

THE KERALA RESIDENTS' ASSOCIATIONS (REGISTRATION AND REGULATION) BILL, 2021

A

BILL

to provide for the registration and regulation of the Residents' Associations and Apex bodies in the State of Kerala and for other matters connected there with or incidental thereto.

Preamble..- WHEREAS, it is expedient to provide for the registration, regulation and welfare of the Residents' Associations and Apex bodies in the State of Kerala and for other matters connected there with or incidental thereto.

BE it enacted in the seventy second year of the Republic of India as follows:-

1. **Short title, extent and commencement**.- (1) This Act may be called The Kerala Residents' Associations (Registration and Regulation) Act, 2021.
(2) It extends to the whole of the State of Kerala.
(3) It shall come into force at once.

2. **Definitions**.- In this Act, unless the context otherwise requires,-

- (a) "District Federation of Residents' Association" means the District Federation of Residents' Association constituted under Section 15;

- (b) "Federation" means and includes the State Federation of Residents' Association, Federation of Residents' Associations of Municipal Corporation and District Federation of Residents' Associations;
- (c) "Federation of Residents' Association of Municipal Corporation" means Federation of Residents' Association of Municipal Corporation constituted under Section 12;
- (d) "Government" means the Government of Kerala;
- (e) "Member" means a person who has been admitted in a Residents' Association according to the bye-laws as being a resident within the jurisdiction of that association and shall have paid the subscription as provided under the bye-laws and entered his name in the register of the Residents' Association;
- (f) "Notification" means a notification published in the Official Gazette;
- (g) "Prescribed" means prescribed by Rules made under this Act;
- (h) "Register" means the register maintained as provided under this Act
- (i) "Registrar" means the person designated by the Government as Registrar of Residents' Association under section 6;
- (j) "Registrar for the Federation of Residents' Associations of Municipal Corporation and District Federation" means the District Joint Director of Local Self Government Department;
- (k) "Registrar for State Federation" means the Director of Local Self Government Department;
- (l) "Resident" means and includes a person residing as owner, tenant or licensee and an owner of a residential building or property, within the jurisdiction of a Residents' Association;

(m) "Residents' Association" means an Association constituted by the residents in a specific area for the benefit and welfare of the members of the Association;

Explanation:- An Association constituted by the residents of an apartment complex or by the Residents including the residents of apartments shall also be considered as Residents' Association.

(n) "State Federation of Residents' Association" means the State Federation of Residents' Association constituted under section18.

3. Residents' Associations formed by Memorandum of Association and by-laws and Registration.- Any fifty or more residents in a specific area associated for public , social, charitable or any similar purpose may, by subscribing their names to a Memorandum of Association and filing the same with the Registrar along with bye-laws, form themselves into a Residents' Association under this Act.

4. Memorandum of Association.- The Memorandum of Association shall contain the following details, namely;-

- (i) the name of the Residents' Association ;
- (ii) the object of the Residents' Association;
- (iii) the area of operation of Residents' Association;
- (iv) the names, addresses and occupation of the members of the Managing Committee to whom the management of the Residents' Association is entrusted as per the bye-laws.

5 Bye-laws.- The bye-laws shall contain, among other things, the following details, namely;-

- (i) the name and address of the Residents' Association ;
- (ii) the term of Managing Committee;

- (iii) area of jurisdiction of Residents' Association;
- (iv) funds and assets of the Residents' Association;
- (v) list of members;
- (vi) number of meetings to be held in an year, the quorum of meetings.;
- (vii) procedure of election of Managing Committee and members to Apex Federations;
- (viii) keeping of books of accounts and audit;
- (ix) membership register;
- (x) mediation and conciliation committee;
- (xi) in the case of Residents Associations' functioning within the territorial limit of a Municipal Corporation, the name of ward in which the Residents' Association functions shall be specified; and
- (xii) any other matters as may be prescribed.

6. Residents' Association Registrar .- (1) The Government shall designate the Secretary of Local Self Government Institutions concerned as the Registrar of the Residents' Association within his jurisdiction.

(2) He shall maintain a Register for the registration of Residents' Association, as may be prescribed.

(3) The Registrar shall keep all applications, records and other documents received under this Act as permanent records in his office, as may be prescribed.

(4) The Registrar shall, at the end of every financial year, calculate the total amount of registration fee and other fees and fine collected in that year under this Act and distribute fifty per cent of the same to the District Federation of Residents' Associations' and twenty five per cent to the State Federation of Residents' Association, in the manner as may be prescribed :

Provided that, in a District where there is a Federation of Residents' Associations of a Municipal Corporation, such fifty per cent of the amount shall be allocated to the Federation of Residents' Associations of Municipal Corporation and District Federations of Residents' Associations in proportion to the respective numbers of members, in the manner as may be prescribed.

7. **Registration of Residents' Association.**- (1) From the date of commencement of this Act, all Residents' Associations in the State shall compulsorily be registered.
(2) Every Residents' Association governed and controlled by a written Memorandum of Association and bye-laws shall apply to the Registrar for registration of such Residents' Association concerned, in the manner as may be prescribed.
(3) The President or the Secretary of the Residents Association concerned shall submit an application, in the manner as may be prescribed, along with the Memorandum of Association and bye-laws and any other document as may be prescribed, to the Registrar for registration, within 60 days of its constitution:

Provided that the Registrar may on sufficient grounds condone the delay in filing application beyond 60 days on such terms as he deems fit.

(4) The application shall contain the following particulars, namely:-

- (a) the name and address of the Residents' Association;
- (b) the name, address and other details of the Managing Committee;
- (c) copy of the Memorandum of Association
- (d) copy of the bye-laws;
- (e) the approximate value of the movable and immovable property, if any, of the Residents' Association with detailed list ; and
- (f) any other matters, as may be prescribed.

(5) On verifying the application and other records submitted as above, the Registrar shall, after conducting necessary enquiry as he may deems fit , either register the Residents' Association on remitting such fee, as may be prescribed or reject the application:

Provided that, the Registrar shall, before rejecting the application, afford an opportunity to the applicant of being heard .

(6) If the application is rejected, the order thereof shall be served to the applicant forthwith.

(7) The party aggrieved by the decision of the Registrar under sub-section (5) may file an appeal before the District Joint Director of Local Self Government Institutions within 30 days of receipt of the order of rejection and thereupon he shall, after hearing the parties concerned, pass appropriate orders and the decision of the District Joint Director shall be final:

Provided that the District Joint Director of Local Self Government Institution may, on sufficient grounds, condone the delay in preferring the appeal beyond 30 days on such terms as he deems fit.

(8) After registration, the Registrar shall enter the name and other details of such Residents' Association in the Register maintained for the purpose and shall issue a certificate of registration in the form, as may be prescribed.

(9) Within 15 days from the date of registration, every such Residents' Association shall elect a representative to the Federation of Residents' Associations of the Municipal Corporation or the District Federation of Residents' Associations, as the case may be, shall furnish the name of the representative to the Registrar concerned:

Provided that in the case of Residents' Associations functioning within the territorial limit of a Municipal Corporation, such Associations shall furnish the name of the representative elected and the name of the ward in which the Residents' Associations functions to the Registrar for the Federation of Residents' Associations of the Municipal Corporation.

(10) Notwithstanding anything contained in any other law for the time being in force, no Residents' Association or Federation shall be registered under this Act within the territorial jurisdiction of a registered Residents' Association or Federations, as the case may be, and the name, emblem or logo of Residents' Associations or Federations shall not be used by any other Residents' Association or Federations which is not registered under this Act

(11) Any person who contravenes the provisions under sub section (10) shall on conviction be punishable with fine which may extent to rupees ten thousand.

8. Registration of Residents' Associations registered prior to this Act.-

(1) Residents' Associations already registered under any other Act before the commencement of this Act and functioning within the State may file application along with the certificate of registration and other relevant documents as provided under section 4, before the Registrar for registration within six months from the date of commencement of this Act:

Provided that, the Government may, by order, extend the aforesaid period on reasonable grounds.

Explanation:- If the original certificate of registration is irrecoverably lost or damaged, a certificate of the authorities concerned under the Travancore – Cochin Literary, Scientific and Charitable Societies Registration Act, 1955 or Societies Registration Act, 1860 (Central Act 21 of 1860) stating the details of previous registration of such Residents' Association may be sufficient for the purpose of registration under this Act.

(2) On verifying the application and other records submitted as above, the Registrar shall, after conducting necessary enquiry as he may deems fit, either register the Residents' Association on remitting such fee as may be prescribed or reject the application :

Provided that, the Registrar shall, before rejecting the application, afford an opportunity to the applicant of being heard .

(3) If the application is rejected, the order thereof shall be served on the applicant forthwith.

(4) The party aggrieved by the decision of the Registrar under sub-section (2) may file an appeal before the District Joint Director of Local Self Government Institutions within 30 days of receipt of the order of rejection and thereupon he shall, after hearing the parties concerned, pass appropriate orders and the decision of the District Joint Director shall be final:

Provided that the District Joint Director of Local Self Government Institution may, on sufficient grounds, condoned the delay in preferring the appeal after 30 days on such terms as he deems fit.

(5) After registration, the Registrar shall enter the name and other details of such Residents' Association in the Register maintained for the purpose and shall issue a certificate of registration in the form, as may be prescribed

(6) Notwithstanding anything contained in any other law for the time being in force, after the expiry of the time limit specified under sub section (1), no Residents' Associations, Federations or Confederations shall function within the State without taking registration under this Act.

(7) Any person who contravene the provisions under sub section (6) shall on conviction be punishable with fine which shall not exceed Rs.25,000/-

Explanation.- "Confederation" includes the Confederation of Residents' Welfare Associations functioning in the State.

9. Managing Committee of the Residents' Association.-(1) The General Body of the Residents' Association shall, in the manner as may be prescribed, elect a Managing Committee consisting of twenty one members as specified below, namely:-

- (a) President;
- (b) Vice President;

- (c) Secretary;
- (d) Joint Secretary;
- (e) Treasurer; and
- (f) an Executive Committee consisting of sixteen members;

(2) The general body of the Residents' Associations shall also elect one representative as a member to the Federation of Residents' Associations of the Municipal Corporation or the District Federation of Residents' Associations as the case may be.

10. Duties and Functions of the Residents' Associations .- (1) The Residents' Associations shall have the following duties and functions, namely:-

- (i) take steps for registration of the Residents' Association with the Registrar ;
- (ii) allotment of membership in accordance with bye laws , rules or regulation;
- (iii) Collection of fees, subscriptions, donations etc. in accordance with bye laws, rules or regulation;
- (iv) implementation or execution of the schemes and projects beneficial to the Residents, including road, power, water supply, drainage waste disposal, pollution etc.;
- (v) co-ordinate with Local Self Government Institutions and other Government or Non Government Organisations or agencies to ensure good quality infrastructural facilities within the jurisdiction of the Residents' Associations;
- (vi) formulate policies and projects for the sustainable development and welfare of the residents;

- (vii) initiate steps to conduct Monthly Deposit Scheme (MDS), savings accounts, Microloans etc. for the benefit of the residents;
- (viii) take steps to obtain permission for collection and payment of basic tax, building tax , water and electricity charges etc. of the residents of the Residents' Association on collecting a nominal service charge from the residents concerned.
- (ix) issue of letter of recommendation with respect to birth certificate, death certificate, residence certificate, marriage certificate, life certificate etc. to the authorities concerned;
- (x) ensure active Participation in the meetings of Grama sabha , Ward Sabha or Ward Committee, as the case may be; and also the work of Kudumbasree and similar organisations;
- (xi) participation in Jana Maithri Police system in maintaining the law and order within the jurisdiction of the Residents' Associations;
- (xii) participation may be ensured in the census work and other people oriented programmes of Government and Non Government Organisations;
- (xiii) initiate steps for the use and reuse of local resources in association with Local Self Government Institutions;
- (xiv) ensure participation in the developmental activities initiated in association with Local Self Government Institutions or Governmental or Non Governmental Authorities; and

(xv) any initiatives or other functions as may be prescribed.

11. Fund of the Residents' Association.- The Residents' Association shall have its own fund consisting of ,-

- (a) membership fee collected from the members of the Residents' Association;
- (b) annual subscription of the Residents;
- (c) any donation received by the Residents' Association ; and
- (d) any other amount collected by the Residents' Association as authorised by the bye-laws.

12. Constitution of Federation of Residents Associations of Municipal Corporation.-

(1)There shall be a Federation of Residents' Associations of Municipal Corporation in every Municipal Corporation and it shall be a body corporate by the name aforesaid having perpetual succession and common seal with power subjects of the provisions of this Act and shall by the said name sue and be sued.

(2) Every Residents' Association within the jurisdiction of a Municipal Corporation shall, within 15 days from the date of registration, elect one representative to the Federation of Residents' Associations of Municipal Corporation.

(3) Every such Residents' Association within the jurisdiction of a Municipal Corporation shall furnish the name of such representative and the name and details of the ward in which such Residents' Association functions, to the Registrar for the Federation of Residents' Associations of the Municipal Corporation.

(4) On receiving the details under sub section (3), the Registrar concerned or an Officer authorised by him in this behalf ,shall conduct an election so as to elect two members from each ward as members

of the Federation of Residents' Associations of the Municipal Corporation concerned, in the manner as may be prescribed.

(5) The members so elected from all the wards of a Municipal Corporation under sub section (4) shall constitute the General council of the Federation of Residents' Associations of the Municipal Corporation.

(6) Every member elected under this section shall remit membership fee, as may be prescribed, to the Federation.

(7) The Registrar concerned shall maintain a Register, as may be prescribed, for this purpose and he shall enter the name and other details of such Federation in such Register and issue a certificate of registration in the form, as may be prescribed.

13. Managing Committee of the Federation of Residents' Association of Municipal Corporation. - (1) The General Council of the Federation of Residents' Associations of Municipal Corporation shall elect a managing Committee consisting of twenty one members as specified below, namely:-

- (a) President ;
- (b) Vice President;
- (c) Secretary;
- (d) Joint Secretary;
- (e) Treasurer; and
- (f) Executive Committee consisting of sixteen members;

(2) The general council of the Federation of Residents' Associations of Municipal Corporation shall also elect one representative as a member to the State Federation.

14. Funds of the Federation of Residents' Associations of Municipal Corporation- The Federation of Residents' Associations of Municipal Corporation shall have its own fund consisting of,-

- (a) the sums of money paid or any grant sanctioned by the State Government or Local Self Government Institutions for the purpose of this Act;
- (b) Fifty per cent of the amount so distributed by the Registrar under sub section (4) of section 6;
- (c) membership fee to be remitted by the members of the General Council , as may be prescribed; and
- (d) any donations or other amounts received by the Federation of Residents' Association of Municipal Corporation.

15. Constitution of District Federation of Residents' Associations .-

(1)There shall be a District Federation of Residents' Associations in every revenue district and it shall be a body corporate by the name aforesaid having perpetual succession and common seal with power subject to the provisions of this Act and shall by the said name sue and be sued.

(2) Every Residents' Association functioning within the jurisdiction of Grama Panchayath and Municipality of a revenue district shall, within 15 days from the date of registration, elect one representative to the District Federation of Residents' Associations concerned .

(3) Every such Residents' Association within the jurisdiction of Grama Panchayath and Municipality of a revenue district shall furnish the name of such representative, to the Registrar for the District Federation of Residents' Associations concerned.

(4) On receiving the details under sub section (3), the Registrar concerned or an Officer authorised by him in this behalf shall conduct an election so as to elect two members from each Grama Panchayath and four members from each Municipality, as the case may be, as members of the District Federation of Residents' Associations concerned, in the manner as may be prescribed.

(5) The members so elected from each Grama Panchayath and Municipality under sub section (4) shall constitute the General council of the District Federation of Residents' Associations concerned.

(6) Every member elected under this section shall remit membership fee, as may be prescribed, to the District Federation.

(7) The Registrar for the District Federation concerned shall maintain a Register, as may be prescribed, for this purpose and he shall enter the name and other details of such Federation in such Register and issue a certificate of registration in the form, as may be prescribed.

16. Managing Committee of the District Federation of Residents' Associations. (1) The General Council of the District Federation of Residents' Associations shall elect a managing Committee consisting of twenty one members as specified below, namely:-

- (a) President ;
- (b) Vice President;
- (c) Secretary;

- (d) Joint Secretary;
- (e) Treasurer; and
- (f) an Executive Committee consisting of sixteen members;

(2) The general council of the District Federation of Residents' Associations shall also elect one representative as a member to the State Federation.

17. Funds of the District Federation- The District Federation shall have its own fund consisting of ,-

- (a) the sums of money paid or any grant sanctioned by the State Government or Local Self Government Institutions for the purpose of this Act;
- (b) fifty per cent of the amount so distributed by the Registrar under sub section (4) of section 6;
- (c) membership fee to be remitted by the members of the general council , as may be prescribed; and
- (d) donations or any other sums received by the District Federation.

18. Constitution of State Federation of Residents' Associations .- (1)There shall be a State Federation of Residents' Associations for the regulation and welfare of the members of the Residents' Associations with in the State and it shall be a body corporate by the name aforesaid having perpetual succession and common seal with power subject to the provisions of this Act and shall by the said name sue and be sued.,
 (2) Every Federation of Residents' Associations of Municipal Corporation and District Federation of Residents' Associations in the State shall, within 15 days from the date of its constitution, furnish the

name and other details of its general council to the Registrar for the State Federation.

(3) On receiving the details under sub section (2), the Registrar for the State Federation or an Officer authorised by him in this behalf, shall conduct an election so as to elect five per cent of the total members each from the Federation of Residents' Associations of Municipal Corporation and District Federation of Residents' Associations as members of the State Federation, in the manner as may be prescribed.

(4) The members so elected from each Federation of Residents' Association of Municipal Corporation and District Federation of Residents' Associations with in the State under sub section (3) shall constitute the General council of the State Federation of Residents' Associations.

(5) Every member elected under this section shall remit membership fee, as may be prescribed, to the State Federation.

(6) The Registrar for State Federation shall maintain a Register, as may be prescribed, for this purpose and he shall enter the name and other details of the State Federation in such Register and shall issue a certificate of registration in the form, as may be prescribed.

(7) The Head Quarters of the State Federation of Residents' Associations shall be at Thiruvananthapuram.

19. Managing Committee of the State Federation of Residents' Associations. The general council of the State Federation of Residents' Associations shall elect a Managing Committee consisting of twenty one members as specified below, namely:-

- (a) President ;
- (b) Vice President;
- (c) Secretary;
- (d) Joint Secretary;
- (e) Treasurer; and
- (f) an Executive Committee consisting of not less than sixteen members.

20. Fund of the State Federation- The State Federation shall have its own funds consisting of , -

- (a) the sums of money paid or any grant sanctioned by the State Government or Local Self Government Institutions for the purpose of this Act;
- (b) twenty five per cent of the amount so distributed by the Registrar under sub section (4) of section 6.;
- (c) membership fee to be remitted by the members of the General Council , as may be prescribed; and
- (d) donations or any other sums received by the State Federation.

21. The term of Office of the Managing Committee of the Residents' Associations and Federations.- The term of office of the Managing Committee of the Residents' Associations and Federations shall be two years from the date of assuming charge:

Provided that, even after the cessation of the afore said period, the existing Managing Committee shall hold office until a new Managing Committee takes charge.

22. Power to impose fine, suspension or removal by the Director, Joint

Director of LSGD and Registrar.-(1)The Director, Joint Director of LSGD or Registrar may, on receipt of a complaint, call upon the Managing Committee to submit their explanation thereof. Whenever the Director, Joint Director of LSGD or the Registrar concerned has reason to believe that the explanation is not satisfactory, call for the records or make necessary inquiry and by order, impose fine or suspend the managing committee or cancel the registration of the Residents' Association or Federations, concerned, depending on the gravity of the proved allegation.

(2) A copy of the order under sub section (1) shall be served to the affected party and the Residents' Associations or Federations forthwith, as the case may be.

(3) An appeal shall lie before the Secretary to Government LSGD, Director or Joint Director of LSGD, as the case may be, against the decision of the Director, Joint Director of LSGD or Registrar under sub-section (1) within 30 days of receipt of the order and thereupon the Appellate Authority shall, after hearing the parties concerned, pass appropriate orders thereon and their decision shall be final:

Provided that the Appellate Authority may, on sufficient grounds, condone the delay, on such terms as he deems fit, in filing appeals after the period of 30 days.

23. Election of Managing Committee of the Residents' Associations and

Federations.-(1) Before the expiry of the term of existing Managing Committee of the Residents' Associations and Federations, the General Council meeting of the Residents' Associations and

Federations, as the case may be, shall be convened for the election of its new Managing Committee.

(2) The General Council of the Residents' Associations or Federations, as the case may be, shall nominate a member, who shall not be a member of the existing Managing Committee, for conducting election, as electoral officer and he shall conduct the election of the new Managing Committee.

(3) Within fifteen days from the date of assuming charge, the new Managing Committee shall furnish the details of such Managing Committee to the Registrar concerned and the Federations.

24. Furnishing of details of managing committee and representative to the Registrar and Federations. - Within fifteen days from the date of assuming charge, the new Managing Committee shall furnish the details of such Managing Committee and the representatives of the Federations to the Registrar and the Federations concerned.

25. Powers and Functions of the Federations .- (1) The Federation shall have the following powers and functions, namely:-

- (i) formulate policies and projects for the sustainable development and welfare of the Residents' Associations ;
- (ii) co-ordinate the activities of various Residents' Associations in the District and State;
- (iii) initiate steps to ensure that all the Residents' Associations in the State shall be registered with the Registrars concerned;

- (iv) make schemes and programmes for the benefit and welfare of Residents' Associations;
- (v) supervise the elections of Residents' Associations in case of disputes , if any, take decisions upon complaints on the working of Residents' Associations and Federations and other matters as may be prescribed;
- (vi) co-ordinate with Government Departments or agencies to ensure good quality infrastructural facilities in their respective jurisdiction;
- (vii) recommend the Government the welfare measures to be adopted with a view to ameliorate the conditions of the general public in their respective jurisdiction ;
- (viii) conduct enquiry relating to unfair practices if any of the Residents' Associations on receiving written complaints and submit enquiry reports to the Registrar concerned;
- (ix) advice, regulate and monitor the socio- economic developmental activities and welfare measures of the Residents' Associations;
- (x) any other initiatives or functions as may be prescribed.

26. Suits by or against Residents' Associations and Federations.- Every Residents' Associations and Federations registered under this Act may sue or be sued in the name of the Secretary or the person authorised by the bye-laws of the Residents' Associations or the general council of Federations concerned.

27. **Budget**.-The Residents' Associations and the Federations shall prepare its budget for the next financial year showing the estimated receipts and expenditure, as may be prescribed.

28. **Accounts and Audit**.- (1) The accounts of the Residents' Associations and Federations shall be maintained and audited in the manner as may be prescribed.

(2) The Residents' Associations, Federation of Municipal Corporations, District Federations and State Federation, as the case may be, shall furnish a copy of the audited accounts together with the auditors reports thereon to the Registrar, District Joint Director or Director of Local Self Government Institutions , as the case may be before such date as may be prescribed,

29. **Annual Report**.- The Residents' Associations and Federations shall prepare its annual report giving full details of its activities during the previous financial year and submit a copy of the same to the Registrar, District Joint Director or Director of Local Self Government Institutions , as the case may be ,in such manner as may be prescribed.

30. **Meetings**.- (1) The Residents' Associations and Federations shall meet at such time and at such places and observe such procedure with regard to the transaction of business at its meetings, as may be prescribed.

(2)The President or in his absence the Vice-President of the Residents' Associations and Federations shall preside over the meeting and in their absence a member chosen for the purpose by the members who are present in the meeting, to preside over the meeting.

(3)The quorum for the meeting of the Residents' Associations and Federations shall be one fourth of the total number of its members.

31. **Mediation and Conciliation Committee**.- The Governing Body of the Residents' Associations and Federations may constitute a conciliation and mediation Committee to settle all disputes among the Residents' Associations or the Federations, as the case may be referred to it in the manner as may be prescribed. The Committee shall consist of a person well versed in law preferably a retired judicial officer and another two members who have sufficient experience in the field of conciliation and mediation. The members shall be paid honorarium for rendering their service as may be fixed by the governing body.
32. **Developmental Activities of Residents' Associations and Federations**.- The Residents' Associations and Federations may initiate steps to execute developmental activities by collecting contributions from the beneficiaries or otherwise within their respective jurisdiction in association with Local Self Government Institutions and Governmental or Non Governmental authorities in road, power, water supply, drainage, waste disposal etc., as may be prescribed.
33. **Role of Government Institutions in Residents' Associations and Federations**.- (1) The Government or Governmental Institutions shall due consideration to the schemes and projects formulated by the Residents' Associations and Federations which are beneficial to the residents.
(2) Grant permit for conducting Monthly Deposit Scheme, small saving schemes, Micro loans etc. to Residents' Associations.
(3) Grant permission for collection and payment of basic tax, building tax , water and electricity charges etc. on fixing service charge to Residents Associations, as may be prescribed.

(4) Government departments may give due consideration of the views and suggestions of the Residents' Associations and Federations in the preparation of schemes and implementation of projects within their respective jurisdiction.

(5) The certifying Authorities of the Government may consider the letters of recommendation issued by the respective Residents Associations in the issue of such certificates;

(6) Residents' Associations and Federations may be participated in Jana Maithri Police system in maintaining law and order .

(7) Residents' Associations and Federations participation may be ensured in census work and other people oriented programmes of Government and Non Government Organisations, as may be prescribed.

34. Power to remove difficulties.-(1) Where any difficulty arises in giving effect to the provisions of this Act, the Government may, by notification in the Official Gazette, as occasion may require, by order, do anything lawfully which appears to the Government necessary for the purpose of removing difficulty:

Provided that no such order shall be passed after the expiry of two years from the date of commencement of this Act.

(2) Every order passed under sub-section (1) shall be placed before the Legislative Assembly.

35. Power to make Rules.--(1) The State Government may, by notification in the Official Gazette make rules for carrying out the provisions of this Act.

(2) Every Rule made under this Act shall be laid as soon as may be after it is made, before the Legislative Assembly, while it is in session, for a total period of 14 days, which may be comprised in one session or in two successive sessions and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the Rule or decides that the Rule should not be made, the Rule shall therefore have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that Rule.

STATEMENT OF OBJECTS AND REASONS

In our State large number of Residents' Associations are functioning with or without statutory registration. Joint Family System is not prevailing now and the people are opting to have separate residence as micro families. An average of 100 to 150 families are associated in to a Residents Association with the aim of their welfare and peaceful living. Now there is no recognition for such Associations and they have no bargaining power. There is no specific Law for mandatory registration and regulation. Now the provisions of the Travancore – Cochin Scientific, Literary and Charitable Societies Registration Act, 1955 and Societies Registration Act, 1860 are being availed for getting registration of such Residents' Associations. After such registration there is no statutory monitoring of such Associations.

Moreover some apex bodies of Residents' associations are also functioning in the State in the nomenclature as Federation of

Residents Associations in the district level and Confederation of Residents welfare Associations in the State. Residents' Associations have a big role in initiating over all socio economic and cultural development of its members. In the meantime some of such organizations misuse their powers for personal use and development rather than making advantages and welfare of the residents. In fact these forms of localized strength can be utilized for community development and welfare of the society, particularly in the field of water conservation, pollution control, garbage disposal, road, power etc. Now Residents' Associations and Federations are facing a financial crunch and they should be enabled to function by generating sufficient funds by giving statutory recognition. Respective provisions are to be made under law for that purpose.

Hence it seems necessary to enact a law for the statutory registration and regulation of Residents' Associations and Federations through LSGD Institutions. Such attempts may protect our culture and tradition through local organization for a happy and healthy development of the society and ultimately aims the development of the State. The enactment for this purpose may provide provisions for statutory registration of Residents associations, authenticity of apex Federations, proper audit and accounts , interaction of Governmental and non Governmental Authorities in the welfare of residents , envisaging the duties and powers of the Residents Associations and apex federations etc.

In these circumstances Government have decided to enact a law so as to provide for the registration, regulation and welfare of the Residents Associations and apex federations in the State of Kerala and for matters connected therewith. Hence this Bill.