

MEMORANDUM OF ASSOCIATION
AND
RULES AND REGULATIONS
OF
ASSOCIATION NAME

Template provided by



MEMORANDUM OF ASSOCIATION OF ASSOCIATION NAME

1. This document is called Memorandum of Association.
2. The name of the association shall be “**ASSOCIATION NAME**”.
3. The registered office of the Association shall be at ASSOCIATION NAME and ADDRESS OF THE COMPLEX

4. OBJECTIVES OF THE ASSOCIATION:

- a. To provide, without any motive of profit, social aid especially for the residents of COMPLEX NAME and to make services available from Govt. and other agencies concerning Roads, Footpaths, Parks, Streetlights, Water supply, Electricity supply, Animal nuisance, Pollution etc.
- b. To approach courts of law, including High Court of <Sate name> for the redressal of grievances, if the competent authorities fail to render justice otherwise.
- c. To manage, maintain, administer and regulate the common areas and common facilities at COMPLEX NAME and ADDRESS as the custodian, to the best advantage and benefit of all the Members of the Association. To represent the Members in all matters pertaining to their common problems in the premises and settle or compromise with third parties any matter or dispute affecting the common problems in the premises.
- d. To promote close co-operation between Members, render all possible advice and guidance to Members relating to ownership and enjoyment of apartments and to provide such amenities and facilities to Members from time to time as the Board of Managers may deem fit.

5. INCOME AND PROPERTY:

The Income and the property of the Association, where-so-ever derived from, shall be applied solely for the promotion of the objects of the Association and no portion of the income and property of the Association shall be paid, applied or transferred directly or indirectly by way of dividends, bonus or otherwise how-so-ever by way of profit to any member of the Association or any person claiming through any of the members provided that nothing hereto contained shall prevent the payment in good faith of remuneration or reward to any officer, employee or servant of the Association or any member of the Association or other persons in return for any service actually rendered to the Association.

6. EXECUTIVE COMMITTEE:

The management and control of the affairs of the Association shall be carried on in accordance with the rules and Bye-laws of the Association framed by the Executive Committee for the said purpose. This shall form the Executive Committee or the Executive Committee. Their names and signatures are given herein to the Memorandum of Association.

7. ADDITIONS, ALTERATION OR AMENDMENTS:

Addition, alteration or amendment shall be made to this Memorandum of Association only by a resolution of a special general meeting, passed by a majority of 3/4th of the members present and voting in person, of which a notice of 21 days shall have been given to every member of the Association. This could be confirmed subsequently by a second special general meeting convened by the Executive committee after an interval of 30 days of the first meeting. Every change in the Memorandum of Association as approved above shall be filed with the Registrar within 30 days from the date of making thereof. Such change shall not have effect until it has been registered by this Registration. In case of other provisions, which are not incorporated herein, the Association shall strictly follow the < State name and relevant act > Association Registration Act, 1960.

8. The Secretary of the Association is authorized to correspond and deal with the Registrar, <District/City/State name>.

We, the following persons associated for the purpose and objectives specified in Memorandum desire to form ourselves into an Association under the <State name and relevant act> Societies Reg. Act. 1960 and subscribed our signatures for the said purposes.

Sl. No	Name	Age	Address	Profession	Designation	Signature

RULES AND REGULATIONS
OF
ASSOCIATION NAME

1. SHORT TITLE:

These rules shall be called rules and regulations of the ASSOCIATION NAME.

2. PLACE AND ADDRESS:

The place and address of the registered office of the association presently is ASSOCIATION NAME, ADDRESS.

3. MEMBERSHIP:

An Owner of each flat shall be required to be a Member of the Association subject to the approval of the Association, provided he is above the age of 18 years. In the event of an Owner being less than 18 years of age, he will be represented in all matters relating to the Association by a legal Guardian.

The number of Members of the Association shall be limited to the number of flats constructed in the said Layout. Where the ownership of a flat is held jointly by two or more persons, one of the joint holders or, in the event of disagreement between them, the first joint holder shall be permitted to exercise a vote at any meeting of the Association. The Secretary to the Association shall maintain a register of members. When an owner transfers the ownership of an apartment, the right of Membership passes automatically to the new owner on payment of the Application Fee. In case of death, membership passes automatically to the legal heir/inheritor of the original member of the Association on payment of the Application fee.

4. MEMBERSHIP FEES:

Every application for the membership shall be made in the prescribed application form along with the life Membership Fee of Rs. XXX/- (Rupees XXX only). The Executive Committee shall consider the applications for the membership and shall admit members who are eligible under the rules and regulations of the Association. Every Member shall be liable to pay the monthly Maintenance Charges and such other charges or contributions as are determined by the General Body of the Association from time to time. All owners shall obtain a No Objection Certificate (NOC) from the Association before effecting sale of an apartment. NOC will be issued only after all dues to the Association are settled.

5. TERMINATION OF MEMBERSHIP:

The membership shall terminate on:

- a) members acting against the objects of the Association,
- b) resignation by a written communication addressed to the President of the Association and accepted by the Executive committee.
- c) being adjudicated bankruptcy on entering a scheme or arrangement under Bankruptcy Act or being declared as of unsound mind.
- d) non-payment of dues within 60 days from the due date.

6. GENERAL BODY:

a) Annual Meetings:

Within six months of the closing of the annual accounting period (i.e. financial year), an Annual General Body Meeting of the Association shall be held to consider the accounts of the Association, to consider the budget estimates and the action plan for the next financial year, appointment of the auditors of the Association. The Members may also transact such other business as the Notice calling for the Meeting may specify.

b) Special Meetings:

A Special General Body Meeting of the members shall be convened on the requisition of

- (i) the President/Vice-President of the Executive Committee or
- (ii) the Secretary/Joint Secretary and Treasurer or
- (iii) not less than one-third of the number of members of the governing body, or one tenth of the total number of members of the society, entitled to vote who shall state in writing the business for which they wish the meeting to be convened.

The Special Meeting shall be convened within thirty (30) days of receipt of the requisition. No other business shall be transacted at a Special Meeting except as stated in the Notice without the consent of three – fourths of the members present.

c) Adjourned Meetings:

If any Annual or Special Meeting cannot be held for want of the prescribed quorum, the Members who are present may adjourn the Meeting to be held at the same place and not less than two hours from the time at which the original Meeting was called. If at such an adjourned Meeting the quorum is still not present, the Members present including proxies being not less than five (5) shall form a quorum.

d) Notice of the Meetings:

The Secretary shall mail or send to each Member a Notice of each Annual or Special Meeting to the address furnished by the Member and as recorded in the Register of Members, stating the purpose thereof and the time and place of the Meeting, twenty-one (21) days prior to the meeting. Any irregularity in sending of the notice, however, shall not invalidate the proceedings of the General Body Meeting.

e) Place of Meeting:

The General Body Meeting shall be held at the registered office of the Association or at such other place in <city/locality name> as the Executive Committee may decide.

f) Chairman of the Meeting:

The President, or in his absence the Vice President, shall preside at the Annual General Body Meeting and any Special Meeting. In the absence of both, the Members present may elect a Chairman among themselves to preside over the Meeting.

g) Decisions at Meetings:

Every issue at an Annual General Body Meeting and/or a Special Meeting shall be decided by the voting Members present and shall be decided by a simple majority of votes cast in person or by proxy at that Meeting. In the event of a tie, the Chairman shall have a casting vote.

Any Resolution passed and/or decision taken on any matter at an Annual General Body Meeting/Special General Body Meeting, including at adjourned meetings, with prescribed quorum, shall be deemed to be a Resolution passed and/or decision taken on any matter by the majority of the members and shall be binding on all Members/Occupants.

- h)** In all meetings of the General Body, every Member shall have one vote regardless of the area of the Unit he/she owns, provided that any Member owning more than one Unit, and each of the said Units is registered as a separate Unit in his/her name, shall have as many votes as the number of Units he/she owns. Votes shall be cast in person or by proxy. The proxy shall be a Member of the Association or an Occupant of any Unit and shall be appointed by the owner of the Flat in writing addressed to the President and/or Secretary. Voting shall be by show of hand or by ballot.

i) Disqualification:

A member shall not be entitled to vote in any General Body meeting if the Member is in default in respect of payment of maintenance and other charges due to the Association for more than three months. A Power of Attorney Holder or an Occupant appointed as a proxy by any Member of the Association to attend any meeting of the General Body and vote for behalf of the Member shall not be entitled to contest any election to the Executive Committee.

7. ELECTION OF OFFICE BEARERS:

The Executive Committee shall consist of a President, a Vice-President, a Secretary, and a Treasurer along with 5 other committee Members, totally 9 members constitute the Governing Body. A new Executive Committee shall be elected in the General Body Meeting once every year. The election shall be conducted by show of hands or, if necessary, by secret ballot.

8. FINANCIAL YEAR:

The accounting year of the Association shall be the financial year i.e. 1st April to 31st March of the succeeding year.

9. EXECUTIVE COMMITTEE, ITS CONSTITUTION, POWER AND FUNCTION:

An Executive Committee shall govern the affairs of the Association. Any Member of the Association is eligible for election to the Executive Committee. The Executive Committee shall consist of nine members, comprising of the President, Vice-President, Secretary, Treasurer and other 4 members who shall be the life members of the Association.

Nominations shall be invited for election to the posts of the President, Vice-President,

Secretary, and Treasurer prior to the Annual General Meeting. Each Member shall only be eligible for nomination to one post in the Executive Committee. The General Body shall elect the President, Vice-President, Secretary, and Treasurer to the Executive Committee.

The Executive Committee has the power to accept membership or terminate membership, submit annual report and accounts to the General Body Meeting, to suggest alteration, amendments, or modification of the rules and regulation of the Association and to do any other activities in the interest of the Association as per the rules and regulation of <State name> Societies Registration Act.

The Executive Committee shall be eligible for re-election on completion of their respective tenures. However, the Executive Committee members can serve for a maximum of three consecutive terms (i.e. three years). Thereafter, there shall be a gap of one year for Executive Committee members before they can serve again in the Executive Committee.

Any vacancy in the Executive Committee arising out of resignations, expulsion, death, or there being no candidate in the election or for any other reason during the tenure of the Committee, may be filled up by the Executive Committee by co-option for the duration or the rest of the term of the Committee.

The Executive Committee can bring amendments to the memorandum of association or rules there under in special General Body Meeting as per Section 9 and 10 of the <state name and relevant act> Societies Registration Act, 1960.

10. POWERS AND FUNCTIONS OF THE PRESIDENT, VICE PRESIDENT, SECRETARY, JOINT SECRETARY AND TREASURES:

President: The President shall have general control over all affairs of the Association and shall act on behalf of the entire Association. He shall have the power to defend or pursue all legal actions on behalf of the Association, to enter into contracts, to give advice over policy matters, to institute legal proceedings and sign all papers and documents relating thereto.

Vice President: In the absence of President, Vice President to preside over the meetings and to give advice over policy matters. In the absence of the President, Vice President has the power to defend or pursue all legal actions on behalf of the Association, to enter into contracts, to give advice over policy matters, to institute legal proceedings and sign all papers and documents relating thereto.

Secretary: General Administration, all works for registration of Association with Reg. of Firms, and its periodical renewals, correspondence, enquiry into the public complaints and its periodical renewals, correspondence, enquiry into the public complaints and to do everything necessary by coordinating the work with the help of Govt. agencies and also to perform other responsibilities as per the need.

Treasurer: Maintenance of accounts and other works as per the direction of the Executive Committee. Except the miscellaneous expenses all other expenses have to be done preferably by cheques, with the written consent of President, Secretary and any two committee members. The Bank A/c has to be operated jointly by Treasurer and either President/Vice President/Secretary/Joint Secretary.

11. WORKING HOURS:

The office timings of the Association are between 9 am to 11 am and 4 pm to 6 pm.

12. Once in every year, the accounts of the Association shall be audited by properly qualified Chartered Accountant appointed by the Association in their Annual General Meeting. There shall be maintained all accounts of the Association regularly. The accounts shall be

audited by a Chartered Accountant every year. Accounts will be closed by 31st March of the accounting year.

13. The Association shall, on or before 30th June in every year, publish an audited annual financial statement, which will be available for the scrutiny of any member at the registered office during its working hours and will also be provided to every member along with the Notice for the Annual General Body Meeting. A copy of the report will also be submitted to such authorities as may be required by law. As per Section 13 of the <state name and relevant act> Societies Registration Act 1960 Balance Sheet will be filed with the Registrar.
14. If the General Body takes a decision to amalgamate the association with any other similar Association it is allowed to do so as per Section 21 of the <state name and relevant act> Societies Registration Act 1960.
15. The dissolution of Association and distribution of profits are concerned, it will be done as per Section 22 and 23 of the <state name and relevant act> Societies Registration Act, 1960.

16. NOMINATIONS AND ITS REVOCATIONS:

A member of the Association may by delivering a signed declaration to the Association, nominate a person(s) who shall be entitled to the right, title and interest in Flat and to have his name recorded in the register of member in the event of his death.

A member may revoke or vary his nomination at any time by making a revised/fresh declaration as set forth above and delivering it to the Secretary of the Association. An alternate member shall not have the power to file further nomination as set forth above. On receipt of such nomination or the revised/ fresh declaration as to the nomination or the letter of revocation of the earlier nomination, the same shall be placed before the meeting of the Executive Committee to be held next, for its consideration and approval. Every such nomination or revocation thereof shall be enter in the register of nomination by the Secretary of the Association within a week of the meeting of the management committee in which it was recorded. Where a nominee happens to be a minor, the member shall appoint a guardian or ward of such minor, without which the nomination shall be treated as invalid.

17. The Association shall indemnify all the Executive Committee members from any liability or losses that may arise while acting in good faith in the course of discharge of their duties and responsibilities excepting for offences involving wilful misappropriation of Association funds and/or other financial misdemeanours and/or moral turpitude.

18. BANK ACCOUNTS:

The Executive Committee shall open Bank Account/s with any Scheduled Banks in the name of the Association as may be decided by the Executive Committee from time to time and shall authorize the operation of such accounts jointly by any two of: the President, the Secretary and the Treasurer.

19. An Auditor shall retire at the Annual General Meeting following his appointment but shall be eligible for reappointment. The nomination of auditors shall be submitted by the Executive Committee to the members of the Annual General Meeting. A member of the Association will not be eligible for appointment as auditor.
20. All the provisions of <state name and relevant act> Societies Registration Act, 1960 shall be followed, the members undertake herewith.

Sl. No	Name	Age	Address	Profession	Designation	Signature