



# **CONSTITUTION OF ISLAMIC CENTER OF ZAHRA**

## **PREAMBLE**

The undersigned members of Islamic Center of Zahra (hereinafter "ICZ"), for themselves and associates, members and successors in said ICZ, being desirous of becoming a corporate body under the California Corporations Code (31156), have had formed a Nonprofit Religious Corporation (5061), through which religious, charitable, educational, cultural, social and sports activities may be conducted in accordance with the shia Ja'fari jurisprudence and provisions of the Constitution and Bylaws of ICZ.

## **ARTICLE I: AIMS AND OBJECTIVES**

- A.** The name of the non-profit organization is Islamic Center of Zahra and its headquarters shall be located in the Bay Area and adjacent counties in Northern California.
- B.** The ICZ is incorporated as a non-profit Religious Corporation under the laws of the State of California and a Board of Trustees (Trustees) shall govern its functions and affairs. Trustees shall be elected as prescribed in the Bylaws and the affairs of the Trustees and the ICZ shall be governed under the Bylaws adopted and approved by a simple majority of the General Body. The Trustees shall establish a team of Managers as prescribed in the Bylaws.
- C.** To serve the members of the community in practicing the religion of Islam according to the Shia Ithna-e-Ashari (Fiqh-e-Ja'fari).
- D.** The functions and objectives of the ICZ may include the following according to Shia Ja'fari jurisprudence:
  - 1. To carry out religious, educational, charitable, sports and cultural activities.
  - 2. To establish Islamic School for weekly education and Full-Time Regular School which includes Islamic curriculum.
  - 3. To assist in conducting religious and other ceremonies such as relating to marriage, birth of a child, making funeral arrangements and providing charitable assistance to the needy and disabled.



4. To publish religious literature and newsletters.
5. To create, cultivate and maintain goodwill, amity and understanding between members and non-members.
6. To promote goodwill and understanding with members of other faiths such as Christians, Jews, etc.
7. To accept dues, donations, gifts, legacies and bequests, etc. for use in promoting the objectives and carrying out the activities of the ICZ.
8. The organization's objectives are to create a family-oriented atmosphere where all members of the community, regardless of ethnic background, can meet to worship, learn and serve the community.
9. To serve the community with outreach activities such as blood donation drives, soup kitchens, food for the homeless, winter clothing drive for the homeless, volunteering at senior care centers and other social welfare activities.
10. To provide a platform for youth to become leaders in the community and develop a strong belief in faith.
11. To collect Islamic dues such as general donations, Khums, Zakat, Sadqha, etc. and distribute them according to the Ja'fari Jurisprudence.

## **ARTICLE II: STATEMENT OF BELIEFS**

- A. Fundamental beliefs are called Usool-ad-Deen:** No activities of the ICZ shall be contrary to the teaching of Shia Ithna Ashari'- Fiqh-e-Jaa'faria. The activities of this organization shall be conducted according to the beliefs of Fiqh-e-Jaa'faria as stated in this article below.
- B. Belief in the Fundamental Principals of Islam ("Usool-ad-Deen").** These are:
  1. **Tawheed:** Belief in the Oneness of Allah (S.W.T), who is unseen, just and living supreme being. "Sura-e-Ikhlās" of the Holy Quran [Surah 112] explains this clearly and should be considered part of this.
  2. **Adl:** Belief in the Justice of Allah (S.W.T)

3. **Nabuwwat:** Belief in all the Prophets sent by Allah (S.W.T). The first of the Prophets is Adam (A.S) and the last one is Prophet Muhammad (S.A.W.A.W). Belief in the Infallibility of all the Prophets.
  4. **Imamat:** Belief in the [twelve](#) infallible Holy Imams after Prophet Muhammad (S.A.W.A.W) who were appointed by Allah (S.W.T) as divine guides for mankind. The first of these twelve Imams is Imam Ali (A.S) son of Abu Talib (A.S), the immediate successor of Holy Prophet Muhammad (S.A.W.A.W.) and last of whom is the twelfth and the present Imam Muhammad Al-Mehdi (A.S).
  5. **Qiyamat:** Belief in the Day of Judgment.
- C. Practice of the Faith is called Furoo-ad-Deen:** The practice of faith is a demonstration through an action that a person has accepted the principle of faith in Islam. These are 10 below:
1. **Salaat (Prayer):** The five daily obligatory Prayers.
  2. **Sawm (Fasting):** Fasting from dawn to dusk in the month of Ramadhan.
  3. **Hajj (Pilgrimage):** Performance of pilgrimage to the Holy Kaaba once in lifetime during the month of 'Dhul-Hijjah'.
  4. **Zakat (Wealth Tax):** Obligation to pay Zakat (charity).
  5. **Khums (Income Tax):** Obligation to pay one-fifth of annual savings.
  6. **Jihad:** To struggle against temptations and struggle to defend Islam.
  7. **Amr bi'l Ma'ruf:** To encourage to do what is righteous acts. Ma'ruf is anything that has been approved in accordance with Ja`afari jurisprudence.
  8. **Nahy 'an al-Munkar:** To discourage people from doing Evil and unrighteous acts according to Ja`afari jurisprudence.
  9. **Tawalla:** Love of Allah (S.W.T.) and affection for those righteous people who love Allah (S.W.T.) specially the prophet Muhammad



(S.A.W.A.W.) and the infallible [twelve](#) Imams and Fatimah (S.A.), the daughter of the Holy Prophet Muhammad (S.A.W.A.W.).

10. **Tabarra:** To disassociate, keep aloof and express displeasure from the evil ways of those who oppose Allah (S.W.T.), the Prophet Muhammad (S.A.W.A.W.) and the infallible [twelve](#) Imams and Fatimah (S.A.), the daughter of the Holy Prophet Muhammad (S.A.W.A.W.).

### **ARTICLE III : PROCLAMATION**

- A. The members of the ICZ recognize that all meetings, business and activities of the ICZ shall be conducted in accordance with the faith enumerated in Article II. The members recognize that Prophet Muhammad (S.A.W.A.W.) left behind two valuable sources of guidance for his followers; namely:

1. The Holy Quran, the words of Allah (S.W.T) as revealed to Prophet Muhammad (S.A.W.A.W.)

AND

2. The Ahlul-Bayt, i.e., the twelve Holy Infallible Imams and Fatimah (S.A.), the Holy infallible daughter of the Holy Prophet Muhammad (S.A.W.A.W.).

### **ARTICLE IV: GUIDANCE OF A MARJA**

- A. As prescribed in the Bylaws, the Trustees shall adopt a Resolution and name three (3) living Marja in consultation with the Resident Scholar from whom guidance shall be sought in matters relating to issues not resolved by the Resident Scholar, or other scholars local to the area. They should be contacted to seek the ruling on Fiqh related affairs.
- B. The Trustees, or person appointed by the Trustees shall have the sole authority to communicate with the Marja on behalf of the ICZ. No other person or persons shall communicate with any Marja on behalf of the ICZ.

### **ARTICLE V: RESIDENT ISLAMIC SCHOLAR**



- A.** The Trustees shall be responsible to find and appoint a Scholar, a person who conforms to Articles I through IV of this Constitution to serve as an Islamic Scholar. The scholar must have received his education from recognized seminary such as Iraq and Iran and have a minimum of 10 years of experience as a student of seminary mentioned above. The Resident Scholar shall guide ICZ in its religious affairs to ensure adherence to Islamic laws. The Trustees shall be the sole authority to appoint and remove the Islamic Scholar. Judgment of the Trustees in this regard shall be final and binding. However, the criteria and the procedure to select or remove a Resident Islamic Scholar shall be prescribed in the Bylaws.

#### **ARTICLE VI: RESOLUTION OF DISPUTES**

- A.** Any dispute regarding the functioning, managing and organization of the affairs of ICZ shall be resolved as prescribed in the Bylaws and laws applicable to ICZ as a non-profit religious entity in the State of California.
- B.** For any dispute on Fiqh related matters, guidance from Resident Scholar, local scholar and/or Marja will be sought by the Board of Trustees or by the representative appointed by the Board of Trustees.

#### **ARTICLE VII: MEMBERSHIP**

- A.** The membership of the ICZ is open to any person who is 18 years of age or older, agrees to obey, uphold and abide by the Constitution and Bylaws of ICZ. Each member shall affirm to this effect in writing. Failure to do so shall result in termination or denial of membership.
- B.** Any person as stated in Article VII “A” above must apply for membership on the prescribed membership form along with the application fee. No membership application shall be considered unless it contains recommendation of an existing member in good standing (as prescribed in the Bylaws). A Membership Committee appointed by the Trustees shall review the membership application for completeness and to ensure that all requirements of the Constitution and Bylaws relating to membership have been met. The recommendation of the Membership Committee to accept or reject the membership application shall be forwarded to Board of Trustees for approval. In the event the application is rejected, application fee accompanying the application shall be refunded to the applicant.



- C. The Bylaws shall prescribe the rights and obligations of Members and Membership.

#### **ARTICLE VIII: STRUCTURE**

- A. **GENERAL BODY:** All voting members of ICZ constitutes the General Body. More details are laid out in the Bylaws.
- B. **BOARD OF TRUSTEES:** Trustees are elected members of the ICZ by the ICZ General Body. The total number of Trustees shall be apportioned based on country of origin and its national language according to their respective voting numbers, counting the number of voting members based on country of origin. There must be a minimum of 20% voting members from the country of origin to be qualified for a Trustee. The Board of Trustees shall give vision, make policies, procedures and govern the affairs of the ICZ. Details relating to this article shall be outlined in the Bylaws.
- C. **TEAM OF MANAGERS:** Appointed members by the Board of Trustees to conduct day to day operations. Managers shall perform duties assigned by the Board of Trustees.
- D. **COMMITTEES:** Committees shall be managed by the Managers appointed by BOT.

#### **ARTICLE IX: FINANCES**

- A. The Board of Trustees shall determine the bank or banks where accounts should be maintained for the purpose of deposits/ withdrawals of funds of the ICZ. The Trustees shall also determine the number of accounts that should be maintained.
- B. The Board of Trustees shall be the sole body that shall have control of all bank accounts and assets of the ICZ. The Board of Trustee shall have the sole authority to apply for loan on behalf of the ICZ. Neither the Managers nor any member shall have the right to bind the ICZ for any debt or financial obligation.
- C. All fund-raising activities on behalf of ICZ shall be performed either by the Trustees or appointed person clearly authorized by the Board of Trustees and such authorization must be in writing in the record of the Secretary.
- D. The Board of Trustees shall adopt appropriate Policies and Procedures



relating to the Finances and Financial control of ICZ.

## **ARTICLE X: AMENDMENTS TO THE CONSTITUTION**

- A.** One-half (50%) of voting members in good standing may submit in writing to the Board of Trustees to amend any provision of this Constitution except [Article II : Statement of Beliefs](#), [Article III: Proclamation](#) and [Article IV: Guidance of Marja](#) of this Constitution. If approved by three-fourth (3/4<sup>th</sup>) majority of the Trustees, proposal for such amendment shall be submitted to the General Body at any General Body meeting of the ICZ. An amendment shall not be effective unless three-fourth (3/4<sup>th</sup>) majority of the voting members approves such amendment(s). The Secretary, at the direction of the Trustees, shall mail notice of such proposed amendment to the members of the ICZ at least 15 days before the meeting is scheduled.
- B.** The quorum of a General Body meeting considering amendment to any provisions of the Constitution shall be at least three-fourth (3/4<sup>th</sup>) of the total current members in good standing constituting the General body and three-fourth (3/4<sup>th</sup>) of all members of the Board of Trustees.
- C.** The procedure for amendments to the Bylaws shall be prescribed in the Bylaws.

## **ARTICLE XI: DISSOLUTION**

- A.** The ICZ shall be deemed to have dissolved in the event, the principles of Article II, III and IV of this Constitution cannot be maintained or enforced in connection with ICZ activities.
- B.** Upon actual or deemed dissolution of the ICZ, the Trustees shall after paying or making provision for the payment of all liabilities of the ICZ, dispose of all the assets of the ICZ exclusively for the purposes which meet the aims and objectives of the ICZ as outlined in this Constitution. The assets shall be disposed of in such a manner, or to such an organization or organizations organized and operated for the purpose as those of the ICZ. Such organization must conform to the beliefs as outlined in Article II, III and IV of this Constitution and be involved in promoting religious activities. If no such organization is found in a timely manner, then the entire assets shall be handed over to any organization as directed by the Marja.
- C.** According to the Articles of Incorporation of Islamic Center of Zahra, upon the dissolution or winding up of this corporation, its assets



## CONSTITUTION OF ISLAMIC CENTER OF ZAHRA (S.A.)

---

remaining after payment, or provision for payment, of all debts and liabilities of this corporation shall be distributed to a non-profit fund, foundation or corporation which is organized and operated exclusively under the Shia Ithna-Ashari school of thought and governed by Fiqh-e-Ja'fari within a 50 mile radius of the current location of Islamic Center of Zahra and which has established its tax exempt status under Internal Revenue Code §501(c)(3).





## GLOSSARY OF TERMS

The following terms used in this Constitution and Bylaws shall bear the meaning as provided in the endnotes of this document. Each term has been referenced to the main body of the document as and when the term first appeared in the document.

<sup>1</sup> A.S/ S.A.is an abbreviation for Alaihis Salaam/Salaam-ullaahi Alaiha. It means peace be upon him/her.

S.A.W.A.W is an abbreviation for Sallallahu alayhi wa aalihi wa sallam meaning peace be upon him and his family.

<sup>2</sup> Imam refers to the twelve Holy and infallible Imams who succeeded the Holy Prophet Muhammad (S.A.W.A.W). They are as follows:

1. Imam Ali Al-Murtaza (A.S) son of Abu Talib, cousin of the Holy Prophet Muhammad (S.A.W.A.W.) and the husband of Fatimah (S.A.), the daughter of Holy Prophet Muhammad (S.A.W.A.W)
2. Imam Hassan Al-Mujtaba (A.S) son of Ali Al-Murtaza (A.S) (i.e., the first Imam) and Fatimah (S.A.) (i.e., daughter of the Holy Prophet)
3. Imam Hussain Ash-Shaheed (A.S) son of Ali Al-Murtaza (A.S) (i.e., the first Imam) and Fatimah (S.A.) (i.e., daughter of the Holy Prophet)
4. Imam Ali Zainul Abedin (A.S) son of Hussain Al-Shaheed (A.S)
5. Imam Muhammad Al-Baqar (A.S) son of Ali Zainul Abedin (A.S)
6. Imam Jafar As-Sadiq (A.S) son of Muhammad Al-Baqar (A.S)
7. Imam Musa Al-Kazim (A.S) son of Jafar As-Sadiq (A.S)
8. Imam Ali Ar-Raza (A.S) son of Musa Al-Kazim (A.S)
9. Imam Muhammad At-Taqi (A.S) son of Ali Ar-Raza (A.S)
10. Imam Ali Un-Naqi (A.S) son of Muhammad At-Taqi (A.S)
11. Imam Hassan Al-Askari (A.S) son of Ali Un-Naqi (A.S)
12. Imam Muhammad Al-Mahdi (A.S) son of Hassan Al-Askari (A.S)