

ELECTION RULES FOR PROVIDENT WELWORTH CITY APARTMENT OWNERS' ASSOCIATION

PREAMBLE

PROVIDENT WELWORTH CITY APARTMENT OWNERS' ASSOCIATION is formed under the provisions of the Karnataka Apartment Ownership Act 1972 & the Rules 1974.

The purpose of these Rules framed in accordance with the registered bye-laws of the association shall govern the election process therein & [shall be binding on all the stakeholders i.e., the Members of the Provident Welworth City Apartment Association.](#)

The Rules shall come in to force from the year 2023.

OBJECTIVES

The objectives of these Rules are to:

- Ensure that the elections are being conducted in accordance with the registered bye-laws of the Association
- Establish a standard procedure for conducting fair and transparent elections
- Establish a standard procedure for contesting the elections democratically

ELECTION TO THE BLOCK COMMITTEE REPRESENTATIVES – BOM/ OFFICE BEARERS

I. Election Authority –

1. The Election Authority shall be headed by a retired judge in the capacity of an Arbitrator/Observer and that he shall be assisted by a legal team and volunteers among the owners.

- a) In case of any dispute with respect to the election, the dispute shall be heard and addressed by the Arbitrator through arbitration procedure.
- b) The decision of the Arbitrator shall be final and binding on all concerned.

2. Powers, Duties and Responsibilities of the Election Authority: -

- i. It is the duty of the Election Authority (EA) to announce the Election Schedule in accordance with the Bye-laws.
- ii. It is the duty of the EA to prepare, verify and scrutinize the voters list.
- iii. It is the duty of the EA to call for nominations for the elections.
- iv. The EA has the power to verify, scrutinize and reject any nomination if in case such nominations are neither in accordance with the Election Rules nor with the bye-laws established.
- v. The Authority shall be responsible to conduct the election in two phases viz election to the BOM among the Block Committee Representatives and the election to the office bearers in accordance with the Byelaws of the association made part of this rule.
- vi. The Authority shall be responsible for declaration of the election results.
- vii. And such other duties and responsibilities decided by the Board, within the ambit of the bye-laws, as the time necessitates.

II. PHASE-1: ELECTION TO THE BLOCK COMMITTEE REPRESENTATIVES

1. Block Committee.

- a) Every block in the condominium shall have a Block Committee.
- b) Block Committee is formed amongst the owners/joint owners of the Blocks and the following are the eligibility criteria:
 1. He/She should be a resident owner of the respective Block.
 2. The MC should have been cleared (dues of current quarter is exempted).
 3. The Block Committee can have any number of members, preferably should have one member per Tower.
 4. The Board shall call for filing nominations from Owners of the Block & declare the list of Block Committee Members vetted by the internal observers declared.

2. Block Representatives

- a) Every block in the condominium shall be represented by at least one person who shall be elected/selected/nominated by the Owners of the respective Block/Members of the Block Committee.

- b) Block Representative's Election shall be convened either physically or virtually or blended mode as per the convenience and decision of the majority.
- c) The Block Committee shall have the right to decide and implement the mode of election in their respective blocks with the approval of the Board and the election would be monitored by the Election Authority.
- d) The Block Committee Members who contests for Block Representatives Election and does not elected is also eligible to contest elections for the post of Office Bearers.
- e) Elected Block Representative – the elected block representatives will represent their respective blocks in the Board in the capacity of a Member of the Board of Managers.

III. PHASE-2: ELECTION TO THE OFFICE BEARERS

1. Office Bearers – shall include the President, Secretary, Vice President, Joint secretary, Treasurer and Asst. Treasurer as mentioned under Clause 12 of Chapter-III of the bye-laws.
 - a) [Office Bearers shall be elected by the General Body in the Annual General Meeting of the Association.](#)
 - b) All eligible Owners, including the Block Representatives shall have the right to contest in elections for the post of Office Bearers.
 - c) If in case any Block Representative is elected as an Office Bearer, such Block Representative shall be replaced by another Member of the Block Committee, with the consent of the other members of the Block Committee and such person(s) shall be the representative for the Block that the elected Office Bearer represents. If in case a Block Representative on Board is

defeated in the OB Election, his position as Board Member will continue.

IV. VOTING RIGHTS

1. Eligibility criteria to Vote in the Election of Block Representative/Office Bearers:

- a) [No MC defaulter is eligible to vote for the election.](#)
- b) Each Apartment Owner whether a joint Owner or otherwise will have the right of one vote each per Apartment.
- c) [In case if there are joint-owners for an apartment, the right to Vote shall be exercised by the person whose name stands first in the Deed of Sale. Whereas he/she can authorize the other joint owner to vote in the election.](#)
- d) No person other than the owner shall be eligible to vote in the election of Office Bearer. Proxies, Unregistered PoAs, Authorisation Letters (other than the Joint ownership) not allowed to Vote.
- e) Voting can be by show of hands/secret ballot/online mode (through the registered email-id/mobile number) as may be the situation.
- f) [Each Apartment Owner whether a joint Owner or otherwise will have the right of one vote for each Apartment. In the event of the Apartment being owned by:](#)
 - i. One or more persons: the voting right shall be exercised by the person whose name stands first in the Deed of Sale, unless otherwise authorized by the other joint owner of the said apartment.
 - ii. A Trust: by any one of the Trustees duly authorized by the other Trustees;
 - iii. A Company: by a Director, or any officer duly authorized by the Company.

- iv. A Partnership Firm: by a Partner or any person duly authorized by such Partnership.
- v. Association of Person / Body of Individual /any unincorporated body: by any one person duly authorized by such entity. Voting will be by secret ballot, or show of hands as decided by the Members voting in person.

V. ELIGIBILITY.

1. Eligibility to contest Block Committee Representative's Election.

- a) He/She should be a Resident Owner in the respective Block.
- b) Any such person who owns multiple apartments in multiple Blocks shall contest for elections only from the Block where he/she resides.
- c) In case if there are joint-owners for an apartment, the right to contest shall be exercised by the person whose name stands first in the Deed of Sale. Whereas he/she can authorize the other joint owner to contest election.
- d) No owner shall authorize any person other than the joint owner to contest for elections on his/her behalf.
- e) No MC defaulter is eligible to contest for the election.
- f) Owners involved in any sort of commercial activities directly or indirectly inside the complex like Catering Services, running shopping outlets, saloons & parlors, brokerage, commission agent, taking up property management services by engaging labour directly or through other vendors are not eligible.

****(Exception cases of pending Judicial intervention)***

2. Eligibility to contest for the post of Office Bearers. The following are mandatorily required for any Association Member to contest for the Office Bearers' Elections:

- a) Only a registered Owner shall contest for the post of Office Bearers

- b) In case if there are joint-owners for an apartment, the right to contest shall be exercised by the person whose name stands first in the Deed of Sale. Whereas he/she can authorize the other joint owner to contest the election.
- c) No owner shall authorize any person other than the joint owner to contest for elections on his/her behalf
- d) No MC defaulter is eligible to contest for the election.
- e) Owners involved in any sort of commercial activities directly or indirectly inside the complex like Catering Services, running shopping outlets, saloons & parlors, brokerage, commission agent, taking up property management services by engaging labour directly or through other vendors are not eligible.

****(Exception cases of pending Judicial intervention)***

VI. Criteria for filing nomination for the post of Office Bearers.

1. **President** – any such person who contests for the post of President shall give his/her nomination within the time prescribed by the Election Authority and that such person(s) shall not be eligible to contest for other posts in OB.
2. **Secretary** – any such person who contests for the post of Secretary shall give his/her nomination within the time prescribed by the Election Authority and that such person(s) shall not be contesting for other posts in OB.
3. **Treasurer** – any such person who contests for the post of Treasurer shall give his/her nomination within the time prescribed by the Election Authority and that such person(s) shall not be eligible to contest for other posts in OB.
4. **Vice-President** – any such person who contests for the post of Vice-President shall give his/her nomination within the time

prescribed by the Election Authority and that such person(s) shall not be eligible to contest for other posts in OB.

5. **Joint Secretary** – any such person who contests for the post of Joint Secretary shall give his/her nomination within the time prescribed by the Election Authority and that such person(s) shall not be eligible to contest for other posts in OB.
6. **Assistant Treasurer** – any such person who contests for the post of Treasurer shall give his/her nomination within the time prescribed by the Election Authority and that such person(s) shall not be eligible to contest for other posts in OB.

CLAUSES

1. Clause 20.5 - To draft Rules and Regulations for smooth functioning of the Association its committees, conduct of residents, vendors, employees etc. and any other issues that may come up from time to time
2. Clause 20.3 – The Board shall have the powers and duties necessary for the administration of the affairs of the Association and may do all such acts and things as are by law or by these Bye- laws or the resolutions of the Association, directed to be exercised and done by the Owners
3. Clause 34 – Election of Officer Bearers: The Board of Managers of the Association shall be elected annually by the apartment owners at the Annual (General Body) Meeting and each new Board of Managers shall hold office till the next Annual General Meeting.
4. Clause 6 - Joint Apartment Owners: Where an Apartment is owned by two or more persons jointly, they shall be jointly entitled to the Apartment but the person whose name appears first in the Declaration shall alone have the right to vote, unless otherwise authorized by the other joint owner(s) of the said apartment.

5. Clause 9 – Voting: Each Apartment Owner whether a joint Owner or otherwise will have the right of one vote for each Apartment. In the event of the Apartment being owned by:

One or more persons: the voting right shall be exercised by the person whose name stands first in the Deed of Sale, unless otherwise authorized by the other joint owner of the said apartment.

A Trust: by any one of the Trustees duly authorized by the other Trustees;

A Company: by a Director, or any officer duly authorized by the Company.

A Partnership Firm: by a Partner or any person duly authorized by such Partnership.

Association of Person / Body of Individual /any unincorporated body: by any one person duly authorized by such entity.

6. Clause 7 – Disqualification: No Apartment Owner shall be entitled to vote the election of the Board of Managers or of the President, Secretary, Treasurer or any other Office Bearer, or be entitled to stand for election to such office, if he/she is in arrears on the last day of the year in respect of his/her contribution for common expenses to the Association for more than 60 days.
7. Clause 2.11 – Defaulting Member: means any Owner who has not paid the dues to the Association for three months or over. Such defaulting Members shall not be entitled to any of the rights and privileges enjoyed by the other Members, or to the

services and facilities offered by the Association and shall
forfeit all voting rights whatsoever.