

Established in 1892



**KHOJA (PIRHADI) SHIA ISNA ASHERI JAMAAT,
KARACHI**

CONSTITUTION, BYE LAWS & ELECTION BYE LAWS

PUBLISHED BY:
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CONSTITUTION OF THE KHOJA (PIRHAI) SHIA ISNA ASHERI JAMAAT KARACHI

As adopted in the Annual General Meeting held
on Sunday, the 6th and 13th December, 1964
and amended in January 2003 and May 2011.

1. NAME

The name of the Jamaat is KHOJA (PIRHAI) SHIA ISNA ASHERI JAMAAT.

2. REGISTERED OFFICE

The registered office of the Jamaat shall be situated at Kharadar, Karachi.

3. DEFINITIONS AND INTERPRETATIONS:

Unless anything repugnant in the subject or context describing or assigning different meaning, the following expressions shall be deemed to mean and be interpreted as under.

- (i) **JAMAAT** - For all intents and purposes, the word JAMAAT whenever and wherever it appears in the clauses of the Constitution and Bye-Laws shall also include all kinds of moveable and immovable assets such as lands, buildings, properties, investments, funds and monies of the Jamaat and shall mean to be the KHOJA (PIRHAI) SHIA ISNA ASHERI JAMAAT KARACHI.
- (ii) The words denoting singularity shall be read and contrived with plurality and vice-versa unless the context otherwise requires.
- (iii) The words denoting male or female genders shall be read and contrived with respective genders and vice-versa unless the context otherwise requires.
- (iv) The word "Adult" wherever mentioned in the constitution, bye laws and election bye laws means a person of 18 years of age and above.
- (v) The spelling of the word "Jammat" spelled with single "a" to be replaced with the word with correct spelling "Jamaat" wherever used in the Constitution and Bye-laws and Election Bye-Laws.

4. AIMS AND OBJECTS OF THE JAMAAT

PREAMBLE:

The aims and objects of the Jamaat shall be in accordance with the tenets and doctrines of the Shia Isna Asheri school of thought of the religion of Islam.

To propagate and assist in spread of the religion of Islam in accordance with the Quran and as taught by the last Prophet Hazrat Mohammad (S.A.W.W.) and his (progeny) Ahlul Bait (A.S.)

The aims and objects of the Jamaat are:

- (i) To organize, maintain and run a Jamaat or society of persons, who are Khoja and who profess and continue to profess the Shia Isna Asheri school of thought of the religion of Islam and who have been admitted as members of the Jamaat.
- (ii) To promote unity and fellow feeling among the members of the Jamaat.
- (iii) To promote, establish and / or manage religious, health, education, economic and socio-welfare institutions of the Jamaat and ensure that these do not deviate from the teachings, practices and philosophies of our Holy Prophet Hazrat Mohammad (S.A.W.W.) and his (progeny) Ahlul Bait (A.S.).
- (iv) To do all kinds of work conducive to the Promotion of religious, social, economic, health and educational advancement of the members.
- (v) To help the members on social and other occasions and to arrange for performance of ceremonies on such occasions in conformity with the rules of the Jamaat, framed from time to time in that behalf.
- (vi) To raise funds, subscriptions and contributions from the members and to utilize the same for all or any of the objects and purposes aforesaid.
- (vii) And generally to perform such functions as may be conducive to the well-being of the members and their dependants and families.

5. MEMBERSHIP AND REGISTRATION

- 5.1 Any Khoja Shia Isna Asheri person shall be eligible to obtain membership of the Jamaat upon application and fulfilment of the formalities set out by the Managing Committee in this regard and undertaking to adhere to the Constitution, Bye-Laws and rules and regulations of the Jamaat.
- 5.1 (a) Every Khoja Shia Isna Asheri will get himself / herself registered in the Jamaat and will obtain a Jamaat Registration number through the Jamaat Computerised Identity Card (JCIC) after filling out the prescribed Census/Membership Form.
- 5.1 (b) Fresh applicants will fill out the Membership Form along with the Census Form.
- 5.2 The Jamaat shall consist of all the followers of Shia Isna Asheri faith of Khoja origin and their children and also their wives and widows of non-Khoja ancestry who follow Shia Isna Asheri religion.
- 5.3 The Managing Committee is empowered to accept or reject any application for membership. In the event of rejection of an application, the Managing Committee shall assign the valid reason thereof.
- 5.4 Any eligible person can apply to be a member of the Jamaat in any of the following three types of membership:
- (a) PATRON
 - (b) LIFE MEMBER
 - (c) GENERAL MEMBER
- 5.5 Female adult members may participate in the elections as per rules defined in the bye-laws.

6. SUBSCRIPTION

- 6.1 Subscription for membership shall be as under:
- i. For PATRON MEMBER Rs.25,000/- only, one time
 - ii. For LIFE MEMBER Rs.5,000/- only, one time
 - iii. For GENERAL MEMBER Rs.250/- only, one time
- 6.2 Notwithstanding the change in the subscription for membership, the existing members will be deemed to have paid full subscription as above and will maintain their category of membership.

7. FORTFEITURE OF MEMBERSHIP

The membership of a member shall be forfeited if he renounces the Shia Isna Asheri faith.

8. PRESIDENT OF THE JAMAAT

- (i) The President of the Jamaat shall be the Administrative Head of the Jamaat.
- (ii) The President of the Jamaat shall be entitled to exercise the following powers and authorities.
 - (a) To preside over all meetings of the General Body of the Jamaat and Managing Committee and Sub-Committees of the Jamaat.
 - (b) To convene at any time the meetings of the Managing Committee and/or General Body of members and to issue directions on his behalf to the Honorary Secretary or Honorary Joint Secretary of the Jamaat.
 - (c) In the event of equality of votes at the meeting of the General Body of the Jamaat or of the Managing Committee or any Sub-Committee of which he is the Chairman, to give a casting vote in addition to his own vote.

9. VICE PRESIDENT OF THE JAMAAT

- (a) The Vice President of the Jamaat shall be entitled to exercise such powers and authority as may be delegated to him by the President. In the absence of the President, he shall be entitled to preside over the meetings of the General Body of the Jamaat or the Managing Committee of the Jamaat or any Sub-Committee and to do, execute and perform all the duties of the President.
- (b) If the President of the Jamaat dies during his tenure of office or resigns from office or is otherwise disabled on account of any illness or physical disability for a continuous period of three months, the Vice President shall succeed him as the President of the Jamaat and hold the office till the date of the next election or three months whichever is earlier.

10. HONORARY SECRETARY OF THE JAMAAT

The Honorary Secretary of the Jamaat shall have the custody of all records and documents of Jamaat which shall be kept at Jamaat's office and shall perform all executive duties. Without prejudice to the generality of the above, he shall carry on the following duties.

- (a) With the consent of the Managing Committee convene meetings of the General Body and issue notices in respect thereof.
- (b) In consultation with the President engage and dismiss any or all staff required for the proper functioning of the Jamaat.
- (c) In consultation with the President convene meetings of the Managing Committee and Sub-Committees and issue notices in respect thereof.
- (d) Carry on all correspondence relating to the affairs of the Jamaat in consonance with the policy laid down by the Managing Committee.
- (e) In addition to normal expenditure to incur and expense up to Rs.10,000/- in consultation with the President without prior approval of the Managing Committee, account of which shall be rendered in the first meeting of the Managing Committee thereafter.

11. HONORARY JOINT SECRETARY

The Honorary Joint Secretary shall generally assist the Honorary Secretary in all matters and shall act for him in his absence.

12. HONORARY TREASURER

Honorary Treasurer of Jamaat shall be in charge of all the accounts of the Jamaat and shall perform all duties in respect thereof and shall carry on the following duties:

- (a) He shall deposit all the monies of the Jamaat in bank as may be decided from time to time.
- (b) He shall keep account of all the income and expenditure and shall maintain true and correct Accounts, and shall submit statements of Accounts, from time to time as may be decided by the Managing Committee.

13. MANAGING COMMITTEE OF THE JAMAAT

- (a) The Managing Committee of the Jamaat shall consist of not more than 15 male members as under:
 - (i) President

- (ii) Vice President
 - (iii) Honorary Secretary
 - (iv) Honorary Joint Secretary
 - (v) Honorary Treasurer
 - (vi) Not more than 10 elected members
- (b) The President, Vice President, Honorary Secretary, Honorary Joint Secretary, Honorary Treasurer and 10 members of the Managing Committee shall be elected at every Triennial General Meeting and shall continue to hold office for three years but not more than thirty nine months.
- (c) The Managing Committee shall decide on all matters which are brought before it in conformity with the rules and regulations of the Jamaat and its Constitution.
- (d) The Meeting of the Managing Committee will be held as and when required but not later than one month.
- (e) The quorum for meeting of the Managing Committee shall be seven members personally present.
- (f) If the meeting of the Managing Committee cannot be held for want of quorum, it shall stand adjourned to the following day at the same time and place. The members present at such adjourned meeting shall be deemed to be the quorum.
- (g) The Managing Committee shall have the power to fill any vacancy occurring among its members provided that a vacancy in the office of the PRESIDENT shall be filled in by ballot at its General Meeting.
- (h) A vacancy shall be caused in the Managing Committee if a member:
- Dies
 - Resigns
 - Is certified or otherwise adjudged to be of unsound mind.
 - Absents himself from Karachi continuously for six consecutive months
 - Remains absent for three consecutive meetings of the Managing Committee without legitimate cause and/or without intimation in writing
 - Is convicted of an offence involving moral turpitude or

dishonesty

- Is adjudged bankrupt

- (i) The Managing Committee is not empowered to pledge or mortgage any of the movable and/or immovable properties of the Jamaat without the prior approval of the General Body.

14. WOMEN COUNCILLORS

Women Councillors shall provide an opportunity to the women of the Community to be represented at the Jamaat level. Women councillors will consist of no more than 3 members elected by the adult female members of the community.

Duties and Responsibilities.

- (a) To inculcate in the community women a feeling of respect and belonging to the Jamaat.
- (b) To assist the Managing Committee in resolving the problems specific to the females of the community.
- (c) To work for the uplift, promotion and welfare of the community women and children.
- (d) To promote the rights, responsibilities, and privileges of the women.

15. AUDITOR OF THE JAMAAT

- (a) The Auditor of the Jamaat shall be appointed at the Annual General Meeting of the Jamaat. He shall be entitled to access to all books of accounts and other relevant documents and shall every year audit the accounts of the Jamaat, and shall submit the accounts duly certified by him, for being placed before the General Body meeting of the Jamaat.
- (b) The Auditor shall submit an audit report to the Managing Committee of the Jamaat and shall make such suggestions therein as he may consider necessary with regard to the maintenance of account or the income and expenses of the Jamaat.
- (c) No person other than the Chartered Accountant shall be appointed as the Auditor of the Jamaat.

16. GENERAL MEETINGS OF THE JAMAAT

- (a) ANNUAL GENERAL MEETING

Once at least in every year, but not later than 6 months from the date of the previous year ending on 30th June, a General Meeting of the adult members of the Jamaat shall be held to transact the following business:

- i. To consider the Annual Report of the Managing Committee.
- ii. To consider the Annual Accounts together with the Report of the Honorary Treasurer and the Auditor.
- iii. To appoint an Auditor and fix his remuneration.
- iv. To consider the amendments to the Constitution, if any.

(b) TRIENNIAL GENERAL MEETING

Once at least in every three years, but not later than 39 months from the date of the last Triennial General Meeting, a Triennial General Meeting of the members of the Jamaat shall be held to elect by ballot, President, Vice President, Honorary Secretary, Honorary Joint Secretary, Honorary Treasurer, 10 Members of the Managing Committee and 3 Women Councillors.

All adult Female members of the Jamaat will also have the right to vote at the Triennial General Meeting of the Jamaat. The adult female members of the Jamaat will cast their votes for the President, Vice President, Honorary Secretary, Honorary Joint Secretary, Honorary Treasurer and ten members of the Managing Committee and also for the three Women Councillors as per Clause 14.

17. NOTICE OF GENERAL MEETING

- (a) Adult Members of the Jamaat shall be given notice of the General Meeting containing the agenda of the meeting and mentioning the date, time and place thereof. Such notice of meeting shall be addressed to the members of the Jamaat individually at least 14 clear days before the date of the meeting by sending agenda through email. Members who do not have email facilities should inform the Jamaat Secretariat in writing advising so and also informing their complete postal address. Such members shall then be sent the Notice of General Meeting through courier or acknowledge due post. Provided that accidental omission to give notice to or on the non-receipt of

notice by any member shall not invalidate the proceedings of any meeting. The notice of the meeting shall also be advertised once in at least three daily newspapers circulating in Karachi, one each in Gujrati, Urdu and English and will also be put up on the Jamaat website.

- (b) A copy of the notice of the General Meeting shall also be displayed on the notice board of the Jamaat 14 clear days before the date of the meeting and on its being so displayed, every member shall be deemed to have sufficient notice of the meeting.
- (c) Non-receipt of notice of the meeting by any member shall not vitiate any proceedings of that meeting.

18. QUORUM FOR GENERAL MEETING

45 Adult members personally present shall form the quorum of the General Meeting.

The President or in his absence, the Vice President shall preside at the General Meeting of the Jamaat. In the absence of both of them, members shall elect the Chairman of the meeting from amongst the members present at such meeting.

If the meeting cannot be held for want of quorum, it shall stand adjourned to the same day in the next week at the same time and place. The members present at such adjourned meeting shall be deemed to be the quorum.

19. ELECTION OF MANGING COMMITTEE AND WOMEN COUNCILLORS PROCEDURE FOR:

- (a) The election of the President and other Office Bearers including Members of the Managing Committee shall be by ballot.
- (b) The election shall be conducted under the provisions of the Election Bye-Laws as amended from time to time.
- (c) Election of Women Councillors shall be by ballot of adult female members of the Jamaat.
- (d) Election of Women Councillors shall be conducted under the

provisions of the Election Bye-Laws as amended from time to time.

- (e) In case of any conflict between provisions of the Constitution and that of Election Bye-Laws, the provision of the Constitution shall prevail.

20. EXTRA ORDINARY GENERAL MEETING

- (a) The Managing Committee shall be entitled to summon an Extra Ordinary General Meeting of the members and to refer to such meeting such matters as it may deem necessary.
- (b) At least 200 Adult members on the membership roll of the Jamaat shall be entitled to submit a requisition to the Managing Committee for calling an Extra Ordinary General Meeting of the Jamaat setting out the proper agenda of the meeting. The requisitioning members will write their names, Jamaat Identity Card Number / JCIC Number and add their signature on the requisition. On receipt of such requisition, the Managing Committee shall convene an Extra Ordinary General Meeting of the members within 21 days of the receipt of such a requisition.
- (c) All the provisions relating to the quorum, notice, agenda and other matters mentioned in respect of The Annual General Meeting shall mutatis mutandis apply to all Extra Ordinary General Meetings of the members provided that in case of a meeting called on the requisition of the members, if less than 50 of the requisitioning members are present at the Extra Ordinary General Meeting called on their requisition, the meeting shall be deemed not to have the quorum and shall stand dissolved.

21. ACCOUNTS

The Accounts of the Jamaat shall be closed every year on 30th June and Income and Expenditure Account and Balance Sheet shall be prepared and shall be submitted with the Auditor's certificate at the Annual General Meeting of the Jamaat.

22. INVESTMENT OF FUNDS OF THE JAMAAT

- (a) The funds of the Jamaat may be invested in purchase of movable and immovable property, such securities and, or bank deposit as the Managing Committee may from time to time decide. Such

investments may from time to time be varied and changed as may be decided by the Managing Committee.

- (b) All surplus funds of the Jamaat, which may not be invested, may be deposited in account or accounts with any scheduled banks. Such accounts shall be operated upon by such office bearers of the Jamaat as may be provided in the Bye Laws of the Jamaat as for the time being in force and in the absence of such provisions in the Bye Laws by such persons as may be authorized in that behalf from time to time by the Managing Committee.

23. BYE LAWS

- (a) The Managing Committee of the Jamaat shall frame Bye Laws not inconsistent with the provisions hereof which shall come into force after they are approved by the General Meeting.
- (b) Without prejudice to the generality of the powers contained herein, such Bye Laws may provide for all or any of the following:
 - (i) The use of the Jamaat's movable and immovable properties by the members and the charges, terms and conditions thereof.
 - (ii) The engagement of staff including the staff engaged for performance of religious service like call for prayers or conduct of prayers at the mosque, performance of marriages and obsequial ceremonies, their terms of service and conduct.
 - (iii) The Sub-committee to be appointed for various purposes including the promotion of family relations.

24. AMENDMENT TO THE CONSTITUTION OF THE JAMAAT

- (a) If the Managing Committee of the Jamaat by a simple majority recommends amendment to the Constitution of any or more clauses therein, it shall convene an Extra Ordinary General Meeting of the Jamaat to consider and adopt such amendments in the constitution.
- (b) Such amendment shall be deemed to be passed if carried by a majority of two-third of the members present and entitled to

vote at such meeting.

- (c) If any member of the Jamaat proposes any alterations in amendments suggested by the Managing Committee, he shall advise the Managing Committee at least 7 days before the date of the meeting. Save as provided herein, no member shall be entitled to move any changes in the amendment proposed by to such amendment being moved at the meeting.
- (d) If not less than 200 members of the Jamaat submit a requisition for amendment of the Constitution or any one or more clause hereof, the Managing Committee shall convene an Extra Ordinary General Meeting for considering the amendments proposed in the requisition. The requisitioning members will write their names, Jamaat Identity Card Number / JCIC Number and add their signature to the requisition. At least 50 of the requisitioning members must be present at the Extra Ordinary General Meeting for the proposal of amendments to the Constitution to be considered. If the proposed amendments with modifications therein, if say, as are considered necessary by such meeting are carried by a two-third majority of members present at such meeting, the same shall be deemed to be incorporated to this constitution and shall become effective forthwith. Provided always that if any amendments proposed by a requisition of members are rejected, no requisition proposing the same or similar amendments shall be made within period of 6 months from such rejection.

25. THE CONSTITUTION LANGUAGE:

This Constitution of the Jamaat in the English Language shall be adopted by the Jamaat and any translation thereof in any other language shall not be treated authentic or binding on the members.

26. REGISTRATION

Application for registration of this Constitution and subsequent amendments as and when so made shall be registered within 90 days of its approval as the case may be.



**The Khoja (Pirhai) Shia Isna Asheri Jamaat
Karachi**

BYE-LAWS

- 1) THE JAMAAT shall at no time endorse or undertake any activity contrary to the Shia Isna Asheri Shariat.
- 2) The Following Sub Committees and Boards shall be appointed by the Managing Committee:-
 - a) Finance Committee
 - b) Membership Committee
 - c) Education Board
 - d) Marriage Committee
 - e) Family Relations Committee
 - f) Burials Committee
 - g) Allama Haji Ghulamali Library Committee
 - h) One or more Adhoc Committee or Committees
 - i) One or more Mohalla Committee or Committees
- 3) Any project or proposal made at any meeting of the JAMAAT by the Managing Committee calling for the expenditure of money for other than regular obligation shall be referred to the finance committee which acts in an advisory capacity in financial matters to the Managing Committee.
- 4) The President and the Hon. Secretary shall be ex-officio member of all Sub-Committees.
- 5) All Sub-Committees shall consist of a Convenor and as many members as shall be considered necessary by the Managing Committee.
- 6) The tenure of every Sub-Committee unless otherwise specified shall be one year and/or until their successors have been appointed.
- 7) Every Sub-Committee through its Convenor shall report in writing once at least in every three months to the Managing Committee.
- 8) All problems pertaining either to administrative or activity matters

shall be referred to the corresponding Committees by the Managing Committee.

9) The JAMAAT shall issue Identity Card called the Jamaat Computerized Identity Card (JCIC) to every member, displaying his photograph and necessary particulars. The JCIC must be presented to avail various services offered by the Jamaat. In case of loss of the JCIC or for any reasons, a duplicate card may be issued after approval of the Honorary Secretary upon payment of the prescribed fee.

10) The Sub-Committees and their duties are as follows:

a) Finance Committee:

The finance Sub-Committee shall prepare the JAMAAT's administrative budget and see that it is adhered to, shall supervise prompt collection of dues in accordance with the JAMAAT's Constitution and Bye-Laws and assist the Managing Committee, when necessary, to formulate plans for raising money to promote their activities.

b) Membership Committee:

The membership Sub-Committee shall select with the approval of the Managing Committee a membership development programme, shall maintain an up-to-date list of Prospective Members and may extend invitation to prospective Members to join JAMAAT and shall report to the Managing Committee on the progress of the programme and other matters pertaining to membership development and shall obtain co-operation of all members, shall take an active interest in new members and see that they are properly assimilated into the JAMAAT, shall maintain contact with other Khoja Shia Isna Asheri Jamaats.

c) Education Board

The Education Board will work under the philosophy that under no circumstances the teachings of the Holy Quran, the Holy Prophet Hazrat Muhammad (S.A.W.W.) and his (progeny) Ahlul Bait (A.S.) are violated whether in teaching methodology or curriculum at any of the institutions managed by the Jamaat.

i. To manage and oversee the affairs of the educational institutions run under the management and control of the Jamaat.

- ii. To formulate and implement the academic policies for the educational institutions in keeping with the guidelines given by the Managing Committee of the Jamaat.
- iii. To ensure that religious education is imparted compulsorily in the educational institutions in keeping with the tenets of Fiqh-e-Jaffaria.
- iv. To monitor the progress of educational institutions and devise ways and means of raising the standard of education from time to time.
- v. To formulate, devise and implement effective administrative set-ups for the educational institutions and monitor their efficacy.
- vi. To come up with progressive programmes and plans, so as to keep pace with the advancement in the field of Education and Information Technology.
- vii. To undertake any other educational activity to enhance the cause of education amongst the students and teachers of the educational institutions as well as amongst the cross section of the members of the community.
- viii. To devise and monitor appropriate scholarship schemes.

d) Marriage Committee:

The Marriage Committee shall be responsible for collection of dues payable to the JAMAAT on the occasion of the Marriage. It shall be entitled to represent the JAMAAT at all marriages and to record the value of gifts given to the bride by the parents, relatives and friends of the bride. The members of this Committee may however depute any two of their members to attend and represent the JAMAAT at such marriage.

e) Family Relations Committee:

The Family Relations Committee shall reconcile all disputes that will be referred to them between husband and wife or among the members of family. They shall primarily act as conciliators in family disputes. They shall make such enquiries as they may deem necessary in case of settlement of any dispute. In the event of failure to reach a settlement within one year in any dispute, they shall refer

it to the Managing Committee. If both the parties to dispute are agreed, this Committee shall act as Arbitrator in the dispute and in that event their decision will be final and binding to all the parties concerned.

f) Burial Committee:

The burial Committee shall manage the cemetery belonging to the JAMAAT and shall arrange for burial.

g) Allama Haji Ghulam Ali Library Committee:

Allama Haji Ghulam Ali Library Committee shall manage all the affairs of the Library.

h) One or More Adhoc Committee or Committees:

The Managing 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 deems fit.

i) One or More Mohalla Committee or Committees:

The Mohalla Committee or Committees will be appointed with a view to enable the members of the JAMAAT to contact the Managing Committee and present their difficulties and problems. A Mohalla Committee will be appointed for each of the Mohalla of Karachi where more than 20 families of Isna Asheri Khoja reside. The Committee will see that community people fairly mix with and help each other, will present their difficulties and suggestions to the Managing Committee for its necessary action and will perform the special duties assigned to them by the Managing Committee for the betterment of members of their area from time to time.

11. Membership Application:

The person desiring to be enrolled as member of the JAMAAT shall send his application in form 'A' annexed to these Bye-Laws.

12. Birth:

The members shall inform the JAMAAT of the birth of their child in form 'B' which shall be registered on payment of not less than Rs.1/-.

13. Engagements:

Information about engagements shall be given to the JAMAAT in form 'C'. Such engagements shall be registered by the JAMAAT on minimum payment of Rs.10/- from the bridegroom and Rs.5/- from the bride.

14. Marriage:

Every Member shall intimate to the JAMAAT of his Marriage in form 'D'. This shall be registered on minimum payment of a sum of Rs.15/- from the bridegroom and Rs10/- from the bride.

If desired by the member Nikah shall be recited by the Moulvi Saheb appointed by the JAMAAT and the members may grant such Hadiya to the Moulvi Saheb as they may deem fit. The Moulvi Saheb reciting nikah shall issue Certificate of Marriage duly attested by the Hon. Secretary or the Hon. Joint Secretary in form 'E'.

15. Marriage Dues:

The bridegroom shall pay a sum equivalent to 1.50% of the value of the gifts received by the bride from her parents, relatives and friends either by way of Dahej or otherwise at the time of marriage. In the event of any member desiring not to disclose to the JAMAAT the value of such gifts, he shall pay a fixed sum of Rs.10,000/- to the JAMAAT.

16. Bridal Gifts:

All Gifts received by the bride either by way of Poora or Dahej or otherwise shall be deemed to belong to and be considered as the property of bride. The List of such gifts shall be prepared by the authorised officer of the JAMAAT who shall prepare three copies, one each to be delivered to the bride and bridegroom and the third to be maintained in the office of the JAMAAT according to Form 'F'.

17. Death:

Information of the death of any Khoja Shia Isna Asheri member shall be sent to the JAMAAT in form 'G' and the JAMAAT shall be responsible for sending the prescribed information to the municipality or other local authorities concerned. The JAMAAT shall arrange for the burial of the deceased. The charges for the coffin and other necessities shall be paid at cost. The Managing Committee shall be entitled to forego in full or part the payment of these dues in deserving cases.

18. Copies of Certificates:

No fee shall be charged from the members for issuing certificate unless otherwise specified in these Bye-Laws. True Copies may be issued to any members desiring, on payment of Rs1.50.

19. Staff:

The Managing 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 member of the staff.

20. These Bye-Laws may be altered or amended in the manner laid down in Clause 23 of the Constitution of the JAMAAT.

Resolved that the above Bye-Laws as adopted by this Annual General Meeting held on Sunday, the 1st day of May 2011 shall come into operation with immediate effect.



The Khoja (Pirhai) Shia Isna Asheri Jamaat Karachi

ELECTION BYE-LAWS

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 KHOJA (PIRHAI) SHIA ISNA ASHERI JAMAAT, KARACHI, deem it expedient that proper ELECTION BYE LAWS are framed.

Exercising the powers vested in them by Article 23 of the Constitution of the Jamaat, its Managing Committee frames the following BYE LAWS for conducting and regulating elections of the Managing Committee of the Jamaat.

TITLE:

The Bye Laws shall be called the ELECTION BYE LAWS of the Khoja (Pirhai) Shia Isna Asheri Jamaat, Karachi.

EFFECTIVE DATE OF APPLICABILITY:

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

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) **ELECTION CHAIRMAN** means the adult male official appointed under these Bye Laws to conduct elections of the Jamaat's Managing Committee and its Women Councillors.
- 3) **COMMITTEE** means the Managing Committee of the Jamaat.
- 4) **CO-ORDINATION COMMITTEE** means a Committee comprising of the President, Honorary Secretary and 3 Committee members nominated by the Managing committee to co-ordinate and assist the Election Sub-committee in its work.

- 5) **CONSTITUTION** means the Constitution of the Jamaat.
- 6) **ELECTION** means elections of the Jamaat held under these Bye Laws pursuant to the constitution.
- 7) **ELECTION DIVISION** means an administrative unit comprising of specified areas/localities, where at least one polling station will be set up by the Election Chairman.
- 8) **ELECTION SUB COMMITTEE** means the sub-committee constituted to assist the total process of election and comprising of the Election Chairman and five members.
- 9) **JAMAAT** means The Khoja (Pirhai) Shia Isna Asheri Jamaat, Karachi.
- 10) The Office Bearers are mentioned by the same designations as in the Constitution.
- 11) **POLLING OFFICER** means a member appointed by the Election Chairman under these Bye Laws.
- 12) Prescribed means prescribed under these Bye Laws.
- 13) The Masculine Gender includes the Feminine Gender and vice versa. Plural includes singular and vice versa.

THE ELECTION BYE LAWS SECTION-1

BASIC PRINCIPLES:

- 01.01 As provided in Clause 13 of the Constitution, adult members on the Membership Roll of the Jamaat shall elect five office bearers and ten members of the Committee for a period of three years.
- 01.01 (a) As provided in clause 14 of the Constitution, only adult female members of the General Body of the Jamaat shall elect three WOMEN COUNCILLORS for a period of three years.
- 01.02 Subject to the provision of the Bye Laws hereunder the office bearers and members of the Committee shall be elected by direct secret ballot to be cast by adult members of the Jamaat in the manner hereafter provided.
- 01.03 An adult male member can contest for only one position of the Managing Committee. Candidature of a contesting member shall stand cancelled for all positions, if he fails to withdraw all nomination papers filed except one, before the date of withdrawal.

- 01.04 Every adult member of the Jamaat, whether general or of the status of life member or of a patron member, shall have equal right of vote on the principle of one person one vote.
- 01.05 The Office Bearers and Members shall be elected by simple majority of votes cast.
- 01.06 The voter shall be permitted to cast his vote only on production of the identity card issued by the Jamaat.
- 01.07 Subject to the provisions of these Bye Laws all eligible members shall be entitled to vote unless otherwise disqualified or ceased to be members of the Jamaat.
- 01.08 All eligible voters shall cast their votes in person.
- 01.09 New members who have applied for membership at least 21 days before polling date and whose membership have been approved by the committee shall be eligible to vote.
- 01.10 Identity Card or duplicate thereof will not be issued by Jamaat office from the date of publication of final electoral roll till the time, the election is over.
- 01.11 The Election Chairman and five members of Election Subcommittee shall not be eligible to contest the elections.
- 01.12 All decision made by the Election Chairman shall be final and binding on all concerned.
- 01.13 The Election Chairman shall preside over all meetings pertaining to Election.

SECTION-2

ANNOUNCEMENT OF ELECTIONS:

- 02.01 Within 33 months from the last Triennial General Election, the incumbent Committee shall announce the date for holding the General Election, which date shall not be later than 39 months from the last Triennial General Election.

02.02 The Election Chairman will be elected/nominated by the General Body in the preceding Annual General Meeting prior to the Triennial General Meeting. In case the nominated person does not give his consent, the Managing Committee will nominate the Election Chairman. If no Annual General Meeting is held in the year preceding the Triennial General Meeting or in case of early election called, the Managing Committee will nominate the election Chairman to conduct the forth coming election.

In case of the seat of Election Chairman falling vacant, due to any reason the committee will nominate another Election Chairman as soon as possible. In case however, if the committee is not likely to meet, then the Co-ordination Committee will nominate the new Election Chairman.

02.03 Election Divisions will be determined by the Committee simultaneously with the election date and the Election Chairman.

02.04 No bye-election shall, however, be held after the committee 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.

SECTION-3

THE ELECTORAL ROLLS:

03.01 The Election Chairman with the co-operation of the Jamaat's Secretariat shall cause to prepare a provisional electoral roll of the Jamaat members before 45 days of the election date. He will also cause to publish a notice to this effect within three days from the finalization of the said roll. The notice shall be published in the official publication of Jamaat, if possible, and in at least one of the local Gujarati daily newspapers and in addition will also appear on the Jamaat's official website. The notice will inter alia, cover the following.

- a) That the provisional electoral roll is ready for inspection at the Jamaat office.
- b) Objections, if any, to be filed with the Election Chairman within 14 days of publication of notice.
- c) Last date for filing application for issuance of Identity Card or duplicate Identity Card, which date shall be 14 days before the election.
- d) The final electoral roll shall be finalized before ten days of the polling day. The names of only those members who have obtained Jamaat Identity Card will appear on the said final roll.
- e) Date of election and Election Divisions.
- f) Election schedule has been displayed on the Jamaat's Notice Board.
- g) Last date for filing application for new membership shall be 21 days before the election date.

3. 02 ELECTION SCHEDULE:

The Election Chairman shall cause to prepare an election schedule which shall be displayed on the Jamaat's Notice Board. Following schedule is given as guideline only which may be altered by the Election Chairman at his discretion.

- a) D means Polling Day.
- b) D minus 45: Publication of election schedule giving firm dates.
D minus 44: Issue of nomination papers.
- c) D minus 35: Last date for filing of nomination papers.
- d) D minus 34: Day for scrutiny of nomination papers.
- e) D minus 33: Filing objections against scrutiny results of nomination papers.
- f) D minus 27: Disposal of objection filed.
D minus 26: Display of list of eligible candidates on the Jamaat notice board who have submitted nomination papers.
- g) D minus 25: Last day for withdrawal of nomination by the candidates.
- h) D minus 23: First list of contesting candidates shall be displayed on the Jamaat's Notice Board.
- i) D minus 18: Last date for retirement of the candidates.
- j) D minus 16: Official final list of contesting candidates will be displayed on the Jamaat's Notice Board.
- k) D minus 4: The contesting candidates may intimate the name of Polling Agent not more than one for each polling division (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.

- l) D day: Polling day.
- m) D day and D plus 1: Counting of votes to commence after polling is closed; nevertheless the Election Chairman shall have discretion to defer the counting to next day. Counting of votes shall be conducted at various polling centre(s) and/or any other place(s) decided by the Election Chairman.

Only candidates or their authorized representatives may be allowed to be present at the time of counting of votes. However, the Election Chairman at his discretion may restrict the number of persons to be present to witness the counting of votes.

- n) D plus 2 to 5: If any affected candidate files a written request for recounting of votes, the election Chairman at his discretion may entertain or reject the request.
- o) D plus 6: Last date for filing election petitions/complaints. Such petitions/ complaints shall be filed in person, by the petitioner/complainant himself/herself with the Election Chairman.
- p) D plus 7: It shall be obligatory for the petitioner/complainant to be present in person, before the Election Chairman on this day, to know the fate of his/her petition/complaint. The Election Chairman may dispose off the petitions/complaints summarily or admit the same for regular hearing. Failure to appear upon his/her name being called shall be construed as petitioner/complainant no more desires to pursue his/her complaint/petition.
- q) D plus 8 and 9: Hearing of petitions/complaints and decision on them by Election Chairman or his nominee.
- r) D plus 10: Final official list of successful candidates shall be announced by the Election Chairman and displayed on the Jamaat's Notice Board. Certified copy of the results will be issued by the Election Chairman on payment of fee to be determined by the Election Chairman.
- s) D plus 14: Induction and Oath taking of the newly elected Office Bearers and Members of Committee under auspices of Election Chairman. However Oath taking of the remaining elected persons will be administered by the President.

SECTION-4

ELIGIBILITY AND QUALIFICATIONS:

- 04.01 Only adult male members having more then two years standing and of more than 35 years of age on the announced date of election, 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.
- 04.02 Only adult male members having more than two years standing and of more than 25 years of age on the announced date of election, not having incurred any disqualification under the Constitution or these Bye-Laws, shall be eligible to contest the election as a candidate for Hon. Secretary, Hon. Joint Secretary and Hon. Treasurer.
- 04.03 Only adult male members 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 member of the committee.
- 04.03 (a) Only female members having more than two years standing and of more than 25 years of age on the announced date of election, not having incurred any disqualification under the Constitution or these Bye-Laws, shall be eligible to contest election as candidate for Women Councillor. However, for the first election subsequent to the approval of this amendment to the Election Bye-Laws by the General Body, the limitation of two years standing will be waived.
- 04.04 Only adult male members having more than five 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 appointment as the Election Chairman.
- 04.05 Every person contesting any election under these Bye Laws shall file a nomination form as herein prescribed, 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 paper filed first shall only be considered valid, if otherwise in order. Adult male members may only propose or second male candidates and adult female members may only propose or second female candidates.

BASIC DISQUALIFICATIONS:

- 04.06 Following shall be deemed to be inherent disqualifications for any office of the Jamaat.
- a) Is certified or otherwise adjudged to be of unsound mind.
 - b) Is convicted of an offence involving moral turpitude.
 - c) Is adjudged bankrupt.

SECTION-5

DUTIES AND RESPONSIBILITIES:

- 05.01 The nominated Election Chairman will take the oath of office on the prescribed form, before taking over the charge.
- 05.02 From amongst adult members of the Jamaat, five sub-committee members shall be nominated by Election Chairman and also the other workers i.e. Polling Officers, Supervisors, Scrutinizers etc.
- 05.03 Election Chairman shall fix number of and select the sites of polling stations depending on the size of population of members.



FORM "A"
(Bye-Laws No. 11)

Membership No. _____

The Hon. Secretary,
The Khoja (Pirhai) Shia Isna Asheri Jamaat,
KARACHI

I, the undersigned Mr. _____ s/o _____
am a Khoja Shia Isna Asheri by birth/conversion and desire to be enrolled
as a member of the Jamaat.

I agree to pay the subscription regularly for the running expenses
of the Jamaat as decided by the General Meeting. I also agree the by
paying the said subscription, I shall have no Right to claim on any
movable or immovable property of the Jamaat.

Further I agree and accept to abide by all the laws and Bye-Laws
which shall come into force from time to time.

Yours truly

Family Members:

Name	_____	Relation	_____
"	_____	"	_____
"	_____	"	_____
"	_____	"	_____
"	_____	"	_____

Native Place _____ Present

R e s i d e n c e _____

Age _____ Married/Bachelor _____

Occupation _____ Address in full _____

We know the applicant and the above information is correct to the best
of our knowledge. We recommend to enroll him in our Jamaat.

Jamaat's Members: 1. _____ M. No. _____
2. _____ M. No. _____

Form received on _____ 20__.

Form presented before Managing Committee on _____ 20__.

Form entered Date _____ 20__.

Amount received Rs. _____

FORM "B"
(Bye-Laws No. 12)

THE KHOJA (PIRHAI) SHIA ISNA ASHERI JAMAAT KARACHI.

Karachi Dated _____ 20

I the undersigned _____ a member of the Jamaat do hereby intimate the birth of a child for your records and herewith enclose Rs. _____ as registration fee.

Place of Birth _____ date _____

Time _____ Name of Hospital _____ Son or Daughter _____

Name of Child _____ Name of child's mother _____

Signature.

Name & Membership No. _____

FORM "C"
(Bye-Laws No. 13)

THE KHOJA (PIRHAI) SHIA ISNA ASHERI JAMAAT KARACHI.

No. _____

Karachi Dated _____ 20

I, the undersigned follow the Shia Isna Asheri faith.

I, am _____ years old. My engagement has been fixed with Mr./Miss _____ S/o D/o _____ of _____ city/village.

Please record the same.

Name & Signature _____

Membership No. _____

We the undersigned members of the Jamaat affirm that he/she has signed in our presence.

Jamaat's Members: 1. _____ M. No. _____
2. _____ M. No. _____

REMARKS:

Bride's age should not be under 16 years and that of Bridegroom should not be under 19 years.

Annexure - I

THE KHOJA (PIRHAI) SHIA ISNA ASHERI JAMAAT KARACHI.
ELECTION _____

Nomination Form for Election/Bye Election* to be held on _____

* Strike out whichever not applicable

The Election Chairman,
Khoja (Pirhai) Shia Isna Asheri Jamaat,
Karachi.

We the undersigned members of this Jamaat do hereby nominate
Mr./Mrs./Miss _____ Membership No. _____
(Print name of candidate here)

for the office of _____
(enter here on of the categories mentioned in Article 13 (a) of the Constitution)

We believe that our nominee is qualified in all respects for the
aforementioned office of the Jamaat, and has given his consent to be so
nominated and serve, if elected.

His/Her date/year of Membership with Jamaat _____

His/Her date/year of birth _____

Proposed by _____ Membership No. _____
(print name here)

Signature _____

Seconded by _____ Membership No. _____
(print name here)

Signature _____

CONSENT OF THE CANDIDATE

I do hereby give my consent to the above nomination and solemnly
affirm that I shall abide by the provisions of the Constitution of the
Jamaat and all Bye Laws and Rules made thereunder, and as duly framed
and amended from time to time in future, and shall faithfully and
diligently discharge my duties as _____

My name on the ballot paper should appear as under _____

Dated _____ Signature of the Candidate _____

ELECTION CHAIRMAN'S REMARKS

Accepted/Rejected.

Dated _____ (Signature of the Election Chairman)

Annexure - III

(Specimen of Ballot Paper)

It is suggested that the Ballot Paper should be printed in 3 languages viz, English, Gujrati and Urdu.

THE KHOJA (PIRHAI) SHIA ISNA ASHERI JAMAAT KARACHI.
ELECTION _____

Ballot Paper for the Election of

(Print the name of office being contested)

Name of Candidate	Put stamp against candidate of your choice.

Annexure - IV

**THE KHOJA (PIRHAI) SHIA ISNA ASHERI JAMAAT KARACHI.
ELECTION _____**

Official Result Sheet in respect of the office of _____

(Rubber Stamp of office)

Sheet No. _____

Total No. of Sheets _____

Serial No.	Name of Candidate	Votes Cast			Position amongst Candidates
		Total	Invalid	Valid	
		Cast	Invalid	Valid	

*Name of the candidate securing highest No. of Valid votes. _____

(*Keep blank if there is a continuation sheet)

Date _____

Signature of Election Chairman _____

Annexure - V

OATH TAKING FORM

Under the provisions of Section 05.01 of Election Bye Laws, the nominated Election Chairman shall be administered oath in the following form:

I, Mr. _____ S/o _____ the nominated Election Chairman for General Election - (Year) of The Khoja (Pirhai) Shia Isna Asheri jamaat, Karachi, hereby declare on oath in the name of Allah, the Almighty and Chaharda Masoomeen (A.S.) that:

- 1) I shall abide by the provision of the Constitution and the Election Bye Laws in the performance of my duties.
- 2) I will perform my designated duties to the best of my ability with honesty and integrity.
- 3) That I will not allow my personal like or dislike to interfere in my official duties.
- 4) That I will perform my duties without any fear or favour to any one and for my conduct I will be responsible to Almighty Allah and Chaharda Masoomeen (A.S.).

May Allah help me to perform my duties (Ameen)

Karachi, dated _____

Signature of the President
Membership No. as shown
in Jamaat's
ID Card _____

Signature of the Election
Chairman Membership No. as
shown in Jamaat's
ID Card _____

Addendum

Amendment in Constitution

[] 25. REGISTRATION FOR TAX EXEMPTION AS “NOT FOR PROFIT ORGANISATION” (NPO):

- a) That none of the members of society or relatives of a member or members will be paid any portion of its money, property or income being paid or transferred directly by way of dividend, bonus or profit.
- b) That accounts of the organization to be kept in a scheduled bank or national savings organization, National Bank of Pakistan or nationalized commercial banks.
- c) In the event of dissolution, after meeting all liabilities, if any, to be transferred to another organization which is an approved non-profit organization, within three months of the dissolution under intimation to the Commissioner Inland Revenue or concerned authorities of Federal Board of Revenue.
[] AMENDED VIDE AGM RESOLUTION DATED 30-12-2018}}
- d) That once the status of NPO is approved by the Commissioner, the organization shall not make any changes in the constitution or bye-laws relating to NPO status of the organization and relevant rules and regulations, without the prior approval of the Commissioner Inland Revenue.
- e) That the surpluses or monies may be validly set apart, excluding restricted funds, up to twenty-five percent of the total income of the year. Provided that such surpluses or monies set apart are invested in Government securities, [National Saving Schemes, issued by the Central Directorate of National Savings] NIT units, a collective investment scheme authorized or registered under the Non-Banking Finance Companies (Establishment and Regulation) Rules, 2003, mutual fund,

a real estate investment trust approved and authorized under the Real Estate Investment Trust Rules, 2006, or scheduled banks.

26. THE CONSTITUTION LANGUAGE:

This constitution of the Jamaat in the English Language shall be adopted by the Jamaat and any transaction thereof in any other language shall not be treated authentic or binding on the members.

27. REGISTRATION

Application for registration of this Constitution and subsequent amendments as and when so made shall be registered within 90 days of its approval as the case may be.

Amendment in Election Bye Laws

04.06 Every person contesting any election under these Bye-Laws must be a filer and must have an Active NTN and must submit copy of last Return filed along with the Nomination Form.

Note: The above amendments in KPSIAJ Constitution and Election Bye Laws were approved in Annual General Meeting held on 30th December 2018. In the above constitutional amendment clause 25 was added and due to this insertion clauses 26 & 27 were renumbered, whereas clause 04.06 was added in Election Bye Laws and in the result of this addition clause 04.07 was renumbered.