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## Responsibilities and Limitations of the Resident Welfare Associations (RWA) in India

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#### **ABSTRACT**

A Resident Welfare Association (RWA) is a Non-governmental organization representing the interests of the residents of a specific urban or semi-urban locality in India. Resident Welfare Association is not an official government body, and illegal housing localities in India can form RWAs to represent citizen interests. Each residential colony has its own resident welfare association (RWA). Its primary objective is to work toward the common good of all residents in a given area, as the name suggests. At the same time, it is governed by roles and responsibilities to ensure its efficient operation. RWAs are typically registered under cooperative societies acts; it requires groups to have a minimum of fifteen members from a given area, or under the Apartment Owners Act of the state as an "association of apartment owners" or under Societies Registration Act (central Act or state Act), it needs minimum ten members. RWAs are being created in any apartment for better coordination, living style, harmony among the residents. Sustain social connection is always a priority but not at the cost of discipline. Due to various reasons, the clubs and special interest groups sometimes create problems for the normal functioning of the RWAs. Many issues and

conflicts are reported due to the absence of the basic standard operating system of the RWA governance. The Residents Welfare Association of the high-rise buildings of the smart cities is evolving, and there is no clear-cut guideline for the RWA governance from the government. So it is essential to conduct a deep study for the effective functioning of the Residents Welfare Association in India. The essence of the study is to identify the roles, responsibilities, limitations, and challenges of the Residents Welfare Association in India.

**Keywords**: Apartments, Buildings, Government, India, Limitations, Resident Welfare Association (RWA), Responsibility, Residential Colonies, Registration Act, Societies.

#### **INTRODUCTION**

Resident Welfare Association (RWA) is a non-governmental body representing the interests of the people living in some urban society, locality, or community, particularly in an urban society. The association is responsible for managing the residents' day-to-day problems, organizing events, operating establishments in the apartments and complexes, and safeguarding the

privileges of the unit holders. In urban cities like Delhi and Mumbai, the residential colonies have Resident Welfare a Association for each block and each colony. A Resident Welfare Association is a critical modern-day societies. thousands of families living together in such communities and townships, it becomes essential to have local machinery of members responsible for time-to-time management of the organization, hearing and resolving their solutions, organizing events, and ensuring a safe and secure environment for the members. Residential Welfare Association (RWA) has the facilities such as soft services, support services, Housekeeping and technical services like Lift, Electrical Power and Pest Control Management Services. These facilities are covered under a fixed annual budget which through Common Area collected Maintenance (CAM) and is charged from all residents. The RWA has to follow the norms of City Development Authority, Fire and Safety Department, State Pollution Control Board and other statutory bodies who issue the compliance certificates on the facilities available in the premises after the due inspection. For the most part, the association is a group recognized as an Association of Persons (AOP) under the Indian Income Tax Act of members chosen by the society members. The Registration of Residents Welfare Association (RWA) needs to register under the Societies Registration Act 1860. It is administered by constitutional documents such as a Memorandum of Association that illustrates their rights and objectives. At least seven individuals could subscribe to MOA for registration under the Registrar of Societies to frame them into a Society under Societies Registration Act 1860. A group of Resident Owners could lawfully frame RWA Registration. The conditions for enrolment differ from state to state. At Least seven individuals in the state can apply for

registration in RWA with Jurisdictional Registrar's Office. Builder Apartment or Group casing societies covered under the state Apartment Act and Apartment Owners Association (AOA) Resident could be formed in multitudinous states. Also, in different cases, RWA can be included as well. However, these associations run on subscriptions acquired from members, which is exempt on a mutuality basis because nobody could make income from himself.

**RWAs** official are not government organizations, and the slums and illegal housing colonies can also create RWAs to represent citizen interests. RWAs are registered typically under cooperative societies acts, which require groups to have a minimum of fifteen members from a given area, or under the Apartment Owners Act of the state as "association of apartment owners," or under the Societies Registration Act (central Act or state Act), which requires minimum ten members. These acts also set the rules for establishing RWA bye-laws, which include membership criteria, voting rights, and the conditions under which RWA officers can initiate legal proceedings on behalf of the registered society. Despite the frequency of RWAs in slums and unauthorized colonies, still, government programs aimed at involving RWAs in strategic governance opinions, similar to Delhi's Bhagidari Scheme, include only RWAs based on planned neighbourhoods RWAs have become increasingly interested in municipal politics and decision-making during the early 2000s and continue to expand in importance. The Societies Registration Act of 1860 registers an RWA as a voluntary society of individuals. The RWA is a separate legal entity that can sue or be sued through its office-bearers or appointed individuals once it is registered. In accordance with the Memorandum of Association's bylaws, RWA's governing body is elected. The bye-laws also state how

it conducts itself with other members of the RWA and with third parties. The powers of the Governing Body are to be exercised responsibly without fear or favour.

#### **Registration of RWA**

When a RWA gets enrolled following are the reasons and powers accessible to an enlisted RWA:

- 1. To hear and conclude the issues an Individual from the Affiliation grumbled about.
- 2. To raise the issue with the appropriate authorities in the collective interest of residents in order to provide or enhance common facilities such as community halls, adequate electricity, water supply, drainage, roads. streetlights. scavenging, and so on.
- 3. To orchestrate and sort out friendly and social capabilities now and again.
- 4. To make sufficient arrangements for widows, orphans, disabled orphans, elderly people, and retired people 5.

  to build shelters or help educate economically disadvantaged or weaker community members.
- 5. To approach the relevant authorities to resolve member complaints regarding conferences with relevant authorities.
- 6. To make correspondence lawfully to organize gatherings and meetings with the concerned specialists.
- 7. Organize administrations like sterile fittings, plumbing, electrical, security, clearing, and so on for the region.
- 8. To receive and collect any legal gifts or donations and use them to fulfil the society's goals or any other goals at all.
- 9. To contribute towards the RWA store, the commitment ought to be

spent towards the government assistance and advancement of the general public's target as it were.

#### **Document Reports for RWA Enlistment**

The following are the reports required for the enlistment of RWA.

- 1. The Required Documents.
- 2. The Registration Procedure

### 1. The Report Required for RWA Enlistment

The documents required for the RWA enlistment are as follows:

- Covering Letter.
- Rundown of body individuals (name, full location, occupation, and mark on the rundown).
- All body members' identification (such as voter ID, Aadhar card, or driving permit)
- Proof of a society-registered address, such as a utility bill or a lease agreement with a NOC from the owner.
- A pan card with all body parts.
- Update and bye-laws of the proposed affiliation.
- One notarized affidavit from the President, written on stamp paper.
- Lasting authority
- Building finishing authentications gave by concerned power (if apply for condo proprietors relationship in certain states).
- Manufacturer's assent and portrayal (if apply for loft proprietors relationship in certain states).
- Home vault duplicate (apply for RWA arrangement as it were).
- Purchasers affiliation fundamental prerequisite (in the event that structure at the state level - least 7 body individuals from same state or

configuration primary level - least 7 individuals from each state.)

The essential requirement for RWA or apartment owners' association is a minimum of seven body members from the same state. According to the state apartment act, this minimum number for the AOA varies from state to state.

#### 2) The RWA Registration procedure

The RWA registration procedure is as follows:

- Get ready Records Set up every one
  of the expected reports as per the
  standards of the state society
  enrolment act, state condo act, or
  society enlistment act 1860 as the
  case appropriate in the separate state
  and rules gave through the recorder.
- Draft Bye-Laws: Create a bye-law based on the assets of model byelaws in the state of registration's applicable Act.
- Submit Application with Documents: Submit the application to the jurisdictional registrar along with the necessary documents and bylaws. In some states, the filing process is partially done online; If not, the entire procedure must be completed offline, and the registrar's office must be viewed.
- Pay the fee: the registering authority accepts cash, online, or any other method of payment.

The certificate is issued by the registrar after the name and bylaws have been approved. This whole method takes something like 25 to 90 days by the enlistment centre in the standard course.

Even in slums and illegal colonies, there is an increasing number of establishments of resident welfare associations (RWAs). Additionally, resident welfare organizations

have begun to be included in the political agenda of municipal corporations. In addition to this development, RWAs are involved in strategic decisions through programs. The Bhagidari government scheme in Delhi, which began in 2003 as a social experiment involving partners in waste management drives in certain Delhi neighbourhood's, is one illustration of this. In a PPP (private-public partnership) scheme, RWA officers and municipal corporate work together. Although it is preferable for each housing estate to have its own resident welfare association (RWA), two housing estates next to each other can register a common RWA. However, members from both housing societies must attend each meeting and provide information to the registrar of societies. The Normal Occupant Government assistance Affiliation probably designated officials from both lodging social orders. If one society's standard fixed maintenance costs rise as a result of further deterioration, there may be disagreements.

Rent from shops owned by individuals or businesses cannot be collected by a society's Resident Welfare Association. The RWA can gather leases just from shops not sold by the designer and lying unsold. The designer can request that the RWA purchase such shops with their assets and lease them out. The base majority of a yearly regular gathering is 66% of the inhabitants. They found out if the departed RWA informed all residents about the meeting at which a new body would be formed. Let's say that the meeting did not follow the Real Estate Regulation and Development Act of 2016's procedure. All things considered, the meeting can be pronounced void exclusively by a helpful court after a grumbling is recorded with the Enlistment centre of Social orders. The fixed and capital maintenance charges, property taxes, water charges, standard electricity charges, and service charges for the salaries

of guards, plumbers, gardeners, and other staff are the charges that can be collected by the Residents' Welfare Association of a housing estate or complex. In addition, RWAs are permitted to collect insurance premiums, lease rents, elevator maintenance fees, interest on late payments, and dieselgenerating set fuel costs.

Resident Welfare Associations (RWAs) are increasingly being started, even in slums and illegal colonies. Additionally, municipal corporations have begun involving resident welfare associations in their political agenda. Besides this development, government programs involve RWAs in strategic decisions. One example of this is the Bhagidari scheme in Delhi which was launched in Delhi in 2003 as a social experiment involving Bhagidars or partners in waste management drives in certain Delhi. localities in Bureaucrats municipal corporate collaborate with RWA officers in a PPP (Private-public partnership) scheme. Two housing estates side by side can register a common Resident welfare association (RWA) though each should preferably have its own RWA. Each meeting, however, must be attended by members from both housing societies, and information is to be given to the registrar of societies. The Common Resident Welfare Association must have appointed officers from both housing societies. There may be disputes if the standard fixed maintenance charges increase due to more deterioration of one of the societies.

The Resident Welfare Association of a society cannot collect rent from shops owned by individuals or a company. The RWA can collect rents only from shops not sold by the developer and lying unsold. The developer can ask the RWA to buy such shops with their funds and rent them out. The minimum quorum of an annual general meeting is 66% of the residents. They found

out whether the outgoing RWA notified all residents of the meeting in which a new body was to be constituted. Suppose the meeting differed from the procedure in the Real Estate Regulation and Development Act of 2016. In that case, the conference can be declared void only by a cooperative court after a complaint is filed with the Registrar of Societies. The charges that the Residents' welfare association of a housing estate or complex is allowed to collect are the fixed and capital maintenance charges, property taxes, water charges, standard electricity charges, and service charges for salaries of guards, plumbers, gardeners, and other staff. RWAs are also authorized to collect insurance charges, lease rents, maintain running elevators, interest on defaulted payments, and fuel costs for dieselgenerating sets.

#### **OBJECTIVES OF THE STUDY**

- 1. To determine the roles and responsibilities of the Resident Welfare Association (RWA) in India.
- 2. To identify the challenges and limitations of the Resident Welfare Association (RWA) in India.

#### LITERATURE REVIEW

The number of registered cooperative housing societies in India has increased from 5,500 in 1960 to over 5,00,000 at the end of 2015, according to a study in Shodhganga from a research thesis (2015). According to a subsequent study in 2022, the value of the housing infrastructure has exceeded Rs. in 2021, 80,000 crores. Over the course of the past few years, it has resulted in an increase in the number of Residents Welfare Association Management. RWAs, which are thought to be representative groups of people who live in the same neighbourhood or housing society, have sprung up all over

the city. According to Rewal (2013), "planned development" is combined with decentralization. Through RWAs, people associated by geology and frequently monetary class coordinate altogether to take part in inner neighbourhood administration and more huge issues connected with city administration. While these affiliations are lawfully consolidated under the Delhi Agreeable Social orders Act or the Social orders Enrolment Act, they are private relationship of residents with restricted controls over the lodging society or the apartment buildings they try to address. The Bhagidari plan involved holding thematic workshops at which RWA members and state officials discussed a variety of topics, including urban services. The operation of the scheme has been criticized on a number of different grounds, the most common of which is that it is "the vehicle of a neopopulist strategy whose goal is to reinforce the leadership of the Chief Minister rather than promote participatory democracy" (Rewal, 2013: 219). It has been questioned whether RWAs to have a class character: it is contended that the foundations are made basically out of the metropolitan working class, and their legislative issues don't address the perspectives on city inhabitants overall (Lemanski and Rewal 2013) or even individuals who work there, or nonproperty-claiming occupants. The other of developing hazardous part their emphaticness is their absence of inward majority rules government. The leader body of every affiliation is a result of a vote based process among individuals, yet enrolment itself is dependent upon possession; A person rarely has the right to vote for the executive body even if they live in the area as tenants. Consequently, while races are stood firm on for leader footings of the affiliations, they should be more serious and agent (Rewal 2013: 217).

According to Fernandes (2004), Fernandes and Heller (2006), and Chatterjee (2004), a rising and newly empowered middle class as a result of India's economic liberalization has been linked to RWA's tendency to make expansive claims at the neighbourhood and city levels. Ghertner contends that the cases and wants of the working class ought to be particular from the 'institutional' instruments through which their desires are given significance and acknowledgment. He contends by examining how Bhagidari, as an administration run plot, gave the working classes an elite stage to become engaged with the city's undertakings (Ghertner 2013: 188–9). According to this understanding, the Bhagidari scheme created an avenue through which RWAs were elevated above ordinary individual citizens and connected to the state apparatus through "an active strategy of reaffirming the chain of command and retuning bureaucratic responsiveness, and thus the class configuration of the state" (Ibid.). lens draws attention reconfiguration of state structures that has resulted in the rise of middle-class power (Ghertner 2013: 191). By permitting RWA examine delegates concerns to straightforwardly with government authorities, the state really made an equal administration instrument outside electing legislative issues and was extensively inaccessible to standard residents.

Bhagidari, somewhere in the range of 2000 and 2012, Diya Mehra (2013) contends that, in spite of manner of speaking in actuality, the plan was not a legal devolution of abilities yet rather a weak endeavour by the state to perceive wilful local area bunches as partners in nearby administration. She suggests that middle-class dissatisfaction with the state, particularly the city's management, led to the introduction of the program in the middle of the 1980s. RWAs had asserted their fundamental right to better service delivery and maintenance of public

civic infrastructure in a number of public interest litigations filed with the Supreme Court of India and the High Court of Delhi (Mehra 2013: 820). Mehra (2013: "From the RWA perspective, Bhagidari and attendant effects on Delhi's landscape show how the popular aspiration to engage in governance in resurgent India has been innovatively harnessed, both administratively and politically," the author argues (p. 827). The middle class was clamouring for a modern and attractive Delhi. However, a fair evaluation of the Bhagidari program reveals that it does not appear to have given the RWAs a more active role in city affairs or ensured a more systematic delivery of services. As Mehra proposes, RWAs stay open to the evaluate that their presence 'tames local gatherings through decentralization, declining liabilities requesting consistence, instead of giving a precise discussion to redressal investment' (On the same page. 832). While the Bhagidari conspire has ended because of changes in Delhi's political allotment, the space for RWAs as organizations remains. Interestingly, RWAs have emerged outside of planned neighbourhoods in recent years; occupants of jhuggijhopri groups (the authority term for ghettos) and unapproved settlements in Delhi have additionally made portrayals to the state through their RWAs. Whether they will find success in getting to the structure and making an interpretation of their requests into strategy is not yet clear.

#### METHODOLOGY

An empirical study through a systematic Literature Review is taken for this research. This is a well-known academic method for finding and evaluating relevant literature on the Residents Welfare Association in India. Peer-assessed research articles are gathered online through Google research, Shodhganga, academia.edu, and science

direct. The data collected from these multiple sources on Residents Welfare Association in India were compared, and findings were analyzed. Some news articles and websites are also used to collect this study's data.

#### **RESULTS AND DISCUSSIONS**

In the last few years, the structure of buildings, high-tech equipment, sophisticated engineering systems like green energy harvesting and waste material recycling have undergone significant transformation. The evolving RWA's highrise building operations are not governed by a standard or benchmark. The taking over of working for maintenance from the manufacturers, the underlying time of 4-5 ears are exceptionally problematic and there results an attempt at finger pointing among gatherings among different **RWA** individuals. Some RWAs are coming to terms with their mistakes after the turbulent tenure. In so any cases they battle to track down the correct way for better administration. For the effective management of the properties, a dedicated individual is required for common area maintenance (CAM), which is one of the primary responsibilities of RWAs. More than three crore people work for the Residents Welfare Association. The base issue of this labor are they were undeveloped and have restricted information about the gig they are managing. In the prepared workers for one area of the office the board likewise requires extra preparation, at whatever point conveyed in RWAs as they need to manage new hardware and machines. The RWA in India is confronted by numerous issues and difficulties. They are; the legal strategies of skyscraper condos are changing and uses of the legal consistence turn out to be more perplexing for RWA. It is hard to follow the changing principles through this; business develops around with

innovation, changing arrangements and administration. High-rise buildings present a challenge. communication The correspondence among the occupants and the security door, correspondence between the RWA authorities and the inhabitants, and SO forth. Software for internal communication such as ADDA, Apna Complex MyGate, Aarvi Real estate solution, Society Ran, Society Maxx, and others should be adopted and fixed by RWAs. This product enables the RWAs for interfacing every one of the occupants and the straightforwardness is kept up with.

First and foremost, the Residents Welfare Association (RWA) must take on facility management by outsourcing and engaging employee service providers to recruit skilled, semi-skilled, unskilled and employees for a variety of services like security, housekeeping, electrical maintenance, and sanitary and sewage line maintenance. The RWAs' office is run by the residents on their own initiative, and the Office Bearers are rotated on a regular basis. Office Conveyors for the most part don't assume the liability of enrolling this labor force. The proper selection of candidates is the second obstacle that arises when RWAs recruit directly. Furthermore, third, keeping up with the legal compliances by the RWAs turns into an obligation of the Workplace Conveyors. However, the government's periodic announcements regarding statutory compliance, such as minimum wages, ESI, EPF, and GST, are almost always ignored by RWAs. Furthermore, RWA should stick to the standard set by the City Improvement Authority, Fire Security Division, State Contamination Control Board, and other legal bodies, which are expected for local area living to give consistence declarations for the offices in the vicinity following a careful review.

businesses Numerous have recently registered to provide RWAs and Urban Housing Societies with workforce services due to the rapid growth of high-rise condominiums and the promotion of the Project by the City Indian government. They are now stepping forward the RWAs' pressing and address unavoidable requirements. In order to negotiate with statutory bodies and run the show in society, these businesses and agencies work for RWAs. These outsourcing companies' primary responsibility is to comprehend the operation's nature of duty and provide the most appropriate services for the various communities' requirements. These specialist co-op offices/organizations' occupation is twofold. Morally they ought to take special care of the state of the RWAs and follow the standard of the legal bodies. However, very few service providers adhere to the statutory bodies' requirements. As a result, RWAs, who are the Principal Employer, find themselves under pressure. The majority still need to acquire the bare minimum of knowledge regarding RWA management, with the exception of a few potential workforce outsourcing companies that serve corporate businesses in India. Second, there aren't many places to learn about this field; Many RWAs need to realize that RWA management requires a trained workforce. In order for this developing company to comprehend and cater to the most recent RWA facility management trends, there has not yet been any research and development activity carried out. Hence, they need to realize what open doors are produced, what sorts administrations they should give before very long, and the legal compliances they should meet. As a result, the majority of facility management companies in this industry have only entered the market as an agency for workforce providers with little knowledge of statutory compliance or new regulations.

The members of RWAs are unable to properly manage their RWAs because there is currently no coordination between statutory bodies like the Real Estate Regulatory Authority (RERA), Pollution Control Board, Fire & Safety Department, Competent authorities City/District Development Authority. It is the obligation of the RWAs to liaise with these bodies for diminishing the intricacy of taking over of the properties from the advertiser to the RWAs. Organizations labour with giving engaged administrations to the RWAs don't stick to the legal compliances and thusly make issues to the social orders they serve.

#### **CONCLUSION**

From this study, it is identified that the Resident Welfare Association (RWA) was found to be a deliberate association of parttime residents, according to this study. It seeks to supplement the responsibilities of municipal and regulatory authorities in ensuring the welfare of their members by properly maintaining communal facilities and providing residents with day-to-day security. A group of chosen officials in each occupant's Government assistance Affiliation is enrolled. The general assembly of the association meets to select these officers. A residents' welfare association's officers consist of a president, president, general secretary, secretary, financial advisor, and executive members. meeting of the inhabitants' Every government assistance association managed by the president, who also oversees all office-conveyor activities. In addition, the residents' welfare association's President is authorized to oversee the association's bank accounts and is one of the most prominent signatories of correspondence. In the event that the President is unable to attend, the Vice

President helps them discharge their responsibilities and acts as the head. The general secretary of the residents' welfare association keeps track of every resident and home in the housing estate or society, is a signatory to the RWA's bank account and serves as the society's representative in government and public offices. secretary takes over in the event that the general secretary is unable to do so. The of fortunes a RWA accumulate participations, rents, and gifts and stay aware of the connection's record books. The resources and records are to be kept in a bank. The treasurer must regularly present financial account statements and manage the association's bank account. Executive members are required to assist with daily operations residents' in a association. In addition, they ensure that the list of association officers is filed with the society registrar. According to section 4 of the Social Orders Enlistment Act of 1860, this record of the rundown of officeconveyors is required. A private complex's and occupants' government inhabitants affiliations have a sound assistance relationship. Be that as it may, ground insights are special, and discussions between a RWA and its occupants exist.

Poor facility management, service delays, and high costs for maintenance are common complaints from residents. RWA authorities, then again, regret occupants' indiscreet and lethargic perspectives. a few complaints about untrustworthy residents throwing trash on porches, excessively pruned plants on galleries, trespassing on common areas within the complex, littering common hallways, drying clothes on overhangs, abusing common WhatsApp gatherings of residents, and lengthy arguments over trivial matters. Residents using familiar community halls for office meetings and inviting outsiders to use shared facilities like swimming pools, gyms, and other amenities

only for residents are other high-handed complaints made by resident welfare associations **COVID-induced** during lockdowns. Tenants have whimpered of workers, drivers, and major organization staff not being allowed to work in occupants' homes. Inhabitants have griped that they need to go to the principal door to get some basic foods they requested. Inhabitants can protest to the selection focus of affiliations, organize examination who can an concerning the particular RWA and even solicitation it's crumbling.

#### **FUTURE SCOPE OF THE STUDY**

The RWAs in India face a plethora of issues and difficulties. I found fewer research papers and news articles about RWA in India in this research paper. As a result, there is a scope for future research into the issues and functioning of RWAs in India.

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