

The Medical Fund of



**Siri Guru Singh Sabha
Mombasa, Kenya**

**P.O. Box 84566
Mombasa – 80100**

**The Constitution
April 2015**



The Constitution of The Medical Fund
of Siri Guru Singh Sabha, Mombasa
P.O. Box 84566, Mombasa-80100, Kenya.

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1. NAME

The name of the Fund shall be "**The Medical Fund of Siri Guru Singh Sabha Mombasa**" and hereafter be referred to as "**The Medical Fund**"

2. ESTABLISHMENT

The Medical Fund was established as an "**Endowment Fund**" under Clause 2 (c) of the then Sabha Constitution, "To promote religious, cultural, educational, medical, physical and intellectual advancement of the Sikhs". It was **initiated** on the birth anniversary of Siri Guru Nanak Dev Ji on 29th November 1993, was formally **launched** at Vaisakhi 1994 and became **operative** from 1st August 1994.

3. THE OBJECTS OF THE MEDICAL FUND

There is hereby established The Medical Fund whose objects shall be:-

- 3.1 To encourage every Sabha member to subscribe to the Medical Fund.
- 3.2 To provide Medical Information, Education and Communication to the Sabha Members.
- 3.3 To provide Health Care for the Members of the Medical Fund as governed by its Constitution and Bylaws.
- 3.4 To enter into contracts with Health Institutions, Health Professionals and Organizations with similar objectives for its members use.
- 3.5 To provide for the Establishment and Management of Health Institutions for its members use.

4. DEFINITIONS

In this constitution except where the context otherwise requires:-

- 4.1 **Child** shall mean any person who has not attained the age of 18 years.
- 4.2 **Family** shall mean Nuclear Family i.e. Husband, Wife and Children including legally adopted if any.
- 4.3 **Gender** "Masculine" shall include "Feminine" where the context so admits.
- 4.4 **Board of Trustees** shall mean the Board of Trustees established under Paragraph 13 hereof.

- 4.5 Committee** shall mean The Management Committee set up under Paragraph 7 hereof.
- 4.6 Benefactor** shall mean any individual, group of individuals or a foundation that makes or in whose name or in whose memory a financial contribution is made to the Medical Fund for purposes other than availing benefits.
- 4.7 Hospital** shall mean any hospital registered as such under the relevant legislation of the Country.
- 4.8 Area** shall mean Worldwide.
- 4.9 Medical Practitioner** shall mean any medical practitioner registered by "The relevant legislative authority of the Country".
- 4.10 Financial Year** shall mean any Calendar Year from 1st January to 31st December of that year.
- 4.11 Residence** shall mean ordinary residence within The Coast Province of The Republic of Kenya.
- 4.12 Sabha** shall mean Siri Guru Singh Sabha, Mombasa.
- 4.13 Critical illness** shall be any one or more of a heart attack, stroke, any form of cancer, any accident or disability leading to permanent incapacity e.g. loss of sight in any eye, limb etc

5. ELIGIBILITY

- 5.1** Every applicant shall be a member of "**The Sabha**".
- 5.2** The applicant must be a resident of The Coast Province for the preceding six months.
- 5.3** Notwithstanding the provisions of paragraph 5.1 above, the employees of the Sabha may become members of the Medical Fund provided their membership fee is paid by the Sabha.
- 5.4** Notwithstanding the provisions of the paragraph 5.1 and 5.2 above, any Benefactor may become a Life Member, Patron or Vice-Patron of the Medical Fund by payment of the prescribed subscription.

6. MEMBERSHIP

- 6.1** Eligibility of membership of The Medical Fund shall be as per Clause 5.

6.2 Membership of The Medical Fund shall be upon application on the prescribed form.

6.3 Membership shall be upon payment of membership fees and benefits can be availed after 60 days of the payment in full.

6.4 *Membership of the Medical Fund shall consist of the following categories:*

6.4.1 **LIFE MEMBER**

Any member of the Sabha who contributes a sum of **Kshs 1,000,000.00** shall be a Life Member of the Medical Fund and shall be entitled to the benefits for himself and his spouse for life and for their children until they attain the age of 18 years.

6.4.2 **PATRON**

Any member of the Sabha who contributes a sum of **Kshs 501,000.00** shall be a Patron of the Medical Fund for Life and shall be entitled to the benefits for himself and his spouse for 15 years from the date of his becoming a Patron and for their children until they attain the age of 18 years during that term.

6.4.3 **VICE-PATRON**

Any member of the Sabha who contributes a sum of **Kshs 251,000.00** shall be a Vice-Patron of the Medical Fund for Life and shall be entitled to the benefits for himself and his spouse for 10 years from the date of his becoming a Vice-Patron and for their children until they attain the age of 18 years during that term.

6.4.4 **BENEFACTOR VICE PATRON, PATRON & TRUSTEE**

Any benefactor whose contribution equals or exceeds that specified for above categories shall be honoured as a Vice Patron, Patron or a Trustee of the Medical Fund for Life and may nominate any person to hold office as such for specified period.

6.4.5 **NAMED ENDOWMENT**

Any benefactor whose contribution equals or exceeds Kshs. 3 Million may name an Endowment. Specific Byelaws not inconsistent with the Constitution and Byelaws of the Medical Fund may be proposed by the benefactor and on approval by the Board of Trustees may be incorporated into the Byelaws of the Medical Fund. The benefactor may nominate any person to hold office as a Trustee.

6.4.6 FAMILY MEMBER

Any member of the Sabha together with his spouse and children may become a Family Member of the Medical Fund by payment of a sum of **Kshs 75,000.00** and shall be entitled to the benefits for himself, his spouse and their children until they attain the age of 18 years for the prevailing term irrespective of the date of joining.

6.4.7 JOINT MEMBER

Any member of the Sabha together with his spouse may become joint members of the Medical Fund by payment of a sum of **Kshs 42,000.00** and they shall be entitled to benefits for the prevailing term irrespective of the date of joining.

6.4.8 SINGLE MEMBER

Any member of the Sabha, women and children of Sabha members may become a Single Member of the Medical Fund by payment of a sum of **Kshs 24,000.00** and shall be entitled to benefits for the prevailing term irrespective of the date of joining.

6.4.9 WIDOWS, DIVORCEES AND OR THEIR CHILDREN

Notwithstanding any provisions contained herein, a widow of a Sikh, whether he was a member of the Sabha or not prior to his death, or a Sikh Divorcee residing in the Coast Province and or their children may become a member of the Medical Fund.

6.4.10 UPGRADING

Membership may be upgraded on payment of the difference between the two categories and shall be entitled to the term in the upgraded category from the date of upgrading.

6.4.11 RENEWALS

6.4.11a Early Renewal Discount before expiry of previous membership.

Early renewal discount	:	12 months	12%
		09 months	09%
		06 months	06%
		03 months	03%

6.4.11b No Claim Discount

No claim discount:	Single member	10%
	Joint member	15%
	Family member	20%

6.4.11c Membership Term

Each membership term for Family, Joint and Single member has been fixed for **two (2) years** commencing **14th April, 2011**. Henceforth, irrespective of the date of joining for a prevailing term, all Family, Joint and Single memberships shall expire on the last day of the term.

6.4.11d Lapsed Membership

If membership is not renewed on or before the renewal date it shall lapse. A new application shall have to be made and all rules for new members shall apply.

7. COMPOSITION OF THE MANAGEMENT COMMITTEE

The Management Committee shall consist of:

7.1 The Elected Members:

The following shall be elected at an Annual General Meeting:

- 7.1.1** The Chairman
- 7.1.2** The Vice-Chairman
- 7.1.3** The Honorary Secretary
- 7.1.4** The Honorary Assistant Secretary
- 7.1.5** The Honorary Treasurer
- 7.1.6** The Honorary Assistant Treasurer
- 7.1.7** Four Members.

7.2. Non Elected Members with voting rights:

The following shall be Non Elected Members of the Management Committee:

- 7.2.1** The Trustees, Patrons and Vice Patrons of the Medical Fund.
- 7.2.2** The Immediate Past Chairman of the Medical Fund.
- 7.2.3** A member from the Executive Council of the Sabha as nominated by the said council for the time being.

7.3 The Co-opted Members:

The Management Committee may at any time co-opt as a member of the committee any member of the Medical Fund for a specific purpose and period without voting rights.

8. THE POWERS OF THE MANAGEMENT COMMITTEE

Subject to the powers of the Trustees hereinafter provided, the affairs of the Medical Fund shall be conducted, controlled and managed by the Management Committee which shall have the following powers:

- 8.1** To fill any vacancy occurring among their number except that of an Office Bearer.
- 8.2** To appoint any member of the Management Committee to fill in a temporary vacancy of any office bearer for a period not exceeding three (3) months during which a SGM/AGM be convened.
- 8.3** To appoint committees and to entrust to such committees such powers and duties as deemed fit.
- 8.4** To employ, assign job descriptions and fix remunerations of all employees of The Medical Fund and dismiss them when necessary.
- 8.5** To fix the date of its meetings, and the agenda to be followed there at.
- 8.6** To summon a general meeting of the Medical Fund whenever necessary.
- 8.7** To make, amend and rescind Byelaws (not inconsistent with the provisions contained herein) for the management of the affairs of the Medical Fund with the written consent of the Board of Trustees.
- 8.8** To generally carry out necessary or expedient action for the proper conduct of the affairs of the Medical Fund.

9 THE MANAGEMENT COMMITTEE MEETINGS

- 9.1** Shall hold regular meetings at least once in every month.
- 9.2** An Agenda of the business to be transacted at the meeting shall be sent to each member not less than seven (7) clear days before the date of the meeting.
- 9.3** Four (4) elected or 50% of the elected members which ever is less shall form a quorum at meetings of the Management Committee and three (3) members at meetings of all sub-committees.

9.4 If a quorum is not formed within thirty (30) minutes, the meeting stands adjourned and shall be reconvened on the same day, time and venue in the following week.

9.5 Any member who fails to attend any four (4) consecutive meetings of the Committee without assigning a reason in writing for his failure shall automatically cease to be a member thereof.

10 PROCEDURE AT THE MANAGEMENT COMMITTEE MEETINGS

10.1 The Minutes of each meeting shall contain a record of the business actually transacted at the meeting and of resolutions and amendments, if any, proposed and adopted.

10.2 At the beginning of a meeting, the minutes of the last meeting may be read, or if previously circulated, may be taken as read, and a resolution shall thereupon be put by the Chairman that such minutes be signed by him as correct.

10.3 The Honorary Secretary shall report the result of any action he had been directed to take arising out of the minutes of the previous meeting.

10.4 In the event of equality of votes at a meeting of the Management Committee or any sub-committee, the Chairman shall have a second or casting vote.

11. BANK ACCOUNTS

The Management Committee shall maintain and operate such bank accounts as it may approve. The **signatories** shall be any two of the following:

The Chairman

The Vice-Chairman

The Honorary Secretary

The Honorary Treasurer

12 DUTIES OF THE OFFICE BEARERS

12.1 The Chairman:

The Chairman shall preside at the regular meetings, the Annual or any General Meeting of the Medical Fund. If the Chairman is unable or unwilling to preside at such meeting, then the Vice-Chairman should preside. In the event that neither the Chairman nor the Vice-Chairman is able or willing to preside, then the members present at such meeting shall appoint from among themselves a Chairman for such meeting.

12.2 The Honorary Secretary:

The Honorary Secretary shall convene all meetings with a written notice of seven (7) clear days prior to the meeting, keep all minutes of the meetings, shall preserve all records of the committee, receive and reply to all correspondence of the committee and conduct general administration of the committee.

12.3 The Honorary Treasurer:

The Honorary Treasurer shall receive and disburse all monies under the directions of the committee, preserve all receipts and vouchers and shall be responsible for producing proper books of accounts. All such documents shall be preserved and made available for inspection when required.

13 THE BOARD OF TRUSTEES

There is hereby established a Board of Trustees which shall consist of:

13.1 Life Members of the Medical Fund who shall hold office as Trustees for life.

13.2a The **Chairman of the Executive Council of SGSS Mombasa** shall hold office as an Honorary Trustee during his Chairmanship which he shall ipso facto vacate on his retirement as Chairman.

13.2b The **Chairman of the Management Committee** shall hold office as a Trustee during his chairmanship which he shall ipso facto vacate on his retirement as chairman.

13.3 The Trustees may co-opt one member from amongst the Patrons, Vice Patrons or a Past Chairman of The Medical Fund to act as the **Honorary Secretary** to call meetings, keep minutes of these meetings and carry out such duties as may be assigned from time to time.

14 THE PROCEDURE OF THE TRUSTEES

The following regulations shall govern the procedure of the Trustees:

14.1 The Trustees shall hold meetings at least twice in every calendar year and at such other times and in such places as they from time to time decide.

14.2 Any Trustee may at any time convene a special meeting of the Trustees upon twenty eight (28) clear days notice being given to the other Trustees of the matters to be discussed.

- 14.3** An emergency meeting may be convened by the Chairman of the Trustees at any time.
- 14.4** There shall be a quorum when three (3) of the Trustees including the Honorary Secretary or two thirds which ever is less are present at any meeting.
- 14.5** The Trustees shall appoint one of their members to be Chairman for a period not exceeding five (5) years but may be reappointed, and as such he shall have a casting vote.
- 14.6** Every matter shall be determined by the majority of votes of the Trustees present and voting on question.
- 14.7** Any resolution of the Trustees may be rescinded or varied from time to time by the Trustees.
- 14.8** The Trustees shall provide and keep a minute book in which shall be entered the proceedings of the meetings and which shall be signed by the Chairman upon approval at the conclusion of the meeting or at a subsequent meeting.

15 THE COMMON SEAL

- 15.1** The common seal of the Trustees which shall bear "The Medical Fund of Siri Guru Singh Sabha Mombasa Trustees" and shall be in the custody of the Chairman of the Trustees.
- 15.2** The common seal shall be affixed in the presence of two Trustees in accordance with the resolution passed at the meeting of the Trustees.

16. VACATION OF THE OFFICE OF THE TRUSTEES

The office of the Trustees shall ipso facto be vacated if any Trustee:

- 16.1** By notice in writing resigns; or
- 16.2** Be found of unsound mind; or
- 16.3** By death.

17. INVESTMENT

- 17.1** The Board of Trustees shall invest all the Capital of the Medical Fund in the name of the Medical Fund as they see fit and to direct the sale or transposition of such investments.
- 17.2** The Trustees shall have powers to purchase, sell, transfer, exchange or charge any immovable or movable properties of the Medical Fund and such powers

shall only be exercised in the protection, fulfillment or advancement of the objects of the Medical Fund.

- 17.3** All immovable and movable properties and funds now belonging to or to be acquired by the Medical Fund shall vest in the Trustees for the time being who shall hold the same in trust on behalf of the Medical Fund.
- 17.4** The Trustees shall superintend and manage the immovable, movable properties and all the funds vested in them and submit these for incorporation into the annual accounts.
- 17.5** The Trustees shall collect rents, repair and lease the properties vested in them.
- 17.6** The Trustees shall provide and replenish an imprest account to the Management Committee as necessary.
- 17.7** The Trustees shall maintain and operate such Bank Accounts as the Board of Trustees approve.

18. INDEMNITY AND CAPACITY TO SUE

- 18.1** No member of the Board of Trustees or the Management Committee purporting to act in the execution of the powers and duties herein conferred or imposed shall be liable for any loss not attributable to his own dishonesty or to willful commission or omission of any act known to him to be breach of trust.
- 18.2** The Trustees shall not be bound in any case to act personally but shall be at full liberty to employ any agent or servant to transact all or any business of whatsoever nature required to be done in pursuance of the trusts hereinbefore declared and contained.
- 18.3** The Trustees shall be capable of suing or being sued.

19. AUDIT OF ACCOUNTS

- 19.1** An auditor who shall be a Certified Public Accountant and shall not be an Office Bearer and shall be appointed at the Annual General Meeting for the ensuing financial year and who may be paid such honorarium for his duties as may be resolved by the annual general meeting appointing him.
- 19.2** The Honorary Treasurer shall prepare his accounts as laid out within 4 weeks of completion of the financial year.
- 19.3** The Accounts shall be audited and a financial statement prepared annually and approved by the Auditor showing the financial position of the Medical Fund and the receipts and payments upto 31st December in each year.

19.4 The Auditor shall also prepare annually a list of securities held by the Medical Fund and shall certify that such securities have been examined by him and found intact.

19.5 The Audited accounts and report shall be presented to the Management Committee at its March Meeting.

20. ANNUAL GENERAL MEETING

20.1 An Annual General Meeting of the Medical Fund shall be held not later than last day of March in each calendar year to receive, and if thought fit, to adopt reports on the work of the Medical Fund for the preceding calendar/financial year.

20.2 A notice convening the meeting shall not be less than fourteen (14) clear days specifying the day, place and time of the meeting. The notice shall be displayed on the notice boards of the Sabha and may also be announced in the Sabha Congregations.

20.3 The Agenda or The General Nature of the business required to be transacted at such a meeting shall include the following:

20.3.1 To confirm the minutes of the previous Annual General Meeting and any subsequent Special General Meetings.

20.3.2 To receive and adopt the Annual report on the general affairs and operations of the Medical Fund during such year from the Secretary.

20.3.3 To receive and adopt the Audited Annual Accounts and the Auditors report.

20.3.4 To receive the Chairman's Address.

20.3.5 All offices will be declared vacant should an election be due. The meeting shall be handed over to any one of the Trustees, Patrons or Vice Patrons present to conduct the elections.

20.3.6 To elect Chairman, Vice-Chairman, Hon. Secretary, Hon. Treasurer, Hon. Assistant Secretary, Hon. Assistant Treasurer and four (4) members of the Management Committee if such elections are due.

20.3.7 To appoint Auditors & Honorarium for the ensuing year.

20.3.8 To transact such other business of the Medical Fund as may conform with its Rules and Byelaws, provided that not less than seven (7) clear days prior notice thereof shall have been given to the Honorary Secretary in writing. Such a notice shall be displayed on the Sabha's notice board at least four (4) clear days prior to the meeting.

- 20.4** The quorum shall be twenty (20) members or one-fourth of the members of The Medical Fund whichever, is less.
- 20.5** If within half an hour from the time appointed for any General Meeting a quorum is not formed, the meeting shall stand adjourned to the same day, time and place in the next week, or should that day be a public holiday, to the next succeeding day other than a public holiday and at such adjourned meeting the members present shall constitute the quorum, provided that if such a General Meeting has been called on a requisition of members it shall not so stand adjourned but shall be dissolved forthwith.
- 20.6** The election of office bearers shall take place every three (3) years commencing from AGM of year 2000. Thirty (30) days before the date of the Annual General Meeting, nominations will be invited on a prescribed form displayed on the notice board of the Sabha. Nominations shall close seven (7) clear days prior to the date of the meeting. All elections for all posts shall take place at the same time and all results shall be declared together.
- 20.7** Voting shall be by a secret ballot. Any adult member of the Medical Fund in good standing is entitled to vote.

21. SPECIAL GENERAL MEETING

- 21.1** The Management Committee may at any time at its discretion and shall within twenty one (21) clear days of receiving a written request so to do signed by not less than twenty (20) members or one-fourth of the members of the Medical Fund, whichever is less, and giving reasons for the request call a Special General Meeting by giving at least fourteen (14) clear days notice thereof.
- 21.2** All rules pertaining to quorum, election and voting relating to the Annual General Meeting shall be applicable to Special General Meetings.
- 21.3** At such Special General Meeting the agenda shall consist of the item or items raised by persons summoning the meeting but the Management Committee may include therein any item on its own initiative.
- 21.4** Two-thirds of the members signing the requisition must be present in person at such a meeting and if not, the meeting shall be terminated and the subject matter contained in the requisition cannot be raised until the expiration of six (6) months of the date of the meeting.

22. HANDING OVER

At the end of each term, the outgoing office bearers must handover the original minute book, correspondence files, account books, cheque books, receipt books and all other records to the incoming office bearers at their first meeting and this transaction must be duly signed by both parties.

23. AMENDMENT TO THE CONSTITUTION

Any amendments to this Constitution shall be at a Special General Meeting called for that purpose or at the Annual General Meeting. The Agenda shall be circulated and posted on the Notice Board. The amendments will be adopted if approved by two-third majority of the adult members present at the meeting.

24 DISSOLUTION OF THE MEDICAL FUND

24.1 The Medical Fund may be dissolved by the approval of an appropriate resolution proposed by the Management Committee at a Special General Meeting called by the Trustees at which two-thirds of the entire adult membership of the Medical Fund must be present. Should such a meeting lack the required quorum, then the meeting would have to be recalled not earlier than ninety (90) days.

24.2 On the dissolution of the Medical Fund, all the funds and assets shall be vested with the Trustees of The Medical Fund, who shall manage the funds only for Medical assistance of any needy member of the Sabha, thereby, maintaining the Medical Fund for possible revival at any future date.

Adopted by the members of The Medical Fund of Siri Guru Singh Sabha under Clause 2 (c) of the Constitution of the Sabha this 7th Day of August 1994.

First Revision Adopted this 6th Day of May 1998.

Second Revision Adopted this 26th Day of March 1999.

Third Revision Adopted this 27th Day of March 2000.

Fourth Revision Adopted this 10th Day of March 2002.

Fifth Revision Adopted this 31st Day of March 2008.

Sixth Revision Adopted this 31st Day of March 2008.

Seventh Revision Adopted this 31st Day of March 2010.

Eighth Revision Adopted this 31st Day of March 2011.

Nineth Revision Adopted this 30th Day of April 2015.

Signed on their behalf:

SHRI ASHOK MANGNANI

CHAIRMAN BOARD OF TRUSTEES

THE MEDICAL FUND OF SIRI GURU SINGH SABHA, MSA

THE MEDICAL FUND OF SIRI GURU SINGH SABHA, MOMBASA
P.O. BOX 84566, MOMBASA – 80100, KENYA.

Membership Form – Tick as appropriate: **New Application** ☐ **Renewal** ☐

Applicants name: _____

Mailing address: _____

Email address: _____

Telephones: [O] _____ [H] _____ [F] _____ [M] _____

Family Dr's name: _____

Telephones: [O] _____ [H] _____ [F] _____ [M] _____

NHIF Number: _____

Name of any Insurance or
Medical Scheme you are covered under: _____

Family Member's Names	Date of Birth	Blood Group	PP/ID Number	Membership No. (Official Use)
1.				
2.				
3.				
4.				
5.				
6.				

Please provide a coloured passport size photograph of above listed members for a Membership Card.

Membership Application / Renewal For – Tick ☐ as appropriate:

<input type="checkbox"/> Life Member	Kshs 1,000,000.00	<input type="checkbox"/> Family member	Kshs 75,000.00
<input type="checkbox"/> Patron	Kshs 501,000.00	<input type="checkbox"/> Joint member	Kshs 42,000.00
<input type="checkbox"/> Vice Patron	Kshs 251,000.00	<input type="checkbox"/> Single member	Kshs 24,000.00 x _____ nos

Grand total due: Kshs: _____

Declaration: All information provided shall be kept confidential.

- The undersigned, authorizes and requests any Doctor, Hospital or Health Provider to furnish The Medical Fund or its duly authorized agents acting on behalf of The Medical Fund, with any such information that is sought in connection with any treatment and or services provided to me or my dependent/s for the purpose of processing any claim for benefits.
- I declare that to the best of my knowledge and belief, all information given by me in this form is true and correct.
- I agree to abide by and adhere to The Constitution and Byelaws of The Medical Fund at all times.

Signature

Date

For Official Use Only

Membership forms received on: _____

Membership valid from: _____

Membership valid to: _____

Benefits due from: _____

Amount due: _____ Kshs

Amount paid: _____ Kshs

Receipt: _____

Approved by The Management Committee on: _____

Date: _____

Redrafted March 2015. Supersedes ALL previous forms.