



THE SUPREME COURT OF APPEAL OF SOUTH AFRICA
MEDIA SUMMARY OF JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

From: The Registrar, Supreme Court of Appeal

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Devine Life Society of South Africa and Others v Avinash Parshotam (107/2025) [2026] ZASCA 89 (24 June 2026)

Today, the Supreme Court of Appeal (SCA) handed down judgment in an appeal against a judgment of the KwaZulu-Natal Local Division of the High Court, Durban, sitting as a court of first instance.

This matter concerned the judicial review of impugned decisions made by the Divine Life Society of South Africa (the Society), which is a voluntary association. Its objects are to conduct religious, spiritual, educational and charitable activities in South Africa in accordance with the Hindu religious and spiritual tradition derived from the teachings of Sri Swami Sivananda, who founded the Divine Life Society in India in 1936. The Society is governed by a constitution (the Society's constitution), in terms of which it is managed and controlled by the Board of Management (the Board).

The respondent, Avinash Parshotam, also known by his monastic name of Rishikumar Satyanand (Mr Parshotam) is a devotee and renunciant member of the Society. He dedicates his life to obeying and propagating the religious teaching of the Society and fulfilling its objects. Since 2001, Mr Parshotam has lived in the Society's ashram (a Hindu spiritual monastery), and he has forsaken all material possessions.

On 2 March 2020, the Board notified Mr Parshotam of its intention to conduct an inquiry into certain of his alleged actions. Following his response to the complaints, a disciplinary hearing was convened on 21 March 2020. On 10 August 2020, the Board informed Mr Parshotam that it had 'reached its verdict'. It found him guilty on all seven charges preferred against him and invited him to submit written representations in mitigation for the purpose of determining an appropriate sanction. Mr Parshotam did so. By letter dated 28 August 2020, the Board advised Mr Parshotam that his membership of the Society had been revoked and that additional sanctions were imposed. He was further requested to provide the Board with a reasonable date from which he would be able to discontinue his residence. Mr Parshotam subsequently challenged both the Board's finding of guilt and the sanctions imposed upon him. Following the Board's decisions, Mr Parshotam instituted proceedings in the high court to review and set aside the impugned decisions.

The high court upheld the review. It did so on the basis that the Board was improperly constituted when it took the impugned decisions in that the Society's constitution required that renunciates must serve on the Board and they did not do so. The high court accordingly reviewed and set aside the impugned decisions. The high court however declined the declaratory relief sought by Mr Parshotam. It found that the principles of natural justice did not apply to the disciplinary proceeding brought by the Society against Mr Parshotam because they were not incorporated into the Society's constitution. Having reviewed and set aside the impugned decisions, the high court, in consequence, dismissed the Society's counter-application for the eviction of Mr Parshotam. The Society was ordered to pay the costs, including the costs of two counsel.

The Society sought leave to appeal the order of the high court. Mr Parshotam brought a conditional application to cross-appeal. It was formulated thus: should the Society be granted leave to appeal, Mr

Parshotam sought leave to cross- appeal 'those portions of the judgment relating to the applicability of the rules of natural justice' and the order refusing declaratory relief. The high court granted the Society's application for leave to appeal, as also Mr Parshotam's application to cross-appeal.

Before the SCA the following issues were raised. First, under the Society's constitution, was the Board lawfully constituted to take the impugned decisions (the composition issue)? Second, if not, do the impugned decisions nevertheless fall to be reviewed and set aside on the basis that the Society failed to observe the principles of natural justice (the natural justice issue)? Third, if the Society's appeal is dismissed, was Mr Parshotam nevertheless entitled to the declaratory relief that he sought from the high court (the declaratory relief issue)? Fourth, if the Society's appeal is upheld, is the Society entitled to the orders it sought to evict Mr Parshotam from the Society's ashram (the eviction issue)?

The SCA held that the impugned decisions do not fall to be reviewed and set aside by reason of the Board's composition. Mr Parshotam complained that the Board had to be composed of both renunciants and householders, and that the Board did not include renunciants, and hence it was not constitutionally constituted. This issue turned upon whether a decision taken by the Society prior to the adoption of its constitution, requiring that renunciants serve on the Board, formed part of the constitution. The SCA held that, upon a proper interpretation of the Society's constitution, this decision did not form part of the Constitution. Hence there was no constitutional requirement that renunciants must serve on the Board, and the Board, even on Mr Parshotam's understanding of its composition, was not unlawful.

The SCA held further that the high court had fallen into error in holding that the Society's constitution excluded the rules of natural justice. Following *Turner v Jockey Club*, the SCA found that the Society's constitution had tacitly adopted the rules of natural justice. It proceeded to consider whether the Society had applied these rules in taking the impugned decisions. The SCA concluded that the Society had failed to do so. First, the Board did not adequately frame the charges that it preferred against Mr Parshotam. Second, the Board did not adduce the evidence upon which it relied. This it was required to do, and that, to accord Mr Parshotam a right to cross-examine, without first adducing the evidence was to render the right illusory and thereby failed to observe Mr Parshotam's right of confrontation. Third, the Board had failed to adhere to its duty of impartiality. Its members had discharged the functions of investigation, prosecution and adjudication, without proper differentiation.

For these reasons, the SCA held, the rules of natural justice were not adhered to, and the impugned decisions had to be reviewed and set aside. Once that was so, the Society's eviction relief fell away.

The SCA, however, declined to grant Mr Parshotam declaratory relief. It found that this relief amount to abstract guidance that failed to engage a live issue.

The SCA accordingly sustained the order of the high court to review and set aside the impugned decisions, though for different reasons. The SCA dismissed the appeal, with costs, save only that it considered that a further remedy was warranted, remitting the matter back to the Society. It also dismissed the cross appeal, with costs.

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