



**RESIDENT WELFARE  
ASSOCIATION  
&  
BUILDER'S  
ASSOCIATIONS**

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# WHAT IS A RESIDENT WELFARE ASSOCIATION (R.W.A)?

- **A Resident Welfare Association is a Non-Governmental Organization (NGO) that takes care of the interests and welfare of a residential society or colony in a city.**
- **Resident Welfare Associations are registered under the Societies Registration Act 1860. Every state in India may have a lot of amendments that differ from one another and keep changing with time as well. When a building is registered under the Societies Registration Act, the RWAs are governed by certain constitutional documents and cannot work as per one's own will.**
- **In Uttar Pradesh it is dealt under the “UTTAR PRADESH APARTMENT (PROMOTION OF CONSTRUCTION, OWNERSHIP AND MAINTENANCE) ACT, 2010”**
- **The documents ensure that the RWAs have special powers, which are also checked for a requirement. This can be sued and can sue, as well. This is a legal body with the power to exercise all the rights for all legal purposes.**
- **Several aspects are to be taken care of in a particular society where the RWA or the role of the RWA's president plays an integral part and is crucial. The resident welfare association's role is to improve the amenities and shared facilities, looking after the condition of the internal roads, street lights, drainage, water harvesting, overall cleanliness, and civic amenities like electricity and water.**
- **The RWA may have to do much more work in prominent societies. For example, the role of resident welfare associations in major societies also includes looking after and managing commercial activities within the society premises in bazaars, shops, transportation, or banks in that particular area.**

# POWERS AND FUNCTIONS OF R.W.A FUNCTIONARIES

## ❖ President

- Presides over all the meetings of the general body and governing body.
  - They have the right to vote on a draw.
  - Supervising all the work done by various office bearers.
- May operate the society's bank accounts.

## ❖ Vice-president

- Assist the president in all their duties.
- Act like a president in the president's absence.

## ❖ General Secretary

- Responsible for representing society in private or public office.
- Maintain the records of the concerned society and members.
- May operate the society's bank accounts.

## ❖ Treasurer

- Collection of gifts, subscriptions, grants-in-aid and donations from the members and the general public.
- Maintain all the necessary account records of the society's funds. These particular funds are required to be maintained in a specific bank.
- Operating the resident welfare association's bank account.

## Executive members

- **Assisting in society's daily works.**
- **Filing the list of office bearers with the Registrar of Societies whenever needed, as per Section 4 of the Societies Registration Act, 1860.**

# IS R.W.A MANDATORY FOR EVERY HOUSING SOCIETY?

- As per the Real Estate (Regulation and Development) Act, 2016, a resident's welfare association (RWA) must be established in a housing society within three months from when most houses have been booked. If a developer does not take the necessary steps to form an RWA for such a society, the legal owners of the Residential society have the right to create such a body.

# ARE THE RESIDENT WELFARE ASSOCIATIONS GIVEN SOME STATUTORY POWERS?

- No, RWAs are voluntary associations, and these bodies have considerable authority and power; this cannot impact your right over your property. In comparison, cooperative housing societies have more control.
- However, this has to be affirmed that the Resident Welfare Association does not possess the right to infringe on the right to any homeowner's speech or privacy. An RWA exercises its power or restraint in building/society maintenance or functioning or any workshops held on the society premises.

# WHAT IS BUILDER'S ASSOCIATION OF INDIA?

- Formed in 1941, Builders' Association of India (BAI) came into existence to promote healthy competition between builders. Since its inception, BAI has formulated policies and rules for the betterment of the builders. Considered the voice of builders and contractors, the 1.7 lakhs strong member organization has been offered representative status in various Central and State government committees. Here's everything you need to know about BAI and how it helps in shaping up policies on labour laws, taxation, and the environment, among others.
- The 80-year-old Builders' Association of India (BAI) was established to safeguard the cause of the constituents of the domestic construction industry. It works to achieve the highest standards of quality by embracing methodology derived from Indian as well as International Standards. This is to make the construction sector competitive in India and overseas.
- Builders' Association of India (BAI) envisions building public confidence in the domestic construction industry by advocating ethics, transparency, and accountability in the business. It aims to establish cordial relationship amongst the client, the contractor and the end consumer for ensuring construction are completed without any delay or cost escalations. BAI acts as a spokesperson for the entire builder community before the government.

# **BUILDER'S ASSOCIATION AIMS AND OBJECTS**

- To promote and foster feelings of Unity
- To advise and assist members in technical and legal matters
- Co-operation and mutual help and to eliminate unfair trade practices- and unhealthy competition among its members
- To improve and elevate the technical knowledge of persons engaged in the industry and to conduct seminars, exhibitions and conventions to update the knowledge of members with the ever changing and improving construction methodologies.

# FUNCTIONS OF BUILDER'S ASSOCIATION

- BAI has been instrumental for incorporation of Price Variation Clause in contract documents of various works authorities.
- BAI is propagating adoption of a 'unified standard equitable contract document', based on FIDIC conditions by all works authorities.
- BAI was instrumental in starting National Institute of Construction Management and Research (NICMAR), which has established campuses at Pune, Delhi and Hyderabad and is soon likely to get the status of a deemed university.
- BAI started Overseas Construction Council of India (OCCI) now known as Project Export Promotion Council of India (PEPCI), which through its members, initiated manpower export to Gulf countries and brought in a lot of foreign remittance. PEPCI is now actively pursuing project exports in its various formats under the aegis of Ministry of Commerce & Industry, Government of India.
- In the matter of Sales Tax on Works Contracts, consequent to 46th Amendment to Constitution, all State Governments were interpreting such amendments to suit their revenue requirements. BAI filed a Writ Petition and the Supreme Court correctly explained the powers of State Governments pursuant to the 46th amendment and cleared all uncertainties and doubts.
- Fighting relentlessly against the applicability of the Provident Fund provisions to the casual and temporary construction workers, BAI has been petitioning the govt. to see reason and has been suggesting ways and means to successfully implement the Provident Fund provisions in such a way that intended benefit reaches the casual and temporary construction workers, who are mostly illiterate and mainly migratory in nature. A Government of India-formed sub-committee has seen reason in BAI's line of thinking and the Central Provident Fund Commissioner is expected to come out with a comprehensive workable solution.
- BAI galvanized the builders and contractors into raising their voice, when cement and steel prices went through the sky, arising out of cartelization by the respective manufacturers. Proper presentation of facts at appropriate forums, arrested the galloping prices.
- BAI has a seat as an observer to the Annual Meetings of Asian Development Bank.
- BAI is also affiliated to many national organizations, directly or indirectly connected to the construction industry. This facilitates exchange of thoughts, ideas and views.



# CONFLICTS BETWEEN R.W.A & BUILDERS ASSOCIATION

- Members of RWA starts Barraging with the builders by wrongly pressurizing them and making unnecessary demands.
- RWA's creates pressure on builders regarding Raw Sewage Issues or untreated sewage discharge.
- They create hue and cry regarding water treatment system and Pest control issues.
- Make illegal encroachment on common areas by either permanent nature of constructions or by planting trees & all.
- They create issues regarding Parking areas.
- They creates or puts illegal and unnecessary demands by the builders.
- They threat the builders by way of taking legal actions.
- Misusing of WhatsApp group.
- Throwing of trashes on road.

**THANK YOU**