

The Constitution

(Memo. of Association & Rules and Regulations)

Of

All India Muslim Personal Law Board

Published by

All India Muslim Personal Law Board

76.A/1, Main Market, Okhla Village,

Jamia Nagar, New Delhi 110025

Ph: 011-26322991, Telefax: 011-26314784

E-mail: aimplboard@gmail.com

Memorandum of Association
Of
ALL INDIA MUSLIM PERSONAL LAW BOARD
(a registered society)

PREAMBLE

Islam provides comprehensive guidance to its followers in every sphere of life, belief, prayers, social behaviour, civil conduct, personal and social relationship, family affairs and personal life. Islam has given a code to the Muslims in all these matters. It is for the reason that the source of those laws which embrace the personal and family lives of the Muslims (commonly known as Personal Law) is neither the practice (*Urf*) and conventions, nor customs, compromises, human decisions, the experiences and advice of philosophers, intellectuals and moral preachers. Infact the fountainhead of the social order and Personal Law of Muslims is the Book (*Quran*) revealed by Allah and the Sunnah (of the Prophet) which explains and elucidates it and on the veracity and trustworthiness of which every Muslim has an unshakable faith. Thus, these laws of Muslims are an integral and inseparable part of their religion which are based on the guidance given by the Prophet under divine inspiration. Therefore the issue of their Personal Law is not merely a cultural issue or an issue of customary practices for the Muslims rather it is an issue which concerns the safeguarding and conservation of their religion which burdens them with grave responsibilities and they are, as a result, very sensitive about it.

Soon after India attained Independence, there began

talks about amending and changing the Muslim personal Law and voices were raised in favour of abolition of Personal Laws and enforcement of The Uniform Civil Code. Sustained efforts were gradually made in this direction and the strategy to do away with the Muslim Personal Law through “indirect legislative measures” and so pave the way for the implementation of a Uniform Civil Code was adopted.

At this critical stage Allah, with His Grace, prompted some Muslims belonging to different creeds and schools of thought and endowed them with intellect and learning, to sit together and take certain decisions in the discharge of obligations laid upon them by Sunnah.

Accordingly, responding to the call given by a committee of sponsors, consisting of responsible. Persons belonging to all schools of thought an ‘All India Muslim Personal Law Convention’ was held in Bombay during 27-28 December 1972 which turned out to be of a fully representative character of Indian Muslims and a historic one true sense Muslim scholars, experts in Islamic jurisprudence (*Fiqh*) and on matters of Shariah, jurists, intellectuals, representatives of Muslim organizations and think-tanks belonging to all groups gathered and deliberated thoroughly on the issue from all possible angles.

In the Resolution passed after careful deliberations, while clearly and categorically giving expression to its stand, some basic truths were also affirmed and in its light some important decisions were taken. And with the objective of making sustained efforts conforming to these decisions the Convention, through its Resolution No. 3, constituted an ‘All India Muslim Personal Law Board.’ In

the light of these Resolutions adopted at the Convention, this Constitution, along with the Preamble, is being approved and adopted for the “All India Muslim Personal Law Board,” abbreviated “AIMPLB.”

1. Name: The name of this society will be “All India Muslim Personal Law Board” (a registered society)

2. Head Office: The Head Office of the All India Muslim Personal Law Board (henceforth to be referred to as the ‘Board’) shall be in Delhi at 76-A/1, Main Market, Okhla, Jamia Nagar, New Delhi-110025. The Executive Committee may, however decide to locate it somewhere else.

WORKING AREA:- All India

3. AIMS & OBJECTS: In conformity with the Resolutions adopted at the All India Muslim Personal Law Convention, Mumbai, 27,28 December, 1972, the AIMS & OBJECTS of the Board shall be;

(a) To take effective steps to protect the Muslim Personal Law in India and for the retention, and implementation of the Shariat Act;

(b) To strive for the annulment of all such laws, passed by or on the anvil in any State Legislature or Parliament, and such judgments by courts of Law which may directly or indirectly amount to interference in or run parallel to the **Muslim**

Personal Law or, in the alternative, to see that the Muslims are exempted from the ambit of such legislations.

(c) To promote awareness among Muslims about the laws and teachings of, and rights conferred and duties cast by Shariah in the sphere of their family and social life, and to publish and disseminate literature for that purpose;

(d) To publish and disseminate the personal laws of Muslims as laid down by Shariah and to prepare a comprehensive framework for their implementation on and observance by the Muslims;

(e) To set up an ‘Action Committee’ as and when needed, for safeguarding the Muslim Personal Law through which organized countrywide campaign is taken up in order to implement the decisions of the Board; Within the Govt. Rules.

(f) To constantly keep watch, through a committee of Ulama and legists, over the state or Central legislations and Bills; or Rules framed and circulars issued by the government and semi government bodies, to see if these, in any manner, affect the Muslim Personal Law;

(g) To promote good-will, fraternity, and the feeling of mutual cooperation among all sects and schools of thought among Muslims, and to generate

the spirit of unity and co-ordination among them for the common goal of safeguarding the Muslim Personal Law;

(h) To scrutinize the ‘Mohammedan Law’ as now in force in India, in the light of Shariah and to arrange for an analytical study of the different schools of Islamic jurisprudence keeping in view the new issues and to search for their proper solution based on the Quran and Sunnah, sticking to the principles of Shariah under the guidance of those well-versed in Shariah and Islamic jurisprudence;

(i) To set up delegations and study teams; organize conferences, seminars, symposia, public meetings and undertake tours and to publish and disseminate suitable literature, and when needed, to bring out newspapers, periodicals, and newsletters and to perform all other acts as may be necessary, for achieving the aims and objectives of the Board in general.

4. The “Muslim Personal Law Board”, as an institution, shall not be involved in electoral politics.

4.(A) NOTE :

All the income, savings, movable or immovable properties of the society shall be solely utilized and applied towards promotion of the aims and objectives of

the society and no portion thereof shall be paid or transferred directly or indirectly by way of dividends, bonus or profits or in any way whatsoever to the present or past members of the society or to any person claiming through any one or more of them. No member of the society shall have any personal claim on any movable or immovable property of the society or make any profit whatsoever by virtue of his / her membership.

5. Executive Committee:

The name, address and occupation of the persons whom the management of the society is entrusted, are as under:

Name of the members of the Executive Committee as on 23 September 2005

Rules and Regulations
of
ALL INDIA MUSLIM PERSONAL LAW BOARD
(a registered society)

1. Name

The name of the society shall be “All India Muslim Personal Law Board” (a registered society)

2. Definition and interpretation:

In these Rules and Regulations, the following words and abbreviations shall have the meaning as given against them lest there is any thing contrary in subject or content, to the aims and objectives of All India Muslim Personal Law Board.

- (i) These rules and regulations shall be called the Rules and Regulations of the All India Muslim Personal Law Board. (a registered society)
- (ii) “Board” means All India Muslim Personal Law Board. (a registered society)
- (iii) “Member” means member of the Board.
- (iv) “General Body” All the members of the Board shall together constitute General Body of the Board.

- (v) “Office- Bearer” means the Office- Bearers of the Board.

3. “Financial Year” means the period beginning on and from 1st April of the current year ending on 31st March of the next Calendar year.

4. “The Act” referred to herein means “The Societies Registration Act, 1860” as amended from time to time and applicable in the NCT of Delhi.

5. Formation of the Board.

(a) **Membership:** The Board shall comprise of 251★ members from various schools, groups and sects, of Indian Muslims. If there is a vacancy or vacancies it will in no way affect the functioning of the Board.

(b-i) **Founder Members:** All the members of the steering committee of the All India Muslim Personal Law Convention (to safeguard the Shariat Law) held in Mumbai on 27,28 December, 1972, shall be the founder members of the Board.

(b-ii) If the seat of a founder member falls vacant due to any reason, the same will be filled by electing new members at a meeting of the remaining founder members. These newly elected members shall have the same status of perpetuity as of the founder members and shall enjoy all the rights and privileges as enjoyed by the other founder members.

★ Amended by the General Body meeting held at Chennai on 11.01.2007

(c) **Term Members:** The term members of the Board will also be elected by the founder members in the meeting. In constituting the Board, it will be ensured that all schools of thought, organizations, schools of Islamic Jurisprudence and sects of the Indian Muslim have their proper representation in the Board. At least thirty (30) ★ ladies will be elected as members of the Board.

6. Membership fee.

The members will have to pay an annual fee of Rs.500/- (The Executive Committee will have the powers to reduce or enhance the fee according to the circumstances).

7. Office- Bearers And Their Election:

Following will be the office-bearers of the Board:

- (a) President
- (b) Five Vice presidents
- (c) One General Secretary
- (d) Three Secretaries at the minimum. The number can be increased as and when required with the approval of the Executive Committee.

(e) Treasurer:

(f) If felt necessary, the General Secretary may, in consultation with the President, appoint some one as Assistant General Secretary and may delegate to

him some of his powers and duties as deemed fit, In case the Assistant General Secretary is a full-time worker, he shall be paid an honorarium.

8. (a) The President shall be elected by the Members of the Board. All other office bearers will be nominated by the President, from among the members of the Executive Committee, in consultation with the Executive Committee.

8. (b) The President, the General Secretary and the Treasurer will be ex- officio members of the Executive Committee. Secretaries should necessarily be from among the members of the Board.

9. (a) Except for the Founder Members, the term of office of the elected or nominated general members, office-bearers and members of the Executive Committee of the Board shall be three (3) years. The tenure of mid- term elected or nominated member shall also terminate at the end of the 3 year term. However, such office- bearers shall continue to hold office till new election/nomination is made, and they may also be re- elected / re- nominated.

9. (b) In case, for any reason, the post of president falls vacant, nine months or more before the expiry of the current three- year term, the Executive Committee shall hold the presidential election before the expiry of the current term. The president, so elected, shall remain in his office for three years. The Term Members shall continue to hold office till the expiry of their tenure. Only after the expiry of the tenure, fresh elections for Term Members shall be held.

★ Amended by the General Body meeting held at Chennai (T.N) on 11.01.2007

10. Powers & Function of the Board:

The Board shall have the following powers and shall undertake the following functions:

(a) To elect the President and 30 members of the Executive Committee of the Board.

(b) To consider any decision taken or resolution adopted by the Executive Committee and to confirm, amend or reject it.

(c.a) To accept the resignation of the President or any member of the Board and to fill the vacancies so caused.

(c.b) Resignation of any member of the Board will be accepted by the President in consultation with the Executive Committee which shall have also the power to fill the vacancy so caused. However, if the resigning member be a Founder Member, the vacancy caused will be filled by the other Founder Members in their meeting. In case of death of a Member during his/her membership tenure, unless he/she be a Founder Member, the vacancy will be filled, for the remainder of the term, by the Executive Committee.

(d) To chalk out a programme of action for the issues concerning the Board and for the

implementation of the decisions taken and resolutions adopted by the board.

(e) To expel from membership any member of the Board after giving him/her sufficient opportunity to offer explanation in response to any complaint against him/her, on the ground that any act by him/her is detrimental to the interest of, or contrary to the objectives of the Board, and to fill the vacancy caused thereby.

(f) Normally, there will be a general session of the Board once a year in which the report of the activities, statement of account and the annual budget of the Board shall be presented. Any suggestion made by the Executive Committee, and other proposals as permitted by the President, shall also be taken up for consideration. If need be, more than one session may also be called for in a year.

(g) To raise funds through grants and donations for the functioning of the Board.

(h) To take such other steps as may be necessary and proper to achieve the objects of the Board.

11. Special Session:

If any 30 Members of the Board so demand, the President shall be bound to call a special session of the Board within one month from receiving the requisition notice.

12. Presiding the Meetings:

The President, or in his absence, the Vice President shall preside over all the meetings of the Board and of the Executive Committee. In case of absence of the President and all the Vice Presidents of the Board, the members present, shall elect one member from among themselves to preside over the meeting.

13. All decisions will be taken either by consensus or by majority opinion. In case of opinion, on any issue, being equally divided, the final decision will be in accordance with the opinion expressed by the President.

14. In case, in the opinion of those representing a particular sect or school of Islamic jurisprudence (*Fiqh*), any decision taken by the Board goes against their creed or point of view, then on a request made by them, the Board will exempt them from the ambit of that decision.

15. Quorum:

Quorum for all the general or special sessions of the Board shall be Forty- one (41) and Eleven (11) for a meeting of the Executive Committee. If a meeting is adjourned for lack of quorum, another meeting can be called 24 hours thereafter and there shall be no quorum required for such a meeting.

16. A prior notice of a minimum of one month for the usual annual session and meeting of the Executive Committee of the Board shall be compulsory. For the special session and meeting it shall be fifteen days.

17. Executive Committee:

(a) The Executive Committee of the Board shall consist of fifty one (51), members including the office-bearers, all of whom shall be amongst the Members of the Board. Out of these, Thirty five (35) persons shall be elected by the Members of the Board and fifteen (15) persons will be nominated by the President.★ While making the nominations it shall be kept in mind that adequate representation is given to all the sects, creeds and schools of thought of Muslims.

(b) The Executive Committee of the Board shall normally meet twice in a year. If need be, the President shall have the power to call for more meetings.

18. Powers and Functions of the Executive Committee:

(a) In case, for any reason, a vacancy is caused in the Executive Committee during its tenure, the said body will fill the same. However, such vacancy remaining unfilled will have no effect on the functioning of the Committee.

★ Amended by the General Body meeting held at Chennai (T.N) on 11.01.2007

(b) The Executive Committee shall implement the decisions taken and resolutions adopted by the Board and shall take all measures to protect and safeguard the Muslim Personal Law and to achieve the objects of the Board.

(c) The Executive Committee shall have the power to make by laws.

(d) The Executive Committee shall have the power to set up sub committees as needed.

19. Finances:

The sources for finances of the Board shall be:

(a) Membership fee.

(b) Donations and assistance from the Waqfs, individuals and organizations.

(c) Income from the business/property of the Board, if any.

20. The Treasurer shall be responsible for the finances and maintenance of accounts of the Board.

21. All amounts will be deposited in banks in the name of the Board.

22.(a) The bank account shall be operated by the joint signatures of the President or Treasure and the General Secretary or the Secretary.

22.(b) If thought fit in the interest of the Board, the President may direct the opening of Board's account in a particular bank and under special circumstances may nominate one or more members of the Board to operate that account.

23. Legal Proceedings: The General Secretary shall have the power to sue for and to defend all suits and actions against the Board, as per provisions laid down under Sec-5 of the Societies Legislation Act, 1860.

24. The General Secretary shall be in charge of the Board's office.

25. The title of all properties of the Board shall vest in the Board.

26. Amendments:

Any amendment or deletion in this Constitution of the Board shall take effect when two third majority of the Members present in a General Session vote in favour of it, provided that the proposed amendment, addendum or deletion forms part of the agenda. The Quorum for such a session will be fifty (50).

27. Audit:

(a) The annual accounts of the Board shall be audited by registered chartered accountant (s).

- (b) There may be one or more auditors of the Board who shall be the Chartered Accountants and appointed by the Board in its Annual General Meeting for the said purposes.

28. Dissolutions:

In the event of the dissolution of the AIMPLB, its assets shall be transferred after clearing all its debts and liabilities to an institution or institution engaged exclusively for purposes similar to those of the AIMPLB or to any educational institution engaged in promoting studies of Islamic Shariah. Such institution or institutions shall be named by the Board in its meeting with the approval of two-majority of its members as per provisions of the Act XXI. (Sections 13 and 14 of the Societies Registrations Act, 1860).

29. Annual List

Once every year, the list of the office – bearers and members of the society shall be submitted to the office of the Sub-Registrar, Delhi under section 4 of the Societies Registrations Act as applicable to the NCT of Delhi. The list shall be open to inspection by any member of the AIMPLB.

30. Application of the Act:

All the provisions under the sections of the Societies Registration Act, 1860, as applicable to the NCT of Delhi, Shall apply to this society.

31. Essential Certificate:

Certified to be correct that it is the authentic copy of the Rules and Registrations of the society.

President

General Secretary

Treasurer