

**TRUST DEED
OF
Sunil uppadhayaya educational trust
SHIMLA (HP)**

This **DEED OF DECLARATION OF TRUST** executed at Shimla on this 2nd day of December, 2015 by, Sunil Kuamr Gupta S/o Sh. Dharni Dhar Gupta aged 58 years, Hiltron House, Shoghi, Shimla-171219, (HP.)

(HP) hereinafter called as **AUTHOR OF THE TRUST** which expression shall wherever the context so permits mean and include its successors-in-office of the **ONE PART** and;

1. Prof. Sunil Kuamr Gupta S/o Sh. Dharni Dhar Gupta,
Hiltron House, Shoghi, Shimla-171219, (HP.)
2. Dr Surender Kumar Sharma S/o Sh. Karam chand Sharma,
Village kothi, P.O. Marhana Tehsil Ghumarwin,
District, Bilaspur, (HP)
3. State President ABVP
C/o Sunil Sadan, Cherry Hills, Vikas Nagar
Shimla-9
4. Ashok Sharma s/o Sh. Daulat Ram Sharma,
Doulat Niwas, Near Para House, Shimla-9, (HP)
5. Nitin vyas s/o Sh. Nirmal Kumar Vyas
Village Ragyan, P.O. Bhonth, Shimla-171003, (HP)

Hereinafter called as the 'Trustees' parties of the **second part**.

WHEREAS the **AUTHOR OF THE TRUST** decided to create and establish an irrevocable public Charitable Trust for the welfare of the community at large without discrimination of language, caste, creed, religion etc. with objects and constitution as hereinafter set forth;

WHEREAS the said objects in view, the **AUTHOR OF TRUST** have decided to endow the said **TRUST** a nucleus of ` **9,000** (Nine thousand only) in cash; and

WHEREAS it is necessary and desirable to declare and constitute the said Trust and to record the objects and constitution of the said Trust.

NOW THIS DEED OF DECLARATION OF TRUST WITNESSETH AS FOLLOWS;

1. TRUSTEES

Trustees mean and include the Board of Trustees as described in these presents, and these Trustees, as appointed, nominated or selected by the remaining members of the Board of Trust whenever any vacancy arises.

2. CREATION OF THE TRUST

In pursuance of the intention, the **AUTHOR OF TRUST** has settled the sum of ` 9,000 (Rupees Nine Thousand Only) by cash unto and in favor of the Trustees herein to be held by them for and on behalf of the Trust hereby created and known as “**sunil uppadyaya educational trust**” the receipt of which sum of ` 9,000 has already been handed over to the Trustees mentioned hereunder, is hereby acknowledged by the Trustees, who hereby accept the appointment as such Trustees of the said Trust, under the terms and conditions, set out hereunder for the fulfillment of the objects of the Trust, more fully and particularly described and set out hereunder.

3. REGISTERED OFFICE OF THE TRUST

The registered office of the Trust at present is situated at C/o Sunil Sadan, Cherry Hills, Vikas Nagar Shimla-9 and at such other places where the trustees decide from time to time.

4. TRUSTEES:

The **AUTHOR OF THE TRUST** has appointed the following persons to hold the office of the Trust as Trustees:

1. Prof. Sunil Kuamr Gupta S/o Sh. Dharni Dhar Gupta,
Hiltron House, Shoghi, Shimla-171219, (HP.)
2. Dr Surender Kumar Sharma S/o Sh. Karam chand Sharma,
Village kothi, P.O. Marhana Tehsil Ghumarwin,
District, Bilaspur, (HP)
3. State President ABVP
C/o Sunil Sadan, Cherry Hills, Vikas Nagar
Shimla-9

4. Ashok Sharma s/o Sh. Daulat Ram Sharma,
Doulat Niwas, Near Para House, Shimla-9, (HP)
5. Nitin vyas s/o Sh. Nirmal Kumar Vyas
Village Ragyan, P.O. Bhonth, Shimla-171003, (HP)

The number of Trustees will always remain four.

The Office of the Author of the Trust/Trustee(s) will fall vacant on a disclaimer, in writing, by the Author / Trustee(s), who would, in that event, appoint/nominate an Author/a Trustee in his/her place.

In the event of the demise of the Trustee and in the absence of nomination/appointment the eldest heir of the Trustee will succeed him/her. The successor Trustee will be entrusted with all powers and liabilities as are enjoined upon the First Author / Trustee by the Author of the Trust.

5.1 OBJECTIVES OF THE TRUST:

The objectives of the Trust are as under:

- i. To establish, run, acquire, support and manage universities, colleges, polytechnics, schools and institutions to impart education and training in different fields of management, engineering, technical education, medical science, paramedical Science, arts, law, biotechnology, microbiology, tourism, hospitality, science and any other stream of general education.
- ii. To protect and promote the interests of Physically Challenged, mentally Challenged, Autistic children and to establish, run or support special schools/ institutions for such children.
- iii. To protect and promote the interests of women and strive for their social, economic, educational and legal empowerment.
- iv. To protect the interests of deserted women, widows and old women and to set up, manage and run institutions for them.
- v. To extend a helping hand to the fellow beings who are hit by calamities like floods, landslides, earthquakes, accidents and outbreak of diseases like flues, TB, HIV-AIDS, or any other disease etc and to make provision for their relief and rehabilitation.
- vi. To spread awareness and capacity building of above stated calamities and diseases.
- vii. To promote, run, operate and manage ecotourism, art and culture of India.

- viii. To promote, adopt, popularize and disseminate environment friendly technologies and practices of energy conservation, water conservation, rainwater harvesting, waste management and optimum resource use.
- ix. To establish, run and manage projects and research institutions in renewable and clean energy sources such as hydropower, Bio- energy, Solar energy, wind energy and Bio-mass energy.
- x. To initiate campaigns for the eradication of social evils like dowry, gender-bias, untouchability, drug abuse, smoking etc
- xi. To promote and publicize yoga, sports, healthy lifestyles and healthy food by organizing competitions, workshops, rallies, nuked natak and demonstrations among the youth and masses.
- xii. To promote and popularize traditional sciences of ayurveda, homeopathy, acupressure, acupuncture, unani, sidha, reiki and other alternative healing techniques.
- xiii. To provide such training to the youth and other deprived sections of the society as may be necessary to enable them to take up self- employment.
- xiv. To promote latest techniques and technology in agriculture especially organic farming, agro forestry, vermicom posting and to set up such marketing mechanisms whereby the farmers get maximum profit out of their produce.
- xv. To promote and coordinate activities of yuvak mandals, mahila mandals, SHG's, NGO's and assist them in capacity building by organizing trainings, workshops and to provide them micro-finance.
- xvi. To preserve the native art, culture and traditions of the society.
- xvii. To promote ecotourism, village tourism, health tourism, adventure sports and other sustainable activities in the field of tourism.
- xviii. To conserve, protect and preserve the flora and fauna in its natural habitat.
- xix. To preserve natural ecosystem and environment by a forestation, land management, watershed management and such other techniques as may be required.
- xx. To work for rural development and upliftment of the living standard of the rural people by providing them access to health facilities, clean water, sanitation and income alleviation by adopting latest techniques in agriculture, horticulture, floriculture, agro-forestry, herbs and medicinal plants.
- xxi. To organize training and legal awareness to the masses on consumer rights RTI, women rights, children rights and human rights.
- xxii. To carry out the various schemes, programs and campaigns of Government of India, State Governments and various national and international agencies from time to time.
- xxiii. To organize workshops, seminars, exhibitions, conferences etc. to achieve the above objects.

- xxiv. To publish brochures, leaflets, books, magazines, newspapers by print and electronic medium after due permissions from the concerned authorities.
- xxv. To manage, transfer (wholly or partly), pledge, dispose off moveable and immoveable property of the Trust to achieve its objects.
- xxvi. To raise loans from banks and individuals in furtherance of the objects of the Trust.
- xxvii. To take up any other matter which the Board of Trustees may decide from time to time.

5.2 BENEFIT OF THE TRUST

The Benefits of the Trust are open to all irrespective of Caste, Religion, Race, Sex, Language etc. That the Trust will not carry on any activities with an intention of earning profit.

6. THE PROPERTIES OF THE TRUST

The properties of the Trust shall be.-

- (a) The said sum of ` 9,000 (Rupees Nine Thousand Only) above referred to the receipt of which is hereby acknowledged by the Trustees;
- (b) Any properties movable or immovable, that may be acquired by the Trust either by purchase or otherwise;
- (c) All additions and acceptations to the Trust fund;
- (d) All voluntary donations both towards corpus or otherwise gifts, legacies or grants in cash or in kind accepted by the trustees;
- (e) All grants and contributions made to the Trust by the Government, Government bodies, national or International funding agencies, Trust or Institutions, Trade Union or Societies etc; and
- (f) All sums and assets which by and means become the property of the Trust.

7. RULES AND REGULATIONS OF THE TRUST

Trustees of the Trust

Trusteeship of the trust is open to any person (18 years of age), firm, company, NGO, federation or juristic person whose name appears in this trust deed as first trustees and the persons (real or juristic) who are subsequently admitted as trustees by the "Board of Trustees" in accordance with the rules and regulations of the Trust.

7.1.1 Permanent Trustees

The first Trustees mentioned herein shall be life members of the Trust and the Board of Trustees.

7.1.2 General Trustee

A trustee who has been admitted as the Trustee by the Board of Trustees and is not a member of the Board of Trustees.

7.1.3 Advisor Trustee

The Board of Trustees may appoint such number of persons as it deems fit from any field of expertise as Advisor Trustees. The Advisor Trustees will not have right to vote in the Board of Trustees but they can participate in the proceedings of the Board of the Trustees.

7.2 ADMINISTRATION OF THE TRUST

The administration of the TRUST shall vest with the Board of Trustees, which consist of.-

The board of trustees shall have following permanent members:

- | | |
|--------------------------|-------------------|
| 1. Sunil Gupta | Chairman |
| 2. Ashok Sharma | Vice-Chairman |
| 3. Surender Kumar Sharma | General Secretary |
| 4. Nitin vyas | Joint Secretary |

The permanent members of the Board of Trustees, unanimously or by simple majority, may nominate three trustees from among the General Trustees or Advisor Trustees to the Board of Trustees for such term as they may deem fit.

The Board of Trustees may increase or decrease the strength of Board of Trustees from time to time.

7.3 CESSATION OF TRUSEESHIP

A Trustee shall cease to be the trustee of the Trust:-

- a. by resignation;
- b. By death;
- c. If s/he becomes insolvent;
- d. If s/ he is declared to be a lunatic by a competent authority;
- e. If s/he is removed by the majority of the members of the Board of Trustees, if it is found that the trustee(s) activities is/are detrimental to the activities or administration or funds of the Trust

7.4 APPOINTMENT OF TRUSTEES

Any vacancy in the Board of Trustees may be filled up by the remaining members unanimously or by simple majority subject to discretion of the Chairman.

7.5 POWER OF THE TRUSTEES

The **Board of Trustees** shall have the control and management of the Trust and exercise the following powers:

7.5.1 Board of Trustees

To determine from time to time to commence and to take up the object and purposes for which the funds of the trust shall be used and allot and allocate to each of the objects such portion of the funds as they deem fit;

- a. To purchase and acquire any immovable property of any kind for this object of the Trust or as a source of income for the Trust;
- b. To sell, mortgage, or dispose of any immovable property/properties belonging to the Trust;
- c. To incur all expenditure necessary as in their own opinion useful for carrying out the objects and administration of the trust;
- d. To sell, lease, mortgage or dispose of any property, immovable property/properties belonging to the Trust;
- e. To open one or more bank accounts of the trust with any bank or banks as the Trustees may deem fit and deposit Trust Money to the Bank accounts.
- f. To borrow for and on behalf of the Trust with or without security from banks, Governments, Universities or any other government Body/bodies both central and state;
- g. To employ staff of all kinds necessary and useful for carrying out the objects of the trust.
- h. To incur such other items of expenditure as is necessary and incidental for carrying out the objects of the Trust;
- i. To institute, conduct, defend, compound, withdraw, compromise, adjust, refer to arbitration or to do such things as are incidental and necessary, concerning the affairs of the Trust and to sign and verify vakalats, pleadings, affidavits and other powers'
- j. To delegate all or any of the powers vested in the Trustees to anybody' to frame rules, bylaws and other codes for the conduct of the affairs of the Trust and its transactions and establishing any Committee;
- k. To accept contributions in cash or in kind either by way of addition to the trust funds generally or for any one or more of the specified objects of the Trust.
- l. To establish as many adhoc committees for any purpose.

7.5.2 Chairman

- i. Chairman will preside over the meetings of Board of trustees.
- ii. He, on the recommendation of the Board of Trustees, can nominate person/s to the Board of Trustees in case of a vacancy in it.
- iii. He shall supervise work of other members of the Board of trustees and members from time to time and shall assign them duties.
- iv. To appoint such staff and employees as required from time to time with the concurrence of the Board of Trustees.

7.5.3 Vice-Chairman

- i. In the absence of Chairman, Vice-Chairman will carry out his/her duties.
- ii. Will carry out such functions as assigned to him by the President from time to time.

7.5.4 General Secretary

- i. General Secretary will be the coordinator of the Trust.
- ii. He/She will maintain the accounts of the Trust and will receive cash, donations and gifts for the Trust and shall issue receipts for the same.
- iii. He/She will keep an account of the proceedings of the Board of Trustees.

7.5.5 Joint -Secretary

- i. In the absence of General Secretary, Joint Secretary will carry his/her duties.
- ii. He / She will carry out such other function as may be entrusted to him by the Chairman from time to time

7.6 Meetings of the Board of Trustees:

- a. The Board of trustees shall meet as often as it deems necessary to transact the business of the Trust but at least once in a year.
- b. The Chairman shall preside over all the meetings of the trustees and in his absence the Vice- Chairman shall preside such meeting and in the absence of both, the trustees attending such meeting may elect any one of them to preside over the meeting;
- c. The meetings of the Trustees may be convened by the Chairman or under his direction by any other Trustees
- d. The quorum of the meeting of the Trustees shall be ½ of the strength of the board of trustees.
- e. In the event of equality of votes, the person presiding such meeting shall exercise casting vote (additional vote).

7.7 RESOLUTIONS

- a. The Trustees may exercise all the powers vested in them by a resolution passed at a simple majority of the trustees attending such meetings of the Board of Trustees.
- b. Any resolution in writing signed by all Trustees holding office for the time being shall be valid and binding.

7.8 SUITS

The Chairman of the Trust is authorized to sue or to be sued on behalf of the Trust.

7.9 EXECUTION OF DOCUMENTS

All Deeds, Documents etc. shall be executed by any two out of Chairman, Vice-Chairman, General Secretary and Treasurer representing the Trust or the **Board of Trustees** may nominate any person to execute any document on behalf of the Trust which shall be a binding on the Trust.

7.10 ACCOUNTS AND AUDIT

- a. The Trustees shall maintain true and correct accounts of all Trust monies and of all the income and investments and all the outgoing expenses.
- b. The year of account shall be the financial year commencing from 1st APRIL and ending 31st March.
- c. The Trustees shall each year issue a report setting out the accounts showing the income and expenditure of the Trust for the preceding year not later than six months from the end of the preceding year of accounts.
- d. The accounts of the Trust shall be audited every year by a Chartered Accountant who may be appointed for the purpose by the board of Trustees and the audited statement of accounts together with Auditors' report shall be laid before the Board of Trustees for approval.

7.11 BANK ACCOUNT

The funds of the trust shall be kept in a scheduled bank/s established under law. Any two out of the Chairman, Vice- Chairman, General Secretary or Treasurer shall operate bank account(s) jointly.

7.12 POWER TO ALTER RULES AND REGULATIONS

The Board of Trustees shall have full power and authority to make, alter and rescind rules and regulations for the management and administration of the Trust.

7.13 APPLICATION OF INCOME AND TRUST FUND

The Board of Trustees shall be empowered to invest the funds of the Trust in movable or immovable properties, in such manner as they deem fit for the purpose of the objects of the trust provided that such investments shall be in accordance with the provision of any law for the time being in force as are applicable to charitable trusts.

7.14 REMUNERTION TO THE TRUSTEES

The Trustees are not entitled for any remuneration. But they shall however be entitled to receive out of pocket expenses incurred by them in the course of discharging the functions of the Trust.

Further the Income and funds of the Trust will be solely utilized towards the objects and no portion of it will be utilized for payment of Trustees by way profits, interest, and dividend or otherwise.

7.15 INDEMNITY

Every Trustee shall be indemnified out of the fund in respect of any loss arising from or contingent upon any investment made out of the monies of the Trust unless such loss shall have been occasioned by own negligence and also every Trustee shall be indemnified out of the Trust against all proceedings, suits, claims, costs, damages and expenses occasioned by any claim in connection with the matters or affairs relating to the Trust created by these presents or in the exercise of powers or discretion vested in them by virtue of these presents.

7.16 IRREVOCABILITY

The Trust is irrevocable.

7.17 ACTIVITIES OF THE TRUST

The activities of the Trust can be carried in or outside the borders of India after obtaining due permissions from the concerned departments/authority.

7.18 DISSOLUTION

The Trust needs to be dissolved in accordance with the provisions of the Indian Trusts Act 1882 as applicable to the state of Himachal Pradesh. If upon dissolution of the Trust there shall remain any property after satisfaction of its debts and liabilities any property whatsoever, the same shall not be given over too or distributed among the Trustees, the net assets of the Trust shall be transferred to an association of persons or trust or society having similar objects of this Trust to be decided by the Board of Trustees or by a competent Court.

7.19 PROCEEDING OF THE TRUST

Any defect in the constitution of the Trust shall not invalidate its proceedings

7.20 RESIDUARY

For matters not provided for in these presents, the provisions of the Indian Trust Act and the Income Tax Act, 1961 and rules made there under will apply accordingly.

IN WITNESS WHEREOF THE AUTHOR OF THE TRUST HAS SET HIS HAND AND SIGNATURE ON THE DAY, MONTH AND YEAR FIRST ABOVE WRITTEN IN THE PRESENCE OF

WITNESSES: -

AUTHOR OF THE TRUST