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BRITANNIA HINDU (SHIVA) TEMPLE TRUST

200A ARCHWAY ROAD, LONDON N6 5BA

CONSTITUTION

(AMENDED IN 2016)

CHARITY NUMBER 269067

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BRITANNIA HINDU (SHIVA) TEMPLE TRUST.
REGISTERED CHARITY NO. 269067, 200A, ARCHWAY ROAD, LONDON N6 5BA

The Britannia Hindu (Shiva) Temple Trust was established by the Hindu Association of Great Britain and the constitution was drafted by Mr. S. Sabapathipillai, a Barrister and founder and the president of the Hindu Association.

THE CONSTITUTION

A Constitution adopted 17th August 1974, amended 4th October 1975, 26th July 1976, 18th August 1996, 26th February 2016 and all amendments registered with Charity Commission on 1st December 2016. The latest amendments were made at the request of the Charity Commission in 2009 and after many deliberations were put back to the Charity Commission and with their approval and observations were finally adopted as stated above.

History of the Executive Committee and its role.

HISTORY

The Trust was formed on a two-tier system for the purpose of stability and continuity, the first part dealing with the administrative structure and the second with the advisory and executive function.

At the start the Chairman, Secretary and the Treasurer of the Board of Trustees did the executive functions of enrolling members of the Advisory Council and running of Social Functions. The workload was heavy and Bye-law1 was passed in November 1975, creating three sub committees, namely membership, Religious Education, and Social and Cultural. Subsequently the fourth Site and Construction was added. These sub-committees functioned independently and without any collaboration, or monitoring, except by the advisory council which meets once in six months only.

After two years in 1977, it was decided to bring sub-committees under a monitoring and collaboration system independent of the Advisory Council. The executive committee system was created under Bye-Law 2 have the power of the power of delegacy of the Advisory Council and having control over the four sub-committees. The Board of Trustees retained the administrative function. The Executive committee had the Advisory and Executive function, subject to the restriction of financial provision by the Board of trustees.

Role of the Executive Council

If the proviso stated under HISTORY above are kept in mind, the two branches of the Trust will function smoothly. What has got to be done is for each sub-committee to meet with its members and discuss the matters arising within their function and make their recommendation to the Executive Committee through its Vice Chairman or Assistant Secretary. Once it is approved by the Executive Committee, it will then submit to the Board of Trustees for approval (if financial provision was necessary) otherwise the Secretary of the Board of Trustees will report to the Board of Trustees any important decisions of the Executive Committee. He will also report to the Executive Committee the decisions of the Board of Trustees

IT MUST BE UNDERSTOOD THAT THE ADMINISTRATION OF THE TRUST AND THE TEMPLE IS IN THE HANDS OF THE TRUSTEES.

CONSTITUTION OF BRITANIA HINDU (SHIVA) TEMPLE TRUST

1. The first founder (as settler) hereby conveys the Temple Statue and other accessories unto the Trustees hold the same unto the Trustees, the second, third and fourth founders hereby agree to pay the sum of £300.00 (three hundred pounds) each in such instalments as decided by the Trustees.
2. The Trustees shall hold the property conveyed hereinafter upon trust for the purpose of establishing and maintaining a Shaiva temple to be situated in Great Britain (the Temple being maintained according to the tradition of Shaiva temples as obtaining in Tamil Nadu and Sri Lanka)
3. The objects of the Charity are:
 - a) The establishment of a Hindu (Shiva) temple or temples where the rituals are to be conducted with special emphasis on Saivism according to the tradition in Tamil Nadu and Sri Lanka
 - b). the propagation of Hindu religion
 - c). the establishing and running of schools conducting religious classes and religious music and
 - d). other purposes conducive to the advancement of Hindu religion in general.

PART 1 – TRUSTEES

4. The Trust shall be controlled primarily by a Board of Trustees in whose jurisdiction shall be vested the property of the trust and the day-to-day administration of the Trust, except as expressed otherwise hereinafter.
5. The Board of Trustees shall consist of not more than 7 (seven) persons, namely 4 (four) permanent Trustees and 3 (three) representative Trustees.
6. The founders shall be the first permanent Trustees and the other 3 (three) Trustees shall be the first representative Trustees.
7. A representative Trustee shall be elected by the Advisory Council to fill the vacancy caused by a Trustee ceasing to hold office by operation of time on a date not more than 3 calendar months from 3rd June and shall hold office for 3 years from 1st October of the year in which the election take place. The above election shall also comply with appendix A, and also with provision that Representative Trustee shall not hold office for more than two consecutive terms. He can be re-elected after lapse of one year of completion of service of two consecutive terms.
8.
 - a). The first named of the 3 representative trustees shall retire on 30th June 1976 and his successor shall hold office for 3 years from 1st July 1976.
 - b). The second named of the 3 representative Trustees shall retire on 30th June 1977 and his successor shall hold office for 3 years from 1st July 1977.
 - c). The third named of the 3 representative Trustees shall retire on 30th June 1978 and his successor shall hold office for 3 years from 1st July 1978.

- d). Any representative trustee/s elected in June 1995 or August 1996 for one year, two years, or three years as the case may be shall retire at the end of 30th September 1997, 30th September 1998, or 30th September 1999 respectively and shall operate in the same way for elected representative Trustee/s in the subsequent years.
 - e). A permanent Trustee shall hold the office for a period of seven years from the date of election, except those existing permanent trustees, who are exempted from the operation of this amendment, and shall only apply to those elected after the date of operation of this amendment according to the provisions laid down in Article 37 (a) and 37 (b) of the constitution. A permanent Trustee retiring under this Article shall be eligible for re-election only after a lapse of two years from the date of completion of service. The above election shall also comply with appendix B.
- 9.
- a). A vacancy arising in the post of a Trustee at any time by operation of law, resignation or otherwise shall be filled by the Advisory Council within 2 months of such vacancy.
 - b). A Trustee retiring by operation of time shall be eligible for re-election.
 - c). A representative Trustee filling a vacancy created other than by operation of time shall cease to hold office at the time at which the person whose vacancy he filled would have ceased to hold office.
 - d). A Trustee, so wishing, may tender his resignation from the Trusteeship by writing to the Chairman of the Board of Trustees.
 - e). The vacancy in the post of permanent Trustee shall be filled by an election, which shall be by the Advisory Council and the Trustees voting together. The board of Trustees may propose 1 candidate and the Advisory Council may propose 1 candidate. The above election shall also comply with appendix B.
10. Any person who defaulted in the agreement under Para 1 or Para 27(b) shall cease to be a Trustee on a resolution by the Board of Trustees.
11. The trustees shall, among themselves appoint an honorary Chairman, an honorary Secretary and an honorary Treasurer. Such appointments shall be made annually or as and when the need arises due to a vacancy occurring.
12. The Trustees shall meet not less than once in three months and at every meeting 3 shall form a quorum.
13. The Trustees shall act by a simple majority of those voting at a Meeting of the Trustees, either in person or by proxy.
14. A copy of the Minutes of Meeting of the Trustees, signed by the Chairman and Secretary of the Board of Trustees, shall be conclusive evidence of the decisions reached and shall be available for inspection by the Advisory Council.

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15. The Trustees may collect subscriptions, donations and bequests for the purpose of establishing and maintaining the above said temple or temples and other purposes mentioned in Para. 3.
16. The Trustees may apply any part of the Trust Fund in acquiring by purchase, lease or otherwise any freehold or leasehold property as a site, or as part of a site, of the temple or other buildings necessary for purpose mentioned in Para. 3 and in erecting or pulling down and rebuilding or enlarging, or improving or altering any buildings on such site or any part thereon and in fitting the same or any part thereof as the Trustees may think desirable for the purpose of the Temple or other purposes mentioned in Para. 3.
17. The Trustees shall have power to invest all such part of the Fund or charity and all such parts of the income produced by any such investments forming part of the Fund. The Trustees shall consult the Advisory Council which shall have the power to veto the proposal by two-thirds majority.
18. The Trustees shall have power to sell or lease all or any part of the property or investments at any time representing the property of the charity. The Trustees shall consult the Advisory council which shall have the power to veto the proposal by two-thirds majority.
19. The Trustees shall have power to borrow, by mortgage or otherwise, money on the security of the property of the Trust for purpose of erecting buildings or purchasing buildings or improving the existing building and may continue to repay the whole or any part of the existing mortgage on the property. The Trustees shall consult the Advisory Council which shall have the power to veto the proposal by two-thirds majority.
20. The Trustees may open and maintain in the name of the Trust a bank account or accounts at such bank or banks as they shall from time-to-time decide and may pay any monies forming part of the Trust Fund including any building fund or endowment to the credit of such account or accounts or place the same on deposit with any banker or bankers. Two of three Trustees designated by them shall be empowered to draw upon the funds in the bank. Any monies not required for immediate use shall be deposited in the bank.
21. The income and the property of the Trust and all monies received by or on behalf of the Trust shall be applied solely towards the furtherance and promotion and execution of the objects of the Trust, or the payment in good faith of reasonable and proper remuneration or expenses, or both, to any officer or servant of the Trust or to any person for services actually rendered to the Trust.
22.
 - a). If any legal proceedings of any kind are resorted to or defended by the Trust, the Trustees shall prosecute or defend such proceedings either in the name of Trust or in the name of the Trustees or otherwise on behalf of the Trust as may be necessary.
 - b). The Trustees shall be effectually indemnified by the Trust from and against liability, costs, expenses and payments whatsoever which may be properly incurred or made by them in relation to the Trust, the property of the Trust or the investment of the Trust or in the relation to any legal proceedings which may relate to the performance of the function of a Trustee of the Trust directly or indirectly.

- c). The Trustees, shall, among themselves appoint a Management Trustee, to professionally manage the affairs of the Temple and its building complex and proper remuneration or expenses or both be paid to the Trustee decided at a Board meeting held without the participation of the Management Trustee and this remuneration or expenses can only be effective with the express permission of the Charity Commission. This appointment shall be made annually.
23. The Trustees shall cause true accounts to be kept of the receipts, expenditures, assets, credits and liabilities of the Trust and shall place through the Treasurer before the Advisory Council at each Annual General Meeting of the Advisory Council a properly audited account and balance sheet made up to the end of the 31st March of the year. The financial year shall be the 12 months ending on 31st March.
24. The original Trustees shall be :
- a). **Permanent Trustees:** S. Sabapathipillai, A.T.S. Ratnasingam, Dr. V.P. Narayana Rao, A. Vairavamoorthy.
- b). **Representative Trustees:** M.P.M. Perumal, V. Sangaralingam, T. Vaitheesparal.

PART II - THE ADVISORY COUNCIL

25. a). The advice and counsel pertaining to the concerns of the Trust shall be vested in an Advisory Council but subject to clause 4 in Part 1 - Trustees.
- b). The Advisory Council shall be constituted of the following class of members:
- i). The president and Secretary of the Hindu Association of Great Britain.
- ii). 5 members elected by the committee of the Hindu Association of Great Britain.
- iii). Ubayakaras (special donors of the Trust, mentioned in Para 27).
- iv). All members of the Board of Trustees.
26. Immediately after the Annual General Meeting of the Hindu Association of Great Britain the committee shall elect 5 members of the Association to the Advisory Council and the Secretary of the Hindu Association shall communicate to the Secretary of the Trust the names of new President, new Secretary and the 5 members elected by the committee to the Advisory Council. These persons shall replace the members of the Advisory Council under Para. 25(b) of the previous year. Until such replacements the original members remain as members of the Advisory Council.
27. a). Those who have given a donation of £ 300.00 (Three Hundred Pounds) or promised to pay £ 300.00 (Three Hundred Pounds) in such instalments as decided by the council and are continuing to pay such instalments without default and are willing to serve in the Advisory Council when approved by the council. Any person who has defaulted in his obligation shall be placed in a defaulters list up to a period of three years from default date and re-admitted once he pays the balance due in one instalment, within that period.

b). The Board of Trustees shall have the power to remove any member from the advisory Council membership, if his/her conduct directly or indirectly brings disrepute to the Trust or the management of the temple maintained by the Trust; but subject to a decision of a Board of inquiry appointed by the Board of Trustees.

The member so removed shall have the right of appeal, to be heard by an outside body of three eminent people appointed by the Board of Trustees, subject to the appeal board's expenses being met by the member appealing and agreed upon in writing.

c). **Fully paid members who have completed one year membership on August 31st of the current year are the only members who are eligible to vote at elections of the Advisory Council.**

28. The Annual General Meeting of the Advisory Council shall be summoned by the Secretary of the Advisory Council on a date between the Hindu New Year and the 30th September as decided by the Trustees; and the decision of the Board of trustees shall be final on all matters connected with the conduct and outcome of the elections and the A.G.M.
29. The Chairman of the Board of Trustees shall be the Chairman of the Advisory Council. The other Trustees can participate in the deliberations, but shall not have the right to vote except under Paras. 9(e) and 36. In case of equality of votes the Chairman shall have the casting vote.
30. The Advisory Council shall be summoned by the Secretary of the Advisory Council once in every 4 months, the A.G.M. being counted as one of the meetings.

In the absence of the Chairman of the Board of Trustees the President of the Hindu Association, and in his absence any pro tem Chairman shall preside. At every meeting 25 members or one-fifth of its membership (whichever is less), exclusive of the trustees, shall form the quorum.

If the required quorum is not present within 45 minutes of the time fixed for a meeting, the meeting shall be reconvened by the Chairman without further notice by post, but with a notification in the Temple notice board, to take place within fourteen days. If at the reconvened meeting a quorum of 25 is not present within 30 minutes, the members present shall form a quorum and the meeting conducted shall be deemed as a valid meeting.

31. The Secretary of the Advisory Council shall keep a record of all proceedings. All matters shall be decided by a majority of those present and having a right to vote.
32. The Council may delegate any of its powers to committees consisting of members of the Advisory Council.
33. At the Annual general Meeting of the Advisory Council, the Advisory Council shall
 - a). Receive the Annual Report of the Trustees.
 - b). Receive and, if approved, adopt the Annual Statement of Accounts and Balance Sheet and the Auditor's Report
 - c). Elect the Secretary of the Advisory Council and an Auditor
 - d). Elect the Trustee or Trustees

- e). Deal with any matter which the Trustees decide to bring before the Advisory Council and deliberate on suggestions from members for consideration by the Trustees.

SPECIAL GENERAL MEETING OF THE ADVISORY COUNCIL

- 34. a). A special General Meeting of the Advisory Council shall be summoned by the Trustees within 28 days of receiving a request for such a Meeting subject to the conditions below in full.
 - (1) Such a meeting request is signed by not less than 100 members or one fifth number of members of the Advisory Council (whichever is less) and indicating who the lead member is, for correspondence purposes. Members should indicate their names in block letters, including membership number and address.
 - (2) An agenda must be stated by those requesting.
 - (3) The Board of Trustees shall have the power to reject the above request if they find that the request contravenes any article of the constitution, contravention meaning any move against the implied intention or expressed intention of any article.
- b). A Special General Meeting of the Advisory Council can be summoned by the Resolution of the Board of trustees.
- 35. a). Two weeks clear notice of all meetings of the Advisory Council shall be given to the members of the Advisory Council and 3 weeks in advance in the case of Annual General meeting.
- b). Such notice shall be by means of a billet incorporating the date, the time, the venue of the meeting, draft Agenda and all such matters as may be necessary.
- c). Non-receipt of the notice of the General Meeting by a member entitled to receive such notice shall not invalidate proceedings taking place or resolutions passed at such meetings provided that notice shall have been posted to the last known address of the member.

BYE LAWS

- 36. The Advisory Council may draw such Bye Laws as may be deemed necessary for the proper conduct of its affairs provided that such Bye Laws are not inconsistent or contrary to the Articles of the Trust. Such Bye Laws may be amended at a General Meeting by two-thirds majority provided a motion for such amendment appears on the Agenda.

AMENDMENT OF THE ARTICLES OF THE CONSTITUTION

37. a). Any alteration or deletion of any or part of any Articles of Part I of the Constitution or additions to those Articles adopted by majority of the Trustees and approved by four-fifths of the members of the Advisory Council present at an Annual Meeting or a Special General Meeting convened for that purpose and of which written notice has been given shall have the effect as enacted in the Constitution.
- b). Alteration or deletion of any part of any Article of Part II of the Constitution or addition to those Articles could be made provided such alterations or deletions or additions receive the approval of two-thirds members of the Advisory Council present and subsequently receive the approval of the majority of the Trustees. Such motion must be brought at the Annual General Meeting or Special General Meeting convened for that purpose and of which written notice was given.

DISSOLUTION

38. In the event of the Trust being dissolved for any cause whatsoever, the assets and funds of the Trust shall not be distributed to the Trustees or Members of the Advisory council, but shall be dealt with under the Cypress doctrine of England to other Hindu Trusts or Temples.

Appendix A.

Any person standing for election as a representative Trustee shall have been a fully paid up member for a minimum period of three years and shall have served in a responsible post in the Executive Committee of the Advisory Council. Responsible posts shall exclude the executive Committee membership.

Appendix B.

Any person standing for election as a permanent Trustee shall have been a fully paid up member for a minimum period of seven years and shall have served in the position as Secretary of the Advisory Council or as vice Chairman of sub-committee or has served as a representative Trustee.

BYE LAW 1

1. a). In pursuance of Para. 32, the following committees shall be set up to advise the Trustees:
- (i). Committee for Membership
 - (ii). Committee for Religious Education and Physical Training which shall inter alia include Devotional Music, Yoga Practice, Meditation, Kolattam and Dancing etc.
 - (iii). Committee for Social and Cultural Affairs which shall inter alia include organising musical concerts, film shows, coach trips and other fund raising projects.
 - (iv). Committee for temple Construction.
- b). Each Committee shall consists of not less than 5 and not more than 7 members. It shall have a Vice Chairman who shall preside at the Meetings and an Assistant Secretary to convene the Meetings and take down Minutes.
- c). The Vice Chairman and Assistant Secretaries shall be elected at the Annual General Meeting (except at the first election).

2. An Assistant Treasurer shall be elected at the Annual general Meeting to help the Treasurer.

BYE LAW 2

1. The powers of the Advisory council shall be delegated to an Executive Committee of the Advisory Council consisting of the Following:
 - a). Chairman, Secretary, Assistant Treasurer of the Advisory Council.
 - b). Secretary and Treasurer of the Trust.
 - c). Vice Chairman and Secretaries, mentioned in Bye Law 1.
 - d). President and Secretary of the Hindu Association of Great Britain.
 - e). Six other members of the Advisory Council elected at the Annual General Meeting (in the first instance immediately).
- .2. The Chairman and Secretary of the Advisory Council shall respectively be the Chairman and Secretary of the Executive Committee. In the absence of the Chairman, one of the Vice Chairmen of the Committees shall preside.
3. The executive Committee shall meet at least once in two months or requested by 2/3 of the Executive Committee, and shall co-ordinate the work of Committees mentioned in Bye Law 1. The quorum of a meeting shall be 7. An emergency meeting can be summoned by the Secretary of The Advisory Council with the approval of the Chairman.

BYE LAW 3

1. A person seeking approval as a member of the Advisory Council under Section 27 (b) shall state in a form, his willingness to become a member of the Advisory Council and also state that he is a Hindu (Saivite) by faith.
2. No person shall be approved unless he states that he is a Hindu Saivite.
3. Any person who is approved as a member of the Advisory Council by design, mistake or negligence in contravention of the rules applicable for approval shall automatically cease to be a member of the Advisory Council on the material fact being proved to the satisfaction of the Advisory Council.