

AUM

SHREE PRETORIA HINDU SEVA SAMAJ

(Established in 1932)

“Satyameva Jayate” – Truth Alone Prevails

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MINUTES OF THE ANNUAL GENERAL MEETING OF THE SHREE PRETORIA HINDU SEVA SAMAJ

Held at: The Auditorium, SPHSS
Date: 3 April 2011

1. PRAYER & WELCOME

The resident pujari, Mukeshbhai Joshi, delivered the opening prayer which was followed with a minute's silence in honour of all members who had passed away since the last AGM. The President declared the meeting open at 3:15pm and welcomed the large crowd present. A special word of welcome was extended to Mahier Tayob and the auditor from PWC who agreed to serve as independent observers and electoral officers.

2. ATTENDANCE

The AGM was declared duly constituted by the President as the requisite quorum as required by clause 12 of the constitution had been met by the members present. According to the attendance register a total of 384 people, plus two observers, attended which was the highest number of people to attend an AGM ever recorded.

3. MINUTES OF THE PREVIOUS AGM

The minutes of the previous AGM held on 28 April 2010 and which were circulated to all members was moved for acceptance by Ramanbhai Rama and seconded by Navnitbhai Bhima. This was approved without amendments.

4. MATTERS ARISING

The Secretary General, Rameshbhai Chhagan, highlighted three items under matters arising, namely the request by Maganbhai Dheda for more effective communication to the community who do not have email or cell phone facilities, the request that young children should learn to talk Gujarati and the issue of the appointment of more referees for cremations.

In his response, the Secretary-General pointed out that all three issues have been dealt with. Firstly, the establishment of an office and the appointment of administrators has ensured that the line of communication between Samaj officials and the community is now much more open and

accessible; secondly, Gujarati is being taught on Saturday's as well to make it more possible for youngsters to access the language; and finally more medical referees have been appointed on a pro bono basis to ensure cremations are not unduly delayed.

5. **PRESIDENTIAL REPORT**

The President, Prakashbhai Hira, read out the report that was circulated to all members. In his report he highlighted the following:

- The role of Mahier Tayob, a forensic auditor, in recovering the stolen funds and for his forensic report that was circulated to all members.
- The finding in the forensic report that the community was co-responsible for the loss in that they did not ensure that good governance (stringent adherence to the constitution) prevailed.
- The decision by the trustees and officials, as a consequence of the theft, to ensure that the affairs of the Samaj are managed strictly in terms of a revamped constitution and by drawing up a code of conduct agreed upon by all members;
- The subsequent emergence of a faction that was opposed to sound governance and discipline and who attempted to destabilise and hold the Samaj to ransom. Their latest attempt was to serve a lawyer's letter on election date demanding that the AGM be postponed because documents had not been circulated in advance, despite the fact that this is not a constitutional requirement and the presentation of documents at the AGM has been the practice at the Samaj for the last 79 years.
- Finally, he again emphasised that the Samaj was willing to engage meaningfully with community members who had legitimate concerns but not at the expense of the constitution or its code of conduct.

6. **SECRETARIAL REPORT**

In his report, Rameshbhai Chhagan read out the goals and achievements of the executive and various portfolios and that of the secretariat over the two-year period in office. Some of the achievements highlighted were: the recovery of stolen funds, the establishment of proper governance, policies and procedures, the celebration of all important religious ceremonies as well as broadening of religious participation in Samaj events by other spiritual groups, sound financial management, the establishment of an administration office, the effective administration of the Gujarati School and Bal Mandir, the awarding of study loans to over 8 students, the hosting of a well-attended open health day, the impressive on-going renovations of the Samaj premises, the hosting of the Hanuman Chalisa and finally ensuring transparent, regular communication with the community, including the creation of a Samaj website.

In particular, he thanked every portfolio head and their respective team members for their dedication and hard work in ensuring that all the objectives set were met and also for the support and cooperation he received from them for their timeous submission of progress reports. The members present gave a round of applause to each official in turn in appreciation of the work done by them.

7. **FINANCIAL REPORT**

Prakashbhai read out and explained the Financial Statements and Auditor's Report that was presented at the meeting. The financial report of 2009 and 2010 was approved on the motion of Trusharbhai Kalan and seconded by Vineetbhai Rama. The following matters were highlighted:

- The financials of 2009 was presented because of material errors made in the 2009 financial report that was presented at the AGM in April 2010. These errors were rectified in consultation with the auditors who agreed to audit the restated financials.
- The qualifications made by the auditors were substantially less in the 2010 report than in last year's, indicating that steady progress was being made towards sound financial management. The 2010 qualifications related to the following: The correct value of property, plant and equipment as these have not been confirmed/verified by an external valuer; lack of supporting documents for student loans going back many years amounting to R167 000; independent confirmation of bank statements due to the limited time available to the auditors to obtain the same; lack of supporting documents for transactions amounting to R176 325 which was predominantly incurred between January and April 2010 and which are presumably in the possession of ex-officials but which they refuse to return to the Samaj.
- A commitment by the President that these issues would be addressed as a matter of priority and that Tayfin Forensics would be engaged to retrieve the necessary documents from the ex-officials as well as conducting a forensic audit on the study loans granted.
- Whilst an abridged version of the Financial Report was presented, the President informed the house that any member was at liberty to inspect the full set of financial statements by making arrangements with the administrators.

Trusharbhaj Kalan addressed the house on various issues pertaining to the financial report. In his address, he emphasised that both the trustees and officials are jointly responsible for the financial management of the Samaj; that future officials must take cognizance of this because it was this same issue that led to his resignation as president on 31 July 2008.

Harshadbhai Keshav inquired why the financials were not circulated prior to the meeting. Prakashbhai explained that the financials were only finalised by the auditors a few days before the meeting and then had to be bound. However, he pointed out that circulation prior to the meeting is not a requirement of the constitution and that in any case presenting financial statements at the AGM has been a tradition of the Samaj over its 79 year existence. He again emphasised that any member of the community is at liberty to peruse the full financial statements at his/her leisure.

In conclusion, Prakashbhai thanked PWC, NAD Consultants as well as our administrators (Mineeshabhen & Vinaybhai) for the sterling support he received in ensuring the financial reports were completed timeously.

8. **APPOINTMENT OF AUDITOR**

Prakashbhai suggested that Tayfin Forensic be appointed as the Samaj auditors but Harshadbhai Keshav (supported by Trusharbhaj) argued that as Tayfin would be employed by the Samaj to conduct further forensic work, this could be construed as a potential conflict of interest. Mr Mahier Tayob concurred with this argument and proposed instead that the Samaj tender out the contract. It was finally agreed that 5 different firms would be approached in order to obtain the best possible audit costs.

9. **AMENDMENTS TO THE CONSTITUTION**

9.1 *Clause 5.1 dealing with Membership*

Rameshbhai drew the public's attention to the proposed amendment that was circulated in which it was proposed that the definition of membership be extended to persons born of parents of whom at least one is a Gujarati. Jagdishbhai Makan proposed an amendment to the resolution to the effect that non-Gujarati spouses should also qualify for membership. The resolution and amendment was carried unanimously on the motions of Rameshbhai Chhagan and Jagdishbhai Makan.

- 9.2 Harshilabhen Kooverjee proposed additional amendments to the constitution that were circulated a few days before the AGM. Her amendments were:
- 9.2.1 Clause 11.3.4 to be amended to read as follows: **On receipt of a written, duly motivated petition from at least 150 community members, subject to approval by a majority of members of the Board of Trustees.** Hashikbhai Hira objected to this motion on the grounds that the trustee should not have the right of approval but Harshilabhen replied that in terms of the constitution trustees have the responsibility of oversight and governance and they should therefore determine whether any petition is frivolous or not. This motion was carried by a majority of 150 for and 18 against.
- 9.2.2 Amendment to clause 10.3.5 to read as follows: **Cut-off date for nominations will be one week prior to the BGM.** This motion was seconded by Gunvantbhai Sodha and carried unanimously.
- 9.2.3 The insertion of clause 7.3.13 dealing with Portfolio Committees, to read as follows: **Portfolio Committee decisions are subject to ratification by the Executive Committee, which has the right to change or amend any decision made by a Portfolio Committee. Although Portfolio Committee members are not elected at the AGM, such appointments are subject to the disciplinary code of the constitution as their appointment has been sanctioned by the Executive Committee.** This motion was seconded by Trusharbhai Kalan and carried unanimously.
- 9.2.4 The amendment to Clause 11.1 to read as follows: **BGM meetings will be held not later than five (5) months after the official financial year to consider the following matters.** This motion to shift the AGM/BGM date from 4 to 5 months after year-end was supported by Trusharbhai Kalan and carried unanimously.
- 9.3 An amendment not circulated prior to the meeting but sent in by Mansukhbhai Chhiba requested that the Sanskrit words "Satyameva Jayate" from the Upanishads, which means "Truth Alone Triumphs", be inserted on the front of the constitution document, was seconded by Champakbhai Chagan and Ashwinbhai Joshi and carried unanimously.

10 TRIDENT COLLEGE (PRETORIA HINDU SCHOOL)

Prakashbhai chaired the discussion on the Trident College as Rameshbhai recused himself as MC as he was the Chairperson of Trident College and hence an interested party. Prakashbhai informed members that the Samaj had requested the 2009 and 2010 financials from the School. To date, only the 2009 financials had been received as the 2010 financials were still being audited. However, in the interim, Rameshbhai in his capacity as chairman of the Board of Trident College had written to the Samaj on 25 March 2011. In his letter he expressed his committee's unhappiness at the manner in which some members of the Samaj had dealt with Trident College's offer to donate the assets of the school to the Samaj. They felt that the future of the school, parents and children were placed at risk because some individuals wished to use the issue as a "political football" with which to grind their personal axes rather than focusing on a win-win solution for the Samaj and the school. As a result of all the suspicion, negativity and controversy that had been generated, Trident College had now withdrawn the offer made.

In the light of this letter, Prakashbhai felt that there was no point in any further discussion and declared the matter closed. There were no objections from members present.

11. GENERAL

11.1 *Vote of No Confidence in Amarlalbhai Soma as trustee*

Navnitbhai Bhima addressed members by requesting that he be allowed to pass a resolution of no confidence in Amarlalbhai Soma in his capacity as Trustee. In support of this motion, he argued that Amarlalbhai had taken an oath on the Bhagvad Gita at the time of his election to uphold the constitution and dignity of the Samaj but felt he had broken this pledge to the community by hosting anti-Samaj meetings, bringing his younger brother Ramdasbhai who was not an official or trustee to a meeting where he attempted to assault officials and allegedly damaged private property; that he failed to restrain his brother from doing so; and that he personally hurled abuse at the President on Samaj premises in a manner not befitting his status as a trustee. His son, Chetanbhai Soma, objected to this motion on the grounds that Anielbhai was unfairly suspended; that Anielbhai was instrumental in getting back stolen funds and essentially that this motion was nothing but propaganda. Despite this objection, the motion of no confidence was seconded by Roopambhai Sodha and Girishbhai Kalyan and was carried by an overwhelming majority vote.

11.2 *Objection to Holding AGM on 3 April as Advertised*

Parshotambhai Ramjee, father of Himalbhai Ramjee, enquired why the date of the AGM had been changed to 3 April from the original date of 17 April. Upon further enquiry by the President as to the basis on which he claimed that the original date set was 17 April, Parshotambhai contended that this date was set by the members present last year when the special meeting to discuss the offer of Trident College was held. Prakashbhai assured him that no such date was set at the special meeting. Parshotambhai nonetheless felt that this meeting should be postponed because several important people who had gone to watch cricket in India could not attend. In his response, Prakashbhai stated that all members are important including the large gathering at this meeting and that it would set a bad precedent to postpone meetings simply for the benefit of a few. The objection was overruled.

11.3 *Second Objection to Holding of AGM as Advertised*

Jatinbhai Govind informed members that he had handed in a letter from the attorneys representing Anielbhai et al to the Secretary-General minutes before the meeting commenced in which a postponement is demanded. He wanted to know when this letter would be discussed. Prakashbhai informed him that in terms of Clause 11.1.10, members who wish to introduce specific matters needed to give notice one week before the meeting. In any case, as the meeting notice complied in all respects to the constitution, the demand for a postponement could not and would not be acceded to.

11.4 *Appeal by Trusharbhai Kalan*

Trusharbhai appealed to members to put the Samaj first in all their dealings and also appealed to the Executive to allow members to voice their opinions. He expressed his happiness at the huge turn-out of members and congratulated Prakashbhai and his team for the good work done.

11.5 *Address by Bharatbhai Kooverjee*

Bharatbhai addressed members by asking them to think carefully before casting their votes. He argued that whatever opinion one might hold of certain individuals' personality, it is a given fact that Prakashbhai, Rameshbhai and others that are standing have a good track record of service and consequently should be supported.

11.6 *Address by Professor Pankajbhai Joshi*

Pankajbhai Joshi, Chairman of the Board of Trustees, was requested by Prakashbhai to address the audience. In his address, Pankajbhai detailed how the Trustees, on numerous occasions, had

attempted to bring about a settlement and reconciliation with the aggrieved faction. He further stated that the so-called ‘concerned seniors’ within the community appeared unwilling to assist in resolving the issues. He had personally approached a senior member and leader of the seniors to participate in a process of seeking resolution in the interests of the Samaj, but no response was received from him to date. Instead of solving the contentious issues, and guiding them, the ‘seniors’ appeared to be supporting the aggrieved faction. The Gujarati Samaj was brought into ongoing disrepute by injudicious statements being made by some members of the faction in the local and national press. He mentioned how the disgruntled faction had accused the Samaj officials of hypocrisy for not sanctioning a whiskey-drinking and meat-eating function because ‘there were many members who engaged in such activities’. He contended that the Samaj as a body has to maintain the enshrined standards of *dharma* and felt that individuals who did not wish to support this goal, should not stand for elections. He concluded by expressing the wish that the incoming Executive and Trustees would work together in the pursuit of noble moral objectives. Rameshbhai thanked him for his address and for the enormous role he had played in ensuring that the Samaj did not lose its moral compass during difficult times. He also thanked Pankajbhai, who was not standing for re-election, for agreeing to continue playing the role of advisor should he be called upon to do so. Members gave Pankajbhai a round of applause.

11.7 ***Vote of no Confidence in Anielbhai Soma***

Bharatbhai Kooverjee moved for a vote of no confidence in Anielbhai Soma, the ex-CFO. In support of this assertion, he stated the following:

- Anielbhai was instrumental in calling a public meeting in the name of the Samaj when he had no authority to do so, thus deliberately attempting to mislead the community. He did this by sending out a notice using the Samaj’s name as a heading;
- In an email which he circulated widely to the community, he stated that he was found not guilty of bringing the Samaj into disrepute at his disciplinary hearing. However, the facts of the matter were that the Chairman of the disciplinary hearing, Independent Counsel as well as Tayfin Forensic Auditors all confirmed that this was not an accurate interpretation of the findings;
- Most recently, his quoted statement in the *Laudium Sun*, contended that the President had started the argument that led to his brother (Ramdass) attempting to assault Prakashbhai and maliciously damaging his car, whereas there were credible “neutral” witnesses present who observed that this was not the case and that in fact despite being deliberately provoked, the President had remained calm and dignified.

He argued that all these incidents place Anielbhai Soma’s moral integrity in serious doubt, suggesting that he is someone who cannot be trusted to hold the position of an official of the Shree Pretoria Hindu Seva Samaj. Bharatbhai further argued that Anilbhai consequently be declared as “*persona non grata*”. Trusharbhai Kalan seconded this motion and informed members that in addition to the points raised by Bharatbhai, Anielbhai had attempted to levy a fine on the previous officials, without the authority of the Executive or Trustees, as a precondition for not pressing charges against them.

An objection to this motion was raised by Lalitabhen Soma on the grounds that it was unfair to pass such a resolution as Anielbhai was not present to defend himself. As her objection was not supported, it was overruled and the motion was carried unanimously.

11.8 ***Tribute to the Late Vijaybhai Khatri***

Prakashbhai paid tribute to the late Vijaybhai Khatri who passed away whilst serving as trustee. In his address he mentioned that Vijaybhai played a valuable role in helping to address the difficulties the Samaj was facing and praised him for his wisdom and dedication.

12 **ELECTIONS**

Mr Mahier Tayob, who was appointed to be the independent electoral officer, took over proceedings and informed members of the electoral process that had been adopted. He mentioned that he was given an email by the administrators sent by Himalbhai Ramjee earlier that day stating that Anielbhai Soma, Sanjaybhai Govind, Nipunbhai Jeeva and Bandishbhai Gokul were withdrawing their nominations. He ruled, however, that this was not permissible as the individuals concerned were firstly not nominated by Himalbhai and secondly they had to withdraw personally should they wish to do so.

He also pointed out that two persons who had been nominated were not on the ballot forms. He was informed that the individuals concerned had withdrawn but Mr Tayob called the individuals concerned to the podium and ascertained from them directly that they had indeed withdrawn their candidature. This they did in writing. Mr Tayob then declared the elections open and invited members to cast their votes at the five polling stations in the dining room.

13 **ELECTION RESULTS**

After voting had taken place and the ballots counted, at approximately 7pm, Mr Mahir Tayob declared the elections to be free and fair and announced the appointment of the following persons by large majorities:

Trustees:

Mansukhbhai Chhiba (Chairman); Devidasbhai Ramjee; Bharatbhai Kooverjee; Chandrasenbhai (Chintz) Bhana; Jaiyantbhai Pema

Executive Committee:

Prakashbhai Hira (President); Pravinbhai Daya (Deputy-President); Rameshbhai Chhagan (Secretary-General); Nareshbhai Kallian (Assistant Secretary); Harshilabhen Kooverjee (Chief Financial officer); Bhadrakanbhai (Bhudu) Chiba (Treasurer General); Pranaybhai Devchand (Head of Education); Navnitbhai Bhima (Head of Religion & Culture); Rakeshbhai Ravjee (Head of Navyug Mandal); Kishorbhai D. Naran (Head of Facilities Management & Funerals); Rekhabhen Chhagan (Head of Academic Support); Maheshbhai Jina (Head of Health, Welfare & Gender); Vineetbhai Rama (Head of Special Projects).

14 **SWEARING-IN CEREMONY**

The above duly elected Trustees and officials were sworn into office by Mahier Tayob after taking an oath to serve the community to the best of their ability and to uphold the constitution.

15 **CONCLUSION & PRAYER**

The newly elected President, Prakashbhai Hira, assumed the chair and thanked the general public for their participation. He especially thanked Professor Joshi for his invaluable contribution to

the Samaj and also thanked Jagdishbhai Makan and Jyotibhen Joshi, who did not stand for re-election, for services rendered by them.

He congratulated the incoming officials on their successful nominations and thanked them for making themselves available to serve the community. He expressed his desire to work together with them in the interest of the Gujarati community of Pretoria.

The meeting terminated with a closing prayer at 20:20pm.



**RAMESHBHAI CHHAGAN & NARESHBHAI KALLIAN
SECRETARIAT**