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**MEMORANDUM
&
RULES AND REGULATIONS
OF ASSOCIATION
Regd No. BOM14/834DBSS1
(with amendments upto 28th November 2022)**



BUILDERS' ASSOCIATION OF INDIA

(All India Association of Engineering Constructions Contractors & Builders)

G-1/G-20, 7th Floor, Commerce Centre, J. Dadajee Road, Tardeo, Mumbai – 400034

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 BAINational &  YouTube [tp://youtube.com/user/baihqmumbai](https://youtube.com/user/baihqmumbai)

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Memorandum of Association of Builders' Association of India

1. **Name:**
The name of the Society shall be Builders' Association of India.
 2. **Address:**
The office of the Society shall be situated at Commerce Centre, J. Dadajee Road, Tardeo, Bombay – 400 034.
 3. **Objects:**
The objects for which the Society is established are:
 - (a) To promote and foster feelings of unity, co-operation and mutual help and to eliminate unhealthy competition and unfair trade practices among the contractors.
 - (b) To encourage the trade, industry and profession of construction works and all other ancillary and allied trades and industries.
 - (c) To advise and assist the members in technical, non-technical and legal matters.
 - (d) To encourage adoption and promotion of correct business practices according to ethical code of correct business practices as enumerated in Appendix C to the Rules and Regulations of the Association and maintain efficiency, dignity and integrity of the profession.
 - (e) To set up arbitration machinery independently or jointly with other or others for settlement of disputes between members and/or members and non-members arising out of or in any way connected with or touching the trade and/or services rendered by such trade and industry.
 - (f) To promote science of building and/or construction industry and with that end in view to collect and disseminate amongst members, statistical and technical information affecting the interests of the trade in general and construction industry, trade and profession in particular and for that purpose to print, publish, issue and circulate papers, periodicals, books, circulars and other literature and hold seminars, meetings, conferences, discussions etc. and to produce films etc.
 - (g) To encourage and conduct research for progress in building and construction trade and industry and any other profession connected therewith and for that purpose to establish, construct, promote, form and maintain testing institutions, laboratories, buildings, test houses, libraries, collection of models, designs, drawings, articles of interest and such other information.
- (h) To improve and elevate the technical and general knowledge of persons engaged in or about to be engaged in the building trade or in any employment in connection therewith by arranging lectures, conducting classes, exhibitions, meetings, seminars, etc. and to award certificates of distinction and medals, trophies and prizes and also institute and establish or to help in establishing funds for scholarships, rewards and other benefactions.
 - (i) To provide means for enabling persons engaged in building trade and industry and profession to take collective action in all matters concerning the dignity and interests of the building trade and industry and to initiate and assist all such actions to protect and safeguard the profession of construction industry and such other trades connected with building materials.
 - (j) To provide first hand training or skilled training to construction workers.
 - (k) To nominate representatives of Association or Institution having similar or allied objects on the Committee or the Board of or Committee or Governing Body of other Associations and Institutions whenever invited to do so in the interest of the trade or industry.
 - (l) To organise conferences, exhibitions, film shows, seminars, tours, delegations, etc. in India or abroad and to nominate delegates and advisers and to take steps which may promote and support the building trade and industry and profession.
 - (m) To establish or encourage establishment of Banking and/or Insurance Institutions for financing or assisting in any manner the activities of the members of the Association or other affiliated organisations.
 - (n) To encourage exports of building and construction industry and services and to help solving the problems relating to export promotion in all possible manners.
 - (o) To help and promote the production and distribution of basic materials in short supply, particularly with regard to construction industry.

- (p) To open and conduct branches and Centres and to undertake such other activities for furtherance of all or any of the objects of the Association in accordance with the provisions made in the Rules and Regulations of the Association.
- (q) To do all other lawful acts and things as may be incidental or conducive to the realisation or attainment of all or any of the aforesaid objects of the Association
- (r) The surplus of the Association shall be utilised for furtherance of all or any of the objects hereinabove mentioned and shall not be distributed amongst the members.
4. The management of the affairs of the Society is entrusted to the Managing Committee in accordance with the rules and regulations of the Society of which the first members are:

Name, address, designation and occupation

Sardar Amarjit Singh Chowdhary	M/s. Salwan Construction Co., A 13, Niti Baug, New Delhi – 110 049.
Shri A. Nagabhushana Rau	M/s. Hindustan Construction Company Ltd. Construction House, Ballard Estate, Mumbai – 400 038.
Shri G.K. Shetty	37, College Road, Madras – 600 017
Shri R.M. Chokshi	M/s. C.D. Builders, Prospect Chambers, Office No.1, 5th floor, D.N. Road, Mumbai – 400 001.
Shri S.A. Vichare	M/s. Vichare & Co., Mittal Tower, A wing,, Nariman Point, Mumbai – 021.
Shri S.A.N. Ranganthachar	M/s. Sarvamangala Constructions 71/73, Congress Building, 574, Anna Salai, Madras – 600 006.
Shri N.D. Golani	M/s. Golani Brothers 303, Dalmal Chambers, 17, New Marine Lines, Mumbai – 400 020.
Shri L. Mathrani	M/s. Mathrani Construction Co.,21, Kailash Darshan, Jagannath Shankershet Road, Mumbai – 400 007.
Shri N.P. Valecha	M/s. Valecha Brothers (Engg. Construction) P. Ltd. Koor All Naaz, Swami Gyanchandra Marg, Opp. Dadar Rly. Station, Mumbai – 400 014.

We, the undersigned being desirous of forming into an Association to be registered under the Societies' Registration Act, 1860, have subscribed our names and signatures to this Memorandum of Association with the objects and for the purpose as herein-above indicated.

Sardar Amarjit Singh Chowdhary	M/s. Salwan Construction Co., A 13, Niti Baug, New Delhi – 110 049.
Shri A. Nagabhushana Rau	M/s. Hindustan Construction Company Ltd. Construction House, Ballard Estate, Mumbai – 400 038.
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Shri N.P. Valecha	M/s. Valecha Brothers (Engg. Construction) P. Ltd. Koor All Naaz, Swami Gyanchandra Marg, Opp. Dadar Rly. Station, Mumbai – 400 014.

Dated this 1st day of November 1982

I identify the aforesaid signatures:

Advocate/C.A./Gazetted Officer/Special Executive Magistrate.

Rules & Regulations of Builders' Association of India

1.0 These Rules shall be called the Rules and Regulations of Builders' Association of India. In these Rules, unless the context otherwise requires, they shall mean and include all the Rules of Builders' Association of India hereunder set out or that may be framed, altered, substituted, modified or added in the manner hereinafter provided from time to time.

2.0 Interpretation – In the interpretation of these Rules, unless there is anything repugnant or inconsistent with the subject or context:

2.1 “The Association” means the Builders' Association of India with its Headquarters and Registered Office at G-1/G-20, 7th Floor, Commerce Centre, J. Dadajee Road, Tardeo, Mumbai – 400 034 and its Centres in the country”.

[Amended as on 29.9.1999 in the Special General Meeting held at Mumbai].

2.2 “The Centre” means a Centre opened or started by the Association in any part of the country for undertaking the activities with a view to fulfilling the objects of the Association and which is functioning and not closed.

2.3 “Region” means “Region-wise” division consisting of Centres of the Association for the time being specified as hereinafter mentioned.

2.4 “Year” means the financial year of the Association commencing on the first day of April of every year and ending on the thirty-first day of March of the subsequent year.

2.5 The official year of Centre means the financial year of Centre commencing on April, each year.

2.6 “The Constitution” means the Memorandum of Association and Rules and Regulations of the Association including Appendices and Schedules annexed to Rules and Regulations.

2.7 “Members” shall mean and include, Individuals, Firms, Societies, Companies, Banks, Clubs, Associations, Corporations and any other incorporated body.

2.8 Words importing “Masculine” gender and “Singular” number shall respectively include, feminine gender and plural number and vice versa.

2.9 “Office Bearers of the Headquarters” shall mean and include President, Vice-Presidents, Hon. Gen. Secretary and Hon. Gen. Treasurer and elected State Chairmen.

[Amended as on 20.9.2008 in the Special General Meeting held at Mumbai]

2.9.1 "Office Bearers of the State" shall include State Chairman, State Secretary and State Treasurer.

[Amended as on 06.11.2016 in the Special General Meeting held at Chennai]

2.9.2 “Office Bearers of the Centre” shall mean and include the Chairman, Vice-Chairman, Hon. Secretary and Hon. Treasurer.

3.0 Classes of membership.

There shall be following classes of members, viz:

3.1 Honorary members

3.2 Patron members

3.3 Annual Members

3.4 Affiliated Association members

3.5 Associate Members

3.6 Corporate Members

[Incorporated clauses 3.5 and 3.6 in the Constitution as approved by the Special General Meeting held on 3.12.2000 at Mumbai]

3.1 *Honorary Members*

The General Council may confer Honorary Membership of the Association upon any person or persons of distinction, in recognition of signal service to the Association in particular and/or to the profession in general, to those who are willing to accept it. Such Honorary members shall have no right to vote at any meeting of the Association nor shall be entitled to be elected as member of any Committee or hold any office.

3.2 ***Patron Members***

3.2.1 Persons paying Rs.20,000 to the Headquarter may be admitted by the Managing Committee of the Association as Patrons. Patron (members) can be individuals, firms, companies, corporate or incorporate bodies, Societies and institutions. The subscription will be increased by minimum of Rs.5,000 every five years. First of such revision shall be effected on 1st April 2008. (As on 1st April 2008, the Patron membership fee would be Rs.25,000 Persons so admitted as Patron shall be Patron Members of the Association for the life time of the individual or when the firms ceases to exist or withdrawn

Note: The aforementioned rates of Patron membership fee shall remain in force till varied by the General Council. The General Council shall be competent to vary the rate of Patron membership fee from time to time by a resolution to that effect.

[Amended as on 06.11.2016, in the Special General Meeting held at Chennai].

3.2.2 Patron members other than individual patron members shall have to nominate by a letter duly signed by the authorised person, addressed to the Headquarters, a person who shall represent them at the meetings of the Association and who shall have the right to vote at all meetings on behalf of such Patron member. This nomination will hold good until any change is intimated by letter. The tenure of a Patron Member will be life time.

3.2.3 A register of representatives of Patron members shall be maintained by the Centre and Headquarters. If a Patron member other than individual Patron member has not nominated a representative or the nominated representative ceased to be such nominee for any reason, such Patron member will remain un-represented till such nomination in writing is made.

[Amended as on 20.9.2008 in the Special General Meeting held at Mumbai].

3.2.4 Members at the time of enrollment required to pay one time subscription for Rs.200/- towards Indian Construction Journal along with registration and membership fee. Indian Construction journal will be circulated online as journal and members desirous to have hard copy to pay annual subscription for the Journal as per the price fixed by the General Council from time to time.

Patron members are exempt from payment of any entrance fee. Amounts of lump sum subscription received from Patrons shall be credited to the Reserve Fund of the Association and this amount shall not be allowed to be used to meet the expenses of the administration of the Association. Only income accruing from this Fund shall be utilized for administrative expenses of the Association.

Patron members will be entitled to elect from amongst themselves one member on the Managing Committee of the Association for every 150 Patron Members on pro-rata basis of their region-wise membership strength, subject to a maximum of 28.

Patron members will also be entitled to elect from amongst themselves one member on the General Council for every 75 Patron members on pro-rata basis, subject to a maximum of 75. The election shall be by postal ballot as in the case of members of the Managing Committee.

[Amended as on 28.11.2022 in the Special General Meeting held at Bangalore].

3.2.5 The concerned Centre where the Patron Member is registered shall receive a yearly amount for each of the Patron Members from the Head Quarters. Such yearly amount shall be decided by the General Council from time to time.

[Amended as on 05.12.02, in the Special General Meeting held at Mumbai].

3.3 ***Members***

3.3.1 Any person, Company, Society or any Corporate body or firm connected with the trade, industry or profession of construction work or building activity of any kind whatsoever and the suppliers of building materials, hardware and construction equipment manufacturers and suppliers are eligible to become Members of the Association.

3.3.2 Candidates eligible for Membership as above shall send to the Association a written

application duly proposed by a member and seconded by another member on a form prescribed by the Association from time to time along with a sum equivalent to the entrance fee payable by an annual member together with one year's subscription as hereinafter provided.

3.3.3. Annual Membership fees.

3.3.3 A member shall pay an annual subscription of Rs.2000/- and an entrance fee of Rs.100/- and Rs.100/- towards subscription of 'Indian Construction'. This Membership will be effective from 1st April 2007. The annual subscription for this category of membership will be increased by Ten per cent (10%) by every alternate year.

Note: The aforementioned rates of subscription and entrance fee shall remain in force till varied by the General Council. The General Council shall be competent to vary the rates of subscription and entrance fee from time to time by a resolution to that effect. (Amended as on 05.12.02 in the Special General Meeting held at Mumbai)

3.4 Affiliated Association Members

3.4.1 Any Association operating in the territories of the Union of India and whose aims and objects are similar or identical to those of 'the Association' shall be eligible to become an affiliated member.

3.4.2 An affiliated Association member shall have only one vote which shall be exercised by a representative nominated in writing for the purpose by the affiliated Association member; such nomination shall be intimated in writing to the Association at least 48 hours before the commencement of the meeting at which such right to vote is to be exercised, if such vote is to be effective.

3.4.3.1 An affiliated Association member shall pay an annual subscription of Rs.3,000/- and entrance fee of Rs.500/- towards such membership.

Affiliated Associations paying Rs.30,000/- or more to the Headquarters may be admitted by the Managing Committee of the Association as Patrons with effective from 1st December, 1999.

Note: The aforementioned rates of subscription and entrance fee shall remain in force till varied

by the General Council. The General Council shall be competent to vary the rates of subscription and entrance fee from time to time by a resolution to that effect.

[Amended as on 29.9.1999 in the Special General Meeting held at Mumbai].

3.4.3.2 Every year they should confirm the name of the representative who would be representing them on their behalf with the Association.

3.5 Associate Members

~~Any individual/partnership firm engaged in construction industry may become Associate Member of the Association by paying Rs.3,000/- as lump sum amount for the entire period of his life with admission fee of Rs.100/-. An Associate member can opt to attach himself to any Centre of his choice and can avail of all the information available with the Centre by visiting the Centre's office. In such cases, the Centre shall receive out of Rs.3,000/- an amount of Rs.1,000/-. He will not get any correspondence from Centre or Headquarters. He shall have no vote and he cannot stand in the elections for any post. The number of Associated Member attached to any Centre will not be counted in the membership strength of the Centre.~~

~~**Note:** The aforementioned rates of Associate membership shall remain in force till varied by the General Council. The General Council shall be competent to vary the rate of Associate membership fee and admission fee from time to time by a resolution to that effect.~~

[This clause is deleted as approved by the Special General Meeting held on 28.11.2022 at Bangalore].

3.6 Corporate Members

3.6.1 Any Firms/Private Limited Companies/Public Limited Companies/Society or any Corporate body by paying Rs.3,00,000/- at one time and paying annual fees of Rs.10,000/- may be admitted as Corporate Members of the Association.

3.6.2 A separate register of representatives of Corporate members shall be maintained by the Centres and Headquarters. If a Corporate member does not nominate any representative, then the same will remain unrepresented till a representative is appointed.

3.6.3 Corporate Members can elect 1 (one) General Council Member from 10 Corporate Members and 2 (two) General Council Member when the Corporate Membership reaches 20 and so on. However, the total of such Corporate General Council Members shall not exceed 10 at any time and Headquarter will be allowed to make prorata calculation to keep General Council Members as 10. The Corporate General Council Members will be Special Invitee to all Managing Committee Meetings.

3.6.4 Corporate Members may elect a Vice President amongst themselves when the Corporate Membership reaches 50 or the General Council Members reaches 5. This addition of one Vice President make the total number of Vice Presidents to 6.

3.6.5 Corporate Members may elect a President from the Corporate Vice Presidents on every fourth year. In case of election to be conducted for President from Corporate Vice President, the electorate will be all General Council Members of BAI, and the same will be conducted as per Election process laid down in Rule 22.1.1. of BAI Constitution, amongst the Corporate General Council Members.

3.6.6 In case of election to be conducted for Corporate General Council Members, Corporate Vice President, the same will be conducted as per Election process laid down in Rule 22.1.1 of BAI Constitution, amongst the Corporate General Council Members.

Note: The aforementioned rates of Corporate membership fee shall remain in force till varied by the General Council. The General Council shall be competent to vary the rate of membership fee from time to time by a resolution to that effect.

[Amended as on 22.9.2011 in the Annual General Meeting held at Delhi].

4.1 Application for membership may be received in duplicate through any Centre of the Association or directly by the Headquarters. The applicant shall have his establishment or residence or work site at the place where there exists a Centre or it is proposed to have a Centre. The application shall be as far as possible in the form a proforma of which is appended in Appendix D or as near thereto as possible. When

any application for membership is received directly by the Headquarters of the Association, the Headquarters shall invite the views of the relevant Centre on the eligibility of such applicant and such person, if enrolled as a member, shall be assigned to the Centre within whose territorial jurisdiction the member carries on business or works. In case of any dispute about such assignment, the Managing Committee shall decide to which Centre the member should be assigned and the decision of the Managing Committee in this behalf shall be accepted as final and binding.

4.2 The Executive Secretary shall place such application before the Managing Committee of the Association, which may in its absolute and uncontrolled discretion, either accept or reject the said application. The Committee shall not be bound to give any reason for rejection of any such application. If the application is rejected, the Executive Secretary will intimate the rejection thereof to the applicant and refund to him the sum paid by him the Association.

4.3 If the application is accepted by the Managing Committee, then the Executive Secretary shall notify the acceptance thereof to the applicant in writing. The Executive Secretary shall also furnish the applicant with a copy of the Constitution of the Association.

4.4 The date of enrolment of the member shall be the date on which his application is accepted by the Managing Committee at its meetings.

Applications accepted by the Managing Committee at its meetings, held between April and November will be treated for membership for that particular year.

Applications accepted by the Managing Committee at its meetings, held between December and March will be treated for advance membership for the ensuing year, until and unless the applicant or the Centre forwarding the applications specifically mentions that the membership be treated for that particular year itself.

[Incorporated this clause in the Constitution as approved by the Special General Meeting held on 3.12.2000 at Mumbai].

5.0 Members and eligibility for voting.

5.1 Subscription for every financial year shall be paid during that financial year, but not later than end of **30th September**, either directly at the Headquarters of the Association or through Centre of the Association.

Bills/letters calling for subscription from the members will be sent by the respective Centres from January onwards for the ensuing financial year.

[Amended as on 3.12.2000 by the Special General Meeting held at Mumbai].

5.2 Every Centre should prepare the list of members who have paid their annual subscription on or before **30th of September** every year and send such a list to the Headquarters of the Association together with the share of the Headquarters in the subscription, to reach it on or **before the 15th October** of every year. Only such of those members whose names are in the list referred to above, shall have the right to vote or contest in the annual elections of the Association. If any Centre does not send such a list, the members of the defaulting Centre shall not have any right to vote and/or to be elected as members of the General Council or Managing Committee or to hold any office in the Association.

[Amended as on 3.12.2000 by the Special General Meeting held at Mumbai].

5.3 After the receipt of the aforesaid list and its share of the subscription from the Centre, the Headquarters shall publish and circulate the Centre-wise membership position statement indicating the number of eligible voters before 31st of December every year.

Applications accepted by the Managing Committee at its meetings, held between April and November will also be included in the voters' list of a Centre for that particular year.

[Amended as on 3.12.2000 by the Special General Meeting held at Mumbai].

5.4 Subject to Rule 5.2 members shall be eligible to vote only if they have paid their respective annual subscription. If the annual subscription is in arrears, they will not be entitled to take any part in any meeting of any body functioning under the Association or exercise any right to vote.

5.5 Centres Election of Office Bearers, Members of the General Council and Executive Committee Members shall be concluded before 1st week of February of every year and result should be sent to Headquarter by 2nd week of February by respective Centres. Headquarter can finalise and notify the list of voters before the end of February. Headquarter should issue Election notice for various posts of office bearers of Headquarter by 1st week of March every year and election process should be completed by the end of March.

[Amended as on 06.11.2016 in the Special General Meeting held at Chennai].

5.6 The accounts of the Centre for each year ending 31st March shall be prepared and audited before the end of May every year.

5.7 Annual General Meeting of the Association shall be held before the end of September every year for the purpose of passing of audited accounts and Annual Report. The newly elected Managing Committee at the Headquarters and the Executive Committees at the Centres shall assume office on the 1st April of every year. The Office bearers-elect at the Headquarters and the Centres shall be entitled to attend the meetings of the Managing Committee and the General Council or the Executive Committee as the case may be immediately after their election but shall not be entitled to exercise any right to vote before they assume office.

6.1 Disqualification and removal from membership of the Association:

A person shall be disqualified for being selected as and for continuing as a member of the Association.

- (a) If he is found to be lunatic or a person of unsound mind; or
- (b) If he has been adjudged insolvent; or
- (c) If he has been convicted of an offence involving moral turpitude; or
- (d) If in the opinion of the Association his membership is prejudicial to the interest of the Association and its activities.

6.2 Removal from membership of the Association.

A member can be removed from membership by any Centre with two-third majority at General Body of the Centre and subject to approval by simple majority in Managing Committee and General Body, if the member is:

- (a) Or becomes subject to any of the aforesaid disqualification or,
- (b) In the opinion of the Association has failed or is unable to carry out his duties in the interest of the Association; provided that before such removal, the member being removed, is given an opportunity to show cause against his removal from the membership of the Association.

[Amended as on 20.9.2008 in the Special General Meeting held at Mumbai].

6.3 *Disciplinary action against members.*

6.3.1 In the event of question arising with regard to the conduct of a member, the Chairman of the concerned Centre shall place it before the General Body of the Centre after getting it cleared in the Executive Committee with two-third majority for necessary action. If the General Body of the Centre by a two-third majority decides that the conduct of the member concerned should be inquired into, then the Chairman of the Centre shall forward the decision of the General Body to the Managing Committee of the Headquarters. The Headquarters shall convene a meeting of the Managing Committee to inquire into the matter at which such member shall be invited to attend. If in the opinion of the Managing Committee, the member has been found guilty of misconduct detrimental or prejudicial to the interest of the Association or the reputation or the dignity of trade, industry or profession of construction works or allied trade, the Managing Committee may recommend to the General Body that the said member may be warned or suspended for some period or for life or be expelled for some period or for life or be expelled permanently.

If any member approaches the Court against BAI without exhausting the Arbitration clause provided in the BAI Rules & Regulations, the member will be summarily suspended from being part of BAI activities till date of court ruling.

The executive committee of the centre shall have the right to suspend the member on grounds considered reasonable and adequate by it till a final decision from the all India general body of the Association is arrived at.

[Amended as on 28.11.2022 in the Special General Meeting held at Bangalore].

~~6.3.2 No member shall be so warned, suspended or expelled by the General Body of the Association acting on the recommendations of the Managing Committee and the General Body has passed a Resolution to that effect by three fourths majority of the members present and voting at such General meeting of the Association.~~

[This clause is deleted as approved by the Special General Meeting held on 28.11.2022 at Bangalore].

7.0 **Payment of entrance fee and annual subscription and consequences of default.**

7.1 A member and an Affiliated Association member shall pay Rs.100/- and Rs.500/- respectively as entrance fees which shall be paid once only and the membership subscription shall be paid every year in the manner hereinafter provided.

Note: The aforementioned rates of entrance fee shall remain in force till varied by the General Council. The General Council shall be competent to vary the rates of entrance fee from time to time by a resolution to that effect

[Amended as on 29.9.1999 in the Special General Meeting held at Mumbai].

~~7.2 Annual Subscription of Rs.100/- shall be paid by Annual Members towards subscription of 'Indian Construction' Journal. Annual subscription of Rs.200/- shall be paid by Patron Members and Affiliated Associations towards 'Indian Construction' Journal in addition to their respective subscriptions.~~

~~**Note:** The aforementioned rates of subscription shall remain in force till varied by the General Council. The General Council shall be competent to vary the rates of subscription from time to time by a resolution to that effect.~~

[This clause is deleted as approved by the Special General Meeting held on 28.11.2022 at Bangalore].

~~7.3 Annual subscription shall be paid in lump sum on or before the 30th September of each year for which it is due and payable.~~

[This clause is deleted as approved by the Special General Meeting held on 28.11.2022 at Bangalore].

7.4 If the subscription of any member remains in arrears for a period of 3 **months** after it becomes payable, the Managing Committee shall have power after giving a warning in writing to that effect to such defaulting member to remove such member and thereupon such member shall cease to be a member of the Association.

[Amended as on 23.12.2000 by the Special General Meeting held at Mumbai.

7.5 A member, who ceases to be a member of the Association should return the certificate of membership to the Headquarters by registered post and displaying the membership certificate and/or use of BAI emblem shall be treated as an offence liable for legal action.

8.0 Rights, privileges, duties and liabilities of members.

8.1 Every member of the Association, whether a Patron, Member, Honorary Member, or an Affiliated Association member shall subject to other rules and regulations in force from time to time, be entitled to the same rights and privileges and subject to the same duties and liabilities. He shall have access to and right to take copies of or extracts from the minutes of the proceedings of the Association on payment of prescribed fee provided at least three clear working days notice in advance of his intention to do so or to have the same, is given to the Executive Secretary. He shall then be entitled to be furnished with a copy of the Constitution of the Association on payment of such a price as may be prescribed by the Association from time to time.

8.2 Any member shall be entitled to resign from the Association. A member and Affiliated Association member wishing to resign their membership of the Association may do so by forwarding their letter of resignation to the Executive Secretary at least one calendar month before the expiry of the financial year, otherwise he shall be liable to pay full subscription for the next following year.

8.2.1 Members shall be free to choose the Centre at which they want to be members provided they have a place of establishment or business in the territory of the Centre.

8.2.2 If the Centre is to be changed, an application to that effect, shall have to be sent to the Headquarters of the Association at Bombay of such desired change of the Centre by the member *inter-alia* communicating the reasons for the same.

8.2.3 When a member desired to change his centre due to change of location of his business, or for any other reason, he shall be entitled to do so with the permission of existing Centre and destination Centre.

[Amended as on 06.11.2016 by the Special General Meeting held at Chennai].

9.0 Incorporation, constitution and finance of Centres.

9.1 The General Council may by a Resolution on the recommendation of the Managing Committee open Centres in different parts of the Union of India; provided there are not less than 20 (Twenty) Patron Members or 50 (Fifty) Annual members of the Association operating in that area; provided however that it shall be optional with the Association as a special case on the recommendation of the Managing Committee to open a Centre at any place even if there are less than 20 Patron members or 50 Annual Members, if the Association is satisfied that the industry or trade at that particular place is of an important nature and as such opening of a Centre in that place will be beneficial to the Association. As soon as minimum number of 20 Patron Members or 50 Annual Members are enlisted, an action for opening the Centre as aforesaid would be taken and provisionally the Centre would be opened with the approval of the Managing Committee subject to the final ratification by the General Body. Territorial jurisdiction of a Centre means Municipal limits of smaller city and metro limits of a bigger city plus contiguous areas of 10 kms.

[Amended as on 5.12.02 by the Special General Meeting held at Mumbai.

9.2 Members who are eligible to vote shall elect the office bearers of the Centre and also

elect members of the General Council to represent the Centre.

9.3 Election shall be held amongst the members for:

(a) The Chairmanship of the Centre and other office bearers.

(b) General Council Members.

9.4 One Chairman shall be elected for every Centre and the Chairman shall become Ex-Officio Member of the General Council. If the Centre has 31 Members or above, then in addition to the Chairman as Ex-Officio Member of the General Council, additional members would be elected by the Centre to the General Council in the manner indicated elsewhere in these Rules and Regulations. The Chairmen of Centres shall be special invitees to the Managing Committee meetings. They may contribute to the discussions. Decisions shall be by the Managing Committee Members only.

9.5 *Qualifications to hold office in the Association*

9.5.1 Persons should be engaged in actual trade or profession hereinabove indicated.

9.5.2 Should not hold any office in any other body having similar objects as those of the Association. In case he is holding any such office, he shall relinquish the same on his election within 30 days.

9.5.3 Should be of age of 25 years and above.

9.5.4 Candidates offering themselves for the office of the President shall have held the office of the Vice President of BAI.

a) Member who is opted to become a Executive Committee/General Council of the Centre should be a Patron member.

[The above rule i.e. Rule 9.5.4(a) will be applicable only to the newly opened Centres, that is Centres opened after 1st April 2017. The Managing Committee will consider the inclusion of existing Centres under this rule at appropriate time].

b) Any member who opts to become Office bearer in Centre should have served as Executive Committee or General Council Member.

c) To become the Centre Chairman the person should have served in the Centre as one of the Office bearers.

d) To become the State Chairman a person should have served as Centre Chairman.

e) To become State Chairman /Vice President /President, the proposal / nomination should be from the respective Centres only.

f) Member offering themselves for office of the President shall have held office of the Vice President of BAI.

g) The Executive Secretary who will be discharging duties as Returning Officer will be conducting the election of BAI Headquarter only.

[Amended as on 06.11.2016 in the Special General Meeting held at Chennai].

9.6 When a member desired to change his centre due to change of location of his business, or for any other reason, he shall be entitled to do so with the permission of existing Centre and destination Centre.

[Amended as on 06.11.2016 in the Special General Meeting held at Chennai].

9.7 The concerned Centre where the Patron Member is registered shall receive a yearly amount for each of the Patron Members from Head Quarters. Such yearly amount shall be as decided by the General Council.

(Amended as on 05.12.02, by the Special General Meeting held at Mumbai.

9.8 Any member who is indebted to the Association in any sum which is due for more than 90 days or is in arrears of payment of his subscription shall not be entitled to contest, nominate or vote in any election.

9.9 The term of office of Chairman of the Centre will be for one year. He shall however be eligible to be elected as Chairman for the successive year or any one more year. Thereafter he shall not be elected as Chairman.

The term of office of State Chairman of the State will be for one year. He shall however be eligible to be elected as State Chairman for the successive year or any one more year. Thereafter he shall not be elected as State Chairman.

The term of office of President of the Association will be for one year. He shall however be eligible to be elected as President for the successive year or any one more year. Thereafter he shall not be elected as President.

The term of office of Vice President of the Association will be for one year. He shall however be eligible to be elected as Vice President for the successive year or any one more year. Thereafter he shall not be elected as Vice President.

[Amended as on 28.11.2022 in the Special General Meeting held at Bangalore].

9.10 When the membership of a Centre falls below 20 for a continuous period of two years, the Centre will stand automatically closed on the expiry of the said period of two years. It shall be the duty of Zonal Vice President and/or State Chairman or Centre Chairman to report to the Headquarters whenever its membership falls below 20. The members of such defunct Centre shall be entitled and eligible to join any other Centre, contiguous to the territory of an adjacent Centre.

(Amended as on 05.12.02 by the Special General Meeting held at Mumbai.

9.11 Whenever a Centre fails to send annual audited accounts of the Centre within 4 months after completion of the Accounting Year to the Headquarters, or does not hold elections as per Rules and Regulations of the Association, the President of the Association shall have power, after serving due notice, to suspend the Office bearers of the Centre in default and to appoint an ad-hoc committee to manage the affairs of the Centre till proper fresh elections are held.

[Amended as on 23.12.1999 in the Special General Meeting held at Mumbai].

9.12 The Centre shall be governed by the Rules and Regulations appended in Appendix B hereto subject to such alterations, if any, as may be approved in writing on the application of any Centre, either by Managing Committee or by the General Council of the Association who shall have concurrent powers to do so.

10.1 For successful implementation of the functions and programmes of the Association and for administrative convenience, the area of operation of the Association for the purpose of its activities shall be divided into five regions:

[Amended as on 28.11.2022 in the Special General Meeting held at Bangalore].

North, West, South –I, South –II, and East Regions as indicated below:

<i>Region</i>	<i>State</i>	<i>Existing Centres</i>
North	Haryana	Faridabad, Gurgaon, Karnal, Kundli, Panipat.
	Uttar Pradesh	Agra, Allahabad, Aligarh, Baghpat, Bareilly, Gautam Buddha Nagar, Ghaziabad Greater Noida, Hapur, Loni, Lucknow, Meerut, Meerut Cantonment, Modinagar, Muzaffarnagar, Kanpur, Kanpur-South, Sahibabad, Western U.P. Electrical.
	Rajasthan	Greater Jaipur, Jaisalmer, Jodhpur, Pink City Jaipur, Rajasthan (Jaipur).
	Delhi	Delhi, Delhi East Shahadara, Delhi North, Delhi South, Delhi West, South-East Delhi.
	Uttarakhand	Dehradun
	Punjab	Chandigarh, Mohali.

[Amended as on 28.11.2022 in the Special General Meeting held at Bangalore].

10.5 The General Council of the Association shall decide the areas of operation and jurisdiction of regions and the Centres, which constitute the region.

10.6 All the Centres and regions shall be subordinate to the Managing committee and activities of all such Centres and regions shall be subject to the superintendence, control and direction of the Managing Committee and the General Council.

11.0 General Body of the Association: Meetings and business to be transacted thereat

11.1 All classes of members of the Association shall constitute the General Body of the Association. The powers regarding framing of policies, considering issues of all India importance connected with or touching the problems of construction trade, industry and profession and such other matters of general nature and of vital interest shall vest in the General Body. The General Body shall meet at least once a year and this meeting shall be styled as the Annual General Meeting of Builders' Association of India. Such meeting shall be held not later than 6 months after the date of expiry of the financial year. The President of the Association and in his absence one of the Vice Presidents and in the absence of any of them, a member of the General Council or the Managing Committee elected by the meeting shall preside at the General Body Meeting. The President shall adjourn the meeting, if the majority of the members so require to do so on vote.

12.0 Annual General Meeting

12.1 The Annual General Meeting of the Association will be held within six months from the end of each financial year of the Association.

13.0 Business to be transacted at Annual General Meeting

13.1 The Annual General Meeting of the Association shall inter alia transact the following business:

13.1.1 To confirm the minutes of the previous Annual General Meeting.

13.1.2 To note the result of the election of the members of the General Council and Managing Committee and of Office-bearers of the Headquarters.

[Amended as on 23.12.1999 in the Special General Meeting held at Mumbai].

13.1.3 To consider and adopt the Annual Report and audited statement of accounts of income and expenditure for the preceding financial year.

13.1.4 To appoint auditors to audit accounts of the Association and fix their remuneration.

13.1.5 To transact any other business with the permission of the President.

13.2 The Annual General Meeting shall not transact any business other than that indicated on the agenda in the notice convening the meeting.

14.0 At least fourteen days before the Annual General Meeting, a notice of such meeting shall be sent to every member to his last known address. Copy of the Annual report and the audited statement of accounts of the Association will be put up/displayed on the Notice Board of Every Centre of the Association and the Headquarters. A copy of the Annual Report and of the Audited statement of accounts of the Association shall also be placed on the table of the house at the time of Annual general Meeting. Non receipt of such notice of the meeting or Annual Report of Audit of Account by any member shall not invalidate the proceedings of such meeting.

[Amended as on 3.12.2000 by the Special General Meeting held at Mumbai]].

15.0 Special General Meetings

15.1 The Honorary General Secretary or the Executive Secretary under the instructions of either the General Council or the Managing Committee or the President shall call a Special General Meeting of the Association on giving fourteen days notice in advance to all the members of the Association to that effect.

15.2 A Special General Meeting of the Association shall be convened by the President on a requisition addressed to the President and signed by not less than 10% of the total membership of the Association and such a meeting will be called at the Headquarters within 30 days and in any case not later than 60 days from the date of receipt of such requisition by the President.

15.3 Such Special General Meeting convened as aforesaid shall have the same powers as are provided to the usual Annual General Body Meetings.

16.0 Resolutions at all General Body Meetings and all Special General body meetings Shall have the same powers and shall be Passed by majority votes. Members of the Association if they so desire, can exercise their right of vote by proxy.

[Amended as on 28.11.2022 in the Special General Meeting held at Bangalore].

17.0 Quorum for General Meetings

17.1 At all General Meetings of the Headquarters, fifty or one-fourth of members of the Association, whichever is less, shall form the quorum. If at the expiration of twenty minutes from the time appointed for the meeting there is no quorum, the meeting, if convened on the requisition of the members, shall be dissolved. In any other case it shall stand adjourned to such date, time and place as the members present may determine. If at such adjourned meeting there is no quorum, the members present, whatever be their number, shall have power to decide upon all items on the agenda of the meeting from which the adjournment took place. The adjourned meeting shall, however, not consider and vote upon any matter, which is not on the agenda of the meeting.

18.0 Proceedings of meetings

18.1 All propositions at any meeting of the Association shall be duly proposed and seconded and decided according to votes. The voting shall be either by poll by ballot or by show of hands as may be decided by the Chairman or by 5 members present at the meeting, who shall have power to demand poll on any resolution before it is disposed of.

19.0 Election and constitution of General Council.

19.1 The General Council of the Association will consist of the Office bearers of the Headquarters, the Chairmen of all the Centres, State Chairmen, the Trustees, 75 elected representatives of the Patron Members and 4 Affiliated Association Members, all subscribing Past Presidents of BAI and 250 Members of Centres elected as under:

- (a) Where the membership of Centre exceeds 30 Members but does not exceed 70 Members, such Centre shall have right to elect one representative to the General Council.
 - (b) Where the membership of a Centre exceeds 70 Members but does not exceed 110 Members, such Centre shall have a right to elect two representatives to the General Council.
 - (c) Where the membership of a Centre exceeds 110 Members but does not exceed 150 Members, such Centre shall have a right to elect three representatives to the General Council
 - (d) Where the membership of a Centre exceeds 150 Members but does not exceed 190 Members, such Centre shall have a right to elect four representatives to the General Council.
- and so on

Provided however that in the event of the total strength of the General Council exceeding 250 elected members, the General Council shall be entitled and is hereby authorised to reduce the number of representatives from the Centres on the General Council proportionately with a view to retain the total strength to 250 elected members only.

19.2 If any member of the General Council absents himself from three consecutive meetings of the General Council without the permission of the President, the General Council may remove such a member from membership of the General Council.

20.0 Managing Committee

20.1 The Composition of the Managing Committee shall be as per Appendix A to the Rules and Regulations. The Office bearers and

members elected to the Managing Committee by the General Council shall retire from office every year.

[Amended as on 05.12.02 in the Special General Meeting held at Mumbai].

20.2 The retiring members of the Managing Committee and retiring office bearers of the Association on the Managing Committee will be eligible for re-election.

20.3 Provided however that no member shall be eligible to be elected as President or Vice President for more than 2 successive terms.

21.0 Functions of the General Council

21.1 The General Council shall be the highest policy making body of the Association answerable only to the General Body.

21.2 Functions of the General Council shall include general supervision and deciding all policy matters of the Association such as:

- (a) Conferring of Honorary Membership.
- (b) Recommending to the General Body the removal of members who become disqualified for membership for any reason whatsoever provided in the constitution.
- (c) Enlistment of Centres.
- (d) To accept nominations of representatives by the respective Centres.
- (e) To elect the office-bearers, members of the Managing Committee, State Chairmen and any Trustee or Trustees in the manner provided in the organisation chart appended as Appendix A. Each member of the Council shall have a single non-transferable vote exercised and cast to as many candidates as there are vacancies.
- (f) To decide about all financial aspects pertaining to sharing of expenditure, membership and entrance fees, mode of collecting such fees and to determine about subscriptions of all types of members.

(g) To give suggestions and directions to the Managing Committee from time to time in all matters of the Association.

(h) To hold referendum on any controversial issues amongst the members by postal ballot and if decided by more than two-third majority, to send the same to the Managing Committee for implementation.

(i) To decide the course of action in case of National Emergencies, calamities etc., in general and vital problems affecting trade, industry and profession in particular.

(j) To elect any person or persons as Trustee or Trustees of the Association as provided in the Rules.

21.3 Meetings of General Council & Quorum

21.3.1 The General Council shall meet at least 3 times a year at such places as may be decided by the Council from time to time. The President shall preside over at all such meetings of the Council. In the absence of the President, one of the Vice Presidents or in their absence any one member of the General Council present shall be elected to preside over the meeting.

21.3.2 One-fourth of the members or 30 members of the Council whichever is less, shall form a quorum in any meeting of the General Council. If such a quorum is not present within 15 minutes, the meeting shall stand adjourned for half an hour. At such adjourned meeting, the members present, whatever be their number, shall form the quorum and shall have the power to decide upon the items on the agenda.

21.3.3 In case of any difference of opinion between the General Council and the Managing Committee or between the Headquarters and any of the Centres or regions or between two regions or between two Centres, the opinion of the General Council shall prevail.

22.0 Election of Managing Committee

22.1 The machinery for election of Managing Committee for the ensuing year will be set in motion by the Managing Committee by a

resolution at an appropriate time. The President on the recommendations of the Managing Committee shall appoint three scrutineers to scrutinise the voting papers for election of the Office Bearers of the Headquarters, State Chairmen and members of the Managing Committee. The Executive Secretary/**Returning Officer** of the Association by a circular addressed from Headquarters at Mumbai to each functioning Centre will invite nominations in the prescribed form from Members of the General Council for the election of President, five Vice Presidents, One Hon. Gen. Secretary, One Hon. Gen. Treasurer and State Chairmen (from General Council Members of respective eligible States) and for such number of Managing Committee Members as may be determined by the membership strength of the Association on any day appointed in that respect by the Managing Committee in the manner indicated below:

[Amended as on 6.11.2016 in the Special General Meeting held at Chennai].

22.1.1 *Election Process*

6 members for the membership of 1500 or below and one additional member for every increase of 250 members above 1500. The circular shall state the date on or before which the nominations must be received at the Headquarters. The Executive Secretary of the Association shall then prepare a list of nominations received at the Headquarters for election to the office of the President, 5 Vice Presidents, one Hon. Gen. Secretary and one Hon. Gen. Treasurer and such number of the Managing Committee members as may be determined by the membership strength of the Association and circulate the said list of nominations by post to members of the General Council with voting papers and will intimate the final date fixed for returning the voting papers to the Executive Secretary/Returning Officer at the Headquarters at Mumbai. The mode of voting shall be as under:

[Amended as on 6.11.2016 in the Special General Meeting held at Chennai].

Small printed envelopes will be sent by prepaid post to members of the General Council. Members of the General Council will return the voting papers to the Executive Secretary / Returning Officer at the Headquarters by post on or before the day appointed in this behalf. All the voting papers so received will be kept in ballot box, the keys of which will be kept with

the scrutineers. On the day appointed for scrutiny of voting papers, the ballot box will be opened by the scrutineers in the presence of the President and/or Hon. Gen. Secretary and the voting papers will be scrutinised by the scrutineers. The members of the Managing Committee and the Contestants will be entitled to remain present at the time of scrutiny of voting papers and counting of the votes, if they so desire. The scrutineers will submit their report in writing to the President, or in his absence to one of the Vice Presidents or in his absence to the Hon. Gen. Secretary whosoever is present at the meeting, who will then declare the result of the voting on the same day. The elected office bearers and the members of the Managing Committee shall assume office at the commencement of ensuing financial year. The entire election process shall be completed on or before the end of February each year. The time before which the voting papers should be received to be notified.

1. Nomination form for any post may be issued at a fee of Rs. 100. Collection of fee for nomination is optional and at the discretion of the Centre.

2. A fee of Rs.5,000 may be collected from candidates who file for any post in BAI Centre. Collection of fee for nomination from candidates is optional and at the discretion of Centre. The Executive Committee of the Centre is empowered to take a decision on this on majority basis.

3. The duration period for conducting BAI Election should be curtailed as January to March instead of December to March for all the candidates including Headquarter.

4. a) Member who is opted to become a EC/GC Member the member should be a Patron Member.

[The above rule will be applicable only to the newly opened Centres, that is Centres opened after 1st April 2017. The Managing Committee will consider the inclusion of existing Centres under this rule at appropriate time].

b) Any member who is opted to become Office bearer in Centre should served as EC or GC Member.

c) To become the Centre Chairman the person should have served in the Centre as one of the Office bearers.

d) To become the State Chairman a person should have served as Centre Chairman.

e) To become State Chairman /Vice President /President, the proposal / nomination should be from the respective centres only.

f) Member offering themselves for office of the President shall have held office of the Vice President of BAI.

g) The Executive Secretary who will be discharging duties as Returning Officer will be conducting the election of BAI Headquarter only.

[Amended as on 06.11.2016 in the Special General Meeting held at Chennai].

22.1.2 The election of the members of the General Council shall be as provided in the Organisation Chart hereunder and the elected members of the General Council shall then elect the members of the Managing Committee.

22.1.3 The Executive Secretary or in his absence any other person nominated by the Managing Committee shall act as the Returning Officer for the purpose of all elections under the Association.

22.2 A State Capital having more than 150 members shall be eligible to elect a Chairman who shall be ex-officio member of the Managing Committee until such time as defined in the para following.

22.3 A State having 3 Centres in addition to the Capital Centre and a total minimum number of 250 members shall be eligible to have a State Chairman elected by the General Council members of the State. Qualification for becoming the State Chairman shall be the same as for the Chairman of a Centre [Rule 9.9]. The State Chairman among other things would co-ordinate the functioning of the Centres in his State.

A State with more than One Centres can elect a State Co-Ordinator from the Capital Centre of

the State. Qualification for becoming State Co-Ordinator shall be the same as for the State Chairman. Once the State becomes eligible for electing a State Chairman, the post of State Co-Ordinator shall cease to exist thereafter. State Co-Ordinator among other things would co-ordinate the functioning of the Centres in his State.

Note: This provision shall remain in force till varied by the General Council. The General Council shall be competent to vary this provision as and when need arise.

[Amended as on 28.9.2007 in the Special General Meeting held at Mumbai].

22.4 The Executive Secretary shall carry out the following functions in the matter of elections:

- (a) invite nominations from elected General Council Members through the Centres, Patron members, Trustees, Affiliated Associations for the election.
- (b) work as a returning officer to accept the nominations in the form specified and prepare the list of candidates and voting papers for different groups of voters.
- (c) prepare the voting papers and dispatch them to the General Council members by Regd. A.D. post in the manner indicated below:

The voting document shall consist of two envelopes and an identification slip.

The first envelope shall be of sufficiently big size and affixed with adequate postage stamps for 'Registered Acknowledgement Due'. This cover in distinctive colour to identify it as the cover containing Ballot Papers shall have the full address of the BAI Headquarters. This envelope shall contain, besides smaller envelope as described below, instructions to the General Council members regarding filling of the ballot paper, date of its receipt in the Headquarters and other relevant data.

The second envelope – smaller than the first and of another colour, shall contain ballot papers. The words 'Ballot Papers' in bold block letters shall be printed on

both sides of this cover. An identification slip for the purpose of filling the name of the General Council Member and his signature shall be affixed to this envelope.

- (d) lock the ballot box in the presence of at least one of the scrutineers, seal the same and leave the keys with the scrutineers.
- (e) Receive voting envelopes by post or by hand delivery on or before the fixed date notified by the Managing Committee and deposit the same in the ballot box after maintaining a numerical count of the envelopes received.
- (f) The identification number in the ballot paper to be removed.
- (g) The person who is opting for the post of State Chairman should have served one full term as Centre Chairman.

[Incorporated this clause in the Constitution as approved by the Special General Meeting held on 20.9.2008 at Mumbai].

22.5 The scrutineers will carry out the following functions:

- (a) Receive keys of the ballot box in which all voting papers are to be deposited.
- (b) Open the ballot box in the presence of office bearers and contestants or their representatives who are present on the appointed day and time.
- (c) Tally the voting envelopes with the numerical count maintained by the returning officer.
- (d) Open the first covers and take out the smaller envelopes. Verify the names and signatures on the identification slips against the list of eligible voters made available to the scrutineers.
- (e) Detach all the identification slips and only thereafter open smaller envelopes and start counting.
- (f) Submit the result of the election immediately after the counting is over on the same day duly signed by all the scrutineers, to the President or in his absence Vice President or in his absence

to Hon. Gen. Secretary whosoever is present at the counting.

- (g) the President, Vice President or Hon. Gen. Secretary whosoever receives the election results from the scrutineers will declare the said results on the same day.

23.0 Functions of the Managing Committee

23.1 Subject to the superintendence and control of the General Council, the management and control of the Association shall be vested in the Managing Committee which shall be the Governing Body of the Association, and which may exercise all such powers and do and such acts and things as the Association is by Statute or by its Memorandum of Association or by Rules and regulations or otherwise, authorised to exercise and do.

23.2 In furtherance of and without prejudice to the general powers and duties conferred in the last preceding Rule, the Managing Committee shall be entrusted with and may exercise and perform the following powers and duties:

- (a) To appoint, relieve, retire and dismiss Executive Secretary, and other officers and employees and to fix their wages or remuneration.
- (b) To provide a seal for the purposes of the Association and affix it to any deeds or other documents and all deeds or other documents shall be signed by two members of the Managing Committee in whose presence the Seal is affixed.
- (c) From time to time to make, alter and repeal Bylaws not inconsistent with the Memorandum of Association or those Rules and Regulations as the Managing Committee may deem expedient or convenient for the proper conduct, managing and control of the Association.
- (d) To write off in the accounts of the Association such sums as they may deem expedient in respect of bad and doubtful debts or otherwise.
- (e) To purchase or otherwise acquire for the Association any property rights or privileges at such price and in general

on such terms and conditions as they shall think fit.

- (f) To borrow and raise moneys without security or on the security of a mortgage, charge, hypothecation or pledge over all or any of the immovable or movable properties belonging to the Association or in any other manner whatsoever on such terms and conditions and at such rate of interest as may be determined by the Managing Committee and to invest the money or moneys of the Association as required in such manner as may be decided by the Managing Committee from time to time.
- (g) At their discretion to pay for any property rights or privileges acquired by or services rendered to the Association in cash.
- (h) To secure the fulfillment of any contracts or arrangements entered into by the Association by mortgages or charges of all or any of the properties of the Association or in such other manner as they may think fit.
- (i) To appoint any person or persons whether incorporated or not, to accept and hold in trust for the Association any belonging to the Association or in which it is interested, or for any other purposes and to execute and do all such deeds and things as may be requisite in relation to any such trust and to provide for the remuneration of Trustee or Trustees.
- (j) To invest and deal with moneys of the Association not immediately required for the purposes thereof upon such securities and in such manner as they may think fit and from time to time to vary and realise such investments.
- (k) To enter into all such negotiations and contracts and rescind and vary all such contracts and execute and do all such acts, deeds and things, in the name and on behalf of the Association as they may consider expedient for and in relation to any of the matters aforesaid or otherwise for the purposes of the Association.
- (l) To determine who shall be entitled to sign on behalf of the Association bills, notes,

receipts, acceptances, endorsements, cheques, releases, contracts and documents.

- (m) At any time and from time to time by Power of Attorney under the Seal to appoint any person to be the Attorney of the Association for such purposes and with such powers, authorities and discretions not exceeding those vested in or exercisable by the Managing Committee under these presents and for such period and subject to such conditions as the Managing Committee may from time to time think fit and to authorise any such Attorney to sub delegate all or any of the powers, authorities and discretions for the time being vested in him.
- (n) To suspend office bearers of any Centre who do not hold elections within the stipulated period and/or submit accounts within stipulated time and/or persistently commit breach of Rules and Regulations of the Association.
- (o) To appoint ad hoc committee of not exceeding 3 persons to attend to the business of a Centre whose office bearers are suspended till new office bearers are elected by such Centre.
- (p) To recommend enrolment of affiliated members.
- (q) To accept resignations of members.
- (r) To solicit, obtain or accept subscription, donation, grants, gifts, bequests and trusts from any person, from Bank or local authorities or corporate bodies, Government, etc.
- (s) To acquire by gift, purchase, exchange, lease or hire or otherwise howsoever, any land, buildings, easements and any property movable and/or immovable and for any estate or interest for the furtherance of all or any of the objects of the Association.
- (t) To build, construct and maintain houses, structures or buildings and alter, extend, improve, repair, enlarge or modify the same including any existing buildings and structures and to provide and equip them with lights, water, drainage, fixtures, fittings, instruments, apparatus and appliances and all other necessary requisites for the use to which each

building and/or structure is to be put upon or held.

- (u) To call, manage, transfer, exchange, demise, lease or let out, dispose of or otherwise deal with the properties whatever (movable or immovable) belonging to Association.
- (v) To open and operate accounts in Banks or to deal with Banks in any manner whatever as may be decided by the Managing Committee.
- (w) To open and conduct branches and Centres and to undertake such other activities for furtherance of all or any of the objects of the Society in accordance with the provisions made in the Rules and regulations of the Association.
- (x) To do all other lawful acts and things as may be incidental or conducive to the realisation or attainment of all or any of the aforesaid objects of the Society directly or indirectly and to incur requisite expenditure thereon.

24.0 Meetings of the Managing Committee

24.1 Ten members present shall form a quorum for a meeting of the Managing Committee. If there is no quorum present within 15 minutes, the meeting will be adjourned for half an hour. The members present at such adjourned meeting shall form the Quorum and shall have power to decide the items of Agenda.

24.2 The Managing Committee shall meet normally every month, but not less than once in every three months.

24.3 The President shall preside over all the meetings of the Managing Committee. In the absence of the President at any meeting. Vice President or in his absence one of the members present at the meeting shall be elected by the members present to preside over the meeting.

24.4 Names of Committee Chairmen and Committee Co-Chairmen to be announced by Newly elected Headquarter office bearers within 30 days on the recommendation of respective Centre Chairman routed through the respective State Chairman and Vice President of the region.

[Amended as on 28.11.2022 in the Special General Meeting held at Bangalore].

24.5 The Managing Committee shall have the power to raise, collect and spend such sums for any activity or function of the Association as the Committee may think fit or proper having regard to the activities of the Association within the limit of and as enumerated in the objects of the Association. But in no case shall such expenses exceed at a time 25 per cent of the total yearly subscription of the Association. If the expenses are likely to exceed the said limit of 25% of the total yearly subscriptions, sanction of the General Council will be essential as a condition precedent.

24.6 The Managing Committee shall have the power to print, publish, issue and circulate periodicals, journals, papers, books, circulars and literature of the Association and to provide or spend such sums as may be necessary for the same.

24.7 The Managing Committee with the consent of the General Council shall be entitled to allocate shares to various Centres from the annual subscription collected from the members of various Centres; provided however that in making such allocation to any particular Centre, the Managing Committee shall take into consideration the subscriptions collected from the members of that Centre and provided further that at no time the allocation of income from annual subscription to a Centre shall exceed 60% of the collected subscription from the members within the jurisdiction of that Centre.

24.8 If any Managing Committee member absents himself for three consecutive meetings with or without permission, the member shall automatically cease to be a Managing Committee member, unless his absence is excused on good and sufficient justification, by the Managing Committee. At the fourth meeting after 3 abstentions, the Managing Committee shall co-opt a new member. Regarding the eligibility in the future of such a member for the same or any other office, the Managing Committee will decide depending upon the circumstances.

25.0 Regions and their functions

25.1 Five geographical regions, namely North, West, South I, South II, East shall be constituted for the convenience of administration provided there are 3 Centres in that region. The South region

shall be further divided into Southern Region I and Southern Region II for the convenience of administration. One Vice President shall be elected by the General Council members of such region. Functions of the region shall be supervised and co-ordinated by the Vice President belonging to that region in consultation with the State Chairman and Chairmen of other Centres concerned and his responsibilities shall be:

- (a) To co-ordinate the activities of the Centre.
- (b) To supervise working of Centres, study problems and represent them before concerned authorities.
- (c) Promote and implement the decisions and directions of the General Council and/or Managing Committee.
- (d) To comply with any special assignment relating to the activities of the Association in respect of the region in accordance with the directives given by the President.
- (e) To undertake membership drive and open new Centres.

25.2 Vice President is entitled to co-opt two members to assist him in his duties.

26.0 Centres and their functions.

26.1 The Managing Committee or the General Council in the first instance shall recommend and place before the General Body of the Association the proposal of opening Centres. As soon as 20 Patron Members or 50 Annual Members are enlisted in a Centre, the Centre would be provisionally opened, subject to final approval and ratification by the General Body.

27.0 The following shall be the functions of a Centre.

- (a) To elect its office bearers and the Executive Committee.
- (b) To elect members for the General Council in the manner provided in the organisation chart and to fill casual vacancies in case of removal of any member from the General Council by the General Council or in any other event when such casual vacancy occurs.

- (c) To help the Headquarters to enroll more members.
- (d) To help collect funds and subscriptions from the members in their respective area and to transmit the same to the Headquarters of the Association and to keep and maintain proper accounts for the same and submit the same punctually to the Headquarters.
- (e) To implement the decisions and directions given by the General Council or the Managing Committee from time to time in their respective area.
- (f) To look after the interest of the activities of the Association at the level of the Centre.
- (g) To attend to such other functions and activities of the Association in the respective region of the Centre as per the directions given by the General Council or the Managing Committee from time to time.
- (h) To co-ordinate its activities with the Region within whose jurisdiction, the Centre is functioning.
- (i) All actions and activities of the Centre shall be directly under the control of the Headquarters.
- (j) Each Centre shall send its audited statement of accounts so as to reach the Headquarters on or before the 30th June each year. Any Centre failing to comply with this requirement, the Managing Committee / General Council Members of that Centre shall not be allowed to participate in the Managing Committee / General Council Meeting till the Centre sends the audited Balance Sheet and also that Centre will not be permitted to nominate any member for General Council and Managing Committee election of subsequent year till the Centre submits the audited Balance Sheet.

[Amended as on 14.12.2009 in the Special General Meeting held at Mumbai].

28.0 Functions of Office bearers of the Headquarters

28.1 The Office Bearers of the Association shall be elected for every financial year of the Association by the members of the General Council in the manner indicated in the Organisation Chart Appendix –A. The Office Bearers shall be elected by the General Council Members from amongst the General Council Members only.

[Amended as on 29.9.1999 in the Special General Meeting held at Mumbai].

29.0 **Qualifications of the office bearers**

29.1 Person should be engaged in actual trade or profession as a builder.

29.2 Should not hold any office in any other body having objects similar as those of the Association. In case he is holding any such office, he will relinquish the same on his election within 30 days.

29.3 Should be of the age of 25 years and above.

29.4 Candidates offering themselves for the office of the President shall have held the office of the Vice President of BAI.

30.0 **Meetings**

30.1 The President and the Hon. General Secretary shall be ex-officio members of all sub-committees.

30.2 At any meeting of the Association such as General Body, General Council or the Managing Committee or any sub-committee, the President or Chairman of the meeting as the case may be shall have a second or casting vote in case of equality of votes.

30.3 The Hon. General Secretary and/or the Hon. General Treasurer shall have the custody of all records and other property of the Association except records of the Centre.

30.4 The Hon. General Secretary or the Executive Secretary shall issue notices of all the meetings of the Association and of the General Council and of Managing Committee and of sub-committees and shall keep a record of the proceedings of all meetings of the Association and attend to all correspondence under the supervision of the Managing Committee.

30.5 The Hon. General Treasurer shall collect or cause to be collected entrance or admission

fee and all fees and other moneys payable to the Association, keep an account thereof and prepare half yearly and annual statements of accounts consisting of receipts and payments and balance sheet and submit such other statements as may from time to time be required by Managing Committee or the General Council.

31.0 **Qualifications for members of the General Council and or the Managing Committee**

31.1 No person shall be eligible to be a member either of the General Council or of the Managing Committee, unless he or the Company, Firm or Association which he represents shall have paid dues as mentioned in Rule 9.8.

31.2 Any member fulfilling requisites herein-above mentioned, will be entitled to contest any election. Where a firm, company or Association is a member, it shall have only one vote which shall be exercised by its duly authorised representative who shall be either Partner, Proprietor, Director or Principal Officer of such Firm, Company or Association. In case of any dispute as to who is the duly authorised representative of any firm, company or association, the decision of the President or Chairman of the meeting in that behalf shall be final and binding.

Any member fulfilling requisites qualification herein- above mentioned, will be entitled to contest any election. The Centre shall issue ID cards to all annual and patron members on their role if the majority of members of the Centre decides so in its Executive Committee Meeting. The annual members personally should exercise the vote / ballot by identifying themselves with the ID card. However, the patron members of firm, companies, corporates can choose to vote with their subordinate member duly authorized by the member mentioned in the Id card. The authorised member shall bring Id of the member, with due authorization letter by the member in their letter head with company seal, and id proof of the person coming to vote.

Note: BAI Headquarter on request from Centres, will provide membership data with

number for Centres to issue the necessary identification cards.

STATE AND THEIR FUNCTIONS.

31.2(a). To co ordinate the activities of the centres in the state.

31.2(b). To supervise the working of the centres, study their problems and represent them before the concerned authorities.

31.2(c). To promote and implement the decisions and directions of the M.C & G.C.

31.2(d). To comply with any special assignments relating to the activities of the Association in respect of the state in accordance with the direction given by the President.

31.2(e). To undertake membership drive and opening of new centres

[Amended as on 06.11.2016 in the Special General Meeting held at Chennai].

31.3.1 Prior to holding elections of any kind, either of the General Council or of the Managing Committee, the President shall appoint not less than three persons other than those directly interested in the elections, as scrutineers.

Similarly, the Chairman of a Centre shall appoint not less than three persons other than those directly interested in the elections as scrutineers, prior to holding of any election at the Centre.

31.3.2 In the event of a tie, occurring between two or more candidates by their securing an equal number of votes, a lot will be drawn up by the scrutineers and report to the concerned office bearer as required under Rule 22.5.

31.4 In the event of all the seats, either on the General Council or on the Managing Committee, not being filled in by election as provided in the Organisation Chart hereto annexed, the newly elected Council or the Committee, as the case may be, will fill in the remaining number of vacant seats and any other post or posts by co-option.

32.0 Minutes of meetings

The Minutes of the proceedings of all the meetings of the General Council, the Managing Committee and the General Body shall be recorded in separate books and shall be made available by the person or persons in charge of such books to any member of the Association if so needed after his giving at least three days notice in writing to the Hon. General Secretary of his intention to inspect the same.

33.0 Audit

The accounts of the Association shall be audited by the Auditor on remuneration as may be decided by the General Body in their meeting.

34.0 Funds

34.1 Funds of the Association shall consist of Reserve Fund and General Fund.

34.1.1 Reserve Fund

34.1.1.1 This fund shall consist of the accumulations of entrance fees and the fees received from Patron members which shall be kept invested in Promissory Notes, Debentures, Stock and other securities of any State Government and/or the Central Government and/or in fixed deposit with State Bank of India or any Nationalised Bank or Banks operating in India and/or in purchase of immovable property.

34.1.1.2 A Bank account shall be opened in the name of Builders' Association of India Trustees Account with any of the Nationalised bank or banks to be approved by the General Council/Managing Committee. Entrance fees from new Members and such other monies as the General Council/Managing Committee shall decide to form part of the Corpus Fund, shall be deposited in this account. When the credit of the Corpus Fund of the Association at the foot of the Banking account or account of the Association reaches a limit of Rs.3,000/-, then a sum of Rs.2,000/-from the same may be invested in any manner as provided elsewhere in these Rules and regulations and shall form part of the investment representing the Corpus Fund.

34.1.1.3 Trustees of the Fund and the Property of the Association:

The Reserve Fund and all properties (movable and immovable) of the Association shall vest in the seven members elected by the General Council in the manner hereinafter provided, who shall be governed by the provisions of the Indian Trusts Act, 1882 and shall be called the Trustees of the Builders' Association of India.

[Amended as on 14.12.2009 in the Special General Meeting held at Mumbai]

34.1.1.4 Powers, functions, responsibilities and liabilities of the Trustees:

- (a) All properties, movable and immovable shall be vested in the Trustees of the Association and in all proceedings, civil and criminal, such properties may be described as the properties of the Trustees of the Builders' Association of India and the provisions of Indian Trusts Act, 1882 ipso facto shall apply in all such proceedings for and against the Association and the Trustees are subject to all responsibilities, rights and liabilities contained in the relevant provisions of the said Act, so far as their applicability to the Association is concerned.
- (b) The Board of Trustees of the Association shall consist of Twelve (12) members elected by the General Council Members.

Southern Region I – 2 Trustees.

Southern Region II – 3 Trustees.

Western Region – 3 Trustees.

Northern Region – 2 Trustees.

Eastern Region – 2 Trustees.

The term of the Trustees will be maximum of 2 Years.

The above will be effective from 1st April 2025 after completing the existing Trustee's tenure.(2022-2025).

The qualification of Trustees shall be:

- (a) He should be a Patron Member
- (b) He should have served as an office bearer of the Head Quarters or he should be a member of the Association, atleast for 10 years, and during this period he should have served as Chairman of any Centre

[Amended as on 28.11.2022 in the Special General Meeting held at Bangalore].

- (c) In the event of any Trustee or Trustees dying, resigning or ceasing to be a member of the Association for any reason whatsoever or going to reside abroad for a period of one year or more or becoming of

unsound mind or being adjudicated an insolvent or is guilty of an offence involving moral turpitude, such Trustee or Trustees shall cease to be a Trustee and such vacancy or vacancies shall be filled up by the members of the General Council of the Region by postal ballot provided however the minimum number of Trustees shall at no time be less than five.

[Amended as on 14.12.2009 in the Special General Meeting held at Mumbai]

- (d) The Trust Funds of the Association shall be invested as per the provisions of the Income-tax Act, 1961 or any other statutory modification thereof for the time being in force.
- (e) Any two Trustees shall be entitled to operate upon the Bank account comprising the Corpus Fund and/or to receive interest on securities and other income and shall have power to buy, sell or endorse Government securities, or any other Security, Cheque or such negotiable instruments, interest vouchers, receipts and other papers, documents, conveyance etc. pertaining to any moveable and/or immovable properties of the Association subject to the proviso that no part of the Corpus Fund shall be withdrawn or in any way dealt with by the Trustees unless authorised by a resolution passed by seventy-five per cent of the Members of the Association present and voting in favour by two-third majority of the Members present at a Special General Meeting of the Association convened for the purpose.

34.2 General Funds: The General Funds shall be named 'General Reserve Fund' and 'The General Fund'.

- (a) General Reserve Fund shall consist of Rupees Ten Thousand minimum which shall be kept invested in promissory notes, debentures, stock or other securities of any State Government or the Central Government and/or in Fixed Deposit with the State Bank of India, or any Nationalised Bank or Banks operating in India and/or purchase of immovable property.
- (b) The General Reserve Fund : This fund shall vest in Trustees who shall be called the Trustees of the General Reserve Fund of Builders' Association of India upon and subject to the terms and conditions herein-above mentioned and they shall be the same persons for the time being as herein-above indicated.

(g) Contributions, etc.

- (c) Any two Trustees shall have power to sign and discharge Cheque and such other negotiable instruments and interest and dividend warrants, refund certificates, receipts and other papers and documents for and on behalf of the Association; subject to conditions and restrictions herein-above contained.

34.2.1 General Fund: General Fund shall consist of annual subscription of members of the Association, interest on and income from the Reserve Fund and of the General or General Reserve Funds and other moneys or donations received by the Association. All moneys or interest due to the General Fund when received shall be credited to its account and all expenses shall be met out of the annual subscription of members and interest on investment of both the Reserve Fund and the General Reserve Fund, donations and other income, and the net income from the Reserve Fund be paid to the General Fund Account as and when accrued or collected.

34.2.2 Bank Account operation: The Bank Account of the General Fund shall be held in the name of Builders' Association of India and shall be operated upon jointly by any two i.e. anyone among President, Hon. Gen. Secretary, Hon. Gen. Treasurer with any of the other Office Bearers of the Headquarters and any one of the three Managing Committee Members specially nominated for the purpose.

34.2.3 The Centres shall have the power to open and operate bank accounts in their respective area with regard to the funds allotted to them for administrative expenditure etc., but such accounts shall be in the name and on behalf of the Association.

35.0 Sources of funds of the Association

35.1 The funds of the Association may be raised by:

- (a) Loans (with or without interest)
- (b) Deposits
- (c) Donations
- (d) Subsidies
- (e) Grants
- (f) Membership subscriptions

Centres which conduct All India Builders' Convention (with or without exhibition) should contribute a minimum of 30% of the Delegate fees levied by the Centre on member and non member delegates. The concerned Centre shall submit the list of delegate to the Headquarter along with the Cheque for the respective amount within one month of the completion of such Convention.

[Clause amended as on 29.9.2012 by the Annual General Meeting held at Jodhpur]

35.2. Centres which conduct Exhibition or Conference or Seminars in five major cities i.e. Mumbai, Chennai, Delhi. Bangalore and Kolkotta should contribute a minimum of Rs.30,000/- to Head Quarter and other Centres in other cities should contribute a minimum of Rs.15,000/- to Head Quarters.

[Amended as on 05.12.02 by the Special General Meeting held at Mumbai).

36.0 Immovable Property

36.1 Immovable Property: All assets comprising immovable property of the Association, if any, shall vest in the Trustees of the Builders' Association of India, provided, however, that the Trustee or Trustees shall have no power whatsoever to sell, alienate, transfer, pledge, mortgage, charge or dispose of or deal with all or any of the immovable property or properties, save and except with specific sanction by a resolution of the General Body.

37.0 Application of Societies Registration Act

37.1 In the absence of any specific provision in this Constitution of the Association for any such matter whatsoever, the relevant provisions contained in the Societies Registration Act, 1860, to that effect shall apply to the extent as they are not inconsistent with the Constitution of the Association.

38.0 Amendment of the Constitution

38.1 The Constitution including the Rules and Regulations of the Association may be amended by two-thirds of the members of the

Association present in a meeting of the Association of which due notice is given to members.

39.0 Cessation of the Association

39.1 If in the opinion of the General Council and the Managing Committee at any time, it may be found essential or necessary to close the Association, a Special General Meeting of the Association shall be convened by the Council and the Committee jointly for the purpose. No action shall be taken in this meeting on this subject unless three fourths of the total members of the Association are present and vote for the Resolution. In the same meeting or at any subsequent adjourned meeting, the necessary resolution shall be passed on the disposal of the assets and liabilities of the Association in such manner as may be decided upon by majority.

39.2 If for any reason whatsoever the activities of the Association come to a standstill or are to be wound up, the General Council or the Managing Committee as the case may be may recommend so by a Resolution to the General Body which in its turn in a meeting specially convened for the purpose may resolve by not less than three-fourths majority of the total membership to dissolve the Association by giving 30 days' written notice of the meeting in advance to all the members concerned with specific instructions of the purpose thereof.

39.3 On dissolution of the Association if after satisfaction of all its debts and liabilities there remains any property or properties (movable and immovable) whatsoever not impressed with any Trust or Trusts agreed between the Association and the donor or donors, the same shall not be paid or distributed amongst the members of the Association or any of them, but shall be given to some similar Association or institution working for the same or similar objects as those of the Association to be determined by the special meeting of the General Body by votes not less than two-thirds of the members present at the meeting or in default thereof by the Principal Court of Original Jurisdiction of the District or the Presidency in which the registered office of the Association is situate.

40.0 Working Hours

40.1 Office of the Association shall remain open on all working days during business hours

except on Sundays and on Public Holidays, provided however that the President shall have the right to keep the office open for special functions or for meetings even on Sundays and Holidays.

41.0 Library

The members of the Association shall be entitled to the use of books, periodicals, papers etc. in the Association Library during business hours. No member shall however take away any book, periodicals or papers without the previous sanction of the Hon General Secretary in writing.

42.0 Liability of members introducing visitors and guests.

42.1 Members introducing visitors and guests shall be liable for supplies made to or expenses or liabilities incurred on their account by the Association and such members introducing visitors and guests shall be solely responsible for the good behaviour of such visitors or guests during the time of their presence or stay in the Association's premises according to Rules and Regulations of the Builders' Association of India.

43.0 Power to remove, difficulty, doubt and/or inconsistency and/or omission in Rules and Regulations of the Association :

43.1 If any difficulty or any doubt arises in giving effect to any Rule and/or Regulation or if there is any conflict and/or inconsistency in the provisions of the Rules and Regulations or if there is any omission in the Rules and Regulations to meet or resolve any situation, the Managing Committee is hereby empowered and authorised to resolve such difficulty and/or doubt and/or conflict and/or inconsistency and/or to supplement such omission including the provisions relating to the last date of payment of annual subscription by members and submission of the list of eligible voters by the Centre to the Headquarters for the purpose of holding elections at Centres and the decision of the Managing Committee on the issue shall be binding on the Association and will not be or be liable to be questioned by the Association or any member of the Association. However, in case of relaxation of dates mentioned herein-before,

they shall not be later than 30th November and 31st December respectively.

43.2 Arbitration

“If any dispute arises in case of any matter whatsoever including elections, etc., the same shall be referred to an Arbitration Committee consisting of three members, one member from Past Presidents nominated by the disputant and another member from Past Presidents nominated by the respondents and the third Umpire nominated by both the Arbitrators, who shall decide the matter pertaining to all disputes and the decision of such Committee shall be final and binding on all the parties. The Arbitration

Committee shall have all the powers as per the Arbitration Act, 2016 and shall settle the matter within 4 months of referring of the dispute”.

[Clause incorporated as per the decision of the Special General Meeting held at Mumbai on 29.9.1999].

43.3 Jurisdiction

“In case any matter/dispute/case is filed in Courts of Law, against the Association, then the Courts in Mumbai only shall have jurisdiction for the same”.

[Clause incorporated as per the decision of the Special General Meeting held at Mumbai on 29.9.1999].

Name of the Subscribers, address and description of Subscribers

Sardar Amarjit Singh Chowdhary	M/s. Salwan Construction Company A 13, Niti Baug, New Delhi – 110 049.
Shri A. Nagabhushana Rau	M/s. Hindustan Construction Company Ltd. Construction House, Ballard Estate, Mumbai – 400 038.
Shri G.K. Shetty	37, College Road, Madras – 600 017
Shri R.M. Chokshi	M/s. C.D. Builders Prospect Chambers, Office No.1, 5 th floor, D.N. Road, Mumbai – 400 001.
Shri S.A. Vichare	M/s. Vichare & Co. Mittal Tower, A wing, 7 th floor, Nariman Point, Mumbai – 400 021.
Shri S.A.N. Ranganathachar	M/s. Sarvamangala Constructions 71/73, Congress Building, 574, Anna Salai, Madras – 600 006.
Shri N.D. Golani	M/s. Golani Brothers 303, Dalmal Chambers, 17, New Marine Lines, Mumbai – 400 020.
Shri L. Mathrani	M/s. Mathrani Construction Co. 21, Kailash Darshan, Jagannath Shankershet Road, Mumbai – 400 007.
Shri N.P. Valecha	M/s. Valecha Brothers (Engg. Construction) P. Ltd. Khood All Naaz, Swami Gyanchandra Marg, Opp. Dadar Rly. Station, Mumbai – 400 014.
<i>Witness</i> Shri Nandkumar Samant	Executive Secretary, Builders' Association of India Commerce Centre, 7 th floor, J. Dadajee Road, Tardeo, Mumbai – 400 034.

Dated, this 1st day of November 1982.

Appendix A

Organisation Chart

A.O Constitution of General Council

A.O.1 The affairs of the General Council will be conducted at and from Bombay.

A.O.2 The General Council shall consist of:

- (a) The office bearers of the Association.
- (b) The Chairman of all Centres.
- (c) The Trustees of the properties of the Association.
- (d) The Representatives of Patron members (one for every 50 Patron members, subject to maximum of 75).
- (e) Representatives of Centres to be elected in the manner set out in the Rules and Regulations.
- (f) 4 Nos. Representing Affiliated Association (2 from the Patron category elected among affiliated patron members only and 2 from the General category elected among all affiliated patron members and affiliated annual members, irrespective of the number of Affiliated Associations, the total General Council Members representing them shall not exceed 4).
- (g) All subscribing Past Presidents of BAI.

The number of elected members of the General Council shall at no time exceed 250.

[Amended as on 12.09.2015 in the Annual General Meeting held at Mumbai]

A.1 The Constitution of the Managing Committee.

A.1.1 Headquarters of the Managing Committee will be at Bombay and the affairs of the Managing Committee will be conducted at and from Bombay.

A.1.2 Save as herein otherwise provided, the General Council will elect from amongst the members of the General Council, members of the Managing Committee and Office bearers of the Association by postal ballot as provided in the Rules & Regulations. The Managing Committee is empowered to fill casual vacancies in the Managing Committee as also in the office of Office bearers. The General Council is empowered to fill casual vacancies in General Council.

A.1.3. The Managing Committee shall consist of:

- (a) President
- (b) Five Vice Presidents
- (c) Hon. Gen. Secretary
- (d) Hon. Gen. Treasurer
- (e) Imm. Past President
- (f) Elected members (Maximum Nos.28).

(on the basis that for a membership strength of 1500/below 6 members shall be elected, and for a membership strength of over 1500, one additional member for every increase of 250 members above 1500 until the membership strength reaches 7,000, when the General Council shall review the position).

(g) Representatives of Patrons.

(the Patrons will elect one member on the Managing Committee for every 100 members subject to maximum of 25).

(h) All Subscribing Past Presidents.

(i) All Trustees defined in Clause 34.1.1.3 shall be Special Invitees to the Managing Committee for the period to which they are elected.

[Amended as on 06.11.2016 by the Special General Meeting held at Chennai].

(j) Representative of Affiliated Associations.

(the Affiliated Associations will appoint one nominee on the Managing Committee for every 10 members but will not exceed 4).

(k) Co-opted members.

(the Managing Committee will have power to co-opt members of Managing Committee not exceeding 4).

(l) One expert in any professional or any specialised field may be co-opted as a member of the Managing Committee by the Managing Committee even if he is not a member of the Association.

(m) State Chairman or State Co-ordinator as defined in Rule Nos.22.2 and 22.3.

A.1.4. Five Vice Presidents shall be elected from Five Regions from among the elected General Council Members of that Region.

The Hon. General Secretary shall be elected from and among the General Council Members of Maharashtra State, including the General Council Members from Mumbai Centre. However, if there is more than one nomination for the post of Hon. General Secretary, he/she shall be elected by the General Council Members from all the Centres, including those from Mumbai Centre.

The Hon. General Treasurer shall be elected from the General Council Members of Mumbai Centre and if there is more than one nomination for the post of Hon. General Treasurer, he/she shall be elected by the General Council Members from all the Centres, including those from Mumbai Centre.

Provided, however, that no member shall be eligible to be elected as the Vice President, Hon. General Secretary or Hon. General Treasurer for more than two terms.

[Amended as on 28.11.2022 in the Special General Meeting held at Bangalore].

Appendix B
Standard Bye-laws for Centres (Model Rules & Regulations of Centres)
Centres and their functions

Preamble

B.0 The Managing Committee or the General Council in the first instance shall approve and place before the General Body of the Association the proposal of opening Centres. As soon as 20 Patron Members or 50 Annual Members are enlisted in a Centre, the Centre would be provisionally opened subject to final approval and ratification by the General Body.

B.0.1 The General Council as well as the Managing Committee may recommend opening of Centres in different parts of the Union of India: provided there are not less than 20 (twenty) members of the Association operating in that area: provided however that it shall be optional with the Association as a special case on the recommendation of the Managing Committee to open a Centre at any place even if there are less than 20 Patron Members or 50 Annual Members if the Association is satisfied that the industry or trade at that particular place is of an important nature and as such opening of a Centre in that place will be beneficial to the Association. As soon as minimum number of 20 Patron Members or 50 Annual Members are enlisted, action for opening the Centre as aforesaid would be taken and provisionally the Centre would be opened with the approval of the Managing Committee subject to the final ratification by the General Body.

The name of proposed new Centre shall in no way be similar to the names of existing names of any other Centre and there shall be no conflict of interest with other Centre's.

Name of a Centre once registered under the Association shall in no way be changed for any reason.

The above amendment will be reviewed as per the statutory announcement of name change by the State / Central Government.

[Amended as on 28.11.2022 in the Special General Meeting held at Bangalore].

B.0.2 Scope: All the Rules and regulations of the Association will be applicable to the Centres.

B.0.3 Office of the Centre: Office of the Centre will be situated at

B.0.4 Official year: Official year of the Centre shall be from 1st of April every year.

B.1 General Body

B.1.1 General Body of the Centre shall consist of all the members on the register of the Association, who carry on business or operate in any construction activity.

B.1.2 Members of the General Body shall exercise such rights and privileges as are given below and/or as are delegated to the Centre by the Managing Committee of the Association.

B.1.3 Meeting of the General Body of the Centre shall take place at least once a year and the quorum for the meeting will be at least seven members present.

B.2 The affairs of the Centre shall be managed by a body called Executive Committee of the Centre. It will consist of a Chairman, Vice Chairman, a Hon. Secretary and a Hon. Treasurer (the Centre may allot duties of Hon. Secretary and Hon. Treasurer to one member if approved by the General Body meeting) and the Executive Committee members. Four members shall form a quorum of the Executive Committee of Centre; where the Centre fails to hold timely annual meeting/election and pass accounts or commits breach of BAI rules, the Managing Committee of the Association shall suspend the Office bearers of the Centre and appoint an ad-hoc committees of not exceeding 3 members to look after the work of the Centre as provided in Rule 23.2(o) of the Rules and Regulations of the Association.

B.2.1 Members who are eligible to vote will elect the Office bearers of the Centre and also elect members of the General Council to represent the Centre.

B.2.2 Election will be held amongst the members in the Annual General Meeting on or before the dates specified in the Constitution for

(a) The Chairman of the Centre

(b) General Council Members

(c) Other Office bearers not exceeding 4

(d) Members of the Executive Committee of not less than 3 members and not more than 15

members to manage the affairs of the Centre. Members of the Committee shall be elected in the following manner:

- 2 members for membership upto 20
- 3 members for membership upto 30
- 4 members for membership upto 40
- 5 members for membership upto 50
- and so on

(Clause amended as on 23rd December 1999, by the Special General Meeting held in Mumbai)

B.3 One Chairman will be elected for every Centre and the Chairman will become the Ex-officio Member of the General Council. If a Centre has 30 members or more, then in addition to the Chairman as Ex-Officio member of the General Council, additional members would be elected by the Centre to the General Council in the manner indicated in the Constitution of BAI.

B.4 Qualification to hold office

- (a) Persons should be engaged in actual trade or profession hereinabove indicated.
- (b) Should not hold any office in any other body having objects similar to those of the Association. In case he is holding any such office, he will relinquish the same on his election within 30 days.

- c) Should be of the age of 25 years and above.

B.4.1 Where a member desires to change his Centre due to change of location of the business of such member or for any other valid reason, he will be entitled to do so.

B.4.2 The Centre will receive share from annual subscription towards expenses for maintenance and administration of the Centre as may be decided by the General Council from time to time; provided however that such share shall not exceed 60% of the total annual subscription received from the members representing that Centre.

B.4.3 Any member who is indebted to the Association in any sum or is in arrears of payment of his subscription shall not be entitled to contest, nominate or vote in any election.

B.4.4 The term of office of Chairman and his team of Office Bearers will be for one year. He

will however be eligible to be elected as Chairman for the successive year. Thereafter he will not be eligible to be appointed as Chairman of the Centre for a minimum period of two years.

(Clause amended as on 23rd December 1999, by the Special General Meeting held in Mumbai)

B.4.5 When the membership of a Centre falls below 20 for a continuous period of six months, the Centre will stand automatically closed on the expiry of the said period of six months. It will be the duty of the Centre to report to the Headquarters whenever its membership falls below 20. The members of such defunct Centre shall be entitled and eligible to join any other Centre.

B.4.6 Whenever a Centre fails to send annual **audited** accounts of the Centre **within 4 months after completion of the accounting year to Head Quarters**, or does not hold annual elections as per the Rules and regulations of the Association, the Managing Committee of the Association will have the power to suspend the office bearers of the Centre in default and to appoint an ad-hoc committee to manage the affairs of the Centre till proper fresh elections are held.

(Clause amended as on 23rd December 1999, by the Special General Meeting held in Mumbai)

B.5 The following shall be the functions of a Centre.

- (a) To elect a committee and its office bearers for the Centre.

(b) To elect members for the General Council in the manner provided in the organisation chart and to fill casual vacancies in case of removal of any member from the General Council by the General Council or any other event when such casual vacancy occurs.

(c) To help collect funds and subscriptions from the members in their respective area and to transmit the same to the Headquarters of the Association and to keep and maintain proper accounts for the same and submit the same punctually to the Headquarters.

(d) To implement the decisions and directions given by the General Council or the Managing

Committee from time to time in their respective areas.

(e) To look after the activities of the Association at the level of the Centre.

(f) To attend to such other functions and activities of the Association in the respective region of the Centre as per the directions given by the General Council or the Managing Committee from time to time.

(g) To coordinate its activities with the region within whose jurisdiction, the Centre is functioning.

(h) All actions and activities of the Centre shall be directly under the control of the Headquarters.

(i) Each Centre shall send its audited annual accounts so as to reach the Headquarters at Bombay by 30th June each year.

(j) To enrol more members.

B.6 Finance of Centre, administration and control

Share of subscription, gifts (cash), donations, contributions etc. received by the Centre shall be banked in Nationalised/Scheduled Bank approved by the Executive Committee of the Centre, in an account to be named 'Builders' Association of India Centre'. The account shall be operated by any two of the office bearers of the Centre for which Executive Committee will pass a necessary resolution. A copy of the said resolution shall be sent to BAI Headquarters every year within a week of the passing of the said Resolution by Executive Committee of the Centre.

B.7 Audit

The Accounts of the Centre shall be audited and certified as correct by a Chartered Accountant or Honorary Auditor. The Hon. Auditor shall be elected from amongst the members of the Centre. The Hon. Auditor shall not be an office-bearer or member of the Executive Committee of the Centre.

B.8 Ways and Means Sub-Committee

The Chairman of the Centre shall constitute every year a 'Ways and Means Sub-Committee' consisting of seven members. The four office bearers shall be ex-officio members of this Sub-Committee. In constituting this Sub-Committee, the Chairman shall see that all major formations, i.e. MES, CPWD, Railways, State PWD, Municipal Corporation, Panchayat and private owners in the region/in the area of the Centre are covered. Members of this Sub-Committee may meet as often as and in any manner they like, at a mutually agreed place and time for general consultations, for discussions, to hear grievances of members and to take suitable action and to consider any other matter in furtherance of the objects of the Association/Centre.

B.9 Minutes

B.9.1 The minutes of the proceedings of the General Body, Executive Committee and of the sub-Committee shall be recorded in separate books and shall be available to any member in the Centre for inspection.

B.9.2 The Centre shall maintain a list of members of BAI in the Centre, and shall keep it open for inspection, copying by the members.

B.10 Annual Report

The Centre (Hon. Secretary) shall maintain, if the funds of the Centre permit, a library containing periodicals, circulars, books etc. received from the Association and may collect publications useful for building and civil structural engineering contractors for the benefit and use of the members in the Centre. No member shall remove any of the periodicals, books and publications from the library without previous permission in writing of the Hon. Secretary.

B.11 Cessation of the Centre

On cessation of the Centre, the Hon. Secretary of the Centre shall handover all records, assets etc. to the executive Secretary/Hon. Gen. Secretary of the Association or as the Managing Committee of BAI may direct.

Appendix C

Code of correct business practice for the members of the Builders' Association of India

C.0 A member of the Builders' Association of India is governed by the Constitution and rules of the Builders' Association of India.

C.0.1 The following clauses indicate in a general manner the standard of conduct which members of the Builders' Association of India must adhere to failing which the Managing Committee of the Builders' Association of India may judge a member guilty of prejudicial conduct and either reprimand, or suspend or expel him in accordance with the Rules and Regulations of the Builders' Association of India.

C.1 Contractor and client, public, architect or engineer

C.1.1 He shall use good and suitable materials in any works he does and he shall use the stipulated quantity and quality of materials.

C.1.2 He shall, at all times, work so as to secure absolute safety for the public and the maximum possible one for his men.

C.1.3 He shall comply with all local rules and regulations of public safety and convenience.

C.1.4 The giving of gratia, whether by payment of money, presents, commissions, or any other means, to clients, architects, engineers, public officials and competitors or their respective representatives or employees is not permissible.

He shall follow ethical standards in dealing with his clients.

C.1.5 He shall participate in all movements for public betterment, in which his training and experience qualify him to act.

C.1.6 He shall stand firm for fair and just dealings and condemn, without reserve, unfair and dishonest practice.

C.1.7 He shall conduct his business so that any transaction results in some benefit accruing to all concerned, whether the benefit is in the form of service or money.

C.1.8 The false or misleading use of names for types and grades of materials or of trade name for the purpose of deceiving the customer or of gaining an advantage over a competitor is unfair.

C.1.9 He shall take advantage of no man's ignorance and see that his employees are trustworthy and straightforward and that they do not cheat the confiding.

C.1.10 He shall consider a word-of-mouth contract as valid as a written one.

C.1.11 He and his staff shall consider his business as an honourable occupation affording opportunity to benefit and give service to their fellowmen.

C.1.12 He shall co-operate actively in aiding the advancement of the structural industry.

C.1.13 He shall refuse to aid and abet or be an accessory to anybody such as the client, architect, engineer, public officials, suppliers or competitors in doing anything unethical according to their respective Codes of Correct Practice.

C.2 Contractor and supplier

C.2.1 He shall not divulge the prices quoted by a supplier to a competing supplier.

C.2.2 He and his employees must always refuse to accept bribes or presents from any suppliers.

C.2.3 He shall meet his obligations in accordance with established and accepted credit methods.

C.3 Contractor and contractor

C.3.1 Each contractor shall treat his competitors as he would like to be treated by them.

C.3.2 He shall never say or hint anything about his competitor, which he does not know to be true.

C.3.3 He shall always help, if he can a fellow contractor who seeks help against the unfairness of a client, architect or engineer.

C.3.4 He shall not entice another contractor's employee away either for his own service or to hamper his competitor.

C.3.5 He shall not quote below cost for the purpose of annoying, harassing or eliminating another competitor.

C.3.6 He shall not obtain or use surreptitiously advances information relating to a competitor's quotation in the preparation of his own bid.

C.3.7 A contractor, on being approached by a client or the engineer concerned to proceed with the work, upon which another contractor is previously employed, shall notify the fact to such contractor. Before proceeding with the said work, it will be the duty of the incoming contractor to satisfy himself that full payment is made against dues, claims, etc. to the outgoing contractor.

C.4 Contractor and employee

C.4.1 He shall provide adequate accommodation, sanitary arrangements and water for the labour when the labour has not got their homes in the vicinity.

C.4.2 No children shall be employed where primary schools exist and they never be employed for heavy work.

C.4.3 The labour shall not be paid less than the prevailing rates in the district.

C.4.4 All scaffolding, hoisting and other gear provided shall be safe, he shall make all necessary safeguards for the prevention of accidents.

C.4.5 He shall give his permanent employees appropriate vacations with pay.

C.4.6 He shall endeavour to train his employees to be competent in their profession and to make them follow this code.

C.4.7 He shall employ as many apprentices as he can and try to teach them to be efficient in their profession.

Appendix D

MEMBERSHIP APPLICATION FORM

Please use BLOCK LETTERS

BUILDERS' ASSOCIATION OF INDIA

(ALL-INDIA ASSOCIATION OF ENGINEERING CONSTRUCTION CONTRACTORS & BUILDERS)

G-1/G-20, 7th floor, Commerce Centre, J. Dadajee Road, Tardeo, Mumbai 400034 Tel.:

23514802,23520507,23521328

Web Site: www.baionline.in • E-mail : baihq.mumbai@gmail.com

GST Registration Number:27AAATB0212F1ZI



Estd.1941

Centres at : Adilabad, Adityapur, Adoor, Agra, Agra Cantt., Ahmedabad, Ahmedabad West, Ahmednagar, Aligarh, Allahabad, Alleppy, Aluva, Ambikapur, Amravati, Amaravathi, Amaravathi Capital, Amaravathi Rural, Anakapalle, Anantnag, Anantapur, Andaman & Nicobar, Angamali, Aurangabad, Avadi, Baghpat, Bangalore, Baramati, Bareilly, Baroda, Beed, Bharuch, Bhopal, Bhubaneswar, Bilaspur, Butibori, Calicut, Chandigarh, Changanacherry, Chengai, Chennai, Chettinadu, Chikmagalur, Chitradurga, Coimbatore, Danapur, Delhi, Delhi East Shahadra, Delhi North, Delhi South, Delhi West, Dhanbad, Dharapuram, Dhule, Dehradun, Dindigul, Durgapur, Durg-Bhillai, Erode, Ettumanoor, Faridabad, Gautam Buddha Nagar, Gandhinagar, Ghaziabad, Goa, Greater Hyderabad, Greater Jaipur, Greater Noida, Guntur, Gurgaon, Guwahati, Haldia, Hapur, Hasan, Hosur, Hyderabad, Ichalkaranji, Idukki, Indore, Jabalpur, Jagdalpur, Jaipur, Jalgaon, Jaisalmer, Jammu, Jamshedpur, Jangaon, Jayankondam, Jodhpur, Kalpakkam, Kallakurichi, Kamareddy, Kanchipuram, Kanker, Kannur, Kanpur, Kanpur-South, Kanyakumari, Karaikal, Karimnagar, Karnal, Kamavati, Karur, Kavali, Khammam, Kochi, Kodaikanal, Kodungallur, Kokapet, Kolhapur, Kolkata, Kollam, Kottayam, Kovilpatti, Kumbakonam, Kundli, Latur, L.B. Nagar, Loni, Lucknow, Madhuranthakam, Madurai, Mahaboobnagar, Malappuram, Malegaon, Mangalore, Mandya, Mayiladuthurai, Medachal, Medak, Meerut, Meerut Cantt., Modinagar, Mohali, Moradabad, Moradabad Nor. Rly., Mumbai, Muvattupuzha, Muzaffarnagar, Mysore, Nagapattinam, Nagpur, Nalgonda, Namakkal, Nanded, Nandurbar, Nasik, Nellore, Neyveli, Nilgiri, Nizamabad, NTR, Ongole, Palakkad, Palani, Pandharpur, Panipat, Parbhani, Pathanamthitta, Patna, Perambalur, Perumbavoor, Phaltan, Pink City Jaipur, Pondicherry, Ponneri, Poonamallee, Por-Ramangamdi, Pudukkottai, Pune, Raichur, Raigad, Raipur, Rajahmundry, Rajapalayam, Rajkot, Rajnandgaon, Ramanathapuram, Ranchi, Ranga Reddy, Ravulapalem, Sahibabad, Salem, Sangamner, Sangli, Satara, Secunderabad, Shahda, Shimla, Shimoga, Siddipet, Silchar, Siliguri, Sitapur, Solapur, South-East Delhi, Srinagar, Surat, Tambaram, Tanuku, Tenkasi, Tezpur, Thanjavur, Theni, Thirupurur, Thiruthurai, Thiruvalla, Thiruvannamalai, Thiruvannur, Thripunithura, Thrissur, Tiruchirappalli, Tirunelveli, Tirupati, Tirupur, Tiruvallur, Thiruvananthapuram, Tuticorin, Udumalpet, Udupi, Ulhasnagar, Vaddeswaram SABCA, Vellore, Vijayawada, Vikarabad, Villupuram, Visakhapatnam, Vizag Steel City, Wai, Warangal, Western U.P. Electrical, Yadadri, YSR Kadapa

To,

The Executive Secretary

Builders' Association of India

G-1/G-20, 7th floor, Commerce Centre,

J. Dadajee Road, Tardeo, Mumbai 400034

Dear Sir,

Please enroll my/our* name as an ANNUAL/PATRON/CORPORATE/AFFILIATED ASSOCIATION* Member of Builders' Association of India. I/We* am/are* connected with the Building Profession/Trade and Construction Industry as (please tick relevant box/s):

Please mention your Company Registration Number with MSME _____ for our record purpose.

Construction Contractor

Real Estate Developer

Engineer

Consultant

Architect

Interior Decorator

Engineering Colleges / Polytechnics

Service Provider (Please specify) _____

Manufacturer and/or dealer and/or hirer in construction material/equipment

Repairs & Rehabilitation Contractor.

I/We* have read the Rules and Regulations of your Association and agree to abide by the same.#

(*Strike out whichever is not applicable, # will be given on request)

Please find herewith sum of Rs. _____ by Demand Draft / NEFT/RTGS No. _____ dated _____, drawn in favour of “**BUILDERS' ASSOCIATION OF INDIA**” towards the new membership subscription.

MEMBERSHIP SUBSCRIPTION DETAILS							
ANNUAL MEMBERSHIP		PATRON MEMBERSHIP		AFFILIATED ASSOCIATION PATRON MEMBERSHIP		CORPORATE MEMBERSHIP	
Entrance Fee	Rs.100 Rs.3,194	One Time Subscription	Rs.25,000	One Time Subscription	Rs.30,000	One Time Subscription	Rs. 3,00,000
Annual Subscription	Rs.200	Indian Construction Subscription	Rs.200			Annual Subscription	Rs.10,000
Indian Subscription							
GST	Rs.593	GST	Rs.4,500	GST	Rs. 5,400	GST	Rs.55,800
Total	Rs. 4,087	Total	Rs.29,700	Total	Rs.35,400	Total	Rs. 3,65,800

I / We want the membership in _____ my name / _____ Company name. (Please tick relevant box).

Full Name and Address of the Applicant: _____
(Name of the Member Company)

_____ **PIN** _____
(Very Important)

Telephone: _____ / _____ / _____

Fax: _____ / _____ E-mail _____

Website: _____

PAN NO. _____ / GST NO. _____

(i) Contractor License No. _____ / (ii) Company Identification No. _____

<i>Give names in case :</i> a) Partnership firm (Major Working Partners only) 1. 2. 3. b) Corporate Company (Names of Managing and Executive Directors only) 1. 2. 3. and (Manager authorised by Power of Attorney)	Names of Representatives duly authorised to attend and vote at the meeting (indicate against each whether Director, Partner or Executive Attorney) with Residence Address & Tel., Fax, Pager & Mobile Nos, 1. 2.
---	---

Proposed By _____ Seconded By _____

For & on behalf of _____
(Rubber Stamp of Company)

Date :

Place : _____

To be signed by Proprietor, Partner, Director or Attorney

Company specialises in :
Company's Registration with various Works Authorities and its details

Important Note:

Applicants to membership of BAI will be further certified in their respective category. Such certification is available on payment of certain charges, details of which can be had on request.

(For office use only)

APPLICATION IN ORDER, RECD AMOUNT: Rs. _____ RECEIPT NO. _____ DATED _____
Membership accepted by the Managing Committee at its meeting held on _____ at _____.

Membership No. __

Remarks of office if any

By _____

For Builders' Association of India

Note: i) The Membership application should be recommended by a Centre. Admission will be subject to the approval of the Managing Committee of Builders' Association of India.