



Sikh Cultural Society of Metropolitan Windsor

(Registered as Canadian Charitable Organization No. 0390187 39 18. Founded 1970)

5265 Howard Avenue, Windsor, Ontario, Canada N9A 6Z6

The Constitution

2001

Freedom

Justice

Equality

Those who deny freedom to others deserve it not for themselves, and, under a just God cannot long retain it.

—Abraham Lincoln (1809-1865)

The only stable state is the one in which all men are equal before the law.

—Aristotle (384-322 B.C.)

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Article 1

Name: This Corporation shall be known as "SIKH CULTURAL SOCIETY OF METROPOLITAN WINDSOR".

Head Office: The Head Office of the Society shall be in Metropolitan Windsor in the Province of Ontario, CANADA.

Seal: The Corporate Seal of the Corporation shall have impressed the Nishan Sahib (the Sikh ensign) consisting of a quoit with a dagger in the centre and two swords crossing beneath. The words "SIKH CULTURAL SOCIETY, METROPOLITAN WINDSOR, 1970" encircle the Nishan Sahib and the Punjabi word " " (Ik onkar, which means: There is one God) stands at the tip of the dagger. The seal impressed in the margin of these By-Laws is hereby adopted as the Corporate Seal of the Corporation.

Objectives: The objectives of the Society are as follows:

1. To establish, maintain, and conduct an organization among members of the Sikh Community and to promote among its members an interest in the Sikh Culture and Religion.
2. To provide religious facilities for the members of the Corporation for the purpose of promoting their mutual interests.
3. To unite the members of the Sikh community in the bonds of friendship and brotherhood for spiritual observances.
4. To conduct public or private meetings of religious nature and to employ religious leaders for such purposes.
5. Subject to the Charitable Gifts Act and the Mortmain and Charitable Uses Act to give donations for charitable purposes and to accept, receive and take by devise, bequest or gift and to hold and enjoy for the objectives of the Corporation, donations, gifts, grants, devises and bequests of real and personal property of all kinds upon such terms and conditions and upon such trusts as the donor or donors of any such property may prescribe.
6. To collect dues, fees or otherwise and to hold and expend the same in performances of the objectives of the Corporation.
7. To establish and maintain a Sunday School for the teaching of the Punjabi language in Gurmukhi script, and to conduct classes for religious and cultural education and to employ instructors therefor.

8. The Corporation shall be subject to the *Charities Accounting Act* and the *Charitable Gifts Act*.
9. The borrowing power of the Corporation pursuant to any by-law passed and confirmed in accordance with Section 59 of the *Corporation Act* shall be limited to borrowing money for current operating expenses, provided that the borrowing power of the corporation shall not be so limited if it borrows on the security of real or personal property.
10. If it is made to appear to the satisfaction of the Minister, upon report of the Public Trustee, that the Corporation has failed to comply with any of the provisions of the *Charities Accounting Act* or the *Charitable Gifts Act*, the Minister may authorize an inquiry for the purpose of determining whether or not there is sufficient cause for the Lieutenant Governor to make an Order under subsection 317(1) of the *Corporations Act*, to cancel the Letters Patent of the Corporation and declare it to be dissolved.
11. To purchase, lease, operate and maintain a place or places of worship, i.e. the Gurdwara.
12. To invest and re-invest funds of the Corporation, not immediately required, in such securities as may be authorized for the investment of trust funds.
13. To preserve and celebrate Sikh ceremonies and festivals.
14. To assist our newly-arrived landed immigrant Sikh brothers and sisters who do not have any means to support themselves, by providing necessary counselling, lodging, food, etc. until they become self-sufficient.

* A Sikh is a person who believes in one God, Ten Sikh Gurus, Sri Guru Garanth Sahib Ji. and the basic tenets and teachings of Sikhism.

Article II MEMBERSHIP

1. Subject to the regulations and By-Laws, any person who is a Sikh, eighteen (18) years of age or over, and domiciled in the County of Essex, who pledges to abide by the principals and the objectives expressed in the Constitution of the Sikh Cultural Society is eligible for membership. He is required to submit his application for membership to the Executive Committee who will rule upon the admission to membership of such person and base his decision upon a majority vote of the members of the Executive Committee. The annual membership dues are One Hundred Dollars (\$100.00). Students, upon satisfying the Executive Committee of their status as such, are exempted from the required membership dues. Said membership dues must accompany the application for membership

In construing these presents the personal pronoun "he", "his", or "him" relating thereto and used therewith, shall be construed as "he", "she", "it" or "they", "his", "its", or "their" and "him", "her", "it" or "them" respectively as the number and gender of the party or parties referred to in each case required in the number of verb agreeing therewith shall be construed as agreeing with the said word or pronoun so substituted.

Article III PRIVILEGES

A member who conforms with the By-Laws and Regulations of the Society and who is not in arrears of annual dues, shall be entitled to such privileges as the Society may offer, for himself, his wife, and his unmarried sons and daughters under the age of eighteen (18) years.

The privileges of a member shall be:

1. Right to vote at all meetings/elections of the Society provided he/she is a bona fide member of the Society. A bona fide is a member who has paid his/her annual membership dues for the last two years.
2. Affiliation with all societies, centres or other activities of the Society upon payment of the required fee as may be required from time to time.
3. Tuition for children in Schools of Sikh Studies operated by the Society upon payment of the required fee, if any.
4. Registration of Births, Marriages, and Deaths in the Register of Civil Status.
5. Cremation in the crematorium in accordance with the By-Laws and subject to the terms, conditions, and customs of the Sikh Community.

Article IV MANAGEMENT

1. The affairs of the Society shall be managed by an Executive Committee. The Officers of the Executive Committee must be Sabat Surat Sikhs. The preference will be given to Amritdhari Sikhs. The Executive Committee shall be comprised of seven (7) elected members:

1. President (Jathedar)
2. Vice-President (Naib Jathedar)
3. Secretary
4. Treasurer
5. Co-ordinator: Langar Sewa (Community Kitchen Service)
6. Co-ordinator: Education and Planning
7. Co-ordinator: Property Maintenance

The annual minimum donation for each officer of the Executive Committee is Five Hundred Dollars (\$500.00), which must be received prior to June 30 of each year of which he is an officer. In the event that an officer is not gainfully employed, the requirement of annual minimum donation shall be waived with respect to that officer. In all elections, other than one whereby the position is determined by acclamation, each candidate for each of the above officers must contribute One Thousand Dollars (\$1,000.00) to the Society separate and apart from the Five Hundred Dollars (\$500.00) donation referred to above, before the date of election.

The Executive Committee shall exercise all such powers of the Corporation as are given under the Ontario Corporations Act or the By-Laws of this Corporation. A member of the Society or congregation has no power to interfere with or interrupt the daily management operations of the Society. The management of daily operations of the Society is strictly a function of the Executive Committee. However, assistance may be requested by the Executive Committee with respect to any matter.

NON-REMUNERATION CLAUSE

The Executive Committee shall serve without any remuneration except expenses incurred by him in the performance of his duties, which shall be reimbursed.

Article V NOMINATIONS AND ELECTIONS

1. The elections of the office bearers of the Executive Committee shall be held at the end of every second year. (Since the tenure of the Executive Committee is for two years.)
2. On or before 15th of November of second year, the incumbent Executive Committee shall appoint an Election Committee comprising of three (3) members, none of whom shall be from the Executive Committee.
3. The members of the Election Committee shall not be eligible for election to the Executive Committee during the tenure of their office.

4. The Election Committee shall have fairly comprehensive powers for holding absolutely fair and honest elections. The Executive Committee must give its fullest cooperation to the Election Committee.
5. The Election Committee shall receive the nominations for the Executive Committee and the nominations must reach the hands of the Committee before the end of November. Each nomination must have a proposer, a seconder, and the written acceptance of the nominee.
6. Only bona fide members of the Society have the right to vote or be voted in the elections of the Executive Committee. (Please see page 2, Privileges, 1.)
7. List of all nominations shall be mailed to each registered member of the Society before the 10th day of December.
8. The election shall take place at a general meeting of the Society on or before 31st of December.
9. The names of all nominees shall be put on ballots in alphabetical order, and every registered member of the Society present at the meeting shall be given one ballot paper.
10. A member present at the meeting may cast his or her vote for each of the seven (7) offices.
11. The candidates receiving the highest number of votes for respective offices of the Executive Committee shall be declared elected.
12. If only one nomination is received for any of the seven (7) offices, such a nominee shall be declared elected by the Election Committee. Similarly, if no more than seven (7) nominations are received for the members of the Executive Committee, such nominees will be declared elected by the Election Committee.
13. The Election Committee shall appoint scrutineers who shall have charge of ballot boxes and shall count the ballots. No candidate for office may be a scrutineer. However, one may appoint an agent or representative to watch for one's interest.
14. In the event of a vacancy caused on the Executive Committee through death, resignation, or otherwise, the Executive Committee shall fill such a vacancy by co-opting another member. Or, the Executive Committee may assign the office to any of its members.
15. The office bearers of the Executive Committee shall remain in office until their successors are elected. There shall be a limited term of office for the officers or any other committee chairman appointed by the Executive Committee. No person shall be eligible for an election to the same office for more than one consecutive term.
16. The Annual General Meeting shall appoint two (2) honorary internal auditors from among the general membership. Such auditor will not be from the Executive Committee.

Article VI DUTIES OF THE OFFICERS OF THE EXECUTIVE COMMITTEE

President: The President (Jathedar) shall preside over all the meetings and functions of the Society and exercise overall control in the operations of the Society. He, and he alone, is the Spokesman of the Society. All the

correspondence of the Society shall bear the signature of the President. Only the President or his delegate can represent the Society at the functions of the National or International Sikh organizations.

- Vice-President:** In the absence of the President, the Vice-President (Naib Jathedar) shall perform all duties of the President. He is responsible for opening the Gurdwara every Sunday by no later than 10:30 o'clock in the forenoon, unless otherwise notified by a President or Executive Committee, and carry out such other duties in preparation for the membership meetings of worship, i.e., bringing the Holy Book to the centre of the Gurdwara. In addition, he shall bear such other duties as may be assigned to him by the Executive Committee or the President.
- Secretary:** The Secretary shall keep the minute of the proceedings of the meetings and conduct all the official correspondence of the Society. He shall be the custodian of all the official records. He is empowered to meet the expenses of the Society to the extent of Twenty-five Dollars (\$25.00) without the prior sanction of the Executive Committee.
- Treasurer:** The Treasurer's responsibility shall be to take care of the finances of the Society. He shall collect all monies, keep accounts of all incomes and expenses of the Society. He shall make payments of all the bills duly passed by the Executive Committee. He shall also submit a Quarterly Financial Statement duly audited by the two internal auditors to the Sangat (the Congregation). He is authorized to keep an imprest money of Twenty-Five Dollars (\$25.00) to meet day to day expenses incurred by the Secretary or the President or anyone authorized by the Executive Committee.
- Co-ordinator:
Langar Sewa** (Community Kitchen Service). He is responsible for supervising the affairs and the administration of the Langar Sewa including the Karah Parshad (Holy Communion sweet pudding). His duties include the purchase and maintaining of adequate supplies for kitchen and washroom facilities. Furthermore, he must maintain the inventory of supplies of the Society at the Gurdwara. The inventories shall be taken at the end of June and the end of December in each and every year.
- Co-ordinator:
Education and
Planning** His responsibilities include the promotion of objective number 7 of the Society as set out herein, i.e., to establish and maintain a Sunday School for the teaching of the Punjabi language in Gurmukhi script, and to conduct classes for religious and cultural education and to employ instructors therefor. In additions, he shall organize the establishment and maintenance of a small library of books at the Gurdwara dealing with the Sikh culture, history, and religion.
- Co-ordinator:
Property
Maintenance** He shall maintain the Gurdwara and surrounding property in good physical condition. Specifically, he is responsible for the cleanliness and orderly appearance of both floors of the Gurdwara, and the removal of snow accumulating on the premises. If it is deemed necessary

• he may engage contractors for the supply of such services.

QUORUMS

1. The quorum of any general meeting of the Society shall be one-fourth of the total membership. however, this shall not apply to a reconvened meeting adjourned on account of the lack of quorum.
2. Five members present shall constitute a quorum of any meeting of the Executive committee of the society for transacting any lawful business of the Society.

Article VII MEETINGS

1. There shall be at least one general meeting of the Society in a year called by the Executive Committee for conducting general business of the Society. A fourteen days' notice shall be given to the membership for any general meeting.
2. The Executive Committee shall meet once a month to discuss and conduct any business of the Society that may come up. The President shall preside at all meeting and in his absence the Vice- President, and in the absence of both of them, one of the present members may be voted to chair the meeting.
3. Notice of meeting of the Executive Committee of the Society shall be mailed to each member at his or her latest address registered with the society's Office not less than seven days before the meeting takes place. A shorter notice may be given in the case of an emergency.
4. Notice to a member at his or her above mentioned address shall be considered as valid notice. Every member should ensure that any change in his or her address is duly registered with the Society's office.
5. A special general meeting of the members of the Society may be called by the President or the Vice-President at any time at a week's notice when advised by the Executive Committee.
6. The Executive Committee, by a resolution entered in the Minutes Book, may delegate any of their powers to a committee comprising of such members of the congregation as they consider fit. The committee or committees so formed shall, in exercising their powers, so delegated, conform to the Regulations and By-Laws of the Society.
7. The Executive Committee is empowered to pass a resolution or resolutions authorizing the Society to borrow money from time to time on such terms and on such security as shall be therein specified and perform such acts as are necessary. The Sangat and particularly the bona fide members must be kept informed ahead of the time of such borrowing and other major decisions concerning the welfare of the Society.
8. Any number of special committees can be appointed by the Executive Committee to perform a specific duty or task whether of a temporary or permanent nature. Each such committee must include two (2) members of the Executive Committee.

Article VIII
INVITATIONS, SPEAKING PERMISSION,
AND FREEDOM OF EXPRESSION

1. An invitation to a lecturer or speaker at the Gurdwara can be extended only by the Executive Committee.
2. A person desirous to speak at the Gurdwara must obtain permission from the President prior to his scheduled speech. However, the President or other member of the Executive in charge of the stage at the Gurdwara does have discretionary power to allow a person to speak for no more than five minutes. Picture taking, movie making, or printed matter distribution at the Gurdwara is not allowed unless it is approved by the Executive Committee.
3. A member of the Society is entitled to the fundamental freedom of expression, the bedrock of free society. He may express his opinion/views on any topic. The minimum limit of time is five (5) minutes, and two (2) minutes is for the rebuttal.

Article IX
ACCOUNTS AND FINANCES

1. The Treasurer of the Society shall hold all monies received from various sources and must deposit them in the Society's account with any chartered bank in the City of Windsor, in the County of Essex and Province of Ontario, CANADA. He shall keep detailed accounts of all expenses and incomes supported by proper vouchers. He shall give a report of the state of the Society's finances on a quarterly basis to the Congregation (Sangat) and to the Executive Committee whenever required.
2. The fiscal year of the Society shall end on the 31st of December of each year. The Treasurer shall, with the assistance of a Chartered Accountant and Auditor, appointed by the Executive Committee, prepare the Annual Financial Statement and present it to the members of the Society.

SIGNING POWERS

1. Checks given in payment of bills of the Society shall be signed by the Treasurer and the President or the Secretary. The checks must bear two (2) signatures. The Treasurer must sign it, have it countersigned either by the President or the Secretary.
2. The President and an other member of the Congregation, the Executive Committee or others that may be authorized by a resolution of the Executive Committee from time to time, shall have power to sign deeds, contracts, leases, and agreements on behalf of the Society and to affix the Corporate Seal.
3. No payment shall be made or check issued for any expenditure unless accompanied by a voucher passed by the President or any person authorized by the Executive Committee. Petty Cash of \$25.00 shall be made available to the Treasurer for the disbursement of day to day expenses. The treasurer shall sign a receipt for this cash and must account for its disbursement by keeping all vouchers and receipts.

Article X
AMENDMENTS OF CONSTITUTION AND BY-LAWS

1. The Constitution and the By-Laws of the Society shall not be altered or amended unless by a two-thirds majority vote of the Congregation present at an Annual, Special or General Meeting of the members after a Notice of Motion in writing has been given at a previous Members' Meeting, a copy of which Notice shall be inserted in the notice board calling the meeting at which the said Motion is to be voted upon. A copy of such notice shall be put at a conspicuous place in the lobby of the Gurdwara. It is to be insured, however, that the presence of the Congregation for the purpose of amendment of By-Laws may not comprise of a number less than one-fourth of the living members on the rolls of the Society.

Article XI
NO CONFIDENCE

1. A no-confidence motion can be moved against any member of the Executive Committee or the Committee itself at a specially convened meeting for the purpose. No such motion shall take effect unless carried by a two-third majority of the members present. A quorum of one-fourth is necessary for such a meeting and a seven day's notice in writing must be given to the members.

Article XII
FORM OF WORSHIP

1. The religious services (DIWAN) of the Society shall be conducted in accordance with the Sikh Code of Conduct (RAHIT MARYADA).

Article XIII
CODE OF CONDUCT

1. Any person who creates chaos, disturbs peace or disrupts the proceedings at the Gurdwara will be asked by the presiding officer of the Executive Committee to leave the premises. In case of disobedience, paragraph number two (2) below will be applied.
2. The Executive Committee may remove from the membership an individual whose activities or actions may be considered detrimental to the interests or well-being of the Society, the Sikh community in Windsor or the Sikh community in Canada. The removed individual shall have the right of appeal against such removal before the general body of the Society in its next regularly scheduled meeting provided a notice of intention to appeal in writing is filed with the Secretary of the Executive Committee within thirty (30) days of the receipt of notice of removal. After such a hearing, the membership may recommend that the Executive Committee reinstate the applicant in membership and the Executive Committee may do so.

Article XIV
DISSOLUTION

In the event of dissolution of the Society, all remaining assets shall be distributed to one or more registered Sikh charitable organizations in Canada.



