

CONSTITUTION

BOSMONT MASJID ISLAMIC CENTRE

NPO 191-537

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CONSTITUTION

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1. DEFINITIONS

- 1.1. **“assets”** shall mean any assets of what so ever nature held from time to time by the ORGANISATION;
- 1.2. **“Constitution”** means this document;
- 1.3. **“Mutawallee”** means a Trustee as contemplated in the Trust Control Property Act and as such refers to the signatories to this Constitution as Mutawallees and any other person appointed to that office in terms of this document from time to time, for so long as they hold office as such;
- 1.4. **“Musallee”** means a person that perform regular Salaah in the Bosmont Masjid;
- 1.5. **“organisation”** means the BOSMONT MASJID ISLAMIC CENTRE
- 1.6. **“property”** means movable, immovable, property and money as well as any real personal or contingent right in or to acquire such property or money;
- 1.7. **“Republic”** means the Republic of South Africa as Constituted in terms of the Republic of South Africa Constitution Act 1966;
- 1.8. The term **“member”** shall mean a bonafide person acting in his personal capacity only.

2. NAME

The name of the organisation shall be known as BOSMONT MASJID ISLAMIC CENTRE. And also referred to as the BMIC.

3. HEADQUARTERS

The headquarters of the ORGANISATION shall be situated in:
68 LANGERBERG AVENUE
BOSMONT
JOHANNESBURG.

4. PREAMBLE

To expound and propagare the teachings of Islam in accordance with the Daleel, Hadeeth and Sunni-wal-Jamaat by means of: study groups, symposia, instruction classes, and any other suitable media.

5. AIMS AND OBJECTIVES

- 5.1. To found, build, maintain and own Masjid, social centers, schools, madressas, halls, libraries, orphanages and such other charitable Institutions for the use and upliftment of Muslims and other disadvantaged communities.
- 5.2. To raise funds by means of personal or written appeals.

- 5.3. To accept gifts, subscriptions, zakaat, bequests, legacies, donated by institutions or individuals, in money or kind, and whether subject to any special condition and trust or not, but in conformity with the objects of the ORGANISATION.
- 5.4. To purchase, acquire, lease, inherit movable or immovable property wherever situate, for the furtherance of the objectives of the ORGANISATION.
- 5.5. To sell, exchange, lease, donate or otherwise deal with any of the assets, provided that: land under the jurisdiction of the ORGANISATION, upon which Masjids have been erected, together with any other improvements thereon, shall not be sold, disposed of, mortgaged, pledged, encumbered or similarly dealt with. (WAQF)
- 5.6. To erect, maintain and manage land, buildings, Masjids or schools.
- 5.7. To promote the cause of Muslims and other disadvantaged communities.
- 5.8. To cooperate, amalgamate, with other institutions, Masjids or bodies having similar objectives to the ORGANISATION.
- 5.9. To do all such other things as are necessary or incidental to the carrying out of the foregoing objectives.

6. RIGHTS OF MEMBERS

Membership does not, and shall not give to any member any right, title, claims or demand in or to any of the monies, property or assets of the ORGANISATION, but only confers upon such member the right and privilege to participate in the management of the affairs of the ORGANISATION, and to enjoy such other social privilege as members of the ORGANISATION.

7. INCOME AND PROPERTY

- 7.1. All movable and immovable properties of the ORGANISATION shall be registered in the name of the ORGANISATION.
- 7.2. The Board of Mutawallees, any office bearer or employee of the ORGANISATION has no rights to the assets of the ORGANISATION.
- 7.3. The ORGANISATION may not give any of its money or property to its members or office bearers. The only time it can do this is when it pays for work that a member or office bearer has done for the ORGANISATION. The payment must be a reasonable amount for the work that has been done.

8. BODY CORPORATE

The ORGANISATION shall:

- 8.1. Exist in its own right, separately from its members.
- 8.2. Be able to own property and other possessions.
- 8.3. Be able to sue and be sued in its own name.

9. CONTINUED EXISTENCE

The ORGANISATION will continue to exist even when its membership changes and there are different office bearers.

10. MEETINGS

- 10.1. The Annual General Meeting to be held by the end of September of each year.
- 10.2. The period of notice of Annual General Meetings shall be fifteen (15) days.
- 10.3. At the Annual General Meeting the Board of Mutawallees shall present:
 - 10.3.1 An Annual Report.
 - 10.3.2 Independent Review Financial Statements.
 - 10.3.3 Election of Mutawallees if required due to vacancy in terms of clause 7.7.
- 10.4 The Board of Mutawallees is authorised to call a General Meeting.
- 10.5 The period of notice of general meetings shall be fifteen (15) days.
- 10.6 The Musallees of the ORGANISATION can requisition for a General Meeting.
- 10.7 At least fifty per cent (50%) of the total Musallees of requisition must be present at the General Meeting.
- 10.8 Specific notice for the agenda for the General Meeting to be given.

11 MUTAWALLEES

- 11.1 The ORGANISATION shall be governed by Maximum Board of five (5) Mutawallees.
- 11.2 The Board of Mutawallees shall be endorsed at the Annual General Meeting.
- 11.3 Mutawallees must be from Bosmont or from other residential areas of Johannesburg.
- 11.4 A Mutawallee must be a person with experience and good standing in the community.
- 11.5 The Board of Mutawallees from amongst their members shall elect a Chairman.
- 11.6 The office of a Mutawallee 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 Mutawallees without tendering an apology, which apology must be accepted by the Board of Mutawallees.
- 11.7 The Board of Mutawallees shall be filled by the powers of co-option.
- 11.8 The Mutawallee so appointed shall cease to hold office at the termination of the first Annual General Meeting to be held after the appointment of such individual as Mutawallee as appointed in clause 11.7.

12 OFFICIALS AND MUTAWALLEES

- 12.1 The Board of Mutawallees shall meet whenever considered necessary and shall meet at least four times a year. At all meetings of the Board of Mutawallees a quorum shall be the majority of at least three (3) members.
- 12.2 The Chairman shall have both a deliberate and casting vote at such meetings. A casting vote shall be applicable at a meeting where the number of Mutawallees requires a casting vote.
- 12.3 In the absence of a Chairman the members present may elect a Chairman to preside as acting chairman over the meeting. They may perform such functions emanating from decisions taken at the meeting.
- 12.4 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.
- 12.5 The Board of Mutawallees shall appoint:
 - 12.5.1. Management Committee consisting of Operations Manager, Secretary and Treasurer.
 - 12.5.2. Finance Committee consisting of the Treasurer and two additional Members.

13 NOMINATIONS AND VOTING FOR MUTAWALLEES

The following procedures for the nomination and election of the Board of Mutawallees shall apply:

- 13.1 The community has seven (7) days prior to the Annual General Meeting to nominate a Mutawallee or Mutawallees.
- 13.2 A maximum of five (5) Mutawallees will be endorsed at the Annual General Meeting.
- 13.3 Nominations for the Board of Mutawallees are to be submitted to the Secretary of the Management Committee.

14 POWERS OF MUTAWALLEES

- 14.1 To govern the Masjid, madressa, library and any other institutions under the jurisdiction or in pursuit of the objectives of the ORGANISATION.
- 14.2 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.
- 14.3 To appoint a Management Committee from amongst the residents of Bosmont or from other residential areas of Johannesburg adjoining suburbs and to carry out any resolutions of the Board of Mutawallees.
- 14.4 To take such steps by personal or written appeals, general 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.
- 14.5 To subscribe to any Muslim charity, local or otherwise and to grant donations for any appropriate public purposes.
- 14.6 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.
- 14.7 To invest any monies of the ORGANISATION. Funds available for investment shall only be invested with Shariah compliant products with registered financial institutions as defined in Section 1 of the Financial Institutions (Investment of Funds) Act, 1984.
- 14.8 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.
- 14.9 The existing account shall be operated in the name of the Bosmont Masjid Islamic Centre with ABSA bank and that the bank be authorised to honour all cheques, transfers or other orders of payment drawn on such account if signed by the Treasurer of the Management Committee and the Chairman of the Board of Mutawallees as the designated signatories. In the event one or either of them being unavailable the Chairman of the Management Committee and/or one (1) Member of the Board of Mutawallees shall be the alternate signatories.

- 14.10 Notwithstanding the generality of clause 11.9 a separate banking account shall be used for Zakaat. The distribution and utilisation of this account shall conform in its entirety to the laws pertaining to Zakaat.
- 14.11 In pursuance of the aims and objectives for the creation of a Masjid and other Islamic facilities, the Board of Mutawallees will determine the conditions for any such appointment. The Board of Mutawallees shall be empowered to terminate or cancel any such appointment.
- 14.12 The ORGANISATION shall promote social and economic initiatives with specific reference to the poor and needy.
- 14.13 To institute or defend legal proceedings on behalf of the ORGANISATION, the Board of Mutawallees shall nominate persons to monitor and act on behalf of the ORGANISATION.
- 14.14 The Board of Mutawallees 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.
- 14.15 The ORGANISATION shall at all times adhere to the rules of WAQF and shall ensure compliance with the shariah in respect of all finance matters.

15 MANAGEMENT COMMITTEE

- 15.1 The Management Committee shall consist of three (3) persons appointed by the Board of Mutawallees at the annual general meeting. The Management Committee shall make recommendations to the Board of Mutawallees for the purpose of co-opting additional members. Once such approval has been obtained they may proceed to co-opt additional members subject to the condition that the Management Committee shall not have more than five (5) members.
- 15.2 The Management Committee together with the Board of Mutawallees shall elect a Chairman for the Management Committee.
- 15.3 The office of a committee member shall be vacated by resignation, or if a member is certified to be of unsound mind, or in the event of his relocating from Bosmont or other residential areas of Johannesburg 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 acceptable apology.
- 15.4 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.
- 15.5 The Management Committee shall meet at least once (1) a month on a predetermined and consistent date. A quorum shall be formed by two (2) members where the committee consists of three (3) members and three (3) members where the committee consists of four (4) or five (5) Members.
- 15.6 A notice of a meeting of the Management Committee shall only be given for a special meeting of the Management Committee personally or electronically by the Secretary. Such notice shall also be served for the Board of Mutawallees who may elect to have a representative at such a special meeting. Three (3) days' notice shall be deemed sufficient for such meetings.
- 15.7 The Management Committee shall present a report of its activities at every meeting to the Board of Mutawallees.
- 15.8 The Secretary of the Management Committee shall keep proper records of minutes of all proceedings of the Management Committee in a book called the minute book and shall at every meeting have these minutes read and confirmed.
- 15.9 The Secretary of the Management Committee shall conduct all necessary correspondence with the Approval of the Board of Mutawallees, prepare all necessary documents pertaining to the Management Committee, send or post all necessary documents, notices, etc., and perform all other services incidental to their office.
- 15.10 The Secretary of the Management Committee shall during his term of office be the custodians of all books, documents, papers, vouchers and other documentation belonging to or filed with the Management Committee and at the expiry of their office term, hand such documentation to the chairman of the newly elected committee.

16 DUTIES OF THE MANAGEMENT COMMITTEE

The duties of the Management Committee shall be determined and prescribed by the Board of Mutawallees. The Management Committee shall be responsible for the day to day affairs of the ORGANISATION and ensure the efficient administration thereof.

17 FINANCE COMMITTEE

- 17.1 The Board of Mutawallees shall appoint a Finance Committee.
- 17.2 The Board of Mutawallees shall appoint three (3) members, including the Treasurer for the Finance Committee.
- 17.3 The Finance Committee shall meet regularly at least once a month. The date of such meeting shall be predetermined and agreed upon. Two (2) members shall form a quorum.
- 17.4 The Treasurer shall act as chairman of the Finance Committee.
- 17.4.1.** The Finance Committee shall keep proper books of accounts reflecting the financial transactions of the ORGANISATION.
- 17.4.2** Shall at every meeting furnish a statement of account of the financial affairs of the ORGANISATION.
- 17.4.3** Shall present at every Annual General Meeting Audited Financial Statements of the ORGANISATION.
- 17.5 The Finance Committee may retain a sum not exceeding R 3 000.00 for petty cash expenses, all accounts exceeding R 3 000.00 shall be paid by Electronic Fund Transfer or cheque and passed at a duly constituted meeting.

18 VALIDITY OF MEETINGS

All acts done at any meeting, whether Annual General, Special General, Board of Mutawallees, Management Committee, Finance Committee or Shariah Committee shall notwithstanding that it be afterwards discovered that there was some defect in the appointment of any official or committee member, or as per acting as aforesaid, or that they or any of them were disqualified, be as valid as if every such person had been duly appointed and was not disqualified to be an official or committee member.

19 AD HOC COMMITTEE

The Management Committee together with the Finance Committee shall facilitate the formation of Ad Hoc Committees for specific purposes. The Management Committee and Finance Committee shall ensure that on completion the affairs of the Ad Hoc Committee are wound up and presented to the Board of Mutawallees.

20 SHARIAH COMMITTEE

- 20.1 The Board of Mutawallees and Management Committee shall appoint a Shariah Committee to ensure that the activities of the Board of Mutawallees, Management Committee and Finance Committee are Shariah compliant.
- 20.2 The Shariah Committee shall comprise of not less than three (3) and not more than five (5) members.
- 20.3 The Shariah Committee shall be appointed interms of qualification, experience, good standing in the community, and knowledge of the Quraan, Sunnah and the Shariah.

21 AMENDMENTS TO CONSTITUTION

Any amendments, alterations, addition or deletions can only be made at an Annual General Meeting or a Special General Meeting called for that purpose. A copy of all amendments shall be

submitted to the Board of Mutawallees for dissemination to the necessary, if any, parties entitled to them.

- 21.1 Except for clause 5.5 (WAQF) which may not be altered, this constitution may be amended by a two-thirds majority present and voting at an Annual General Meeting or Special General Meeting called for that purpose.
- 21.2 Notice of motion to amend this constitution shall be given in writing and submitted to the Secretary of the Management Committee not less than twenty one (21) days prior to the Annual General Meeting or Special General Meeting, as the case may be, and shall embody:
 - 21.2.1 The exact wording of the paragraph and/or sub clause of the original clause in this Constitution.
 - 21.2.2. The exact wording of the proposed amendment.
 - 21.2.3. The name, address and signature of the proposer.
- 21.2. The Secretary of the Management Committee shall circulate such notice of motion to each member of the Board of Mutawallees, Management Committee and Finance Committee not less than seven (7) days prior to the date of the Annual General Meeting or Special General Meeting called for the purpose.

22. PROCEDURE FOR DISSOLUTION

- 22.1. The ORGANISATION may close down if at least two-thirds of the members present and voting at a Special General Meeting convened for the purpose of considering such matter, are in favour of closing down.
- 22.2. If upon winding-up or dissolution of the ORGANISATION there remains after the satisfaction of all its debts and liabilities, any funds, assets or property whatsoever, the same shall not be paid to or distributed among the members of the ORGANISATION, but shall be given or transferred to such organisation(s) preferably having similar objectives.

23. DECLARATION OF INTEREST

- 23.1 No member of the Board of Mutawallees shall have a direct or indirect interest in or benefit from any contract which the Board of Mutawallees may conclude with any company.
- 23.2. The ORGANISATION shall keep a register which all members' declaration of interest shall be kept.
- 23.3. Where a Member is a member of another Firm being a company of association, partners, any other body corporate or Trust with which the ORGANISATION has regular dealings, he may give written notice to the ORGANISATION to the effect that he is a member of the company or firm and should be regarded as having an interest in any contracts entered into with the ORGANISATION.
- 23.4. In applying the provisions of clause 19, the parties undertake to be guided by the principles of Shariah, transparency and good faith.

24. REMUNERATION OF OFFICIALS

Paid officials of the ORGANISATION may not serve on the Board of Mutawallees or Management Committee but if invited can serve in an advisory capacity with no voting rights.

25. FINANCIAL YEAR END

The financial year of the ORGANISATION will end on the last day of June in each year.

26. GENERAL

26.1. Any matter not provided for herein shall be dealt with by the Board of Mutawallees.

26.2. No competition, contest, game, scheme, arrangement or system in connection with the ORGANISATION can be entertained unless an authority in terms of any other act has been obtained beforehand.