

HOUSING SOCIETY / RESIDENT WELFARE ASSOCIATION

Format of Rules and Regulations (Bye-laws) and Registration Process in Gurugram

Under the Haryana Registration and Regulation of Societies Act, 2012 and Rules, 2012

CA RK Gupta

Mobile +91-9811117243 | rkg4247@gmail.com | www.carkgupta.com | YouTube @CARKGUPTA
(<https://www.youtube.com/@CARKGUPTA>)

For information and educational purposes only

PART A — LEGAL FRAMEWORK AND REGISTRATION PROCESS (GURUGRAM)

1. Applicable law

In Haryana, societies — including housing societies, apartment/flat owners' welfare associations and Resident Welfare Associations (RWAs) of housing projects — are registered under the Haryana Registration and Regulation of Societies Act, 2012 ("HRRS Act, 2012") read with the Haryana Registration and Regulation of Societies Rules, 2012. The Societies Registration Act, 1860 no longer applies to fresh registrations in Haryana. Section 4 of the HRRS Act specifically recognises formation of associations of flat/tenement/condominium/floor-space owners (pursuant to the Haryana Apartment Ownership Act, 1983), welfare organisations formed for housing projects, and RWAs for operation, management and maintenance of facilities/civic amenities of a defined area, as lawful purposes for registration.

Note: A "cooperative housing society" (share-capital based, allotting plots/flats to members) is a different vehicle registered under the Haryana Co-operative Societies Act, 1984 with the Registrar, Cooperative Societies. For a developer-built group housing project in Gurugram where owners wish to form an association/RWA for maintenance and management, the HRRS Act, 2012 route covered in this format is the applicable one.

2. Registering authority and portal

Registration is made with the District Registrar of Societies (office of the Registrar, Firms & Societies under the Industries & Commerce Department, Haryana) for Gurugram district. Applications are filed online through the departmental portal (haryanaindustries.gov.in — "Registration of Societies" services / e-portal HARIS), followed by submission/verification of signed documents as required by the District Registrar. Please verify the current portal link, forms and fee at the time of filing, as the department periodically updates the workflow.

3. Basic eligibility

- Minimum 7 (seven) persons, competent to contract, coming together by subscribing to a Memorandum of Association for a lawful purpose under section 4.
- Members should ordinarily be individuals; under section 23 of the Act, membership is of individuals (a body corporate owning a unit is generally represented through a nominated individual — practice at the Gurugram Registrar's office accepts a nomination letter).
- A registered office within the district (in the project/colony itself, in the case of an RWA).
- The memorandum must prohibit distribution of any dividend/profit/assets to members (subject to the housing-society exception built into the Act for return of member contributions).

4. Step-by-step registration process

Step	Stage	What is done
1	Preliminary general body meeting	Promoter members (min. 7) meet, resolve to form the society, approve the name (with 2–3 alternatives), adopt the draft Memorandum and Rules & Regulations (bye-laws), and authorise office bearers to file for registration.
2	Name approval	Apply online for name approval to the District Registrar, Gurugram. The name must not be identical/deceptively similar to an existing society or otherwise objectionable. Approval/refusal is communicated (Form I-A under the Rules).
3	Filing of application	File the registration application online with: Memorandum of Association signed by all subscriber members; Rules & Regulations (bye-laws) signed by all members; resolution of the general body; ID and address proof of all members (Aadhaar/PAN/passport); proof of registered office (ownership proof / rent agreement with NOC of owner plus utility bill; for a new project, allotment letter/possession certificate is generally accepted); affidavit/declaration by the President/authorised signatory; and the prescribed fee (registration fee of Rs. 200 by treasury challan/online — verify current amount).
4	Scrutiny	The District Registrar scrutinises the documents and checks conformity of the Memorandum and bye-laws with the Act, the Rules and the model bye-laws. Deficiencies, if any, are communicated for rectification.
5	Certificate of registration	On satisfaction, the certificate of registration (Form III) is issued with a unique registration number. Overall timeline in Gurugram is typically 2–4 weeks from name approval, subject to completeness of documents.
6	Post-registration	Apply for PAN (and TAN, if the society will deduct TDS on contracts/salaries); open a bank account in the society's name; put the register of members, minute books and books of account in place; hold the first general body meeting and elections as per the bye-laws.

5. Continuing compliances under the HRRS Act, 2012

- Maintain an updated register of members; file the list of members and of the Governing Body with the District Registrar as prescribed.
- Hold general body meetings and periodic elections of the Governing Body strictly as per the bye-laws and the Act/Rules (elections through a Returning Officer; election records to be preserved).
- Maintain proper books of account (section 62); get accounts audited as prescribed and place them before the AGM.
- File annual returns/annual statements with the District Registrar within the prescribed time.
- Collegium: where the number of members is 1,000 or more, the society must constitute a Collegium (electoral colleges) with strength not less than five times the strength of the Governing Body, and elections are held through the Collegium.
- Any amendment of the name, Memorandum or bye-laws requires a resolution of the general body as prescribed and takes effect on approval/registration by the District Registrar.

PART B — FORMAT: MEMORANDUM OF ASSOCIATION

(To be typed on plain paper, signed by all subscriber members on each page, in duplicate.)

1. Name of the Society: "[_____] Resident Welfare Association / Apartment Owners Welfare Society" (hereinafter "the Society").

2. Registered Office: [Flat/Unit No., Tower, Project name, Sector ___, Gurugram, Haryana – 1220___]. All communications may be addressed to the Society at this address.

3. Area of operation: The residential project known as "[Project name]" situated at [address], Gurugram, comprising [___] dwelling units, together with its common areas, facilities and amenities.

4. Aims and objects:

- To act as the welfare association of the owners/residents of the project for the operation, management and maintenance of the common areas, facilities, services and civic amenities of the project.
- To take over, hold, operate and maintain the common areas, equipment, and services (lifts, DG sets, STP/WTP, fire-fighting systems, security, horticulture, club, parking, etc.) from the promoter/developer, including under applicable RERA/licence conditions.
- To collect maintenance and other charges from members/residents and apply them towards upkeep, repairs, replacement funds and common expenses.
- To represent members before the developer, DTCP, MCG/GMDA, HRERA, DHBVN, police and other authorities in matters of common interest.
- To frame and enforce house rules for harmonious use of units and common areas, and to promote the social, cultural and general welfare of residents.
- To do all such other lawful acts as are incidental or conducive to the above objects.

5. Declaration: The income and property of the Society shall be applied solely towards its objects. No dividend, profit or asset shall be paid or distributed to the members or their dependents/legal heirs, except refund of members' contributions to the extent permitted under the proviso to section 4 of the HRRS Act, 2012 applicable to housing societies/welfare associations.

6. Governing Body: The names, addresses, occupations and designations of the members of the first Governing Body entrusted with the management of the Society are as under:

S.No.	Name	Address	Occupation	Designation
1				President
2				Vice-President
3				General Secretary
4				Joint Secretary
5				Treasurer
6				Executive Member
7				Executive Member

7. Desirous persons: We, the undersigned, are desirous of forming the Society under the Haryana Registration and Regulation of Societies Act, 2012 in the district of Gurugram, State of Haryana, in

pursuance of this Memorandum of Association. (Table of all subscriber members with name, father's/spouse's name, address, occupation and signature to follow, with signatures of two witnesses.)

PART C — FORMAT: RULES AND REGULATIONS (BYE-LAWS)

Rule 1 — Short title, extent and definitions

1.1 These rules may be called the Rules and Regulations (Bye-laws) of [] Resident Welfare Association, Gurugram.

1.2 "Act" means the Haryana Registration and Regulation of Societies Act, 2012 and "Rules" means the Haryana Registration and Regulation of Societies Rules, 2012, as amended.

1.3 "Unit" means a flat/apartment/dwelling unit in the project; "Owner" means a person in whose name a Unit stands by way of registered conveyance/allotment; "Resident" includes an Owner and a tenant/licensee in lawful occupation; "Common Areas" has the meaning under the Haryana Apartment Ownership Act, 1983 / the declaration applicable to the project.

1.4 Words not defined herein carry the meanings assigned under the Act and the Rules, which shall prevail in case of any inconsistency with these bye-laws.

Rule 2 — Membership

2.1 Eligibility: Every Owner of a Unit in the project, being an individual competent to contract, is eligible to be a member. Where a Unit is owned jointly, the joint owners shall together be entitled to one membership, exercised through the first-named owner or a jointly nominated owner. Where a Unit is owned by a body corporate/firm, it may nominate one individual to represent it.

2.2 Admission: Application shall be made in the prescribed form with proof of ownership and payment of admission fee of Rs. [] and annual subscription of Rs. []. The Governing Body shall decide admission within [30] days and shall not refuse admission to an eligible Owner without recording reasons.

2.3 One Unit – one vote: Each membership carries one vote irrespective of the number or size of Units held; a person holding more than one Unit shall have [one vote / one vote per Unit — select as per general body decision consistent with the Act].

2.4 Register of members: The Society shall maintain a register of members with particulars as required under the Act, updated within [15] days of any change, and shall file the list of members with the District Registrar as prescribed.

2.5 Cessation: Membership ceases on (a) transfer of the Unit; (b) death (the transferee/legal heir on mutation being admitted in place); (c) resignation in writing; (d) removal for default in payment of dues beyond [90] days after notice, or for conduct prejudicial to the Society, by resolution of the Governing Body after opportunity of hearing, subject to appeal to the General Body.

Rule 3 — Rights and obligations of members

3.1 Every member has the right to receive notices, attend and vote at general meetings, elect and be elected to the Governing Body (subject to being not in default of dues), inspect the registers, minutes and audited accounts, and use the common areas and facilities as per the house rules.

3.2 Every member/Resident shall pay maintenance and other charges by the due date, comply with these bye-laws and house rules, not cause nuisance, not encroach upon common areas, not make structural alterations without permission of the competent authority, and intimate letting-out of the Unit with tenant details for the Society's records.

Rule 4 — General Body

4.1 The General Body comprises all members and is the supreme authority of the Society.

4.2 Annual General Meeting (AGM) shall be held every year within [six] months of the close of the financial year (31 March) to consider the annual report, audited accounts, budget, appointment of auditor, election of the Governing Body (when due) and any other business.

4.3 Extraordinary General Meeting (EGM) may be convened by the Governing Body at any time, and shall be convened within [30] days of a written requisition of at least [one-fifth] of the members, failing which the requisitionists may convene it as per the Act.

4.4 Notice: [14] clear days' written notice (email/notice board/circulation) stating date, time, venue and agenda; [7] days for an emergent EGM.

4.5 Quorum: [One-fourth] of the total members or [] members, whichever is less. If quorum is not present within half an hour, the meeting stands adjourned to the same day/time/place in the following week, when the members present shall constitute the quorum (except for matters requiring a special majority).

4.6 Voting: By show of hands or, if demanded, by ballot; one membership one vote; no proxy voting except as permitted under the Act/Rules. Resolutions pass by simple majority; amendment of bye-laws/Memorandum, change of name, division/amalgamation and dissolution require the special majority and procedure prescribed under the Act.

Rule 5 — Governing Body

5.1 Composition: The Governing Body shall consist of [7/9/11] members: President, Vice-President, General Secretary, Joint Secretary, Treasurer and [2/4/6] Executive Members. [Reservation/representation for towers/blocks or for women members may be provided.]

5.2 Term: [Two] years from the date of election or until a new Governing Body is elected, whichever is earlier; a member may hold the same office for not more than [two] consecutive terms.

5.3 Eligibility: A member who is not in default of any dues to the Society for more than [90] days and against whom no disqualification under the Act subsists.

5.4 Meetings: At least once every [two] months; notice of [7] days ([24 hours] for emergency); quorum of [one-half] of the strength; decisions by majority, the President having a casting vote.

5.5 Powers and duties: To manage the affairs and funds of the Society; operate bank accounts (jointly by any two of President/General Secretary/Treasurer); engage and supervise maintenance agencies, staff and contractors; prepare annual budget, report and accounts; maintain statutory registers and make filings with the District Registrar; enforce house rules; and institute/defend legal proceedings in the name of the Society.

5.6 Vacancy: A casual vacancy may be filled by co-option from among eligible members for the remainder of the term, subject to ratification at the next general meeting.

5.7 Removal: An office bearer/member of the Governing Body may be removed by a resolution of the General Body passed by [two-thirds] majority after opportunity of hearing, or stands vacated as per the disqualifications under the Act.

Rule 6 — Duties of office bearers

6.1 President: Presides over all meetings, provides general superintendence, exercises casting vote, and jointly operates bank accounts.

6.2 Vice-President: Acts as President in the President's absence.

6.3 General Secretary: Convenes meetings, records minutes, conducts correspondence, maintains records and registers, makes statutory filings, and implements decisions of the General Body and Governing Body.

6.4 Joint Secretary: Assists the General Secretary and acts in his/her absence.

6.5 Treasurer: Maintains books of account and vouchers, collects and deposits monies in the Society's bank account within [3] working days, prepares periodical and annual accounts, and presents the budget.

Rule 7 — Elections and Collegium

7.1 Elections to the Governing Body shall be held before the expiry of its term, conducted by a Returning Officer (not a candidate) appointed by the General Body/Governing Body, in accordance with the procedure under the Act and Rules — including preparation of the electoral roll of eligible members, nomination, scrutiny, withdrawal, secret ballot and declaration of results. Election records shall be preserved as prescribed.

7.2 If and when the number of members of the Society is 1,000 or more, the Society shall constitute a Collegium of electoral colleges as required under the Act, with strength not less than five times the strength of the Governing Body, and elections shall thereafter be held through the Collegium.

7.3 Election disputes shall be raised and decided in the manner provided under the Act.

Rule 8 — Funds, maintenance charges and investments

8.1 The funds of the Society shall consist of admission fees, subscriptions, monthly/quarterly maintenance charges, user charges, interest, transfer fees, donations and any other lawful receipts.

8.2 Maintenance charges shall be levied on the basis approved by the General Body [per sq. ft. of super/carpet area / per Unit], covering operation, repairs, utilities for common areas, staff, insurance, statutory payments, and contributions to a sinking/replacement fund of []% .

8.3 Interest at []% per annum (simple) may be charged on dues outstanding beyond the due date; the Governing Body may, per policy approved by the General Body, regulate non-essential facility usage of chronic defaulters in accordance with law.

8.4 All funds shall be kept in the Society's bank account(s) with a scheduled bank; cash-in-hand shall not exceed Rs. []. Surplus funds may be invested only in the modes permitted for societies and as approved by the Governing Body/General Body.

8.5 Expenditure beyond Rs. [] on a single item shall require prior approval of the Governing Body, and beyond Rs. [] the approval of the General Body/budget.

Rule 9 — Accounts, audit and annual filings

9.1 The financial year of the Society shall be 1 April to 31 March.

9.2 The Society shall maintain books of account as required under section 62 of the Act, showing receipts and payments, income and expenditure, assets and liabilities, and fund-wise balances.

9.3 The accounts shall be audited every year by a Chartered Accountant appointed by the General Body; the audited accounts with the auditor's report shall be placed before the AGM.

9.4 The Society shall file with the District Registrar, Gurugram, within the prescribed time: the annual return/statements, the list of members and of the Governing Body, intimation of changes in the Governing Body/registered office, and the audited accounts, as required under the Act and Rules.

Rule 10 — Common areas, house rules and use of Units

10.1 The Governing Body may frame house rules (consistent with these bye-laws and applicable law) on security and visitor management, parking, use of lifts, club and other amenities, pets, waste segregation, fit-outs/interior works timings, servant/staff verification, and letting-out of Units; such rules shall be placed before the General Body at its next meeting.

10.2 No Resident shall use a Unit for any purpose other than residential (save as permitted by law), carry out structural changes, encroach on common areas, or install anything on facades/terraces without permission of the competent authority and the Society.

10.3 Owners letting out Units shall furnish tenant details and police verification and ensure tenants comply with these bye-laws; dues remain the Owner's primary liability.

Rule 11 — Disputes, penalties and indemnity

11.1 Disputes between a member and the Society shall first be referred to the Governing Body, then to the General Body; matters under the Act (including election disputes and disputes relating to management) shall be dealt with in the manner and before the authorities provided under the Act.

11.2 Breach of these bye-laws/house rules may attract penalties as per the schedule approved by the General Body, after notice and opportunity of being heard.

11.3 Office bearers acting in good faith shall be indemnified out of the funds of the Society against liabilities incurred in the bona fide discharge of their duties.

Rule 12 — Amendments, division, amalgamation and dissolution

12.1 These bye-laws or the Memorandum may be amended only by a resolution passed by the majority prescribed under the Act at a general meeting convened with due notice, and the amendment shall take effect upon approval/registration by the District Registrar.

12.2 Division of the Society (including into tower/phase-wise societies with a parent society for common indivisible infrastructure) or amalgamation with another society shall be carried out only in accordance with the Act.

12.3 The Society may be dissolved in the manner provided under the Act; upon dissolution, after satisfaction of debts and liabilities, the remaining assets shall be dealt with as provided under the Act (and, in the case of member contributions of a housing society/welfare association, as permitted thereunder), and not distributed as profit.

Rule 13 — Miscellaneous

13.1 The Society shall have a common seal, kept in the custody of the General Secretary and affixed under the authority of the Governing Body.

13.2 Service of notices on members may be effected by hand, post, email or display on the notice board/official group, at the addresses recorded in the register of members.

13.3 In all matters not provided for herein, the provisions of the Act and the Rules shall apply.

Certified that this is the correct copy of the Rules and Regulations of the Society.

President

General Secretary

Treasurer

(Signatures of all subscriber members with names, on each page, in duplicate)

Note: Placeholders in [brackets] are to be filled as decided by the general body. Before filing, please check the bye-laws against the model bye-laws and the current forms, fees and portal workflow of the District Registrar, Gurugram (haryanaindustries.gov.in), and align project-specific clauses with the Haryana Apartment Ownership Act, 1983 declaration, HRERA registration conditions and DTCP licence conditions applicable to the project.