

APEX GLOBAL MID-TERM MEETING

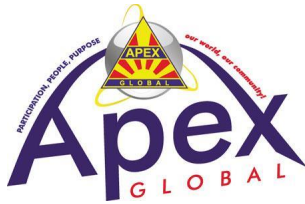
*22nd January 2022
12.00 Noon MST
via Zoom*

Prepared by Global Secretary

Australia • Bangladesh • Malaysia • Singapore • Philippines • India • Fiji • Sri Lanka

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Apex Global
Meeting Agenda
22 January 2022

Location : via Teleconference (Zoom)
Date : Saturday, 22nd January 2022
Start : 9.30 am - India
10.00 am - Bangladesh
12.00 Noon – AWST, Malaysia, Philippines, Singapore
1.30 pm - ACST
2.00 pm - AEST
4.00 pm - Fiji

Meeting Link:

Apex Global is inviting you to a scheduled Zoom meeting.

Topic: Apex Global Mid Term Meeting

Time: Jan 22, 2022 12:00 PM Kuala Lumpur

Join Zoom Meeting

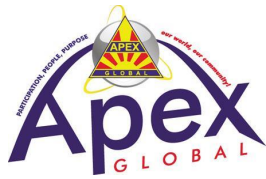
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Meeting ID: 872 9103 6953

Passcode: 606454

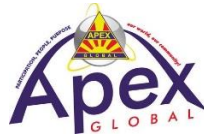
Agenda:

1. Meeting Call to Order - **Global Secretary**
2. Ideals/Invocation - **Kanagarajah – NP Apex Malaysia**
3. Roll Call – **All Delegates**
4. Apologies
5. Welcome Address - **Global Chairman Venkata Giri**
6. Presentation of National Association Mid-Term Reports 2022
7. General Discussion/ Comments on Fact Finding Committee's report - **Apex Bangladesh, Refer to Attachment**
8. Apex Global MOU Review Update - **Global Chairman**
9. Appointment of Global Vice Chairman 2021/22
10. General and Matters Arising
11. Announcements
12. Adjournment



NATIONAL ASSOCIATION MID-TERM REPORTS 2022

Apex Australia



1. Membership & Expansion Provide statistics of increase membership and expansion of new clubs
 - I don't have specific membership numbers at present |
 - 1 new club chartered in Aug 2021
2. Service Projects Include all major service projects including international joint projects
 - Currently awaiting votes on our national project, its mostly going to be national blood and organ donation program
3. Apex Education / Bursary All educational related projects and Education bursaries given to poor students
 - We run a bursary program for the Philippines at present we are trying to sort lack of compliance requirements
4. Fund Raising projects All major fund-raising projects undertaken by clubs and financial status of the overall National association
5. International relations and Socials activities International visits by members to other Association conventions and meetings and types socials and activities organized locally for members interactions
 - Not possible at present due to travel restrictions
7. Correspondences / Newsletters News letters produced at club and National level
https://www.apex.org.au/files/Apexian_44_2021.pdf
8. Meetings Inter club visits and how regularly meeting held
I can cover this at the meeting
9. Any other interesting activities Not covered above

Apex Malaysia



PARTICIPATION, PEOPLE, PURPOSE * OUR WORLD, OUR COMMUNITY!

Mid-Term Report 2021-22

From:

Apexian Kanagarajah P.J.K.

National President 2021-22

The Association of Apex Clubs of Malaysia

1. Membership & Expansion

Todate we have 139 active members. 1 new member was inducted in Dec 2021 with several prospectians in the list. The Apex Club of Penang has sponsored a club, "The Apex Club of Seberang Perai" and the inauguration dinner was held 8th Dec 2021.

2. Service Projects

All 12 clubs have been active with various service projects since the beginning of this term. Notably the PJ Club's "Food buddy" providing cooked food and groceries, Penang Club's "Food bank", KL and Malacca club's blood donation drive. No international joint projects were undertaken.

3. Apex Education / Bursary

Apex Malaysia's Education Trust Fund hit a new milestone by breaching the 1 million ringgit mark in funds, thanks to our AETF Chairman PNP Apexian Edward Mai's concerted effort. The upcoming annual bursary is expected to be bigger in funds as our ETF is asking members to sponsor tertiary education students. Clubs will be entitled to reimbursement of 70% of funds disbursed to tertiary students with a maximum payout of RM7500 per club. Among others, Apex Club of KL had presented to a tertiary student a laptop and Apex Club of Klang continues to sponsor special children to be schooled to the tune of RM36,000 and counting.

4. Fund Raising projects

No major fund-raising projects were undertaken by clubs, however clubs have their regular support from the community. The financial status of the overall National Association is RM63,000.

5. International relations and Socials activities

All International visits by members to other Association conventions and meetings had been disrupted due to the pandemic and activity curtailing S.O.P.

Lately with relaxation of the lockdowns, several clubs pounced on the opportunity and organized several activities. Namely, the National Apex Task Force (NATF) held meetings followed by social events in Malacca, Klang and Ipoh. The KL Club organized their installation and Penang celebrated their 50th anniversary. All events were conducted with a limited number of participants and complied with S.O.P. However, there was no limit to laughter and camaraderie among members.

6. Apex Education programs and trainings

Apex Malaysia has formed a task force, namely National Apex Task Force to understand the difficulties faced by members to be an effective Apexian. The Task Force has thus far held meetings in 3 regions with members and has formulated training to educate members to be effective. The training will be held during our upcoming Mid-Term Meeting in Malacca.

7. Correspondences / Newsletters

The Apex Clubs of KL, Penang and Seremban have been publishing monthly Newsletters and the other clubs on a not so regular basis. The National Board has been issuing circulars on regular basis.

8. Meetings

Inter club visits upto November last year had been out on hold and clubs resorted to regular virtual meetings instead. Lately with the relaxation of restrictions clubs have started to plan face to face meetings with their club members. Plans are in place for joint meetings.

9. Any other interesting activities

Last December, many parts of Malaysia were inundated by floods, said to be the worst of its kind since the last 10 years. In the central region, the Klang Valley, especially in parts of Shah Alam saw floods destroying homes. The Apex Clubs were quick to act to give helping hands to the victims of the flood. Cooked meals were given to victims who were housed in temporary shelters at school halls and public halls. Dry food, groceries, cleaning utensils, stoves, electric rice cookers and kettle followed later.







Apex Singapore



ASSOCIATION MID-TERM REPORT TERM 2021/2022

1. Membership & Expansion

There are 2 clubs in Singapore – Apex Club of Bukit Timah and Apex City Club. There is a total number of 13 full and associate members.

2. Services Projects

The projects operated in Singapore collectively included:

- Food Distribution programs that ensure grocery packs are delivered to beneficiaries in need. These grocery packs contain fresh and dry foods (including fruits, vegetables, rice).
- Furniture placements where specific furniture required by beneficiaries are sourced, delivered, and assembled for them. These included beds, wardrobes, refrigerators, and sofas.
- Fans distribution project where all beneficiaries are given a fan during an unusually hot and humid period in Singapore.

3. Apex Education / Bursaries

No projects in Singapore on this as education funding and accessibility is sufficiently managed by the Government.

4. Fundraising projects

Corporate sponsorship program has resumed for the clubs that largely supported the projects undertaken above. The overall National Club financial position is healthy where there are sufficient funds to cover all mandatory expenditure.

5. International relations and social activities

The tightened COVID-19 social distancing measures in Singapore and global travel restrictions meant that there were no opportunities to host international visitors or hold physical social activities within and between the clubs, and members could not attend other conventions.

6. Apex Education programs and training

None were scheduled.

7. Meetings

Club meetings were held as regularly as monthly and national association meeting is scheduled for once every 2 months to date.

Yours sincerely,

Evelyn Ong
Apex Clubs of Singapore
National President
Term 2021/2022

Apex India



**Apex Global
Mid Term Meeting**

Report submitted by the Apex India

Date :22.01.2022

Time:12 Noon

Dear Global Chairman and presidents of member associations of Apex global, New year greetings to one and all from apexians of Apex India. This pandemic situation paralysed our activities. Anyhow meetings were held virtually and many clubs managed to do services to some extent. I like to mention few of them.

Membership & Expansion:

There are 62 clubs on record segregated into 4 districts. One new ladies club at Bhillai and another club at Chhindwara are started in dist3. Three More clubs one at Chandigarh another at Patiala and the third at Jagraon were started in Dist5.

Service Projects:

Financial assistance poured in from Apex KI members and friends. Thanks to our former secretary Lifer. Apxn.C.S.Naidu for funding Apex club of Cuddalore in district 7 of Apex India to celebrate Deepavali with special children of their adopted Global School. Cuddalore club had made an arrangement so that the special children can select their own dress by themselves in the readymade shop itself. With the funding the club was managed to arrange crackers and non-vegetarian lunch to the children. Actually, by this service Apexians have seen the God in the faces of the children.



Apex Club of Ludhiana from Dist5 and a new unchartered club of Chhindwara from District 3 has distributed woollen dress to children and poor to overcome the winter season.

Our East Tambaram Club as a part of the National Service Project executed a miyawaki forest by planting 1 lakh saplings on the road side, which will promote Apex.





Apex Club of Madras has extended their helping hands to a colon cancer patient.

During pandemic period Our Namakkal Apex Club donated Rs·One lakh to the C·M·fund for covid relief works. Our Udumalpet and Namakkal Golden clubs distributed masks, disinfectants, to the front line workers.

3·Apex Education/Bursary:



Apex Club of Bally felicitated the students of Madhyamik School. Apex club of East Tambaram donated Rs·5000/ each to 7 students. Provided smart phones to two students to do their on-line classes. Donated Rs·11,000 to medical student from a poor family to continue her studies.

4· Fund Raising projects

During the year the National Board embarked upon a unique project titled Sustenance Fund. Desiring members can contribute Rs·3000 towards the Fund. The fund raiser is targeted at Life Governors and Life Members. So far 9 LGs and one Lm have contributed towards the Fund. The modus operandi of utilisation is being placed before the National Board meeting. Apart from this the National board is having Rs·1,00,000·00 as corpus fund in the fixed deposit. Also, National association is having fixed deposit contributed by the LPFs in the custody of our PNP. Apxn·Elavarasan.

5· International relations and socials activities:

Though physical attendance was not possible due to the pandemic situation we connected with international Apxians through Zoom meeting, and WhatsApp chats.



6. Apex Education programs and trainings:

Apex India has not witnessed any apex education programme due to the pandemic situation and travel restrictions prevailing in the country.

7. Correspondences / Newsletters

In the Club level Apex Clubs of East Tambaram, Cuddalore, Vilivakkam, Namakkal and Madras clubs are publishing their Newsletters. In the District level, District 7 is bringing out a newsletter under name and style "VIBGYOR, While dist. 5 has started to publish their newsletter under name and style " My Apex". National Newsletter is being brought out under name and style "The Indian Apexian "

8. Meetings

Maximum clubs are having their fortnightly meetings regularly. Inter club's meetings are made possible by attending the AGM of other clubs.

9. Any other interesting activities

Apex Club bally, Kolkata is running a Diagnostic center and has installed an advance scan center in it. So far, they have created more than 1000 hours physical involvement. Financial involvement to the tune of Rs.2,15,000/- Total beneficiaries are about 6000 people

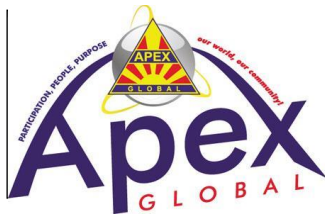
Recorded by:

Apxn.V.Senguttuvan, L.G.,

National Secretary / National Editor

Apex India - 2020-2021

Apex Sri Lanka



MID TERM REPORT – APEX CLUBS OF SRI LANKA

TO : Apex Global President N. Kanagarajah - and Global Board of Apex

Apxn. Sritharan Kunjamboo Global Secretary
sritharan58@hotmail.my

From Apex clubs of Sri Lanka National President –
Apxn, Sashindra F Weerasinghe

09 th January 2021

1. Membership & Expansion

Due to the pandemic situation and government Covid-19 prevention guidelines there were many restrictions on movement and meetings. Therefore, during the past year, efforts were focused on retaining the Membership rather than expansion. The senior members continued to keep in touch with the Junior members encouraging them to do individual good deeds. Since members also preferred it would be safer to avoid mass meetings to prevent infection spreading, the regular dinner meetings were converted to Zoom calls with majority of member preference.

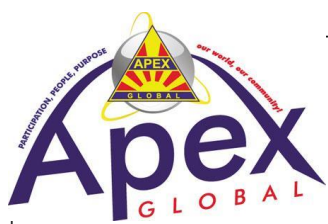
2. Service Projects

PLANTS TO FEED - Donating 350 Jack plants to Nikawewa Village.

With an initiative to promote food safety and nutrition Apex Sri Lanka has identified to support poor villages with Plants to Feed. Where saplings of long term fruit bearing plants given to needy farmers and villages.

As the first initiative, Apex Sri Lanka has chosen Nikawewa, an under privilege village in the dry zone. There are 78 families living under difficult conditions. Therefore, we felt providing good quality fruit bearing Jack plants would be the best option. Since these large fruits are used as staple meals, dessert and accompaniment dishes. (Photographs attached for reference)

Apex opted to support these villages fruit bearing plants that can prevent hunger and once these trees mature they could even sell the excess fruits that is considered a delicacy. The trees would last many years.



The plants were secured and delivered to the temple in the area where the monks are aware of the needs of the villages and for selecting participants for fair distribution. Some of saplings were planted in 18 acres of the temple, so anyone can have access to the fruits free of charge should the need arise.

The location was visited by NP Apxn. Sashindra and NS Apxn. Pushparaja on 18th November 2021 and participated at the event. (Photographs attached.)

The project was sponsored by the members of Apex.

Lunch given for Mallika Home for Elders.

On 05th October 2021, 65 Female Elders and 17 Staff of Mallika Home for Elders were provided with Lunch and desert. Apex Sri Lanka was represented by NP Apx Sashindra following Covid 19 Safety Guidelines.

Dry Ration packs

Due to restriction of movement and lot daily wage earners were affected to find suitable work and faced with some food shortages.

Therefore, Members are encourage to buy a few extra grocery items on a regular basis and provide for needy persons in their areas to support the needy wherever possible.

Video is sent through;

<https://u.pcloud.link/publink/show?code=XZRWn3XZYW0kjYzqAKFBXyXJxv2Irb7D4C3X>

3 Apex Education and Bursaries

Currently, we have 2 Students from Harishchandra MV, whom we have being sponsoring from Advance Level who have entered the University. The sponsorship is continuing with financial support on a monthly basis.

Another child we support is from Ibbagumuwa Central. Studying in Grade 7.

We have started to look for children who shows potential for higher Education to be sponsored on a continuous basis.



4.) Fund Raising projects.

Funds are raised only for project by project basis only, keeping with Social Services guidelines. All funds raised are totally spent on the project and financials are declared and the project is closed.

5. International relations and Socials activities

During this period no Visits were done overseas or received any members from overseas due to travel restrictions.

However, we participated on Zoom calls with the Apex Global meeting held on 25th September 2021.

Foreword and message of greetings sent to Apex Malaysia on their National Convention and NP and NS participated at the AGM through Zoom Call.

6. Apex Education programs and trainings Type of programs or trainings organized to enhance Apex Education of members

NONE

7. Correspondences / Newsletters News letters produced at club and National level

All correspondence and communication is done by Whatsapp Groups.

8. Meetings Inter club visits and how regularly meetings held

Club Meetings were held only on Zoom Calls every two months.

9. Any other interesting activities Not covered above

Planning to have a nursery to prepare saplings to support Plants to Feed project on long term basis.

Report Submitted by

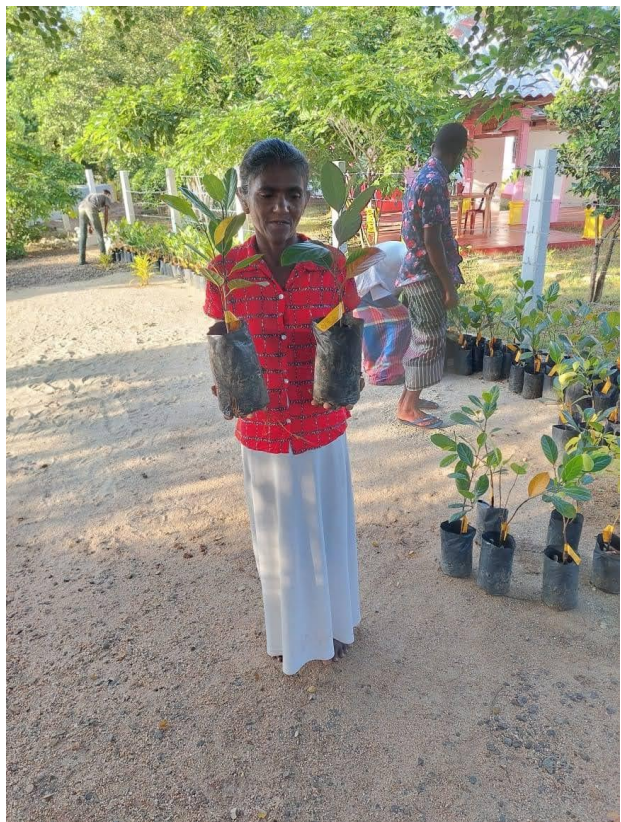
Apexian Sashindra F Weerasinghe

National President – Apex Sri Lanka

Email sashi@master-software.net









Fact Finding Committee Report Apex Bangladesh



Findings & Recommendations Regarding APEX BANGLADESH

Date of submission : 29th October, 2021.

Submitted by

**Fact Finding Committee
Apex Global**

Report of Fact Finding Committee

According to the decision of the AGM of Apex Global (June 26, 2021), the letter of Apex Global Chairman Mick Godfrey 2020-2021 (June 30, 2021) and Apex Global Chairman 2021-22 Venkata Giri (1 August 2021) the Fact Finding Committee is given 3 months' time to find an amicable solution and to resolve all issues; a) the rightful candidate as NP, b) Global Vice Chairman. With honesty and impartiality, we continued to make every effort to resolve the ongoing crisis in Apex Bangladesh. Try to find out the cause behind this crisis. By reviewing the constitution of Apex Bangladesh, we identified how it has been violated. Review the activities of the National Presidents from the 2017 Apex Year. Try to expose the causes of the crisis as well as the Wrong Doers behind it. Series of meetings held with present and past leaders of the Association. We then sent a letter to discuss separately with the four Apex leaders involved in the current crisis. Among them Apxn. Bhuban Lal Bharati (NVP-2020) and Apxn. Kaium Chowdhury (NP-2019) responded to our call and attended the meeting with detailed answers to various allegations. Unfortunately, Apxn. Nizam Uddin Pintu (NP-2020) and Apxn. Khurshidul Alam Arun (NP-2017) didn't attend the meeting. Later on we sent them letter again on 24.10.2021 but yet they did not attend the meeting and did not cooperate with us in any way. We are presenting the following findings after scrutinizing and reviewing the Association Reports, Accounts Reports, minutes of various Meetings, AGM report and above all the Constitution of Apex Bangladesh with utmost honesty, integrity and impartiality.

Findings

1. According to the investigation report of Apxn. Hasan Ferdous Jewel Committee formed against Khurshid-ul-Alam Arun (NP -2017) for financial irregularities related to foreign tours, National President of 2019 Apxn. Kaium Chowdhury and his Board suspended the portfolio of Khurshid-ul-Alam Arun (NP -2017) for 5 (five) years. The ongoing crisis in Apex Bangladesh was triggered by disciplinary action against Khurshid-ul-Alam Arun (NP-2017). The decision of the meeting of the Administrative Committee for the year 2019 on 31-12-2019, the meeting of the National Board on 10-01-2020 and the Delegates at the 44th National Convention approved the temporary suspension of Khurshid-ul-Alam Arun. In the long 60 (sixty) years history of Apex Bangladesh, only after the end of Khurshid-ul-Alam Arun's (NP-2017) working year, the National Presidents formed a committee of inquiry against him for 3 (three) consecutive years on various allegations. Financial irregularities in organizing the 43rd National Convention against a certain non-professional person Khurshid-ul-Alam Arun, collecting money from Apexians, non-Apexians on Apex's foreign tours at various times, taking unethical financial advantage by syndicating Apex elections, organizing various Apex programs Kaium

Chowdhury (NP-2019) and his Board took disciplinary action. Another Apex group led by Nizam Uddin Pintu (NVP-2019) did not accept the disciplinary action taken against Khurshid-ul-Alam Arun. Apxn. Nizam Uddin Pintu (NP-2020) is a close friend of Arun and Apxn. Nizam Uddin Pintu has been vocal in withdrawing the disciplinary action taken against Arun due to Arun's overall support for him in the National Presidential election.

2. Apxn. Nizam Uddin Pintu postponed Arun's Suspension Order till the next National Board meeting on 25.01.2020 in the Post-Convention National Board meeting. Later, in a Special Meeting held in Comilla on 01-02-2020, Arun's issue was included in the Agenda of the discussion outside the Agenda. After discussions, Arun was acquitted by cancelling all the irregularities of the foreign tours, financial irregularities related to foreign tours affairs and also the decision of the Inquiry Committee and the Administrative Committee. At the same time, a fact finding committee (five members) was formed under the leadership of Prof. Kudrat-e-Khuda LG & PNP. A letter signed by the National Secretary-2020 was sent to the Fact Finding Committee on 15.02.2020 with motivated direction. Arun was firstly rehabilitated in Apex by revoking the earlier Suspension Order. Later on a Committee was formed and a report was formulated.
3. Due to the disciplinary action taken against Arun (NP-2017), the National Board-2020 was divided into two groups. A group led by Apxn. Nizam Uddin Pintu (NP-2020) wants to rehabilitate Arun with impunity and another group led by Kaium Chowdhury (IPNP-2020) wants Arun's sentence to be upheld. Meanwhile, National Secretary for 2019 Apxn. Bhuban Lal Bharati was elected National Vice-President-2020 at the 44th National Convention. Apxn. Kaium Chowdhury (NP-2019) and Apxn. Bhuban Lal Bharati (National Secretary-2019 and NVP-2020) belongs to the same group and both are members of the Administrative Committee for the year 2020. Apxn. Nizam Uddin Pintu (NP-2020) in his working year (2020) did not convene any meeting of the Administrative Committee.
4. Apxn. Nizam Uddin Pintu (NP-2020) convened a Special Meeting of the National Board on 01.02.2020 and in that meeting cancelled the expulsion order of Arun (2017). At the same time, a 5 (five) member Fact Finding Committee was formed under the leadership of Prof. Kudrat-e-Khuda LG & PNP. Two of them are members of the National Board. Pursuant to Article 8.3.b, it is mentioned that a Committee of Inquiry should be formed against any member of the Club level on the basis of a written complaint of a Club. But the said Committee has been given the responsibility of investigating General Accounts, Education Fund, and Development Fund of Apex Bangladesh. This is in conflict with the constitution. Article 17.11 (a-b) (Annexure-1, Page-12) mentions the formation of a three-member Audit Board on financial irregularities. Apxn. Nizam Uddin Pintu has formed a five-member Inquiry Committee on financial irregularities without forming an Audit Board, which is motive-driven and unconstitutional. If the report by the Audit Board was not appropriate, then the decision of the National Convention is to re-audit the

account through a Chartered Accountant Firm. It is evident that Prof. Kudrat-e-Khuda LG & PNP Investigation Committee originally assigned to investigate the allegations brought against Arun. The Committee had a pre-planned investigation to get rid of liabilities of Arun. This Committee called for complaints (if any) against Apxn. Kaium from all over Apex Bangladesh and collected a total of 18 complaints, including other allegations. In a pre-planned manner, this Committee went onto unilaterally submitted a report of financial irregularities amounting to about Tk. 3 million against Apxn. Kaium. In the report of the Inquiry Committee dated 05-10-2020, NVP Apxn. Bhuban was mentioned in the report as an associate of Apxn. Kaium, which is found to be wrong and purposefully.

5. Under the leadership of Apxn. Nizam Uddin Pintu, the fragmented National Board for 2020, two of the members of the Administrative Committee, NVP Apxn. Bhuban and IPNP Apxn. Kaium Chowdhury was decided to terminate. According to Article 8.3.k, if an elected National Board member fails to perform the duties assigned to him under Article 11 or fails to communicate with the National Board and Officials, the Board member may be terminated from his portfolio by absolute majority vote of the National Board members. On the other hand, according to Article-16.17(Annexure-1, Page-11).a.i, the National Vice President will be automatically elected as the National President in the next year. Only if the National Vice President expresses his un-willingness to continue for any reason or if 2/3 majority of the Official Delegates at the National Convention resolve no-confidence on outgoing National Vice President, then election for the post of National President will be held in a manner as applicable for the election of NVP.
6. The fragmented National Board of 2020 is trying to make it clear through various maneuvers that they have not been able to do much this year due to the Covid-19 situation. So, Apxn. Nizam Uddin Pintu decided to stay in the post of NP for another year. According to the rules laid down in Article 16.1 (Annexure-1, Page-11) in Extreme Circumstances, there is an opportunity for the National Convention to be held within a maximum of three months' time. According to Article 16.2, there is an opportunity to do many things, including amending the Constitution, through Special Conventions.

Attempts were made to hold an Emergency Special Convention in Comilla on 25.12.2020 which was not possible due to the embargo imposed by the Hon'ble Court. Apxn. Nizam Uddin Pintu later celebrated the event as a Fellowship Program. According to Article 16.2 (Annexure-1, Page-11) of the Constitution, the conditions for organizing a Special Convention are-

- 1/3 of Chartered Clubs will apply in writing with reasons why they want a Special Convention.
- The National Board will organize the Convention with an Official Call at least 2 months in advance.
- The National Secretary shall inform the clubs of the motions to be raised at the Convention at least 30 days prior to the Convention with reasons.

- There will be Official and Unofficial Delegates at the Special Convention as usual.
- 7. In the interest of Apex Clubs of the whole country as per Article 16.17 (Annexure-1, Page-11) a.i Apxn. Bhuban Lal Bharati (NVP-2020) took over as National President-2021 because of extreme anarchic situation, violation of the constitution one after another and failure to convene a National Convention in time. Apxn. Bhuban Lal Bharati (NVP-2020) organized a Special Convention in Dhaka on 19.03.2021 in the presence of about 85 clubs from all over the country and Apex Bangladesh is leading the way by forming the National Board by Delegates for the year 2021.

Violations of Apex Constitution

All the cases where the constitution of Apex Bangladesh has been violated by Apxn. Nizam Uddin Pintu and his Board mentioned bellow.

- a. In accordance with the decision of the Special Meeting of the National Board held on 27.05.2020, as per Article-9.5 (Annexure-1, Page-9) Ballots were sent to the members of the National Board seeking the opportunity to validate the virtual / online meeting of the National Board of Apex Bangladesh and take decision with full power and responsibility. Surprisingly by passing the rules, the results were announced before casting the vote of some National Board members. All the notices of the National Board through e-mail, by post shall be treated only as acceptable process (ASO-49-Notice for Meeting: Notice of Club Dinner Meetings, Club Board Meetings, Club AGM, National Board Meetings, Official Call & Final Call for District & National Convention all other notifications through email shall be treated as acceptable process of communication along with existing printing & postal producers. Required time schedule for notification shall remain same as earlier). But in this case, the Ballot papers have been sent to all by Messenger (Social Media).
- b. Due to Extreme Circumstances It has been decided on the 4th Special National Board Meeting held on 14-11-2020 to hold the National Convention within maximum of three months later as per the rules laid down in Article-16.1. (Annexure-1, Page-11) Later, in Bangladesh everything returned to normal except for Educational Institutions in the whole country. Normal environment was prevailing in the National Assembly session, different National Election conducted, Political Activities and Office Courts by taking Corona Security Measures everywhere. Almost every Service-Oriented Social Organization had continued its activities. In this situation, declaring an Extreme Circumstances in accordance with Article-16.1 (Annexure-1, Page-11) and postponing the National Convention for three months is a violation of the Apex Constitution.
- c. According to the decision of the 4th special national board meeting held on 14-11-2020, the Changeover of Clubs, AGM, District conventions had been postponed. Although the National Board convened Special Meetings in an illegal process, it did

- not allow the Clubs to conduct virtually any activities. As a result, District By laws 2.1(Annexure-1, Page-13), Model Club By Laws 5(Annexure-1, Page-14), 7.b(Annexure-1, Page-14), 4(a-b) (Annexure-1, Page-14), 8(Annexure-1, Page-14) & 9(Annexure-1, Page-15) of the Constitution has been violated.
- d. According to Article 16.2(Annexure-1, Page-11), there is an opportunity to do many things, including amending the Constitution, through Special Conventions. Attempts were made to hold an Emergency Special Convention in Comilla on 25.12.2020 which was not possible due to the embargo imposed by the Hon'ble Court. Apxn. Nizam Uddin Pintu later celebrated the event as a Fellowship Program. According to Article 16.2 (Annexure-1, Page-11) of the Constitution, the following conditions for holding Special Conventions have been violated:
 - 1/3 of Chartered Clubs will apply in writing with reasons why they want a Special Convention.
 - The National Board will organize the Convention with an Official call at least 2 months in advance.
 - The National Secretary shall inform the Clubs of the motions to be raised at the Convention at least 30 days prior to the Convention with reasons.
 - There will be Official and Unofficial Delegates at the Special Convention as usual.
 - e. According to Article 10(Annexure-1, Page-10), the Constitution has been violated as Apxn. Nizam Uddin Pintu did not convene an Administrative Committee meeting in the 2020 working year.
 - f. Although a so-called Emergency Special Convention/ Special Annual General Meeting were calls in Comilla on 25 December 2020 (Annexure-3, Page-23), a get together was organized under the name of Fellowship Program due to the embargo imposed by the Hon'ble Court. But Apxn. Nizam Uddin Pintu called this Fellowship Program a National Convention and by blatantly lying in Apex Bangladesh and Apex Global, he violated the Apex Constitution by breaking his oath as an Apexian (ASO-21- OATH: National Board Members and Club Board Members will take oath during installation as “শপথনামা” & Article-5.a (Annexure-1, Page-9)) as well as the National President.
 - g. Under the leadership of Apxn. Nizam Uddin Pintu, the fragmented National Board for 2020, decided to two of the members of the Administrative Committee, NVP Apxn. Bhuban and IPNP Apxn. Kaium Chowdhury. According to Article 8.3.k, if an elected National Board member fails to perform the duties assigned to him under Article 11 (Annexure-1, Page-10) or fails to communicate with the National Board and Officials, the Board member may be terminated from his portfolio by absolute majority vote of the National Board members. On the other hand, according to Article-16.17 (Annexure-1, Page-11).a.i, the National Vice President will be automatically elected the National President in the next year. Only if the National Vice President expresses his un-willingness to continue for any reason or if 2/3 majority of the Official Delegates at the National Convention resolve no-

confidence on outgoing National Vice President, then election for the post of National President will be held in a manner as applicable for the election of NVP. In this case, Article 8.3.k and 16.17(Annexure-1, Page-11) a.i of the Constitution have been violated.

Contempt of Court Order

In accordance with the decision of the Special Meeting of the National Board held on 27.05.2020, Ballots were sent to the members of the National Board seeking the opportunity to validate the Virtual / Online meeting of the National Board of Apex Bangladesh and take decision with full power and responsibility. Out of the rules, the results were announced earlier before casting the vote of some National Board members. Decision of all Virtual Meetings held on 10.07.2020, 17.08.2020 and 16.09.2020 with the opportunity to hold Virtual / Online meetings as per Article-9.5 and the effect of the letter of the National Secretary dated 17.09.2020 regarding the postponed Changeover, AGM, Meeting and Seminar was given Stay Order till 30.11.2020 by the Hon'ble Joint District Judge, 1st Court, Dhaka.

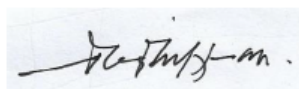
In Comilla on 25th December, 2020, the so-called organization of Emergency Special Convention / Special Annual General Meeting was suspended by the Hon'ble High Court. But Apxn. Nizam Uddin Pintu and his fragmented National Board committed a Contempt of Court for disobeying all these Orders of the Hon'ble High Court (Annexure-2, Page-20).

Recommendations

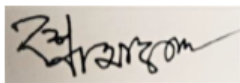
1. From the point of view of reviewing the Constitution of Apex Bangladesh and from a neutral point of view, we agree that the currently constitutionally elected Apexians in the National Board of Apex Bangladesh are Apxn. Bhuban Lal Bharati (NP-2021) and Apxn. Nizam Uddin Pintu (IPNP-2021).
2. Apxn. Bhuban Lal Bharati is a legitimate National President of Apex Bangladesh for the Apex Year-2021. The Apexian nominated by Apxn. Bhuban will be the next Vice Chairman candidate of Apex Global from Apex Bangladesh.
3. Apxn. Bhuban Lal Bharati, as the National President, will convene the next National Convention in January '22. Apxn. Bhuban Lal Bharati will remain as the National President till December 2022 and Apxn. Nizam Uddin Pintu will remain as the IPNP. This to be ratify by the learned Delegates at the National Convention. Other members of the National Board will be elected at the January 22 Convention. District Convention and Club AGMs will be held on a regular basis under the leadership of Apxn. Bhuban. Apxn. Bhuban Lal Bharati will form a 10 member Adhoc Committee till completion of the AGM (January'22) for running the Day to Day Matters.

This committee recommends this arrangement to give an amicable solution to mitigate the present prevailing crisis in Apex Bangladesh and also due to the pandemic situation.

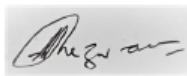
4. Since the allegations against Apxn. Kaium are related to Association Finance, they can be investigated by forming a three-member Audit Board in accordance with Article 17.11 (a-b) (Annexure-1, Page-12). Further action can be taken as per the Audit Report.
5. As the Covid-19 situation has returned to normal, the leaders of Apex Global may be requested to attend the National Convention to be held sometime in January '22.



Apxn. A S M Raquibul Hassan LG & PNP
Chairman
Fact Finding Committee, Apex Global



Apxn. Sk. Parvezuddin Ahmed
LG & PNP
Member
Fact Findings Committee,
Apex Global



Apxn. Rezwan Shahidi
LG & PNP
Member
Fact Findings Committee
Apex Global



Apxn. Ramij Uddin LG & PNP
Member
Fact Findings Committee
Apex Global

Annexure -1

The National Association of Apex Clubs of Bangladesh CONSTITUTION

ARTICLE-5

CLUB ETHICS

The Ethics of a club shall be :-

1. Public and personal morality and conduct consistent with the accepted standard of loyalty required by the club.
2. Any further standard of requirements which shall be required of Clubs or their members by the National Board or National Convention.

ARTICLE-8

THE NATIONAL BOARD

1. **Governing Body:** The Governing Administration body of the Association shall be the National Board which shall comprise of the National President, the National Vice President, the National International Relations Director, the National Service Director, the National Youth & Citizenship Director, the National Action Director, the National Extension Director and the District Governors. The National Secretary, the National Treasurer and other such active member(s) as the National Convention and or the National Board may from time to time determine and elect and or appoint will work as National officials.
2. **Formation of Governing Body :**
3. The National President (NP), National Vice President (NVP), National International Relation Director (NIRD), National Youth and Citizenship Director (NYCD), National Service Director (NSD), National Action Director (NAD), National Extension Director (NED)- These seven posts to be elected directly by the Clubs at each National Convention.
4. Immediate past National President (IPNP) to be ex officio Board member.
5. District Governors (DG) to be elected at respective District Conventions.
6. The National Secretary (NS) and the National Treasurer (NT) to be nominated by the National President from greater Dhaka area (Dhaka/ Narayanganj). Both the National Secretary and the National Treasurer shall have no voting right in Board / Administrative committee meetings.
7. **Powers :** The National Board shall have the power of controlling and managing the Association and without in any way limiting the generality of such powers shall have power to control and manage:
8. The business, property and funds of the Association;
9. On the basis of any written complaint from any club the National Board may foreign enquiry committee and on the basis of which, if it deems fit, the National Board in any Board Meeting is empowered to expel / suspend any club member / club director on two- third vote of the National Board members present in the meeting.

The National Board in such case is not obliged to refer the matter to the Club Board concerned and is authorized to take action. Such decision is obligatory on the club to immediately expel / suspend the concerned member / Director upon notification by the National Secretary.

ARTICLE-9

NATIONAL BOARD

1. **Tenure :** That the National Board shall start functioning from the last day of one National Convention and continue for one year up to the last day of the succeeding convention, (i.e. January 1993).
2. **Handing over of Accounts:** The National Treasurer of the outgoing Board will handover cheque, accounts statement, bank account, receipt and cash books, cash (if any) within the next two weeks to the new National Treasurer in Presence of outgoing & incoming National President.
3. **Qualification:** Each Board Member shall continue to be an active member during his term of office irrespective of whether he has crossed the age limit in pursuant to Article -4.
4. **Remuneration:** All National Officials shall serve without remuneration.
5. **Operation of Board:** The National Board may, without meeting, transact its business by post or otherwise by voting upon proposed resolutions mailed with the approval of the National President to member's thereof. A period of one month from the date of posting, the members shall be allowed for the return of the votes by post to the National Secretary. The voting shall be considered closed at the end of such period of at any time prior thereto if and when all the members have returned their votes, If at the end of such period a majority of the members have not returned votes, the proposed resolutions shall be deemed to have failed. The National Secretary shall preserve all votes for a period of six months and thereafter he shall destroy them.

If at any time a District Governor is unable to be present in person at any meeting of National Board, he may appoint, in writing, President of any club under his District as his proxy to attend at the meeting with power to vote.

ARTICLE-10

ADMINISTRATIVE COMMITTEE

The Administrative committee shall comprise of National President, National Vice-President and Immediate Past National President. National Secretary and National Treasurer may attend the meeting on invitation. The Administrative Committee may be reconstituted by including more members where NP, NVP and IPNP are unanimously agreed to that effect. The Administrative authority in respect of administration of the Association and such meeting to be held in between two National Board meetings. The National Board shall have no power to alter the decisions of the Administrative Committee unless two third of National Board members disagree in writing to that effect.

(Amended on Special General Meeting 19th July 86, Dhaka)

ARTICLE-11

DUTIES

Duties: The duties of each Director shall be

(a) National International Relations Director (NIRD)

1. To foster international understanding and friendship with the Clubs, the Association and World Council.
2. To attend Asia Pacific Regional Meeting.
 - To act as protocol and co-ordination officer for all visitors from abroad and to organize tours of the Apexians to other countries.

(b) National Youth and Citizenship Director (NYCD)

1. To do any other job as may be assigned by the National President / Board from time to time.
- #### (b) National Youth and Citizenship Director (NYCD)
1. Study the meaning and scope of citizenship and in relation there to the wider aspects of community service and foster the active interest of members therein.
 2. Foster the interest and activity of Apexians in civic affairs and community development.
 - To guide clubs to organize sporting fixtures, social evenings and parties of various kinds such as picnics, weekend trips, cultural events, functions on National days and other functions which will have the effect of bringing Apexians and their families together with friendly atmosphere.
 1. To guide clubs about frequent holding of public speaking and debating contest, essay competition etc., and invite guest speaker to the club meetings.
 2. To do any other job as may be assigned by the National President I Board from time to time.

(c) National Service Director (NSD)

1. To co-ordinate all service projects at Association level and for participation by the clubs,
2. To guide and co-ordinate with the clubs about service project / scheme of the clubs,
 - To prepare service Albums etc.
1. To pursue with WOCO members for financial assistance of Association / Club projects.
2. To do any other jobs as may be assigned by the National President I Board from time to time.

(d) National Action Director (NAD)

1. To promote an understanding of the objects of the Association within the Association.
2. To encourage Clubs to cherish the objects of the Association by implementing fully the objects of Clubs.
 - To foster efficiency in administration with a view to attain the greatest effect in fulfilling the objects.
1. To improve the standard of education in Association and Club Administration at all levels of the Association

(e) National Extension Director (NED)

1. To act as a central information and Advisory Bureau on membership within the Association and the formation of new Clubs and Districts.
2. To formulate and define policy on the extension of Apex into countries outside Bangladesh for consideration by the National Board.
 - To recommend standard procedures and Forms and changes in connection with the formation of new Clubs and District to the National Board.
1. To examine, investigate and report upon applications for the granting of Club Charters and recommendations for the formation of or alteration in District.
2. To stimulate the interest of Clubs in formation of new clubs within Bangladesh and in other countries.
3. To receive applications for and make recommendations to National Board upon the disbursement of the Association funds raised or set aside of extension activities.
 - To make regular reports to National Board upon existing extension activities and future extension projects both within Bangladesh and in other countries.
 - To examine regularly, membership trends in all Clubs and report to National Board.

ARTICLE-16

NATIONAL CONVENTION

1. **Annual:** The Annual Convention shall be held each year by 31st January on such day / date which shall be determined by the National Board or at the National Convention two years in advance. In extreme circumstances the convention may be delayed by maximum 3 months.
2. **Special:** Special National Convention may be called by the National Board and shall be called on requisition accompanied by a supporting statement of reasons from club comprising not less than one third of the total number of clubs.
3. **Application for place of Convention :** Application for holding an Annual National Convention shall be submitted by Clubs in writing to the National Secretary along with the papers submitted in response to official call in the year preceding the National Convention at which the selection to be made.
4. **Investigation and Selections:** All applications submitted by clubs to the National Secretary shall be referred to the next Convention to be held two years thereafter.
5. **Change of Venue or Date:** The National Board shall have the power at any time prior to an Annual National Convention to vary the venue or time thereafter.
6. **Supervision:** The Club or Clubs responsible for the conduct of the Convention shall be under the supervision and control of the National Convention Committee which shall report regularly to the National Board.
7. **Official Call:** The National Secretary shall not less than 3 (three) months prior to the date of a National Convention and not less than 2 (two) months prior to a special National Convention E-mail an official call of Convention to the Secretary of each Club.
8. **Agenda:**
 1. Items for the Convention Agenda may be submitted by District Convention or the National Board.
 2. Agenda items shall be forwarded to the National Secretary 45 days prior to the National Convention and each item shall be accompanied by a supporting statement of reasons.
 3. The National Secretary shall not less than 30 days prior to the Convention forward to all Association Officers, Delegates and Clubs a copy of all motions intended to be included in the Agenda and proposed nominations received for positions to be elected at the Convention, and the Balance Sheet and Statement of Income and Expenditure of the National Board for the previous fiscal year duly certified by the Auditor or Auditors.
 4. All motions submitted for the Agenda shall be accompanied by a supporting statement of reason and the calculated cost, if any, to the Association and to individual Clubs for implementing the motion.
 5. Agenda items submitted by National Board may be moved and seconded at National Convention by the member of National Board provided that only official delegates appointed pursuant, to Article-I 6, Para- 11 shall be entitled to vote in respect of such motions.
9. **Agenda Items :** No motions shall be accepted at a National Convention unless :-
10. It is on the Agenda together with the supporting material referred to in Article-16, Para-8, Sub-para (d) and a report from the Association Finance Committee on the cost of it;
11. It has been included in the Agenda as a recommendation by the National Board or an Association Committee to be placed before a Convention Discussion Group or Pre-Convention Committee, or
12. It has been included in the Agenda by a resolution of three-fourth majority of those delegates who cast a vote. Where an item has been included in the Agenda pursuant to Paragraph-(b) or (c) hereof, the Chairman of the Convention shall call for a report from the National Treasurer on the calculated cost, if any, of implementing the motion to the Association and to the individual Clubs.
13. **Delegates**
14. **Official:** The quota of Official Delegates to which every club entitled at a National Convention shall be decided by the preceding National Convention after consideration of recommendation of National Board provided that the quota of Official Delegates shall be not more than one for every club.
15. **Unofficial:** Each Club may also appoint an equal number of unofficial delegates. In the absence from the Convention on any Official Delegate for any reason other than his suspension by the convention, his place may be taken by an Unofficial Delegate of his club who shall be entitled the same privilege as the Official Delegate whom he replaces.
16. **Appointment of Delegates:** All delegates shall be appointed by Club Board at their discretion.
17. **Attendance at conventions:** Official Delegates shall be required to attend all sessions of the convention unless expressly allowed by the Chairman of the Convention.
18. **Votes:** Each Official Delegate shall be entitled to one vote on each question submitted at a National Convention.

ARTICLE-17

ASSOCIATION FINANCE

1. **Charter Fee:** Each club before receiving its Charter shall pay to the National Board a Charter Fee prescribed by the National Board.
2. **Association Per Capita Fee:** Each Club shall pay per capita for each active member enrolled in membership list on the day of its Annual General Meeting to the National Association within First 3 (three) months of the Apex year. The fee of members classified as non-resident shall be one-half of the fee of other active members. The classification of the individual per capita shall be as under:-

3. a) Association Per-capita- 20%; b) International precipitation Fee & Other foreign expenses 10%; c) National Directory subscription 10%; d) Subscription for Apex Education Fund 10% and e) Refund to respective Club 50%. The share of the club shall be transferred to the Club fund within one month of receiving total members' per capita from the Club. The District Governors shall get their share @ 20% of the Association per capita received by the Association from the respective Districts.

The Club shall have the option to exercise Model Club By- Law -11 (a). However, an Apexian shall become non-active and non-financial member of the Club and the Association in the event of his failure to pay off per capita to his Club within the stipulated time and such position shall continue till that member payoff his entire amount of previous dues. That non-financial member shall be ineligible for any election or appointment both in Club, District and National level. Club failed to deposit per capita for at least 11 members within the stipulated time shall be considered non-financial to the Association and shall have no voting right in District and National Convention until payment of per capita. Member of that Club(s) shall become non-financial though he paid his capitation fee to his Club. (34th AGM, Khulna)

The District Governors will receive 20% share of the per capita after collection of full per capita from all the Clubs under his district. Similarly 15% share of the per capita will be received after collection of 80% or more of the total per capita. DG will receive 10% share if the collection is 60% or more of the total per capita. The District Governor will not be eligible for any share if the collection is less than 60%.
(23rd AGM-Dhaka)

3. **Per Capita Return:** The Per capita return shall be admitted in the Form prescribed by National Board.
4. **Pro-Rata Fee:** The proportion of the Association per capita fees to be paid to the National Board by Club in respect of the members of a newly Chartered Club shall be assessed pro rata according to the unexpired portion of the club fiscal period in which the club is chartered.
5. **Levies:** No additional levies or contributions shall be called for by a National Convention or the National Board unless reference thereto has been made to all Clubs and the consent of the majority has been obtained. The decision of each Club shall be determined by a majority vote of the Club Board.
6. **Fiscal Year:** The Fiscal Year will be from 1st day of January each year to 31st December of the same year. The National President / National Secretary / National Treasurer or no other Authorized Officer of the outgoing Board shall operate any of the account / accounts of the National Association after 31st December.(w.e.f.2000)
7. **Budget :** National Treasurer shall prepare Budget in col laboration with National Vice President and submit it 60 days before the Convention to the National Board for consideration. If the National Board approves the budget proposals this will be included in the Convention Agenda for discussion and approval by the Convention.
8. **Disbursements :** All disbursements other than petty cash shall be made by Cheques.
9. **Depositories :** The National Board shall designate the depositories of all Association Funds.
10. **Operation of Accounts :** The National Board may authorise such officers and or employees, as it thinks fit, to sign and countersign cheques and otherwise act as may be necessary to operate, on the Association Accounts.
11. **(a) AUDIT OF ACCOUNTS :** The National Board shall declare an Audit Board comprising of 3 members consisting of one Life Governor, one Past National President and one Life Member . The Board will audit the Accounts of the Association including the Bangladesh Apexian' and directly verify from the bank about balances as on 31st December. The Audit Board will report any irregularity during the year and recommend improvement and actions.

The National Treasurer shall submit his Books of accounts and all other records for audit whenever required by the National Board. A National Board member shall not be appointed as Auditor.

(b) AUDIT OF ACCOUNTS BY C.A. FIRM: After audit as per Article-17, Para-II Sub-para-(a), if two third majority of the delegates at the National Convention deems it necessary for re-audit may appoint a qualified firm of chartered Accountants (C.A.) for the purpose.

THE NATIONAL ASSOCIATION OF
APEX CLUBS OF BANGLADESH
MODEL
DISTRICT BY-LAWS
BY LAW-1

BY-LAW-2

DISTRICT CONVENTION

1. **Annual:** The Annual District Convention be held in each District between 1 st September to 31 st December on such days / dates as to be determined by the National Board.
2. **Club Report:** Each Club not later than 30 days before respective District Convention shall send Club Report to the DG of the activities of the period from one District Convention to another. This should include statement of accounts.

**THE NATIONAL ASSOCIATION OF
APEX CLUBS OF BANGLADESH
MODEL
CLUB BY-LAWS**

BY-LAW-4

BALLOT AND ADMISSION FEE

1. **Ballot:** Candidate for membership shall be subject to ballot in accordance with the procedure requirement prescribed by the Club Board.
2. **Admission Fee:** Member shall pay an admission fee and membership fees such sums as may be prescribed by the Club Board.

BY-LAW-5

CLUB REPORT

Each Club at their Annual Change-Over ceremony shall submit club report for the period from 1 st January to 31 st December of a year. (34th AGM)

BY-LAW-7

ELECTION OF BOARD OF DIRECTORS

a) Nomination: The Senior Vice President, Junior Vice President, Secretary & DN Editor and Treasurer shall be elected at the Annual General Meeting of the Club. An AGM shall be convened during the month of October and November of each Apex year. Nominations shall be called by the Board of Directors for the post of Senior Vice President (SVP), Junior Vice President (JVP), Secretary & DN Editor and Treasurer for the next Club year. (34th AGM Khulna)

b) Take Over:

1. The Senior Vice President shall take over from the outgoing Club President from 1 st January of each year. (w.e.J 2000).
2. ii) In case two third active club members votes against the Senior Vice President (SVP) from taking over / being installed or the SVP express his inability, the Junior Vice President (JVP) will take over as the club President.
- iii) If both the SVP and JVP are disqualified / express their inability then the Club Board will invite nominations for the post of President, Senior Vice President, Junior Vice President, Secretary & DN Editor and Treasurer instead of the posts mentioned in Paragraph 1, Sub-Para (a) of this By-Law.

BY-LAW-8

CLUB MEETING

1. **a) Place & Time:** The regular Dinner Meetings of the Clubs shall be held at a place and time fixed by the Board or at such other place and time as the Board may from time to time deem advisable.
1. **Annual General Meeting:** An Annual General Meeting (AGM) or Annual Meeting of the Club shall be called by the Secretary & DN Editor in the similar manner the regular Dinner Meetings are called for. Report of the activities of the Club from previous AGM to this AGM shall be placed by the Club President for the consideration of the members of the Club. Similarly all Directors shall submit concise report of the activities of the respective Appropriate Agenda shall be circulated for the AGM. (34th AGM, Khulna)
2. **Special General Meeting:** Special General Meeting of the Club may be called by the Board of Directors when deemed necessary and shall be called upon the request in writing of ten members of the Club addressed to the Secretary and stating the purpose for which it is required.
3. **Notice:** Every member shall be given reasonable notice of each regular dinner meeting.
4. **Apology:** Any member who is absent from any meeting without due apology to the Secretary or Fellowship Director or Sgt. at Arms, minimum twenty four hours prior to such meeting, may be charged with price of the dinner.
2. **Quorum:** "One-third of the membership shall constitute a quorum at regular Dinner Meeting of the Club whereas two-third of the active members present at the AGM shall constitute the quorum for the Annual General Meeting. (34th AGM, Khulna)

BY-LAW-9

BOARD MEETING

1. **Time & Place:** The time and place for Board Meetings of Board of Directors shall be determined by the Board.
2. **Special Board Meeting:** Special Meetings of the Board of Directors may be called by the President whenever deemed necessary, and shall be called upon the request in writing of two members of the Board addressed to the Secretary stating the purpose for which it is required.
3. **Quorum:** Six members of the Board shall constitute a quorum of the Board.

Annexure-2

M-5763-D dt-24/12/20
IN THE SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION, DHAKA
(CIVIL REVISIONAL JURISDICTION)

copy

CIVIL ORDER NO. 2129 OF 2020

In the matter of an application under section 115(1) of the Code of C.P.C Preferred against the order No. 3 dated 15.12.2020 passed by Joint District Judge, 3rd Court, Dhaka in Title Suit No. 231 of 2020.

And in the matter of:
Md. Rafiqul Islam,

.....Plaintiff-Petitioner

-Versus-

1. Apex Bangladesh and others,

.....Defendant- Opposite Parties.

Enclosed:-

Vide (Order dated 21.12.2020 in Separate Sheets)

In The Supreme Court of Bangladesh

High Court Division

(Civil Revisional Jurisdiction)

Present

Mr. Justice Khizir Ahmed Choudhury

Civil Order No. 2123 of 2020.

Md. Rafiqul Islam

.....Petitioner.

=Versus=

Apex Bangladesh and others

..... Opposite parties.

Mr. Sagir Anwar, with

Mr. Md. Mushfiqur Rahman, Advocates

.....For the petitioner.

Heard and order dated 21.12.2020.

This revisional application has been preferred impugning Order No.3 dated 15.12.2020 passed by learned Joint District Judge, 3rd Court, Dhaka in Title Suit No. 231 of 2020 rejecting an application for temporary injunction filed by the plaintiff under Section 151 of the Code of Civil Procedure.

The present petitioner as plaintiff instituted Title Suit No. 231 of 2020 before the Court of Joint District Judge, 3rd Court, Dhaka for a declaration that the Vice President for 2020 is entitled to get the post of President of 2021 in accordance with the constitution of the Club and the

defendants are bound to hold election for rest of the post of the club board and for further declaration that the defendants are also bound to arrange Apex District Convention for electing district Governors of the club and for other reliefs.

By filing a separate application under Order 39 Rule 1 read with Section 151 of the Code and the plaintiff prayed for restraining defendant Nos. 1-5 from holding National Convention outside Dhaka violating Articles 8, 9, 16(7), 16(17)(a)(I) of the Articles and By-laws of the club and not to hold any virtual or physical meeting on 25.12.2020.

On hearing the application, learned Joint District Judge, 3rd Court, Dhaka by order dated 13.12.2020 issued show cause notice upon the defendants opposite party Nos. 1-5 to show cause within 10 (ten) days as to why a temporary injunction should be granted as prayed for.

Thereafter the plaintiffs by filing an application under Section 151 of the Code of civil procedure prayed for restraining the defendants not to hold any special national convention outside Dhaka in contravention of Articles 8, 9, 16(7), 16(17)(a)(I) of the Articles and By-laws of the club. Learned Joint District Judge upon hearing the application on 15.12.2020 rejected the same holding that earlier the defendants have been asked to show cause within 10 (ten) days why injunction should not be granted, but the plaintiff petitioner without depositing the requisites filed a fresh application on 15.12.2020 under Section 151 of the Code of

civil procedure and the learned judge further held that there is no apprehension to suffer irreparable ^{loss} ~~loss~~ if the order of injunction is not granted.

Mr. Sagir Anwar, learned Advocate appearing with Mr. M. Mushfiqur Rahman, Advocate for the petitioner submits that as per year plan of 2020 the 45th National Convention is scheduled to be held on 29-30th January, 2021 but the defendants by violating the year plan decided to hold special national convention on 25th December, 2020 at Cumilla violating of the Articles 16 (1)(1) of the constitution of the club. Learned Advocate further submits that the national secretary is required to issue a notice before 2 (two) months by mail, if a special national convention is to be held earlier but in the instant case no such step was taken by the secretary. Learned Advocate further submits that it is convenient if national convention is held at Dhaka due to pandemic situation but the defendants arranged the special national convention at Cumilla which situates outside Dhaka and as such they should be restrained from holding such convention violating the Constitution and Articles of the Apex Club.

It appears that 45th National Convention is scheduled to be held on 29-30th January, 2021 but the date of the national convention has been expedited fixing 25th December, 2020 to be held at Cumilla as special national convention.

On perusal of the order dated 13.12.2020 it appears that learned Joint District Judge upon hearing the application for temporary injunction issued show cause notice directing the defendant Nos. 1-5 to show cause within 10 (ten) days why an order of temporary injunction should not be granted. It also appears that the plaintiff petitioner filed another application on 15.12.2020 under Section 151 of the Code of civil procedure for restraining the defendants not to hold any meeting as special convention on 25.12.2020. It reveals that the substantive application filed by the plaintiff for granting temporary injunction is still pending but as the civil Court is now on vacation and the date for special national convention having fixed on December 25, 2020 in the midst of vacation, if the convention is held as per schedule, the purpose of filing the suit will be frustrated. Whether the plaintiff has got genuine cause or not will be considered by the Court in which application for temporary injunction is pending.

In the above facts and circumstances, it is convenient if restraining order is passed for not holding special national convention until the injunction application is heard by the competent Court after vacation.

Accordingly, the opposite party Nos. 1-5 are restrained from holding special Apex national convention till 10.01.2021.

Meanwhile the civil Court will reopen and the parties will be entitled to ventilate their grievance before the Court.

Learned Advocate for the petitioner urged for deputing special messenger for serving the order of this Court as expeditiously as possible. Accordingly, prayer is allowed and a special messenger be sent to serve notice for which petitioner is agreed to bear the costs.

Office is directed to assess the cost of the Special Messenger and depute him to execute the summons.

Besides, the petitioner is directed to put 2 (two) sets of requisites within 48 hours. One set is to be served by registered post and other by usual process.

With the above observations, this revisional application is disposed of.

Khizir Ahmed Choudhury, J.

Memo No.

Dated.....

Copy of Court's order dated 21.12.2020 forwarded to the (1) Joint District Judge, 3rd Court, Dhaka (2) Opposite party Nos. 1. Apex Bangladesh, National Association of Apex Clubs of Bangladesh, Represented by its National President, Apex Bangladesh National Secretariat, Flat No. C/8, Green Resort, Level No. 09, 232, Green Road, Post Office-New Market, Police Station-Dhanmondi, Dhaka-1205. 2. Md. Nizam Uddin Pintu, Son of Firoz Ahammed and Firoza Begum, National President and Member No. 01, Administrative Committee, Apex Bangladesh, Of Sony Rangs Showroom, Firoza Bhaban (Opposite to Shahid Bhulu Stadium), Main Road, Maizdi Court, Police Station-Maizdi, District-Noakhali. Present address- Apex Bangladesh National Secretariat, Flat No. C/8, Green Resort, Level No. 09, 232, Green Road, Post Office-New Market, Police Station-Dhanmondi, Dhaka-1205. 3. Bhuban Lal Bharati, National Vice President 2020 and Member No. 02, Administrative Committee, Apex Bangladesh, Of Flat No. F-13, Bhaban No. 86, AGB Koloni Hospital Zone, Police Station-Motijheel, Dhaka-1000. Present address- Apex Bangladesh National Secretariat, Flat No. C/8, Green Resort, Level No. 09, 232, Green Road, Post Office-New Market, Police Station-Dhanmondi, Dhaka-1205. 4. M.A. Kaium Chowdhury, Immediate Past National President, Member No. 03, Administrative Committee, Apex Bangladesh, Of House No. 12, Road No. 07, Shahjalal Upa Shahor, Present address- Apex Bangladesh National Secretariat, Flat No. C/8, Green Resort, Level No. 09, 232, Green Road, Post Office-New Market, Police Station-Dhanmondi, Dhaka-1205. 5. Habibur Rahman Chowdhury, National Secretary 2020, (Appointed by the National President), Of Ibne Taimia School and College, Tomsom Bridge, Police Station-Comilla Sadar, District-Comilla. Present address- Apex Bangladesh National Secretariat, Flat No. C/8, Green Resort, Level No. 09, 232, Green Road, Post Office-New Market, Police Station-Dhanmondi, Dhaka-1205 for information and necessary action.

By Order

24 DEC 2020
Superintendent:

24 DEC 2020
Assistant Registrar.

Anexure-3

Photograph of program of December 25, 2020

