

CONSTITUTION AND RULES

of

BHARATIYA MANDIR INDIAN TEMPLE INCORPORATED

CLAUSE 1

The name of the Society (hereinafter called "the Society") is BHARATIYA MANDIR INDIAN TEMPLE INCORPORATED.

CLAUSE 2

The registered office of the Society will be situated at 252 / 254 Balmoral Road, Balmoral, Auckland.

CLAUSE 3

The objects for which the Society is established are –

The advancement of the Sanatan Dharam Hindu Religion within New Zealand and to help people understand and develop love for and service to the Supreme Lord through the process of Hinduism as revealed in Bhagavad Gita, and Srimad Bhagavatam, Mahabharata Ramayan and as elucidated in the teachings of saintly persons of the past and present eras (and those who may appear in the future), and in furtherance of this object but not otherwise, the Society shall have the following powers:

- a) To practice and propagate the chanting of the Holy Names of God as encouraged in the teachings of the Hindu Faith
- b) To encourage and educate members and others to live in accordance with the teachings of the Hindu Faith.
- c) To teach a simple and natural lifestyle with God as the centre
- d) To establish or assist in established God-centred communities where the Society's members and friends can live in a meditative atmosphere for the purpose of developing their vision of love for the Supreme Truth (Sri Krishna)
- e) To build or assist in building ashrams, schools, temples, living quarters or other buildings in connection with and for the advancement of the objects of the Society, and to maintain, alter and improve the same, including existing buildings, and to furnish and equip the same.
- f) To spread, transmit and propagate and practice all of the aspects of Yoga and Vedanta philosophy by television, tele-recordings, sound broadcasting, cinematography films, gramophonic recordings and recitals and by any other system of sound or picture reproduction whatsoever, or by public gatherings, meetings, feasts, festivals or programmes.
- g) To print, publish, or sell or cause to be printed, published or sold, or if thought fit, to distribute freely, books, booklets, leaflets, newspapers, magazines or other periodicals for the purpose of advancing the public's awareness of the aims and objectives of the Society.
- h) To purchase, take on lease or in exchange, hire or otherwise acquire any real or personal property and any rights or privileges which the Society may think necessary for the promotion of its objects and to construct, maintain and alter any building or erections necessary for the work of the Society.
- i) To sell, let, mortgage, dispose or turn to account all or any of the property or assets of the Society.
- j) To undertake and execute any charitable trusts which may lawfully be undertaken by the Society.

- k) To borrow or raise money for the purpose of the Society on such terms and on such security as may be thought fit.
- n) To invest the monies of the Society not immediately required for its purposes in or upon such investment securities or property as may be thought fit subject nevertheless to such conditions (if any) and such consents (if any) as may for the time being be imposed or required by law and subject also as hereinafter provided.
- m) To establish and support or aid in the establishment and support of any charitable associations or institutions and to subscribe or guarantee money for charitable purposes in any way connected with the purpose of the Society.
- n) To do all such other things as shall further the attainment of the objects of the Society.
- o) To carry on any business (whether in partnership or otherwise) whether or not carried on at the commencement date of this deed in such manner as the Committee of Management shall think fit, including power to use and apply any part of the funds and/or income thereof as capital in any such business, provided that in connection with any business carried on by the Committee of Management, no payment shall be made to any person:
 - i. Who is a settlor or a trustee of the Trust by which the business is carried on, OR
 - ii. Who is a shareholder or director of the company by which the business is carried on, OR
 - iii. Who is a settlor or trustee of a trust that is a shareholder of the company by which the business is carried on, OR
 - iv. Where that person and that settlor or trustee or shareholder or director are associated persons (as that term is defined in the Income Tax Act 1976) for work done or services rendered in connection with any such business, nor shall in the carrying on of any business any benefit or advantage (whether or not convertible to money) or any income of any kind referred to in Section 65(2) of the Income Tax Act 1976, be afforded to, or received, gained, achieved or derived by any such person where that person is able by virtue of that capacity as settlor or trustee or associated person in any way (whether directly or indirectly) to determine or to materially influence in any way the determination or, the nature or the amount of the payment, benefit or advantage or that income or circumstances in which it is to be so received, gained, achieved, afforded or received.

CLAUSE 4 - MEMBERSHIP

- a) Persons desiring to become members of the Society shall make application in writing to the Secretary of the Society. Every such application shall be considered by the Committee who may decline to admit any such person so applying. The Committee shall not be bound to assign any reasons for the non-admission of any person to such membership.
 - i. Every person shall, on or before the 30th day of June pay to the Society once only during their life-time, non-transferrable subscription of \$1,100 including GST for a single person or such other amounts which shall be fixed by resolution in a general meeting of the Society. Such person is eligible to vote only after the payment of the membership fee in full.
 - ii. Existing members may pay the membership fee of \$1,100 including GST in instalments each year with a minimum payment of \$110 including GST per year. The payment of \$1,100 including GST must be paid in full within ten years from the date the first instalment was paid.
- b) Every member shall be bound to further to the best of his ability, the aims, objects and interests of the Society, and shall observe all by-laws of the Society.

- c) A member shall cease to be a member of the Society if by notice in writing lodged at the office, he/she resigns from membership, or if he/she is removed from membership by a resolution of the Committee passed by a majority of three-fourth (3/4) of votes cast upon such resolution.
- d) The rights of a member shall be personal and shall not be transferable and shall cease at his death.

CLAUSE 5 - COMMITTEE OF MANAGEMENT

- a) Until otherwise determined by a General Meeting, the number of the Committee shall not be less than twenty (20) and not more than forty (40).
- b) The first members of the Committee shall be:

1. Rameshbhai Patel	2. Shivalal B Masters	3. Roshan Lal Nauhria
4. Dr Rajinder Paul Agnihotri	5. Raman Ganda	6. Satender Singh
7. Arunkumar R Patel	8. Raman Patel	9. Jagdish Natali
10. Shantiben Patel	11. Navin Chandra Patel	12. Amrut Morar Patel
13. Prempal Joshi	14. Ashwin Bhikha Patel	15. Dinesh Tailor
- c) The Committee shall elect out of their number the following officers, namely:
 - Chairman
 - Vice Chairman
 - Secretary
 - Treasurer
 who shall hold office until retirement or removal from office by election of a successor, PROVIDED THAT a member may hold any one (1) or more of such positions at the same time.
- d) Nomination for the election of members of the Committee shall be proposed at the Annual General Meeting of the Society. Both nominee proposer and seconder must be registered members of the Society.
- e) The Committee shall have power to appoint a member of the Society to fill any causal vacancy in the Committee caused by death, retirement, absence or removal from office of any member of the Committee.
- f) The Committee shall have power to co-opt any member of the Society to the Committee, or to any sub-committee.
- g) It shall be the duty of the Committee generally to conduct the affairs of the Society and to keep the usual and proper books of accounts and to keep the other records of business of the Society and to prepare and submit to the Annual General Meeting a report, balance sheet and statement of accounts for the preceding year.
- h) The Committee may, from time to time, invest the monies of the Society not immediately required for its purposes in or upon such investments, securities or property as may be thought fit.
- i) Any person, whether he be a member of the Society or not, who donates special attention to the affairs of the Society who incurs any expenses on behalf of the Society or who otherwise gives valuable service to the Society, may be paid such remuneration as the Committee thinks fit.
- j) The Committee shall have power to borrow or raise money for the purposes of the Society on such terms and on such security as may be thought fit.
- (k) The Committee shall decide any question arising either of interpretation of the Constitution and Rules or of any matter not provided for in the Constitution and Rules.
- (l) No person should be appointed on the Management of Committee without having been a financial member of the Society for the 3 full financial years immediately preceding appointment on election / appointment to the Management Committee.

CLAUSE 6 - COMMITTEE MEETINGS

- a) The committee may meet together for the dispatch of business, adjourn and otherwise regulate their meetings as they think fit and determine the quorum necessary for the transaction of business. Unless otherwise determined, 30% of the total members of the committee shall be a quorum. Questions arising at any meeting shall be decided by a majority of votes. In the case of an equality of votes, the presiding Chairman shall have a second or casting vote.
- b) The Chairman shall be entitled to preside at all meetings of the committee at which he shall be present. In the event of his absence from a meeting, the Vice-Chairman of the Committee shall be entitled to preside at that meeting at which he shall be present. In the event of the absence of both the Chairman and Vice-Chairman from a meeting, any member nominated by the Committee may take the Chair.
- c) Notice, verbal or in writing, of every such meeting shall be given to members of the Committee seven (7) days prior to the day appointed for the holding of the meeting.
- d) The Committee may delegate any of their powers to committees or sub-committees, consisting of such members of the Society as the Committee may think fit. Any Committee so formed shall in the exercise of powers so delegated, conform to any regulations imposed upon it by the Committee.
- e) That no person should hold the office of Chairman, Vice-Chairman, Secretary or Treasurer of the Management Committee without having been a member of the Management Committee for the three (3) full financial years immediately preceding appointment on election to that office.

CLAUSE 7 - COUNCIL OF TRUSTEES

CLAUSE 7A

- a) There shall be a Council of Trustees of the Society.
- b) It shall be the duty of the Council of Trustees to manage the property of the Society, to ensure the financial stability of the Society and the proper management of its accounts and to ensure that the Society is run in the proper Hindu manner according to Hindu rules and customs.
- c) The number of members of the Council of Trustees shall not be less than ten (10) and not more than fifteen (15).

CLAUSE 7B

- a) Council of Trustees members shall be elected at the Annual General Meeting except where it is necessary to fill a vacancy in the Council of Trustees.
- b) A vacancy due to death, resignation or removal from office for cause may be filled by election at any General Meeting of the Society.
- c) Nominations for membership of the Council of Trustees shall be proposed at the Annual General Meeting of the Society or at the appropriate General Meeting. The nominee, proposer and seconder must all be registered members of the Society. However, no person shall be nominated for the position of the Council of Trustee unless the nominee has been with the Society as an active member who has been part of the Management Committee for at least 3 years prior to nomination. Initial nomination should come from the Management Committee prior to the Annual General Meeting. A nominee must have a majority voting (at least 50%) from the Management Committee before it goes to the Annual General Meeting. In the Annual General Meeting, a nominee must receive majority voting (at least 50%).

CLAUSE 7C

- a) At the expiry of each three year term of the Council of Trustees, any three (3) Council of Trustees members (basis of retirement of these three members of the Council of Trustees is by rotation which is to be determined by the Council of Trustees), shall retire and such

vacancy and any other vacancy shall be filled by election at the Annual General Meeting of the year or any appropriate General Meeting of the year.

- b) A Council of Trustees member shall hold office until the expiry of his / her term, or until death, resignation or removal of office for a cause.

CLAUSE 7D

- a) In deciding what constitutes proper Hindu rites and customs, the Council of Trustees shall have the power to consult with any person or persons it chooses.
- b) The Council of Trustees' decision on what constitutes proper Hindu rites and customs shall be final.

CLAUSE 7E

- a) At the first meeting of the Council of Trustees, the members of the Council of Trustees shall elect out of their number the following officers, namely, Chairman, Deputy Chairman, and Secretary.
- b) The Council of Trustees may meet together for the despatch of business, adjourn and otherwise regulate their meetings as they think fit. Two-thirds members of the Council of Trustees shall be a quorum. Questions arising at any meeting shall be decided by vote of a majority of the Council of Trustees.
- c) The Chairman shall be entitled to preside at all meetings of the Council of Trustees at which he / she shall be present. In the event of his / her absence from a meeting, the Deputy Chairman shall take the Chair. In the event of the absence of both the Chairman and Deputy Chairman, the Council of Trustees shall nominate the Chairman from the members present at that meeting.
- d) Notice, verbal or in writing of every meeting shall be given to the members of the Council of Trustees, seven (7) days prior to the day appointed for the holding of the meeting. A meeting date set at the previous meeting shall require no notice.
- e) The quorum at any meeting of the Council of Trustees shall be not less than two-thirds (2/3) of the actual members of the Council of Trustees.

CLAUSE 7F

- a) Any Council of Trustees Member may be removed for cause by a vote at the Annual General Meeting if that Council of Trustees Member has been convicted in a Court of Law of a crime, the penalty for which is greater than one (1) year in prison.
- b) That no person shall be elected to Membership of the Council of Trustees without having been a financial member for the three (3) full financial years immediately preceding such election to the Council of Trustees membership. No person shall be nominated for the position of the Council of Trustees, unless the nominee has been with the Society as an active member who has been part of the Management Committee for at least 3 full financial years prior to nomination.

CLAUSE 8 - GENERAL MEETING

- a) The Annual General Meeting of the Society shall be held no later than 30th September every year on a day and at a time and place to be fixed by the Committee for the following purposes:
- i. To receive from the Committee a report, balance sheet and statement of accounts for the preceding year
 - ii. To fill the vacancies on the Committee or where necessary elect the members of the Committee for the ensuing year.
 - iii. To decide on any resolution which may be duly submitted to the meeting.
 - iv. To consider any general business.
- b) At any General Meeting of the Society, the Chairman of the Committee shall preside. If the

Chairman is absent or unwilling to preside, the Vice Chairman shall preside as Chairman, or if the Vice Chairman is absent or unwilling to preside, the Secretary shall preside as Chairman, or if the Secretary is absent, the members present shall choose another member of the Committee as Chairman, and if no such member of the Committee be present or agree to preside as Chairman, then it shall not be out of order for the meeting to elect any member present as Chairman.

- c) At all General Meetings of the Society, not less than twenty five (25) members shall constitute a quorum. In the event of a quorum not being present within fifteen (15) minutes of the time for which such meetings are convened, the meeting shall stand adjourned to a day and hour to be fixed by the Chairman.
- d) The Committee may at any time call a Special General Meeting. 33% of the total members may request the Committee to hold a Special General Meeting for a specific purpose. The request must be in writing and personally signed by the Financial Members of the relevant financial year.

CLAUSE 9 - NOTICE

Fourteen (14) clear days before the Annual General Meeting and seven (7) clear days before any other General Meeting, a notice thereof and of the business to be transacted thereat shall be sent to every member.

CLAUSE 10 - VOTING

- a) At all General Meetings of the Society and at all meetings of the Committee, every member present shall be entitled on every motion to one (1) vote exercised in person and in the case of equality of votes, the Chairman shall have a casting as well as a deliberative vote.
- b) The mode of voting on all questions other than elections shall be voices, PROVIDED THAT it may be at the discretion of the Chairman or shall if any three (3) members so request, by a show of hands.
- c) Unless a poll is demanded by the Chairman or by three (3) members, a declaration by the Chairman, that a motion has been carried out or not carried, shall be conclusive. If a poll be demanded as aforesaid, it shall be taken at such a time and in such a manner as the Chairman shall direct. The demand for a poll may be withdrawn.
- d) The mode of voting where an election is necessary at the Annual General Meeting shall be by ballot.

CLAUSE 11 - ALTERATION OF CONSTITUTION AND RULES

- a) The constitution and rules may be altered, added, rescinded or otherwise amended providing that such an amendment does not alter the general charitable nature of the objects of the Society, by a resolution passed by a three-fourths (¾) majority of those financial members present at a General Meeting, of which seven (7) days notice has been given. Every such resolution, at the discretion of the Committee, require confirmation at another General Meeting to be held no more than three (3) calendar months nor less than fourteen (14) days hereafter by a simple majority of those financial members present.
- b) Every such notice shall set forth the purport of the proposed alteration, addition, rescission or other amendment.
- c) Duplicate copies of every such alteration, addition, rescission or amendment shall forthwith be delivered to the Registrar in accordance with the requirement of the Incorporated Societies Act 1908.

CLAUSE 12 - THE COMMON SEAL

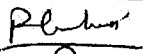
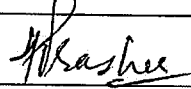
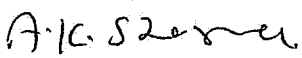
- a) The Common Seal of the Society shall not be affixed to any instrument except by the authority of a resolution of the Committee.
- b) The Committee of Management shall be responsible for the safe custody and control thereof of the Common Seal.
- c) Whenever the Common Seal of the Society is required to be affixed to any deed, document, writing or other instrument, it shall be affixed thereto by an officer of the Committee appointed by the Committee to carry out this function, who shall sign the document or instrument to which the Seal is affixed.

CLAUSE 13 - AUDITOR

The accounts of the Society shall be examined and the correctness of the income and expenditure and balance sheet ascertained by an auditor appointed by the Committee at the General Meeting.

CLAUSE 14 - DISPOSITION OF SURPLUS ASSETS

In the event of the Society being wound up, the surplus assets after payment of the Society's liabilities and the expenses of winding up shall be given or transferred to some charitable organisation or as a Judge of the High Court of New Zealand shall direct.

Name	Signature	Position Held
ROSHAN LAL NAUHRJA		TRUSTEE
HEMANT PRASHAR		CHAIRMAN
ANIL KUMAR SHARMA		SECRETARY

These are the new rules of BHARATIYA MANDIR TEMPLE INCORPORATED marked "A" and referred to in the annexed Declaration of HEMANT PARASHAR of Auckland, Chartered Accountant, made before me this10th..... day ofNovember..... 2016.



A SOLICITOR OF THE HIGH COURT OF NEW ZEALAND

H. PATE