

# Jalalabad Association of Toronto, Canada. Constitution Final Draft

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**Preamble:**

We the members of Jalalabad association of Toronto, Canada, in order to form an organization that will embody our ideals and aspiration, ensure tranquility, promote the general welfare, freedom, love, equality and peace, do ordain and promulgate this Constitution.

We the general members of the Jalalabad Association of Toronto, Canada, is being incorporated by Letters Patent pursuant to the Business Corporations Act (Ontario), as there is a need for Jalalabad community within the GTA by the Jalalabad community to promote and develop cultural, social and economic activities in line with precepts and culture, and foster brotherhood within the community at large.

**Vision:**

The Jalalabad Association of Toronto, Canada embraces and employs equity and fair practices in all its transactions and dealings whether it be, Human Resources, Administration, engaging with clients, engaging with suppliers of Goods and Services or engaging with outside organizations, politicians and various levels of governments. Henceforth, shall read the following equality statement in all its meetings.

**Values:**

“The Jalalabad Association of Toronto, Canada is committed to the elimination of discriminatory behavior, policies or practices that prevent or undermine the full and equal participation of all who wish to join and pursue the mission of the organization.

Discrimination can happen overtly, covertly and by omission. We will take pro-active steps to ensure that full and equal participation is possible. We want to work towards anti-oppression and be conscious of our privileges, create an environment where all members in our community are respected for abilities and potential. We commit to build a cohesive community culture within the ideology in which equality, equity, diversity, respect and dignity are fundamental. This statement serves to remind us all that diversity in our society is strength, and, is our fervent belief, and that we must ensure to treat all with equality, equity, respect and dignity”. It will commit embody our ideals and aspiration, ensure tranquility, promote the general welfare, freedom, love and peace.

**Constitution of Jalalabad Association of Toronto, Canada**

**A By-law relating generally to the conduct of the affairs of the Jalalabad Association of Toronto, Canada.**

**BE IT ENACTED as a By-law of the Jalalabad Association of Toronto, Canada as follows:**

## 1.0 **INTERPRETATIONS:**

- 1.1 **Definitions:** In this Constitution and all other documents of the Jalalabad Association of Toronto, Canada, unless the context otherwise requires:
- a. "Jalalabad Association of Toronto, Canada" means the organization representing the community originated from the Sylhet division of Bangladesh residing in the Greater Toronto Area (the "GTA".)
  - b. "Association" means Jalalabad Association of Toronto, Canada.
  - c. "Directors" means all of the five members of the executive committee, including the President, the General Secretary, the Finance Secretary and two other members selected from the executive committee (the selection will be made by the majority voting of the executive committee). This is for the purpose of the ministry of the government services/consumers requirements.
  - d. "Electoral term" means the term as defined in By-law 15.0.
  - e. "Executive Committee" means the committee consists of the 29 elected executive committee members for the running electoral term.
  - f. "Executive Committee Member" means the elected member of the Association for the current electoral term.
  - g. "Member" means both General Member and Life Member of the Association.
  - h. "Trustee" means a member of the Board of Trustee (BOT) of the Association who will be selected by the Executive Committee.
  - i. "Advisor" means the Advisor of the Association who will be appointed by the Executive Committee.
  - j. "GTA" means Greater Toronto Area that comprises of Halton Region, Peel Region, York Region and Durham Region.
  - k. "Simple Majority" means 50% (percent) plus 1 (one) members of any voting.
  - l. "Simple resolution" means a resolution adopted by simple majority of the votes cast in an executive committee meeting.
  - m. "Special resolution" means a resolution adopted by 75 percent of the votes cast in an executive committee meeting.
  - n. "Sylhet Division" means a geographical area located in Bangladesh.
  - o. "Sylheti" means who comes from Sylhet division of Bangladesh.
  - p. "Quorum" means the 50% plus 1 numbers of a committee required to conduct a meeting except the AGM and EGM.



1.2 **Rules:** In the interpretation of this Constitution, unless the context otherwise requires, the following rules shall apply:

- a. Words importing the singular include the plural and vice versa.
- b. Words importing gender include the masculine, feminine and other genders.
- c. Words importing a person include an individual, sole proprietorship, partnership, unincorporated association, unincorporated syndicate, unincorporated organization, trust, body, corporate, and a natural person in his capacity as trustee, executor, administrator, or other legal representative.

**2.0 NAME, LETTER-HEAD, LOGO and SEAL:**

2.0.a. **Name:** The name of the Association is “JALALABAD ASSOCIATION OF TORONTO, CANADA” and hereinafter referred to as “the Association”.

2.0.b. **Letter Head and Logo:**



2.0.c **Seal:**



### **3.0 AIMS AND OBJECTIVES:**

The “Association” will be a nonprofit, charitable and non-political organization. The aims and objectives of the Association will be (but not limited to):

- a. To organize and promote community advancements for our community.
- b. To support and assist members of the Association and their family members as and when needed.
- c. To promote our culture, language and goodwill.
- d. To acquire and maintain necessary facilities for the benefit of the members and for the general public.
- e. To organize social-cultural activities for the community.
- f. To promote the cultural and linguistic heritage of Bangladesh among the children of Bangladeshi Canadian.
- g. To help the new immigrants from Bangladesh and Bangladeshi immigrants from elsewhere integrate into the socio-cultural life in Canada.
- h. To represent matters of interest effecting the community before the federal, provincial or municipal Government and/or Non-Government Organizations as and when necessary.
- i. To employ staff and consultant to operate the Association and
- j. Subject to Income Tax Act, Charitable uses Act, Charities Accounting Act, Charitable Gift Act and any other relevant legislation, to accept donations, gifts, grants, legacies and bequests.

### **4.0 HEAD OFFICE:**

The head office of the Association will be in the Greater Toronto Area in the province of Ontario. Branch offices may be established anywhere in the GTA with the approval of the Executive Committee.

### **5.0 MEMBERSHIP:**

#### **5.1 General Member:**

Subject to the approval of the Executive Committee, an eligible person may become a Member of the Association upon an application in prescribed form along with the due membership fees payable to Jalalabad Association of Toronto, Canada.

- a. Eligible person means:
  - I. The person originated from Sylhet division or his/her either parent or grandparent or spouse is originated from Sylhet division.
  - II. The person or his/her spouse or his/her either parent or grandparent must have a permanent address in Sylhet division.
  - III. The person must be mentally competent person of at least 18 years of age.
  - IV. The person must be a GTA resident.
  - V. Must be a Canadian citizen or permanent resident or a person having refugee status in Canada.

- VI. Students originated from Sylhet division and residing in the GTA under international student visa will be offered Honorary Membership with not voting privilege and no candidacy right for JAT election.

**5.2 Life Member:**

- a. Subject to the approval of the Executive Committee, any person who is eligible to become a General Member can become a Life Member upon an application in the prescribed form along with membership fees.
- b. In addition to the same status, benefits, rules and regulation applied for the General Members, Life Members will have the following privileges:
  - I. The Life Members will not have to pay any membership renewal fees so long the membership remains valid once the membership is granted as per rules.
  - II. The Life Members will have separate membership serial number from General members.

**5.3 Restriction of eligibility:**

- a. If a prospective member ever involved in any act against the interest of the association personally or as a part of a group, his/her membership will not be accepted for a maximum of five (5) years from the date of his/her application intending to become a member, depending on the severity of his/her act against the association.
- b. If a person's membership is not granted under the by-law 5.3.a, the said person may appeal to review the Executive Committee's decision with a written petition to the Chairman of the BOT within a period of 15 (fifteen) days from the date of the decision of the Executive Committee. The BOT will make an investigation within their own capacity and if necessary, will send their written recommendation to the Executive Committee for their reconsideration.

**6.0 RIGHTS AND PRIVILEGES:**

All members will have equal rights and status in the Association regardless of their color, sex, religion, place of birth, academic qualifications, professional excellences/experiences, etc. EXCEPT BY-LAW NO. 6.0.a and 5.1.a.vi.

- a) Person obtained membership of the Association through the spousal and/or maternal identity will not be eligible to participate as a candidate in any election of the Association. They are also not eligible to become a member of the Board of Trustee (BOT).

**7.0 TENURE OF MEMBERSHIP:**

Tenure of membership will be for every electoral term or until a renewal date set by the executive Committee.

**8.0 MEMBERSHIP FEES AND RENEWAL OF MEMBERSHIP:**

- a. Seniors (aged 65+ years of age) will obtain a free membership.
- b. General Membership fees will be \$10.00 for every electoral term.

- c. Life Membership fees will be \$250.00
- d. Membership fees are non-refundable and payable by the date set by the Executive Committee.
- e. The Executive Committee may review the amount of membership fees and may change it.
- f. The notice of revised fees be served upon all the members as needed.
- g. Upon the call from the Executive Committee, every general member should fill-in and submit the prescribed membership application form along with the due fees where required.
- h. Membership fee should be paid by cash, bank cheque, pay-order payable to the association's name, or through online.
- i. Membership forms must be filled up by person at association's office or through online membership procedure.
- j. in addition to his/her own, an individual can fill up and/or submit membership application forms for his immediate family members (parents, spouse and children) and any other person/persons residing in the same address as he/she resides.

## **9.0 DEFAULT:**

An individual cease to be a general member if he fails to renew his/her membership by the date set out by the Executive Committee.

## **10.0 MEETINGS:**

- 10.1 **Executive Committee Meeting:** Executive Committee must conduct regular meetings at least once in every ninety (90) days beginning from the date of their taking over the charge.
- 10.2 **Annual General Meeting:** Every annual general meeting of the members shall be held no later than 15 months from the date of the last Annual General Meeting.
- 10.3 **Special General Meeting:** The Executive Committee may call a special general meeting of members at any time under any circumstances deemed special by the Executive Committee.
- 10.4 **Emergency Meeting:** The President of the Association reserves the right to call an emergency meeting of the Executive Committee or the general members within twenty-four (24) hours of prior notice.
- 10.5 **Notice of Meetings:**
  - a. A written notice as to the time, place and date of the Annual General Meeting, Special General meeting and the general nature of the business to be transacted shall be served upon the members at least twenty-one (21) days prior to the date of the meeting. The General secretary shall call any meeting by consulting with the President of the Association.
  - b. The notice of the meeting (mentioned in by-law 10.5.a) must be given by publishing advertisements in at least ~~one~~ two local Bengali newspapers. In addition, the Executive Committee may use other accepted method(s) of communication.
  - c. All business transacted at a Special General Meeting or an Annual General Meeting of members, except consideration of the minutes of an earlier meeting, the financial statements and auditor's report, election of Executive Committee and reappointment of the incumbent auditor, constitutes special business.

- d. A notice as to the time, place, and date of the Executive Committee meeting and the general nature of the business to be transacted shall be served upon all the Executive Committee members at least seven (7) days (except by-law 10.4 of this constitution) prior to the date of the meeting.
- e. The Executive Committee shall, by resolution, determine the method of service of such notices (mentioned in by-law 10.5.d). General Secretary or any person designated has to ensure that all the Executive Committee members have received the notice of meeting within a reasonable time prior to such meeting.
- f. A member may, in any manner and at any time, waive notice of a meeting of members, and attendance of any such person at a meeting of members is a waiver of notice of the meeting, except where such person attends a meeting for the express purpose of objecting to the transaction of any business on the grounds that the meeting is not lawfully called. This rule shall equally apply to the meetings of the Executive Committee.

#### **11.0 REQUISITION OF A MEETING:**

Petition to call for any requisition of a meeting of members must be submitted in writing to the Executive Committee along with signatures of one-fifth of the current registered members of the Association. The Executive Committee will then send out the notice of the General Meeting within twenty-one (21) days after receipt of such request.

#### **12.0 QUORUM AND VOTING:**

- a. At the beginning of the meeting of the Executive Committee or of the members, the members present shall select a chairperson from amongst them to conduct the proceeding of the meeting. In case of the Annual General Meeting the President or his designated person from the Executive Committee will only be allowed to preside the meeting.
- b. 50% + 1 members constitute a quorum for the transaction of business at any meeting of members except the Annual General Meeting (AGM) and Emergency General Meeting (EGM). If a quorum is present at the opening of a meeting of members, the members present may proceed with the business of the meeting even if a quorum is not present throughout the meeting.
- c. For the AGM fifty (50) members will constitute the quorum. For EGM no quorum is necessary.
- d. If the quorum as mentioned in the by-law 12.0.c is not fulfilled, a second AGM will be called by the Association. In the second AGM no quorum will be required to constitute the business.
- e. Quorum of the Executive Committee meeting must be constituted by the majority members of the Executive Committee. Any member of the Executive Committee unable to attend the meeting may submit his/her written consent to the President or Executive Vice-President or Vice President or General Secretary of the Association present in the meeting. This consent will be treated as his/her presence in the said meeting.
- f. Unless provided elsewhere in this constitution, all decisions in the meeting of the Executive Committee and the members shall be taken by a simple majority vote of the members present. The chairperson of the meeting will reserve the right to make a decision in case



of a tie vote when members are evenly divided and also can make a decision on open or secret ballot as needed.

- g. Except where a ballot is demanded as hereafter set out, voting on any proposal/motion proposed for consideration at a meeting of the executive committee or of the members shall be by show of hands, and a declaration by the chairperson as to whether or not the proposal or motion has been carried and an entry to that effect in the minutes of the meeting shall, in the absence of evidence to the contrary, be evidence of the fact without proof of the number or proportion of the votes recorded in favor of or against the motion.
- h. For any proposal/motion proposed for consideration at a meeting of the Executive Committee or of the members, either before or after a vote by show of hands has been taken, a member may demand a ballot, in which case the ballot shall be taken in such manner as chairperson of the meeting directs and the decision of the members on the question shall be determined by the result of such ballot.

### **13.0 ORGANIZATIONAL STRUCTURE:**

#### **13.0.1 Executive Committee:**

- a) The Executive Committee will operate, manage and supervise all the affairs of the Association. The Executive Committee will also execute the policy decisions approved in a meeting by a simple majority vote of the members present.
- b) Number of the Executive Committee Members:

Executive Committee will consist of a maximum twenty-nine (29) members to fill the following functional positions.

1. President
2. Executive Vice-president
3. Vice-president [four (4) positions, and have to be 1 from each district of Sylhet division]
4. General Secretary
5. Assistant General Secretary [two (2) positions]
6. Finance Secretary
7. Assistant Finance Secretary
8. Organizing Secretary
9. Assistant Organizing Secretary
10. Office Secretary
11. Information Technology Secretary
12. Religious affairs Secretary
13. Assistant Religious Affairs Secretary
14. Social and Cultural Secretary
15. Assistant Social and Cultural Secretary
16. Sports and Gaming Secretary
17. Assistant Sports and Gaming Secretary
18. Press & Publication Secretary
19. Assistant Press & Publication Secretary
20. Women affairs Secretary

- 21. Assistant Women Affairs Secretary
- 22. Executive Members [four (4) positions]

- c) **Technocrat Members:** Executive Committee may hire a maximum of two Technocrat Members as a member of the Executive Committee for certain positions who must be a member of the Association.
- d) **Sub Committee:** Besides the Executive Committees, there may be Committees / Sub Committees to carry out various objectives of the Association. These committees will be constituted and selected by the Executive Committee from the members of the Association or from outside of the Association for special events. Such committees are accountable to the Executive Committee.
- e) Any member of the Executive Committee of the Association who is interested to become a member of any Committee/Subcommittee in a proposed event of the Association shall clearly declare his interest by presenting himself at a meeting of the Executive Committee prior to or during the formation of such Committee/Subcommittee.

#### **14.0 BOARD OF TRUSTEE AND ADVISORY COMMITTEE:**

- a. The executive authority of the Association is vested in the Executive Committee. Following two independent bodies are created to facilitate the functioning of the Executive Committee:
  - I. Board of Trustee and
  - II. Advisory Committee
- b. The creation, powers and functions of the Board of Trustee and the Advisory Committee are prescribed by this Constitution.
- c. The Board of Trustee and the Advisory Committee shall have no authority to override the decision of the Executive Committee. Their mandate is to make recommendation(s) in good faith. The Executive Committee should consider such recommendation while taking any decision.
- d. In case of conflict between the Board of Trustee and the Advisory Committee and of the Executive Committee, the decision of the Executive Committee adopted under the provisions of this Constitution or any other organizational document of the Association shall prevail.

#### **15.0 ELECTIONS AND ELECTORAL TERMS:**

The election for the positions of the Executive Committee will be held every three years, which is defined as an electoral term. All the eligible members of the existing executive committee are eligible to run for the next election unless otherwise stated.

- a. President and General Secretary of the Association, if elected, are eligible to hold their respective positions for a maximum of any two terms.
- b. President, Executive Vice-President, Vice-President, General Secretary, Organizing Secretary and Finance Secretary of the Association shall not hold any of the aforesaid positions or positions like Chairman, Vice/Deputy/Assistant Chairman and Treasurer in any other organization(s) being operated in Canada or elsewhere during his/her term in the Executive Committee.

- c. A member seeking nomination for any position in the Executive Committee must have a valid membership of the association before seeking the nomination.
- d. A member seeking nomination for President, Executive Vice President, General Secretary, Finance Secretary, Assistant General Secretary and Assistant Finance Secretary positions in the Executive Committee must not ever been a bankrupt (whether it is discharged, undischarged, voluntary assignment or filed for the bankruptcy) or a convicted person as declared by a court of competent jurisdiction.
- e. A member seeking nomination for any position in the Executive Committee must be endorsed by at least two members of the Association in good standing.
- f. After the declaration of the election schedule by the Election Commission, no individual/panel running for the election, their supporters/workers/well-wishers or patrons, be allowed to use the Association's office and related facilities of the Association for the purpose of their election campaign.
- g. In their election campaign, candidates or group of candidates or their supporters/well-wishers cannot publicize, mention, promote or advertise claiming that they are affiliated, supported or being represented by any organization, group, community group or person.
- h. A person holding position(s) of President or Executive Vice-President or Vice-President or General Secretary or Organizing Secretary or Finance Secretary or Chairman or Vice/Deputy/Assistant Chairman or Treasurer/Finance Secretary in any other organization(s) located in Canada or elsewhere wishing to run for any of the posts of President or Executive Vice-President or Vice-President or General Secretary or Organizing Secretary or Finance Secretary of Jalalabad Association of Toronto, Canada must sign and submit a memorandum of understanding to the Election Commission along with his nomination stating that, he will resign from his aforementioned existing post(s) from the other organization(s) once he is elected in the Association's election.
- i. Under the by-law 15.0.g, any elected person must submit an approved copy of his resignation letter by the other organization(s) prior to the Oath. If he fails to do so, his election result will be declared void and the said position will be declared vacant by the Election Commission.
- j. Any vacant position(s) caused by by-law 15.0.h will be filled by the candidate obtained the next highest vote for the same position.
- k. If circumstances compel, the Executive Committee may call an early/interim election
- l. An existing member of the Board of Trustee (BOT) other than the ex-officio members mentioned in the by-law 29.0.ii is not allowed to participate in any election of the Association as a candidate.

## **16.0 ELECTION COMMISSION:**

The election Commission will consist of either three or five members, including the Chief Election Commissioner. The members of the Election Commission (including the chief election commissioner) shall be selected by a 7 (seven) members search Committee consist of 2 (two) members from the BOT, any 2 (two) members from the executive committee, 1 (one) member from the advisory committee and 2 (two) from the general members (the said two general members cannot be a member of the BOT or advisory committee or the executive committee). The search committee has to propose the names of the election commissioners to the executive committee within 30 days of assuming their responsibility.

The aforementioned search committee will cease to exist once the newly elected executive committee of the association take their oath. Appointment of the election commission has to be completed by the executive committee at least, sixty (60) days prior to the expiry of their electoral term.

- a) Eligibility to become a member of the Election Commission:
  - i. All the members of the Election Commission must have membership of the Association at the time of being appointed as Election Commissioners.
  - ii. The members of the existing Election Commission will not be eligible to participate in the election as a candidate for any position of the Association and cannot participate in election related campaign.
  - iii. Consent - Every person, proposed as a member for the office of the Election Commission shall sign, and file with the association, his consent in writing to act as an Election Commissioner, within seven (7) days of appointment.
- b) Treasurer and Members Secretary: Chief Election Commissioner will nominate one of the Election Commissioners as treasurer and another as member secretary of the Election Commission (if the Election Commission consists of three members). Chief Election Commissioner will nominate one of the Election Commissioners as treasurer and the other three Election Commissioners as member secretaries of the Election Commission (if the Election Commission consists of five members).
- c) Function of the Election Commission will be as follows:
  - i) Notify the date, time and place of the election;
  - ii) Make necessary rules, regulations and procedures to conduct the election;
  - iii) Receive the payment slip of the nomination fees;
  - iv) Communicate and enforce rules and procedure of the election process;
  - v) Verify, authenticate and display the updated voters' list;
  - vi) Complete the election process within sixty (60) days from the day of their appointment;
  - vii) Conduct election in a fair and impartial manner;
  - viii) Declare the election results and maintain a list of total candidates and voting records; and
  - ix) Preside the changeover of the administration.
  - x) Discipline the candidates, their supporters or any other member of the association (within their own jurisdiction) upon any complain, violation of election code of conduct, acts as mentioned in by law 22.1.b. or create any situation to damage the election process. The discipline may range from caution to cancellation of candidacy. If the election commission's action in this regard is unsatisfactory, the concern person/group (both complainer/accused person) may take this issue to the Board of Trustee to resolve this matter.
- d) Tenure of the Election Commission: The Election Commission ceases to act and be dissolved after the expiry of sixty (60) days of its formation. If the Election Commission fails to conduct and complete the election within the stipulated time [sixty (60) days], the existing Executive Committee will appoint a new Election Commission as per the by-law 16.0 of this constitution to carry out the election (in such circumstance, the mentioned 60 days in by-law 16.0 will not be applied). Provided that if a new Election Commission is

appointed, the Executive Committee shall remain in office until the newly elected successor (Executive Committee) assumes office.

- e) The “new election commission” as mentioned in the by-law 16.0.e has to be formed within fourteen (14) days from the expiry/dismissal/dissolution of the original election commission (formed under by-law 16.0) and the new election commission’s tenure will be sixty (60) days from the date of their appointment.
- f) Dissolution of the Election Commission and Removal of the Election Commissioners: The executive Committee can dissolve the Election Commission or remove any member of the Election Commission; by consulting and with the approval of the search committee. Any vacancy occurring among the members of the Election Commission shall be filled up by the Executive Committee, consulting with the search committee for the rest of the term of the Election Commission.
- g) If compelled by situation, the Executive Committee may extend the tenure of the existing election commission for a maximum of ninety (90) days. The extension period will be effected from the very next day of the Election Commission’s original tenure’s expiry date. Such extension cannot be made more than once for an existing Election Commission.

## **17.0 ELECTION PROCEDURE:**

- a. The Election Commission shall declare the election schedule at least 45 (forty-five) days before the election date.
- b. The Election Commission will make nomination papers available for every position a minimum of 30 (thirty) days before the election date.
- c. Any eligible member who meets the criteria as prescribed in clauses (a) and (b) and (c) and (d) and (e) of By-law 15.0 can obtain the nomination paper from the Election Commission by submitting the proof of payment of the prescribed nomination fee as determined by the Election Commission.
- d. Nomination fee must be paid directly to the bank account of Jalalabad Association of Toronto, Canada. The fees must be paid in advance and full. Any nomination fee is non-refundable after the last date of nomination withdrawal as specified by the election commission.
- e. Any eligible member intending to participate in elections shall have to submit nomination paper individually; duly filled in the prescribed form provided by the Election Commission at least 21 (twenty-one) days before the date of election.
- f. The Election Commission shall have to publish the list of all the eligible voters at least 14 (fourteen) days before the date of the election.
- g. Any eligible member intending to participate in elections is obliged to submit a Police Clearance Certificate upon request by the Election Commission.
- h. The election will be held in a secret ballot system.
- i. The ballot paper must not have any colour coding or any panel name. The names and photo of the candidates on the ballot paper has to be placed as per the seniority of the positions (starting from President to executive committee members). For each position the candidates’ names have to be placed in alphabetical order.
- j. The authority to cancel any vote or to settle any dispute on election shall be reserved by the Election Commission. In case of a tie for any position, a recount of the votes has to be done within twenty-four (24) hours of the declaration of unofficial result.

- k. If the result comes out as a tie again, then a toss shall be made by the Election Commission within two (2) hours after the recount to declare the winner. The Election Commission must inform participants involved in the tossing process and their representatives to present during the toss. The result of the toss shall be deemed as final and no objection/complaint shall be considered afterwards.
- l. The results of the election will be declared as per the election schedule and the newly elected Executive Committee shall assume the charge of the office of the Association in the day of the oath.

#### **18.0 OATH AND TRANSITION OF POWER:**

- a. After the declaration of the election schedule, the current Executive Committee will continue to run the office until the transition of power to the newly elected Executive Committee is completed.
- b. After the declaration of election schedule, the existing executive committee's activities will only be limited to carry out day to day office work of the association. These limitations also include not to arrange any public activities and social events.
- c. Oath of the newly elected Executive Committee: The Election Commission will arrange the oath taking ceremony. The oath has to be contacted within seven (7) days of the declaration of the election result or before the expiry of the election commission's tenure, whichever comes first. Chief Election Commissioner or any other Election Commissioner nominated by the Chief Election Commissioner will conduct the oath ceremony of the newly elected Executive Committee.
- d. Once the oath is taken by the newly elected Executive Committee, the Election Commission will arrange the transition of power from the immediate past Executive Committee to the newly elected Executive Committee. At the same time, the Election Commission must hand over the following to the newly elected Executive Committee:
  - all the documents in their possession.
  - leftover of the funds allocated to the election commission by the association for their necessary election related expenditure.
  - Proof of spending of the fund allocated to them for the election expenditure.
- e. Any other fund deposited to/collected by the election commission in favor of the association, other than that mentioned in by-law 18.0.d, must be deposited to the association's bank account within the next business day of the collection as per by-law 19.0.

#### **19.0 SAFEGUARD OF FUNDS AND OTHER VALUABLES:**

Cash, cheque and other valuables of the Association must be deposited for safe keeping in a bank account of the Association. President and either of the General Secretary or Finance Secretary has to sign for any withdrawal, whether it is cash or kind.

#### **20.0 RESPONSIBILITY OF EXECUTIVE COMMITTEE:**

- a. **President:** The President is the chief executive of the Association. His functions include:
  - i) To serve as the face of the Association.

- ii) To act as a spokesperson of the Association to members of the media, relaying positive information as well as communicating messages during times of crisis management.
- iii) To ensure that the board members or trustees are aware of their responsibilities and that all members understand and fulfill their governance duties and responsibilities.
- iv) To preside and chair at all the meetings of the Executive Committee; to appoint his representative from the Vice-presidents' during his absence to chair the meeting.
- v) To have a conflict of interest policy in place that ensures that any conflicts of interest or the appearance thereof is avoided or appropriately managed through disclosure.
- vi) To ensure that the resources of the Association are responsibly and prudently managed; and, also ensures that the Association has the capacity to carry out its programs effectively.
- vii) To encourage all members to participate in discussion during proceeding of meeting, according to accepted rules and laws in an orderly, timely and democratic manner.
- viii) To liaise and communicates with other government, non-governmental organizations, and committees for grants or donations or any other facilities which is appropriate for the Association.
- ix) To sign or countersign cheques, correspondence, applications, reports, contracts or other documents on behalf of the Association.
- x) To ensure that structures and procedures are in place for securing the resources required by the Association.
- xi) To sign the proceeding book after each and every meeting.

**b. Executive Vice-President:** The rank of the Executive Vice-President is just below the President. His functions include:

- i) To perform all the functions of the President in his absence.
- ii) To prepare and propose for future planning and structure.
- iii) To conduct research for the future of the Association and submit plans and ideas to the Executive Committee.

**c. Vice-president: Vice-president ranks just below the Executive Vice-President. His functions include:**

- i) To perform all the functions of the President in his absence.
- ii) To prepare and propose for future planning and structure.
- iii) To conduct research for the future of the Association and submit plans and ideas to the Executive Committee. (See footnote).

**d. General Secretary:**

- i) To act as Secretary for all meetings of the Association, and to identify, prepare and distribute the agenda along with notice of the meeting with permission of the President.
- ii) To coordinate programs and activities undertaken by the Executive Committee.
- iii) To act as a custodian of all books, papers, records, correspondences and documents belonging to the Association and the seal of the Association.
- iv) To keep, with the help of the Office Secretary, records of all facts and minutes of the meeting of the Executive Committee and members.
- v) To maintain communications between the Executive Committee and the general members of the Association and all kinds of related bodies.

- vi) To prepare annual Reports on behalf of the Executive Committee, about the activities of the Association.
- vii) To prepare and publish revised status, bylaws and appropriate materials for publicity (e.g. web page, brochure, newsletters, annual reports, by-laws on the activities of the Association).
- viii) To act as a supervisor and coordinator for all the organs/departments of the Association.

**e. Assistant General Secretary:**

- i) To exercise all or some of the functions of the General Secretary in his absence.
- ii) To assist the General Secretary in his day to day activities.

**f. Finance Secretary:**

- i) To maintain all the accounts of the Association.
- ii) To provide reports to the Executive Committee on the financial standing of the Association and a detailed report of the Association's financial status at the Annual General Meeting.
- iii) To keep detailed records of incomes and expenditures.
- iv) To prepare financial reports on behalf of other secretaries/events for concerned income and expenses.
- v) To collect any dues that are owed to the Association.
- vi) To maintain order forms and petty cash and to raise cheques.
- vii) To report the Association's financial status in every Executive Committee's regular meeting.
- viii) To maintain fixed assets and stocks.
- ix) To prepare accounts for audit and liaising with the auditor, as required.
- x) To ensure all cheques are signed by two approved signatories.
- xi) To make all payments by cheques, except for small payments for petty cash.
- xii) To ensure and supports all payments with invoices, receipts and dockets.
- xiii) To generate annual financial statements.
- xiv) To develop the annual budget as well as comparing the actual revenues and expenses incurred against the budget.
- xv) To oversee the development and compliance of the Association's financial policies.
- xvi) To keep the Executive Committee regularly informed of key financial events, trends, concerns, and assessment of fiscal health in addition to completing required financial reporting forms in a timely fashion and making these forms available to the Executive Committee by the permission of the President.

**g. Assistant Finance Secretary:**

To assists the Finance Secretary in his prescribed activities.

**h. Organizing Secretary:**

- i) To arrange appropriate facilities for the events and activities of the Association.
- ii) To organize all meetings upon consulting the President and General Secretary.
- iii) To arrange for membership drives to increase membership strength of the Association.
- iv) To act as a custodian of the membership record.
- v) To arrange meeting/sessions/workshops in order to make the elected members of



the Executive Committee familiar with the provision of this Constitution and other organic documents of the Association.

**i. Assistant Organizing Secretary:**

To assist the Organizing Secretary in his/her prescribed activities.

**j. Office Secretary:**

- i) To maintain overall office activities.
- ii) To maintain and preserve all the office documents.
- iii) To update notice boards, ensures the availability of office supplies.
- iv) Overall office custodian.

**k. Information technology Secretary:**

- i) To Maintain and update the website and social media pages of the Association.
- ii) To create electronic event pages.
- iii) To work on electronic designing of materials as and where required.
- iv) Responsible on designing software for different purposes of the Association.
- v) Responsible for all other Information Technology related work of the Association.

**l. Social & Cultural Secretary:**

- i) To organise and promotes regular social and cultural events.
- ii) To arrange and conduct cultural activities of the Association.
- iii) To promote Bangladeshi culture in the mainstream Canadian society.

**m. Assistant Social and Cultural Secretary:**

To assist the Social and Cultural Secretary in his/her prescribed activities.

**n. Women affairs Secretary:**

- i) To ensure the involvement of women of the community residing in the GTA in the activities of the Association.
- ii) To organize seminars, symposiums, trade fairs, etc. for local women entrepreneurs and other women's activities.
- iii) To support women of the community residing in the GTA in their personal logical issues.
- iv) To get involved in their recreation and entertainment.
- v) To organize events/sessions/workshops separately for women to address issues experienced by the women.
- vi) To take initiative to publish magazines or booklets on women affairs.

**o. Assistant Women affairs Secretary:**

To assist the Women affairs Secretary in her prescribed activities.

**p. Religious affairs Secretary**

- i) To organize all kinds of religious events of the Association.
- ii) To act as a spokesperson of the Association on religious affair.
- iii) Upon the advice of the President, to prepare press release on religious matter to clarify the stance of the Association.

**q. Assistant Religious affairs Secretary**

To assist the Religious affairs Secretary in his prescribed activities.

**r. Sports and Gaming Secretary:**

- i) To organize sports and gaming events both indoor and outdoor for the community.
- ii) To encourage youth and children of the community to involve sports and physical activities.
- iii) To organize training and coaching for youth and children in different kinds of sports.

**s. Assistant Sports and Gaming Secretary:**

To assist the Sports and Gaming Secretary in his prescribed activities.

**t. Press & Publication Secretary:**

- i) To inform the members, media and the public at large of the activities of the Association and upcoming events and activities.
- ii) Upon consultation with the President and General Secretary, to develop relationships with members of media, to draft press release, advertisements and to develop communication strategies.

**u. Assistant Press & Publication Secretary:**

To assist the Press & Publication Secretary

**v. Directors:**

Directors are the signing authority with any concerned departments of the Government regarding the registration of the Association.

**w. Executive Members:**

Executive Members will be responsible for implementation of the objectives of the Association.

**21.0 CONFLICT OF INTEREST:**

President, Executive Vice-President, Vice-President, General Secretary, Organizing Secretary and Finance Secretary shall not hold any aforementioned position and shall not hold any position of Chairman/Chairperson or Vice/Deputy/Assistant Chairman/Chairperson or Treasurer in any other Bangladeshi political and social organizations during his/her term in the Executive Committee of the Association.

**22.0 DISCIPLINARY PROCEDURE:**

The Executive Committee reserves all the rights to take disciplinary action against any member of the Association to preserve the dignity and to ensure the best interest of the Association.

- 22.1 Discipline against all the members (other than the President and the General Secretary) of the association:

- a. If any member is alleged to have committed misconduct or act against the interest of the association as defined in this By-law, this matter may be referred to the Executive Committee.
- b. Following acts of the members are treated as “misconduct” or “act against the interest of the association:
  - i) Bullying, harassing, fake propaganda, use of any slang or abusive language to intentionally demean any member or guest; personally, or by direct or indirect use of social media, print media or any other ways/forms.
  - ii) Any attempt to physically assault any member or guest or demonstration of any physical gesture calculated to humiliate or harm any member or guest.
  - iii) Any activities against the interest of the Association.
- c. The Executive Committee may consider the allegation of misconduct or act against the interest of the association by a member of the association on its own initiative or upon a complaint made by a member or any other individual.
- d. If, on its own motion or upon receiving a complaint, the Executive Committee considers it necessary to take decision on the alleged misconduct or act against the association, the President shall, in writing, notify the alleged member(s) about the complaint against him. The alleged member(s) shall have 15 (fifteen) days from the date of the notice to send his explanation in writing to defend the complain. Unless the Executive Committee decides otherwise, the alleged member(s) shall personally appear before the Executive Committee within 30 (thirty) days from the date of the notice to explain his position against the allegation. The Executive Committee, on its discretion, may call the member made complain to personally appear before the Executive Committee and justify his complain with valid proof.
- e. The Executive Committee, upon consideration, may dismiss the complain or caution the alleged member(s) or temporarily suspend the membership or cancel the membership of the alleged member(s).
- f. The disciplined member may appeal to review the Executive Committee’s decision with a written petition to the Chairman of the BOT within a period 60 (sixty) days from the date of the decision of the Executive Committee. The BOT will make an investigation within their own capacity and if necessary, will send their written recommendation to the Executive Committee for their reconsideration.

## 22.2 Disciplines against the President and the General Secretary

If the President or the Secretary of the Association is alleged to have committed a misconduct or convicted of any offence by the court, as defined in clause b of By-law 22.1 or clause b of By-law 23.1 or if there are any other serious complaint raised against them by a member, that complaint has to be officially submitted to the Chairman of the BOT. After a detail investigation based on the complaint, the BOT will submit their findings along with the suggestion in a joint meeting of the “Executive Committee” and the “BOT”. In the said meeting the Executive Committee will give their decision on the BOT’s suggestion in a secret ballot.

22.3 While processing the decision in the Executive Committee meeting against a member under the clause c) of By-law 22.1 and under By-law 22.2 the accused person will not be allowed to attend the said meeting.

**23.0 VACANCY IN EXECUTIVE COMMITTEE:**

23.1 An office of the Executive Committee is considered vacant if any one of the following occurs:

- a. If any bankruptcy receiving order is made against the President, Executive Vice-President, General Secretary, Finance Secretary, Assistant General Secretary and Assistant Finance Secretary or if any of those said positions make an assignment under the bankruptcy legislation.
- b. If any elected member of the Association is convicted of any offence by a court of competent jurisdiction, he will automatically be expelled from the executive committee.
- c. If an Executive Committee member is found to be a mentally incompetent person or a person incapable of managing his affairs.
- d. If an Executive Committee member resigns by official written notice, it will be executed at his intended date of resignation.
- e. If an Executive Committee member dies.
- f. If an Executive Committee member is removed from office under By-law 22.1
- g. Being absent at three consecutive Executive Committee meetings without any valid reason.
- h. Failed to perform assigned responsibilities under this By-law.

23.2 Any vacancy of any Director may be filled by a member of the Executive Committee for the rest of the term. Decision regarding this issue must be made by the Executive committee in a simple majority voting.

**24.0 AUDIT:**

Every year an internal auditor appointed by the Executive Committee will audit the books of the Association. Also, at the end of each term of the Executive Committee and before the general election, they may perform the audit of the books of the Association.

**25.0 DISSOLUTION:**

- a. The decision to wind up the Association must be taken in a general meeting duly called.
- b. Presence of 75 percent of the registered members constitutes a quorum for the general meeting called for the purpose of winding up of the Association.
- c. The decision to dissolve the Association must be passed by a special resolution.
- d. In case of winding up or the dissolution, no member will be entitled to acquire/own any assets of the Association. All the assets will be donated to similar organizations with similar aims and objectives, after payments of its debt.
- e. This By-law regarding dissolution/winding up of the Association cannot be amended unless approved by a unanimous decision of all registered members of the Association in a general meeting specially called for such amendment.

**26.0 AMENDMENT (S) OF THE BY LAWS:**

The Executive Committee may, by special resolution create, amend or repeal any By-law (except By-law 25.0 regarding the dissolution) governing the affairs of the Association. Any amendment to this Constitution, shall have to be approved by a special resolution passed by a two-thirds of the votes cast in an executive committee meeting and later be approved in the next AGM.

**27.0 REQUEST (S) FOR AMENDMENT (S):**

Any member in good standing may propose to the Executive Committee in writing with proper justification to amend this constitution (except By-law 25.0). The proposed amendment(s) will require approval of two-third of the Executive Committee members to be in effect and approved in the next AGM.

**28.0 INDEMNITY OF THE EXECUTIVE COMMITTEE:**

An Executive Committee from and after their election to the office shall be indemnified and saved harmless out of the funds of the Association from and against all costs, charges, and expenses whatsoever, which such Director sustains or incurs in or about any action, suit or proceeding, which is brought, commenced or prosecuted against them for or in respect of any act, deed, matter or thing whatsoever, made done or permitting them, in or about the execution of the duties of their office; and all other cost, charges or expressions which they sustains or incurs in or about in relation to the affairs thereof, except such costs, charges or expenses are occasioned by their willful neglect.

**29.0 BOARD OF TRUSTEES (BOT):**

i) Structure: The Board of Trustees shall consist of five (5) members. The officers of the Board of Trustees include: The Chairman and the Secretary. The newly elected members of the BOT will select a Chairman and a Secretary among themselves.

ii) Formation and election of the BOT: Existing President of the Executive Committee shall automatically be ex-officio members of the Board of Trustees. The rest of the four (4) members of the BOT shall be selected or elected by the Executive Committee in a secret ballot within thirty (30) days from the date of taking over the charges by the newly elected Executive Committee or before thirty (30) days of expiration of the term of the existing BOT.

iii) Criteria:

- a. Must be a member of the Jalalabad Association of Toronto, Canada (restriction applies as per By-Law 6.0.a and 5.1.a.vi.
- b. The member had not been (or will not be) involved in any type of activities against the interest of the Association.

- c. The member should not be involved in any other similar Association as a member of the existing Board of Directors or an Executive Committee member.
  - d. The BOT members shall not be convicted of criminal offence(s) or shall not be subject to any proceeding ever under the insolvency/bankruptcy legislation
  - e. The BOT member cannot be a member of the Executive Committee of the Association during his/her tenure as a member of the BOT, unless he/she resigns from the BOT.
- iv) **Tenure of the BOT:** Tenure of the elected members of the BOT shall be four (4) years from the date of their appointment and the president of the previous Executive Committee shall automatically be replaced by the newly appointed president.
- v) **Meeting:** The BOT must meet minimum two (2) times a year as called by the Secretary of the BOT as per procedure. The Executive Committee may request the BOT for a special meeting for any specified reason. The Secretary of the BOT shall submit a copy of the resolution of all meetings to the Executive Committee for their information and record.
- vi) **Responsibilities:**
- a. The BOT shall discuss and review the financial rules and recommendations made by the Executive Committee and may request for any modification and amendment. The Board of Trustees and the Executive Committee will jointly explore and collect funds to execute the necessary development projects.
  - b. The BOT shall recommend the use of the Association's property, financial policy and management.
  - c. The BOT shall be responsible for long-term planning, exploring and executing all possible ways to improve the financial positions of the Association.
  - d. The Executive Committee shall plan and prepare annual budget for day-to-day activities and maintenance of the Association and shall inform the same to the BOT for discussion, recommendation(s) or any necessary advice for modification(s) ~~if any~~.
  - e. In the case of non-acceptance of the recommendation(s), the BOT may request the Executive Committee to call a special meeting to get comments and approval from the Executive Committee members within twenty-one (21) days and shall finalize the issue.
  - f. In any situation where the Executive Committee needs to do some financial activities beyond the approved budget, the Executive Committee has the right to make a supplementary budget for an amount of \$1000 maximum per item of the original budget. Such occurrence of overspending shall not be accepted more than three (3) times within the same financial year.
  - g. The BOT has the right to review and analyze the actual performance of the budget to compare with the approved budget and shall point out any variation in this regard to the Executive Committee.
  - h. In a special situation for the interest of the Association, the BOT may request the Executive Committee to call a special meeting to discuss the issue(s) with the Executive Committee members to get their opinion and approval.
  - i. If necessary, the BOT may request to set up any sub-committee at any time. The members of the sub-committee shall be a minimum of three (3) and maximum of five

(5). Such sub-committee shall automatically be dissolved after the purpose has been served.

vii) Resignation and Termination:

- a. A member of the BOT can submit the resignation for any reason in writing to the Chairman of the BOT. The BOT shall take the decision within fifteen (15) days through a meeting and shall refer the situation to the Executive Committee in writing. If the Chairman of the BOT wants to resign, he shall submit his resignation to the President of the Executive Committee.
- b. A member of the BOT can be terminated, if he is absent in three (3) consecutive meetings of the BOT without any valid reason. Absenting trustee may inform the Chairman in advance stating a valid reason of absence.
- c. If the BOT member, at any point of their tenure fails to fulfill the By-law 29.0.iii of this constitution.
- d. A membership position of the BOT shall be declared vacant by two-third majority of the BOT members if the member is accused under the By-law 29.0.vii.c of this constitution or any of the following reasons:  
Any activity by behaving, statement or writing, which goes against the interest of the Association as per the opinion of the BOT and the Executive Committee.
- e. The Executive Committee shall reserve all the rights to apply the By-law 29.0.vii.d of this constitution against the Chairman of the BOT.

viii) Cancellation or Loss of membership:

In every case, the accused member of the BOT shall be notified in writing by the Executive Committee regarding the complaint(s), and the said member shall have to reply in writing within fifteen (15) days of the notification. The accused member may require for a physical appearance to the Executive Committee for explaining the situation within thirty (30) days of the notification. The Executive Committee may fill-up the vacant position for the rest of the tenure by selecting a new BOT member from the members of the Association.

**30.0 ADVISORY COMMITTEE:**

The Executive Committee will select a maximum of one hundred and one (101) respected Advisors for their elected term. All the respected Advisors shall have VIP access to all the events organized by the Association.

- 30.1 **Criteria:** Any advisor should meet the necessary requirements same as the By-law 29.0.iii of this constitution. In this context, the word “BOT” shall be replaced with the word “Advisor”.

Any member of the Advisory Committee cannot be a member of the Executive Committee of the Association during his/her tenure as a member of the Advisory Committee unless he/she resigns from the advisory committee.

- 30.2 **Tenure of Advisory Committee:** Tenure of Advisory Committee is same as the By-law 29.0.iv of this constitution. In this context, the word “BOT” shall be replaced with the word with “Advisory Committee”.

- 30.3 Meeting: Advisory Committee shall conduct meetings with the Executive Committee at least once a year. In any crucial situation, the Executive Committee may arrange special meetings with the advisory committee to discuss the issues.
- 30.4 Responsibilities:
- a) Advisory Committee shall help the Association in raising funds.
  - b) Advisory Committee will play a supervisory, advisory and arbitrary role as and when needed and requested.

### **31.0 VIOLATION OF THE CONSTITUTION:**

- a) All the members of the Executive Committee, Board of Trustee (BOT), Advisory Committee, Election Commission, Sub Committee, all the Technocrat Members, all the General and Life Members of the Association must abide by this constitution. If any aforementioned committee/member is found of violating any By-Law of this constitution, in that case he/she/they might face consequences of legal action. In such case of violating the By-Law, any member of the Association shall preserve the right to proceed with legal action.
- b) If any member of the Association is declared guilty by the court of violating any By Law of this constitution will automatically lose his/her membership of the association for life.

### **Footnotes:**

- 1) *By-law 29.0.i, 29.0.ii and 29.0.iv will not be effected for the current BOT (appointed on May 30, 2017, tenure ends May 29, 2022) except the replacement of the ex-officio.*
- 2) *Any previous Executive Committee as a whole, their roles, responsibilities and activities prior to the enactment of this constitution will not be effected by the by-laws of this constitution (this constitution was first enacted in August 29, 2016) and its amendments afterwards.*

### **Amendments:**

- 1<sup>st</sup> amendment: November 27, 2016  
2<sup>nd</sup> amendment: November 05, 2017