

# GIBRALTAR HINDU TEMPLE

## CONSTITUTION

Adopted on the .....day of .....20 .....

### 1. **Name**

The name of the Association is “**Gibraltar Hindu Temple**” (hereinafter referred to as “**the Temple**”)

### 2. **Administration**

The Temple and its property shall be administered and managed in accordance with this constitution by the members of the Executive Committee, constituted by Article 7 of this constitution (“**the Executive Committee**”).

### 3. **Objects**

The Temple’s objects (“**the objects**”) are as follows:

- (i) To be a charitable body that stands as a focal point for the furtherance of interest in, the knowledge of and the practice of the Hindu Religion and Hindu Culture in Gibraltar;
- (ii) To provide a venue, facilities and the necessary assistance for divine worship and the performance of, and/or accommodating, Hindu religious services, Hindu spiritual or religious studies and discourses, Hindu weddings and any other Hindu ceremonies or functions so as to allow Hindus to practise and further their religious faith and culture in Gibraltar (which shall include but not be limited to the Sindhi language, Sindhi traditions and culture and, the Sindhi heritage);
- (iii) To promote a Hindu social and cultural understanding as well as an inter-religious understanding in Gibraltar;
- (iv) To carry out any humanitarian work or assist with or in any humanitarian movements;

- (v) To participate in charitable causes and make donations to charities or towards any by charitable or humanitarian causes;
- (vi) To do all or any of the above things in any part of the world as principals, agents, contractors, trustees or otherwise, and either alone or in conjunction with others, and either directly or through agents or attorneys or otherwise;<sup>1</sup> and
- (vii) To do all such other things as are incidental or conducive to the attainment of the above objects or any of them.

#### **4. Powers**

In furtherance of the objects the Executive Committee may exercise the following powers:

- (i) to raise funds and to invite and receive contributions provided that in raising funds the Executive Committee shall not undertake any substantial permanent trading activities;
- (ii) to buy, take on lease or in exchange any property necessary for the achievement of the objects and to maintain and equip it for use;
- (iii) to sell, lease or dispose of all or any part of the property of the Temple; save that in the case of any real property, such power will only be exercisable with the prior consent of not less than two thirds of the members of the Temple;
- (iv) to reserve the right of admission into any of the Temple's premises;
- (v) subject to the prior consent of not less than two-thirds of the members of the Temple, to borrow money and to charge all or any part of the property of the Temple as security for the money so borrowed;
- (vi) to employ such staff (who shall not be members of the Executive Committee) as are necessary for the proper pursuit of the objects and to make all reasonable and necessary provision their remuneration;
- (vii) to co-operate with other charities, voluntary bodies and statutory authorities operating in furtherance of the objects or of similar charitable purposes and to exchange information and advice with them;

- (viii) to establish or support any charitable trusts, associations or institutions formed for all or any of the objects;
- (ix) to appoint and constitute such advisory committees as the Executive Committee may think fit; and
- (x) to do all such other lawful things as are necessary or desirable for the achievement of the objects.

## 5. Membership

- (i) Notwithstanding that the premises of the Temple may be open to the general public for purposes of furthering the objects, a system of membership subscription in respect of the Temple shall be established in order to contribute towards the maintenance of such premises and the furtherance of the objects.
- (ii) Membership of the Temple shall be open to:
  - (a) any person over the age of 18 years; or
  - (b) a household,

interested in furthering the objects and who has paid the annual subscription laid down from time to time by the Executive Committee.

For the purposes of this Article, a “**household**” shall mean a married couple and their unmarried children (if any) living with them.

For the avoidance of doubt, membership subscriptions shall be payable by a household and not by each of the individuals comprising a household.

- (iii) Every member (being either an individual who has subscribed to the Temple in his/her own right or, a household) shall have one vote.
- (iv) Every member shall have the right to pay a reduced fee (as may be determined by the Executive Committee in its discretion from time to time) for using the Temple’s premises for any private religious function.

- (v) The Executive Committee may by unanimous vote and for good reason terminate the membership of any individual or household: Provided that the individual or household concerned shall have the right to be heard by the Executive Committee, accompanied by a friend, before a final decision is made.

## **6. Honorary Officers**

At the annual general meeting of the Temple, the members shall elect from amongst themselves a chairman, a secretary and a treasurer, who shall hold office from the conclusion of that meeting.

## **7. Executive Committee**

- (i) The Executive Committee shall consist of 13 members being:
  - (a) the honorary officers specified in the preceding Article; and
  - (b) 10 other members elected at the annual general meeting who shall hold office from the conclusion of that meeting;
- (ii) The composition of the Executive Committee should reflect, as far as possible, a balance in male/female ratio and, the members should endeavour to elect at least one person between the age of 21 years and 35 years to the Executive Committee.
- (iii) The Executive Committee may fill any casual vacancy arising in the Executive Committee and, in addition may appoint not more than four co-opted members to the Executive Committee (unless such appointment of a co-opted member is to fill a casual vacancy).
- (iv) All the members of the Executive Committee shall retire from office together at the end of the annual general meeting next after the date on which they came into office but they may be re-elected or re-appointed.
- (v) The proceedings of the Executive Committee shall not be invalidated by any vacancy among their number or by any failure to appoint or any defect in the appointment or qualification of a member.
- (vi) Nobody shall be appointed as a member of the Executive Committee who is aged under eighteen or who would if appointed be disqualified under the provisions of the following Article 8.

- (vii) No member of the Executive Committee shall acquire any interest in any property belonging to the Temple (otherwise than as a trustee for the Temple) or receive remuneration or be interested (otherwise than as a member of the Executive Committee) in any contract entered into by Executive Committee.
- (viii) The specific duties and responsibilities of each honorary member of the Executive Committee are set out in Part I of Schedule 1 to this constitution.

## **8. Determination of Membership of Executive Committee**

A member of the Executive Committee shall cease to hold office if he or she:

- (i) is absent without the permission of the Executive Committee from all their meetings held within a period of six months and the Executive Committee resolve that his or her office be vacated; or
- (ii) notifies to the Executive Committee a wish to resign (but only if at least three members of the Executive Committee will remain in office when the notice of resignation is to take effect).

## **9. Meetings and proceedings of the Executive Committee**

- (i) The Executive Committee shall hold at least four ordinary meetings each year (which shall include at least one ordinary meeting every three calendar months).
- (ii) There shall be a quorum when at least one half of the number of members of the Executive Committee for the time being (which must include the chairman and the secretary), are present at a meeting.
- (iii) Every matter shall be determined by a simple majority of votes of the members of the Executive Committee present and voting on the question.
- (iv) The Executive Committee shall keep minutes, in books kept for the purpose, of the proceedings at meetings of the Executive Committee and any sub-committee.
- (v) The Executive Committee may from time to time make and alter rules for the conduct of their business, the summoning and conduct

of their meetings and the custody of documents. No rule may be made which is inconsistent with this constitution.

- (vi) The Executive Committee shall forthwith establish rules of conduct in a form similar to that set out in Schedule 2 to this constitution to be observed at all times by all those persons who are present in the Temple's premises. The said rules of conduct may be amended from time to time at any special meeting of the Executive Committee by consent of not less than two thirds of the members of the Executive Committee. The said rules of conduct (as amended from time to time) should be clearly displayed in the Temple's premises.
- (vii) The Executive Committee shall be comprised of four sub-committees consisting of three members of the Executive Committee, each composed in the manner set out in Part II of Schedule 1 to this constitution. All acts and proceedings of the sub-committees shall be fully and promptly reported to the Executive Committee.
- (viii) The specific duties and responsibilities of each sub-committee of the Executive Committee are set out in Part III of Schedule 1 to this constitution.
- (ix) Each sub-committee, as described more particularly in Part II of Schedule 1 of this constitution, shall meet regularly and at least twice in each calendar year.

## **10. Receipts and Expenditure**

- (i) The funds of the Temple, including but not limited to all donations contributions and bequests, shall be paid into an account operated by the Executive Committee in the name of the Temple at such bank as the Executive Committee shall from time to time decide. All cheques drawn on the account must be signed jointly by any two honorary officers for the time being of the Executive Committee.
- (ii) The funds belonging to the Temple shall be applied only in furthering the objects.

## **11. Property**

- (i) The Executive Committee shall cause the title to all land held by or in trust for the Temple to be vested either in a corporation entitled to act as custodian trustee or in not less than two individuals

appointed by them as holding trustees. Holding trustees may be removed by the Executive Committee at their pleasure and shall act in accordance with the lawful directions of the Executive Committee.

- (ii) The primary purpose of the principal premises of the Temple shall be Hindu religious and Hindu educational purposes.

## **12. Accounts**

The Executive Committee shall comply with their obligations with regard to:

- (i) the keeping of accounting records for the Temple; and
- (ii) the preparation of annual statements of account for the Temple.

## **13. Annual General Meeting**

- (i) There shall be an annual general meeting of the Temple which shall be held in every calendar year and in any event, no later than fifteen calendar months from the previous annual general meeting of the Temple.
- (ii) Every annual general meeting of the Temple shall be called by the Executive Committee. The secretary shall give at least 21 days' clear notice of the annual general meeting to all the members of the Temple. All the members of the Temple shall be entitled to attend and vote at the meeting.
- (iii) Nominations for election to the Executive Committee may be made by members of the Temple either at the annual general meeting itself or in writing and in the hands of the secretary of the Executive Committee at least 14 days before the annual general meeting. Each candidate eligible and agreeable for election to the Executive Committee should have at least two nominations. Should nominations for candidates to the Executive Committee exceed vacancies, election of candidates to the Executive Committee shall be by secret ballot.

## **14. Special General Meetings**

The Executive Committee may call a special general meeting of the Temple at any time. If at least one-tenth of the members of the Temple request

such a meeting in writing stating the business to be considered, the secretary shall call such a meeting. At least 21 days' clear notice must be given. The notice must state the business to be discussed.

#### **15. Procedure at General Meetings**

- (i) The secretary or other person specially appointed by the Executive Committee shall keep a full record of proceedings at every general meeting of the Temple.
- (ii) There shall be a quorum when at least one tenth of the number of members of the Temple for the time being or ten members of the Temple, whichever is the greater, are present at any general meeting.

#### **16. Alterations to the Constitution**

Subject to the following provisions of this Article, the Constitution may be altered by a resolution passed by not less than two thirds of the members present and voting at a general meeting. The notice of the general meeting must include notice of the resolution, setting out the terms of the alteration.

#### **17. Dissolution**

If the Executive Committee decides that it is necessary or advisable to dissolve the Temple it shall call a meeting of all members of the Temple, of which not less than 21 days' clear notice (stating the terms of the resolution to be proposed) shall be given. If the proposal is confirmed by a two-thirds majority of those present and voting the Executive Committee shall have power to realise any assets held by or on behalf of the Temple. Any assets remaining after the satisfaction of any proper debts and liabilities of the Temple shall be given or transferred to such other charitable institution or institutions having objects similar to the objects of the Temple as the members of the Temple may determine or failing that shall be applied for some other charitable purpose.

#### **18. Arrangements until first Annual General Meeting**

Until the first annual general meeting takes place this constitution shall take effect as if references in it to the Executive Committee were references to the persons whose signatures appear at the bottom of this document.



This Constitution was adopted on the date mentioned above by the persons whose signatures appear at the bottom of this document.

Signed:      Name      .....

                  Signature      .....

                  Date      .....

  

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**SCHEDULE 1**  
(EXECUTIVE COMMITTEE)

**Part I**  
(Duties of Honorary Members)

1. The chairman shall, amongst other things, be responsible for the following matters:
  - To be the public representative of the Temple and to ensure that all and any complaints and/or suggestions in respect of the Temple received by members are dealt with by the appropriate persons in a satisfactory and timely manner;
  - To communicate any decisions taken by the Executive Committee to the membership;
  - To make all necessary and desirable arrangements for the convening of the annual general meeting of the Temple and to make arrangements for the notification of the same to the membership of the Temple;
  - To overlook and coordinate the smooth functioning of the various sub-committees;
  - To ensure that the Executive Committee complies with the provisions of this constitution; and
  - To deal with any correspondence addressed to the Temple or redirect it to the appropriate person for reply.
  
2. The secretary shall, amongst other things, be responsible for the following matters:
  - To keep an updated record of membership of the Temple;
  - To assist the Chairman in convening the annual general meeting of the Temple;

- To notify the all members of Executive Committee and any co-opted members at least 48 hours in advance of the any ordinary meetings of the Executive Committee to be convened;
  - To take minutes at all meetings of the Executive Committee and at all annual general meetings of the Temple;
  - To provide forthwith, copies of minutes of any meetings of the Executive Committee to those members of the Executive Committee who for any reason are unable to attend any meetings of the Executive Committee; and
  - To work as part of the Administrative sub-committee.
3. The treasurer shall, amongst other things, be responsible for the following matters:
- To receive all monies on behalf of the Temple and to deposit all such monies in the bank account of the Temple;
  - To properly, accurately and in good faith maintain the bank account(s) of the Temple as well as arrange and deal with all bank mandates in respect of such account(s) and to liaise with the bank at which such account(s) of the Temple are held;
  - To be responsible for effecting all payments and taking proper receipts on behalf of the Temple;
  - To maintain a complete, accurate and up- to-date account of the revenues and expenditures of the Temple;
  - To prepare the accounts of the Temple for auditing;
  - To arrange for the insurance of the Temple's assets; and
  - To work as part of the administrative sub-committee.

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**Part II**  
(Sub-Committees)

The Executive Committee shall be comprised of the following four sub-committees:

- An Administration sub-committee consisting of the Secretary, the Treasurer and one other member of the Executive Committee;
- A Maintenance sub-committee consisting of three members of the Executive Committee;
- An Events Management sub-committee consisting of three members of the Executive Committee; and
- A Cremation sub-committee consisting of three members of the Executive Committee.

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**Part III**  
(Duties of Sub-Committees)

Administrative sub-committee

The Administrative sub-committee shall, amongst other things, be responsible for the following matters:

- To take care of all administrative and financial proceedings related to the Temple;
- To arrange for all employment contracts, insurance, tax deductions and all ancillary matters necessary for or incidental to the employment of any person taken as Priest or as caretaker of the Temple's premises;
- To arrange for the collection of annual membership subscriptions payable in respect of the Temple; and
- To arrange for the distribution of all circulars in respect of any matters relating to the Temple.

### Maintenance sub-committee

The Maintenance sub-committee shall, amongst other things, be responsible for the following matters:

- To ensure that the Temple's assets and premises (including all fixtures and fittings thereto) are kept in a good state of repair and maintained in a presentable and orderly manner at all times;
- To employ all necessary and qualified workers to carry out any works and/or repairs that may be required from time to time to ensure the proper maintenance of the Temple's premises (including all fixtures and fittings thereto);
- To regularly review the state and adequacy of the Temple's premises (including all fixtures and fittings thereto) and repair the same as may be necessary or desirable and, in particular, to have regard to the internal and external paint of such premises as well as the lighting, the sound system, the carpet and all other fixtures and fittings of the Temple's premises generally;
- To employ the necessary cleaning staff and ensure that such cleaning staff are instructed appropriately and that they carry out their responsibilities and duties properly in all respects;
- To make provision so that the Temple's premises are thoroughly cleaned by members at least once every calendar year (which shall include the washing and, if and whenever possible, the re-clothing of *Murtis* (deities) with new clothes); and
- To ensure that the Temple's premises is at all times adequately stocked with all necessary requirements to ensure the proper and desirable furtherance of the objects.

### Events Management sub-committee

The Events Management sub-committee shall, amongst other things, be responsible for the following matters:

- To organise festivals, celebrations and all other gatherings that would ordinarily take place in the Temple's premises as a matter of Hindu religion, custom and/or tradition;

- To give assistance to those arranging private religious functions to be held at the Temple's premises;
- To keep a written record at the Temple's premises available at all times for public inspection, of bookings for religious functions to be held at the Temple's premises;
- To arrange a *Langar/Prasadam* (sanctified food) when required;
- To ensure that after any religious or other items belonging to the Temple are used, they are stored away safely and kept in proper place and manner for future use; and
- To ensure that rules of conduct in a form similar to that set out in Schedule 2 to this constitution are observed at all times by all those persons who are present in the Temple's premises.

#### Cremation sub-committee

The Cremation sub-committee shall, amongst other things, be responsible for the following matters:

- To make all necessary arrangements and to assist generally, the family of any deceased Hindu ordinarily resident in Gibraltar, in all aspects in connection with the cremation of such deceased Hindu, including but not limited to contacting the relevant authorities and ensuring that all and any legal requirements for any cremation in Gibraltar are fully complied with; and
- To make provision for all and any items required for cremation and to safely and properly store those items which are of a reusable nature for future use for the purposes of cremation.



**SCHEDULE 2**  
(Draft Rules of Conduct)

**1. Rights**

In accordance with Hindu precepts, everyone shall enjoy the same rights, particularly in these premises and any discrimination of sex, caste, religion or otherwise will not be permitted.

**2. Conduct**

- (i) These premises are a Holy place of worship and accordingly appropriate conduct and attire is expected from all present.
- (ii) Silence is expected from those attending any religious service in these premises as a mark of respect to these premises and to the person conducting the religious service or discourse.
- (iii) Young children shall be seated with their parents at all times during any religious services or discourses. Parents shall ensure that their children behave appropriately and in an orderly manner at all times in these premises.
- (iv) It is the duty of all persons attending these premises to look after these premises and to ensure that all items are stored in their proper place after use.

**3. Restrictions**

- (i) Shoes shall be removed before entering the main prayer area of these premises.
- (ii) No smoking, alcohol or meat shall be allowed into these premises at any time or under any circumstance.
- (iii) Except when *Langar/Prasadam* (sanctified food) is being served, no food or drinks shall be allowed in the main prayer area of these premises.
- (iv) All persons must ensure that they wear appropriate attire bearing in mind the sanctity of these premises.

**4. Bookings**

- (i) Anyone wishing to book the premises for any religious ceremony or function should contact the Events Management sub-committee to check availability of the desired date.
- (ii) A charge shall be levied for using these premises for any private religious ceremony or function in order that the continued maintenance of these premises may be financed. Please consult the detailed list of charges on the notice board at the entrance to these premises or kindly make enquiries from any Events Management sub-committee member.

**5. Donations**

- (i) Anyone wishing to give a monetary donations can do so through the boxes placed in these premises, or by approaching the treasurer.
- (ii) Anyone wishing to donate any item of decoration or other item for use in these premises should first seek the approval of a member of the Executive Committee.

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