

SANDEEP VIHAR (AWHO) SOCIETY, GHS-79, SECTOR-20, PANCHKULA

MINUTES OF THE MEETING OF THE ELECTION COMMITTEE TO EXAMINE AND RESOLVE THE OBJECTIONS RAISED BY LT COL KULWANT SINGH TO THE CANDIDATURE OF SOME MEMBERS ON 14 JUL 2023

1. A meeting of the Election Committee was held on 14 Jul 2023 at 5.15 PM to examine and resolve the objections raised by Lt Col Kulwant Singh, Retd to the candidature in the forthcoming elections of Col Parveen Ahluwalia, (for post of Treasurer) and Col Uma Trikha, Retd (for the post of Executive member).

2. The following were present:-

Election Committee

- (a) Brig S N Setia, Retd
- (b) Col V K Popli, Retd
- (c) Col Arun Dhawan, Retd
- (d) Col Pradeep Sangwan

Complainant - Lt Col Kulwant Singh, Retd

3. Prior to the meeting, the objection letter from Lt Col Kulwant Singh, Retd) had been forwarded to Col Parveen Ahluwalia, Retd and Col Uma Trikha, Retd for seeking their response. Lt Col Kulwant Singh, Was also asked to submit any provisions of the HRRS Act, HRRS Rules and Society Bye Laws which supported his objection.

Submission by Lt Col Kulwant Singh, Retd

4. The written submission by Lt Col Kulwant Singh, Retd pertaining specifically to the subject under consideration was as under:-

“The Mgt Committee was required to ensure that the Returning Officers (Election Committee) themselves are not candidates for the election. Para 3 at Page 32 of Society Bye Laws dt 12 May 2014 refers. In its Notice dt 12 May 2023 (Para 3) the Mgt has rightly cautioned that members volunteering to act as Returning Officers should not be candidates for election. In view of this the election committee should have dealt with the nominations filed by candidates. Para 8 of Page 33 of Appx A of Society Bye Laws refers.

It needs no emphasis that as per convention of holding elections : that may be Panchayat elections, MLA elections, - a candidate contesting cannot be a member of the Election Committee overseeing the process.”

5. Lt Col Kulwant Singh, Retd was asked whether his rights as an individual member were affected in any way by the candidature of the two erstwhile members of the election team. He replied that while he was not personally affected in any way, he wanted the election process to be conducted exactly as per existent rules.

6. He was also asked whether he had any authority from the HRRS Act, HRRS Rules or the Society Bye Laws which specifically debarred a member who had volunteered to form part of the election team from standing for election.. However, no authority in support of the objection was produced.

Reply by Col Parveen Ahluwalia, Retd

7. Salient points mentioned by Col Parveen Ahluwalia in his reply are as Under: -

“Though I had conveyed my willingness to perform the duties of an Independent Member during the forthcoming elections, however, after a thorough deliberation, I took a decision to instead contest as a candidate for the appointment as the Treasurer of the new Management Committee due to following reasons:-

- a) I chose to offer my services to the Society, as I felt the need for the same.
- b) My commitment to the Society and its wellbeing compelled me to offer my services for this noble cause.
- c) Lack of adequately experienced talent pool thrown up in the forthcoming elections and lack of sufficiently motivated volunteers, forced my change of mind.
- d) To consolidate on the achievements of the outgoing management and to ensure that the tremendous progress made is not frittered away.
- e) To ensure that habitual complainants in the Society who had tried to impede the progress of the outgoing management in an attempt to waste their time and make them digress from their righteous aim, did not sneak in through the backdoor.

Contesting Society elections is my legal right and NO body can keep me from contesting – if I wish to do the same. It is my incontrovertible right. I also have a right to change my mind, if I so decide - within the ambit of the prevalent rules/bye laws. I do not find anything in the rules/byelaws applicable that prohibit me from contesting the forthcoming elections.

I wish to add here that during the Society election in year 2017, then planned to be held under the Collegiums System, the incumbent Management had unfairly cancelled my candidature for contesting the election. This had compelled me to lodge a complaint with the office of the District Registrar, who had gone on to dissolve the Management (then) and constitute an Adhoc Management Committee to conduct elections. I apprehend that objections to my candidature are probably an act of vindictiveness – otherwise why would anybody attempt to deprive me of my inalienable legal right?

Therefore, with due regard and most respectfully, I wish to submit that subject Complaint(s) against my candidature be set aside being frivolous and Mischievous”.

Reply by Col Uma Trikha, Retd

8. “I wish to inform that, my nomination as returning officer for the management election scheduled for 30 Jul 2023, by no means restricts/debars me to stand for election for the management.

It is my absolute right and privilege to stand for election in our society and have

thus applied for a post of member to the management for the election to be held on 30 Jul 2023.

It is also submitted that, in the Management Committee Meeting held on 14 May 2023, para 5 states that, "... some of the volunteers might decide to contest the election themselves or emergent commitments might come up. Hence, it was prudent to include all the volunteers which would cater for the additional effort required, as well as any unforeseen dropping outs".

Deliberation by the Election Committee

9. Perusal of the Sections of the Bye Laws Quoted by Lt Col Kulwant Singh, Retd. It was observed that the sections being quoted were from the Bye Laws of 2014 which related to elections under the Collegium System. These had been modified by the GBM on 31 Oct 2021 to implement the General Body System and duly approved by District Registrar on 21 Nov 2021. This notwithstanding, the quoted references were considered : -

(a) Para 3 at Page 32. "Two months before the observed: - election office bearers is due, Managing Committee shall appoint Returning officers ensuring that Returning Officers are themselves not candidates for election to the Collegium".

(b) Para 8 at Page 33. "Returning Officers shall make programme for conduct of elections and put up the same on Society Notice Boards and inform all members of the Collegium. Conduct of elections shall include verification of eligibility of candidates, correctness of their nomination papers, holding secret ballots and declaration of results."

10. Reference by Col Uma Trikha, Retd to the Minutes of Managing Committee Meeting. Minutes of the Managing Committee were perused and read as under: -

"3. It was recalled that during the earlier part of the meeting on 12 May 2023, it had been decided to ask for additional volunteers. Col Parveen Ahluwalia had offered his services in response to this notice.

4. Accordingly, the pool of those who had agreed to conduct the election was as under:-

- (a) Brig S N Setia (D2/501)
- (b) Col R C Jaswal (E7/102)
- (c) Col Arun Dhawan (E7/201)
- (d) Col V K Popli (E2/403)
- (e) Col Pradeep Sangwan (E3/604)
- (f) Col (Mrs) Uma Trikha (E6/101)
- (g) Col Parveen Ahluwalia (D1/501)

5. It was observed that during the elections of 2020, only three Returning Offices had been hard pressed and this time the number of voters would increase. Furthermore, due to the large time lag intervening between now and the date of elections, some of the volunteers might decide to contest the election themselves or emergent commitments might come up. Hence, it was prudent to include all the volunteers which would cater for the additional effort required, as well as any unforeseen dropping outs."

Findings by the Election Committee

10. After due deliberation, the Election Committee concluded as under: -

- (a) The Managing Committee detailed members for the election committee according to the provisions of the Bye Laws, i.e., ensuring that they were not themselves standing for election **at that point of time.**
- (b) Recognizing the fact that some members might have to recuse themselves from the commitment either due to personal reasons or due to a change of mind regarding standing for elections, adequate reserve of members was detailed. Lt Col Kulwant Singh, Retd was present in the Managing Committee Meeting where these deliberations were done.
- (c) Standing for election is the unalienable right of every member.
- (d) There is no restriction imposed by the HRRS Act, HRRS Rules or the Society Bye Laws which preclude a member from changing his / her decision not to stand for election after offering his / her services to form part of the election committee – **particularly when the option is given months in advance of the nominations.**

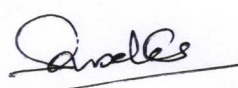
Decision of the Election Committee

11. Since there has been non contravention of the provisions of the HRRS Act, HRRS Rules and Society Bye Laws, the objections raised are found to be void of merit. The candidature of Col Parveen Ahluwalia, Retd and Col Uma Trikha, Retd is in order.

Request by the Election Committee

12. Conduct of elections for a society having 556 members is a massive exercise. However, the resources available are not commensurate with the task at hand. There is only one clerk who is already hard pressed in dealing with his normal work load and has now to shoulder this additional requirement.
13. Members are requested to be constructive and supportive of the election process instead of finding fault with the full stop and commas.

Date:- 15 Jul 2023


(Brig S N Setia, Retd)
Senior Returning Officer