



## Shree Pretoria Hindu Seva Samaj

Established in 1932

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*"Satyameva Jayate" - Truth Alone Prevails*

# **CONSTITUTION** **OF THE** **SHREE PRETORIA HINDU SEVA SAMAJ**

## **PREAMBLE**

*We, members of the Gujarati Hindu community of Pretoria / Tshwane, taking due cognizance of the tremendous contributions made by the pioneers of this community under severe and adverse historical socio-economic and political conditions, hereby pledge to diligently serve our community and to uphold and protect, in spirit and in deed, this Constitution and our Hindu Dharma.*

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## 1. NAME

The official name of the organization is the ***Shree Pretoria Hindu Seva Samaj***, hereby also referred to as the “***Samaj***” or “***SPHSS***”.

## 2. ADDRESS

### Street Address

264 13<sup>th</sup> Avenue, Laudium, 0037

## 3. VISION, MISSION & VALUES

### 3.1 ***VISION***

To forge a dynamic and progressive Hindu community that is anchored on the fundamental tenets of Hinduism, resulting in the SPHSS becoming the leading Hindu organisation in Pretoria / Tshwane

### 3.2 ***MISSION***

In pursuit of this vision, the Samaj will:

- Ensure that it effectively addresses the social, economic, cultural, spiritual, educational and political needs of the Hindu Community of the Pretoria/Tshwane region;
- Further the Hindu community’s positive image of being a good citizen;
- Improve the quality of life of the Gujarati community in particular and the wider community in which it co-exists.

### 3.3 ***VALUES***

The following values are “ETCHED” into our lives and underpin everything we do or undertake to do in the name of the Samaj:

- E = Empowerment of Community
- T = Transparency and Teamwork
- C = Committed to Excellence

H = Honesty, Integrity and Respect  
E = Ethical Behaviour  
D = Dharma

#### **4. AIMS & OBJECTIVES**

- 4.1 To represent, promote and protect the cultural, religious, social, educational, economic and political interests, needs and aspirations of the Hindu Gujarati community and, where relevant, the co-existing Hindu and other communities of the Greater Pretoria/Tshwane Municipal area;
- 4.2 To propagate the Hindu religion and culture in all its diversity;
- 4.3 To provide for the education of the Hindu Gujarati youth and adults in the Gujarati language, religion, dance, arts & culture;
- 4.4 To promote and support the value of education towards economic well-being;
- 4.5 To affiliate with local, provincial national and international bodies that have similar aims and objectives;
- 4.6 To consider the application of affiliation of bodies to the Samaj having similar aims and objectives;
- 4.7 To purchase, lease, hire, exchange, or otherwise acquire any immovable property; construct, maintain, alter any premises necessary or convenient for the purposes of the Samaj;
- 4.8 To uphold and encourage the values, beliefs and tenets as espoused in the various Hindu religious texts;
- 4.9 To raise funds for the achievements of the aims and objectives of the Samaj;
- 4.10 To form subcommittees as and when deemed necessary to meet the aims and objectives of the Samaj;
- 4.11 To ensure the interests of special groups within the community (youth, women & elderly) are promoted, protected and provided for;
- 4.12 To plan and encourage the observation of Hindu festivals;
- 4.13 To undertake charitable activities to assist the less fortunate and needy;
- 4.14 Create and maintain individual and associate membership databases as set out in the membership clause 5 below.

4.15 To abide by the following objectives as prescribed by section 30 of the Income Tax Act that regulate all public benefit organisations:

- i) The activities of the organisation will be carried on in a non-profit manner and with an altruistic or philanthropic intent.
- ii) No activity will directly or indirectly promote the economic self-interest of any fiduciary or employee of the organisation otherwise than by way of reasonable remuneration.
- iii) No funds will be distributed to any person (other than in the course of undertaking any public benefit activity).
- iv) The funds of the public benefit organisation will be used solely for the objects for which it was established.
- v) No donation will be accepted which is revocable at the instance of the donor for reasons other than a material failure to conform to the designated purposes and conditions of such donation, including any misrepresentation with regard to the tax deductibility thereof in terms of section 18A: Provided that a donor (other than a donor which is an approved public benefit organisation or an institution, board or body which is exempt from tax in terms of section 10(1)(cA)(i), which has as its sole or principal object the carrying on of any public benefit activity) may not impose any conditions which could enable such donor or any connected person in relation to such donor to derive some direct or indirect benefit from the application of such donation.
- vi) No remuneration will be paid to any employee, office bearer, member or other person which is excessive, having regard to what is generally considered reasonable in the sector and in relation to the service rendered and has not and will not economically benefit any person in a manner which is not consistent with its objects.

- vii) No resources will be used, directly or indirectly, to support advance or oppose any political party.
- viii) The Samaj will not be a party to, or does not knowingly permit, or has not knowingly permitted, itself to be used as part of any transaction, operation or scheme of which the sole or main purpose is the reduction, postponement or avoidance of liability for any tax, duty or levy which, but for such transaction, operation or scheme, would have been or would have become payable by any person under this Act or any other Act administered by the Commissioner.
- ix) All scholarships, bursaries or awards granted by the organisation will be *bona fide* and be granted to an individual on grounds of objective merit or need.
- x) No scholarship, bursary or award granted will be –
  - a) revocable, otherwise than for reasons of a material failure to conform to the designated purposes and conditions of the scholarship, bursary or award;
  - b) subject to conditions which would enable the donor of the funds of the scholarship, bursary or award or any connected person in relation to the donor, to derive some direct benefit from the application of the scholarship, bursary or award; or
  - c) granted to any person who is or will become an employee of the donor of the funds of the scholarship, bursary or award or the organisation (or any associated institution in relation to the donor or organisation) or any relative of the person, unless circumstances indicate that the scholarship, bursary or award would have been granted to the person or his or her relative, even if that person had not been an employee of the donor, organisation or associated institution.
- xi) All decisions regarding the granting of scholarships, bursaries and awards will be made by a duly constituted committee consisting of at least three persons who are not connected

persons in relation to the donors or the person to whom the scholarship, bursary or award is granted.

- xii) All scholarships, bursaries and awards granted in respect of overseas study, research or teaching will be subject to an undertaking by the person to whom the scholarship, bursary or award is granted –
  - a) to apply the knowledge obtained from the study, research or teaching immediately after completion thereof, in the Republic for a period of at least the period that the study, research or training was funded by the organisation; or
  - b) to refund the full amount of the scholarship, bursary or award should he or she decide not to apply the knowledge as contemplated in subparagraph (xii(a)) above.

## **5. MEMBERSHIP**

### **5.1 Individual Membership**

Membership of the Samaj, with full voting rights, is bestowed to all persons of Gujarati origin or any non-Gujarati spouse of a Gujarati member including persons born of parents of whom at least one parent is a Gujarati and who are:

- a) Over the age of 18;
- b) Legally residing in the Pretoria/Tshwane area;
- c) Following the Hindu faith; and
- d) Registered as a member of the Samaj.

A database of members that meet the above criteria must be maintained annually by the Samaj and which shall serve as proof of membership. Such database shall be utilized for vetting meeting attendance and elections.

## 5.2 Associate Membership

- a) All former Hindu Gujarati residents of Pretoria / Tshwane region or any non-Gujarati spouse of a Gujarati member including persons born of parents of whom at least one parent is a Gujarati who have relocated to other areas qualify for Associate Membership status upon request;
- b) A “Friends of the Samaj” association should be formed to give Associate Membership to former members who no longer reside in Pretoria / Tshwane. Associate Members are entitled to all privileges and rights as Members, except they do not have voting rights or qualify to be office bearers or recipients of any financial assistance that may be granted to members.

## 5.3 Affiliate Organisation Membership

Affiliate membership is open to any Hindu cultural, religious, social or spiritual organisation or mission and whose written application for membership has been approved by the Executive Committee of the Samaj and ratified by the Board of Trustees. All successful applicants will be required to abide by the letter and spirit of this Constitution.

# 6. STRUCTURE OF THE SAMAJ

## 6.1 A *Board of Trustees* consisting of nine (9) members:

- a) Five (5) members elected at a BGM, one of whom shall be the Chairperson of the Board of Trustees; and
- b) Four (4) Executive Committee (EC) members who will serve in ex-officio, non-voting capacity, namely the President, Deputy-President, Chief Financial Officer and Secretary-General

## 6.2 An *Executive Committee* consisting of:

- a) The President
- b) Deputy President
- c) Chief Financial Officer (CFO)
- d) Secretary General
- e) Assistant Secretary
- f) Treasurer General
- g) Two (2) Navyuga Mandal (Youth League) representatives



h) Heads of the various Portfolios

The election of Executive Committee members is subject to clause 6.5 below

6.3 **Portfolio Committees**, representing the key focus areas, consisting of:

- a) Portfolio Head
- b) At least Four (4) Portfolio Members

6.4 **Navyuga Mandal**

The Navyuga Mandal, hereby also referred to as the “**Navyug**” or “**PNM**”, enjoys a special relationship with the Samaj in that they are entitled to two representatives on the Executive Committee and an annual budget and programme approved by the Samaj whilst remaining an autonomous body with its own management framework. This special status is subject to the Navyuga Mandal adhering to the financial governance provisions of the Samaj Constitution.

If the Navyuga Mandal becomes dysfunctional for any reason, the Board of Trustees and/or the Executive Committee shall have the power to intervene with the objective of restoring the functionality of the Navyug.

6.4.1 Being an autonomous body PNM will be bound to its own constitution that is aligned to the principles of SPHSS.

6.5 The President, Deputy President and the Chief Financial Officer accept fiduciary responsibility for its status as a Public Benefit Organisation (PBO) and as such must declare that they are not “connected persons” in relation to each other; and no single person directly or indirectly controls the decision-making powers relating to the activities of the Samaj.

## 7. **FUNCTIONS, POWERS & DUTIES: BOARD OF TRUSTEES**

7.1 To uphold the spirit and letter of the Constitution;

7.2 To oversee the operations and functionality of the Samaj;

7.3 To bring to the attention of the Executive Committee any breach of the Constitution for their immediate action;

- 7.4 To request the Executive Committee to address any issues or matters of concern as observed by them or brought to their attention by members of the public;
- 7.5 To share their vision, experiences and wisdom and provide guidance to the Executive Committee in the fulfilment of their duties;
- 7.6 To ensure that the financial discipline of the Samaj is strictly in accordance with the “Financial Management and Administration Manual” adopted by both Trustees and Executive Committee of the SPHSS. Such manual, as amended
- 7.7 from time to time, must be in accordance with the provisions of the Constitution;
- 7.8 To approve all proposals or recommendations made by the Executive Committee with respect to the purchase, lease, alienation and mortgaging or encumbering of “Samaj” properties, subject to clause 7.9 below;
- 7.9 The Executive Committee and Trustees can only alienate Samaj property if it has sought and obtained the approval of two-thirds of members present at an AGM or a special meeting called specifically for this purpose.
- 7.10 To meet at least quarterly to receive reports, from the Executive Committee and to ensure adequate oversight takes place.
- 7.11 To assume custody of movable and immovable assets of the Samaj;
- 7.12 To receive and approve annually the consolidated budgeted Income & Expenditure statement of the Executive Committee;
- 7.13 To oversee the safe custody of all important documents belonging to the Samaj and ensure that the Executive Committee has placed them in a safe and/or strong room at the Samaj for safe keeping;
- 7.14 To conduct disciplinary hearings and to mediate in the event of a grievance or dispute referred to it by the Executive Committee;

- 7.15 To take disciplinary action against any member of the Executive Committee in case of a complaint related to behaviour that constitutes misconduct;
- 7.16 To assume control of the Samaj in the event, inter alia, that the Executive Committee fails to hold regular meetings and/or present annual financial statements and are therefore regarded as dysfunctional;
- 7.17 To convene a Special General Meeting of voting members of the Samaj in the event of serious breaches in governance or mismanagement of the affairs of the Samaj;
- 7.18 To communicate to members of the community any pertinent matters which impact on the public and/or are of public interest, after having duly informed the Executive Committee regarding the said matter;
- 7.19 To receive and approve within four (4) months after the financial year end of the Samaj, an Independent Review or Audited Annual Financial Statements as prepared and approved by the Executive Committee. The decision on whether to conduct an independent review or external audit lies with the Trustees; however, a full Audit must be undertaken after every 2 electoral terms or 4 years.
- 7.20 In the event of a vacancy arising, the Trustees must co-opt a member until the next election. Should the position of the Chairperson become vacant, the remaining Trustees must elect one among themselves to serve as Acting Chairperson until the next elections;
- 7.21 The President, Deputy President, Chief Financial Officer and Secretary General (or their delegates) will serve as ex officio members on the board of trustees without voting rights;
- 7.22 In the event of the resignation or removal of any executive office bearer from their position in the Executive Committee, then such person will automatically cease to be a trustee member;
- 7.23 No Trustee shall be deemed to have been released from his responsibilities of trusteeship unless and until his resignation has been or deemed to have been accepted, and he has delivered to other Trustees all the moneys, deeds,

documents and any other assets belonging to the Samaj which may be in his possession, custody and control;

- 7.24 None of the current executive committee members shall serve as Chairperson of the Board of Trustees;
- 7.25 To call up a public meeting for the purpose of electing a new executive committee should the elected executive committee fail to call up an AGM after the prescribed five (5) months after year end;
- 7.26 To conduct at least one internal audit every year to ensure that all provisions as captured in the Constitution and the Finance & Administration Manual are being strictly adhered to and to issue a report of shortcomings to the Executive Committee to action;
- 7.27 The Trustees are required to refer all operational matters to the Executive Committee to attend to thereby ensuring a clear separation of responsibilities between the two structures;
- 7.28 Trustees may, in a non-official capacity, volunteer to serve on any programme of activities as initiated by the Executive Committee;

## **8. FUNCTIONS, POWERS & DUTIES: EXECUTIVE COMMITTEE**

- 8.1 To ensure that all structures of the Samaj, including the Executive Committee, uphold the spirit and letter of the Constitution;
- 8.2 To pursue and realize the stated aims and objectives of the Samaj;
- 8.3 To develop policies, procedures and processes that assist in the efficient management of all aspects of Samaj affairs;
- 8.4 To uphold, review and revise administrative policies of the organisation to ensure good governance and functionality of the organization;
- 8.5 To form special discipline and grievance committees to resolve any disputes and grievances of staff, the public and Executive Committee members;

- 8.6 To ensure Independent Reviews and/or Audited Annual Financial Statements are finalised within four (4) months after the financial year end of the Samaj for approval by the Board of Trustees and presentation to the Annual General Meeting;
- 8.7 To attend to all matters of an urgent nature;
- 8.8 To consider and decide on programmes and activities of the organization;
- 8.9 To form interim and standing portfolio committees and to delegate all powers and responsibilities to such committees as it deems relevant;
- 8.10 To ratify any decisions made by the President on an urgent basis;
- 8.11 To consider and approve applications for individual, associate and affiliate membership received;
- 8.12 To receive, consider and approve the monthly portfolio committee reports and recommendations;
- 8.13 To ensure all approved minutes of Executive Committee meetings are circulated by whatever means practical to as many members of the community as possible;
- 8.14 To deploy members elected to the Executive Committee to serve on the various portfolio committees whenever necessary;
- 8.15 To safeguard the material interests and to sue on behalf of the Samaj with the prior approval of the Trustees;
- 8.16 To enter into contracts or agreements that is deemed in the interests of the Samaj;
- 8.17 The Executive Committee shall meet monthly but not less than 10 times per annum to consider, discuss and deal with all essential matters pertaining to the Samaj; The first Executive Committee meeting must be held within 4 calendar weeks of the BGM to, amongst other matters, ensure that a proper hand-over to newly elected officials takes place;
- 8.17.1 Provision will be made to permit Executive Committee meetings to be held on virtual platforms.
- 8.18 To take disciplinary action against any member of the Portfolio Committee in case of a complaint related to behaviour that constitutes misconduct;
- 8.19 The President may call a meeting at short notice when he deems it necessary;

- 8.20 The agenda of executive committee meetings must include, but is not limited to, the following: (a) Prayer & Welcome; (b) Attendance and Apologies; (c) Approval of Minutes; (d) Matters Arising from previous minutes; (e) Portfolio Reports; (f) Financial Report; (g) General; (h) Prayer & Closure. The meeting immediately after the elections must include an item seeking the approval of members nominated for appointment to the various portfolio committees;
- 8.21 To co-opt any specialist, expert or appropriately experienced person(s) to assist the Executive in the dispatch of its functions. Such person shall have no voting rights;
- 8.22 To lay criminal charges against any official, employee or member of the Samaj, whether current or past, for any alleged offence relating to theft, fraud, forgery or perjury or an offence involving misrepresentation or dishonesty relating to the Samaj;
- 8.23 The Executive Committee is obliged to address any issues or concerns related to Samaj matters referred to them by the Board of Trustees or through formal written submissions by community members as per the Samaj Grievance Policy;
- 8.24 The President may, with approval from the Executive, reshuffle the roles of Executive members when necessary.

## **9. FUNCTIONS POWERS & DUTIES: PORTFOLIO COMMITTEES**

- 9.1 The Executive Committee may, at its discretion, have as many portfolio committees as it deems necessary, each chaired by a portfolio head who will form part of the Executive Committee;
- 9.2 All portfolio committees have the right to co-opt any community member to serve on their committee, subject to Executive Committee approval;
- 9.3 Each portfolio committee head may appoint a team to assist him/her in the fulfilment of his/her duties;
- 9.4 At the commencement of a new financial year the portfolio committee shall submit to the Executive Committee, for approval, a plan of action which shall include but shall not be limited to the following: (1) Aims and Objectives; (2) Financial Plan – Budget; (3) Organisational Structure; (4) Control Procedures. Once approved the head of the portfolio committee shall be responsible for

the execution of the plan submitted. Progress report on the activities of the portfolio committee shall be submitted monthly to the Executive Committee;

- 9.5 Subject to the approval of the Executive Committee, all portfolio committees will have the power to frame their own operational guidelines and rules. In the event of any rule conflicting with a provision of this Constitution, then the Samaj Constitution takes precedence;
- 9.6 The Education Portfolio will have the right to hire and dismiss teachers, determine salaries of teachers, discipline and hear grievances of staff, learners and parents, manage the education loan and bursary funds as per approved policies and generally perform all such duties as expected of a school management team, subject to Executive Committee approval;
- 9.7 The portfolio committees may engage in fund-raising activities, subject to approval of the Executive Committee;
- 9.8 The portfolio committees are required to keep proper records of their activities and present monthly written reports to the Executive Committee that covers at least the following:  
(1) Progress against Year Plan; (2) Deviation from Approved Budget; (3) Matters requiring decision of the Executive Committee; (4) Feedback on matters raised by the Executive Committee.
- 9.9 Portfolio committee decisions are subject to ratification by the Executive Committee, which has the right to change or amend any decision made by a portfolio committee. Although portfolio committee members are not elected at the AGM, such appointments are subject to the disciplinary code of the Constitution as their appointment has been sanctioned by the Executive Committee.

## **10 FUNCTIONS, POWERS & DUTIES: PRESIDENCY**

### **10.1 *The President shall:***

- a) Provide strategic and visionary leadership to the organisation;
- b) Manage all operational aspects of the organisation and ensure that sound governance prevails;
- c) Foster a sense of cooperation and work towards a unity of purpose;

- d) Together with the executive committee, be responsible for representing the organization at all forums and to project a positive image of the Gujarati Hindu community;
- e) Be guided by this Constitution and to uphold at all times the spirit and letter of this Constitution;
- f) In the event of a dispute, doubt or difficulty arising out of *matters of procedure* or order, the decision of the President shall be final and conclusive, subject to the decision not being in conflict with the provisions of the Constitution;
- g) Adopt a consultative approach to decision-making and in the event of a lack of consensus, the majority decision of the Executive Committee will prevail;
- h) Forge positive working relationships with all levels of government and other communities.

#### **10.2    *The Deputy President (Relations) shall:***

- a) In all matters listed above, stand in for the President when he/she is unable to conduct his/her official duties;
- b) Serve as a Public Relations Officer;
- c) Represent the Samaj on various religious, cultural and social forums;
- d) Assist in formulating and actively pursuing an economic development strategy for the Samaj and community at large;
- e) Together with the President, forge positive working relationships with all levels of government and other communities;
- f) With the President, oversee and manage the duties and responsibility of the administration office and staff;
- g) Together with the Secretary General, the Deputy President (Relations) is responsible for all press releases and generally communicates to the outside world, in consultation with and approval of the President.



## **11. FUNCTIONS, POWERS & DUTIES: SECRETARIAT**

- 11.1 The Secretariat are the custodians of Samaj records and are responsible for the efficient functioning of all administrative matters;
- 11.2 The Secretariat is responsible for maintaining the integrity of the Constitution;
- 11.3 The Secretariat, together with the relevant portfolio committees, must ensure policies and standard operating procedures are drawn up and implemented for all programmes and activities of the Samaj as per its stated aims and objectives;
- 11.4 The Secretariat is responsible for implementing and maintaining all electronic communication systems (including websites and social media) that permit ease of communication with members that have been approved for use by the Executive Committee;
- 11.5 The secretariat is responsible for the management of all meetings, AGM and BGM (including the electoral process);
- 11.6 To keep and maintain proper records of Samaj meetings, correspondences, membership records and activities;
- 11.7 To call up all meetings, in consultation with the President;
- 11.8 To assist the Deputy President to issue press releases and generally communicate to the outside world, in consultation with and approval of the President;
- 11.9 To ensure draft minutes are completed and circulated to officials within two (2) calendar weeks of an Executive Committee and Trustee meetings for approval of accuracy and circulated to the community within three (3) calendar weeks.
- 11.10 The Secretariat is responsible for maintaining all databases, amongst others, the membership database, email database, WhatsApp database, SMS database.

## **12. FUNCTIONS, POWERS & DUTIES: TREASURY**

*(Chief Financial Officer and Treasurer General)*

- 12.1 To properly administer the finances of the Samaj, including those of the various portfolios, by ensuring adequate internal control systems and audit trails are in place for the intact banking of all funds received and payments

made; and to record, safeguard, control and accurately report all transactions timeously;

- 12.2 The Treasurer must maintain proper books of accounts in accordance with the Financial & Administrative Manual and in terms of the generally accepted accounting standards in order to ensure transparency and accountability of the Samaj. A full-time financial administrator should be employed to maintain the documents and present monthly status reports to the Treasury /Executive Committee;
- 12.3 The Chief Financial Officer (CFO) to ensure that the Samaj obtains and maintains its status as a Non-Profit Organisation (NPO) with the Dept. of Social Welfare as well as that of a Public Benefit Organisation (PBO) with the South African Revenue Service;
- 12.4 The CFO to ensure that the financial statements are reviewed or audited by an independent auditor registered with the Public Accountants and Auditors Board (PAAB). Such audited financial statements must be finalised within four (4) months after the financial year end of the Samaj for approval by the Board of Trustees and for presentation at the Annual General Meeting;
- 12.5 Despite the provision for a review of financial statements as opposed to a full audit as provided for in 12.4, the CFO must ensure that a full audit of the Samaj accounts takes place at least every two (2) electoral terms or four (4) years.
- 12.6 Samaj banking accounts can be operated by any TWO (2) of the following FOUR (4) officials: President; Deputy President; Chief Financial Officer; Treasurer General.

### **13. FINANCIAL MATTERS**

- 13.1 The Samaj's financial year shall be from 1 January to 31 December of the same year;
- 13.2 Independently Reviewed or Audited Financial Statements shall be made available to the community at least 21 calendar days prior to the AGM/BGM, by means of the website, bulk email system or by having hard copies available at the Samaj office. Community members who wish to submit queries or concerns on specific issues in the Financial Statements must submit such an intention seven (7) calendar days before the date of the AGM/BGM to the office. This provision will enable the Treasury to provide a proper response/explanation at the AGM/BGM.

- 13.3 Any member of the Samaj may be allowed to inspect and examine any/all books, documents and accounts of the Samaj, subject to at least ten (10) calendar days written prior notice, which must be delivered to the Samaj office for the attention of the Secretary-General of the Executive Committee;
- 13.4 Standard operating procedures, as provided for in the “Financial Management and Administration Manual” should give directive to manage all financial matters. This manual must be reviewed annually and provide a guide for accountants, bookkeepers and auditors or any person enquiring on the financial matters of the Samaj;
- 13.5 All payments to creditors which include the petty cash held by the administration office will be dealt with in accordance with the “Financial Management and Administration Manual”;
- 13.6 All records including those specified in the “Financial Management and Administration Manual” must be kept in the Administration Office in a systematic and orderly manner;
- 13.7 All payments, whenever possible, must be made by means of an electronic fund transfer (EFT). The financial administrator will be required to input the request for payment on the system; after satisfying themselves on the legitimacy of the claim, any two (2) authorized officials as per clause 12.5 may release payment;
- 13.8 All cash donations must, as far as is possible and practical, follow the procedure as illustrated in the “Financial Management and Administration Manual”.

## **14. COMMUNICATION**

- 14.1 To fulfil the Samaj’s commitment to open, honest and timeous communication;
- 14.2 All Executive Committee and Trustee minutes (including minutes of special meetings) must be electronically circulated within three (3) calendar weeks of meetings held. Upon request, the office must make hard copies available to those members who do not have electronic facilities;
- 14.3 All minutes must be uploaded on to the Samaj website and be available to the public within four (4) calendar weeks;

- 14.4 Other forms of electronic communication, such as press releases, adverts, newsletters, SMS, etc. should also be utilised whenever necessary;
- 14.5 All correspondence, complaints or grievances received by the office must be acknowledged and dealt with in accordance with the Samaj Communication Policy;
- 14.6 Any correspondence, complaint or grievance not relating to Samaj affairs will not be entertained nor acknowledged;
- 14.7 All members must be informed of all AGM & BGM meetings, including special meetings by electronic or other means such as newsletters, notice board, the local newspaper, etc.
- 14.8 Within four calendar weeks after the BGM, the Executive Committee shall provide the community with the names and contact details of all elected members of the Executive and Portfolio Committees;
- 14.9 All formal communication to the community by any official or staff member, with the exception of the Balmandir & Gujarati Schools, must be sanctioned by the President and/or the Executive Committee;
- 14.10 Communications by the Gujarati & Balmandir Schools must be sanctioned by the Education portfolio head.

## 15. ELECTION OF OFFICE BEARERS

- 15.1 The Board of Trustees, Executive Committee members and Portfolio Heads shall be elected at a Biennial General Meeting (BGM);
- 15.2 Elections of office bearers shall be by secret ballot;
- 15.3 The following ***electoral process*** is to be followed:
  - a) Nominations for all positions will be open 3 calendar weeks prior to elections;
  - b) Nominations may be posted to the Secretary General, hand-delivered to the office or sent by electronic mail. Motivations in support of the nomination may be included;
  - c) All nominations must be submitted on the prescribed form, which shall include the signature of the nominee confirming his/her willingness to serve. Self-nomination is also acceptable.

- 15.4 Only in the event of no prior nominations for a specific position has been received, nominations may be made from the floor at the BGM;
- 15.5 Individuals may accept nomination for more than one position;
- 15.6 Cut-off date for nominations will be one (1) week prior to the BGM;
- 15.7 At the BGM, ballot papers containing the names of those nominated for the various positions will be circulated to each attendee;
- 15.8 An independent electoral officer, who has not been nominated for any position, will be appointed by public acclaim;
- 15.9 Proxy votes are not allowed;
- 15.10 Nominees for the various positions will be allowed within a maximum time, as determined by the electoral officer, to present themselves in support of their nomination;
- 15.11 Persons deemed to be not fit and proper persons to hold office shall be disqualified from acting as office bearers, include but is not limited to:
  - a) Any person who is disqualified or ineligible from acting as a Director of a company in terms of section 69 of the Company's Act 71 of 2008 as amended or any corresponding statutory provision;
  - b) A person who is of unsound mind or has been declared incapable of managing his/her affairs;
  - c) A person who has been convicted of any crime and is sentenced thereof to serve a term of imprisonment without the option of a fine;
  - d) Any person found guilty of misconduct by the disciplinary committee of the Samaj or by a majority vote at a general meeting/special general meeting.
- 15.12 A person, who has been disqualified for holding office on any of the above provisions, may apply to SPHSS Board of Trustees for the ruling to be revoked or set aside on the grounds that sufficient time has lapsed or that evidence of rehabilitation exists.
- 15.13 A nominated person must be present at the BGM to be considered for election to a position on the Executive Committee or Board of Trustees, save when the candidate has submitted in writing his willingness to serve, provided sound and valid reasons for non-attendance and such non-attendance is approved by the Chairman of the Board of Trustees;

- 15.14 An employee of the Samaj is ineligible to stand concurrently for election as an official or trustee.
- 15.14.1 No office bearer may take on a position on the Executive Committee or a specified portfolio if it is in conflict with an employee of SPHSS, that resides within the same household;
- 15.15 Election of office bearers from within the same household will categorically not be permitted.
- 15.15.1 Should a situation arise where there is a vacant position which has not been filled after 90 days, the trustees of the SPHSS will be the only body that will be able to make an exception decision, by way of a resolution, to permit roles as office bearers from within a given household;
- 15.15.2 Office bearers are to complete a Declaration form, declaring any conflicts of interests on an annual basis or should any changes arise in the course of the year, then office bearers must submit an updated declaration form. This declaration form will be kept by SPHSS secretary.

## **16. MEETINGS**

### **16.1 *Biennial General Meetings (BGM)***

BGM meetings will be held not later than five (5) months after the official financial year to consider the following matters:

- a) Minutes of the Previous AGM
- b) Matters Arising from Minutes
- c) Presidential Report
- d) Secretarial Report
- e) Audited Financial Report - Community members who wish to submit specific issues on the Financial Statements must submit such an intention seven (7) calendar days before the date of the AGM/BGM to the office.
- f) Correspondence
- g) Amendments to the Constitution (refer to clause 24.2)

- h) Appointment of an auditor
- i) Elections
- j) General - Community members who wish to raise specific issues at the BGM or AGM must give due notice of such an intention at least seven (7) days before the advertised date of the AGM/BGM to the office.

## **16.2 Annual General Meeting**

AGM meetings shall be held not later than five (5) months after the official financial year to consider all matters as listed in clause 16.1, except that no elections will be held;

## **16.3 Special General Meetings**

The Secretary General shall be obliged to call up a special meeting to discuss any specific matter, subject to the following:

- a) On the direction of the President; or
- b) On the written, duly motivated direction of a majority of the Executive committee members; or
- c) On receipt of a written request / petition from at least 50 community members, subject to the approval of the majority of the members of the Board of Trustees. Such a request must be properly motivated; or
- d) On the written, duly motivated direction of a majority of Trustees.

## **17. QUORUM FOR MEETINGS**

The **quorum** for meetings shall be as follows:

- a) Annual/Biennial General Meetings : 30 members
- b) Board of Trustees Meetings : 4 members

- c) Executive Committee Meetings : 6 members
- d) Special General Meetings : 30 members
- e) Portfolio Committees : 3 members

In all meetings of the Executive Committee, three of the following must be present to constitute a quorum: President or Deputy President; Chief Financial Officer (CFO) or Treasurer General (TG) and Secretary General (SG) or Assistant Secretary (AS). Should a quorum not be formed within 30 minutes of the meeting notice, the meeting has to be adjourned for a period of at least one week and re-advertised. Should a quorum still not be achieved at the subsequent meeting, the members present shall constitute a quorum and all decisions taken would be binding.

## **18. NOTICE OF MEETINGS**

The secretariat shall give notice of meetings as follows:

- Annual/Biennial General Meetings : 21 calendar days
- Board of Trustees : 7 calendar days
- Executive Committee : 7 calendar days
- Special General Meeting : 14 calendar days
- Portfolio Committee Meetings : 2 calendar days
- Special Executive Committee Meeting : 1 calendar day or shorter notice



## **19. TERM OF OFFICE**

- 19.1 The President of the Executive Committee and the Chairperson of the Board of Trustees may serve for a maximum of two consecutive terms (i.e. 4 years);
- 19.2 He/she may, however, make him/her-self available for re-election as President of the Executive or Chairman of the Board of Trustees after at least two (2) years have elapsed;
- 19.3 Executive Committee members can similarly serve a maximum of 2 terms (4 years) in any single position;
- 19.4 Notwithstanding clause 19.3 above, any executive committee member can be nominated for another position other than the one he/she has already served in;
- 19.5 All trustees serve a maximum of 2 terms (4 years).

## **20. SUSPENSION / TERMINATION OF OFFICE BEARERS**

### **20.1 Precautionary Suspension of Office Bearers**

- a) An office bearer may be suspended from the Board of Trustees, Executive Committee or Portfolio Committee by the Chairman of Trustees and/or President (whichever is applicable) if such member is alleged to have contravened the Constitution or the Samaj's Code of Conduct or behaved in a manner that constitutes misconduct;
- b) In both a punitive or precautionary suspension, steps must be taken to ensure the proper legal processes for suspension are followed as per the approved Samaj Disciplinary Policy. After suspension, a disciplinary hearing must take place in terms of clause 21 of this Constitution;
- c) During the period of suspension, the office bearer may no longer exercise his/her duties as an official until the conclusion of the disciplinary hearing.

## **20.2 Disqualification/Termination of Office Bearers**

An official is disqualified from acting as office bearer, if he/she is found guilty of the following:

- a) Failure to attend three (3) consecutive meetings without apologies;
- b) Failure to attend five (5) consecutive meetings, with or without apologies;
- c) Renunciation of the Hindu faith;
- d) Misappropriation of Samaj funds;
- e) He / she no longer resides in the greater Tshwane / Pretoria area;
- f) He/she becomes disqualified in terms of clause 15.11;
- g) He/she becomes disqualified in terms of clause 21 relating to the decision of the Samaj Disciplinary Committee, which decision is final and conclusive in terms of clause 21 below.

## **21. DISCIPLINARY PROCEDURE**

In the event a member of the Board of Trustees, Executive Committee or Portfolio Committee is alleged to have breached the code of conduct and/or Constitution of the Samaj or behaved in a manner that constitutes misconduct, a disciplinary hearing in accordance with the provisions of the Complaints Resolution Policy, Procedure & Guidelines, as amended, must be instituted.

## **22. COMMUNITY GRIEVANCES & COMPLAINTS**

- a) In the event a grievance or complaint by a member of the public is brought to the attention of any member of the Board of Trustees, Executive Committee or Portfolio Committee, the complainant must be advised to lodge their complaint in writing with the Samaj Complaints Officer (Samaj Administrator). The Samaj Administrator will inform the complainant in writing within 2 days that the complaint will be dealt with in accordance with the provisions provided for in the Samaj Complaints

Resolution Policy, Procedure & Guidelines (as amended) by no later than 30 calendar days from date of complaint;

- b) The Samaj administrator must forward the complaint to the Secretary-General and/or the Executive Committee within one (1) day of receipt;
- c) The Samaj officials are duty bound to deal with such complaints in an open, constructive and procedurally fair manner as set out in the Samaj Complaints Resolution Policy, Procedure & Guidelines. Failure to do so constitutes misconduct.

## **23. INDEMNITY**

Every member or employee of the Samaj is hereby indemnified in their personal capacities against any action taken against the Shree Pretoria Hindu Seva Samaj;

The Shree Pretoria Hindu Seva Samaj also agrees to absolve and hold harmless any officer or employee against any loss suffered by the Samaj as a consequence of their actions arising from them performing their lawful duties, unless such acts are the result of wilful or malicious misconduct.

## **24. AMENDMENTS TO THE CONSTITUTION**

- 24.1 This Constitution may only be amended with the approval of two-thirds of the members present at an AGM or at a special general meeting called for this purpose.
- 24.2 Notice to change the Constitution must be circulated at least two (2) calendar weeks prior to the date of an AGM/BGM/ or Special General Meeting called for this purpose.
- 24.3 The applicable clauses to be changed must accompany such notice.
- 24.4 All modifications and objections to the amendments must be directed to the Secretary-General at least three (3) calendar days before the meeting for consideration at the meeting.
- 24.5 The Executive Committee shall formally engage the community in a constitutional review process every 5 years to ensure that any revealed weaknesses are addressed, and new insights incorporated.

- 24.6 A copy of all amendments to the memorandum of incorporation must be submitted to the Commissioner of SARS for approval as per requirements of section 30 of the Income Tax Act.

## 25. REIMBURSEMENT FOR LEGITIMATE EXPENSE

No reimbursement may be given to officials for attending regular **Samaj** meetings held in the greater Pretoria / Tshwane area; however, all expenses incurred by officials for the hosting of strategic sessions are deemed to be legitimate;

Officials authorized by the President and/or Executive Committee to attend forums or meetings on behalf of the Samaj outside of Pretoria then such officials may claim a refund for legitimate expenses incurred, as follows:

Car travel	:	prevailing AA rates for medium-size car (1800 CC);
Air travel	:	economy-class rates only;
Accommodation	:	not exceeding 3-star rate;
Meals	:	as per meal voucher presented

## 26. USE OF MANDIR

- 26.1 It is a fundamental principle that the Mandir is open, free of charge to all spiritual organisations, bhajan groups or mandals for the purpose of conducting prayers and the observance of religious ceremonies. Any photos or murthis brought into the Mandir for this purpose must be removed after the function;
- 26.2 The day to day governance of the Mandir, operational guidelines, and the celebration of events will be set and reviewed by the Religion & Culture Portfolio, in consultation with the resident priest and with the approval of the executive committee;
- 26.3 Any revenue generated or donations received within the Mandir e.g. aarti money, are to be collected and accounted for by the Religious & Culture Committee and banked into the Samaj account as per the provisions of the Finance & Administration manual;

- 26.4 No item donated by any person for placement in the Mandir may have a name inscribed on it. No donated item may be placed in the Mandir, hung on murthis or hung on Mandir walls without the express written approval of the Executive Committee.

## **27. PROVISION OF RELIGIOUS SERVICES TO THE COMMUNITY**

The Executive shall be responsible for drawing up the conditions of employment for the resident priest as well as a guideline setting out the minimum “dakshina” (tariff) which shall be reviewed at least once every year.

## **28 DISPUTES**

In the event of this Constitution being silent on any matter of dispute, the Executive Committee and Trustees must consult the provisions of the South African Constitution in arriving at a decision.

## **29. OATH OF ALLEGIANCE**

Upon being elected at a BGM, all elected officials will be required to publicly swear an oath to serve the Samaj to the best of their ability and to abide by this Constitution. The presiding officer at the elections will preside over this ceremony.

## **30. DISSOLUTION**

### **30.1 *Decision to Dissolve***

The Samaj may be dissolved if at least two-thirds of the members present at a special general meeting of the community convened for the purpose of considering such a step vote in favour of dissolution. Not less than 21 calendar days’ notice shall be given for such a meeting. If there is no quorum for such a meeting, the meeting shall be postponed for not less than one week in which case the members then present shall constitute a quorum.

### 30.2 ***Distribution of Assets***

If upon dissolution, there remain any assets whatsoever after the satisfaction of all its debts and liabilities, such assets shall be:

- 30.2.1 Distributed to any registered Public Benefit Organisation, which has been approved in terms of section 30 of the Income Tax Act;
- 30.2.2 Any institution, board or body which is exempt from the payment of income tax in terms of section 10(1) (cA) (i) of the Act, which has as its sole or principal object the carrying on of any public benefit activity; or
- 30.2.3 Any department of state or administration in the national, provincial or local sphere of government in the Republic, contemplated in section 10(1)(a) or (b) of the Act.

*APPROVED & ADOPTED AT A SPECIAL GENERAL MEETING HELD AT LAUDIUM IN THE SAMAJ AUDITORIUM ON 29 SEPTEMBER 2009 AND THEREAFTER AMENDED ON 22 APRIL 2012, 25 MAY 2013 & 11 MAY 2014, 28MAY 2017, 26 May 2019 and 21 May 2023.*



**SANJAY GOVIND**

**PRESIDENT: SPHSS**

**DATE: 26 May 2025**



**MANSUKH CHHIBA**

**CHAIRMAN OF TRUSTEES**

**DATE: 26 May 2025**