

News Release

BC Supreme Court Renders Strong Written Judgment Against Current Administration's Membership Activities at Ross Street Gurdwara

Ross Street executive's refusal to work with Sikh Youth Vancouver modernists led to otherwise avoidable litigation: "I am satisfied that if the requests made of the executive had been followed, this litigation could have been avoided," The Honourable Mr. Justice Walker.

Vancouver, BC – September 22, 2010 – In a strongly-worded, written judgment issued this week by The Honourable Mr. Justice Paul Walker in the Supreme Court of British Columbia, the current administration responsible for overseeing the membership and election process at Ross Street Gurdwara were unceremoniously stripped of their right to run the affairs of Khalsa Diwan Society beyond, "...the ordinary course of business..." and further condemned for "... the very recent and blatant activity of certain members of the executive in accepting clearly non-compliant membership forms..."

"I believe that no right-thinking member of the Society would have any confidence in the validity of the membership documents. I can say that I do not," The Honourable Mr. Justice Walker stated emphatically.

This week's written judgment follows Justice Walker's August 30th, 2010 oral decision rendered in favor of modernist Sikh Youth Vancouver Petitioners seeking a fair a transparent election process. Sikh Youth Vancouver has been working to modernize Khalsa Diwan Society in a bid to attract youth involvement at the Ross Street Gurdwara; the current traditionalist executive has been resistant to such efforts, including opposition to developing stronger online outreach to attract 21st century youth to the oldest Sikh society in North America.

Ross Street Executive Could Have Avoided Litigation By Sitting Down With Sikh Youth Vancouver; Meeting Requested by Sikh Youth Vancouver No Fewer Than Three Times

Mr. Justice Walker expressed that litigation could have been avoided altogether, and in his written decision, excerpted Sikh Youth Vancouver's correspondence to the Ross Street executive, seeking mutual resolution to the membership issue on no fewer than three occasions. In his decision, the

following excerpt from Sikh Youth Vancouver's April 7, 2010 letter clearly explained the group's repeated efforts to find a fair solution without engaging the courts:

"We are writing this letter to formally request your kind assistance with finding definitive, mutual resolution to the ongoing lack of access to membership forms for new applicants seeking membership to the Society.

As you know, this is our third such request to the Executive, the most recent voiced at our meeting with you on March 1, 2010. During this meeting, you will recall that the Society's attorney ... demanded that we present legal arguments in support of our request to provide all Sangat-applicants with free and fair access to membership forms. We are writing to you, not to present legal arguments, but rather, in the spirit of engaging in open dialogue to mutually resolve an issue which is causing undue hardship to Sangat members seeking membership to the Society."

In reading the judgment, it is further evident that Sikh Youth Vancouver Petitioners sought legal recourse as a consequence of the current executive's insistence on demanding the presentation of legal arguments. In one instance, the Judge categorizes the Society's Senior Vice President, Mr. Kesar Bhatti's reply to questions as, "perfunctory", and notably, the judgment is preceded with reference to the Society's history of dragging election matters to the courts.

Justice Walker explains:

"This is the third time since 2000 that members of the Society have been before the Court to deal with election and membership form issues. In light of that history, given the executive's outright rejection of the petitioners' request for a transparent process, and due to the very recent and blatant activity of certain members of the executive in accepting clearly non-compliant membership forms, I believe that no right-thinking member of the Society would have any confidence in the validity of the membership documents. I can say that I do not."

"Moreover, I am satisfied that if the requests made of the executive had been followed, this litigation would have been avoided."

Judge Questions "Integrity" and "Validity" of Executive's Membership Process; "Troubling" and "Disturbing" Concerns after Ross Street Executive Show Up with 1,200 'New' Membership Forms on Day of the Hearing at BC Supreme Court

In his decision, rendering clear judgment in favor of Sikh Youth Vancouver Petitioners, Mr. Justice Walker expressed concern that the current executive at the Ross Street Gurdwara engaged in practices to accept "non-compliant" forms for membership, and blatantly continued this practice even until only days before the court hearing. Equally remarkable, despite the administration's assertions that all membership applications had been disclosed to Sikh Youth Vancouver, an additional 1,200 forms were produced by the Society's attorneys at the very last moment, on the opening day of the court hearing.

Justice Walker explained in his judgment:

"During the course of the first day of the hearing of the petition, counsel for the respondents advised the petitioner and the Court that there existed some 1,200 membership forms beyond those that the

petitioners were aware of at the start of the hearing, bringing the total number of membership forms available for examination to some 6,800. The petitioners then reviewed as many of those 1,200 forms as they could, overnight before the hearing resumed on the second day. When the hearing resumed on the second day, I was shown additional membership forms that were non-compliant in respects beyond those the petitioners were aware of at the start of the hearing.

It is troubling that some of the non-compliant membership forms were accepted by certain members of the executive in the spring of this year after the dispute between the parties was fully engaged and after the litigation had commenced.

It is particularly disturbing to see, following disclosure of the 1,200 additional membership forms on the first day of the hearing, that some are, on their face, clearly non-compliant because they do not contain the signature of the applicant. Those forms have been accepted and signed by certain members of the executive even though the bylaws require the signature of the proposed member. That activity was engaged in by certain members of the executive as recently as last week, shortly before the hearing of the petition was to commence.

Recent revelations of additional and substantial numbers of membership forms show that the Society's executive continues to be actively involved in taking membership forms that are clearly non-compliant. In my opinion, non-compliance is so pervasive that the integrity of the entire membership application process is called into question.”

In a strongly-worded condemnation of the traditionalist administration's membership process, The Honourable Mr. Justice Walker highlights numerous issues with mismanagement and specifically assigns culpability to “...certain members of the executive who accepted those documents in very questionable circumstances.”

“I have been shown various membership forms, accepted by different members of the Society's executive, that do not comply with the Society's bylaws. By way of example, those forms may be included in the following groups:

- (a) forms signed by the same person, with the same address, on different dates, and with a different signature;*
- (b) forms purported to be signed by a different person at a different address, on different dates, bearing the same signature; and*
- (c) forms containing no signature at all (signatures are required by the bylaws), yet accepted by an executive member of the Society.*

I have also been shown membership forms that fall in the “verification” category. Membership forms may be verified by a family member of the applicant who is not able to attend in person. A family member can attend upon a member of the executive and provide a written verification statement as to the accuracy of the form and the signature of the person on it.

The verification group of documents that I have been shown raise questions as to the integrity and validity of the verification process and the role of certain members of the executive who accepted those documents in very questionable circumstances.”

Judge Cancels Memberships & Confines Current Executive to Conduct Only Day-to-Day Business; Orders Appointment of Third-Party Electoral Officer

“The time has come for the Society to conduct a membership process and an election in such a way that its members can have confidence that those processes are fair and conducted in an impartial manner,” concluded The Honourable Mr. Justice Paul Walker.

“Therefore, I am of the opinion that the following steps are appropriate remedies in the circumstances of this case:

- (a) all membership forms taken since the last election are invalidated;*
- (b) a neutral, independent person (“Electoral Officer”), will be appointed to run the membership drive and to conduct the Society’s next election;*
- (c) the parties are to agree upon the identity of the Electoral Officer within seven days, failing which I will do so;*
- (d) the election presently scheduled to take place in November 2010 is postponed to a date to be agreed upon by the parties in accordance with the recommendation of the Electoral Officer, and failing agreement, by order of this Court;*
- (e) the Electoral Officer shall provide recommendations to the parties and the Society concerning the process to be used in conducting the membership drive, including the taking of membership forms, and the process to be used to conduct the election; and*
- (f) those recommendations shall be contained in written form and provided to the Court for its approval.*

It is my hope that the parties will accept those recommendations. The parties and the Electoral Officer may apply to Court for further directions and such further corollary relief as necessary as I intend to retain supervisory jurisdiction over the process until the election is complete.

I reject the submission of the respondents that rather than invalidating all of the membership forms, lawyers acting for the parties should now engage in a detailed review of all of the membership forms to determine those that should be invalidated.

I have considered what is in the best interests of the Society, its directors, and members. In view of the history of the dealings between the parties and the very recent activity of the executive in taking forms in clear contravention of the Society’s bylaws, I think it is inappropriate to force the petitioners or innocent members of the Society who have had nothing to do with this dispute, to bear the significant cost of reviewing each and every membership form. It is wholly unwarranted to require them to incur that legal expense, especially in light of the request made by the petitioners earlier this year for a transparent process.

Moreover, I am satisfied that if the requests made of the executive had been followed, this litigation would have been avoided.”

A full transcript of The Honourable Justice Paul Walker's decision is available online at:
<http://www.courts.gov.bc.ca/jdb-txt/SC/10/13/2010BCSC1328.htm>

Or by visiting:
www.SikhYouthVancouver.org

Sikh Youth Vancouver thanks Lead Counsel, Mr. Howard Mickelson and Counsel, Mr. Jonathan Tweedale, for helping the Sikh community secure its right to a fair election.

About Sikh Youth Vancouver

Sikh Youth Vancouver ("SYV") is dedicated to engaging Sikh Youth in Vancouver and the Lower Mainland in spirituality, worship, and community service, as rooted in Sikhism's teachings and principles. SYV aims to increase awareness and participation of our youth into our communities' institutions, promoting the needs and renewal of Sikh youth.

SYV is committed to electing a youth slate in the upcoming Ross Street Gurdwara election in order to help modernize our precious institution and more effectively re-engage Sikh youth in spirituality. We believe that grassroots renewal and progressive change are essential to unifying our community and engaging today's new generation of forward-thinking Sikhs.

We believe in promoting British Columbia's rich Sikh history by chronicling and highlighting our Province's early Sikh pioneers and their contributions to Canada and the Sikh community.

We are a community service group working to progressively advance and integrate Sikhs into the Canadian mosaic through participation in public service ("seva") initiatives. Important seva projects by SYV members have touched thousands in-need, and include:

- A currently operational in-patient alcohol and drug rehabilitation center;
- Active, ongoing campaigns to feed and clothe Vancouver's homeless and underprivileged;
- Support services to help women victimized by domestic abuse; and
- The first-of-its-kind program assisting otherwise helpless young women who have fallen prey to fraudulent marriages -- a growing social epidemic.

For more information, please call Mr. Lakhvir Singh at **1-604-288-2614**
or email SYV2010@Gmail.com.

You can visit us online at www.SikhYouthVancouver.org