

THE HINDU COUNCIL OF TANZANIA

CONSTITUTION

[AMENDMENTS]

1.0 NAME:

The name of the association shall be THE HINDU COUNCIL OF TANZANIA (hereinafter referred to as “THE COUNCIL”).

2.0 OFFICE:

The Council shall have its registered office in DAR ES SALAAM. The Council may establish chapters in other towns or cities of Tanzania.

3.0 STATUS:

The Council shall be a Hindu Religious and Social Organization which shall be charitable, non-political and non-governmental body duly registered under the laws of Tanzania and shall be an apex Hindu Organization in Tanzania.

4.0 DEFINITIONS AND INTERPRETATION:

The term Hindu organization shall cover all Hindu Sub-Communities and organizations and shall embody such institutions that have religious and/or social beliefs based on Vedic Hindu religion, way and philosophy of life including principles as practiced in Jainism, Buddhism and Sikhism any specific meaning of various terminology and words used in this Constitution shall be defined in By Laws.

5.0 AIMS AND OBJECTS:

The Council shall operate as “Not-for-profit” organization, that is also non-political; and to undertake only such established objects that qualify the association as a charitable organization within the meaning of this term under the Income Tax Act of Tanzania.

The objects are:

- 5.1 To form a union of all Hindu Organizations established or to be established and operating in the United Republic of Tanzania.
- 5.2 To promote religious, social and cultural welfare of Hindus residing in Tanzania.
- 5.3 To promote, support and organize such activities as might encourage the advancement, propagation of Hindu Culture, philosophy and religion.
- 5.4 To promote and coordinate the activities of Hindu Communities in Tanzania with a view to advocating, safeguarding and protecting the interests, general welfare and social betterment of the Hindus residing in Tanzania.
- 5.5 To foster a spirit of fellowship, co-operation, friendship and goodwill between all Hindu based groups in Tanzania.
- 5.6 To strive for and guide Hindus in achieving social, cultural and religious up-liftment.
- 5.7 To assist in amicably the settlement of disputes between member organizations, if mutually invited, for independent mediation.
- 5.8 To establish chapters throughout the United Republic of Tanzania for better administration of the Council's activities and implementation of its objects.
- 5.9 To print, publish or cause to be printed and published and to distribute books, booklets, leaflets, newsletters, magazines and other periodicals

and other media of communication for the purpose of giving information with regards to the work of the council and for furtherance of its objects expressing the religious perspective on social and ethical matters.

- 5.10 To promote and encourage establishment of Institutions of learning including study classes, Library and Resource Centers.
- 5.11 To conduct training programs on Hinduism, youth leadership and community service
- 5.12 To arrange cultural exhibitions, programs, seminars, conventions and conferences and such other activities to transmit and advance Hindu religion generally.
- 5.13 To assist community members in the relief of poverty or distress for their social advancement.
- 5.14 To coordinate and participate in the activities of all communities herein referred to under Article 4.0, Definition and Interpretation of this Constitution; Hindu Organizations, nationally, regionally and internationally.
- 5.15 To facilitate the representation of communities herein referred to under Article 4, Definition and Interpretation of this Constitution in the activities of inter-faith or religions organizations to promote harmony and mutual understanding, nationally, regionally and internationally.
- 5.16 To make representations to the appropriate Governmental and/or nongovernmental authorities on any matters affecting the well being and interests of the communities herein referred to under Article 4, Definition and Interpretation of this Constitution.

5.17 To acquire, hold, lease or license moveable and immoveable properties and do all such acts or deeds to fulfill the objectives of the Council

5.18 Generally, to do all such things as may be connected with or incidental to the above objects or any of them.

6.0 MEMBERSHIP:

The Council shall have the following two categories of members:

6.1 FOUNDER MEMBER:

All Hindu Mandal(s) and Union(s) registered under the Society Ordinance as enacted by the Government of the United Republic of Tanzania shall be the Founder Members of the Council.

6.2 CONSTITUENT MEMBER:

All Hindu organizations herein referred to under Article 4, Definition and Interpretation of this Constitution which are non-political in character and which are registered under the Societies Act or exempted from registration under the said act, shall be eligible for membership (hereinafter called "CONSTITUENT MEMBER").

6.3 An individual person shall not be eligible for membership.

6.4 MEMBERS APPLICATION:

Application for membership may be submitted to the Council by any eligible Institution accompanied by a true certified copy of its Constitution and Rules currently in force together with a list of its members, Certificate of Registration or letter of Exemption from the Registrar of Societies. Any amendments made to the constitution and rules from time to time shall be submitted within three months of such changes.

Such application shall be considered by the Executive Council. The Council's decision in regards acceptance or otherwise of the application shall be final and conclusive.

6.5 ANNUAL SUBSCRIPTION:

The annual subscription payable by a member shall be non-refundable fee as the Council shall from time to time stipulate in its By-Laws.

6.6 PROCEDURE FOR MEMBERSHIP AND RIGHTS OF THE MEMBER:

Application for Constituent Membership may be submitted as provided in the Article 6.6.1 of this constitution. All members shall be represented by two representatives who shall be called The Councilors.

6.6.1 A letter addressed to the Secretary General of the Council and signed by any two of current Chairman, Vice Chairman or Secretary of the Member advising jointly of the names and profiles of its nominated representatives shall be subject to approval by the Council as sufficient evidence of such persons having been so appointed.

6.6.2 The vote of such representatives shall be deemed to be the vote of the Constituent Member. The Constituent Members shall have voting rights through their nominated representatives provided it is not in breach of any of the provisions of this Constitution.

6.7 EXPULSION OR SUSPENSION FROM OR CESSATION OF MEMBERSHIP:

The Executive Council may recommend to the Extraordinary or Annual General Assembly, if it thinks fit, to expel or suspend or cease membership of a Founder or Constituent Member(s) or its representatives if any member or its representative have exhibited gross disregard of any decision of the Council or its activities and found prejudicial and/or detrimental to the interest and well-being of the Council. Councilors present, may, if it thinks proper, reinstate or restore the membership of a Constituent Member or its representative.

7.0 OFFICE BEARERS:

The Five Office Bearers of this Council shall be comprised of:

- 7.0.1 Chairman
- 7.0.2 Vice Chairman
- 7.0.3 Secretary General
- 7.0.4 Assistant Secretary General
- 7.0.5 Treasurer

7.1 The office bearers shall be elected at the Annual General Assembly by a simple majority of Councilors present at such meeting. The functions of each Office Bearer shall be as per provisions provided for in the By-laws ratified at the Annual General Assembly.

7.2 The office bearers shall hold office until expiry of his/her term of office for TWO Years following the General assembly at which they are elected.

7.3 Any vacancy of an office bearer/s during the year shall be filled by the Executive Council and office bearer/s so appointed shall be designated as 'ACTING' until the next Annual General Assembly.

7.4 No person shall ordinarily hold office the of the Office bearer continuously for more than one term of two years. The General Assembly may however ratify the candidacy of the incumbent Office Bearers if he/she so applies for a further term of 2 Years Term through Nomination Committee. Any other Councilor aspiring to contest for any position may seek Nomination through Nomination Committee. Any other councilor aspiring to contest any position must seek nomination through the Nomination Committee.

7.5 The office bearers shall perform such duties as are usually performed by the holder of such offices and as provided for under By-laws ratified at the Annual General Assembly.

- 7.6 No office bearers shall be entitled to be paid any remuneration. However, reimbursements of expenditure incurred by one in the execution of his/her duties and responsibility, shall be made and approved by the Executive Council as herein after provided under Article 13.0

8.0 NOMINATION COMMITTEE

This Committee shall comprise of independent members of good standing and immaculate and clean record of Community Service. The committee comprising of Six Members shall serve on the Council for One Term of Two Years.

- 8.1 Member of the Nomination Committee shall be any member of Hindu community of good standing. Constituent Member shall submit names of such member to the Executive Council 30 days prior to election.

The duties of the Committee shall be:

- 8.2 To receive applications from aspiring candidates who express their wish to contest for a specific position of an Office Bearer or a Member of the Executive Council
- 8.3 To scrutinize all applications in accordance with set criteria.
- 8.4 To forward applications duly proposed and seconded by the Founder or Constituent Member to the Annual General Assembly for election.
- 8.5 The decision of the Committee shall be final and conclusive.
- 8.6 The Committee may invite Founder or Constituent Members to propose names of candidates from the floor in the event of non-receipt of the required number of applications for any position of the Executive Council.

9.0 THE EXECUTIVE COUNCIL:

- 9.1 The Executive Council shall comprise of the following persons
- 9.1.1 Office bearers referred to under Article 7.0 above.

- 9.1.2 Six Councilors shall be elected as Executive Councilors on the Executive Council at the Annual General Assembly.
- 9.1.3 Immediate Past Chairman.
- 9.1.4 Members of the Managing Committee shall not hold office for more than two consecutive years.
- 9.1.5 Any vacancy of a member during the year shall be filled by the Executive Council.

9.2 POWERS OF THE EXECUTIVE COUNCIL.

- 9.2.1 To co-opt any person(s) from the registered Constituent or Founding Members whose expertise may be useful and necessary in the setting of organization and methods. Persons so co-opted shall have no right to vote.
- 9.2.2 To appoint such sub-committees as may be necessary to undertake any particular assignment. The Chairman and the Hon. Secretary General shall be Ex-Officio Members of all such Sub-committees.
- 9.2.3 To make rules and by-laws from time to time for proper working of the Council.
- 9.2.4 To direct control and manage the affairs of the Council including funds, properties and other assets of the Council.
- 9.2.5 To acquire, hold, lease or license moveable and immoveable properties and do all such acts or deeds to fulfill the objectives of the Council.
- 9.2.6 To promote and undertake all such activities as may be deemed desirable to achieve its objects.
- 9.2.7 To amicably resolve any or all disputes related to the affairs of the Council without resorting to Court action.
- 9.2.8 To approve Reports of Secretary General.
- 9.2.9 To Approve audited Accounts and Budget for the ensuing year prior to presenting them at Annual General Assembly of the Council.
- 9.2.10 To promote and participate in activities that motivates all Founder and Constituent Members undertake projects or programs for the benefit of Hindu Community and the public at large.
- 9.2.11 To organize such activities this enhances the image of the Council.

- 9.2.12 To convene all meetings as stipulated herein provided for under Article 10.0

10.0 ASSEMBLIES:

10.1 ANNUAL GENERAL ASSEMBLY

Annual General Assembly shall discuss:

- 10.1.1 The Executive Council; shall convene the Annual General Assembly on a date to be fixed by it on or before the 30th March of each year to transact the following business
- 10.1.2 To confirm the minutes of the last Annual General Meeting.
- 10.1.3 To receive and adopt the Annual Report of the Secretary General
- 10.1.4 To receive and adopt the Audited Accounts for the previous year.
- 10.1.5 To approve the Council's Budget concerning income and expenditure of the ensuing year.
- 10.1.6 To appoint Auditors.
- 10.1.7 To decide on any resolution other than amendments to the Constitution, Any resolution for amendment to the Constitution is hereinafter provided in Article 19.0 of the Constitution.
- 10.1.8 Any other business with the permission of the Chair. Any Councilor who wishes to move any resolution at the Annual General Assembly, may do so by giving written notice thereof duly seconded by another member to the Secretary not less than Fourteen days before the date of such meeting.
- 10.1.9 Election of the Office Bearers and Executive Councilors shall take place every alternate year. Rights and privileges are as stipulated under Articles 10 and 13 of this constitution.
- 10.1.10 The Trustees shall conduct elections at the General Assembly. Commissar for conducting the election shall be appointed by the Board of Trustees.
- 10.1.11 NOTICE:
A minimum of 30 days notice in writing shall be given to all the Councilors by Secretary General indicating the date, time, place and agenda of the

Assembly. A notice inserted in any one or more newspapers and/ or electronic media selected by the Executive Council shall be deemed as duly given to all Councilors on the day of publication.

10.1.12 QUORUM:

The quorum for the Annual General Assembly shall be one half (50%) of the Councilors. In the event of the necessary quorum not being present within forty five minutes after the time appointed for the commencement of the Assembly, the Assembly shall be adjourned to any other day in the next 2 week s period .If at the adjourned meeting a quorum is not present within thirty minutes after the time appointed for the commencement of the assembly, the Councilors present shall form a quorum.

10.1.13 VOTING:

10.1.13.1 Voting shall be done by secret ballot.

10.1.13.2 Every Councilor present in person shall have one vote

10.1.13.3 NO Councilor shall be entitled to vote or stand election for any position by proxy.

10.2 SPECIAL GENERAL ASSEMBLY:

10.2.1 In addition to the Annual General Assembly the Executive Council may convene Special General Assembly every Four Months.

10.2.2 The purpose of such Assemblies shall be:

10.2.2.1 Updating Councilors with the Administration and Financial affairs of the Council.

10.2.2.2 Updating Councilors with information on programs and projects.

10.2.2.3 Updating Councilors with any such information beneficial to the Council, its Members and Hindu Community at large.

10.2.2.4 NOTICE:

A minimum of Fourteen days notice in writing shall be given to all the Councilors by the Secretary General indicating the date, time, place and

agenda of the Assembly. A notice inserted in any one or more newspapers and/ or electronic media selected by the Executive Council shall be deemed as duly given to all Councilors on the day of publication.

10.2.2.5 QUORUM:

The quorum for all Special General Assemblies shall be one half (50%) of the Councilors. In the event of the necessary quorum not being present within forty-five minutes after the time appointed for the commencement of the Assembly, the Assembly shall be adjourned and reconvened after 30 minutes on the same day and the members present shall form a quorum.

10.3 EXTRA ORDINARY GENERAL ASSEMBLY:

10.3.1 An Extra Ordinary General Assembly may be convened by the Executive Council at short notice for the purpose of transacting on any business concerning the Council or its members.

10.3.2 An extra ordinary General Assembly shall be convened by the Executive Council on receipt by the Chairman or the Secretary General of a written requisition duly signed by at least one third of the total number of Councilors stating the reasons and purpose of the requisition.

10.3.3 NOTICE:

Councilors shall be notified of this Assembly at least seven days prior to the Assembly. Notice of such assemblies shall be inserted in any one or more newspapers and/ or electronic media selected by the Executive Council shall be deemed as duly given to all Councilors on the day of publication.

10.3.4 QUORUM:

The quorum for the Extra Ordinary General Assembly shall be one half (50%) of the Councilors. In the event of the necessary quorum not being present within forty five minutes after the time appointed for the commencement of the Assembly, the Assembly shall be adjourned to the

same day in the next week. The Chairman, or in his absence a Vice Chairman with the consent of a majority of the Councilors present in person may fix some other time and/or place for the adjourned Assembly and notice of such time or place shall be required to be given to the Councilors AND if at the adjourned Assembly a quorum is not present within thirty minutes after the time appointed for the commencement of the Assembly, the Councilors present shall form a quorum.

10.3.5 VOTING:

10.3.5.1 Voting shall be done by secret ballot.

10.3.5.2 Every Councilor present in person shall have one vote

10.3.5.3 NO Councilor shall be entitled to vote or stand election for any position by proxy.

11.0 EXECUTIVE COUNCIL MEETINGS:

11.1 The Chairman or the Secretary General shall convene meetings of the Managing Committee as often as it is necessary but shall do so at least once every month months.

11.2 A notice in writing of the meeting shall be circulated together with the agenda at least seven days prior to the meeting. However emergency or special meetings of the Executive Council may be called at a shorter notice. The agenda of such meetings shall be determined by the Chairman and the Secretary General.

11.3 The quorum required for the meeting shall be seven members of the Executive Council. If within thirty minutes from the time appointed for the meeting of the Managing Committee, there is no quorum, the members present shall form the quorum but no business other than specified in the notice shall be transacted at such a meeting.

12.0 PROCEDURE AT THE ASSEMBLIES:

- 12.1 At all Assemblies of the Council the Chairman or in his absence the Vice Chairman shall preside and in the absence of any of them, the Councilors present may appoint one of Councilor present to chair the meeting.
- 12.2 The Chairman at his discretion may exercise his right to bring about point of order for the good conduct of the Assembly.
- 12.3 Voting shall be done by secret ballot. In case of equality of votes, the Chairman shall have a second or casting vote.
- 12.4 NO Councilors shall be entitled to vote by proxy.

13.0 FUNDS:

- 13.1 Funds may be raised by donation or through programs and projects approved by the Executive Council.
- 13.2 All funds shall be managed by the Executive Council in accordance with the approved Budget and shall be used for the purposes of:
- 13.3 For activities undertaken by the Executive Council in furtherance of Council's aims and objects.
- 13.4 For such other expenditure as may be authorized by the Executive Council.
- 13.5 Any bank account of the Council shall be operated by any two of the following Executives: The Chairman, Vice chairman, Hon. Secretary General and Hon. Treasurer.
- 13.6 All monies and funds received by the Council and paid to the Treasurer shall be deposited in the name and for the account of the Council in any Bank or Banks or Financial/Institution/s or Building Society approved by the Executive Council.
- 13.7 All expenditure as provided for in the By-law must be presented for prior approval to the Executive Council. Only in extreme case the Chairman in consultations with Hon. Secretary General and Hon. Treasurer shall have the authority to approve such expenditure exceeding the stipulated sum that may need urgent attention.
- 13.8 The books of accounts, register of members, etc shall be available for inspection by any Councilor on giving seven days' notice in writing to the

Hon. Secretary General during hours fixed to be announced from time to time at the office of the Council.

- 13.9 Hon. Secretary General and /or Hon. Treasurer shall keep and account for such sum as may be authorized by the Executive Council for the purpose of Operational or any other incidental expenses.

14.0 ELECTION OF TRUSTEES and THEIR POWERS:

- 14.1 There shall be 3 Elected Trustees of the Council. The Council shall register Trustees under the Trustees Incorporation Ordinance (CAP. 375) as “Registered Trustees of The Hindu Council of Tanzania”

- 14.2 A Trustee shall hold office for four years from the date of their election at the Annual General Assembly unless he/she shall have resigned his/her office in writing before the expiry of four years and/or been removed there from by the Council in the General Assembly by a majority of at least two-thirds of the Councilors voting at the meeting. A trustee elected to replace the one who has resigned or been removed, shall hold office only for the unexpired period of the term of his predecessor.

- 14.3 The Trustees may not necessarily be elected from the nominated representatives of the Constituent Members. Any Hindu Community Member of good standing may be nominated by the Constituent Member/s. Such nominations shall be tabled by the Executive Council before the Annual General Assembly. The name(s) of the nominated candidate shall be proposed and seconded at the assembly.

- 14.4 A trustee/s shall vacate office of the Trustees on:

- 14.4.1 Expiration of four year term of office

- 14.4.2 Resignation

- 14.4.3 Becoming insane

- 14.4.4 Becoming bankrupt

- 14.4.5 Being absent from Tanzania for a period of six months or on permanent change of residence out of Tanzania.

- 14.4.6 Having committed Felony

- 14.4.7 Death

- 14.5 The Trustees shall be the custodians of the immovable properties of the Council.
- 14.6 The Trustees shall administer or allow management of Council Properties in accordance with the law and provisions of this constitution.
- 14.7 The incumbent Trustee may again aspire for Trusteeship at the Annual General Assembly if he/she desires for a further period of 4 years. Thereafter he/she shall not be eligible for re-election for the immediate next term.
- 14.8 The Trustees shall manage or allow the Executive Council to manage the property of the Council in accordance with law and the provisions of this Constitution. The Council shall register the body under the Trustees Incorporation Ordinance (CAP. 375). The Trustees shall not sell and/or otherwise dispose and/or mortgage the properties and assets of the Council without the approval of the General Assembly until such time that the Trustees may expect dissolution of the Council as provided for under Article 21.0 of this Constitution.
- 14.9 The Council may sue and be sued in the name of the Trustees.
- 14.10 The Trustees shall be indemnified against losses and expense out of the assets of The Council.
- 14.11 Any vacancy of the Trustee shall be filled at the next General Assembly held after the vacancy occurs, by majority vote, but until such vacancy shall be filled the remaining trustees shall be empowered to act notwithstanding the vacancy.
- 14.12 Trustees shall be ex-officio members of the Executive Council. They shall be Invited and entitled to attend meetings of the Executive Council; they will not have any voting rights and their presence shall not be counted for the purpose of a quorum.
- 15.0 RECORDS AND MINUTES:**
- 15.1 The Executive Council shall cause records to be kept in books provided for the purpose of:
- 15.2 An up-to-date roll of members.

- 15.3 All appointments of officers made by the Annual General Assembly.
- 15.4 All the names of the Councilors present at each of the General Assemblies and those of the Executive Council.
- 15.5 All resolutions including bylaws and proceedings at all General Assemblies and Executive Council of the Council.
- 15.6 All other matters in respect of which proper records should be kept.
- 15.7 Every Councilor present at any meeting shall sign his/her name in a book to be kept for the purpose. Copies of the minutes shall be forwarded to each Councilor.

16.0 AUDITORS:

- 16.1 An auditor shall be appointed for the following year by the Annual General Assembly.
- 16.1.1 All the accounts, records and documents shall be open to the inspection of the auditor at any time. The Treasurer shall produce an account of his receipts and payments and a statement of assets and liabilities made up to 31st December of the preceding year.
- 16.1.2 The auditor shall not be an office bearer or a member of the Executive Councilor.

17.0 GENERAL:

- 17.1 In absence of any provision relating to any matter arising during the course of Administration of the Council, the Executive Council shall decide and carry out the usual constitutional practice and rules.
- 17.2 The annual accounting year of the Council shall end on the 31st day of December in each year.

18.0 COMMON SEAL:

The Common Seal of the Registered Trustees of the Council shall remain the custody of Hon. Secretary General. It shall not be affixed to any document or writing except in pursuance of a resolution of the Executive Council and in presence of the Chairman and Hon. Secretary General of the

Council. Any Two of the Registered Trustees shall sign the document or writing to which the Common Seal is affixed.

19.0 AMENDMENTS TO THE CONSTITUTION:

19.1 The rules embodied in the Constitution may be amended, added to, or replaced by resolution at any of the Annual General Assembly by at least three fourths of Councilors present at such an assembly. Any resolution for amendment to the Constitution has to be proposed by any Councilor and seconded by at least one third of the Councilors and notice of such resolution be sent to the Chairman and/or the Secretary General of the Executive Councilor at least 60 days before the Annual General Assembly.

20.0 BY LAWS:

20.1 By laws embodying additional provisions for the proper management of the Council shall be approved at the Annual General Assembly.

21.0 DISSOLUTION:

21.1 A resolution for the dissolution of the Council shall not be valid unless the same is passed at an Extra-ordinary General Assembly by a majority of at least three fourths of the Councilors present and appearing on the roll at that particular time.

21.2 Provided however that no dissolution shall be affected without prior written permission from Hon. Trustees and subsequently by the Registrar obtained upon application made to them in writing and signed by the Members of the Executive Council.

21.3 If a valid resolution for the dissolution of the Council is passed, the assets of the Council shall be disposed off in such manner as may be resolved by the Trustees and duly ratified by Councilors

22.0 EFFECTIVE DATE:

This Constitution as approved at the General Assembly by the Founder and Constituent Members shall come in force with effect from **16 January**

2011. The Constitution and the By Laws which have been in force prior to the revised effective date are hereby repealed.

Certified that all rules and regulations as contained in this Constitution and By Laws have been ratified by the General Assembly the members of which have duly approved and signed in confirmation.