body of the RWA

I have read and understood the MoA & the Rules & regulations of the RWA & undertake to follow all the rules and regulations, as prescribed in the MOA.

Particulars furnished are correct/
Incorrect and may/may not be admitted
As member.

Signature of the applicant
Date
Name
Designation &
Official address
With Telephone No.

Signature of the Secretary, Date and Seal
NOMINATION FORM

United Residents Joint Action of Delhi

ANNEXURE II

(in two Copies)

Elections for the Executive Committee of the Residents' Welfare Association.

Block year-----

I, name-----, membership number.....want to stand election for the post of -----

I undertake to abide by the decision of the returning officer in the election process.

Signature of the Candidate.-----

Date :-

Address:-

The above nomination has been examined and found valid/invalid.

Dated-----

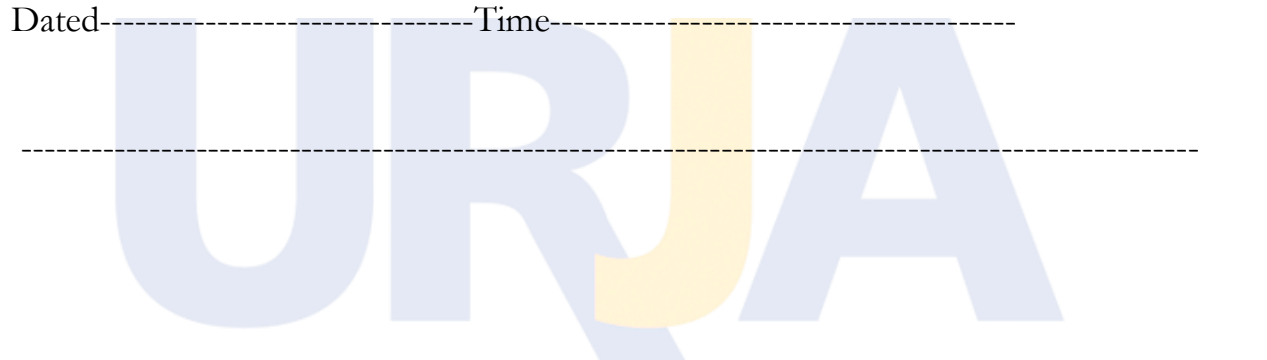
Signature of Returning Office-----

RECEIPT

Received a Nomination form for the post of -----in
the name of Shri/Smt.Miss-----

Signature of Returning Officer

Dated-----Time-----



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