

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

## Bangladesh Islamic Centre of NSW Inc.

11-13 Helen Street, Sefton, NSW 2162

Reg. No Y 10259-00 Charity Reg No. CC29635

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### THE COURT CASE AND RECENT AFFAIRS

#### Press Release of BIC (Bangladesh Islamic Centre), 19 May 2005

**Summary:** By the mercy of Allah SWT, the solicitor of BIC Uther Webster and Evans has made the case of Mr. Rashid Raashed ("The plaintiff") **DISMISSED** on 9 May 2005 during the hearing session in the Supreme Court of NSW. The plaintiff did not provide the required evidence for substantiating the claims made in his original submission to the Supreme Court of NSW on 7 April 2005. In the absence of the documentary evidence from the plaintiff, the matter was considered as dismissed by the Court. The brief details are listed below.

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Bangladesh Islamic Centre (BIC) was formed in 1989 as an Islamic Organisation for Muslims of Bangladeshi descendants to promote the practice and teaching of Islam in social, religious, spiritual and cultural arenas. The constitution of BIC was formulated at that time. In 1995, a property was acquired by BIC at 11-13 Helen Street, Sefton, NSW 2162 which was nearly the demographic middle of the distribution of Bangladeshi Muslim community in the Sydney region.

The property was purchased in the name of the 'House of Peace' where BIC is the sole owner as confirmed by Mr Rashid Raashed at the AGM-2000 on 13 August 2000. It should be noted that the fund for purchasing the mosque was predominantly contributed by the Bangladeshi community from Sydney as well as from other cities.

Current BIC Executive Council (BIC-EC) recognised the demand for amending the constitution prepared in 1989 to accommodate the changing social and cultural needs of the Bangladeshi community as well as to make it more flexible, transparent and functional. In the three-page amendment, one was to specify the membership criteria that "one of the parents of the BIC member needs to be a Bangladeshi descendant". The historical membership database of the BIC indicates that only Muslims of Bangladeshi descendants have been members of BIC. In addition, the name of the organisation inclined that this is an organisation of Bangladeshi community who own, operate and manage the property, however, the mosque is open to Muslims of any origin, colour, background or place of birth. The membership criteria should, therefore, be an implementation of what actually meant in the context of this organisational framework and history.

Constitutionally, these amendments were subject to the approval of members of BIC in a general meeting, which was scheduled on 10<sup>th</sup> April 2005. The proposed constitution was reviewed by a number of community members with very good understanding of the existing constitution as well as by a solicitor of a prominent law firm in Sydney CBD. There was no issue or objection raised from the members of the BIC on such change of the membership criteria except from Dr Fazlul Huq.

BIC received a letter on 30<sup>th</sup> March 2005 sent by the plaintiff. This letter included application of 56 memberships from non-Bangladeshi background persons together with a proposal that the mosque must be placed on a trust. He then rang the General Secretary at around 8:00pm on that day, intimidating that he would lodge a court case against BIC if the proposed membership criterion was not removed and the 56 non-Bangladeshi membership applications were not approved by EC before 10 April 2005. These claims were totally unconstitutional. The general secretary of BIC made an honest and genuine approach, and had an hour-long meeting with the plaintiff on 2<sup>nd</sup> April 2005 and also discussed over phone on 3<sup>rd</sup> April 2005. He urged the plaintiff to consider a democratic and constitutional process of dealing with his claims

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instead of going to the court. However, the plaintiff took an uncompromising approach and lodged a court case against BIC on 5<sup>th</sup> April 2005. A summon was served to BIC in the evening of 6<sup>th</sup> April 2005 for appearance in the Supreme Court on 7<sup>th</sup> April 2005.

Some of the claims made by the plaintiff to the Court are as follows:

1. Accept / decide 56 non-Bangladeshi (local people) as members of BIC immediately.

[Note: The Rule 7(3) of the constitution of BIC requires that if EC can not decide on a membership application, the matter must be presented to a general meeting for approval. Some local Muslim brothers who was among the 56 applicants expressed that they were not interested in the membership with BIC rather they were given a fear that in the future BIC would stop their access to the Mosque or sell the property. This fortune telling misguided the locals against BIC. It is notable that this is the first time BIC attempted to make the property non-sellable by this constitution amendment.]

2. BIC membership must comprise with 50% Bangladeshi and 50% non-Bangladeshi members immediately and only then the special resolution would be passed.
3. Postpone the forthcoming GM for constitution amendment of 10 April 2005 because of the deep negative effects on both the material as well as spiritual rights of the local Muslims.
4. Hold wide Public Consultation prior to discussing any special resolution being re-introduced on a later date.
5. The Sefton Mosque and adjacent property were purchased using money from all Muslims in Australia (with this claim the plaintiff justified that all Muslims have their shares on the property).

[Note: The plaintiff made 23 claims during the hearing session of 7 April 2005. It portrayed an impression that the Bangladeshi community had been engaged in establishing illegitimate ownership rights on Sefton Mosque that was established as a public property. The Honorable Judge of the Supreme Court considered it as a pecuniary matter which required additional precaution to checking the flow of information and documentary evidence prior to make any decision.]

BIC would like to inform its honourable members that the plaintiff made provocative speeches in Friday congregation (without being authorised by BIC or its nominated Imam) on 11<sup>th</sup> and 18<sup>th</sup> march 2005. The plaintiff commented that the mosque had been operated by the donation of the local residents, whereas, they were not allowed to manage it. The plaintiff urged the locals to stop donation to the mosque, apply for the membership of BIC and get involved in the management. The plaintiff also assured the locals that he would go to the court should BIC decide to not include them in the management process. These actions of the plaintiff were contravening the objective and vision of BIC and unconstitutional. Furthermore, these acts had the potential to promulgate mistrust among locals against BIC and damaging harmony with locals that exists since the mosque was established in 1995. It should be noted that BIC is always grateful to the local & other Muslims for their support over the last many years for the great cause that BIC is perusing.

On the 7<sup>th</sup> April 2005 Court has put injunction on the general meeting on 10 April 2005. And also plaintiff was given a deadline of 21<sup>st</sup> April 2005 to submit documentary evidence in support of his claims.

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BIC arranged an informal discussion session with the members on 10<sup>th</sup> April 2005. BIC-EC provided the details of the facts regarding the court case. Most of the members expressed their disappointment over the actions and behaviour of the plaintiff. A number of members opted to continue the court case as they found it to be a recurring action from the plaintiff. Some other members opted to have an open dialogue with the plaintiff for an unconditional withdrawal of the court case. From the attending members some seven members were selected to have such open dialogue with the plaintiff with an intention to resolve the issue in the community level instead of court. Br. Faruk Chowdhury headed this group.

On 15<sup>th</sup> April, BIC received a report from Br. Faruk Chowdhury. This report contained two conditions put up by the plaintiff against his withdrawal of the court case claiming that BIC must withdraw the new membership criteria and must start a process of formation of a trusty board to run this centre instead of the current form of community association, BIC. EC does not have such authority either to start a process of trusteeship or to make any complete withdrawal of the new membership criteria without consent of the members of BIC in a general meeting. And it was left with the representative members to convince the plaintiff to withdraw the case unconditionally. But EC has promised that the conditions would be presented to the members of BIC.

The plaintiff neither submitted supporting documents in favour of his claim nor he withdrew the case by 21<sup>st</sup> April 2005. Therefore, he was liable for a cost claim according to the court undertaking. Upon Plaintiff's failure to court requirements, on 29<sup>th</sup> April 2005, the solicitor of BIC requested to the court to strike out of the plaintiff claims. On 1<sup>st</sup> May 2005, the Plaintiff approached the BIC solicitor requesting him to discontinue the court case with a condition that the matter would be settled outside the court and requested BIC to sign on this. EC of BIC seen this condition would leave the situation actually unsettled, hence, advised the solicitor to dismiss the case so that there is no further dilemma.

For the sake of a soft landing and avoid further consequences, BIC solicitor made a deal to bear each party of their own cost and proceedings was dismissed at the court in the hearing session on 9 May 2005.

Some of the adverse effects and financial damage as a result of the court case include the following:

- The legal cost to BIC has to be paid from BIC fund, which was mean to be used for good cause.
- Cancellation of general meeting and cost involved in its preparation.
- Cancellation of Yearly Youth Program that has been happening over the past years.
- Disruption of personal and business activities of executive committee members of BIC.
- Disruption of progress and activities of BIC, including construction work and fund raising drive.
- Negative image of Bangladeshi Muslim Community.

This is now the time to move on and dedicate our efforts to develop the facilities of Sefton Mosque as a Centre of Excellence and Pride for Islamic practices and teachings to the Muslims of the World.

Executive Council of BIC recognises the enormous supports provided by the Bangladeshi as well as local Muslim community during this difficult time and express heartfelt thanks to them. Allah gives rewards for their good actions. Ameen.

*End of this press release*

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## **KEY ANNOUNCEMENTS FROM BIC**

### **Membership Renewal:**

**Membership for 2005-2006 will be due by 30<sup>th</sup> June 2005. Please renew your membership as soon as possible by paying membership fee.**

### **Monthly Lecture programs:**

**Every third Sunday from 3:00pm (Asar) to 4:30pm (Maghrib)  
At Sefton Masjid, 11-13 Helen Street, Sefton 2162**

**Light refreshment will be provided.**

**19/06/05: Sign of Quiamah**

**24/07/05: Raising Children in the western society**

**21/08/05: Family life in Islamic perspective**

**18/09/05: Moon Sighting and Ramadan**

### **Fund Raising:**

**The extension of the mosque is in progress. Please donate generously.  
Account No. Commonwealth Bank 062005 –1001 7984**