

**CONSTITUTION**  
**BYE-LAWS**  
**AND**  
**ELECTION BYE LAWS**  
**OF**  
**THE COUNCIL OF ISLAMIC GUIDANCE INC.**  
  
**AS APPROVED IN THE**  
**EXTRA ORDINARY GENERAL MEETING**  
  
**HELD ON**  
**NOVEMBER 23, 2008**  
  
**AND**  
**MAY 24, 2009**

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**ARTICLE 1: NAME AND LOCATION**

SECTION 1: This organization will be known as *The Council of Islamic Guidance Inc.*, hereinafter referred to as *The Council*.

SECTION 2: The Council is registered as a non-profit organization and as a corporation with Ontario Government under the Corporation Act, revised statutes of Ontario 1970, C.89, as from time to time amended.

SECTION 3: The Head Office of The Council shall be located in Ontario at a place as determined from time to time by the Executive Committee by a resolution and designated as such by The Council's letters, patent or by special resolution of The Council.

**ARTICLE 2: MISSION STATEMENT**

The Council is a charitable non-profit organization and its mission is to safeguard, promote and foster the understanding and observance of religion among its Members, their families and others.

**ARTICLE 3: AIMS AND OBJECTIVES**

The Aims and objectives of The Council are:

- (a) to promote the teachings of Islam according to Shia Ithna-Asheri Jafri Faith and to provide facilities to its Members and their families;
- (b) to safeguard and develop the cultural, religious, and educational interests of its Members and their families;
- (c) to accept donations, gifts, legacies and bequests for use in promoting the aims and objectives of The Council;
- (d) to create, receive, raise and invest funds and to buy, sell, build, own and let properties in furtherance of the aims and objectives of The Council;
- (e) to create, cultivate and maintain goodwill with other religious organizations;
- (f) to provide such means and facilities to youths to enable them to better understand Shia Ithna-Asheri Jafri faith and culture, and also to provide them with educational, recreational and financial assistance within the resources of The Council; and
- (g) to undertake other activities for the welfare and benefit of the followers of the Shia Ithna-Asheri Jafri faith.

**ARTICLE 4: DEFINITIONS**

SECTION 1: In this Constitution and Bye-laws the following expressions shall have the following meanings, unless the context specifies or requires otherwise:

- (a) **General Meeting** means the meeting provided for in Article 15.
- (b) **Constitution** means this Constitution and Bye-laws subject to any amendment made in accordance with provisions hereinafter contained.
- (c) **Election Day** means the day as determined by the Election Commissioner every alternate year for the purpose of holding elections.
- (d) **Officers** mean President, Vice President, Chairlady, Assistant Chairlady, Program Director, Assistant Program Director, Secretary, Joint Secretary, Treasurer and Assistant Treasurer.
- (e) **Board of Directors/Executive Committee** means the committee comprised of ten (10) elected Officers mentioned in Section 1 (d) above, which also constitutes the Board of Directors of The Council.
- (f) **Ex-Officio Member** is as defined in Article 8 of this Constitution
- (g) **Ladies Committee** means a committee comprised of the Chairlady, Assistant Chairlady and four (4) female members of The Council.
- (h) **Member** means an individual, or in case of family membership both husband and wife, who qualify in accordance with Article 5 and who has paid his subscription and other dues, if any, in accordance with Article 6.
- (i) **Advisory Board of Governors** hereinafter referred to as **Board of Governors**, means a committee of five (5) Governors including the Resident Aalim as set out in Articles 13.
- (j) **Election Commissioner** means a person as defined in Article 16.

- (k) *External Auditor* means a person as defined in Article 20.
- (l) *Internal Auditor* means a person as defined in Article 20.
- (m) *Program* means any religious congregations and/or any other educational, social and cultural activities, functions or gatherings.

**ARTICLE 5: MEMBERSHIP**

SECTION 1: Membership shall be open to all persons, eighteen years of age and over, followers of the Islamic Shia Ithna-Asheri Jafri faith, admitted to The Council from time to time, upon application, by resolution of the Executive Committee. Rules of membership are as contained in Schedule B.

**ARTICLE 6: SUBSCRIPTION AND DUES**

SECTION 1: Such annual subscription and other dues as may be determined by Members from time to time by a resolution passed at the General Meeting shall be payable to The Council. The annual subscription shall be due on the first day of January of every calendar year.

SECTION 2: Any Member who falls in arrears for three months shall cease to be in good standing and lose all privileges of membership.

SECTION 3: Any Member who is not in good standing shall become in good standing after payment of all dues and arrears.

SECTION 4: A Member who has resigned and wishes to renew his membership shall be required to pay all dues and arrears, if any, that were payable on the day of resignation.

SECTION 5: The Executive Committee may in its discretion, waive payment of all or any portion of the arrears and dues from any Member reinstated in good standing.

SECTION 6: The Executive Committee may revoke the membership of any member of CIG who by his/her conduct has proved to be not in good standing and/or violated the fundamentals of the Constitution and/or rescinded the Shia Ithna-Asheri Jafri faith of Islam. The EC will forward its decision to the BOG to ratify its decision. In case the BOG concurs with the decision of EC by majority, then a notice of termination of his/her membership of CIG shall be served on the person by the Executive Committee.

**ARTICLE 7: AUTHORITY AND RESPONSIBILITY OF THE EXECUTIVE COMMITTEE**

SECTION 1: The Executive Committee shall have the following powers, authority and responsibilities:

- (a) organize and conduct religious, educational, cultural, social and other day to day programs of The Council;
- (b) administer the affairs of The Council in all things and make and cause to be made, for The Council and in its name, any kind of contract which The Council may lawfully enter into and, except as herein provided, generally exercise the powers and do all such other acts and things as The Council is lawfully entitled to do;
- (c) fill vacancies howsoever caused in the Executive Committee, for the duration of un-expired term only, so long as a quorum of Officers remains in office, from among Members in good standing of The Council;
- (d) convene the General Meetings; and
- (e) appoint sub-committees as may be deemed appropriate, from time to time.

**ARTICLE 8: EX-OFFICIO MEMBERS**

SECTION 1: The Chairman and Secretary of the BOG shall be the Ex-Officio members of the EC of CIG with a right of voting and discussing all the issues in the meeting of EC.

SECTION 2: The President and Secretary of EC shall be the Ex-Officio members of the BOG with a right of voting and discussing all the issues in the meeting of BOG.

SECTION 3: The President and the Secretary of the EC shall be the Ex-Officio members of Ladies Committee, and all the Sub-Committees of EC including Al Mahdi Youth Society (AMYS) with a right of voting and discussing all the issues in the meetings of Ladies Committee and Sub-Committees including AMYS.

**ARTICLE 9: EXECUTIVE COMMITTEE MEETINGS**

SECTION 1: The Executive Committee shall hold regular meetings, at least once every month.

SECTION 2: Meeting of the Executive Committee may be formally called on the direction of the President or the Secretary.

SECTION 3: The Executive Committee may hold its meetings at such time and place as it may from time to time determine.

SECTION 4: Notice of such meetings shall be communicated to each Officer, not less than three working days before the meeting is to take place.

SECTION 5: No notice of any meeting shall be necessary if all the Officers are present, or if those absent have signified their consent to the meeting being held in their absence.

SECTION 6: The Executive Committee may predetermine the venue and time for regular meetings and of such regular meeting no notice shall be required.

SECTION 7: The quorum for the meeting of the Executive Committee shall be 60% of the total Officers.

SECTION 8: If all Officers are notified and consent, a meeting of the Executive Committee may be held through any multimedia facility.

SECTION 9: A resolution in writing, signed by all Officers is as valid as if it has been passed at a meeting of the Executive Committee.

SECTION 10: Questions arising at any meeting of the Executive Committee shall be decided by a majority of votes. In case of equality of votes, the Chairman, in addition to his original vote, shall have a second or casting vote.

SECTION 11: All votes at any Executive Committee meeting shall be taken by a ballot if so demanded by any officer present, but if no such demand is made, the vote shall be taken in the usual way by assent or dissent.

SECTION 12: Only the Officers shall be entitled to vote at the Executive Committee meetings.

SECTION 13: The Ex-Officio members of the Executive Committee may participate in discussions and shall be eligible to vote.

SECTION 14: All proceedings of the Executive Committee meetings, however held, shall be recorded in the form of minutes, including all the resolutions passed and to be read and confirmed in the next Executive Committee meeting.

**ARTICLE 10: LADIES COMMITTEE**

SECTION 1: The female Members of The Council shall elect, from among themselves, four (4) members of the Ladies Committee, which shall be headed by the Chairlady or by Assistant Chairlady in the absence of Chairlady.

SECTION 2: The procedure of electing the Ladies Committee shall be as set out in Election Bye Laws.

SECTION 3: Ladies Committee shall be responsible, in consultation with the Executive Committee to organize and administer all programs for ladies and shall have the power to appoint such subcommittees and other volunteers, from the female Members of The Council, as the Ladies Committee may deem appropriate.

SECTION 4: All meetings of the Ladies Committee shall be chaired by the Chairlady or in her absence by Assistant Chairlady, and in her absence by any other Ladies Committee member designated by her the Chairlady.

SECTION 5: Proper minutes of all meetings shall be kept, a copy of which shall be provided on a regular basis to the Executive Committee and Managing Committee.

SECTION 6: The quorum for the Ladies Committee meeting shall be four (4).

**ARTICLE 11: OFFICERS**

SECTION 1: Term of office of an Officer shall be two (2) years. No Officer shall hold more than one office and no Officer shall be eligible to serve in the same office for more than two (2) consecutive terms.

SECTION 2: Any person being at non-arm length and/or directly related to any Officer or Governor of The Council shall not be eligible to hold office simultaneously, with the exception of Chairlady and Assistant Chairlady. However, in such cases the Chairlady and/or Assistant Chairlady will not have the signing authority.

SECTION 3: An Officer shall be follower of the Shia Ithna-Asheri Jafri faith.

SECTION 4: The procedure for electing Officers shall be as provided in Article 17 and Election Bye-Laws.

SECTION 5: An Officer shall, in addition to any powers, duties or functions specified in this Constitution, perform and exercise such powers, duties and functions as assigned to him, from time to time, by the Executive Committee.

SECTION 6: Should any of the Officers, through absence, resignation or illness, or from any other cause whatsoever, be unable to discharge his duties, the Executive Committee may appoint any Member of The Council to act in his place for the un-expired portion of his term or until his return to duty, whichever shall be sooner and while so acting, such Member shall have all the powers of that Officer.

SECTION 7: In the event of a situation of conflict of interest or the activities of a member of the Executive Committee/an Officer are found to be so objectionable as to be seriously detrimental, in the opinion of the Executive Committee, to the interests of The Council, then the matter shall be referred to the Board of Governors for a decision. In case the BOG's decision is unanimous and is concurred by all members of the Executive Committee, with the exception of the person in question, then a notice of termination of his/her position shall be served on the person by the Executive Committee.

SECTION 8: **The President:**

- (a) shall be responsible for the general management and supervision of the affairs and operation of The Council;
- (b) shall, when present, preside at all Executive Committee and General Meetings;
- (c) may appoint, in consultation with other officers, additional sub-committees on such terms of reference as deemed appropriate;
- (d) shall consult the Resident Aalim on all matters of Shariah; and
- (e) shall be an Ex-Officio member of the Board of Governors, Ladies Committee, and all Sub-Committees including AMYS.

SECTION 9: **The Vice-President:**

- (a) shall assist the President in all day to day affairs of The Council;
- (b) shall exercise the duties and powers of the President during the President's absence, inability or resignation; and during the absence or inability or resignation of both the President and the Vice-President, the duties and powers of the President shall be exercised by such other Officer as the Executive Committee may appoint.

SECTION 10: **The Secretary shall:**

- (a) attend to and be responsible for ensuring procedural compliance in respect of giving all notices of the Executive Committee meetings and General Meetings;
- (b) attend all meetings of the Executive Committee, General Meetings and keep appropriate records of all facts and minutes of all proceedings;

- (c) ensure that the Constitution, Bye-laws and resolutions and amendments thereto passed at General Meeting are kept up-to-date and are available to Members;
- (d) be the custodian of all books, papers, records, correspondence, contracts and other documents belonging to The Council, which he shall deliver up only when authorized by the Executive Committee to such person or persons as named;
- (e) be responsible for maintaining an up-to-date inventory of all Council property containing full description of all the articles owned by The Council, and shall include this inventory in any annual report to Members;
- (f) be responsible for all day to day correspondence and mailings, as deemed necessary from time to time, under the direction of the Executive Committee;
- (g) provide the Election Commissioner with an up-to-date list of Members in good standing; and
- (h) be an Ex-Officio member of the Board of Governors, Ladies Committee, and all Sub-Committees including AMYS.

**SECTION 11: The Joint Secretary:**

- (a) shall assist the Secretary in all day to day affairs of The Council;
- (b) shall exercise the duties and powers of the Secretary during the Secretary's absence, inability or resignation; and
- (c) during the absence of both the Secretary and the Joint Secretary, the duties and powers of the Secretary shall be exercised by such other Officer as the Executive Committee may appoint.

**SECTION 12: The Treasurer shall:**

- (a) keep full and accurate books of account in which shall be recorded all receipts, disbursements and other financial transactions of The Council;
- (b) control the deposit of moneys and safekeeping of securities and the disbursement of funds of The Council, under the direction of the Executive Committee;
- (c) render the Executive Committee at meeting thereof or whenever required, an account of all transactions and of the financial position of The Council;
- (d) prepare or cause to be prepared financial statements for the purpose of audit and shall present such audited financial statements at the General Meetings; and
- (e) present budget for the ensuing fiscal year at the Annual General Meeting.

**SECTION 13: The Assistant Treasurer shall:**

- (a) assist the Treasurer to fulfill all his responsibilities as mentioned in Section 12 above;
- (b) shall exercise the duties and powers of the Treasurer during the Treasurer's absence, inability or resignation; and
- (c) during the absence of both the Treasurer and the Assistant Treasurer, the duties and powers of the Treasurer shall be exercised by such other Officer as the Executive Committee may appoint.

**SECTION-14: The Program Director shall:**

- (a) manage all programs as decided by The Council from time to time;
- (b) seek help and assistance, as may be needed, from the Executive Committee, Ladies Committee, Youth Society or any other Member of The Council; and
- (c) make sure that proper notices and announcements for holding of such programs have been made.

**SECTION 15: The Assistant Program Director shall:**

- (a) assist the Program Director to fulfill all his responsibilities as mentioned in Section 14 above;
- (b) shall exercise the duties and powers of the Program Director during the Program Director's absence, inability or resignation; and
- (c) during the absence of both the Program Director and the Assistant Program Director, the duties and powers of the Program Director shall be exercised by such other Officer as the Executive Committee may appoint.

**SECTION 16: The Chairlady:**

- (a) shall preside at all meetings of the Ladies Sub-Committee;
- (b) shall be responsible for the management and supervision of the affairs and operations of the ladies section; and
- (c) may appoint committee of volunteers as deemed appropriate.

**SECTION 17: The Assistant Chairlady shall:**

- (a) assist the Chairlady to fulfill all her responsibilities as mentioned in Section 16 above;

- (b) shall exercise the duties and powers of the Chairlady during the Chairlady's absence, inability or resignation; and
- (c) during the absence of both the Chairlady and the Assistant Chairlady, the duties and powers of the Chairlady shall be exercised by such other member of the CIG as the Executive Committee may appoint.

**ARTICLE 12: ADVISORY BOARD OF GOVERNORS**

SECTION 1: The Advisory Board of Governors, hereinafter referred to as Board of Governors and/or BOG., shall, *in its advisory/supervisory capacity*, monitor the affairs and the activities of The Council, its various committees and sub-committees and shall take appropriate action at their own initiative to ensure that all activities and/or affairs are conducted according to the Shariah and within the framework of the Constitution of The Council, duly observing the larger interests of the community.

SECTION 2: The BOG shall comprise of 4 elected members (including one female member), and the Resident Aalim. The Resident Aalim will be the Chairman of BOG.

SECTION 3: The members of BOG will elect from amongst themselves a member as the Secretary of BOG.

**ARTICLE 13: GOVERNORS**

SECTION 1: Candidate for the position of a Governor shall:

- (a) be a member in good standing of The Council for at least two (2) consecutive years preceding his/her nomination;
- (b) not hold or be involved in any active capacity as a member of Executive Committee or Sub-Committee of The Council;
- (c) be a person with academic and/or professional background, and follower of the Shia Ithna Asheri Jafri faith;
- (d) not be convicted of a crime and/or moral turpitude and shall not intentionally or openly violate Shariah; and
- (e) be calm, emotionally balanced and a compassionate person.

SECTION 2: The Governors shall not concurrently hold any other office or active position in The Council.

SECTION 3: Any person being at non-arm length and/or directly related to any other Governor or Officer of The Council, shall not be eligible to hold office simultaneously.

SECTION 4: The elected Governors shall hold office for a period of four (4) years, with a maximum of two consecutive terms.

SECTION 5: Vacancy of an elected Governor, howsoever caused, shall be filled by appointing any Member of The Council in good standing to act in his/her place up to the following election date wherein a new Governor will be elected for the remaining term of the outgoing Governor.

**ARTICLE 14: AUTHORITY AND RESPONSIBILITY OF THE BOARD OF GOVERNORS**

SECTION 1: The Board of Governors shall have the following powers, authority and responsibilities:

- (a) act independently and without any prejudice or bias to any group based on gender, age, ethnic origin, color, language, family background or any other special preferences;
- (b) oversee that the affairs of The Council are run according to the Shariah and the Constitution of The Council;
- (c) receive all complaints and grievances and mediate between the parties to resolve differences and disputes, promote communication, harmony, goodwill and understanding amongst Members and all administrative bodies of The Council;
- (d) receive Internal Auditor's reports on records, books, documents and compliance of policies and procedures of The Council;
- (e) guide all committees and sub-committees on matters of community interests and concerns;
- (f) assume ad-hoc responsibility of the Executive Committee in the event of dissolution until new Executive Committee takes office;

- (g) The Chairman and Secretary of BOG shall be Ex-Officio members of the EC of CIG with a right of voting and discussing all the issues in the meeting of EC;
- (h) be entitled to attend all meetings of the Executive Committee as an observer (other than Chairman and Secretary), but shall not enter into deliberations of any meetings, unless so invited; only one member of the BOG (other than Chairman and Secretary) shall attend as an observer at any given time;
- (i) finalize full Moharram program by the end of the month of Rajab, at the very latest, encompassing prior input from the Executive Committee, Ex-Officio members and other sub-committees;
- (j) liaise on all matters through the President;
- (k) submit a report to Members at the General Meetings of The Council declaring that in their opinion:
  1. the affairs of The Council were conducted through the year according to the Shariah and the Constitution of The Council;
  2. the books and records of The Council were maintained properly; and
  3. the financial and other resources and assets of The Council were effectively and efficiently managed.
- (l) Appoint internal auditor.

SECTION 2: The Board of Governors shall:

- (a) prepare strategic plans, from time to time, to attain the long term aims and objectives of The Council, keeping in view the present and future interest of the community;
- (b) recommend ways and means to implement the proposed plans; and
- (c) forward the proposed plan to the Executive Committee for review. Within ninety (90) days of forwarding the proposed plan, the Executive Committee shall complete its review of the proposed plan. Should it be necessary to obtain any clarifications, elaboration, expressions or amendments to the proposed plan, the Executive Committee shall consult the BOG for their concurrence. However, the proposed plan shall be finalized by the BOG and the Executive Committee within thirty (30) days of its reference.

#### **ARTICLE 15: GENERAL MEETINGS**

SECTION 1: The Council shall hold its Annual General Meeting within four (4) months of the end of its fiscal year to transact the following business:

- (a) Approve agenda and meeting procedures.
- (b) Confirm previous General Body meeting minutes.
- (c) Receive the Executive Committee's report.
- (d) Receive the audited financial statements of The Council for the preceding fiscal year.
- (e) Receive the Board of Governors report.
- (f) Approve the budget for the ensuing year.
- (g) Confirm the appointment of auditors.
- (h) Elect the Election Commissioner and Assistant Election Commissioner as hereinafter set out.
- (i) Any other business specified in the agenda for the meeting.

SECTION 2: A Member wishing to move any resolution at a General Meeting shall give notice thereof in writing to the Secretary not less than seven (7) days before the date of the meeting. In the absence of such notice, the Chairman may, in his sole discretion, permit a Member to move a resolution.

SECTION 3: An Extra Ordinary General Meeting (Special General Meeting) of The Council may be called at any time by the Executive Committee. It may also be called upon requisition in writing signed by at least twenty-five percent (25%) of Members in good standing. Every requisition shall state the purpose for which the meeting is required and the meeting shall be convened within thirty (30) days of the receipt of the requisition, failing which, the requisitioners themselves may call such a meeting upon giving the prescribed notice to Members stating the agenda for the meeting.

SECTION 4: Fourteen (14) days notice of General Meeting and Twenty One (21) days notice of an Extra Ordinary General Body Meeting (EOGBM) shall be given to Members.

SECTION 5: Fifteen percent (15%) of Members in good standing shall constitute a quorum at General Meetings and Extra ordinary General Body Meetings. In the event of a lack of quorum within one hour of the scheduled time of the commencement of such meeting, those Members present shall adjourn the meeting to such time and place, not

being the same day, as they may determine. In the event of the lack of quorum at the adjourned meeting, those present shall adjourn the meeting to such time and place, not being the same day, as they may determine. Those Members present at such third meeting shall constitute a quorum.

**ARTICLE 16: ELECTION COMMISSIONER, ASSISTANT ELECTION COMMISSIONER, ELECTION COMMISSION AND ELECTION SUB-COMMITTEE**

SECTION 1: The Election Commissioner, Assistant Election Commissioner, Election Commission and Election Sub-Committee, shall function according to criteria laid down in Section-A and Section-B of the Election Bye Laws.

SECTION 2: The Election Commissioner and Assistant Election Commissioner shall be elected at every alternate Annual General Meeting according to procedure laid down in Section-A of the Election Bye Laws.

**ARTICLE 17: ELECTION OF GOVERNORS, OFFICERS AND LADIES COMMITTEE**

SECTION 1: Election of Governors shall take place every fourth year or as required according to the criteria and procedure outlined in this Constitution and Election Bye Laws.

SECTION 2: Election of Officers and Ladies Committee shall take place every alternate year (Election Year) according to the criteria and procedure outlined in this Constitution and Election Bye Laws.

SECTION 3: The Officers/ Executive Committee members and members of Ladies Committee elected under the Bye-laws enforced prior to the adoption of these Constitutional amendments, shall complete the remaining term of their office.

**ARTICLE 18: ELECTION PROCESS**

SECTION 1: The Elections will be conducted by the Election Commissioner according to process laid down in the Election Bye Laws.

**ARTICLE 19: VACATING OFFICE**

SECTION 1: An Officer, Governor, member of Ladies Committee, Election Commissioner, Assistant Election Commissioner and members of all Sub-Committees including the AMYS shall vacate the office if:

- (a) ceases to be a member in good standing;
- (b) convicted of Ban offense involving moral turpitude or dishonesty;
- (c) adjudged an un-discharged bankrupt;
- (d) tenders resignation in writing;
- (e) certified or otherwise adjudged to be of an unsound mind or insane;
- (f) removed by a resolution of Members passed by a vote of not less than two-third of Members present at a General Meeting provided that the notice of such a General Meeting specified therein the intention to pass a resolution removing such Officer;
- (g) the term of office has expired and a successor has been duly elected; and
- (h) ceases to be follower of the Shia Ithna-Asheri Jafri faith

SECTION 2: In addition to the provisions of Section “1”, an Officer shall vacate office on failing to attend three consecutive Executive Committee meetings without good and sufficient cause as determined by the Executive Committee.

SECTION 3: The newly elected Officers/Executive Committee/Ladies Committee shall be handed over entire books, records, and other related responsibilities within two (2) weeks of the Annual General Meeting held in the Election Year.

**ARTICLE 20: AUDITORS**

SECTION 1: External Auditor:

- (a) At the end of each fiscal year, the books and accounts of The Council shall be audited by an External Auditor or Auditors to be appointed by the Executive Committee with the approval of

Members.

- (b) The Executive Committee may also call for the books and accounts of The Council to be audited whenever it is deemed necessary.

**SECTION 2: Internal Auditor:**

- (a) The Internal Auditor shall have sufficient accounting, finance and auditing background.
- (b) The Internal Auditor shall examine all records, books and accounts of The Council to determine compliance of the policies, procedures, rules, regulations and Bye-laws of The Council, and shall report directly to the Board of Governors.
- (c) The Internal Auditor shall carry out any other special audit as and when assigned by the Board of Governors.

**ARTICLE 21: FISCAL YEAR**

**SECTION 1:** Unless otherwise resolved at a General Meeting, the fiscal year of The Council shall terminate on the thirty-first day of December of every calendar year.

**ARTICLE 22: EXECUTION OF DOCUMENTS**

**SECTION 1:** Any contracts, documents or instruments in writing shall be signed jointly by the President and the Secretary. The seal of The Council shall, when required, be affixed to the aforesaid contracts, documents etc.

**SECTION 2:** The term contracts, documents or instruments in writing as used herein above shall include deeds, mortgages, hypothec, charges, conveyances, transfers and assignments of property, real or personal, immovable or moveable, agreements, releases, receipts and discharges for the payment of money or other obligations, conveyances, transfers and assignments of shares, bonds, debentures or other securities and all paper writings.

**SECTION 3:** Where, at the foot of any deed or other document, it is certified by three persons appearing to be the Secretary and two other Officers for the time being of The Council that the document has been executed in accordance with the direction of the Executive Committee or resolution of The Council, such certificate shall in favor of any person acquiring any interest in property for valuable consideration in money or money's worth, and subject only to express notice to the contrary, be conclusive evidence that the document is binding to The Council and every Member thereof.

**SECTION 4:** A copy of a resolution purporting to be signed by the Secretary and two other Officers of The Council shall be sufficient evidence thereof and of the fact that such resolution was duly passed.

**ARTICLE 23: INDEMNITIES AND PROTECTION**

**SECTION 1:** Every Member or Officer of The Council or other person who has undertaken or is about to undertake any liability on behalf of The Council and their heirs, executors and administrators, and estate and effect, respectively, shall from time to time and at all times, be indemnified and saved harmless, out of the funds of The Council, from and against:

- (a) all costs, charges and expenses whatsoever which such Member, Officer, or other person sustains or incurs in or about any action, suit or proceeding which is brought, commenced or prosecuted against him for or in respect of any act, deed, matter or thing whatsoever made, done or permitted by him in or about the execution of the duties of his office or in respect of any such liability; and
- (b) all other costs, charges and expenses which he sustains or incurs in or about or in relation to the affairs thereof; except such costs, charges or expenses as are occasioned by his own willful neglect or default.

**SECTION 2:** No Officer for the time being of The Council shall be liable for the acts, receipts, neglects or defaults of any other Officer or employee or for any loss, damage or expense happening to The Council through the insufficiency or deficiency of title to any property acquired by The Council or for or on behalf of The Council or for the insufficiency or deficiency of any security in or upon which any of the moneys of or belonging to The Council shall be placed out or invested for any loss or damage arising from bankruptcy, insolvency or tortuous act of any person, firm or corporation, including any person, firm or

corporation with whom or which any moneys, securities or effects shall be lodged or deposited, or any loss, conversion, misapplication or misappropriation of or any damage resulting from any dealing with any moneys, securities or other assets belonging to The Council or for any other loss, damage or misfortune whatever which may happen in the execution of the duties of his respective office or trust or in relation thereto unless the same shall happen by or through his own wrongful and willful act or through his own wrongful and willful neglect or default.

The Executive Committee of the time being of The Council shall not be under any duty or responsibility in respect of any contract, act or transaction whether or not made done or entered into in the name or on behalf of The Council, except such as shall have been submitted to and authorized or approved by the Executive Committee. If any Officer of The Council shall be employed by or shall perform services for The Council otherwise than as Executive Committee or shall be a member of a firm or shareholder, director or officer of the company which is employed by or perform services for The Council, the fact of his being an office holder of The Council shall not disentitle such director of such firm or company, as the case may be, from receiving proper remuneration for such services.

#### **ARTICLE 24: CHEQUES AND OTHER ORDERS OF THE PAYMENT**

SECTION 1: All cheques, bills of exchange or other orders of the payment of money, notes or other evidence of indebtedness issued in the name of The Council, shall be signed by such Officer or Officers and in such manner as shall from time to time be determined by resolution of the Executive Committee and any one of such Officers may alone endorse note and drafts for collection on account of The Council through its bankers, and endorse notes and cheques for deposit with The Council's bankers for the credit of The Council, or the same may be endorsed for collection or for deposit with the bankers of The Council.

SECTION 2: Any one of such Officers appointed pursuant to Section "1" of this Article may arrange, settle, balance and certify all books and accounts between The Council and The Council's bankers and may receive all paid cheques and vouchers and sign all the bank's forms of settlement of balance and release or verification slips.

#### **ARTICLE 25: NOTICE**

SECTION 1: No error or omission in giving notice of any meeting provided for in this Constitution shall invalidate such meeting or invalidate or make void any proceeding taken or had at such meeting and any person entitle to be at such meeting may at any time waive notice of any such meeting and may ratify and approve all proceedings taken thereat.

SECTION 2: The statutory declaration of the President or the Secretary that notice of meeting has been given pursuant to this Constitution shall be sufficient and conclusive evidence of the giving of such notice.

SECTION 3: All notices required or permitted to be given under this Constitution shall be deemed to be sufficiently given if mailed by ordinary post-paid envelope. Any notice given by mailing as aforesaid shall be deemed to be given on the second business day following the date of mailing.

SECTION 4: During any postal strike, such notices shall be deemed to be sufficiently given if announced in The Council's answering machine throughout the prescribed period.

SECTION 5: Where a given number of days notice or notice extending over any period is required to be given, the day of service or mailing of the notice shall not be counted in such number of days or other period but the day for which the notice is given shall be so counted.

#### **ARTICLE 26: BYE LAWS**

SECTION 1: The Executive Committee of the CIG shall frame Bye Laws not inconsistent with the provisions hereof which shall come into force after they are approved by the General Meeting.

SECTION 2: Without prejudice to the generality of the powers contained herein, such Bye Laws may provide for all or any of the following:

- (a) The use of the CIG's movable properties by the members and the charges, terms and conditions thereof.
- (b) The engagement of staff including the staff engaged for performance of religious service like call for prayers or conduct of prayers at the Centres, their terms of service and conduct.

(c) The Sub-Committee(s) to be appointed for various purposes.

**ARTICLE 27: RULES OF ORDER OF MEETINGS**

SECTION 1: The rules of procedure set forth in Schedule A hereto shall regulate the conduct of all proceedings.

**ARTICLE 28: AMENDMENTS TO THE CONSTITUTION/BYE-LAWS**

SECTION 1: Any Extra Ordinary General Meeting (EOGM) may approve amendment, repealment, or re-enactment of the Constitution, Bye Laws, Election Bye Laws and Schedules by confirming the duly passed resolution of the Executive Committee for this purpose, by a two-third vote of Members there present subject to due notice having been given as hereinafter set forth..

SECTION 2: A 21 days Notice of any proposed change or amendment provided for in Section “1” of this Article shall be given to Members before theEOGM at which such change is to be voted upon and the Secretary shall include such notice in the notices calling the said meeting.

**ARTICLE 29: DISSOLUTION**

SECTION 1: The Council may at any time be dissolved at an Extra Ordinary General Meeting (Special General Meeting) called for such purpose by the consent of ninety percent of Members in good standing testified by their signatures to an instrument of dissolution and in such case the net assets of The Council shall be handed over to one or more charitable institutions in Canada working for the Aims and Objectives similar to those of The Council.

**ARTICLE 30: INTERPRETATION**

SECTION 1: In this Constitution, words importing the singular number only shall include the plural and vice versa; importing the masculine gender shall include the feminine gender; words importing persons shall include bodies corporate, corporations, companies, partnerships, syndicates, trust and any number or aggregate of persons.

SECTION 2: The headings used in this Constitution, Bye-laws are inserted for reference purposes only and are not to be considered or taken into account in construing the terms or provisions thereof or to be deemed in any way to clarify, modify or explain the effect of any such terms or provisions.

**ARTICLE 31: SEAL OF THE COUNCIL**

SECTION 1: The seal, an impression whereof is stamped in the margin hereof, shall be the seal of The Council.

**SCHEDULE “A”  
RULES OF ORDER**

- (1) At all meetings the Chairman shall preserve order and decorum, and decide questions of order and practice, stating the rule applicable.
- (2) The Chairman shall have the casting vote to break the tie.
- (3) Every Member shall, previous to speaking, rise and address the Chairman. When two or more Members rise at the same time, the Chairman shall decide who is to speak first.
- (4) When the Chairman is putting a question, no Member shall speak or move about the meeting room.
- (5) No Member, while speaking, shall be interrupted, except upon a point of order.
- (6) When a Member is called to order, he shall resume his seat until the question of order is decided; he may, however, be permitted to explain but in no case to introduce new matter.
- (7) No Member shall use improper language, nor speak on any matter other than what is being debated.
- (8) No Member shall speak more than once on the same question, nor longer than five minutes, without the permission of the Chairman, except the mover, who shall have the right to reply, after which the debate shall close.
- (9) A motion to adjourn shall only be made after the completion of business on hand and always be in order, except when it was the next preceding motion.
- (10) A Member may require the motion under discussion to be read for his information at any time during the debate, except when another Member is speaking.
- (11) A motion may be withdrawn at any time before decision by permission of the Chairman.
- (12) When a question is being debated, no motion shall be received, except to amend, to postpone, to lay on the table the previous question or to adjourn.
- (13) On the call of three (3) Members the *previous question* shall be put and, until decided, shall preclude all amendments or debate, and shall be submitted in the following words: *Shall the vote on the main question be now taken?*
- (14) All motions, before being debated, shall be read by the Secretary.
- (15) No motion to amend an amendment shall be received
- (16) Any Member refusing to take his seat when ordered by the Chairman may be suspended by the Chairman for rest of the meeting.
- (17) The Chairman shall, at his discretion, decide when to end the debate after a reasonable discussion and his decision shall be final but shall be subject to an appeal to the meeting, and generally the rules, procedures and customs of parliamentary debate shall be followed.

**SCHEDULE “B”  
RULES OF MEMBERSHIP**

- 1) An application for Membership shall be presented in writing to the Secretary of CIG.
- 2) The decision of the Executive Committee shall be delivered within four (4) weeks of receiving the application. However, should the Executive Committee require more time to make inquires, then the applicant will be informed of the same and a decision shall be rendered within six (6) weeks of the commencement of the inquiry. Depositing of money received with the application shall not be construed as acceptance of the application by The Council.
- 3) All adult single male and female of 18 years age and over will have to be individual member of The Council and will not be covered under family membership.
- 4) All individuals under the age of 18 years shall be covered under the membership of their parents with no right of voting.
- 5) It is mandatory for all families and individuals who wish to participate in the Muslim Burial Plan (MBP) to be the member of The Council in good standing.

**BYE LAWS**

**A.** **THE COUNCIL** shall at no time endorse or undertake any activity contrary to the Shia Isna Ashari faith of Islam and Shariah.

**B.** The following Sub-Committees shall be appointed by the Executive Committee except for the Al Mahdi Youth Society (AMYS):

- Membership Sub-Committee
- Projects Committee
- Celebrations Sub-Committee
- Moharrum Sub-Committee
- Funeral and Burial Sub-Committee
- Library Sub-Committee
- Madressah Sub-Committee
- Al Mahdi Sports and Recreational (ASR) Activities Sub-Committee
- One or more Adhoc Committee or Committees
- Any Other Sub-Committee or Special Committee as deemed necessary by the EC

The office bearers of AMYS shall be elected according to the AMYS Charter attached as Annexure-A to this Constitution and Bye Laws.

All other Sub-Committees shall consist of a Convenor and as many members as shall be considered necessary by the Executive Committee.

**C.** The tenure of every Sub-Committee unless otherwise specified shall be one year and/or until their successors have been appointed.

**D.** The AMYS through its President and other Sub-Committees through its Convenor shall report in writing once at least in every three months to the Executive Committee.

**E.** All problems pertaining either to administrative or activity matters shall be referred to the corresponding Sub-Committees by the Executive Committee.

**F.** The Sub-Committees and their duties are as follows:

**1. Al Mahdi Youth Society (AMYS)**

The AMYS shall function as per the AMYS Charter attached in Annexure-A of these Bye Laws

**2. Membership Sub-Committee**

The Membership Sub-Committee shall:

- i. Select with the approval of the Executive Committee a membership development program.
- ii. Maintain an up-to-date list of Prospective Members and may extend invitation to prospective Members to join The Council.
- iii. Report to the Executive Committee on the progress of the program and other matters pertaining to membership development and obtain co-operation of all members.
- iv. Take an active interest in new members and see that they are properly assimilated into the Council.

**3. Project Committee**

The Project Committee shall:

- i. See that right men are placed in the various projects of the Council,
- ii. Maintain close contact with other Community Centres with the view to formulating community betterment program, education, health and welfare project and generally to see how the aims and objects of the Council could be better fulfilled and
- iii. Formulate and perform such functions as may be conducive to the well being of members and their dependents.

**4. Celebrations Sub-Committee**

This Sub-Committee shall be in charge of the celebrations of one or more occasion or occasions such as the Birth anniversary of the Holy Prophet (SAWW) and other Masoomeen (AS) in a befitting manner from time to time as the funds of the Council shall permit. They shall if deem fit publish such literature on the life of the Holy Prophet (SAWW) and other Masoomeens (AS).

**5. Moharrum Sub-Committee**

The Moharrum Sub-Committee shall organize Majalis and other related programs, Niaz and other ceremonies to commemorate Moharrum and Chehlum in a befitting manner.

**6. Funeral and Burial Sub-Committee**

The Funeral and Burial Sub-Committee shall manage the cemetery and shall arrange for funeral and burial.

**7. Library Sub-Committee**

The Library Sub-Committee shall manage all the affairs of the Library.

**8. Madressah Sub-Committee**

The Madressah Sub-Committee shall manage all affairs of Al Mahdi Madressah.

**9. Al Mahdi Sports and Recreational (ASR) Activities Sub-Committee**

Al Mahdi Sports and Recreational Activities Sub-Committee shall manage all affairs of sports and recreational activities.

**10. One or More Adhoc Committee or Committees**

The Executive Committee may appoint one or more Adhoc Committee or Committees for one or more specific object or objects and may delegate to them such powers and functions as it deem fit.

**G. Membership Application/Profile Update**

- i. The person desiring to be enrolled as member of the Council shall send his application in Form 'A' appended to this Constitution and Bye Laws.
- ii. All existing members desiring to update their membership profile shall send their updated profile in Form 'B' appended to this Constitution and Bye Laws.

**H. Muslim Burial Plan Application**

The person desiring to participate in the Muslim Burial Plan of the Council shall send his application in Form 'C' appended to this Constitution and Bye Laws.

**I. Staff**

The Executive Committee shall be entitled to fix the remuneration and allowances of the staff and to frame such rules as they may deem fit for the conduct of the members of the staff.

These Bye Laws may be altered or amended in the manner laid down in Article 28 of the Constitution of The Council.

## **ELECTION BYE LAWS**

### **I. PREAMBLE**

Whereas the need for free and fair elections in a democratic organization cannot be over-emphasized, it is imperative that any such organization must have foolproof and detailed system to ensure fair and free election.

Keeping in view the foregoing requirements, the constituents of the **CIG** deems it expedient that proper **ELECTION BYE LAWS** are framed.

Exercising the powers vested by the Executive Committee (EC) of the CIG, its Elections Bye Laws Sub-Committee framed the **ELECTION BYE LAWS** for conducting and regulating elections of the following bodies of the CIG:

1. Board of Governors (BOG)
2. Executive Committee (EC)
3. Ladies Committee (LC)

### **II. TITLE**

The Bye Laws shall be called the **ELECTION BYE LAWS** of **The Council of Islamic Guidance Inc. (CIG)**.

### **III. EFFECTIVE DATE OF APPLICABILITY**

These Election Bye Laws shall come into force from the date they are approved and adopted by the General Body of CIG, at its duly convened meeting.

### **IV. DEFINITIONS AND MEANINGS**

Unless otherwise described specifically assigned different meanings in these Bye Laws, the following shall be deemed to mean:

1. **Bye Laws** means the **ELECTION BYE LAWS**.
2. **VARIOUS BODIES OF CIG** means the following bodies of CIG:
  - i. Board of Governors (BOG)
  - ii. Executive Committee (EC)
  - iii. Ladies Committee (LC)
3. **ELECTION COMMISSIONER (ECR) AND ASSISTANT ELECTION COMMISSIONER (AEC)** means the officials appointed under these Bye Laws to conduct elections of various bodies of CIG.
4. **ELECTION COMMISSION (ECM)** means the ECR or any member(s) of the Election Sub-Committee (ESC) authorized by the ECR to act on his behalf.
5. **CIG or The Council** means The Council of Islamic Guidance Inc.
6. **BOG** means the Board of Governors of the CIG.
7. **EC** means the Executive Committee of the CIG.
8. **LC** means the Ladies Committee of the CIG.
9. **Member** means the member of CIG.
10. **CO-ORDINATION COMMITTEE** means a committee comprising of the President, Secretary and 2 EC members nominated by the EC to coordinate and provide logistic support to the Election Sub-Committee (ESC) in its work.
11. **CONSTITUTION** means the Constitution of the CIG, Bye Laws and Election Bye Laws.

12. **ELECTION** means election of all or any of the bodies of CIG mentioned in No. 2 above held under these Bye Laws pursuant to the Constitution.
13. **ELECTION DIVISION** means an administrative unit comprising of specified areas / localities, where at least one polling station will be set up by the ECM.
14. **ELECTION SUB-COMMITTEE (ESC)** means the Sub-Committee constituted by the ECR to assist conducting the total process of election and comprising of the ECR, AEC and eight members of the CIG in good standing.
15. The Office Bearers of various bodies of CIG are mentioned by the same designations as in the Constitution.
16. **POLLING OFFICER** means a member appointed by the ECR under these Bye Laws.
17. Prescribed means prescribed under these Bye Laws.
18. The masculine gender includes the feminine gender and vice versa. Plural includes singular and vice versa.

**SECTION –A: ELECTION COMMISSIONER, ASSISTANT ELECTION COMMISSIONER, ELECTION COMMISSION AND ELECTION SUB-COMMITTEE**

- 1.00** Immediately after the General Body of CIG adopts these Election Bye Laws:
  - 1.01 The existing ECR of CIG will continue to hold this position until the new ECR is elected by the General Body Meeting of 2008.
  - 1.02 The ECR of CIG shall call the nominations for the election of the AEC from the floor. The election shall be held by show of hands.
  - 1.03 Thereafter the ECR and ACR shall be elected at every alternate Annual General Meeting.
- 2.00** The Election Commissioner and AEC shall not be eligible for election for more than two (2) consecutive terms.
- 3.00** In the event the ECR tenders his resignation for any reason, the EC of CIG will be eligible to accept his/her resignation.
- 4.00** In the event the seat of the ECR falls vacant for any reason, the ACR would become the ECR and would appoint new ACR from amongst the members of CIG in good standing.
- 5.00** In the event the ACR tenders his resignation for any reason, the ECR would be eligible to accept his/her resignation.
- 6.00** In the event the seat of the ACR falls vacant for any reason, the ECR would appoint new ACR from amongst the members of CIG in good standing.
- 7.00** The ESC shall comprise of eight (8) members (including minimum 2 female members) and other additional workers, (Polling Officers, Supervisors, and Scrutinizers etc.) The members of ESC shall be appointed by the ECR in consultation with the AEC from amongst the members of CIG in good standing upon the announcement of elections by the EC.
- 8.00** The ECR, AEC and ESC will be called Election Commission (ECM).

**SECTION-B: DUTIES AND RESPONSIBILITIES OF ELECTION COMMISSION (ECM) AND ELECTION SUB COMMITTEE (ESC)**

- 1.00** All the members of ESC shall act independently and without any prejudice or bias to any group based on gender, age, ethnic origin, color, language, family background or any other special preference.
- 2.00** The ECR shall preside over all meetings pertaining to Elections.
- 3.00** Election Divisions will be determined by the ECM.
- 4.00** ECM shall fix the number of and select the sites of polling stations depending on the size of population of members.
- 5.00** The ECM according to the procedure hereafter provided shall conduct the elections of various bodies of CIG, count the votes and announce the list of successful candidates.
- 6.00** The printing of Ballot Papers shall be the sole responsibility of the ECR.

**SECTION –C: BASIC PRINCIPLES**

- 1.00** As provided in Article 4, Section 1 (d & e) and Article 11, Section 1 of the Constitution of CIG, the General Body of the CIG shall elect ten (10) Officers of the EC for a of 2 years term.
- 2.00** As provided in Article 12, Section 2 and Article 13, Section 1 and Section 4 of the Constitution of CIG, the General Body of the CIG shall elect for 4 Governors (including 1 female Governor) for a 4 years term.
- 3.00** As provided in Article 10, the female Members of the Council shall elect, from among themselves, four (4) members of the Ladies Committee for a of 2 years term.
- 4.00** Subject to the provision of the Bye Laws hereunder the office bearers of the BOG, EC, and the members of LC shall be elected by direct secret ballot to be casted by members (female members in case of LC) of the CIG in the manner hereafter provided.
- 5.00** A member can contest for only one position of the BOG or EC or LC. Candidature of a contesting member shall stand cancelled for all positions, if he/she fails to withdraw all nomination papers filed except one, before the date of withdrawal.
- 6.00** Every member of the CIG, whether general or of the status of life member shall have equal right of vote on the principle of one person one vote.
- 7.00** The office bearers of BOG and EC, and members of LC shall be elected by simple majority of votes cast.
- 8.00** The voters shall be permitted to cast his/her vote only on production of any valid photo identity acceptable in Ontario.
- 9.00** Subject to the provisions of these Bye Laws all eligible members of CIG in good standing shall be entitled to vote unless otherwise disqualified or ceased to be members of the CIG.
- 10.00** All eligible voters shall cast their votes in person.
- 11.00** New members who have applied for membership at least 90 days before polling date and whose membership have been approved by the EC shall be eligible to vote.
- 12.00** All decision made by the ECM during the entire election process shall be final and binding on all concerned.

**SECTION – D: ANNOUNCEMENT OF ELECTIONS**

- 1.00** Within 21 months from the last Bi-annual General Election, the incumbent EC of CIG shall announce the date for holding the General Elections, which date shall not be later than 27 months from the last Bi-annual General Election.
- 2.00** No bye-election shall, however, be held after the EC has decided to hold the general election under these Bye Laws and in case the process of any bye-election has started but has not been finalized at the time of decision of General Election, such bye-election shall stand cancelled automatically.
- 3.00** Form ‘D’ and Form ‘E’ pertaining to election process are appended to this Constitution and Bye Laws.

**SECTION – E: THE ELECTORAL ROLL AND ELECTION SCHEDULE**

- 1.00** The ECM with the co-operation of the CIG’s Secretariat shall cause to prepare a provisional **ELECTORAL ROLL** of the CIG members before 45 days of the election date. The ECM will also cause to publish a notice to this effect within three days from the finalization of the said roll. The notice shall be displayed on the Notice Boards of all the Centres operating under the banner of CIG. Email notification will be sent to the CIG members through community email service and will be published on the official website of CIG. The notice will cover the following:
- a) The provisional electoral roll is ready for inspection at CIG office.
  - b) Objections, if any, to be filed with the ECR within 14 days of publication of notice.
  - c) The final electoral roll shall be finalized ten days before the polling day. The names of only those members of CIG who are in good standing shall appear on the electoral roll.
  - d) All contesting candidates (as included in the final list of candidates) shall be eligible to procure the final electoral roll from ECM upon payment of fee determined by the ECM.
  - e) Date of election and Election Divisions.
  - f) Election schedule has been displayed on Notice Boards of all the Centres operating under the banner of CIG.
- 2.00** The ECM shall cause to prepare an **ELECTION SCHEDULE** which shall be displayed on the Notice Boards of all the Centres operating under the banner of CIG. Following schedule is given as guideline only which may be altered by the ECR at his discretion:
- |                |  |
|----------------|--|
| a) D means:    | Polling Day  |
| b) D minus 45: | Publication of election schedule giving firm dates.  |
| c) D minus 44: | Issue of nomination papers.  |
| d) D minus 35: | Last date for filing of nomination papers.   |
| e) D minus 34: | Day for scrutiny of nomination papers. List of eligible candidates contesting the election shall be displayed on Notice Boards of all the Centres operating under the banner of CIG. |
| f) D minus 33: | Filing objections against scrutiny results of nomination papers.   |
| g) D minus 27: | Disposal of objections filed.  |
| h) D minus 25: | Last day for withdrawal of nomination by the candidates.   |
| i) D minus 23: | Revised list of contesting candidates shall be displayed on Notice Boards of all the Centres operating under the banner of CIG.  |
| j) D minus 18: | Last date for retirement of the candidates.  |
| k) D minus 16: | Official final list of contesting candidates will be displayed on Notice Boards of all the Centres operating under the banner of CIG.  |

- l) D minus 4: The contesting candidates may intimate the names of Polling Agents not more than one for each polling supervisors (scrutiny and identity point). The panels/groups will be considered as single entity for nominating the polling agents. One person can act as Polling Agent for number of candidates/groups.
- m) D day: Polling day.
- n) D day and D plus 1: Counting of votes to commence after polling is closed; nevertheless the ECM shall have discretion to defer the counting for next day. Counting of votes shall be conducted at various polling Centres and/or any other place(s) decided by the ECM. Only candidates or their authorized representatives may be allowed to be present at the time of counting of votes. However, the ECM at its discretion may restrict the number of persons to be present to witness the counting of votes.
- o) D plus 2 to 5: If any affected candidate files a written request for recounting of votes, the ECM at its discretion may entertain or reject the request.
- p) D plus 6: Last date for filing election petitions/complaints. Such petitions/ complaints shall be filed in person, by the petitioner/complainant himself with the ECR.
- q) D plus 7: It shall be obligatory for the petitioner/complainant to be present in person, before the ECR on this day, to know the fate of his petition/complaint. The ECR may dispose off the petitions/complaints summarily or admit the same for regular hearing. Failure to appear upon his name being called shall be construed as petitioner/complainant no more desires to pursue his complaint/petition.
- r) D plus 8 and 9: Hearing of petitions/complaints and decision on them by ECR.
- s) D plus 10: Final official list of successful candidates shall be announced by the ECM and displayed on Notice Boards of all the Centres operating under the banner of CIG. Certified copy of the results will be issued by the ECR upon payment of fee to be determined by the ECM.

**3.00** In case of a tie vote the Election Commissioner shall hold re-elections in the General Meeting immediately following the Election Day.

**SECTION – F: ELIGIBILITY AND QUALIFICATIONS**

**1.00** Only members of CIG in good standing having more than two years standing, not having incurred any disqualification under the Constitution or these Bye-Laws, shall be eligible to contest the election as a member of BOG of CIG.

**2.00** Only members of CIG in good standing having more than two years standing, not having incurred any disqualification under the Constitution or these Bye-Laws, shall be eligible to contest the election as a candidate for President and Vice President of the EC.

**3.00** Only members of CIG in good standing having more than 90 days standing, not having incurred any disqualification under the Constitution or these Bye-Laws, shall be eligible to contest the election as a candidate for member of LC and any office of EC except for President and Vice President.

**4.00** Only members of CIG in good standing having more than two years standing not having incurred any disqualification under the Constitution or these Bye Laws, not being a candidate for the impending election, shall be eligible for ECR or AEC positions.

- 5.00** Every member of CIG contesting any election under these Bye Laws shall file a nomination form as herein prescribed (Form 'C'), duly proposed by a member and seconded by another member, both of whom must be eligible to vote. Provided that where a member has proposed or seconded more than one candidate for the same post, the nomination papers of all such candidates shall be considered invalid.
- 6.00** Following shall be deemed to be inherent disqualification of any candidate contesting election for any office of various bodies of CIG:
- a) Certified or otherwise adjudged to be of unsound mind.
  - b) Convicted of an offence involving moral turpitude.
  - c) Adjudged bankrupt.
  - d) Not the follower of Shia Ithna Asheri faith of Islam.
  - e) The ECR, AEC, the eight (8) members of the ESC and other workers appointed by the ECR, i.e. Polling Officers, Supervisors, and Scrutinizers etc. shall not be eligible to contest the elections.

## **SECTION – G      ELECTION PROCEDURE**

The following election procedure is given as guideline only which may be altered by the ECM at its discretion:

### **1.00      Nomination Papers**

- 1.01** The ECM would place a sealed box at a designated place/location within the jurisdiction of CIG to receive all nomination papers for the election. The potential candidates or their representatives shall drop their nomination papers in the sealed box during designated hours by the ECM from the start date to the last date for receiving the nomination papers.
- 1.02** The ECM will open the box containing nomination papers on the day of scrutiny in the presence of the ESC and prepare a list of all the members who filed the nomination papers prior to the scrutiny. The Election Commissioner shall determine that the nominated candidates meet all the eligibility criteria as set out in this Constitution.
- 1.03** In the event that the ECM does not have a duly nominated candidate for a vacancy to be filled on the Election Day, then the ECM shall solicit nominations and secondments from the floor at the Annual General Meeting immediately following the Election Day, and proceed with the election in accordance with the election procedures as set out in this Constitution/Bye-laws.

### **2.00      Prior to Polling Day**

- 2.01** The ECM may allow electronic voting (e-voting) prior to the Polling Day if it feels so necessary. In such a situation the ECM shall device appropriate procedure for e-voting in the light of suggestions received from the contesting candidates.
- 2.02** On the night prior to the polling day the ECM will set up areas for the verification of the voters, representatives of the candidates, issuance of ballot papers and polling booths at various polling stations. The ECM will also put on display the instructions to the voters.
- 2.03** The ECM will brief all the candidates and their agents by the polling day process and polling timings on the night prior to the polling day.

**3.00 Polling Day**

- 3.01** Polling will be held during the timings announced by the ECM at all the designated polling stations.
- 3.02** The ECM will show empty ballot box(es) to the candidates and/or their representatives, and then lock and seal the box in their presence and place it in the designated area wherein the voters will drop their ballot paper after casting their votes.
- 3.03** Upon arriving at polling station the voter will first proceed to the representatives of the candidates to ascertain that they have no objection towards this voter.
- 3.04** The voter will then proceed to the Polling Officer and show him his photo identity. The polling officer will verify his/her name and identity. The Polling Officer after verifying the name of voter and his identity (either through a photo ID or through 2 members of CIG in good standing), will issue him/her the ballot paper and get his/her signature on the counterfoil of the ballot paper.
- 3.05** The voter will then proceed to the polling booth to cast his/her vote, fold the ballot paper and drop it into the sealed ballot box.
- 3.06** The voter will leave the polling area after casting his/her vote.
- 3.07** Voting by proxy shall not be permitted.

**4.00 Counting of Votes and Results**

- 4.01** The counting of votes will take place after the closing of polling according to Section-B, Clause 2.00 (n) of these Bye Laws.
- 4.02** The ECM will provide the list of voters who casted their votes electronically to the candidates and/or their representatives of the candidates to confirm and sign the list that all the e-voters are enrolled in the voters list.
- 4.03** The ECM will count the E-votes in the presence of candidates and/or their representatives.
- 4.04** The ECM will unlock the ballot box(es) in the presence of the candidates and/or their representatives and count the votes received by each candidate.
- 4.05** At the conclusion of counting (including e-votes) the ECM will prepare a summary of votes casted, votes rejected and votes received by each candidate and get it signed by the candidates and/or their representatives and then announce the unofficial results.
- 4.06** Final official list of successful candidates shall be announced by the ECM and displayed on Notice Boards of all the Centres operating under the banner of CIG within 10 days of polling day as per Section-E, Clause 2.00 (s) of these Bye Laws.