



His Highness Prince Aga Khan Shia Imami Ismailia
Council for Canada

October 9, 1987

All Presidents,
Chairman, Tariqah and Religious Board for Canada

RE: CLARIFICATIONS ON RULES & REGULATIONS AND GUIDLINES

We enclose herewith for your confidential information a copy of Memorandum dated September 15, 1987 from Vazir Anil Ishani, Chairman, Constitution Review Committee. These clarifications are to assist you in the implementation of the constitution and guidelines and therefore are not to be read out in the Jamatkhanas.

Changes to the past practices and procedures can sometimes be extremely sensitive and may hurt feelings of some individuals. We therefore have to collectively exercise care in ensuring correct interpretations of all documents pertaining to the Constitution. If there are sensitivities arising from the implementation of the new Constitution, Rules and Regulations and the Guidelines please advise us immediately since the very intent of these documents is to unite the Jamat.

With kind regards,


Aziz Bhaloo, Vice President
COUNCIL FOR CANADA

MEMORANDUM

TO: PRESIDENT NIZAR KANJI

FROM: ANIL ISHANI *ishani*

SUBJECT: THE CONSTITUTION OF THE SHIA IMAMI ISMAILI
MUSLIMS AND THE RULES AND REGULATIONS MADE
THEREUNDER

DATE: 15TH SEPTEMBER 1987

I have now had an opportunity to go through the two documents which you recently let me have in London namely:

- (a) list of issues relating the Constitution and Rules and Regulations; and
- (b) list of matters requiring clarification.

LIST OF ISSUES RELATING TO THE CONSTITUTION
AND RULES AND REGULATIONS

1. Question:

To what extent may the National Council add to or amend the Guidelines (if at all)?

Response:

The Guidelines have been issued by the Leaders International Forum under the guidance of Mawlana Hazar Imam. It is not, therefore, open to the National Council to add to or amend the Guidelines. However, I should draw your attention to the introductory statement in paragraph 1.3 of the Guidelines which states that:

"... Unlike the Ismaili Constitution and the Rules and Regulations, these Guidelines are not a 'public document', their purpose being to assist in the implementation of the Constitution and the Rules and Regulations by establishing certain conventions and procedures. The directives contained in these Guidelines will apply for the term of office of the newly appointed members of Councils and other institutions and may be changed thereafter: they are guidelines for assistance and not a formal permanent document such as the Constitution or the Rules and Regulations."

2. Question:

Do Central Institutions have any autonomy or are they wholly accountable to the National Council?

Response:

The Central Institutions are neither wholly accountable to the National Council, nor are they totally autonomous bodies. As you will see from the Rules and Regulations, the Chairmen of the Central Institutions are ex-officio members of their respective Councils, and no distinction is drawn between ex-officio members and non ex-officio members in their responsibilities to the Council. All members of the Council together have collective responsibility for the actions of the Council and as such the Chairmen of the Central Institutions are equally part and parcel of Council decisions and activities. However, as mentioned in paragraph 11 of the Guidelines, the Central Institutions all over the

world in any one particular thematic area of work (e.g. Health) have a close link with each other and draw upon expertise made available to them centrally from the Health Department at Aiglemont. This central availability of expertise is a resource base for the Central Institutions to enable them better to discharge their functions within their respective territories. At the same time there is a degree of centralised policy thinking from the Health Department at Aiglemont in relation to health issues. Thus, the Council in any particular country and the Aga Khan Health Board would be expected to work hand in hand for the betterment of the Jamat. To this extent therefore, the requirements, programmes and activities of Central Institutions are matters where the respective Councils would be expected to aid and assist and not necessarily to dictate policy although any view expressed collectively by the Council should be fairly reflected by the relevant Central Institution whose chairman would, through the doctrine of collective responsibility, be party to the Council's view even though he may not himself have been in favour of the Council's view.

In this respect the provision in Regulation 6.2 (e) of the Rules and Regulations for Canada is particularly relevant and I set it out in full below:

"[part of the role of the National Council is] to optimise the use of resources and for such purpose to co-ordinate the Central Institutions and the Tariqah and Religious Education Board in attaining their respective annual objectives and corresponding strategies and the implementation of their respective programmes".

3. Question

Are the Local Boards of the Central Institutions accountable only to their National Boards? Are the Local Boards accountable to the respective Councils?

Response:

The Local Boards of the Central Institutions are accountable as a collective body to their respective National Boards. However, the Chairman of the Local Board of a Central Institution is an ex-officio member of his respective Local Council. Accordingly, the Chairman of the Local Board shares collective responsibility with the other members of the Local Council for all the activities (not merely those relating to his particular discipline) of the Local Council. The distilled wisdom of all the members of the Local Council would be expected to have some impact on the work of the Local Board of the Central Institution and the two bodies would be expected to work closely together. However, in organisational terms the Local Boards of the Central Institutions are collectively responsible and accountable to their respective National Boards.

4. Question:

"Principal Jamatkhana" in Canada - clarification with respect to the reference in Holy Talika as Principal Jamatkhana. The Constitution implies that a Darkhana and a Principal Jamatkhana are mutually exclusive in any territory. Also, what is the term of appointment of Mukhi/Kamadia Sahebs other than those of Darkhana?

Response:

Darkhana and Principal Jamatkhana are mutually exclusive in any territory. Accordingly, whilst in Canada there is a Darkhana, in the United States of America there is a Principal Jamatkhana, and, as yet, no Darkhana. The position is spelt out in Article 10.3 of the Constitution which states:

"If no Darkhana has been designated for a territory, the National Council in that territory shall recommend to Mawlana Hazar Imam the designated ¹⁹ of any one of the Jamatkhana within its jurisdiction as the Principal Jamatkhana of that territory."

The term of office of Mukhis and Kamadias of Jamatkhana other than Darkhana is as set out in paragraph 22 of the Guidelines. You will see that for Canada the period of office is two years.

5. Question:

Nomenclature: Can the Local Boards not having been appointed by Mawlana Hazar Imam be referred to as "His Highness Prince Aga Khan"?

Response:

Paragraph 34.1 of the Guidelines states:

"... a body whose members are appointed directly by Mawlana Hazar Imam should utilise the name 'His Highness Prince Aga Khan' as part of its nomenclature, unless otherwise specifically provided."

In the case of the Central Institutions there is such specific provision. The correct name of each Central Institution is set out in the Rules and Regulations. For example, the correct name of the Health Central Institution is "Aga Khan Health Board", ^{and} the name "His Highness Prince Aga Khan" is not used as part of the name as one would otherwise expect if the basic principle described in paragraph 34.1 of the Guidelines had been followed.

Consider now the position of a Local Board. A Local Board of a Central Institution is part of the Board itself. It is rather like a branch of the institution, and not a separate body in itself. Accordingly, each Local Board of the Aga Khan Health Board ~~of the Aga Khan Health Board~~ would still be known as "Aga Khan Health Board" but its notepaper and its address would disclose the fact that it is a local body and not the national body. It is hoped that you will soon be provided with graphics for stationery for each of the bodies mentioned in the Constitution and in the Rules and Regulations.

6. Question:

Do the Central Institutions report directly to Mawlana Hazar Imam or through their respective National Council?

Response:

This question has already been answered as part of the reply to question 2 above. The Central Institutions each have their respective reference points at Aiglemont where, within Mawlana Hazar Imam's Secretariat, appropriate departments have been established.

7. Question:

Registration of bodies: What types of bodies are envisaged? Do existing bodies need to be registered?

Response:

The position is set out in Regulation 60 of the Rules and Regulations for Canada. Any entity or body of persons (other than an Apex Institution) not established by or under the Constitution or the Rules and Regulations, which seeks to function within the Jamat or which seeks the use of facilities of the Jamat will be required to register before it can be allowed to function within the Jamat or to use the facilities of the Jamat. Certainly, if there are any existing bodies which fall within this category they must apply for registration and cannot function within the Jamat or use the facilities of the Jamat until they have been registered with the relevant Council. Any new bodies will clearly also have to submit to the registration procedure if they wish to function within or use facilities of the Jamat.

8. Question:

The Constitution makes no reference to the Rites & Ceremonies of our Tariqah. Is there expected to be a document corresponding to the current Green Hand book outside the Constitutional framework?

Response:

The matter of rites and ceremonies is now under the umbrella of the Tariqah and Religious Education Board. There is, as you know, a Co-ordinator at Aiglemont for the Tariqah and Religious Education Boards and he will

be liaising with all the various Tariqah and Religious Education Boards around the world on all aspects of their work. For the time being, however, the existing green handbook should continue to be followed.

9. Question:

What is the expected relationship between the National Council and the Tariqah and Religious Education Board? - Is it expected that the National Council being the principal body charged in the Constitution with the responsibility of protecting the interests of Mawlana Hazar Imam and the Jamat (and the Tariqah) will have some supervisory or similar role vis-a-vis the Tariqah Board?

Response:

The Tariqah and Religious Education Board and the National Council are independent bodies each responsible for their own areas of work. However, from the point of view of co-ordination (and I refer you again to the words of Regulation 6.2 (e) of the Rules and Regulations) the National Council will be expected to optimise the use of resources of various bodies. Furthermore, whilst the Chairman of the Tariqah and Religious Education Board is not an "ex-officio" member of the Council, it should be noted that he is nevertheless a member in his own personal capacity ^{and} there should be a good degree of co-ordination between the two bodies.

10. Question:

Who initiates the appointments process for Jamati and Mandli Mukhi/Kamadias?

Response:

The appointments process for Jamati Mukhis and Kamadias and the Mukhis and Kamadias of those Majalis where appointments are made by Mawlana Hazar Imam will be initiated by Mawlana Hazar Imam. All other appointments of Mukhis and Kamadias will be initiated by the Tariqah Board Chairman at national level.

11. Question:

Procedure for meetings of the Bodies - should a standard procedure be developed, with some room for special circumstances of each body?

Response:

The Rules and Regulations set out those aspects of meetings of Bodies which must mandatorily be followed. In all other respects their management procedures are governed by Regulation 53 of the Rules and Regulations which states:

"Management procedures for giving effect to the provisions of these Rules and Regulations shall be prepared by each National Body in respect of itself and its Local Bodies and shall come into effect from such date as it may direct."

14. Question:

Some guidelines would be useful with regards to the appointment procedures, announcements in Jamatkhanas, absences of Mukhi or Kamadia and Resignations relating to Life Dedication and Mubarak Majalis.

Response:

The position on the issues mentioned in your question are as follows:

Appointment Procedures

I am not sure what you mean here. The actual process for appointments is set out in the Rules and Regulations.

Announcements in Jamatkhanas

The responsibility for authorising announcements in Jamatkhanas is that of the National Council or the respective Local Council.

Absences of Mukhi or Kamadia

The provisions relating to absences and vacancies in midterm are set out in Regulation 70 of the Rules and Regulations.

Resignation relating to the Life Dedication
Majlis and the Mubarak Majlis

The provisions for resignation are set out in Regulation 69 of the Rules and Regulations.

12. Question:

Letters of Identifications: A procedure for these need to be developed (unless the present system is to continue - no mention in the Guidelines).

Response:

The issue of Letters of Identification is an international one which will possibly be raised and discussed at a meeting of the Leaders' International Forum. For the time being, however the existing system should continue.

13. Question:

Marriage Procedures need to be developed and implemented (the current marriage forms used in Ontario are wholly out of line with the Family Law Act).

Response:

So far as marriage procedures, forms and so on are concerned, I should refer you to Regulation 6.2 (d) (vi) of the Rules and Regulations which provides that:

"[the National Council shall be entitled] to prepare such forms or registers as may be necessary for the proper discharge of its functions, powers and duties including (without limitation) the preparation of forms and registers for the registration of births, engagements, marriages, divorces and deaths".

15. Question:

Rules & Regulations provide that one Member without portfolio on Local Council should be a woman - none appointed on Council for Ontario - should this be rectified?

Response:

I cannot trace any provision in the Rules and Regulations for Canada which provides that one of the Members without portfolio on the Local Council should be a woman. However, this may have been a desirable thing and the Rules and Regulations do allow the flexibility of appointing women members. I am not aware of the discussions which took place at the time of appointment of the members of the Council for Ontario, but I would think it too late now for the position to be rectified. You may wish to keep this point in mind at the time of the next appointments in 1990.

16. Question:

No provision for conflict of interest guidelines. Is National Council required to develop these? Was the omission intentional?

Response:

It would be up to the National Council to prescribe such management procedures as it feels necessary or desirable. For example, it may make it a point for members to disclose any conflicts of interests in any matter under discussion. Certainly the omission from the Rules and Regulations is not accidental. I would draw your attention in particular to the Oath of

Office which all members are required to swear and in particular to the following words contained in the Oath:

"that I shall perform with absolute honesty, integrity, devotion and diligence, and to the best of my ability, all the duties and obligations entrusted to me..."

17. Question:

Does the National Member for Communications have any reporting responsibility to the Council for Ontario since there is no corresponding appointment at the Local level?

Response:

The Local Council for Ontario would be expected to appoint a committee to deal with Jamati publications. Any issues relevant for the Communications' Co-ordinator (as to whose role please see the Guidelines) which arise within the jurisdiction of the Local Council for Ontario would need to be referred immediately to the Communications' Co-ordinator based in Toronto. You will see that the same position prevails in British Columbia where there is located the National Communications' Co-ordinator for Western Canada who sits on the National Council as a Member without portfolio.

18. Question:

What is the procedure for submitting resignations from Mukhi/Kanadias of Jamats and Majalis to Mawlana Hazar Imam?

What about six monthly reports to MHI by Majalis M/K?
to be continued? No mention in the guidelines.

Response:

There is no specified channel of communication for the submission of any resignation of a Mukhi and Kamadia to Mawlana Hazar Imam. It could follow any one of several different routes, some of which are:

- (a) through the National Council President or the Tariqah Board Chairman or the Estate Agent;
- (b) through the relevant Council as a petition submitted in accordance with Regulation 74 of the Rules and Regulations.

LIST OF MATTERS REQUIRING CLARIFICATION

1. Question:

Nomenclature for Volunteer Corps: Traditionally the Corps had been referred as Aga Khan Gents (Ladies) Volunteer Corps. Should this be changed to Ismaili Gents (Ladies) Volunteer Corps and would this change require Mawlana Hazar Imam's approval, since the present badge would need revision?

Response:

In accordance with the principles set out in paragraph 34 of the Guidelines, the correct prefix for the full name is : "Shia Imami Ismaili". Accordingly, the name could be:

"Shia Imami Ismaili Gents Volunteer Corps,
[town or country]

"Shia Imami Ismaili Ladies Volunteer Corps,
[town or country]

The matter of the badge should properly be referred to the Graphics Department at Aiglemont, through the Council's Co-ordinator who is in direct touch with you and with the Graphics Department.

2. Question:

Stationery: When is the new Graphics Design expected since printed stationery is required urgently?

Response:

The new models for stationery will be available shortly.

3. Question:

Protocol:

What is the status of Social Protocol?

Do weekend and University Mukhi/Kamadias have protocol in Jamatkhanas other than those where they officiate?

Performance of Jamati services after Baitul Khayal - who should officiate in the absence of Jamati Mukhi/Kamadia?

Response:

Social Protocol

This is a matter on which Mawlana Hazar Imam's guidance is awaited. In the interim, each Body would be expected to use its best judgement. The most important point to bear in mind is that proper respect should be accorded to the holders of senior office and

decisions on social protocol should not be coloured by personalities or the desire to accommodate particular individuals.

Weekend and University Jamatkhana

In so far as these Mukhis and Kamadias have not been directly appointed by Mawlana Hazar Imam they have no official protocol. However, the Mukhi and Kamadia of a Jamatkhana where a Mukhi or Kamadia of a weekend or university Jamatkhana may be attending may wish to show respect for the offices held by the visiting persons and accordingly may, by courtesy, invite ^{them} to sit behind the paat.

Performance of Jamati Ceremonies

This is a Tariqah matter and should therefore be referred to the Tariqah and Religious Education Board. However, it seems to me that the answer is contained in paragraph 23 of the Guidelines.

4. Question:

In Vancouver who would officiate at joint gatherings or be responsible for arrangements thereof - Darkhana Mukhi/Kamadia or Headquarter Mukhi/Kamadia?

Response:

This too is a Tariqah matter. However, it would seem to me that wherever there is a joint gathering which is not taking place in the Jamatkhana of or under the aegis of any one particular Mukhi, ^{and} Darkhana Mukhi is involved in the proceedings, he is the proper person to officiate as his position is the most senior and it is right and proper that he should officiate.