ARUN VIHAR RESIDENTS' WELFARE ASSOCIATION

NOIDA

AVRWA
Regn No 2433
(Sector-28, 29 & 37)

RULES AND REGULATIONS

OCT 2015

THESE RULES & REGULATIONS HAVE BEEN APPROVED IN THE GENERAL BODY MEETING HELD ON 11 OCT 2015 AND SUPERSEDE ALL PREVIOUS RULES & REGULATIONS.

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References:-

(a) Societies Registration Act,1860, as amended.

(b) The Uttar Pradesh Societies Registration Rules, 1976, as amended.

(c) Anand's Commentaries on Societies Registration Act, 1860 (Centre and States).

NAME AND LOCATION

1. **The Name of the Society.** ARUN VIHAR RESIDENTS WELFARE ASSOCIATION.

2. **Registered Office of the Association.** Kalyan Kendra, Sector 37, Arun Vihar Noida-201303.

3. **Extent of Society.** NOIDA, Distt Gautam Budh Nagar.

DEFINITIONS

4. In these rules, unless the context otherwise requires:-

4.1 **AVRWA** means Arun Vihar Residents' Welfare Association.

4.2 Rules and Regulations means the rules and regulations of the Association (AVRWA), passed by the General Body of the Association

4.3 **Arun Vihar** means Sectors 28,29 and 37 of NOIDA.

4.4 **Sectors of Arun Vihar** means Sectors 28, 29 and 37 of NOIDA. Distt – Gautam Budh Nagar.

4.5 **Ward** means a cluster of dwelling units located in close proximity, and which lends itself into a viable administrative unit, to be delineated by Governing Body.

4.6 **Block** means a subdivision of a bigger ward comprising number of houses located in close proximity.

4.7 **Ward Director** means the representative of the Ward who has either been elected by the members from the ward, or co-opted by the management committee.

4.8 **Block Member** means the representative of the block who has either been elected by the members from the block or co-opted by Ward Committee.

4.9 **Sector Committee** means the Committee comprising the elected/co-opted members of the Management Committee of AVRWA from that sector.

4.10 The term "relatives" encompasses the following:-
Father, mother, spouse, children (natural or adopted), brothers, sisters, uncles and aunts (both from the father's and mother's side), son-in-law,sister-in-law, nephews, nieces and father, mother, brother and sisters of daughter-in-law and son-in-law (both).

OBJECTIVES

5. The objectives of the Association as mentioned in the Memorandum of Association are as under :-

5.1 To develop under-standing, neigh-bourhood feelings and mutual trust between all members for common good of the residents of Arun Vihar without differentiating on ground of caste, creed, state of origin or the rank or post held while in service or profession.

5.2 To organize provision of Security, Sanitation, Maintenance assistance and such other welfare activities that may be decided upon from time to time for benefit of the members of the Association.

5.3 To establish rapport and liaison with the Civil, Military and other local civic authorities to promote and safeguard the interests of the residents and to mitigate hardships and difficulties if any of the members of the Association.

5.4 To organize social forestry, develop and maintain common areas in Arun Vihar.

5.5 To co-ordinate the activities and enhance mutual respect amongst various Institutions and Establishments in Arun Vihar for betterment of services and relations amongst Institutions.

5.6 To promote and co-ordinate all such activities, programmes and projects that would improve environment and the quality of life in Arun Vihar.

5.7 To publish and distribute, News Letters, Reports, Notices, Pamphlets and Leaflets for information and suitable action(S), where ever required to be undertaken by the members, for common good.

5.8 To function as charitable and Welfare Society devoid of any motive of profit.

5.9 To collect subscriptions and donations and levy charges for services and facilities to be provided.

MEMBERSHIP

6. **Permanent Members.**

6.1 A permanent member means the allottee /owner of the dwelling unit in Arun Vihar.

6.2 Those members who own a dwelling unit and reside in Arun Vihar.

6.3 Blank

4.7 **Ward Director** means the representative of the Ward who has either been elected by the members from the ward, or co-opted by the management committee.

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Associate Members

6.4 Residents of Arun Vihar, other than permanent members, such as tenants, power of attorney holders and those awaiting completion of mutation, on payment of laid down subscription, in order to avail all Society facilities.

7. **BLANK**

Termination of Membership

8. Membership of the society may be terminated on any of the following grounds :-

8.1 On demise of member, in this case the membership may be transferred to the spouse or to the next of kin who inherits the dwelling unit, provided dues have been cleared.

8.2 On being declared bankrupt or insolvent by appropriate authority.

8.3 On not paying maintenance and/ or Ward Subscription, even after reminders and notice by registered post.

8.4 His/her conduct being found harmful for the Society and or against the Aims and Objects of the Association by the General Body.

8.5 On being punished by a court of law for criminal offences.

8.6 Reasons for termination of membership shall be communicated in writing.

8.7 In case of the demise of a permanent member, where the ownership is vested jointly, the surviving Member shall automatically be deemed to be a permanent member for casting the vote of the Association.

SUBSCRIPTIONS

9. **Entrance Fee :** Entrance fee for new members joining the Society shall be decided upon by the Management Committee from time to time.

9.1 **Maintenance Subscription.** Every member shall pay for central maintenance services subscription in advance depending on the type of dwelling unit which he or she is occupying. The rates of subscription shall be decided upon by the Management Committee and ratified by the Governing Body in consonance with the Cost Index.

9.2 **Ward Subscription/Revision.**

9.2.1 Every member shall pay Ward subscription in advance.

9.2.2 The rates of Ward Subscription shall be recommended by the Ward Committee and ratified by the Ward Members at a Ward Meeting by majority votes. It may be revised from time to time wherever deemed necessary.

GENERAL BODY

Composition

10. All the permanent members of the Association, who have not been declared defaulters for payment of subscriptions of the Association and / or Wards, shall constitute the General Body.

10.1 The General Body is supreme in all matters concerning the Association, so long as it follows the laws of the land.

Meetings

11. **Annual General Body Meeting (AGM).** Shall be held in March each year.

12. **Ordinary General Body Meeting (OGM).** Shall be held in Oct each year after completion of audit for previous financial year.

13. **Emergency Meeting.** As and when required to meet extraordinary situations, or on being requisitioned by not less than 100 permanent members in writing.

14. **AGM.**

14.1 To approve the budget for next financial year.

14.2 All decisions of the General Body shall be decided by a simple majority of permanent members present, unless the General Body passes a resolution otherwise for a specific issue.

15. **Procedure for calling AGM**

15.1 **Time and Place.** AGM will be held during Mar every year, as decided by the Management Committee but within NOIDA.

15.2 **Advance Notice.** A minimum of 15 days notice for the meeting shall be given in writing to be delivered to members by courier on the last known address.

15.3 **Quorum.**

15.4 Quorum for all General Body Meetings, to include AGMs, OGMs and Emergency meetings shall be 100 permanent members. If the quorum is not complete at the time of the start of the meeting it may be delayed upto one hour. The meeting may re-commence as and when the quorum is complete.

15.5 If the quorum is not complete even after one hour then the meeting will be adjourned without transacting any business.

15.6 The quorum if complete at the start of the meeting shall be deemed to be complete unless challenged. If the quorum has been challenged, the proceedings shall be stopped immediately for a period upto one hour to arrange for the quorum. If the quorum is not complete, the meeting shall be adjourned and reconvened if required in accordance with Rules 15.4 and 15.5.

Ordinary General Body Meeting (OGM)

16. **Purpose, Role, Duties and Powers of OGM.**

16.1 To review and pass the accounts and audit report for previous financial year.

16.2 To review half yearly performance of the Management Committee, towards achieving aims and objectives of the Association.

16.3 To appoint Election Officer and standby Election Officer for conduct of elections if due before the next General Body meeting.

16.4 To appoint the Auditors to the Association.

16.5 To discuss and decide upon the agenda points prepared by the Management Committee for the purpose.

16.6. To discuss and decide upon the agenda points given by the members.

16.7 Any other issue as given in Rules 14 to 14.2.

17. **Notice.** Notice of minimum 15 days shall be given along with agenda to be discussed.

Emergency Meeting :

18. Emergency Meeting may be called by the Management Committee to meet any unforeseen situations through a minimum notice of 7 days indicating agenda to be discussed.

18.1 It may also be called on written request by minimum of 100 permanent members giving agenda to be discussed.

18.2 In Emergency Meeting only business given in the agenda shall be transacted. Neither the management nor any member is allowed to raise any other point out side the agenda.

18.3 The quorum for a requisitioned meeting will be 100 permanent members. If the quorum is not complete even one hour after the scheduled time, the meeting shall be closed without transacting any business.

RULES AND REGULATIONS

Manner of Making Rules

19. All rules, regulations and bye-laws framed shall conform to the provisions of References (a) and (b).

Alterations to the Rules

20. Alterations to Rules, if required, may be carried out by a meeting of General Body.

    20.1 Proposed alterations shall be displayed on notice board and kept in libraries for information of members at least 15 days before the meeting.

    20.2 Alterations to Rules shall require approval of 2/3 members present and voting.

FINANCIAL CONTROL AND ACCOUNTS

Financial Control

21. Financial control shall be exercised by the General Body through the process of nominating Auditors for the ensuing financial year, approval of budget estimates and approval of Annual Accounts, duly audited by the appointed auditors. General Body may also lay down such guidelines and restrictions as desirable for effective financial control.

22. Funds which are surplus of day to day requirements shall be deposited in nationalized banks and only in fixed deposits of Govt of India approved financial institutions, securities and bonds.

Accounts in the AVRWA

23. Accounts shall be maintained on the cash system of accounting. Cash book/ ledger shall be maintained on the double –entry system. The following financial norms shall be followed scrupulously:-

    23.1 Savings bank account(s) shall be opened in nationalized banks located in NOIDA.

    23.2 Cash in hand shall be kept locked in a wall safe. Cash in excess of Rs. 30,000/- shall be deposited in Savings Bank Accounts.

23.3 Savings bank accounts shall be maintained and operated jointly by the Vice Chairman, Finance Member and General Manager Administration. Cheques may be signed by any two of them.

23.4 The following documents will be maintained by the Accounts Manager under the supervision of the General Manager Administration:-

(a) Daily Cash Book
(b) Accounts Ledger
(c) Record of Fixed Deposits
(d) Expense Vouchers
(e) Receipts
(f) ESI Contribution Records
(g) Salary Books , Pay-in-Slips
(h) Sundry Creditors Register
(j) Membership register(alphabetical)
(k) Members register(numerical order)
(l) Cheque/bank draft deposit register
(m)Fixed deposit register
(m) Returned cheques/bank draft
(o) Sundry debtor register
(p) Sundry creditor register
(q) Individual/Ward advance/recovery
(r) CPF accounts & individual employees PF register
(s) ESI accounts register

23.5 Quarterly Audit of all Accounts shall be carried out by quarterly audit boards appointed by the Management Committee.

23.6 Annual Audit shall be carried out by the Chartered Accountants appointed by General

Body. The Audit report along with replies shall be put up before the General Body along with Annual Accounts duly considered by the Managing Committee.

23.7 Monetary limit as laid down by the General Body from time to time shall be strictly adhered to. Any expenditure above the limits will require ratification by General Body. Any additional expenditure above the limit if not ratified by the General Body shall be made good by the expenditure sanctioning Authority.

23.8 Every willful or negligent loss caused to property of the Association shall be made good by the concerned person.

23.9 Once in every year after OGM the Association shall forward Audit Report, Action Taken and Decision of the OGM in this matter, along with the change in the Governing Body, to the Registrar of Societies and Chits, Meerut, as required under Section 4 of the Societies Registration Act, 1860 as amended and applicable to the State of Uttar Pradesh.

Accounts-Wards

24. Accounts shall be maintained based on the cash system of accounting, either on the double entry or the single entry system. Laid down financial norms shall be followed including:-

24.1 Savings Bank Account(s) shall be opened in nationalized banks located in NOIDA.

24.2 Cash in hand shall be kept in safe custody of the Ward Director. Cash in excess of Rs.10000/- shall be deposited in the Savings Bank Account.

24.3 The Savings Bank Account shall be operated jointly by the Ward Director and the Finance

Member or member officiating. Cheques will be signed by both.

24.4 The following documents will be maintained by the Ward Director/ Finance Member:-

(a) Accounts Ledger/Book.
(b) Serially numbered Receipt Book.
(c) File for Receipt /Vouchers
(d) File for Expenditure/ Vouchers
(e) Property Ledger
(f) Files containing audit reports

24.5 Quarterly audit of all accounts shall be carried out by quarterly audit boards convened by the AVRWA.

24.6 Proceedings of the quarterly audit boards shall be put up to the AVRWA for consideration and scrutiny. Non – submission will result in discontinuance of AVRWA assistance.

24.7 Monetary limit as laid down in Rule 24.2 shall be strictly adhered to. Any expenditure above the limit will require the **approval of the** Ward Management Committee and **ratification by a Ward meeting.** Any additional expenditure must be brought to the attention of the Chairman, Management Committee, AVRWA giving reasons.

25. **Advances.** Advancing of funds to the contractors above Rs. 10,000/- shall be after obtaining bank guarantees. Payments above Rs. 10,000/- shall be by account payee cheques only. The above financial limit may be amended by the General Body from time to time.

Balance Sheets

26. Following balance sheets shall be prepared and placed before the General Body with the Budget Proposals and Annual Accounts :

26.1 Assets and Liabilities.

26.2 Receipts and Payments.

26.3 Income and Expenditure.

27 Depreciation shall be carried to the cost of properties as laid down in relevant rules of the government.

DISSOLUTION OF THE SOCIETY

28. The Society may be dissolved as per provisions of Section 13 of Reference (b) or any other law framed in this regard by the Central Government or the state of UP from time to time and as applicable to this Society.

FRAMING OF BYE LAWS

29. Bye-laws mean the standing orders and instructions framed and promulgated by the Management Committee to facilitate day-to-day working of the AVRWA. They govern the internal management, business or administration of the Society. The Bye-Laws must be consistent with the Act.

29.1 Bye-laws, inter-alia may cover the following. The list is not final and may be added to or reduced at the discretion of the Management Committee:-

(a) Duties of members of the Management Committee.
(b) Duties of the staff on the rolls of the AVRWA.
(c) Sadbhavna and welfare activities.
(d) Action to be taken on the demise of a member of the AVRWA.
(e) Procedure for quarterly audit of AVRWA accounts.
(f) Procedure for quarterly audit of Ward accounts.
(g) Selection and employment of the staff of AVRWA.
(h) Delegation of financial powers.
(j) Security instructions for Arun Vihar.
(k) Procedure for sale, purchase and transfer of houses in Arun Vihar.

(l) Responsibilities of residents.
(m) Procedure for procuring goods, articles and maintenance there of.
(n) Procedure for award of contracts for works.
(o) Procedure for dealing with disciplinary cases of the staff.
(p) Procedure for accounting and preservation of stores and books.
(q) Procedure for handing and taking over.
(r) Pro edure for conducting Management Committee meetings.
(s) Procedure for amending bye-laws.
(t) Procedure for issuing identity cards.
(u) Terms and conditions of the employees of AVRWA.
(v) Removal of encroachments.

29.2 The provisions of the Societies Registration Act 1860, as amended, apply to every bye-law. The contents of every bye-law must be within the ambit of and consistent with the provisions of the Act and UP Societies Registration Rules, 1976.

OTHER MATTERS AS MAY BE DEEMED EXPEDIENT

GOVERNING BODY

30. The Governing Body of the Association shall be the Management Committee consisting of the Chairman, Vice Chairman and the Ward Directors, to which, by the rules and regulations of the Association, the Management of its affairs is entrusted.

30.1 The Governing Body will elect 6 or more members from amongst the Ward Directors, to facilitate the day-to-day functioning of the Association.

30.2 The Governing Body will meet at least once in a quarter or as and when convened by the Chairman.

MANAGEMENT COMMITTEE
AVRWA

Composition

31. There will be a Management Committee composed as under:-

31.1 Chairman and Vice Chairman directly elected by all eligible voting members.

31.2 Six members who shall be elected by the Ward Directors for day-to-day co-ordination and functioning.

31.3 Management Committee shall be Elected for a term of one year.

31.4 The Management Committee will be assisted by a General Manager Administration. He will be a paid employee of the Association.

31.5 The Management Committee members will be allotted portfolios by the Chairman.

Term of Office

32. Office bearers of the Management Committee shall hold office for a term of one year. Any of them will be eligible for re-election for another year.

Duties of Management Committee

33. The Management Committee shall :-

33.1 Carry out duties in conformity with the objectives laid out in these Rules.

33.2 Meet at least once a month.

33.3 Arrive at decisions by consensus or by a simple majority vote. Normally the Chairman will not vote, but when there is a tie he shall have the casting vote. The majority decision shall be final.

33.4 Co-ordinate and liaise with civil and military authorities.

33.5 Allot funds for the upkeep of Wards at their discretion.

33.6 Undertake projects and activities for the benefit of members of the Society.

33.7 Formulate the agenda for General Bod meetings.

33.8 Prepare a budget for approval by the General Body.

33.9 Examine audit observations and objections and take corrective action. Thereafter place the Action Taken Report before the General Body along with the Accounts for the financial year.

33.10 Convene a General Body Meeting whenever requisitioned by a minimum of 100 members within 30 days of receipt of such action. If in spite of this the meeting is not convened, then the requisitionists may report the matter to the Registrar of Societies, for his intervention.

33.11 Act on the directions of the General Body.

33.12 Ensure financial norms and overall interest of AVRWA.

Duties of the Chairman

34. The Chairman shall preside over all the meetings of the General Body and that of the Management Committee except when a "no confidence motion" against him is being discussed. He Shall :-

34.1 Assign various duties, to members of Management Committee.

34.2 Maintain liaison with higher authorities.

34.3 Represent the Association in inter-institutional meetings.

34.4 Be overall responsible for smooth functioning of the Association.

35. The Chairman may request any person who is not a member of the Management Committee to attend a meeting of the Committee to give his/her valuable, expert and considered opinion regarding any matter

relating to the Society. Such non- members shall, however, have no power to cast a vote at the meeting.

Duties of the Vice Chairman

36. The Vice Chairman will assist the Chairman in all matters relating to the duties of the Chairman. In the absence of the Chairman he shall officiate as the Chairman. He shall be:-

36.1 Responsible for general administration and discipline of the staff of the Association and be assisted by the General Manager Administration and any other member deputed by the Chairman.

36.2 The convenor of the committee on security and shall be assisted by the member security.

36.3 Responsible for organizing the quarterly and annual audits of the Association. He shall be assisted by the Member Finance.

36.4 Responsible for filing income tax returns of the Association.

36.5 Prepare to carry out tasks assigned to him by the Chairman.

37. For any reason if the Vice Chairman is unable to function for the remaining term, the Governing Body, under the arrangements of the Chairman, may elect any one from the Ward Directors to function as the Vice Chairman.

Duties of Members

38. It is the duty of every member to extend full co-operation and support to the Chairman, Vice Chairman and other members of the Management Committee so that the Management Committee functions as a cohesive team and duties enumerated in Paras 33 to 33.12 are executed with efficiency and dispatch.

39. The effort of every member, in whatever task he is assigned, should be to achieve the aims and objectives of the Association and efficiently execute the directives of the General Body.

SECTOR COMMITTEES

40. Efforts shall be made for constitution of Sector Committees for 28,29 and 37 Sectors in due course, once fund position improves and necessary infrastructural support can be created. The responsibilities of a sector committee shall be :

40.1 Sector Committees will be constituted and tasks allotted by the General Body.

40.2 Sector Committees, when formed, shall coordinate activities of wards falling under their jurisdiction.

WARD COMMITTEES

Composition

41. The Ward Committee will be composed as under:-

(a) **Ward Director.** Who will be the head of the Ward Committee.

(b) **Members.** They must be residents of the Ward :-

(i) Security Member

(ii) Finance Member

(iii) Maintenance & Arboriculture member

(iv) Hygiene & Sanitation Member

42. The members will be nominated by the Ward Director from among the members of his Ward and ratified by the Ward Members, by a majority vote.

Term of Office

43. Office bearers of the Ward Committee shall hold office during the term of the Ward Director.

Duties of the Ward Committee

44. The Ward Committee shall :-

44.1 Have full authority to collect Ward subscriptions as laid down in Rule 9.2. **The Ward Committee may increase or decrease the ward subscriptions.** Any increase in the Ward

Subscription will be with the approval of a majority of residents present at a ward meeting to be convened for the purpose. For fixing the increase in Ward Subscription, the Ward Director will give a notice in writing to all residents of the Ward 15 days in advance. A copy of the notice will be filed with the office of the Association (AVRWA). The minutes of such a meeting will also be filed with the office of the Association and displayed on the Ward Notice Board (s).

44.2 Carry out duties in conformity with the objectives laid out in these rules.

44.3 Meet at least once a month. The Ward Director shall preside over such meeting.

44.4 Arrive at decisions by consensus or by a simple majority vote.

44.5. Co-ordinate and liaise with the Association (AVRWA).

44.6 Ensure proper utilization of financial assistance provided by the AVRWA and NOIDA Authorities.

44.7 Exercise financial control and maintain documents as laid down in Paras 24 to 24.7.

44.8 Prepare an annual budget and obtain the approval of the members of the Ward at a Ward meeting.

44.9 Examine audit observations and objections and take corrective action. Thereafter place the Action Taken Report before the AVRWA and residents of the Ward at a Ward Meeting. Also display the same on the Ward notice boards.

44.10 Formulate an agenda for ward meetings and ensure that such a meeting is held at least once in a quarter. The Ward Director will preside over such meetings.

44.11 Ensure proper sanitation and cleanliness in the Ward, including common areas and parks.

44.12 Organise proper security in the Ward.

44.13 The Ward Committee, in order to facilitate its functioning, may divide the ward into blocks. However, only Ward Directors will deal with the AVRWA.

Ward Meetings

44a. **Time and Place.** Ward meetings will be held a minimum of once every quarter.

44b. **Advance Notice.**

44b.1 A written notice for the meeting will be put up on all Ward notice boards, a clear 7 days in advance. One copy of the notice will be endorsed to GMA, AVRWA.

44b.2 Simultaneously, a written circular will be sent to every resident member of the Ward notifying him/her of the meeting.

44b.3 **Quorum.** Quorum for all Ward meetings shall be 10% permanent members.

44b.4 A copy of the minutes of the Ward meeting will be forwarded to AVRWA.

Elders' Committee

45. A minimum of three elders shall be proposed by the Ward Director, at a Ward meeting, to constitute the Elders' Committee. The names proposed will be ratified by the Ward members present by a majority vote.

46. Any major decision shall be arrived at and executed only after getting approval of the Elders' Committee.

47. The Elders' Committee will also be the "Sadbhavna Committee" of the Ward.

Reorganization of Wards

48. Wards shall be delineated based on geographical contiguity, administrative and financial viability by a committee and their recommendations ratified by the General Body.

ELECTION PROCEDURE

Election Officer

49. The General Body shall appoint an Election Officer and two standby Election Officers to conduct the Elections.

50. The Election Officer may appoint Returning Officers and Polling Officer for conduct of Elections. He shall also draft polling instruction.

Procedure

51. The election for the Governing Body comprising the Management Committee and the Ward Directors shall be held in the month of Jan/Feb every year.

51.1 The Chairman, and Vice Chairman shall be elected by all members of the Association.

51.2 The Management Committee Members shall be elected by only the elected members of the Governing Body, including the Chairman, Vice Chairman and Ward Directors.

51.3 The Ward Directors shall be elected by members of the concerned ward. If no member is willing to stand for election, the Chairman AVRWA shall nominate another member from that ward as the Ward Director. The nominated Ward Director shall have voting rights, as a member of the Governing Body.

51.4 Proxy voting is not permitted.

51.5 The General Manager Administration will issue notification for elections in consultation with the Election Officer not less than 30 days in advance of the date of election. The notice will be sent to members besides being displayed at all notice boards of the Association and other public places in ArunVihar.

51.6 The General Manager Administration shall arrange to display as updated list of members eligible to vote or contest the elections, on the Association notice board.

51.7 The General Manager Administration shall arrange various notifications, instructions, circulars, forms etc as instructed by the Election Officer for conduct of elections. He will also provide complete administrative support for the elections.

51.8 The existing Governing Body shall have no jurisdiction to interfere in the election process.

51.9 All contestants and their polling agents shall be duty bound to act on the advice/instruction of the Election Officer and Polling Officers.

51.10 Record of nomination papers received will be maintained by the General Manager Administration. These will be duly proposed and seconded by the members whose names appear on the list of eligible voters.

51.11 An Advisory Committee to consider objections and appeals shall be constituted by the Election Officer. The election officer will consider the Committee's recommendations carefully, however, his decision will be final and binding on each contestant.

Eligibility of Contestants

52. The permanent members residing in ArunVihar shall be eligible to contest the elections provided they have paid their Subscriptions of Associations & that of Ward upto three months prior to the elections.

52.1 The terms of the Management Committee will be for five years. However, a member may serve on the Management Committee for two terms consequently of one year each. The maximum tenure of the member of Management Committee will be five years only.

52.2 Elected members of Management Committee of AVI and AVCC are not eligible to stand for election of AVRWA.

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51.2 The Management Committee Members shall be elected by only the elected members of the Governing Body, including the Chairman, Vice Chairman and Ward Directors.

51.3 The Ward Directors shall be elected by members of the concerned ward. If no member is willing to stand for election, the Chairman AVRWA shall nominate another member from that ward as the Ward Director. The nominated Ward Director shall have voting rights, as a member of the Governing Body.

51.4 Proxy voting is not permitted.

51.5 The General Manager Administration will issue notification for elections in consultation with the Election Officer not less than 30 days in advance of the date of election. The notice will be sent to members besides being displayed at all notice boards of the Association and other public places in ArunVihar.

51.6 The General Manager Administration shall arrange to display as updated list of members eligible to vote or contest the elections, on the Association notice board.

51.7 The General Manager Administration shall arrange various notifications, instructions, circulars, forms etc as instructed by the Election Officer for conduct of elections. He will also provide complete administrative support for the elections.

51.8 The existing Governing Body shall have no jurisdiction to interfere in the election process.

51.9 All contestants and their polling agents shall be duty bound to act on the advice/instruction of the Election Officer and Polling Officers.

51.10 Record of nomination papers received will be maintained by the General Manager Administration. These will be duly proposed and seconded by the members whose names appear on the list of eligible voters.

51.11 An Advisory Committee to consider objections and appeals shall be constituted by the Election Officer. The election officer will consider the Committee's recommendations carefully, however, his decision will be final and binding on each contestant.

Eligibility of Contestants

52. The permanent members residing in ArunVihar shall be eligible to contest the elections provided they have paid their Subscriptions of Associations & that of Ward upto three months prior to the elections.

52.1 The terms of the Management Committee will be for five years. However, a member may serve on the Management Committee for two terms consequently of one year each. The maximum tenure of the member of Management Committee will be five years only.

52.2 Elected members of Management Committee of AVI and AVCC are not eligible to stand for election of AVRWA.

52.3 Any member himself or his family member(s) having any business interest with the Association is neither eligible to contest elections nor eligible to continue as a member of Governing Body.

52.4 A permanent member may contest for the office of Ward Director any number of time. However he will only be eligible to serve Management Committee member for maximum of five terms only. The Ward Director can only serve two consecutive year at a time on the Management Committee with a gap of one year.

Eligibility of Voters

53. Permanent Members, who have cleared their dues to the association and Ward shall be eligible to vote provided all dues are cleared of their ward and association, upto three months prior to the elections. The Ward Directors will give a confirmation to this effect in writing, one month in advance to the General Manager Administration.

Schedule of Elections of Governing Body

54. The schedule of elections shall be as follows :-

54.1 D-30 Issue of Notification.

54.2 D-30 to D Day Display of Voters' list.

54.3 D-28 to D-25 Issue of Nomination Forms.

54.4 D-24 To D-20 Receipt of Nomination Forms.

54.5 D-18 Display of Scrutinized list of Nominations.

54.6 D-17 Inspection of Nomination Forms by Contestants / Proposers or Seconders.

54.7 D-15 Filing of appeals or objections if any, on nominations.

54.8 D-12 Disposal of appeals and objections.

54.9 D-10 Withdrawal of Nominations.

54.10 D-9 Display of Final List of Contestants.

54.11 D-5 Calling for names of Polling agents.

54.12 D-3 Receipt of names of Polling agents.

54.13 D-1 Briefing by Election Officer to the Contestants Polling Agents and briefing to the Polling Officers and assigning of their duties.

54.14 D- Day -Election, counting of votes, compiling and declaration of results. Sealing of Ballot Papers.

54.15 These Papers shall be preserved for one year or till the next election is held, whichever is earlier.

VOTE OF NO CONFIDENCE

55. The Chairman, Vice Chairman, members of the Governing Body and all Ward Directors shall be responsible to the General Body. A vote of no confidence can be moved against any of them as given in Paras 56 to 57.4 below.

56. **Chairman/Vice Chairman and Management Committee Members.**

56.1 " No confidence motion" can be moved only after 6 months of office of the person concerned.

56.2 A minimum of 100 permanent voting members can initiate the motion which will be sent to the Management Committee.

56.3 Management Committee shall convene an Emergency Meeting as stipulated in Rules 13 and 18.

56.4 The motion shall be deemed to be carried if passed by 2/3rd members present and voting but not less than 100 members. There will be a show of hands and votes will be counted.

56.5 General Body shall also appoint an interim Chairman/Vice Chairman, Member, whose

tenure shall be co-terminous with rest of the members of the Committee.

57. **Ward Directors.**

57.1 A motion of no confidence can be moved only after 6 months of holding office.

57.2 A minimum of 50 permanent voting members of the concerned ward alongwith the recommendations of the Elders' Committee, can initiate the motion which will be sent to the Management Committee.

57.3 The Management Committee shall consider the motion and carry out a preliminary investigation.

57.4 The Management Committee shall take a decision regarding the motion by a majority vote.

57.5 If motion is carried out, an ad hoc Management Committee /Ward Member shall be appointed for the remaining period.

GENERAL PROVISIONS

58. The General Body shall be the sovereign body of the Association and its decisions shall not be negotiable or challengeable in any legal proceedings in any court of law.

59. It is obligatory on part of all members who own dwelling units in Arun Vihar to be a member of the Association.

60. All members shall pay subscriptions/dues as laid down.

61. All members should live a harmonious, understanding and co-operative community life. In the case of disputes not resolved by the Elders' Committee, they shall be referred to the Management Committee whose decision will be final and binding on all parties.

62. Encroachment into common land, public land and common properties is prohibited. The Management Committee shall take action for removal of the encroachment.

DISCIPLINARY ACTION AGAINST MEMBERS

Taking Cognizance of the Offence, Misdemeanor and Breach of Good Conduct

63. A complaint or breach of any Association rule (s), bye-law (s), by any member of the Association shall be disposed of by the Management Committee.

64. A "Disciplinary Committee" shall be constituted by the Chairman, out of the Governing Body, consisting of a minimum of three members.

Investigation.

65. The complaint will be referred to the Disciplinary Committee to carry out an investigation and give recommendations.

66. The following steps will be adhered to:-

66.1 There will be a preliminary inquiry by the coordinator of the Disciplinary Committee.

66.2 Comments shall be asked for from the member against whom the complaint has been made.

66.3 A "Show Cause" notice will be issued to the member who has been complained against.

66.4 The Disciplinary Committee will consider the reply to the show cause notice.

66.5 The Disciplinary Committee shall summon the member against whom the complaint has been made and hear his version.

66.6 The Disciplinary Committee will submit a report to the Chairman with recommendations.

Disciplinary Action that May be Taken

67. The following action(s) may be taken :-

67.1 Issue of a written warning by the Management Committee.

67.2 Issue of a letter referring the case to the AWHO and NOIDA Authority, requesting them to take appropriate action, including termination of lease in respect of the dwelling unit allotted to the offending member.

67.3 Lodging an FIR for criminal liability.

67.4 In case of misappropriation of funds, fraud or financial irregularity, the Association may lodge a complaint with the police for initiation of criminal proceedings and also initiate separate action for recovery of the loss amount.

Guiding Principles

68. The principles of Natural Justice, Equity and Fair Play shall apply in all cases.

INDEMNITY

69. The Chairman, Vice Chairman, members of the Management Committee, all Ward Directors and the General Manager Administration shall be indemnified for their bonafide action, carried out in good faith, in the performance of their duties, of the office concerned, and shall be protected against all liabilities decreed by a court of law against the Association (AVRWA).

SUITS BY AND AGAINST THE ASSOCIATION

70. The Association (AVRWA) may sue or be sued in the name of the Chairman or Vice Chairman or in the name of such persons as shall be appointed by the Governing Body for such occasion.

APPLICATION OF THE PROVISIONS OF THE SOCIETIES REGISTRATION ACT- 1860 AS AMENDED AND THE UTTAR PRADESH SOCIETIES REGISTRATION RULES – 1976

NOTE : All provisions of the Societies Registration Act - 1860 as amended and the Uttar Pradesh Societies Registration Rules-1976, shall apply to the Association (AVRWA).

Amendments

S.No.	