

In the Name of Allah, the Most Beneficent and Merciful

THE CONSTITUTION OF FIJI MUSLIM (FANCA) SPORTS FEDERATION



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1. INTERPRETATION

In this Constitution and in any Rules, Resolutions and by-laws made, resolved or enacted hereunder before or after the adoption of this Constitution, the following words and expressions shall have the meanings hereby assigned to them respectively unless there is something in the subject or context inconsistent with such Constitution or unless it is therein otherwise expressly provided.

2. DEFINITION

In this Constitution, unless the context otherwise requires, the following definitions shall apply:

- (a) “Constitution” shall mean the Constitution of the Fiji Muslim (FANCA) Sports Federation.
- (b) “Federation” shall mean the Fiji Muslim (FANCA) Sports Federation.
- (c) “Seal” shall mean the common seal of the Federation and includes any official seal of the Federation.
- (d) “Objects” shall mean the Aims and Objects of the Federation as mentioned in Clause 4 hereof.
- (e) “A Muslim” shall mean a person who believes in the Oneness of Allah (SWT) and in the absolute and unqualified finality of the prophethood of Muhammad (Peace Be Upon Him) and as the last of all the Prophets. The word “Muslim” shall be strictly construed. In interpreting the word “Muslim”, any person shall be considered and regarded for all purposes as a non-Muslim if he professes to be a Muslim but claims to be a Prophet in any sense of the word or of any description whatsoever after Prophet Muhammad (Peace Be Upon Him) or if he recognises such a claimant as Prophet or religious reformer at any time.
- (f) “Membership” shall mean the members of the Federation which shall include the affiliates.
- (g) “Affiliates” shall mean the member nations (whether incorporated, unincorporated or otherwise) who are members of the Federation.
- (h) “Member” shall mean and include the general membership who directly or indirectly is a member of this Federation or any of its member nations (affiliates).
- (i) “Constitution Review Committee” shall comprise of a Chairman and two other members appointed by the Board with powers to co-opt members.
- (j) “Consultative Committee” shall comprise of a Chairman who shall be a Vice President of FANCA, assisted by a Deputy Chairman, together with all heads of nations as members appointed by the Board of Governors.

- (k) “Executive” shall comprise of the President, Secretary General, General Treasurer, Vice Presidents and the Permanent Members
- (l) “President” shall be the presiding officer at all the meetings of the Federation and in his absence, the acting President or a Vice President shall be the presiding officer.
- (m) “Trustees” shall be a Board of Trustees comprising of the President, the Secretary General and the General Treasurer.
- (n) “Associate Members” shall mean those who are not eligible for membership but are considered for appointment due to their support and assistance to FANCA and its affiliates.
- (o) “Board”/“Board of Governors”(BOG) shall mean the body consisting of the office bearers including the permanent members, and the head of nations.
- (p) “By- Laws”, “Regulations” and “Policies” shall mean any by-laws, regulations or policies approved by a resolution of the Board or the General Meeting from time to time.
- (q) “Delegate” shall mean the person appointed from time to time by the member nations to act for and on behalf of that affiliate, as the case may be and to represent them (including voting) at the General Meeting or otherwise.
- (r) “Financial Year” shall mean the year commencing 1st January and ending on 31st December in any year.
- (s) “Permanent Members” shall be those appointed by the General Meeting from time to time based on service, experience and the necessity for the efficient and effective administration of the Federation.
- (t) “General Meeting” shall mean the biennial or any Special General Meeting of the Federation.
- (u) “Life Member” shall mean an individual upon whom life membership has been conferred by the Federation.
- (v) “Intellectual Property” shall mean all rights or goodwill subsisting in copyright, business names, names, trademarks (or signs), logos, designs, patents or service marks (whether registered or registrable) relating to the Federation or any event, competition or activity of or conducted, promoted or administrated by the Federation.
- (w) “Ordinary Resolution” means
 - a) A resolution passed by a simple majority of votes cast by the officials who are present at a meeting, or,

- b) A resolution submitted to all officials in writing and passed by seventy five percent (75%) of the officials.
- (x) Unless the context **otherwise** directs, singular shall include plural and male to include female.

3. NAME OF THE ORGANISATION

The name of the Organisation shall be the Fiji Muslim (FANCA) Sports Federation herein after referred to as the Federation. Alternatively, the Nation Affiliates may opt to the name 'FANCA' as the short version of the name proper

4. AIMS AND OBJECTS OF THE FEDERATION

The Objects of the Federation shall be:

- (a) To vigilantly maintain and apply the true Islamic doctrines as contained in the Holy Quran and practiced by the Holy Prophet Muhammad (Peace Be Upon Him) at all times.
- (b) To preserve and promote the religious, social, cultural and educational interests of the Muslims.
- (c) To regulate, encourage, administer, promote, advance and manage healthy indoor and outdoor exercise, games, sports and physical recreation for Members and within the member nations through sporting and commercial means amidst Muslims of Fijian origin on international basis.
- (d) To control the insignia, colours, blazers and granting awards.
- (e) To co-ordinate and assist the sporting or other activities of member nations and to represent with sporting bodies.
- (f) To be a member of and otherwise affiliate with or subscribe to any recognised and properly constituted representative body.
- (g) To advise the administration in the planning and development of sport and physical recreation facilities, and otherwise liaise and represent Members of the Federation.
- (h) To adopt, formulate, issue, interpret, implement and amend from time to time such by laws, policies, procedures and regulations as are necessary for the implementation of these Objects and the governance and management of the Federation.
- (i) To determine, implement and enforce disciplinary procedures against affiliates and members and others participating in the Federation activities, including but not limited to, imposing penalties and fines.
- (j) To determine its Membership.

- (k) To establish boards, commissions, committees and other groups and to delegate as it considers deemed appropriate its powers and functions to such boards, commissions, committees and groups.
- (l) To establish, organise and control matches, fixtures, competitions, tournaments and events including determining the rules for such matches, fixtures, competitions, tournaments and events.
- (m) To award, grant and otherwise honour achievements and service to sport at FANCA tournaments including scholarships.
- (n) To select persons to represent in sport competitions and events.
- (o) To take out and effect insurance and to seek, obtain and in its discretion, act on any professional advice necessary or appropriate.
- (p) To pursue through it or other such entity commercial arrangements, including sponsorship and marketing, opportunities as are appropriate to further these Objects.
- (q) To formulate or adopt and implement appropriate policies, including policies in relation to nations sport, representative selection, drugs in sport, health, safety and such other matters as arise from time to time as issues to be addressed.
- (r) To discourage the use of intoxicants, narcotics and other obnoxious and forbidden consumables by the Muslims.
- (s) To raise funds and borrow money in such manner as the Federation may think fit and proper and in accordance with the Sharia.
- (t) To determine, raise and receive money by fees, gate charges, donations, grants, government funding or otherwise.
- (u) To manage, print and publish journals, periodicals, booklets, and leaflets which the Federation may think desirable to further its aims and objects.
- (v) To co-operate or join with or support any association, organisation, society or individual whose activities or purposes are similar to those of the Federation.
- (w) To have regard to the public interest in its operations.
- (x) To conduct and perform all such acts and deeds as are incidental or conducive to the attainment of the Objects of the Federation.

5. HEAD OFFICE

The head office of the Federation shall be in Fiji or at such other place as may be determined from time to time by the Board.

6. NATURE OF THE ORGANISATION

- (a) The Federation shall always be a popular and democratic non-profit organization.
- (b) The Federation shall be carried on without purpose of gain for its members and any profits of other accretions to the Federation shall be used for promoting its objectives.

7. OPERATIONS OF THE FEDERATION

The operations of the Federation shall be, but not restricted to, in all affiliated nations.

8. MEMBERSHIP AND AFFILIATION

- (a) All members must be Sunni Muslims of the Fijian origin, and affiliates must be recognized by a religious body of Fijian origin in that country. In the absence of a religious body of Fijian origin in any country, the decision as to whether affiliation shall be extended or not shall be made by the Board.
- (b) The affiliation is open, but not restricted, to Fiji Muslim Sports Association, Australia Muslim Sports Federation, New Zealand Muslim Sports Association, British Columbia Muslim Sports Association and Fiji Muslim Sports Association of USA.
- (c) All affiliates constituted hereafter shall govern themselves in accordance with the Constitution, rules and by-laws.
- (d) In the event of any conflict between the Constitution of the Federation and the Constitution and rules of the affiliates, the provision of the Constitution of the Federation shall prevail, and the decision of the Board shall be final.
- (e) All members must be in good standing with the Federation.
- (f) All members of the Federation shall be bound by the Constitution and its by-laws and shall include every individual who acknowledges being a Member, Life Member, Associate Member, Honorary Member or any other class of membership recognized by the Federation.
- (g) An application for membership by a potential member must comply with any requirements defined in the Constitution and the By-Laws and the Board may accept or reject an application. Where an application is rejected, a written notice may be given to the Secretary General of their intention to appeal against the decision which must be decided in the next General Meeting. If the application has been rejected and the applicant does not appeal against the decision within one (1) month after the written notice has been received or the applicant's appeal is unsuccessful, the Federation shall not refund any fees forwarded with the application, if applicable.
- (h) An individual may only qualify for membership if he has attained the age of eighteen (18) years and meets the foregoing.

9. ~~LIFE MEMBERS~~

Life membership may be bestowed upon a member who has given a special or meritorious or a continuous outstanding service or services to the Federation.

(a) Applicant for life membership

The qualification for life membership shall be:

- (i) The candidate shall be at least sixty-five (65) years of age at the time of his nomination.
- (ii) Normally, he must have served the Federation for an aggregate period of not less than twenty-five (25) years.
- (iii) He must have a clean record, that is, has not been subject to any severe disciplinary action by the Federation or its affiliates.
- (iv) He must not be an undischarged bankrupt.
- (v) He must not have any criminal conviction punishable by a jail term.

(b) Nomination of a life member

Each nominee shall be proposed and seconded by at least two affiliates. The nomination together with the candidate's history of services to the Federation shall be forwarded in writing to the Secretary General at least forty-five (45) days before the date of the General Meeting.

© Recommendation of the Board

The Board of Governors shall scrutinise all nominations received within the specified time and select those eligible and recommend the same to the General Meeting, provided however that no nomination shall be unreasonably withheld.

(d) Bestowal

Bestowal of life membership shall be conducted by ballot. At least seventy-five (75%) of the votes cast must be in favour of the nominee before life membership is conferred on him.

(e) Privileges

A life member shall be entitled to all the privileges enjoyed by other members of the Federation.

- (j) He will not be required to pay any fee or subscription.
- (ii) He will be entitled to attend all General Meetings of the Federation and shall have the right to vote thereat; however, no proxy vote shall be allowed.

(iii) He shall have the right to attend all functions of the Federation.

(iv) He shall always be honoured, and his dignity held in high esteem.

10. ASSOCIATE MEMBER

An Associate Member is one who does not qualify as a member. An Associate Member shall be entitled to all privileges of the Federation except the right to vote and to hold an office. The appointment will be made by the General Meeting on the recommendation of the Board of Governors.

An Associate Member's nomination shall be endorsed by the affiliate where the nominee resides, and the endorsement cannot be denied without any valid reasons. He shall have the privileges of being recognised for his services to the progress and development of the Federation and the affiliates. It shall be bestowed on an individual for his dedicated services as an official of the Federation and the affiliate. He shall have the privileges of attending the General Meetings without any voting rights.

11. HONORARY MEMBER

Honorary Membership may be bestowed onto individuals in recognition of public services rendered to the country of abode. The Board of Governors shall recommend to the General Meeting for appointment.

12. PERMANENT MEMBER

(a) There shall be a provision for the appointment of Permanent Members of the Federation at the General Meeting from time to time, initially those being the founding members and subsequently those who have provided meritorious and exceptional services and are still active and keen to serve the Federation to uphold the Objects and be the custodian and backbone of the Federation. The Board shall recommend new name(s) to the General Meeting for appointment.

(b) It shall comprise of founding members of the Federation whose vision and foresight culminated in the formation of the Federation and those who were active from 1995. For full details of Permanent Members, please refer to Annexure A.

(c) The Permanent members are empowered to facilitate, guide and assist affiliates in their respective nations to uphold the Objects of the Federation.

(d) It shall be comprised of the founding members of the Federation whose vision and foresight culminated in the formation of the Federation and those who were active from 1995.

(e) The Permanent Members shall not hold any official position in their respective affiliated nations

(f) The Permanent Members shall act as Ambassadors on behalf of FANCA Federation in their respective country of residence. Their primary role would be to facilitate, guide, co-ordinate, assess, adjudicate and uphold the aims and objects of

the Federation. If required, they will provide country situation reports to the Federation.

13 DEEMING PROVISIONS

All persons who were members (however described) of the Federation prior to the adoption of this Constitution, shall be deemed Members in the relevant membership category, from time to time of adoption of this Constitution and will be entitled to such benefits on them by the Federation, whether direct or indirect and all agreements and contracts entered into prior to the adoption of this Constitution shall be deemed enforceable from the time of the adoption of this Constitution.

14 EFFECT OF MEMBERSHIP

Members acknowledge and agree that the below provisions will only apply during the activities of the Federation:

- (a) This Constitution constitutes a contract between each of them and the Federation and that they are bound by this Constitution and the by-laws.
- (b) They shall comply with and observe this Constitution and the by-laws and any determination, resolution or policy, which may be made or passed by the Board or any duly authorised committee.
- (c) By submitting to this Constitution and the by-laws, they are subject to the jurisdiction of the Federation.
- (d) This Constitution is made in pursuit of a common object, namely the mutual and collective benefit of the Federation and the members.
- (e) This Constitution and the by-laws are necessary and reasonable for promoting the Objects.
- (f) They are entitled to all benefits, advantages, privileges and services of the Federation.

15 OFFICE BEARERS

- (i) There shall be the following office bearers of the Federation:
 - (a) President
 - (b) Vice Presidents (3)
 - (c) Secretary General
 - (d) Deputy Secretary General (2)
 - (e) General Treasurer
 - (f) Assistant General Treasurer
 - (g) All Permanent Members

It shall be the duty of the General Meeting to elect the office bearers by general consensus of opinion by adopting a method of discussion in keeping with the

traditions of our Holy Prophet Muhammad (May Allah's Peace and Blessings Be Upon Him).

(ii) Qualifications of President And Vice Presidents Including Office Bearers

- (a) Conducts himself in the best traditions of Islam.
- (b) A person of mature disposition.
- (c) Possesses leadership qualities.
- (d) Not being a bankrupt or entered into any insolvency procedures.
- (e) Not being subject to any disciplinary action by the Federation or the affiliate in the last five (5) years. However, if the disciplinary action has been withdrawn by the Federation or the affiliate or it has been rescinded on appeal and there being no further disciplinary actions pending against the member, then no disciplinary action is recorded against the member.
- (f) Not serving any custodial sentence or awaiting sentencing after being convicted of a crime which carries custodial sentence.
- (g) No known criminal records for the last ten (10) years.
- (h) Must be of sober habits and temperament.
- (i) Act impartially in all decisions.
- (j) Must be a person who is held in high esteem and be able to carry out the duties of the post with dignity.
- (k) Must have served the Federation as an executive/office bearer for at least four (4) years or a Permanent Member. However, for the positions of President, Secretary General and General Treasurer, the applicant must serve in the nation for at least five (5) years before being eligible for these positions.
- (l) Not to consume alcohol, controlled substance or any form of intoxicants which have been classified as "haram and/or forbidden" by the religious and Sharia authorities.

16. TERMS OF OFFICE BEARERS

Notwithstanding anything contrary contained herein, all office bearers elected or appointed under this Constitution, shall remain in office until; they have been replaced by other office bearers duly elected or in case of appointment by such appointment under this Constitution or they have ceased to be such office bearers by reason of death, resignation, disqualification or expulsion.

17. COMPOSITION OF THE BOARD

The Board shall comprise of the following:

- (a) President
- (b) Vice Presidents (3)
- (c) Secretary General
- (d) Deputy Secretary General (2)
- (e) General Treasurer
- (f) Assistant General Treasurer
- (g) All Permanent Members
- (h) Five Nation Heads

The Chairman of the FANCA Tournament Organising Committee shall be a member only during the FANCA tournaments with no voting rights.

18. POWERS OF THE BOARD OF GOVERNORS

- (a) Subject to this Constitution, the business of the Federation shall be managed, and the powers of the Federation shall be exercised by the Board. In managing the business and exercising the powers under this clause, the Board will take into account the policies of the Federation.
- (b) The Board shall conduct the business of the Federation through meeting, correspondence, facsimile transaction, and electronic mail and/or by telephone conference call or other forms of visible or electronic communication.
- (c) The Board may formulate, approve, issue, adopt, interpret, and amend such by-laws, regulations and policies for the proper management and administration of the Federation,
- (d) All by-laws made under this Clause shall be binding on the Federation.
- (e) All by-laws, regulations and policies of the Federation in force at the date of the approval of this Constitution in so far as the by-laws, regulations and policies are not inconsistent with or have been replaced by this Constitution, shall be deemed to be by-laws under this Clause.
- (f) Amendments, alterations, interpretations or changes to by-laws shall be advised in writing to all the affiliates'
- (g) Affiliates shall be obliged to draw such notices to the attention of their respective members and notices are binding upon members.
- (h) The Board shall cooperate and offer all assistance to the host nation in organizing the FANCA Tournaments and take all such steps as deemed necessary or advisable in preventing infringements of rules of the game or other improper methods or practices in the games or otherwise and to protect the same from abuse.

- (i) To appoint the Consultative Committee to deal with all protests referees issues, games schedules and disciplinary issues arising during tournaments organised by the Federation. The Consultative Committee to be comprised of all the heads of nations. In the event there are two or more nations involved in a dispute, then the heads of those nations shall disqualify themselves from participation. In such an event, the matter shall be dealt with by the remaining members of the Committee. One Vice President of FANCA will chair the meeting and will also head this Committee, assisted by a Deputy Chairman, not being a head of nation. All appeals to be dealt with by the Board of Governors and its decision shall be final and binding. The heads of nations will have to recuse themselves from all appeals relating to matters of their respective nations. The Board may appoint members to the Consultative Committee in case of non-availability of heads of nations.
- (j) All other disciplinary issues shall be dealt with by the Board. All appeals relating to such matters are to be directed to the Appeals Committee whose decision shall be final and binding on all parties with no further appeal.
- (k) The Board shall have the sole responsibility of all tournaments and events organised and/or held under the banner of the Federation. The Board in consultation with the host nation may appoint sub committees as required for logistical needs in organising a tournament or event but not restricted to hosting of tournament including its responsibilities and duties.
- (l) All appeals relating to the decisions by the Board are to be directed to the Secretary General within ninety (90) days of the receipt of the decision by the Board for the hearing of the appeal by the Appeals Committee. A detailed written submission and grounds of appeal with all supporting documents and evidence must be submitted at the time of the appeal. An appeal fee of one hundred dollars (\$100) in the country of hearing of the appeal shall be payable. If the appeal is successful, then only the full appeal fee will be refunded
- (m) The decision of the Appeals Committee on the appeal shall be final and binding on all parties with no further appeal.
- (n) All other disciplinary issues to be dealt with by the Board. All appeals relating to such matters are to be directed to the Appeals Committee whose decision shall be final and binding.
- (o) The Board shall be the supreme body and cardinal instrument of decision-making process.
- (p) The Board shall function and conduct its meetings in accordance with the Standing Orders promulgated from time to time and in the absence of such Standing Orders in accordance with the established Rules of Debate.
- (q) The Board shall meet and conduct meetings affecting the Federation and to pursue and strive to achieve the objects, goals and ideals of the Federation.

- (r) The President of the Federation or, in his absence, a Vice-President shall chair all meetings of the Board. In the absence of both the President and the Vice-Presidents, the Board may elect any member to chair the meeting.
- (s) To make by-laws, rules, regulations and issue directives for the well-being and the proper management of the Federation, not inconsistent with the Constitution and to amend, alter or modify such by-laws, rules and regulations as deemed fit and proper.
- (t) To advise and adjudicate upon all disputes between the members and affiliates of the Federation and such decisions of the Board shall be final.
- (u) To have and enjoy full powers as to all matters pertaining to the funds and the property of the Federation in the best interests of the Federation.
- (v) To have full administrative powers in all matters relating to the Federation.
- (w) To fill in any vacancy or vacancies created by the resignation or death or disqualification or expulsion of any member or official of the Federation.
- (x) To co-opt any person to serve on any other sub- committee of the Federation as it may deem expedient and necessary.
- (y) To determine the business of the meeting of the Board of the Federation and the General Meetings.
- (z) To borrow and raise money in such manner as the Board may think fit and proper.
- (aa) To appoint from its own members or otherwise sub- committees for special purposes and to delegate all or any of their powers to such sub-committees as it may deem fit and proper from time to time. The Board shall inter alia be responsible for:
- (bb) Investigation Committee: This Committee shall be an ad hoc one appointed when a case comes before the Board requiring investigation or inquiry. It shall consist of a chairman with two (2) other members. The Committee's responsibility shall be to make a thorough and impartial investigation/inquiry and forward a written report of its findings to the Secretary General within the time allowed by the Board.
- (cc) Disciplinary Committee: This Committee shall consist of a chairman with two (2) other members. An Assistant Secretary General of FANCA shall serve as the Secretary to this Committee with no voting rights. It shall be the Secretary General's duty to summons the offenders, the complainants, or witnesses as they may be necessary. This Committee shall deal with reports of the Investigation Committee or disciplinary matters and other cases of misconduct referred to it by the Board. If the accused fails to appear at the hearing, the Committee may decide upon the case on absentia. The disciplinary measures are primarily: a warning, reprimand, a fine, expulsion, suspension, or any other measures deemed

appropriate. The decision of the Committee may be appealed to the Appeals Committee.

- (dd) Appeals Committee: The Appeals Committee shall consist of a chair man with four (4) other members. It shall entertain and deal with any case subjected to disciplinary action by the Board or the Disciplinary Committee. The decisions of this Committee shall be final and binding on all parties concerned with no further appeal.
- (ee) To grant honorarium to office bearers as it may deem fit and proper from time to time.
- (ff) To dismiss upon a motion of non-confidence after inquiry any member if it is established that such member is not working in accordance with this Constitution or contrary to any express policy adopted by the Federation.
- (gg) The Board may, from time to time, institute temporary rules and regulations covering specific circumstances not covered by, and/or, over-riding an ambiguity in this Constitution. All such ad hoc policies shall remain in effect sine die until repelled.
- (hh) To make Standing Order or Orders for the purpose of better governance of the Federation and alter, add or amend the same as deemed necessary from time to time.

19. VACANCIES OF BOARD MEMBERS

In addition to the circumstances (if applicable) a Board Member is deemed to have vacated his position if he:

- (a) Dies.
- (b) Becomes bankrupt.
- (c) Becomes of unsound mind or is liable to be dealt with in anyway under the law relating to mental health.
- (d) Resigns his office in writing to the Federation.
- (e) Is absent without the consent of the Board from two (2) consecutive meetings of the Board.
- (f) Holds an office of employment with the Federation.
- (g) Is directly or indirectly interested in any contract or proposed contract with the Federation and fails to declare the nature of his interest.
- (h) Is removed from the office either by the Federation or the affiliate in his respective nation due to disciplinary or other matters.

20. REMOVAL OF BOARD MEMBER

The Federation at a General Meeting may by Special Resolution remove any Board Member on the grounds as stipulated above under clause 19 of this Constitution.

Special Resolution” means a resolution that has been circulated in writing among all officials at least twenty-one (21) days prior to the meeting where the resolution is to be considered together with a notice stating that the proposed resolution and setting out the time, place and location of the meeting where it is proposed that the resolution be passed; and that has been passed at a General Meeting of the Federation by a majority of not less than seventy-five (75%) of the votes of those present. The Board Member will be given an opportunity to present his case at the General Meeting and in the event of him being found guilty and removed as a Board member, then he may appeal the decision to the Appeals Committee within twenty-one (21) days from the date he has received such removal notice to the Secretary General of the Federation.

21. CASUAL VACANCY

Any casual vacancy on the Board shall be filled by the Board of Governors.

22. MEETINGS OF THE BOARD

The Board shall meet as often as is deemed necessary for the dispatch of business and may adjourn and subject to this Constitution otherwise regulate its meetings as it thinks fit. The Secretary General, on requisition of six (6) Board members shall convene a meeting of the Board within a reasonable time.

23. DECISIONS OF BOARD

Subject to this Constitution, questions arising at any meeting of the Board shall be decided by a majority of votes and all questions so decided shall for all purposes be deemed a determination of the Board. All Board members shall have one (1) vote on any questions. The Chair shall have a casting vote where voting is equal.

24. RESOLUTIONS NOT IN MEETING

- (a) A resolution in writing, signed or assented to by facsimile, telex, electronic mail or other form of visible or other electronic communication by all the Board Members shall be as valid and effectual when signed by the last Board Member as if it had been passed at a meeting of the Board duly convened and held. Any such resolution may consist of several documents in like form each signed by one (1) or more of the Board Members.
- (b) Without limiting the powers of the Board to regulate its meetings as it thinks fit, a meeting of the Board may be held where one (1) or more members of the Board is not physically present at the meeting, provided that:
 - (i) all persons participating in the meeting are able to communicate with each other effectively, simultaneously and instantaneously, whether by means of telephone or other forms of communication.

(ii) notice of the meeting is given to all the Board Members entitled to notice in accordance with the usual procedures agreed upon or laid down from time to time by the Board and such notice specifies that Board Members are not required to be present in person;

(iii) in the event that a failure in communications prevents condition (i) from being satisfied by that number of Board Members which constitutes a quorum, and none of such Board Members is present at the place where the meeting is deemed by virtue of the further provisions of this Rule to be held, then the meeting shall be suspended until condition (i) is satisfied again. If such condition is not satisfied within an hour from the interruption, the meeting shall be deemed to have terminated.

(iv) any meeting held where one (1) or more of the Board Members is not physically present shall be deemed to be held at the place specified in the notice of meeting provided a Board Member is there present and if no Board Member is there present, the meeting shall be deemed to be held at the place where the Chair is located.

25. QUORUM

At meetings of the Board, the number of Board Members whose presence or participation under clause 22 is required to constitute a quorum is the majority of the Board Members but shall be a minimum of one half of the members.

26. NOTICE OF BOARD MEETINGS

Unless all Board Members agree to hold a meeting at shorter notice (which agreement shall be sufficiently evidenced by their presence) not less than seven (7) days written notice or by electronic mail, telephone, facsimile or other form of visible or other electronic communication of the meeting of the Board shall be given to each Board Member by the Secretary General. The agenda shall be forwarded to each Board Member not less than three (3) days prior to such meeting.

27. VALIDITY OF BOARD DECISIONS

A procedural defect in decisions taken by the Board shall not result in such decision being invalidated.

28. CHAIR OF BOARD MEETING

The President shall preside at every meeting of the Board. If the President is not present, or is unwilling or unable to preside, any Vice President or in their absence or unwilling or unable to preside, then the Board Members shall choose one of their members to preside as chair for that meeting only.

29. **DUTIES OF THE BOARD MEMBERS**

DUTIES OF THE PRESIDENT

The President shall:

- a) Preside at all the meetings of the Federation.
- b) Act impartially in all his decisions.
- c) Maintain the Federation's prestige, unity, and popularity amongst its members and seek and work for the cohesion between all office bearers of the Federation and its affiliates.
- d) Conduct himself in the best tradition of Islam.
- e) Allocate portfolios, duties and responsibilities to the office bearers in his absolute discretion from time to time with the power to alter, revise and withdraw the same at any time.
- f) Carry out all lawful decisions of the Federation as outlined under this Constitution.
- g) Sit as an Ex-officio Member of all Committees
- h) Represent the Federation at various meetings
- i) Report to the General Meeting on the implementation of decisions made by the Board.
- j) Deliver the report of the Board to the General Meeting.
- k) Due to exigencies of service, the President may correspond.

30. **DUTIES OF THE VICE-PRESIDENT**

A Vice-President shall assume the authority and responsibilities of the President in the absence of the President and shall carry out such duties as may be imposed on him by the President, the Board and the General Meeting.

31. **DUTIES OF THE SECRETARY GENERAL**

The duties of the Secretary General shall be as follows:

- a) The Secretary General shall administer and manage the Federation in accordance with this Constitution.
- b) The Secretary General shall conduct the correspondence of the Federation and report there on to the Board of Governors.

- c) Sit as an Ex-Officio Member of all Committees.
- d) Countersign all written contracts and obligations of the Federation.
- e) Give due notices of all meetings of the Board and the General Meeting or any other special meetings.
- f) Record all facts and minutes of the Board, General Meeting or any other special meetings.
- g) Give notice to the Officials and Committees of all orders, resolutions and proceedings affecting them pertaining to their respective duties.
- h) Have charge of the Seal of the Federation, records and general archives.
- i) Prepare report and submit to the Federation.
- j) Regularly report on the activities of and issues relating to the Federation.
- k) Subject to this Constitution, the by-laws, the policies and any directive of the Board, the Secretary General has the power to perform all such acts as appear necessary or desirable for the proper management and administration of the Federation.
- l) The Secretary General, in consultation with the Board, may employ such office personnel as deemed necessary from time to time and such appointments shall be for such period and on such conditions as the Secretary General and the Board determine.
- m) To ensure the accuracy of minutes recorded, the minutes of all meetings must be signed by the chairperson of the meeting, or the chairperson of the next meeting, verifying their accuracy.

32. DUTIES OF THE DEPUTY SECRETARY GENERAL

The Deputy Secretary General shall assist the Secretary General in the performance of his duties and undertake all duties of the Secretary General in his absence and shall perform such other duties as delegated by the Secretary General, the President or the Board from time to time.

33. DUTIES OF THE GENERAL TREASURER

The duties of the General Treasurer shall be as follows:

- (a) The Treasurer shall be responsible for all financial transactions of the Federation.
- (b) Take charge of all securities and non-expendable items belonging to the Federation.
- (c) Collect all dues and fees owing to the Federation

- (d) Keep the funds safely deposited in a Commercial Bank approved by the Federation.
- (e) Maintain proper record of all monies received and disbursed by the Federation.
- (f) Prepare an audited financial statement of the Federation for submission to the General Meeting.
- (g) Maintain a register to record the numbers and other relevant details of all unused and used receipt books, cheque books and other financial records in his charge.
- (h) To carry out any other duties specifically imposed upon him by the Board

34. DUTIES OF ASSISTANT GENERAL TREASURER

The Assistant General Treasurer shall assist the General Treasurer in the performance of his duties and undertake all duties of the General Treasurer in his absence or as directed by the General Treasurer, the President or the Board from time to time.

35. GENERAL MEETING

The General Meeting of the Federation shall normally be held during the FANCA Tournament in accordance with this Constitution and on a date, time and at a venue to be determined by the Board.

36. MEMBERS ELIGIBLE TO ATTEND

All members of the Federation including Life Members shall be entitled to attend any General Meeting of the Federation and take part in the discussions thereat.

37. DELEGATES

- (a) Each affiliate shall appoint three (3) delegates and a delegate must:
 - (i) Be a member or Life Member.
 - (ii) Be appropriately empowered by the affiliate to consider, make decision and vote at General Meetings.
- (b) An affiliate may remove any delegate appointed by it.
- (c) The Secretary of the affiliate shall appoint or remove delegates in writing and notify the Secretary General of these matters.

38. WHO MAY VOTE

All office bearers, Board of Governors, delegates and Life members only shall be entitled to vote at any General Meeting or Special General Meeting.

39. REPRESENTATION IN PERSON

Delegates to any General or Special General Meeting of the Federation shall personally represent the affiliate and not by proxy.

40. NOTICE OF GENERAL MEETING

- (a) At least twenty-eight (28) days' notice convening General Meeting shall be given to all persons who are entitled to vote at the General Meeting showing the day, hour, and venue of such meeting by circular, telex, electronic mail or other form of visible or other electronic communication.
- (b) Where a notice is sent by post, service of the notice shall be deemed to be effected by properly addressing and posting the notice. Service of the notice is deemed to have been effected seven (7) days after posting.
- (c) Where a notice is sent by fax transmission, service of notice shall be deemed to be effected upon receipt of a confirmation report confirming the fax was sent to or received at the fax number to which it was sent.
- (d) Where a notice is sent by an electronic mail, service of notice shall be deemed to be effected upon receipt of a confirmation report confirming the electronic mail message was received at the email address to which it was sent.
- (e) In the case of the General Meeting, the Secretary General shall give the delegates not less than twenty-eight (28) days' notice of the date of the General Meeting and not less than twenty-one (21) days' notice of the closing date for the receipt of any business, including notice of motions, for inclusion in the notice convening the meeting.
- (f) The accidental omission to give notice of a General Meeting or the non-receipt of such notice by any person entitled to be so notified shall not invalidate the meeting or any resolution passed at that Meeting.

41. BUSINESS OF GENERAL MEETING

The business of the General Meeting shall be:

- (a) Notice convening the General Meeting.
- (b) Minutes of the last General and/or Special General Meeting.
- (c) Activity Report
- (d) Financial Report (Audited)
- (e) Unfinished business (Recommended by the Board)
- (f) New Business
- (g) Motion (if any)
- (h) Election of office bearers.
- (i) Appointment of Legal Advisor
- (j) Appointment of Patron and Vice Patron
- (k) Appointment of Auditor.

(l) General Business (By permission of the Chair)

The Parton and Vice Patron shall have no voting rights.

42. PROXY VOTING

Vote by proxy shall not be allowed to members on Special and Extra Special resolutions submitted to the General or Special General Meetings for deliberation.

43. BUSINESS TRANSACTED

No business other than that stated on the notice shall be transacted at that meeting.

44. SPECIAL GENERAL MEETING

The Board may convene a Special General Meeting of the Federation:

(a) Upon instructions from the General Meeting.

(b) Upon receipt of a requisition for a Special General Meeting setting forth the objects of such meeting, shall be signed by at least seventy-five percent (75%) of the affiliates making the requisition and be sent to the Secretary General of the Federation.

©The requisition may consist of several documents in a like form, each signed by affiliates making the requisition.

(d) Twenty-eight (28) days of notice of the Meeting shall be given to all those who are entitled to vote at a General Meeting and no other business except for which the meeting has been called shall be discussed.

€ If the Board does not cause a Special General Meeting to be held within sixty (60) days after the date on which the requisition is sent to the Secretary General of the Federation, the affiliates making the requisition, or any of them, may convene a Special General Meeting to be held not later than fourteen (14) days after that date.

(f) A Special General Meeting convened by affiliates under this Constitution shall be convened in the same manner, or as nearly as possible as that, in which meetings are convened by the Board.

45. QUORUM

No business shall be transacted at any General Meeting unless a quorum is present at the time when the meeting proceeds to business. A quorum for General Meetings of the Federation shall be the simple majority of the delegates entitled to vote being present inclusive of the Life Members.

46. VOTING PROCEDURE

At any General Meeting, a resolution put to the vote of the meeting shall be decided on a show of hands unless the Presiding Officer considers that a ballot is necessary.

47 RECORDING OF DETERMINATIONS

Unless a poll is demanded, a declaration by the chair that a resolution has on a show of hands been carried or carried unanimously or by a particular majority or lost and an entry to that effect in the book containing the minutes of the proceedings of the Federation shall be conclusive evidence of the fact without proof of the number of the votes recorded in favour of or against the resolution.

48. RESOLUTIONS AT GENERAL MEETINGS

All questions at General Meetings shall be determined by a majority of votes cast. Except as otherwise provided in this Constitution, where voting on a question at a General Meeting is equal, the chair is entitled to a casting vote.

49. MODE OF DISCUSSIONS

The mode of discussions or debate at any General or Special Meeting shall be governed by the established Rules of Debate or in accordance with the Standing Orders made by the Federation from time to time.

50. VOTE OF NON –CONFIDENCE

- (a) A vote of non-confidence may be moved at any General Meeting against any Official of the Federation **PROVIDED** that notice of intention to move such a resolution is given to the Secretary General twenty-eight (28) days before the General Meeting at which such motion is to be heard. The nature of the complaint should not be personal but should strictly relate to his duties as an office bearer.
- (b) Notice of Motion of non- confidence together with the notice of the General Meeting shall be served or delivered upon the official concerned twenty-one (21) days before the General Meeting.
- (c) No motion of a vote of non- confidence shall be again moved within two (2) years after such motion has been moved against the same official.
- (d) If after due inquiry in the presence or absence of the official concerned, a resolution of non-confidence is passed by two-thirds of the members present at the meeting, the official concerned shall be deemed to have resigned from the office he occupies in the Federation

51. COMPLAINT AGAINST OFFICIAL

- (a) Any member of the Federation shall be entitled to forward to the Board a written complaint against any official of the Federation or any official of the affiliates.
- (b) The complainant must relate to an official's act or omission or misconduct in the performance of his official duties. Complaint of personal nature shall not be entertained.
- (c) It shall be the responsibility of the complainant if required to appear before the Board or such other committee as the Board may direct in order to substantiate the allegations made.
- (d) It shall be the duty of the Board to review the nature of the complaint against an official and then make appropriate recommendations to the General Meeting for full deliberation and decision

52. CONDUCT OF MEMBERS

All members of the Federation including the affiliates, officials and Life members are to abide by this Constitution and any Rules, By-Laws and Regulations in force.

53. MISCONDUCT

Disciplinary action shall be taken by the Federation against the following:

- (a) Any official or member of the Federation or any of its affiliates reported or found abusing or insulting or attempting to assault any official, life member or a sub-committee member of the Federation or refusing to obey any directive or decision of any forum of the Federation.
- (b) Any affiliate, team, official or member who commits a breach of the Rules, Regulations or By-Laws of the Federation or acts against the interests of the Federation.
- (c) Any affiliate, team, official, member or player found or reported to have displayed disorderly behaviour or infringing any of the Federation by- laws or competition rules in force or Rules and Regulations of any games or activities of the Federation.

54. DISCIPLINE/DISCIPLINARY ACTION

- (a) The consumption of alcohol and controlled substances are strictly forbidden. Any member of the Federation who is apprehended during any of its functions to have violated the above shall be subject to serve disciplinary action. The Board shall view and levy punishment on the offenders in the form of limited or life suspension, reprimand or monetary fines, placement of bond or probationary period, as deemed appropriate.

- (b) All members of the Federation shall refrain from use of abusive language and avoid any or all acts contrary to the Objects of the Federation. All members are required to conduct themselves in the true Islamic spirit and sportsmanlike behaviour.
- (c) Where the Board is advised or considers that a Member has allegedly breached, failed, refused or neglected to comply with a provision of this Constitution, the by-laws, the policies or any resolution or determination of the Board or any duly authorised committee; or acted in a manner unbecoming of a Member or prejudicial to the Objects or interests of the Federation; or brought the Federation into disrepute; the Board may commence or cause to be commenced disciplinary proceedings against that Member, and that Member will be subject to, and submits unreservedly to the jurisdiction, procedures, penalties and appeal mechanisms (if any) of the Federation set out in the by-laws and its policies.
- (d) The Board shall have powers to take necessary disciplinary action against any member in contravention to the provisions of clause 53 of this Constitution.
- (e) All reports or complaints on misconduct shall be addressed to the Secretary General who shall refer all matters of misconduct with the exception of those arising out of the tournaments to the Consultative Committee or the Board as appropriate.
- (f) The Board shall scrutinise the cases referred to it and if the cases merit further action, the Board shall refer them to the appropriate disciplinary committees.
- (g) The Board may either deal with the cases of misconduct upon being referred or it may appoint an Investigation Committee of three (3) members or may refer the matters to the Disciplinary Committee. In cases where the Investigation Committee is appointed, its duties shall be to hold a thorough investigation of the cases and forward their findings in writing within the time allowed by the Board to the Secretary General who shall refer the reports to the Board.
- (h) If the case at hand merits further action, the Board shall summons the accused in writing to the following Board or otherwise where the report of the Investigation Committee shall be tabled and the case dealt with. If the accused fails to appear at the Board Meeting, the Board may decide upon the case in absentia.
- (i) If in the opinion of the Board, a member lodged a complaint which was frivolous, vexatious or malicious or which has no basis at all, then the Board may suspend the member for whatever period it deems fit.
- (j) Any member of the Federation, affiliate, officials, member or player found guilty of misconduct under this Constitution shall be suspended for a fixed period of time and/or fined or expelled upon the merits/demerits of the case. Such decision is subject to an appeal to the Appeals Committee and its decision is final and binding on all parties with no further appeal.

- (k) Any member of the Federation may be suspended, disqualified for want of allegiance or for any other good reason by the Board. Such decision is subject to an appeal to the Appeals Committee and its decision is final and binding on all parties with no further appeal.
- (l) Any member expelled or disqualified by the Board shall forfeit all his rights and privileges under this Constitution and when a member so expelled is an office bearer, delegate or a member of any Board or Sub Committee of the Federation, his office shall be deemed to be vacated.
- (m) Any member who seeks redress in any court of law shall be deemed to have brought the affairs of the Federation into disrepute and shall be liable to be suspended by the Board. However, any member can resolve any disputes through arbitration.
- (n) Notwithstanding above, the Tournament Consultative Committee shall deal with any or all infringements and indiscipline on the part of the players and officials during the FANCA organised tournaments.
- (o) All disciplinary issues within the affiliates shall remain within its jurisdiction while those of the Federation shall remain within its bounds.

55. RESIGNATION

- (a) Any member of the Federation wishing to resign from the Federation shall notify the Secretary General of the Federation in writing and such resignation shall be deemed to have been accepted by the Federation.
- (b) In the event a head of nation resigns or is removed from his office or relinquishes his position in his nation of origin as its nation head, he shall then be deemed to have resigned all his positions including that of an office bearer of the Federation. In such case, the Board shall make the appointment.
- (c) If a head of nation or any office bearer of any affiliate nation is appointed an office bearer of the Federation, then his official position in his nation shall be deemed to have resigned.

56. FINANCE /RECORDS AND BANK ACCOUNT

- (a) The control of finance shall rest with the President, the Secretary General and the General Treasurer of the Federation, with random disclosure of information in writing to the members of the Board.
- (b) The Federation bank account shall be in operation and maintained with a commercial bank in Fiji or as decided by the Board from time to time.
- (c) There shall be four (4) signatories on the bank account comprising of the President, Secretary General, General Treasurer and another nominated person by the Board. A mandatory signature of the General Treasurer and any one of the

aforementioned members shall be required on all cheques issued by the Federation. However, in the absence of the General Treasurer, the President and any one of the aforementioned members shall sign all the cheques.

- (d) Issuance of any cheque in excess of one thousand dollars (\$1,000) in the country of the bank account shall have the approval of the Board.
- (e) The Secretary General shall establish and maintain proper minutes concerning all transaction, business, meetings and dealings of the Federation and shall produce these as appropriate at each Board or General Meeting.
- (f) Proper accounting and other records shall be kept in accordance with generally accepted accounting principles and/or any applicable code of conduct. The books of account shall be kept in the care and control of the General Treasurer or Assistant General Treasurer of the Federation.
- (g) The Federation shall retain such records after the completion of the transactions or operations to which they relate. Any decision to destroy any records to be approved by the Board.
- (h) The Board shall submit to the General Meeting the audited accounts of the Federation.
- (i) All cheques, promissory notes, bankers drafts, bills of exchange and other negotiable instruments, and all receipts for money paid to the Federation, shall be signed, drawn, accepted, endorsed or otherwise executed, as the case may be, by two persons appointed in writing by the Board in accordance with the procedures stipulated in this Constitution.
- (j) A properly qualified auditor or auditors shall be appointed at the General Meeting and the remuneration of such auditor or auditors fixed by the Board. The auditors' duties shall be regulated in accordance with generally accepted accounting principles and/or any applicable codes of conduct.
- (k) The income and property of the Federation shall be applied solely towards the promotion of the Objects of the Federation.

57. AFFILIATION

- (a) The affiliation fee shall be determined by the Board from time to time.
- (b) The affiliates shall pay this to the General Treasurer and/or the Secretary General prior to the tournaments.
- (c) Affiliates in arrears of its subscription shall not be allowed to participate in the activities of the Federation.
- (d) Any affiliate whose subscription remains unpaid after the time specified above shall be liable to a penalty of one hundred dollars (\$100) or as revised by the Board.

- (e) Apart from the annual subscription, the Federation may if it deems necessary, levy the affiliates and its members to contribute any special sum of money to the Federation for specific purposes.

58. WAIVER OR IRREGULARITY TO HOLD MEETINGS

No meeting of the Federation or its Boards or Committees shall be deemed to be irregular, invalid or unconstitutional on any ground and in particular on the grounds that short notice has been given for the convening of such Meetings or that some other formalities relating to the convening of such meeting or relating to the venue of such meeting have not been complied with, provided however that the members not less than the required quorum present thereat expressly agree to waive such irregularity and assent to hold such meeting.

59. DECISION/INTERPRETATION ON CONSTITUTIONAL POINT

In the event of question or dispute arising on any point, which is not expressly provided for in this Constitution, the decision of the Board on all such points shall be final.

60. AMENDMENTS OF THIS CONSTITUTION

All permissible amendments, additions or alterations of this Constitution shall not be valid unless:

- (a) Notice of Motion is duly signed by any office bearer of the Federation with the prior approval of the Board.
- (b) Such notice must be lodged with the Secretary General of the Federation and duly placed before the Federation's General Meeting called for that purpose and such Notice of Motion after being lodged is circulated at least to those who are entitled to attend the General or the Special General Meeting as the case may be at least twenty-one (21) days before such meeting is held.
- (c) Such Motions of amendments or additions or alterations are passed by the two thirds (2/3) of the majority of members present at the General or the Special General Meeting.

61. COMMON SEAL AND VALIDITY OF DOCUMENTS

No documents set forth in the preceding paragraph shall bind the Federation in any manner whatsoever and such documents shall be deemed to have been made, passed or executed without the authority of the Federation unless this Common Seal is affixed thereon.

62. CONSTITUTION REVIEW COMMITTEE

The Board shall appoint a Constitutional Review Committee comprised of a Chairman and two other members. The Chairman has powers to co-opt other

members to assist in the review process. This Committee shall review the Constitution and the Rules and make recommendations from time to time by submitting appropriate resolutions to the Board.

63. INDEMNITY

Office bearers and every member of the Board or Committee appointed by the Federation shall be indemnified out of the funds of the Federation against all the liability incurred by them in defending any proceedings whether civil or criminal in which the Federation is concerned or the Federation is party thereto, such indemnity shall be subject to the approval of the Board and limited to act or omissions within the confines of the Constitution.

64. WINDING UP OF THE FEDERATION

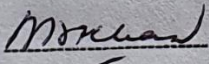
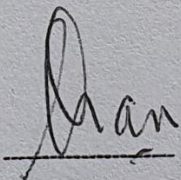
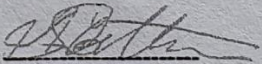
- (a) The Federation may be wound up subject to the decision of the General Meeting.
- (b) If upon winding up or dissolution of the Federation, there remains after satisfaction of all its debts and liabilities any assets or property, the same shall be given or transferred in equal proportions to all the affiliates.

65. REPEAL AND ADOPTION

The Fiji Muslim (FANCA) Sports Federation's Constitution and Rules adopted on 1 November 2008 together with all other subsequent amendments made under that Constitution are hereby repealed and the above Constitution and Rules shall be in force as from the 16th day of October 2019.

CERTIFICATE OF CORRECTNESS AND ADOPTION

We certify that this is a true and correct copy of the Constitution and Rules including all the amendments which were adopted by the Fiji Muslim (FANCA) Sports Federation at its Special General Meeting of the Federation held at Nadi, Fiji on 16th day of October 2019.

		
Haji Mohammed Azam Khan	Haji Sikandar Khan	Br Mohammed Sattar
Chairman	Member	Member
Constitution Review Committee		

ANNEXTURE A

LIST OF PERMANENT MEMBERS

1	Haji Mohammed Azam Khan (Founder/First President)	New Zealand
2.	Br Mohammed Sattar (Founder/First Secretary General)	Fiji
3.	Br Mohammed Yusuf (Founder)	New Zealand
4.	Haji Aslam Khan (Founder)	New Zealand
5.	Haji Azad Khan (Founder/Deceased)	Canada
6.	Haji Sikandar Khan (Founder)	Canada
7.	Br Abdul Hamid (Past President/Deceased)	Fiji
8.	Haji Tabrez Khan (Past President)	USA
9.	Br Abdul Ayub	Australia
10.	Br Liakat Ali Khan (Deceased)	USA
11.	Haji Kalandar Khan (Deceased)	Canada
12.	Br Chris/Kris Khan (Deceased)	Canada