

## WHAT AILS THE OCA

Dear OCs,

Recently a lot of interest has been generated regarding the functioning of the OCA.

We need to analyze the cause that have led to these events and do some soul searching to take remedial measures.

Here are some of my observations and set of Draft rules for consideration.

The course of action to be taken should be such that it will be long lasting, say for the next 20 years or maybe 100 years.

The events that have led to such a situation probably are:-

### **1. Interaction between the Executive Committee of the OCA and OCs:-**

- a. No channel for communication exists between these two bodies.
- b. If some OCs do manage to contact the EC, no worthwhile action is taken or appears to be taken.

### **2. Election of OCs to the board of Governors:-**

- a. Today there are 5 OCs on the board but no one seems to how and when they were appointed. What were the criteria for their appointment? Who appointed them? Did the OCA do so? If so where is the record?
- b. There is no channel to contact these members.
- c. Since they are the representatives of the OCA, are they responsible to the OCA/OCs.
- d. Does the OCA/OCs lay down any guiding principles for them?
- e. Do they act on these principles; if not can they be removed by the OCA.

### **3. Functioning of the school:-**

- a. It appears the OCA/OCs have no say in the functioning of the school even though 5 OCs are on the board.
- b. The board of governors rely only on the inputs fed to them by the headmaster, which are one sided and tutored to his liking.
- c. No feedback is taken from OCs, Teachers or from parents. These inputs would go a long way to know the pulse of the school.
- d. The headmaster is in total control of the school with very sweeping powers. This mistake was committed during the term of the previous Headmaster and is being repeated again.
- e. The school does not have a Senior Master, Bursar (at present a clerk who does not speak English has been elevated as a bursar), and Caterer since the last 4 years. How long does it take to find suitable candidates when the appointment of the Headmaster himself took just one month?
- f. The Headmaster cannot run the institution by himself as the sole authority on all matters with no accountability; he is not a super human being.
- g. The Headmaster should be responsible only for the education of the boys. At present he has no time to even take classes, when will he have the time to monitor the progress of each child and the teaching staff.

- h. The administration and the accounts should be under two separate, qualified persons.
- i. The Headmaster, Administrator (not estate officer) and the Bursar should all report to one CEO.
- j. The boys of the school must take part in activities with other schools and at National levels if not International level.

**4. Preparing of new Constitution/Rules of the OCA:-**

- a. As decided at the AGM on 09 Feb 2010 a new constitution is to be adopted before the next AGM in Sep 2010.
- b. The new constitution must be adopted by an EGM prior to the AGM in Sep 2010 otherwise it cannot be put into effect unless ratified by the General Body.
- c. Alternately the new constitution be adopted at the AGM and elections held on a different date after the AGM.
- d. These guidelines must be given out well in time to avoid any pandemonium during the General Body meeting.

**5. General:-**

- a. The OCA is a toothless body and unless we assert ourselves it will remain the way it is and will only deteriorate in future.
- b. When OCs are asked for points to be discussed at the AGM the response is NIL.
- c. The AGM lasts about 10 to 15 minutes. The accounts and many other important issues are passed without any discussion and no objections; these are thus recorded as passed unanimously.
- d. All of us must address these problems, sit together and make people accountable at all levels.
- e. We need to spare a little time to ponder over these issues for the success of the school.
- f. Only if the reputation of the school is high, will we as OCs be known and recognized in society.
- g. All OCs are shy of asking for any clarifications or are indifferent to the proceedings of the general body and the school. The result is the autocratic system prevailing and the fault lies squarely with all of us collectively.

I have deliberated on some of these issues and prepared a draft of the constitution to be adopted. Please take some time to go over these and give suggestions, modifications, alterations, additions etc. These may be sent to the OCA directly (oca\_delhi@yahoo.com) for them to adopt any of these if desired.

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**Draft of constitution suggested by Maj SS Rai**

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## Chapter-1

### MEMORANDUM AND ARTICLE OF OLD COTTONIANS ASSOCIATION

#### **1. Name of the Association**

The name of the Association shall be 'OLD COTTONIANS ASSOCIATION' hereinafter referred to as The Association.

#### **2. Address of the Association.**

The Registered Office of the Association is -----

#### **3. Aims and Objects of the Association**

- a) To maintain close liaison with the school, board of governors, parents, teachers and the boys of the school.
- b) To develop an endowment fund for assistance of old boys.
- c) To help the school to maintain high standards.
- d) To help the school for the upkeep of its infrastructure.
- e) -----
- f) -----

## Chapter-2

### RULES AND REGULATIONS OF OLD COTTONIANS ASSOCIATION

## **1. NAME OF THE Association**

The name of the Association is 'OLD COTTONIANS ASSOCIATION'.

## **2. ADDRESS OF THE Association**

The address of the Association is -----.

## **3. DEFINITIONS**

In these bye-laws, unless there is anything repugnant to the subject or context-

- (a) Association - means 'OLD COTTONIANS ASSOCIATION'.
- (b) Rules – means rules of the Association
- (c) Byelaws - means the Bye Laws prescribed by this Association.
- (d) Registration - means Registration under the relevant act.
- (e) EC - means the Executive Committee of this Association.
- (f) Member - means the member of this Association.
- (g) AGM- Means Annual General Meeting.
- (h) EGM- Means Extra Ordinary General Meeting.
- (i) School- Means Bishop Cotton School.
- (j) OCA- Means 'OLD COTTONIANS ASSOCIATION'
- (k) OCs- Means Old Cottonians.

## **4. PATRON**

The General Body may invite any member subscribing to the aims and objects of the association to become a patron thereof, and lay down duties and guidelines for his functioning.

## **5. DONATIONS**

The Association may accept donations/grants/charity given by any institution, corporate body, honorable person or member of the Association. The Association may also raise special funds by way of donations, subscriptions, contributions for any social activity, function or for any other special purpose.

## **6. MEMBERSHIP**

- (a) Any person who has studied in Bishop Cotton School, Shimla for a minimum period of one year becomes a member of the Association.
- (b) The names of all members along with their specimen signatures shall be recorded in a register to be maintained in the office of the Association.
- (c) Only a member shall have voting rights.
- (d) Every member shall abide by the provisions of the byelaws of the Association.
- (e) Every member is personally liable to pay the membership fee as prescribed by the Association from time to time.

## **7. MANAGEMENT: -**

- (a) The management of the Association shall vest in a Managing Committee hereinafter called the "Executive Committee" consisting of:
  - i. President
  - ii. Secretary
  - iii. Treasurer

- iv. Members – Minimum Seven.  
(Minimum one per decade)

(b) It shall be mandatory for the executive committee to have at least seven members and three office bearers. The Executive Committee members shall fill the vacant posts from amongst themselves or fresh elections shall be conducted.

(c) A member of the Executive Committee shall cease to hold office if he/she-

- i. Ceases to be a member of the Association.
- ii. Becomes unsound of mind.
- iii. Is convicted for any offence involving moral turpitude.
- iv. Is declared insolvent / applies for insolvency.
- v. Resigns from the Executive Committee.
- vi. Carries on any business/activity, which is prejudicial to the interests and objectives of the Association.

(d) A member of the Managing committee may resign from the committee at any time by submitting his resignation letter to the Executive Committee.

(e) If the functioning of any office bearer or member including the President, of the Executive Committee is found to be detrimental to the functioning of the Executive Committee or the upkeep of the Association, he may be removed by a majority of all the elected members of the executive committee. Such a meeting must be attended by at least 60% of the elected members of the EC. At least 60% of the total elected members of the EC must vote out such a member from the Executive Committee.

(f) A notice of at least three weeks shall be given for such a meeting.

(g) The member being removed may not be present at such a meeting; however a notice shall be given to him also.

(h) Any member who has been removed as an office bearer shall not be eligible for re-election for a period of five years from the date of removal.

(i) The Executive Committee shall nominate one of the members of the EC to fill the vacancy caused by the resignation or removal for the residual term of the committee.

(j) In case there are no members as part of the Executive Committee fresh elections shall be called for within 30 days of the resignation/removal for that particular post.

## **8. DUTIES OF OFFICE BEARERS**

### **(a) PRESIDENT:**

I. Shall preside over all the meetings of the Association, shall guide and be generally responsible for the proper discharge of the business/activities of the Association, its discipline and decorum.

II. Shall keep a watch over the finances of the Association.

III. Shall arbitrate in any matter concerning the Association and the Executive Committee.

IV. Shall represent the association in the governing of Bishop Cotton School as ex officio member of the board of governors.

**(b) SECRETARY:**

I. Shall convene all the meetings of the society and shall maintain minutes.

II. Shall maintain such records as may be required to be maintained from time to time under the Rules and shall perform all Secretarial duties as they are required of his office or as the Executive Committee of the Association decides.

III. Enter into correspondence, negotiation etc for furtherance of the aims and objects of the Association as per directions of the EC.

IV. The secretary shall liaise with all the chapters of the association for furthering the aims of the association.

V. Do liaison with concerned authorities.

**(c) TREASURER:**

I. Shall maintain the accounts as per Byelaws of the association.

II. Shall collect or cause to collect all subscriptions/donations from all members and other donors.

III. Shall maintain true and proper accounts of all collections, disbursements and expenses made.

IV. Render the accounts to the Executive Committee and Accounts Sub-Committee (if constituted) every month and whenever required by the EC.

V. The Treasurer shall have the accounts audited by the Accounts Sub-Committee every quarter and Statutory Auditors annually before the Annual General Body Meeting.

VI. Shall operate the Bank Accounts of the association as per Byelaws.

VII. The maximum cash in hand to be retained in the association cash chest shall be Rupees five thousand only or as decided by the General Body from time to time.

VIII. All records shall be kept in the office under safe custody as per the directions of the EC.

**(d) MEMBERS OF THE EXECUTIVE COMMITTEE:**

The Executive Committee from time to time may assign members, in addition to their specific duties and all office bearers of the Executive Committee such functions, which they shall execute.

**9. MEETING OF THE EXECUTIVE COMMITTEE:**

The Executive Committee shall meet as often as necessary and at least once a quarter.

(a) The Executive Committee will also meet if a meeting is requisitioned by 60% or more of the total elected members of the Executive Committee. Due notice for this meeting shall be given to all members of the EC. Minimum notice for a requisitioned meeting shall be three weeks.

(b) The quorum of the Executive Committee shall be at least 60% of the total members elected.

- (c) No quorum shall be necessary for the meeting of Executive Committee called after two consecutive postponements, one week apart, for want of quorum.
- (d) Notice of normal meeting of the Executive Committee shall be given to every member at least fourteen days before the date of the meeting.
- (e) The president or in his absence the vice-president shall preside over such meetings. If neither the president nor the vice-president is present, the committee shall elect one of members of the committee present at the meetings to preside.
- (f) All decisions taken by the Executive Committee shall be passed by vote of simple majority of the members present. In case of a tie the Presiding Officer shall have an additional casting vote.

## **10. POWERS AND FUNCTIONS OF THE EXECUTIVE COMMITTEE:**

The Executive committee shall have full powers to regulate and conduct and affairs of the Society subject to the Rules and Byelaws as in force from time to time.

It shall have the powers to: -

- (a) Appoint a Sub-committee for specific purposes whenever necessary.
- (b) Receive money, securities, instruments and any other movable property for and on behalf of the association and to raise loans, if deemed fit.
- (c) Acquire movable and immovable properties for the establishment and enter into all documents relating thereto and manage such institutions.
- (d) Perform all such duties and functions as are necessary for the achievement or the objectives of the association.
- (e) Make, sign and exercise all such documents and instruments as may be necessary or for carrying on the management.
- (f) Maintain accurate accounts of money received/expended, all stock bought or sold in their respective books. Maintain bank accounts and invest money and funds as per the decisions of the Executive Committee and guidelines of the General Body.
- (g) Keep a record of all members of the association.
- (h) Keep records in respect of assets and liabilities of association.
- (i) Hold a General Body meeting once a year, within six months of closing of the financial year.
- (j) Hold an extra ordinary General Body meeting if required by a majority of the Executive Committee Members.
- (k) Hold a requisitioned General Body meeting if required by 50 or more members of the association.
- (l) A notice of 21 days shall be given, along with the agenda and audited balance sheet for the AGM.
- (m) Prepare and place before the General Body annual income and expenditure account and also the budgetary estimates for the ensuing year.
- (n) Admit new members of the association.
- (o) Employ suitable staff necessitated for the running of the association and fix their salaries.
- (p) Dismiss such person, member of the staff employed by the committee who has been found unsuitable, undisciplined or indulging in objectionable activities.
- (q) Raise a corpus fund on suitable basis for long-term objectives.
- (r) Recommend amendments, new Rules, Regulations and Bye Laws to the General Body for consideration and approval.
- (s) Address grievances of the members.
- (t) To uphold the dignity and rights of the association and to defend all legal proceedings.
- (u) Recommend suspension of voting rights, election to any office of the EC and any other facilities by the General Body. These rights may be suspended by the EC itself for a period of one year of any member found conducting activities detrimental to the association.

(v) Minutes of all decisions taken by the EC to be recorded, intimated to all members through the web site of the association.

#### **11. TENURE OF MEMBERS OF THE EC: -**

The term of the elected members and the executive committee shall be for a period of two years.

#### **12. OBSERVER COMMITTEE: -** An observer committee shall be elected as per the laid down procedure.

- a) This committee shall attend all meetings of the Executive Committee for a period of one year as observers.
- b) After one year this committee shall take over as the Executive Committee for a period of two years.
- c) A new Observer Committee shall be elected one year prior to the end of the term of the Executive Committee.

#### **13. NOMINATION OF OCs TO THE BOARD OF GOVERNORS:**

A nominating committee shall select and nominate OCs to be on the Board of Governors of the School. The final nomination shall be approved /ratified by the general body at the AGM.

#### **14. NOMINATING COMMITTEE:**

The nominating committee shall comprise of:

- a) The Executive Committee of the association.
- b) The President of each OC chapter.
- c) The Secretary of each OC chapter

#### **15. PROCEDURES FOR GENERAL BODY MEETINGS:**

The following shall be the rules governing conduct of the General Body Meetings: -

- a) Notice of the meeting shall be given together with the detailed agenda and audited balance sheet to all members at least 21 clear days before the date of the General Meetings.
- b) The quorum for the meeting of the General Body shall be 20.
- c) No quorum shall be necessary for an adjourned meeting held at least four weeks after the scheduled general body meeting.
- d) The President to give out the important issues that happened in the past year and are important for the association.
- e) Presentation of the Accounts for the past year, ending 31st March.
- f) The agenda for the meeting shall be decided in advance at the discretion of the Executive Committee. The General Body will discuss these before any other matter.
- g) Members may send in suggestions and requests for taking up any other matters that shall be included in the agenda.
- h) All proposals shall be decided by majority of votes of the members present and voting. In case of a tie, the President shall have an additional casting vote.

#### **16. POWERS AND DUTIES OF GENERAL BODY:**

The General Body shall be the supreme authority in all matters relating to the affairs of the Association. The general body shall consist of the Members of the Association.

The general body shall: -

- a) Lay down guidelines for the proper functioning of the EC.

- b) Confirm the minutes of the previous meeting.
- c) Consider and adopt the Annual report on the working of the Association together with the audited accounts of the previous years.
- d) Approve the budget estimates for the ensuing year.
- e) Conduct the election of the Observer Executive Committee of the Association whenever necessary.
- f) Appoint an auditor.
- g) Consider any matter for which previous notice has been received and included in the agenda.
- h) Amend, delete and make new rules, regulations and byelaws of the Association, which have been included in the agenda.
- i) Suspend any member found to be detrimental to the functioning of the Association. He may be removed by a majority of all the members present. Any member who has been removed cannot participate in the affairs of the Association for a period of three years from the date of removal.

### **17. BANK ACCOUNT:**

- a) The funds of the Society shall be deposited in Nationalized/RBI approved/Bank as approved by the Executive Committee.
- b) The President and treasurer shall operate the accounts of the society jointly.
- c) The treasurer shall maintain the accounts as per the laid down rules.

### **18. AUDIT OF ACCOUNTS:**

The auditor so appointed at the General Body Meeting shall audit the accounts for the Association once at the end of the accounting year.

### **19. ACCOUNTING YEAR:**

The accounting year of the society shall be 1<sup>st</sup> April to 31<sup>st</sup> March.

### **20. INTERPRETATION OF RULES:**

In case of any dispute in the interpretation of the Rules and Regulations of the Society, the matter shall be considered by the Executive Committee at its meeting, and the interpretation given by it in writing, shall be final and binding on all members.

### **21. AMENDMENTS AND NEW BYE LAWS:**

In case the Executive Committee receives representation from members, or of its own accord, believes that any of the Bye Laws, Rules and Regulations of the Association need to be changed, amended, deleted, freshly made, adopted or modified in any manner, it may consider the same and make a proposal for the changes at the meeting of the General Body of the Association.

### **22. JURISDICTION:**

The jurisdiction of these rules shall be N.Delhi.

## **Chapter-3**

## **ACCOUNTS**

1. **Documents:** The accounts shall be maintained by the treasurer as per the guidelines of the general body and the EC. The following documents shall be maintained in the office for this purpose: -
  - a) Expenditure demand/sanction register.
  - b) Receipt book for cheques and cash.
  - c) Expense book for cheques and cash.
  - d) Cash book
  - e) Bills and vouchers files.
  - f) Cheque books.
  - g) Monthly income and expenditure statements.
  - h) Bank deposit receipts.
  - i) Bank statements.
  - j) Income tax and other tax returns.
  - k) Audited balance sheets.
  - l) Any other as directed by the EC/Auditors.

## **2. RESPONSIBILITIES OF THE EC**

### **a) Routine**

- i. Check all receipts by cash and cheques. Make entries of all in register and sign.
- ii. All cheques and cash to be deposited in the bank daily. Tally with bank passbook/bank statement.
- iii. Any expenses to be incurred must be written in the demand register and approved by the Secretary, Treasurer and the President, expenditure to be incurred as per the policy of the General Body and EC.
- iv. All bills to be checked by the treasurer and an expense voucher to be made.
- v. All expense vouchers must have the Serial No of the demand register and every voucher be signed by the Treasurer.
- vi. Only signed vouchers to be entered in the expense register.
- vii. Fixed deposits to be reviewed by the EC and renewed if due.
- viii. The EC shall review income /expense account every month. The EC shall be collectively responsible for all income and expenses incurred.
- ix. Get an internal audit carried out.
- x. Discuss any changes in the budget.

### **b) Annual**

- i. Prepare balance sheet and present at the AGM. A copy of the balance sheet to be given to all at least 21 days prior to the AGM.
- ii. Details of fixed deposits and other investments to be presented.
- iii. Review corpus fund.

### **c) Proposed Budget**

- i. Prepare a proposal of the budget for the ensuing year, to be discussed and approved at the AGM.

**d) Misc**

- i. Get TDS certificates from bank.
- ii. Pay income tax and advance tax as and when due.
- iii. Deposit TDS if deducted from any payment.
- iv. Renew 80 G certificate when due.
- v. All books of accounts shall be kept in the office and available to all EC members.
- vi. All accounts shall be transparent and available to the EC and other members for perusal at any time.
- vii. Any member may carry out inspection of accounts in the office.

**3. INVESTMENT POLICY**

- a) All investments to be made as per investment policy approved at the AGM only.
- b) The FD receipts to be given only for renewal or addition to the FDs. Under no circumstances will the FDs be liquidated for daily/emergent expenses unless approved by the General Body.

**Chapter-4**

**ELECTIONS**

**1. ELECTION OF THE OBSERVER EXECUTIVE COMMITTEE:**

- a) Election of the office bearers and members of the Observer Executive Committee shall be held once in two years at the General Body meeting.
- b) The EC shall fix the date for the elections.

**2. RETURNING OFFICER**

- a) The EC shall appoint a returning officer to conduct the entire process of elections. The returning officer must be a person who is neutral and has no interest in the Association.

- b) The returning officer shall acquaint himself with the rules of the association.
- c) The returning officer shall check all nominations with the records maintained in the Association office.
- d) The names of those with valid nominations shall be conveyed to all the members and put on the web site of the Association at least seven days prior to the date of election.
- e) On the day of the election the returning officer shall conduct the elections.
- f) At the end the returning officer shall announce the results.

### **3. FILLING OF THE NOMINATIONS FOR THE OBSERVER EXECUTIVE COMMITTEE:**

- a) All duly registered members of the association are eligible to file nominations for election to the Executive Committee of the association.
- b) Each member may file for one post only.
- c) Every nomination must be recommended and seconded by another member of the association.
- d) Every member shall have a right to recommend or second one person only.
- e) All Nominations shall be handed over to the returning officer by the due date.
- a) In case no nomination is received for a particular post, the general body shall nominate person/persons during the AGM/on the day of the elections.

### **4. VOTING**

- a) Voting shall be done by secret ballot.
  - b) The ballot papers shall be prepared in advance by the returning officer with the help of the EC, which shall be paid for by the association.
  - c) Any ballot having cuttings or over writing shall be null and void.
  - d) Each member present at a general body meeting can exercise one vote only for each post.
  - e) The person securing the maximum votes shall be declared the winner and elected.
  - f) In case of a tie the President of the outgoing EC shall have an additional casting vote.
- g) Every contestant has the right to appoint an observer to see the fair conduct of voting and counting of votes.

### **HANDING/TAKING OVER BY THE EXECUTIVE COMMITTEE**

1. The old executive committee shall complete all handing over procedures to the new Observer Executive Committee on completion of its tenure at the AGM.
2. All handing over points shall be written down by the old EC prior to the AGM and handed over to the new EC on the conclusion of the AGM.