

PART – A -AMENDMENTS REQUIRED IN HRRS ACT/RULES AND HAOA/HAO rules

S. No.	Act/Rules	Amendment Required	Justification
1	HRRS Act Sec 16 Para 7 of Annexure V of HRRS Rules Para 6 of Chapter I of Exhibit B of HAOR	<ol style="list-style-type: none"> 1. Membership eligibility conditions should include that the applicant must be the sole owner or one of the co-owners of the apartment. 2. The Membership Application should be accompanied by a declaration by the other co-owners that they have no objection to the applicant representing them. 	All co-owners have same rights and by allowing this, we can have wider participation of flat owners in the works of RWA. In many cases, capable and willing persons are not being allowed to work for the society, which is self-destructive.
2	Para 14 & 18 of Annexure V of HRRS Rules	<ol style="list-style-type: none"> 1. One flat-one vote system should be made the standard and the proportional voting system as prescribed in HAOA for societies which are licensed under HAOA should be phased out. 	<ol style="list-style-type: none"> 1. The Para 9 of Chapter II of Exhibit B of HAOR prescribes that the voting rights should not be in proportion of the built up area held by the owner. Or the thought behind proportionate voting should be shared with wider audience and feedback sought.
3	Sec 40 of HRRS Act 2012	No Member should be allowed to file nomination for election as office-bearer of GB for more than two consecutive terms.	To prevent people with muscle and money power high jacking the RWAs. Many of the RWAs are already following this and should be made part of Model Bye Laws.

4	Para 23 Chap IV and Para 33 of Chap V of Exhibit B of HAOR needs complete redrafting to bring it in line with HRRS Rules and these new points	The founding members of RWA should hold elections between 9-12 months of the registration of RWA, regardless of the term of office of the founding members. The term of office prescribed in the bye-laws should be applicable to duly elected Governing Body only.	An elected RWA assumes office at an early date rather than the builder's chosen few continue to run the RWA without elections for a long time.
5	Same as above	At least 10% of the posts in Governing Body, but not less than 01, should be reserved for women. Nominations for the reserved seats may be filed by men and women both, but Men' nomination should be considered only if no woman member files nomination by the due date.	This would enable better focus on matters related women and child welfare measures.
6	At Chap IV of Annexure V of HRRS	A clear Code of Conduct must be laid down for the GB Officials in the HRRS Rules. (A draft is ready).	Necessary to control corruption in RWAs

	Rules 2012 (in Model Bye-Laws)		
7	At Chap IV of Annexure V of HRRS Rules 2012 (in Model Bye-Laws)	HRRS Rules must dictate that every RWA must formulate a set of Rules for Business within 03 years of its registration or 01 year from notification, whichever is later. The Model Rules of Business must include detailed SOPs for procurement procedure including tendering, price negotiation, Inventory accounting and custody, redressal of grievances, handling of disputes between residents, membership procedure etc.	To enable rule-based decisions rather than discretionary decisions. Necessary to control corruption in RWAs
8	Rule 16 of HRRS Rules 2012 OR A policy Letter	<p>1. Proxy attendance should be permitted for GBMs (not for election). There could be a prescribed proxy form to be signed by the Member and witnessed and forwarded with an identity document having his signature.</p> <p>2. The GBMs should be Web casted with meeting link and voting</p>	<p>There is considerable difficulty in achieving quorum for GBM for the following reasons:-</p> <ul style="list-style-type: none"> a) A significant number of flat buyers are investors. They do not stay in the society. Some of them do not even rent their flat out. Such people are not interested in RWA affairs. b) Some flat owners are non-residents and staying far away. Some of them do not care about society affairs. Those who care, are unable to physically attend GBMs in person. c) Some of the Resident Members are also unable to attend due to their busy schedule, office/business hours, medical conditions etc.

		<p>codes being sent to each member. Attendance should be recorded, for members or their proxies physically present separately and added together. System for checking identity of proxies, and ensuring that no member sends a proxy and at the same time votes on-line should be laid down in HRSS Rules. For implementation of this system a certified and approved software should be provided by the Govt.</p>	<p>d) In some cases, RWAs do not have a system of updating their contact details and hence unable to notify them of the meeting, elections etc.</p>
8	HAOR	<p>Form of Declaration (Form A, Rule 3) of HAOR states that votes is a per value ..their proportionate share in the profit and common expenses in the said general common areas and facilities as well as the representation for voting purpose in the meeting of the Association of Apartment Owners of thecondominium is based on the proportionate value of each I.U. t</p>	<p>1. A clarification needs to be provided whether its as per built up area , value or one unit one vote.</p>
9	HAOA	<p>The definition of Apartment in HAOA / HAOR any dwelling hence this</p>	<p>The Definition states : ““Apartment” means a part of a property, intended for any type of independent use, including building having one or more rooms with</p>

		should be clarified through a policy document to include Builder floor, independent houses or floors etc,	enclosed spaces located on one or more floors or any part or parts thereof, to be used for residence, office or for practicing any profession or for carrying on any occupation, trade, business or manufacturing or other uses relating to Information Technology or for such other type of independent use, as may be prescribed, with a direct exit to a public street, road or highway or to a common area leading to such street, road or highway and includes any garage or room (whether or not adjacent to the building in which such apartment is located) provided by the colonizer/owner of such property for use by the owner of such apartment for parking any vehicle or for the residence of any person employed in such apartment, as the case may be”
10	New Section to be introduced	<ol style="list-style-type: none"> 1. For new societies, HAOA must make it mandatory for the builder to form and get the RWA registered within 01 month of getting the CC. 2. In HAOA, the builders should be mandated not to give Possession to the flat owner, till he registers the Conveyance Deed and Deed of Apartment and also becomes Member of the RWA. 	<p>This would ensure that:-</p> <ul style="list-style-type: none"> (a) All flat owners register their flats and thus State revenue is not lost. (b) All owners become members of the RWA.

PART B – OTHER ADMINISTRATIVE MEASURES BY REGISTRAR GENERAL AND BY RWAs

Ser	Purpose	Actions	By	Justification
1	Tackle Corruption in DR's Office (1)	<ol style="list-style-type: none"> 1. All vacancies in the posts of DRs should be filled expeditiously. Dedicated staff should be provided to deal with RWA matters only. 2. Three days in a week should be designated as dispute resolution days, on which 04 hrs should be reserved for hearing of cases. 3. All complaints should be uploaded on DR's website and there should be a tracking system of cases. 4. Time limits should be laid down for processing of complaints and excessive adjournments should not be allowed. Action should be taken against DRs who do not adhere to the time limit. 	RG	Corruption takes place by causing delay in decision making and by lack of transparency. Official get away by taking the excuse of shortage of manpower. Hence effort should be made to increase manpower.
2	Tackle Corruption in DR's Office (2)	<ol style="list-style-type: none"> 1. The Power conferred upon the General Body to remove a member vide Para 25 of Exhibit B in HAOR should be utilized to resolve disputes locally. 2. The complainants may submit an agenda for dismissal of the office-bearer(s) with the 	RWA in bye-Laws	Effort needs to be made to reduce litigation by establishing alternate mode of resolution of such ever-increasing number of disputes.

		<p>available evidence. The agenda must contain rebuttal by the accused and rejoinders by complainants. This can be debated at EGM/GBM/AGM and vote be taken.</p> <p>3. As a system of check and balance, the Bye Laws may provide for a preliminary hearing by an RoG (Redressal of Grievances) Committee, by picking up members randomly from the available members. This committee may decide whether there is a <i>prima facie</i> case for calling EGM.</p> <p>4. General Body may resolve to dismiss the office-bearer and/or refer the case to police for investigation or criminal prosecution.</p>		
3	Corruption in Governing Body	<p>To ensure rule-based decisions, Model Rules of Business should be prepared for RWAs. The Model Rules of Business may be drafted by some eminent RWA Officials and include detailed SOPs for procurement procedure including tendering, price negotiation, Inventory accounting and custody, redressal of grievances, handling of disputes between residents, membership procedure etc.</p>	RWA through Bye-Laws	Discretionary decisions, absence of rules of business bring ad hocism in decision making, which is root cause of corruption.
4	Problems in ensuring 100% Membership of RWAs	<p>1. RWAs must attach privileges to the Members AND THEIR TENANTS, like discounts on booking charges of halls in community</p>		

		<p>center, waiver of shifting charges, free yoga classes etc.</p> <ol style="list-style-type: none"> 2. Rule regarding waiver of GST on CAM for Members only may be given due publicity. 3. Aggressive marketing by door-to-door campaign. 		
5	Poor attendance at GBMs and difficulty in achieving quorum	<ol style="list-style-type: none"> 1. Enforce the system of charging an annual fee to members, which is already in the HRRS Act/Rules. Any one not paying annual fee would not be entitled to vote in election or in GBM. But he would continue to have all rights and privileges of a Member. For quorum the strength of eligible voters only should be counted. 2. Alternate solution could be to categorise Members as "resident-member" or "non-resident-member (NRMs)". The system would be as follows (Can be done under Section 15 of HRRS Act):- <ol style="list-style-type: none"> a. Resident-members would be those who declare that they are normally residing in their flats in this society. Those who do not declare, will be treated as NRMs. b. List of Resident-Members should be announced 01 week before the GBM. 	By RWA through Bye-Laws	<ol style="list-style-type: none"> 1. By making a token payment of Rs 100/- per year, a member would indirectly confirm that he is interested in voting and at the same time enable an annual KYC to update their contact details.

		<p>c. For the purpose of establishing quorum, only Resident-Members should be counted. That is, quorum would be defined as number of resident-members attending as a percentage of total number of resident members in the society.</p> <p>d. If any NRM attends meeting, his attendance won't be counted towards quorum but his vote would be counted.</p> <p>e. With this system, quorum should be prescribed as 60% instead of the present 40%.</p>		
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