



The Old Sanawarian Society (OSS)

The Lawrence School Sanawar 173202

OSS EXECUTIVE COMMITTEE (2017-18)

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Abhishk Bajaj
Member
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Sukhmani Patwalia
Member
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Minutes Of the 23rd AGM of The Old Sanawarian Society held on 04 October 2018 at 2:00 PM at SSC, The Lawrence School, Sanawar

NOTE-1:-

In compliance with order, dated 03 Oct 2018, passed by the Honb'le Division Bench of the Himachal Pradesh High Court, Mr. Kapil Tomar, Tehsildar - Kasauli, is present and has video graphed proceedings of the Annual General Meeting.

NOTE-2:-

The identity and membership of persons who entered the premises was verified from the record i.e. from the register and website. After verification of membership, signatures were obtained on an attendance sheet. The total number of members who recorded their attendance was 113.

QUORUM

As per the Memorandum of Association of the Old Sanawarian Society the quorum for an Annual General Meeting is a minimum of 100 life members present in person. The quorum provided by Section 20 (5) of the Himachal Pradesh Societies Registration Act, 2006 is half the members but in view of Himachal Pradesh Government Notification No. Coop.A(4)-5/2018 dated 27-8-2018 exempting the Society from quorum provided by Section 20(5) of the aforesaid Act, Quorum for this meeting shall be as provided by the Memorandum of Association of the Society i.e. "The quorum for the Annual General Meetings of the society shall be a minimum of 100 Life members present in person."

The Quorum is complete as 113 life members marked their presence/ attendance.



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ITEM No. 1 - Homage

The meeting commenced with the President informing the house that quorum is complete and then requesting members to observe a two minutes silence in remembrance of Old Sanawarian's and Teacher's who had passed away during the last year.

ITEM NO.2 - Welcome to the Class of 1958, 1968 & 1993

The President welcomed members of the batches of 1958, 1968 and 1973 who were celebrating the Diamond, Gold and Silver jubilee of the year of their passing out from school. The members of the batch of 2018 were also welcomed by the President.

ITEM NO. 3 - Consider & Adopt Minutes of 22nd AGM

The President, informed the house that as per the Memorandum of Association an AGM is to be held on 04.10.2018, at Sanawar normally between 3:00 to 4:00 PM but it has been shifted to 2:00 PM as a large number of members have to catch flights. The President also informed the house that we have a complete quorum. The President requested the house to consider and adopt minutes of the 22nd AGM, 2017 but before this item could be taken up Brig. Chima interrupted proceedings and sought to raise a point. Brig. Chima was requested by the President to wait as his objection or point would be taken up later. Brig. Chima acceded to this request. This item was passed as no objection was raised. The objection by Brig. Chima is dealt with later. The President requested Mr. James Coombes, the oldest Old Sanawarian present (OS 1947) to come forward and felicitate members of the batch of 1993. Mr. Coombes spoke a few inspiring words and handed over mementoes to the batch of 1993.



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ITEM NO. 4 - Consider & Adopt Society Accounts for FY 2017-18

On the adoption and consideration of the Accounts pertaining to FY 2017-18, Mr. K. S. Sidhu raised a query relating to the amount under the OSS Benefit Fund, namely for whose benefit is the fund being used. The President informed Mr. Sidhu that amount is lying in the Bank account of the society in form of a fixed deposit. A charitable society is required to use 85% of its money for charitable purposes. A plan is being worked out to donate this amount to the School. The amount is available for verification by anyone from the bank. Mr. Sidhu raised another query with respect to another item namely where are amounts under "investment" invested. He was informed that the amounts are in a deposit with the State Bank of Patiala (SBI) Sanawar branch. After this the Old Sanawarian Society accounts were adopted and passed as no further objection was raised by anyone.

ITEM NO. 5 - Legal position of the Society

The President moved on to explain the legal position of the Society, under the Himachal Pradesh Societies Registration Act, 2006. The members were informed that one past President did not comply with provisions of the Act, but before dealing with this matter, proposed that the Additional Agenda item be considered. The President requested everyone to respond to the proposed amendments. At this stage, Mr. K. S Sidhu objected to the amendments saying that time was too short. He once again proposed an amendment to abolish the present system of nominating the President being undemocratic. He also stated that the President should be elected by the General House. Mr. K.S Sidhu also raised a point regarding ratification of the President Elect. The President however, informed Mr. K.S. Sidhu that we have not reached that agenda point. Mr K. S. Sidhu however, continued to



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say that it is related to the proposed amendment as he has to now ratify a President who he does not know. The President informed Mr. Sidhu and the house that he was in agreement with Mr. Sidhu that a more democratic system should be put in place, but as the present system is already in place since 1996 the matter will be duly considered and brought forward by an amendment even at an Extraordinary General Meeting, if required.

As far as information regarding President Elect, the President informed the house that profiles of both candidates were circulated to all members via email, whats app etc. well in advance. To this Mr KS Sidhu said that he is not technologically savvy and hence required that a letter should have been sent to him. The point was noted. Thereafter the president asked the forum if the proposed amendments should be passed. Mr. K S Sidhu, alone, objected to the passing of the amendments. Brig. Chima addressed the chair asking if the Quorum was complete and which quorum is being adopted. He was informed that the Quorum is complete and the Quorum prescribed by the Memorandum of Association of the Old Sanawarian Society is being adopted. Brig. Chima was handed over a copy of the Himachal Government Notification. The President read out the notification and informed the house that the Society has been granted exemption from the Quorum prescribed by the HP Societies Act. Brig. Chima was further informed that as per law the Society and the AGM are in compliance of the Quorum provided by the memorandum i.e. 100 life members. The President asked if the amendments proposed were agreeable. The amendments were passed without any opposition except for the objection regarding Quorum in the previous meetings, raised by Brig. Chima in his emails, which are available in the record of the Society.



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ITEM NO. 6 - Ratification of the President Elect

The President asked the house to ratify the nomination of the President Elect. Brig. IS Chima objected and asked that he should be allowed to address the gathering but before that the President asked Brig. Cheema if he is a Member of the Old Sanawarian Society or not? Brigadier Chima replied "Yes, I am a member of the Society if the Society exists". The President then asked all present if they are Members of the Society. Everyone except Brig. Chima responded with a Yes. The President asked all non-members to leave the meeting. No one left the meeting.

Brig. Chima continued to state that the Nominating Committee which appointed the President Elect is illegal and he is again raising his objection. The members of the Nominating Committee who elected the President Elect were elected in AGM's without legal quorum.

The President responded by saying that as a Member of the Society he is bound by the Memorandum of Association. An AGM has to be held every year. As per the record in case quorum was not available, meetings were adjourned for 10-15 minutes and then reconvened to carry the agenda forward.

Brig. Chima is also a Past President who was also elected by this same so called "illegal" process and continued to attend and participate in these "illegal" Nominating Committee Meetings regularly except from the last year. Brig. Chima, for reasons best known to him, has been passing on emails of the Nominating Committee to persons who are litigating against the Society. It is for Brig, Chima to clarify his conduct. Mr. H S Brar said that he cannot do so. The President continued by saying that earlier meetings did not have Quorum prescribed by the HP Societies Act as such a Quorum is impossible to attain. The President explained that though we have a membership of



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over 5000 it is impossible to get 2500 plus members upto Sanawar where as per the Memorandum, the AGM is to be held. The Himachal Pradesh Societies Registration Act requiring half the members present came in to force in 2006. As it is impossible to arrange the presence of 2500 members, an AGM would never be held. A President would therefore continue in perpetuity. The doctrine of necessity was invoked by the Society to hold an AGM in accordance with quorum prescribed by its Memorandum. This is also the stand taken in the Writ Petition, pending in the Hon'ble Himachal Pradesh High Court.

Meanwhile the Society has obtained exemption from applicability of Section 20 (5) regarding quorum under the HP Societies Registration Act, 2006 but this question is left for the Hon'ble High Court to decide. The President also responded to the other question, raised by Brig. Chima namely about the Society not maintaining a register signed by its members. The President asked Brig. Chima, who has been a Past President, whether during his tenure such a register signed by members was maintained? Brig. Chima responded by asking whether this question had been asked of other past Presidents? To this the President responded by saying Yes, all past presidents have been asked by email to hand over the entire record available with them. Brig. Chima was further asked if he had maintained such register signed by any member during his tenure. Brig. Chima came to the dais and responded by saying "No" and followed it up by saying that he was the President from 2007-09 but was not aware of the HP Societies Registration Act, 2006. He became aware of the Act in 2015 and thereafter started raising these points by comprehensive agenda points. He was promised that the item would be looked into but nothing happened. He also said that the Nominating Committee, that appointed Justice Bhalla, the current President, assured him that the



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affairs will be put in order but nothing has happened so far. Brig. Chima said that he had high hopes that the current President would put the Society in order, but nothing has happened. Brig. Chima further stated that Mr. Kimsuk Sinha should be asked why he has filed a Civil Writ Petition against the Old Sanawarian Society. Brig. Chima also said that no corrective action has been taken despite his informing everyone for the last 3 years.

The President responded by saying that as far as the register is concerned the OSS has never maintained a register signed by its members. The Society was founded in 1914. A register signed by members was never maintained except at the first meeting of the Society of which a signed document is available in the School Museum. The directories of members are treated as registers and are regularly updated. An online directory where people can login and verify their, batch wise lists and membership etc. are available.

The President also stated that batch wise lists with membership numbers have been prepared. It is impossible to obtain signatures of Old Sanawarians across the world.

The President then replied to the allegation leveled against him by Brig. Chima that affairs of the Society have not been set in place by stating that all past presidents were required to file returns under the HP Societies Registration Act 2006. Except for Brig. Chima, all other Past President have filed their returns. Brig. Chima has till date not filed returns for the period during which he was President.

The present Executive headed by the President is in total compliance with all statutory requirements. All returns have been filed. The earlier Presidents, except Brig. Chima, have filed their returns with delay and the Society shall abide by the law and await the decision by the Honb'le High Court. The Old Sanawarian Society does not belong to any



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individual or group of people but belongs to Old Sanawarians. He also stated that the entire record is available in the meeting hall for inspection by any member (No member including Brig. Chima offered to inspect the record). The President said it is true that Past Presidents were not aware of the requirement of filing returns under the HP Societies Registration Act but when they became aware they, except Brig. Chima, immediately filed their returns. Brig. Chima got up and said that why have his junior Presidents not complied with the provisions of the law. To this he was told that they have filed their returns and he is the only one who has not filed returns.

Mr. Ashish Bhatia, Member, came up to the dais and requested that there should be no skirmish about a matter which is sub judice and relevant matters should be discussed. Whatever the verdict of the court, the Society shall abide by it.

The President proposed that the forum should now ratify the President Elect. Mr. K S Sidhu opposed it. His protest is noted. The President further added that his point about abolishing the Nominating Committee shall be duly noted and if need be an Extraordinary General body Meeting shall be called. The President also requested all members to read their emails and remain connected to the Old Sanawarian Society. At present we have a very dismal rate of opening emails which is around 30%. With this the President again asked that if the President Elect be ratified. Brig. Chima again asked if his objection to the Nominating Committee which appointed the President Elect was noted. He was informed by the President that his objection is noted including his email and the Presidents email to Brig. Chima asking for the record available with him, to which Brig. Chima has not responded. The President Elect was ratified by all other members present as no other objection of any sort was raised.



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ITEM NO. 7 - Nominating Committee Vacancies

The President asked for nominations for Nominating Committee for 2016-18 on the two vacancies. Mr. K. S. Sidhu objected, however he was informed by the President that his objection had already been noted.

The following were Nominated to the Nominating Committee :

1. Block 2016-2018 -
2. Block 2016-2018 -
3. Block - 2006-2010 - Ms. Pathania
4. Block 2001- 2005 - Mr. Jaivir Singh Chandail
5. Block 1995 - 2000 - Mr. Abhishek Bajaj

Forms were duly filled by each of the above with the Proposer, Secunder and the forum approved of the above without any objection.

ITEM NO. 8 - Activities of the Society

The President apprised the forum of the activities of the society and also mentioned that information about the Activities has been circulated to all members via email and whats app. The President stated that a Cyclothon was being organized in Sanawar on 28 Oct 2018 and requested members to participate.

ANY OTHER ITEM

Mr. Sanjiv Sharma stated that as the quorum is legal and complete, the AGM should ratify decisions taken by all the past bodies in all AGM's by all Past Presidents, Nominating Committees and Executive Committees. The President asked if members were in agreement. The President stated that such ratification shall, in view of pendency of this matter before the Hon'ble High Court, be subject to the outcome of the court case. The Forum agreed without any disagreement or objection except



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for Mr. K S Sidhu and Brig. Chima objections to the ratification. The ratification was thereafter passed subject to any order by a Court of Law.

Mr. Neville Wadia (OS 1986) addressed the gathering said that he was disgusted with the fact that a fellow Sanawarian had gone to court against the Society. He appealed to those litigating to take up their grievance and made a request to all those present that the case should be withdrawn and the Society should be in total compliance with the law. He also stated that there was no better person than Justice Bhalla, the President, to ensure compliance. He once again requested that a mechanism be formed to resolve the matter. Mr. Wadia also proposed a more democratic way to elect a President and proposed electronic voting, first for the Nomm Comm and then for the President.

Mr. Jagatbir (OS 1983) thanked all past presidents in turning the ship around and wished the future President all the best. An amazing journey lay ahead and the vision for the School via its master plan that looks to the future of the school and its kids. He stated that it is time that we returned to the school which gave us everything we are today. He once again thanked the Past Presidents and the President for the wonderful work being done and stated that we should get our act in order and move forward.

Mr Ajeet Bajaj also echoed Mr Jagartbir's sentiment. Mr. Bajaj requested to get back to the drawing board as there were many schools in the country who have contributed to the country. We now need to give back to Sanawar and make Sanawar the Best School of All once again.



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Mr Gurbir Pannu (OS 1998) informed that his batch, which celebrating their 20th year of passing out, has contributed about Rs. 8 lacs to the School for a composting machine near the CDH. He also informed that his batch had contributed about Rs. 5 lacs in their 15th year of passing out.

Mr. K S Sidhu apologized to the audience for getting on everyone's nerves. He informed that they were celebrating their 50th year and that last 15 or 20 days back he had visited the School to examine the financial health of the School etc. He referred to his conversation with the Bursar. The point was not recorded as the matter does not pertain to the Old Sanawarian Society.

The Headmaster, Mr. Vinay Pande entered the AGM and addressed the gathering by stating that he has been interacting with OS in India and overseas. He said that the school is being upgraded in terms of curriculum and infrastructure and required support of all OS. He expressed this thanks to OS for supporting the School.

No other points were raised. And the meeting was then concluded.

The Meeting ended with a vote of thanks to the Chair.

Jaideep Singh

Sd./-
Secretary
The Old Sanawarian Society

Justice Rajive Bhalla (Retd.)

Sd./-
President
The Old Sanawarian Society