

3230

TV-490

50 Rs.



Trust

11050/-

16/2/2001

TRUST-DEED

16/2/2001

This deed of Public Charitable Trust executed on this 16th day of February Two Thousand One.

BETWEEN

Shri Shatrughna Prasad, aged about 56 years son of Sri Ram Chandra Prasad resident of Shivpuri, Damuchak, Muzaffarpur referred to as "THE SETTLER" of the first part.

AND

1. Mr. Ramesh Kumar Thakur, aged about 35 years son of of Sri Ram Bakshish Thakur resident of Village - Mohammedpur, P.O. - Bharwari, P.S. - Maniari, Via - Silaut, Dist. - Muzaffarpur.
2. Mr. Rajeev Kumar Singh, aged about 37 years Son of Shri Kumar Vishwanath Singh resident of Village & P.O. - Narwara, District - Sheohar.
3. Mr. Ganawant Kumar Mallik, aged about 36 son of Prof. Deva Narayan Mallik resident of Village & P.O. - Bhawanipur, Via - Bharwara, District - Darbhanga.
4. Sri Anil Kumar Singh, aged about 33 years son of Sri Ram Chandra Singh, resident of Village & P.O. - Katarmala, Via - Naokothi, District - Begusarai
5. Sri Satya Prakash aged about 29 years son of Late Jitendra Bihari Singh, resident of Village & P.O. - Dhangan, Via - Parsauni, District - Sitamarhi.

Executed trust deed.
Shatrughna Prasad
16/2/2001

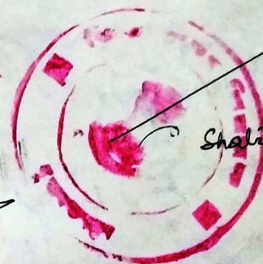


3322 दस्ता 16/2/2009

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Shalughma Prasad
16/2/2001

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Hereinafter jointly referred to as "THE TRUSTEE" (which expression shall, unless excluded by or repugnant to the context, be deemed to include the trustee or trustees for the time being of these presents and their successors in office), of the other part.

Whereas the settlor desired to establish a trust for public charitable objects of running educational institutions,

AND whereas the Founder trustees had at the request of the settlor, agreed to act as the first trustees of these presents and started to run a school at Muzaffarpur with initial donation of Rs. 11000/- set apart by the author on 1st, June Ninty Nine.

AND whereas it is necessary to get the trust deed registered and declared the objects and terms of the public charitable trust, constituted under these presents.

Now this indenture witnesseth as follows:

CREATION OF TRUST :

1. That, in order to effectuate his aforesaid desire, the settlor set apart and handed over to the trustees a sum of Rs. 11,000/- [Rupees: Eleven Thousand Only] (hereinafter called the "Trust Fund" on 1st. June, 1999 which expression shall include cash and any other property or investments of any kind whatsoever into which the same or any part thereof might be converted, invested or varied from time to time or which may be acquired by the trustees or may come to their hands by virtue of these presents or by operation of law or otherwise howsoever in relation to these presents), and the trustees shall hold and stand possessed of the same upon the trust subject to the powers, provisions, agreements and declarations hereinafter contained hereto in this deed.

2. **NAME** : The Name of the trust shall be

"SMART EDUCATIONAL FOUNDATION."

3. **PLACE OF OFFICE** : The principal place of office of the trust is presently situated at **PRABHATPURI, MARIPUR, MUZAFFARPUR, (Bihar)**. The trust may however open its **office/sub-offices** / Branches at places as may be considered necessary by the Board of Trustees from time-to-time.

Shubhanga Prasad
16/1/2001

4. OBJECTS:

A. That the MAIN OBJECTS for which this trust is established are :

- (a) To establish, run, support, develop and maintain schools, colleges, libraries, reading rooms, universities, laboratories, research and other institutions of the like nature in india, for use of the students and the staff and also for the development and advancement of education and diffusion of knowledge amongst the public in general.
- (b) To establish, maintain and run studenthips, scholarships and render other kind of aid to students including supply of books, stipends, medals and other incentives to study, without any distinction as to caste, colour, race, creed or sex.
- (c) To promote, establish, support, maintain or grant aid to institutions for the promotion of science, literature, music drama and fine arts, for the preservation of historical monuments and for the research and other institutions, in India, having similar objects for the benefit of the public in general.
- (d) To establish, maintain or grant aid for the establishment and/or maintenance of parks, gardens, gymnasiums, sports clubs, for all round development of human resources and use by public in general.
- (e) To establish, maintain or grant aid to homes for the aged, orphanages or other establishments for the relief and help to the poor, needy and destitute people, orphans, widows and aged persons and to educate them for better life and prosperity.
- (f) To establish and develop institutions for the physically handicapped and disabled or mentally retarded persons and to provide them education, food, clothing or other help.
- (g) To grant relief and assistance to the needy victims during natural calamities such as famine, earth quake, flood, fire, etc. and to give donations and other assistance to institutions, establishments or persons engaged in such relief work for the purpose of development and inculcation of social activity among the people.
- (h) To grant aid or render assistance to other public educational trusts or institutions.

Shriyasa Prasad
16/12/2001

B. INCIDENTAL AND ANCILLARY OBJECTS :

In furtherance of the above objects and other objects hereinafter contained in this deed the trustee may do the following acts deeds and things :

- (i) To apply the whole or part of the income or whole or part of the corpus of trust fund for one or more of the objects of the trust. Provided that not withstanding any thing here in before or here in after contained, the income as also corpus of this trust funds shall be applied and/or applicable only to or for such public charitable purposes and objects as defined under the provisions of Income Tax Act, 1961 and within such territories only and subjects to such conditions or limitations, if any, may from time to time be laid down in the Income Tax Act, 1961 or any other Act covering Taxation of income as will ensure, or make the trust hereby established and its income as eligible for exemption from taxation under the Income Tax Act, 1961 or any replacement or re-enactment there of modification there of under any other Act, Governing Taxation for the time being in India.
- (ii) BANK ACCOUNT :
To open account with any Bank or Post-Office in the name of the trust and/or in the name of the said educational institutions or other establishments and/or otherwise as may be decided by the founder trustees from time to time and to operate such account and to give instructions to the bank or post office from time to time as the founder trustees may think necessary. Any trustee/ trustees, as authorised by the founder trustees in its meeting, jointly or singly will be competent to exercise the powers contained in this clause.
- (iii) The trustees may out of the corpus of the subject matter of the trust spend such sale/proceeds or any part thereof and appropriate such money or part thereof for laying out, erecting and furnishing and building of Educational Institution, libraries, research institute or for incurring any capital expenditure as may be unanimously resolved upon by the trustees or as may be allowed by court in this behalf. The trustees shall have control over the any capital expenditure i.e. on land, construction of building, expansion and procurement major equipments etc. for the Educational institutions, and/or other establishments.

Shaligaa Prasad
16/12/2021

- (iv) To apply for state aids, Govt. grants, Foreign aids whenever necessary, and observe the rules and regulations that may be imposed upon them by the state, Govt. and other regulatory bodies.

The object of the trust shall not be limited by the objects as contained herein above and the trustees shall be free to do all such acts and things in furtherance of and in fulfillment of its charitable objectives directly or indirectly which are not otherwise prohibited by law. Thus trustees may establish any business with an objective to utilize its profit only for its aims and objectives.

C. ROLE & RESPONSIBILITIES OF TRUST/TRUSTEES :

In furtherance of the above objects and other objects hereinafter contained in this deed the role & responsibilities of the Trust shall be as under :

- (i) To ensure that the school gets proper land, building, equipment, furniture and qualified staff at least as per the norms of the Board.
- (ii) To ensure that the school is run as a community service and not as a business and that commercialisation does not take place in the school in any shape whatsoever.
- (iii) To ensure that the funds accruing from the school are spent for the benefit of the school and its expansion.
- (iv) To safeguard the autonomy of the principal and provide him total support except when the Principal goes against the established and clear directives laid down by the management.
- (v) To have control over the School Management Committee and shall approve the budget/ tuition fees and annual charges etc. for the school.
- (vi) To have control over any capital expenditure.
- (vii) To generate funds for the needs of the school whether it is recurring or non-recurring.
- (viii) To ensure that the school has the basic essential facilities such as laboratory Equipments, games and sports articles and other co-curricular activities, Library Books etc.
- (ix) To ensure that the school is running as per the provisions of the Education Act/ affiliation norms and is providing quality education to the children and for this to take necessary steps as per its needs.

Shalinyne Prasad
16/12/2001

DONATIONS & CONTRIBUTIONS :

5. That the Trust Fund may be augmented by the income from the initial fund and also by donations and other contributions from time to time.

APPLICATION OF TRUST FUND :

6. That the Trust Fund shall not be applied for any purpose other than those specified in para 4 hereinafter.

ACCOUNTS & AUDIT :

7. That the Trustees shall always maintain proper accounts of the Trust which shall be kept at the office of the trust. Annual accounts of the Trust shall be audited by a Chartered Accountant.

POWERS OF TRUSTEES :

8. That for the furtherance of the objects of the trust, the trustees shall have the following powers:
- (a) To elect any one of the founder trustees to act as Managing Trustee for a period from the date of appointment to the conclusion of the next Annual General Meeting of the Trust. To elect as Managing Trustee, at each Annual General Meeting another founder trustee as Managing Trustee in rotation in ascending alphabetical order of the first name of the founder trustees.
 - (b) To fill the casual vacancy on post of Managing Trustee becoming vacant, by electing another founder trustee who is due to be elected as Managing Trustee for the next term and he shall hold the post of Managing trustee upto the conclusion of the next Annual General Meeting.
 - (c) To constitute different committees like selection committee/ departmental promotion committees for various categories of staff.
 - (d) To lay down conditions of service as per norms of CBSE/ Government and to approve promotion/ appointment/ termination of the employees as well as to grant special increments or rewards to staff.
 - (e) To accept any donation, contribution, grant or subscription in cash or in kind, from any person(s), body of persons or trust, with or without conditions.

Shalaghna Pand
16/12/2001

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- (f) To apply the whole or any part of the income of the trust, or the trust fund or accumulations thereto any one or more of the objects of the trust, as the trustees may, in their discretion, deem fit from time to time.
- (g) To convert and deal with the trust property and/or any investments for the time being.
- (h) To invest the Trust Fund in shares, stock or debentures or other securities and investments, in deposits with or loans to any company, bank, firm or any other person and to alter, vary or transpose such investments, from time to time at the discretion of the trustees.
- (i) To borrow or raise or secure payments of moneys and also to lend money either with or without security.
- (j) To let out, demise any property comprising in the Trust Fund for such period and at such rent on such terms and conditions as the Trustees in their discretion may think fit.
- (k) To open account in the name of the trust, Trustees and/or institution run/conducted by the Trust with a banks, to operate such account and to give instructions to the bank and to provide for opening and operation of such account by one or more of the trustees or by an agent appointed by the trustees or by an agent appointed by the Trustees.
- (l) To adjust, settle, compromise, compound, refer to arbitration, all actions, suits, claims, demands and proceedings regarding the trust fund.
- (m) To appoint constituted attorneys or agents and to delegate to such attorneys or agents all or any of the powers vested on them under these presents and from time to time remove such attorneys or agents and to appoint other or others in his or their place.
- (n) To appoint or make provision for the appointment of any person for the purpose of the administration of the trust in such manner and subjects to such rules and regulations as the Trustees to hold any fund or investment subjects to the provisions of this deed in such manner and subjects to such rules and regulations as the trustees may from time to time think fit.

Shaligha Prasad
16/7/2001

- (o) To make, vary, alter or modify schemes, rules and regulations for carrying out the objects of the Trust and for the managements of the affairs thereof and/or running any institution in furtherance of the Trust and otherwise for giving effect to the objects of the trust.
- (p) To start, abolish, discontinue and restart any charity or charitable institutions for the benefit of general public and to impose any conditions to any subscriptions or donations made by them.
- (q) To set apart and/or allocate the whole or a part of the income or the corpus of the Trust Fund or part thereof for any of the objects of the trust.
- (r) To join, co-operate or amalgamate this trust with other or others having similar or allied objects, upon such terms and conditions as the trustees may in their discretion think fit, particularly having regard to and in conformity with the the objects and nature of this Trust.
- (s) To give aid by way of donations out of the income or the corpus of the Trust Fund or otherwise, to different charitable institutions, societies, organisations or trust in india which may have been established for the like charitable purposes mentioned in these presents or any of them to enable such institution, societies, organisation or Trustees to start maintain, or carry out such charitable objects.
- (t) To settle all accounts and to compromise, compound, abandon or refer to arbitration any action or proceedings or disputes, claim demand or things as deemed proper for such purpose without being responsible for any loss occasioned thereby.
- (u) To borrow moneys either on the security of any property comprised in the Trust Fund or otherwise for all or any of the purposes of these presents, and it shall be lawful for the trustees to make such borrowings or payments of such interest and otherwise on such terms and conditions as they may in their absolute discretion think fit. (s) To apply to the government, public bodies, urban, local, municipal, district, and other bodies, corporation, companies, or presents for and to accept grant of money and of aid, donations gifts, subscriptions and other assistance with a view to promoting the objects of the Trust and to discuss and negotiate with the governments, public and other bodies corporations, companies or persons, scheme and other work and matters within the objects of the Trust and to conform to any proper conditions upon which such grants and other payments may be made.

Shalghma Band
16/2/201

- (v) To take over or amalgamate with any other charitable trust, society, association or institution with similar objects.
- (w) To establish, promote, manage organise or maintain or to assist in establishing, promoting, managing, organising, or maintaining any branch of the Trust or its branch 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.
- (x) To take over, acquire, manage, control, or aid any existing 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.
- (y) To purchase or otherwise acquire and undertake all or any part of the property, assets, liabilities and engagement of any or more of the trusts, societies, institution or associations with which this trust is authorised to amalgamate.
- (z) To transfer all or any part of the property, assets, liabilities and engagements of this trust to any on or more of the trust, societies, institutions or associations with which this Trust is authorised to amalgamate.
- (aa) To transfer and hand over the trust to any other society, corporation, institution, trust or organisation on such terms and conditions as the Trustees shall in their absolute discretion think fit and proper to be held by the society, corporation, institution, Trust or organisation with the power, provision, agreements and declarations, appearing and contained in these presents subjects to such modifications as may be necessary and consequent to such transfer of the trust fund. The Trustees for the time being of these presents shall become discharged from the trust hereof relating to trust funds so transferred.

9. POWERS & FUNCTIONS OF MANAGING TRUSTEES :

The Managing Trustee elected in terms of clause 8 (a) and 8 (b) shall be the chief functionary of the trust and shall be responsible for the following functions under the control and supervision of the founder trustees:

- (i) To keep a record of the proceedings of the Founder trustees, Board of trustees, General Meeting etc.
- (ii) To maintain a register of trustees/members with such particulars as may be determined by the board of trustees.

Shalighatmand
16/12/20

- (iii) To carry on correspondence on behalf of the trust and to have in custody the records and files of the trust.
- (iv) To establish contract, negotiate and conclude contract, arrangements etc. with outside agencies for taking assignments, projects and other work for and on behalf of the trust.
- (v) To prepare and present annual accounts of the Trust and to ensure annual audit of the accounts of the trust.
- (vi) To prepare and present periodically to the Board of trustees a true and correct picture of the expenditure of the trust.
- (vii) To look after the day to day functioning of the trust and will exercise powers under the direction and guidance of the founder trustees.
- (viii) To co-ordinate and exercise general supervision over all the activities of the trust.
- (ix) To do all other functions related to and incidentally thereof on behalf of the trust in terms of the broad guidelines of the board of trustees/ Founder trustees.
- (x) To execute the policy decisions of the Board of Trustees and founder trustees.
- (xi) To preside over all the meetings of Board of trustees, Founder Trustees and Annual General Meeting as ex-officio chairman.

LIABILITY OF TRUSTEES :

10. The Trustees shall be accountable 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.

BINDING & RELAXATIONS :

11. 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. Provided that nothing herein contained shall prevent the payment in good faith of remuneration or reward to any other employee or servant of the trust or to any member of the trust or other person in return for any service actually rendered to the trust.

Shalaghna Prasad

NUMBER OF TRUSTEES :

12. **FOUNDER TRUSTEES :** The number of the founder trustees shall be five. Those whose names and other details are mentioned in the beginning as Trustees shall be hereinafter referred to as first founder trustees.

ORDINARY TRUSTEE/ MEMBERS : The trustees other than founder trustees shall be called as ordinary trustees/members. The number of ordinary Trustees/members can be increased and a person can be made Trustee by the trustees deciding at the meeting of the Board of Trustees.

DONER TRUSTEE/MEMBERS : A person may be appointed as Doner Trustee/member willing to donate a substantial money/property to the trust provided the trustees with more than three-fourth majority approves his inclusion as member/trustee for such period on such terms as the trustees may consider proper and accept donation.

HONORARY TRUSTEES/MEMBERS : A person of distinguished qualification, position and personality may be elected as an honorary trustee/member provided the trustees with more than three-fourth majority approves his inclusion.

BOARD OF TRUSTEES : All the trustees by whatever name called shall constitute a Board of trustees.

VACATION OF OFFICE OF THE TRUSTEES :

13. The Board of trustees for the time being will be at liberty to appoint additional Trustees for such period on such terms as to retirement and re-appointment as the trustees for the time being consider proper.

Any casual vacancy in the founder trustees shall be filled up by co-option by the remaining founder trustees. If the number of the founder Trustees shall fall below five, the trustees shall not except for the purpose of filling any vacancy, act so long number is below the said minimum.

RULES & REGULATIONS :

14. (a) The founder trustees may from time to time frame rules and regulations for the trust, educational institutions or other establishments, branches and/or divisions or otherwise. In framing the rules and regulations by the founder trustees advice/recommendations of the trustees other than founder trustees shall be recorded and discussed by the founder trustees in its meeting.

Shalini Prasad
16/12/2021

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(b) The founder trustees may from time to time frame rules for the conduct and regulations of the meetings of trustees. In the absence of such regulations :-

(i) Three-fourth number of trustees rounded to higher number subject to minimum four trustees shall form a quorum for a meeting of the trustees.

(ii) Resolution passed without any meeting of the trustees but by circulation thereof and evidenced in writing under the hands of four-fifth trustees shall be as valid and effectual as a resolution duly passed at a meeting of trustees.

(c) All matters will be decided mutually by the trustees by two third majority unless otherwise specifically required by these presents. However the decisions as to matters as contained in the sub-clauses (j), (l), (m), (r), (t), (v), (w), (x) of clause - 8 shall be taken by special resolution by four-fifth majority of votes unless otherwise specified in these presents.

ACCOUNTING YEAR :

15. The accounting year of the trust shall be the financial year ending on 31st March every year.

IRREVOCABILITY :

16. The trust and the trust funds shall be irrevocable for all times.

OFFICE :

17. The office of the trust shall be situated at Muzaffarpur unless changed by the Trustees by three-fourth majority.

LEGAL PROCEEDINGS :

18. The Trust may be sued in the name of the trust.

AMENDMENT :

19. Save and except the clause - 4 on aims and objectives, clause - 11 on binding and relaxations, clause - 16 regarding irrevocability of the trust and Clause - 6 regarding application of trust fund, amendment to this trust deed may be made for better management and administration of the trust keeping intact the basic structure of the trust by four-fifth majority of its total strength at a special meeting convened for the purpose.

Shalini's Land
16/2/201

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In witness whereof the parties hereto have hereunto seen and subscribed their respective hands, on the day, month and year first mentioned herein above.

Solemnly affirm on this 16th day of February 2001.

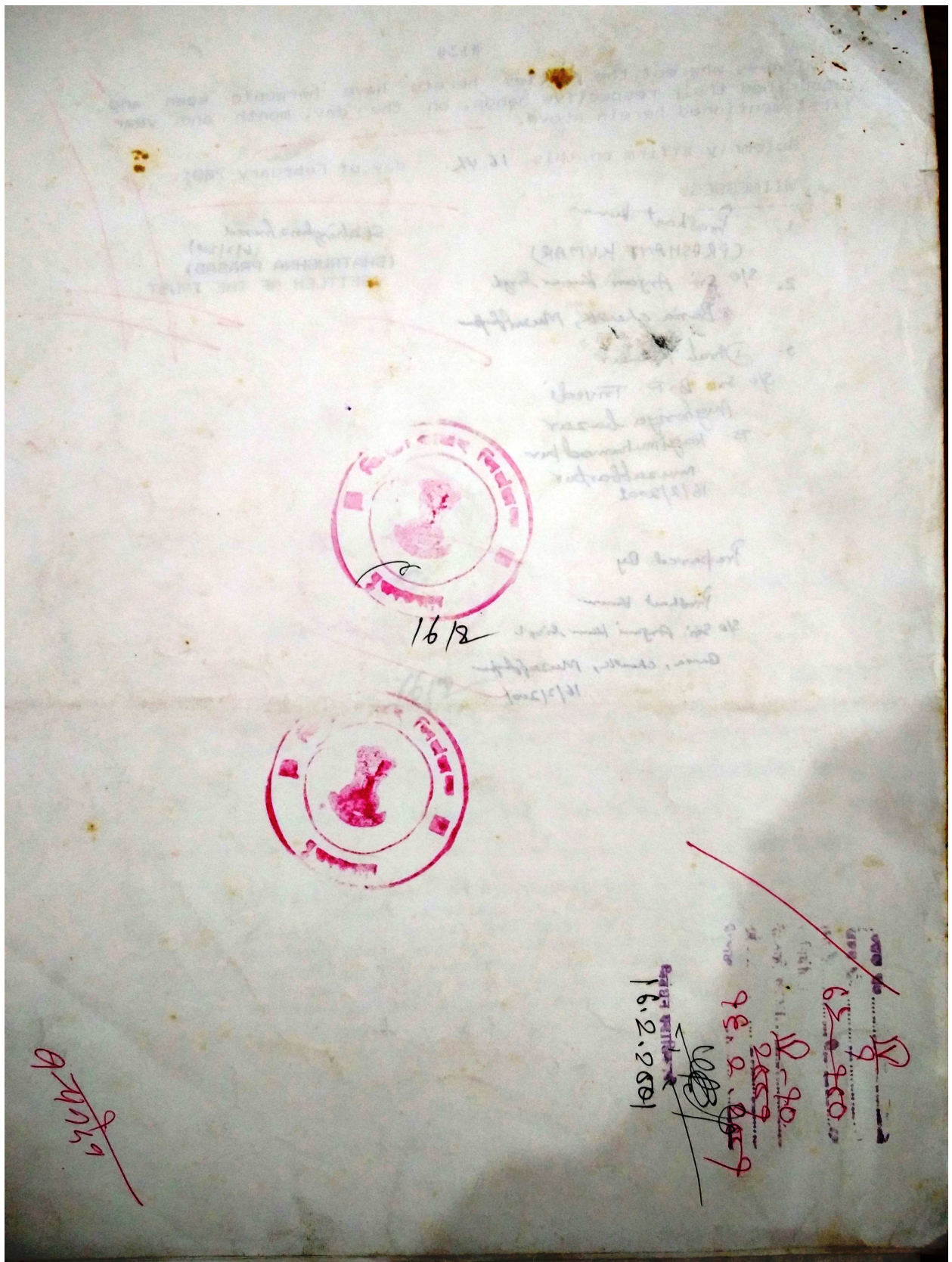
WITNESSES:

1. Prashant Kumar
(PRASHANT KUMAR)
2. S/o Sri. Anjani Kumar Singh
Baria chark, Musaffapur
3. Dhrub Kumar
S/o Sri B.P. Trivedi
Aghoriya bazar
P.S. Kagi Muhammadpur
Musaffapur
16/2/2001

Shatrughna Prasad
16/2/2001
(SHATRUGHNA PRASAD)
SETTLER OF THE TRUST

Prepared By

Prashant Kumar
S/o Sri. Anjani Kumar Singh
Baria, chark, Musaffapur
16/2/2001



98.2.2001

प्रति	98.2.2001	98.2.2001
16.2.2001	98.2.2001	98.2.2001