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PROCEDURES FOR REGISTRATION OF ISLAMIC ORGANISATIONS IN NIGERIA: CHALLENGES AND SOLUTIONS

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Abstract

In the recent times, there have been focuses on religious organisations, especially with respect to their proliferation, operations, activities and utilities in Nigeria. The position of law is that, for any religious organisation to carry out operation or to be duly recognised in Nigeria, such organisation must be duly registered with the Corporate Affairs Commission; failure of which attracts penalty stipulated in the Companies and Allied Matters Act. It is not a gainsaying that Islamic organizations are part of the organizations enjoined by the law to register before carrying out any activities. In Nigeria, many Islamic organizations carry on activities without registering with accredited body. This in recent times, has caused proscription of most of the so called Islamic organizations by the government, such as Islamic Movement of Nigeria popularly known as Shiite. The registration procedures and methods are not known to most of these organizations, hence, their failure to register with the appropriate bodies. Thus, this paper discusses procedures for registration of Islamic organisation with the Corporate Affairs Commission. The paper also highlights the importance of the registration of the Islamic Organisation in Nigeria and also examines some challenges usually encountered as per registration of organisations in Nigeria. The paper recommends, amongst others, the creation of more awareness of the benefits of registration and the disadvantage for failure to register before carrying on operations.

Keywords: Registration Procedure, Islamic Organisation, Corporate Affairs Commission, Incorporated Trustee

1. Introduction

Registration of organisations with Corporate Affairs Commission¹ falls under Part F of the Company and Allied Matter Act 2020. This is referred to as registration of Incorporated Trustees. Incorporated Trustee is a non-business and non-profit making organization. They are formed to facilitate the acquisition of corporate personality by a community of persons bound together by custom, religion, kingship, sociology or nationality, literary developmental, sporting, scientific, educational or charitable organization.² Examples of such organisation are Social/Cultural Club, Town Union, Alma mate, Church, Mosque, NGO or Islamic Organisation. It may also be professional bodies like Nigerian Bar Association, Nigerian Medical Association or setting up of a foundation to immortalise a person.

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¹ This is the government agency responsible for registration of Companies (Private Company Limited by Shares, Private Unlimited Company, Public Company Limited by Shares, Public Unlimited Company, Private Company Limited by Guarantee, Public Company Unlimited by Guarantee), business name (Sole Proprietor, Partnership, Incorporated Trustees, Limited Partnership, Limited Liability partnership in Nigeria and it is enacted by the National Assembly and commence on the 7th day of August, 2020. See section 1 (1) (a)-(c) of Companies and Allied Matters Act 2020

² Companies And Allied Matter Act, 2020, s. 823.

Freedom of Association is one of the freedoms³ granted to individual even before the proclamation of Human Rights Charter.⁴ The right to free and peaceful association is a result to the freedom of expression both of which are upheld in Islam. Islamic Law takes a firm position on the freedom of conscience; it also encourages free association for the achievement of beneficent and lawful purposes through peaceful methods. Islam only puts a caveat in the right to association by insisting that such association should only be for good and transparent purpose.⁵ It should be exercised for propagating virtue and righteousness and should never be used for spreading evil and mischief⁶. We have not only been given this right for spreading righteousness and virtue, but have been ordered to exercise this right. Addressing the Muslims, the Holy Quran declares: *'You are the best community which has been brought forth for mankind. You command what is proper and forbid what is improper and you believe in God'*⁷

Indeed, the Holy Qur'an enjoins mutual assistance and cooperation for valid purposes but forbids cooperation in transgression and sin. Subject to this, Islam gives man the free, undiluted latitude to associate and form bodies that will aid the promotion of the world community. It is very important to note that Allah sets the limit as to the type of association that should be promoted when He declared: *'Those that are charitable promote welfare and strengthen peace. Whose does that seeking the pleasure of Allah. We shall soon bestow on him a great reward.'*⁸

Therefore, it is lawful for a group of Muslim to come together and form an association if their aims and objectives are to promote unity or carry out a charitable purpose for Muslim Ummah. This is one of the inalienable rights granted Muslim by Allah only that it must be done for the purpose of propagating the right and forbidden the bad thing. The law stipulates some certain procedures that must be followed while registering under part F with Corporate Affairs Commission (hereinafter referred to as the 'Commission'). Failure to follow the procedures can make the Commission deny issuance of the certificate for the registration of such organization.⁹ It is against this backdrop that this paper seeks to examine the procedures for registration of organization under Part F with particular emphasis on Islamic organization.

³ Section 43 of the 1999 Constitution of the Federal Republic of Nigeria as Amended recognized freedom of Association of an individual to belong to the association of their choice. This right is one of those rights embedded in the Chapter IV of the 1999 Constitution as amended. And other rights include right to life, right to the safety of life, respect for the chastity of women, right to basic standard of life, freedom of thought, freedom of religion and freedom of expression.

⁴ The Charter and the Proclamations and the resolutions of the United Nations cannot be compared with the rights sanctioned by Allah; because the former is not applicable to anybody while the latter is applicable to every believer. They are a part and parcel of the Islamic Faith. Every Muslim or administrators who claim themselves to be Muslims will have to accept, recognize and enforce them. If they fail to enforce them, and start denying the rights that have been guaranteed by God or make amendments and changes in them, or practically violate them while paying lip-service to them, the verdict of the Holy Quran for such governments is clear and unequivocal:

⁵ Quran Chapter 5 verse 2.

⁶ Syed Abdu A'lamawdud, Human Rights In Islam, <<https://www.al-islam.org/al-tawhid/vol-4-n-3/human-rights-islam-syed-abul-ala-mawdudi>> accessed 19 April 2020

⁷ Quran Chapter 3v110

⁸ Quran Chapter 4 v114

⁹ CAMA (n. 2) S.830 (3)

2. Procedures for The Registration of Islamic Organisation in Nigeria

Like other registrations¹⁰ with the Commission, there are procedures stipulated by law for any Islamic organization that requires to be duly registered in Nigeria with the Commission. These procedures are explained below:

i. Reservation of the Proposed Name

Availability and reservation of the proposed name of any incorporated Trustee names is one of the cardinal procedures that any Islamic organization must first satisfied before other procedures. These availability and reservation of name are regulated by the Commission. There are two broad categories of names that cannot be made available for use upon application. They are prohibited names and restricted names.¹¹ The prohibited names cannot be released for registration, while restricted names can only be released with the consent of the Commission. The rule is so strict that even if the name was inadvertently registered, the Trustees would either voluntarily drop or change the name, either by the directive of the Commission (on its own motion) or upon a Petition by the aggrieved original owner of the name.¹² The rule applies also to corporate names whose 60-days reservation was still running, following availability check under Section 32 of Companies and Allied Matters Act (CAMA). That is, any name approved by the Commission must be registered within 60 days starting from the date the name was approved.

ii. Guide for Considering Choice of Corporate Name Availability by Corporate Affairs Commission (CAC)

There are three guiding considerations that any Islamic organization needs to consider when applying for the name to register with the Commission. These considerations are examined below:

a. Conflicting Names

Already registered Incorporated Trustees name cannot be released for registration by another organization without the consent of the already registered organization with Commission. It is to be noted that any Islamic organization that is yet to register with the Commission cannot claim that its name was registered by other organization even though such Islamic organization has been using the acclaimed name for centuries.¹³ This is because the law gives preference to registered name as against unregistered name. Thus, conflicting names only applicable to the name already registered with the Corporate Affairs Commission.

b. Restricted Names

These are the names to be used subject to consent of the Commission or solely reserved for a particular type of the organization/company. Among the names are:

- Name which includes the word "Federal", "National", "Regional", "State", "Government", or any other word which in the opinion of the Commission suggests or is

¹⁰ There are procedures laid down by Companies and Allied Matters Act, 2020 for the registration of business name as well as Limited Liability Companies. Notwithstanding that these were to done under Part B and Part E of the Companies and Allied Matters Act 2020, although these procedures are similar to that of organization register under Part F of the CAMA

¹¹ CAMA, (n, 2), S. 31 (1) -(5)

¹² Ibid

¹³ CAMA, (n 2), S. 823

calculated that it enjoys the patronage of the Government of the Federation or the Government of a State in Nigeria, or any Ministry or Department of Government.¹⁴

- Name which contains the word "Municipal" or "Chartered" or in the opinion of the Commission suggests, or is calculated to suggest, connection with any municipality or other local authority.¹⁵
- Name which contains the word "Co-operative" or the words Building Society.
- Name which contains the word "Group" or "Holding."
- Name that contains the words "Chambers of Commerce" unless it is a company limited by guarantee.¹⁶

The implication of the above is that, no name bearing the word State or Federal or National would be registered by the Commission without first seeking for consent of the Register General of the Corporate Affairs Commission. Therefore, it is advisable for any Islamic-faith-based organization to remove the restricted word from their names when registering their organization with the Commission. However, it is important to state that restricted names can be registered but there must be consent of the Commission.¹⁷ Therefore, any organisation that likes the word "State", "Federal" or "Local government" to appear in her name would have to apply to the Commission for consent before such could be approved for registration.

c. **Prohibited Names**

Prohibited names are the names that cannot be approved because of their illegal/offensive/deceptive nature as disclosed in the proposed name or objects. By the combined effects of provisions of S.31 (1) (5) CAMA, certain Corporate Names are prohibited because, either such name is in conflict being already registered or reserved (within 60 days) or is deceptive or illegal or offensive in its name or object. Prohibited names do not require CAC's consent as CAC cannot override the rule guiding them.¹⁸ Such corporate names include:

- Name which is identical with that of existing Company or Organization already registered or so nearly resembles that name as to be calculated to deceive, except where the Company in existence is in the course of being dissolved and signifies its consent as required by CAC;¹⁹
- The name which in the opinion of the corporation would violate any existing trade mark or business name registered in Nigeria, unless the consent of the trade mark or business owner is first sought and obtained;²⁰ or
- Where it is discovered that the approval was fraudulently, unlawfully or improperly procured.²¹

¹⁴ *ibid*

¹⁵ *ibid*

¹⁶ CAMA (n. 2), S. 31 (1) -(5).

¹⁷ CAMA (n. 2), S 824

¹⁸ Nelson C. S. Ogbuanya, *Essentials of Corporate Law Practice in Nigeria*, Novena Publishers, 2010. ISBN, 9789044860, 72

¹⁹ CAMA, (n. 2), s. 31 (2)

²⁰ *Ibid*

²¹ CAMA (n.2), S 825 (5)

- Name considered by the Commission to be deceptive or objectionable, in that such name contains a reference, directly or indirectly to any exalted person, practice or institution or is likely to mislead the public as to the Nationality, race or religion of the proprietors of the business or is otherwise unsuitable as a business name and it is the commission that will determine the classification of associations to be registered under this Part in accordance with the aims and objects of the association.²².

Any name that falls within the ambit of instances shown above are considered to be prohibited name in which no organization would be allowed to register such name. An Islamic organization that wants to register with the Commission needs to be mindful of these instances when considering the name to bear and register with Corporate Affairs Commission.

iii. Appointment of Trustees

Another step to be taken for the registration of an Islamic organization with the Commission is the appointment of the trustees. The trustees are the representatives of the association/organization and they are the ones to represent it in any legal dispute. In fact, failure to include the incorporated trustees in any legal dispute against the organization would nullify the suit.²³ The procedure is that, the association would appoint minimum of two and maximum of fifteen persons to be their representatives.²⁴ However, there are qualifications to be met for the appointment of Trustees as stated by law. These qualifications are discussed below.

iv. Qualification of a Trustee

For anyone to be appointed as a trustee of any Islamic organisation for the purpose of registration with the Commission, he or she must satisfy the following criteria:

a. Adulthood

One of the requirements of a person to be appointed as a trustee is to be an adult. An infant cannot be appointed as a trustee of any organization in Nigeria.²⁵ The person must have attained the age of puberty before he/she can be appointed as a member of the trustee of any organization. Eighteen years is the age recognised by the law to be the age of puberty in Nigeria. This provision of Company and allied Matters Act is also in line with the position of the Islamic Law. Although, there is no actual provision of Islamic Law that indicates or provides for certain year as a year of puberty. This is because, what determined maturity and puberty in a man is different from another man. But it is the opinion of all Islamic Jurists that for a man to be responsible for any criminal or answer religious call, he must have attained the stage of *mukalaf*.²⁶ A person can only be held responsible of any criminal act in Nigeria only if he/she is mature and attain the age of puberty. Therefore, an infant or somebody who has not attained the age of puberty cannot be appointed as a member of the trustee of an Islamic organization. This position has to be sworn to

²²CAMA, (n. 2), s. 824

²³Amasike v. The Reg.-General C.A.C &Anor (2010) 13 NWLR (PT. 1211)337 S.C, and The Church of the Lord (Aladura) v Jacob Konah Sheriff (2011) LPELR-SC.58/2003.

²⁴ CAMA (n, 2) s. 825

²⁵Ibid, s.826 (1)-(a).

²⁶Age of *Mukallaf* under Islamic law is the age of responsibility and age that a man would be responsible for his act. A person can be held liable if he or she attained the age of puberty. He can own property and answer religions responsibility.

before commissioner for Oath or before Notary Public for us to know the importance of the provision.²⁷

Trustee must be a Person of a sound Mind

b. A person to be appointed as a member of the Trustee, must be a person of sound mind.²⁸ Any person declared to be of unsound mind cannot be appointed as a member of the Trustee. This is because, it is only a person declared to be of sound mind that can be held responsible for any act. Therefore, person of unsound mind cannot be appointed as members of the board of trustee of an Islamic organization.²⁹ Again, this is in line with the provision of Islamic law. Under Islamic law, no responsibility of punishment is provided for a person declared to be of unsound mind. This is in line with the tradition of Prophet Muhammed (peace be on to him)³⁰ and all the Jurists unanimously agreed on this. A person who wants to be appointed as a trustee of the organization needs to swear before commissioner Oath, stating that, he is fit and of sound mind before he/she can be appointed as a trustee.³¹ The procedure for appointment of the trustees is left to the discretion of the proposed Incorporated Trustees. Hence, as an Islamic Organization, the recommended procedure of Shura (Mutual Consultation) in the Qur'an and Sunnah is desirable.

c. Not being a bankruptcy.

For a person to be appointed as a trustee of the organization, he or she must have attested before a Commissioner for Oath or a Notary Public that he or she is not an undischarged bankrupt.³² If there is any evidence that person nominated to be a trustee has a case of bankrupt, he or she stands to be disqualified with immediate effect and the person may be handed over to the police for lying against his status. This is because the position of trustee is very important in the association and person to be appointed must be a trustworthy person. The position of this requirement by CAMA also reflected the position of Islamic Law. Under Islamic law, although the appointment of trustee for the association would be done by Shura Committee, who after serious consultation and deliberation suggest the person to be appointed as a representative of the association. It is part of their requirement that the person to be appointed by this Shura committee must be a person that can be trusted and not in a state of bankrupt.³³

d. Not being Convicted of an Offence Involving Fraud or Dishonesty within Five Years of his/her Proposed Appointment

The trustee must not be a person that has been convicted of an offence involving fraud or dishonesty within five years of his proposed appointment³⁴. It is the provision of the law that any person to be appointed by the organization as trustee must not be someone that has been convicted of an offence involving fraud or dishonesty within five years of his proposed

²⁷ <http://www.cac.gov.ng/wp-content/upload/2021/08/MISC-05-trustees-declaration>. Access 03/11/2022

²⁸ CAMA (n 2).826 (1) (b).

²⁹ Ibid

³⁰ Prophet Muhammed (PBUH) was reported in the Sahih Al-Bukhari as follows: 'Three categories of person are exempted from punishment and religious accountability: An infant until he attains majority; an insane person until he regains sanity and a person who is asleep until he wakes up.'

³¹ <http://www.cac.gov.ng/wp-content/upload/2021/08/MISC-05-trustees-declaration> accessed 03 Nov. 2022.

³² CAMA (n. 2), s.826 (1) (c).

³³ Sharia Rulings on insolvency and bankruptcy; <https://iifa-aifi.org/en/33028.html> accessed 08 Nov. 2022.

³⁴ CAMA (n. 2), s. 826 (1) (d).

appointment. The trustee would be automatically disqualified if there is evidence from the general public that shows that such trustee has been convicted for the offence relating to dishonesty or fraud by a court of competent jurisdiction. Therefore, it is even safer to say that an ex-convict of an offence bothering on fraud or dishonesty should not be propose to be trustee of an Islamic organization. It is to be noted that if any bankrupt person or person that has been convicted for offence(s) relating to fraud or dishonesty is appointed as trustee of an organization, such a person shall be liable to fine of N50 for every day during which he so acts as trustee of that organization.³⁵

v. Newspaper Publication

The next procedure after the appointment of the Trustees for the organization is the publication of the name of the Organization, names of the Trustees and aims and objectives of the organization. Publication has to be made in two daily national newspapers or one national daily Newspaper and one local Newspaper.³⁶ The advertisement shall invite objections, if any to the registration of the organization and that objection shall state the grounds on which it is made and shall be forwarded to reach the Commission within twenty-eight days of the date of the last of the publication in the newspaper³⁷. It is to be noted that the Commission has right to deny the registration based on the objection received by the commission as a result of the newspaper publication, and what the commission normally do when any objections are made against the registration of any organization is that, the commission shall consider them and may require the objectors and applicants to furnish information or explanation regarding the registration of the organization and may uphold or reject the objection as it considers fit and inform the applicant accordingly³⁸. The commission may withhold its assent to the registration if it is satisfied with the issue raised by the objectors. The objectors may raise the issue on the similarity of the name of the association with the one previously registered with the commission or may raise any other genuine issue which to the best knowledge of the commission worthy to withhold its assent to the registration of the commission.

vi. Iron Seal of the Association

It is part of the requirement and procedure for the organization that want to register with the Corporate Affairs Commission to have the iron seal of the organisation³⁹ although, this procedure of having a common seal of the organization has been made optional by the commission after the implementation of Companies and Allied Matters Act 2020

vii. Minutes of the Meeting

It would be surprised that minutes of the meeting of the association also form parts of the requirements/procedures for the registration of the Islamic organization with the commission. It is a mandatory requirement that an Islamic organization would have to submit the minutes of the meeting of the organization where those to be appointed as Trustees for the organization were nominated and appointed. The minute of the organization will show the name, the voting pattern of the members regarding the nomination/appointment of the Trustees, the name of the members

³⁵ CAMA (n. 2) S. 826 ((2).

³⁶ CAMA (n. 2) S. 828 (1).

³⁷ CAMA (n. 2) S. 828 (2) and (3).

³⁸ Ibid.

³⁹ CAMA (n.2) S. 830 (b)

presents at the meeting, number of votes scored by each nominated members of the trustees and then adoption of special clause to the constitution. Meaning and purpose of adoption clause would be explained later. The minute must be signed by the chairman and secretary of the organization⁴⁰.

viii. **Application Form**

It is the duty of the representative of the association or their presenter which could be Accredited Lawyer, Charter Accountant or Charter Secretary to get application form for the registration of the Trustees of the association with the Corporate Affairs Commission. This application form will be signed by the chairman and secretary of the organization. What application form must contain includes the following:

- a. Address of the organization;
- b. Aim and objectives of the organization which must be for the advancement of any religious, education, literary, scientific, social development, cultural, sporting or charitable purpose and must be lawful;⁴¹
- c. Detail of the proposed appointed Trustees which includes their name, contact address, phone number and email address; and
- d. Detail of the name, address and occupation of the secretary of the organization.⁴²

The application form must be signed by the Chairman and secretary of the association and the person presenting the application for filing before Corporate Affairs Commission.

ix. **Constitution of the Organisation**

Part of the documents to be submitted along with the application form with the Commission, is the Constitution of the organization. This is one of the important documents of the association and it forms major part of the requirements for the registration of the organization with the commission. The constitution of the organization shall, in addition to any other matters and details include the following:

- a. State the name of the association which must have been approved by the commission, having satisfied the conditions of not being conflict with that of a registered company, or with a business name or trade mark registered in Nigeria;⁴³
- b. State clearly the aim and objects of the association;⁴⁴
- c. Appointment, powers, duties, tenure of office and replacement of the trustees;⁴⁵
- d. The use and custody of the common seal;⁴⁶
- e. The meeting of the association, which is going to state the type of the meeting the association is going to be conducting as well as quorum for the attendance of the meeting;⁴⁷

⁴⁰Ibid, s.. 825 (2) (b)

⁴¹. Ibid, s. 827 (b)

⁴²Ibid, s. 825 (1) (c).

⁴³Ibid.

⁴⁴Ibid, s. 827 (1)(b).

⁴⁵Ibid, s..827 (c) (i).

⁴⁶Ibid, s.827 (c) (ii).

⁴⁷Ibid, s. 827 (c) (iii).

- f. The constitution will also state the number of members of the governing body, the procedure for their appointment and removal, and their power;⁴⁸ and
- g. The constitution must state how the association is going to source for money for the running of the organisation, procedures for the disbursement of the funds of the association as well as keeping of accounts and auditing of such account must be well stated in the constitution.⁴⁹

The constitution must contain the special clause which must have been adopted in the minutes of the meeting of the association for the registration of the association and it is basically stated that the property of the association in case of liquidation or dissolution shall not be distributed to any of the member but shall be given or handover to the association which have similar aims and objective with the association. The constitution must be dated and signed by the chairman and secretary of the association and two copies must be submitted along with the application.

x. Registration and Certification

Practically, the above are the procedures for registration of an organization with relevant agency⁵⁰ in Nigeria. The commission, if after the advertisement, received no objection within the time specified in sections 825-827 of the CAMA⁵¹ or where any objection is received, the same is rejected, the commission will then have no other option than to assent to the application of the organization by registering the organization and issue a certificate in the prescribed form⁵². The certified copy of the application form as well as the copy of the constitution would also be given to the presenter together with the certification.

4. Effects of the Registration and Certification

From the date of the registration, the trustee or trustees shall become a body corporate by the name described in the certificate which is usually written as 'INCORPORATED TRUSTEE OF.....'. They shall have perpetual succession and a common seal, and have power to sue and be sued in its corporate name and as such trustee or trustees shall hold or acquire, transfer, assign or otherwise dispose of any property or interests therein belonging to, or held for the benefit of such association.⁵³ The association can now be dealing with their name with regard to any transaction and can sue or be sue with the name as it is appeared on their certificate.

An unincorporated association is not a legal person. Unlike a company, it can neither be sued nor be sued in its own name, but its members may sue or be used on its behalf.⁵⁴ Unincorporated

⁴⁸Ibid, s. 827(c) (iv).

⁴⁹Ibid, s. 827 (c) (iv).

⁵⁰Corporate Affairs Commission is the only authorised agent sanctioned by law to register business name, company and incorporated trustee. The agency has power to withhold their consent from registering any association if it is satisfied with the objection received from the general public against the registration of such organisation.

⁵¹The association will make the advertisement in the two daily Newspaper publication and call for objection from the general public which is going to be send to corporate affairs commission within 28 days of the advertisement.

⁵²CAMA (n 2) S. 829 (1)

⁵³CAMA (n 2) S. 830 (1)

⁵⁴See the case of Nigerian Bar Association v. Gani Fawehinmi (1986) 2 N.W.L.R (PT 21) C.A. In this case, the NBA passes a resolution to have the name of the respondent entered in the 'Roll of Dishonour', for appearing before the Special Military Tribunal set up in 1984 to try political offenders. The respondent sued NBA to have the order declared null, void and unconstitutional. The NBA argued that, not being a juristic person but a juridical person, it could neither sue nor be sued in its own name. The court held that the NBA is an unincorporated association. That

association cannot hold property or transact with its name because they lack the juristic personality to do so. It is only the trustees of the association that can legally acquire land or other property on their behalf, in the name of the incorporated trustees only. In fact, no recognition is given to an unincorporated association because of this lack of capacity. It is only when the association is registered and a certificate of incorporation was issued and it is the date stated on that certificate that shall be deemed to be the date on which incorporation has taken place.⁵⁵

5. Challenges and Solutions

Having discussed the procedure laid down by the enabling law for the incorporation of Muslim organization in Nigeria and effects of not registering with the appropriate authority, it is pertinent at this point to discuss the challenges being faced by some organizations that make them failed to make attempt to register with the Corporate Affairs Commission. It is not gainsaid that there are a number of unregistered organisations in country that carry on activities as if they are duly registered without even knowing the implication thereof. Therefore, those challenges as noted in the course of carrying out research are as follows:

- i. Lack of awareness of the benefit of registration with the appropriate government agency. Most of the associations carrying out their activities without first being registered with the Corporate Affairs Commission lack knowledge of the existence and benefit of registering their association. It is the belief of some organisations that since their aims are not to make profit but to contribute to the society or propagate their religion; there should be no need for them to inform government of their activities. They failed to realise that government has power to suspend their activities or fine them for carrying out such activities without first taken necessary permission. Therefore, there is need for the relevant agency to carry out serious sensitization programme for the citizens to know the implication of running an organization without registering same with the relevant government agency.
- ii. Lack of Computer Literacy. Registration with the corporate affairs commission is now done online. This requires that anyone that wants to present registration with Corporate Affairs Commission must have computer knowledge in order for him to be able to register with the Commission. This has created a lot of problem because not all people are computer literate and those that are computer literate are not familiar with the method of registration with the commission. It is therefore necessary for anyone who wants to engage or do anything with corporate affairs commission to have sound knowledge of computer application.
- iii. Cost Implication for the Registration. The cost implication for the registration of the organization is very high unlike other registration. Apart from the above highlighted procedures and requirements that must be fulfilled before registering with the commission, it is pertinent to know that the organization that wants to register will need to pay the sum of N35,000.00 as a filling fee for the Certificate and Certify True Copy of the Application and Constitution. After they must have paid for the consent application before even applying for the name. Therefore, there is need for Corporate Affairs

although it is a separate entity from its members, it is not a separate legal entity' as such it cannot be sued in its own name. That the NBA has 'juridical personality' but not a 'juristic personality'.

⁵⁵CAMA (n 2) S. 830 (3)

Commission to review the cost implication for the registration so that other organizations who are yet to register their organization can take benefit and register.

- iv. Creation of Religious Awareness Section within the Commission. There is need for the Commission to create a religious section within their commission to monitor the activities of non-registration of the religious organization or monitor those registered but has deviated from the aims and objectives stated with the commission. This would help the commission to solve the issue of some association using opportunity of registration with the commission to cause religion problem in the society⁵⁶. There should be a corporation between leader of Islamic Organisation like Muslim Rights Concern (MURIC) and the Corporate Affairs Commission from time to time to remind these organizations of their aims and purpose of registration with the commission with the point that the commission has power to withdraw their certificate at any time if they find out that their activities are no longer tally with the aim and objectives they stated with the Commission.

6. Conclusion

The freedom of association is well guaranteed under section 40 of the 1999 Constitution to the extent that 'every person shall be entitled to assemble freely and associate with other persons, and in particular, he may form or belong to any political party, trade union or any other association for the protection of his interests. This is also well provided for under Islamic law to the effect with only condition that such organisation can only established if it is for the progress and unity of Muslims Ummah. Islamic law recognised that organization should only formed to call enjoy people to do good and forbid them from doing bad⁵⁷. The numbers of organization in Nigeria are by far now countless and indeed the registered ones are far less than those operating without legal recognition. Thus, this paper has highlighted the procedures stated by the law for registration of Islamic organization with the Corporate Affairs Commission (CAC). The paper has further demonstrated the benefits demonstrates the benefit of registration and disadvantages of non-registration. This paper has also examined some challenges facing the organization that want to register with CAC and made useful suggestions to both organization and commission. This paper recommended that the commission should increase the level of awareness for unregistered associations to register with serious monitoring on those that had already registered to make sure that they do not deviate from the purposes for which they were registered with the commission.

⁵⁶The issue of Ibrahim El-Sakizaki can be used as an example. The leader of the organisation register with the commission under the umbrella of Jamahatu Nasirul Islam with the aim of calling people to religion of Islam but later changed the association to a sect called Shiite with different aims and objectives from the one registered with Corporate Affairs Commission and this Sect later became threat to security of the nation and had been described as Terrorist organisation/group.

⁵⁷ Quran (n, 5)