
**THE
CONSTITUTION**

of

AYAGA DANI WIDOWS GROUP

2016 REVISION.

This constitution is the exclusive property of

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SIGNED BY:


CHAIRPERSON

SECRETARY/ COORDINATOR

Sign:  Date: Dec. 28, 2016

Sign:  Date: Dec. 28, 2016

Witnessed by:

Sign:  Date: Dec. 28, 2016

(1 BoM Member)

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PROLOGUE

This **CONSTITUTION** provides for the running and management of the affairs and activities of Ayaga Dani Widows Group (ADWG) and to provide for connected purposes to as **ENACTED** by the members at the Annual General Meeting (**AGM**) of December 2016.

PREAMBLE

We the members of ADWG;

1. ACKNOWLEDGING the Supremacy of the Almighty God of all the creation
2. PROUD of our ethnic, cultural and religious diversity and determined to live in peace and unity as one indivisible youth of this nation:
3. RECOGNIZING the aspirations of all Kenyans for good governance based on the essential values of equality, democracy, sustainable livelihood, environmental conservation, good health, and protection of human rights, social justice and the rule of law:
4. NOTING with concern the situation and state of the Kenyan women, youth, persons with disability and children as pointed out by the Ministry in charge of Gender and Children for the time being:
5. CONVINCED that Kenya greatest resource is its women, youth and children population and that their active and full participation is paramount to ensure the Country's sustainable growth & development and poverty eradication:
6. ACKNOWLEDGING the commitments already made in addressing the issues affecting the them and inviting the Government of Kenya and other Non-state actors and partners to reaffirm their support to advance the well-being of these people:
7. GUIDED by the Kenya National Policies in existence for women, youth, children and persons with disability, the Kenya Vision 2030, The International Conventions on the Rights of the Special Groups, the Millennium Development Goals, the Constitution of Kenya, 2010 and other relevant documents:
8. REAFFIRMING that the Kenyan women, youth and children are a force for peace, good health, sustainable livelihood, protection of human rights, democracy, equality and good governance; a catalyst for the national consensus building:
9. UPHOLDING the Constitution of Kenya as the supreme law of the Republic binding all persons and all state organs and abiding by other laws enacted or having force in Kenya:
10. TAKING INTO ACCOUNT that we have participated fully in the making of this constitution:

Do hereby ADOPT, ENACT and GIVE this CONSTITUTION to ourselves and to the future members of this organization.

CHAPTER ONE

Preliminary Information

1.0 Short Title and commencement

This constitution may be cited as the Constitution of ADWG and comes into operation upon the ratification by the members.

1.1 Interpretation of terms

In this constitution, unless the context otherwise requires -

1.3.1 Members” mean members of Ayaga Dani Widows Group;

1.3.2 Organization” means Ayaga Dani Widows Group (ADWG);

1.3.2 The Board of Management (BoM)” means the management organ of ADWG

1.3.3 The Constitution” means the constitution of ADWG;

1.3.4 The fund” means the fund established, administered and managed by the organization ADWG;

1.3.4 The Ministry” means the government ministry for the time being responsible for Social Development Affairs;

1.3.5 Children” shall have the same definition accorded to it in the National children Act, 2007 Cap 58 as every person between the ages of 0 and 17 years;

1.3.6 Women” shall have the meaning married, divorced, married adolescents as long as they fall between the ages of 18 and 60 years;

1.3.7 Youth means any person between the ages of 18 and 35 years

1.3.8 Persons with Disability (PWDs) means anybody living with all kinds of disability

CHAPTER TWO

Constitution, Denomination, Registration, Head Office, Area of Operation

2.1 Constitution

2.1.1 This CONSTITUTION shall be the CONSTITUTION of ADWG.

2.1.2 This CONSTITUTION shall be binding and shall have force upon all the members of the organization.

2.1.3 This CONSTITUTION shall be the supreme guiding document in all the matters relating to the organization.

2.1.4 If there arises conflict in contents of various copies of this constitution, the copy signed by the chairperson together with the secretary of the organization shall take precedence as the true and valid copy of the CONSTITUTION.

2.2 Name of the Organization

2.2.1 The name of the organization shall be **AYAGA DANI WIDOWS GROUP** and the group shall apply the acronyms **ADWG**

2.3 Registration

2.3.1 The organization has been registered as a Community Based Organization to enable it acquires the Legal Acceptance.

2.3.2 Nothing contained in this article shall be construed to be limiting the organization in relation to its operations, activities and geographical coverage.

2.4 Head office

2.4.1 Office of the Organization shall be based in Koduogo Centre. The organization shall have the office at the very centre of coverage area along Homabay – Mbita road to enable it execute its activities effectively.

2.5 Area of operation

2.5.1 The organization shall operate all over Homabay County. It will recruit and register members in all the parts of the County. The organization will however extend its work to other parts depending on the need and the competition to avoid congesting same activities at one place at the expense of other needy people.

2.6 Core values

2.6.1 Honesty

- 2.6.2 Accountability
- 2.6.3 Transparency
- 2.6.4 Respect for human rights and rule of law
- 2.6.5 Equality and Equity
- 2.6.6 Justice and fairness
- 2.6.7 Commitment
- 2.6.8 Participation
- 2.6.9 **Integrity**

CHAPTER THREE

Vision, Mission, Objectives, Ethical code of conduct

3.1 Vision statement

3.1.1 To create a just society and enhance the participation of women, youth and children;

3.2 Mission statement

3.2.1 To promote just and democratic governance based on democracy, good health, and improve on sustainable livelihood, protection of human rights, environmental conservation, social justice and the rule of law.

3.3 Objectives

3.3.1 To strengthen women participation in policy making with a view of influencing policies and decision at all levels

3.3.2 To promote the principles of just, democratic and good governance

3.3.3 To empower the women, youth, PWDs and children towards social-economic development

3.3.4 To mobilize resources to facilitate project implementation at all levels

3.3.5 Reducing community vulnerability to diseases (air-borne, communicable and water-borne diseases)

3.3.6 To strengthen women, youth and children participation on environmental conservation

3.3.7 To advocate for gender equity, the rights of the marginalised groups (like married adolescent girls), PWDs and children

3.4 Ethical Code of Conduct

3.4.1 There shall be a standard Ethical Code of Conduct for all the members and the staff of the organization.

3.4.2 The Ethical Code of Conduct shall be designed by the Advisory Committee and presented to BoM for approval and adoption.

3.4.3 Composition of Advisory Committee

The committee shall consist of:

3.4.3.1 Three (3) members drawn from members

Such membership will include;

3.4.3.1.1 2 competent members

3.4.3.1.2 1 Lay man

3.4.4 Role of the Advisory Committee shall be stipulated in the ethical code of conduct proposed by the BoM and adopted by the members at an AGM.

CHAPTER FOUR

Membership and Types of Membership

4.1 PART I – MEMBERSHIP

4.1.1 Membership

4.1.1

- a) There shall be individual persons (widows and women) who register as members through payment of subscription fee.
- b) Registered women/widows groups from the grass root shall be eligible for membership in the Organisation.

Full Membership shall be subject to approval by 2/3 majority at a convened meeting.

4.1.2 Types of Membership

4.1.1

- a) Affiliate Membership also known as member organizations. They are legally registered serving /organizations or initiatives who register with ADWG as members. They shall pay KES. 1,500 to subscribe as members upon which a certificate shall be issued.
 - a) i. Monthly subscription for Affiliate Members shall be KES. 300
 - ii. Member organizations shall renew their membership annually by payment of KES. 500.
- b) Individual membership shall be through payment of a subscription fee of KES. 300 and a monthly subscription fee of KES. 100

4.2 PART II - RIGHTS OF MEMBERS

The members shall have the following rights within the organization subject to the limitation of rights and fundamental freedoms in the Constitution of the Republic of Kenya and as are prescribed by other relevant laws:

4.2.1 Freedom of expression

- i. Freedom of expression and participation
- ii. Every member shall have the freedom to seek and receive information on matters concerning the organisation.

4.2.2 Equality and freedom from discrimination

- i. Every member is equal before the CONSTITUTION and has the right to equal and fair treatment; Equality includes the full and equal enjoyment of all rights and fundamental freedoms recognized and guaranteed in this constitution irrespective of their race, colour, sex, language, religion, age, conscience, belief, culture, dress, education, marital status, health status, political or other opinion, national and ethnic or social origin, disability, fortune, birth or other status;
- ii. A member shall not discriminate directly or indirectly against another member on any of the grounds specified or contemplated in clause (i);
- iii. Despite the provision on age in clause (i) and (ii), the definitions of children and women shall not be construed as discriminating against any person.
- iv. Member organizations shall recognize the rights of Women, PWDs, Youth and Children from ethnic, religious and linguistic marginalized groups or people of indigenous origin, to enjoy their own culture, freely practice their own religion or to use their own language in community with other members of their group.

4.2.3 Freedom of thought, conscience, religion, belief and opinion:

- i. Every member has the right to freedom of thought, conscience, religion, belief and opinion.
- ii. A member shall not be compelled to act, or engage in any act, that is contrary to the members' belief or religion.

4.2.4 Human dignity

- i. Every member has inherent dignity and the right to have that dignity respected and protected;
- ii. A member shall not be subjected to the arbitrary or unlawful interference with his or her privacy, correspondence, or to attacks upon his or her honour or reputation

4.2.5 Access to information:

Every member has the right of access to –

- i. Correct and accurate information held by the organization;
- ii. Information held by another member and required for the exercise or protection of any right or fundamental freedom;

- iii. Information required for the purpose of protection and furthering of the objectives of ADWG

4.2.6 Freedom of association

- i. Every member has the right to freedom of association, which includes the right to join or participate in the activities of any other organization;

4.2.7 Political rights

- i. The organisation shall be non-partisan.
- ii. Every member has a right to vote or to be voted upon declaration of interest within the organization.
- iii. Every member has the right, without unreasonable restrictions, -
 - c) To vote by secret ballot in any election of the organization or any other method agreed upon by the members.

4.2.8 Fair disciplinary action

- i. Every member has the right to disciplinary action that is efficient, lawful, reasonable and procedurally fair.
- ii. If a right or fundamental freedom of a member has been or is likely to be adversely affected by disciplinary action, the member has the right to be given written reasons for the action.

4.2.9 Fair hearing

- i. Every member has the right to have any dispute that can be resolved by the application of this Constitution decided in a fair and open hearing by the Advisory Committee.

4.2.10 Involvement and Participation

- i. Every member has the right to participate in all the spheres of the organization
- ii. Member organizations shall take the following measures to promote active participation and involvement by all-

They shall:

- i. Advocate and promote women participation in all the decision making organs in accordance with the prescribed laws of the Republic of Kenya;
- ii. Provide access to information such that women become aware of their rights and of opportunities to participate in decision making and civic life;
- iii. Give priority to programmes that empower the women and offer the opportunity and motivation for the youth to re-integrate into mainstreaming the society;
- iv. Appoint/send women to represent as part of delegations to planning meetings and other relevant meetings to broaden channels of communication and enhance the discussion of women related issues

4.3 PART III – CESSATION AND DUTIES OF MEMBERS

4.3.1 Cessation of membership

- i. Any individual member desiring to resign from the organization shall submit his/her resignation to the organization through the office of Chairperson and copied to ADWG members. (NOTE: Advisory Committee to give advice on the matter)
- ii. Any affiliate member desiring to resign from the organization shall submit its resignation to the organization through the office of Chairperson and copied to ADWG members. (NOTE: Advisory committee to give advice on the matter)
- iii. A member may be expelled from membership upon the recommendations of the Advisory Committee and by consensus of 2/3 majority of members present during the Special Meeting;
- iv. The committee must give the ground(s) for the expulsion of such a group/individual which may include but not limited to the fact that their conduct has adversely affected the reputation or dignity of the organization or that they have contravened any of the provisions of this Constitution.

Any member who has ceased to be a member will;

- a. Be entitled to a full refund of up to 100% of his/her shares or any other benefit accrued for a period NOT less than One (1) Year and upon

deductions of ALL liabilities as will be recommended by the Advisory Committee.

- b. Be entitled to a full refund of up to 100% of its shares contributed by him/her within a period of One (1) Year and upon deduction of ALL liabilities upon recommendation by.

4.3.2 Duties of members at the General meeting (s)

Members of ADWG shall;

- i. Participate freely at meetings.
- ii. Be entitled to elect or be elected into any position in ADWG or be deployed elsewhere to represent the interest of ADWG;
- iii. Offer constructive criticism;
- iv. Abide by the principles contained herein;
- v. Execute his/her duties with due diligence and efficiency;

CHAPTER FIVE

ADWG Structures, Functions and Powers

5.1 PART I – ORGANIZATIONAL FUNCTION AND POWERS

5.1.1 Powers and Functions of ADWG Members

ADWG in the course of executing its mandate is;

- i. Empowered to create, restructure, capacitate or disband any of its structures
- ii. Can enter into legally binding contracts;
- iii. Develop plans and proposals for development of any community empowerment project within areas designated;
- iv. Approve or recommend/ rejection to relevant authorities of any project which is seen to be detrimental designated area;
- v. Influence the implementation of project plans for the development;
- vi. Organize seminars and workshops to discuss County and County Legislations or plans so far as it affect participants of ADWG or development issues in the area of designation;
- vii. Make representation to County or County government on decisions or legislation, which may have a direct bearing on Homabay County;
- viii. Inform the community about opportunities for jobs or business prospects and about future development plans for Homabay County;
- ix. Run the administrative affairs of ADWG
- x. Partner with professional bodies or individuals to undertake any work or project/s, which will advance the goals of ADWG.

5.1.2 ADWG Meeting Structure

- i. Bi-annual General Meeting (BGM)
- ii. Special conference (SC)
- iii. General Meetings (GM)
- iv. Executive Committee Meeting
- v. Independent Committees Meetings: Development Coordinators on Special Project (DCSP), Advisory Committee (AC) and Electoral Committee (EC).

Powers of the meetings

5.1.2 (a) Annual General Meeting (AGM)

- i. Shall meet at least once a year.
- ii. Shall elect members of the BoM every bi-annually (2 years);
- iii. Establish, restructure or disband committees yearly;
- iv. The BoM shall be the highest decision making body of ADWG;
- v. AGM shall be constituted by 2/3 majority of registered members.

5.1.2 (b) Special Conference

- i. Two thirds (2/3) of members of the, general meeting of ADWG may convene a Special Conference to elect new BoM and consider any matter of importance to ADWG.
- ii. Has same power and responsibility as the Bi-annual General Meeting

5.1.2 (c) General Meetings (GM)

- i. Shall meet at least ones a month.
- ii. The Chairperson, Secretary and Treasurer shall present progress reports,
- iii. GM shall meet to review and monitor progress made by ADWG.
- iv. Monthly minutes shall be given to affiliates and member.

5.1.2 (d) Committee Meetings (CM)

Will comprise of BoM Meetings and Independent Committees Meetings

- i. Represent ADWG at any forum in pursuit of the objectives of ADWG;
- ii. Received submissions or representation by any interest group and report to the general meeting;
- iii. Ensure that all decisions of general meeting are carried out efficiently;
- iv. Advise general meeting of general trends regarding community developments elsewhere in the country and abroad;
- v. Make recommendation to general meeting for restructuring or capacitation of the BoM.

5.2 PART II – ORGANIZATIONAL STRUCTURE AND POWERS

The organisation structure shall consist of two committees

5.2.1 (a) Independent Committees

- i. Advisory Committees;
- ii. Development Committee on Special Projects
- iii. Electoral Committee

5.2.1 (b) The Board of Management (BoM)

The BoM shall consist of FIVE Office Bearers

The BoM comprises of:

- i. Chairperson,
- ii. Deputy Chairperson,
- iii. Secretary/Coordinator
- iv. Deputy Sec and
- v. Treasurer.

5.3 PART III: DUTIES AND RESPONSIBILITIES OF OFFICE BEARERS

5.3.1 The Chairperson

Chairperson of ADWG shall;

- i. Preside at all meetings of ADWG
- ii. Be responsible for the proper running and adherence to principles of ADWG.
- iii. Shall be signatory to the bank account

5.3.2 The Deputy Chairperson

The Deputy Chairperson shall;

- i. Perform functions as delegated by Chairperson;
- ii. Preside at ADWG meetings in the event of the absence of the Chairperson.

5.3.3 The Secretary/Coordinator:

The Secretary of ADWG shall

- i. Be the official spokesperson of ADWG
- ii. Be the custodian of all documentation of ADWG
- iii. Ensure that the decisions of ADWG are sufficiently communicated to all stakeholders, including interested parties;
- iv. Build administrative systems for the smooth running of ADWG;
- v. Issues notice timely to all ADWG stakeholders and participants to inform them of meetings of ADWG.
- vi. Keep records of all ADWG'S meetings
- vii. Keep register of all affiliates and individual members
- viii. Shall be signatory to bank account

5.3.4 Deputy Secretary

The Deputy Secretary of ADWG shall

- i. Deputize the secretary
- ii. Perform functions of the secretary in the event of the absence of secretary.

5.3.5 The Treasurer

The Treasurer of ADWG shall

- i. Put financial control system in place,
- ii. Raise funds for the group,
- iii. Open a bank account on behalf of the forum and in constant consultation with the executive.
- iv. Sanction the entire group expenditure
- v. Submit income and expenditure statements to any meeting of the forum when required to do so.
- vi. Submit audited financial statements annually.
- vii. Provide an annual budget as well as monthly forecasts.
- viii. Shall be signatory to bank account

5.4 ELECTION OF BOARD OF MANAGEMENT (BoM)

BoM must be elected every 2 year by members in every 2nd AGM

5.5 SPECIAL CONFERENCE

Two thirds (2/3) of members of the, general meeting of ADWG may convene a Special Conference to elect new BoM and consider any matter of importance to ADWG.

5.6 CONTRACTUAL LIABILITY

- i. Only the BoM of ADWG shall have the authority to bind ADWG or create any legal relationship on behalf of ADWG by so instructing the Secretary to sign such agreements.
- ii. Any other person purporting to bind ADWG must produce a written authorization from the BoM of ADWG signed by the Chairperson.

5.7 RESIGNATIONS BY OFFICE BEARERS/THE EXECUTIVE

- i. Members of BoM shall resign by submitting a written letter to the Chairperson; vacancies that occur in the BoM shall be filled at the plenary meetings upon recommendations by Advisory Committee.
- ii. The newly appointed member shall serve for the existing executive term in office.

CHAPTER SIX

Elections

6.1 ELECTORAL COMMITTEE

General meeting of ADWG shall appoint a Presiding Officer together with at least two Electoral Officers to conduct elections in accordance to electoral rules and regulation

6.2 THE PRESIDING OFFICER

The Presiding Officer Shall:

- i. Ensure that elections are free and fair and that electoral regulations and procedures are complied with;
- ii. Prepare voting material in consultation with electoral officers and candidates;
- iii. Have the power to disqualify anyone who may have violated electoral rules and acceptable conduct.

6.3 ELECTORAL OFFICERS

The Electoral Officers Shall:

Assist the presiding officer in executing his/her functions.

6.4 ELIGIBILITY FOR ELECTIONS

- i. Any member shall be eligible for election if he/she enjoys the support of at least 25% of registered members at the AGM, and shall in writing indicate their intention to vie for elections.
- ii. Any member shall be eligible for election upon payment of non-refundable fee of KES 200 and must not have any outstanding balances owed to ADWG. This must be supported by clearance letter from the authorized officer(s).
- iii. Any member wishing to vie for election shall be a registered member NOT representative of affiliate organization;
- iv. Any member may lobby for electoral support amongst voting members at the AGM;
- v. Professionals participating on an advisory capacity shall not be legible to vie for elections as office bearers;

6.5 ELECTORAL RULES AND CONDUCT

- i. Elections shall be conducted in a free and fair manner;
- ii. If two third of candidates agreed in writing that the elections were not free and fair such elections shall be automatically nullified.
- iii. If the reasons thereof had to do with and improper conduct of the presiding officer or electoral officers (upon satisfactory recommendations by Advisory Committee) they shall be replaced and a new electoral committee elected by no more than 30 days after the AGM, a fresh election shall ensue in 90 days;
- iv. Elections **MUST** be by a secret ballot.
- v. Any amendments to this clause shall be by a two-thirds majority of delegates present at the AGM of ADWG.

CHAPTER SEVEN

Financial Management, Sources of Funds and Uses of Funds:

7.1 SOURCES OF RESOURCES AND UTILIZATION

- i. ALL organization's resources must be registered and insured in organizations name.
- ii. ADWG at all time will be mandated to disclose all sources, intended purpose and duration of funding to its members, affiliate partners and stakeholders.
- iii. ADWG will have the authority to mobilize resources through fundraising activities to supports it projects.
- iv. Funds raised through membership fee/ contribution shall be used to run administrative responsibilities.
- v. All monies allocated for planning and administration cost from donor funded projects will ensure savings on members' contributions.
- vi. Every office bearers and staffs will be liable to ADWG resources assigned to him/her.
- vii. ADWG materials and equipment **MUST NOT** be used for individual benefits other than the intended and institutional purpose.

7.1.1 Sources of funds

The sources of funds for the organization shall include but not limited to:

- i. Grants from donors.
- ii. Membership subscription fees.
- iii. IGAs (Income Generating Activities).
- iv. Fund raising.
- v. Donations.
- vi. Loans.
- vii. 10% Mandatory DEDUCTIONS due in the good name of/engagement through ADWG

7.1.2 Uses of funds

The funds of the organization shall be used in:

- i. Programmes implementation.
- ii. Administrative and operation costs.
- iii. Office utilities.

7.1.3 Financial year

- i. The financial year of the Organization shall begin on the 1st day of July and end on the 30th day of June of each following year.
- ii. The dates in clause (i) above do not affect any donor funded projects in which case, the donor instructions will apply.
- iii. The executive committee shall formulate the financial policy to guide the organization in all the financial matters.

7.1.4 Bank Account

There shall be Bank Account(s) opened and maintained by the organization in its name with the bank(s) that shall be decided by the Executive committee from time to time.

ADWG will also consider opening a separate bank account specifically for specific Donor Funded Projects; SHOULD the Donor(s) provide directions at their own discretion on this

7.1.5 Bi-annual report

The BoM shall be responsible for ensuring that annual reports are prepared and presented to members during the Annual General Meeting or Special Conference Meeting.

The Annual report shall include but not limited to the:

- (a) Financial reports,
- (b) Audit report,
- (c) Progress report or,
- (d) Any other report by the BoM or an independent committee.

CHAPTER EIGHT

Constitutional Amendments AND Dissolution

8.1 CONSTITUTIONAL AMENDMENTS

8.1.1 Subject to the provisions of the constitution and with the approval of 2/3 of the members, the Organization may by Special Resolution:

- i. Alter,
- ii. Amend,
- iii. Modify or
- iv. Repeal this parts(s) or the whole of this Constitution or
- v. Adopt a new Constitution or
- vi. Change the name of the Organization, governing organs or committees;

8.1.2 Provided that no such alteration, amendment or modification made shall impair or prejudice to the effectiveness of the prohibition contained in this constitution hereof.

8.1.3 Any intentions by member(s) to effect 8.1.1 (i) – (vi) should be communicated to the BoM of ADWG in 3 months' notice for proper preparation for transition(s)

8.2 DISSOLUTION

The AGM or Special Meeting of ADWG may dissolve ADWG by a two-thirds majority of delegates present and voting. In the case of dissolution, transfer of assets and liabilities of ADWG shall be done by donation to any organization with similar aims and objectives as ADWG. **NO PROPERTIES OF ADWG may be distributed to members at any time of dissolution.**