

**A MODEL TRUST DEED**

This Trust Deed made at on this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_, Between Mr./Mrs./Ms. \_\_\_\_\_ of \_\_\_\_\_, residing at \_\_\_\_\_ (hereinafter called "the settlor") (which expression shall, unless repugnant to the context or meaning thereof, be deemed to include their respective heirs, executors and administrators) of the one part and Mr./Mrs./Ms. \_\_\_\_\_ of \_\_\_\_\_ (hereinafter called "the trustees") (which expression shall, unless repugnant to the context or meaning thereof, be deemed to mean and include the survivor or survivors of them and the heirs, executors and administrators of the last survivor, their/his or her assigns and the trust or trustees, for the time being, of the said trust) of the other part.

Whereas the settlers are desirous of creating a trust in respect of the sum of Rs. \_\_\_\_\_, [Rupees \_\_\_\_\_ only] in the manner hereinafter appearing.

And Whereas the trustees have consented to act as the first trustees of these presents and to accept the trusts under these presents as testified by their being parties to and executing the same.

NOW THIS INDENTURE WITNESSETH AS FOLLOWS :

- 1) The trust created by these presents shall be known as .....
- 2) The trustees so declare that they, the trustees, shall hold and stand possessed of the sum of Rs. .... [Rupees in words] as trust funds.
- 3) The registered office of the trust will be located at ..... or at such other place as the trustees may decide from time to time.
- 4) AIMS & Objectives
  - i) To create awareness on various social, moral and economic issues affecting the country and to direct this awareness to developing innovative means of generating resources-financial, material and professional and channelise these resources through people and projects in the field ;
  - ii) To promote national integration and encourage, support and develop social welfare programmes for balanced growth of the nation ;
  - iii) To provide financial or any other assistance towards relief and rehabilitation of the populace affected by calamities like cyclones, earthquakes, epidemics, fire, famine, floods, war, riots, etc. ;

- iv) To establish, maintain or support a home or homes for widows, orphans, special centres for providing shelter and protection to women and children in distress ;
- v) To create and promote enlightened public opinion on various issues affecting the citizens of the country ;
- vi) To encourage conservation, afforestation and protection of the environment including birds, animals and all species of plants and animals;
- vii) To provide food, clothing and shelter to all those in need and provide pecuniary assistance to those unable to fend for themselves due to old age, disease or any physical or mental handicap ;
- viii) To undertake, or assist in undertaking, projects like digging wells, providing drinking water facilities, fodder for cattle, grains, seeds and fertilizers for farming, agricultural tools etc. ;
- ix) To establish, maintain or support dharamshalas, resthouses, convalescing homes, health and immunisation camps, infirmaries, orphanages ;
- x) To provide assistance for building or maintaining roads, national and state highways, bridges, reservoirs, irrigation tanks, tube wells, recreation centres, parks, playgrounds for children, libraries, museums, art galleries, cultural centres for the benefit of the public and improving their quality of life ;
- xi) To support the initiative of any individual, group or organisation in promoting education both formal and informal and for children and adults;
- xii) To establish, take over, run, maintain, assist and support hospitals, including mobile hospitals, charitable dispensaries, maternity homes, sanatoriums, medical centres, medical camps, health education and family planning centres, children welfare centres, natural health centres, nutrition centres and any other institution or forum for preventive, curative or primary health-care and treatment ;
- xiii) To establish take over, run, maintain a centre or centres for senior citizens or retirement homes or old peoples homes with facilities for boarding, lodging, health-care, nutrition, recreation, etc., as may be necessary ;
- xiv) To construct low cost buildings and houses for the poor, disadvantaged and those in distress, especially in the rural and/or urban slums or wherever found necessary ;
- xv) To conduct and organise seminars, workshops, conferences, meetings, public lectures.
- xvi) To provide assistance to approved funding agencies in verification of financial statements and progress reports of the voluntary organisation, pertaining to the said development projects and programmes in the country.
- xvii) To pay all costs, charges and expenses incidental to the management, administration and execution of the objectives and powers herein contained.
- xviii) To open and maintain account or accounts for the Trust in any scheduled bank or banks for the purpose of keeping the moneys and to operate on the same or to authorise anyone or more to operate upon them.
- xix) To accept, in cash or kind, donations, gifts, grants, contributions, (as Corpus or otherwise) and to collect interest and other income of the Trust for being utilised for furtherance of the aims and objectives of the Trust.

- xx) To purchase or to take on lease lands, buildings and other immovable or movable properties in the name of the Trust.
- xxi) To invest, dispose of, transfer and otherwise deal with monies, assets and properties, for the time being, of the Trust in such manner as the law permits and proper to do in carrying out the objects of the Trust.
- xxii) To pay all expenses preliminary or incidental to the formation of the Trust and its registration and for management and administration for the same.
- xxiii) To do all such acts, deeds and things and extend all such other assistance to the said voluntary organisations as may be necessary and incidental to the attainment of aforesaid objects.
- xxiv) All activities financed from the funds shall be conducted in accordance with the ideals and objects as stated hereinabove and no discrimination shall be made on grounds of religion, caste, creed, sex or political affiliation of the implementing agency or beneficiary.

#### 5. BOARD OF TRUSTEES

- a) The management and control of the Trust and the Trust properties shall vest in the Board of Trustees which shall comprise of not less than two and not more than seven trustees including the Chairman and the Managing Trustees. All the Declarants herein will be the First Trustees. The Board of Trustees shall determine the strength of the Board from time to time.
- b) The tenure of the first Board of Trustees shall be for a period of five years and provisions for retirement of such Board of Trustees shall be applicable in respect of them only after first five years.
- c) All other Trustees to be appointed subsequently will hold office for a period of three years after which one-third of them shall retire by rotation on the basis of their seniority.

#### 6. APPOINTMENT OF NEW TRUSTEES

Subject to the provisions contained in Clause 4 mentioned above, the appointment of new Trustees shall be Governed by the rules as follows :

- a) After the completion of the tenure of office of the Trustees, they shall retire but shall be eligible for reappointment.
- b) In case of vacancy/vacancies, new trustees shall be appointed from among the representatives of voluntary organisations, funding agencies and independent experts in the field of development, finance, legal and other related matters.
- c) Filling in of vacancies shall be by a decision of the Board of Trustees. As far as possible, efforts shall be made to fill in the vacancies by unanimous decisions failing which the majority decision shall prevail.
- d) If and as often as the trustees of THESE PRESENTS shall die or desire to retire or refuse or become incapable to act in the Trust thereof shall take the benefit of the insolvency law for the time being in force or if any Trustee shall remain absent from three consecutive meetings of the Trustees without leave of absence, then and in every such case, it shall be lawful for the surviving or continuing trustee or trustees for the time being of THESE PRESENTS to appoint new trustee so vacating their offices in the Board of Trustees.

#### 7. Effect of appointment of new trustees

Upon every such appointment made in pursuance of the last foregoing clauses thereof, the newly appointed Trustees shall have powers and authorities of a Trustee under THESE PRESENTS.

8. POWERS to appoint committees

The Board of Trustees shall be entitled from time to time to appoint with or without remuneration and on such terms and conditions as they may think proper, to appoint Committee as they may think proper to function under the Authority and control of the Trustees for carrying out the objects of the Trust of these presents or the management thereof and invest them with all such powers including power to incur all such expenditure as may be necessary for carrying out the objects of the Trust.

9. Power to determine all questions of doubt or difficulty

It shall be lawful for the Board of Trustees to settle and determine all matters of interpretation of THESE PRESENT as well as matters of difficulty, doubt or dispute and all questions arising in the course of or incidental to the administration, management and execution of the trusts and powers of THESE PRESENT and any such settlement or determination shall be valid, binding and conclusive and shall not be objected to or re-opened upon any ground whatsoever.

10. Power to compromise

The Board of Trustees shall have full powers to settle compromise or compound, out of court, all suits, action and other proceedings and to settle all or other proceeding, difference of demand and adjust the settlement of all accounts relating thereto as fully as if they were absolutely entitled to the trust fund and without being answerable for the loss occasioned thereby.

11. Power to purchase, hire or take on lease

The Board of Trustees shall be entitled to purchase or hire or to take on lease a property or properties for the purpose of carrying out the objects of the Trust hereby created.

12. Power to Borrow

The Trustees may from time to time, at their discretion for the furtherance and carrying out the objects of the Trust of THESE PRESENTS, borrow such sum as may be determined by the Board of Trustees from time to time in form and manner thereupon. The Trustee shall, at their discretion, make all such dispositions of the properties movable or immovable forming part of the Trust Fund or any part thereof and enter into such agreements, assurances and things in relation thereto as the Trustees may deem proper for giving security for such loan and interest.

13. Investment of Trust Fund

All money forming part of the Trust Fund and requiring investment shall be invested in any of the securities authorised by law for investment of Trust Funds which are permissible u/s 11 (5) of the Income Tax Act, 1961 or shall at their discretion sell and/or realise the same or any part thereof.

14. In whose name money to be invested

All money forming part of the Trust Fund requiring investments shall be invested and the conveyance of assurance in respect of any immovable property/properties forming part of the Trust Fund shall be obtained in the name/names of the Trustees for time being of the Board of Trustees.

15. Opening Bank Accounts

The Board of Trustees of xxxxxxxx xxxxxxxx xxxxxxxx may open any banking account or accounts with such scheduled bank as may from time to time be

determined by the Trustees and shall forthwith pay or cause to be paid the rents, income, dividends and all other money forming part of the Trust Fund to the credit of any such account or accounts and such accounts or account shall be operated upon by such of accounts or account shall be operated upon by such of the Trustees or other persons as may from time to time be authorised to do so by a resolution of the Board of Trustees.

**16. Account and Audit**

The Trustees shall maintain regular accounts of the trust funds and shall get the same duly audited by a firm of Chartered Accountants. The Accounts and Audit Report and report of the Trust shall be made up at least once in a year covering the accounting period as may be determined by the Board of Trustees from time to time.

**17. Power to sell the Immovable Property and Manage**

- a) The Trustees shall have the power to buy, acquire, take on lease any property, movable and immovable that may be needed to carry out and further the objects of the Trust and incur all such expenses connected therewith.
- b) The Trustees shall, manage any immovable property or properties for the time being forming part of the Trust Fund in such manner as they shall think fit with full power to make improvement, repairs or alterations of any description and to make or incur any outlay for any such purposes or for the insurance or otherwise for the protection of benefits of the said premises and to grant or renew leases or tenancy of occupation and to make any agreements with tenants or occupiers or intending tenants or occupiers.
- c) The Trustees shall, if the need arises, sell or assign or lease any movable or immovable property or properties for the time being forming part of the Trust Fund together or in parts for the purpose aforesaid or any of them to execute and do all such assurances, acts, suits and things as they shall think fit.

**18. Receipts of the Trustees**

The receipts in writing by the Managing Trustee or any other person authorised by the Board of Trustees for any interest, dividend or income of the Trust Fund or for any deeds, papers, writing documents or other monies and effect payable to the Trustees shall be sufficient and effectual discharge for the same. The Board of Trustees by a resolution may also authorise any scheduled bank or other banks in the country to collect any interest, dividend or income of the Trust Fund on their behalf.

**19. Power to amend the Rules**

If in the opinion, of the Trustees circumstances so require, the Trustees may unanimously make any amendment in the rules, they may consider necessary for the better management or administration of the Trust activities or for carrying out the objects of the Trust.

**20. Power to make Rules and Regulations**

In addition to the aforesaid rules, the Trustees, shall from time to time, be entitled to make rules and regulations for the administration and management of the Trust of THESE PRESENTS and all matters incidental to or concerning the same PROVIDED, such rules and regulations shall not be repugnant to or be inconsistent with the provisions of the purposes of the Trust thereof.

21. Power to Amalgamate other Trust or Vice-Versa

The Trustees shall be at liberty to allow or to be allowed and permit, or to be permitted to amalgamate or to be amalgamated with any other Trust, Institution or Charity, in any areas or area whose objects are the same or similar to those of THESE PRESENTS, PROVIDED, they are not inconsistent with or repugnant to the objects hereof.

22. Indemnity to the trustees etc.

The Trustees for the time being of THESE PRESENTS, shall be chargeable only for such monies, stocks, funds, deposits and securities as they shall actually receive, notwithstanding their signing of any receipt for the sake of conformity and shall be answerable or accountable only for their own acts, receipts, neglects, defaults, and not for those of others or any banker, auctioneer or any other persons with whom or into whose hands any trust monies or securities may be deposited in accordance with THESE PRESENTS nor for the determination or loss of any stocks, funds, deposits or securities nor for any defects or insufficiency of title nor for any other losses unless the same shall happen through their own neglect or wilful demeanour.

23. Power to Reimburse

The Trustees of THESE PRESENTS ARE entitled to be reimbursed and also to pay and discharge out of the Trust Fund, all expenses incurred by them or on their behalf in or about the execution of the Trusts and powers of THESE PRESENTS in accordance with the decision of the Board of TRUSTEES.

IN WITNESS WHEREOF THE PARTIES hereto set their hands and seals, the day & the year first hereinabove written.

Signed, Sealed and Delivered  
by the within named settlor

In presence of

Signed, Sealed and Delivered  
the above named trustees

In presence of