

**THE CONSTITUTION  
OF**

**MALINDI ISLAMIC**

**CENTRE FOR  
ORPHANS**

**P.O. BOX 5971 –  
80200**

**MALINDI**

# **The Constitution of Malindi Islamic Centre For Orphans**

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## **PREAMBLE**

### **CHAPTER ONE OBJECTIVES, MISSION AND VISION**

1. Objectives
2. Mission
3. Vision

### **CHAPTER TWO MEMBERSHIP**

4. Entitlements of members
5. Procedures of registration of membership
6. Procedures of cessation of membership

### **CHAPTER THREE THE ORPHAN**

7. Definition of the orphan in Islamic perspective.
8. The orphan as a child
9. Conditions for the orphan being a beneficiary
10. The orphan who attains maturity status

### **CHAPTER FOUR THE GOVERNING COUNCIL**

11. Establishment of the governing council
12. Term of the governing council

### **CHAPTER FIVE THE MANAGEMENT COMMITTEE**

13. Establishment of the management committee
14. Term of the management committee
15. Functions of the management committee
16. Election of management committee members
17. Removal of members of the management committee on grounds of incapacity
18. Removal of members of the management committee by impeachment
19. Vacancy in the office of a member of the management committee

### **CHAPTER SIX TRUSTEES AND THEIR ROLES**

20. Trustees
21. Role of trustees
22. Removal of a trustee

### **CHAPTER SEVEN ELECTORAL SYSTEM AND PROCESS**

23. Principles for the electoral system
24. Voting
25. Electoral disputes

# **The Constitution of Malindi Islamic Centre For Orphans**

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## **CHAPTER EIGHT MEETINGS**

- 26. Quorum at a meeting
- 27. Procedures at a meeting
- 28. Annual general meeting
- 29. Special general meeting

## **CHAPTER NINE CONFLICT RESOLUTION**

- 30. Internal arbitrators
- 31. External arbitrators

## **CHAPTER TEN BUDGETS AND SPENDING**

- 32. Contents of budgets
- 33. Timing of budgets

## **CHAPTER ELEVEN FUNDS, ACCOUNTS AND AUDITING**

- 34. Funds
- 35. Accounts
- 36. Auditing
- 37. Inspection of the books of accounts and list of members

## **CHAPTER TWELVE AMENDMENT OF THIS CONSTITUTION**

- 38. Formation of branches
- 39. Amendment of this constitution

## **CHAPTER THIRTEEN THE MANNER OF THE DISSOLUTION OF THE SOCIETY AND DISPOSAL OF ITS PROPERTY**

- 40. The manner of the dissolution of the society and disposal of its property

## **CHAPTER FOURTEEN GENERAL PROVISIONS**

- 41. Enforcement of this constitution
- 42. Construing this constitution
- 43. Interpretation of the constitution

# **The Constitution of Malindi Islamic Centre For Orphans**

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## **PREAMBLE**

We the Muslim Community of Malindi -

**ACKNOWLEDGING** the supremacy of the Almighty Allah of all creation:

**PROUD** of the Holy Quran, the prophetic tradition and the history of Islam towards caring for the orphans:

**COMMITTED** to unifying the Muslim Ummah in order to realize the purpose of human creation in the universe:

**RECOGNISING** the aspirations of all orphans for a community based on the essential values of Islamic children's rights, equality, freedom and social justice:

**EXERCISING** our right to determine the form of governance of our society and having participated fully in the making of this constitution:

**ADOPT, ENACT** and give this constitution to ourselves and to our future generations.

# **The Constitution of Malindi Islamic Centre For Orphans**

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## **CHAPTER ONE**

### **OBJECTIVES, MISSION AND VISION**

#### **Objectives**

**1.**

- (1) To develop unity and intellectual contact amongst Malindi Muslims in the Republic of Kenya.
- (2) To develop the welfare of all Muslim destitute orphans in Malindi District.
- (3) To establish and sustain a centre for orphans in Malindi.
- (4) The society has no political objectives.
- (5) To organize fund raising through the contributing mosques and well-wishers towards achieving the objectives of the society.
- (6) To carry out investments, developments and income generating projects towards achieving the objectives of the society.

#### **Mission**

- 2.** Enhancing and empowering the orphans to significantly increase their performance capability in order to be responsible citizens

#### **Vision**

- 3.** Creating an environment which will allow the orphan to interact freely with other children in the society.

# **The Constitution of Malindi Islamic Centre For Orphans**

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## **CHAPTER TWO**

### **MEMBERSHIP**

#### **Entitlements of members**

- 4.** Every member mosque is entitled to -
  - (1) One seat in the governing council.
  - (2) Appoint three delegates as representatives who will also be empowered to vote for the management committee members.
  - (3) Have its three delegates participate in a free and fair election while electing the members of the management committee.
  - (4) Replace any of the three delegates upon being elected to serve in the management committee or due to poor health, misconduct, death or resignation.

#### **Procedures of registration of membership**

- 5.**
  - (1) Membership is on voluntary basis and no admission fee shall be charged.
  - (2) A written notice shall be submitted to the secretary of the society signed by at least three representatives from the applying mosque
  - (3) Membership is strictly given to mosques within Malindi District.
  - (4) Membership cannot be given to individuals or other institutions other than mosques.
  - (5) Membership certificate will be issued to the approved applicant mosque.

#### **Procedures of cessation of membership**

- 6.**
  - (1) A written notice shall be submitted to the secretary of the society signed by at least three representatives from the member mosque.
  - (2) Any notice of cessation should be forwarded at least three months before the Holy month of Ramadhan of that year.

# **The Constitution of Malindi Islamic Centre For Orphans**

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## **CHAPTER THREE**

### **THE ORPHAN**

#### **Definition of the orphan in Islamic perspective**

**7.**

- (1) Any Muslim child whose father or both parents are dead and has not attained the age of (15) fifteen years.
- (2) Any orphaned child whose mother embraces Islam after the death of her legitimate husband.

#### **The orphan as a child**

**8.**

- (1) As a child, an orphan has the right –
  - (a) to free and compulsory basic education;
  - (b) to be protected from abuse, neglect, all forms of violence, inhuman treatment, inhuman punishment, and exploitative labour; and
  - (c) to parental care and protection, which includes equal responsibility of the guardian and the society to provide for the orphan.
- (2) The orphan's interests are much more important in every matter concerning him/her.

#### **Conditions for an orphan being a beneficiary**

**9.**

- (1) The guardian and the orphan should be residing within the jurisdiction area of the society, but the management committee has the discretion of such an orphan in case of a transfer outside the jurisdiction area.
- (2) Registration form to be filled and submitted to the secretary of the society through the member mosque.
- (3) Availability of the orphan's birth certificate.
- (4) Availability of the parents' marriage certificate.
- (5) Availability of the father's death certificate.

## **The Constitution of Malindi Islamic Centre For Orphans**

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- (6) In the absence of a birth certificate, marriage certificate, or death certificate the respective member mosque in consultation with the management committee shall use their discretion to approve or reject such an application.

### **The orphan who attains maturity status**

#### **10.**

- (1) Upon attaining maturity status, (15) fifteen years of age, the orphan ceases to be a beneficiary.
- (2) The management committee shall use its discretion in considering such an orphan who has attained maturity status for assistance if the orphan has been proved to be academically/technically promising.

# **The Constitution of Malindi Islamic Centre For Orphans**

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## **CHAPTER FOUR THE GOVERNING COUNCIL**

### **Establishment of the governing council**

#### **11.**

- (1) There shall-
  - (a) be governing council which will consist of one representative from each member mosque ;
  - (b) elect a chairman among themselves.
- (2) The governing council shall -
  - (a) represent the will of the people from the member mosques;
  - (b) supervise the conduct of the chairman, the vice chairman, and other office bearers of the management committee and may initiate the process of removing them from office if found guilty;
  - (c) discuss the proposal of any amendment of the constitution submitted by the management committee and present it at an annual general meeting;
  - (d) determine the allocation of the society funds among orphans registered with their member mosques;
  - (e) protect and defend this constitution;
  - (f) have an access to all records of accounts and lists of orphans;
  - (g) be responsible for approval/ disapproval of the appointment of any member of the board of governors for any institution under the society appointed by the management committee; and
  - (h) appoint the trustees at the annual general meeting.

### **Term of the governing council**

#### **12.**

- (1) Members of the governing council shall serve for a period of (5) five years.
- (2) Members of the governing council can be reappointed by their respective mosques to serve for another term.
- (3) Any member of the governing council who wishes to resign shall give a one month written notice to the mosque he is representing and a copy to the secretary of the society.

# **The Constitution of Malindi Islamic Centre For Orphans**

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## **CHAPTER FIVE**

### **THE MANAGEMENT COMMITTEE**

#### **Establishment of a management committee**

#### **13.**

- (1) There shall be established a management committee consisting of (7) seven office bearers elected in a free and fair election after every five years;
- (2) The seven office bearers are –
  - (a) The Chairman;
  - (b) The Vice Chairman;
  - (c) The Secretary;
  - (d) The Assistant Secretary;
  - (e) The Treasurer;
  - (f) The Assistant Treasurer
  - (g) The Organizing Secretary;
- (3) The management committee shall –
  - (a) approve or disapprove application for membership
  - (b) issue membership certificate to the approved mosque;
  - (c) be answerable to the governing council;
  - (d) be responsible for the day to day running of the society;
  - (e) have the power to employ an executive officer (manager/administrator) and any other officer;
  - (f) have the power to terminate the services of an executive officer (manager/administrator) and any other officer;
  - (g) seek the governing council's written approval after deliberating on allowances;
  - (h) seek authorization from the governing council in all financial matters;
  - (i) have an access to all records of accounts and lists of orphans;
  - (j) be responsible for discussing issues submitted on the amendment to this constitution and forward their proposal to the governing council; and
  - (k) be responsible for appointing a suitable independent board of governors for any institution under the society to run the affairs of the institutions.

# **The Constitution of Malindi Islamic Centre For Orphans**

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## **Term of the management committee**

### **14.**

- (1) Members of the management committee shall serve for a period of five (5) years.
- (2) Members of the management committee shall be eligible for re-election.
- (3) Any member of the management committee who wishes to resign shall give a one month written notice to the governing council and a copy to the Secretary of the society.

## **Functions of the management committee (office bearers)**

### **15.**

- (1) The Chairman -  
Shall unless prevented by illness or other sufficient cause, preside overall -
  - (a) meetings of the management committee;
  - (b) special meetings; and
  - (c) annual general meetings.
  
- (2) The Vice Chairman shall -
  - (a) perform any duties assigned to him by the Chairman; and
  - (b) act on behalf of the Chairman in his absence.
  
- (3) The Secretary shall -
  - (a) deal with the correspondence of the society under strict supervision of the management committee;
  - (b) in case of urgent matters, where the management committee cannot be consulted, consult the Chairman and the Treasurer, and the decision taken is subject to ratification at the next management committee meeting;
  - (c) issue notices convening all meetings in consultation with the Chairman; and
  - (d) be responsible for keeping minutes and preservation of all records of proceedings of the society.
  
- (4) The Assistant Secretary shall -
  - (a) perform any duty assigned to him by the Secretary; and

# **The Constitution of Malindi Islamic Centre For Orphans**

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(b) act on behalf of the secretary in his absence.

(5) The Treasurer shall –

- (a) be in charge of the financial management of the society;
- (b) be accountable to the management committee and members of the governing council for the proper keeping and maintaining the books of accounts and inventories of all assets of society;
- (c) provide accessibility to the books of accounts and all inventory records including all documents and lists of orphans to the management committee and the governing council for efficiency and transparency;
- (d) facilitate auditing;
- (e) prepare annual budget of the society, present it to the management committee for consultation and submit it to the governing council one month before the annual general meeting for approval; and
- (f) present the society's financial report at the annual general meeting.

(6) The Assistant Treasurer

- (a) perform any duty assigned to him by the Treasurer; and
- (b) act on behalf of the treasurer in his absence.

(7) The Organizing Secretary shall -

- (a) organize all meetings, functions and other society's operational activities in conjunction with the Chairman, the Secretary and the Treasurer;
- (b) be the master of ceremony in all society's functions; and
- (c) be responsible for drawing of the programme(s) in close consultation with the Chairman, the Secretary and the Treasurer.

## **Election of the management committee members**

### **16.**

- (1) All management committee members (office bearers) are to be elected during an annual general meeting of a specific election year.

# **The Constitution of Malindi Islamic Centre For Orphans**

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- (2) A by-election shall be held when need arises as per article 19 (1) (a), (b) and (c) of this constitution.
- (3) Observance of free and fair elections, which are –
  - (a) by secret ballot;
  - (b) free from violence , intimidation, improper influence or corruption;
  - (c) conducted by an independent body in conjunction with the trustees of the society;
  - (d) transparent; and
  - (e) administered in an impartial, neutral, efficient, accurate and accountable manner.

## **Removal of members of the management committee on grounds of incapacity**

### **17.**

- (1) Any member of the governing council supported by at least a quarter (1/4) of all members, may move a motion for the investigation of a member of the management committee's physical or mental capacity to perform the functions of his office
- (2) If the motion is supported by a majority of all members of the governing council, three (3) qualified doctors, one member from the board of trustees and one person nominated by the member of the management committee will form a tribunal and give its report to the governing council.
- (3) If a majority of all members of the governing council vote in favour of ratifying the report, the member of the management committee shall cease to hold office.

## **Removal of members of the management committee by impeachment**

### **18.**

- (1) A member of the governing council supported by at least a third (1/3) of all the members of the governing council, may move a motion for the impeachment of a member of the management committee –
  - (a) on the ground of a gross violation of a provision of this constitution;

# **The Constitution of Malindi Islamic Centre For Orphans**

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- (b) where there is a serious reason that the member of the management committee has committed a crime under the laws of Kenya; and
  - (c) for gross misconduct.
- (2) If the motion is supported by at least two thirds of all members of the governing council-
- (a) the governing council shall convene a meeting to hear charges against the member of the management committee; and
- (3) A special committee shall –
- (a) investigate the matter; and
  - (b) report to the governing council within (14) fourteen days whether it finds the particulars of the allegations against the member of the management committee to have been substantiated.
- (4) The member of the management committee shall have the right to appear before the special committee during its investigations.
- (5) If the special committee reports that the particulars of any allegation against the member of the management committee –
- (a) have not been substantiated, further proceedings shall not be taken in respect of that allegation; or
  - (b) have been substantiated, the governing council shall, after according the member of the management committee an opportunity to be heard, vote on the impeachment charges.
- (6) If at least two thirds of all the members of the governing council vote to uphold any impeachment charge, the member of the management committee shall cease to hold office.

## **Vacancy in the office of a member of the management committee**

### **19.**

- (1) The office of any member of the management committee shall become vacant if the holder of the office –
- (a) dies;
  - (b) resigns, in writing, addressed to the secretary of the management committee;

## **The Constitution of Malindi Islamic Centre For Orphans**

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- (c) fails to attend (5) five consecutive management committee meetings without written apology or genuine reason; or
  - (d) otherwise ceases to hold office under article 17 or 18 or under any provision of this constitution.
- (2) When a vacancy occurs in the office of a member of the management committee-
- (a) the governing council shall appoint another member of the management committee through voting to act and a by election shall be held within (30) thirty days after the vacancy arose; and
  - (b) by -election procedures shall be strictly followed as provided by Article 16 (3).

# **The Constitution of Malindi Islamic Centre For Orphans**

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## **CHAPTER SIX TRUSTEES AND THEIR ROLE**

### **Trustees**

#### **20.**

- (1) Shall consist of (4) four persons who shall have control of money or property that has been put into Malindi Islamic Centre for Orphan's TRUST.
- (2) Trustees should be Muslims, of high integrity and morality, and above (40) forty years.
- (3) Trustees shall be appointed by the governing council at the annual general meeting and shall serve for (5) five years.
- (4) Trustees can be reappointed to serve for more than one term or replaced upon death or resignation.
- (5) Trustees are patrons of the society.

### **Role of trustees**

#### **21.**

- (1) Advise, guide and give directions to the governing council.
- (2) Internal arbitrators of the society in resolving any conflict that may arise.
- (3) Conducting and supervising elections of the management committee (office bearers) in conjunction with an independent body.
- (4) Shall be charged with the responsibility of registering all the assets/properties in the name of Malindi Islamic Centre for Orphans.
- (5) Shall pay to the treasurer all sell proceeds of the society's property whether movable or immovable.
- (6) Cannot sell or mortgage any property of the society without prior written consent of the governing council.
- (7) Shall not serve as members of the governing council or the management committee during their term as trustees.

# **The Constitution of Malindi Islamic Centre For Orphans**

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## **Removal of a trustee**

### **22.**

A trustee shall be removed –

- (a) on grounds of incapacity and same procedures shall be followed as per Article 17 (1), (2), and (3); and
- (b) by impeachment and same procedures shall be followed as per Article 18 (1), (2), (3), (4), (5), and(6).

# **The Constitution of Malindi Islamic Centre For Orphans**

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## **CHAPTER SEVEN**

### **ELECTORAL SYSTEM AND PROCESS**

#### **Principles for the electoral system**

**23.**

The electoral system shall comply with the following principles-

- (a) freedom of the representatives of all member mosques to exercise their voting rights;
- (b) fair representation and equality of vote; and
- (c) free and fair election , which are-
  - (i) by secret ballot;
  - (ii) free from violence, intimidation, improper influence or corruption;
  - (iii) conducted by an independent body in conjunction with the trustees of the society;
  - (iv) transparent; and
  - (v) Administered in an impartial, neutral, efficient and accountable manner.

#### **Voting**

**24.**

At every election, the independent electoral body shall ensure that –

- (1) Whatever voting method is used, the system is simple, accurate, verifiable, secure, accountable and transparent.
- (2) The votes cast are counted, tabulated and the results announced by the presiding officer.

#### **Electoral disputes**

**25.**

- (1) The board of trustees shall establish mechanisms for timely settling of electoral disputes.
- (2) Petitions concerning an election shall be filed within (7) seven days after the declaration of the election results by the independent electoral body.
- (3) Service of a petition shall be directed to the board of trustees in writing.

# **The Constitution of Malindi Islamic Centre For Orphans**

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## **CHAPTER EIGHT MEETINGS**

### **Quorum at a meeting**

**26.**

The quorum at a meeting shall be –

- (1) three (3) members, in case of the trustees.
- (2) two-thirds ( 2/3) of the members, in case of the governing council.
- (3) five (5) members , in case of the management committee (office bearers).

### **Procedures at a meeting**

**27.**

- (1) Registration and endorsement of members present.
- (2) All meetings are to start with a word of prayers.
- (3) Confirmation of the previous minutes to be presented and read by the secretary.
- (4) Matters arising.
- (5) Agenda of the meeting to be presented and read by the chairman.
- (6) A.O.B.

### **Annual general meeting**

**28.**

- (1) An annual general meeting shall be held not later than 31<sup>st</sup> March in each year.
- (2) Participants at an annual general meeting shall be –
  - (a) all delegates of the member mosques;
  - (b) the management committee members;
  - (c) the governing council members; and
  - (d) the trustees.

# **The Constitution of Malindi Islamic Centre For Orphans**

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## **Special general meeting**

### **29.**

- (1) A special general meeting may be called for any specific purpose by the secretary of the society.
- (2) Members shall be informed in writing seven (7) days before the meeting.
- (3) A special general meeting may be called for a specific purpose by order in writing to the secretary by not less than two thirds of the members and the meeting shall be held within seven (7) days of the date of requisition.

# **The Constitution of Malindi Islamic Centre For Orphans**

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## **CHAPTER NINE CONFLICT RESOLUTION**

### **Internal arbitrators**

#### **30.**

- (1) In the event of a conflict within the members of the society represented by the governing council-
  - (a) the trustees shall convene a special meeting and form a special committee to investigate the matter; and
  - (b) the parties involved in the conflict shall have an opportunity to be heard and a written verdict shall be given by the trustees after seven (7) days.
- (2) In the event of a conflict within the members of the management committee-
  - (a) the trustees shall convene a special meeting and form a special committee to investigate the matter; and
  - (b) the parties involved in the conflict shall have an opportunity to be heard and a written verdict shall be given by the trustees after seven (7) days.

### **External arbitrators**

#### **31.**

- (1) In the event of a conflict within the members of the board of trustees –
  - (a) the governing council shall appoint external alternative disputes jurists comprising of;
    - (i) a Kadhi; and
    - (ii) community Islamic leaders.
  - (b) the external arbitrators shall investigate on the matter; and
  - (c) the parties involved in the conflict shall have an opportunity to be heard and a written verdict shall be given by the external arbitrators after seven (7) days.

# **The Constitution of Malindi Islamic Centre For Orphans**

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## **CHAPTER TEN BUDGET AND SPENDING**

### **Contents of budgets**

#### **32.**

The Malindi Islamic Centre for Orphan's budget shall contain –

- (a) estimates of income and expenditure , indicating recurrent and development expenditure;or
- (b) deficit and ways of financing; and
- (c) forms of borrowing for investments and development plans.

### **Timing of budgets**

#### **33.**

The treasurer of the society shall –

- (a) prepare the budget;
- (b) present the budget to the management committee for consultation; and
- (c) submitthe budget to the governing council at least one (1) month before the end of each financial year for scrutiny and approval.

# **The Constitution of Malindi Islamic Centre For Orphans**

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## **CHAPTER ELEVEN FUNDS, ACCOUNTS AND AUDITING**

### **Funds**

#### **34.**

- (1) The funds for Malindi Islamic Centre for Orphans shall be used for the interest of the Muslim Orphans.
- (2) All money and funds / assets shall be received by and paid to the Treasurer and shall be deposited by him in the name of Malindi Islamic Centre for Orphans in any bank or banks approved by the Trustees.
- (3) No payments shall be made out of the bank account without a resolution of the governing council authorizing such payment and all cheques on such bank account shall be signed by the Treasurer whose signature shall be mandatory and counter signed by the Secretary and the Chairman of the society.
- (4) A sum not exceeding Kshs. 5000/= shall be kept by the Treasurer for petty disbursement of which proper accounts shall be kept.
- (5) The governing council shall suspend for three (3) weeks any office bearer whom it has reasonable cause to believe that he is not properly accounting for any of the funds or property of the Malindi Islamic Centre for Orphans. When such suspension occurs –
  - (a) the governing council shall convene a special meeting and shall use its discretion on the matter ; if
    - (i) the office bearer is not found guilty, the officer will resume duty; and if
    - (ii) the office bearer is found guilty, he shall cease to hold office and by-election procedures shall be strictly followed as provided by Article 16 (3).
- (6) The financial year of the society shall be as from 1<sup>st</sup> January to 31<sup>st</sup> December.
- (7) There shall be no sitting allowance, but the management committee shall use its discretion pending approval from the governing council.

### **Accounts**

#### **35.**

- (1) The Treasurer shall maintain proper books of accounts and records.

## **The Constitution of Malindi Islamic Centre For Orphans**

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- (2) All society's accounts, records and documents shall be open for inspection to the auditors at any time.
- (3) The treasurer shall submit income and expenditure accounts and all financial statements of assets and liabilities to the governing council one (1) month before the annual general meeting for scrutiny.
- (4) The Treasurer shall provide accessibility to the books of accounts and all inventory records including all documents and list of orphans to the management committee and governing council members for efficiency and transparency.

### **Auditing**

#### **36.**

- (1) An Auditor shall be appointed by the governing council for the following year at the annual general meeting from a registered firm to audit the books of accounts.
- (2) The auditor shall examine, inspect all books of accounts and records, vouchers, receipts and all financial statements.
- (3) The Auditor shall also examine income and expenditure accounts, and verify all assets and properties.
- (4) The Auditor shall submit to the governing council his full report of the state of affairs of the society.
- (5) An internal audit of books of accounts shall be done quarterly.
- (6) No internal or external auditor shall be an office bearer.
- (7) The auditor shall be paid such honorarium for his services as may be approved by the governing council.

### **Inspection of books of accounts and list of members**

#### **37.**

The books of accounts and all relating financial documents and list of members shall be availed to inspection at the office by the Secretary on giving not less than seven (7) days' notice in writing to the Treasurer, provided that the books of accounts and all relating thereto and list of members shall always be open for inspection by members of the society during official business hours.

# **The Constitution of Malindi Islamic Centre For Orphans**

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## **CHAPTER TWELVE FORMATION OF BRANCHES AND AMENDMENT OF THIS CONSTITUTION**

### **Formation of branches**

**38.**

Branches of the society may be formed with the approval of the Management Committee and the Registrar of societies and they will adopt the same constitution as that of the Headquarters' with the following exceptions.

- (i) The aims and objects will not include the formation of branches.
- (ii) Amendments to the constitution can only be made by the Headquarter of the Society in accordance with the provisions of the constitution.
- (iii) Branches will not be dissolved without consultation with the headquarters.
- (iv) All such branches are required to be registered under the societies Act 1968, in exactly the same way as the headquarters.

### **Amendment of this constitution**

**39.**

- (1) The process of amending this constitution must be –
  - (a) a written application signed by two-third (2/3) majority of members mosque applying for the amendment at a general meeting of the society;
  - (b) submission of the application to the management committee ;
    - (i) indicating the reasons for the amendments; and
    - (ii) list of names of the congregates signed by them and attached with photocopies of their identification cards.
- (2) The management committee shall discuss the issue and submit their proposal to the governing council within twenty one (21) days from the effective date of application.
- (3) Upon receiving the proposal from the management committee, the governing council shall discuss the proposal and present their recommendation during the annual general meeting.

## **The Constitution of Malindi Islamic Centre For Orphans**

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- (4) A simple majority of two-thirds (2/3) of the delegates shall vote for or against the amendment of the constitutional the annual general meeting-
- (a) if the delegates vote in favour of the amendment, the governing council shall appoint a sub committee of not less than five (5) and not more than ten (10) to amend the constitution; and
  - (b) the sub committee shall submit the amendment to the governing council within twenty one (21) days from the effective date of its appointment.

# **The Constitution of Malindi Islamic Centre For Orphans**

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## **CHAPTER THIRTEEN**

### **THE MANNER OF THE DISSOLUTION OF THE SOCIETY AND DISPOSSAL OF ITS PROPERTY**

#### **The manner of the dissolution of the society and disposal of its property**

**40.**

If upon the winding up or dissolution of the society there remains after the satisfaction of all its debts and liabilities any property whatsoever, the same shall not be paid to or distributed amongst the members but shall be given or transferred to some other institution or group having similar objects of the society, and which shall prohibit the distribution of its property or imposed on the society;

Provided that, such institution is to be determined by the members of the society at or before the time of dissolution, and in default therefore, by a judge of the high court of Kenya or the Kadhi's court and if and so far as effect cannot be given to the aforesaid provision, then to same other charitable objects.

Notwithstanding;

- (a) The Society shall not be dissolved or wind up except by resolution passed at general meeting of the members by votes of two-thirds (2/3) of the members present. The quorum at the meeting shall be seventy five percent (75%) of the members of the society. If no quorum is obtained, the proposal to dissolve or wind up the society shall be submitted to a further general meeting, which shall be held one (1) month later. Notice of this meeting shall be given to all members at least fourteen (14) days before the date of the meeting. The quorum for the second meeting shall be the number of members present.
- (b) Provided, however, that no dissolution shall affected without prior permission in writing of the Registrar, obtained upon application to him made in writing and signed by three (3) of the office bearers.
- (c) Upon dissolution of the society has been approved by the Registrar, no further action shall be taken by the committee or any office bearer of the society in connection with the aims of the society other than to get in and liquidate for cash

## **The Constitution of Malindi Islamic Centre For Orphans**

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all the assets of the society. Subject to the payments of all the debts of the society, the balance therefore shall be distributed in accordance to the provisions of this constitution which resolved by the meeting at which the resolution for dissolution is passed.

# **The Constitution of Malindi Islamic Centre For Orphans**

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## **CHAPTER FOURTEEN GENERAL PROVISIONS**

### **Enforcement of this constitution**

#### **41.**

- (1) Every member mosque of Malindi Islamic Centre for Orphans has the right to institute proceedings addressed to the trustees claiming that this constitution has been contravened, or is threatened with contravention.
  
- (2) All claims shall be instituted in writing by representatives of the member mosques appointed to serve in the governing council.

### **Construing this constitution**

#### **42.**

- (1) This constitution shall be interpreted in a manner that –
  - (a) promotes its purposes, Islamic values and principles; and
  - (b) contributes to good governance.
  
- (2) If there is a conflict between language versions of this constitution, the English language version prevails.
  
- (3) No article in this constitution or regulation thereof made at any time in future shall be valid in the activities of the society, or established that contradicts in any way the Holy Quran and Sunnah (Prophetic tradition).
  
- (4) If it so happens that any Article in this constitution or regulation thereof made at any time in future contradicts the Holy Quran and Sunnah (Prophetic tradition), that Article or section shall be null and void .

# **The Constitution of Malindi Islamic Centre For Orphans**

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## **Interpretation of the constitution**

**43.**

In this constitution, unless the context requires otherwise –

“**Administer**” Means to make sure that something is done fairly and in the correct way.

“**Board of trustees**” Means the trustees.

“**By-election**” means new election to replace a member of the management committee.

“**Cease**” Means to stop running the office.

“**Congregates**” Means a group of Muslim worshipers who offer their congregational prayers in that Mosque.

“**Constitution**” Means this constitution of Malindi Islamic Centre for Orphans.

“**Contribution**” Means donations from mosques and well-wishers.

“**Convene**” Means to come together for a formal meeting.

“**Delegates**” Means any of the three congregates of a mosque appointed by the member mosque and who has the right to vote during an annual general meeting to elect members of the management committee.

“**Deliberating**” Means thinking carefully before taking a decision.

“**Disbursement**” Means paying money to somebody from a large amount that has been collected for a purpose.

“**Discretion**” Means the freedom or power to decide what should be done in a particular situation.

“**Governing council**” Means a board of members representing the interests of the member mosque in MICO.

“**Honorarium**” Means a payment paid for somebody’s professional services.

“**Impartial**” Means not supporting one person more than another.

“**Impeachment**” Means to charge an important public figure with a serious crime.

“**Jurist**” Means a person who is an expert in law.

“**Management committee**” Means the seven members known as office bearers.

“**Maturity**” Means the age of fifteen (15) years

“**Member**” Means a contributing mosque to the Malindi Islamic Centre for Orphans.

## **The Constitution of Malindi Islamic Centre For Orphans**

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**“Muslim”** Means any person who by creed utterances and deeds substantiates that there is no god but Allah and that Muhammad (S.A.W) is his Prophet.

**“Orphan”** Means any individual who has not attained the age of fifteen (15) who’s father or both parents have passed away.

**“Presiding Officer”** Means a person who is responsible for arranging an election and announcing the results.

**“Puberty”** Means fifteen (15) years of age of the child.

**“Ratifying”** Means to make an agreement officially valid by voting for it or signing it.

**“Representative”** Means a delegate appointed by his member mosque.

**“Society”** Means the Malindi Islamic Centre for Orphans.

**“Substantiate”** Means to provide information or evidence to prove that something is true.

**“Tabulate”** Means to arrange figures in columns or lists so that they can be read easily.

**“Tribunal”** Means a group of selected persons to deal with a particular problem or disagreement.

**“Uphold”** Means to agree that a previous decision was correct or that a request is reasonable.

**“Verifiable”** Means to check that something is true or correct.

# **The Constitution of Malindi Islamic Centre For Orphans**

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## **EFFECTIVE DATE**

This constitution shall come into force upon its endorsement and promulgation by the member Mosques.

## **REPEAL**

The constitution enforced immediately before the effective date shall stand repealed on the effective date.

# **The Constitution of Malindi Islamic Centre For Orphans**

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## **MEMBERS**

**Endorsement and promulgation of the constitution of MALINDI ISLAMIC CENTRE FOR ORPHANS by the member mosques**

### **Name of Mosque**

- 1. MASJID MUNNAWAR**
- 2. MASJID SEIBAN**
- 3. MASJID RAWDHA**
- 4. MASJID RAHMA**
- 5. MASJID JAMIA**
- 6. MASJID MUDARIS**
- 7. MASJID BOMANI**
- 8. MASJID SHELLA**
- 9. MASJID JAMIA (WATAMU)**
- 10.MASJID NOOR**
- 11.MASJID QUBAA**
- 12.MASJID AL-RUDAINY**
- 13.MASJID NOOR (KISUMU NDOGO)**
- 14.MASJID IBN ABBAS**
- 15.MASJID FEIROUZ**
- 16.MASJID SHEIKH NASSOR**
- 17.MASJID TAWHEED**
- 18.MASJID TAQWA**
- 19.MASJID SAADA**
- 20.MASJID MIFTAHUL KHEIR**

# The Constitution of Malindi Islamic Centre For Orphans

## The Constitution of Malindi Islamic Centre For Orphans

### SIGNATURE PAGE

ENDORSEMENT AND PROMULGATION OF THE CONSTITUTION OF MALINDI ISLAMIC CENTRE FOR ORPHANS BY CHAIRMAN AND THE SECRETARY GENERAL AND TREASURER OF THE SOCIETY

I, MOHAMED SHARIF NOOR  
HAVE ON THIS DAY OF 28/7/2016 ENDORSED AND  
PROMULGATED THE CONSTITUTION OF MALINDI ISLAMIC CENTRE FOR ORPHANS.

SIGNATURE [Signature]

DATE 28/7/2016

(CHAIRMAN - MALINDI ISLAMIC CENTRE FOR ORPHANS)

I, Asimam Binti Noorawitammawid  
HAVE ON THIS DAY OF 28<sup>th</sup> July 2016 ENDORSED AND  
PROMULGATED THE CONSTITUTION OF MALINDI ISLAMIC CENTRE FOR ORPHANS.

SIGNATURE [Signature]

DATE 28/07/2016

(SECRETARY GENERAL - MALINDI ISLAMIC CENTRE FOR ORPHANS)

I, Ali Mohamed Saqim  
HAVE ON THIS DAY OF 28/7/2016 ENDORSED AND  
PROMULGATED THE CONSTITUTION OF MALINDI ISLAMIC CENTRE FOR ORPHANS.

SIGNATURE [Signature]

DATE 28/7/2016

(TREASURER - MALINDI ISLAMIC CENTRE FOR ORPHANS)

**The Constitution of Malindi Islamic Centre For Orphans**

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