

**THE CONSTITUTION OF
ANANDA KUTIR ASHRAMA
(Registration number 031-418-NPO)**

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**AMENDMENT OF THE CONSTITUTION OF
ANANDA KUTIR ASHRAMA
(Registration number 031-418-NPO)**

Background

The basic fundamental aims and objectives of Ananda Kutir Ashrama are purely spiritual, non-sectarian and perfectly tolerant of all religions and cultural backgrounds.

Membership of the Ashrama is open to any person endeavouring to develop spiritually and provides an ideal atmosphere for spiritual guidance, practice and advancement.

The Ashrama is a peaceful haven providing ample opportunity for members to serve in community welfare activities in order to alleviate the suffering of sick, poor and destitute people.

It was with these basic fundamentals in mind that Ananda Kutir Ashrama was established as an acknowledged religious institution in 1982 for the purpose of promoting and encouraging Vedic teachings, philosophy and the practice of Integral Yoga in South Africa as practised by **H.H. Swami Sivananda** of Rishikesh Ashrama in accordance with the teachings handed down by the ancient Rishis of India. It was the vision and wish of **H.H. Swami Venkatesananda**, disciple of **H.H. Swami Sivananda** that the two South African Founders and Spiritual Heads of Ananda Kutir Ashrama **Resident Yogi: Sri Yogeshwari (Cynthia Joan Muhl)** and **Resident Swami: Swami Parvathi Ananda (Irene Astrid Copestake)** continue to encourage spiritual development through the practice of Integral Yoga in South Africa. Both Founders still reside at the Ashrama and are still actively involved in teaching and serving the needs of the community through various "Outreach Projects".

Upon the demise of the Spiritual Heads, they shall be the Spiritual Heads of Ananda Kutir Ashrama posthumously. After the demise of the Spiritual Heads, there shall be no substitution for the position(s) of Spiritual Head.

1. **NAME**

The name of the voluntary association is **ANANDA KUTIR ASHRAMA**, hereinafter referred to as “the Ashrama”.

2. **OBJECTIVES**

2.1 The objectives of the Ashrama are:

2.1.1 to promote, encourage and make accessible to our members and the general community the teachings and practices of Integral Yoga and Vedic Philosophy;

2.1.2 to serve communities’ needs through outreach projects;

2.1.3 to continue to create and provide facilities in all aspects pertaining to the objectives of the Ashrama and to continue to create and maintain a self-supporting and self-sustaining Ashrama;

2.1.4 to raise, administer and invest funds to achieve the objectives of the Ashrama; and

2.1.5 to perform all such other lawful acts as are incidental or conducive to the attainment of the objectives of the Ashrama.

2.2 The principal objective of the Ashrama is to perform public benefit activities in a non-profit manner and with an altruistic or philanthropic intent.

3. **INCOME PROPERTY ASSETS AND INVESTMENTS**

3.1 The Ashrama is prohibited from directly or indirectly distributing any of its funds to any person, otherwise than in the course of undertaking a public benefit activity, and is required to utilise its funds solely for the objective for which it has been established.

3.2 No activity will directly or indirectly promote the economic self-interest of any fiduciary, member, employee or resident of the Ashrama otherwise than by way of a reasonable remuneration or stipend.

3.3 A remuneration or stipend may be paid to residents of the Ashrama in the course of their services in promoting the objectives of the Constitution. Such remuneration or stipend shall be determined by the Management Committee on an annual basis. No other person may directly or indirectly economically benefit from the Ashrama nor be unjustifiably enriched through the funds of the Ashrama, unless it is for compensation of services rendered to the Ashrama.

4. **BOARD OF TRUSTEES**

- (a) The Spiritual Heads, namely *Sri Yogeshwari* (Cynthia Joan Muhl) and *Swami Parvathi Ananda* (Irene Astrid Copestake) shall always remain honourable members for life as Trustees on the Board of Trustees of Ananda Kutir Ashrama, subject to the provisions of Clauses 4.2.3.1, 4.2.3.2, 4.2.3.3, 4.2.3.4 or 4.2.3.5.
- (b) During their life-time, one of the Spiritual Heads, will be the Secretary-General of Ananda Kutir Ashrama. By virtue of there being two Spiritual Heads, the election of the Secretary-General in these circumstances shall be decided upon by the Board of Trustees by a majority of votes. Upon the demise of one Spiritual Head, the remaining Spiritual Head shall automatically be the Secretary-General of Ananda Kutir Ashrama.

4.1 **Election of Secretary-General**

- 4.1.1 Upon the demise of both Spiritual Heads, namely *Sri Yogeshwari* (Cynthia Joan Muhl) and *Swami Parvathi Ananda* (Irene Astrid Copestake), the Board of Trustees shall elect a Secretary-General by way of a majority of votes of the composition of the Board of Trustees.

- 4.1.2 Subject to Clause 4.1.1, in the event that there are two or more nominations for Secretary-General, the nominee with the majority of votes comprising of the Board of Trustees shall be the elected Secretary-General.
- 4.1.3 The Secretary-General will manage the role and responsibilities of the Board of Trustees and will chair the Board of Trustees.
- 4.1.4 The Secretary-General will be the administrative head of Ananda Kutir Ashrama.
- 4.1.5 The Secretary-General shall be a resident and an initiate in the lineage of Swami Sivananda and Swami Venkatesananda.
- 4.2 The Board of Trustees shall be elected by the Members at the Annual General Meeting.
 - 4.2.1 Subject to the provisions of Clause 4 (a) and (b), the remaining members of the Board of Trustees must be elected by the members at the Annual General Meeting, subject to the provisions of this Constitution.
 - 4.2.2 Upon the demise of any one or both of the Spiritual Heads, the members at a Special General Meeting, subject to the provisions of this Constitution, may elect Trustee(s) to fill the vacant seat(s) on the Board of Trustees, only as Trustee(s).
 - 4.2.3 Regardless of Clause 4(a), the Board of Trustees, shall hold office for a minimum of 2 years or until he/she:
 - 4.2.3.1 is permanently incapable of performing his/her duties;
 - 4.2.3.2 resigns;
 - 4.2.3.3 becomes insolvent or assigns his/her estate for the benefit of his/her creditors;
 - 4.2.3.4 becomes disqualified in terms of the Companies Act, No. 71 of 2008, as amended from time to time or any Act passed in substitution for it to act as a director of a company; or

4.2.3.5 demises.

- 4.2.4 The Board of Trustees shall comprise of not less than THREE and not more than SIX persons and such persons must be persons who are members and closely affiliated to the Ashrama and its teachings, who accept their fiduciary responsibility for the Ashrama, who will not be connected persons in relation to each other, with the further proviso that no single person shall directly or indirectly control the decisions or powers on behalf of the Board of Trustees relating to the Ashrama. The latter-mentioned composition of the Board of Trustees, shall include the Spiritual Heads, namely *Sri Yogeshwari* (Cynthia Joan Muhl) and *Swami Parvathi Ananda* (Irene Astrid Copestake).
- 4.2.5 The election of the Board of Trustees as referred to in Clauses 4.2.1 and 4.2.2, shall be by way of a vote of two thirds majority of members present at an Annual General Meeting and/or Special General Meeting.
- 4.2.6 Despite Clause 4.2.3, the members of Ananda Kutir Ashrama may at any Annual General Meeting or Special General Meeting, if deemed necessary, amend the composition of the Board of Trustees. This may entail substituting a Trustee and/or elect new Trustee(s).
- 4.2.7 Subject to the provisions of Clauses 4(b), 4.1.1 and 4.1.2, the Board of Trustees shall elect a Secretary-General by way of a vote being the majority of Trustees of the Board. The role of the Secretary-General is outlined in Clauses 4.1.3 and 4.1.4. The Secretary-General may delegate any or all of its powers to a designee of his/her choice.
- 4.2.8 Upon election of the Secretary-General, the Secretary-General shall inform the Chairperson of the Management Committee, who shall accordingly inform all members of Ananda Kutir Ashrama of the elected Secretary-General.
- 4.2.9 In the event of a vacancy on the Board of Trustees occurring as a result of any of the events as stipulated in Clauses 4.2.3.1, 4.2.3.2, 4.2.3.3, 4.2.3.4 or 4.2.3.5, then the Secretary-General and/or Board of Trustees shall immediately inform the Management Committee in writing of such vacancy.

- 4.2.10 If at any time between Annual General Meetings, there is a vacancy in the Board of Trustees, then in such event, the Board of Trustees may in the interim elect a substitute for such vacancy, if it so wishes. The election of a member to the Board of Trustees as a result of the vacancy, will be conducted by way of nomination and election of a nominee will be exercised by way of a vote of the majority of members of the Board.

5. POWERS, DUTIES AND RESPONSIBILITIES OF TRUSTEES

5.1 The Board of Trustees shall have:

- 5.1.1 All vested powers over the Management Committee and its resolutions;
- 5.1.2 Oversight on the financial statements of Ananda Kutir Ashrama on a monthly basis and on all Management Committee resolutions. The Secretary-General must ensure that a monthly financial statement is submitted to the Board of Trustees and that all Resolutions of the Management Committee after each meeting is conveyed to the Board of Trustees;
- 5.1.3 All Powers and Authority to ensure that the tenets of the Constitution are upheld and may take whatsoever action in enforcing same;
- 5.1.4 The competence to perform any other actions that may be necessary for or incidental to the management and functioning of the Ashrama in accordance with its teachings and objectives;
- 5.1.5 The responsibility to ensure that the objectives of the Ashrama is fulfilled; and
- 5.1.6 All vested powers to make all decisions relating to immovable property registered in the name of Ananda Kutir Ashrama.

6. RESIGNATION OF TRUSTEES

A trustee:

- 6.1. May resign on giving ONE calendar month's written notice delivered to the Secretary-General of the Board of Trustees of the Ashrama.
- 6.2 Shall cease to be a trustee on expiration of that notice.

7. INTERGOVERNMENTAL RELATIONS

There shall always be a spirit of co-operation and the promotion of inter-governmental relations between the Board of Trustees and the Management Committee in the context of their respective powers, duties and responsibilities in terms of the Constitution.

8. PROCEEDINGS OF TRUSTEES

- 8.1 The trustees shall meet bi-annually at a date, time and place to be determined by the Secretary-General.
- 8.2 A meeting of trustees may be convened at any time by the Secretary-General of the trustees or when requested by a majority of the trustees.
- 8.3 At least 14 days notice (or such shorter period as may have been agreed to by a majority of the trustees) of a meeting of trustees shall be given to all trustees specifying the time, date and place of the meeting, together with a Draft Agenda. The Secretary-General shall provide the trustees, a time by which to add any items on the Draft Agenda, where after the final Agenda shall be distributed to all trustees seven (7) calendar days before the date of the meeting.
- 8.4 A quorum at a meeting of trustees shall be a majority of the serving trustees.
- 8.5 Each trustee who is present at a meeting of trustees shall have one vote on a show of hands.
- 8.6 Decisions at a meeting of trustees shall be taken by a majority of the trustees present. In the event that there is an equality of votes on an item tabled at a meeting of the Board, the Secretary-General of the Board of Trustees shall have a casting vote.

- 8.7 Half of the Board of Trustees may adjourn or postpone any meeting to a later date.
- 8.8 Minutes and resolutions in writing signed and agreed to, by a majority of all the trustees who are present and who are not less than a quorum shall be deemed to have been the resolution(s) passed by the Board of Trustees.

9. CONTINUED EXISTENCE OF THE ASHRAMA

The undertakings and obligations of the Ashrama is to fulfil its objectives in terms of Clause 2 and shall continue and persist, notwithstanding any changes in the composition of its membership or office-bearers.

10. CLAIMS AND RIGHTS OF MEMBERS AND OFFICE-BEARERS

It is expressly recorded that the rights of Trustees, Members and office-bearers of the Ashrama shall be confined to the management and running of the Ashrama and within the ambits of the Constitution. They shall have no rights whatsoever in the immovable property and assets of the Ashrama, solely by virtue of them being Trustees, members or office-bearers of Ananda Kutir Ashrama.

11. MANAGEMENT

11.1 Management committee

Save for Clause 12.9, the Ashrama shall be governed by a Management Committee consisting of members of the Ashrama, nominated by the members and elected at its annual general meeting in accordance with Clauses 12.1, 12.3, 12.5 and/or 12.6, who shall hold office from their election at the annual general meeting at which they are elected until election of new members of the Management Committee members at the next Annual General Meeting.

11.2 Composition

11.2.1 The Management Committee shall comprise of the following:

- (a) Secretary-General (who must at all times be a member of the Management Committee);
- (b) Chairperson;
- (c) Deputy -Chairperson;
- (d) Secretary;
- (e) Treasurer;
- (f) a member of the Outreach Programme;
- (g) A representative of any Organisation which had been established by Ananda Kutir Ashrama; and
- (h) a maximum of six other ordinary members.

11.2.2 The Management Committee shall have the power to form any sub-committee with such powers as it may from time to time decide.

11.2.3 The Management Committee may invite such other persons, whether members of the Ashrama or not, as they may deem fit, to attend one or more meetings of the Management Committee to advise on various topics being discussed by the Management Committee provided that such invitees shall have no voting power on such Management Committee.

12. ELECTION OF MANAGEMENT COMMITTEE MEMBERS

12.1 Management Committee members shall be elected by members of the Ashrama present and entitled to vote at the annual general meeting.

12.2 At any time prior to the commencement of the annual general meeting a member may in writing nominate to the Management Committee, a member of the Ashrama for election to a particular post or as a general member of the Management Committee and upon such person so nominated having accepted in writing to his/her nomination thereby becoming eligible as a candidate.

12.3 In the event that two persons have been nominated for a post or membership to the Management Committee, the election of either person shall be conducted in accordance with Clauses 12.5 and 12.6.

12.4 Resigning or former Management Committee members shall be eligible for re-election.

12.5 The election of Management Committee members to fill each post or be a general member of the Management Committee shall be effected by way of a vote of the majority of the members present at the Annual General Meeting. The members at the Annual General Meeting shall elect a member to co-ordinate the election of a Chairperson of the Management Committee, whereupon the Chairperson shall conduct the voting of other office bearers and members of the Management Committee.

12.6 The vote may be conducted by a show of hands of all members present at the Annual General Meeting. A majority of the number of votes of members present at the Annual General Meeting for a particular nominee shall affirm such person as elected.

12.7A recording of the votes must be kept and form part of the minutes of the Annual General Meeting. This must distinguish between the votes in favour, dissent and any abstentions.

12.8 An attendance register must be kept of all Annual General Meetings.

12.9 If at any time between Annual General Meetings, there is a vacancy in the Management Committee, then in such event, the Management Committee may in the interim elect a substitute for such vacancy, if it so wishes. The election of a member to the Management Committee as a result of the vacancy, will be conducted by way of nomination and election of a nominee will be exercised by way of a vote of the majority of members of the Management Committee.

13. POWERS, AUTHORITY AND RESPONSIBILITIES OF THE MANAGEMENT COMMITTEE

13.1 Subject to the provisions of this constitution, any directions given by members of the Ashrama at any general meeting of members and/or Clause 5 of this Constitution, the Management Committee shall have the powers in the administration and management of Ananda Kutir Ashrama, including any actions required in fulfilling the task of administration and management.

13.2 The Management Committee shall be entitled to operate banking accounts only by way of nominating four Management Committee members to be signatories of whom at least two shall sign all instructions to the bank including cheques.

13.3 The Secretary-General shall manage the everyday business and operations of the Ashrama.

13.4 The Management Committee shall furthermore have oversight and monitor the administration and management of the everyday operations of the Ashrama.

13.5 The Chairperson and the respective office bearers as mentioned in Clauses 11.2.1 (b) to (h) shall be accountable to the Management Committee for their respective roles. For purposes of accountability,

such office bearers must report to the Management Committee at each Management Committee meeting, when required and necessary. The Chairperson shall ensure that all critical operational and administrative matters of the Ashrama are reported at every Management Committee meeting.

- 13.6 The Management Committee may delegate such powers and authority as mentioned in Clauses 13.10, 13.11 and/or 13.12 to a nominated person(s).
- 13.7 The Secretary-General must ensure that Financial Statements of Ananda Kutir Ashrama are submitted on a monthly basis to the Board of Trustees and that all Management Committee minutes and resolutions are reported to the Board of Trustees.
- 13.8 The Management Committee will have no authority or power in the sale, alienation or lease of immovable properties registered in the name of Ananda Kutir Ashrama. Such powers vests with the Board of Trustees.
- 13.9 The Management Committee shall be able to raise, invest and administer the funds of the Ashrama;
- 13.10 The Management Committee shall be able to institute or defend legal proceedings on behalf of Ananda Kutir Ashrama and refer any dispute to mediation and/or arbitration;
- 13.11 The Management Committee or the delegated person(s) as mentioned in Clause 13.6, shall be able to accept grants, donations, gifts and/or bequests of any nature on behalf of Ananda Kutir Ashrama.
- 13.12 The Management Committee or the delegated person(s) as mentioned in Clause 13.6, shall be able to purchase and alienate movable property (as per procedures of Management Committee-limits) for and on behalf of Ananda Kutir Ashrama.

14. PROCEEDINGS

- 14.1 The Management Committee shall meet as often as the business of the Ashrama may require but not less than four times in each financial year.
- 14.2 At least fourteen calendar days written notice with an agenda for the meeting shall be given of all meetings by the Secretary, unless members of the Management Committee agree to accept shorter notice.
- 14.3 The secretary shall, on the written instructions of the chairperson or on a written request of not less than two members of the Management Committee, convene a Special Meeting of the Management Committee provided that the notice calling such meeting shall set forth the agenda for such meeting and may be called on 24 hours notice.
- 14.4 The Management Committee shall not transact any business other than that set out on the agenda.
- 14.5 On items requiring a decision of the Management Committee, such decisions may be resolved upon by way of a vote of majority of members present at such Management Committee meeting. In such an instance, the minutes will reflect the votes in favour, disfavour and abstention.

15. QUORUM FOR MANAGEMENT COMMITTEE

A quorum for Management Committee meetings shall be majority of the composition of the Management Committee members.

16. MINUTES

- 16.1 The Board of Trustees and the Management Committee shall cause proper minutes to be kept of the proceedings of all meetings. The Minutes must reflect attendance and apologies of Trustees and Members.

- 16.2 An appointed Trustee by the Board of Trustees and the Secretary of the Management Committee shall ensure that draft minutes are circulated to all respective Trustees and Management Committee members within 7 days of the holding of a meeting.
- 16.3 If no corrections are required of the draft minutes or if such corrections are effected within 7 days after the period mentioned in Clause 16.2, the minutes may in the interim be regarded as finalized, subject to Clause 16.4.
- 16.4 At a subsequent Board of Trustee and Management Committee meeting, the respective minutes of the previous meeting must be accepted and be signed by a Trustee and a member accepting such minutes and further be seconded as a true reflection of the minutes by a further Trustee and member. In these instances, the Trustees and members adopting and seconding the minutes of the previous Board of Trustees and Management Committee meeting must have been present at such meeting.
- 16.5 The Secretary-General of the Board of Trustees and the Secretary of the Management Committee shall ensure that the minutes of meetings are recorded in a minute book of the Ashrama.

17. RESIGNATION AND TERMINATION OF MANAGEMENT COMMITTEE MEMBER

- 17.1 Any Management Committee member may resign by submitting his/her resignation in writing.
- 17.2 A member of the Management Committee shall cease to be such a member if:
- 17.2.1 he/she absents himself/herself without leave for more than three consecutive meetings of the Management Committee;
- 17.2.2 he/she is removed by ordinary resolution of members at an Annual General Meeting of the Ashrama; or

- 17.2.3 he/she is removed by a resolution passed or supported by not less than three-quarters of all members of the Management Committee present at a Management Committee meeting.

18. INDEMNITY OF MANAGEMENT COMMITTEE MEMBERS

- 18.1 Each member of the Management Committee is hereby indemnified out of and from the funds and property of the Ashrama, against all losses, charges, costs, damages and other liability which that member may incur or be put to in connection or about the execution of his/her duties as a member of the Management Committee or by virtue of his/her membership of the Management Committee and no such member shall be held answerable or deemed to be in any way responsible for any act or default of any other member of the Management Committee or for any deficiency or insufficiency of any title or security whatsoever taken by the Ashrama.
- 18.2 No member of the Management Committee shall be liable for any losses occasioned by the banker or other persons with whom monies or securities of the Ashrama are deposited or entrusted for safe custody, investment or otherwise, nor for any loss, misfortune or damage which may happen or take place in the execution of that member's duties or as a result thereof.
- 18.3 Notwithstanding the provisions of sub-clauses 18.1 and 18.2 each member of the Management Committee shall be liable for all loss or damage which is occasioned by that member's *mala fide* acts, through that member's wilful default, negligence and/or dishonesty.

19. INDEMNITY OF TRUSTEES OF BOARD OF TRUSTEES

- 19.1 A trustee shall not be liable for any losses, damages and/or liability sustained by Ananda Kutir Ashrama under any circumstances except, a loss sustained as a result of his/her gross negligence or dishonesty.

20. MEMBERSHIP

- 20.1 Every person desirous of becoming a member of the Ashrama shall make application to the Ashrama in writing upon such form as may be stipulated from time to time by the Management Committee.
- 20.2 Every member of Ananda Kutir Ashrama shall be supportive of the objectives of the Ashrama.
- 20.3 The Chairperson of the Management Committee must ensure that members and new members have access to the Constitution of Ananda Kutir Ashrama.

21. FORFEITURE OF MEMBERSHIP

- 21.1 A member shall forfeit his/her membership of the Ashrama if:
 - 21.1.1 such member conducts himself/herself in a manner which in the sole and absolute opinion of the Board of Trustees is unbecoming for a member of the Ashrama;
 - 21.2 The Board of Trustees shall not make any decision involving the forfeiture of a member's membership without, in writing, inviting the member to attend a Board of Trustees meeting, to explain why his/her membership should not be forfeited for reasons set out in such written invitation.
 - 21.3.1 The decision of the Board of Trustees regarding forfeiture of membership shall be final and binding and must be communicated in writing to such member with reasons to be provided by the Board of Trustees as to the basis for the forfeiture of membership. The Secretary-General shall report such decision to the Management Committee.

22. MEMBERSHIP FEES

- 22.1 The Management Committee may from time to time determine the annual membership fees payable by members.

- 22.2 The Management Committee shall notify each member of the annual fees due and payable by that member.
- 22.3 Members shall pay the annual membership fees within such time limits as may be prescribed by the Management Committee from time to time.

23. LIABILITIES

Members shall not be liable to meet the debts, engagements or liabilities of the Ashrama and the liabilities shall be limited solely to the amounts due by them in respect of fees payable by them in terms of this constitution. Members may also be liable for any other monies due and payable by them to the Ashrama

24. MEETINGS OF MEMBERS

24.1 General meetings

- 24.1.1 Members of the Ashrama shall meet at a general meeting at least annually, and at any other time deemed necessary by the Management Committee.
- 24.1.2 Written notice of annual and special general meetings, clearly stating the purpose of such meetings, shall be given by the Secretary to members at least fourteen days prior to the holding of such meetings.
- 24.1.3 The annual general meeting of members shall be held not later than three months after the last day of the financial year.
- 24.1.4 The business of the annual general meeting shall include:
 - 24.1.4.1 The adoption of the annual report of the Chairperson on activities for the financial year;
 - 24.1.4.2 The approval of the annual financial statements;
 - 24.1.4.3 The election of members of the Management Committee for the period until the next annual general meeting;

- 24.1.4.4 The appointment of an Accounting Officer;
- 24.1.4.5 Considering such resolutions in respect of which proper notice has been given; and
- 24.1.4.6 The election of Trustees composing the Board of Trustees, subject to the provision of Clauses 4(a) and (b) and 4.2.1;
- 24.1.4.7 Adoption of an amended Constitution (when required); and
- 24.1.4.8 General discussion.

25. SPECIAL GENERAL MEETINGS

- 25.1 Special general meetings of members shall be convened in accordance with sub-clause 25.2 at the instigation of at least 5 members who shall submit in writing to the Secretary a request for such meeting signed by all 5 members.
- 25.2 The purpose of a special general meeting of members of the Ashrama shall be to consider a resolution of which proper notice has been given and the Management Committee shall only be obliged to call a special general meeting of the Ashrama at the request of members, if, when requisitioning such a meeting, they set out details of the resolution(s) to be considered.

26. QUORUM FOR GENERAL MEETINGS

The quorum for any general meeting of the Ashrama shall be fifteen members present at the time that the general meeting commences.

27. ADJOURNMENT

Should any general meeting have been properly convened but no quorum be present the meeting shall stand adjourned to another date, which shall be within seven days thereafter. The Secretary shall notify all members of the adjourned date. At such reconvened general meeting the members then present shall be deemed to constitute a quorum.

28. VOTING

- 28.1 Decisions taken at general meetings, except in the case of Amendments to the Constitution, Dissolution of the Ashrama shall be by majority vote of those members present or represented by written proxy.
- 28.2 Voting at all meetings of the Ashrama shall be by a show of hands. A recording of the votes must be kept and form part of the minutes of any Meeting.

29. INDEMNITY

A member shall not be liable for any loss sustained by the Ashrama under any circumstances except, subject to any statutory provision to the contrary, a loss sustained as a result of his/her gross negligence or dishonesty.

30. FINANCIAL YEAR END AND FINANCIAL STATEMENTS

- 30.1 Year end
The financial year of Ananda Kutir Ashrama shall commence on 1 March each year and shall terminate at the end of February the following year.
- 30.2 Accounts
- 30.2.1 The Management Committee shall cause to be kept such books of account as are necessary to exhibit a true and fair view of the state of the Ashrama's affairs and such books shall be kept at such place as the Management Committee thinks fit. The Management Committee must further ensure that all records as contemplated in section 17(3) of the Nonprofit Organisation Act, 71 of 1997 are preserved for the prescribed period as per the Act.
- 30.2.2 The Management Committee shall within six months after the end of its financial year, prepare Annual Financial Statements (AFS) of Ananda Kutir Ashrama, which must show a statement of income and expenditure for the financial year and a balance sheet showing its assets, liabilities and financial position as at the end of the financial year. Within two months after compiling its financial statements, the

Management Committee must ensure that a written report is compiled by an accounting officer as contemplated in section 17(2) of the Nonprofit Organisation Act, 71 of 1997 and submitted to the Management Committee. The Annual Financial Statements of Ananda Kutir Ashrama for each financial year shall be prepared in accordance with Standards of Generally Accepted Accounting Practice. The Chairperson of the Management Committee must present the accounting officer's approved Annual Financial Statements and Report before the Annual General Meeting.

- 30.2.3 The Annual Financial Statements must be adopted and approved by vote of the majority of members present at an Annual General Meeting. Upon approval and adoption of the Annual Financial Statements, the Chairperson of the Management Committee and the Secretary-General of the Board of Trustees must sign the Annual Financial Statements.
- 30.2.4 Upon the fulfilment of the requirements of Clause 30.2.3, the Chairperson of the Management Committee must ensure that copies of the signed Annual Financial Statements are circulated to all members of Ananda Kutir Ashrama.
- 30.2.5 The Chairperson of the Management Committee must ensure that a narrative report of the activities of Ananda Kutir Ashrama, its Annual Financial Statements and the accounting officer's report is submitted in writing to the Director of Nonprofit Organisations within nine months after the end of the Financial Year.
- 30.2.6 The Secretary of the Management Committee, must ensure that the Director of Nonprofit Organisations is provided with the names and physical, business and residential addresses of its office bearers within one month after any appointment or election of its office-bearers. The Secretary must furthermore provide the Director of Nonprofit Organisations with a physical address in the Republic for service of all documents to Ananda Kutir Ashrama. Any change of address of Ananda Kutir Ashrama must be provided to the Director of Nonprofit Organisations within one month before a new address will take effect.

31. BANK ACCOUNTS

- 31.1 The Ashrama shall open such accounts with such banks as may be determined by the Management Committee.
- 31.2 All monies received by the Ashrama shall be paid into the Ananda Kutir Ashrama Bank Account. All payments made by Ananda Kutir Ashrama shall be made by electronic transfer, cheque or cash from such bank accounts.

32. AMENDMENT

- 32.1 This constitution may not be varied, added to, deleted or substituted except at an Annual General Meeting of Ananda Kutir Ashrama.
- 32.2 No resolution varying, adding to, deleting or substituting this constitution shall be of any effect, unless two-thirds majority of members present and voting at an Annual General Meeting have resolved on same.
- 32.3A copy of all amendments to the Constitution must be submitted to the Commissioner for the South African Revenue Service and the Department of Social Development-Directorate for Non Profit Organisations.
- 32.4An amended Constitution of Ananda Kutir Ashrama shall be signed by the Board of Trustees elected at an Annual General Meeting, including the Spiritual Heads.
- 32.5The amended Constitution shall be effective with the immediate adoption thereof by the members at the Annual General Meeting.

33. DISSOLUTION

- 33.1The Ashrama may only be dissolved if at least 75% of the members present and all of the trustees voting at a meeting convened for the purpose of considering such a matter are in favour of dissolution.

33.2 In the event of dissolution, the Trustees shall be empowered to dispose of the assets of the Ashrama by redeeming all the liabilities of the Ashrama from its funds and transferring the balance (if any) of the funds and assets to such other charitable organisation(s) having similar objectives. The Trustees will decide which organisation(s) this will be.

SIGNED AT CAPE TOWN BY THE TRUSTEES OF ANANDA KUTIR ASHRAMA ON
.....2018.

1.

Ms. Cynthia Joan Muhl (Sri Yogeshwari)-ID No.: 260806 0047 089

2.

Ms. Irene Copestake (Swami Parvathiananda)
ID No.: 420613 0113 086

3.

Mrs. Damyanti Ambarsan Gajjar-ID No.: 520809 0010 087

4.

Mr. Dayananda Naidu-ID No.: 510926 5004 089

5.

Mr. Venkatakrisnan Palghatgovindan-ID No.: 630926 5841 089