



CONSTITUTION REVIEW COMMITTEE

PACK

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VISION & SUMMARY OF THE PROPOSED CONSTITUTION

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PREAMBLE

Taking into account the resolution passed at the postponed Triennial Conference in May/June 2021 that a Constitution Review Committee (CRC) be formed to conduct a thorough review of the WF Constitution and the Standard Operating Procedures (SOP) for the Presidential elections; and

Acknowledging the common concern within the World Federation membership, the majority having submitted in writing to the CRC their specific concerns within the existing constitution and SOP; and

Recognising the importance of the task that was entrusted to the CRC; and

Noting the importance of ensuring an inclusive solution of writing a Constitution and SOP that would meet the needs of the community for decades to come; and

Affirming the importance of having a system in place that addresses the shortcomings of the existing Constitution and SOP; and

Recognising the importance of the engagements within the World Federation membership;

the Constitutional Review Committee (CRC): having held more than 30 meetings, and numerous more work stream deliberations; and having held discussions of the draft documents with regional members inviting further input and feedback; and having sought legal advice through the process so the documents comply legally with the UK Charity rules and regulations; and having consulted with a number of 'Ulama, incorporating their inputs to ensure that the documents abide by the Shia Ithna-Asheri Shari'a;

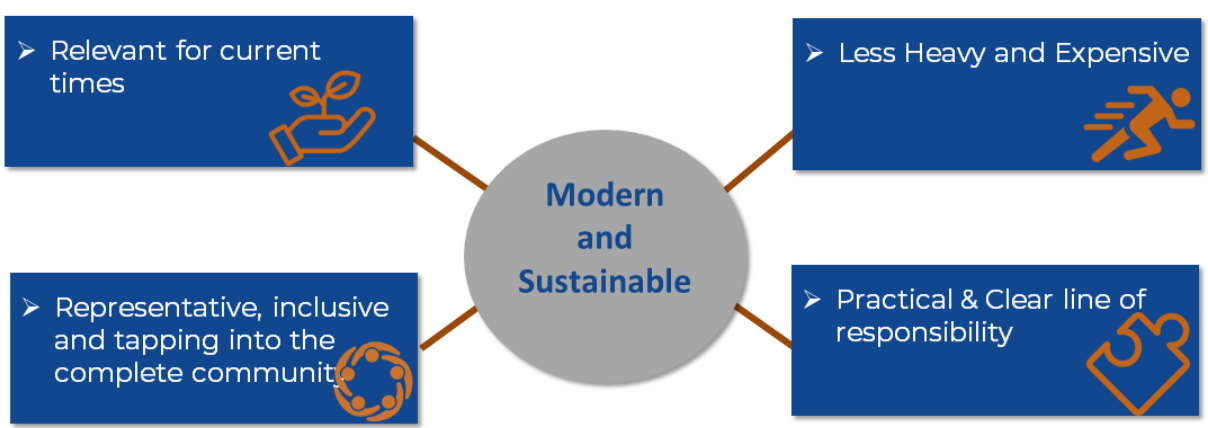
the Constitutional Review Committee (CRC): hereby believe that the attached proposed Constitution, SOP for the Election of the President and the Alternative Dispute Resolution (ADR) have duly fulfilled the requested task set by the Conference of May/June 2021.

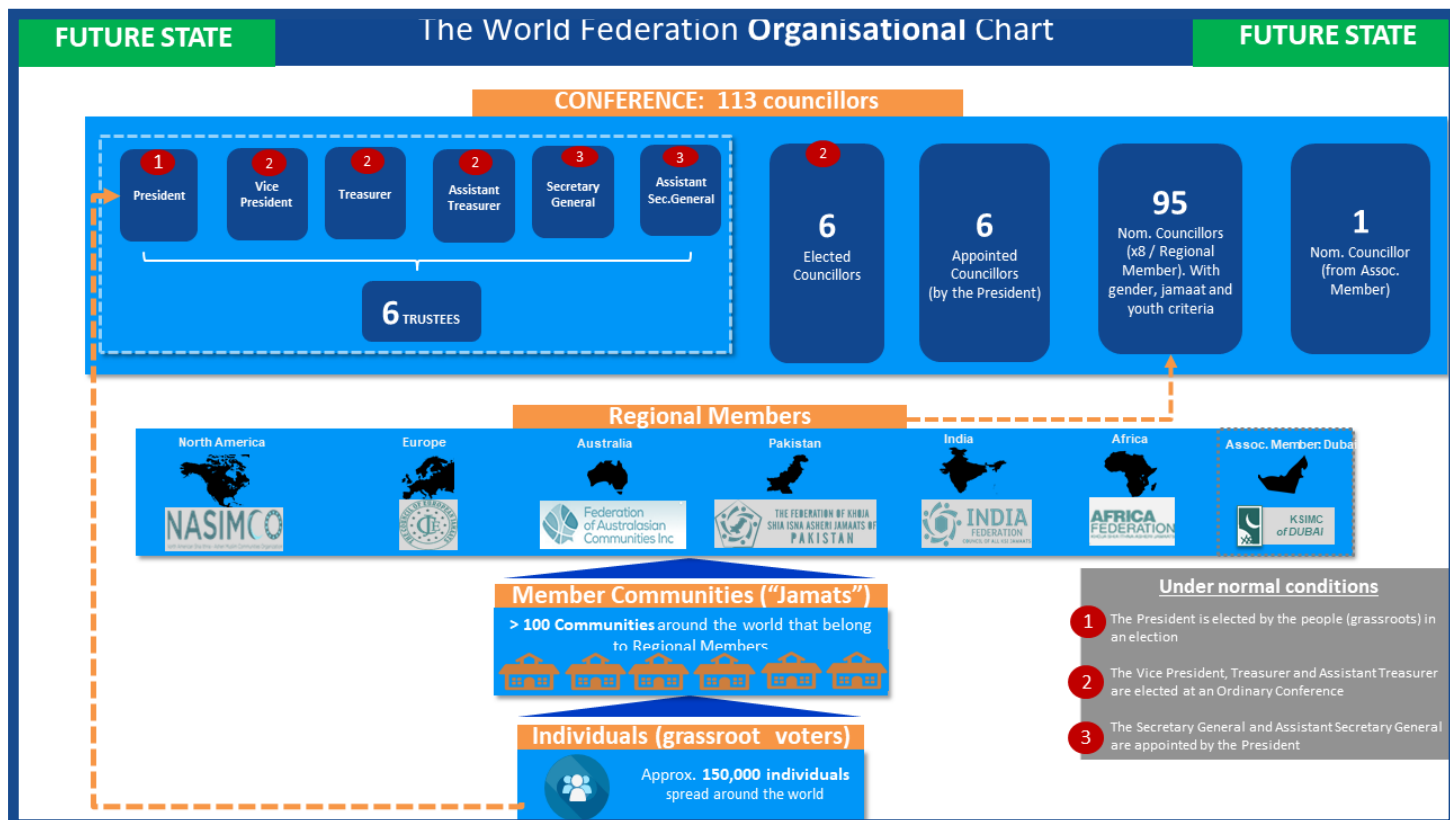
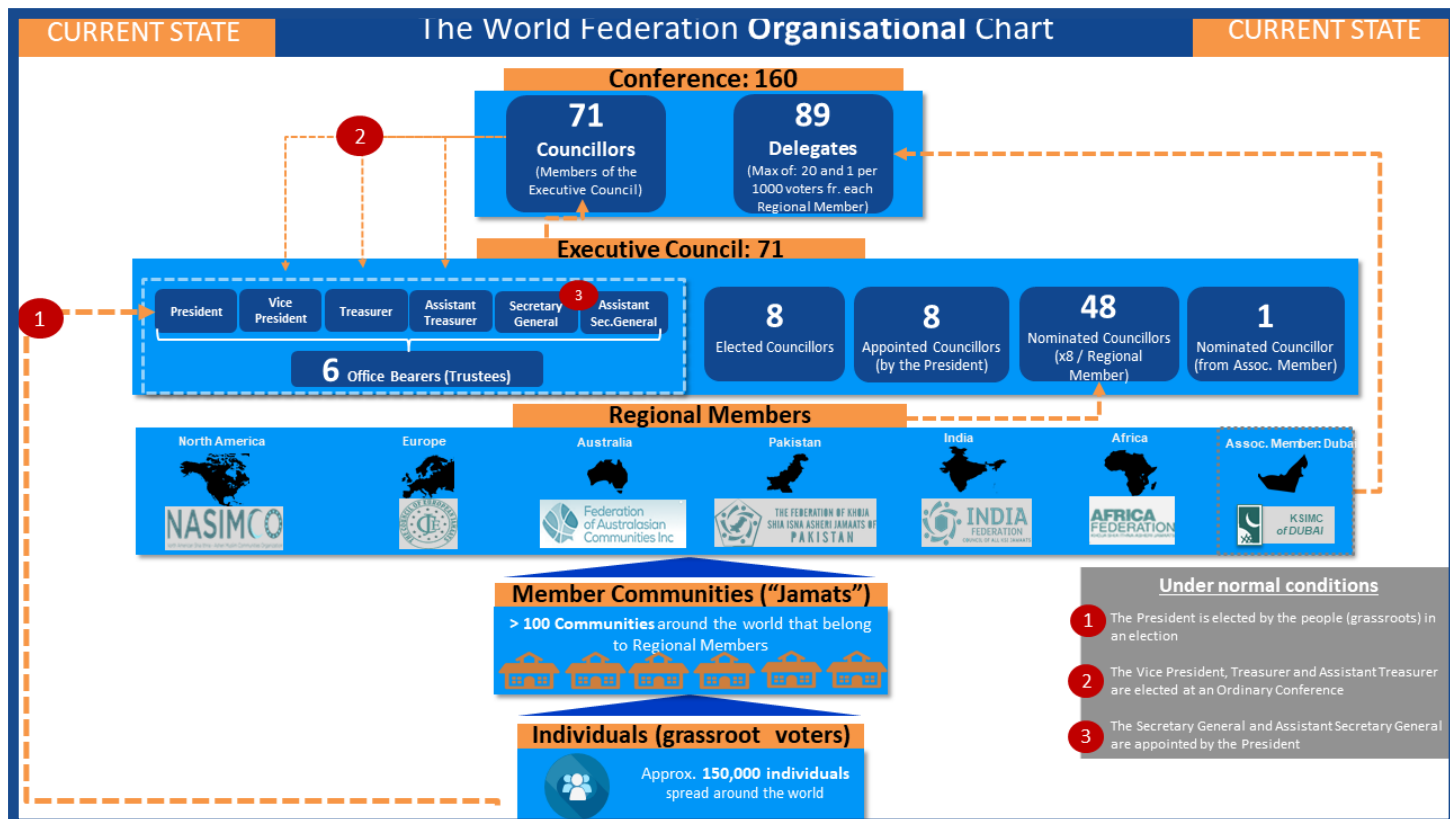
The Constitutional Review Committee
7th April 2023

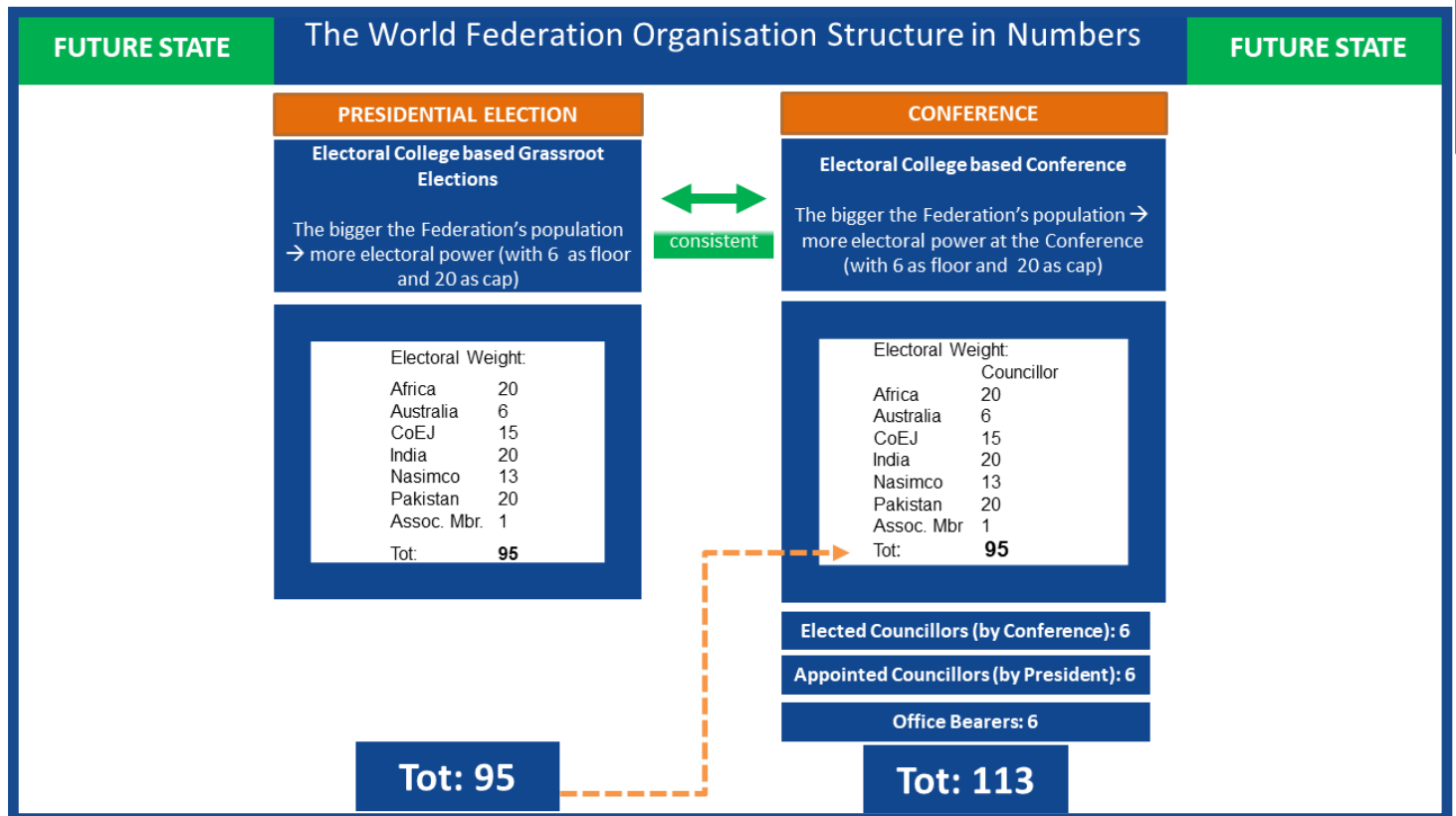
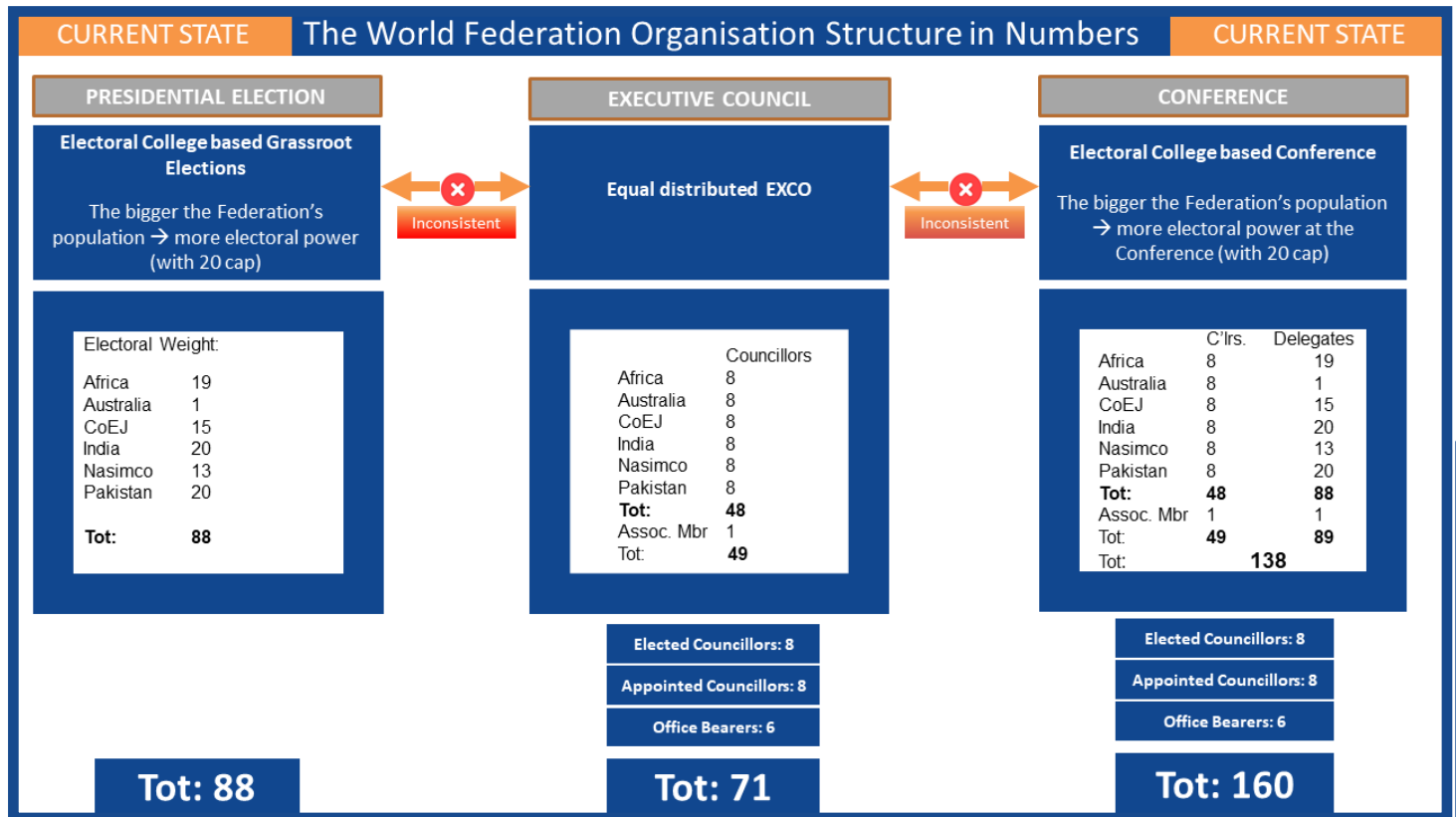


Purpose: A WF Constitution that is fit for current times & decades ahead

We require an organisation that is:









We must simplify with an effective Governance

- Current structure: A 3-tier layer of responsibility;
(I) Conference (II) ExCo (II) Office Bearers
 - Is a structure that falls short of accountability and is not sustainable
 - Legal advice: Expect that CIO application, with a 3-tier governing structure, will unlikely be approved.
- However, If the the Current ExCo & Conference was replaced by a re-structured and dynamic supreme governing body – this would have far more advantages in **accountability, sustainability and transparency.**

A slim lined 2-tiered structure, with Conference and Board of Trustees will be more effective and ticks all the the boxes of a modern and sustainable global body



Advantages with a 2-tier Structure

- ✓ A direct line of communication, reporting line and accountability between the Office Bearers (the board of Trustees) and the Conference (The Global Body).
- ✓ Conference provides instructions and guidance to the board of trustees – no ambiguity as no third layer involved;
- ✓ No waiting for 3 years' cycle. There will be at least one Conference per year.
- ✓ The annual conference will approve accounts and budgets on a yearly basis (in current practice – ExCo cannot approve annual accounts, only the Triennial conference (restricted to a three year budget prepared by the outgoing team).
- ✓ All the restrictions that the ExCo have are removed in two tier system.
- ✓ The two tier responsibility is in line with the CIO model.
- ✓ In an emergency, a conference can be called immediately to resolve the issue (currently only Exco can and to a certain extent by regional feds).



Making THE WF More Effective & Agile

The Regional Federation Councillors

Minimum 6 councillor
+ 1 more per 1,000 members above 6,000

x2 Councillors are Office Bearers:
The Presidents (or Chair) and the Secretary General

Regions must nominate both females and youth

- x2 Councillors must be female
- x1 Councillor must be 35 years or under

- Kept at a minimum mass, to make the conference manageable, accountable, engaged, yet at a mass that is representative
- To make decisions at Conference level anchored on Regional level, the President/Chair and Secretary General will have guaranteed councillor positions. Other Office Bearers of Regional Federations can also be nominated as councillors.
- Female and youth representation has been on the agenda for a while. However, The WF needs to lead by example together with its Regional members.

	Current	% of total (160)	Future	% of Total	Change #	% Change of total (113)	Note
Females	0	0.0%	12	10.6%	12	✓ 10.6%	✓ Based on "guaranteed representation"
Youth	0	0.0%	6	5.3%	6	✓ 5.3%	✓

The World Federation Organisational STATS

	Current	% of Total (160)	Future	% of Total	Change #	% Change of Total (113)	Note
Votes at Conference							
Africa	27	16.9%	20	17.7%	-7	0.8%	Vote change less than 2% for any individual region
Australia	9	5.6%	6	5.3%	-3	-0.3%	
Nasimco	21	13.1%	13	11.5%	-8	-1.6%	
COEJ	23	14.4%	15	13.3%	-8	-1.1%	
Pakistan	28	17.5%	20	17.7%	-8	0.2%	
India	28	17.5%	20	17.7%	-8	0.2%	
Assoc. Member	0	0	1	0.6%	+1	0.6%	
Elected Councillors	8	5.0%	6	5.3%	-2	0.3%	Vote change less than 2% for any individual region
App. Councillors	8	5.0%	6	5.3%	-2	0.3%	
Office Bearers	6	3.8%	6	5.3%	0	1.6%	



Making The WF More Effective & Agile

Increasing Transparency, & Accountability



Consultation Leadership Committee (CLC)

- This is an enhancement of the PSS. **Although advisory**, it is a forum for trustees to **consult** the member regions to advise and give feedback on progress
- It is also an **excellent forum to consult when sensitive or urgent matters occur**.
- The meeting can take place **virtually or in a hybrid form**. Although advisory, **records of the minutes** will be kept

Keeps The WF relevant, connected to regional members and nimble to changing times

An Internal Forum for Conflict Management



Alternative Dispute Resolution facility (ADR)

- Alternative Dispute Resolution (ADR) Facility comprising of trained Conciliators, Mediators, Adjudicators and Arbitrators from within the community.
- This will cover adjudication related to disputes raised in election processes concerning candidates, Electoral commissioner and by limited scope, other general matters.
- This is a process to reach solutions internally, rather than going to court and involving external parties.

Disputes can be solved by internal experts. Avoids courts, and 'Ulama recommends it is better to solve community conflicts internally. Increases capacity building.



Further Practical Advantages with the proposed Constitution:

- ✓ Wide optionality in participation in Conferences and meetings (electronic / hybrid / physical)
- ✓ Consultation Leadership Committee (CLC) ensures alignment with regional members.
- ✓ Conflict management is strengthened with an Alternative Dispute Resolution (ADR) facility.
- ✓ Better alignment between Constitution and SOP for Presidential Elections. Feedback from history has been incorporated which gives The WF an excellent opportunity to re-vamp and make itself stronger
- ✓ Ensures robustness Trustee level at times of resignations (single / multiple / en masse)
- ✓ Enhanced clarity on Board of Trustees: Both remit as well as modus of decision making
- ✓ Electoral weights for Regional Federations are much more coherent between Conference and Presidential Elections
- ✓ The Constitution has a definition of Khoja, been through religious guidance consultation, legal advice, includes an explanation of terminology and is much more user friendly



A SUMMARY VIEW:

- Simplified structure, Accountable and goals-oriented. Applicable to the CIO



- Instead of a 3-year cycle conference, we propose a Dynamic and more active Conference. This supreme body meets at least once every year.

- **Fits the the CIO model.** Legal advice suggests that the Charity Commission's CIO template allows for one or max 2 tiers of governance (not more).

- **The Conference become one supreme body**
- The responsibilities of the Board of Trustees (i.e Office Bearers) towards the Conference, especially reporting, consulting will be more defined. This enables **goal tracking** and **accountability**.

- Less Heavy and Expensive



- The WF Conference through the term comprising of the "The WF Councillors", will be smaller in number, yet not too big. The **113** (vs. ExCo 71 today) and the present Conference 160.

- The Triennial Conference will have Elections of key posts, sets the tone and the agenda of the new term.

- Each Conference will have a physical venue. However, there will be **provision to run it Hybrid** (i.e. a mix of virtual and physical).

- Inclusive, Relevant and tapping into the complete community



- At least x2 Councillor seats per region will be reserved for Office Bearers (the respective Presidents and SGs will be a councillors).

- Minimum 6 councillors per region. Each region with more than 6,000 members, has one additional councillor seat for each 1,000 members. (Capped at max 20).

- At least x2 councillors from each region must be female.
- At least x1 councillor from the youth age bracket (must be 35 years or under).



CONSTITUTION OF THE WORLD FEDERATION OF KSIMC

(Proposed by the Constitutional Review
Committee (CRC 2021) that was formed at the
Postponed 2020 Conference in May 2021)

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A PRAYER

In The Name of Allah, the Beneficent, the Merciful.

All Praise is due to Allah Subhanahu Wa Ta'ala

Who through His benevolence has bestowed upon us as His favour,
the inspiration to form this body which we hereby do,
and we pray for His help and guidance in the attainment of our purpose
and we pray for His pleasure
and we also pray for His blessings to be showered on Prophet Muhammed
(s.a.w.) and his progeny.

PREAMBLE

We the Organisations comprising of the followers of the Shia Ithna-Asheri Muslim faith

RECOGNISING THAT all efforts to serve the believers in particular and humanity in general should be for the sake of none but Allah;

RECOGNISING THAT believers are guardians of one another, they enjoin good and forbid evil;

RECOGNISING THAT commandment of Allah is to establish justice on earth, therefore, a Muslim society acts as an instrument to ensure that His commandment is fulfilled; and

RECOGNISING THAT the affairs of a Muslim society are conducted by consultations, do ordain and establish this Constitution.



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1. Title

- 1.1** There is hereby established a Federation of the Khoja Shia Ithna-Asheri Muslim Communities and the Shia Organisations throughout the world to be known as the World Federation of Khoja Shia Ithna-Asheri Muslim Communities hereinafter referred to as “the World Federation”.
- 1.2** The World Federation is a religious charitable organization registered in the United Kingdom with Charity Number 282303. As such, the World Federation operates in accordance with the applicable rules and regulations as contained within the laws of the United Kingdom..

2. Definitions

In this Constitution the following expressions (listed alphabetically) shall have the following meanings:-

- 2.1** “ADR Facility” shall mean the World Federation Alternative Dispute Resolution (ADR) facility established under Clause 31 of this Constitution for the use and benefit of the Regional Members, Constituent Members, Jamaats and community members;
- 2.2** “Assistant Secretary General” shall mean the Assistant Secretary General for the time being of the World Federation who is a Khoja Shia Ithna-Asheri Muslim member of the Community, being appointed in accordance with Clause 19.1.3(e) of this Constitution;
- 2.3** “Assistant Treasurer” shall mean the Assistant Treasurer for the time being of the World Federation who is a Khoja Shia Ithna-Asheri Muslim member of the Community, being elected in accordance with Clause 19.1.3(f) of this Constitution;
- 2.4** “Associate Member” shall mean an individual Khoja Shia Ithna-Asheri Muslim Jamaat constituted or existing in a geographical region where no Regional Federation exists and which is admitted to associate membership of the World Federation under Clause 3.1.2 of this Constitution;
- 2.5** “Board of Trustees” shall mean the Board of Trustees comprising the Trustees constituted as set out in Clause 19.1.1 of this Constitution;



- 2.6** “Charities Act” shall mean the Charities Acts 1992 to 2022 and any statutory modification thereof;
- 2.7** “Community” shall mean all those persons throughout the world who are of the Shia Ithna-Asheri Muslim faith;
- 2.8** “Conference” shall mean an Ordinary or an Extraordinary Conference of the World Federation convened by the Board of Trustees in accordance with Clause 9.1 of this Constitution and includes an Extraordinary Conference requisitioned under Clause 9.4 of this Constitution. An Ordinary Conference may be an Annual Conference or a Triennial Conference or an Ordinary Conference other than Annual or Triennial Conference held at any other time;
- 2.9** “Constituent Member” shall mean a member of a Regional Member that is a member of the World Federation;
- 2.10** “Constitution” shall mean this Constitution as originally adopted subject to any amendments made in accordance with the provisions hereinafter contained;
- 2.11** “Consultation Leadership Committee” or “CLC” shall mean a consultative and advisory body of the World Federation called the Consultation Leadership Committee constituted under Clause 19.1.2 of this Constitution;
- 2.12** “Councillor” shall mean a Councillor to the Conference either elected or nominated by a Regional Member or Associate Member of the World Federation or appointed or nominated by the Board of Trustees or elected by the Conference;
- 2.13** “Electoral College Points” shall mean the definition set out in Clause 20.3.4 of this Constitution;
- 2.14** “Electoral Commission” shall mean the Electoral Commission of the World Federation for the time being elected in accordance with Clause 27 of this Constitution;
- 2.15** “Financial Expert” shall mean an individual, company or firm who is an authorised person or an exempted person within the meaning of the Financial Services Act 1986 as amended from time to time;



- 2.16** “Geographical Regions” shall mean the 7 defined Regions comprising America, Europe, Middle East, Africa, Pakistan, India and East Asia/Oceania;
- 2.17** “Jamaat” shall mean a community or organisation of at least 50 persons professing Shia Ithna-Asheri Muslim faith;
- 2.18** “Khoja Shia Ithna-Asheri Muslim” means a person who:
- (a) can trace his/her geographical origin and familial lineage either through his or her father or mother to Sindh, Kutch and Kathiawad in Gujarat, India and specifically, the mercantile Lohana caste who practiced the Satpanth faith before they converted to Islam and has or is of Khoja Shia Ithna-Asheri Muslim Community Heritage; and
 - (b) believes in -
 - (i) the oneness of God (Allah); and
 - (ii) the Justice of God (Allah); and
 - (iii) belief in the Day of Judgement (Qayamah); and
 - (iv) Prophet Muhammad (s.a.w.) as the final Messenger of Allah; and
 - (v) the Holy Qur’an revealed to Prophet Muhamed (s.a.w.),
 - (vi) Imam Ali ibn Abi Talib (a.s.) as the first of twelve infallible divinely appointed rightful successors of Prophet Muhammed (s.a.w.) and
 - (vii) the 11 divinely appointed infallible Imams after Imam Ali ibn Abi Talib (a.s.) and in the concealment and messianic return of the 12th divinely appointed infallible Imam Mehdi (ATF) from the lineage of Ali ibn Abi Talib (a.s.) and believes in the infallibility of the daughter of the Holy Prophet Muhammad (s.a.w.), Sayyida Fatima Zahra (a.s.);
- 2.19** “Khoja Shi’a Ithna-Asheri Muslim Community Heritage” shall mean the Khoja heritage of a people who can trace their geographical lineage to Sindh, Kutch and Kathiawad in Gujarat, India and specifically, the mercantile Lohana caste whose initial religious and spiritual identity was Satpanthi that evolved into Ismaili, Sunni faith and finally today, Shi’a Ithna-Asheri Muslim faith being guided by the Marja (such as Ayatullah Mazandarani) and Ulama of the time (such as Mulla Qadir Husain Sahib, Mulla Haji Naji) to find the right path from the Ismaili faith;
- 2.20** “Khums”: In Islamic law, Khums refers to the required religious obligation of any Muslim to pay 20% of their acquired wealth from certain sources, after deduction



of all halal necessary expenses of the Khums year, toward specified causes as determined by the A'alam Marja 'e Taqlid;

- 2.21** "Marja'", literally meaning "source to imitate/follow" or "religious reference", is a title given to the highest level of Shia Ithna-Asheri Muslim authority, a Grand Ayatollah and the A'alam Marja 'e Taqlid followed by the majority of the Shia Ithna-Asheri Muslims worldwide, with the authority to make legal decisions within the confines of Islamic law for followers and less-credentialed clerics;
- 2.22** "Office Bearers" shall mean the President, Vice President, Secretary General, Treasurer, Assistant Secretary General and Assistant Treasurer who are Khoja Shia Ithna-Asheri Muslim members of the Community, and who are charity trustees herein for the purposes of the Charities Acts and are the members of the Board of Trustees;
- 2.23** "President" shall mean the President of the World Federation who is a Khoja Shia Ithna-Asheri Muslim member of the Community, for the time being elected in accordance with Clause 20.1 of this Constitution;
- 2.24** "Post" shall mean communication sent by post or courier in its original form;
- 2.25** "Secretary General" shall mean the Secretary General for the time being of the World Federation who is a Khoja Shia Ithna-Asheri Muslim member of the Community, appointed in accordance with Clause 19.1.3(d) of this Constitution;
- 2.26** "Sharia" shall mean God's (Allah's) immutable divine law derived from the religious precepts of Islam and is based on the sacred scriptures of Islam, particularly the Qur'an and the record of the words, actions, and the silent approval of Prophet Muhammad (s.a.w) and his twelve divinely appointed rightful successors, as transmitted through authentic chains of narrators (Hadith) and interpreted by the A'alam Marja 'e Taqlid;
- 2.27** "Standard Operating Procedures" or "SOP" shall mean the Standard Operating Procedures for the election of the post of the President of the World Federation, that shall be passed by the Conference with a simple majority by those present and voting at the Conference. Any changes or amendments to the SOP shall only be made by the Conference and shall require a resolution of the Conference with a simple majority by those present and voting at the Conference;
- 2.28** "Treasurer" shall mean the Treasurer for the time being of the World Federation



who is a Khoja Shia Ithna-Asheri Muslim member of the Community, elected in accordance with Clause 19.1.3(c) of this Constitution;

2.29 “Trustees” shall mean the Office Bearers being members of the Board of Trustees as defined herein and who are Khoja Shia Ithna-Asheri Muslim members of the Community;

2.30 “Vice President” shall mean the Vice President of the World Federation who is a Khoja Shia Ithna-Asheri Muslim member of the Community, for the time being elected in accordance with Clause 19.1.3(b) of this Constitution.

3. Membership

3.1 Eligibility

3.1.1 Where in a geographical region a Regional Federation of Khoja Shia Ithna-Asheri Muslim Jamaats or Organisations exists or is or has been established as may be agreed by the Board of Trustees after consultation with the Consultative Leadership Committee, then such Regional Federation shall be eligible for a single membership of the World Federation.

3.1.1.1 At the Conference that sets the date for the Presidential election, all Regional Members shall submit the total number of individuals within themselves (that is within their Constituent Members) so that the number of Councillors may be allocated by the Conference for the following term, in accordance with Clause 10.1 of this Constitution. If no such number is submitted as set out above then the number that was previously submitted would be used. And if no number was previously submitted an approximate number determined by Conference shall be used.

3.1.2 Where in any region no Regional Federation is constituted or exists then the individual Khoja Shia Ithna-Asheri Muslim Jamaat in that region shall be eligible for Associate Membership of the World Federation.

3.1.2.1 Each Associate Member, regardless of the number of individuals within itself shall be entitled to elect or nominate one representative as Councillor to the Conference;

3.1.2.2 The following provisions shall apply in relation to Associate Members:-



- (a) A Councillor elected or nominated by an Associate Member shall have full voting rights at the Conference;
- (b) A Councillor elected or nominated by an Associate Member can table, propose or second a Resolution at Conference, and shall be able to speak and participate in the Conference discussions and in the debate of any resolution;
- (c) An Associate Member shall not be entitled to nominate a Candidate for the post of President of the World Federation;
- (d) A Member of an Associate Member who is Khoja Shia Ithna-Asheri Muslim shall be eligible to be nominated for the post of President of the World Federation by any of the Regional Members;
- (e) A Member of an Associate Member who is Khoja Shia Ithna-Asheri Muslim shall be eligible to be nominated for the post of an office bearer of the World Federation; and
- (f) A Member of an Associate Member shall be eligible to vote for a candidate for the post of President of the World Federation.

3.2 Application

- 3.2.1** All applications for membership and associate membership of the World Federation shall be directed to the Secretary General and shall be considered by the Board of Trustees. The Board of Trustees shall consult with the Consultative Leadership Committee on the application.
- 3.2.2** No application for membership shall be considered unless the aims and objects of the applicant are consistent with and compatible with the aims and objectives of the World Federation.
- 3.2.3** The Board of Trustees shall put forward the application to the next available Conference with its recommendation whether to accept or reject the application. The decision to accept or reject the application shall be that of the Conference.
- 3.2.4**
 - (a) Where a Regional Member or Associate Member of the World Federation wishes to surrender its membership of the World Federation



it shall notify the Secretary General in writing of the proposed surrender of its membership and the proposed surrender date.

- (b) The Secretary General shall forward the written notification to the Board of Trustees for its information and consideration. The Board of Trustees shall put the notification before the next Conference for its decision.
- (c) After consideration and discussion and acceptance by the next Conference of the proposed surrender of membership, the Regional Member or Associate Member concerned shall be removed from the membership of the World Federation, after payment of all outstanding dues and settlement of outstanding liabilities owed by the Member concerned.

3.2.5

- (a) Where a Regional Member or an Associate Member changes its name, address and other particulars it shall give written notification of these changes to the Secretary General and the Secretary General shall inform the Board of Trustees and update the particulars on the records of the World Federation.
- (b) Where a Regional Member or an Associate Member amends and changes its Constitution, it shall give written notification of these changes to the Secretary General and provide the amended Constitution to the Secretary General. The Secretary General shall inform the Board of Trustees and update the amended Constitution on the records of the World Federation provided the constitutional changes are not inconsistent or incompatible with World Federation objectives.
- (c) Where the constitutional changes are inconsistent or incompatible with World Federation objectives then the Member concerned shall not be eligible to be the World Federation member and this matter would be discussed by the Board of Trustees and the matter raised for the next Conference for its determination and pending such determination the membership of the Member concerned shall be suspended.

3.3 Contravention of the Constitution

- 3.3.1 If at any time it shall come to the knowledge or information of the Secretary General that any Regional Member or Associate Member has



contravened any provision of the Constitution or rules made there under or any directive or decision of the Conference or the Board of Trustees, the Secretary General shall immediately make necessary investigation and if the Secretary General is satisfied that there exists sufficient evidence of such contravention, the Secretary General shall report it to the Board of Trustees and give notice thereof to the Member concerned.

- 3.3.2** Not less than 14 days after notification of the charges to the Board of Trustees and to the Member concerned as stated in Clause 3.3.1 above, the Secretary General shall convene a special meeting of the Board of Trustees, to consider the charges and give due notice of such meeting to the Member concerned and inform such Member of its right to attend such meeting of the Board of Trustees and answer the allegations in support of its defense or make written representations in this behalf or both.
- 3.3.3** The meeting of the Board of Trustees shall be convened on the date fixed by the Secretary General and shall hear the charges as specified by the Secretary General and make its determination thereon. The quorum for such a meeting of the Board of Trustees shall not be less than five Trustees and its decision shall require the support of five of the Trustees present at the meeting. The Consultative Leadership Committee shall be invited to such meeting to observe and witness the proceedings and the Board of Trustees shall seek advice of the Consultative Leadership Committee in arriving at their decision.
- 3.3.4** At the conclusion of its determination, the Board of Trustees may reject the charges or reprimand or suspend the Member for such period of time as it may consider appropriate and in the event of such Member committing a second or subsequent contravention, the Board of Trustees may, subject to the compliance of the procedure hereinbefore referred to, in respect of such subsequent contravention, exclude it from membership of the World Federation.
- 3.3.5** If aggrieved by the decision of the Board of Trustees the Member may within 60 days of being notified of the decision of the Board of Trustees, appeal to the Conference against the decision but such appeal shall be heard and determined by the Conference at its next sitting to be held in the normal course of events. The decision of the Conference shall be final and binding.



4. **Objects**

The objects of the World Federation shall be:

- 4.1 to promote the Shia Ithna-Asheri faith throughout the world;
- 4.2 to relieve poverty amongst the members of the Community;
- 4.3 to educate members of the Community; and
- 4.4 to establish and provide aid in health amongst the members of the Community.

5. **Powers of the World Federation**

In furtherance of the above objects, but not further or otherwise, the World Federation shall have the following powers (that shall be exercised by a body having exclusively charitable objects and only in so far as may be permitted by the Shia Ithna-Asheri Muslim Sharia):-

- 5.1 to promote and organise religious and educational instruction;
- 5.2 to establish and assist in the formation of religious and secular educational and welfare institutions and training schemes;
- 5.3 to co-ordinate and unify the religious customs, conventions and observances of the Community;
- 5.4 to settle any differences or disputes amongst its Members and in the Community;
- 5.5 to hold conferences, meetings, seminars and discussions;
- 5.6 to publish, produce and distribute and to assist in the publication, production and distribution of books, literature, films, pamphlets, posters, periodicals and journals;



- 5.7** to collaborate and co-operate as appropriate with other religious Organisations throughout the world;
- 5.8** to purchase, take on lease, exchange, hire or otherwise acquire any real or personal property and any rights or privileges;
- 5.9** to amalgamate or affiliate with or to acquire or take over the undertaking of any charitable institution or body and all or any of the assets thereof which the World Federation may lawfully acquire or takeover;
- 5.10** to make arrangements for carrying on the work of the World Federation and for this purpose to engage and provide in whole or in part for the salaries and wages of all officials and employees (not being officers of the World Federation) and all other expenses incidental to the management of the property of the World Federation or any purpose connected with the World Federation;
- 5.11** to sell, let, mortgage, dispose of or turn to account all or any of the property or assets of the World Federation (but only in accordance with the restrictions imposed by the Charities Acts);
- 5.12** to establish and support or aid in the establishment and support of any charitable company, association or institution and to subscribe or guarantee money for charitable purposes (but only in accordance with the restrictions imposed by the Charities Acts);
- 5.13** to employ solicitors, accountants, bankers, brokers or other agents to transact any business (including the receipt and payment of money);
- 5.14** to deposit any part of the property of the World Federation or the documents of title relating thereto at any bank for such period or periods as it may think fit (but only in accordance with the restrictions imposed by the Charities Acts);
- 5.15** to raise money without security or upon the security of the property of the World Federation or any part or parts thereof by way of mortgage, charge or otherwise and upon such terms and subject to such conditions as shall be considered expedient (but invest only after obtaining advice from Financial Experts and having regard to the suitability of investments and the need for diversification);



- 5.16** to accept or to disclaim donations, gifts, covenants, subscriptions, legacies and other assistance including but without prejudice to the generality of the foregoing loans at interest or free of interest;
- 5.17** to open and maintain in the name of the World Federation or the Board of Trustees a banking account or banking accounts at any bank and at any time to pay or cause to be paid any moneys forming part of the property of the World Federation to the credit of any such account or accounts or cause the same to be placed on deposit with any bank and to borrow money on overdraft from any bank; (but invest only after obtaining advice from Financial Experts and having regard to the suitability of investments and the need for diversification);
- 5.18** to do all such other lawful things as are in furtherance of the objects of the World Federation and that do not involve the application of the property of the World Federation otherwise than for exclusively charitable purposes;
- 5.19** to set aside funds for special purposes or as reserves against future expenditure;
- 5.20** to delegate the management of investments to a Financial Expert, but only on terms that:
- 5.20.1** the investment policy is recorded in writing by the Financial Expert for the Board of Trustees;
 - 5.20.2** every transaction is reported promptly to the Board of Trustees;
 - 5.20.3** the performance of the investments is reviewed regularly with the Board of Trustees;
 - 5.20.4** the Board of Trustees are entitled to cancel the delegation arrangement at any time;
 - 5.20.5** the investment policy and the delegation arrangement are reviewed at least once a year by the Board of Trustees;
 - 5.20.6** all payments due to the Financial Experts are on a scale or at a level, that is agreed in advance and are reported promptly to the Board of Trustees on receipt;



5.20.7 the Financial Expert must not do anything outside the powers of the Board of Trustees;

5.21 to insure the World Federations' property against any foreseeable risk and take out other insurance policies to protect the World Federation where required;

5.22 to insure members of the Board of Trustees

(a) against the cost of a successful defence to a criminal prosecution brought against them as Charity Trustees; or

(b) against potential liability incurred in respect of any act or omission that is or is alleged to be a breach of trust or breach of duty unless the Member concerned knew that, or was reckless whether, the act or omission was breach of trust or breach of duty.

5.23 to protect and improve the community's health and wellbeing, and to reduce health inequalities through the delivery of specialist health advice and services.

6. Powers of the Trustees

If at any time or times the property of the World Federation or part thereof shall comprise land or any interest therein, the Board of Trustees shall have the following powers which, subject to Clause 7.1 of this Constitution, shall be exercised when so determined by the Conference or, between Conferences and subject to any directions of the Conference, the Board of Trustees:-

6.1 power to keep any building for the time being forming part of the property of the World Federation insured against any risks with Lloyds Underwriters or some Insurance office of repute in the name of the World Federation and for such purposes all premiums and other moneys that may be required may be paid out of the assets of the World Federation;

6.2 power to apply any money for the time being forming part of the property of the World Federation in improving any land which or the proceeds of sale of which may for the time being belong to the World Federation or in erecting, enlarging, improving or rebuilding any buildings upon such land;



- 6.3** power in addition to the powers of management conferred by law upon the Board of Trustees holding land upon trust for sale to sell, exchange, convey, lease, mortgage, charge, agree to let or otherwise conduct the management of any land belonging to the World Federation as if the Trustees were the beneficial owners of such land absolutely entitled;
- 6.4** power for the purpose of promoting the efficient management and administration of the World Federation to accept, purchase or take on lease any freehold or leasehold premises for use as office premises for the management and administration of the World Federation and to apply moneys for the World Federation in the purchase or hiring of equipment for use in connection with such premises provided that such use shall be necessary to the promotion of the charitable purposes of the World Federation;
- 6.5** power to permit any freehold or leasehold premises forming part of the property of the World Federation to be occupied and used by any other charity or non-profit making institution upon such terms as to rent, rates, taxes and outgoings and as to insurance, repair and decoration as the Board of Trustees shall in the absolute discretion think fit.

7. Liabilities of the Trustees

- 7.1** The Trustees shall concur in and do all acts necessary to enable the Conference to exercise their powers hereunder unless the matter in which the Trustees are requested to concur involves or is in the opinion of any of the Trustees likely to involve the Trustees in any liability unacceptable to any of the Trustees.

8. Subscription

- 8.1** Every Member of the World Federation shall pay such subscription as may from time to time be determined by the Board of Trustees in consultation with the Consultation Leadership Committee and different levels of subscriptions may be established for different regions according to the criteria and formulae established by the Board of Trustees in consultation with the Consultative Leadership Committee;
- 8.2** The said subscription shall be due on January 1 and shall be paid to the Treasurer not later than March 31 every year;



- 8.3** Members who fail to pay their subscriptions by the due date shall automatically forfeit all their voting rights as members of the World Federation until the arrears are paid in full, provided that where a Member satisfies the Board of Trustees that the failure to pay subscription was due to genuine difficulties or other just cause, the Board of Trustees may extend the period within which the outstanding subscription must be paid and such Member shall not, during such extended period, forfeit its voting rights as a member of the World Federation.

9. Conference

- 9.1** The Conference shall be convened by the Board of Trustees. The Conference shall be either an Ordinary Conference or an Extraordinary Conference.
- 9.2** The Ordinary Conference shall be held at least once a year and shall be called an Annual Conference, where agenda items have to include a Secretariat Report presented by the Secretary General and a Treasury Report that covers the finances, presented by the Treasurer. There can be multiple Ordinary Conferences called in a year as deemed practical and necessary.
- 9.3** The Triennial Ordinary Conference shall be held every three years and besides the standing agenda items of Secretariat Report and Treasury Report, there shall be held elections of Office Bearers (other than the post of the President), Councillors and the Electoral Commission.
- 9.4** The Extraordinary Conference shall meet whenever convened by the Board of Trustees after consultation with the Consultation Leadership Committee or when requisitioned by at least two thirds of the Regional Members of the World Federation, where such requisition shall be deemed served if sent to the Secretariat, or when requisitioned by the Secretary General upon the resignation of three or more Office Bearers, or if both the President and the Vice President resign.
- 9.5** The Conference can be physical, or virtual on an electronic platform, or a hybrid combination of both physical and virtual, as stipulated in Clause 12.4 of this Constitution, with a 60 days' notice.
- 9.6** In the event of failure to give notice of the Extraordinary Conference within thirty (30) days of the requisition, the requisitioning Members may within five (5) days of the thirtieth day proceed to call an Extraordinary Conference by giving at least



30 days' notice to all Regional Members and Associate Members stating the date, venue and agenda of such Conference. Such notice shall be accompanied with a copy of their requisition.

- 9.7** If quorum at such meeting is not achieved such motion shall deem to have been defeated and no other meeting shall be convened for the matter/s mentioned in the requisition for a period of six months from the date of such meeting nor can another requisition on the same matter be submitted during that time.
- 9.8** Where an Extraordinary Conference is requisitioned for the removal of the President or for a vote of no confidence in the President, the President shall declare an interest and invite nominations for a Chairman to chair such Conference. Neither the Secretary General nor the Appointed Councillors can be nominated to chair the Extraordinary Conference meeting. If consensus cannot be reached on a Chairman, an election shall be held to elect a Chairman (however not being the President nor the Appointed Councillors) for the meeting.
- 9.9** The member or members of the Board of Trustees concerned, shall be granted reasonable opportunity to defend himself or themselves against any deemed impropriety of action if such is contained in the requisition or tabled before the Conference.
- 9.10** The Extraordinary Conference shall deliberate only upon such agenda for which purpose the said Extraordinary Conference has been convened.

10. Representation at Conference

- 10.1** Each Regional Member, regardless of the number of individuals within itself shall be entitled to elect or nominate six (6) representatives as Nominated Councillors to the Conference which must include the President or Chairman and the Secretary General of the Regional Member, as well as two female Councillors and one youth (under 35 years of age) Councillor, provided that where the number of individuals within a Member exceeds six thousand (6000) then such Member shall be entitled to elect or nominate one additional Councillor for every one thousand (1000) individuals in excess of the six thousand (6000) within such Member, provided that the total number of Councillors shall not exceed 20;
- 10.2** Unless otherwise specified in the Constitution each Regional Member of the World Federation shall have one vote per Councillor present and voting at the



Conference as its representative and all questions at any Conference shall be determined by a simple majority of the votes of those persons entitled to be present and to vote and who vote on the question or matter concerned;

- 10.3** Each member of the Board of Trustees shall have the right to attend and vote at the Conference and have full rights of a Councillor at the Conference.
- 10.4** Each Associate Member, regardless of the number of individuals within itself shall be entitled to elect or nominate one (1) representative as Councillor to the Conference. As per Clause 3.1.2 of this Constitution, they shall be entitled to vote on any matter at the meetings and propose or second a Resolution, and they may participate in the deliberations. Subject to this Constitution they may be proposed for any post in elections.
- 10.5** There shall be Ordinary Councillors, Appointed Councillors and Nominated Councillors at the Conference as follows:
- (a) Six (6) Ordinary Councillors for the Conference shall be elected by the Conference and shall hold office for the duration of the term served by the Office Bearers of the World Federation.
 - (b) Six (6) Appointed Councillors for the Conference shall be appointed by the President and shall hold office for the duration of the term served by the Office Bearers of the World Federation.
 - (c) Nominated Councillors for the Conference shall be elected or nominated by the Regional Members as per Clause 10.1 and Associate Members as per Clause 10.4 and shall hold office for the duration of the term served by the Office Bearers of the World Federation.

11. Venue of Conference

The Conference shall meet at such place and on such date as determined by the Board of Trustees after consultation with the Consultation Leadership Committee from time to time.



12. Notice of Conference

- 12.1** At least sixty (60) days prior to the convening of the Annual or Triennial Ordinary Conference and at least forty five (45) days prior to the convening of the Extraordinary Conference, the Secretary General shall, when so directed by the Board of Trustees, send a written notice to each Member of the World Federation. Such notice shall specify the date and place of the Conference and the agenda of the business set down by the Board of Trustees for the Conference;
- 12.2** Such notice shall be deemed to have been properly given hereunder upon posting of the notice by airmail and/or electronic mail to each Member at its last known address as notified to the Secretariat by such Member. It shall be the duty of each Member to notify and update the Secretariat of any changes in its address and contact details and to ensure that the Secretariat has at all times the correct contact details of such Member;
- 12.3** No meeting of the Conference shall be rendered irregular by reason only of the non-receipt of such notice by any Member where such notice has been duly given in accordance with the provision of sub-clause 12.2 of this clause;
- 12.4** Should the Board of Trustees choose to make available an electronic or other communication facility that permits all participants to communicate adequately with each other during an Annual or Triennial Conference or Extraordinary Conference, any person entitled to attend such Conference may participate by such means in accordance with the Constitution. A person participating by such means is deemed to be present at the Conference. The Board of Trustees may determine that the Conference be held, in accordance with the Constitution, by means of an electronic or other communication facility that permits all participants to communicate adequately with each other during the Conference. For the purposes of clarity, the Board of Trustees may also choose to hold a hybrid communication facility (in person and online) Conference at their discretion.

13. Additions to the Conference Agenda

- 13.1** Each Member shall be entitled to have items added to the agenda of the Annual Conference or Triennial Conference or any other Ordinary Conference if submitted to the Secretary General at least thirty (30) days before the date of the Annual or Triennial or Ordinary Conference. The Secretary General shall circulate additions to the agenda to all Members prior to the meetings of the Conference.



- 13.2** In the case of an Extraordinary Conference, other than the Extraordinary Conference specified in Clause 9.8 for the removal of the President or for a vote of no confidence in the President, any addition to the agenda shall only be made if permitted by the Board of Trustees or the Chair of the Extraordinary Conference and only if it relates to the matter for which the Extraordinary Conference was convened. Any such proposed addition to the agenda shall be submitted to the Secretary General at least fifteen (15) days before the date of the Extraordinary Conference. However, if any addition to the agenda of an Extraordinary Conference has been approved as aforesaid, the adoption of the adjusted agenda will first be sought from the Conference participants at the start of the Extraordinary Conference. The Secretary General shall then circulate any such approved addition to the agenda to all Members at the meeting of the Extraordinary Conference after such approval is given and such adoption of the adjusted agenda has taken place.
- 13.3** In the case of the Extraordinary Conference specified in Clause 9.8 of this Constitution for the removal of the President or for a vote of no confidence in the President, no additions to the agenda will be permitted prior to the Conference.

14. Chairman of Conference

- 14.1** The President of the World Federation or in his absence the Vice President of the World Federation shall be the Chairman of the Conference. In the absence of both, the Conference shall elect ad hoc a person amongst the Councillors at the Conference to preside over the meeting of the Conference as the Chairman. The Chairman can take aid of any member of the Board of Trustees to chair and conduct proceedings of the Conference.
- 14.2** In the case of equality of votes the Chairman shall have a casting vote in addition to a deliberative vote.
- 14.3** Any person chairing the meeting, who has and is determined to have any interest direct or indirect, financial or otherwise, shall immediately declare so in the meeting and vacate the chair, till such item of agenda is completed and closed. Such conflict shall be determined by a simple majority of the Councillors present and a temporary chairman shall be elected by the Councillors present.



15. Change of Board of Trustees

- 15.1** Where at any meeting of the Conference the Board of Trustees have been elected for the next term of office, the outgoing Board of Trustees shall have the right to continue to perform their duties, attend and participate at such meeting of the Conference until the conclusion of the Conference.
- 15.2** The newly elected Councillors at a Triennial Conference shall take office and start their duties upon being elected at the Triennial Conference at the end of the Triennial Conference meeting. Where a Councillor is appointed or elected between Triennial Conferences, he or she shall take office and start their duties and participate as Councillor upon such appointment or election immediately.

16. Invited Guests

The Board of Trustees of the World Federation may invite members of the Community as invited guests at the Conference. They shall not however, in the capacity of invited guests, be entitled to vote on any matter at the meetings, although they may participate in the deliberations with the permission of the chair, speak at the meetings and may, subject to the Constitution, be proposed for any post in elections.

17. Powers of Conference

- 17.1** The Conference shall have the power by a resolution passed by a simple majority of Councillors present and voting at the Conference to:
- 17.1.1** exercise or direct the Board of Trustees to exercise all or any of the powers of the World Federation;
 - 17.1.2** confirm, reverse, alter or defer its own decisions or the decisions of the Board of Trustees, the Secretariat or other committees or sub-committees set up by the World Federation (which Secretariat, committees and sub-committees shall report their decisions to the Board of Trustees as soon as possible after they have been made);
 - 17.1.3** confirm or question any rules, decisions or laws of any of its Members and



to require any such Member to rectify the matter by appropriate measures.

- 17.2** The Conference shall have the power by a resolution to amend, alter or replace any provisions of the Constitution -

PROVIDED THAT:

- 17.2.1** (a) Nothing herein contained shall authorise any amendment that shall have the effect of the World Federation ceasing to be a charity at law;
- (b) no amendment may be made to alter the objects of the World Federation if the change would undermine or work against the previous existing objects of the World Federation;
- 17.2.2** No amendment, alteration or replacement may be made to this sub clause 17.2.2 or clause 4 (objects of the World Federation) or clause 5.22 (relating to insurance for members of Board of Trustees) or Clause 28 (relating to the dissolution of World Federation) without the prior consent in writing of the Charities Commission;
- 17.2.3** No amendment, alteration or replacement of the provisions of the Constitution shall be made if it is repugnant to or in violation of the principles and tenets of the Shia Ithna-Asheri Muslim Sharia as per the guidance of the A'alam Marja' e Taqleed.
- 17.2.4** (a) for the purpose of this sub-clause every Member of the World Federation shall have one vote per Councillor present and voting at the Conference as its representative. In an in-person meeting the voting shall be by show of hands except when requested by even one delegate for ballot. However, in an online or hybrid online together with a person meeting, the online participants shall vote by raising hand online or such other manner as specified by the Chairman of the meeting, except when requested by even one Councillor for ballot;
- 17.2.5** (b) such resolution shall not be passed unless all Members have been notified of the proposed resolution thirty (30) days before the convening of the Conference and the resolution be supported at the Conference by a



seventy-five per cent majority of the votes of those persons entitled to be present and to vote and who vote on the resolutions.

- 17.3** Where the Board of Trustees consider that for any good cause a meeting of the Conference cannot be convened in due time and that a resolution needs to be considered urgently then such resolution may with the concurrence of all Regional Members of the World Federation be passed, without convening the meeting of the Conference, by postal and/or electronic mail vote –

PROVIDED THAT:

- 17.3.1** such resolution does not relate either to amendment, alteration or replacement of any provision of the Constitution or the dissolution of the World Federation;
- 17.3.2** such resolution is submitted in writing to all Members and submission is duly acknowledged by each Member and the postal vote or email vote as the case may be is required not earlier than six (6) weeks from the date of such submission; and
- 17.3.3** such resolution is supported by a simple majority. For the purpose of this sub-clause each Member shall have the same number of votes as it would have under Clause 10 of this Constitution as in the case of duly convened Conference. Such resolution shall be as valid and effectual as a resolution duly passed at a meeting of the Conference.
- 17.4** The full text of any resolution passed under sub-clause 17.3 of this clause shall be set out in the notice given pursuant to Clause 12 of this Constitution of the next Conference.

18. Quorum for Conference

- 18.1** The quorum for any meeting of the Conference shall be formed if the Councillors present at the meeting represent thirty-five per centum of the total number of Members of the World Federation and a majority of Members from at least two continents.



- 18.2** For the purpose of determining quorum, a person may be present in person or by any electronic means permitted by the Constitution for a hybrid or an online meeting, (or any absentee voting permitted by the Constitution), pursuant to an electronic or other communication facility that permits all participants to communicate adequately with each other during the Conference.

19. Board of Trustees

19.1 Composition of Board of Trustees

19.1.1 The Board of Trustees shall be composed of the following Office Bearers:

- 1.** President of the World Federation
- 2.** Vice President
- 3.** Secretary General
- 4.** Treasurer
- 5.** Assistant Secretary General
- 6.** Assistant Treasurer

It should be noted that for the purposes of the Charities Acts, the Board of Trustees are the charity trustees who bear responsibility for the management and administration of the World Federation.

19.1.2 Consultation Leadership Committee (CLC)

19.1.2.1 The CLC shall comprise:

- (a) Six persons being Shia Ithna-Asheri Muslims one person being nominated by each Regional Member;



- (b) Six persons being Shia Ithna-Asheri Muslims elected by the Conference;
and
- (c) Four persons being Shia Ithna-Asheri Muslims appointed by the Board
of Trustees.

19.1.2.2 The term of office of the members of the CLC:

- (a) shall be co-terminus with the term of the sitting President;
- (b) shall end with the end of the term of the sitting President; and
- (c) shall be renewable for a term of three years through the respective
appointment procedures applicable to them namely nomination by
Regional Members, and election by Conference and appointment by
Board of Trustees as set out in Clause 19.1.2.1 of this Constitution.

19.1.2.3 The function and duty of the CLC shall be to provide advice to the Board of Trustees, and participate in consultation meetings with Board of Trustees and provide other inputs as and when requested by the Board of Trustees. A CLC member (who is not a Councillor) shall not have voting rights at Conferences but may attend Conference meetings and participate and speak with the permission of the Chair.

19.1.2.4 The CLC meeting shall take place four times per annum and shall be convened by the Secretary General by written notice issued to the members of the CLC. The CLC meeting may be an in-person or online or hybrid meeting as specified in the written notice by the Secretary General.

19.1.2.5 All the CLC meetings shall be chaired by such member of the Board of Trustees as may be designated by the Board of Trustees.

19.1.3 Terms of Office

**(a) President**

The President shall be elected in accordance with the Standard Operating Procedures (SOP) for the election of the post of the President of the World Federation, for a term of three (3) years.

(b) Vice President

The Vice President shall be elected by the Conference and shall hold office for a term of three (3) years.

(c) Treasurer

The Treasurer shall be elected by the Conference and shall hold office for a term of three (3) years.

(d) Secretary General

The Secretary General shall be appointed by the President and shall hold the office at the President's pleasure provided that his term of office shall, subject to any re-appointment come to an end at the end of the term of office of the President except as provided in Clause 19.1.5.1 of this Constitution.

(e) Assistant Secretary General

The Assistant Secretary General shall be appointed by the President to assist the Secretary General and shall hold office at the President's pleasure provided that his term of office shall, subject to any re-appointment come to an end at the end of the term of the office of the President. The duties and responsibilities of the Assistant Secretary General shall be limited to those that are assigned and/or delegated by the Secretary General.

(f) Assistant Treasurer

The Assistant Treasurer shall be elected by the Conference to assist the Treasurer. The duties and responsibilities of the Assistant Treasurer shall be limited to those that are assigned and/or delegated by the Treasurer.



- 19.1.4** Members of the Board of Trustees whilst holding or being elected to the post of Trustee of the World Federation shall not hold concurrently the position of an office bearer or trustee of a Regional Federation or of a Constituent Member or of any Jamaat and shall immediately vacate such latter Office Bearer or Trustee position.

19.1.5 Vacancy on the Board of Trustees

In the case of vacancy for the position of the Vice President, the Treasurer and the Assistant Treasurer as a result of resignations, incapacity, death or otherwise, the vacancy shall be filled by the Board of Trustees appointing a member of the Board of Trustees after consultation with the CLC which appointment shall subsist until the next Conference which may elect a Khoja Shia Ithna-Asheri Muslim from among the Councillors at the Conference to fill that position.

19.1.5.1 The Secretary General, in consultation with Consultative Leadership Committee and the Regional Members shall call an Extraordinary Conference, within thirty (30) days of the resignation, for the election of new Office Bearers in the following circumstances:

- (a) should three or more Office Bearers, resign or due to any incident are not able to continue their duties; or,
- (b) should both the President and the Vice President resign or due to any incident are not able to continue their duties; or,
- (c) should all the remaining members of the Board of Trustees of the World Federation other than the Secretary General resign.

In the event of all the remaining members of the Board of Trustees of the World Federation other than the Secretary General resigning, the Secretary General shall remain in post and, convene an Extraordinary Conference, within forty-five (45) days of the resignations, for the election of new Board of Trustees as set out in this clause. The President who has resigned shall notwithstanding remain in his post and function as interim President until the new President is elected.



19.1.6 Quorum

The quorum for meetings of the Board of Trustees shall not be less than four Trustees and at least one of those present shall be either the President or the Vice President or the Treasurer, Assistant Treasurer or the Secretary General. The decision of the Board of Trustees meeting shall require the support of at least 75% of the Trustees present at the meeting.

19.1.7 Forfeiture of position on the Board of Trustees

A member of the Board of Trustees shall forthwith and with immediate effect forfeit his or her office in the following circumstances:

- (a) if he or she ceases to be a Shia Ithna-Asheri Muslim;
- (b) if he or she resigns as a member of Board of Trustees;
- (c) if, in the case of any member of the Board of Trustees subject to appointment by the President, such member is removed by the President at his discretion;
- (d) if he or she is convicted of an offence involving dishonesty or deception and the Board of Trustees resolve that he or she be expelled;
- (e) if he or she is certified or otherwise adjudged to be of unsound mind or insane under any law in force in any country;
- (f) if he or she is adjudged a bankrupt under any law in force in any country and has not been discharged;
- (g) if he or she is disqualified from acting as a trustee by virtue of section 178 and 179 of the Charities Act 2011 (or any statutory reenactment or modification of that provision).

19.1.8 Removal of member of the Board of Trustees

The Members of the World Federation may requisition an Extraordinary Conference



to remove a member of the Board of Trustees for good cause as defined in Clause 19.1.9 of this Constitution through a Conference resolution. The Extraordinary Conference may be an in-person or online or hybrid meeting as specified in the requisitioning notice. The Conference resolution shall require a simple majority to effect such removal of the member of the Board of Trustees. The voting shall be by show of hands except when requested by even one Councillor for ballot. Any person chairing the meeting and having any interest direct or indirect, shall immediately declare so in the meeting and vacate the chair, till such item is fully discussed and the item of agenda is completed and closed. A temporary chairman shall be elected by those present in the meeting in the case of an in-person meeting. However, in the case of an online or hybrid meeting a temporary chairman shall be elected by all participating in the meeting, online as well as in person.

19.1.9 in Clause 19.1.8 “good cause” means the circumstances or events set out in Clause 19.1.7 and includes the following:

- (a) action that brings the World Federation into disrepute;
- (b) action that is prejudicial to or against the key interests of the World Federation;
- (c) serious misconduct or mismanagement in the administration of the World Federation;
- (d) if the member of the Board of Trustees has at any time been removed from the office of charity trustee or trustee for a charity by an order made by the Charity Commission or the High Court on the grounds of any misconduct or mismanagement in the administration of the charity for which he was responsible or to which he was privy, or which he by his conduct contributed to or facilitated.

19.2 Powers and functions of the Board of Trustees

19.2.1 The Board of Trustees shall implement decisions of the Conference and shall, subject to any direction, decision or rules made by the Conference, manage the World Federation and may exercise the powers of the World Federation between meetings of the Conference.

19.2.2 The Board of Trustees shall, in consultation with the CLC, discuss, formulate



and recommend to the Conference for approval, policies and actions that in its view would facilitate the attainment of aims and objects of the World Federation.

19.2.3 Subject to any decision of the Conference, the Board of Trustees, in consultation with the CLC, shall have the power to make such rules or regulations (that are not inconsistent with any decision or rules or regulations made by the Conference) as may be necessary for the furtherance of the aims and objects of the World Federation and such rules or regulations shall be valid and binding on all Members until they are revoked or amended by the Board of Trustees or by a resolution passed by the Conference.

19.2.4 The Board of Trustees shall have the power to establish such committees and to assign them such duties as may be necessary and with the approval of the Conference to delegate to them such powers as may be deemed necessary.

19.2.5 Agencies of the Secretariat

The Board of Trustees shall with the consent of World Federation Member resident in that area have the power to establish such regional or sub-regional branches or agencies of the Secretariat in any part of the world as it may deem fit.

20. The President

20.1 Election of President

The President of the World Federation shall be elected for a term not exceeding three (3) years by the eligible voters of the Constituent members and Associate Members of the World Federation in accordance with the following provisions:-

20.1.1 A minimum of one hundred (100) days before the end of the term of office of the President, the Electoral Commission shall issue a notice to all Regional Members inviting written nominations within thirty (30) days of such notice for a candidate for the office of President of the World Federation for the next term not exceeding three (3) years.



20.1.2 Such nominations shall be accompanied by a written signed communication from the person nominated signifying his consent to such nomination and a written communication from the Constituent Jamaat or the Associate Member or Jamaat concerned, confirming that the candidate is a Khoja Shia Ithna-Asheri Muslim and a paid-up full member of the Jamaat and be accompanied with the written letters, confirmations and undertakings as specified in the SOP.

20.1.3 At the date of nomination, the presidential candidate:

- (a) must be a Khoja Shia Ithna-Asheri Muslim;
- (b) must not be subject to bankruptcy orders, must not be bankrupt or a person who has made a composition agreement with creditors;
- (c) must not have been convicted of any offence involving dishonesty or deception or have received a sentence of imprisonment;
- (d) must not have at any time been removed from the office of charity trustee or trustee for a charity by an order made by the Charity Commission or the High Court on the grounds of any misconduct or mismanagement in the administration of the charity for which he was responsible or to which he was privy, or which he by his conduct contributed to or facilitated;
- (e) must be a registered fully paid-up member of a Constituent Member or of an Associate Member or of any Jamaat.
- (f) must be nominated by any of the Regional Members.

20.2 Notice of Nominations

The Electoral Commission shall within a period of seven (7) days after the closing date for the submission of nominations, send to Regional Members and Associate Members all such nominations received by it in response to the notice and activate the electoral process in accordance with the SOP and elections shall be conducted by the selected e-Voting Service Provider as per Appendix three of the SOP.



- 20.2.1** Should no nomination(s) be received for the candidacy of the office of President of the World Federation by the prescribed date as stated in the SOP, the Electoral Commission shall so notify the Regional Members and the Associate Members of the World Federation and the election of the President, along with post of other Office Bearers, shall be held at the Triennial Conference, from amongst eligible candidates present.
- 20.2.2** Should only one eligible nomination be received, then the Electoral Commission shall declare the candidate duly elected unopposed and shall so notify the Regional Members and the Associate Members of the World Federation.
- 20.2.3** Where the Electoral Commission activates the electoral process in accordance with the SOP, the following procedures shall apply:
- (a) The e-Voting Service Provider shall organise the election on the day set and agreed by the Conference.
 - (b) At the end of the voting window, the e-Voting Service Provider shall provide access to the voting data to the Electoral Commission. The Electoral Commission shall invite the Conference appointed Observers and Candidates' Representatives to be present at the post-election final count authentication, for the allocation of Aggregate Electoral College Points.
 - (c) Should only three or less of the Regional Members have participated in the election, the Electoral Commission shall declare the election null and void and the Electoral Commission shall so notify the Regional Members and the Associate Members of the World Federation and the election of the President, along with post of other Office Bearers, shall be held at the Conference from amongst eligible candidates present.

20.3 Counting of Votes

- 20.3.1** The Conference shall appoint two Councillors and encourage any other Councillor who is in the region, to witness the final count authentication of the votes.



20.3.2 At the end of the voting window, the e-Voting Service Provider shall provide access to the voting data to the Electoral Commission. The Electoral Commission shall invite the two Conference appointed Councillors and Candidates' Representatives to be present for the final count authentication and the allocation of Aggregate Electoral College Points.

20.3.3 Where either or both of the two Councillors appointed by Conference do not for any reason turn up to witness the final count authentication of the votes, the Electoral Commission shall appoint four independent observers to take their place.

20.3.4 The Electoral Commission shall calculate the proportion of the votes attained by each candidate within each Regional and Associate Member and apportion the Electoral College Points based on the number of Councillors that the Members gain at The World Federation Conference as per Clause 10.1 of this Constitution.

The formula shall be: Number of Electoral College Points received by candidate per Member equals [Total Votes Received by the candidate in that Member divided by total Votes Cast within that Member] times Number of Councillors allocated to that Member. The Member shall not round up or otherwise of the result of this formula.

The candidate receiving the highest number of Aggregate Electoral College Points, as unanimously certified by the Electoral Commission, the Conference appointed Councillors and the Candidates' Representatives present at the post-election final count authentication, shall be the President-Elect.

20.3.5 The Electoral Commission shall announce the result of the election for the post of President of the World Federation no later than five (5) days before the date set for the ensuing Triennial Ordinary Conference.

20.4 In the case of

20.4.1 the elected President dying before the Conference; **or**

20.4.2 two or more candidates receiving equal number of Electoral College Points; **or**



- 20.4.3** the Electoral Commission declaring the election null and void as only three or less of the Regional Members have participated in the election; **or**
- 20.4.4** no eligible nominations having been received for the office of the President by the due date, the Triennial Conference shall first convert into Extraordinary Conference for the purpose of electing the President from among the Councillors present, or from the names of candidates with equal number of votes, whichever the case may be. The Extraordinary Conference shall then revert to Ordinary Conference for transacting its business on the Agenda.

20.5 Voting Rights

- 20.5.1** For the purpose of Election of the President, each Regional Member and Associate Member of the World Federation shall be entitled to one vote for every individual person who:-
- (a) in the case of Regional Member, is a member of its Constituent Members and is eligible to vote; and
 - (b) in the case of Associate Member, is a member of the Associate Member and is eligible to vote.

The percentage votes received by each Candidate in each Regional and Associate Member shall be multiplied by the number of Councillors that the Member is entitled to be represented by at the Conference to determine the Electoral College Points acquired by each of the candidates from that Regional or Associate Member.

20.5.2 Submission of Votes

When there is more than one candidate for election of the office of the President, the e-Voting Service Provider shall submit to the Electoral Commission the exact number of votes cast within each of the Member, in respect of each candidate. The candidate receiving the largest aggregate number of Electoral College Points shall be declared the President-Elect, in accordance with Clause 20.3.



20.6 Representatives of the World Federation

The President of the World Federation shall have the right to appoint any member of the Board of Trustees to represent the World Federation at any occasion, meeting or celebration as he deems fit, provided that if a member of Board of Trustees is unable to represent the World Federation, then the President shall appoint a Trustee of a member of the World Federation or other member of the community residing in the proximity of the area to represent the World Federation.

20.7 Religious Obligations

In responsibilities delegated by the A'alam Marja 'e Taqlid, the President in conjunction with the Board of Trustees shall have the power to act on behalf of the World Federation to fulfil the religious obligation as directed by the A'alam Marja 'e Taqlid and under his religious guidance. However, in financial matters such as receipt and disbursements of Khums and other religious dues the normal financial rules of the World Federation shall apply.

20.8 Vacancy of President

If the Office of the President becomes vacant as a result of resignation, incapacity, death or otherwise the Vice President shall assume the office of the President for the remaining period of his term of office.

20.9 President's Term of Office

No one person shall hold the office of the President for more than two(2) consecutive terms not exceeding three(3) years each, but may hold the same position after a break of one term. In the event Clause 20.8 becomes operative, the terms served by the Vice President shall not be considered as falling under Clause 20.9.

21. Secretariat

The Secretariat of the World Federation shall be based in the United Kingdom. The Secretariat shall be managed by the Secretary General assisted by the Treasurer and such other staff as the Secretary General may, subject to the approval of the President, deem fit.



22. Duties of Secretary General

The Secretary General shall:

- 22.1** be in charge of the Secretariat and the World Federation staff;
- 22.2** be responsible for giving notices of all meetings of the Board of Trustees, the CLC and the Conference;
- 22.3** prepare the agenda of all such meetings in consultation with the Board of Trustees and circulate the same;
- 22.4** record and maintain full and proper minutes of all such meetings;
- 22.5** in consultation with the Board of Trustees and the President, deal with all matters that come before the Secretariat;
- 22.6** execute the decisions and directions of the Board of Trustees, and subject to prior approval of the Conference, the recommendations of the committees set up by the Conference;
- 22.7** should all the remaining members of the Board of Trustees of the World Federation resign, the Secretary General shall remain in post and, in consultation with the Regional Federations and the CLC, shall call an Extraordinary Conference, within thirty (30) days of the resignations, for the election of new Board of Trustees.

23. Trustees

- 23.1** All properties and funds of the World Federation shall be vested in and held by the Board of Trustees as the charity Trustees. The Treasurer may however keep such amounts of cash as may be approved by the Board of Trustees from time to time to be dealt with as provided in Clause 24.1 of this Constitution.
- 23.2** Subject to the provisions of Clause 7.1 of this Constitution, the Board of Trustees shall not deal with any of the properties or funds of the World Federation except with the approval of and in accordance with the instructions of the Conference.



24. Accounts

24.1 Payments

The Treasurer may keep with him such amounts of cash as may be approved by the Board of Trustees from time to time and shall not make payments of any accounts, bills or vouchers, etc. without first getting the same certified and passed by the Secretary General and/or the President or the Vice President.

24.2 Expenditure by the President

In case of urgency the President shall have the power to expend or donate a sum not exceeding five thousand pounds (£5,000) in any one year without the prior sanction of the Board of Trustees. He shall in the meeting immediately following, notify the Board of Trustees of such expenditure or donation and have it recorded in the minutes of its meeting. The amount authorised under this provision may be varied from time to time by the Conference who may attach such general conditions for disbursement of such expenditure or donation as it may deem fit.

24.3 Books of Accounts

The Treasurer shall keep usual and proper books of account and faithfully record therein the receipts of income and expenditure of the World Federation and shall submit the same for inspection of the Conference and the Board of Trustees. as and when required.

25. Accounts, Annual Report, Annual Return

25.1 The Treasurer and all other members of the Board of Trustees must comply with their obligations under the Charities Acts with regard to:

25.1.1 the keeping of accounting records for the charity World Federation ;

25.1.2 the preparation of annual statements of account for the charity World Federation;

25.1.3 the transmission of the statements of account to the Charity Commission;



- 25.1.4** the preparation of an Annual Report of the World Federation and its transmission to the Charity Commission;

Accounts must be prepared in accordance with the provisions of any Statement of Recommended Practice issued by the Charity Commission, unless the Treasurer and Board of Trustees are required to prepare accounts in accordance with the provisions of such a Statement prepared by another body.

- 25.2** The accounts of the World Federation shall be submitted to the Board of Trustees each year and to the Annual Ordinary Conference each year and to the Conference at each Triennial Ordinary Conference who shall be permitted to ask the Treasurer and the Board of Trustees for such detail and information as they may require.
- 25.3** The Treasurer and the Board of Trustees shall comply with the requirements in the Charities Acts and any Statement of Recommended Practice issued by the Charity Commission as to the audit / independent examination of the accounts.

26. Auditor

The Auditor shall be elected at every Triennial Conference of the World Federation and he/she shall have power to inspect the accounts of the World Federation as and when he/she may deem necessary. He/she shall audit all accounts and report thereon. The Auditor shall not be a Councillor of the Conference. No person shall be appointed as the Auditor of the World Federation unless he/she is a member of a recognised supervisory body and is eligible for appointment under the rules of the body as provided for under the Company's Act (UK) 1989 Section 25 or any amendment or substitution thereof.

27. Electoral Commission

- 27.1** The Electoral Commission shall be made up of three individuals elected at every Triennial Ordinary Conference where they are present although not necessarily as Councillors, for the sole purpose of calling, supervising and monitoring all voting and elections of any posts of the World Federation. The Conference shall have regard to forming the Commission from three Regional Members. One of them shall be elected by the Conference as the Chairman who shall act as the Returning Officer for all voting and elections of the World Federation including any held at the Conference.



- 27.2** Any person elected to the Commission shall forfeit his/her position as Councillor if he/she was a Councillor prior to being elected on the Electoral Commission.
- 27.3** In the event of a vacancy of or resignation by any of the three individuals in the Electoral Commission, or if found by the Board of Trustees to be in violation of the SOP process, the Board of Trustees shall have the power to appoint in his or her place a Commissioner[s] by a simple majority of the members of the Board of Trustees in consultation with the CLC.

28. Dissolution

The Federation shall only be dissolved at the Extraordinary Conference called for such purposes. The dissolution shall only be valid if:

- 28.1** a resolution is passed by such Conference supported by at least 90 per centum of the total Members of the World Federation; and
- 28.2** the Councillors of the Members of the World Federation present at such Conference attach their signatures to an Instrument of Dissolution under the authority of a written mandate from all their respective Constituent Jamaats . In the event of such dissolution the assets of the World Federation shall be transferred to such charity with objects similar to those of the World Federation as may be specified in the dissolution resolution.

29. Indemnity

- 29.1** Every Member Regional Federation, Associate Member and Constituent Member by accepting membership(affiliation) in and to the World Federation agrees to uphold and be bound by the provisions of this Constitution and any rules, regulations of the World Federation and agrees to pursue the objectives of the World Federation as set forth in Clause 4 hereof.
- 29.2** Each Regional and Associate Member and Constituent Member of the World Federation shall ensure that the trustees of their organisations are adequately and sufficiently insured –
- a) against the cost of a successful defence to a criminal prosecution brought



against them as trustees of their organisation; and

- b) against potential liability incurred in respect of any act or omission that is or is alleged to be a breach of trust or breach of duty unless the trustee concerned knew that, or was reckless whether, the act or omission concerned was breach of trust or breach of duty.

29.3 The World Federation shall provide and maintain all customary and adequate insurance cover for their liabilities to its employees including employer's liabilities as required under law.

30. Participation in meetings by electronic means.

A meeting of the Board of Trustees, a World Federation Conference or a meeting of Board of Trustees with the CLC may be held by suitable electronic means agreed by the Board of Trustees in which each participant may communicate with all the other participants.

30.1 Any person participating in a meeting by suitable electronic means agreed by the Board of Trustees in which a participant or participants may communicate with all the other participants shall qualify as being present at the meeting;

30.2 Meeting held by electronic means must comply with rules for meetings, including chairing and taking minutes.

31. Alternative Dispute Resolution Facility

31.1 The World Federation shall establish an Alternative Dispute Resolution (ADR) Facility known as the World Federation Alternative Dispute Resolution (ADR) facility (WFADRF) for the use and benefit of the Regional Members, Constituent Members, Jamaats and community members.

31.2 The ADR Facility rules and procedures shall be established and published by the ADR Facility subject to approval of the Board of Trustees.

31.3 The governing instruments and the procedures and rules of the WF ADR Facility



shall be set out in a separate document called the WF ADR Facility Charter. The WF ADR Facility Charter may, subject to approval by the Board of Trustees, be revised and amended from time to time as may be necessary and appropriate, in accordance with the procedures set out in the WF ADR Facility Charter.

- 31.4** The ADR Facility shall be headed by the Chairman of the ADR Facility appointed by the Board of Trustees in consultation with the Consultation Leadership Committee (CLC) and experts in the field of ADR. The Chairman shall be a trained professional practitioner experienced in ADR matters.
- 31.5** The ADR Facility (WFADRF) shall provide Mediation, Conciliation, Adjudication and Arbitration services for the Regional Members, Constituent Members, Jamaats and community members.
- 31.6** The Chairman of the WF ADR Facility shall administer and run the ADR Facility together with suitable professional and other suitable administrative staff in accordance with WF ADR Facility Charter.

32. Transitional Provisions

- 32.1** All amendments to the existing Constitution are approved subject to the approval of the Charity Commission.
- 32.2** This Constitution is adopted on 11 June 2023 and all provisions thereof shall come into effect with immediate effect.
- 32.3** The Secretary General in consultation with the Board of Trustees and the CLC shall be empowered to make such amendments, typographical and numerical changes to the Constitution to make effective any resolution that has been passed at the Conference to comply with any requirements of the Charity Commission.

NOTE: The next Triennial Ordinary Conference shall take place before 30 May 2024, prior to it, the elections for the post of President shall take place in accordance with the SOP adopted by the Conference on 11 June 2023.



STANDARD OPERATING PROCEDURES FOR ELECTING THE PRESIDENT OF THE WORLD FEDERATION OF KSIMC

(Proposed by the Constitutional Review
Committee (CRC 2021) that was formed at the
Postponed 2020 Conference in May 2021)

Registered Charity in UK No. 282303

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Telephone: 020 8954 9881

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Vision Statement:

‘The World Federation exists to achieve the pleasure of Allah SWT by developing spiritual and vibrant communities serving humanity.’

Mission Statement:

‘The World Federation enables its member institutions to promote the values and practices of the Islamic Shia Ithna-Asheri Faith for the spiritual and material wellbeing of humanity at large.’



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1. Introduction

- 1.1** The objective of this document is to provide a Standard Operating Procedure (SOP) for electing the President of the World Federation of Khoja Shia Ithna-Asheri Muslim Communities within the framework of the World Federation Constitution as proposed by the Constitutional Review Committee (CRC 2021).
- 1.2** This document shall take effect as a Standard Operating Procedure only after formal adoption by the Conference. All definitions under the Constitution shall also apply to this document.
- 1.3** The World Federation constitution explicitly provides for the involvement of the Electoral Commission in the electoral process (Clause 27) and further provides the following guidelines in Clause 20:
- Clause 20.1.1 – Invitation for Nominations;
 - Clause 20.2 – Activation of electoral process;
 - Clause 20.3.2 – Final count authentication and allocation of Aggregate Electoral College Points; and
 - Clause 20.4.4 – the process if no eligible nominations have been received by the due date.



2. The Electoral Process

- 2.1 The Electoral Commission after consulting with the Board of Trustees and the e-Voting Service Provider shall propose a date on which the Presidential Election shall take place at the World Federation Conference where the date of the next Triennial Conference shall be set, and shall seek the adoption of the proposed date of election.
- 2.2 The Election shall take place on the Conference adopted date which shall be applicable to all Members of the World Federation.
- 2.3 A minimum of one hundred (100) days before the end of the term of office of the President, the Electoral Commission shall issue a notice to all Regional Members inviting written nominations within thirty (30) days of such notice for a candidate for the office of President of the World Federation for the next term not exceeding three (3) years. (Constitution Clause 20.1.1)
- 2.4 A Candidate for presidential elections must be a paid-up full member of a Constituent Jamaat, of an Associate Member or any Jamaat and must be nominated by a Regional Member. (Constitution Clause 20.1.3(e))
- 2.5 The Electoral Commission must receive eligible nominations within 30 days from the invitation for candidates. Such nominations must be accompanied with:
 - i. a signed letter by a Constituent Jamaat, an Associate Member or any Jamaat confirming that the candidate is a Khoja Shia Ithna-Ashari Muslim and a paid-up full member of the Jamaat; (Constitution Clause 20.1.2)
 - ii. a signed consent letter from the nominated candidate, with:
 - (a) a written confirmation by the candidate "In case of a complaint, I will abide by the decision of the arbitrators and will refrain from public statements thereafter", and
 - (b) an undertaking by the candidate to resign from, if holding the position of an Office Bearer of a Regional Member, Constituent Member or any Jamaat and



- (c) a written undertaking that the candidate shall not give an impression either implied or otherwise in their manifesto and campaign that the candidate is the preferred candidate of the Electoral Commission or of the World Federation and furthermore shall NOT use any archived material of the World Federation in their manifesto. The use of WF logo in any form in the campaign is NOT allowed. (This is to provide a level playing field for all the Nominees).

- 2.6** Should no nomination(s) be received for the candidacy of the office of President of the World Federation by the prescribed date, the Electoral Commission shall so notify the Regional Members and the Associate Members of the World Federation and the election of the President, along with post of other Office Bearers, shall be held at the Triennial Conference, from amongst eligible candidates present. (Constitution Clause 20.2.1)
- 2.7** Should only one eligible nomination be received, then the Electoral Commission shall declare the candidate duly elected unopposed and shall so notify the Regional Members and the Associate Members of the World Federation. (Constitution Clause 20.1.2)
- 2.8** Should more than one eligible nomination be received, then the Electoral Commission shall activate the electoral process no later than 7 days after the closing date for the nominations.
- 2.9** Upon activation of the electoral process, the Electoral Commission shall authorize the selected e-Voting Service Provider to conduct the Presidential election as per Appendix Three (3) of this SOP.
- 2.10** The e-Voting Service Provider shall organise the election on the day set and agreed by the Conference. (Constitution Clause 20.2.3(a))
- 2.11** At the end of the voting window, the e-Voting Service Provider shall provide access to the voting data to the Electoral Commission. The Electoral Commission shall invite the Conference appointed Observers and Candidates' Representatives to be present at the post-election final count authentication, for the allocation of Aggregate Electoral College Points. (Constitution Clause 20.2.3(b))
- 2.12** Where either or both of the two Councillors appointed by Conference do not for any reason turn up to witness the final count authentication of the votes, the Electoral Commission shall appoint four independent observers to take their



place. (Constitution Clause 20.3.3)

- 2.13** The Electoral Commission shall announce the result of the election for the post of President of the World Federation no later than 5 days before the date set for the ensuing Triennial Conference. (Constitution Clause 20.3.5)



3. The Duties of The Electoral Commission

The duties are as set out by the constitution of the World Federation of Khoja Shia Ithna-Asheri Muslim Communities:

- 3.1** Clause 20.1.1 – A minimum of one hundred (100) days before the end of the term of office of the President, the Electoral Commission shall issue a notice to all Regional Members inviting written nominations within thirty (30) days of such notice for a candidate for the office of President of the World Federation for the next term not exceeding three (3) years.
- 3.2** Clause 20.2 - The Electoral Commission shall within a period of seven (7) days after the closing date for the submission of the nominations, send to Regional Members and the Associate Members all such nominations received by it in response to the notice and activate the electoral process in accordance with the SOP and elections shall be conducted by the selected e-Voting Service Provider as per Appendix three (3) of the SOP.
- 3.3** Clause 20.3.2 - At the end of the voting window, the e-Voting Service Provider shall provide access to the voting data to the Electoral Commission. The Electoral Commission shall invite the Conference appointed Councillors and Candidates' Representatives to be present for the final count authentication and the allocation of Aggregate Electoral College Points.
- 3.4** Clause 20.4.4 - no eligible nominations having been received for the office of the President by the due date, the Triennial Conference shall first convert into Extraordinary Conference for the purpose of electing the President from among the Councillors present, or from the names of candidates with equal number of votes, whichever the case may be. The Extraordinary Conference shall then revert to Ordinary Conference for transacting its business on the Agenda..

The nominations are to be received by the Electoral Commission and this shall be at the address of the World Federation Secretariat.



4. The Formation and Workings of the Electoral Commission

- 4.1** The Electoral Commission shall have the objective of ensuring the smooth and fair running of the electoral process, its duties set out in the World Federation Constitution, and it shall be accountable to the World Federation Conference with respect to the application of the electoral process set out in this document.
- 4.2** The World Federation Conference shall elect 3 (three) Commissioners who shall form the Electoral Commission. The Conference shall have regard to forming the Commission from three Regional Members.
- 4.3** The Electoral Commission shall monitor and conduct all World Federation non-presidential elections. The Electoral Commission's duties shall end on the election of a new Electoral Commission.
- 4.4** The Electoral Commission shall work on a simple majority where there is ambiguity.
- 4.5** The Electoral Commission's address shall be the same as The World Federation Secretariat.
- 4.6** Whilst utilising the facilities provided by The World Federation Secretariat, the Electoral Commission shall at all times maintain its independence and autonomy.
- 4.7** The Electoral Commission shall be responsible for all its correspondence.
- 4.8** The Electoral Commission may be requested in writing to provide certain assistance, such as, use of the World Federation website for Candidate manifestos and/or question and answers. In addition, each Candidate shall be allowed a maximum of two electronic mail shots to individuals on the register without charge. A single postal mail shot campaign may also be carried out, provided the candidate reimburses the cost of such an exercise. The text and material for this shall be prepared by the Candidate and not the Electoral Commission and be delivered to the Secretariat for fulfilment, labelling and posting. The Electoral Commission shall have the right to edit any such material submitted if in its opinion it breaches any clauses of this SOP or infers in any form whatsoever that the candidate is the preferred choice of the outgoing administration. The Electoral Commission shall notify the candidate concerned promptly within 24 hours of any such edits.



- 4.9** Serving Officers including but not limited to Office Bearers, Councillors, their team members, members of staff and volunteers may be candidates and do not require to relinquish their posts, as the electoral process is completely independent of the Secretariat.
- 4.10** Complaints from Candidates or Regional Members regarding the electoral process shall be subject to arbitration as laid down in Clause 31 of the World Federation Constitution

Should the Electoral Commission be informed of any Election irregularities, it shall then within 24 hours inform the World Federation ADR Facility which shall go through the adjudication process as laid down in Appendix Four of this SOP.

Adjudication Process

(see Appendix 4 - Mediation and Arbitration Process)



5. The Electoral Register

- 5.1** The Electoral Commission shall provide the e-Voting Service Provider with a list of all the World Federation Members and the contact details of each member's designated Election Liaison Officer (ELO). The e-Voting Service Provider shall email each designated ELO a link to their own secure Sharepoint folder plus an excel template with an example of how the data is to be provided, to ensure uniformity of information.
- 5.2** It shall be the responsibility of the Members to provide their register of eligible voters to the e-Voting Service Provider. Such register shall include First Name, Middle Name, Surname, Date of Birth (format dd/mm/yyyy), Email address or Mobile number, Preference for voting (Email, SMS Smart Phone, SMS or in person) and the preferred language for communication (English, French, Gujarati, Hindi, Portuguese or Urdu), of each eligible voter [unless prohibited by local laws] based on the rules applicable within the Member's governing rules including but not limited to female voting, age limits and lapsed subscriptions.
- 5.3** The ELO has to ensure that when the data is collected, the eligible voters give explicit consent for the use and transfer of their personal data, having been provided with information including:
- a)** the purpose for processing their personal data: i.e., solely for the election of the President of the World Federation; contact details provided, including mobile numbers and email addresses, will only be used by the e-Voting Service Provider to issue members with a voting instruction;
 - b)** the retention periods for that personal data: i.e., shall not be retained or processed for longer than is necessary to carry out the election of the President of the World Federation; and
 - c)** who it will be shared with: i.e., only with the nominated e-Voting Service Provider..
- 5.4** The registered voter list shall be universal for all World Federation members to ensure uniformity of information.
- 5.5** The e-Voting Service Provider shall be responsible for the security of the electronic Central Register of voters entitled to vote for the President of the World Federation..



- 5.6 All the data on the Electoral Register shall be confidential and only the e-Voting Service Provider shall have access to it.
- 5.7 The e-Voting Service Provider may not forward this to their personal email address and cannot keep these records outside of the e-Voting Service Provider servers.
- 5.8 The registered voter list provided to the e-Voting Service Provider by the ELO of the Members, shall be the basis for those eligible to vote for the Presidential elections.
- 5.9 Anonymised Electoral Register data may be shared with the World Federation Secretariat to assist with planning and policy making. (Anonymisation is the “process of rendering data into a form which does not identify individuals and where identification is not likely to take place”.)

6. Elections

- 6.1 The Presidential Election shall take place on the date adopted by the World The Presidential Election shall take place on the date adopted by the World Federation Conference throughout the world on the single date without exception. In the event of circumstance, disaster or a major natural disaster taking place on the selected polling day in a Jamaat rendering it impossible to conduct the election, the Electoral Commission may allow the election date within the Jamaat affected to be postponed to another day, but before 32 days prior to end of term of the President. Such confirmation must be sought from the Electoral Commission in writing. In such an event the results of the votes already cast shall be retained by the e-Voting Service Provider and not released in any form or format.
- 6.1 Upon activation of the electoral process, the Electoral Commission shall authorize the e-Voting Service Provider to conduct the election as per Appendix Three (3) of this SOP.
- 6.1 Proxy and/or Postal voting shall not be permitted.

This standard operating procedure sets out additional guidelines within the framework provided in the Constitution of The World Federation as proposed by the Constitutional Review Committee (CRC 2021) that was formed at the Postponed 2020 Conference in May 2021.



Appendix 1: GDPR Compliance Statement

General Data Protection Regulation (GDPR) Compliance Statement:

The World Federation of KSIMC's Electoral Commission requires the First Names, Surnames, Date of Birth and Telephone Numbers or email addresses of all eligible voters to be submitted to the e-Voting Service Provider, for the purpose of conducting the Election of the President of the World Federation.

The World Federation of KSIMC's Electoral Commission is committed to the principles inherent in the GDPR and particularly to the concept of privacy by design, the right to be forgotten, consent and a risk-based approach. In addition, the World Federation of KSIMC's Electoral Commission aims to ensure:

1. that only data supplied by the World Federation Members shall be accepted;
2. that any processing is lawful, fair, transparent and necessary for the sole purpose of conducting the Election of the President of the World Federation;
3. that data is accurate, up to date and removed when no longer necessary;
4. that the data shall be stored safely and securely within the e-Voting Service Provider's server;
5. that only anonymised Electoral Register data may be shared with the World Federation Secretariat to assist with planning and policy making. (Anonymisation is the "process of rendering data into a form which does not identify individuals and where identification is not likely to take place".)
6. that the Electoral Commission shall ensure that the e-Voting Service Provider has a fully compliant GDPR policy;
7. that all the eligible voters on the list shall have the right to access, rectify or erase their personal data by emailing electoralcommission@world-federation.org



Appendix 2: Selection of e-Voting Service Provider

There are a number of vendors willing to conduct elections for clients. Vendors may be identified via a trusted recommendation, open tender or because they have worked successfully with the World Federation on previous elections.

The Electoral Commission at the start of its term, shall carry out a thorough research of the vendors, particularly looking at the following points in their past history:

1. Check with former clients of the vendor to see how effectively did they execute their elections?
2. Check with former clients of the vendor to ensure that elections were conducted on time and within budget.
3. Can they communicate in English, French, Gujarati, Hindi, Portuguese and Urdu?
4. Do they have all necessary safeguards and precautions in place to keep member information and voting data secure?
5. Is the World Federation fully protected in case of an election mishap?
6. Look for experience as hiring an experienced vendor could provide suggestions on ways to increase election response that might not be possible with in-house resources.
7. How much does the election cost? The goal should always be to get the maximum value for the lowest possible cost.

At a subsequent Conference, the Electoral Commission shall submit details of its recommended e-Voting Service Provider, giving rationale for its selection. The selection of the e-Voting Service Provider has to be approved by the Conference.



Appendix 3: Electronic Voting

Upon activation of the electoral process:

1. The e-Voting Service Provider shall issue voting instructions to all eligible members by email or SMS, in their preferred language of communication (English, French, Gujarati, Hindi, Portuguese or Urdu). Members with no SMS or email contact shall be allocated a unique code by the e-Voting Service Provider to vote in person at one of the Regional hubs/centres.
2. Members receiving their voting instructions by email shall be invited to vote online using a connected device, desktop, laptop or tablet.
3. Members receiving their voting instructions by SMS shall be invited to vote online via a smart phone, or reply to the SMS to cast their vote.
4. Members voting in person shall be invited to cast their vote online using a connected device, desktop, laptop or tablet at one of the Regional hubs/centres, having logged in with their unique code.
5. At the end of the voting window, the e-Voting Service Provider shall provide access to the voting data to the Electoral Commission. The Electoral Commission shall invite the Conference appointed Observers and Candidates' Representatives to be present for the final count authentication and the allocation of Aggregate Electoral College Points.(As per Clause 20.2 of The Constitution.)
6. Where either or both of the two Councillors appointed by Conference do not for any reason turn up to witness the final count authentication of the votes, the Electoral Commission shall appoint four independent observers to take their place.
7. Should only three or less of the Regional Members have participated in the election, the Electoral Commission shall declare the election null and void and the Electoral Commission shall so notify the Regional Members and the Associate Members of the World Federation and the election of the President, along with post of other office bearers, shall be held at the Conference from amongst eligible candidates present.
8. Should the election be valid, the Electoral Commission shall calculate the proportion of the votes attained by each candidate within each Regional and Associate Member



and apportion the Electoral College Points based on the number of Councillors that Members gain at The World Federation Conference as per Clause 10.1 of the Constitution.

The formula shall be: Number of Electoral College Points received by candidate per Regional Member equals [Total Votes Received by the candidate in that Regional Member divided by total Votes Cast within that Regional Member] times Number of Councillors allocated to that Regional Member. The Regional Member shall not round up or otherwise of the result of this formula. (As per Clause 20.3.3 of The Constitution.)

9. The candidate receiving the highest number of Aggregate Electoral College Points, as unanimously certified by the Electoral Commission, the Conference appointed Councillors and the Candidates' Representatives present at the post-election allocation of Aggregate Electoral College Points, shall be the President-Elect.
10. The Electoral Commission shall announce the result of the election for the post of President of the World Federation no later than 5 days before the date set for the ensuing Triennial Conference.



Appendix 4: Mediation and Arbitration Process

The World Federation Constitution proposes the establishment of a dedicated Alternative Dispute Resolution (ADR) Facility comprising trained Conciliators, Mediators, Adjudicators and Arbitrators from within the community. It is generally accepted that the appointed persons would be independent and impartial. Nevertheless, it is impracticable to expect absolute independence and impartiality, as human beings by nature establish relationships at different levels and because of this, biases are inevitable. However, where there is a conflict of interest, the Arbitrators must voluntarily remove themselves from consideration.

Process A below sets out the process for handling complaints made by the candidates or other concerned parties as regards the presidential and other office bearer election process against other candidates and persons but not against the Electoral Commission.

Process B below sets out the process for handling complaints made by the candidates or other concerned parties specifically against the Electoral Commission as regards the presidential election process or other office bearer election process.

PROCESS A:

1. All such complaints must in the first instant be brought to the attention of the Electoral Commission and submitted in writing to the Electoral Commission within three days of the completion of the day of the election/s in question.
2. On receipt of such a complaint, the Electoral Commission shall contact and forward the complaint to the WF ADR Facility for adjudication and ask the parties concerned to sign a declaration accepting to be bound by the decision of the Adjudicator or Adjudicators and to refrain from public statements thereafter.
3. No retorts shall be responded to by either party under any circumstances, whether it be provoked or otherwise. The parties shall also confirm their email and fax contacts to which future correspondence sent shall be deemed to have been received by them subject to any evidence to rebut this assumption.
4. The panel of approved trained Adjudicators to determine the complaint shall be set up and established by the WF ADR Facility and the complainant and the other



parties involved shall be notified of this panel of trained Adjudicators.

5. From the date of filing the original complaint, the parties involved would have two weeks, or as stipulated by the panel of Adjudicators, to submit their evidence and arguments in support of their complaint and the remedy they seek. The submissions of the complainant shall be forwarded by Adjudicators to the other party or parties concerned to present their position regarding the complaints made including any evidence and/or substantiation within one week from the date of the Adjudicators notification of the submissions of the complainant.
6. The complainant would then have two weeks to reply to the other parties' submissions. On receipt of this reply, the Adjudicators shall provide a copy to the other party and close the adjudication hearing process for their own deliberation and determination.
7. The Adjudicators shall then issue a written award within seven days of closing the adjudication hearing process and forward this to the Electoral Commission and all the parties to the adjudication.
8. At any point after receiving the other parties reply to submission to the complainants' original submissions, the Adjudicators may, in the interest of amicably resolving the matter and at their sole discretion, choose to bring both parties together, either physically or otherwise as appropriate and as agreed by all the parties, to seek further clarification and resolution of the matter before them.
9. The Adjudicators shall limit themselves to issues pertaining to the electoral process subject of the complaint and specifically exercise jurisdiction over the matter placed before them.

PROCESS B:

1. All such complaints must in the first instant be brought to the attention of the President of the WF ADR Facility and submitted in writing to the ADR Facility within three days of the completion of the day of the election/s in question.
2. On receipt of such a complaint, the ADR Facility shall ask the parties concerned to sign a declaration accepting to be bound by the decision of the Adjudicators and to refrain from public statements thereafter.



3. No retorts shall be responded to by either party under any circumstances, whether be it provoked or otherwise. The parties shall also confirm their email and fax contacts to which future correspondence sent shall be deemed to have been received by them subject to any evidence to rebut this assumption.
4. The panel of three approved trained Adjudicators to determine the complaint shall be established by the WF ADR Facility and the complainant and the other parties involved shall be notified of this panel of trained Adjudicators.
5. From the date of filing the original complaint, the parties involved would have two weeks, or as stipulated by the panel of Adjudicators, to submit their evidence and arguments in support of their complaint and the remedy they seek. The submissions of the complainant shall be forwarded by Adjudicators to the Electoral Commission and any other party or parties (if any) concerned to present their position with regard to the complaints made including any evidence and/or substantiation within one week from the date of the Adjudicators notification of the submissions of the complainant.
6. The complainant would then have two weeks to reply to the Electoral Commission's and other parties' submissions. On receipt of this reply, the Adjudicators shall provide a copy of these submissions to the other party and close the adjudication hearing process for their own deliberation and determination.
7. The Adjudicators shall then issue a written award within seven days of closing the adjudication hearing process and forward this to the President of the ADR Facility. The ADR facility shall notify and forward the award to the complainant and the Electoral Commission and all the parties concerned in the adjudication.
8. At any point after receiving the other parties reply to submission to the complainants' original submissions, the Adjudicators may, in the interest of amicably resolving the matter and at their sole discretion, choose to bring the Complainant and the Electoral Commission and other parties involved together, either physically or otherwise as appropriate and agreed by all the parties, to seek further clarification and final resolution of the matter before them. This would depend on agreement of the parties involved.
9. The Adjudicators shall limit themselves to issues pertaining to the electoral process subject of the complaint and specifically exercise jurisdiction over the matter placed before them.



Appendix 5: Election Results Declaration Template

The Electoral Commission is charged by the World Federation Constitution, Clause 20.3, to calculate the proportion of the votes received by each candidate within each Regional Member and apportion the Electoral College points based on the number of Councillors that Regional Member is entitled to in proportion to the number of Councillors that the Regional Member gains at The World Federation Conference as per Clause 10.1 of the Constitution.

The formula shall be: Number of Electoral College Points received by candidate per Member, equals [Total Votes Received by the candidate in that Member divided by total Votes Cast within that Member] times Number of Councillors allocated to that Member. The Member shall not round up or otherwise of the result of this formula.

		VOTES CAST				ELECTORAL COLLEGE POINTS				TOTAL
REGIONAL MEMBERS	COUNCILLORS	CANDIDATES				CANDIDATES				
		1	2	3	4	1	2	3	4	
Federation of Khoja Shia Ithna Asheri Jamaats of Africa	(20)									
Council of European Jamaats	(15)									
Federation of Australasian Communities	(6)									
India Federation	(20)									
Organization of North American Shia Ithna-asheri Muslim Communities	(13)									
Federation of Khoja Shia Isna Asheri Jamaats of Pakistan	(20)									
Associate Member	(1)									
TOTAL	(95)									

STANDARD OPERATING PROCEDURES
FOR ELECTING THE PRESIDENT

The candidate receiving the highest number of Aggregate Electoral College Points, as unanimously certified by the Electoral Commission, the Conference appointed Councillors and the Candidates' Representatives present at the post-election final count, shall be declared President-Elect.



DRAFT APPENDIX ON WORLD FEDERATION ALTERNATIVE DISPUTE RESOLUTION (ADR) FACILITY

Registered Charity in UK No. 282303

Islamic Centre, Wood Lane, Stanmore, Middlesex HA7 4LQ, United Kingdom

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Introduction

"And if two parties of believers fall into a fight (dispute and quarrel,) then make peace between them [....] and make peace between them justly and act equitably. Lo Allah loves the equitable. The believers are not else than brothers. Therefore make peace between your brothers and observe your duty to Allah that haply you may obtain mercy." Holy Quran Sura Hujarat 49:9-10

In relation to conflict resolution we need to consider and to be guided by the marja' e Taqleed whether it is allowed to refer to a secular court as the first option or only as a last resort after all available internal options have been exhausted?

This Appendix sets out the draft blueprint for the establishment of the World Federation Alternative Dispute resolution (ADR) facility and the envisaged Conciliation, Mediation, Adjudication and Arbitration mechanism and procedures of the ADR Facility as internal options and alternatives to going to court.

Types of Disputes for ADR Facility

There are three types of disputes that could arise within this WF ADR framework.

1. Firstly, disputes on matters raised by the election candidates, other interested parties and members of the community regarding irregularities and non-compliance by the candidates in the election process of the presidential election and other office bearer elections.
2. Secondly, disputes on matters raised by candidates, other interested parties and members of the community regarding irregularities and non-compliance by the Electoral Commission in the election process of election of President and other office bearers.

(The resolution of these first two types of specific disputes will be governed by the Standard Operating Procedures (SOP) for electing the President of the World Federation of KSIMC. The SOP (Process A for the first type of dispute and Process B for the second type of dispute are set out in Appendix 4 of the SOP). The SOP will be an attachment to the Constitution, not as part of the Constitution but only for easy reference. These procedures are set out in section A of this paper below.)



3. Thirdly any differences or disputes arising amongst WF members, other interested parties and members of the community and in the community generally. This third type of general dispute will be governed and dealt with by the WF ADR facility procedures set out in section B of this paper.

Section A.

Draft SOP Process A and Process B

Complaint adjudication mechanism provided by the draft SOP (process A) in relation to presidential elections and other office bearer elections.

SOP process “A” sets out the adjudication process for complaints made by the candidates or other concerned parties as regards the presidential and other office bearer election process against other candidates and persons but does not include complaints against Electoral Commission (complaints against Electoral Commission are covered in SOP process B).

The SOP process “A” for the election of the President of the WF provides for a mechanism for adjudication of complaints relating to the election process for the grassroots election of the post of the President or the elections of other office bearers made by candidates or any other concerned party through the findings, determination and award of the Adjudicators from among the panel established by the ADR Facility.

In this case, the concerned party may be a candidate for the presidential election or a candidate for the election of other office bearers or any member of the community lodging a complaint. The complaint is submitted to the Electoral Commission, and it forwards the complaint to the Chairman of the ADR Facility to establish a panel of Adjudicators to hear and determine and adjudicate the complaint in accordance with the SOP process “A” provisions. The complaint may relate to acts of the candidates for presidential election and be against other candidates. The complaint may also relate to election of other office bearers at the conference.

SOP process “B” sets out the adjudication process for complaints made by the candidates or any other concerned parties specifically against the Electoral Commission as regards the presidential election process or the other office bearer election process.



The scope and subject matter of the adjudication process in the case of SOP process “A” will be limited to complaints and disputes relating to the election process for the grassroots election of the post of the President in the case of presidential election and, in the case of election process of other office bearers, will be limited to the complaints and disputes relating election process at the conference for election of office bearers by the conference.

SOP Process “A” - Disputes between candidates and interested parties and not against Electoral Commission

Disputes between candidates and interested parties, excluding the Electoral Commission, will be determined in accordance with the procedures below. The adjudication process in the case of disputes between candidates and interested parties not involving the Electoral Commission is envisaged to be as follows:

1. All such complaints must, in the first instance, be brought to the attention of the Electoral Commission and submitted in writing to the Electoral Commission within three days of the completion of the day of the election/s in question.
2. On receipt of such a complaint, the Electoral Commission shall contact and forward the complaint to the Chairman WF ADR Facility for adjudication and ask the parties concerned to sign a declaration accepting to be bound by the decision of the adjudicator or adjudicators and to refrain from public statements thereafter.
3. No retorts shall be responded to by either party under any circumstances, whether it be provoked or otherwise. The parties shall also confirm their email and fax contacts to which future correspondence sent shall be deemed to have been received by them subject to any evidence to rebut this assumption.
4. The panel of approved trained adjudicators to determine the complaint will be set up and established by the WF ADR Facility, and the complainant and the other parties involved will be notified of this appointment of the adjudicators.
5. From the date of filing the original complaint, the parties involved would have two weeks (or as stipulated by the panel of adjudicators to submit their evidence and arguments in support of their complaint and the remedy they seek. The submissions of the complainant will be forwarded by adjudicators to the other party or parties concerned to present their position regarding the complaints made, including any evidence and/or substantiation, within one week from the date of the Adjudicators’ notification of the submissions of the complainant.



6. The complainant would then have two weeks to reply to the other parties' submissions. On receipt of this reply, the Adjudicators shall provide a copy to the other party and close the adjudication hearing process for their own deliberation and determination.
7. The Adjudicators shall then issue a written award within seven days of closing the adjudication hearing process and forward this to the Electoral Commission and all the parties to the adjudication.
8. At any point after receiving the other parties' reply to submission to the complainants' original submissions, the Adjudicators may, in the interest of amicably resolving the matter and at their sole discretion, choose to bring both parties together, either physically or otherwise as appropriate and as agreed by all the parties, to seek further clarification and resolution of the matter before them.
9. The Adjudicators shall limit themselves to issues pertaining to the electoral process subject of the complaint and specifically exercise jurisdiction over the matter placed before them.

Under the above procedure, the matter is treated essentially as a complaint made by a concerned party which then is submitted to the trained Adjudicators for adjudication. The parties concerned must sign a declaration accepting to be bound by the decision and award of the adjudication. The adjudicators will forward the submissions of the complainant to the other parties to present their position regarding the complaints made, including any evidence and/or substantiation, within one week from the date of the Arbitrator(s) notification. Based on the submissions of the parties, the Adjudicators shall then issue a written award within seven days of closing the adjudication hearing process and forward this to the Electoral Commission and all the parties to the adjudication.

There is provision for the Adjudicators, in the interest of amicably resolving the matter and at their sole discretion, to try to bring both parties together, either physically or otherwise as appropriate and agreed by all the parties, to seek further clarification and final resolution of the matter before them. This would depend on the agreement of the parties involved to seek such mediation and conciliation.

The Adjudicators are required to limit themselves to the issues pertaining to the electoral process and the matter complained about and specifically exercise jurisdiction over the matter placed before them.

SOP Process "B" Disputes between candidates and interested parties and specifically against and involving the Electoral Commission



The procedures applicable shall be as follows:

1. All such complaints must, in the first instance, be brought to the attention of the Chairman of the WB ADR Facility (ADR Facility) and submitted in writing to the ADR Facility within three days of the completion of the day of the election/s in question.
2. On receipt of such a complaint, the Chairman of the ADR Facility shall ask the parties concerned to sign a declaration accepting to be bound by the decision of the adjudicators and to refrain from public statements thereafter.
3. No retorts shall be responded to by either party under any circumstances, whether be it provoked or otherwise. The parties shall also confirm their email and fax contacts to which future correspondence sent shall be deemed to have been received by them subject to any evidence to rebut this assumption.
4. The panel of three approved trained adjudicators to determine the complaint will be established by the WF ADR Facility and the complainant and the Electoral Commission and other parties involved will be notified of this panel of trained adjudicators.
5. From the date of filing the original complaint, the parties involved would have two weeks (or as stipulated by the panel of adjudicators to submit their evidence and arguments in support of their complaint and the remedy they seek. The submissions of the complainant will be forwarded by adjudicators to the Electoral Commission and any other party or parties (if any) concerned to present their position with regard to the complaints made including any evidence and/or substantiation within one week from the date of the Adjudicators notification of the submissions of the complainant.
6. The complainant would then have two weeks to reply to the Electoral Commission's and other parties' submissions. On receipt of this reply, the Adjudicators shall provide a copy of these submissions to the other party and close the adjudication hearing process for their own deliberation and determination.
7. The Adjudicators shall then issue a written award within seven days of closing the adjudication hearing process and forward this to the Chairman of the ADR Facility. The ADR facility will notify and forward the award to the complainant and the Electoral Commission, and all the parties concerned in the adjudication.
8. At any point after receiving the other parties reply to submission to the complainants' original submissions, the Adjudicators may, in the interest of amicably resolving the



matter and at their sole discretion, choose to bring the Complainant and the Electoral Commission and other parties involved together, either physically or otherwise as appropriate and agreed by all the parties, to seek further clarification and final resolution of the matter before them. This would depend on agreement of the parties involved to such mediation and conciliation process.

9. The Adjudicators shall limit themselves to issues pertaining to the electoral process subject of the complaint and specifically exercise jurisdiction over the matter placed before them.

Section B.

General Disputes governed by the WF ADR facility procedures not covered by SOP process A and SOP process B

The third type of general disputes will be governed by the WF ADR facility procedures set out this section B below.

WF ADR Facility Procedures

Clause 5.4 of the WF constitution vests in the WF power to settle any differences or disputes arising amongst WF members and in the community generally. Thus, a dispute which arises amongst WF members or in the community would be a kind of dispute for which it would be important to establish an Alternative Dispute Resolution Mechanism (ADR) to avoid community matters being taken to costly and lengthy processes in law courts for adjudication.

This conciliation, mediation, adjudication and arbitration process and scheme will apply to disputes between WF members themselves i.e., Regional Federations or between WF and the WF members or between WF and third parties and any other differences or disputes amongst its members and among members of the community not covered by SOP Process A and SOP Process B.

Establishment of WF ADR Facility

The World Federation, through its Board of Trustees and the Secretariat in accordance with the WF Constitution, shall establish a dedicated WF ADR Facility comprising trained



conciliators, mediators, adjudicators and arbitrators from within our community. This will be known as WF ADR Facility. There will be a head of the ADR Facility called the Chairman of the WF ADR Facility, appointed by the WF Board of Trustees, who will administer and run the ADR Facility together with suitable staff.

ADR Mechanisms envisaged

The mechanism envisaged will be the internal conciliation, mediation, adjudication, and arbitration facility within the community. All the above mechanisms will be available to parties to the dispute on a voluntary basis except for the candidates for the post of President or other office bearers.

The candidates for the post of President or other office bearers will have to undertake upfront at the point of their nomination for such post under the provisions of SOP Process A (for presidential elections and other office bearer elections) and provisions of SOP Process B (for the elections process where the complaint is made against the Electoral Commission) to accept and abide by the adjudication award made under the provisions of the SOP procedures.

The panel of suitable conciliators, mediators, adjudicators and arbitrators from within our community will be trained by the World Federation in the conciliation, mediation, adjudication and arbitration procedures and the roles, duties and functions and modalities to fulfil their roles as conciliators, mediators, adjudicators and arbitrators properly and competently. Following their training, suitable persons from among them should be appointed by the ADR Facility as conciliators, mediators, adjudicators and arbitrators in the facility. The process will be their nomination by the ADR Facility and their approval by the WF Board of Trustees after obtaining expert advice on this matter.

Until the WF ADR facility is established and the panel of such conciliators, mediators, adjudicators and arbitrators are trained adequately, the resort may need to be had to external mediation, adjudication and arbitration agencies, which will need to be identified by ADR Facility and, until the time the ADR Facility is established by the Board of Trustees after obtaining expert advice on this matter.

Stages in the ADR Procedures:

The first stage of dispute resolution would be to undertake negotiations between the parties. If that failed, it would be followed by the next stage of conciliation and mediation. If conciliation and mediation fail, the next stage could be the adjudication by an adjudicator agreed by the parties or arbitration by Arbitrator or arbitrators agreed by the parties.



1. Negotiation Stage

In the negotiation stage, the parties should attempt to resolve the dispute whether arising out of or relating to the presidential or other office bearer election or any other disputes, through negotiations between themselves or their representatives who have the authority to settle the same in the first instance. If there is no agreement reached through negotiation, then the next stage would be for the parties to agree to an Alternative Dispute Resolution (ADR) procedure under the WF ADR facility. This could take the form of conciliation and mediation.

2. Mediation Stage

In the mediation stage, if the matter is not resolved by negotiation between the parties or their representatives within [30] days of the start of the negotiation process, the parties will attempt to resolve the dispute in good faith through an agreed Alternative Dispute Resolution (ADR) procedure such as conciliation or mediation by a third party trained mediator or conciliator agreed by the parties from among the existing panel of trained conciliator or mediators appointed by the WF ADR Facility and approved by the Board of Trustees. If the parties cannot agree on the ADR procedure, then the ADR procedure to be followed can be suggested to the parties by the WF ADR Facility. If that is not acceptable to the parties, then the ADR procedure could be as recommended to the parties by an external institution such as the President or the Vice President, for the time being, of the Chartered Institute of Arbitrators recommended by WF ADR Facility.

Summary of the conciliation or mediation scheme: Accordingly, under the above scheme, any dispute arising out of or in connection with any differences or disputes arising amongst WF members and in the community generally shall, at first instance, be referred to a trained conciliator or mediator for resolution.

The parties shall attempt to agree upon the appointment of the conciliator or mediator from among the existing list of trained mediators and conciliators issued by the WF ADR facility upon receipt, by either of them, of a written notice to concur in such appointment.

Should the parties fail to agree within fourteen days, either party, upon giving written notice, may apply to the WF ADR Facility to appoint the trained mediator or conciliator acceptable to both parties. If a trained mediator or conciliator appointed by the WF ADR Facility is not acceptable to the parties, then appointing authority for the appointment of the mediator or conciliator will be an external agency as recommended by the WF ADR Facility, such as the President or the Vice President, for the time being, of the Chartered Institute of Arbitrators in the UK.



Should the mediation or conciliation process fail, in whole or in part, either party may, upon giving written notice and within twenty-eight days thereof, apply to the WF ADR Facility for adjudication of the dispute under paragraph 4 below, the appointment of an Arbitrator or Arbitrators for the final resolution of the dispute under Paragraph 3 below. The Arbitrator must have no connection with the conciliator or mediator or the conciliation or mediation proceedings.

3. Arbitration Stage

In the arbitration stage, if the matter has not been resolved by an ADR procedure such as mediation within [60] days of the initiation of that procedure, or if any party does not participate in an ADR procedure, then the dispute may be referred by any party to arbitration by a trained arbitrator from among the panel of trained arbitrators appointed by WF ADR Facility and approved by the WF Board of Trustees. The rules for such arbitration shall be prepared and issued by WF ADR Facility and published by the WF ADR Facility and these would be provided to the parties by the WF ADR Facility.

Should the parties be unable to agree on an arbitrator or be unable to agree on the rules for Arbitration, any party may, upon giving written notice to other parties, apply to the external institution recommended by the WF ADR Facility, such as the President or the Vice President, for the time being, of the Chartered Institute of Arbitrators for the appointment of an Arbitrator or Arbitrators and for any decision on rules that may be necessary.

If the parties ask for arbitration of the dispute by a panel of three arbitrators each party can appoint one Arbitrator each from amongst the internal panel of Arbitrators appointed by the WF ADR Facility and the two arbitrators can agree on the third Arbitrator from among the ADR facility approved panel of arbitrators. If the two arbitrators are unable to agree on the third Arbitrator, then any party may, upon giving written notice to other parties, apply to the external institution recommended by the WF ADR Facility such as to the President or the Vice President, for the time being, of the Chartered Institute of Arbitrators for the appointment of the third Arbitrator.

The arbitration would be governed by the UK Arbitration Act 1996 as amended from time to time and the seat of the arbitration shall be England and Wales. It should be noted that If the external institution such as Chartered Institute of Arbitrators in the UK is invoked this ADR process then their rules on the costs of such involvement will need to be taken into account by the parties and would apply.



4. Adjudication Stage

The parties may agree to resolution of the dispute by adjudication by an adjudicator. The procedure would be that a party to dispute would give notice in writing to the other party of its intention to refer the dispute to adjudication. The parties may agree on the adjudicator from among the list of approved trained adjudicators provided by the WF ADR facility. The parties would undertake and agree in writing prior to the commencement of the adjudication process that the decision of the adjudicator will be binding on both parties.

Where an adjudicator is not agreed within [7] days of the notice being given the referring party should, in the first place, apply to the WF ADR Facility to appoint an adjudicator from among the list of approved adjudicators. If the adjudicator appointed by the WF ADR Facility is not acceptable to the parties, then the adjudicator will be appointed by an external institution recommended by the WF ADR Facility, such as the Chartered Institute of Arbitrators as the adjudicator, which appointment shall be communicated to the parties within [14] days of receipt of the application.

Within [7] days of the notice, the referring party shall refer the dispute to the adjudicator. The adjudicator shall reach a decision within [28] days of referral or such longer period as is agreed by the parties after the dispute has been referred. The adjudicator shall act impartially. The adjudicator will take the initiative in ascertaining the facts and the law, and his decision will be binding as agreed by the parties.

If the external institution such as Chartered Institute of Arbitrators in the United Kingdom is invoked in this ADR process, then their rules on the costs of such involvement will need to be taken into account by the parties and would apply.



FREQUENTLY ASKED QUESTION ON THE PRESIDENTIAL ELECTION OF 2024

(Prior to the next Triennial Ordinary Conference of The World Federation of Khoja Shia Ithna-Asheri Muslim Communities due to take place before 30 May 2024, the election for the post of President shall take place in accordance with the Constitution and the Standard Operating Procedure (SOP) to be presented by the Constitutional Review Committee for adoption by the Extraordinary Conference on 10/11 June 2023.)

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1. A: How is the process of electing the President of The World Federation governed?

A: It is governed by the Constitution of the World Federation and by the Standard Operating Procedures for Electing the President of the World Federation (SOP). They will be available on the World Federation website soon after 11 June 2023.

2. Q: What is an Electoral Commission?

A: The Electoral Commission of the World Federation is elected by the Conference every three years, to oversee the election of the President of The World Federation.

3. Q: Who can stand for the post of President of The World Federation?

A: Any Khoja Shia Ithna-Asheri Muslim who is a fully paid-up and registered member of any Jamaat can be nominated for the office of the President of The World Federation.

4. Q: What is a Jamaat?

A: 'Jamaat' is a community or organisation of at least 50 persons professing Shia Ithna-Asheri Muslim faith.

5. Q: Who can nominate a Candidate for the post of President of The World Federation?

A: The Candidate for presidential elections must be nominated by any Regional Member of The World Federation.

6. Q: Who are the Regional Members of The World Federation?

A: There are six Regional Members of The World Federation –
(1) The Federation of Khoja Shia Ithna Asheri Jamaats of Africa (Africa Federation),
(2) Council of All KSI Jamaats (India Federation),
(3) The Council of European Jamaats (CoEJ),
(4) Federation of Australasian Communities INC. (FAC),
(5) Federation of Khoja Shia Isna Asheri Jamaats of Pakistan (Pakistan Federation) and
(6) North American Shia Ithna-Asheri Muslim Communities (NASIMCO).

7. Q: What is a Constituent Member?

A: 'Constituent Member' means a member of a Regional Member of the World Federation (essentially a Jamaat which is a member of a Regional Member).



8. Q: Are there any other Members of The World Federation?

A: Yes. Khoja Shia Ithna-Ashari Muslim Community of Dubai is an Associate Member of The World Federation, as in that geographical region, Dubai is a single Jamaat and there is no regional Federation constituted.

9. Q: What are the requirements of nominations for Presidential Candidates?

A: Each nomination shall be accompanied with a written and signed communication from the Candidate signifying his consent to such nomination plus a written and signed communication from the Jamaat of which the Candidate is a member of, confirming that the Candidate is a Khoja Shia Ithna-Ashari Muslim and a paid-up full member.

10. Q: When will the nominations open?

A: The nominations for the term 2024 – 2027 shall open on (T.B.A).

11. Q: When will the nominations close?

A: At 17.00 hours UK time on (T.B.A).

12. Q: When can nomination be sent to the Electoral Commission?

A: Only during the period between when the Nominations open and close.

13. Q: What is the address of the Electoral Commission?

A: Electoral Commission, The World Federation of KSIMC, Wood Lane, Stanmore, Middlesex, HA7 4LQ, United Kingdom.

14. Q: Can the nominations be sent electronically?

A: NO. Electronic nominations submitted will NOT be accepted. The nomination papers must be received at Electoral Commission's address either by post or hand-delivered.

15. Q: What happens if no nominations are received?

A: Should no nomination(s) be received by the prescribed dates, the Electoral Commission shall so notify the Regional Members and the Associate Member of the World Federation and the election of the President, along with post of other office bearers, shall be held



at the ensuing Triennial Ordinary Conference by Councillors from amongst eligible candidates present at the Conference.

16. Q: What if there is only one eligible candidate for the post of the President?

A: Should only one eligible nomination be received then the Electoral Commission shall declare the candidate duly elected unopposed and shall so notify the Regional Members and the Associate Member of the World Federation.

17. Q: What happens if multiple nominations are received?

A: The Electoral Commission shall within a period of seven (7) days after the closing date for the submission of nominations, send to Regional Members and Associate Member all such nominations received by it in response to the notice and activate the electronic electoral process in accordance with the Standard Operating Procedure, and elections shall be conducted by the selected e-Voting Service Provider.

18. Q: Who is the e-Voting Service Provider?

A: For this first electronic presidential election of the World Federation, Democracy Technology mi-Voice, a UK based electronic election vendor has been selected.

19. Q: Who can vote?

A: Only those who have been included in the eligible register of voters provided by the Members of the World Federation to the e-Voting Service Provider shall be able to vote.

20. Q: What voter's data will be required by the e-Voting Service Provider?

A: Data required shall include First name, Middle Name, Surname, Date of Birth (format dd/mm/yyyy), Email address or Mobile number, Preference for voting (Email, SMS Smart Phone, SMS or in person) and the preferred language for communication (English, French, Gujarati, Hindi, Portuguese or Urdu), of each eligible voter.

21. Q: Who will collect the data?

A: Each of the Regional Members and the Associate Member of the World Federation shall designate an Election Liaison Officer (ELO) to collect the required data from their eligible voters. The e-Voting Service Provider shall email each designated ELO a link to



their own secure SharePoint folder plus an excel template with an example of how the data is to be provided, to ensure uniformity of information. The e-voting Service Provider shall have an individual data sharing agreement in place with each Regional Member and Associate Member of the World Federation.

22. Q: How will the data collection comply with Data Protection Laws?

A: Each of the Regional Election Liaison Officer (ELO) shall ensure that when the data is collected, the eligible voters give explicit consent for the use and transfer of their personal data. The eligible voters will have been provided with information including the purpose for processing their personal data (i.e., solely for the election of the President of the World Federation), that contact details provided, including mobile numbers and email addresses, shall only be used by the e-Voting Service Provider to issue the members with a voting instruction; that the retention periods for the personal data shall not be for longer than is necessary to carry out the election of the President of the World Federation and that the data will only be shared with the nominated e-Voting Service Provider, who will erase the data as soon as the post of President-Elect is announced by the Electoral Commission.

23. Q: What precautions are in place to keep member information and voting data secure?

A: All the data on the Electoral Register shall be confidential and only the e-Voting Service Provider shall have access to it.

24. Q: How will the voting take place?

A: The e-Voting Service Provider shall issue voting instructions to all eligible members by email or SMS, in their preferred language of communication (English, French, Gujarati, Hindi, Portuguese or Urdu). Members with no SMS or email contact will be allocated a unique code by the e-Voting Service Provider to vote in person at one of the regional hubs/centres. The voting platform shall only be open for voting during the 24 hours of the day that has been designated by the Conference.

25. Q: Is proxy voting or by post allowed?

A: Proxy and/or Postal voting shall NOT be permitted.

26. Q: When will the voting take place?

A: The Conference has set (T.B.A) as the voting date for all regions. The voting platform shall only be open for voting between 00.01 and 23.59 UK time on that single day.



27. Q: What happens at the end of the voting period?

A: At the end of the voting window, the e-Voting Service Provider shall provide access to anonymised voting data to the Electoral Commission. The Electoral Commission shall invite the Conference appointed observer Councillors and the Candidates' Representatives to be present at the World Federation Secretariat for the final count authentication and the allocation of Aggregate Electoral College Points.

28. Q: Can the election be declared null and void?

A: Should only three or less of the Regional Members have participated in the election, the Electoral Commission shall declare the election null and void and the election of the President, along with post of other office bearers, shall be held at the ensuing Triennial Ordinary Conference by Councillors from amongst eligible candidates present.

29. Q: What is Aggregate Electoral Points?

A: The formula shall be: Number of Electoral College Points received by candidate per Member equals [Total Votes Received by the candidate in that Member divided by total Votes Cast within that Member] times Number of Councillors allocated to that Member. The Member shall not round up or otherwise of the result of this formula.

30. Q: Who is a Councillor?

A: "Councillor" shall mean a Councillor to the Conference either elected or nominated by a Regional or Associate Member of the World Federation or appointed or nominated by the Board of Trustees of the World Federation or elected by the Conference;

31. Q: When will the results of the election be announced?

A: The candidate receiving the highest number of Aggregate Electoral College Points, as unanimously certified by the Electoral Commission, the Conference appointed Councillors and the Candidates' Representatives present at the post-election final count authentication, shall be declared to be President-Elect by the Electoral Commission at least 5 days before the date set for the ensuing Triennial Ordinary Conference.

32. Q: What happens if there are complaints regarding the electoral process?

A: The World Federation Constitution proposes the establishment of a dedicated Alternative Dispute Resolution (ADR) Facility comprising trained conciliators, mediators,



adjudicators and arbitrators from within the community who shall have processes in place to deal with complaints made by the Candidates or other concerned parties on the electoral process, be it against other candidates and persons or specifically against the Electoral Commission.