

MODEL FORMS

MEMORANDUM OF ASSOCIATION OF A SOCIETY

1. Name of the Society.....
2. The registered office of the Society shall be at
3. The Society shall work within the territory of India.....
4. Objectives of the Society shall be as enumerated below :.....
 - (a) National Unity and International peace and amity.....
 - (b) Communal and Social harmony and brotherhood.....
 - (c) Promotion and extension of appropriate technology including systems having renewable sources of energy.
 - (d) To take up programmes for ensuring protection of environment and also for regeneration of natural resources degraded due to our past neglects.
 - (e) Promotion of cottage and small scale industries by taking up action research work.
 - (f) Promotion and progress of agriculture and animal husbandry.
 - (g) To undertake evaluation of economic and social projects.
 - (h) To take up programmes in which science and technology may have major role in improving life, working conditions and opportunities for gainful employment of women.
 - (i) To take up enforcement of prohibition and initiate people's movement against smoking, alcoholism and drug abuse.
 - (j) To take up programmes for accelerating the pace of rural development by application of science and technology (techniques and technologies for cost reduction, improving productivity, etc.) specially in the field of water exploration and purification. Sanitation, low-cost housing, agriculture and animal husbandry and engineering sources.
 - (k) Propagation and promotion of work centres and co-operations of any kind or others and giving organisations, ashrams in the furtherance of the objects of organisation.
 - (l) To undertake programmes which ensures raising of income levels and expanding employment opportunities of the weaker sections of the Society, particularly of those living below the poverty line and women by involving participants in the planning, implementation and maintenance of activities taken up.
 - (m) To organise disadvantaged section of Society and take steps for increasing their level of awareness in regards to the programme contents and facilities therein under Government/non-Government programmes, legal provisions, etc. and also for increasing their bargaining power by promoting co-operative and group action.

- (n) To take up all formal and non-formal educational programme as per directive contained in the National Policy of Education, 1986.
- (o) To raise or acquire funds or property from Central Government, State Government, Foreign agencies, Non-Government agencies, charitable trusts by way of donations or grants or contribution or by taking loan from public and private financial institutions. The funds, properties, assets and all other resources, present and future, of the Society shall be utilised for any or all the purposes or objects of the Society as stated above and also for all other similar activities in furtherance of ideals of truth and non-violence.

5. The name of the founder members of the Society to which the rules and by-laws of the management affairs is entrusted are :

MODEL FORM

SOCIETIES RULES AND REGULATIONS

1. Nomenclature of Society
2. Membership of Society
any body is allowed to be Member of Society who has attained the age of majority.....
3. Societies Admission and Subscription fees.....
4. Membership—Termination of.....
5. Membership—Cessation of.....
6. Grounds of termination or cessation of Membership.....
7. Definition of General Body.....
8. Members, Rights and Privileges.....
9. Members of Societies and its Duties.....
10. Strength of Governing Body.....
11. Term of Governing Body.....
12. Requirement of Notice.....
13. Quorum of Meeting.....
14. Governing Body and urgent Meeting.....
15. Power of Governing Body.....
16. Governing Body and its composition.....
17. Office-bearer of Society and Power of.....
18. Vice-President of Society.....
19. Summons by General Secretary.....
20. Secretary to act as General Secretary.....
21. Management of funds by Treasurer.....
22. Re-admission of Expulsion.....
23. Appeals to General Body.....

24. Resolution to fill casual vacancies.....
25. Election of General Body.....
26. Society sources of Income.....
27. Society's Financial Year.....
28. Audit by qualified auditor.....
29. Operation of Bank Account.....
30. Governing Body of Annual List.....
31. Dissolution of Society.....
32. Proceeding according to law.....
33. Amendment in memorandum.....
34. Act and Applicability.....
35. Requirement of certificate.....

RULES AND BY-LAWS OF A SOCIETY

1. Name of the Society.....
2. The Registered Office.....Allahabad-211006 of the Society shall be at.....
3. The Society shall work within the territory of INDIA.....
4. Members.....

Persons who are engaged/interested in the emancipation of the rural masses and in conducting and promoting the manifold constructive activities with which Mahatma Gandhi was associated during his life-time and all such activities required in the furtherance of his ideas of an ideal social economic order, provided that :

- (a) He/She has attained the age of twenty-five years.
 - (b) Promises to abide by the rules and by-laws and all the decisions taken by the Society in respect of the amendments of the rules and by-laws.
 - (c) Subscribed in writing to carry out to the best of his/her capacity the objects of the Society.
 - (d) Every member will deposit an annual membership fee of Rs. 50 (Rupees fifty only).
5. A member shall loose his/her membership on the following grounds and reasons and the Managing Committee is empowered to take such decisions :
- (a) On his/her death.
 - (b) On his/her absence without permission of the Chairman in three consecutive meetings.
 - (c) On his/her resigning from the membership of the Society.
 - (d) He/She who becomes of unsound mind.
 - (e) He/She who is hindrance to the achievements of the aims and objectives of the Society.
 - (f) He/She who has been declared insolvent.
 - (g) He/She does not subscribe his membership fee.

6. The Society will have two bodies :

- (i) General Body, and
- (ii) Managing Committee.

7. **General Body :**

- (a) *Formation.*—(i) The General Body will consist of not less than eleven members.
- (b) *Meeting.*—The General body will meet at least once in an year but in special case this may be called whenever necessary with the permission of the Chairman.
- (c) *Notice.*—A fortnight's notice will be essential for general body meeting. Under emergent circumstances meeting be called by the Secretary with the approval of the President in a week's notice.
- (d) *Quorum.*—Two-fifths of the total membership will be quorum of the meeting. In case of the adjourned meeting, there will be no quorum.
- (e) *Annual Meeting.*—Annual meeting will be held in the first week of April.
- (f) *Duties.*—
 - (i) To guide the Society in fulfilling its objectives.
 - (ii) To decide policy matters as the case may be.
 - (iii) To select member of the Managing Committee.

8. **Managing Committee**

- (a) (i) The managing committee shall consist of not less than seven and not more than eleven members.
- (ii) The superintendence, control and direction of the affairs of the Society, its income and property (both movable and immovable) shall be entrusted to the managing committee.
- (iii) The term of the managing committee shall be three years. A member whose term expires shall be eligible for re-election.
- (iv) There shall be a chairman, secretary and a joint secretary of the managing committee, who shall not in the same capacity for the Society. However, if necessary, for any of its function of the managing committee may identify any member and give him appropriate designation and allowances if necessary.
- (v) The members of the managing committee shall unanimously elect a chairman and a secretary and a joint secretary from amongst themselves and in case unanimity is not possible, by a majority of votes. The period of the chairman shall be in the accordance with term of his membership or three years, whichever is less. If the chairman devotes his full time to work for the Society he will be entitled to draw an appropriate honorarium or allowance as sanctioned by the managing committee.

- (vi) The secretary/joint secretary shall be honorary or full time worker. If he is a full time worker, he will be entitled to an appropriate amount or salary as decided by the managing committee.
 - (b) *Meeting.*—The managing committee shall ordinarily meet once in every three months, provided that the Chairman may, where he thinks or on written request of not less than two members may call a special meeting of the managing committee.
 - (c) *Notice.*—The notice of the meeting shall be given at least 7 days ahead but in special circumstance, the secretary with the consent of the chairman, will have power to call the meeting by giving 3 days' notice.
 - (d) *Duties :*
 - (i) The managing committee will be competent to raise funds and purchase property (movable and immovable) as decided by it.
 - (ii) The managing committee shall have full charge of all immovable property (ies) belonging to or vested in the Society in such a manner as it thinks fit and these will be handled through the secretary or as decided by the managing committee.
 - (iii) The managing committee shall be competent to invest the funds in the manner it likes and it shall be competent to borrow or mortgage or hypothecate the property (ies) on behalf of the Society and these too shall be handled through the secretary or as decided by the managing committees.
9. (a) *Duties and Responsibilities of the Chairman :*
- (i) To preside over all the meetings and see that the meeting is conducted properly.
 - (ii) To be responsible for the working of the Society/managing committee with all members.
 - (iii) To supervise and guide the overall activities of the Society.
- (b) *Duties and Responsibilities of the Secretary :*
- (i) To call meetings of the general body/managing committee with the consent of the Chairman.
 - (ii) To keep accounts of all financial transaction of the Society and of all the sum of money received and spent by the Society and maintain records of receipts and expenses relating to such matters, and of assets, credits and liabilities. Provided that the accounts shall be kept separately of all foreign donations/grants/contributions, if any.
 - (iii) To get the accounts audited by the chartered accountant appointed to the managing committee at the close of accounting year, every year.
 - (iv) To keep minutes of all the meetings of general body/managing committee.
 - (v) To keep and preserve the records of the Society/managing committee.
 - (vi) To submit to the managing committee the annual accounts and budgets of the Society.

- (vii) To carry on correspondence on behalf of the Society/managing committee.
- (viii) He/She will be overall incharge of the administration and executions of all the programmes of the Society/including financial affairs on behalf of the managing committee including creation of posts, fixation of salaries/remunerations/ allowances etc.. appointments, engagements of staff on work charge or daily basis, make purchase and do all other such things as may be necessary in the furtherance of the objects of the Society.
- (c) *Duties of the Joint Secretary*
In the absence of the secretary on direction of the chairman, he/she look after the work of the secretary and do any other work as authorised by the managing committee/chairman.

10. Change and Amendments in the Constitution/Rules and By-Laws.—Any change or amendment in the Constitution/rules and by-laws may be done by the managing committee called for this purpose and approved by more than seventy-five per cent of total strength of the committee. This information along with attested copy of rules/by-laws should be sent within a week, to Registrar of Societies for incorporation/confirmation.

11. Assets and Funds

- (a) All the funds shall be kept in a nationalised Bank and will be jointly operated by secretary and chairman. The managing committee may however, authorise some other member of the managing committee to operate the account in place of chairman.
- (b) All assets and funds will belong to the Society and not to any individual members/office bearer.
- (c) All purchase and sales pertaining to the Society shall be as per direction of managing committee.

12. Accounts of the Society

- (a) Financial year of the Society shall be from 1st of April to 31st March of the succeeding year.
- (b) The managing committee shall appoint a chartered accountant for checking up of accounts and preparation of Income-Expenditure Account. Balance-sheet, utilisation certificate or any other financial statement as may be needed for submission with donor/financing agencies.

13. Records to be kept by the Society.—Records like proceedings register, stock register, cash book ledger, etc. shall be maintained.

14. Dissolution of the Society.—The Society shall be dissolved as per Secs. 13 and 14 of the Societies Registration Act, 1860. All the immovable properties of the Society shall be handed over to another Society pursuing similar activities as decided by the managing committee after payment of all the liabilities.

MODEL FORM

Document No. I

BY-LAWS OF RESIDENTS ASSOCIATION

1. Name of the Association

The name of the Association is ".....Apartments Welfare Association", which shall hereinafter be referred as "The Association".

2. Location of the office

The Registered Office of the Association is at

3. The aim and objects of the Association are

- (i) To take over, maintain and manage all facilities and amenities like roads, passages, club room, lifts, generator and electricity, water, drainage and telephone lines, parking facility etc., provided or to be provided in the premises and the multistoreyed building complex known as
- (ii) To promote peaceful and harmonious living conditions, environment and atmosphere for the ultimate good and benefit of all members of the Association.
- (iii) To strive and work for the well-being and common welfare of all flat owners and other occupants of the flats.
- (iv) To create and inculcate a sense of brotherhood, oneness, tolerance and bring about unity among the flat owners and also to promote friendly relations and mutual co-operation among the residents.
- (v) To solve the common problems of the flat owners and provide for and look after the basic civic amenities such as water, electricity and drainage.
- (vi) To look after the maintenance, cleanliness and lighting etc. of ".....".
- (vii) To help each others in any personnel crisis.
- (viii) To promote, encourage and carry out social, cultural and recreative activities for the benefit of the members.
- (ix) To take care of elevation including, white-washing, painting etc., of the exterior and common areas of the building complex of ".....".
- (x) To repair, alter or otherwise deal with the common areas identified as well as the building complex of ".....".
- (xi) To maintain properly and manage strictly the common property, assets and other valuable belongings of the complex by arranging for security round the clock for the Apartments and for the vehicles of the residents.
- (xii) To function purely as a non-political organisation mainly serving the people irrespective of caste, creed and sex.
- (xiii) In general to do everything for the convenience and good of the members of the Association and for the better enjoyment of ".....".

by the members.

- (xiv) To do all things necessary and expedient for the accomplishment and fulfilling of the aforesaid aims and objects of the Association.

CERTIFICATES

1. "Certified that the Association is formed with no profit motive and that no commercial activity is involved in its working".
2. "Certified that the office-bearers are not paid from the funds of the Association".
3. "Certified that the Association would not engage in agitational activities to ventilate grievances".
4. "Certified that the signatures of the office-bearers are genuine".

General Secretary.

Declaration

We, the undersigned persons in the Memorandum of Association have formed into an Association and responsible to run the affairs of the Association and are desirous of getting the Association registered under A.P. Societies Registration Act, 2001 (Act 35 of 2001).

Name	Desgn.	Age	Occup.	Address	Signature
1.	Member	—	—	—	
2.	Member	—	—	—	
3.	Member	—	—	—	
4.	Member	—	—	—	

Witnesses :

Name	Address	Occup.	Signature
1.	
2.	

General Secretary.

Document No. II

**PROPOSED RULES AND REGULATIONS, BY-LAWSAPARTMENTS
WELFARE ASSOCIATION****1. Name of the Association**

The name of the Association is ".....Apartments Welfare Association".

2. Location of the office

The Registered Office of the Association is at

- 3.** The objects of the association shall be as set out in Memorandum of Association and may be altered, extended or abridged by the General Body in accordance with the A.P. Societies Registration Act/A.P. Apartments Act as the case may be.

4. Membership, Category and Fees

(a) All owners of the apartments in the complex, by virtue of their being owners of the common properties are automatically the members of the Association. Category of members, i.e., Owners and tenants and the fee that may be charged will be determined in course of time.

(b) Tenants of the apartments in the complex however be admitted as members of the association to participate in the discussions of the Association in general body meetings but do have any voting rights and are also not eligible to get elected as members of the "Executive Committee".

5. Funds :- The Association will primarily raise funds from the following sources :

1. Contribution towards the maintenance of roads, play ground, water supply, lighting, sanitation, lifts, generator etc.
2. Subscriptions towards insurance, medical, social and recreational facilities for the association shall be fixed and collected by the executive committee of the association after taking into account its actual cost.
3. Caution deposits from its members, if any.

It is obligatory on the part of the owners and tenants (in lieu of owners) to pay such amount that may be fixed stated above and the dues if any to the Association.

The funds of the association shall be spent only to the attainment of the objects of the Association and no portion thereof shall be paid or transferred directly or indirectly to any one of its members through any means.

6. General Body

The ultimate authority in all matters relating to the administration of the Secretary shall vest in the General Body. The General Body, shall not, however, interfere with the powers of the committee in respect of matter delegated to it in the by-laws. The following among other matters shall be dealt with by the General Body.

7. Management

The Management of the Association shall vest in the executive committee of the Association consisting of *i.e.* a President, Vice-Presidents, Secretary, Joint Secretaries, Organising Secretary and Treasurer.

All the members of the executive committee of the Association initially by selection and later they shall be elected by the General Body as and when elections are conducted after all the flats are taken to possession.

The members of the first Executive Committee and the respective offices they hold shall be as follows :

- | | | |
|-------------------------|---|-------|
| 1. President | : | |
| 2. Vice President I | : | |
| 3. Vice President II | : | |
| 4. General Secretary | : | |
| 5. Joint Secretary I | : | |
| 6. Joint Secretary II | : | |
| 7. Organising Secretary | : | |
| 8. Treasurer | : | |

8. Term of the Committee

The members of the 1st executive committee shall hold office for a period of two years from the time of assumption of office or until such period the elections were held and the elected body assumes charge of the management of the association whichever is earlier.

Any member of the executive committee may at any time resign from his office by sending a letter or resignation to the President of the Association. But such resignation shall take effect only from the date on which it is accepted by the Executive Committee.

9. (i) The meetings of the general body be convened at least once an year or often if necessary by the President.
- (ii) At every alternative Annual General Body Meeting the members shall elect the Executive Committee.
- (iii) The budget for the ensuing year shall be passed and annual report for the previous year shall be approved at Annual General Body Meeting.
- (iv) The Annual General Body Meeting shall appoint auditors each year for audit of accounts of the Association.
- (v) The Annual General Body shall be convened after giving 15 days clear notice of the proposed meeting to be held.
- (vi) The quorum for the General Body Meeting shall be half of the total strength of owner members.
- (vii) A General Body Meeting shall be called on the written requisition of at least five members within a month after the receipt of the requisition by the President.

- (viii) The President can call an extraordinary General Body Meeting giving 7 days' clear notice. Generally the President will be the Chairman of all meetings.
- (ix) There shall be an Agenda communicated for every meeting and the Association shall maintain the minutes of the meetings.
- (x) If there is no quorum the Chairman may adjourn the meeting for half an hour and conduct the meeting with any number of members that are present. Such adjourned meeting can deal with any item of the Agenda excepting the amendment of the by-law.
- (xi) The President or in his absence, a Vice-President shall preside at all meetings of the General Body and the Executive Committee. They shall be allowed to exercise casting vote as a second vote whenever there is equality of votes in any issue and in the absence of the President and Vice-President, a Chairman shall be elected from among those present. The Chairman so elected shall also exercise casting vote as a second vote whenever there is equality of votes. No Executive Committee members including the President or Vice-President shall be present at a meeting when a matter in which he is directly or indirectly interested, is discussed.

10. Meetings of the Committee and Quorum

- (i) Meetings of the Executive Committee shall be convened by the Secretary once in two months or often if necessary for the conduct of business of the Association. In special circumstances the President may, however, convene a meeting of the Executive Committee. The President shall call for a meeting of the committee within a month after the receipt of requisition in writing signed by at least 2/3rd of the members of the Committee for such a meeting. Half of the total members for General Body meeting and one-fourth of the strength of the Executive Committee. All questions before the Committee shall be decided by a majority of votes.
- (ii) Should there be an equality of votes, the President or other presiding member shall have a casting vote. No member of the Committee shall be present at a meeting when any matter in which he is personally interested is being discussed.

11. Disqualifications of the Members of the Committee

No person shall be eligible for being chosen as and for being a member of the Committee, if he/she is in default to the Association for a period of 3 months or more in respect of the monthly maintenance charges or any other amount that is payable to the Association.

12. Powers of the Committee

The entire administration of the association shall vest in the Executive Committee. Among the powers of the committee shall be :

- (1) to authorise the Secretary or (any other paid employees or members of the Committee to operate any Bank Account) President.

- (2) to scrutinise and put up the annual budget to the general body.
- (3) to prescribe or regulate from time to time the strength of the members of the management committee and prescribe or regulate the works and salaries of the employees engaged.
- (4) to submit to the General Body, the annual report and the statement of accounts.
- (5) to make the arrangements for efficient supervision of the employees of the Association.
- (6) to appoint, suspend, remove or dismiss or otherwise deal with the employees of the Association in accordance with service rules and code of conduct.
- (7) to arrange to maintain such accounts and registers.
- (8) to institute, conduct, defend, compound, compromise abandon legal proceedings by or against the Association.
- (9) to transact all other business incidental to the administration of the Association.
- (10) to fix the amount and nature of activity, if any, to be given by the office establishment.
- (11) to authorise one or more officers of the association to issue receipts for the amounts paid by members of the Association.
- (12) to issue circulars to convey meetings, regulate the affairs of the Association.

13. Service of the Members to be Gratuitous

The service of the members of the Committee shall be gratuitous.

14. Powers of Office Bearers

Subject to such resolutions as the committee may, from time to time, pass in this behalf, the several officers of the Committee shall have the powers mentioned below.

President

- (a) The President shall exercise general control and supervision over the affairs of the Association and the work of its officers. He shall with the approval of the Committee make arrangements for the safe custody of cash and other properties of the association and frame suitable by-laws for this purpose. Subject to the approval of the committee he shall also have power to appoint the employees of the establishment as well as remove them and also preside over the General Body, the Committee and other Sub-Committee.
- (b) The President shall exercise the powers delegated to him by the Committee, and may, subject to the approval of the Committee, delegate any of its power and duties to the Vice-President or in his absence, to any committee member for a specified period and may withdraw any power so delegated.

15. Vice-Presidents

The Vice-Presidents shall assist the President in his day-to-day functions. Further whenever the President is obliged to absent himself from his office by reason of his absence from headquarters or illness or any other cause, the Vice-Presidents shall exercise the powers and perform the duties of the President.

16. General Secretary

1. The Secretary shall be responsible for the General Administration of the Association.
2. The Secretary shall :—
 - (a) have custody of all account books and the registers of the Association.
 - (b) be an officer to sue or to be sued on behalf of the Association. All the bonds in favour of the Association shall be in the name of his office.
 - (c) have power for and on behalf of the Association to operate the Association accounts jointly with Treasurer and/or any other officer authorised for the purpose and subject to such directions and limits as may be laid down by the committee, to sign, endorse and negotiate cheques and other negotiable instruments and to sign all receipt and other documents connected with the business of the Association.
 - (d) have also power subject to the directions of the Committee to accept deposits and to carry in general transactions within the framework of these by-laws.
 - (e) arrange for the holding of the meetings of the committee and the General Body.
 - (f) attend every committee meeting.
 - (g) to do all that is necessary for carrying on generally the day to day administration of the Association.
 - (h) incur expenditure on contingencies within the budget allotment and within the limit prescribed by the Association in respect of each item.

17. Joint Secretaries

The Joint-Secretaries shall assist the Secretary in his day to day function. Further whenever the Secretary is obliged to absent himself from his office by reason of his absence from headquarters or any other cause, the Joint Secretaries shall exercise the powers and perform the duties of the Secretary.

18. Organising Secretary

He has to organise the over all activities of the Association and to co-ordinate with the members of the managing committee *vis-a-vis* Executive Committee.

19. Treasurer

- (i) The Treasurer shall receive the subscriptions from the members of the association and meet the expenditure of the Association and shall maintain the accounts for the same.
- (ii) He shall submit to the Executive Committee a statement of accounts and shall keep the accounts open for scrutiny at all Executive Committee meetings.

- (iii) All payments above shall be made under the signature of the President or Secretary.
- 20. Use of Premises**
The Association shall not use or allow to be used the premises that is provided for the common use of the Office/Apartment Owners for any purpose other than the business of the Association and recreational facilities of the members.
- 21. Official Year**
For purposes of the Association the year means the year commencing from 1st April and ending on 31st March.
- 22. Certain Works Prohibited**
No apartment owner/tenant shall alter any material structure or excavate any additional basement or cellar or do any other activities or work which would affect the sentiments of a section of people and/or prejudicial to the soundness or safety of the property or would reduce the value thereof or impair any easement or hereditament.
- 23. Common Expenses**
Common expenses shall be charged to apartment owner or occupant according to their percentage of undivided interest in the common areas.
- 24. Charge on Property for Common Expenses**
All sums assessed by the association of apartment owners or tenants for the share of the common expenses chargeable to any apartment shall constitute a charge on such apartment with precedence over other charges except charges, if any, for payment of Government and Municipal Taxes and all sums remaining unpaid on a first mortgage of the apartment.
- 25. Association to cut or withhold, curtail or reduce essential supply or services**
The Management of the Association of the Apartment Owners may, after due written notice of not less than seven days, for just and sufficient cause, cut off, withhold or in any manner curtail or reduce, any essential supply or service enjoyed by an apartment owner or tenant.
- 26. Joint or several liability or vendor etc., for unpaid common expenses**
Upon the State of any apartment shall be jointly and severally liable with the vendor for all unpaid assessment against the later for his share of the common expenses up to the time of the sale without prejudice to the purchasers' right to recover from the vendor the amount paid by him.
- 27. Prohibition of selling, leasing and misuse of common area and facilities**
Association of the Apartment Owners shall not sell or lease out or misuse any common areas and facilities.Apartment is a Residential Complex. Owners of the Apartment shall hereafter inform the.....Apartment Owners Association as and when they desire to let out the Apartment on rent or out-right sale only for Residential purposes.
Any internal renovation etc. (timing for the work) to be carried out should not cause any disturbance or inconvenience to the other inmates of the apartment.
- 28. Duties and Obligations of the Members**
(a) Maintenance charges need to be paid on or before 10th of every month.

- (b) Parking Vehicles (2 or 4 wheelers including cycles) should not be parked on driveways, to avoid hindrance to other vehicles moving in or out of garages. The vehicles should be parked in their respective garages or at common parking that may be marked.
- (c) No commercial vehicle (Lorry/Truck/Tempo) should be parked inside the complex area.
- (d) The owner/occupants are advised not to throw the waste material or garbages, inside or outside of the complex, to avoid shabby look and avoid complications from the Municipal Corporation authorities.
- (e) A member of Association shall exercise care about making notices or the use of musical instruments, radios, televisions and amplifiers that may cause disturbance to others. Residents keeping domestic animals shall not cause inconvenience to other flat owners.

29. Amendments

No amendment or alteration shall be made in the memorandum of rules of the Association unless it is voted by 2/3rd members present at a special General Body Meeting convened for the purpose and confirmed by 2/3rd of the members present at the special meeting.

30. Application of the Apartments Act

The provisions of the Andhra Pradesh Apartments (Promotion of Construction and Ownership) Act, 1987 and Rules made thereunder shall be read as part and parcel of this Rules, Regulations and By-law and the former prevail on the later in case of omission or contradiction.

31. Winding-up

In case the Association had to be wound-up, the property and funds of the Association shall be transferred or paid to some other institutions with similar aims and objects.

General Secretary

Certified to be a Correct Copy

Name of the Office Bearer	Age	Degn.	Address	Occupation	Signature
1.	—	President	—	—	—
2.	—	Vice-President	—	—	—
3.	—	General Secretary	—	—	—

Witnesses :

Name	Age	Residential Address	Occup.	Signature
1.
2.

General Secretary.

MODEL FORM III

**Memorandum and Articles of Association
Educational Society,
(Society for the Educational Development of Minority)
Memorandum of the Society**

1. **Name of the Society** : Educational Society
2. **Special feature of the office** : The Society is established and shall be administrated under provision of Art. 30(1) of the Constitution of India. The Society is established with a view to promote General, Technical, Medical, Legal or any other Professional and Scientific Education in order to give a boost to the morale in the younger generations of all Castes, Creed and Colour in general..... Minority in particular.
3. **Location of the Office situated :**
4. **Jurisdiction** : The Jurisdiction of the Society shall be extended to whole of the Andhra Pradesh
5. **Date of commencement** : The Society shall function with effect from the date its Registration.

6. Aims and Objects of the Society

- (i) To establish, aid and maintain educational Institutions, Universities and other institutions, to impart education at all stages for the promotion of Engineering, Medicine Computer, Law, Commerce. Literature, Arts and Sciences—and all other subjects to improve the quality for diffusion of useful knowledge for all communities, particularly — Minority in Andhra Pradesh.
- (ii) To devise ways and means and accord facilities for candidates to specialise in all or any of the above subjects.
- (iii) To try to offer Medical and Clinical facilities by opening the necessary Hospitals, X-ray institutions and to buy/construct, run, maintain Hospitals, Hostels residential houses etc.
- (iv) To carry on activities for any charitable purpose and activities of general public utility.
- (v) To find out ways and means for solving unemployment problem by attaining the above objects.
- (vi) To work for removal of illiteracy among the minorities in India.

CERTIFICATES

1. Certified that the Association is formed with no profit motive and no commercial activity is involved in its working.
2. Certified that the office-bearers are not paid from the funds of the Association.

3. Certified that the Association would not engage in agitational activities to ventilate the grievances.
4. Certified that the office-bearers signatures are genuine.

DECLARATION

We the undersigned persons in the Memo, have formed into an association and responsible to run the affairs of the Society and desirous of getting the Society registered under the A.P. Societies Registration Act, 2001.

Signature of the Chairman

DECLARATION

We, the undersigned persons in the Memo, have formed into an Association and responsible to run affairs of the association and desirous of getting the Society registered under A.P. Societies Registration Act, 2001.

S.No.	Name of the Office Bearer in Block letter (S/o, D/o, W/o)	Age	Designation or their local Standing in the Society	Occupation	Residential Address	Signature
1.
2.
3.
4.
5.

Witnesses :

S. No.	Name in Block Letters	Age	Residential Address	Occupation	Signature
1.
2.

RULES AND BY-LAWS

1. **Name of the Society :-** Educational Society
2. **Location of the Office Situated :**

3. (i) **Membership** : The Society shall consist of two categories of Members.

(ii) **Category of Members** : There are two categories viz., Chief Members and Special Members.

Chief Members - 7 and

Special Members - 3 only.

(iii) The total Members of the Society is 10 and they are called General Body Members.

(iv) Admission fee and the annual subscription.

(a) **Chief Member** :—Those Members who have signed on the Memorandum of Association are called Founder Members as they are designated as Chief members. The membership of Chief Members shall not any time exceed 7 (Seven).

Each Chief Member shall contribute substantially for the objectives of the Society and each member can nominate another person before hand for chief membership on his retirement or death.

(b) **Special Member** :— Any person who is eminent in any walk of life and who can contribute financially or otherwise to the objectives of the Society might be chosen by the Board of Governors as Special Members. However the Special Member do not have voting rights.

(v) All the 7 (seven) Founder Members who are called Chief Members shall be the permanent members.

(vi) Firms and Institutions/organisations or associations or persons are also entitled for the second category of membership of the classes mentioned above and shall be entitled to nominate one representative on their behalf to general body and such persons once nominated shall represent in general body during the tenure of the membership of such firm or institution or association of persons till a substitute is nominated by such association or institutions etc.

The names of the Chief Members will be exhibited at the appropriate place of the institutions as decided by the Governing Body.

(vii) **Termination of membership** :—The membership shall be terminated on: (a) On demise of such member; (b) On resignation; (c) On adjudication as insolvent.

4. General Body

The General Body of the Society shall consist of Chief Members and Special Members only.

(i) Annual General Body will once in an year, i.e., in the month of

(ii) Functions of the General Body:

- (a) To review the activities of the Society and also to scrutinise and accept the list of donors during the year under review.
- (b) To issue suitable instructions to the Governing Body of the Society.
- (c) To set up guidelines and targets for the achievements of the objects of the Society.
- (d) To review and approve the audited statements of accounts of the Society and institutions under its management for the previous financial year.
- (e) To discuss and pass the Annual Budget recommended by the Governing Body for the ensuing year.

- (f) Subject to Cl. 5 (1) the General Body shall elect once in three years the office-bearers of the Society.
- (g) The General Body shall have power to add, amend, repeal, cancel or annul from time to time any of the purposes which the Society is established as contained in Cl. (3) of the memorandum of association in accordance with the procedure laid down in provisions of the A.P. Societies Registration Act of 2001.
- (h) The General Body shall have power to appoint Auditors who shall hold office till the conclusion of the next Annual General Body meeting. However, the same Auditor will be eligible for re-nomination.
- (i) The General Body shall have power necessary or incidental to the carrying out the objects of the Society.
- (j) To amalgamate or affiliate any other institution whose objects and interests may, in any manner directly or indirectly be substantially identical with or advance the objects or interests of the Society.
- (k) To acquire, purchase, sell or transfer with or without consideration any or all movable or immovable properties, to acquire by purchase or otherwise any right or privileges including rights in immovable properties.
- (l) To invest and deal with all the moneys of the Society upon such securities and in such manner as may, from time to time be determined by the Society.
- (m) To pay either in cash or otherwise for any property or rights acquired and services rendered to the Society.
- (n) To borrow, guarantee, raise or otherwise procure moneys on the Security of movable, immovable or other assets of Society and/or institutions sponsored by the Society or otherwise for carrying on all or any of the objects of the Society at the discretion of the General Body.
- (o) To do all or any of the above things transactions or matter either alone or in conjunction with others, either by or through servants, employees or otherwise and to do all such other things as are incidental or conducive to the attainment of the above objects or any of them.

(iii) Meeting of the General Body

- (a) **Ordinary Meeting** :—The ordinary meeting of the general body should be convened by the secretary with 15 clear days notice once in an year.
- (b) **Emergency Meeting** :— The chairman or secretary may convene any emergency meeting on his own initiative to transact any matters of urgent importance with notice of seven days.
- (c) **Requisition Meeting** :—1/3rd of the total number of members may requisite the secretary in writing for the convening of a general body meeting within one month from service of the notice. If the secretary fails to convene such meeting within one month after receipt of such requisition notice, the Chairman may convene such meeting with

7 days' notice thereafter and if the secretary and chairman also fail to convene the meeting as stated above the members who originally requisitioned the meeting may themselves convene the meeting with 7 days' notice to all the members and the proceedings of such meeting shall be valid and binding on all the members.

- (d) Notice of the General Body meetings shall contain the date, place and time of the meetings with details of agenda and shall be despatched under certificate of posting or delivered personally on obtaining acknowledgment. Any member of the General Body shall have the right to send proposals in writing to the Secretary for inclusion in the agenda at least 10 days before the General Body meeting and on receipt of such information the secretary shall include the same in agenda. All matters in the General Body shall be decided by a vote of majority of the members present at the meeting and in the event of tie the chairman shall have casting vote. The quorum for the General Body meeting shall be half of the total number. If there is no quorum the meeting shall stand adjourned to the same day in the next week and there need not be any quorum for such adjourned meeting.

5. Management :—The management and administration of the Society shall vest in the Governing Body (Executive Body) duly constituted under para 5 (i).

- (i) **Governing Body (Executive Body)** :—The Governing Body shall consist of total 7 members the Chairman, Vice-Chairman, Secretary, Joint Secretary, Treasurer and 2 members.

Elections :—The first Governing Body shall hold office for a period of 5 years. Thereafter the members of the Governing Body shall be elected once in every 3 years at the Annual General Body meeting held in the month of October or on such extended date as may be decided upon by the Governing Body and that such extension shall not exceed 6 months beyond October of the concerned year. They shall hold office for a period of 3 years from the date of election or until new Governing Body is elected.

- (ii) **Functions of the Governing Body** :—The Governing Body shall :

- (a) Have power to co-opt 2 members in addition to the elected members to the Governing Body. The co-opted members need not be the members of the General Body and shall have no voting power.
- (b) Have the power to lease, sell, transfer or purchase any properties on behalf of the Society or of the institutions under its management as decided by the General Body.
- (c) Have the power to appoint any person or persons in enquiry committee to inspect the staff, register, accounts and other documents of the institution managed by the Society.
- (d) Maintain, construct or alter any structure or buildings and provide amenities to the staff and students.

- (e) Prepare and submit annual budgets for the approval of the General Body.
- (f) Present the annual accounts including the balance sheet and the audit report of the previous year and budgets estimates for the coming year before Annual General Body Meeting.
- (g) Make the rules and regulations or by-laws for the administration of the institutions run by the Society.
- (h) Be the custodian of all properties of the Society.
- (i) Have power to borrow or otherwise raise funds on behalf of the Society as well as the institutions under its management and to spend the same for the achievement of the objects of the Society.

(iii) Functions of the office-bearers

(A) Chairman

- (a) The chairman shall preside over all the meetings of the General Body and Governing Body.
- (b) The chairman shall have the right to call for an emergency meeting of the General Body or Governing Body for transacting matters of urgent importance, if the secretary fails to do so.
- (c) The chairman is the whole and sole responsible of the institution run under the management of the Society.
- (d) The chairman shall be the correspondent of the Society authorising him all powers.

(B) Vice-Chairman

In the absence of the Chairman, Vice-Chairman shall preside over the meetings of the General Body and Governing Body and perform all the functions of the Chairman.

(C) Secretary

- (a) The Secretary shall be incharge of all the records of the Society and shall be responsible for their proper custody.
- (b) The Secretary shall convene the meetings of the General Body and Governing Body as provided for in these regulations.
- (c) The Secretary shall carry out all the resolutions of the General Body and the Governing Body under the guidance of Chairman.
- (d) The Secretary shall place at the Annual General Body Meeting the Budget estimates for the coming year and the audited annual accounts including the Audited Balance Sheet of the Society and the institutions managed by the Society for the completed previous financial year.
- (e) The Secretary shall be co-signatory along with the Treasurer or Chairman for purposes of operation of Bank accounts.
- (f) To carry out all Government and University Orders.

(D) Joint Secretary

In the absence of the Secretary, the Joint Secretary shall perform all the functions of the Secretary.

(E) Treasurer

- (a) Be the custodian of all the properties of the Society and the books of Account of the Society and the Institution managed by the Society.
- (b) The Treasurer shall be incharge of all such cash and other finances of the Society.
- (c) The Treasurer shall operate bank accounts of the Institutions owned and managed by the Society jointly with the Secretary or Chairman.
- (d) The Treasurer shall make payment of the bills countersigned by the Secretary or Chairman.
- (e) The Treasurer shall supervise and look into the accounts managed by the Institutions owned and managed by the Society.
- (f) The Treasurer shall look after the accounts of the Society.
- (g) The Treasurer shall prepare budget estimates of the Society and submit the same along with the audited statements of the Society and institutions to the Governing Body and General Body through the Society.

(iv) Meetings of the Governing Body :

- (a) Ordinary meetings : The Governing Body shall normally meet at least once in a month. 7 (Seven) days notice shall be given by the Secretary to convene the meeting.
- (b) All matters shall be decided by a vote of majority of the members present. The Chairman can exercise his extra casting vote in the event of a tie.
- (c) The quorum for the meeting of the Governing Body shall be 4 (Four).

(v) Funds

- (a) Funds of the Society hereby constituted. include the contributions, donations of the members and the donations collected from the public and loans, if any, raise from the public or financial institutions.
- (b) Funds for the Society shall be transacted in a Scheduled Bank or Co-operative Bank in the name of the Society and the Bank account shall be operated upon either by the Chairman or Secretary and Treasurer jointly, or any member of the Society nominated by the Chairman.
- (c) The funds shall be spent only for the attainment of the objects of the Society and no portion thereof shall be paid, transferred or diverted directly or indirectly to any of its members through any means.

(vi) Accounts

- (a) The accounts of the Society shall be maintained for the official year ending 31st March of each year.
- (b) The accounts shall be audited by the Auditors appointed by the General Body in its annual meeting.

(vii) Amendments

No Amendment or alteration shall be made in purpose of the Association unless it is voted by 2/3rd of its members present at a Special Meeting convened for the purpose and confirmed by 2/3rd of the Members present at a Second Special Meeting.

(viii) Winding-up

In the event of dissolution or winding-up of the Society, the remaining assets and funds of the Society after satisfying all the liabilities of the said Society shall be transferred or paid to some other Institution have similar objects and aims.

CERTIFIED TO BE A CORRECT COPY OF OFFICE BEARERS ELECTED

S.No.	Name of the Office Bearer in Block letter (S/o, D/o, W/o)	Age	Designation Or their local Standing in the Society	Occupation	Residential Address	Signature
1.
2.
3.
4.
5.

Witnesses :

S. No.	Name in Block Letters	Age	Residential Address	Occupation	Signature
1.
2.

MODEL 11

**Model for Society of Ownership Flats Owners
Memorandum of Association
of**

1. Name : The name of the Society shall be

2. Registered Office : The Registered Office of the Society shall be situated atin the State of West Bengal.

3. Aims and Object : The objects for which the Society is established are :

- (a) To keep close relation among the persons who reside at.....for their welfare.
- (b) To solve the various problems of the members of the Society through discussions.
- (c) To organise physical, culture, indoor and outdoor games, sports, competitions, exercise and other types of amusements;
- (d) To arrange and organise picnic, tour programme etc., among the members for their recreation;
- (e) To improve the social and cultural standard of the members of the Society by organising various social and cultural programmes from time to time;
- (f) To achieve a quality of life which will promote a genuine sense of harmony and goodwill amongst the members;
- (g) To observe the birthday of the greatmen of the country, Red Letter Days etc., in order to uplift the morality of the members;
- (h) To establish and maintain a library for the benefit of the members and also a free-reading room for the study of Indian Culture;
- (i) To help the needy students of all communities for the prosecution of their studies;
- (j) To do all such other things as may be deemed incidental or conducive to the attainment of the foregoing objects.

The objects of the Society will always remain restricted within the scope of West Bengal Societies Registration Act, 1961 and will in no way look similar to those coming under the West Bengal Apartment Ownership Act, 1972 or any other law for which separate arrangement of registration is there. The present registration will not empower the Society to avoid registration under the West Bengal Apartment Ownership Act, 1972 if and whenever statutorily required.

The income and properties of the Society whatsoever derived or obtained shall be applied solely towards the promotion of the objects of the Society and no portion thereof shall be paid to or divided amongst any of its members by way of profits.

4. The names, addresses and descriptions of the present members of the Executive Committee are :

Name	Address	Description
1.		President
2.		Vice-President
3.		Secretary
4.		Assistant Secretary
5.		Treasurer
6.		Member
7.		-do-

We, the undersigned are desirous of forming into a Society in pursuance of the Memorandum of Association.

Signature	Address	Occupation
1.		
2.		
3.		
4.		
5.		
6.		
7.		

Witness to the above signatures :

Signature :

Address :

Occupation :

Dated, theday of20....

RULES AND REGULATIONS

1. Membership :—Any person who resides atirrespective of castes, creeds or religion and who agrees in writing to be bound by the Memorandum of Association and Regulations of the Society, may be admitted as a member of the Society.

2. Membership Subscription :—Any person, qualified to be a member, by paying an ordinary membership fee per month along with an admission fee payable at the time of admission, which shall be determined by the Executive Committee from time to time, may be admitted as an Ordinary Member of the Society.

3. Cessation of Membership :—Any member of the Society shall cease to be a member :—

(a) On his resignation from membership by a letter addressed to the Secretary;

(b) On this becoming insane or insolvents;

- (c) On his conviction of any offence in connection with the formation, promotion, management or conduct of affairs of a Society or a body corporate or of any offence involving moral turpitude.

4. Register of Members :—The Society shall maintain a Register of Members containing the names, addresses and their occupations, the date of admission and the date of cessation. The Register will be kept open for inspection of the members of the Society on requisition.

5. Rights and Obligations of Members

- (a) any member has the right to elect and to be elected in any election of the Society;
- (b) to submit suggestion for discussion to the Executive Committee and Sub-Committee on any matter;
- (c) to inspect the accounts of the Society on appointment with the Secretary;
- (d) to forego his membership after due information in writing to the Executive Committee;
- (e) to pay his subscription within the prescribed time;
- (f) defaulting members shall not be allowed to take part or vote at any meeting; and
- (g) members shall have one vote each.

6. Composition and Election of the Executive Committee :—The Executive Committees shall be elected by the General Members of the Society in the annual general meeting and the members of the Executive Committee shall be not less than 9 members which shall be composed of as President, Vice-President, Secretary, Assistant Secretary, Treasurer and Members. The office-bearers shall be elected by the Executive Committee from amongst themselves in the first meeting of the Executive Committee.

7. Termination of Membership :—A member of the Executive Committee shall cease a membership if :—

- (a) he resigns by a letter addressed to the Secretary;
- (b) he absents himself from three consecutive meetings of the Executive Committee without any leave or without reasonable grounds;
- (c) he is convicted of any offence in connection with the formation, promotion, management or conduct of affairs of a Society or a body corporate or of any offence involving moral turpitude.

8. Term of Election :—All members of the Executive Committee shall retire at the Annual General Meeting every year following their election when the new Executive Committee shall be formed.

9. Meeting :—A meeting of the Executive Committee shall be held at least once in three months at such time and place as the President or the Secretary may determine. Any 5 members of the Executive Committee may requisition the meeting of the Executive Committee and the Secretary shall summon the same within 7 days and failing which the President or the requisitionists may do so provides no business other than that specified in the notice shall be transacted at such meeting.

10. Notice :— 7 days' notice of the meeting specifying the time, place and nature of work and business to be transacted shall be given to every member of the Executive Committee. Emergency meeting may be called on 24 hours notice. 1/3rd members personally present shall constitute a quorum for the meeting and if a quorum is not present within 30 minutes of the time the members present may adjourn the meeting.

11. Procedure of the Meeting :—The President or in his absence the Vice-President shall preside over all meetings of the Executive Committee and in their absence the members present shall elect a Chairman of the meeting. All questions before the meeting will be decided by a majority of votes, each member having one vote. The President or the Chairman shall have a second or casting vote in addition to his own vote in the case of equality of votes.

12. Power and Duties of the Executive Committee :—The Executive Committee shall have powers of supervision and conduct over all the affairs of the Society and in particular shall discharge the following duties :—

- (a) to summon the annual general meeting of the Society;
- (b) to appoint Sub-Committee with such power and duties as may be considered necessary in the interest of the Society;
- (c) to accept gift, movable or immovable property for the use of the Society;
- (d) to sell, lease, mortgage or otherwise dispose of and deal with all or any part of the property of the Society as deemed necessary or expedient for the use of the Society;
- (e) to keep proper accounts of the Society and to open bank account in the name of the Society in one or more of them jointly.

13. Bank Operation :—The banking accounts of the Society shall be operated by the President, Secretary and Treasurer—any two of them jointly.

14. Safe Custody of Funds :—The Executive Committee of the Society shall be responsible for the safe custody of the funds and assets of the Society. The funds of the Society shall be kept in banks/post office and be invested in any securities as specified under Sec. 20 of Indian Trusts Act, 1882.

15. Books of Account, Inspection of and Audit :—The books of Account and other statutory books shall be kept at the registered office of the Society and shall be kept open for inspection of the members of the Executive Committee during usual office hours and the same shall be kept open for inspection of the members of the Society at such time and place as the Executive Committee directs on a written request made by any member. The Society shall maintain accounts which will be audited annually by a qualified auditor or auditors.

16. Accounting Year :—The Accounting Year of the Society shall be from 1st April to 31st March of the following year.

17. General Meeting :—There shall be three kinds of general meetings :

- (a) Ordinary General Meeting,
- (b) Annual General Meeting, and
- (c) Special General Meeting.

18. Ordinary General Meeting :—The Society shall hold an ordinary general meeting as and when necessary. At least 7 to 14 days' notice specifying the time, place, day and hour and agenda shall be given to every member of the Society.

19. Annual General Meeting :—The Society shall hold an annual general meeting every year and not more than 15 months shall elapse between two successive annual general meetings. At least 14 days' notice specifying the time place, day and hour and agenda shall be given to every member of the Society.

20. Quorum :—The quorum for transaction of any business in ordinary general meeting and annual general meeting shall be 1/3rd of the total number of members present personally.

21. The business to be transacted at the annual general meeting shall be :

- (a) to confirm the minutes of the last annual general meeting and of special general meeting, if any;
- (b) to adopt with or without modification the report of the working of the Society for the previous year ended;
- (c) to pass audited accounts for the said year;
- (d) to appoint qualified auditor or auditors; and
- (e) to elect the Executive Committee Members.

22. Special General Meeting :

- (a) A Special General Meeting may be convened by the Executive Committee at any time in view of urgency of the matter. At least 14/7 days' notice shall be given for Special General Meeting.
- (b) A Special General Meeting shall be convened by the Secretary if 2/3rd members of the Society requisitioned such meeting specifying the nature of the business to be transacted at the meeting. On receipt of such notice the Secretary shall hold such meeting within 21 days.

In default by the Secretary, the requisitions shall hold such meeting provided no business other than that specified in the notice shall be transacted.

23. Duties of Office-Bearers

(a) President :—(i) Shall preside over all meeting of the Society;

(ii) take all disciplinary actions such as removal, dismissal etc. in consultation with the Executive Committee.

(b) Vice-President :—Shall assist the President in all affairs of the Society. In the absence of the President, he shall have the powers and perform the duties of the President.

(c) Secretary

- (i) shall convene all meetings of the Society;
 - (ii) maintain minute books of all meetings;
 - (iii) issue general circulars and notice;
 - (iv) received all applications for membership which shall be placed before the Executive Committee.
-

- (v) sign on behalf of the Society all receipts for all sums received as subscriptions etc;
- (vi) sign and give pay order on all bills for payment; and
- (vii) transact all other business subject to the direction of the Executive Committee.

(d) Assistant Secretary :—Shall assist the Secretary in all respect for smooth running of the Society.

(e) Treasurer :—(i) shall collect and receive all sorts of subscriptions, donations and deposit of money and grants receipt for money thereof;

(ii) maintain and keep cash book and such other accounts as are necessary.

24. Suits and Legal Proceedings :—All suits and legal proceedings by or against the Society shall be in the name of the Secretary or such person as shall be appointed by the Committee for the occasion.

25. Alteration of Regulations :—The Executive Committee shall have powers to make such by-laws as may be considered necessary in the interest of the Society. The regulation may be altered, modified, rescinded or added to only by resolutions passed by the 3/4th majority of the members of the Society present at a general meeting.

26. Dissolution :—The Society may be dissolved by a resolution to that effect passed by the 3/4th of the total members of the Society at a general meeting. The said meeting shall also decide the manner of disbursement of the funds and assets of the Society, if any, after dissolution as per provisions of the Act.

Certified to be the true copy of Regulations of the Society.

1.

2.

3.

Members of the Executive Committee.

Date, the..... day of20.....