

**Baba Makhan Shah Lobana Sikh
Association of Canada
Constitution and by-laws**

- I. **Effective Date:** The resolution to adopt Constitution is passed through approval of a general body meeting on May 6th, 2012. The Constitution is effective as of July 1st, 2012.
- II. **Name** - The Name of the Association shall be “Baba Makhan Shah Lobana Sikh Association of Canada” herein after referred to as the “Association”. This Association is a not for profit organization.
- III. **Location** – The office of the Association shall be located in Ontario, Canada.
- IV. **Objectives** – The Association shall be a non-profit organization primarily engaged in following key pursuits:
 - a. Bring together the members of Lobana community of Canada in a unified whole.
 - b. Support Lobana community of Canada in their social causes within the available means.
 - c. Provide direction, education, and career mentorship to the new immigrants to Canada, Youth, and other community members that can benefit from such services.
 - d. To involve youth into the community affairs so that they can be the future leaders of our community, and promote the name of community all around the world.
 - e. Raise funds, organize campaigns, and make other arrangement as deemed necessary to maintain and improve functioning of the Association.
 - f. Strive to facilitate, educate and familiarize members with the philosophies, principles, and history of our rich heritage.
 - g. Assist, coordinate and partner with other organizations with a purpose similar and complementary to that of this Association.
 - h. Provide social and societal support to Lobana members in private businesses and corporate jobs.
- V. **Special Provisions** -
 - a. The Association shall be carried on without the purpose of gain for its members, and any profit or other accretion to the association shall be used in promoting its objectives.
 - b. The directors shall serve as such without remuneration and no director shall directly or indirectly receive any profit from their positions, provided that directors may be paid reasonable expenses incurred by them in the performance of their duties. Note that reasonable expenses will only be paid for expenses that are pre-approved by the executive committee prior to spending.
- VI. **Membership** –
 - a. **Eligibility for membership** - Membership shall be open to all Lobanas and spouses of Lobanas residing in Canada. The minimum age for membership is 18 years.
 - b. **Tenure of the Executive Committee** – The tenure of the elected executive committee shall be two years from July 1st of the first year to the June 30th of the third year. The fiscal year for the financial statements purposes shall be May 1st to April 30th of every year. The financial statements for the association are due by June 30th of every year. During the election year, the outgoing executive committee is responsible to complete the financial statements for the year ending April 30th.
 - c. **Categories** –
 - i. Regular members – any person who is at least 18 years old, and meets the criteria defined above could apply for regular membership, except if the

membership is denied by a majority of the Executive Committee, for reasons explained under “denial of membership” subsection. A membership fee of \$10 is charged for every four years time frame. Membership needs to be renewed every four years. For the purposes of membership, the association year is May 1st to April 30th.

- ii. Life members – any person who is eligible for regular membership, and pays \$100 fees for life membership is registered as a life member of the association.
- d. **Participation in general body meetings** – Member has to be officially enrolled as a member of the association 45 days in advance of the general body meeting in order to have voting rights in the general body meeting.
- e. **Denial of membership** – A Lobana community member can be denied membership by a resolution passed by a 2/3rd of the full Executive Committee. A quorum of 75% of the executive committee needs to be present in order to make any decision regarding denial of membership. The membership may be denied for stated reasons including potential of disruption to the Association, interference with the Association’s objectives, for conducting unlawful actions in the name of Association, or due to the potential of disrepute to the Association.
- f. **Cessation of membership** – A person shall cease to be a member of the Association on the following grounds:
 - i. on resignation being accepted; or
 - ii. on a resolution of no confidence being passed, for reasons stated above under “Denial of Membership”; or
 - iii. on death.
- g. **Modes of payment of contribution** – The contribution to the Association shall be made in by cash or by cheque drawn in favour of “Baba Makhan Shah Lobana Sikh Association of Canada”. Proper printed receipts shall be provided.

VII. Organization - For smooth conduct of business of the Association, the following bodies will be formed:

- a. **General Body** – This will consist of all members of the Association.
- b. **Executive Committee** – The control and management of the Association shall vest in this Committee. It will consist of:
 - i. President
 - ii. Vice President
 - iii. General Secretary
 - iv. Assistant General Secretary
 - v. Treasurer
 - vi. Assistant Treasurer
 - vii. Chair – Youth Committee
 - viii. 8 Directors
- c. **Executive Committee functioning** -
 - i. The general body shall elect the executive committee for two year term in May of alternate years.

- ii. The executive committee shall govern all the functions of the Association according to the constitution and the by-laws.
 - iii. The executive committee may accept contributions, gifts, estates, donations, grants, and aids in the name of the association.
 - iv. The officers of the executive committee have the authority to settle day to day expenses subject to the limits imposed within the subsection “Financial Powers”.
 - v. The executive committee can appoint sub-committees for specific functions, and may select individuals to render part-time or full-time services for the Association.
 - vi. The executive committee shall have at least one female member, and one youth member. The appointments will need the approval of the 2/3rd majority of the elected executive committee, and will be selected on the basis of merit as well as at least two years of previous volunteer experience with the association through time and/or resources.
 - vii. More than one female member and youth member can be elected for the executive positions. However, for these positions, females and youth are required to go through the election process to win their seats.
 - viii. No one individual can hold multiple executive committee positions.
- d. **Nominations Committee** – The Senior Advisory Council of the Association will act as the Nominations Committee during elections.
- e. **Nominations Committee functioning** –
- i. The Nominations Committee will provide a list of Nominees for election as Directors. The Directors will be elected/appointed in the following method – Nine Directors are elected from the general body of Greater Toronto Area. Two Directors will be included from Brantford, and Hamilton each. The Directors from Brantford and Hamilton can be elected or appointed from their respective area membership. In addition, two Directors (1 female and 1 youth) will be appointed based on merit, and volunteer experience with the Lobana association.
 - ii. Out of the 15 Directors, individuals who wish to pursue the Officer positions will give their names to the Nominations Committee. The Nominations Committee will manage the elections process of the Officer position based on the secret votes of the Directors.
 - iii. The Nominations Committee will make efforts to provide a list of nominees that are well suited for the positions including the following key requirements:
 - a) In order to be a director, the individual must have significant volunteer experience with the association. The volunteer contribution could be through time or resources. If a suitable volunteer is not available, another member can put forward his/her name for directorship as long as they have maintained their membership with the association for at least two years prior to applying for the director position.

- b) For the positions of President and General Secretary, it is crucial to nominate individuals that have good English and Punjabi communication skills
- c) For the position of Treasurer, it is important that individual has background in Accounting.
- d) The individuals selected should be able to dedicate time to the association's work.

VIII. Term –

- a. The term of the Executive Committee shall be two years.
- b. No office bearer shall be eligible for the same position for more than two consecutive terms, with the exception of President who is allowed to hold the position for only one term
- c. After the maximum term allowed under clause (b) above, there shall be a minimum one (1) term break before an office bearer becomes eligible to be elected to the same position again.

IX. Election of Executive committee – The following process will be followed for the election of Executive committee members –

- a. All members who have intention to stand will need to email/provide their name, profile, and support documents (e.g. Resume, Experience, Availability of Time, and Plans for execution in the future) to the Nominations Committee at least 30 days in advance of the General Body meeting.
- b. A secret vote will be conducted involving all general body members attending the Annual General Meeting to determine the roster of the upcoming elected Directors.
- c. The decision from the voting will be considered final, and implementation will be mandatory on all members of the Association.

X. Official Power Transfer Date: During the Election Year, the Official Power Transfer Date is July 1st.

XI. Transfer of Powers – The Outgoing Management Committee shall bring all previous records of the Association to the newly elected Committee, including records, cash, and the designated bank accounts of the Association. Further, the signing authority needs to be formally changed on the first business day after July 1st of the election year.

XII. Interim Transfer of Powers – An executive officer is not allowed to transfer powers to another individual without the formal approval from the majority of the Executive Committee.

XIII. Acceptance of Constitution by New Executive Committee – All incoming Executive Members are required to read and sign the official Constitution within first 15 days of taking office. If an incoming Executive Member refuses to sign the official Constitution, the position of the Executive Member would be revoked at that time (with new member selected in his/her position).

XIV. Cessation of membership of Executive committee – A member shall cease to be a member of the Executive committee if:

- a. He/she ceases to be a member of the Association, or upon death of the member;

- b. He/she resigns from the membership of the committee, and the resignation is accepted. The Executive Committee of the association will accept the resignation after four weeks of the date of the written resignation, if the resignation is not withdrawn during this time; /
- c. He/she is asked to vacate position by a majority of the Executive Committee for not fulfilling the required responsibilities as the Executive Committee member; or
- d. He/she is ousted by the resolution of the 2/3rd of the Executive Committee for causing disruption to the Association, causing interference with the Association's objectives, or for causing disrepute to the Association.

XV. Meeting Call Notices – The General Secretary will ensure that meetings are held regularly as required under the subsection “Frequency of Meetings”.

XVI. Frequency of Meetings –

a. **General body meetings** –

- i. The general body meeting is required to be called at least twice a year. One meeting must be in the month of May.
- ii. During the election year, the election will be conducted during the general body meeting held in May.
- iii. The notice for regular general body meeting needs to be sent in advance to all email addresses of the membership at least 15 days in advance of the meeting.
- iv. Executive Committee may decide to call additional special meeting of the general Body by giving at least 15 days of advance notice.
- v. The General Body committee meeting minutes need to be kept by the General Secretary.

b. **Executive Committee meetings** -

- i. Executive Committee must have mandatory meetings at least once every two months.
- ii. All Executive Committee members are expected to attend the meetings regularly. Any officer missing 3 or more bi-monthly meetings will be replaced by another member.
- iii. The notice for regular Executive Committee meeting needs to be sent in advance to all email addresses of the Executive Committee Members at least 10 days in advance of the meeting.
- iv. The General Secretary needs to keep attendance records within the record book.
- v. The Executive committee meeting minutes need to be kept by the General Secretary.

XVII. Quorum –

- a. Quorum of the general body shall be one fourth (1/4) of the total membership.
- b. Quorum of the Executive committee meeting shall be 2/3 of the Executive committee's members.

XVIII. Rules for passing resolution -

- a. In order for the decisions to be made on behalf of the Executive Committee, a quorum of Executive Committee members is required. For the quorum to pass any resolutions, a majority (50%+1) of all executive committee members are required to vote in favour (i.e. for 15 executive committee members, at least 10 members need to be present, and at least 8 members need to vote in favor).
 - b. In order for the decisions to be made on behalf of the General Body, a quorum of General Body members is required. For the quorum to pass any resolutions, a 2/3 of the members present are required to vote in favour.
- XIX. Financial year** – Financial year for the purposes of accounts will be May 1st to April 30th.
- XX. Bank Account** –
- a. The Association will open an account with a Schedule 1 bank. This power will be vested in the Designated Officers of the Executive Committee.
 - b. The account will be operated jointly by the President, Treasurer, and General Secretary.
 - c. Signatures of at least 2 out of these 3 individuals are required to sign any cheque, subject to the following authorization limits.
- XXI. Financial Powers** – Expenditure may be incurred to achieve the objectives of the Association set up within this Constitution subject to the following limitations:
- a. For the amounts equal to or under \$5,000, two authorized signatories are required.
 - b. For the amounts above \$5,000, three authorized signatories are required.
 - c. The Treasurer is empowered to keep a maximum of \$500.00 in cash for petty cash disbursements. Petty cash needs to be reconciled at every executive meeting. Any cash over \$500 needs to be deposited into the Bank within five business days of the receipt of cash.
 - d. Generally, the Officers with the financial powers are required to get approval for spending from the Executive Committee before spending the money. However, if the above authorized Officers are required to spend money in between the Executive Committee meetings, there is a maximum limit of \$1,000. However, for this spending, the approval would be required from the Executive Committee in the meeting immediately following the spending. If the Executive Committee does not approve the spending, then the Officers signing the amount spent will be required to reimburse the association with the amount spent without adequate approval.
- XXII. Financial Statements and tax returns** – On an annual basis, the financial statements and the tax returns of the Association will be prepared by a Certified General Accountant or Chartered Accountant hired by the Executive Committee.
- XXIII. Statement of Accounts** – The Treasurer shall prepare and submit statement of accounts on a semi-annual basis to the Executive committee for consideration, approval, and any other instructions.
- XXIV. Amendment of Constitution** – If any change is required to the constitution, it can only be done once every two years. The constitution can be amended, expanded by a resolution passed by 2/3rd of the quorum of general body specially called for this purpose.

XXV. Documents and Records – It will be the responsibility of the executive committee to keep all records and documents up-to-date on a regular basis. Financial records are required to be kept by the Treasurer. Non-financial record keeping will be responsibility of the General Secretary.

XXVI. General –

- a. Legal action suits by or against the Association shall be instituted in the name of “Baba Makhan Shah Lobana Sikh Association of Canada” through its General Secretary.
- b. All members are expected to keep the decorum and maintain the dignity of the Association. Any member lacking in it can be cautioned by the President, or by the Vice President, if President is absent. Further, persistent defaulters can lose their membership.
- c. Association does not take liability for the actions of the members outside the Association activities.

XXVII. Detailed Position Descriptions

a. President

- i. The President shall be the chief executive officer of the Association, and is responsible for the overall operations of the Association.
- ii. The President shall conduct the general management of the affairs of the Association and see to it that all orders and resolutions of the management are carried into effect.
- iii. The President shall preside at all the meetings of the members and the functions of the Association.
- iv. The President shall deliver an accomplishment report of the executive committee at the annual general body meeting.

b. Vice President

- i. The Vice President shall provide support and counsel to the President regarding all affairs of the Association.
- ii. During the absence or disability of the President, the Executive Committee has the authority to approve that the responsibilities of the President are given to the Vice-President. However, the assumption of this responsibility will be for the maximum term of 3 months. Within this term of 3 months, 2/3rd majority of the directors will be required to select a new President from amongst themselves. The vacant Director position will be filled through appointment supported by 2/3rd majority of current Directors.
- iii. The Vice President shall perform all such duties as the Executive Committee shall prescribe.
- iv. The Vice President will also act as a Volunteer Coordinator, and direct new incoming Volunteers to various committees of the Association.

c. General Secretary

- i. General Secretary is responsible to keep meeting minutes for the Executive Committee meetings as well as general body meetings.
- ii. He/She shall serve all notices, including meeting notices required by the Constitution.

- iii. He/She shall maintain appropriate records of the membership of the Association.
- iv. He/She shall arrange for filing of annual information return required by the government. The return needs to be approved by the majority of the executive committee prior to filing.

d. Assistant General Secretary

- i. Assistant General Secretary is required to assist General Secretary in his/her responsibilities.
- ii. Assistant General Secretary is required to carry out the responsibilities of the General Secretary, in the absence of General Secretary.

e. Treasurer

- i. Treasurer shall keep a proper record of all financial transactions of the Association.
- ii. He/She shall make deposits on behalf of the Association to the Bank.
- iii. He/She shall make a report of the financial standing on the semi-annual general meeting of the members.
- iv. He/She will provide all required financial documents to the Accountant to prepare the required financial statements. The financial statements are required on an annual basis by June 30th (within 60 days of the close of the year).
- v. He/She will provide any documents required by the Governance and Audit Committee to conduct their audit of the financial standing, as required.
- vi. He/She shall arrange the filing of the annual financial return required by the government. The return needs to be approved by the majority of the executive committee prior to filing.

f. Assistant Treasurer

- i. Assistant Treasurer is required to assist Treasurer in his/her responsibilities.
- ii. Assistant Treasurer is required to fulfill the responsibilities of the Treasurer, in the absence of Treasurer.

g. Chair of Youth Committee –

- i. The Chair of Youth Committee will be a member of the Executive Committee, and need to be elected as part of Executive Committee membership.
- ii. He/She will be responsible for engaging Youth with the activities of the Association.
- iii. He/She will work in coordination with the various Sub-Committees of the Association, and help direct Youth to the initiatives run by the Sub-Committees.
- iv. He/She will work with the School System to ensure that volunteer work done by the Youth on behalf of the Association gets adequate recognition.

h. Director –

- i. Director shall be responsible for attending all executive committee meetings, and participating in the decisions related to the association.
- ii. Director shall actively assist in any activities being carried out by the association, as required.

- iii. Director shall assist in promoting association objectives through sale of tickets for the events, sale of sponsorships, and other promotional activities.

XXVIII. Subcommittees –

- a. Executive committee shall set up sub committees to assist them in furthering the objectives of the association.
- b. Sub committees will report to the Executive committee.
- c. **Formation of Subcommittees -**
 - i. Members of the General Body can submit their request to the Executive Committee to become member of the subcommittees.
 - ii. From within the subcommittee members, the Chair of the subcommittee will be appointed based on the qualifications, and the time availability of the individual.
 - iii. In addition to the subcommittees defined below, additional subcommittees can be created by the Executive Committee, as needed.
 - iv. When the Subcommittee is created, it will be required to put together their annual plan, and get it approved by the Executive Committee as per clause “Rules for passing resolution” above.
 - v. Executive Committee can add or change the key responsibilities assigned for a Subcommittee, as or when required.
- d. **Periodic Updates -** The Chairs of the Sub-Committees need to provide update reports as part of the Bi-Monthly Executive Committee meetings.
- e. **Dissolution of Subcommittees -**
 - i. If a subcommittee fails to achieve its objectives, the Executive Committee has the authority to dissolve the existing subcommittee, and appoint a different roster of subcommittee members.
- f. **Sub committees –** The association will have following regular sub committees:
 - i. Membership Sub-Committee
 - ii. Social Work Sub-Committee
 - iii. Governance and Audit Sub-Committee
 - iv. Education and Mentorship Sub-Committee
 - v. Social Events Sub-Committee
 - vi. Marketing and Communications Sub-Committee
- g. **High Level Objectives of the Sub-Committees -**
 - i. Membership Sub-Committee will assist executive committee in
 - a) Increasing the membership of the Association.
 - b) Registering new members into the Association.
 - c) Conducting membership drives.
 - d) Resolving any membership related issues.
 - ii. Social Work Sub-Committee will assist executive committee in
 - a) Coming up with ideas on the Charity work to be conducted on behalf of the Association.
 - b) Soliciting volunteers from the Association, and conducting Charity work on behalf of the Association.

- iii. Governance and Audit Sub-Committee will assist executive committee in
 - a) Coming up with any changes in the constitution and by-laws required for the Association. Note that any such changes are required to be approved by the General Body before they are considered official.
 - b) Conducting reviews of the financial standing, or the official financial statements, or any specific issues, as authorized by the Executive Committee on an annual basis.
 - c) Dealing with any Governance related issues on behalf of the Executive Committee.
- iv. Education and Mentorship Sub-Committee will assist executive committee in
 - a) Conducting Educational Seminars on behalf of the Association.
 - b) Inviting Professional and other established members of the community to serve as Mentors for the Youth, new Immigrants, and other community members.
 - c) Setting up processes to connect Mentors to the Mentees.
 - d) Selecting and awarding merit awards on an annual basis.
- v. Social Events Sub-Committee will assist executive committee in
 - a) Conducting the activities required to run an Annual Picnic, Annual Holiday Party, and two Akhand Paths.
 - b) Coming up with additional new ideas to create more Social association between the members of the Community.
 - c) Coordinating volunteers assisting on the major events organized by the Association.
- vi. Marketing and Communications Sub-Committee will assist executive committee in
 - a) Marketing and Communication Efforts of the Association.
 - b) Managing the Website, Facebook, Newsletter, and any other publications on behalf of the Association.

XXIX. Senior Advisory Council (“Council”)

- i. Function of the Senior Advisory Council – The Council will assist in resolving association related financial and political disputes. Further, the Council will also resolve issues raised by the general membership that remain unresolved after the intervention of the Executive Committee. In addition, Senior Advisory Council will act as the Nominations Committee during the Elections year.
- ii. Membership of the Advisory Council – Membership of the Advisory Council will include past President and General Secretary from the immediately preceding executive committee (as long as they do not seek re-election as an executive committee member). Additional three members will be appointed by the 2/3 majority of the executive committee members from the respected members of the lobana community including past executive members.
- iii. Term of the Advisory Council – The term of the Senior Advisory Council will be two years, same as the term of the Executive Committee. A new Senior Advisory Council will

be appointed by the incoming Executive Committee within 30 days of their mandate. The existing Council's mandate will be effective until the new Council is appointed by the new Executive Committee.

- iv. Meetings of the Advisory Council – The Senior Advisory Council will meet with the Executive Committee, and attend their meetings at least three times in the year (every 4th month).
- v. Escalation of the issues to the Senior Advisory Council – All issues raised to the Council need to be in writing. Only issues that are not initially resolved by the Executive Committee should be submitted to the Council.
- vi. Binding decision power - All decisions made by the 2/3rd majority of the Senior Advisory Council will be considered binding on the Association and its executive committee.

Original Constitution Approval

The Constitution of Baba Makhan Shah Lobana Sikh Association of Canada is formally approved through the General membership meeting on May 6th, 2012.

This Constitution is officially signed by the following members of the Executive Committee on June 3rd, 2012, and is effective as of July 1st, 2012.

President – Didar Singh Mathon

Vice President – Jodie Lobana

General Secretary – Dr. Sohan Singh

Treasurer – Jagir Singh Multani

Director – Baldev Singh Multani

Director – Avtar Singh Multani

Director – Lakhvir Singh Ghotra

Director – Hardev Singh

Director – Bhupinder Singh Multani (Ramgarh)

Director – Sukhjinder Singh

Director – Bhupinder Singh Multani

Director – Manjit Singh Multani

Director – Ajit Singh Lubana

Director – Sukhwant Singh

Constitution Updates made to the Original Constitution approved on May 6, 2012:

Update 1 – August 18, 2013

- Clause VII (e) (iii) (a) – Nominations Committee functioning – Requirement of 2 year volunteer experience changed to significant volunteer experience. Added that if the significant volunteer experience is not available in any proposed director, then, at least 2 years of active membership is required with the association.
- Clause XIV(b) – Cessation of membership of Executive Committee – A requirement is added that any director's resignation is accepted only after 4 weeks wait.

- Clause XVI (i) – General body meetings – The change is from requiring general body meetings in May and Oct to the general body meetings in May and any other suitable month during the year.