

CONSTITUTION

1. NAME

The name of the organization shall be _____ and shall hereinafter referred to as the "ORGANISATION".

2. HEADQUARTERS

The headquarters of the ORGANISATION shall be situated in _____ .

3. AIMS AND OBJECTS

- a) To found, build, maintain and own Mosques, social centers, schools, Madressas, halls, libraries, orphanages and such other charitable Institutions for the use and upliftment of Muslims and other disadvantage communities and religious groupings.
- b) To promote the cause of Muslims and other disadvantage communities and religious groupings both males and females generally; to improve their conditions and status socially, religiously, educationally, spiritually and culturally; to guard against any encroachment upon their existing rights and privileges; to work for and foster peace, goodwill, brotherhood and co-operation between themselves and other communities; to encourage advancement and upliftment of Muslims and other disadvantage communities and religious groupings in all spheres of life.
- c) To acquire any rights and privileges which the ORGANISATION may regard as necessary or convenient for its purpose and generally to perform all such acts as are incidental to the aforesaid aims and objects and to do such other work as may appear to be in the best interest of the ORGANISATION.

4. MANAGEMENT

- a) The ORGANISATION shall be governed by at least a Board of seven (7) Trustees.
- b) The Board of Trustees from amongst their members shall elect a Chairman, Vice Chairman, a Secretary, an Assistant Secretary and a Treasurer every year.
- c) The office of a Trustee shall be vacated by resignation or if certified to be of unsound mind or in the event of his failing to attend three (3) consecutive meetings of the Trustees without tendering an apology.
- d) Any vacancy of the Board of Trustees shall be filled by the remaining Trustees co-opting a suitable person.

5. OFFICIALS AND TRUSTEES

- a) The Board of Trustees shall meet whenever considered necessary and shall meet at least once a year. At all meetings of the Board of Trustees a quorum shall consist of half plus one of the members.
- b) The Chairman shall have both a deliberate and casting vote at such meetings.
- c) In the absence of a Chairman the Vice Chairman shall preside at all meetings of the Board of Trustees and perform such functions normally performed by the Chairman.
- d) Notice of all meetings of the Board of Trustees shall be served by post or personally by the Secretaries.
- e) Three (3) days' notice shall be deemed sufficient for such meetings, except that for the annual general meeting, fifteen (15) days' notice shall be given.

6. POWERS

- a) To make and from time to time alter or revoke rules, regulations and bye-laws providing for the decorous and proper conduct of meetings and other matters.
- b) To appoint a Management Committee from amongst the residents of _____ and adjoining suburbs and to carry out any resolutions of the Board of Trustees.
- c) To take such steps by personal or written appeals, public meetings or otherwise as may from time to time deemed expedient for the purpose of procuring contributions, charities, subscriptions or otherwise and collect and canvass for and to accept donations, bequests, endowments and other benefits for the ORGANISATION from any person, firm or corporation or from any source whatever and accept trusts with or without conditions.
- d) To subscribe to any Muslim charity, local or otherwise and to grant donations for any public purposes.
- e) To purchase, take on lease or in exchange, hire, or otherwise acquire any movable or immovable property and to construct, maintain, alter any houses, buildings or works necessary or convenient for the purpose of the ORGANISATION, in accordance with the objects of the ORGANISATION.
- f) To invest any monies of the ORGANISATION. Funds available for investment shall only be invested with registered financial institutions as defined in Section 1 of the Financial Institutions (Investment of Funds) Act, 1984, and in securities listed on a licensed Stock Exchange as defined in the Stock exchange Control Act, 1985 (Act No. 1 of 1985). Where shares (other than shares as mentioned above) have been donated or bequeathed to the

ORGANISATION, the shares shall be held without jeopardizing the exempt status of the ORGANISATION.

- g) To raise or borrow monies for the use of the ORGANISATION on the security of the ORGANISATION'S property or any part or parts thereof and for that purpose mortgage, bond, pledge or hypothecate the whole or any part or parts of the ORGANISATION'S property, movable or immovable.
- h) To draw, make, endorse, accept, extend, discount, execute and issue cheques, promissory notes, bills of exchange and other transferable instruments.
- i) To open a banking account to be operated by the Chairman and any two (2) of the Trustees as agreed upon by the majority of Trustees. In the absence of any one of the appointed Trustees, the Trustees shall appoint any other Trustees to operate on the banking account.
- j) To engage and dismiss clerks, tutors and servants and fix their remuneration, duties and conditions of employment.
- k) To consider, originate and promote reforms and improvements in the social and economic structure of the ORGANISATION in consonant with the fundamental principles of Islam.
- l) To undertake and promote social and economic welfare work of every description for the ORGANISATION and especially for the poor and needy.
- m) To establish, support and maintain orphanages, clinics, maternity homes, nursing centers, refugee camps for the poor and needy, athletic clubs, holiday camps, and other philanthropic and charitable institutions and to conduct and carry on the same.
- n) To undertake the proper organization of teaching in Muslim schools, especially of religious instructions on modern and scientific basis and to attain this and to build, maintain, support, conduct and carry on religious cum secular schools and Madressas, reform or prepare new curriculums and syllabuses, appoint and remove teachers and inspectors and generally do such things as they are necessary or incidental to the attainment of this particular object.
- o) To provide at any school, college or institution free or partly free tuition with or without free or partly free board and lodging to the needy Muslim student and to provide for bursaries, loans or grants.
- p) To institute or defend legal proceedings on behalf of the ORGANISATION and for that purpose choose domicilium citandi executandi.
- q) The Trustee shall be ex-officio members in a non-voting capacity of the Management Committee.

- r) The Trustees shall have the right to overrule any resolutions, decisions or actions of the Management Committee if they deem it necessary in the interest of the ORGANISATION.
- s) The ORGANISATION shall not have the power to carry on any business, including, inter alia, ordinary trading operations in the commercial sense, speculative transactions, divided stripping activities as well as the letting of property on a systematic or regular basis. The ORGANISATION may however continue letting the property presently owned, but may not utilize its funds to acquire further immovable property for purposes of deriving rental income therefrom.
- t) The activities of the ORGANISATION shall be confined to the Republic of South Africa (including territories which formerly formed part of the Republic) and the funds of the ORGANISATION shall be applied within its Area.

7. THE SECRETARY

- a) The Secretaries shall keep proper records of minutes of all proceedings of the ORGANISATION in a book called the minute book and shall at every meeting have these minutes read and confirmed.
- b) The Secretaries shall conduct all necessary correspondence with the Approval of the Trustees, prepare all necessary documents pertaining to the ORGAISATION, send or post all necessary documents, notices, etc., and perform all other services incidental to their office.
- c) The Secretaries shall during their term of office be custodians of all books, documents, papers, vouchers and other securities belonging to or filed with the ORGANISATION and at the termination of their office term, hand them to their successor or successors.

8. THE TREASURER

The Treasurer shall keep proper books of accounts reflecting the financial transactions of the ORGAISATION. He shall at every meeting furnish a statement of account of the financial affairs of the ORGANISATION. He shall also present at every annual general meeting a full statement showing the income and expenditure of the ORGANISATION. The Treasurer may retain a sum not exceeding R 1000.00 for petty cash expenses, all accounts exceeding R 1000.00 shall be paid by cheque and passed at a duly constituted meeting.

9. ASSETS AND PROPERTIES

All movable and immovable properties of the ORGANISATION shall be registered in the name of the ORGANISATION.

10. MISCELLANEOUS

Anything not provided for herein shall be dealt with by the Trustees.

11. AMENDMENTS TO CONSTITUTION

Any amendments, alterations, addition or deletions can only be made at a special general meeting called for the purpose and must be passed by at least four (4) Trustees present. A copy of all amendments shall be submitted to the Commissioner for Inland Revenue and the Director of Fund Raising.

12. MANAGEMENT COMMITTEE

- a) The Management Committee shall consist of seven (7) persons elected by the Board of Trustees at the annual general meeting, with powers to co-opt up to ten (10) additional members as and when necessary with the same privileges and powers. Decisions of the Management Committee must be submitted to the board of Trustees for approval.
- b) The Management Committee shall elect its own Chairman, Secretary and Treasurer respectively.
- c) The office of a committee member shall be vacated by resignation, or if he is certified to be of unsound mind or in the event of his departure from _____ and district for a period of six (6) months or in the event of his failing to attend three (3) consecutive meetings of the Committee without tendering an apology.
- d) Any vacancy shall be filled by the Committee and the member so appointed shall hold office for the remainder of the period for which his predecessor was appointed.
- e) The Management Committee shall meet within seven (7) days of its Election and shall at least meet once every three (3) months. Five (5) members shall form a quorum.
- f) Notice of all meetings of the Management Committee shall be served by post or personally by the Secretary. Three (3) days' notice shall be deemed sufficient for such meetings.
- g) The Management Committee may for the purpose of convenience have its own banking account operated by two of its three officials.
- h) The Management Committee shall present a report of its activities at every annual general meeting of the Board of Trustees.

13. DISSOLUTION

The ORGANISATION may be dissolved if at least two-thirds of the members present and voting at a general meeting of the members convened for the purpose of considering such matter are in favour of dissolution. Not less than twenty one (21) days' notice shall be given of such meeting and the notice convening the meeting shall clearly state that the question of dissolution of the ORGANISATION and disposal of its assets will be considered. If there is no quorum at such a general meeting, the meeting shall stand adjourned for not less than one week and the members attending such meeting shall constitute a quorum.

If upon dissolution of the ORGANISATION there remain any assets whatsoever after the satisfaction of all its debts and liabilities, such assets shall not be paid to or distributed among its members, but shall be given to such organization(s) preferably having similar objects and which is/are authorized in terms of the Fund-raising Act, 1978 and which are themselves exempted from income tax in terms of Section 10(1)(f) of the Income Tax Act, to collect contributions as may be decided either by the members at the general meeting at which it was decided to dissolve the ORGANISATION, or in default of such decision as may be decided by the Director of Fund-raising.

- 14. No member of the Board of Trustees shall have a direct or indirect interest in or benefit from any contract which the Board of Trustees may conclude with any company.**
- 15. Should the services of a fund-raiser be made use of for the collection of contributions, the expenses (remuneration and/or commission included) may not exceed 40% (forty percent) of the total turnover of the collection.**
- 16. Paid officials of the ORGANISATION may serve on the Board of Trustees in an advisory capacity but will have no voting rights.**
- 17. No competition, contest, game, scheme, arrangement or system in connection with which any prize may be won shall be conducted or caused to be conducted by the ORGANISATION unless an authority in terms of any other act has been obtained beforehand.**
- 18. The financial year of the ORGANISATION will end on the last day of February in each year.**