

# **CONSTITUTION & BY-LAWS**

## **OF**

# **ANAVIL SAMAJ OF CANADA**

- Note:**
1. This copy of the Constitution & By-Laws is the first (initial) copy and will incorporate all amendments in future.
  2. By-Law # 5 and #11 were amended after approval by the members at the 2008 AGM. The changes are underlined. (#5 to allow electronic means to send notices and #11 to change terms of reserve fund allocation to The Building Fund).
  3. By-Law # 3, 4, 9, 11 and 12 were amended after approval by the members at the 2009 AGM. The changes are underlined. (# 3 to include membership for Canadian Citizens living abroad, # 4 to change the term for five executive members from 1 year to 2 years and # 9, 11 and 12 to change the fund name from Building Fund to Capital Reserve Fund)
  4. Article III – C and IX were amended after approval by the members at the special meeting held during the second ASC picnic on August 15, 2010. The changes are underlined. (III – C to change the membership renewal from May 1<sup>st</sup> to June 1<sup>st</sup> of each year and IX was changed to commence the fiscal year from Mat 1<sup>st</sup> to June 1<sup>st</sup> of each year and will end on May 31<sup>st</sup> of the following year instead of April 30<sup>th</sup> as previously stated).
  5. By-Law 3, item D was clarified to reflect the original fee structure that was Inadvertently changed some time in 2007-08. The committee unanimously passed the clarification in June, 2011 executive committee meeting. The correct fee structure is now reflected.
  6. This copy of the Constitution & By-Laws contains pages one (1) to Twelve (12) including this cover page.

**CONSTITUTION**  
**OF**  
**ANAVIL SAMAJ OF CANADA**

**ARTICLE I**

**Name:** The name of the association shall be: “ANAVIL SAMAJ OF CANADA”

**ARTICLE II**

**Aims and Objectives:**

- A. To take an active interest in the civic and social welfare of the community.
- B. To provide a forum for discussion of all matters of public interest.
- C. To promote and foster volunteerism and involvement and participation of all members but more importantly the youth and women of the Samaj.
- D. To promote and foster interest in the welfare of the Anavils in Canada and elsewhere.
- E. To bring together persons interested in religion, culture, community and well being of the members.
- F. To organize activities aimed at preserving the cultural heritage of Anavils and to promote inter-cultural activities and festivals.
- G. To establish a place of meditation and worship, promote religious and educational activities for the benefit of Anavils.
- H. To provide assistance to needy members and their families whenever and wherever possible.

**ARTICLE III**

**Membership, Eligibility and Dues:**

- A. All adult Anavils and their spouses shall be eligible for membership of the Samaj upon payment of annual dues payable in advance, as per schedule provided under the by-laws.
- B. There shall be three (3) classes of members: *General Members and Associate/Honorary Members and Anavils living outside Ontario.*
- C. Membership should be renewed by the first (1<sup>st</sup>) of June every year.

## **ARTICLE IV**

### **The Executive Committee:**

The “*Executive Committee*” shall consist of:

- A. President
- B. Vice President
- C. Treasurer
- D. Secretary
- E. Executive Members (5)
- F. Immediate Past President

## **ARTICLE V**

### **Amendment of the Constitution:**

- A. Notice of motion of amendments to the Constitution shall be delivered in writing or electronically to the secretary at least eight (8) weeks prior to the date of the general meeting at which it is to be considered. The Secretary shall send such notice to each member at least three (3) weeks prior to the said meeting.
- B. Changes in the Constitution shall require the assent of two-thirds of the paid members present at the general meeting.

## **ARTICLE VI**

### **The Office of the Samaj:**

The registered office of the Samaj shall be in the Municipality of Greater Toronto Area in the Province of Ontario, Canada.

## **ARTICLE VII**

### **Dissolution:**

The Samaj may be dissolved if 75% of the paid members requisite and vote for the dissolution.

Upon dissolution, all the assets of the Samaj including bank and cash funds, chattels and account receivables shall be distributed to such charity or charities as voted by a simple majority by the paid members.

## **ARTICLE VIII**

### **Founding of the Samaj:**

Notwithstanding the adoption of this constitution by the first (1<sup>st</sup>) general body meeting held at Toronto on April 22, 2001, the provision herein shall not invalidate the proceedings at the meeting.

## **ARTICLE IX**

### **The Calendar Year:**

The fiscal year of the Samaj shall commence on June 1<sup>st</sup>. of each year and will end on May 31<sup>st</sup> of the following year. The formation date of the Samaj shall remain as April 22, 2001.

## **ARTICLE X**

### **By-Laws:**

The Executive Committee may make by-laws which shall be operative until submitted for ratification to the next annual general body meeting at which time they may be ratified and continued or amended and continued or rejected and discontinued without prejudice anything already done under the by-laws.

## **BY- LAWS**

### **By-Law #1**

#### **Amendment of the By-Laws:**

- A. Notice of motion for amendments to the by-laws shall be delivered in writing or electronically over the signatures of at least five (5) paid members to the Secretary at least eight (8) weeks prior to the date of the general meeting at which it is to be considered. The Secretary shall send such notice to each member at least three (3) weeks prior to the said meeting.
- B. Change in by-laws shall require a simple majority of the paid members present at the general meeting.

## **By- Law #2**

### **Membership:**

- A. The Secretary on behalf of the membership committee accepts applications for General Membership, Associate/Honorary Membership and Membership for Anavils living outside Ontario. The Executive Committee has the power to remove members for non-payment of dues or for other reasons, which adversely affect the Samaj.
- B. *Honorary* and *Associate* member shall be:  
Non-Anavils interested in the well being of the Samaj. Any paid member can nominate an individual to become an associate/honorary member with a recommendation by two other paid members of the Samaj. Only one nomination can be submitted per paid member per year.
- C. Anavils living outside Ontario can become the members of the Samaj upon paying Appropriate fees outlined in by-law #3.

## **By-Law #3**

### **Fees:**

- A. The fiscal year and the membership year will be from May 1<sup>st</sup> of each year to April 30<sup>th</sup> of the following year.
- B. The annual fees are due on or before May 1<sup>st</sup> of each year.
- C. A family is defined as a husband, wife and unmarried children living with parents.
- D. The annual fees shall be as follows:

Family Membership	\$ 100.00
Each additional adult member (relative other than Senior Citizens – age 65 and under of the Family Member residing at the same address)	\$ 35.00 each
Dependent Anavil Senior Citizens - age 65 & over of the Family Member Residing at the same address	\$ 25.00 each
Independent Anavil Senior Family - age 65 & over (or \$ 35.00 each)	\$ 70.00
(includes Administration fees, 2 picnics, Diwali Dinner and a children program).	
<u>Family Membership for Canadian Citizens living abroad – Same fee structure as above.</u>	
(includes Administration fees, 2 picnics, Diwali Dinner and a children program).	

#### **OR**

Family Membership including Senior Citizens	\$ 25.00
Each additional adult member (relative of the Family Member residing at the same address)	\$ 10.00
(includes Administration fees only).	
Independent Anavil Senior Family - age 65 & over (or \$10.00 each)	\$ 20.00
Associate/Honorary Members	FREE
Anavils living outside Ontario (includes cost of mailing only)	\$ 10.00

All paid adult members over the age of eighteen (18) shall have equal rights.

## **By-Law #4**

### **Nominations, Elections and Terms of Office and Officers:**

- A. Nominations to the Executive Committee shall be accepted from the time the notice of the annual general meeting is sent out by the Secretary up to the beginning of the annual general meeting. Two (2) members nominating the person should sign them and the nominee should also sign his/her name on the nomination as an approval.
- B. If the numbers of the nominations are more than the members of the Executive seats, a secret vote will be taken via authorised ballot at the general annual meeting. The Secretary and a scrutiner who will be appointed by the Executive Committee will count the votes.
- C. The paid members at the annual general meeting shall elect the President, Vice President, Secretary, and Treasurer (known as officers of the Samaj) for a period of two years and the remaining five (5) Executive Members also for a period of two years.
- D. The officers shall not hold the same office for more than two (2) consecutive terms. Other members of the Executive committee shall also not hold the same office for more than two consecutive terms.
- E. The Executive Committee may submit a slate of candidates to the membership fifteen (15) days in advance of the general body meeting, without prejudice to the right of the members to nominate candidates for election as provided earlier.
- F. All documents, books of accounts and other property of the Samaj shall be handed over to the new officers within two (2) weeks of their elections.
- G. Inventory lists will be maintained and updated by the Treasurer.
- H. Cooking utensils and accessories shall be loaned to the members of the Samaj upon payment of \$100.00 as deposit. A minimum of \$25.00 will be accepted as a donation for the use of the utensils.
- I. To be elected President of the Samaj, an individual must have served on the Executive Committee for at least two (2) years. To be elected to the Executive Committee, the person must have been a member of the Samaj for at least one (1) year.
- J. The Executive Committee may co-opt up to five (5) members. Such co-opted members shall take part in the discussion of the Executive Committee but shall have no right to vote.

## **By-Law #5**

### **General Meeting:**

- A. Annual general meeting shall be held within forty-five (45) days of the end of the fiscal year to approve the audited financial reports and to elect the new Executive Committee. The Secretary shall send such notice to each member at least three (3) weeks prior to the said meeting. This notice can be sent electronically, however, paid members who do not have access to internet will be mailed a hard copy by Canada post or hand delivered.
- B. Extraordinary general meeting can be called by the President or by six (6) members of the Executive or one-third of the paid members of the Samaj to consider and determine any questions related to the affairs of the Samaj.
- C. Any measure proposed in writing by ten (10) or more paid members must be considered at a general meeting but the Executive Committee shall have the power to decide whether it is to be brought before the extraordinary general meeting or to the next general meeting.

## **By-Law #6**

### **Quorum and Disqualifications:**

- A. Twenty-five (25) percent of paid members shall form a quorum at any general meeting of the Samaj.
- B. Five (5) members shall form a quorum at any meeting of the Executive Committee. However, at least one of the five members must be either the President, Vice President or the Secretary.
- C. A meeting adjourned for want of quorum may be called upon by fifteen (15) days notice to all paid members by prepaid mail and/or electronic means and the members present at this meeting will constitute a quorum.
- D. The Secretary shall give at least one (1) week notice of a meeting, unless the majority of the paid members waive the notice, in which case the meeting shall be deemed as duly called.
- E. Non-members and Honorary/Associate members cannot vote at any general meetings.
- F. Executive Committee members absent from four (4) consecutive meetings shall automatically lose their place on the Executive Committee, except if they prove that they were out of town or were sick or any serious reason accepted by the Executive Committee. The Executive Committee shall fill these vacancies until the next election.

## **By-Law #7**

### **Auditors and Legal Advisors:**

- A. One or more auditors(s) shall be appointed at each annual general meeting to hold office until the next annual general meeting.
- B. It shall be the duty of the auditor(s) to examine the accounts of the Samaj and to assure that the accounts are properly kept and they represent the true state of the finances of the Samaj.
- C. One (1) or more legal advisors shall be appointed for a legal advice to the Samaj at each annual general meeting to hold the office until the next annual general meeting.

## **By-Law #8**

### **Duties and Powers of the Executive Committee and Officers:**

- A. The Executive Committee shall conduct the business of the Samaj in accordance with the constitution and by-laws.
- B. The Officers may appoint *sub-committees* consisting of Executive Committee Members and other paid members with such terms of reference and powers as it may prescribe. The sub-committee are fully responsible to the Officers and may be dissolved at the discretion of the Officers.
- C. The Executive Committee shall ensure proper and sufficient accounts are kept of the funds, receipts and expenditures of the Samaj. It shall have powers to invest surplus funds in such forms of recognized investments and quoted securities as they deem in the interest of the Samaj.
- D. The Executive Committee shall:
  - a. Collect membership fees.
  - b. Raise funds for the Samaj through entertainment, lottery and other means.
  - c. Notwithstanding anything to the contrary herein, to continue as a caretaker committee beyond its term of the office until a new Executive Committee is elected.
  - d. meet at least once each quarter to review the affairs of the Samaj.
- E. Duties of the President:
  - a. The President shall take the chair at all meetings of the Samaj and of the Executive Committee.
  - b. The President shall not vote on any question brought before any meeting, except where a deciding vote is necessary, and then he/she shall cast a vote.
  - c. The President shall direct and co-ordinate the activities of the officers and the sub-committees.

- d. The President is the Executive officer of the Samaj and may take prompt actions and decisions on any matters relating to the business of the Samaj and inform the Executive Committee at the next meeting.
- e. The President is the chief spokesperson of the Samaj.
- f. The President shall represent the Samaj personally or through delegation in all matters and dealings of the Samaj with other bodies and agencies.
- g. The President shall have power to spend up to \$200.00 on behalf of the Samaj without pre-approval.

F. Duties of the Vice President:

- a. The Vice President shall assume all duties of the President and/or duties of the Secretary and/or duties of the Treasurer in their absence.

G. Duties of the Treasurer:

- a. The Treasurer shall on behalf of the Samaj, open an account at a chartered bank, trust company or credit union and shall keep regular accounts of receipts and payments in a manner acceptable to the Executive.
- b. No sum of money payable on account of the Samaj and amounting to one hundred (100) dollars or more shall be paid except by an order of the Executive Committee and recorded in the minutes.
- c. The Treasurer shall be responsible for the collection of amounts owing to the Samaj, other than membership fees and subscriptions.
- d. The Treasurer shall prepare the accounts of the Samaj for audit and shall make available to the auditor(s) such books and documents relating to the Samaj as the latter shall require.

H. Duties of the Secretary:

- a. The Secretary shall take the minutes of the proceedings at all meetings of the Samaj and of the Executive and have them entered in the proper books. He/She shall distribute at least one week in advance, the minutes of the preceding meeting except when not permitted by time or when agreed to do so by the Executive.
- b. The Secretary shall be responsible for the correspondence of the Samaj and is also responsible for the issuing of notices and publications of all meetings.
- c. The Secretary is responsible for all printing work of the Samaj.
- d. The Secretary shall be responsible for collecting membership fees and subscriptions, and to maintain a current and detailed list of paid up members.
- e. The Secretary is responsible to provide a detailed accounting of the membership funds collected by him/her to the Treasurer at each Executive Committee meeting.

## **By-Law #9**

### **Sub-Committees:**

- A. Members of the Executive committee shall be the chairpersons of sub-committees and up to four (4) non-executives members shall be nominated to all sub-committees.
- B. A Capital Reserve Fund committee shall be established with the Treasurer as an ex-officio member.
- C. An entertainment committee shall be established with the Secretary as an ex-officio member.
- D. A membership committee shall be established with the Secretary as an ex-officio member and the President as the Chairperson.

#### Duties of the membership committee:

- 1. Accept, review and approve application for Associate/Honorary membership, duly proposed by at least two (2) paid members of the Samaj in good standing. Only one application will be accepted per paid member per year.
  - 2. Attempt to increase paid membership.
- E. A religious committee shall be established with an Executive Committee Member as an ex-officio.
  - F. A Social Services Committee shall be established with the President as an ex-officio.
  - G.
    - 1. A sports committee shall be established with an Executive Committee Member as an ex-officio.
    - 2. A Youth committee shall be established with an Executive Committee Member as an ex-officio with specific responsibilities of organizing at least two (2) youth events per year.
  - H. The scope of all sub-committees will be laid down by the Executive Committee every year depending upon the circumstances then prevailing.
  - I. The Executive Committee shall have the power to nominate additional sub-committees as it is deemed necessary from time to time.

## **By-Law #10**

### **Finance:**

- A. Quarterly financial reports shall be made available to the Executive Committee.

The year-end financial statements with the auditor's statements shall be made available to the Executives Committee within ten (10) days prior to the Annual General Meeting.

Accounts at bank, trust companies and credit unions will be operated by joint signature of the President, Vice President and the Treasurer or with the signature of any of the two (2) above.

In the absence of the President, with his/her written consent, the Vice President may sign the documents during the period of such absence.

In the absence of the Treasurer, with his/her written consent, the Secretary may sign the documents during the period of such absence.

- B. A finance committee of all present officers shall be established to be in charge of all matters relating to finance and for the development of financial policy of the Samaj.

It shall prepare a budget for the Samaj and a budget for all sub-committees within forty-five (45) days of their election and recommend them to the Executives for their approval.

## **By-Law #11**

### **The Capital Reserve Fund:**

- A. A Capital Reserve Fund shall be established with twenty five (25) percent of surplus fund at year ended April 30, 2002 and thereafter at least, twenty five (25) percent of the surplus at each year-end will be transferred to this fund. . If the 25% surplus amount comes to below \$500.00 at the end of any given year than no money shall be transferred to this fund.
- B. In the event of the dissolution of the Samaj, this fund shall be distributed to such registered charity or charities as voted by a simple majority.

**By-Law #12**

**Board of Trustees:**

- A. Board of Trustees shall be formed to consist of five (5) people, of which the President and the Treasurer shall be ex-officio members with full voting rights. The remaining three (3) seats will be filled by elections.

The term of the elected trustees will be three (3) years and one elected trustee will retire every year.

- B. Trustees shall administer a separate bank account for the Capital Reserve Fund and funds from the initiation fees, which shall be executed by the Treasurer of the Samaj.
- C. The signing power will be assigned to the Treasurer and one (1) of the trustees appointed by the board of trustees.

**By-Law #13**

The Executive Committee shall nominate representatives of the Samaj to the Federation of Gujarati Associations; three (3) for their general body and two (2) for their Board of Directors. The nominees for the Board must be members of the current Executive Committee of the Samaj. If the nominees are not members of the Executive Committee, they shall become co-opt members of the Executive Committee upon nomination and will be invited to attend all the Executive Committee meetings.

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