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# ***Constitution of Auckland Malayali Hindu Samajam (AMHS) Inc.***

## ***PREAMBLE***

We the residents of New Zealand and belonging to the Malayali Hindu community living in and around the city of Auckland have formed a non-political association namely Auckland Malayali Hindu Samajam Inc. New Zealand, and are desirous of operating it in the same name for realisation of the objectives specified hereunder.

## *1. Name of the Association*

The name of the Association shall be Auckland Malayali Hindu Samajam (abbreviated as AMHS), New Zealand.

## *2. Objectives of the AMHS*

1. The Samajam aims to promote good race relations, eliminate discrimination on grounds of race and to encourage equality of opportunity between people of different racial groups in New Zealand society.
2. To conduct development programs that will be focused on relief of charitable needs such as poverty, conditions of old age, illness and for social rehabilitation.
3. To preserve and promote the HINDU cultural heritage of India and Kerala, in particular.
4. To help the integration of our community members into the New Zealand society and conduct activities that may be part of this constitution by promoting and advocating social harmony in a multicultural environment.
5. To educate our younger generation the rich Malayali Hindu culture and tradition and help them to grow as responsible and law-abiding citizens.
6. To advance the education of the Malayali Hindu culture and language for the benefit of the New Zealand public.
7. To encourage participation in sports that promote health for the general population
8. To help with the settlement of new Malayali Hindu immigrants to New Zealand.
9. To provide social service to the Malayali Hindu Community, the Indian Hindu community & NZ society at large.
10. To provide a forum for members to demonstrate and share their cultural talents.
11. To collect necessary funds from members and the community for fulfilling the objectives of the AMHS.
12. To acquire by purchase, taken on lease or otherwise land and building and any other property or assets, which the General Body of the AMHS may think proper from time to time, or dispose the property/assets or any part thereof, and erect on any such land, building and to add or alter and maintain any building erected upon such land for the attainment of the stated objectives of the AMHS.
13. To sell, improve, maintain, manage, lease, mortgage, dispose or turn to account or otherwise deal with all or part of the property, assets, and rights of the AMHS for

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fulfilling the objectives of the AMHS.

14. To Promote friendship and cultural exchange with other Indian and New Zealand organizations.
15. To implement community social services like Tree planting, rescue, blood donation and rehabilitation of disaster impacted people in NZ.

## 3. General

In these rules, except where a different intention appears:
"Act" means the Incorporated Societies Act, 1908
"AMHS" means the Auckland Malayali Hindu Samajam (Incorporated)
"Registrar" means the Registrar under the said Act.
"Voting Member" means financial member, financial Family members, Student Financial Members & Student Financial Family Members
"AGM" means Annual General Body Meeting/s
"EGM" Extraordinary General Body Meeting/s
General Meeting in this document refers to both AGM &/or EGM unless specifically stated

## 4. Name, Registered Office and Place of Meeting

a) The AMHS shall be known as Auckland Malayali Hindu Samajam (Incorporated)
b) The Registered office of the AMHS shall be situated at secretary residence or at such other place as shall be decided by the Executive committee.
c) The committee meetings shall be preferably held at Papakura Ganesh Temple or at such other venues as decided by the Executive committee

## 5. AMHS Membership

Members will consist of:

a) Financial Members

Ø Those paying an Annual Membership fee; the fees will be reviewed every year, the initial proposed annual membership fees for a family (2 Adults and 2 Children) is NZD 15/- and for individuals will be NZD 10/-

b) Student Financial Members
c) Student family financial Members
d) Patron Members from Papakura temple & other Hindu societies

## 6. Eligibility for Membership

Every membership application must be forwarded with reference of an existing member to the next Executive committee meeting for approval. The Executive committee at its discretion can reject any application without assigning any reason thereof.

a) Financial Membership

A Hindu and continuing to practice Hindu religion and culture will be eligible for membership of the AMHS. The minimum age for the Financial Members shall be 18

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years. And such a person should pay annual membership fee without fail.

b) Honorary Membership

The AMHS shall have the power to confer by resolution at the Annual General Meeting. The honorary membership of the AMHS to practicing Hindu religious followers whomsoever it deems fit.

c) The Chief Patron of the AMHS would be Mr. Chandru Thirumeni, priest of Papakura Ganesh Temple or any other individual as deemed fit for that role by the AGM/EGM. Only candidates who are highly respected Hindu religious priests or sanyasis with no ill repute, would be considered for this post by invitation of AGM or election at AGM. The Chief Patron candidates need not be a member of the AMHS.

## 7. ***Annual Membership & other rules***

a) The annual subscription fee for each category of membership shall be fixed at the AGM.

b) The financial year of the AMHS shall commence on the first day of April eachyear. All Fees and Membership subscriptions shall be paid at the time of admission as members of the AMHS and thereafter within 2 months of the beginning of the financial year.of Annual subscription fee on or before 31st July of the current year to qualify forvoting rights. Any membership paid after this date shall be deemed as a memberwithout voting rights.

d) Patron Members & Honorary Members may have a free annual membership.

## 8. ***Resignation***

Any member may resign from the AMHS by giving notice in writing or email to the Executive committee after settling all the dues and handing over any assets of the AMHS still in their possession.

Resignation of membership by any member doesn't lead to part or full refund of already paid membership fee.

## 9. ***Termination of Membership***

Any member misbehaving during AMHS event/s or found in inebriated condition and/or any AMHS functions may be considered for disciplinary action including termination of membership.

Any member involved in financial irregularities or destruction of assets / properties of AMHS would be considered for disciplinary action including termination of membership.

Termination of membership doesn't lead to part or full refund of already paid membership fees.

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### *10. Conduct of members*

Members of the AMHS shall not of their own accord use the name of the AMHS to publish or seek interviews with the media and Government or other agencies on any matters, without prior approval of the Executive committee.

### 11. Roll Book

a) The name of every financial member, financial family member and his/her private address, email id and mobile phone no shall be entered in roll book to be kept with Secretary. The name of members would be displayed on AMHS's website.
b) It shall be the duty of the secretary to produce the roll book to Annual General Body meeting (AGM) or any other extraordinary General body meeting of the AMHS.
c) The roll book shall be accepted as the correct and complete list of members of the AMHS entitled to vote.
d) A member changing his / her address shall notify within thirty (30) days. His / her new address to the secretary who shall update the roll book.

### *12.* Executive committee / Board

a) The Executive committee/board shall comprise of the President, Vice president, General Secretary, Joint Secretary, Treasurer and Executive Members.
b) The first acting executive committee shall be nominated by the AMHS Thiruvonam working committees (List Attached Annexure – 1). This committee will hold office until April 2020. Elections will be conducted every year. The Executive committee would be expected to make best efforts to ensure Onam celebrations & Vishu Celebrations every year and any other activities as mentioned in objectives. Any vacancy in Executive committee during its tenure would be filled by a person nominated by the current Executive committee.
c) Only voting members (as defined in paragraph 7(c)) would be entitled to vote for electing Executive committee members and event & program management committee members.
d) Only voting members (as defined in paragraph 7(c)) would be entitled to vote for any agenda in annual general body meetings and extraordinary general body meetings. In the initial two years of formation of AMHS all voting members can vote in AGMs and EGMs.
e) Only voting members (as defined in paragraph 7(c)) would be entitled to stand for election to Executive committee membership.
f) Members can cast their vote by self or proxy. The form of proxy must be in the hands of the Secretary at the office of the Samajam before the commencement of the meeting at which it is proposed to be used.
g) A member can provide proxy for all adult registered members of his family and can be a proxy for only one registered member outside the family AND cannot submit proxy votes for all members of any other family.

An instrument appointing a proxy shall be signed by the member making the appointment and shall be in the following form or such other form as the Committee shall approve:

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PROXY VOTE FORM

I/We being a member of the Auckland Malayali Hindu Samajam, hereby appoint as my proxy to vote for me and on my behalf at the Annual/Special General Meeting of the Samajam to be held on the day of year or any adjournment thereof.

Print Name ——————————————————— Date: ——————————-

Signature: ——————————————-

***13. Sub Committee***

The Executive committee may appoint subcommittees for any purpose as deemed necessary.

***14. Annual General Body Meeting (AGM)***

a) The supreme authority is vested in a AGM of the voting members (as defined in paragraph 7(c)).
b) The quorum for dissolution of AMHS shall be at least fifty percent of voting rights.
c) If half an hour after the time appointed for the annual general body meeting, a quorum is not present, the meeting shall be postponed to a date – not exceeding three weeks – to be decided by the committee and if a quorum is not present half an hour after the time appointed for the postponed meeting, the members present shall have the power to proceed with the business of the day but they shall not have the power to alter the rules of the AMHS.
d) An AGM of the AMHS shall be held by the last Saturday month of April of every calendar year. But the date and time and place can be decided by the Executive committee based on circumstances. The agenda of the Annual General Meeting shall be:

    I. To receive the Executive committee's report on the working of the AMHS during the previous year
    II. To receive the Treasurer's report and the audited or unaudited accounts of the AMHS for the previous year
    III. To elect the Executive committee for the ensuing year.
    IV. To deal with such other matters as may be put before it

e) A preliminary notice of the AGM stating the date, the time and the place, and calling for the motions for discussion, motions for amendment of rules and nominations for the election of the committee shall be sent by the secretary to all the voting members (as defined in paragraph 7) with voting rights not later than four weeks before the date fixed for the meeting via email to register email id of voting members (as defined in paragraph 7) in AMHS.
f) Nominations for the Committee/s and motions for discussion at the AGM must reach the Secretary at least two weeks before the date of the meeting. If no valid nominations are received for any office, nominations shall be accepted at the AGM.
g) Notice and Agenda of the AGM with nominations and motions, together with the

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audited or unaudited accounts of the AMHS for the previous year/s shall be sent one week before the appointed date.

h) When more than one nomination is received for any office necessitating an election, voting shall be by ballot.
i) The Roll Book at the time of Notice under sub clause (d) above shall be the complete list of those eligible to vote at the election of the committee.
j) Paragraph 12(d) of the rule regarding voting rights apply also to an AGM.
k) An Extraordinary General Body Meeting (EGM) shall be convened.

1. Whenever the Executive committee deems it desirable
2. At the joint request in writing of not less than 20 percent members stating the objects and reasons for such meeting.

l) An EGM requisitioned by members shall be called within six weeks of the receipt of such requisition.
m) Notice and Agenda for an EGM shall be forwarded by the Secretary to all voting members (as defined in paragraph 3) with voting rights at least one week before the date fixed for the meeting.
n) Paragraph (a) and (b) of the rule regarding the quorum and the postponement of an AGM shall apply also to an EGM.
o) Paragraph 12(d) of the rule regarding voting rights apply also to an EGM.
p) Voting at meetings shall be by a ballot.
q) The first AGM or any EGM shall be held within eight weeks from the expiry of two years from the date of incorporation.

### *15. Executive committee Meetings*

a) The committee shall meet at least once every 3 months and 7 days' notice of each meeting shall be given to its members. At least more than half of the committee shall constitute a quorum.
b) Where any urgent matter requiring the approval of the Executive committee arises and it is not possible to convene a meeting, the secretary may obtain views of the committee members by telephone and any other form of communication. The following conditions must be fulfilled before a decision of the committee is deemed to have been obtained.

i. The majority decision of the committee shall favour the proposal.
ii. Any decision obtained by telephone must be followed by a letter confirming the decision and shall be reported by the secretary to the next committee meeting.

c) Any members of the Executive committee except the Chief patron who fails to attend three consecutive meetings of the committee without satisfactory explanation shall be deemed to have resigned from the committee.
d) AGM/EGM may also have the power to remove or replace the chief patron if required as recommended by the Executive Committee.

### *16. Filling vacancies*

a) Subject to Clause 10 in the event of the death or resignation of a member of the

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Executive committee except for Chief patron, the committee may, if it deems it necessary, fill in the said vacancy by nominating a financial or patron member of the AMHS to the said office. Such a nominated person shall hold office from the date of appointment to the date of the next general election for Executive committee.

b) In case of resignation or demise of Chief Patron. A new Chief Patron would be selected by AGM.

17. ***Powers of the Executive committee***

a) The Executive committee shall give instructions to the secretary and other officers for the conduct of the affairs of the AMHS. It may appoint Event & Programs management committee members, organizers, and such staff as it deems necessary.

b) It may suspend or dismiss any Event or Programs management committee member/s, organizer or member of the staff for the neglect of duty, dishonesty, incompetence, refusal to carry out the decisions of the Executive committee or any other reason which it deems good and sufficient in the interest of the AMHS.

c) The event committee and program committee must take pre-approval of programs and expenses from executive committee before proceeding. Unless executive committee approve detailed program/event plan / chart and expenses. No event or program can be undertaken by any committee.

d) The executive committee will have the right to terminate the membership of any AMHS members who shall have undertaken any initiative / Event without the prior consent of executive committee.

***18. Duties of the office bearers***

a) The President shall during his / her term of office preside at all AGM Meetings and all meetings of the committee and shall be responsible for the proper conduct of all such meetings, He / She shall sign the minutes of each meeting at the time they are approved.

b) In the absence of the President, the Vice President shall act as the President. He / She shall then have the rights, powers, and duties of the President for the time being.

c) The Secretary shall conduct the business of the AMHS in accordance withits rules and shall carry out the instructions of the AGM and of the Executive committee. He / She shall be responsible for all correspondence and keeping all books, documents, and papers except the accounts and financial records. He /She shall attend all meetings and record the proceedings.

d) In the absence of the Secretary, the Joint Secretary shall act as the Secretary. He / She shall then have the rights, powers, and duties of the Secretary for the time being.

The common seal of the AMHS will be held in the custody of the secretary and will be used in the presence of the President & at least one Executive Committee Member.

***19. Financial Provisions***

a) Subject to the following provisions of the rule, the funds of the AMHS may be expended for any purpose necessary for carrying out its objectives, including the expenses for

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administration, allowances and expenses for the Committee and audit of its accounts.

b) The Executive committee shall have the power to borrow or raise money from time to time on such terms and conditions as it sees fit and with or without security for attaining the objective and promoting the interests of the AMHS. This requires the approval of the General Meeting.

c) The Executive committee shall have the power to invest the funds of the AMHS not immediately required for general purposes in the GILT edge securities / issued by the NZ Government and /or in any other investments. The latter requires prior approval of the General Meeting.

d) All AMHS funds shall be banked under a AMHS account and withdrawal shall require any two of the signatures of the President, Vice President, Secretary, Treasurer or Joint Secretary.

e) All payments must be approved by:

i. The Executive committee before cheques can be drawn. However, the committee may authorize the President and/or the Treasurer in conjunction with the Secretary to spend without reference to the Executive committee, individual amounts not exceeding such limits as set by the Executive committee. All amounts so spent shall be put up for covering approval of the committee at its next meeting.

ii. The Executive committee shall not make any payment over Two thousand five hundred dollars ($2500) for any single transaction in the normal course of business, other than those payments made for any special project undertaken.

f) As soon as possible after the end of each financial year, a statement of income and expenditure and a balance sheet for the year shall be prepared and published on AMHS's website or emailed to members. ***The accounts of the AMHS may be audited only on the recommendation of an AGM or EGM.*** The auditor can be a member of the AMHS and can be a non- chartered auditor. The audited accounts shall be submitted for approval at the next AGM.

g) All event and program committees would provide income and expenditure statement after the respective event for the financial year. And these income and expenditure statement could be uploaded on the website or emailed to members after the completion of the event subject to the approval by the committee/s.

**20. *Audit***

It is hereby resolved that the Trust will not conduct an audit of the Financial statements in the future unless there is a change in the Charities Act.
This is accordance with Charities Act 2005, section 42C & 42D whereby it states:
42C when financial statements must be audited or reviewed

1) This section applies to—
   (a) every charitable entity that is large; and
   (b) every charitable entity that is of medium size.

42D Meaning of large and medium size
(a) a charitable entity is large in respect of an accounting period if, in each of the 2 preceding accounting periods of the entity, the total operating expenditure of the entity and all entities it controls (if any) is $1 million or more.
(b) a charitable entity is of medium size in respect of an accounting period if—
(i) it is not large under paragraph (a); and

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(ii) in each of the 2 preceding accounting periods of the entity, the total operating expenditure of the entity and all entities it controls (if any) is $500,000 or more.

Accordingly, the Trustees acknowledge that the Trust's turnover was below the threshold set out in 42D (a) (ii) and is not required by law to have a statutory audit or review of its financial statements.

***21. Affiliation***

a) The AMHS executive committee shall have the power and discretion to get affiliated or cancel exiting affiliations with other organizations.
b) Affiliations to other Hindu organizations shall be by resolution at the General Meeting

***22. Amendment of rules***

These rules may be added/ rescinded or amended by a resolution passed by a majority of the quorum as defined in paragraph 14.0 (b) with voting rights, who need to be present and voting at an AGM or EGM.

Every such resolution shall set forth the purpose of the amendments. Duplicate copies of the confirmed amendments shall forthwith be delivered to the registrar in accordance with the requirements of the act.

No Amendments may be permitted which would in any ways detract from the AMHS's charitable nature and Malayali Hinduism promoting character.

The amendment to the constitution will be considered if and only if:

1) Any constitutional amendment must be ratified by two third majority of the members present in a General Meeting. Such a meeting shall have a quorum of 50% of the paid-up members of the Samajam.
2) The Agenda for this Special General Meeting (SGM) shall be circulated among the members of the Samajam, at least ten working days in advance.
3) The list of all eligible members shall be made available to the members, prior to the SGM.
4) If within half an hour from the appointed time for this SGM a quorum is not present, the meeting shall be adjourned for another date by majority vote of the members present and shall be notified to the members within 3 days and reconvened. 50% of the members present at such an adjourned meeting can institute the proposed amendment.

***23. Dissolution***

a) The AMHS may be voluntarily dissolved by a resolution adopted by 75 % of majority voting members with voting rights at a General Meeting called for that purpose, the resolution to wind up if passed at this meeting, must be confirmed at a subsequent General Meeting held not earlier than thirty days after the previous meeting.
b) In the event of the AMHS being dissolved above, all debts and liabilities legally incurred on its behalf shall be disposed of in such a manner as may be decided at a

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General Meeting. When winding up any surplus assets must be distributed to Hindu temple charitable trust/s within New Zealand for the furtherance of exclusively charitable purposes.

### *24. Pecuniary Gain*

a) Any income, benefit, or advantage must be used to advance the charitable purposes of the group.

b) No member of the group, or anyone associated with a member, is allowed to take part in, or influence any decision made by the group in respect of payments to, or on behalf of, the member or associated person of any income, benefit, or advantage.

c) Any payments made to a member of the group, or person associated with a member, must be for goods or services that advance the charitable purpose and must be reasonable and relative to payments that would be made between unrelated parties.

### *25. Indemnity*

No member shall be held personally liable for the commissions or omissions of the Samajam's action or inactions.

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| Position | Name | Signature |
|---|---|---|
| President | Gopal Ayyar | DocuSigned by: Gopal Ayyar F3A27A238EB34FB... |
| Vice President | Biju Surendran | DocuSigned by: Biju Surendran B07E1E4E647742D... |
| Secretary | Shohbana Surendranath Nair | DocuSigned by: Shobhana S Nair EDEC76C8F8DD4D0... |
| Joint Secretary | Rakesh Varma | DocuSigned by: Rakesh Varma 4/7/2020 D9A79DD5200B446... |
| Joint Secretary | Shanta Girijan Menon | DocuSigned by: Shanta Girijan Menon 73F15EFEA32C4AA... |
| Treasurer | Chelat Divakara Menon | DocuSigned by: Chelat Divakara Menon 597202C8FED144D... |
| Joint Treasurer | Rajesh Poomarathil | DocuSigned by: Rajesh Poomarathil 7CD55AD46ED9456... |
| Executive Committee Member | Krishnakumar Menon | DocuSigned by: Krishnakumar Menon 4CDC7114BAC347E... |
| Executive Committee Member | Ravishankar Ramachandran | DocuSigned by: Ravishankar Ramachandran 1EDC2FEC295F43D... |

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| | | |
|---|---|---|
| Executive Committee Member | Athulya Mohandas | DocuSigned by: Athulya Mohandas 2855576A4851489... |
| Executive Committee Member | Venu V Parameswaran Nair | DocuSigned by: Venu V Parameswaran Nair 2D57394026F04A2... |