



# The Constitution Of Shree Hindu Mandal Dar Es Salaam

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26 July 2020  
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## PREAMBLE

### FOUNDATION OF SHREE HINDU MANDAL DAR ES SALAAM AND ITS CONSTITUTION

Shree Hindu Mandal - Dar Es Salaam was formed on 29 June 1919 and started as a small clinic along Chusi/Nyanza Street. Over the years it expanded into a major referral hospital within the city with a branch in Mwanza and a super-specialized polyclinic in Kunduchi. Shree Hindu Mandal also operates Nursery, Primary & Secondary schools in Dar Es Salaam. It also provides cremation services and welfare services to its Hindu members.

The main aim of establishing Shree Hindu Mandal was to serve its members in the health sector and provide social welfare to underprivileged members, but it later expanded to include education. All these services benefitted not only the members but the general public at large. Over the decades, the Hindu community has also grown in numbers though fragmented but well organized into sub castes communities and institutions. Shree Hindu Mandal is owned by the Hindu Community to serve Hindus and the nation.

After a century of growth and progress, it was realized that the current Constitution of April 1989 is outdated and needs major revisions. Shree Hindu Mandal's activities have expanded substantially and are continuing to grow beyond Dar Es Salaam. A strong Management team is needed to run a large organisation and an appropriate process is required in place that will select the right candidate for the important positions. Not only that, financial and other operational policies are also necessary so that there are appropriate controls in each area. It was then established that a new Constitution is required that will cater to the current needs of the Mandal and enable this growing institution for the next 100 years.

In this new Constitution, Shree Hindu Mandal seeks to involve the Hindu sub caste communities and institutions. This was chosen as the most effective way of reaching and serving the individual Hindus in Dar Es Salaam who are fragmented into organized smaller community groups. In the old Constitution, an individual Hindu is a deemed member of Shree Hindu Mandal and has 1 vote but in this new Constitution, the respective sub-caste community and institution becomes the member of Shree Hindu Mandal representing all her community members. The community will have 1 vote and have all the powers of a member.

In the new structure, Shree Hindu Mandal Dar Es Salaam under its umbrella operates 3 subsidiaries i.e. Schools, Hospitals, and Welfare.



## DECLARATION

I Mr..... the Chairman of Shree Hindu Mandal Dar Es Salaam do hereby declare that this Constitution is the Constitution of Shree Hindu Mandal Dar Es Salaam as approved by its Members and that all provisions of this Constitution from Articles 1 to 49 are correct to the best of my knowledge and belief.

Presented for signing this ..... day of ..... 2022

.....  
Chairman

.....  
General Secretary

### **ATTENTION**

Before me:

Name .....

Occupation .....

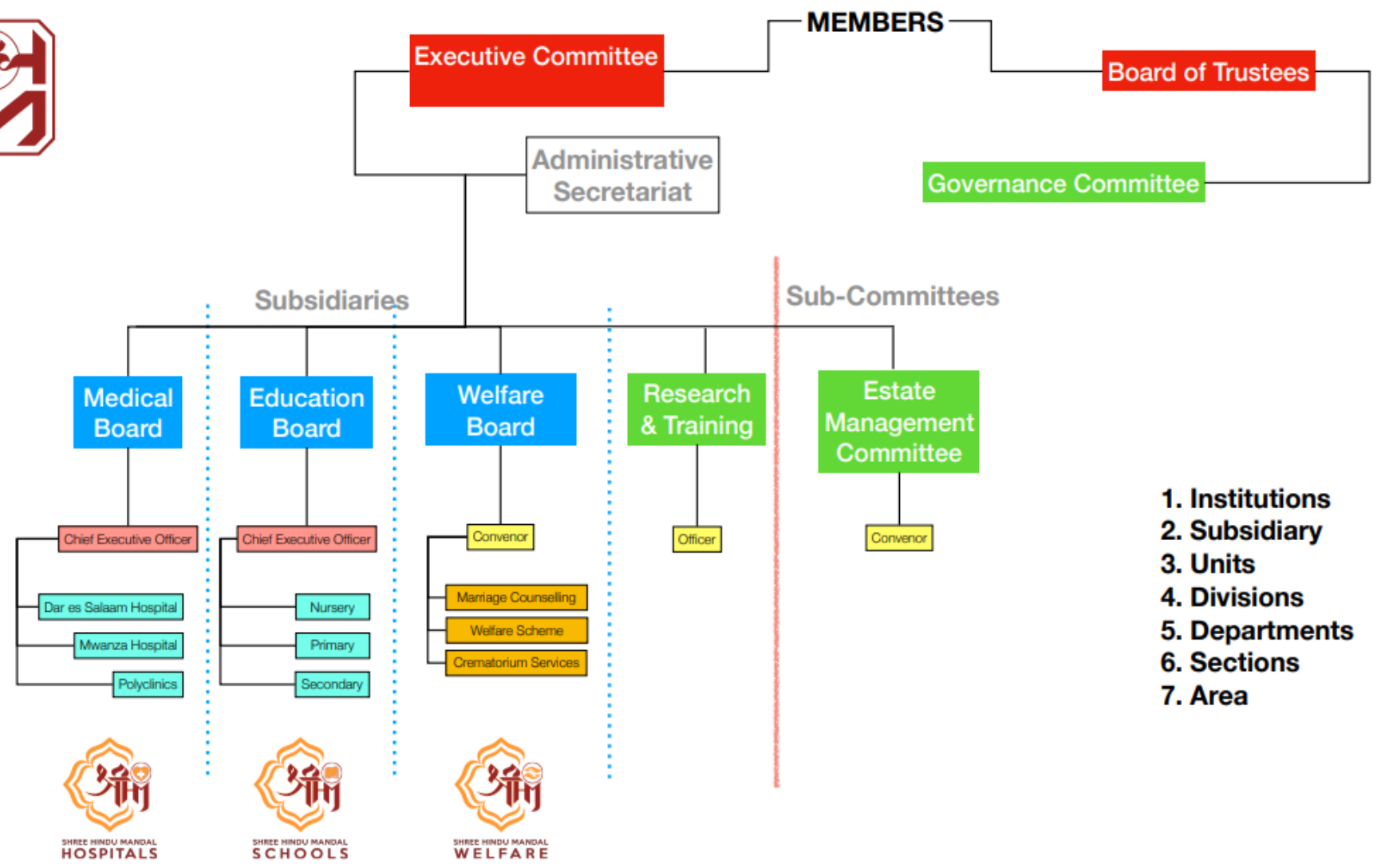
Signature .....

Commissioner for Oaths.

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# THE STRUCTURE OF THE MANDAL



1. Institutions
2. Subsidiary
3. Units
4. Divisions
5. Departments
6. Sections
7. Area



# Part 1: Preliminary Provisions

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## 1. Citations and Comments

This Constitution shall be cited as “The Constitution of Shree Hindu Mandal Dar Es Salaam 2020”, and shall come into operation on such date as agreed by the Assembly of Councilors and declared by the Secretary General through a Public Notice.

## 2. Application

This Constitution shall apply within the United Republic of Tanzania.

## 3. Interpretation

- 3.1. Where in this Constitution a reference is made by use of “he” or “she” or “Chairman” or any gender-defining word, it simply means inclusive of both genders and regardless of any gender.
- 3.2. In this Constitution, unless the context otherwise requires:

“Mandal”	Refers to Shree Hindu Mandal Dar Es Salaam.
“Hindu”	A person who believes in Vedic Hindu religion or Sanatan Dharma, way and philosophy of life.
“Hindu Organization”	All Hindu sub caste communities and such institutions whose 100% members have religious and/or cultural beliefs based on Vedic Hindu religion or Sanatan Dharma, way and philosophy of life. Communities and institutions founded on the principles as practised in Jainism, Buddhism, and Sikhism are also classified as Hindu Organization.
“Council”	The Hindu Council of Tanzania, which is the apex Hindu Organization in the United Republic of Tanzania.
“Public Notice”	Means a notice that is circulated to the members of the Mandal through an electronic medium.
“Sub-Committee”	Is an ad-hoc or permanent committee formed by the Executive Committee and is headed by a member of the Executive Committee as defined in <u>Article 25</u> .





“Subsidiary”	Is formed by the Executive Committee as a division with a clearly defined governance structure, governed by the respective Board.
“Governance Committee”	Is a permanent committee headed by the Immediate Past Chairman as defined in <u>Article 25.7.b.</u>
“Estate Management Committee”	Is a permanent committee headed by a member appointed by the Trustees as defined in <u>Article 25.7.a.</u>
“Trustees”	Means the Registered Trustees of the Mandal registered under the Trustees Incorporation Act.
“Executive Committee”	Is the Committee for general management and administration of the Mandal.
“Member”	Any Hindu Organization that operates within the United Republic of Tanzania and is registered as per the laws of the United Republic of Tanzania and is also a Member of The Hindu Council of Tanzania.  Depending on the context where it is used in this Constitution, it also means an individual [person] elected or appointed or co-opted to the Executive Committee or any other Committee.
“Honorary Councilor”	Is the Chairperson and Secretary of the Member.
“Ordinary Councilor”	Is appointed by Members to the Assembly of Councilors representing the Social, Medical and Education welfare programs.
“Assembly Of Councilors”	Is a general body of the Mandal constituted by its Members who are represented by Honorary & Ordinary Councilors.
“Managing Operational Officer”	Is a person employed by the Subsidiary and who is overall responsible for all activities of the respective office and as defined under <u>Article 26.10.</u>
“Managing Financial Officer”	Is a person employed by the Subsidiary and who is overall responsible for all finances of the respective office and as defined under <u>Article 26.10.</u>
“Administration Manager”	Is a person employed by the Executive Committee and who is the head of the Administrative Secretariat responsible for all activities of the respective office defined under <u>Article 27.6.</u>
“Electronic or digital voting”	Are systems of voting that use electronic or digital means to either aid or take care of casting and counting votes.’ It can also involve transmission of ballots and



	votes via telephones, private computer networks, or the Internet.
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# Part 2: General Provisions

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## 4. Name of the Mandal

The name of the Organization shall be “Shree Hindu Mandal Dar Es salaam”, hereafter referred to as the “Mandal”.

## 5. Registered Office and Postal Address

The Mandal shall have her registered office on Plot No. 1552/21; 1553/21; 2251/21, Nyanza Street, CBD-IIlala District, Dar Es Salaam. The postal address of the Mandal shall be P O Box 581, Dar Es Salaam.

## 6. Area of Operation and Headquarters

The area of operation of the Mandal shall be Dar Es Salaam Region in the United Republic of Tanzania and its headquarters shall be in Dar Es Salaam. The Mandal may operate in other regions of the United Republic of Tanzania in affiliation with its Members, the Council and/or any other charitable, not-for-profit Organization.

## 7. Status of the Mandal and Registration

- 7.1. Status: The Mandal shall be a charitable, not-for-profit, non-political and non-governmental body duly registered under the laws of the United Republic of Tanzania providing Religious, Social, Health and Education welfare to its Members and the community at large.
- 7.2. Registration: The Mandal shall be registered under the Societies Act, CAP 337 [2002] and the rules made under it. The Mandal’s Trustees shall be registered under the Trustees Incorporation Act, CAP 318 [Re. 2002].
- 7.3. Supreme Authority: The Mandal shall recognize The Hindu Council of Tanzania as the supreme authority and shall pay subscriptions as and when due to maintain the membership

## 8. Common Seal

- 8.1. The registered Trustees of the Mandal shall have a Common Seal, which shall be used by the Trustees in execution of the documents by them.
- 8.2. The Common Seal shall remain in the custody of the Secretary General. It shall only be affixed to any document or writing in pursuance of a resolution



of the Executive Committee and in the presence of the Chairman and the Secretary General of the Mandal.

- 8.3. At least one [1] of the registered Trustees shall sign the document or writing, to which the Common Seal is affixed.

## Part 3: Objectives, Governing Principles, Mission and Vision

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### 9. Fundamental Objectives

- 9.1. The Mandal shall operate as a “not-for-profit” and “non-political” Organization and which shall undertake only such establishment objectives that qualify the Mandal as a religious, social and charitable Organization within that meaning of this term under the relevant laws of the United Republic of Tanzania. Its objectives are:
- a) To affiliate with other Hindu Mandals, Hindu Unions and Hindu Institutions in the United Republic of Tanzania;
  - b) To become a partner and member of the Council and promote its objectives;
  - c) To provide Religious, Social, Medical and Education welfare to its Members and the community at large either directly through its Subsidiaries or in affiliation with its Members, the Council and other charitable not-for-profit Organization;
  - d) To promote and provide for activities that may encourage the advancement and propagation of Hindu Religion, Culture and Philosophy;
  - e) To promote and encourage Hindu youths to become leaders in the field of Religious, Social, Medical, and Educational activities;
  - f) To promote and undertake charitable and humanitarian activities regardless of colour, caste and creed;
  - g) To establish, maintain and manage hospitals, dispensaries, clinics, maternity homes, and elderly homes by providing medical and health facilities to its Members and the community at large either directly or in partnership with specialized service providers;
  - h) To establish, maintain and manage institutions of learning by providing general educational facility, vocational training, resource centres such as the library and promote Hindu Culture and Religion to its Members and the community at large either directly or in partnership with specialized service providers;
  - i) To establish, maintain and manage the Crematorium for last rites and ritual services to its Members and community at large;
  - j) To provide amicable settlements of social disputes such as matrimonial, family and others of similar nature within the community of its Members provided the Mandal is requested for independent mediation;



- k) To establish Subsidiaries for the furtherance of the missions of the Mandal;
- l) To establish sub offices throughout the United Republic of Tanzania in affiliation with its Members or the Council for better administration of the Mandal's activities and implementation of its objectives;
- m) To print, publish or cause to be printed and published, electronically or hard copies and to distribute books, booklets, leaflets, newsletters, magazines and other periodicals and other media of communication to give information with regards to the work of the Mandal and/or its Members and for the furtherance of its objectives including the Hindu Religious perspective on social and ethical matters;
- n) To facilitate the representation in the activities of other Social, Medical and Educational Organization by affiliation or partnership programs; to promote harmony and mutual understanding, nationally, regionally and internationally;
- o) To make representation to the appropriate Governmental authorities, non-government authorities, missions from other countries, national and international Organization on any matter affecting the wellbeing and interests of its Members;
- p) To acquire, hold, lease or license moveable and immovable properties and do all such acts or deeds to fulfil the objectives of the Mandal; and
- q) Generally, to do all such things as may be connected with or incidental to any or all of the above objectives.

## **10. Governing Principles**

- 10.1. The Mandal shall operate within and abide by the following Governing principles: Equality, Good Governance, Transparency, Democracy and Gender balance.

## **11. Mission**

- 11.1. Preaching and propagation of Hindu Religion and teachings to the Hindu Community.
- 11.2. Operate Welfare Schemes.
- 11.3. Operate Crematorium Services.
- 11.4. Conduct Marriage reconciliation for Hindu members.
- 11.5. Operate Hospitals, Clinics and health facilities.
- 11.6. Operate Nursery, Primary, Secondary schools, higher learning institutions, research and vocational training centres.
- 11.7. Own and manage estates.

## **12. Vision**

- 12.1 To provide Religious, Social, and affordable Medical and Education services to its Members and the community at large.



# Part 4: Membership

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## 13. Membership

- 13.1. Membership to the Mandal shall be open to all Hindu Organizations that operate within Dar Es Salaam Region in the United Republic of Tanzania and are registered as per the laws of the United Republic of Tanzania.
- 13.2. Membership of the Mandal shall be also open to the Hindu Mandals and Hindu Unions operating in other regions of the United Republic of Tanzania.
- 13.3. Eligible Organizations that wish to join the Mandal shall send their application to the Secretary General of the Mandal who shall then present the application for deliberation and approval by the Executive Committee.
- 13.4. Application for membership should be accompanied by a certified true copy of its Constitution and Rules currently in force together with a list of its registered members and certificate of registration. Such application shall be considered by the Executive Committee. The Mandal's decision in regards to acceptance or otherwise of the application shall be final and conclusive.
- 13.5. Any amendment made to the Member's Constitution and Rules from time to time shall be submitted within three [3] months of such changes.
- 13.6. The Executive Committee shall provide for regulations in the By-laws for the Membership Application Process.

## 14. Types of Membership

The Mandal shall have the following two [2] categories of Members:

- 14.1. Constituent Member: All Hindu Organization based in Dar Es Salaam which are not-for-profit and non-political in character and which are registered under the Societies Act or the Trustees Incorporation Act or exempted from registration under the said Acts; shall be eligible for membership as Constituent Members.
- 14.2. Affiliate Member: All Hindu Mandals and Hindu Unions operating in other regions of the United Republic of Tanzania and are not-for-profit and non-political in character and which are registered under the Societies Act or the Trustees Incorporation Act or exempted from registration under the said Acts; shall be eligible for membership as Affiliate Members.



## **15. Annual Subscription**

15.1. Annual Subscription: The Executive Committee shall provide for regulations in the By-laws for annual subscriptions.

## **16. Rights of Members**

16.1. Both Constituent and Affiliate Members shall be entitled to the following rights:

- a) To be respected and treated equally;
- b) To give an opinion about the development of the Mandal;
- c) To benefit from all privileges available in the Mandal;
- d) To participate in the development of the Mandal;
- e) Right for the Chairperson and Secretary of the Member to participate as Honorary Councilors of Assembly of Councilors and nominate names of Trustees for election by the Assembly of Councilors; and
- f) Right to further appoint three [3] Hindu Ordinary Councilors to the Assembly of Councilors representing the Social, Medical and Education welfare programs of the Member.

16.2. Specific rights of the Constituent Members.

- a) To elect Office Bearers of the Executive Committee and Trustees;
- b) To be elected as members of the Executive Committee and Trustees; and
- c) Right of Honorary Councilors of the Members to nominate names of Office Bearers of the Executive Committee for election by the Assembly of Councilors.

## **17. Obligation of the Members**

17.1. Constituent and Affiliate Members shall have the following obligations:

- a) Duty to treat all the Members equally;
- b) Duty to abide by the norms of the Hindu Culture, Religion and Tradition; and
- c) Duty to abide by this Constitution and the By-laws.

## **18. Termination of Members**

18.1. The Executive Committee through the Governance Sub-Committee may recommend to the Assembly of Councilors, to suspend, cease or terminate the membership of any Member[s] or it's Councilors; if any Member or its representative or Councilor;

- a) Have exhibited gross disregard of any decision of the Mandal;
- b) Is/are found prejudicial and/or detrimental to the interest and well-being of the Mandal;
- c) Makes amendments to its Constitution which in the opinion of the Executive Committee are not in conformity with the ethos of the Mandal; and



- d) The Member Organization is dissolved as per provision of its Constitution or struck off or deregistered by the Registrar of the Societies or any other regulatory body supervising such Organization.
- 18.2. The Assembly of Councilors shall then vote on the suspension, cessation and termination of the Members or its Councilors.
- 18.3. The Assembly of Councilors may reinstate or restore the membership of a Member or its Councilors following a cause to do so have been proposed by the Executive Committee through the Governance Sub-Committee where it is proposed from amongst the Councilors and the Executive Committee shall make the decision accordingly.





# Part 5: Organizational & Administrative Structures

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## 19. Executive Committee

19.1. There shall be an Executive Committee for general management and administration of the Mandal, whose composition shall be as follows:

Honourable Office Bearers

- a. Chairman
- b. Secretary General
- c. Treasurer
- d. Immediate Past Chairman

Executive Office Bearers

- e. First Vice Chairman [Who shall chair the Medical Board]
- f. Second Vice Chairman [Who shall chair the Education Board]
- g. Third Vice Chairman [Who shall chair the Welfare Board]

Executive Secretariat

- h. First Assistant Secretary [Who shall be the Secretary of Medical Board]
- i. Second Assistant Secretary [Who shall be the Secretary of Education Board]
- j. Third Assistant Secretary [Who shall be the Secretary of Welfare Board]

Ordinary Member

- k. Three [3] Ordinary Committee Members.

The Hindu Council of Tanzania Observer

- l. One [1] Committee Member as Council observer.

## 20. Duties of Office Bearers and Executive Secretariat

The following shall be duties of each Office Bearer and further defined in the By-Laws of the Mandal:

### 20.1. Chairman

The Chairman of the Mandal shall have the following duties:

- a. To conduct and chair all Executive Committee meetings and Assemblies.
- b. To set agenda of all Executive Committee meetings and Assemblies.
- c. To be an ex-officio member of all Subsidiary boards and the Sub-Committees.
- d. To appoint one [1] Ordinary member of the Executive Committee to the Medical, Education and Welfare Boards.
- e. To manage, supervise and be responsible for all the deeds and financial instruments of the movable and immovable properties of the Mandal.



- f. Oversee all the binding contracts of the Mandal and its Subsidiaries.
- g. To be a witness to affixation of the Common Seal on any document or writing.
- h. To be one of the signatories on all the bank accounts of the Mandal.
- i. In absence of the Vice Chairman, to be the signatory on all the Subsidiary Operational bank accounts.
- j. Shall be the Spokesman of the Mandal in all matters.

#### 20.2. Vice Chairman

- a. The Vice Chairman of the Mandal shall perform all duties of the Chairman during the Chairman's absence and shall assist in all of his/her duties given to him/her. All duties to the Vice Chairman during the absence of the Chairman shall be assigned in writing by the Chairman.
- b. Depending on the designation of Vice Chairman, he/she shall chair one the of the Subsidiary boards and co-opt members as per Article 24.1 of this Constitution;
  - i. First Vice Chairman to chair Medical Board and appoint two [2] co-opted members to its Board.
  - ii. Second Vice Chairman to chair Education Board and appoint two [2] co-opted members to its Board.
  - iii. Third Vice Chairman to chair Welfare Board and appoint two [2] co-opted members to its Board.
- c. To be one of the signatories on their respective Subsidiary Operational bank accounts. In the absence of Vice Chairman, the Chairman shall be the signatory on all the Subsidiary Operational bank accounts.
- d. Each Vice Chairman to appoint one [1] co-opted member as per Article 24.1 of this Constitution to the Estate Management Committee.

#### 20.3. Secretary General

The duties of the Secretary General of the Mandal shall be to:

- a. Convene all meetings of the Mandal under the directions of the Chairman.
- b. Be an ex-officio member of all Subsidiary boards and the Sub-Committees.
- c. Attend to all the correspondences.
- d. Document and keep the minutes of all the Assemblies of Councilors and all Executive Committee meetings.
- e. Be the Secretary to the Estate Management and Governance Sub-Committees and to document and keep the minutes.
- f. Be a record keeper of the Mandal including Members' register.
- g. Supervise day to day activities of the Mandal with the assistance of the Administrative and Executive Secretariat.
- h. Be the custodian of the Common Seal of the Mandal.
- i. Be one of the signatories on all the Executive Treasury Fund bank accounts of the Mandal.
- j. Receive complaints and queries from Members.
- k. Receive reports from Sub committees and Subsidiaries.
- l. Submit the Strategic Development Plans of the Subsidiaries to the Assembly of Councilors.



#### 20.4. Assistant Secretary [Executive Secretariat]

- a. The Assistant Secretary shall be the Chief Executive Officers or the Administrative Secretary who shall perform the duties of Secretary General by representing in the respective Subsidiary Boards:
  - i. First Assistant Secretary shall be the Secretary to the Medical Services Board.
  - ii. Second Assistant Secretary shall be the Secretary to the Education Services Board.
  - iii. Third Assistant Secretary shall be the Secretary to the Welfare Board.
- b. To assist the Secretary General in supervising the day to day activities of the respective Subsidiary Boards of the Mandal.
- c. To assist the Secretary General in submitting Strategic Development Plans to Assembly of Councilors.
- d. To assist Treasurer in maintaining proper books of accounts with the assistance of Financial officers of respective Subsidiaries.
- e. Perform the duties as stipulated in the Policy Documents of the respective Subsidiary Boards.
- f. To submit the reports as stipulated in the Policy Documents of the respective Boards to the Secretary General.

#### 20.5. Treasurer

- a. The Treasurer shall monitor, manage and be one of the signatories on all the Executive Treasury Fund bank accounts of the Mandal.
- b. The Treasurer shall monitor and manage all the Subsidiary Operational bank accounts with Managing Operational and Financial Officers of the Subsidiaries.
- c. The Treasurer among other things shall be answerable to the Chairman of the Mandal and the Assembly of Councilors in all matters related to financial affairs of the Mandal.
- d. The Treasurer shall be an ex-officio member of all Subsidiary boards and the Sub-Committees.
- e. The Treasurer shall perform the following duties:
  - i. To keep proper books of accounts/financial affairs of the Mandal with the assistance of the Managing Operational and Financial Officers of the respective Subsidiary.
  - ii. To consolidate all books of account of the Subsidiaries with assistance of the competent Financial Officer in Administrative Secretariat.
  - iii. To evaluate and monitor the Strategic Development Plans of Subsidiaries.
  - iv. To prepare budgets and monitor accounts of Sub-Committees.
  - v. To submit monetary reports including but not limited to monthly statements of income and expenses and balance sheet position of the Mandal to the Executive Committee.
  - vi. To submit monthly reports on the Mandals financial position highlighting any precarious position to the Executive Committee.
  - vii. To perform a regular internal audit with the assistance of an independent internal auditor
  - viii. To adhere to laid down Financial regulations as provided in the By-laws of the Mandal and the Policy Documents of the Subsidiaries.



- ix. To submit Mandal's budgets and Audited Accounts to the Assembly of Councilors.
- x. To submit Mandal's Internal and External Audit reports to Assembly of Councilors.
- xi. To cooperate with the External Auditor of the Mandal.
- xii. To maintain assets and inventory register in coordination with Administrative Secretariat and the Subsidiaries.
- xiii. To convene regular meetings with the heads of the Subsidiaries and the Administrative Secretariat.

## **21. Meetings of the Executive Committee**

- 21.1. The Chairman shall call meetings of the Executive Committee as often as it is necessary but shall do so at least once every month.
- 21.2. The Secretary General shall give a seven [7] days' notice to members of the Executive Committee specifying the date, time, agenda and venue of the meeting. However, emergency or special meetings may be called at shorter notice. The agenda of such meetings shall be determined by the Chairman.
- 21.3. The quorum required for the Executive Committee meetings shall be eight [8] members of the Executive Committee; out of which at least Chairman or one of the Vice Chairman should be present. If within thirty minutes from the time appointed for the meeting of the Executive Committee there is no quorum, then the members present shall form the quorum provided at least Chairman or one of the Vice Chairman is present; but no business other than specified in the notice shall be transacted at such meeting. The decisions taken in such meetings shall be binding and effective only on subsequent consent in writing from eight [8] members of the Executive Committee.
- 21.4. Any member of the Executive Committee who remains absent without apology or has an apology for three [3] consecutive meetings shall be informed in writing by the Chairman. In the absence of a positive reply from the member, the Executive Committee shall pass a resolution for the termination of such member from the Executive Committee.
- 21.5. All decisions at the Executive Committee meetings should be by a simple majority of the members present at such meeting.

## **22. Election of the Executive Committee**

- 22.1. The Office Bearers may not necessarily be elected from amongst the Councilors. Any Hindu of good standing from a Constituent Member shall be nominated by the Honorary Councilors of the Constituent Members.
- 22.2. The nominations shall be made to the Governance Committee which shall vet the candidates and then declare candidates whose election shall be conducted by the Assembly of Councilors. The Office Bearers of the Executive



Committee shall be elected by a simple majority amongst the Assembly of Councilors as per Article 27.6 and 37 of this Constitution.

- 22.3. The members of Executive Secretariat of the Executive Committee shall be the Managing Operational Officers of Medical, Education and Social Services Subsidiaries.
- 22.4. The Ordinary members of the Executive Committee shall be appointed by the Chairman in consultation with Vice Chairmen from the Constituent Members.
- 22.5. The Mandal shall invite the Council to appoint 1 ordinary member of the Executive Council as a Council Observer and inform the Governance Committee well ahead of elections.

### **23. Tenure of the Executive Committee**

- 23.1. Honorable Office Bearers
  - a. The tenure for Honorable Office Bearers shall be a three [3] years' period in office.
  - b. No person shall ordinarily hold a single designation of the Honorable Office Bearer continuously for more than two [2] terms of three [3] years.
- 23.2. Executive Office Bearers and Ordinary members
  - a. The tenure for Executive Office Bearers and Ordinary members shall be a two [2] years' period in office.
  - b. No person shall ordinarily hold a single designation of the Executive Office Bearer or Ordinary member continuously for more than two [2] terms of two [2] years.
- 23.3. Executive Secretariat  
The tenure for members of Secretariat shall be as per employment contracts.
- 23.4. Any vacancy in Executive Committee during the year shall be filled by the existing Executive Committee member or by co-opting member as per Article 24.1 of this Constitution. The member so appointed shall be designated as 'Acting' until the next Assembly of Councilors. In case of the vacancy in the position of the Chairman, one of the Vice Chairman shall be appointed as Acting Chairman until the next Assembly of Councilors.
- 23.5. In cases of Executive Secretaries who are on employment contracts, the vacancy created in the secretariat shall be filled by appointment and shall not be subject to approval by the Assembly of Councilors.
- 23.6. Executive Committee members shall be reimbursed the expenditure incurred in the execution of their duties and responsibilities upon approval by the Executive Committee. Any remuneration shall be made as provided for in the Financial Regulations in the By-laws of the Mandal.



23.7. Any Executive Committee member wishing to resign from any of the elected or appointed positions in the Executive Committee shall apply in writing to the Governance Committee, stating the reason(s) of resignation. Until the resignation is acknowledged in writing by the Governance Committee, the member must dutifully hold the respective position.

## **24. Powers of the Executive Committee**

- 24.1. To co-opt any Hindu person[s] of good standing from the registered Constituent or Affiliate Members whose expertise may be useful and necessary in the setting of Organization and methods. The tenure of such a person shall not exceed a three [3] years period in office. Such a member may be terminated from the position by the Executive Committee during the tenure of his office.
- 24.2. To appoint such Sub-Committee as may be necessary to undertake any particular assignment. The Chairman, The Secretary General and the Treasurer shall be Ex-Officio members of all such Sub-Committees.
- 24.3. To prepare Policies for Subsidiaries, Terms of References for temporary Sub-Committees, regulations in the By-laws for the permanent Sub-Committees and to monitor their activities.
- 24.4. To evaluate, approve and monitor the Strategic Development Plans of Mandal and Subsidiaries.
- 24.5. To make regulations in the By-laws from time to time for the proper working of the Mandal with the approval of the Assembly of Councilors.
- 24.6. To direct and manage the affairs of the Mandal including funds, properties and other assets of the Mandal.
- 24.7. Do all such acts or deeds to fulfil objectives of the Mandal with the approval of the Assembly of Councilors.
- 24.8. To promote and undertake all such activities as may be deemed desirable to achieve the Mandal's objectives.
- 24.9. To amicably resolve any or all disputes related to the affairs of the Mandal.
- 24.10. To approve Audited Accounts, Internal and External Audit Reports and Budgets for the ensuing year before presenting them at the Assembly of Councilors.
- 24.11. To recommend External Auditors of the Mandal to the Assembly of Councilors for approval.
- 24.12. To engage an External Auditor in case of resignation or termination of an appointed External Auditor.



- 24.13. To appoint, decide on tenure and remuneration, and to terminate the services of the Managing Operational and Financial Officers of the Subsidiaries.
- 24.14. To appoint, decide on tenure and remuneration, and to terminate the services of the staff of the Administrative Secretariat.
- 24.15. To adhere to laid down Financial Regulations as provided in the By-laws of the Mandal and the Policy Documents of the Subsidiaries.
- 24.16. To promote and participate in activities that motivate all Constituent and Affiliate Members and undertake projects or programs for the benefit of the Hindu community and the public at large in enhancing the objectives of the Mandal.
- 24.17. To convene all meetings of all the Assemblies.
- 24.18. To borrow or raise money and to mortgage or charge its undertaking, property and uncalled capital or any part thereof and to issue income notes, bonds, debentures and other securities, subject to Financial regulations as provided in the By-laws of the Mandal and the Policy Documents of the Subsidiaries.
- 24.19. To acquire any such shares, stocks, debentures, debenture stock, scripts, bonds, notes, securities, obligations, funds, or loans by original subscription, tender, purchase, participation in syndicates, exchange or otherwise, and to guarantee subscription thereof, the Mandal's investments for the time being, subject to Financial regulations as provided in the By-laws of the Mandal and the Policy Documents of the Subsidiaries.

While performing their functions, the members of the Executive Committee or any Sub-Committee shall make sure that they do not have any conflict of interest in whatever circumstances and shall adhere to the principles of Good Governance.

## **25. Sub-Committee**

- 25.1. The Executive Committee may form ad-hoc Sub-Committees whenever needed and appoint Conveners for the respective Sub-Committees from amongst the members of the Executive Committee.
- 25.2. Such Conveners may co-opt members for their respective committees as per Article 24.1 of this Constitution.
- 25.3. The tenure of the ad hoc Sub-Committees shall not exceed one [1] year after which the Executive committee may reconstitute the Sub-Committee.





- 25.4. Any Sub Committee member wishing to resign from any of the elected or appointed positions in any Sub Committee shall apply in writing to the Governance Committee, stating the reason(s) of resignation. Until the resignation is acknowledged in writing by the Governance Committee, the member must dutifully hold the respective position.
- 25.5. The Convener of such Sub-Committees shall timely and regularly report to the Executive Committee of its activities and work as per the provisions of the Terms of Reference provided by the Executive Committee per Article 24.3 of this Constitution.
- 25.6. The Chairman, the Secretary General and the Treasurer shall be ex-officio members of all ad-hoc and permanent Sub-Committees.
- 25.7. The following shall be permanent Sub-Committees:
- a. Estate Management Committee
    - i. The Estate Management Committee shall be headed by a Convener who shall be appointed by the Trustees as per Article 49.7 of this Constitution.
    - ii. The Secretary of the Committee shall be the Secretary General.
    - iii. There shall be three [3] members appointed by each Vice Chairman as per Article 20.2 of this Constitution.
    - iv. The Convener may further co-opt more members as need be as per Article 24.1 of this Constitution.
    - v. The tenure of each member shall be as per the tenure of their respective posts.
    - vi. The Committee shall perform their duties and report as per the regulations in the By-laws provided by the Executive Committee [Refer Article 24.3 of this Constitution]
    - vii. Roles of the Estate Management Committee shall be:
      - a. Co-ordinate with Administrative Secretariat and respective Subsidiary through the Estate Manager to:
        - i. Plan repairs and preventive maintenance for the subsidiary, management or Sub-Committee. Approve all alternations and improvement of buildings.
        - ii. Approve new construction, procurement of property and development.
      - b. Employ full time Estate Manager under Administrative Secretariat as per Article 24.13 of this Constitution.
      - c. Monitor all statutory payment and compliance of land and buildings.
      - d. Monitor and safe keeping of all records pertaining to land, building and property of the Mandal.
      - e. Monitor all Tenancy Agreements and collection of rents.
      - f. Represent the Mandal at a local office, courts and other legal matters pertaining to land and building.
      - g. Any other roles designated by the Executive Committee





- b. Governance Committee
  - i. The Governance Committee shall be headed by a Convener who shall be the Immediate Past Chairman.
  - ii. In absence of the Immediate Past Chairman, Trustees shall appoint one of the three [3] members of the Governance Committee to head the Committee.
  - iii. The Secretary of the Committee shall be the Secretary General.
  - iv. There shall be three [3] more members co-opted by the Trustees as per Article 49.8 of this Constitution.
  - v. The Convener may further co-opt more members as need be as per Article 24.1 of this Constitution.
  - vi. The tenure of each member shall be as per the tenure of their respective posts.
  - vii. The duties of this committee shall be to assist the Executive Committee:
    - a. To amend the Constitution as per Article 42 of this Constitution.
    - b. To make and amend regulations in the By-laws from time to time for proper working of the Mandal.
    - c. To prepare and modify Policy Documents for Subsidiaries and Terms of References for ad-hoc and permanent Sub-Committees.
    - d. To monitor the compliance of the various Subsidiaries and Sub-Committees of the Mandal to the Constitution, By-laws, Policy Documents and Terms of Reference.
    - e. To further perform their duties and report as per the regulations in the By-Laws provided by Executive Committee per Article 24.3 of this Constitution.
  - viii. The Governance Committee shall act as the Electoral Committee with the following duties:
    - a. The Sub-Committee shall assist in identifying, motivating and sensitising the Hindu youths onto the leadership positions within the Mandal.
    - b. To issue Public Notice for elections and invite applications for the respective posts.
    - c. To receive applications, scrutinize and vet the candidates for the respective posts as per the provisions made in the regulations of the By-laws.
    - d. To announce the names of the respective vetted candidates eligible for election by issue of a Public Notice.
    - e. To conduct elections on the election date and all the procedures related to the conduct of elections.
    - f. To announce the election results and their decision on the matters of the Elections shall be final and conclusive.
  - ix. The Governance Committee shall also act as the Ethics Committee with the following duties:
    - a. To receive grievances of any leadership misconduct.
    - b. To monitor the ethics and integrity of leaders.



- c. To receive any misconduct and/or grievances of a Member of the Mandal or its Councilors and recommend to the Assembly of Councilors to suspend, terminate or reinstate the membership.
- d. If the grievance of misconduct is made against the Chairman or any of the Vice Chairmen, they shall be informed in writing about the misconduct.
- e. The Committee shall hold the meeting to hear Chairman's or any of the Vice Chairmen's misconduct and shall give the report to the Assembly of Councilors on measures proposed and the Assembly of Councilors shall discuss the matter whether to approve or disapprove the measures to be taken.
- f. In case the grievances are made against the Chairman or any of the Vice Chairmen of the Mandal, the Assembly of Councilors shall vote on 'a vote of no confidence' to remove the leader.
- g. If a grievance of misconduct is made of any other member of the Executive Committee, Subsidiary Board or Sub-Committee, the Governance Committee shall convene an urgent meeting and examine the complaint on its merit and may recommend the following:
  - a. Issue a written warning where the complaint is not of a serious nature and does not compromise the Mandal.
  - b. Suspend the member pending a full hearing by the Assembly of Councilors.

## **26. Subsidiary**

- 26.1. There shall be Subsidiaries formed under the Executive Committee as divisions with clearly defined governance structures in the form of Managing Boards and Policy Documents including but not limited to Financial Regulations, Operational Management, Human Resources, Data and Information Management, and Strategic Development plans.
- 26.2. The Subsidiaries shall be governed by their respective Boards which shall be chaired by the respective Vice Chairmen of the Mandal as per Article 20.2 of this Constitution and whose Secretary shall be the Managing Operational Officer of the respective Subsidiary. There shall be additional three [3] members appointed as per Articles 20.1 and 20.2 of this Constitution.
- 26.3. The Chairman, the Secretary General and the Treasurer of the Mandal shall be ex-officio members of the all Subsidiary Boards.
- 26.4. Chairman or the Secretary of the respective Board shall convene meetings of the Subsidiary Board as often as stipulated in the Policy Documents but shall do so at least once every month.
- 26.5. The tenure of each member of the Board shall be as per their tenure of office or employment with the Mandal.
- 26.6. Any member wishing to resign from any of the elected or appointed positions in any Subsidiary Board shall apply in writing to the Governance Committee,



stating the reason(s) of resignation. Until the resignation is acknowledged in writing by the Governance Committee, the member must dutifully hold the respective position.

- 26.7. The Subsidiary should do all such things as may be connected with or incidental to any or all of the objectives of the Mandal as per Article 9 of this Constitution.
- 26.8. The Subsidiary shall be managed by the Managing Operational Officer and assisted by Managing Financial Officers whose appointment shall be made by Executive Committee as per Article 24.13 of this Constitution.
- 26.9. The Subsidiaries shall have independent sources of funds. Each Subsidiary shall reimburse to the Mandal, Administrative and Welfare costs as determined from time to time in the By-laws of the Mandal.
- 26.10. The Managing Operational and Financial Officers shall manage the day to day activities of the Subsidiary and shall:
- a. Assist in preparation and managing Subsidiaries Strategic Development Plans.
  - b. Assist Mandal's Treasury in maintaining proper Books of Accounts.
  - c. Manage Mandal cost allocations.
  - d. Perform the duties as stipulated in the Policy Documents of the respective Subsidiary Boards.
  - e. Submit the reports as stipulated in the Policy Documents to their Subsidiary Boards.
  - f. Be one of the signatories on all of their respective operational Subsidiary bank accounts.
  - g. Be one of the signatories on all of the binding contracts of their respective Subsidiaries.
- 26.11. The following Subsidiary bodies shall be constituted to enhance the objectives of the Mandal
- a. Medical Board
    - i. This Subsidiary shall be known as Shree Hindu Mandal Hospitals and shall be governed by the Medical Board.
    - ii. The Subsidiary may have multiple Units under it which should enhance the objectives of the Mandal as per Article 9.1.g of this Constitution.
    - iii. This Subsidiary shall be managed by the Managing Operational and Financial Officers namely:
      - a. Chief Executive Officer - who shall be overall responsible for the operations of the Subsidiary and its Units.
      - b. Financial Officer - who shall be reporting to the Chief Executive Officer and overall responsibility of all the financial matters of the Subsidiary and its Units.
    - iv. The Managing Operational and Financial Officers may further appoint Operations and Finance in charge of each Unit as they deem necessary and as per the Policy Documents of the Subsidiary.



- b. Education Board
- i. This Subsidiary shall be known as Shree Hindu Mandal Schools and shall be governed by the Education Board.
  - ii. The Subsidiary may have multiple Units under it which should enhance the objectives of the Mandal as per Article 9.1.h of this Constitution.
  - iii. This Subsidiary shall be managed by the Managing Operational and Financial Officers namely:
    - a. Chief Executive Officer - who shall be overall responsible for the operations of the Subsidiary and its Units.
    - b. Chief Accountant - who shall be reporting to the Chief Executive Officer and overall responsibility of all the financial matters of the Subsidiary and its Units.
  - iv. The Managing Operational and Financial Officers may further appoint Operations and Finance in charge of each Unit as they deem necessary and as per the Policy Documents of the Subsidiary.
- c. Welfare Board
- i. This Subsidiary shall be known as Shree Hindu Mandal Social Welfare Services and shall be governed by the Welfare Board.
  - ii. The Subsidiary may have multiple welfare Units under it which should enhance the objectives of the Mandal.
  - iii. The Subsidiary shall provide welfare to the deprived as per Article 9.1.c of this Constitution by subsidizing the costs of the Medical, Education and other Social Services.
  - iv. This Subsidiary shall be managed by the Managing Operational and Financial Officers namely
    - a. Chief Administrator - who shall be overall responsible for the operations of the Subsidiary and its Units.
    - b. Chief Accountant - who shall be reporting to the Chief Administrator and overall responsibility of all the financial matters of the Subsidiary and its Units.
- d. Research & Training
- i. This Subsidiary shall be known as Shree Hindu Mandal Research & Training and shall be governed by the Research & Training Board.
  - ii. The Subsidiary may have multiple Units under it which should enhance the objectives of the Mandal.
  - iii. The Subsidiary shall provide research and training facility to its Members and the community at large as per Article 9.1.h and Article 11.6 of this Constitution by establishing centers for advancement in Medical, Education, Vocation and Technology.
  - iv. This Subsidiary shall be managed by the Managing Operational and Financial Officers namely
    - a. Chief Administrator - who shall be overall responsible for the operations of the Subsidiary and its Units.
    - b. Chief Accountant - who shall be reporting to the Chief Administrator and overall responsibility of all the financial



matters of the Subsidiary and its Units.

## **27. Administrative Secretariat**

- 27.1. The Executive Committee shall hire, decide on tenure and remuneration, and terminate members of Administrative Secretariat.
- 27.2. The Executive Committee may decide from time to time on the number of staff of the Administrative Secretariat based on the requirements of the Mandal.
- 27.3. The staff of the Administrative Secretariat shall work as per the regulations provided under the By-laws of the Mandal.
- 27.4. The Administrative Secretariat should be managed by an Administration Manager.
- 27.5. The Administration Manager in consultation with the Secretary General of the Mandal may propose to the Executive Committee, the recruitment and termination of the services of other staff of the Administrative Secretariat as deemed necessary and as per the By-laws of the Mandal and Policy Documents of the Subsidiary,
- 27.6. The Administrative Secretariat shall assist the Executive Committee in:
  - a. General Management and Administration of the Mandal.
  - b. Managing central office for the Mandal.
  - c. Maintaining and archiving all records of the Mandal.
  - d. Assist the Secretary General to supervise day to day activities of the Mandal.
  - e. Assist the Secretary General and Executive Secretariat in recording the proceedings of all meetings.
  - f. Assist the Treasurer in consolidating all books of account of the Subsidiaries.
  - g. Assist the Treasurer to perform regular Internal Audits of the Subsidiaries.
  - h. Assist all Sub-Committees in achieving their objectives.
  - i. Liaison between the Executive Committee and all its Members through their representatives.
  - j. Liaison between the Executive Committee and various Subsidiaries under the guidance of the Executive Committee.
  - k. Managing all the shared infrastructure such as Data, Information and Communication, Transport and Purchasing.
  - l. Providing support to Subsidiaries in common areas such as Estate, Human Resource and Legal management.

## **28. Assembly of Councilors**

- 28.1. All Members' Chairpersons and Secretaries shall be the representative to the Assembly and shall be called the Honorary Councilors.
- 28.2. All Members shall further be represented by three [3] representatives; representing the Social, Medical and Education welfare programs and they shall be called the Ordinary Councilors.
- 28.3. A specified form available with the Administrative Secretariat should be completed and signed by any two [2] office bearers [Chairperson, Vice



Chairperson or Secretary] of the applicant and be sent to the Secretary General of the Mandal advising jointly of the names and profiles of its representatives. This nomination shall be subject to approval by the Executive Committee and be taken as sufficient evidence of such persons having been so appointed.

- 28.4. The vote of such representatives shall be deemed to be the vote of the Member. The Members shall have voting rights through their representatives provided it is not in breach of any of the provisions of this Constitution.
- 28.5. The Executive Committee shall enact Regulations in the By-laws for the process of appointment of the Councilors which shall be approved by the Assembly of Councilors.



# Part 6: Meetings of the Assembly of Councilors

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## 29. Types of Meetings

- 29.1. There shall be Assembly of Councilors of the Mandal conducted in order to discuss all affairs of the Mandal. There shall be four [4] types of Assemblies of Councilors of the Mandal:
- Annual General Assembly
  - Bi-Annual General Assembly
  - Special General Assembly
  - Extra Ordinary General Assembly

## 30. Quorum of Assembly

- 30.1. The quorum of Assembly of Councilors shall be at least 50% of the Constituent Members of the Mandal.
- 30.2. In the event of the necessary quorum not being present within forty five [45] minutes after the time appointed for the commencement of the Assembly, the Assembly shall resolve to either continue with the business of the Assembly as planned or be adjourned to any other day after two [2] weeks period.
- 30.3. The Chairman shall adjourn the meeting and reschedule to the other day, once resolved by the Assembly as per Article 30.2 of this Constitution.
- 30.4. The Secretary General shall give a fourteen [14] days' Public Notice to Members on the other day and date of the adjourned meeting.
- 30.5. If at the adjourned meeting a quorum is not present within thirty [30] minutes after the time appointed for the commencement of the Assembly, the Members present shall form a quorum.
- 30.6. For the purpose of a quorum at all Assemblies, the presence of a single Councilor shall be sufficient to signify the presence of a Member.

## 31. Procedure of the Assembly

- 31.1. At all Assemblies of the Mandal, the Chairman or in his absence, one of the Vice Chairmen shall preside.





- 31.2. Voting shall be done by electronic, digital, secret ballot or by show of hands. In case of equality of votes, the Chairman shall have a second or casting vote. Voting by proxy shall not be allowed.
- 31.3. No candidate shall be allowed to stand for election for any position by proxy.
- 31.4. Every Member represented by Councilors [Honorary and Ordinary] shall have one [1] vote per Member.
- 31.5. For the purpose of voting at all Assemblies, a Member is entitled to one [1] vote regardless of the number of Councilors present in the Assembly.
- 31.6. The presiding Chairman of the Assembly shall choose from the voting options provided in Article 33.2

## **32. Annual General Assembly**

- 32.1. There shall be an Annual General Assembly of the Mandal which shall be conducted every year between 1<sup>st</sup> February and 30<sup>th</sup> June.
- 32.2. The Secretary General shall give a [15] fifteen days' Public Notice to Members specifying the date, time, agenda and venue of the Assembly.
- 32.3. An Annual General Assembly shall be participated by all Members of the Mandal from the whole of United Republic of Tanzania.
- 32.4. The following shall be the Agenda during the Annual General Meeting:
- a. To receive and adopt the Annual Report of the Secretary General.
  - b. To confirm the minutes of the last Annual General Assembly or any other General Assemblies that preceded.
  - c. Hearing report of the Mandal activities nationwide.
  - d. To receive and adopt the Annual Report of the Treasurer including the Internal and External Audit reports.
  - e. To receive and adopt the Audited Accounts of the previous year.
  - f. To approve the appointment of the recommended External Auditors of the Mandal.
  - g. To decide on the resolution of the Executive Committee on acquiring or leasing of moveable and immovable properties.
  - h. To decide on the resolution of the Trustees to dispose and/or mortgage the properties.
  - i. To decide on the reports submitted by the Governance Sub-Committee.
  - j. To elect or fill the position of the Office Bearers or Ordinary members of the Executive Committee of the Mandal.
  - k. To elect, fill in the position or remove the Trustees of the Mandal.
  - l. To approve the regulations made in the By laws.
  - m. To approve the resolution of the Amendment of the Constitution.





### **33. Bi-Annual General Assembly**

- 33.1. There shall be a Bi-Annual General Assembly of the Mandal which shall be conducted every year between 1<sup>st</sup> August and 31<sup>st</sup> December.
- 33.2. The Secretary General shall give a [15] fifteen days' Public Notice to Members specifying the date, time, agenda and venue of the Assembly.
- 33.3. The Bi-Annual General Assembly shall be participated by all Members of the Mandal from the whole of United Republic of Tanzania.
- 33.4. The following shall be the Agenda during the Bi-Annual General Meeting:
  - a. To receive and adopt the Bi-Annual Report of the Secretary General.
  - b. To confirm the minutes of the last Annual General Assembly or any other General Assemblies that preceded.
  - c. Hearing report of the Mandal activities nationwide.
  - d. To receive and adopt the Bi-Annual Report of the Treasurer.
  - e. To Receive and discuss Financial report, budgets and Strategic Development Plans of the Mandal.
  - f. To decide on the resolution of the Executive Committee on acquiring or leasing of moveable and immovable properties.
  - g. To decide on the resolution of the Trustees to dispose and/or mortgage the properties.
  - h. To decide on the reports submitted by the Governance Sub-Committee.
  - i. To elect or fill the position the Office Bearers or Ordinary members of the Executive Committee of the Mandal.
  - j. To elect, fill in the position or remove the Trustees of the Mandal.
  - k. To approve the regulations made in the By-laws.

### **34. Special General Assembly**

- 34.1. A Special General Assembly may be convened by the Executive Committee for the purpose of transacting any urgent business concerning the Mandal that cannot wait till the Bi-Annual or Annual General Assembly.

The Secretary General shall give a [7] seven days' Public Notice to Members specifying the date, time, agenda and venue of the Assembly.

### **35. Extra-ordinary General Assembly**

- 35.1. An Extra Ordinary General Assembly may be convened by the Executive Committee on receipt of a written requisition by the Chairman duly signed by at least one third [1/3] of the total Constituent Members stating the reasons and purpose of the requisition.
- 35.2. The Chairman shall call the Extra Ordinary General Assembly within forty five [45] days of acknowledgement of the written requisition.



- 35.3. The quorum shall constitute at least 50% of the Constituent Members including 75% of those who signed the requisition.
- 35.4. The Secretary General shall give a seven [7] days' Public Notice to Members specifying the date, time, agenda and venue of the Assembly.



# Part 7: Elections

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## **36. Election Procedures**

- 36.1. The Governance Committee through Secretary General shall issue a Public Notice for elections of the Office Bearers and the Trustees ninety [90] days prior to the election date, notifying the Members to send in applications to the committee for the respective posts within forty five [45] days of the notice.
- 36.2. The Governance Committee shall then vet and announce by Public Notice the names of suitable candidates fifteen [15] days prior to the elections date; eligible to be voted by the Assembly of Councilors by a simple majority.
- 36.3. Where there is only one candidate's application for a given post, the Assembly of Councilors shall give a vote of either yes or no.
- 36.4. The Governance Committee may invite the Members to propose names from the floor in the event of non-receipt of any application.
- 36.5. Members of Governance Committee shall not be eligible to stand for the posts of the Office Bearers of the Executive Committee or Trustees of the Mandal.

## **37. Conduct of Elections**

- 37.1. The elections shall be conducted by the members of the Governance Committee who shall act as Election Officers and shall abide by the principles of Independence, Transparency and Accountability.
- 37.2. Voting shall be done by electronic, digital, secret ballot or by show of hands.
- 37.3. The decision of the Governance Committee on the matters of the Elections shall be final and conclusive.
- 37.4. The presiding Chairman of the Assembly shall choose from the voting options provided in Article 37.2



# Part 8: Capital and Expenditure

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The Executive Committee, Subsidiary Boards and Sub-Committees of the Mandal shall adhere to the Financial Regulations as provided under the By-laws and the Policy Documents.

## **38. Sources of Funds**

The Mandal shall raise funds from the following sources:

- 38.1. Medical and Education Subsidiaries
- 38.2. Annual subscription fees from Members
- 38.3. Sale of Mandal publications
- 38.4. Donations and Sponsorships
- 38.5. Collaboration with development partners and well wishers
- 38.6. Rent from leasing properties

## **39. Finance Control**

- 39.1. The Mandal shall operate following bank accounts or as provided by the Financial Regulations under the By-laws and the Policy Documents in bank[s] or financial institutions[s] which are duly approved by the Executive Committee and registered under the Laws of The United Republic of Tanzania:
  - a. Executive Treasury Fund Accounts
  - b. Subsidiary Operational Accounts
- 39.2. There shall be two [2] signatories of Executive Treasury Fund bank accounts or any other financial instruments from the following:
  - a. Category A: The Chairman or the Secretary General as per Articles 20.1 and 20.3 of this Constitution respectively.
  - b. Category B: The Treasurer or any of the Vice Chairmen as per Articles 20.5 and 20.2 of this Constitution respectively.
- 39.3. There shall be two [2] signatories of the Subsidiary's Operational bank accounts from the following:
  - a. Category A: Respective Vice Chairman or the Chairman as per Articles 20.1 and 20.2.c of this Constitution respectively.
  - b. Category B: Managing Operational or Financial Officer of the respective Subsidiary as per Article 26.10.f of this Constitution.
  - c. Any two [2] members from the same category shall not operate the account.
- 39.4. All Executive Treasury Fund Accounts shall be managed by the Treasurer in accordance with the approved Budgets and Strategic Development Plans of the Subsidiaries and shall be used for the purpose of funding:



- a. The respective Subsidiary's Operational bank accounts as per Articles 26.9 and 26.8 of this Constitution.
  - b. The administrative expenditure of the Mandal.
  - c. Such other expenditures as may be authorized by the Executive Committee in accordance with the provisions of the Financial Regulations of the By-laws and in the furtherance of the Mandal's Objectives.
- 39.5. All Subsidiaries shall be managed by the Managing Operational and Financial Officers of the respective Subsidiary in accordance with the approved Budgets and Strategic Development Plans under the strict guidance of the Policy Documents and Financial Regulations of the respective Subsidiary.
- 39.6. Books of accounts, register of Members and other financial records shall be available for inspection by any Member on giving seven [7] days' notice in writing to the Secretary General.
- 39.7. The Treasurer shall keep an account of petty cash whose sum shall be authorized by the Executive Committee for the purpose of the operations or any other incidental expenses.
- 39.8. Any expenditure not budgeted must be presented for the prior approval to the Executive Committee. Only in extreme cases, the Chairman in consultation with the Secretary General and Treasurer shall have the authority to approve such expenditure exceeding that may need urgent attention as provided under the Financial Regulations of the By-laws.
- 39.9. Financial year of the Mandal shall be 1<sup>st</sup> January to 31<sup>st</sup> December.

#### **40. Records and Minutes**

- 40.1. The Executive Committee shall cause records to be kept in books provided for the purpose of:
- a. An up-to-date roll of Members' register.
  - b. All appointments made by the Assembly of Councilors.
  - c. All the names of the Councilors present at each of the Assembly of Councilors and those of the Executive Committee.
  - d. All resolutions including By-laws and proceedings at all Assembly of Councilors and the Executive Committee.
  - e. Every Councilor present at any meeting shall sign his name in a book to be kept for the purpose. Copies of the minutes shall be forwarded to each Councilor.
  - f. Assets and Inventory register.
  - g. Register of Title Deeds.
  - h. All other matters in respect of which proper records shall be kept.



## **41. Auditing of the Mandal**

- 41.1. The Assembly of Councilors of the Mandal shall appoint and engage a competent External Auditor to audit Mandal's accounts and financial statements annually. The auditor shall submit a report of such annual accounts and financial statements to the Executive Committee and report any aspect of differences, deficiencies and discrepancies thereof.
- 41.2. 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 receipts and payments and a statement of assets and liabilities made up to 31<sup>st</sup> December in the preceding calendar year with assistance from the Financial Officers.
- 41.3. The auditors shall not be a member of the Executive Committee, Subsidiary Board or Trustee of the Mandal.
- 41.4. The auditors of the Mandal shall adhere to the Financial Regulations as provided under the By-laws and the Policy Documents.



# Part 9: Amendment of the Constitution

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## **42. Amendment of the Constitution**

- 42.1. The rules embodied in the Constitution of the Mandal may be amended, added to or replaced from time to time if there is a need to do so.
- 42.2. The Executive Committee through its Governance Sub-Committee shall prepare the proposed amendments and present in any Assembly of Councilors for discussion and subsequently pass a resolution to ratify the amendments.
- 42.3. The minimum written or verbal endorsement required for the Constitution amendment shall be two thirds [2/3] of total Membership.
- 42.4. The Secretary General shall file the amendments with the Registrar of Societies and other regulatory bodies as required by the law of land.



# Part 10: Dissolution of the Mandal

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## 43. Dissolution of the Mandal

- 43.1. The Mandal may be dissolved due to the following grounds:
- a. By an act of God.
  - b. By a resolution for the dissolution of the Mandal by the Members and voted at any Assembly of Councilors by a majority of at least three fourths [3/4] of the Constituent Members provided however that written consent from Trustees is obtained.
  - c. By an order of the Registrar of Societies or the Administrator General of the United Republic Of Tanzania.
  - d. By an order of the Court.
- 43.2. In case the Mandal is dissolved, all debts of the Mandal must be paid.
- 43.3. The Trustees or their attorneys or appointees shall deal with collecting of debts and pay the debts to those who owe the Mandal and to whom the Mandal owes.
- 43.4. If a valid resolution of the Mandal is passed, the assets of the Mandal shall be disposed of in such manner as may be resolved by the Trustees and duly ratified by the Assembly of Councilors. The following shall be the course of actions by the Trustees:
- a. All moveable and immovable properties and assets of the Mandal and any of the activities under the control of the Mandal shall be taken over by the Trustees who will hold and manage and will keep proper account and record in relation thereto.
  - b. If the Trustees expect the reformation of the Mandal, then they shall not sell or otherwise dispose of the properties and assets. Unless if any asset in the opinion of the Trustees are of perishable nature or deteriorating in value or liable to be stolen or lost, then they can sell or dispose such assets and lodge the proceeds in the bank account named as Registered Trustees of Shree Hindu Mandal Dar Es Salaam.
- 43.5. The Trustees shall transfer to the Council all the realized and unrealized assets remaining after settlement of the debts.
- 43.6. In the case the Council does not exist or is in the process of dissolution, the Trustees or their appointees shall distribute all realized and unrealized assets remaining after settlement of the debts among the then members in the ratio of the last annual subscription paid.





# Part 11: Dispute Resolution

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44. All disputes and grievances shall be handled by the Executive Committee and the Governance Committee as defined in [Article 25.7.b.ix.](#)



# Part 12: Miscellaneous Provisions

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## 45. Rules

Various By-laws and Policy Documents as mentioned and prescribed under this Constitution shall be enacted by the Executive Committee through its Governance Sub-Committee and be approved by the Assembly of Councilors. In the absence of any provisions in this Constitution, By-law or the Policy Document, the Governance Sub-Committee shall make appropriate decisions that will have to be ratified by the Assembly of Councilors. The Executive Committee shall make sure that the By-laws are in line with this Constitution and the Laws of the United Republic of Tanzania.

## 46. Repeal and Savings

48.1 The previous Constitution is hereby repealed.

48.2 All the By-laws, forms and rules made under the previous Constitution shall remain in force as long as they are consistent with this Constitution.

## 47. Other Provisions

47.1. The maximum age of a person intending to take up any honorary position in the Mandal, its Subsidiary or sub committee, either by appointment, nomination or election shall not exceed sixty five [65] years at the time of appointment, nomination or election.

47.2. An employee of the Mandal or its Subsidiary may only take up an honorary position in the Mandal, its Subsidiary or subcommittee provided a time of two [2] years has elapsed between his/her contract termination or resignation and the appointment, nomination or election to the respective honorary position. Such a person only qualifies if he has no record of any legal proceedings in the past or present instituted against the Mandal or its Subsidiary.

47.3. An Honorary member of the Mandal, its Subsidiary or sub committee either by appointment, nomination or election, in his / her personal capacity shall not enter into any property lease agreement either as a lessor or lessee with the Mandal.

47.4. Any person having entered into a property lease agreement either as a lessor or lessee with the Mandal shall not be eligible to be appointed, nominated or elected as Honorary member of the Mandal, its Subsidiary or sub committee



# Part 13: Board of Trustees

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## 48. Trustees

- 48.1. There shall be a Board Of Trustees of the Mandal comprising of five elected as follows:
- Four Trustees from the Constituent Members.
  - One Trustee from the Affiliate Members.
  - In case of failure to elect one Trustee from the Affiliate Members, the vacancy shall be filled by electing a Trustee from the Constituent Members.
- 48.2. The elected Trustees shall appoint one Trustee amongst them to be the Chairman of the Board of Trustees.
- 48.3. Registration: The elected Trustees of the Mandal shall be incorporated under the Trustees Incorporation Act CAP 318 [Re 2002] and shall be known as “The Registered Trustees of Shree Hindu Mandal Dar Es Salaam” and it shall have:
- Perpetual succession.
  - Common Seal.
  - Power to sue and to be sued in such corporate name.
  - Power to acquire property or interest in land.
- 48.4. Election: The Honorary Councilors of the Members shall nominate any Hindu of good standing from a Constituent or Affiliate Member. The Trustees may not necessarily be nominated from amongst the Councilors. The nominations shall be made by the Governance Committee which shall then declare a list of candidates whose election shall then be conducted by the Assembly of Councilors as per Articles 38 and 39 of this Constitution.
- 48.5. A Trustee(s) shall vacate office on the following grounds:
- Expiration of a four [4] years term of office.
  - Resignation.
  - Becoming of unsound mind.
  - Becoming bankrupt.
  - Being absent from Tanzania for a continuous period of six months without good reason or on permanent change of residence out of Tanzania.
  - Having committed a felony.
  - Death.
- 48.6. Tenure of Office
- A Trustee shall hold office for four [4] years from the date of their election at the Assembly of Councilors unless he/she shall have resigned his office in writing before the expiration of his term and/or removed as per Article 50.5 of this Constitution from the Mandal in the Assembly of Councilors by a majority of at least two-thirds [2/3] of the Councilors voting at the meeting. A Trustee



elected to replace the one who has resigned or has been removed shall hold office for a full term of four [4] years.

- b. The incumbent Trustee may again aspire for Trusteeship at the Assembly of Councilors if he desires reelection of a further term. Thereafter, he/she shall not be eligible for re-election for the immediate next term.
- c. Any vacancy of the Trustee shall be filled at the next Assembly of Councilors held after the vacancy occurs, as per Articles 36 and 38 of this Constitution but until such vacancy shall be filled, the remaining Trustees shall be empowered to act notwithstanding the vacancy.

#### **49. Powers and Duties of the Board Of Trustees**

- 49.1. The Trustees shall be custodians of the movable and immovable properties of the Mandal and its Subsidiaries.
- 49.2. The Trustees shall oversee the management of Mandal's moveable and immovable properties.
- 49.3. All properties acquired or to be acquired by the Mandal shall be vested in the Trustees.
- 49.4. The Trustees shall not sell and/or otherwise dispose and/or mortgage the movable and immovable properties of the Mandal without the approval of the Assembly of Councilors or until such time that the Trustees may expect dissolution of the Mandal as provided for under Article 45 of this Constitution.
- 49.5. The Mandal may sue and be sued in the name of the Trustees.
- 49.6. The Trustees shall be indemnified against costs, claims, losses and expense from the assets of the Mandal.
- 49.7. The Trustees shall appoint one [1] person as per Article 24.1 of the Constitution to hold the position of the Convener of the Estate Management Sub-Committee of the Mandal.
- 49.8. The Trustees shall co-opt three [3] members as per Article 24.1 of this Constitution to represent them in the Governance Sub-Committee.
- 49.9. The Trustees shall extend cooperation to the Executive Committee of the Mandal and advise where required.

#### **50. Common Seal**

- 50.1. The registered Trustees of the Mandal shall have a Common Seal, which shall be used by the Trustees in execution of the documents by them.
- 50.2. The Common Seal shall remain in the custody of the Secretary General. It shall only be affixed to any document or writing in pursuance of a resolution of the Executive Committee and in the presence of the Chairman and the Secretary General of the Mandal.
- 50.3. At least one [1] of the registered Trustees shall sign the document or writing, to which the Common Seal is affixed.



## **51. Meetings**

- 51.1. The Chairman of the Board of Trustees shall call meetings of the Board of Trustees as often as it is necessary but shall do so at least once every three [3] months.
- 51.2. The Convener of the Estate Management Committee shall be the Secretary of the Board Of Trustees. Secretary of the Board of Trustees shall not have any voting rights and his presence shall not be counted for a quorum.
- 51.3. The Secretary of the Board of Trustees shall give a seven [7] days' notice to the Trustees specifying the date, time, agenda and venue of the meeting. However, emergency or special meetings may be called at shorter notice. The agenda of such meetings shall be determined by the Chairman of the Board of Trustees.
- 51.4. The quorum required for the Board of Trustees meetings shall be three [3] Trustees; If within thirty minutes from the time appointed for the meeting of the Board Of Trustees there is no quorum, then the Trustees present shall form the quorum provided the Chairman of the Board of Trustees is present; but no business other than specified in the notice shall be transacted at such meeting. The decisions taken in such meetings shall be binding and effective only on subsequent consent in writing from at least three [3] Trustees of the Board of Trustees.
- 51.5. All decisions at the Board of Trustee meetings should be by a simple majority of the Trustees present at such meeting.
- 51.6. The Trustees may attend meetings of the Executive Committee. They shall not have any voting rights and their presence shall not be counted for a quorum.

## **52. Dispute Resolution**

- 52.1. All disputes, disagreements and grievances arising within the Board Of Trustees shall be brought to the Executive Committee for resolving and settling.
- 52.2. The aggrieved Trustee[s] shall present his complaints and grievances to the Executive Committee which shall act as a mediator and shall try to resolve the matter.



## **53. The Role of Trustees in the Dissolution of the Mandal**

53.1. The Mandal may be dissolved due to the following grounds:

- a. By an act of God.
- b. By a resolution for the dissolution of the Mandal by the Members and voted at any Assembly of Councilors by a majority of at least three fourths [3/4] of the Constituent Members provided however that written consent from Trustees is obtained.
- c. By an order of the Registrar of Societies or the Administrator General of the United Republic Of Tanzania.
- d. By an order of the Court.

53.2. In case the Mandal is dissolved, all debts of the Mandal must be paid.

53.3. The Trustees or their attorneys or appointees shall deal with collecting of debts and pay the debts to those who owe the Mandal and to whom the Mandal owes.

53.4. If a valid resolution of the Mandal is passed, the assets of the Mandal shall be disposed of in such manner as may be resolved by the Trustees and duly ratified by the Assembly of Councilors. The following shall be the course of actions by the Trustees:

- a. All moveable and immovable properties and assets of the Mandal and any of the activities under the control of the Mandal shall be taken over by the Trustees who will hold and manage and will keep proper account and record in relation thereto.
- b. If the Trustees expect the reformation of the Mandal, then they shall not sell or otherwise dispose of the properties and assets. Unless if any asset in the opinion of the Trustees are of perishable nature or deteriorating in value or liable to be stolen or lost, then they can sell or dispose such assets and lodge the proceeds in the bank account named as Registered Trustees of Shree Hindu Mandal Dar Es Salaam.

53.5. The Trustees shall transfer to the Council all the realized and unrealized assets remaining after settlement of the debts.

53.6. In the case the Council does not exist or is in the process of dissolution, the Trustees or their appointees shall distribute all realized and unrealized assets remaining after settlement of the debts among the then members in the ratio of the last annual subscription paid.



**ATTESTION BY THE REGISTERED TRUSTEES OF SHREE HINDU MANDAL  
DAR ES SAALAAM**

**Attested by The Registered Trustees of Shree Hindu Mandal Dar Es Salaam**

Name: SHARMILA BHATT                      Signature: .....

Name: JAYESH SHAH                      Signature: .....

Name: DIPAK VASSA                      Signature: .....

Name: SANJAY SUCHAK                      Signature: .....

Name: HITESH SURJA                      Signature: .....

**IN WITNESS WHEREOF**, the trustees have set their hands respective hands in the manner and on the day and year hereinafter appearing:-

**SEALED** with the Common Seal of the said,  
**REGISTERED TRUSTEES OF**  
**SHREE HINDU MANDAL DAR ES SALAAM**  
And **DELIVERED** in the presence of us.  
This ..... day of \_\_\_\_\_

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# ORGANOGRAM

## SHM Constitution Organogram

