

Kashmir Charitable Trust (UK)

CONSTITUTION

1 Name

- 1.1 The name of the organisation shall be Kashmir Charitable Trust (UK). It will be referred in this document as 'the organisation'. The organisation shall be a charitable unincorporated association under the Charities Act 1993 through the Charity Commission.

2 Registered Office

- 2.1 The registered Office of the organisation shall remain in the United Kingdom. Address for correspondence shall be: Kashmir Charitable Trust (UK), P.O.Box 326, Huddersfield. West Yorkshire. United Kingdom. HD2 1FX.

3 Aim

- 3.1 The aim of the organisation shall be:

To relieve the inhabitants and the origins (living elsewhere) of the State of Jammu and Kashmir who are in conditions of need, hardship or distress as a result of local, internal or external conflict, natural disaster or by reason of their social and economic circumstances.

- 3.2 In furtherance of the objectives but not otherwise the Executive Committee of the Trustees may exercise the following powers:

- a. To provide relief in the shape of essentials and every day needs including food and clothing.
- b. To provide relief and temporary shelter to the people who do not have any source of income and are made homeless.
- d. To provide medical relief in the form of medicine and necessary equipment.
- e. To assist in providing and helping to maintain regular basic education to the children who are under 16 and are either made orphans or are poor.
- f. To help people of the area (and living elsewhere) to lead a normal, healthy and prosperous family life.
- g. To provide and facilitate awareness and promotion on practical, professional and environmental development of individuals involved in the organisation where possible. Such that the organisation benefits from established members of the society in profession and business.

4 Definition of the Area and its Beneficiaries

- 4.1 The area of beneficiary will be the state of Jammu and Kashmir which is situated on the extreme north of Indo-Pakistan subcontinent and surrounded by India, Pakistan, China and Afghanistan. The people living in this area and the ones who have originated (but living abroad) from this area will be the direct beneficiaries, in particular those people living on both sides of the Line of Control (LOC). This area may not be described in the text books as it is described here, however in the United Nations Charter it is described as a State of Jammu and Kashmir.

5 **How will the objectives be achieved?**

5.1 Activities

- 5.1.1 The running of the organisation shall be initially based on public donations and organisation's own activities in various aspects as mentioned below. The organisation shall carry out activities to raise funds to achieve objectives, the activities will include:

- a. Planning and Organising fund raising functions in various cities and towns, for example, cultural evenings, special day celebrations, competitions, seminars, sponsored walks and raffles etc.;
- b. Disseminating promotional posters and leaflets around the country to seek attention of the public to gain financial support.
- c. Advertising in press and other media making special appeals.
- d. To carry out any other functions and activities not mentioned above which will result in increase of funds of the organisation; provided that such activities and functions are within the relevant laws of the land.
- e. Applications will be made to larger charitable and non-charitable, organisation for assistance in the form of grants.

5.2 Allocation to Beneficiaries

- 5.2.1 Allocations of available funds will be made to families, individuals, relief groups and registered relief organisation from the defined area as described in clause (4) in the form of a grant. This also includes applications from organisations set up in the UK for the betterment of the people who are the origins as described in clause (4). Those applications will be given special preference which have greater and urgent need such as an area where there is an unrest, or where a natural disaster has occurred. Each application will be written, the need will be specified, why this need has arisen and where and how the funds will be used. The applications will then be processed through the following criteria:

- a. The applications will be thoroughly checked through the organisation's own reliable contacts to see if they are genuine.

- b. The applications must be supported by two different organisations or persons who have a credible status either in the UK or in Jammu and Kashmir.
- c. Applications will only be approved if a decision by the majority is passed by the Executive Committee of the organisation.

6 **Membership**

- 6.1 The membership is open to anyone over the age of 18 years, irrespective of race, nationality, colour, sex, creed or religion.
- 6.2 Members must agree with the aims and objectives and rules of the organisation as stated in this document. A member will fill in an application form and sign it. At the time of becoming a member a one of fee of £50 will have to be paid.
- 6.3 There shall not be any limits to the membership.
- 6.4 The Executive Committee may at its absolute discretion admit to membership of any individual who supports the objects of the organisation and who has paid membership fee.

6.5 Register of Members

- 6.5.1 The Secretary of the organisation shall maintain a Register of Members, in which shall be recorded, the name and address of every member, the date on which a person became a member and ceased to be a member.
- 6.5.2 A member shall notify the Secretary in writing within seven days of a change to their name, address or any other relevant details.

6.6 Termination of Membership

- 6.6.1 The rights and privileges of a member shall not be transferable nor transmissible, and all such rights and privileges shall cease upon the member ceasing to be such.
- 6.6.2 A member shall cease to be a member immediately that s/he:
 - a. resigns in writing to the Secretary; or
 - b. fails to pay the annual subscription within three months of its becoming due; or
 - c. is expelled by the Executive Committee for conduct detrimental to the organisation, provided that any member so expelled shall have the right of appeal to subsequent General Meeting, the decision of which be final; or
 - d. dies, or leaves the country permanently.

7 **Patrons**

7.1 The organisation shall have a minimum of three and a maximum of five Patrons, who may or may not be members of the organisation but will not become an executive members.

7.2 A Patron must have the following qualities:

- a. agree with the objectives of the organisation;
- b. a permanent residence in the UK;
- c. a knowledge and understanding of charity work.

7.3 Appointment of a Patron

7.3.1 Two ordinary members and two members of the Executive Committee can submit a written application to the Secretary giving relevant details of the person, to be discussed in the Annual General Meeting of the organisation.

7.3.2 The application must be submitted 14 days prior to the date of Annual General Meeting. Outlining all the relevant details.

7.3.3 A simple majority at the AGM will decide the appointment of a Patron.

7.4 Termination of a Patron

7.4.1 An existing Patron may resign at any time giving a notice to the secretary.

7.4.2 Two ordinary members and two members of the Executive Committee may submit a written application to the Secretary giving relevant details and all the reasons: why a named person should be terminated from patronship. This shall be discussed in the AGM of the organisation.

7.4.3 The application must be submitted 14 days prior to the date of AGM, outlining all the relevant details and reasons: why a particular person's patronship should be terminated.

7.4.4 A simple majority at the AGM will decide the termination of a Patron.

7.6 Existing Patrons

7.5.1 Existing Patrons of the organisation are:

- a. _____
- c. _____
- d. _____

7.6 Role of the Patrons

7.6.1 Patrons shall play a symbolic role for the organisation, supporting and advising on various aspects of charity activities.

7.6.2 Patrons shall not involve themselves in day to day running of the organisation.

8 The Executive Committee

- 8.1 The organisation shall have an Executive Committee (referred in this document as 'the Committee') of not less than seven and not more than eleven persons. Only members of the organisation may be full voting members of the Executive Committee.
- 8.2 The first Executive Committee shall be the persons who have initiated the organisation and are members who have paid their annual subscription. They are, Abdul Majid, Mahmood Ahmad, Mohammed Akram, Abid Hussain, Daalat Ali, Abdul Qayum, Shabir Hussain, Ateeque Rehman, Abdul Hamied, Shakeel Ahmed and Iftikhar Khan. These persons shall remain as the Executive Committee for the first three years.
- 8.3 New Committee members shall be elected individually for a three year period at the Annual General Meeting. S/he must be an active and up to date subscription paid member for two years and one of the two nominees for a new Committee member must be one of the current Committee member.
- 8.4 If at any time the number of Committee members elected is less than the maximum specified in clause 8.1, the Committee may co-opt up to three members of the organisation to serve on the board provided that the maximum size specified is never exceeded.
- 8.5 The Committee may decide to invite other persons, members and non members to sit on the board in a non-voting capacity. These persons shall not be counted for the purpose of a quorum.
- 8.6 Under no circumstances shall any employee of the organisation can become a Committee member.
- 8.7 A Committee member shall not vote or take part in respect of any contract or prize draw in which s/he is directly or indirectly interested or any matter arising therefrom and if s/he does so vote her/his vote shall not be counted.
- 8.8 Any Committee member being a professional, a solicitor, an accountant etc.; shall be entitled to charge and be paid all usual professional or other charges for the work undertaken on behalf of the organisation by her/him or her/his firm when so instructed by the Committee.
- 8.9 The office of a Committee member shall be immediately vacated if s/he:
- a. resigns her/his office in writing to the organisation; or
 - b. ceases to be a member in accordance with clause 6.6.2; or
 - c. fails to declare her/his interest in any contract or prize draw as referred to in clause 8.7; or

- d. is absent from three successive meetings of the Committee during a continuous period of twelve months without special leave of absences from the Committee and they pass a resolution that s/he has by reason of such absence vacated office; or
- e. becomes bankrupt or becomes, in the opinion of Committee, incapable of carrying out duties of a Committee member; or
- f. is removed from office by resolution of the organisation in general meeting.

9 Honorary Officers

9.1 The honorary officers of the organisation shall be elected by the members of the Committee from among their own number at their first meeting following Annual General Meeting, and shall comprise:

- a. National Co-ordinator;
- b. Assistant National Co-ordinator;
- c. Secretary
- d. Assistant Secretary
- e. Treasurer
- f. Assistant Treasurer
- g. Publicity Secretary

9.2 The organisation may also have such other officers as the Committee may decide. Any officer elected by the Committee may also be removed by the Committee.

10 Powers and Duties of the Committee

10.1 The business of the organisation shall be managed by the Committee who may pay all expenses of the formation of the organisation as it sees fit and may exercise all such powers of the organisation as may be exercised and done by the organisation and as are not by statute or by these clauses required to be exercised or done by the organisation in General Meeting.

10.2 All cheques, promissory notes, drafts and other negotiable instruments, and all receipts for moneys and donations paid to the organisation shall be signed, drawn, accepted, endorsed, or otherwise executed, as the case may be in such manner as the Committee shall from time to time by resolution determine. Any cheques paid out must be signed by two of the three signatories.

10.3 The Committee shall have power to rent, lease or buy property for the use of the organisation to achieve and further its objectives.

10.4 No regulation made by any General Meeting of the organisation shall invalidate a prior act of the Committee.

11 **Proceedings of the Committee**

11.1 The Committee shall meet together at approximately after every three months intervals and may adjourn and otherwise regulate its meetings as it thinks fit. Questions arising at any meeting shall be decided by consensus wherever possible, but where consensus is not possible, by a majority of votes. In the case of an equality of votes, the matter shall be referred to a General Meeting of the organisation.

11.2 At the request of a member of the Committee the Secretary shall summon a meeting of the Committee. Seven days notice shall be given in writing to each member of the Committee of a forthcoming meeting except that it shall not be necessary to give notice of a meeting to those members of the committee who are for the time being absent from the United Kingdom.

11.3 The quorum necessary for the transaction of the business of the Committee shall be five Committee members.

11.4 The Committee may act notwithstanding any vacancy in its body, but, if and so long as their number is less than the minimum prescribed in these clauses, the Committee may act for the purpose of increasing the number of members of the Committee to that number, or of summoning a General Meeting of the organisation, but for no other purpose.

11.5 At any Committee meeting where the Chairperson (National Co-ordinator) is not present within twenty minutes of the time appointed for the meeting, the members of the Committee present shall choose one of their number (preferably the Assistant N C) to be chairperson of the meeting, whose function shall be to conduct the business of the meeting in an orderly manner.

11.6 The Committee shall cause accurate records to be made of:

- a. the names and addresses of all members;
- b. the name and date of the appointment of all appointed to office;
- c. the names of the members of the Committee, officers, members and other persons present at all General, Committee and sub-Committee meetings of the organisation.
- d. minutes of all proceedings and resolutions at all General, Committee, sub-Committee meetings of the organisation.
- e. all applications of the Seal to any document.

11.7 All such records and minutes shall be open to inspection by any member of the organisation giving a sufficient notice and also to any person authorised by the Committee.

- 11.8 The committee may delegate any of their powers to sub-Committees consisting of such members of their body or the Committee as it thinks fit. Any sub-Committees so formed shall be made up in such a way that the Executive Committee members shall be in the majority, and shall in the exercise of the powers so delegated conform to any regulations imposed on it by the directors which regulations shall always include provision for regular and prompt reports to the Committee.
- 11.9 All acts done by any meeting of the Committee or by any person acting as member of the Committee shall, notwithstanding that it was afterwards discovered that there was some defect in the appointment of any such committee or person acting as such, or that they or any of them were disqualified, be as valid as if every such person had been duly appointed and was qualified to be a member of the committee.
- 11.10 A resolution in writing, signed by all the Committee members who for the time being are entitled to vote, shall be valid and effective as if it had been passed at a meeting of the Committee, and may consist of several identical documents signed by one or more members of the Committee.
- 11.11 The Committee may at its discretion invite other persons to attend its meetings, with or without speaking rights, and without voting rights.

12 **General Meetings**

- 12.1 The organisation shall in each calendar year hold a General Meeting as its Annual General Meeting and shall specify the meeting as such in the notices calling it, provided that every Annual General Meeting except the first shall be held not more than fifteen months after the holding of the last preceding Annual General meeting. The first Annual General Meeting shall be held within eighteen months of it being registered as a charity.
- 12.2 The business of an Annual general Meeting shall comprise:
- a. the consideration of the Report and Accounts presented by the Committee;
 - b. the election of the Committee;
 - c. the appointment and the fixing of the remuneration of the Auditor or Auditors;
 - d. the fixing of the annual subscription;
 - e. such other businesses as may have been specified in the notices calling the meeting.
- 12.3 All General Meetings, other than Annual General Meetings, shall be called Extraordinary General Meetings.
- 12.4 The Committee may whenever it thinks fit convene an Extraordinary General Meeting, or an Extraordinary General Meeting maybe convened by ten percent of the members of the organisation.

- 12.5 Decisions at General Meetings shall be made by passing resolutions:
- a. Decisions involving an alteration to the constitution of the organisation and other decisions so required from the time to time by statute shall be made by Special Resolution. A Special Resolution is defined as one passed by a majority of not less than three-fourths of the members of the organisation present at a General Meeting.
 - b. All other decisions shall be made by consensus wherever possible, and where consensus is not possible by an ordinary resolution requiring a simple majority.

13 Notices to Meetings

- 13.1 All Annual General Meetings and any Extraordinary General Meeting called to consider a Special Resolution shall be called by at least twenty-one days' notice. Any other General Meeting shall be called at least fourteen clear days' notice.
- 13.2 Notice of every General Meeting shall be given in writing to every member of the organisation and to the Auditors and to such other persons who are entitled to receive notice and shall be given personally or sent by post to each member at the address recorded in the Registers of Members and to other persons at their Registered Office.
- 13.3 Notice of all meetings shall be given exclusive of the day on which it is effected and shall specify the exact time and place of the meeting. Where a General Meeting is to be asked to consider a special Resolution, such resolution shall be specified in the notices calling that meeting and in the case of all other General Meetings the general nature of the business to be raised thereat shall be specified.
- 13.4 Where notice is sent by post, notice shall be deemed to have been served by properly addressing, prepaying and posting the notice and have been served at the expiration of forty-eight hours after the notice has been posted.

14 Proceedings at General Meetings

- 14.1 Every member shall have one vote. Votes may only be given personally, proxy voting is not permitted.
- 14.2 No member of the organisation shall debate or vote on any other matter in which s/he is directly or indirectly interested, either financially or otherwise. No member shall vote on any question if s/he owes money to the organisation in respect of their subscription or for any other reason.
- 14.3 No business shall be transacted at a General Meeting unless a quorum of members is present. One third of membership shall be a quorum.
- 14.4 If within half an hour from the time appointed for the meeting a quorum is not present, the meeting, if convened upon the requisition of members, shall be dissolved. In any other case it shall stand adjourned until such time within

thirty days as the committee may decide, provided that all members receive written notice of the adjourned meeting. The members present at a meeting so adjourned shall constitute a quorum.

- 14.5 At any General Meeting where the National Co-ordinator (Chairperson) is not present within twenty minutes of the time appointed for the meeting, the members present shall choose one of their number to be a Chairperson of that meeting, whose function shall be to conduct the business of the meeting in an orderly manner.
- 14.6 At any General Meeting a resolution put to the vote of the meeting shall be decided on a show of hands unless a secret ballot is, before or on the declaration of the result of the show of hands, demanded by at least two persons present in person.
- 14.7 Unless a secret ballot be so demanded, a declaration by the chairperson that a resolution has on a show of hands been carried or lost and an entry to the effect in the book containing the minutes of the proceedings of the organisation shall be conclusive evidence of the fact without proof of the number of proportions of the votes recorded in favour or against such resolutions. The demand for a secret ballot may be withdrawn.
- 14.8 If a secret ballot is duly demanded it shall be taken in such a manner as the Chairperson directs, provided that each member shall have only one vote, and the result of the ballot shall be deemed to be the resolution of the meeting at which the ballot was demanded.
- 14.9 The demand for a secret ballot shall not prevent the continuance of a meeting for the transaction of any other business than the question upon which a ballot has been demanded.
- 14.10 In the case of an equality of votes, whether on a show of hands or on a ballot, the Chairperson of the meeting shall have a second or casting vote.
- 14.11 The organisation may at its discretion invite other persons to attend its meetings, with or without speaking rights, and without voting rights.

15 **Secretary**

- 15.1 The Committee shall appoint a Secretary of the organisation for such term at such remuneration and upon such conditions as they think fit; and any Secretary so appointed may be removed by them. No remuneration may be paid to Secretary who is also a member of the Committee.
- 15.2 Where these clauses and articles requires or authorises a thing to be done by or a Committee and the Secretary, it shall not be done by or to the same person acting in both capacities.

16 **The Seal**

- 16.1 The Seal shall only be used by the authority of the Committee and every instrument to which the Seal is applied shall be signed by the Committee and

shall be countersigned by the Secretary or by a second member of the Committee. Every such application of the Seal shall be minuted.

17 Accounts

17.1 The Committee shall cause proper written accounts to be kept in accordance with the law for the time being in force with respect to:

- a. all sums of money received and expended by the organisation and the matters in which the receipt and expenditure takes place;
- b. all sales and purchases of goods by the organisation;
- c. the assets and liabilities of the organisation.

17.2 Proper accounts shall be deemed to kept if they given a true and fair record of the state of the organisation's affairs and explain its transactions.

17.3 The accounts shall be kept at the correspondence address of the organisation or, at such other place or places as the Committee think fit, and shall always be open to the inspection of all members and any other persons authorised by the organisation in General Meeting.

17.4 The Committee shall from time to time, cause to be prepared and to be laid before the organisation in General Meeting such income and expenditure accounts, balance sheets, and any reports referred to in those sections.

17.5 A copy of every balance sheet (including every document required by law to be annexed thereto) which is laid before the organisation in General Meeting, together with a Auditor's report shall not less than twenty-one days before the date of the meeting to be sent to every member of and every holder of debentures of the organisation; provided that this regulation shall not require a copy of those documents to be sent to any person of whose address the organisation is not aware or to more than one of the joint holders of any debentures. The Auditor's report shall be open to inspection and shall be read before the meeting.

18 Audit

18.1 Once at least in every year the accounts of the organisation shall be examined and the correctness of the income and expenditure account and balance sheet ascertained by one or more properly qualified Auditor or Auditor's.

19 Property

19.1 In case of the organisation shall take or hold any property which may be subject to any trusts, the organisation shall only deal with invest the same in such manner as allowed by law, having regard to such trusts.

19.2 In case the organisation shall take or hold any property subject to the jurisdiction of the Charity Commissioners of England and Wales. The organisation shall not sell, mortgage, charge or lease the same without such

authority, approval or consent as may be required by law, and as regards any such property that may come into their hands the Committee shall be answerable and accountable for their own acts, receipts, neglects and defaults, and for the due administration of such property in the same manner and to the same extent as such the Committee of the organisation would have been if no incorporation has been effected, and the incorporation of the organisation shall not diminish or impair any control or authority exerciseable by the Chancery Division or the Charity Commissioners over such Committee but they shall, as regards such property, be subject jointly and separately to such control and authority as if the organisation were not incorporated

- a. Of responsible and proper remuneration to any member, officer or employee of the organisation (not being a member of its Committee) for any services rendered to the organisation.
- b. Of interest on money lent by any member of the organisation (or the Committee) at a rate per annum not exceeding 2 percent.
- c. Of reasonable and proper rent for premises demised or let by any member of the organisation (or the Committee).

20 Indemnity

- 20.1 In the execution of the objects of the organisation no Committee or the Secretary, Auditor or other employee of the organisation shall be liable for any loss to the property of the organisation arising by reason of any improper investment made in good faith (so long as s/he shall have sought professional advice before making such investment), or for the negligence or fraud of any agent employed by them in good faith (provided reasonable supervision shall have been exercised) although the employment of such agent was strictly not necessary, or by reason of mistake or omission made in good faith by the above persons, or by reason of any matter or thing other than wilful and individual fraud wrongdoing or wrongful omission on the part of the person(s) in question.

21 Dissolution

- 21.1 In the event of winding up or dissolution of the organisation, after the satisfaction of all its debts and liabilities, the assets remaining shall not be distributed amongst the members of the organisation, but shall be transferred in the furtherance of the aforementioned objects to some other charitable institution or institutions having objects similar to or compatible with any objects of the organisation.

22 Amendment

- 22.1 The constitution may be altered at an Annual or Special General Meeting of the organisation by a resolution passed at a quorate meeting by (two thirds) of the members present and voting thereat. The resolution for the alteration of the constitution must be received by the Secretary of the organisation at least 21 days' before the meeting at which it is to be proposed. At least 14 days' notice of such a meeting must be given by the Secretary to the organisation and must include notice of the alteration proposed: Provided that no alteration

to clause 3 (objects), clause 21 (dissolution) or this clause shall take effect until the approval writing of the Charity Commissioners or other authority having charitable jurisdiction shall have been obtained; and no alteration shall be made which would have the effect of causing the organisation to cease to be a Charity in Law.

KCT/AH/Jan96.CONST.DOC.
Updated: 03/05/04