



"In the name of Allah, the Beneficent, the Merciful"

THE CONSTITUTION OF MUSLIM KHOJA SHIA ITHNA-ASHERI COMMUNITY OF LEICESTER

<http://www.mksileicester.org>

(Charity No. [509416](#). Registered in England)

Constitution Adopted: 23rd November 2008

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1. NAMES AND DEFINITIONS

- i. **Name:** The name of the Community shall be Muslim Khoja Shia Ithna-Asheri Jamaat of Leicester (herein after referred to as the “Jamaat”).
- ii. **Charity Trustees:** The charity trustees are the people responsible under the Constitution for controlling the management and administration of the Jamaat (herein referred to as the “Committee”).¹
- iii. **Custodian Trustees:** Custodian trustees are individuals who are appointed to hold the legal title of to the Jamaat’s property or investments and any other duties which the Constitution may confer on them (herein referred to as the “Trustees”).²
- iv. **General Meetings:** Collective term for Annual, Ordinary or Extraordinary General Meetings.
- v. **Governing Document:** This document comprises the Jamaat’s Governing Document (herein referred to as the “Constitution”).³
- vi. **Khoja:** Includes such person, or their spouse, or any parent or grand parent of such person or of their spouse who is Shia Ithna-Asheri originating from Gujarat or Kutch in India.
- vii. **MKSI Leicester Jamaat Premises:** Masjid, Imambargahs, compounds and any associated buildings or rooms at the [registered office](#).
- viii. **Shia Ithna-Asheri:** Shia Muslims who believe in the Wilayat (power and authority) and immediate successor ship of Imam Ali (AS) after the death of the Holy Prophet (PBUH) and belief in the Twelve infallible Imams (AS).

2. REGISTERED OFFICE

- i. The registered office of the Jamaat shall be:

MKSI Leicester, Masjid-Al-Husayn, 17a Duxbury Road, Leicester, LE5 3LR. UK

3. OBJECTS

- 1. To advance the Muslim religion in the city of Leicester and elsewhere in accordance with the doctrines of the Shia Ithna-Asheri faith.

2. To advance education for the benefit of the public in particular but not exclusively concerning the languages of Urdu, Gujarati and Arabic.
3. To provide for the benefit of the inhabitants of Leicester and the surrounding area facilities in the interests of social welfare for recreation and other leisure time occupation with the object of improving the conditions of life of the said inhabitants.
4. Promoting knowledge and mutual understanding between the Khoja Shia Ithnasheri Community and different racial groups.

And in furtherance of these objects but not further or otherwise the Jamaat may exercise the following power:

- i) Arrange, provide and propagate religious, socioeconomic functions, religious and secular education which including promoting of languages (Urdu, Gujarati, Arabic).
- ii) Perform marriage ceremonies and burial rites in accordance with the Shia Ithna-Asheri faith.
- iii) To coordinate and unify customs, conventions and observances of the Shia Ithna-Asheri faith.
- iv) To raise funds and invite and receive contributions from any person or persons, organisation and institutions whatsoever by way of subscriptions, donations or otherwise provided that the Jamaat shall not undertake any permanent trading activities in raising funds for its charitable objects.
- v) To work in cooperation with other Shia Ithna-Asheri Muslim communities and other charitable organisations.
- vi) Subject to any consent required by law to sell lease or dispose of all or any part of the property of the Jamaat.
- vii) Power to employ such staff (who shall not be members of the [Committee](#)) as are necessary for the proper pursuit of the objects and to make all reasonable and necessary provision for payment and pensions and superannuation for staff and their dependants.
- viii) Power subject to any consent required by law to borrow money and to charge all or any part of the property of the Jamaat with the repayment of the money so borrowed.
- ix) To educate and further understand Khoja heritage, history, culture and its principles and pass these down to successive generations.
- x) Power to do all such other lawful things as is necessary for the achievement of the objects.

4A. MEMBERSHIP

- i) Only a [Khoja](#) Shia Ithna-Asheri person of age eighteen (18) years or above shall be eligible to obtain membership, whether resident or non-resident, of the Jamaat. See also [\[4A, ii\]](#), [\[4A, iii\]](#).
- ii) The Committee may accept membership applications, whether resident or non-resident, from non-[Khoja](#) Shia Ithna-Asheris. These shall be Associate Members who:
 - a) Shall not serve on the Committee or as Trustees;

- b) Shall not qualify for quorum, vote, or proxy vote at [General Meetings](#);
 - c) Shall enjoy all other member rights [see also [4B](#)].
- iii) Existing non-Khoja members or their spouse or progeny pre-dating the adoption of this constitution dated 23/11/2008 shall have the same constitutional rights as a [Khoja](#).
 - iv) Non-resident membership shall be available to those who live outside the county of Leicestershire. See also [\[4A, i\]](#), [\[4A, ii\]](#), [\[4B\]](#).
 - v) All applications for membership shall be in writing and approved by the Committee. The Committee shall not be required to give reasons for accepting or rejecting an application.
 - vi) The applicant shall undertake to pay the subscription fee [see also [4E](#)] and/or such other dues as may be prescribed from time to time and undertake to observe the Constitution, bye-laws and any rules and regulations of the Jamaat prevailing at the time.
 - vii) Any applicant whose application for membership has been rejected or terminated may reapply after a period of three (3) months from the date of such rejection or termination.
 - viii) The Committee may consider a reduced subscription fee of an existing member or an applicant on compassionate or other grounds.
 - ix) The Committee may suspend or terminate the membership of any member of the Jamaat who is found to be:
 - a) Responsible for performing or causing to be performed, whether directly or indirectly, grave acts or omissions harmful to the interests and ideals of the Shia Ithna-Asheri faith;
 - b) Responsible for carrying out, or threatening to carry out, or inciting others to carry out, violent acts at [MKSI Leicester Jamaat Premises](#);
 - c) Responsible for providing any external, whether legal, authoritative or governing bodies, including bodies such as the Council of European Jamaats (CoEJ) and the World Federation of Khoja Shia Ithna-asheri Communities (WF), inaccurate or incomplete detrimental information about the Jamaat or its affairs or any information which brings the Jamaat into disrepute without first gaining formal written approval by the Committee;
 - d) Responsible for causing wilful criminal damage to any part of [MKSI Leicester Jamaat Premises](#). Payment of compensation for damage caused may not absolve them from disciplinary procedures defined herein;
 - e) See also [\[4E, iii\]](#).

For action to be taken against a member suspected of such said offence;

- f) A complaint must be made in writing to the Honorary Secretary within thirty (30) days of the suspected act(s) or knowledge of the act(s).
- g) Within fourteen (14) days of receiving the written complaint, the member(s), against whom the complaint is received, shall be given written notice by the Honorary Secretary to appear before a meeting to be convened not earlier than fifteen (15) days and no later than twenty-eight (28) days after the issue of the written notice.
- h) A member who refuses to act on the written notice may be liable to termination of their membership.

- i) At the meeting the member(s) concerned shall be given every reasonable opportunity of defending themselves personally or by someone on their behalf and having heard the evidence a two-thirds (2/3) majority verdict of the Committee shall decide the result. The quorum for the Committee at the meeting shall be the same as required for Committee Meetings [see [5E, ii](#)].
- j) Any appeal must be made within fourteen (14) days to the [Trustees](#) in writing who shall act as independent members of the appeal committee for the purpose of appeal. The [Trustees](#) shall hold and decide the outcome of the appeal within thirty (30) days of receiving the appeal.

4B. MEMBER RIGHTS AND RESPONSIBILITIES

Non-members

All non-members shall abide by the rules and regulations of the Jamaat prevailing at the time when on [MKSI Leicester Jamaat Premises](#).

All members shall:

- i) abide by the constitution and bye-laws prevailing at the time;
- ii) not represent the Jamaat in any capacity without written approval from the Committee.

Additional rights and responsibilities of members are dependent on their subscription and residence status:

a) **Fully Paid Resident Member:** A resident member who has no subscription arrears.

- i) voting and voice at General Meetings [see also [4A, ii](#) - [Associate Member](#)];
- ii) enjoys all other rights and privileges offered by the Jamaat for members.

b) **Fully Paid Non-Resident Member:** A non-resident member who has no subscription arrears.

- i) voting and voice at General Meetings [see also [4A, ii](#) - [Associate Member](#)];
- ii) shall not serve on the Committee or as a Trustee.
- iii) enjoys all other rights and privileges offered by the Jamaat for members.

c) **Arrears Member:** A resident or non-resident member who has subscription arrears

- i) no voting, voice or qualification for quorum at General Meetings however can attend [General Meetings](#) as a silent observer;
- ii) does not enjoy any of the rights and privileges offered by the Jamaat for members.

4C. MEMBER RESIGNATION AND TERMINATION

- i) A member shall resign at any time by giving notice in writing to the Honorary Secretary.
- ii) The resigning member shall remain liable for any outstanding dues and subscriptions.
- iii) If a member ceases to be a Muslim professing the Shia Ithna-Asheri faith, his membership shall be immediately terminated.
- iv) Paid subscriptions shall not be refundable.

4D. REGISTER OF MEMBERS

- i) The Honorary Secretary shall keep and maintain a register of members which shall be open for inspection at all reasonable times on request by any [fully paid member](#) and in any case no later than 7 days from the date of request.
- ii) The Honorary Secretary shall display a list of [fully paid members](#) as of 1st April each year on the Jamaat Notice Board. This shall be displayed no later than 10th April each year and shall be displayed without amendment or update till the following year, 10th April.

4E. SUBSCRIPTION

- i) Every member shall be required to pay the amount of subscription due on the first day of every month, quarter or year. The amount of subscription shall be fixed by the members at the Annual General Meeting.
- ii) Annual subscriptions shall run from 1st April to 31st March. All members shall be required to pay the amount of subscription due and not fall into arrears.
- iii) Should a member fail to pay the subscription within six (6) months of the due date, the member shall be referred to the Committee by the Honorary Treasurer with a view to suspension or termination of their membership [see [4A, vii](#)]. Subscription dues still remain outstanding should the member decide to re-apply for membership if their membership is suspended or terminated.

5A. THE COMMITTEE AND THEIR DUTIES

The Committee shall consist of the following:

- President
- Vice President
- Honorary Secretary
- Assistant Secretary

- Honorary Treasurer
- Assistant Treasurer

- Head of Programs and Audio Video Services
- Head of Economic and Investment Planning
- Maintenance, Security and Health & Safety Officer
- Sub-Committee Liaison Officer
- Centre Facilities Manager

5.1 PRESIDENT

- 5.1.1 The President shall be the administrative head of the Jamaat and shall preside over the General and Committee meetings, when present at such meetings. He shall have the power necessary to ensure orderly proceedings at the meetings.
- 5.1.2 The President shall direct the Honorary Secretary to convene the General and Committee meetings as and when necessary.
- 5.1.3 The President shall ensure that the necessary provisions, including the provision of recitors, are made for the remembrance and continuation of all religious dates and events as per the Islamic calendar.
- 5.1.4 The President shall ensure that his duties and that of elected members are executed to a satisfactory and acceptable level as per the constitution and bye-laws prevailing at the time.
- 5.1.5 See also [\[5.2.2\]](#), [\[5.3.1\]](#), [\[5.3.2\]](#), [\[5B, iv\]](#), [\[5B, v\]](#), [\[5E, vi\]](#), [\[5E, viii\]](#), [\[5E, xi\]](#), [\[8, ii\]](#), [\[9A, ii\]](#), [\[9E\]](#).

5.2 VICE PRESIDENT

- 5.2.1 In the absence of the President the powers, duties and rights of the President shall vest in the Vice-President.
- 5.2.2 The Vice-President shall be the Jamaat representative at meetings of the Council of European Jamaats (CoEJ) and the World Federation of Khoja Shia-Ithnasheri Communities (WF) or any other organisation which the Jamaat is a member of. The Vice President shall then report back to the Jamaat at the first gathering after attending the meeting(s) giving a summary of the proceedings. Should the President be in attendance at the meeting, the President shall represent the Jamaat and be responsible for giving a summary of proceedings to members at the first gathering after the meeting(s).
- 5.2.3 On all other occasions the Vice President shall assist as and when required.
- 5.2.4 See also [\[5B, iv\]](#), [\[5E, vi\]](#), [\[5E, viii\]](#).

5.3 HONOURARY SECRETARY

- 5.3.1 Shall keep all records of the Jamaat and deal with all correspondence in accordance with the direction of the President and the Committee.
- 5.3.2 Shall keep a record of the minutes of all General and Committee meetings. He shall also convene all the meetings as directed by the President.

- 5.3.3 Shall prepare the Annual General Meeting report of the state of affairs of the Jamaat and after its approval by the Committee, present the same to the Jamaat at the Annual General Meeting.
- 5.3.4 Within four (4) weeks following any Extraordinary, Ordinary or Annual General Meetings distribute the minutes and, where necessary, any progress reports [see [9D](#)] to fully paid members.
- 5.3.5 Three (3) weeks before an Annual General Meetings shall distribute the minutes of the previous Annual General Meeting to fully paid members.
- 5.3.6 Shall delegate any of his duties to the Assistant Secretary.
- 5.3.7 See also [\[4A, viii, f\]](#), [\[4A, viii, g\]](#), [\[4C, i\]](#), [\[4D\]](#), [\[5.1.2\]](#), [\[5B, vi\]](#), [\[5C, viii\]](#), [\[5E, iii\]](#), [\[5E, iv\]](#), [\[5E, v\]](#), [\[5E, vi\]](#), [\[5E, viii\]](#), [\[5E, x\]](#), [\[5E, xi\]](#), [\[5G, e\]](#), [\[8, ii\]](#), [\[9A, ii\]](#), [\[9A, vii, b\]](#), [\[9B\]](#), [\[9C\]](#), [\[9D, iii\]](#), [\[9E\]](#), [\[9F, c, i\]](#), [\[9H, d, i\]](#), [\[10\]](#).

5.4 ASSISTANT SECRETARY

- 5.4.1 Shall assist and deputise for the Honorary Secretary as and when required by him to do so. If at any time there is no Honorary Secretary for the Jamaat then the duties of the Honorary Secretary shall vest in the Assistant Secretary for the time being until the next Annual General Meeting.

5.5 HONOURARY TREASURER

- 5.5.1 Shall be in charge of recording all financial transactions and dealings of the Jamaat and maintain a record thereof and submit such records to the Committee from time to time.
- 5.5.2 Shall deposit all monies received of the Jamaat with its Bankers or other designated financial institutions, if any, at the earliest opportunity.
- 5.5.3 Shall keep account of all receipts and payments and maintain proper books of accounts and furnish them to the Committee and the auditors as and when necessary.
- 5.5.4 Shall present at the Annual General Meeting a summary of the audited income and expenditure account and a balance sheet from the date of the last audited accounts up to the following 31st March.
- 5.5.5 Shall maintain up-to-date membership payment records and alert the Committee of any member falling into subscription arrears by the period mentioned in [\[4E, iii\]](#).
- 5.5.6 Shall take responsibility for ensuring all [MKSI Leicester Jamaat Premises](#) are insured and any necessary policies and certificates are displayed within or around the centre as and when required.
- 5.5.7 Within ten (10) months of the end of the financial year (see [\[8, i\]](#)) concerned or such time as may be required by law, submit the required Annual Return to the Charities Commission. ⁴ This is to include;
 - a) An Annual Report describing the activities of the Jamaat for the past year. This shall include basic information about the Jamaat and those who administer it, namely the Committee and Trustees.
 - b) The audited accounts of the Jamaat in such form and manner as the Charities Commission may direct.

- c) Any other submissions as required by the Charities Commission prevailing at the time for the purposes of annual returns.

5.5.8 See also [\[4E, iii\]](#), [\[8\]](#), [\[9B\]](#), [\[9D, iv\]](#).

5.6 ASSISTANT TREASURER

- 5.6.1 Shall assist and deputise for the Honorary Treasurer as and when required by them to do so. If at any time there shall be no Honorary Treasurer for the Jamaat then the duties of the Honorary Treasurer shall vest in the Assistant Treasurer for the time being until the next Annual General Meeting.

5.7 HEAD of PROGRAMS and AUDIO VIDEO SERVICES

- 5.7.1 Shall be responsible for ensuring that any timetables, schedules or planners for events and programs are prepared, as and when required, in advance and advertised to members and co-ordinated with any relevant committee members and sub-committees.
- 5.7.2 Shall ensure Audio and Video services, resources and staff are, as and when required, available to manage and administer Audio and Video requirements for any required period, event or program.
- 5.7.3 Shall ensure for the provision of a Jamaat website to remain updated as a means of communicating Jamaat related activity to members and the public and to monitor its content to ensure nothing is published therein which is detrimental to the interests of the Jamaat or in breach of law.
- 5.7.4 Shall co-opt as many members to allow the successful execution of the responsibilities. See also [\[5D, ii\]](#).

5.8 HEAD of ECONOMIC and INVESTMENT PLANNING

- 5.8.1 Shall be bound by the guidelines provided for by the Charities Act (2006) in the use of Charitable Funds for Investments.⁵
- 5.8.2 Shall be responsible on behalf of the Committee to oversee and manage the Jamaats assets and investments.
- 5.8.3 Shall be responsible on behalf of the Committee to investigate, develop, propose and where applicable prepare schemes and plans of development with a view to improve and enhance the existing assets and investments of the Jamaat with an overall purpose of achieving economic upliftment of the Jamaat's investments and assets and the provision of services to members.
- 5.8.4 For the purposes of achieving the above aims and when necessary seek expert assistance and advice whether legal, financial or otherwise.
- 5.8.5 Shall co-opt as many members to assist in this role to fully execute the responsibilities. See also [\[5D, ii\]](#).

5.9 MAINTENANCE, SECURITY and HEALTH & SAFETY OFFICER

- 5.9.1 Shall be responsible to maintain the security of [MKSI Leicester Jamaat Premises](#) and to provide for the upkeep, restoration and repair of their fabric and the maintenance of the services therein and ensure adequate provision of furniture and fittings of such [MKSI Leicester Jamaat Premises](#) and its maintenance and cleaning.
- 5.9.2 Shall ensure [MKSI Leicester Jamaat Premises](#) meet the requirements of fire, health and safety as required by any legal or regulatory bodies including meeting the fire, health and safety requirements of [MKSI Leicester Jamaat Premises](#) insurers.
- 5.9.3 Shall co-opt as many members to assist in this role to fully execute the responsibilities. See also [\[5D, ii\]](#).

5.10 SUB-COMMITTEE LIASION OFFICER

- 5.10.1 Shall represent the view of all sub-committees at Committee Meetings.
- 5.10.2 Shall liaise any communication or decisions of the Committee to the relevant sub-committee.
- 5.10.3 See also [\[5G, v\]](#).

5.11 CENTRE FACILITIES MANAGER

- 5.11.1 Shall ensure [MKSI Leicester Jamaat](#) Premises or any access ways are opened and closed as and when required.
- 5.11.2 Shall ensure the provision of car parking attendants as and when required.
- 5.11.3 Shall collect the post and distribute to Committee and members as and when required.
- 5.11.4 Shall co-opt as many members to assist in this role to fully execute the responsibilities. See also [\[5D, ii\]](#).

5B. THE COMMITTEE – TERM IN OFFICE

- i) The Committee shall be elected at the Annual General Meeting and shall hold office for a period of two (2) years.
- ii) All the elected posts shall be filled at the Annual General Meeting; any retiring member of the Committee shall be eligible for re-election except that of President who shall not serve for more than two (2) consecutive terms.
- iii) The Trustees, Sub-Committees and the retiring Committee, following elections at the Annual General Meeting, shall be required to attend the first meeting of the newly elected Committee to be convened within fourteen (14) days after the Annual General Meeting. At this meeting the retiring Committee shall convey all records relating to the Jamaat whether written or documented, oral, electronic, including website, email addresses and any passwords or

computer access keys, or otherwise to the new Committee. All keys, security codes or any other equipment required for access relating to MKSI Leicester Jamaat Premises such as cabinets etc., shall also be handed over at this meeting. Also at this meeting the Legal Sub-Committee [see [5G, e](#)] shall sit with the newly elected Committee, Trustees and Sub-Committees and explain all the implications of the constitution and bye-laws and clarify any items of the constitution.

- iv) Should the President resign, the Vice-President shall assume the vacant President's position immediately. The new President (former Vice President) shall select a new Vice-President from the Committee subject to provisions mentioned in [5C: Eligibility of the Committee](#). This shall be within twenty-one (21) days of taking up the new position or before vacating the position of their new position as President, whichever is sooner.
- v) Should any member of the Committee resign or a vacancy in the Committee arise (for a post other than President, Honorary Secretary or Honorary Treasurer) the vacant post(s) shall be advertised to fully paid members and the vacant position(s) subsequently filled by the President within twenty-one (21) days of the resignation(s). A member filling such a vacancy shall hold office until the next Annual General Meeting and be subject to provisions mentioned in [5C: Eligibility of the Committee](#). If the vacant position(s) cannot be filled, then the matter is referred to the Trustees who should aim to fill the position on behalf of the President subject to provisions mentioned in [5C: Eligibility of the Committee](#).
- vi) Any resignations and appointments to the Committee shall be notified to all fully paid members by the Honorary Secretary forthwith but no later than seven (7) days.

5C. ELIGIBILITY OF THE COMMITTEE

- i) Any member wishing to serve on the Committee shall demonstrate a strong commitment to fulfilling the defined duties [see [5A](#)] and fulfilling the Objects [see [3](#)].
- ii) Any [fully paid resident member](#) shall be eligible for election to the Committee [see [4b, a, i](#)].
- iii) The President of the Jamaat shall be not less than twenty-five (25) years of age.
- iv) The Vice President of the Jamaat shall be not less than twenty-five (25) years of age.
- v) Any Member of the Committee who has:
 - a) been convicted at any time of any offence involving moral turpitude, deception or dishonesty, unless the conviction is legally regarded as spent; or
 - b) at any time been removed by the Commissioners or by the Courts in England, Wales, or Scotland from being a managing trustee because of misconduct;shall not be eligible to hold or continue their membership on the Committee.
- vii) The whole Committee, at any time, shall be [Khoja](#) Shia Ithna-Asheri. See also [\[4A, iii\]](#).
- viii) Election of a person absent from an Annual General Meeting: A fully paid member of the Jamaat shall not be debarred from being elected to the Committee or Trustee of the Jamaat by reason only of their absence from the meeting at which their name is proposed for election if such fully

paid member has indicated his consent to being elected to such office in writing to the Honorary Secretary seven (7) days prior to the meeting.

5D. POWERS OF THE COMMITTEE

- i) The decision of the Committee in all matters of the Jamaat shall be in the context of the objects of the Jamaat.
- ii) The Committee may, if it so wishes, from time to time co-opt, for the period not exceeding the time then unexpired for the term of office, members who have special knowledge or experience provided that they shall have no power to vote at the Committee meetings.
- iii) The Committee shall have the power to incur all the expenses necessary for the proper and efficient management of the Jamaat and for the carrying out the objects and activities of the Jamaat.
- iv) The Committee shall be the sole authority for the interpretation of the Constitution.
- v) The Committee shall be responsible for ensuring the correct application of bye-laws.
- vi) The working of the Committee shall be run in accordance with the constitution and any prevailing bye-laws at the time.
- vii) The Trustees, for the purposes of meeting the requirement of the Audited Accounts, shall be the Committee.
- viii) See also [\[9A, iii\]](#).

5E. PROCEDURE OF COMMITTEE MEETINGS

- i) The Committee shall meet at least once a month to review the affairs of the Jamaat and to plan its activities.
- ii) Seven (7) members of the Committee shall form the quorum and every decision shall be determined by a majority of those Committee members present and voting.
- iii) The Honorary Secretary shall notify the Committee members of the proposed meeting at least seven (7) days prior to the meeting.
- iv) The Honorary Secretary shall invite the Trustees to attend the meeting in which where it is proposed to discuss issues pertaining to the functions of the Trustees but shall have no right to vote. In any case, the Trustees shall be invited to attend a Committee meeting at least twice a year.
- v) The Honorary Secretary shall distribute Committee meetings minutes to all the Committee within one (1) week of the Committee meeting.
- vi) The Chair shall be taken by the President of the Jamaat and if he shall be unable to be present then the Chair shall be taken by the Vice President of the Jamaat and if these two shall both be unable to be present then the Chair shall be taken by the Honorary Secretary of Jamaat.

- vii) In the case of equality of votes, the Chair of the meeting shall have a second or casting vote.
- viii) If at any time a sufficient number of Committee members to form a quorum are not present or if despite fulfilling the quorum requirements the President, Vice President and Honorary Secretary are absent; the meeting shall be adjourned sine die and a special meeting shall be summoned by the President or Vice-President on the date to be decided by them.
- ix) Any Committee member who remains absent for no valid reason from two consecutive meetings shall automatically cease to fill their office or be a member of the Committee.
- x) In case of an emergency the Honorary Secretary, with the consent of the President or in his absence the Vice-President or during the absence of both, at his own discretion may call the meeting and the notice required in [\[5E, vi\]](#) shall be waived.
- xi) Upon requisition by at least four Committee members notified in writing to the President, the President shall direct the Honorary Secretary to summon a special meeting of the Committee to discuss matters raised.
- xii) See also [\[5.3.2\]](#).

5F. INDEMNITIES

Save in case of damage caused by wilful default, breach of duty or breach of trust, no member of the Committee, Trustee or Sub-Committee shall be personally liable for any damage or claim against the Jamaat or its property.

5G. SUB-COMMITTEES (INCLUDING BODIES REPRESENTING THE JAMAAT)

- i) The following sub-committees are proposed to be mandatory as required for the effective and functional operation of the Jamaat but the list is not exhaustive and the Committee may at any time propose additions to the mandatory sub-committee list. The mandatory sub-committees are as follows:
 - a) Ladies Sub-Committee;
 - b) Burial Sub-Committee;
 - c) Youth Sub-Committee;
 - d) Taboot Sub-committee;
 - e) Legal Affairs Sub-Committee: Whose role it is to:
 - Guide the Jamaat on legal matters;
 - Keep up-to date with the requirements of the [UK Charities Commission](#) and any other legal requirement affecting the Jamaat;
 - Oversee compliance of the constitution and bye-laws and advise the Committee accordingly;
 - Carry out compliance internal audits against adherence to the constitution, bye-laws and any related processes and procedures⁶ at least once a year and produce

an independent audit report of findings, if any, and advise the Committee accordingly. Any internal audit report shall be submitted to the Hon Secretary who shall, in turn, notify all fully paid members of its availability within 7 days of submission. Any internal audit report shall be open for inspection at all reasonable times on request to the Hon. Secretary by any fully paid member and in any case no later than 7 days from the date of request.

- Provide legal induction to the newly elected Committee, Sub-Committees and Trustee(s), see [\[5B, iii\]](#).
- ii) Each sub-committee shall, subject to any general directions of the Committee, be in immediate charge of affairs of the particular function of the Jamaat for which it is responsible.
- iii) All decisions of the sub-committee must be ratified by a vote of the Committee.
- iv) The Committee may appoint any other such sub-committees either for general or specific nature as they may from time to time consider necessary.
- v) Each sub-committee shall be responsible to the Committee and liaise with it all the time and keep the Sub-Committee Liaison Officer informed, see [\[5.10\]](#).
- vi) Sub-committees, bodies or groups appointed by the Jamaat shall not make any formal applications or take formal decisions, e.g., planning and investments, with any external bodies such as Local Councils, Financial Institutions, Government Departments etc., without written approval from the Committee.
- vii) Each sub-committee shall be run in accordance with guidelines and terms of reference provided by the Committee.
- viii) See also [\[9D, vi\]](#) .

6. AUDITORS

The accounts of the Jamaat shall be audited by the Auditor or Auditors appointed at the [Annual General Meeting](#).

7A. TRUSTEES (CUSTODIAN)

- i) Election of a [Trustee](#) shall be at the Annual General Meeting;
- ii) The number of Trustees shall be five (5);
- iii) The term for each elected Trustee shall be four (4) years from the date of election;
- iv) A Trustee shall not be a member of the Committee;
- v) All Trustees shall be [Khoja](#) Shia Ithna-Asheries at any time. See also [\[4A, iii\]](#);
- vi) Only fully paid members shall be eligible for election as a Trustee;

- vii) A Trustee completing their term shall be eligible for re-election but limited to serve only two consecutive terms, i.e., a maximum consecutive term of eight (8) years;
- viii) In the event of a vacancy, e.g., resignation, membership suspension etc., the Committee shall appoint a non-committee member to fulfil the vacant Trustee position. The person so appointed shall hold office for the remaining term until the next Annual General Meeting, at the end of which shall retire. They shall, however, be eligible for re-election.
- ix) The Committee shall update and keep informed the Trustees of significant events and decisions with respect to the Jamaat
- x) The Committee shall seek advice and guidance from the Trustee on all matters of significance.
- xi) See also [\[5C, viii\]](#)

7B. TRUSTEES (CUSTODIAN) POWERS AND DUTIES

- i) See definition of Custodian Trustees [\[1, iv\]](#)
- ii) Powers: In the event that the Committee decides to buy, sell, exchange, mortgage, dispose or borrow property or assets of the Jamaat, the Committee shall firstly inform and consult with the Trustees. The Committee shall then take the resolution(s) to an Extraordinary General Meeting specifically called for this purpose for approval by two-thirds (2/3) of fully paid members present.
- iii) In any event the power in [\[7B, ii\]](#) is subject to any consent required by law.
- iv) Additional duties vested in the Trustees are indicated in; [\[4A, viii, j\]](#), [\[5B, iii\]](#), [\[5B, v\]](#), [\[5E, iv\]](#), [\[9A\]](#), [\[9D, vi\]](#).

8. FINANCE

- i) The financial year of the Jamaat shall commence on 1st of April each year.
- ii) The Honorary Treasurer shall sign all cheques, money orders, postal orders and all other such financial documents and shall submit the same for counter signature to the President or in his absence the Honorary Secretary. In the absence of the Honorary Treasurer the President may authorise payment and on such authorisation the documents stated shall be signed by the President and the Honorary Secretary.
- iii) An Audited copy of the accounts approved by the Committee shall be presented for approval at the Annual General Meeting. See also [\[5.5.7\]](#)
- iv) See also [\[5D, vii\]](#)

9A. GENERAL MEETINGS (ANNUAL, ORDINARY AND EXTRAORDINARY)

- i) The [General Meeting](#) shall be the supreme and final authority over all affairs of the Jamaat and it shall have the power by resolution passed by the majority to confirm reverse alter or defer the decision of the Committee.
- ii) At all [General meetings](#) the chair shall be taken by the President and if he shall be unable to be present then the chair shall be taken by the Vice President and if these two shall both be unable to be present then the chair shall be taken by the Honorary Secretary.
- iii) An Extraordinary General Meeting shall be called by the Committee as and when necessary on any matter of importance or urgency.
- iv) Quorum: At all General Meetings;
 - a) the quorum is forty (40) [fully paid members](#);
 - b) If the meeting commences with a quorum any subsequent lack of quorum shall not nullify any resolution adopted during such proceedings.
 - c) Any Annual or Extraordinary Meeting postponed for lack of quorum shall be resumed on the date to be announced at the adjourned General Meeting but within fourteen (14) days of adjournment. See also [\[9D, vii\]](#)
- v) Notice Period:
 - a) Three (3) weeks written notice of the Annual General Meeting shall be given to all members.
 - b) Two (2) weeks notice of the Ordinary and Extraordinary General Meeting shall be given to all members.
- vi) Proxy Voting: A proxy vote is only valid for the purposes of electing the Committee and Trustees at an Annual General Meeting. A to-be absent fully paid member can ask an attending fully paid member to vote on their behalf provided that:
 - a) Any attending fully paid member may have the proxy vote of one single fully paid absent member.
 - b) The to-be absent fully paid member who wishes to vote by proxy shall lodge their application in writing to the Honorary Secretary forty-eight (48) hours in advance of the Annual General Meeting and specify the name of the attending fully paid member who shall vote on their behalf.
 - c) Proxy voting is not available to [Associate Members](#).

9B. ANNUAL GENERAL MEETINGS

- i) The Annual General Meeting of the Jamaat shall be every two (2) years and held within two (2) months following the end of the respective financial year (see [\[8, i\]](#)).
- ii) The agenda at the Annual General Meeting shall be as follows:

- Recitation from the Holy Quran;
- Adoption of minutes from the previous Annual General Meeting and matters arising there from;
- Receiving a report from the [Trustees](#) detailing significant issues and a summary of events during their term;
- Receiving a report from the Honorary Secretary on behalf of the Committee detailing significant issues and a summary of events during their term;
- Receiving a report from the Honorary Secretary on behalf of the [Sub-Committees](#) detailing significant issues and a summary of events during their term;
- Receiving from the Honorary Treasurer the audited accounts of the preceding year [see [8, iii](#)] and a financial summary of each [Sub-Committee](#);
- Receiving a report from the Honorary Treasurer on membership;
- Review of subscription fees;
- Appointing any new auditors of the Jamaat;
- Transacting any other business specified in the notice calling the meeting;
- A member wishing to move any resolution at the Annual General Meeting shall give notice thereof in writing to the Honorary Secretary not less than two (2) weeks before the date of such meeting the President/Chairman [see [9B ii](#)] may however at his discretion permit a member to introduce a motion or which no due notice has been given;
- Election of [Trustee\(s\)](#), as required, along with the recording in the minutes of the remaining term for each Trustee;
- Electing the new Committee of the Jamaat;
- Signing of a pledge by the Trustees, President and Committee to serve the Community as per the constitution and bye-laws prevailing during their term in office.

9C. EXTRAORDINARY GENERAL MEETING BY PETITION

On matter of importance or urgency a written petition can be submitted to call an Extraordinary General Meeting provided that the following requirements are met:

- a) The petition is signed by at least 20 fully paid members of the Jamaat
- b) The petition is delivered to the Honorary Secretary

The Honorary Secretary shall convene such a meeting within four (4) weeks of receipt of such petition.

The Honorary Secretary shall only reject the submitted petition should the petition not fulfil the requirements specified in a) and b) above. In this case the Honorary Secretary shall give written notice to the petitioner (the first person named on the petition) reasons for rejecting the petition within two (2) weeks of receipt of such petition.

9D. ORDINARY GENERAL MEETING FOR REPORTING PROGRESS

- i. An Ordinary General Meeting for Reporting Progress shall be held every six (6) months following the Annual General Meeting.
- ii. The meeting shall be for the purposes of reporting:
 - a) significant issues affecting the Jamaat;
 - b) a summary of activity during the reporting period;
 - c) an up-to-date financial summary, where applicable;
 - of all assets and investments;
 - the balance with Jamaat bankers or other designated financial institutions;
 - the balance of cash in hand.

And for the reporting period;

 - any receipts and expenses; and
 - a financial summary for any ongoing projects.
 - d) an outline of future plans.
- iii. A written progress report detailing items in [\[9D, ii, a, b, d\]](#) above shall be prepared by the Honorary Secretary on behalf of the Committee for presentation at the meeting and subsequent distribution [see also [5.3.4](#)].
- iv. A written progress report detailing items in [\[9D, ii, c\]](#) above shall be prepared by the Honorary Treasurer on behalf of the Committee for presentation at the meeting and subsequent distribution [see also [5.3.4](#)].
- v. A written progress report detailing items in [\[9D, ii\]](#), where applicable, shall be prepared by the Trustees and each sub-committee for presentation at the meeting and subsequent distribution [see also [5.3.4](#)].
- vi. Agenda at the Ordinary General Meeting for Reporting Progress shall be as follows:
 - Recitation from the Holy Quran;
 - Adoption of minutes from the previous Ordinary General Meeting for Reporting Progress (where applicable) and matters arising there from;
 - Receiving a Progress Report from the Honorary Secretary and matters arising there from;
 - Receiving a Jamaat Financial Summary Report from the Honorary Treasurer and matters arising there from;
 - Receiving a Progress Report from the Trustees and matters arising there from;
 - Receiving a Progress Report from each sub-committee and matters arising there from;
 - Set date of next meeting as per [\[9D, i\]](#) above.
- vii. Should the Ordinary General Meeting for Reporting Progress not fulfil quorum requirements, all resolutions shall be nullified however the meeting shall complete as per the agenda and clause [\[9A, iv, c\]](#) shall be waived, i.e., there shall be no adjournment.

9E. OPEN FORUMS

- i. This meeting can be called by the President for all members of the Jamaat at a time of the Presidents choosing for the purpose of communicating decisions of the Committee, consulting with Jamaat members and obtaining valuable constructive feedback on ongoing projects, Jamaat activity or any other matter of the Presidents choosing.
- ii. Notice of an Open Forum shall be given to fully paid members by the Honorary Secretary at least seven (7) days before the Open Forum.
- iii. Decisions at Open Forums are not binding on the Committee or the Jamaat and there is no requirement to record minutes or notify members of any discussion therein.
- iv. An Open Forum shall be held twice a year.

9F. STANDING ORDERS

(a) ORDER OF BUSINESS

The order of business common to every General Meeting of the Jamaat shall be as follows:-

- Recitation from the Holy Qur'an;
- Confirmation and adoption of the minutes of the last meeting (where applicable);
- Matters arising there from (where applicable);
- Sub-committee reports (where applicable);
- Business required by the Committee to be dealt with at the meeting in accordance with the circularised agenda;
- Motion of which due notice is given;
- Motion without notice;
- Any other business (where applicable);.

(b) ORDER OF DEBATE

- Any member speaking on a motion from the floor shall at all times address the chair.
- A member who speaks shall direct his speech strictly to the motion under discussion, or to an amendment to be proposed by him or to a question of order.
- A member, unless the Chairman authorises, shall address the meeting only once on any motion or amendment. However, the mover of any original proposition may reply provided he does not introduce any new matter into the debate and confines himself to answering previous speakers. A member may also speak on any point of order or for any purpose of making a personal explanation.
- No speech shall exceed five (5) minutes in length, except in case of a mover of an original motion when the period shall not exceed ten (10) minutes. These periods may however be extended at the discretion of the Chairman.
- A motion or amendment once made and seconded shall not be altered without the consent of the chairman.

(c) MOTION

(i) Notice of Motion

Save as otherwise provided a member may introduce a motion at any meeting if at least seven (7) clear days notice in writing signed by the member is given to the Honorary Secretary, stating clearly the nature and substance of the proposed motion. If motion of which notice has been given be not moved or seconded when it comes in due course before the meeting, it shall be treated as dropped, and shall not be moved without fresh notice.

(ii) Motion without notice

At any time the Chairman may at his discretion, permit a member to introduce a motion of which not due notice has been given. Every such motion or amendment shall be moved and seconded and shall be reduced to writing if required by the Chairman and shall be read to the meeting before it is further discussed or put to vote.

(d) AMENDMENTS

- Every amendment shall be relevant to the motion upon which it is moved.
- Whenever an amendment upon an original motion has been moved and seconded, no second or subsequent amendment shall be moved until the first amendment shall have been disposed of, but notice of any number of amendments may be given.
- An amendment shall either be an addition to, omission of, or an addition or an omission of words to the original motion.
- If any amendment be carried, the motion as amended shall take place of the original motion and shall become the question upon which any further amendment may be moved.
- If any amendment be rejected, other amendment may be moved on the original motion.

(e) CODE of CONDUCT: The chair reserves the right to eject any member from the [General Meeting](#) who is:

- Rude and offensive to any individual present
- Makes false or unfounded allegations
- Uses foul or aggressive language
- Uses violent or aggressive behaviour, or the threat of it, against the chair or any individual present [see [4A, vii](#)].

9G. MATTERS NOT PROVIDED FOR IN THE CONSTITUTION

The Committee shall decide on any matters not provided for in this Constitution. Such decisions of the Committee shall be binding on all members unless otherwise repealed at a General Meeting.

9H. BYE-LAWS

The Committee shall establish any required bye-laws. Bye-laws:

- a) shall be binding on all members
- b) shall not limit, nullify or take precedence over any part of this Constitution
- c) shall be adopted, for the purposes of continuation, by any newly elected Committee and / or [Trustees](#)
- d) shall be decided at Committee meeting and subject to:
 - i) Proposal at a Committee Meeting by a member of the Committee. The details of the proposal shall be submitted to the Honorary Secretary seven (7) days prior to the committee meeting at which the proposal is to be voted on.
 - ii) A majority vote of three-quarters (3/4) of committee members present is required to introduce, amend or remove a bye-law by the committee.
 - iii) Any introduction, amendment or removal of bye-law must be communicated to all members.

10. ALTERATIONS AND AMENDMENTS TO THE CONSTITUTION

A fully paid member can propose an amendment to the constitution. He shall give notice in writing to the Honorary Secretary enclosing a copy of their proposed amendment at least six (6) weeks before an Extraordinary General Meeting.

The Committee shall circulate the proposed amendment of which notice has duly been given at least two (2) weeks prior to the calling of a meeting at which the amendment proposed is discussed. It shall not however, be incumbent upon the Committee to call a meeting immediately after the expiration of four (4) weeks from the date of notice given.

A resolution for an amendment to the Constitution shall not be passed unless it is voted upon by a majority of two-thirds (2/3) of the members present and voting.

Any resolution for an amendment involving a change to the Name of the Jamaat shall not be passed unless it is voted by a majority of 90% of the members present and voting.

If a proposed amendment fails to obtain the requisite number of votes a similar proposal shall not be introduced until after the expiration of six (6) months from the date of last such voting.

No amendment shall be made that would cause the Jamaat to cease to be a Charity in Law or in breach of the Shia Ithna-Asheri faith.

11. GENERAL PROVISIONS

Upon being approached on all matters relating to marriage, divorce, death, maintenance, guardianship, legitimacy and succession, the Committee shall consider and direct itself in accordance with the law as applicable in UK and the Shia Ithna-Asheri Sharia. The Committee may, at its discretion, obtain advice on such law and Sharia.

12. DISSOLUTION

The Jamaat shall not be dissolved except by a resolution passed at an Extraordinary General Meeting by a unanimous vote (100%) of all fully paid members present. The quorum for such a meeting shall be three-quarters (3/4) of all the fully paid members of the Jamaat. If the quorum is not present the meeting shall be adjourned to the next date at which the same conditions for the quorum shall apply.

If upon the winding up or dissolution of the Jamaat there remains, after settling of all liabilities, any property whatsoever remaining, shall not be paid to or distributed among members of the Jamaat but shall be given or transferred to such other charity or charities established for similar purposes as the Jamaat shall decide.

13. CONSTRUCTION

- i) Every reference to the male gender, “he”, “him” etc., includes an implicit reference to the female gender as well.
- ii) Any appendices or end notes do not form part of this Constitution but are provided for reference only.

"Oh Allah (SWT), send blessings on Muhammad (SAWS) and his Pure Progeny (AS)"

APPENDIX A: EXAMPLE TIMELINE FOR A COMMITTEE MEETING

Note 1: Only two meetings shown.

Note 2: For illustrations purposes only

Clause	Date	Interval / Notice	Who Responsible	Action
[5E, i]	1 st June 09	At least Every Month	Committee	Committee Meeting
[5E, v]	6 th June 09	Within 7 Days	Honorary Secretary	Distribute minutes
[5E, iv]	23 rd June 09	7 Days Notice	Honorary Secretary	Notice of Committee Meeting with invite to Trustees
[5E, i]	1 st July 09	At least Every Month & Twice a year with Trustees	Committee & Trustees	Committee Meeting with Trustees

APPENDIX B: EXAMPLE TIMELINE FOR AN AGM, OGM, OPEN FORUM, INTERNAL AUDIT AND ANNUAL RETURN

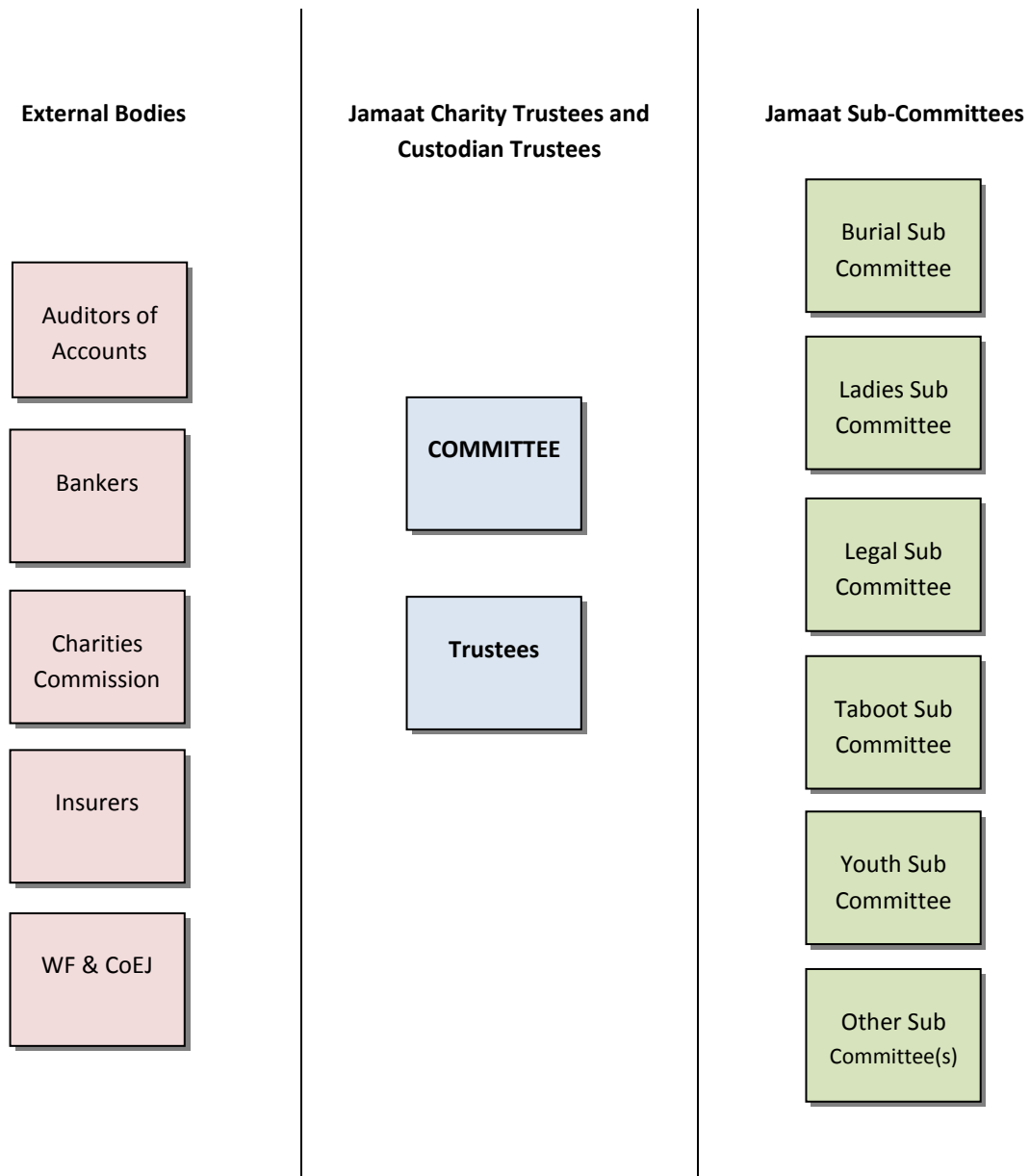
Note 1: Assuming an AGM is held on 1st May 2009.

Note 2: For illustrations purposes only.

Clause	Date	Interval / Notice	Who Responsible	Action
[9B, i]	1 st May '09	Every 2 years	Committee & General Body	Annual General Meeting
[5B, iii]	14 th May '09	Within 14 days	New and Old Committee	Handover meeting including Legal induction
[5.3.4]	25 th May '09	Within 4 weeks	Honorary Secretary	Distribute Minutes of AGM and any Reports
[9E]	10 th June '09	7 Days Notice	Honorary Secretary	Notice of Open Forum
[9E]	20 th June '09	At least Twice per Year	President	Open Forum
[5GE]	1 st July '09	At least once per year	Legal Affairs Sub-Committee	Internal Audit of Constitution, Bye-Laws, Processes and Procedures
[5GE]	5 th July '09	7 days	Honorary Secretary	Notice of completed internal audit(s)
[9A, v, b]	14 th Oct '09	2 Weeks Notice	Honorary Secretary	Notice of OGM for Reporting Progress.
[9D, i]	1 st Nov '09	Every 6 months	Committee & General Body	OGM for Reporting Progress.
[5.3.4]	25 th Nov '09	Within 4 weeks	Honorary Secretary	Distribute Minutes of OGM and Reports
[9E]	10 th Dec '09	7 Days Notice	Honorary Secretary	Notice of Open Forum
[9E]	20 th Dec '09	At least Twice per Year	President	Open Forum
[5.5.7]	1 st April '10	Each Year	Honorary Treasurer	Submit Annual Return to Charities Commission
[4D, ii]	9 th April 10	Each Year	Honorary Secretary	List of Fully Paid Members on Jamaat Notice Board
[9A, v, b]	14 th April '10	2 Weeks Notice	Honorary Secretary	Notice of OGM for Reporting

				Progress.
[9D, i]	1 st May '10	Every 6 months	Committee & General Body	OGM for Reporting Progress.
[5.3.4]	25 th May '10	Within 4 weeks	Honorary Secretary	Distribute Minutes of OGM and Reports
[9E]	10 th June '10	7 Days Notice	Honorary Secretary	Notice of Open Forum
[9E]	20 th June '10	At least Twice per Year	President	Open Forum
[5GE]	1 st July '10	At least Once per year	Legal Affairs Sub-Committee	Internal Audit of Constitution, Bye-Laws, Processes and Procedures
[5GE]	5 th July '10	7 days	Honorary Secretary	Notice of completed internal audit(s)
[9A, v, b]	14 th Oct '10	2 Weeks Notice	Honorary Secretary	Notice of OGM for Reporting Progress.
[9D, i]	1 st Nov '10	Every 6 months	Committee & General Body	OGM for Reporting Progress.
[5.3.4]	25 th Nov '10	Within 4 weeks	Honorary Secretary	Distribute Minutes of OGM and Reports
[9E]	10 th Dec '10	7 Days Notice	President	Notice of Open Forum
[9E]	20 th Dec '10	Twice per Year	President	Open Forum
[5.5.7]	1 st April '11	Each Year	Honorary Treasurer	Submit Annual Return to Charities Commission
[9A, v, a]	5 th April '11	3 Weeks Notice	Honorary Secretary	Notice of Annual General Meeting
[4D, ii]	9 th April 11	Each Year	Honorary Secretary	List of Fully Paid Members on Jamaat Notice Board
[9B, i]	1 st May '11	Every 2 Years	Committee & General Body	Annual General Meeting

APPENDIX C: CONSTITUTIONAL BODIES



END NOTES

¹ See Operational Guidelines [Glossary of Terms](#): Source: UK Charities Commission Website

² See Operational Guidelines [Glossary of Terms](#) and [Trustee Responsibilities](#): Source: UK Charities Commission Website

³ See Operational Guidelines [Glossary of Terms](#): Source: UK Charities Commission Website

⁴ See [Annual Returns Homepage](#): Source: UK Charities Commission Website

⁵ See [Publication CC14: Investment of Charitable Funds: Basic Principles](#): Source: UK Charities Commission Website

⁶ For example; checking fire drill records, insurance certificates, accurate reporting of meetings etc.,