



**THE CONSTITUTION  
OF THE SHIA IMAMI ISMAILI  
MUSLIMS**

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### *Glossary*

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

BISMI-LLAHI-R-RAHMANI-R-RAHIM

Whereas

- (A) The Shia Imami Ismaili Muslims affirm the *Shahādah* 'Lā ilāha illa-llāh, Muḥammadur Rasūlu-llāh', the *Tawḥīd* therein and that the Holy Prophet Muhammad (Ṣalla-llāhu 'alayhi wa-sallam) is the last and final Prophet of Allah. Islam, as revealed in the Holy Quran, is the final message of Allah to mankind, and is universal and eternal. The Holy Prophet (S.A.S.) through the divine revelation from Allah prescribed rules governing spiritual and temporal matters.
- (B) In accordance with Shia doctrine, tradition, and interpretation of history, the Holy Prophet (S.A.S.) designated and appointed his cousin and son-in-law Hazrat Mawlana Ali *Amīru-l-Mu'minīn* ('*Alayhi-s-salām*'), to be the first Imam to continue the *Ta'wīl* and *Ta'lim* of Allah's final message and to guide the murids, and proclaimed that the Imam should continue by heredity through Hazrat Mawlana Ali (A.S.) and his daughter Hazrat Bibi Fatimat-az-Zahra, *Khātūn-i-Jannat* ('*Alayhā-s-salām*').
- (C) Succession to Imam is by way of *Naṣṣ*, it being the absolute prerogative of the Imam of the time to appoint his successor from amongst any of his male descendants whether they be sons or remoter issue.
- (D) The authority of the Imam in the Ismaili Tariqah is testified by *Bay'ah* by the murid to the Imam which is the act of acceptance by the murid of the permanent spiritual bond between the Imam and the murid. This allegiance unites all Ismaili Muslims worldwide in their loyalty, devotion and obedience to the Imam within the Islamic concept of universal brotherhood. It is distinct from the allegiance of the individual murid to his land of abode.
- (E) From the time of the Imam of Hazrat Mawlana Ali (A.S.), the Imams of the Ismaili Muslims have ruled over territories and peoples in various areas of the world at different periods of history and, in accordance with the needs of the time, have given rules of conduct and constitutions in conformity with the Islamic concepts of unity, brotherhood, justice, tolerance and goodwill.
- (F) Historically and in accordance with Ismaili tradition, the Imam of the time is concerned with spiritual advancement as well as improvement of the quality of life of his murids. The Imam's *Ta'lim* lights the murids' path to spiritual enlightenment and vision. In temporal matters, the Imam guides the murids, and motivates them to develop their potential.
- (G) Mawlana Hazar Imam Shah Karim al Hussaini, His Highness Prince Aga Khan, in direct lineal descent from the Holy Prophet (S.A.S.) through Hazrat Mawlana Ali (A.S.) and Hazrat Bibi Fatima (A.S.), is the Forty-Ninth Imam of the Ismaili Muslims.

- (H) By virtue of his office and in accordance with the faith and belief of the Ismaili Muslims, the Imam enjoys full authority of governance over and in respect of all religious and Jamati matters of the Ismaili Muslims.
- (I) It is the desire and *Hidāyah* of Mawlana Hazar Imam that the constitutions presently applicable to the Ismaili Muslims in different countries be superseded and that the Ismaili Muslims worldwide be given this Constitution in order better to secure their peace and unity, religious and social welfare, to foster fruitful collaboration between different peoples, to optimise the use of resources, and to enable the Ismaili Muslims to make a valid and meaningful contribution to the improvement of the quality of life of the Ummah and the societies in which they live.

*Now therefore*

In exercise of the said recited authority vested in me as Hazar Imam, I, SHAH KARIM AL HUSSAINI AGA KHAN, am pleased to ordain AND DO HEREBY ORDAIN that the Shia Imami Ismaili Muslims, in whatever place they may be, shall at all times be bound and governed by this Constitution according to its tenor.

ORDAINED under the Sign Manual and Seal of Mawlana Hazar Imam Shah Karim al Hussaini His Highness Prince Aga Khan the Forty-Ninth Imam of the Shia Imami Ismaili Muslims at Merimont, Geneva, this Thirteenth day of December One Thousand Nine Hundred and Eighty Six being the Tenth day of *Rabī' ath-Thānī* One Thousand Four Hundred and Seven (*Hijrah*), in the Thirtieth year of his Imamatus.

AGA KHAN



The text which follows incorporates changes ordained by Constitutional Instrument made on the Eleventh day of July One Thousand Nine Hundred and Ninety being the Eighteenth day of *Dhū al-Hijjah* One Thousand Four Hundred and Ten (*Hijrah*).

*Article One*    **POWER AND AUTHORITY OF MAWLANA HAZAR IMAM**

- 1.1    Mawlana Hazar Imam has inherent right and absolute and unfettered power and authority over and in respect of all religious and Jamati matters of the Ismailis.
- 1.2    Mawlana Hazar Imam has the sole authority to :
- (a)    determine all questions that may arise as regards the meaning and interpretation of any religious or Jamati tradition or custom of the Ismailis and amend or discontinue it at any time;
  - (b)    confer a constitution on the Jamat and amend or discontinue any such constitution or any provision thereof;
  - (c)    determine all questions that may arise as regards the meaning and interpretation of any such constitution and grant dispensation therefrom;
  - (d)    constitute or discontinue any body or organisation under any such constitution and define or change its composition, functions, jurisdiction or powers;
  - (e)    constitute or discontinue offices under any such constitution, make appointments to any such office and terminate such appointments which shall all be held at Mawlana Hazar Imam's pleasure; and
  - (f)    prescribe the Rules and Regulations to be made under this Constitution.

*Article Two*    **TITLE, DEFINITIONS AND INTERPRETATION**

- 2.1    This Constitution shall be known as "The Constitution of the Shia Imami Ismaili Muslims".
- 2.2    In this Constitution, the words and expressions set out below shall have the meanings set out opposite them unless the contrary intention appears.

"Apex Institution"	Any incorporated or unincorporated body designated as an Apex Institution by Mawlana Hazar Imam as provided in Article 6.
"Central Institution"	Any incorporated or unincorporated body set up as provided in Article 7.
"Darkhana"	Any Jamatkhana designated as such by Mawlana Hazar Imam as provided in Article 10.
"Farman"	Any pronouncement, direction, order or ruling made or given by Mawlana Hazar Imam.

"Grants and Review Board"	Any incorporated or unincorporated body of persons appointed by Mawlana Hazar Imam as provided in Article 9.
"International Conciliation and Arbitration Board" and "National Conciliation and Arbitration Board"	Any incorporated or unincorporated body of persons appointed by Mawlana Hazar Imam as provided in Articles 12 and 13 respectively.
"Ismailis" or "Ismaili Muslims" or "Shia Imami Ismaili Muslims"	The murids of Mawlana Hazar Imam.
"Jamat"	Ismailis residing in any particular area.
"Jamatkhana"	A place designated as such by Mawlana Hazar Imam for the use of Ismailis for Tariqah practices.
"Leaders' International Forum"	The unincorporated body of persons appointed by Mawlana Hazar Imam as provided in Article 4.
"Mawlana Hazar Imam"	Mawlana Shah Karim al Hussaini, His Highness Prince Aga Khan, the Forty-Ninth Imam of the Ismailis, or his successor designated by him to succeed him as the Imam, or any of his successors as Imam so designated by his predecessor.
"Mukhi" and "Kamadia"	The persons appointed as such by Mawlana Hazar Imam.
"National Council", "Regional Council" "Local Council" or "Council"	The National Council, Regional Council or Local Council respectively as hereinafter described as Mawlana Hazar Imam may appoint.
"President"	Any President of a Council, or Chairman thereof in respect of those territories where the head of a Council is known as "Chairman".
"Regional Board", "Local Board" or "Board"	The Regional Board or Local Board respectively as hereinafter described of any Central Institution, Tariqah and Religious Education Board and Grants and Review Board.
"Tariqah and Religious Education Board"	Any incorporated or unincorporated body of persons appointed by Mawlana Hazar Imam as provided in Article 8.

**"Rules and Regulations"**

The Rules and Regulations which may be prescribed by Mawlana Hazar Imam in respect of any of the territories mentioned in this Constitution.

2.3 In this Constitution, unless the contrary intention appears :

- (a) words importing the masculine gender include the feminine ;
- (b) words importing the feminine gender include the masculine ;
- (c) words in the singular include the plural ;
- (d) words in the plural include the singular ;
- (e) references to a person include a body of persons corporate or unincorporate ; and
- (f) references to any appointment, approval, authorisation, determination, direction or prescription shall mean such appointment, approval, authorisation, determination, direction or prescription as may be made from time to time by Mawlana Hazar Imam.

2.4 Headings are inserted in this Constitution for ease of reference only and do not form part of it for the purpose of construction.

2.5 The failure at any time to require performance by any person of any provision of this Constitution shall in no way affect the right to require such performance, and any waiver in respect of any person of any breach of any of its provisions shall not be construed as a waiver of any continuing or succeeding breach of that provision.

2.6 This Constitution shall be read with any Farman made after the date hereof, and in the event of conflict, the said Farman shall prevail over this Constitution, and a later Farman shall prevail over an earlier.

*Article Three*    **APPLICABILITY**

3.1 This Constitution shall come into force and bind and be applicable to all Shia Imami Ismaili Muslims wherever they may be by not later than 13th December 1987.

3.2 This Constitution shall apply to Ismailis worldwide, subject only to the overriding effect of any applicable laws of the land of abode of any Ismaili to the extent of any inconsistency.



- 3.3 The Rules and Regulations applicable in respect of each territory shall come into force on such date as Mawlana Hazar Imam may determine.

*Article Four* LEADERS' INTERNATIONAL FORUM

- 4.1 There shall be a Leaders' International Forum to be known as "His Highness Prince Aga Khan Shia Imami Ismaili Leaders' International Forum".
- 4.2 The Leaders' International Forum shall be directly under the authority of Mawlana Hazar Imam.
- 4.3 The Leaders' International Forum shall meet from time to time to exercise deliberative and consultative functions and submit its views to Mawlana Hazar Imam in respect of any matters, activities, interests or questions affecting the Jamat and specifically referred to it by Mawlana Hazar Imam. The submissions of the Leaders' International Forum shall be implemented only if specifically approved by Mawlana Hazar Imam.
- 4.4 The Leaders' International Forum shall be composed of:
- (a) a Chairman who may or may not be a President of a National Council and who shall hold office for such period as Mawlana Hazar Imam may determine;
  - (b) persons appointed from amongst the Presidents of the National Councils, whose tenure of office as members of the Leaders' International Forum shall be coextensive with their respective tenure of office as President; and
  - (c) such other members as may be appointed from time to time who shall hold office for such period as Mawlana Hazar Imam may determine.

*Article Five* COUNCILS

- 5.1 There shall be a structure of Councils for the social governance of the Jamat comprising:
- (a) National Councils;
  - (b) Regional Councils; and
  - (c) Local Councils.

- 5.2 There shall be a National Council for each of the territories specified in Part I of the First Schedule to be known as "His Highness Prince Aga Khan Shia Imami Ismaili Council" for the territory for which it is formed.
- 5.3 The jurisdiction of each National Council shall extend to such geographical area beyond its own territory as may be authorised by Mawlana Hazar Imam from time to time. Such National Councils, as may be directed, shall be responsible for the social governance of the Jamat in the territories listed in Part II of the First Schedule.
- 5.4 Each National Council shall have such Regional Councils and Local Councils on a need basis in the area of its jurisdiction, as may be authorised by Mawlana Hazar Imam from time to time.
- 5.5 The aims and objects of the Councils in relation to their respective areas of jurisdiction shall be the social governance, administration, guidance, supervision and co-ordination of the activities of the Jamat and its institutions and organisations, and the performance of such functions and the exercise of such jurisdiction and powers as may be authorised and in particular, but without limitation, to :
- (a) serve the cause and protect the interests of Mawlana Hazar Imam, the Ismaili Tariqah and Ismailis ;
  - (b) maintain and foster the unity of Ismailis and to preserve, protect and strengthen the Islamic social and cultural heritage ;
  - (c) strive to maintain unity with other tariqahs within the Muslim Ummah, and to seek co-operation and friendly relations with all other peoples ;
  - (d) endeavour to secure continuing improvement in the quality of life of the Jamat, through appropriate policies and programmes in the areas of education, health, social welfare, housing, economic welfare, cultural and women's activities, youth and sports development ;
  - (e) analyse fundamental problems confronting the Jamat and their relationship to underlying trends in the national and international development process, and set short range and long range goals for the Jamat ;
  - (f) preserve and foster the tradition of voluntary service and identify, motivate and develop leadership talent ;
  - (g) serve the needs of the Jamat to enable it to make an effective contribution to the development of the societies in which it lives ;
  - (h) make available to the Jamat and the public at large, information relating to the role and contribution of the institutions of the Imam and the Jamat towards development in various regions of the world ;
  - (i) strengthen the Jamat and its institutions ; and

- (j) work in close collaboration with other Councils in different regions of the world and with the Apex Institutions.

5.6 In pursuing the aims and objects set out above, the Councils shall have due regard to the provisions of the statutes, by-laws or other document of incorporation of any institution or organisation of the Jamat.

5.7 Each National Council shall be composed of:

- (a) a President ;
- (b) a Vice-President ;
- (c) as *ex officio* members, the Chairmen of the Central Institutions and the Presidents of the Regional Councils or (in the case of there being no Regional Councils) the Presidents of the Local Councils (if any), established in that territory by the Rules and Regulations of the National Council ;
- (d) such other members having responsibility for such disciplines as may be determined from time to time ; and
- (e) such other members as may be appointed from time to time.

5.8 The President, Vice-President and other members of the National Council shall be appointed for a term of three years. The tenure of office of each *ex officio* member shall be coextensive with the tenure of his substantive office.

5.9 Each National Council shall have such Rules and Regulations as may be prescribed to :

- (a) constitute Regional Councils and Local Councils within its jurisdiction for the attainment of its aims and objects ;
- (b) determine the composition of each Regional Council and Local Council within its jurisdiction ;
- (c) define its functions, powers and duties and those of each Regional Council and Local Council within its jurisdiction ;
- (d) define the functions and duties of its members and those of each Regional Council and Local Council within its jurisdiction ;
- (e) provide rules of procedure for the conduct of business at its meetings and those of each Regional Council and Local Council within its jurisdiction ;
- (f) provide remedial procedures for breach of any provision of its Rules and Regulations ;
- (g) provide consultative procedures for making recommendations for appointments to the Councils ; and

- (h) provide for such other matters as Mawlana Hazar Imam may determine.

*Article Six*    APEX INSTITUTIONS

- 6.1 Mawlana Hazar Imam may, at any time for achieving specific objectives or addressing specific development problems or issues in any area of human endeavour, establish or cause to be established such institutions as he may deem necessary, and designate such institutions or any existing institutions as Apex Institutions.
- 6.2 Each Apex Institution listed in the Second Schedule is an independent incorporated international body and operates under the chairmanship of Mawlana Hazar Imam.
- 6.3 Each Apex Institution has such executive authority for the attainment of its aims and objects as is prescribed in its statutes, by-laws or other document of incorporation.

*Article Seven*    CENTRAL INSTITUTIONS

- 7.1 Mawlana Hazar Imam has constituted different institutions bearing such names as are listed in the Third Schedule, for the provision of services to the Jamat in education, health, social welfare, housing, economic welfare, cultural and women's activities, youth and sports development, for the furtherance of the aims and objects of the Councils and also for contributing towards the implementation of programmes sponsored by one or more of the Apex Institutions.
- 7.2 Such institutions, which shall be known as "Central Institutions", may take the form of incorporated or unincorporated bodies as Mawlana Hazar Imam may deem necessary.
- 7.3 Each Central Institution shall have such executive authority for the attainment of its aims and objects as may be prescribed in its statutes, by-laws, Rules and Regulations or other document of incorporation or association.
- 7.4 Each Central Institution shall have such statutes, by-laws, Rules and Regulations or other document of incorporation or association as may be authorised or prescribed to :
  - (a) set out its aims, objects and jurisdiction ;

- (b) constitute Regional Boards and Local Boards within its jurisdiction for the attainment of its aims and objects;
- (c) determine its composition and the composition of each Regional Board and Local Board within its jurisdiction;
- (d) define its functions, powers and duties and those of each Regional Board and Local Board within its jurisdiction;
- (e) define the functions, duties and tenure of office of its members and those of each Regional Board and Local Board within its jurisdiction;
- (f) provide rules of procedure for the conduct of business at its meetings and those of each Regional Board and Local Board within its jurisdiction;
- (g) provide remedial procedures for breach of any provision of its statutes, by-laws, Rules and Regulations or other document of incorporation or association;
- (h) provide consultative procedures for making recommendations for appointments to the Central Institution;
- (i) preserve and foster the tradition of voluntary service, and identify, motivate and develop leadership talent;
- (j) work in close collaboration with its respective counterparts in different regions of the world; and
- (k) provide for such other matters as Mawlana Hazar Imam may prescribe or authorise.

*Article Eight*    **TARIQAH AND RELIGIOUS EDUCATION BOARDS**

- 8.1 There shall be a Tariqah and Religious Education Board for each of the territories specified in Part I of the Fourth Schedule to be known as "The Shia Imami Ismaili Tariqah and Religious Education Board" for the territory for which it is formed for the provision of religious education at all levels of the Jamat, for the training of religion teachers and waezeen, for research and publication, and for the performance of such functions in relation to the Ismaili Tariqah as Mawlana Hazar Imam may deem necessary.
- 8.2 The jurisdiction of each Tariqah and Religious Education Board shall extend to such geographical area beyond its own territory as may be authorised from time to time. Such Tariqah and Religious Education Boards as may be directed, shall exercise their functions and duties in respect of the Jamat in the territories listed in Part II of the Fourth Schedule.

- 8.3 Each Tariqah and Religious Education Board shall have such Regional Boards and Local Boards on a need basis in the area of its jurisdiction, as may be authorised from time to time.
- 8.4 Each Tariqah and Religious Education Board shall, under the direction and guidance of Mawlana Hazar Imam :
- (a) implement a comprehensive programme and curriculum of religious education at all levels within the Shia Imami Ismaili Tariqah of Islam ;
  - (b) implement programmes for the training and upgrading of waezeen and religion teachers ;
  - (c) engage in or support research in the relevant aspects of Islam and the Ismaili Tariqah ;
  - (d) undertake publication of books and materials on relevant aspects of Islam and the Ismaili Tariqah ;
  - (e) be a point of reference and consultation for Mukhis and Kamadias in matters of religious rites or practices of the Ismaili Tariqah ;
  - (f) make submissions to bring about uniformity in religious rites or practices of Ismailis, when so directed by Mawlana Hazar Imam ; and
  - (g) work in close collaboration with other Tariqah and Religious Education Boards in different regions of the world.
- 8.5 Each Tariqah and Religious Education Board shall be composed of :
- (a) a Chairman ;
  - (b) an Honorary Secretary ;
  - (c) as *ex officio* members :
    - (i) the Chairmen of the Regional Boards, or (in the case of there being no Regional Boards) the Chairmen of the Local Boards (if any), established in that territory by the Rules and Regulations of the Tariqah and Religious Education Board ; and
    - (ii) the Mukhi of Darkhana or the Mukhi of the Principal Jamatkhana of the territory as the case may be ; and
  - (d) such other members as may be appointed from time to time.
- 8.6 The Chairman, Honorary Secretary and other members of the Tariqah and Religious Education Board shall be appointed for a term of three years. The tenure of office of each *ex officio* member shall be coextensive with the tenure of his substantive office.
- 8.7 Each Tariqah and Religious Education Board shall have such Rules and Regulations as may be prescribed to :

- (a) constitute Regional Boards and Local Boards within its jurisdiction for the attainment of its aims and objects ;
- (b) determine the composition of each Regional Board and Local Board within its jurisdiction ;
- (c) define its functions, powers and duties and those of each Regional Board and Local Board within its jurisdiction ;
- (d) define the functions and duties of its members and those of each Regional Board and Local Board within its jurisdiction ;
- (e) provide rules of procedure for the conduct of business at its meetings and those of each Regional Board and Local Board within its jurisdiction ;
- (f) provide remedial procedures for breach of any provision of its Rules and Regulations ;
- (g) provide consultative procedures for making recommendations for appointments to the Tariqah and Religious Education Board ;
- (h) preserve and foster the tradition of voluntary service, and identify, motivate and develop leadership talent ; and
- (i) provide for such other matters as Mawlana Hazar Imam may determine.

*Article Nine*    GRANTS AND REVIEW BOARDS

- 9.1 There shall be a Grants and Review Board for each of the territories specified in Part I of the Fifth Schedule to be known as "His Highness Prince Aga Khan Shia Imami Ismaili Grants and Review Board" for the territory for which it is formed to ensure compliance with proper standards of financial discipline, accountability, and cost and management effectiveness by institutions which receive financial support from Mawlana Hazar Imam or the Jamat.
- 9.2 The jurisdiction of each Grants and Review Board shall extend to such geographical area beyond its own territory as may be authorised from time to time. Such Grants and Review Boards as may be directed, shall exercise their functions and duties in respect of the institutions and organisations in the territories listed in Part II of the Fifth Schedule.
- 9.3 Each Grants and Review Board shall have such Regional Boards and Local Boards on a need basis in the area of its jurisdiction, as may be authorised from time to time.
- 9.4 The aims and objects of a Grants and Review Board shall be to :

- (a) evaluate budgeted expenditure against stated objectives and strategies;
- (b) ensure the proper application of resources and compliance with systems and procedures; and
- (c) monitor the disbursement of funds and carry out periodic financial, management and social audits.

9.5 Each Grants and Review Board shall carry out its duties :

- (a) in such geographical area as may be authorised from time to time ; and
- (b) in relation to the following institutions and organisations within its geographical area :
  - (i) the Councils;
  - (ii) the Central Institutions;
  - (iii) the Tariqah and Religious Education Boards;
  - (iv) the National Conciliation and Arbitration Boards;
  - (v) such other institutions and organisations as receive grants from Mawlana Hazar Imam or raise funds from the Jamat ; and
  - (vi) such other bodies as may be designated from time to time by Mawlana Hazar Imam.

9.6 Each Grants and Review Board shall be composed of :

- (a) a Chairman;
- (b) an Honorary Secretary ; and
- (c) such other members as may be appointed from time to time.

9.7 The Chairman, Honorary Secretary and other members of the Grants and Review Boards shall be appointed for a term of three years.

9.8 Each Grants and Review Board shall have such Rules and Regulations as may be prescribed to :

- (a) constitute Regional Boards and Local Boards within its jurisdiction for the proper carrying out of its functions;
- (b) determine the composition of each Regional Board and Local Board within its jurisdiction;
- (c) define its functions, powers and duties and those of each Regional Board and Local Board within its jurisdiction;
- (d) define the functions and duties of its members and those of each Regional Board and Local Board within its jurisdiction;



- (e) provide rules of procedure for the conduct of business at its meetings and those of each Regional Board and Local Board within its jurisdiction;
- (f) provide remedial procedures for breach of any provision of its Rules and Regulations;
- (g) provide consultative procedures for making recommendations for appointments to the Grants and Review Board;
- (h) preserve and foster the tradition of voluntary service and identify, motivate and develop leadership talent; and
- (i) provide for such other matters as Mawlana Hazar Imam may determine.

*Article Ten*    DARKHANAS AND PRINCIPAL JAMATKHANAS

- 10.1 Mawlana Hazar Imam may designate a Jamatkhana in any territory as "Darkhana" for that territory.
- 10.2 Mawlana Hazar Imam hereby designates each Jamatkhana listed in the Sixth Schedule as Darkhana in respect of the territory mentioned opposite its name in that Schedule.
- 10.3 If no Darkhana has been designated for a territory, the National Council in that territory shall recommend to Mawlana Hazar Imam the designation of any one of the Jamatkhana within its jurisdiction as the Principal Jamatkhana of the territory.

*Article Eleven*    MUKHIS AND KAMADIAS

The appointment of Mukhis and Kamadias and their powers, duties, functions, term of office and other related matters shall be determined from time to time by Mawlana Hazar Imam.

*Article Twelve*    INTERNATIONAL CONCILIATION AND ARBITRATION BOARD

- 12.1 There shall be an International Conciliation and Arbitration Board to be known as "His Highness Prince Aga Khan Shia Imami Ismaili International Conciliation and Arbitration Board":

- (a) to assist in the conciliation process between parties in differences or disputes arising from commercial, business and other civil liability matters, domestic and family matters, including those relating to matrimony, children of a marriage, matrimonial property, and testate and intestate succession; and
  - (b) to act as an arbitration and judicial body and accordingly to hear and adjudicate upon :
    - (i) commercial, business and other civil liability matters;
    - (ii) domestic and family matters including those relating to matrimony, children of a marriage, matrimonial property, and testate and intestate succession; and
    - (iii) disciplinary action to be taken under this Constitution and any Rules and Regulations.
- 12.2 The International Conciliation and Arbitration Board shall be composed of :
- (a) a Chairman; and
  - (b) six other members.
- 12.3 The Chairman and other members of the International Conciliation and Arbitration Board shall be appointed for a term of three years.
- 12.4 The International Conciliation and Arbitration Board shall have such Rules and Regulations as may be prescribed to :
- (a) define its functions, powers and duties;
  - (b) define the functions and duties of its members;
  - (c) provide rules of procedure for the conduct of conciliation;
  - (d) provide rules of procedure for the conduct of matters of which it is seised, which shall include provision for filing of application and reply, notices of hearing, attendance of parties and witnesses, administration of oath, conduct of proceedings, and pronouncement of decisions;
  - (e) provide remedial procedures for breach of any provision of its Rules and Regulations;
  - (f) provide consultative procedures for making recommendations for appointments to the International Conciliation and Arbitration Board; and
  - (g) provide for such other matters as Mawlana Hazar Imam may determine.
- 12.5 The International Conciliation and Arbitration Board shall upon the application of any Ismaili assist him to settle any differences or disputes

with another party residing in another country in relation to any of the matters mentioned in Article 12.1 (a).

- 12.6 The International Conciliation and Arbitration Board shall hear and adjudicate upon :
- (a) such applications in relation to any of the matters mentioned in Article 12.1 (b) as are referred to it by :
    - (i) any National Council ; or
    - (ii) any National Conciliation and Arbitration Board ;
  - (b) appeals from decisions of any National Conciliation and Arbitration Board and referred to it by that National Conciliation and Arbitration Board ;
  - (c) appeals allowed by special leave of the International Conciliation and Arbitration Board from decisions of any National Conciliation and Arbitration Board ; and
  - (d) any other matter it may be authorised to hear and decide from time to time.
- 12.7 Decision by the International Conciliation and Arbitration Board of any matter heard by it under Article 12.6 shall be final, conclusive and binding upon all the parties.

*Article Thirteen* NATIONAL CONCILIATION AND ARBITRATION BOARDS

- 13.1 There shall be a National Conciliation and Arbitration Board for each of the territories specified in the Seventh Schedule to be known as "His Highness Prince Aga Khan Shia Imami Ismaili National Conciliation and Arbitration Board" for the territory for which it is formed :
- (a) to assist in the conciliation process between parties in differences or disputes arising from commercial, business and other civil liability matters; domestic and family matters, including those relating to matrimony, children of a marriage, matrimonial property, and testate and intestate succession ;
  - (b) to act as an arbitration and judicial body and accordingly to hear and adjudicate upon :
    - (i) commercial, business and other civil liability matters ;
    - (ii) domestic and family matters including those relating to matrimony, children of a marriage, matrimonial property, and testate and intestate succession ; and
    - (iii) disciplinary action to be taken under this Constitution and any Rules and Regulations.

- 13.2 Each National Conciliation and Arbitration Board shall be composed of:
- (a) a Chairman; and
  - (b) four other members.
- 13.3 The Chairman and other members of the National Conciliation and Arbitration Board shall be appointed for a term of three years.
- 13.4 Each National Conciliation and Arbitration Board shall have such Rules and Regulations as may be prescribed to:
- (a) constitute Regional Conciliation and Arbitration Boards within its jurisdiction for the proper carrying out of its functions;
  - (b) determine the composition of each Regional Conciliation and Arbitration Board within its jurisdiction;
  - (c) define its functions, powers and duties and those of each Regional Conciliation and Arbitration Board within its jurisdiction;
  - (d) define the functions and duties of its members and those of each Regional Conciliation and Arbitration Board within its jurisdiction;
  - (e) provide rules of procedure for the conduct of conciliation by the National Conciliation and Arbitration Board and each Regional Conciliation and Arbitration Board within its jurisdiction;
  - (f) provide rules of procedure for the conduct of matters of which it and each Regional Conciliation and Arbitration Board within its jurisdiction is seised, which shall include provision for filing of application and reply, notices of hearing, attendance of parties and witnesses, administration of oath, conduct of proceedings, and pronouncement of decisions;
  - (g) provide remedial procedures for breach of any provision of its Rules and Regulations;
  - (h) provide consultative procedures for making recommendations for appointments to the National Conciliation and Arbitration Board and each Regional Conciliation and Arbitration Board within its jurisdiction; and
  - (i) provide for such other matters as Mawlana Hazar Imam may determine.
- 13.5 Each National Conciliation and Arbitration Board shall upon the application of any Ismaili assist him to settle any differences or disputes with another party residing in the area of jurisdiction of the National Conciliation and Arbitration Board in relation to any of the matters mentioned in Article 13.1 (a).

13.6 Each National Conciliation and Arbitration Board shall hear and adjudicate upon :

- (a) applications in relation to any of the matters mentioned in Article 13.1 (b) ;
- (b) appeals from any decisions of any Regional Conciliation and Arbitration Board within its jurisdiction and referred to it by that Regional Conciliation and Arbitration Board ; and
- (c) appeals allowed by a special leave of the National Conciliation and Arbitration Board from decisions of any Regional Conciliation and Arbitration Board within its jurisdiction.

*Article Fourteen*    DISCIPLINARY ACTION

14.1 Any Ismaili shall be liable to disciplinary action who :

- (a) subjects to contempt or ridicule the Holy Quran, the Holy Prophet, the Ahl-al-Bayt, Mawlana Hazar Imam, this Constitution, any Rules and Regulations, any Farman, or any Ismaili religious literature or any rite or practice ;
- (b) engages in activity aimed at creating unnecessary conflict between any of the tariqahs of Islam or between Islam and other religions ;
- (c) without the permission in writing of the National Council obtained through the Regional Council within whose jurisdiction he resides, prints, publishes, or circulates any material or makes any statement or convenes a meeting or assembly purporting to be on behalf of or in the name of or relating to Mawlana Hazar Imam, the Ismaili Tariqah, the Jamat, any Council or any other Ismaili institution ;
- (d) conducts himself in a manner likely to offend the religious sentiments of the Jamat, or to cause disaffection in the Jamat, or to create disturbance or nuisance in any Jamatkhana or any assembly of the Jamat, or acts in any other manner prejudicial to the dignity or prestige of the Jamat ;
- (e) disregards any order made by a Council in accordance with this Constitution or any Rules and Regulations or fails to appear without just cause when requested to appear before a Council or Board ; and
- (f) commits a breach of this Constitution or any Rules and Regulations or aids or abets any person to contravene any provision of this Constitution or any Rules and Regulations.

14.2 Proceedings for disciplinary action against any Ismaili shall be commenced upon a complaint lodged by :

- (a) any member of a Council authorised in that behalf by the Council ; or

(b) any Ismaili.

A complaint shall be lodged with such Regional Conciliation and Arbitration Board or, if none, then such National Conciliation and Arbitration Board within whose jurisdiction the respondent is resident at the time of the alleged contravention.

14.3 If the matters alleged in the complaint are established, the Regional Conciliation and Arbitration Board or the National Conciliation and Arbitration Board may make one or more of the following orders :

- (a) order the offender to be conditionally or absolutely discharged ;
- (b) order the offender to observe or perform any religious rites ;
- (c) order the offender to pay compensation to any aggrieved party ;
- (d) order temporary exclusion of the offender from Jamatkhana for such period as the Conciliation and Arbitration Board may determine ;
- (e) order that any Order made by it under this Article be announced by the National Council in the Jamatkhanas under its jurisdiction ;  
and
- (f) recommend to the National Council to order the offender to be expelled from the Jamat.

14.4 Before pronouncing an order of expulsion, the National Council shall cause to be served upon the offender a notice requiring him to appear before the Council, if he wishes to make any representations in mitigation.

14.5 The National Council shall hear the offender if he appears, and shall thereafter :

- (a) pronounce the order of expulsion ;
- (b) discharge the offender absolutely or conditionally ; or
- (c) substitute one or more of the other orders set out in Article 14.3.

14.6 The order of expulsion shall have binding effect worldwide and shall be announced in all Jamatkhanas under the jurisdiction of the National Council, provided however, the National Council may for good and sufficient reason decide that it would be useful or desirable also to announce the said order in Jamatkhanas in other parts of the world.

14.7 The order of expulsion shall be announced :

- (a) immediately after the time limited for giving of notice of intention to present an appeal has expired ; or

(b) if such a notice has been presented, immediately after the decision on appeal, if rejected.

14.8 If a person who has been expelled dies without having embraced any other religion, his burial and funeral rites may be performed in accordance with the Ismaili Tariqah.

14.9 If a person who has been expelled wishes to be re-admitted to the Jamat, he shall make a written application to the National Council within whose jurisdiction he resides. The Council may require him to appear before it, and may refuse or grant the application subject to such terms and conditions as it may deem necessary.

*Article Fifteen*    **PERSONAL LAW**

15.1 In this Article the term "personal law" shall mean the rules governing the personal relationship of an individual to others in the society in which he lives, and shall include, but without limitation, rules in relation to birth, infancy, marriage (including prohibited degrees of consanguinity, affinity or fosterage, and marriage with non-Ismailis), mehr, nullity, restitution of conjugal rights, divorce (including iddat and maintenance), care and guardianship, legitimacy, succession and apostasy.

15.2 Subject as provided in Article 15.4, the personal law applicable to Ismailis shall be such personal law as has evolved within the Shia Imami Ismaili School of Thought of Islam.

15.3 Mawlana Hazar Imam has the sole right to interpret the personal law evolved within the Shia Imami Ismaili School of Thought of Islam.

15.4 To the extent that the territory of domicile or residence of any Ismaili does not recognise and apply or allow the application of the personal law of Ismailis, he shall be governed in that territory by such personal law as is applicable to him under the law of that territory.

*Article Sixteen*    **PERSONAL STANDARD AND CREST OF MAWLANA HAZAR IMAM, THE ISMAILI FLAG AND THE NASHID AL-IMAMAH**

16.1 In accordance with historical right and ancestral tradition, Mawlana Hazar Imam shall have :

(a) a Personal Standard as set out in the Eighth Schedule ; and

- (b) an Imamat Crest as set out in the Ninth Schedule, which shall be subject to such code as to the usage thereof as may be prescribed from time to time by Mawlana Hazar Imam.

16.2 In accordance with the history and tradition of the Jamat, there shall be :

- (a) an Ismaili Flag in the form and colours set out in the Tenth Schedule, which shall be subject to such code as to the usage thereof as may be prescribed from time to time by Mawlana Hazar Imam ; and
- (b) the Nashid al-Imamah having such lyrics and score and which shall be subject to such code as to the usage thereof as may be prescribed from time to time by Mawlana Hazar Imam.

16.3 Unless permitted in writing by Mawlana Hazar Imam, no person shall use the Name, Personal Standard of Mawlana Hazar Imam, or the Imamat Crest for any purpose whatsoever.

16.4 No person shall use the Ismaili Flag, or the colours of the Ismaili Flag in a configuration resembling the Ismaili Flag, or the Nashid al-Imamah for any commercial, advertising, publicity, propaganda or similar purposes.

16.5 No person shall hold himself out as holding appointment as a purveyor of goods or services to Mawlana Hazar Imam.

16.6 Display of Mawlana Hazar Imam's photograph in domestic or commercial premises shall be in keeping with the dignity of Mawlana Hazar Imam and shall not be such as to allow the display to lend itself to commercial, advertising, publicity, propaganda or similar purposes.

#### *Article Seventeen*    TITLES OF HONOUR AND DIGNITIES

17.1 Mawlana Hazar Imam shall have the sole and exclusive right to create and confer Titles of Honour, dignities and precedence and to grant awards and commemorative medals.

17.2 The Titles of Honour and the order of precedence thereof are set out in the Eleventh Schedule.



*Article Eighteen*    REPEAL OF EXISTING CONSTITUTIONS

Subject to the transitional provisions contained in Article 19 there are hereby repealed, with effect from the date of coming into force of this Constitution, the existing constitutions and rules and regulations of the Ismailis in respect of each territory mentioned in the First Schedule and in respect of any other territory to which this Constitution or any Rules and Regulations made hereunder apply.

*Article Nineteen*    TRANSITIONAL PROVISIONS

- 19.1    Notwithstanding the provisions of Article 18 and save as expressly otherwise provided :
- (a)    any power, authority or act validly exercised or done under any former constitution, or rules and regulations shall remain fully effective as if it or they had not been repealed ;
  - (b)    any cause or matter pending under any former constitution, or rules and regulations, shall be deemed to be pending under this Constitution, or under the appropriate Rules and Regulations made hereunder, and shall be disposed of and determined in accordance with this Constitution or the Rules and Regulations made hereunder, as the case may be.
- 19.2    Any appointment made by Mawlana Hazar Imam prior to the coming into force of this Constitution shall remain valid and effective until such time as Mawlana Hazar Imam otherwise determines.
- 19.3    After the date of coming into force of this Constitution, any incidental, supplementary or consequential matters which appear necessary or expedient for the more effectual carrying out of the provisions of this Constitution shall be dealt with or disposed of as Mawlana Hazar Imam may determine.

*Article Twenty*    GOVERNING LANGUAGE AND PUBLICATION

- 20.1    This Constitution is published in English, which shall alone be recognised and accepted as its authoritative language.
- 20.2    Publication of this Constitution in any other language shall be treated as a translation only.

*First Schedule*    **COUNCILS**

*Part I   Territories having a National Council*

1	Bangladesh	8	Pakistan
2	Canada	9	Portugal
3	France	10	Syria
4	India	11	Tanzania
5	Kenya	12	The United Arab Emirates
6	Malagasy Republic	13	The United Kingdom
7	Malaysia and Singapore	14	The United States of America

*Part II   Territories without a National Council*

1	Afghanistan	24	The Netherlands
2	Australia	25	New Zealand
3	Austria	26	Norway
4	Bahrain	27	Oman
5	Belgium	28	The Philippines
6	Botswana	29	Qatar
7	Burma	30	The Republic of Ireland
8	Burundi	31	Reunion
9	China	32	Rwanda
10	The Comoros	33	Saudi Arabia
11	Denmark	34	South Africa
12	Federal Republic of Germany	35	Spain
13	Hong Kong	36	Sri Lanka
14	Indonesia	37	Sweden
15	Iran	38	Switzerland
16	Ivory Coast	39	Thailand
17	Italy	40	Uganda
18	Japan	41	The Union of Soviet Socialist Republics
19	Kuwait	42	Yemen
20	Malawi	43	Zaire
21	Mauritius	44	Zimbabwe
22	Mayotte		
23	Mozambique		

*Second Schedule*    **APEX INSTITUTIONS**

*Listed below is the name of each Apex Institution, followed by a summary of its authorised objectives and current policies.*

**1    Aga Khan Foundation**

AGA KHAN FOUNDATION, established by Mawlana Hazar Imam, is a philanthropic non-communal institution committed by charter to promoting social development, primarily in the developing countries of Asia and Africa. As a guiding principle, Aga Khan Foundation applies its resources to innovative approaches and programmes of broad utility in resolving selected key problems of development in the fields of health, education and rural development.

**2    The Aga Khan University**

THE AGA KHAN UNIVERSITY, founded by Mawlana Hazar Imam, is an international university established by law in the Islamic Republic of Pakistan. The Aga Khan University is a fully autonomous body and its objectives include the promotion and dissemination of knowledge and technology, and the provision of instruction, training, research, demonstration and service in diverse branches of knowledge. The Aga Khan University seeks to maintain the highest educational standards and to achieve demonstrable excellence.

**3    Aga Khan Fund for Economic Development**

AGA KHAN FUND FOR ECONOMIC DEVELOPMENT, established by Mawlana Hazar Imam, fosters and supports economic development particularly in the developing countries, through projects which increase productivity, enhance income-earning opportunities and optimise the profitable use of local resources.

**4    Aga Khan Trust for Culture**

AGA KHAN TRUST FOR CULTURE, established by Mawlana Hazar Imam, identifies the contribution of Islamic civilisations to the human heritage in arts, literature, science, architecture, scholarship and other areas of learning. Aga Khan Trust for Culture supports, encourages and promotes Islamic culture, the values it embodies and the forms of expression that ensure its authenticity, identity, creativity and continuity.

*Third Schedule*    **CENTRAL INSTITUTIONS**

**Incorporated Bodies**

- 1    Aga Khan Education Service
- 2    Aga Khan Health Service

**Unincorporated Bodies**

- 1    Aga Khan Economic Planning Board
- 2    Aga Khan Education Board
- 3    Aga Khan Health Board
- 4    Aga Khan Housing Board
- 5    Aga Khan Social Welfare Board
- 6    Aga Khan Youth and Sports Board

*Fourth Schedule*    **TARIQAH AND RELIGIOUS EDUCATION BOARDS**

*Part I    Territories having a Tariqah and Religious Education Board*

1	Bangladesh	8	Pakistan
2	Canada	9	Portugal
3	France	10	Syria
4	India	11	Tanzania
5	Kenya	12	The United Kingdom
6	Malagasy Republic	13	The United States of America
7	Malaysia and Singapore		

*Part II    Territories without a Tariqah and Religious Education Board*

1	Afghanistan	24	The Netherlands
2	Australia	25	New Zealand
3	Austria	26	Norway
4	Bahrain	27	Oman
5	Belgium	28	The Philippines
6	Botswana	29	Qatar
7	Burma	30	The Republic of Ireland
8	Burundi	31	Reunion
9	China	32	Rwanda
10	The Comoros	33	Saudi Arabia
11	Denmark	34	South Africa
12	Federal Republic of Germany	35	Spain
13	Hong Kong	36	Sri Lanka
14	Indonesia	37	Sweden
15	Iran	38	Switzerland
16	Ivory Coast	39	Thailand
17	Italy	40	Uganda
18	Japan	41	The Union of Soviet Socialist Republics
19	Kuwait	42	The United Arab Emirates
20	Malawi	43	Yemen
21	Mauritius	44	Zaire
22	Mayotte	45	Zimbabwe
23	Mozambique		

*Fifth Schedule*    GRANTS AND REVIEW BOARDS

*Part I   Territories having a Grants and Review Board*

1	Canada	7	Portugal
2	France	8	Syria
3	India	9	Tanzania
4	Kenya	10	The United Kingdom
5	Malagasy Republic	11	The United States of America
6	Pakistan		

*Part II   Territories without a Grants and Review Board*

1	Afghanistan	25	Mozambique
2	Australia	26	The Netherlands
3	Austria	27	New Zealand
4	Bahrain	28	Norway
5	Bangladesh	29	Oman
6	Belgium	30	The Philippines
7	Botswana	31	Qatar
8	Burma	32	The Republic of Ireland
9	Burundi	33	Reunion
10	China	34	Rwanda
11	The Comoros	35	Saudi Arabia
12	Denmark	36	South Africa
13	Federal Republic of Germany	37	Spain
14	Hong Kong	38	Sri Lanka
15	Indonesia	39	Sweden
16	Iran	40	Switzerland
17	Ivory Coast	41	Thailand
18	Italy	42	Uganda
19	Japan	43	The Union of Soviet Socialist Republics
20	Kuwait	44	The United Arab Emirates
21	Malaysia & Singapore	45	Yemen
22	Malawi	46	Zaire
23	Mauritius	47	Zimbabwe
24	Mayotte		

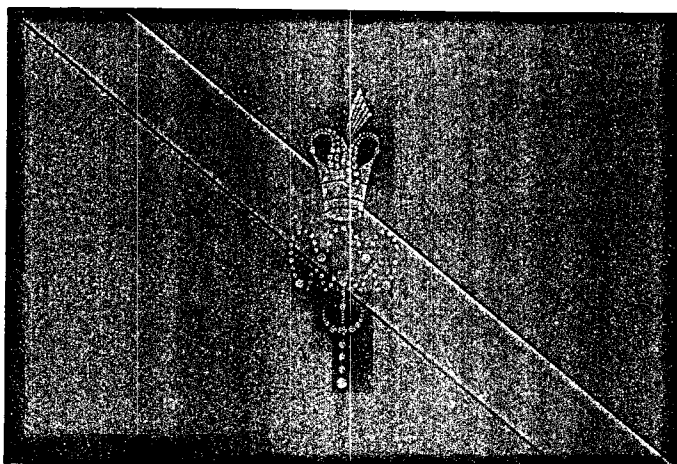
*Sixth Schedule*    **DARKHANAS**

<i>Territory</i>	<i>Darkhana</i>
1 <b>Canada</b>	His Highness Prince Aga Khan Shia Imami Ismaili Darkhana, Burnaby, British Columbia.
2 <b>India</b>	His Highness Prince Aga Khan Shia Imami Ismaili Darkhana, Khadak, Bombay, State of Maharashtra.
3 <b>Kenya</b>	His Highness Prince Aga Khan Shia Imami Ismaili Darkhana, Moi Avenue, Nairobi.
4 <b>Pakistan</b>	His Highness Prince Aga Khan Shia Imami Ismaili Darkhana, Garden East, Karachi, Sind.
5 <b>Tanzania</b>	His Highness Prince Aga Khan Shia Imami Ismaili Darkhana, Mosque Street, Dar-es-Salaam.
6 <b>The United Kingdom</b>	His Highness Prince Aga Khan Shia Imami Ismaili Darkhana, Cromwell Gardens, South Kensington, London.

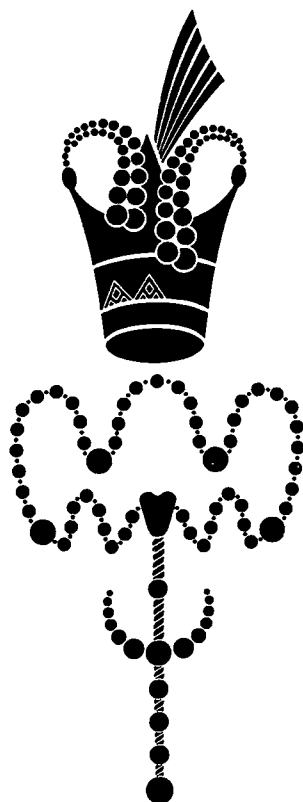
*Seventh Schedule* NATIONAL CONCILIATION AND ARBITRATION BOARDS

- 1 Canada
- 2 France
- 3 India
- 4 Kenya
- 5 Malagasy Republic
- 6 Pakistan
- 7 Portugal
- 8 Syria
- 9 Tanzania
- 10 The United Kingdom
- 11 The United States of America

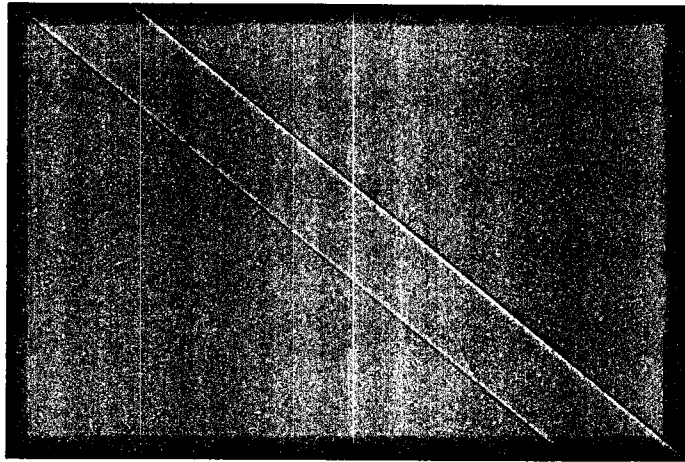




*Ninth Schedule* IMAMAT CREST



*Tenth Schedule* ISMAILI FLAG



*Eleventh Schedule* TITLES OF HONOUR

The Titles of Honour are set out below, in order of precedence :

Men Titleholders and the Courtesy Titles of their Wives		Women Titleholders in their own right
<i>Men</i>	<i>Women</i>	
Diwan	Diwanbanoo	Diwan Saheba
Vazir	Vazirbanoo	Vazir Saheba
Aitmadi	Aitmadibanoo	Aitmadi Saheba
Rai	Raibanoo	Rai Saheba
Alijah	Alijahbanoo	Alijah Saheba
Huzur Mukhi	Huzur Mukhiani	Huzur Mukhiani

## GLOSSARY

*This glossary of Arabic words transliterated and used in the Constitution is provided for ease of reference only and does not form part of the Constitution.*

<i>Transliteration</i>	<i>Meaning</i>
bismi-llāhi-r-rahmāni-r-rahīm	In the name of Allah, the most Beneficent, the most Merciful
shahādah	The declaration of Faith
lā ilāha illa-llāh	There is no deity except Allah
Muḥammadur rasūlu-llāh	Muhammad is the messenger of Allah
tawḥīd	Unity of Allah
S.A.S. or ṣalla, llāhu ‘alayhi wa-sallam	May Allah bless him and grant him peace
amīru-l-mu‘minīn	The Commander of the Faithful
A.S. or ‘alayhi, s-salām / ‘alayhā-s-salām	Upon whom be peace
ta’wīl	Interpretation
ta‘līm	Teaching
murīd	Follower
Khātūn-i-Jannat	The Lady of Paradise
naṣṣ	Designation
tariqah	Persuasion, path, way in Faith
bay‘ah	Allegiance
hidāyah	Guidance from the Imam of the time
Muslim Ummah	The universal brotherhood of Muslims
Nashīd al-Imāmah	Song in praise of the Imam