

**By- Laws of**  
**SIKH GURDWARA – SAN JOSE (CALIFORNIA)**

**ARTICLE 1**

NAME

The name of this association will be known as Sikh Gurdwara-San Jose and here-in after will be referred to as **San Jose Gurdwara Sahib**. California corporation number is 1290031.

**ARTICLE II**

1. To establish and maintain a Gurdwara, a community center and a School in San Jose, California, as permanent place(s) for holding Religious congregations, educational, and cultural/social functions for the Sikh community residing in the San Jose areas.

(The San Jose areas mean the Santa Clara County and the adjacent areas/cities in the following counties: Santa Cruz, Monterey, San Mateo, Contra Costa and San Benito.)

2. To preserve the sanctity of the Gurbani/philosophy of Sri GURU GRANTH Sahib - the holy scripture and GURU of the Sikhs; to propagate the teachings of all Gurus, Guru Nanak thru Guru Gobind Singh and Guru Granth Sahib, according to the philosophy and objectives of Sikh Religion; and to perform Regular Amrit Sanchar ceremonies and maintain a rich spiritual heritage among the Sikhs.
3. To promote among the Sikh community a social, cultural and inter-religious understanding based on service, peace, love, justice, truth, and harmony as preached in the Sri GURU GRANTH Sahib.
4. To conduct activities to improve the religious, educational, physical, moral, social and cultural conditions of the Sikh community.
5. To promote brotherhood and a bond of friendship among the Sikh community and the general public.
6. To establish support or contribute to any benevolent financial aid for the welfare of any Sikh and/or for the Sikh Panthic activities performed in righteous cause for the welfare of Sikh community.
7. To perform any other act or acts conducive to the attainment of the above objectives of this Gurdwara Sahib.

## ARTICLE III

### MEMBERS

- A. General Membership shall be open to any person (male or female) who:
1. Is 18 years of age or over; and
  2. Is a Sikh i.e. have faith in Sri GURU GRANTH Sahib and abide by the Sikh Rehat Maryada philosophy and a guide to the Sikh Way of Life); and
  3. Shall abide by the aims of objectives and By-Laws of the San Jose Gurdwara Sahib; and
  4. Is willing to pay fee/dues, if any as determined by the Parbandhak committee of the San Jose Gurdwara Sahib; and
  5. Is resident of San Jose areas, as defined in the aims and objectives number one (1)
- B. VOTING RIGHTS: Each **Registered** General Member who meets the criteria of General Membership as described above in paragraph A and is in good standing shall be entitled to one vote to be exercised in person, on any matter submitted to voting to the General Body meeting of the San Jose Gurdwara Sahib, including selection of Parbandhak Committee members.
- C. TERMINATION OF THE MEMBERSHIP: Under certain grave circumstances the general membership can be terminated anytime during the year as recommended by the Parbandhak Committee and determined/approved by the General Body. Membership is not transferable nor assignable or descendible.

## ARTICLE IV

### ORGANIZATION

- A. ORGANIZATION STRUCTURE of the Gurdwara Sahib shall comprise of:
1. General Body of the General Members as defined in Article III, A.
  2. Parbandhak Committee which will consist of positions for: president, vice president, general secretary, stage secretary, treasurer, assistant treasurers (1st, 2nd, 3rd and 4<sup>th</sup>), dharmik committee members, building committee members, panthic committee members and members of other sub committees as formed by the Parbandhak Committee.

Parbandhak Committee (also referred to as the Committee) will consist of 21 maximum members. All members of the Parbandhak Committee will be elected from the General Body.



3. Sub-Committees as deemed necessary, nominated by the Parbandhak Committee from the General Body.
4. Advisory Panel as deemed necessary to resolve conflicts, contradictions or disputes among the Parbandhak Committee members a temporary Advisory Panel may be formulated with concurrence of the majority of the Parbandhak committee, by selecting a minimum of 7 to maximum of 11 impartial and wise members from the Sangat.
5. Granthi(s): Priests(s) for religious services and care taker of the San Jose Gurdwara Sahib selected by the Parbandhak Committee.
6. Terms of Office:
  - a. All positions/services are voluntary (without pay) except the Granthi(s) who will be reimbursed at a nominal rate as approved by the Parbandhak Committee.
  - b. Selection/elections of members of the Parbandhak Committee will take place every ~~two~~ years **for four years starting in 2011 for four members of the Parbandhak Committee and five members of Parbandhak Committee during fifth year for a term of five years. The members of the outgoing committee may choose to stand for the selection/elections for the next two year term as well. The Committee Members being termed out can be nominated again for selection/election for Parbandhak Committee Membership position with a minimum of two years gap from the end of his/her term. However, the President, Vice President, General Secretary, Stage Secretary and Treasurer will not be selected/elected by the Parbandhak Committee. renominated for the same position for the third consecutive term.**
  - c. In the Parbandhak Committee no single person shall hold more than one position simultaneously, except in the acting capacity when a responsibility has been delegated during absence of other committee member.
  - d. The annual term and accounting period will be from January 1st to December 31st of each year.

## B. POWERS, RESPONSIBILITIES AND DUTIES

1. Sangat: Sangat comprises of all those who are present in the religious congregations at the San Jose Gurdwara Sahib. These will consist of all members who believe in the Sikh way of life. This will consist of voting and non-voting members, guests, as well as members of the Parbandhak and Sub-committees. An advisory panel may be selected from the Sangat.

2. General Body: This consists of all voting members resident of San Jose areas only. In General Body meeting only the voting members will take part in the selection, elections, nominations and decisions of the San Jose Gurdwara Sahib as needed by the majority.

In case of contradiction between the Parbandhak Committee, and the General Body, decision of the General Body will prevail. "Within the scope of this By-Laws, an absolute power is vested in the General Body of this San Jose Gurdwara Sahib."

3. Parbandhak Committee: The Parbandhak Committee collectively, by majority, shall exercise all corporate powers of the San Jose Gurdwara Sahib. Any action taken by the Parbandhak Committee shall be consistent with these By-laws and with the Corporate Articles, and the Committee shall be responsible for their enforcement and interpretation. An individual Parbandhak or officer has no authority except to carry out the Committee decision and the action of a majority of the Committee supersedes that of any officer.

The Committee, by majority, has vested rights to incur any single expenditure of a sum of money, not exceeding \$50,000 for any project of San Jose Gurdwara Sahib (new construction and/ or modifications to the Gurdwara Sahib property). Any expenditure exceeding \$50,000 shall not be incurred by the Committee without prior approval from the General Body.

Any powers not specified here-in rests with the General Body of the San Jose Gurdwara Sahib.

4. Advisory Panel: In addition to its advisory capacity, the Advisory Panel is vested with a power to arbitrate and make decisions, as deemed necessary by majority, to resolve any conflict or contradiction within the Parbandhak Committee. The decision of the Advisory Panel will be agreed to by the majority of the Parbandhak Committee and will be binding. In case of impasse, the Advisory Panel will have the power to call General Body meeting for resolution of the matter in the hand. The decision of the General Body by majority will be absolute and binding.

The Advisory Panel shall be considered dissolved once the resolution is in fact and binding.

5. President: President of the Parbandhak Committee will be the chief executive of the San Jose Gurdwara Sahib. President will preside all the meetings of the members of The Parbandhak Committee. In case the president is absent he will assign the vice president (or any other member of Parbandhak Committee in absence of the vice president) to carry on the duties of presidency to provide smoother running of the San Jose Gurdwara Sahib.



6. Vice President: Vice President will preside over the San Jose Gurdwara Sahib, the duties of the meetings and other powers as assigned to him by the president. In case the president is absent or now reachable then vice president will be expected to take over the duties of the president.
7. General Secretary: General Secretary will have responsibility for the administrative duties for the operation of the San Jose Gurdwara Sahib, including correspondence, monthly newsletters, calling meetings, preparing agenda and maintaining the minutes of the meetings of the Parbandhak Committee. In case the stage secretary is absent then the general secretary will be expected to take over the duties of the stage secretary.
8. Stage Secretary: Stage Secretary will administer and conduct the functions and meetings of the Sangat during the religious ceremonies. It shall be the duty of the Stage Secretary to assist the General Secretary in performing all of the functions and duties and to assume charge of the duties of the general secretary in the latter's absence.
9. Treasurer: Treasurer will keep and maintain all the record books pertaining to the financial transactions of the San Jose Gurdwara Sahib including the assets and liability receipts and disbursement of funds. The Treasurer will assure that annual tax report is filed as needed and other requirements by the federal and state organizations are completed in a timely manner. These books and records shall be audited at least once annually or more frequently as deemed necessary by an Auditor assigned by the Parbandhak Committee. Auditor should not be a member of the Parbandhak Committee.

Disbursement of Funds: Treasurer will be authorized to disburse all the funds up to \$1,000 for any single item related to this Gurdwara Sahib and must have been consigned by any two assistant treasurers.

Any disbursement above \$1,000 for any single item should be approved by the Parbandhak Committee.

It is recommended that all the disbursements be made by check. However, under circumstances when checks are not used for the same then appropriate records must be kept by the Treasurer and cosigned by any assistant treasurer.

Each month or as frequently as needed, all details of the major expenses of the San Jose Gurdwara Sahib must be provided to the General Body members of the San Jose Gurdwara Sahib. This information can be provided by any means recommended by the Parbandhak Committee.

10. Assistant Treasurer(s): It is the duty of the Assistant Treasurers (1st, 2nd, 3rd and 4th) to assist the Treasurer in the discharge of his duties and to assume charge of the duties of the Treasurer in the latter's absence.
11. Granthi: Granthi(s) will conduct religious services of the San Jose Gurdwara Sahib and perform other duties/services as determined by the Parbandhak Committee pertaining to care-taking of the Gurdwara property. A Granthi must be a puran Gur-Sikh, abide by the tenets of Gurmat living, and have thorough knowledge of the Gurbani and recital of the Guru Granth Sahib. A Granthi should also be capable of preaching Gurbani in English language.

## ARTICLE V

### **MEETINGS**

#### **A. CONDUCT OF MEETING**

1. Parliamentary procedure shall be followed during any meeting of the San Jose Gurdwara Sahib as far as practical.
2. At any meeting, other than General Body or specially called meetings, the Minutes of the previous meeting shall be presented prior to the commencement of the meeting in question. The members will deal with all matters arising therefrom, and then proceed with the agenda. All proceedings at the meeting shall be dealt with as directed by the Chair.
3. The ruling of the Chair must be obeyed.
4. Any member, whilst speaking at a meeting, shall address the Chair.
5. A member may speak in any commonly understood language at the meeting, but Punjabi shall be preferred.
6. Records of Minutes: The General Secretary shall maintain a faithful record of all The meetings of the General Body, the Parbandhak Committee and any of the Sub-Committee appointed. The president and the presiding officers of other Sub-Committee meetings shall be responsible to provide minutes to the General Secretary.

#### **B. AGENDA AND NOTICE OF MEETINGS**

1. A proper advance notice (at least 7 days) of the meeting shall be given to all of the members concerned intimating date, time place and agenda of the meeting(s).



Non-receipt of a notice due to any accidental omission shall not, in any way, effect of nullify the proceedings or resolutions adopted at the meeting(s), provided the requirements of quorum has been met in accordance with paragraph C of this Article V.

2. The meetings will be held so frequently and wherever/whenever decided by the majority of the Parbandhak Committee.
3. In special cases, any meeting may be called at a shorter notice at the discretion of The President, General Secretary and/or Treasurer to deal with any affair which requires immediate attention. In such cases all the members of the Parbandhak Committee shall be notified at least by telephone.
4. Any proposal to include additional item(s) on the agenda at a meeting shall require permission and approval of the Chair.

### C. QUORUM

1. The quorum for the meetings of the Parbandhak Committee shall be constituted by The presence of at least eleven (11) total members including:

President or Vice President	= 1
Gen. Secretary or Stage Secretary	= 1
Treasurer or Assist. Treasurer	= 1
Other Parbandhak Committee members	= 8

For special decisions regarding San Jose Gurdwara Sahib the majority of the subcommittee handling and managing the work in consideration must be present in the Parbandhak Committee meeting.

In case either of the President or Vice President and either of the Gen. Secretary or Stage Secretary are not able to attend the meeting, but however a 2/3 majority of the Parbandhak Committee members are present, the present 2/3 majority members will have authority to nominate an acting president to preside (Chair) the meeting and nominate an acting secretary to document the meeting minutes. These acting positions will be considered dissolved once the meeting is adjourned.

2. The quorum for the meetings of the General Body shall be constituted by the presence of at least ~~151~~ 350 members. **To call General Body meeting, consent of three of the following officers will be required: President or Vice President, General Secretary or Stage Secretary, Treasurer** and more than one half of the majority present will make a decision if needed.

## ARTICLE VI

### SELECTIONS, NOMINATIONS AND TERMINATIONS

1. Selections of all the Parbandhak Committee members must be made from the **registered** General Body members.
2. Selections and/or elections will be held in the month of April as recommended or approved by the majority of the Parbandhak Committee. Notification to the General Body members must be sent at least one month in advance.
3. Selections/elections will be held before the end of April following the end of the term year. Under special circumstances selection/election can be held even before the end of the term or when requested by the majority of the members of the General Body. A no confidence motion will require 2/3 of the majority of the voting members of the General Body.
4.
  - a. **Search/Nomination Committee: Parbandhak Committee shall appoint a three member Search/Nomination Committee prior to each selection/election. Termed out committee members will participate in appointment of the committee and one of the termed out member may also serve on the Search/Nomination committee.**
  - b. ~~Nominations of the positions for the Parbandhak Committee will be made from and by the selected members.~~ **for all vacant positions at the time and termed out positions for the Parbandhak Committee shall be made by the three member search/nomination committee. Additional nominations can be made from the floor of the General Body meeting and majority vote will decide the selection/election of the Parbandhak Committee members.**
5. Each nomination for a position of Parbandhak Committee must have a proposer, a seconder and acceptance of the nominee. The members nominated shall not hold any management position in any other Gurdwara and/or sikh organization which may hinder, conflict or affect the conduct and performance of management and administration of this San Jose Gurdwara Sahib.
6. The members selected for Parbandhak Committee must be persons of standing ability and must be known for their impartiality, integrity and character. They must have knowledge of Sri Guru Granth Sahib's philosophy, have rendered a Sewa in contribution to the promotion and strengthening of Sikhism, and will support and propagate the aims of objectives of this Gurdwara Sahib. The President, General Secretary and Stage Secretary shall be Sikhs with unshorn hair and beard.
7. Resignation: A member may resign from the Parbandhak Committee or Advisory Panel by giving at least a 7 day advance notice to the Parbandhak Committee (President) and explaining his/her intention so to resign.
8. Transfer of Powers: The outgoing Parbandhak Committee members shall submit all records of the San Jose Gurdwara Sahib to the new incoming Parbandhak Committee. All records, assets, cash and bank accounts fully audited shall be entrusted to the new President.



9. Termination: A Committee member, who displays frequent improper conduct or fails to perform assigned duties or commits any act deemed to be detrimental to the best interest of the San Jose Gurdwara Sahib, may lose his rights as a Parbandhak Committee or Advisory Panel member of this Gurdwara Sahib.
10. Termination from the Parbandhak or any sub-committee position shall be approved by the 2/3 majority of the Parbandhak Committee. Termination of the general membership from the Gurdwara Sahib shall be by 2/3 majority of the General Body, present and voting.
11. A member of the Parbandhak Committee may be replaced by the Committee majority if such a member is absent during the three (3) consecutive meetings of the Committee, unless a prolonged absence has been notified to the Committee President or the member has been absent due to sickness.

## ARTICLE VII

### GENERAL

#### A. Religious Practices

1. The Parbandhak Committee shall have the responsibility to make certain that the use of the San Jose Gurdwara Sahib premises and all religious activities of the Gurdwara Sahib are in keeping with the Sikh traditions, Sikh Rehat Maryada and teachings of Sri Guru Granth Sahib. Also, assure that the Gurdwara Sahib is open to all persons who conduct themselves in a civil manner and follow the religious practices described in this section.
2. In case of any doubt or serious objection regarding any religious practice, the Committee must seek the opinion and approval of the large majority of the Sangat to determine the appropriate practice to follow in accordance with Sikh Rehat Maryada published by Shromani Gurdwara Parbandhak Committee, Amritsar. The Rehat Maryada adopted hereby is the one issued effective 12th October, 1936 (mata #14) and amended effective 3rd February, 1945 (mata #97). The Sangat will be considered supreme and their decision shall be accepted and implemented by the Committee.
3. The Gurdwara Sahib shall not carry on any other activities not permitted to be carried on by a corporation exempt from federal income tax under Section 501 (c) (3) of the Internal Revenue Code or by a corporation contributions to which are Deductible under Section 170 (c) (2) of the Internal Revenue Code.

4. No substantial part of the activities of this Gurdwara Sahib shall consist of carrying on propaganda, or otherwise attempting to influence legislation, and the Gurdwara Sahib shall not participate or intervene in any political campaign on behalf of any candidate for public office.
5. As this corporation (San Jose Gurdwara Sahib) deals with the fears related with Sikh religion it is expected that all the members must adhere to the following rules. This will also apply to non-members who will attend the meetings or religious ceremonies.
  - a. When entering Gurdwara Sahib, all of the rules and regulations must be followed which are under the guidance of Sikh Religion. These include, but are not limited to, head must be covered (it is preferred that males wear turbans), must pay reverence to Guru Granth Sahib, must behave in a civil manner, must not smoke, must not drink alcoholic beverages, must not bring or serve/eat non-vegetarian food.
  - b. Any literature, audio/video shabad tapes, and items which are related to and promote Sikhism or any Sikh Panthic cause may be distributed or sold to the Sangat on the Gurdwara Sahib premises.

Any other literature or item not related to Sikhism will not be distributed or Sold to the Sangat on the Gurdwara Sahib premises.
  - c. Any lectures must pertain to the tenets of Sikhism or affairs related to and for the benefit of the Sikh Panthic cause as approved by the Parbandhak Committee.

Any member who violates these rules intentionally may be disqualified from the Gurdwara Sahib membership and may even be expelled out of the premises to maintain the sanctity of the Gurdwara Sahib. If there is a question of interpretation, the members of the Parbandhak Committee will have a final say.

## **B. Assets and Liabilities**

1. Assets and liabilities of the San Jose Gurdwara Sahib shall vest in the Parbandhak Committee. However, no member of the Parbandhak Committee shall be personally held responsible for any liability of the Gurdwara Sahib. All creditors will only look to the assets of the Gurdwara Sahib for payments.



2. All records faithfully maintained by the Parbandhak Committee must be kept in secure place all the time and are accountable to any General Body member in good standing.
3. The member's private addresses and personal information shall be maintained secure and private and shall be only used for the prudent cause of the Gurdwara Sahib.
4. The property of this corporation (San Jose Gurdwara Sahib) is irrevocably dedicated to religious purposes and no part of the net income or assets of this corporation shall ever inure to the benefit of any officer or member thereof, or the benefit of any private person.

**C. Seal**

Parbandhak Committee may provide a corporate seal with name of the **Sikh Gurdwara-San Jose** inscribed in it. The seal will be available as needed.

**D. Exceptions to these By-Laws**

Certain cases and situations may arise, with regard to which specific provisions do not exist in these By-Laws. Such cases or situations shall be dealt with in accordance with the generally accepted democratic principles and executed by the Parbandhak Committee. The Rehat Maryada, referenced in paragraph A.2. of this Article VII, shall be used as a guide for cases/situations related to the Sikh conduct.

**ARTICLE VIII**

**AMENDMENT OF THE BY-LAWS**

1. Amendment to the By-Laws may be made any time. It can be initiated by the voting general members of the San Jose Gurdwara Sahib. If the Parbandhak Committee approve the request by majority then the motion for the change will be presented to the members of the General Body and after appropriate notification the amendment can be made at the General Body meetings.
2. A 2/3 majority of the general members present and voting at a meeting of the General Body must approve the proposed amendment to these By-Laws.
3. No amendment of these By-Laws shall be made which shall cause this San Jose Gurdwara Sahib to cease to be charity by law, and also alter the main aims and objectives of this Gurdwara Sahib mentioned in Article II.

4. Duration of the By-Laws: These By-Laws will become effective upon the approval of the General Body and signed by a majority of the Committee members will stay in effect until they are changed and/or until the San Jose Gurdwara Sahib continues.

**ARTICLE IX**

**DISSOLUTION**

1. If a situation so arise, this San Jose Gurdwara Sahib may be dissolved by a written and approved resolution by a 2/3 of the total membership of the General Body in good standing of this San Jose Gurdwara Sahib (total membership may be established by the mailing list of the San Jose Gurdwara Sahib and not only by the members present at a General Body meeting). Such resolution must be directed to the Parbandhak Committee for consideration and for the final disposition of assets and liabilities of this Gurdwara Sahib.
2. In the event this San Jose Gurdwara Sahib is dissolved its assets after payment of all liabilities will be donated to a religious organization or organizations for the benefit of the Sikh Religion as decided by the General Body and executed by the Parbandhak Committee.

KNOW ALL MEN BY THESE PRESENTS:

We, the undersigned, the duly nominated members of the Parbandhak Committee of the Sikh Gurdwara San Jose, do hereby certify:

That the within and foregoing By-Laws were adopted ~~amended~~ by **General Body** of the Sikh Gurdwara San Jose on ~~28th day of April, 1993~~, **17 April, 2011** and that the same do now constitute the By-Laws of the Sikh Gurdwara San Jose.

IN WITNESS WHEREOF, we have hereunto subscribed our name on behalf of this Corporation this ~~28th day of April, 1993~~ **17<sup>th</sup> day of April, 2011**

Aminder Talha B. Dhillon Pritam S. Grewal  
K. Singh Sunder Paul Abhalki  
Hajonai Neetu Singh Kahl Bahadur Daul  
Sohan S. Dhato Mhs Gurinder Pal Singh  
MOHDE RTOTI Sunder Singh Baniol Rajinder Singh Nandan  
Kulwant Singh Sidhu Narinder K. Mehar  
Sarjit Singh Amrit & Nains