

Application number: 5024904

CONSTITUTION

Imam Hassan Mujtaba Foundation

“In the name of Allah, the Beneficent, the Merciful”

CITATION AND COMMENCEMENT

These presents shall be cited as “Imam Hassan Mujtaba Foundation”.

1. NAME:

1.1 The name shall be Imam Hassan Mujtaba Foundation, herein after referred to as the IHMF.

2. REGISTERED OFFICE:

The registered office of IHMF shall be in London as may be designed by the Board of Trustees.

3. AIMS AND OBJECTS:

To provide relief to the Afghan community settled in the United Kingdom for the public benefit, so as to advance them in life and assist them with the adaption within a new community, with the objects of: -

- 3.1 Advancing education and training;
- 3.2 Relieving financial hardship;
- 3.3 Promoting social inclusion; and
- 3.4 Advancing the Islamic religion in accordance with the principles of the Shia Ithna Asheri Faith.

4. POWERS:

In furtherance of the foregoing objects but not otherwise the IHMF through its Board of Trustees shall have power: -

- 1) To encourage the practice of Islamic religion as taught by Shia Athna Ashari faith among the Afghan community settled in the United Kingdom.
- 2) To pave the way for further integration of the Afghan community within the British society and culture.
- 3) To encourage and support Afghan children settled in the United Kingdom to be educated, including in terms of their native language and culture so that they can make a positive contribution to the wider British society.

- 4) Promoting sporting and other communal activities for the youths to combat anti-social behaviours.
- 5) To provide relief from financial hardship.
- 6) To provide help and assistance to the elderly and disable people.
- 7) To establish, take over, maintain, endow or otherwise assist in the formation of religious or educational establishments where the Islamic religion is taught in accordance with the principles laid down by the Shia Ithna Asheri school of thought so long as the objects of such establishments are exclusively charitable.
- 8) To receive donations, whether impressed with any special trust (provided such trust is exclusively charitable) or not, to be held and applied for the promotion of the objects of IHMF.
- 9) To issue appeals for donations and periodical reports on the work of IHMF.

To do all such lawful acts as shall further the attainment of the objects of IHMF.

5. MEMBERSHIP:

There shall be the following classes of Members.

- a. Full Members

5.1 ELIGIBILITY

- i) Membership of IHMF shall be open to any person of Afghan origin of Shia Ithna-Asheri faith settled in the United Kingdom who has attained the age of eighteen (18) years.

5.2 APPLICATION

- i) All persons eligible for membership shall in the first instance apply to the Honorary Secretary for appropriate application forms.
- ii) Upon acceptance by the Honorary Secretary of the signed application forms together with the requisite payment of all annual subscriptions, the Honorary Secretary shall put the application for membership before the Executive Committee for their approval.

5.3 RIGHTS AND DUTIES OF MEMBERS

- i) Members shall have the right to receive notices of and attend general meetings.
- ii) Members shall have the right to vote at meetings and elect members of the Board of Trustees.
- iii) Members shall have the right to be nominated to serve as office bearers per articles 6.2

iv) All members shall abide by the constitution and bylaws.

v) All members shall be required to pay their subscriptions annually on receiving notification of the amount of subscription from the Secretary. Failure to pay the prescribed amount within three months of the date of notification shall automatically terminate the membership.

vi) All members shall pay a minimum of £30.00 per calendar month to enjoy full benefit of membership.

vii) Members whose membership has been terminated pursuant to article 5.3 (v) shall be required to follow the same application procedure as laid down for new members.

5.4 RESIGNATION/DISQUALIFICATION

i) A member may 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 Shia Ithna-Asheri faith, he shall be disqualified from membership.

iv) A member will enjoy the full rights of membership if in addition to the membership of IHMF he/she is a member of another organisation. Where such dual membership exists, he/she will be able to vote at General Meetings, but won't be able to stand for any position in the Board of Trustees. In all other aspects, he/she will enjoy the benefits of membership as stipulate in clause 5.3 above.

5.5 SUBSCRIPTION

i) Any person admitted as a member shall forthwith pay the subscription.

ii) Every member shall be required to pay the subscription. The minimum amount of the subscription shall be fixed by the members at a General Meeting.

6. GENERAL MEETINGS:

A General Meeting shall be either an annual general Meeting or a special general meeting.

6.1 ANNUAL GENERAL MEETING

The Annual General Meeting of IHMF shall be called by the Board of Trustees and shall be held within the month of March of each year for the purpose of:

i) Adoption of minutes of previous general meeting.

- ii) Receiving from the Board of Trustees a report and the examined accounts for the preceding financial year.
- iii) Approving budget for the ensuing year.
- iv) Electing, at every second Annual General Meeting, the Board of Trustees.
- v) Appointing the Auditors of IHMF.
- vi) Transacting any other business specified in the Notice calling the meeting.

A member wishing to move any motions at the Annual General Meeting shall give notice thereof in writing to the Honorary Secretary not less than 14 days before the date of such meetings, provided however, the Chairman may in his discretion and for good reasons, permit a member to introduce a motion of which no due notice has been given.

6.2 SPECIAL GENERAL MEETING

A special general meeting may be called by the Board of Trustees when a matter of great importance and urgency has to be discussed and approved by IHMF, and when such a matter cannot await the usual time required for the convening of an Annual General Meeting or to transact business referred to in clause 6.1. No business shall be transacted at such meetings other than that of which notice has been given.

6.3 NOTICE OF GENERAL MEETINGS

At least 21 clear days before the Annual General Meeting a notice of such a meeting together with details of the matter to be transacted at such a meeting shall be circularised in electronic format to all members entitled to receive such a notice.

At least 4 days notice in writing shall be given to the members entitled to receive such a notice before calling a Special General Meeting.

A non-receipt of any notice by a member shall not invalidate a meeting.

6.4 QUORUM

- i) At all general meetings 35% of the members of the IHMF shall constitute a quorum.
- ii) If a meeting commences with a quorum any subsequent lack of quorum during the proceedings shall not nullify the meeting.
- iii) If within half an hour of the time appointed for any General Meeting a quorum is not formed, the Chairman shall adjourn the meeting to a date and/ or time to be fixed by the board of Trustees at the same time. At the reconvening of the meeting no quorum shall be required.

6.5 STANDING ORDERS

6.5.1 ORDERS OF BUSINESS

The orders of business at every Annual General Meeting of IHMF shall be as follows:

- i) Recitation from the Holy Quran and translation thereof.
- ii) Confirmation and adoption of the minutes of the last meeting and other minutes not previously submitted to the IMHF.
- iii) Matters arising there from
- iv) Presentation of the Reports by the Board of Trustees
- v) Approval of the accounts of the preceding financial year
- vi) Approval of the budget for the following financial year
- vii) Business required by the Board of Trustees to be dealt with in accordance with the circularised agenda contained in the notice convening the meeting.
- viii) Motion on which due notice is given.
- ix) Any other business

6.5.2 ORDER OF DEBATE

- i) Any member speaking on a motion from the floor shall at all time address the chair.
- ii) A member who speaks shall direct his speech strictly to the motion discussion, or to an amendment to be proposed by himself/herself or to a question of order.
- iii) A member shall address the meeting on any motion or any amendments when authorised by the Chairman, but the mover of any original proposition may reply, and in his/her reply shall strictly confine himself/herself to answering previous speakers, and shall not introduce any new matter into the debate, provided always that a member may speak to a point of order, or for the purpose of making a personal explanation.
- iv) A motion or amendment once made and seconded shall not be altered or withdrawn without the consent of the Chairman.

6.5.3 MOTIONS

1) NOTICE OF MOTION

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

2) MOTIONS WITHOUT NOTICE

At any meetings the Chairman may at his discretion permit a member to introduce a motion of which no 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 the vote.

6.5.4 AMENDMENTS

- i) Every amendment shall be relevant to the motion upon which it is moved.
- ii) 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.
- iii) An amendment shall be either addition to, omissions of or an addition and omission of words to the original motion.
- iv) If any amendment be carried, the motion as amended shall take the place of the original motion and shall become the question upon which any further amendments may be moved.
- v) If any amendments be rejected, other amendments may be moved on the original motion.

7. THE BOARD OF TRUSTEES

7.1 COMPOSITION

7.1.1 The affairs of IHMF shall be managed by the Board of Trustees, which shall consist of the following members:

- The President
- The Vice President
- The Honorary Treasurer
- The Assistant Treasurer
- The Honorary Secretary
- The Assistant Secretary

7.1.2 The President, the Treasurer and Secretary shall not hold any office bearer position in any other organisation or proposed organisation.

7.2 ELIGIBILITY

7.2.1 All members over the age of 25 shall be elected to the Board of Trustees subject to the provision in 7.2.4 below.

7.2.2 No member under the age of 30 shall be nominated for the posts of the President and the Vice President.

7.2.3 No members shall be nominated for the posts of President, Vice-president, Honorary Treasurer, Assistant Treasurer, Honorary Secretary and Assistant Secretary unless they have been member of IHMF for at least 24 months immediately preceding their election. [This clause shall not apply for the very first election of the Board of Trustees].

7.2.4 Members falling under any one or more of the following categories shall not be eligible for nomination to the Board of Trustees.

- i) Being certified or otherwise adjudged to be of insane.
- ii) Being convicted of an offence involving moral turpitude or dishonesty.
- iii) Being adjudged bankrupt.
- iv) Not having been a member of IHMF for at least 24 months immediately preceding his/her election, except for the very first election of the Board of Trustees.

7.3 ELECTION

7.3.1 All members of the Board of Trustees elected an Annual General shall hold office for a period of two years. Any member of the Board of Trustees elected at a Special General Meeting shall hold office for two years less between the last Annual General Meeting and the Special General Meeting at which the Board member was elected.

7.3.2 In the event of the Annual General Meeting failing to elect the Trustee as prescribed in the Constitution, the Board of Trustees shall continue in office for a further three months within which time, a Special General Meeting shall be called to elect Trustees for the ensuing term of two years.

7.3.3 The Special General Meeting so called in pursuance to clause 7.3.2 may be deemed to be an Annual General Meeting and may conduct the transaction of the Annual General Meeting.

7.3.4 Transition period for the transfer of power to the newly elected Trustees shall be done in an orderly manner and shall be completed within 30 days of the election of the new Trustees. The period of the new Trustees shall commence on the 31st day of the election.

7.3.5 Members of the Board of Trustees shall be eligible for re-election EXCEPT a person who has served two consecutive terms as “The President” shall not qualify for the third term, but may be elected after the lapse of at least one term.

7.4 POWERS AND DUTIES

7.4.1 GENERAL

Generally to do and perform all such matters and things as are necessary for carrying out the functions and duties imposed on the Board of Trustees under this constitution.

7.4.2 OFFICERS AND STAFF

The Board of Trustees may from time to time employ on such a terms and conditions as it may determine, such Agents, Servants and Workmen as may be necessary for the proper performance of the functions of the IHMF affairs. Such employees shall be under the orders of the Board of Trustees only. The appointment and dismissal of the employees of IHMF shall be under the exclusive control of the Board of Trustees and its decision in these matters shall be final.

7.4.3 SUB COMMITTEE

The Board of Trustees may appoint from amongst its members or members of IHMF such other sub-committees either for general or special nature as they may from time to time consider necessary.

The Board of Trustees shall nominate amongst its members, a member to sit as a Co-ordinator in such a sub-committee, who shall report the activities of such sub-committee to the Board of Trustees. The Board of Trustees shall also nominate heads of such sub-committees.

Each sub-committee shall, subject to the directions of the Board of Trustees be in immediate charge of the affairs of the particular function of the IHMF for which it is responsible.

No sub-committees shall incur any expenditure without prior approval of the Board of Trustees.

The President and Honorary Secretary shall be ex-officio members of every sub-committee of the Board of Trustees.

Each sub-committee shall when its members meet appoint a secretary to record the minutes of such meeting and the secretary shall immediately after each such meeting submit the minutes of the meeting to the Honorary Secretary.

7.4.4 BYLAWS

The Board of Trustees may from time to time make bylaws not inconsistent with this constitution for the regulations of the internal affairs of the IHMF and conduct of the member. All such bylaws shall be submitted to the IHMF at its next General Meeting for ratification and upon ratification shall, until revoked by the Board of Trustees, be binding upon the members.

7.4.5 RESIGNATIONS

The office of a member of the Board of Trustees shall be vacated if he/she is disqualified under clause 7.2.4 or fails to attend without good and sufficient cause meetings of the Board of Trustees for three consecutive meetings.

7.4.5 VACANCIES

i) The Board of Trustees shall have power to appoint any member of IHMF to fill any vacancy in the Board of Trustees and Sub-Committees.

ii) If, however, the President and two other members of the Board of Trustees resigns within seven days then the entire Board of Trustees shall subject to (iii) below be considered to have been automatically dissolved and a General Meeting shall be called within one month of the resignations for the election of the new Board of Trustees.

iii) Until such new Board of Trustees is elected as laid down in this constitution, the Board of Trustees shall carry on the necessary management of any urgent business of IHMF.

7.5 MEETINGS OF THE BOARD OF TRUSTEES

i) The Honorary Secretary shall give at least 14 days notice of a Board of Trustees Meeting.

ii) Upon a requisition by at least two members of the Trustee the Hon secretary shall call a special meeting within ten days of the receipt of such a requisition.

iii) Majority of the Trustees shall form a quorum..

iv) The decisions of the Trustee shall be taken by majority of members.

v) Board of Trustees shall meet at least once every three months.

vi) All members of the Board of Trustees shall declare any and all of their financial interest on any item on the Agenda or discussion and the President or Chairman of the meeting shall instruct the interested member or members to refrain from participation.

8. DUTIES OF THE BOARD OF TRUSTEES

8.1 THE PRESIDENT

i) The President shall be the administrative head of IHMF.

- ii) The President shall direct the Secretary to convene Board of Trustees meetings.
- iii) The president, or any person nominated by the president shall represent IHMF in other organisations.
- iv) The president may be the first instance to be approached in dispute resolution.

8.2 VICE PRESIDENT

- i) In the absence of the President the duties and rights of the President shall vest in the Vice-President, except if the reasons for the absence are as mentioned in 7.2.4
- ii) The Vice President shall assist the president at all times.
- iii) In the event of resignation, disqualification or death of the President, the Vice president shall assume the duties and rights of the President and direct the convening of a special meeting of the Board of Trustees within six weeks of the event of resignation, disqualification or death of the President for the purpose of the election of the new vice president from among themselves.

8.3 HONORARY SECRETARY

- i) The secretary shall keep all records of IHMF and deal with all correspondence in accordance with the direction of the Board of Trustee.
- ii) The Honorary Secretary shall keep a record of the minutes of all General and Board meetings. He shall also convene all meetings as directed by the President.
- iii) The Honorary Secretary shall prepare the annual report of the activities and state of affairs of IHMF, and after its approval by the Board of Trustees present the same to IHMF at its Annual General Meeting.
- iv) The Honorary Secretary shall prepare a register of the members of IHMF.
- v) The Honorary Secretary shall maintain and update regularly the register of members.
- vi) The Honorary Secretary shall officiate at weddings and shall be responsible for the issue of marriage certificates.
- vii) The Honorary Secretary or his/her appointee shall be responsible for making announcements concerning all religious and social functions and furnish information on matters relating to IHMF, as directed by the President.
- viii) The Honorary Secretary shall be responsible for the smooth functioning of the Secretariat and IHMF office.
- ix) The Honorary Secretary shall co-ordinate the activities of all sub-committees.
- x) The Honorary Secretary may delegate any or all of the above to the Assistant Secretary.

8.4 THE ASSISTANT SECRETARY

In the absence of the Honorary Secretary the duties and rights of the Honorary Secretary shall vest in the Assistant Secretary. On all other occasions he/she shall assist the Honorary Secretary as and when required and directed by him/her.

8.5 THE HONORARY TREASURER

i) Subject to clause 9.2 below, the Honorary Treasurer shall be responsible for all financial transactions of IHMF and maintain records thereof, and report to the Board of Trustees at every meeting. Financial transactions should be agreed by the board of trustees. The treasurer shall have the power to spend upto £1400.00, which from time to time should be decided by the Board of Trustees.

ii) The Treasurer shall be responsible for all the funds collected on behalf of IHMF and shall deposit all such monies with IHMF bankers.

iii) The Treasurer shall keep account of all receipts and payments and maintain proper books of account and furnish them to the Board of Trustees and the Auditors as and when required by the Board of Trustees or the Auditors.

iv) The Treasurer shall present at the Annual General Meetings the examined Accounts, incorporating therein the transactions for the last financial year, which shall end on 31st December.

v) A copy of the Examined Accounts shall, not less than 21 days before the date of the meeting at which they are to be laid in accordance with the aforesaid clause, be sent to every member of IHMF.

8.6 THE ASSISTANT TREASURER.

In the absence of the Honorary Treasurer the duties and rights of the Honorary Treasurer shall vest in the Assistant Treasurer. On all other occasions he/she shall assist the Honorary Treasurer as and when required and directed by him/her.

9. FINANCE

9.1 BANKERS

The Funds of IHMF shall be deposited at a Bank or building society as designated from time to time by the Board of Trustees.

9.2 AUTHORISED SIGNATORIES

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/her absence, the Vice President or in the absence of both above, the Honorary Secretary may authorise a payment.

9.3 EXPENDITURE

- i) The Board of Trustees shall have the power to incur all the expenses necessary for the proper management of IHMF and for carrying out of the aims and objects of IHMF.
- ii) The Board of Trustees shall have the power to spend up to £12000.00.

9.4 BORROWING –RAISING MONEY

The Board of Trustee shall, subject to a mandate given by two thirds members present and voting at a General Meeting, have the right from time to time to raise or borrow such sums of money as may be for the purposes of IHMF.

9.5 APPOINTMENTS OF EXAMINERS

All accounts of the IHMF shall be examined by examiners approved at a General Meeting.

10. GENERAL PROVISIONS

10.1 LEGAL REPRESENTATION

The President and the Honorary Secretary shall represent the IHMF in all legal matters and proceeding and any member of who has been appointed by the Board of Trustees.

10.2 ELECTION OF A MEMBER NOT PRESENT AT GENERAL MEETING

A Member shall not be debarred from being elected to as a trustee in his absence if a prior written consent of such a member is produced at a General Meeting where such an election is being held or is deposited with the Secretary before the time of such meeting.

10.3 THE FIRST ELECTION OF THE BOARD OF TRUSTEES

At the very first election of the Board of Trustees, all the trustees elected at the General Meeting shall be deemed to have been members of IHMF.

10.4 VOTING

- (i) No member, who is absent from meeting shall be entitled to vote by proxy.

(ii) Prior to the commencement of voting, if a secret ballot is demanded by a member, the Chairman shall facilitate it.

(iii) The president shall have the casting vote.

10.5 APPEALS FOR DONATIONS

No appeal for donations shall be made by a member or members without the prior written consent of the Board of Trustees.

11. ALTERATION AND AMENDMENTS TO THE CONSTITUTION

i) A member wishing to propose any amendment to the constitution shall give notice in writing to the Honorary Secretary enclosing a copy of his proposed amendment at least 2 weeks before a General Meeting.

ii) The Board of Trustees shall circulate the proposed amendment of which a notice has duly been given at least three weeks prior to the calling of a meeting at which the amendment proposed is to be discussed.

iii) A resolution for an amendment to the constitution shall not be passed unless it is voted upon by two thirds of the members present and voting.

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

v) No amendment can be made to this constitution which would have the effect of making IHMF cease to be a charity at law.

12. DISSOLUTION

i) IHMF shall not be dissolved except by a resolution passed at a Special General Meeting by a vote of at least 90% of all members present and voting. The quorum for such a General Meeting shall be 75% of the members of the IHMF.

ii) If the members resolved to dissolve IHMF the trustees will remain in office as charity trustees and be responsible for winding up the affairs of IHMF in accordance with this clause.

iii) The trustees must collect in all the assets of IHMF and must pay or make provision for all the liabilities of IHMF.

iv) The trustees must apply any remaining money or assets:
a. directly for the objects;
b. may transfer to any charity or charities for purposes the same as or similar to IHMF;

- c. in such other manner as the Charity commission for England and Wales may approve in writing in advance.
- v) The members may pass a resolution before or at the same time as the resolution to dissolve the charity specifying the manner in which the trustees are to apply the remaining assets of the charity and the trustees must comply with the resolution if it is consistent with paragraphs (a) to (c) inclusive in sub-clause (iv) above.
- vi) In no circumstances shall the net assets of IHMF be paid to or be distributed among the members of IHMF.
- vii) The trustees must notify the Charity Commission promptly that IHMF has been dissolved. If the trustees are obliged to send IHMF's accounts to the Charity Commission for the accounting period which ended before the dissolution, they must send IHMF's final accounts.