

TRUST DEED OF JEEVAN DEEP CHARITABLE TRUST

This declaration of trust made at Jaynagar, District Madhubani, Bihar between Kishore Kala Mandir, a society Registered under Societies Registration Act 21, 1860 having its registered office at P.O. Jaynagar, District Madhubani, Bihar through its President Mr. Ajay Kumar Singh, son of Late Dr. Brajbhushan Singh, resident of Jaynagar, and secretary Mr. Sailesh Sharma, son of Late Harihar Parsad Sharma, at Jaynagar, District Madhubani, Bihar, here-in called the SETTLER which expression shall unless excluded or repugnant to the context deemed to include its Executors, Administrators and Representatives of the one part and

1. Sri Ajay Kumar Singh, President of Kishore Kala Mandir, Jaynagar
2. Sri Sailesh Sharma, Secretary of Kishore Kala Mandir, Jaynagar
3. Sri Parmeshwar Lal Saraf, son of late Gauri Shankar Saraf, Jaynagar

All Hindu Indian inhabitants, herein called the "TRUSTEES" which expression shall unless it be repugnant to the context on meaning thereof shall include their Survivors, heirs, executors and the last surviving trustees of these presents of the other part.

And WHEREAS the SETTLER is desirous of setting up a medical center/Hospital with research center for philanthropic (refer sec 10(22A) of the IT Act) and not for profit and whereas the SETTLER is the absolute owner of a piece of land more particularly described in exhibit 'A'. The settlor is desirous of handing over the said piece of land and cash amount of Rs. 11000/= to the first trustees of these present and accordingly the settlor is handing over the possession of the said piece of land and the cash amount to the said trustees of these present as the first trust fund receipt of which is being acknowledged by the first trustees of these present to the settlers.

AND WHEREAS the Trustees have agreed to become the first trustees of these present as testified by their being the parties to and executing the same. Now this indenture witnessed and it is hereby agreed and declared as follows: -

1. The Trust hereby declares and shall be called and always be known as "Jeevan Deep Charitable Trust".
2. Objects for which the Trust is established are:
 - a) To establish, construct, maintain and run hospital/s, medical research center, college dispensaries, and laboratories for philanthropic purposes of profit.
 - b) To establish, construct, maintain and run medical and educational institutions for philanthropic purposes and not for profit.
 - c) To do all such acts as may be considered necessary and conducive for the attainment of the aforesaid objects.

In this Trust Deed unless it is inconsistent with or repugnant to the context or meaning thereof the below written meaning here-in-after respectfully assigned to them, that is to say :

- a) The "Trust" means "Jeevan Deep Charitable Trust" declared and created by this deed.
- b) "Trust Fund" means the stocks, shares, securities, debentures, donations, investments, movable and immovable properties earmarked funds and other funds as per the Trust Deed.

- c) The Board of Trustees means the Trustees of these present for the time being.
 - d) "The Managing Committee" means the Managing Committee as constituted under these present.
 - e) "Office Bearers" means and include the members who had applied for membership and is accepted by the Managing Committee as member of the Trust.
 - f) "Members" means a member who had applied for membership and is accepted by the Managing Committee as member of the Trust.
 - g) "Year" : The financial year i.e. 1st April to 31st March.
3. Any person shall be entitled to act as Trustee or member unless he is citizen of India and is competent to contract under the Indian Contract Act.
4. The person who ceases to be a trustee or member:
- a) When he dies.
 - b) Disclaims.
 - c) Desirous of discharge.
 - d) If he refuses to act
 - e) If he is found to be of unsound mind by a Court of Competent Jurisdiction.
 - f) If he is convicted by a Court of any offence involving moral turpitude and sentenced in respect thereof to imprisonment for not less than six months.
 - g) If he becomes unfit or incapable to Act as Trustee.
5. The Trust Fund shall always rest in the Trust and shall be administered and managed by the Trustee or Managing Committee.

6. Appointment of Trustees :

- a) The Trustees no 1 and 2 are the trustees of this trust by virtue of being the president and the Secretary respectively of the Kishore Kala Mandir and will cease to be the trustees of this trust as and when they will cease to be the president and the Secretary respectively of the Kishore Kala Mandir. After that the ruling president and the Secretary respectively of the Kishore Kala Mandir will be the trustees of this trust in their place. If there is either no president or no secretary in Kishore Kala Mandir or the said chairman or the secretary refuses to accept the office of trust in this trust, the governing body of K K M may appoint trustees in their place.
 - b) Minimum number of trustees will not be less than 3 and maximum not more than 15.
 - c) The no. 3 to 11 trustees of these present shall be permanent (hereditary) Trustees.
 - d) Last trustees no. 12 to 15 shall be for a period of 3 yrs and coming by rotation.
7. On the death or on becoming incompetent of a permanent trustee, the heirs and the legal representatives of the said permanent trustee may appoint another trustee of his family in place of the said trustee.
8. The trustee will not be entitled to receive any remuneration.

9. **Power of the Trustees:**

- a) To accept any donation, contribution grant or subscription in cash or in kind from any person, body or body of persons or trust with or without conditions in name of trust or in the name of any hospital, educational institution, or the medical/educational research center run or conducted by the trust.
- b) To apply the whole or part of the income of the Trust Fund or accumulation thereof of whole or part of the Trust Fund to any one or more of the objects of the Trust as the Trustees in their discretion from time to time determine.
- c) To convert and deal with the Trust property and/or to carry the investments for the time being.
- d) To purchase, construct or hire or taken on lease any immovable property for all or any of the purpose of the said trust at such price, cost or rent and one such terms and conditions and for such period and with or without option for renewal as the trustees may think fit.
- e) To invest and keep invested the trust fund to vary or other the investment as the trustees in their discretion think fit.
- f) To borrow or to raise or secure payments of money and also to lend money either with or without security.
- g) To sell, dispose off, alienate or otherwise deal with any property comprising the Trust Fund.
- h) To let out, lease devise, mortgage, change or license any property belonging to the trust for such rent or compensation and on such terms and conditions and for such period as the trustees in their discretion may think fit.
- i) To adjust, settle, compromise, compound, refer to arbitration, all actions, suits, claims, demands and proceedings regarding the Trust Fund.
- j) To delegate by power of attorney or otherwise by way of resolution, to any trustee and trustees or any person or persons, powers and authorities implied by law or conferred by statute or vested by these present. The trustees shall however not be held liable or responsible for the acts or defaults for the acts or defaults for any such person or persons but only for their own respective acts and defaults.
- k) To make, vary, alter or modify schemes, rules and regulations for carrying out the objects of the Trust and for management of the affairs thereof and/or running any institution in furtherance of the objects of the Trust and otherwise for giving effect to the object of the Trust.
- l) To set apart and/or allocate the whole or part of the income of the corpus of the Trust Fund or part thereof for any of the objects of the Trust.

10. **It shall be lawful for the Trustees:**

- a) To settle all accounts and to compromise, compound, abandon, or refer to arbitration any action or proceedings or dispute, claim demand or things proper for such purpose without being responsible for any loss occasioned thereby.
- b) To apply to the Government, public bodies, urban, local, municipal, district and other bodies, corporation, companies, or persons for and to accept grant of money and of aid, donation, gift, subscriptions, and other assistance with a

view to promoting the objects of the Trust and to discuss and negotiate with the Government Departments, public and other bodies corporations, companies or persons, scheme and other work and matters within the objects of the Trust and to confirm to any proper condition upon which such grants and other payments may be made.

- c) To take over any other charitable trust, Society, association or institution with smaller objects.
- d) To establish, promote, manage, organize or maintain or to assist in establishing, promoting, managing, organizing or maintaining any branch of the Trust or any other Trust or its branches with objects similar to those of this Trust and to promote or carry on the affiliation or amalgamation of such other Trust with this Trust.
- e) To take over, acquire, manage, control or aid any existing institution or institutions having objects either wholly or in part similar to the objects of this Trust and on such terms and conditions as may be thought expedient.
- f) The Trustees shall be chargeable only for such moneys, stocks, shares and funds as shall actually come into their hands and a Trustee shall not be answerable or accountable for neglect, default, acts or omission or commission of the other Trustees, nor of any banker or other person with whom the Trust properties or any securities may have been deposited or kept.

The Trustees will not be entitled to receive any remuneration, but the Trustees may reimburse themselves all expenses actually incurred by them in connection with the Trust or their duties relating thereto.

- g) K K M is the principal founder organization of “Jeevan Deep Hospital” which is also the settlor of this Trust. It would be in the interest of the Jeevan Deep Charity Trust to seek co-operation of K K M to solve critical problems, resolve conflicts that may arise from time to time and for seek advise of K K M further growth of the Trust to meet is stated objects.

- 11. The Trustees shall maintain a Minutes book in which all proceedings and decisions shall be recorded and noted.
- 12. The Trustees shall meet atleast once every six months.
- 13. The Trustees present shall elect a Chairman, Board of Trustees shall have a Chairman, who will be authorized to call a meeting. IN his absence, members of the Board of the Trustees present at the meeting called shall elect a chairman for the meeting.
- 14. The Chairman shall have a casting vote in case of tie.
- 15. All decisions will be taken by majority of votes.
- 16. Five trustees shall form a Quorum.

17. MEMBERS :

a) Patron Member :

Any firm, Joint Family Corporate body HUF or Trust, or Society, Institution (Registered u/s 21, 1860) who at a time donate in cash or in kind a sum of Rs. 1.00 lac or more shall be subject to the approval of the Trustees be a patron member of the Trust.

NOTE :

- i) A Patron member along with its application for membership shall also give name and full address and consent of the person to act as a representative of the patron member.
- ii) A patron member can appoint only a person as its representative who is a Proprietor, partner, karta, Trustee, Director, Secretary, President of the said patron member.

b) Founder Member:

The persons who will be associated with the planning and execution of the project of the Trust will be called the founder member. The nomination of such member will be decided by the Board of Trustees, through a negotiated settlement.

c) General Member – (i)

Any person who is eligible to act as a member can be a general member – (i) only for five years upon donation of a sum of Rs.25000/= or more in cash or kind to the Trust. A person eligible to enter into a contract under Indian Contract Act will be eligible to be a member of the Trust, subject to approval by the Managing Committee.

d) General Member – (ii)

Any person who is eligible to be a member can be a general member – (ii) upon payment of Rs. 2500/= or more in cash or in kind each year before the expiry of 31st March of each year can be a General member (ii) of the Trust subject to approval by the Managing Committee.

HOW TO BECOME A MEMBER :

- a) There must be an application for membership along with necessary donation as specified above.
- b) The application for membership must be approved by Board of Trust or by the Managing Committee. Only then the applicant will become a member.
- c) If the General member (ii) does not pay the annual membership fees continuously for a period of two years, such member will cease to be a member and shall not have any right, after the expiry of 2 yrs the Managing Committee must intimate such member that the fees are not paid and hence he has ceased to be a member of the Trust from _____. This should also be confirmed in the Managing committee.
- d) There shall be a register of members. This register will be maintained with name and address, telephone number, names and address of the representatives of the members, date of acceptance of membership fees paid etc. paid by the member class-wise. In case of a patron member desiring to change its representative it can change so before the expiry of the accounting year i.e. 31st March. A patron member should write to the Chairman of the Trust for such change with consent of the new representatives.

18. **MANAGING COMMITTEE** :

The Managing Committee will consist of the following:

- (i) Chairman - 1 post
- (ii) Vice – Chairman - 1 „
- (iii) Secretary - 1 „
- (iv) Jt. Secretary - 1 „
- (v) Treasurer - 1 „
- (vi) Member - 6 „

The Mg. Committee will consist of the above eight elected members and 3 co-opted members.

The election of the Mg. Committee will be held every three years. Election to the Mg. Committee will be held as under :-

- (i) Trustees - 2 persons
- (ii) Patron member - 2 persons
- (iii) Founder member - 3 persons
- (iv) General Member(i) - 1 person

(v) 2 members of the Kishore Kala Mandir will be co-opted to the managing committee.

(vi) One person from reputed class or Trained by hospital management course, any Doctor will be co-opted to the managing committee.

(a) 7 persons present in person will form quorum.

(b) Mg. Committee will meet atleast once in three months.

(c) The seat of the office bearer shall become vacant in the following circumstances, if the person :

Resigns,

Passes away,

Disclaims,

Desirous of discharge,

Becomes of unsound mind,

Convicted by the Court,

Becomes unfit or incapable to act, etc.

In case of vacancy to the Mg. Committee, the existing committee members shall have power to fill up vacant post for the balance period till next election.

19. **BANK ACCOUNTS** :

The Managing committee shall maintain a bank account in the name of the Trust. Any two person can operate the account out of which one signature must be of Chairman or Secretary.

The Mg. Committee shall exercise all such powers of the Trustees as may be delegated by the trustees from time to time for carrying out the management affairs of the Trust.

20. Managing committee shall implement the decision of the Board of Trust.

21. Managing Committee shall maintain a minutes book and all the proceedings and decisions shall be entered in this book. Notice regarding meeting of Mg. Committee shall

be sent to the members of the Mg. Committee atleast 7 days in advance to the registered postal address of the Mg. Committee members.

If there is no quorum, the meeting shall be adjourned at the same time and place for seven days. No notice is necessary for such an adjourned meeting. The Mg. Committee shall employ the staff members for executing the trust work smoothly and fix their remuneration to settle their dues, claims, etc.

22. All the day today work like receipts, payments and outgoings shall be maintained by the Mg. Committee. The Secretary of the Mg. Committee shall sign on all the receipts and payments. The managing committee may authorize other persons to receive and to make payments and to sign such documents as and when they feel necessary. All the resolutions will be passed by majority votes; in case of tie, the Chairman of the meeting shall have a casting vote.

23. INVESTMENTS :

All investments of the trust fund as well as other money not immediately required shall be invested in accordance with the provisions of the Indian Trust Act, and under the provisions of the Income Tax Act in the name of the Trust.

24. BUDGET :

It will be the duty of the Managing Committee to prepare budget for the ensuing years and to get approved the same in the trust Board meeting.

25. COSTODY OF DOCUMENTS :

All the total deeds, Securities, FD's, receipts etc. shall be kept in safe custody and in safe deposit vault under the trustees. The Board of trustee will maintain a list of all such documents.

26. ANNUAL MEETING OF THE GENERAL BODY OF MEMBERS :

There will be an Annual General Meeting every year. The meeting must be held within 6 months from the close of the accounting period. The agenda of such meeting will be as under :

- a) To read and if found correct, to confirm the minutes of the last annual general meeting or extra ordinary general meeting.
- b) To receive audited statement of accounts and to approve the same.
- c) To approve the budget of the ensuing year.
- d) To appoint internal and statutory auditors and to fix their remuneration.
- e) Any other matter with the permission of the chair.
- f) The annual meeting of the general body will be called by the Chairman of the Board of Trustees and a fifteen days notice will be given to each member of the trust of his/her usual address by registered post.

27. Any other matter as specified above will be discussed and approved by the Extra ordinary general meeting only., especially called for the purpose with particular agenda. No other matter shall be discussed in such extraordinary general meetings.

EGM may be called by the Chairman of the Board of Trustee by giving atleast seven days notice to each of the member of the trust at his usual address

28. ELECTIONS :

The retiring managing committee shall appoint election officer consisting of one Chartered accountant of the Trust or one legal advisor of the trust. The Secretary of the trust will be the Secretary of the Trust till the next managing committee takes charge. However, he will not do any other work except the day today routine work. The Secretary will follow the guidelines of the Returning officer. The Returning Officer will do the following :

45 days in advance from the date of election a list of members with their addresses and names of representatives will be circulated to all the members.

30 days advance from the date of election, audited statement of accounts, agenda of the annual general meeting, nomination forms will be sent to all the authorized members of the trust.

Members desirous of contesting the elections should submit the nomination form duly proposed and seconded by the authorized member of its category 20 days in advance from the date of election to the Returning officer.

The Returning officer will prepare a list of all contestants and will circulate among the members 10 days in advance from date of election. The election will be held by the ballot paper. Ballot boxes will be sealed by the Returning officer in the presence of atleast 3 contestants. All the ballot papers shall be sealed and signed by the Returning officer.

All the members will cast 11 votes as per the category. Separate ballot papers will be made for separate category. Members will put "tick" mark before the contestants. Returning officer will count down such ballot papers and will declare the results on the same day after completing the agenda, of the annual general body meeting. Such elected members shall take charge of the Office from the very next day.

Election of the office bearers :

Elected members will elect their office bearers as specified above.

Members :

Elected members of the Managing Committee will elect their office bearers by majority vote. Chairman of the Trust Board shall be the observer to such election. In case of tie the Chairman of the Board of the Trust will have a casting vote.

The Secretary usually informs all such changes to all the concerned authorities like the Charity Commissioner, Registrar of Societies, Banks etc. and shall obtain a certified true copy of such changed records.

Change in Bye-laws :

The Mg. Committee shall have power to amend, alter or change the Bye-laws from time to time as they are required by them. Any change in bye-laws must be approved by 3/4th majority by a specially called extraordinary special general body meeting. This should be further confirmed after expiry of 30 days by another extraordinary special general body meeting called for the purpose and by a clear 3/4th majority.

Amalgamation :

If anything goes wrong or the present trustees or the Managing Committee members are not willing to continuer to run the trust or institution they can amalgamate the institution

with any other institution having similar objectives. However, it will be necessary for the Managing Committee members to get these amalgamation approved by the 3/4th majority in the special general body meeting by the trustees in their trust board meeting. If no such other institution is ready to accept, then in that case, it can be surrendered to the Charity Commissioner or the Registrar of Societies.
