

Constitution for Ladakh After School

Ladakh After School
Phyang
Ladakh194101/India

Section 1 Place, aims and objectives

Section 1, Subsection 1:

The name of the school shall be the Ladakh After School. It shall be a

1. Non-political,
2. Non-religious,
3. Non-sectarian,
4. Student and youth-orientated school

Section 1, Subsection 2:

Ladakh After School is a self-sustainable, independent institution.

Section 1, Subsection 3:

Ladakh After School is founded as an After School in 2003 and is placed next to the village of Phyang, Ladakh 194101/ India. The property per 15th of July 2003 of the After School consists of a piece of land, next to the monastery in Phyang.

Section 1, Subsection 4:

The fundamental principles of the Ladakh After School are – under the law of India and Denmark:

1. To prepare the students for a friendly society, this makes for a harmonious and peaceful life.
2. To give moral education of responsibility, tolerance, truthfulness, honesty, justice/fairness, compassion and broadmindedness etc.
3. To make the students respect different religions, castes, colour etc.
4. To produce co-operation and a peace-loving society to help world peace.
5. To give regular teaching to students, so that they can pass the 10th class and thereby continue their further education.

Section 1, Subsection 5:

Area of operation:

Youth from all over Ladakh, including both Leh and Kargil districts.

It should be assured that the students of the school comes from all over Ladakh and from all classes and groups in the Ladakhi society.

Collaborating with other organizations in Ladakh with same aims and interests.

Section 2 Committee of Representatives

Section 2, Subsection 1:

Ladakh After School is administered by a Committee of Representatives and a board of directors, see Section 5.

Section 2, Subsection 2:

The committee shall consist of 23 members corresponding to the population of Ladakh and the aims and objectives of the School.

Section 2, Subsection 3:

- a.) The President of the Committee of Representatives.
- b.) The responsible for the financial support.

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- c.) 4 members shall be chosen from the Danish founder (Ladakh Efterskole Stotteforening).
- d.) 2 members shall be chosen one from each of the 2 societies in Phyang: Spesar Tsogspa registered under J & K Govt Registration Act No. 2489-S of 1996 and The Golden Path society Phyang, registered under J & K Govt Registration Act No. 2000-S of 1993.
- e.) 12 members shall be elected from Friends of Ladakh After School.
- f.) 2 institutional members representing Health inc. and Skarchen.
- g.) The Chief Education Officer from The Education Department.

Section 2, Subsection 4:

Those in the above-mentioned Subsection 3. clubs/societies/units carry out, in connection with the election of members to the committee, election of substitutes for the chosen members of the committee as well.

Section 2, Subsection 5:

The members of the committee are elected for a period of four (4) years. Clubs/societies/units which have more than one representative/delegate shall choose half of its representatives every other year (years ending with an uneven number).

Section 2, Subsection 6:

The election of members of the committee should be made before the end of June. New or re-elected members' election period shall begin simultaneously with the Annual Committee Meeting in July as it is the "old" committee, which must make the decision concerning Subsection 1,2,3 of the Annual Committee Meeting's agenda. The departing members' election period is first ended when the committee has acknowledged the committee's report on the running of the school in the past year and likewise acknowledged the audited accounts. Only after these items on the agenda can the new representatives take their place. The departing committee members have the right to take part till the end of this current meeting. They have the right of speech but not the right to vote.

Section 2, Subsection 7:

The vice-chairman of the school board is legally recognised as the vice-president for the committee. The secretary and cashier of the school will be paid for participating in the boards meetings and work.

Section 2, Subsection 8:

The principal of the school, teachers and other employees of Ladakh After School – and their spouses – as well as the students of the school cannot be members of the committee. Not even members from the appointed agencies can take part in the election of the committee.

Section 2, Subsection 9:

Members of the committee and the school's regular staff have the right of insight in the school's budget and accounts. This right includes insight in the running, works and liquidity budgets, the annual accounts, building accounts as well as information to be used when applying for sponsor support and the like.

Section 2, Subsection 10:

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Members of the committee may resign at any time by giving a written notice to the President of the Committee of Representatives or vice president of the committee. The notice should contain full explanations of the resignation as to prevent further resignations.

Section 3 The School

Section 3, Subsection 1:

The running of Ladakh After School is financed by school fees, gifts, the renting of the school as an activity centre and such, legacies, sponsor donations, testamentary successions, subsidies, compensations.

All donations should be given to the board, which shall decide about the sincerity of the donations and decide whether to accept a donation or not. The board have the responsibility for the sincerity of the donations.

Any kind of funds or donations whether from Govt., individuals or from organisations, both Indian or foreign, should be properly discussed in the board before acceptance.

All donations should be put in the account with proper receipts.

Section 3, Subsection 2:

Profit made from the running/upkeep of Ladakh After School belongs to the institution and shall in a reasonable way be used in the accumulation of capital in order to ward off the deficit. It should also be used for the best of the school, e.g. improving the teaching material, building facilities and such. Capital which is not necessary for the running of the school shall be invested so the profit can be used for strengthening of the future work at the school. Funds pertaining to Ladakh After School can only be placed in accounts belonging to Ladakh After School.

Section 4 Committee Meetings

Section 4, Subsection 1:

The committee shall hold a minimum of one (1) annual meeting in the month of July. A notice of the meeting shall be given in writing by the board with at least 4 weeks' notice by ordinary letter to the members. Together with the notice of the meeting of the Committee of Representatives an agenda is forwarded according to Section 4, Subsection 3.

Section 4, Subsection 2:

The Committee of Representatives decides on amendments in the regulations according to Section 12 and makes decisions on the possible closing down of the institution according to Section 13.

Section 4, Subsection 3:

The agenda for the ordinary meeting of the Committee of Representatives must contain at least the following items of which the succession of the first 3 items cannot be deviated from:

- 1) Reading out the minute protocol from the last meeting.
- 2) Election of chairperson and reporter – both can be elected outside the Committee of Representatives.
- 3) The report from the board about the activities of the institution in the past year for approval by:
 - a) The Chairman of the Board
 - b) Principal of the school

and should immediately hereafter be sent to the Danish founder (Ladakh Efterskole)

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Støtteforening).

- 4) Presentation of the audited accounts for approval.
- 5) Consideration of received proposals.
- 6) Presentation of the budget of the following year for approval.
- 7) Election of 4 members and 2 substitutes for the board.
- 8) Election of 1 Indian accountant who must be state-certified or chartered accountant and recommended by the Danish embassy in Delhi.
- 9) Other matters.

Section 4, Subsection 4:

Proposals which should be considered for the agenda at the meeting of the Committee of Representatives shall be sent to the President of the Committee of Representatives in written form at least 3 weeks before the meeting. Possible proposals are announced to the members at least 1 week before the meeting.

Section 4, Subsection 5:

An extraordinary meeting of the Committee of Representatives is held when the President of the Committee of Representatives or a majority in the board finds it necessary, or when at least a third of the members of the Committee of Representatives require it in written form. Extraordinary meetings of the Committee of Representatives are summoned in writing with at least 14 days' notice at the latest 6 weeks after received request. Proposals for the agenda must be sent in together with the request for holding an extraordinary meeting of the Committee of Representatives. Together with the summons to the extraordinary meeting of the Committee of Representatives the agenda for the meeting is forwarded.

Section 4, Subsection 6:

The Committee of Representatives is a quorum when at least half of its members are present. All decisions are made by general majority, cf. however Sections 12 and 13. In case of equality of votes the proposal is revoked. The members of the Committee of Representatives can only vote by personal appearance, no one can give more than 1 vote. By election of the board a number of votes must be given corresponding to the number of members who are to be elected.

Section 4, Subsection 7:

The election has to be done in written form.

Section 4, Subsection 8:

On the meetings of the Committee of Representatives a minute protocol of decisions is kept which all members should sign. The minute protocol is read out at the next meeting.

Section 4, Subsection 9:

The members of the Committee of Representatives receive no salary.

Section 5 The Composition of the Board

Section 5, Subsection 1:

The board of Ladakh After School consists of 5 members of which the President of the Committee

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of Representatives is a recognized founder member.

Section 5, Subsection 2:

The other members of the board are elected for a two-year period and half the members retire each year with the possibility of re-election. All elections to the board take place in writing.

The substitutes are elected for 1 year.

If a substitute has joined the board, there shall at the first ordinary meeting of the Committee of Representatives be carried out an election to the vacant seat on the board in question.

Section 5, Subsection 3:

The members of the board must be minimum 18 years of age and have an authorised character certificate from the police.

Section 5, Subsection 4:

The board elects – from among themselves – a Chairman of the Board and a vice-Chairman of the Board.

The President of the Committee of Representatives cannot be elected Chairman of the Board of the school board.

It stipulates by a procedure of business the more detailed rules for the execution of its task.

The secretary and cashier of the school will be paid for participating in the boards meetings and work.

Section 5, Subsection 5:

The principal of the school and 2 representatives for the co-workers who are elected among their colleagues for a two-year period can participate in the meetings of the Committee of Representatives and of the board with right of speech but without the right to vote.

Section 6 The Duties of the Board

Section 6, Subsection 1:

The board is in charge of the executive management of the school and is also responsible for its finances. The board must take care that due financial considerations are taken in the administration of the means of the school. The board is responsible towards the Committee of Representatives. The board is furthermore responsible towards the Danish sponsor support this includes that those conditions and terms for payment of contributions are observed.

Section 6, Subsection 2:

The board hires and dismisses the principal of the school.

The teachers of the school are hired and dismissed by the board in consensus with the principal of the school and according to current agreements.

The remaining staff of the school is hired and dismissed by the principal of the school consulting the board.

Section 6, Subsection 3:

The board makes decisions about purchase, sale and mortgaging of real estate under approval by the Committee of Representatives.

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Section 6, Subsection 4:

The board fixes the student's fee and decides whether a student can get a scholarship from the fund.

Section 6, Subsection 5:

The board and the principal of the school approve a plan for the executive course activities of the school and a plan for the year.

Section 6, Subsection 6:

The board makes – in consensus with the principal of the school – the current budget for the next financial year.

Section 6, Subsection 7:

The board is responsible for the working out of the profit and loss account and balance sheet according to Section 10, Subsection 1.

Section 6, Subsection 8:

The board informs the Danish sponsor about the possible closing down of the institution. (see Section 13)

Section 6, Subsection 9:

The board can appoint committees for the safeguarding of special tasks or with right of disposal over more detailed limited areas, which are fixed by the board.

Section 7 The Work of the Board etc.

Section 7, Subsection 1:

The board holds a meeting once a month and furthermore when the President of the Committee of Representatives or the Chairman of the Board finds it suitable or when at least 2 members of the board require it.

Section 7, Subsection 2:

Announcement of board meetings takes place in writing – with at least 2 weeks notice – stating the agenda. As an exception announcement can take place in another way and at shorter notice.

Section 7, Subsection 3:

At the beginning of each meeting a chair person should be elected by the board to preside over negotiations and voting and take care that decisions are entered into the minute protocol of proceedings, which is signed by participating members of the board. Any member of the board is entitled to have, in short form, his deviating opinion entered into the minute protocol.

The minute protocol is read aloud at the beginning of the next meeting.

At every meeting a financial statement with accounts and balance sheet should be represented by the cashier of the school. If the financial statement is not in accordance with the budget, precautions have to be taken.

The financial statement should be sent to the Danish Founder, Ladakh Efterskole Støtteforening immediately after every board meeting by E-mail.

The President of the Committee of Representatives takes care that the members of the Committee of Representatives at regular intervals and in a responsible way are informed of the work of the board in writing.

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Section 7, Subsection 4:

The board is a quorum when at least three members are present. Decisions are made by general majority of votes. Decisions about purchase, sale and mortgaging of real estate require that all members of the board are present.

Section 7, Subsection 5:

A member of the board has inability in cases in which this person or his/her next of kin has a financial or special personal interest and therefore cannot be thought to be objective in his/her opinion on the matter. In such cases, the member should leave the meeting until a decision is made.

Section 7, Subsection 6:

Any participant in the meeting has professional secrecy, has to keep silent on the matter to persons outside the board, in cases where essential considerations of the interests of the school make it necessary to keep information about personal or internal, including financial relations secret.

Section 7, Subsection 7:

The board can in treatment of some cases primarily concerning co-workers at Ladakh After School decide to hold meetings only for those members who are entitled to vote.

Section 7, Subsection 8:

The members of the board are not economical responsible but legally responsible for the debts of the school and cannot receive fees out of the means of the school.

Section 7, Subsection 9:

The members of the board receive no salary but are entitled to reimbursement of transport expenses within Ladakh if it is financially possible.

Section 7, Subsection 10:

The board fixes itself its procedure of business.

Section 8 The Day-to-Day Management of the School

Section 8, Subsection 1:

The day-to-day management of Ladakh After School is attended to by the principal of the school, who also has the educational responsibility. The principal of the school manages – with responsibility towards the board and in accordance with the budget passed by the board and approve by the Committee of Representatives – the day-to-day running of the school. This includes arranging for salaries, food, lodging, teaching materials and maintenance of the buildings and areas belonging to the institution. Taking care that everybody do their work in a satisfying way and that children, teachers and other staff are well functioning.

Section 8, Subsection 2:

During the absence of the principal of the school beyond 1 month another leader of the school must be appointed among the teachers by the school board, until the principal of the school returns.

Section 8, Subsection 3:

The principal of the school can authorise a substitute to make decisions, which lie within the scope of the day-to-day management of the school.

Section 9 Co-Worker Council

Section 9, Subsection 1:

The co-worker council consists of the principal of the school and the permanent staff. A meeting should be held at least once a week.

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Section 9, Subsection 2:

The tasks and competence of the co-worker council appear from the at any time current co-operation agreement between the co-workers and the school.

Section 10 Accounts and Auditing

Section 10, Subsection 1:

Profit and loss account and balance sheets are worked out each year before the end of March. The accounts are made and audited in accordance with current regulations in India. Funds should be kept in deposit.

Section 10, Subsection 2:

The auditing must be terminated every year before the end of May whereupon the audited accounts are given to the President of the Committee of Representatives who obtains the signatures of all members of the board and principal of the school before presentation at the next ordinary meeting of the Committee of Representatives.

Section 10, Subsection 3:

The accounting year runs from 1st of April to 31st of March.

Section 11 Authority to make agreements

Section 11, Subsection 1:

The board represents Ladakh After School and has the power to make both financial and non-financial agreements about the school. These agreements have to be signed by all member of the board.

The board has the legal responsibility for these agreements.

Section 11, Subsection 2:

By purchase, sale and mortgaging of real estate, signature of all members of the board is required. This kinds of agreements can only be made after approval by the Committee of Representatives. (see Section 13).

Section 12 Amendments of the Regulations

Section 12, Subsection 1:

The Danish founder, Ladakh Efterskole Støtteforening, must approve the constitution and amendments of this.

Section 12, Subsection 2:

Proposals for amendments of the constitution must be stated as a special point on the agenda of the meeting of the Committee of Representatives and must be sent out not later than 2 weeks before the meeting to the members of the Committee of Representatives.

Section 12, Subsection 3:

For passing amendments of the constitution it is required that at least 2/3 of the members of the Committee of Representatives vote in favour of this. If the Committee of Representatives does not form a quorum on this point, there can – at the earliest after 21 days – be held an extraordinary meeting of the Committee of Representatives where for passing a general majority of votes is required according to Section 4 Subsection 6.

Section 13 Closing Down

Section 13, Subsection 1:

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Any proposal for the closing down of Ladakh After School must be stated as a special point on the agenda of the extraordinary meeting of the Committee of Representatives.

Section 13, Subsection 2:

If at least 2/3 of all the members vote for the proposal, it must be submitted at a new meeting of the Committee of Representatives at least 21 days after the first meeting, where it can be passed with the usual majority of the attending members in accordance with Section 4 Subsection 6.

E.g. it takes at least 2 (two) extraordinary meetings of the Committee of Representatives to close down the school.

Section 13, Subsection 3:

Ladakh After School must be closed down if it no longer runs school activities in accordance with the objective clause.

Section 13, Subsection 4:

By closing down of the institution the responsible board must carry on until the financial transactions of the assets and liabilities has been carried out according to the law or transferred to treatment in the bankruptcy court and by approval of the Danish founder, Ladakh Efterskole Støtteforening.

Section 13, Subsection 5:

The board is responsible for the maintenance of the assets of the institution and that the financial transactions are carried out according to current regulations and that the net capital is spent in accordance herewith.

Section 13, Subsection 6:

Surplus means should be given to the Education Department and the High Schools to provide scholarships for the poorest 10th class students in remote areas.


Leh, 194101 Ladakh, INDIA

Date:

21.07.03

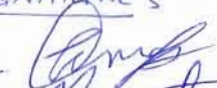



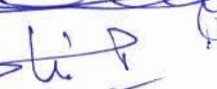
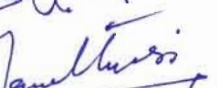
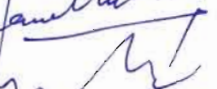











Signatures of the Committee of Representatives.

- ① VEN KONCHOK PHANDAY (President of committee) 
- ② MS LISSI BRAAE
- ③ BENT NIELSEN
- ④ TINE SKOTTE
- ⑤ LOUISE BRAAE
- ⑥ SIGNE FIND LARSEN.

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S. NO	NAMES	Designation	SIGNATURES
⑦	MR. TSERING MORUP	(SPESAR Tsegsa Phyang)	
⑧	MR. TASHI GIALSON	(Golden Path Society Phyang)	
⑨	MR. ABDUL GANI SHEIKH	(COMMITTEE OF REPS)	
⑩	MRS. TASHI YANGSKIT	Members	
⑪	MRS. PADMA YANGZIN	- do -	
⑫	MR. SONAM DORJE	- do -	
⑬	MS. DECHEN ANGI MO	- do -	
⑭	MR. TASHI GYALPO	- do -	
⑮	MR. MOHD IBRAHIM	- do -	
⑯	DR. TUNDUP TSEWANG	- do -	
⑰	MR. G. M. SHEIKH	- do -	
⑱	MR. TSERING SONAM	- do -	
⑲	MR. KONCHOK TSEWANG	- do -	
⑳	MR. HANK THOMAS	- do -	
㉑	MR. GHULAM HUSSAIN (SKARCHER)		
㉒	MS. CYNTHIA (HEALIK INC)		
㉓	MR. TSERING DORJE (Chief Education Officer)		



Efterskole Welfare Society Phyang
Phyang, Ladakh 194101
India

Addresses of the Members for Registration:

1. Sh. Tsering Dorjey, Chief Education Officer, LAHDC Leh, Ladakh 194101 India. Tel. 252024
2. Rev. Konchok Phanday, Private writer, Phanday Khangzang, Sankar Footpath Leh, Ladakh 194101 India. Tel.253388
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4. Abdul Gani Shaikh, c/o Hotel Yasmin, Leh, Ladakh pin. 194101 India. Tel. 252405
5. G.M. Shaikh, Malpak Zansty, Julay Guest House, Leh, Ladakh pin. 194101 India. Tel. 251163
6. Mr. Konchok Tsewang, R/O Phyang Village, c/o Airport Leh, Ladakh 194101 India. Tel. 226026
7. Sh. Tsering Morup, Soesar Tsogspa, Phyang, Leh, Ladakh pin. 194101 India. Tel. 226386
8. Smt. Padma Yangsin, Govt. High School Chushod Gongma, Leh, Ladakh 194101 India. Tel. 252419
9. Miss Dechen Angmo, Govt. School Sakty, Leh, Ladakh 194101 India.
10. Gulam Hussain Skotte, Turtuk, Nubra, Leh, Ladakh 194101 India.
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12. Sh. Tsering Sonam, Village Phyang, Leh, Ladakh 194101 India. Tel. 226097
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14. Sh. Rigzin Dorjey, Tharuk, Durbuk, Leh, Ladakh 194101 India.
15. Sh. Gulam Hussain, SKARCHEN, Zangsty, Leh, Ladakh 194101 India.
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