

# DRAFT TRUST DEED

**BHARAT VIKAS PARISHAD / BVP \_\_\_\_\_ PRANT CHARITABLE TRUST**

THIS INDENTURE OF TRUST is made at \_\_\_\_\_ on this \_\_\_ day of \_\_\_ 20\_\_\_ between:-

(1) SHRI \_\_\_\_\_ being present Hon. Secretary of the BHARAT VIKAS PARISHAD \_\_\_\_\_PRANT, residing at \_\_\_\_\_ hereinafter referred to as the "THE SETTLOR" of the FIRST PART

AND

1) SHRI \_\_\_\_\_ residing at \_\_\_\_\_

2) SHRI \_\_\_\_\_ residing at \_\_\_\_\_

3) SHRI \_\_\_\_\_ residing at \_\_\_\_\_

Present Hon. President, Hon. Secretary and Hon. Treasurer respectively of the BHARAT VIKAS PARISHAD \_\_\_\_\_ PRANT by virtue of their office herein after referred to collectively as EXECUTIVE TRUSTEES &

4) SHRI \_\_\_\_\_residing at \_\_\_\_\_

5) SHRI \_\_\_\_\_residing at \_\_\_\_\_

6) SHRI \_\_\_\_\_residing at \_\_\_\_\_

7) SHRI \_\_\_\_\_residing at \_\_\_\_\_

All are members of Bharat Vikas Parishad, hereinafter referred collectively as "TRUSTEES" and both together of the "SECOND PART".

**WHEREAS**, Bharat Vikas Parishad is a Society duly registered under the Societies Registration Act, 1960, having its present Central Office at Bharat Vikas Bhavan, Pritampura Delhi 110034, having affiliated area wise mutual associations called Branches organized in group in accordance with geographical areas called Prants both as defined in its Constitution;

**WHEREAS** the BHARAT VIKAS PARISHAD, \_\_\_\_\_ PRANT has been functioning as one of the mutual association affiliated with BHARAT VIKAS PARISHAD, CENTRAL OFFICE, DELHI which has been established and functioning in \_\_\_\_\_ (Prant Area) as demarcated by Central office of BHARAT VIKAS PARISHAD, Delhi from time to time.

**WHEREAS** one of the objects of the BHARAT VIKAS PARISHAD \_\_\_\_\_ PRANT is to do all lawful acts, deeds for charitable purpose, including relief to the poor, education, medical relief to general public in the demarcated area of the Prant and any other area as may be decided from time to time within India and the advancement of any other object of general public utility for the benefit of all class, colour or creed.

**WHEREAS** nothing contained in this deed shall be deemed to authorise the Board of Trustees to do any act which may in any way be construed statutory modifications thereof and all activities of the Trust shall be carried out with a view to benefit the public at large, without any profit motive and in accordance with the provisions of Indian Trust Act, 1982, The Income tax Act, 1961 or any statutory modification thereof.

**WHEREAS** by a resolution passed in Council Meeting of the BHARAT VIKAS PARISHAD, \_\_\_\_\_ PRANT held on \_\_\_\_\_ where it was resolved that the sum of Rs.1,000/- from BHARAT VIKAS PARISHAD, \_\_\_\_\_ PRANT to rest in

- |               |               |
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| 1. SHRI _____ | 2. SHRI _____ |
| 3. SHRI _____ | 4. SHRI _____ |
| 5. SHRI _____ | 6. SHRI _____ |
| 7. SHRI _____ |               |

who are hereby appointed as "Board of Trustees" of the said BHARAT VIKAS PARISHAD/BVP, \_\_\_\_\_ PRANT CHARITABLE TRUST from the date of signing of this indenture and all the accretions thereto received by them by way of donations or otherwise.

**WHEREAS** the SETTLOR has requested the said Board of Trustees referred to the above parties of the second part, which they have agreed to do and testify to the same by executing these presents; AND

**WHEREAS** prior to the execution of these presents THE SETTLOR has handed over a cheque no. \_\_\_\_\_ dated \_\_\_\_\_ drawn on \_\_\_\_\_ Bank, \_\_\_\_\_ Branch of Rs.1,000/- (Rupees one Thousand only) from Prant Bank Account to the Trustees.

**WHEREAS** the parties hereto are desirous of executing a formal Declaration of Trust for purpose upon and for which the said fund is held by the Trustees in the manner hereinafter appearing;

**WHEREAS** it is the intention of the BHARAT VIKAS PARISHAD, \_\_\_\_\_ PRANT that upon execution of these presents the Trustees are authorised to collect further or other funds for carrying out of the said Charitable Objects of the BHARAT VIKAS PARISHAD \_\_\_\_\_ PRANT hereinafter mentioned and add the same to the BHARAT VIKAS PARISHAD/BVP \_\_\_\_\_ PRANT CHARITABLE TRUST with the intent that the same should be utilised for the benefit of persons as per the Objects of the Trust without any distinction of class, colour or creed and the same shall not be restricted to any particular community.

**NOW THIS DEED WITNESSETH AS FOLLOW: -**

1. NAME:-The name of the Trust shall be "BHARAT VIKAS PARISHAD/BVP \_\_\_\_\_ PRANT CHARITABLE TRUST.
2. REGISTERED OFFICE: The Registered Office of the Trust shall be at \_\_\_\_\_ or as may be decided by Trustees from time to time.
3. AFFILIATION: - This Trust will be affiliated with Bharat Vikas Parishad, Central Office, Delhi and always work according to its direction.
4. **MAIN OBJECTS :- The main objects of the Trust are:-**
  - a. To do all acts for eradicating hunger and poverty and malnutrition, promoting preventive healthcare and sanitation and making available safe drinking water.
  - b. To promote education; including special education and employment enhancing vocation skills especially among children, women, elderly and the differently abled and livelihood enhancement projects.
  - c. To promote gender equality; empowering women; setting up homes and hostels for women and orphans; setting up old age homes; day care centres and such other facilities for senior citizens and economically backward groups.
  - d. To ensure environmental sustainability, ecological balance, protection of flora and fauna, animal welfare, agro forestry, conservation of natural resources and maintaining quality of soil, air and water.
  - e. To make contribution to Prime Minister's National Relief Fund or any other fund set up by the Central/State Government or any other recognised body or institution for socio-economic development and relief and welfare of the scheduled castes, the scheduled tribes, other backward classes, minorities and women.

- f. To do all acts for protection of national heritage, art and culture including restoration of buildings and sites of historical importance and works of arts; setting up public libraries; promotion and development of traditional arts and handicrafts.
- g. To take measures for the benefits for armed forces veterans, war widows and their dependents.
- h. To promote and provide training for Rural sports, National recognized sports and Paralympics sports and Olympic sports.
- i. To make contribution to funds provided to technology incubators located within academic institutions which are approved by the Central/State Government.
- j. To take up the Rural Development Projects.
- k. To carry on any such project or programme as may be prescribed by the Central/State Government in this regard.
- l. To establish and run breeding centres, medical stores, gaushalas, panjrapole, research and development centres, training centres, diagnostic centres, hospitals, clinics, libraries and publications.
- m. To provide medical relief to the poor, blind, disabled, or otherwise deserving persons;
- n. To provide free accommodation and assistance to the pilgrims, patients and travellers.
- o. To advance and promote Indian culture, literature and to inculcate patriotism especially amongst children.

- p. To grant donations to any person or institution devoted to public or for charitable purposes, co-operate and assist (Including funding) any institution, individual or a group of individuals with like-minded aims and objectives.
- q. To lawfully acquire by purchase, gift or otherwise any movable or immovable property/properties for the purpose of the Trust and/or to invest the Trust funds in Bank deposits or other lawfully permitted securities.
- r. To sell, lease or otherwise transfer any of the properties whether movable or immovable of the Trust, which are not of any immediate requirement for the Trust and utilize the proceeds for the purposes of the Trust after taking necessary approvals as may be required under the law.
- s. To accept donations or endowments either as Corpus of the Trust or other general purpose.
- t. To carry on any lawful activity for raising funds for the purpose of the Trust.
- u. To appoint or employ any person or persons or other agency to carry on the objects of the Trust and to suspend, dismiss or take other disciplinary action against any of them.
- v. To expend lawfully any money belonging to the Trust for the purpose of the Trust.

5. **NUMBER OF TRUSTEES:** - The maximum number of Trustees constituting the Board of Trustees will be 11 (Eleven only) and at any time the minimum number of such Trustee will not be less than 5 (Five). Presently there shall be 7 (seven) such Trustees.

6. **NAME OF BOARD:** - All the Trustees of this Trust shall collectively be called as “**Board of Trustees**” and executive Trustee will be president, secretary, treasurer respectively of this Trust.

7. **PERMANENT INVITEES TO TRUST MEETINGS:** - National and Zonal Office Bearers of the Bharat Vikas Parishad for the time being residing in geographical area of the Prant shall be permanent Invitees to all the Trust meetings and will act as advisors in addition to the Trustees.
8. **ELECTION OF TURSTEES:** - Every 3 (three) years all the 4 (four) TRUSTEES will retire and in their place new Trustees will be elected by the Prant Council of the BHARAT VIKAS PARISHAD \_\_\_\_\_ PRANT. The retiring Trustees shall be eligible for re-election. All the Trustees have to be members of Bharat Vikas Parishad. Other three EXECUTIVE TRUSTEES will be ex-officio by virtue their office at Prant level namely Hon. President, Hon. General Secretary & Hon. Treasurer and these will retire as per change in office bearers at Prant level.

However, it is clarified that any Trustee may continue to be a Trustee for a maximum period of six months after his tenure expires or till the time he is re-elected or a new person is elected to replace him, whichever happens earlier.

9. **ADDITIONAL TRUSTEES:** - The PRANT with the approval of its Council may appoint Additional Trustees. However, that the total number of Trustees on such appointment shall not exceed Eleven and fall below five.
10. **CASUAL VACANCY :-** If any of the Trustees of these presents dies or resides out of India for a continuous period of more than six months or retires or desires to be discharged or refuses or becomes unfit or incapable to act in the Trust of these presents or ceases to be a member of the BHARAT VIKAS PARISHAD or become s undischarged insolvent then it shall be lawful for the Executive committee of the BHARAT VIKAS PARISHAD \_\_\_\_\_ PRANT to fill casual vacancy of Trustee or Trustees as per clause no.5 of these presents for remaining period of that vacancy.

11. **REMOVAL OF A TRUSTEE:** - A Trustee may be replaced or removed by  $\frac{3}{4}$  majority of the members present and voting at the Council Meeting of the BHARAT VIKAS PARISHAD \_\_\_\_\_ PRANT called specially for this purpose by giving 15 days clear notice in writing to the eligible members of the Prant.
  
12. **POWER TO BORROW:** -The Board of Trustees, with the approval of three fourth of the total number of members present & voting at council meeting of the \_\_\_\_\_ Prant, duly convened for the purpose, may borrow money from banks or other credit institutions or individuals at such interest and for such period and on such terms, with or without security of movable properties of the Trust as the Board of Trustees may think fit and to secure the repayment thereof with interest, by mortgage of the Trust properties or by bonds, promissory notes, bills and other negotiable securities or by issued of debentures after taking necessary approvals as may be required under the law.
  
13. The Board of Trustees by a Resolution duly passed in its Meeting or by passing Resolution through Circulation may authorise any one or more Trustees to execute any documents for and on behalf of the Trust.
  
14. **MANAGEMENT & MEETING:** - The Board of Trustees shall meet at least once in three months or as often as necessary with minimum 5 days prior notice. The Trustees may from time to time frame Rules for the conduct and regulations of the meetings of Trustees. In the absence of such Regulations:-
  - (a) Three or  $\frac{1}{3}$  whichever is higher of Trustees constituting Board of Trustees shall form a quorum for a meeting of the Board of Trustees. If required quorum is not present, the meeting shall stand adjourned for half an hour to the same day & place to discuss the same agenda and the members present may transact the business for which the meeting is called for. In such adjourned meeting, the members present form the quorum.

- (b) All matters will be decided mutually by the Board of Trustees with majority vote. Each one will have one vote in the meeting.
- (c) Resolution passed without any meeting of the Board of Trustees but by Circulation thereof and evidenced in writing under the hands of majority of the Trustees shall be as valid and effectual as a Resolution duly passed at a meeting of Trustees.
- (d) In case of any difference between the Trustees, direction will be obtained in writing from Central Office of Bharat Vikas Parishad, Delhi and these directions will prevail.
- (e) In case central office of Bharat Vikas Parishad observes that Trust is not working according to its directions, rules, regulations, than it may replace all the Trustees or such Trustee/s of the Trust as it may deem necessary for the balance period or till new elected Trustees take over.

15. **ANNUAL ACCOUNTS:-**The Annual Accounts of the Trust shall be closed every year on the 31<sup>st</sup> March and the first close of accounts shall be on the 31<sup>st</sup> March, 20\_\_\_\_. The Statement of Accounts as prepared by Board of Trustees for each year, duly audited by a firm of Chartered Accountant appointed by the Council of the Prant. The Statement of Accounts shall be placed before an Annual Council Meeting of the Prant within six months from the closing of the accounting year /period.
16. **BANK ACCOUNT: -** The Bank Account/s of the Trust shall be maintained with a schedule bank or banks to be decided by the Board of Trustees and shall be operated jointly by the Ex-officio Hon. Treasurer Trustee and any two of the remaining Board of Trustees.
17. **INVESTMENT:-**The Board of Trustees shall be accountable only for such moneys, stocks, shares and funds as shall actually come into their hands. The investment of Trust shall be made as per the applicable laws.

18. **The Trustees** may appoint such assistant, staff, and professionals or may engage contractors or casual labourers as they deem necessary from time to time to help them in the conduct of the affairs of the Trust and shall pay them such salaries and allowances, remuneration, charges or wages as are deemed necessary, out of the Trust Funds.
19. No act or Resolution of the Board of Trustees shall be invalid merely by reason of there being one or more vacancies in the Board of Trustees.
20. **POWER TO MAKE BYE-LAWS:**-The Board of Trustees may from time to time make and prescribe additional rules and bye-laws for regulating the working of the Trust and may also from time to time with the approval of three fourth of the total members of the Prant present at a Council Meeting duly convened for the purpose (fractions rounded off to the nearest number) modify alter or amend such rules or bye-laws. However, they shall in no way alter or contravene the main objects of the Trust.
21. It is hereby expressly declared that the Trust hereby created shall be irrevocable for all time and THE SETTLOR hereby declare that he has relinquished, disclaimed, and surrendered all his/her rights or power if any, which he had.
22. The Trustees shall be indemnified against all losses and liabilities lawfully incurred during the administration of the Trust.
23. Any Trustee shall be answerable and accountable for his/her own acts, receipts, wilful negligence or defaults.
24. Any Trustees may for the time being be reimbursed, paid and discharged out of the Trust Funds all expenses incurred for the Trust or in exercise of powers of these presents, but Trustees will not be entitled to get any remuneration.

25. The Income as also corpus of the Trust fund shall be applied and be applicable only to or for such public charitable purposes and objects, and subject to such conditions and limitation as may from time to time be laid down in the Tax Laws.
26. **ALTERATION:-** Alteration to this presents other than in main objects as per clause 4 herein above can be made with the approval of 3/4<sup>th</sup> majority of the members present at the Council Meeting of the PRANT subject to approved in writing by Central office of Bharat Vikas Parishad, Delhi subject to Laws of the State as may be applicable.
27. **AMALGAMATION:-** If PRANT Council Meeting decide with 3/4<sup>th</sup> majority subject to approval in writing from Bharat Vikas Parishad Central Office, it may amalgamate with any other charitable Trust having similar objects subject to the applicable laws.
28. **WINDING UP:** - If in the event of winding up or dissolution of the Trust there remains any excess of assets after satisfaction of its debts and liabilities, such excess of assets shall be transferred to any institution or Trust having objects of a charitable nature as decided by Prant Council of Bharat Vikas Parishad\_\_\_\_\_ as per written direction from Bharat Vikas Parishad central office, Delhi subject to the applicable laws.
29. Any dispute or legal proceeding arising in connection with or against the Trust shall be subject to the \_\_\_\_\_ Jurisdiction.

IN WITNESS WHEREOF the THE SETTLOR and Trustees have hereunto set their respective hands the day and the year first above written.

SIGNED AND DELIVERED by the

Within named **THE SETTLOR-**

**Name:**

In the presence of

**Name:**

**Name:**

SIGNED AND DELIVERED by the

Within named **Trustees-**

**Name:**

**Name:**

**Name:**

**Trustee**

**Trustee**

**Trustee**

**Name:**  
**Trustee**

**Name:**  
**Trustee**

**Name:**  
**Trustee**

**Name:**  
**Trustee**

In the presence of ---

**Name:**

**Name:**