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H 330800

TRUST DEED

PRESENTANT



Sr. MERCY VARGHESE

THIS DEED OF TRUST executed on this the Twenty Eighth day of March Two thousand twelve (28.03.2012) by the

Calicut Province Of The Institute Of Sisters Of Charity Of Saints Bartholomea Capitanio & Vincenza Gerosa Rep. by its present Provincial Superior Sr. MERCY VARGHESE

Sr. Mercy Varghese Trust deed 1000/-
SD 1500

RF 20
AA 100
Gmt 100
18 2

222

32801 Date 27/3/12

Kuraththa Beegam
Munsiff Court Stamp Vendor
ERNAKULAM

St Joseph's Charitable and Educational Trust -
Pollathai Aleyy.





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AN 447208

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Calicut Province Of The Institute Of Sisters Of Charity Of Saints Bartholomea Capitanio and Vincenza Gerosa, a Congregation of Religious nuns within the Roman Catholic Church (hereinafter referred to as the "Settler Province" represented by its present Provincial Superior **Sr. MERCY VARGHESE**, aged 52 years, D/o. Varghese, religious nun, 41/2862, House of Providence, Kacherippadiy, Kochi Corporation now residing at Provincial

Calicut Province Of The Institute Of Sisters Of Charity Of Saints Bartholomea Capitanio & Vincenza Gerosa Rep. by its present Provincial Superior **Sr. MERCY VARGHESE**

Sr. Mercy Varghese

30000 Date 27/3/12

Kurashithe Beegam
Munsiff Court Stamp Vendor
ERNAKULAM

St Josephs Charitable and
Educational Trust
Pollathar Alleppey.





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House, Door No. 33/261 of Corporation of Calicut, Sellere, Malaparamba.P.O, Calicut - 673009, in Chevayur Village, Kozhikode Taluk, Kozhikode District of Kerala State(Election Identity Card No.KL/04/025/372238 issued by Ernakulam LA Constituency dated 07-04-2004) (hereinafter referred to as the "Executant").

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Sr. Mercy Varghese

32803 9/13/12
Kurehitha Bagan
Munsiff Court Stamp Vendor
ERNAKULAM

Sr. Joseph's Charitable and
Educational Trust
Pollalhari - Alleppey.



WHEREAS the Settler Province was totally founded on charity and it is now universally accepted that imparting education to the needy by itself is a work of charity and mercy and hence the Provincial Council of the Calicut Province of the Congregation in India as part of its educational mission, established few educational institutions within its territorial jurisdiction to give opportunity to the children of the place with special care to the children of the Christian minority community.

AND WHEREAS the Settler Province has decided to establish an educational institution at Pollathai in Kalavoor, Alleppey District.

And whereas the council of Settler Province feel it is better to establish another public charitable and religious minority Educational Trust to start/ administer / manage the proposed school at Pollathai, Kalavoor, Alleppey District dedicated to educational activities among the poor and marginalized without discrimination of caste, creed, political or religious affiliation and get it registered as per law and accordingly authorised the present Provincial Superior of the Settlor Province of the above said Congregation hereinafter referred to as the executant to execute these presents.

And Whereas the Settlor Province in its council meeting has already nominated Trustees and constituted a Board of Trustees with them and the Trustees had expressed their willingness and have agreed to act as Trustees for the purpose of carrying out the objectives of the Trust as set forth hereunder.

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NOW THEREFORE THIS DEED WITNESSES AS FOLLOWS:

1. **Name** : The name of the Trust shall be St. Joseph's Charitable and Educational Trust, Pollathai, Kalavoor, Alappuzha

2. **Area of operation** : The area of operation of the Trust shall be the entire State of Kerala.

3. **Registered office of the Trust**: The registered office of the Trust shall be at Door No. 33/261 Sellere, Malaparamba.P.O, Calicut-673009 in Chevayoor Amsom, Desom of Kozhikode Taluk.

The Trustees are at liberty to change the registered office to any other place in Kerala after obtaining permission from the Provincial Council of the Calicut Province of the Congregation of Sisters of Charity of Saints Bartholomea Capitanio and Vincenza Gerosa.

4. **Trust Property**: In order to effectuate the above referred decision of the Provincial Council, the Settler Province has made over to the Trustees the sum of Rs. 1000/- (Rupees One thousand only) to hold the same together with all additions and accretions thereto and all other properties that may be acquired out of the same or otherwise and may hereinafter be the subject matter of the Trust (hereinafter referred to as the Trust Fund) for the objects and purposes hereinafter expressed with powers and on the terms and conditions herein contained, concerning the same.

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5. **Objectives of the Trust:** The objects for which the Trust is established are:

a. To establish and maintain educational institutions for imparting both formal and informal education to children, youth and adults.

b. To undertake and manage literacy programmes for the needy in collaboration with the other agencies both in the public and private sector, governmental and non governmental.

c. To undertake and popularize Interactive Computer Technology (ICT) Programmes for the sustainable development of the society.

d. To establish, take over and run Schools for Pre-primary, Primary, Secondary and Higher Secondary education both under State syllabus and CBSE/ICSE, especially St. Joseph's Public School, Pollathai.

e. To establish and run colleges and other higher education centres giving emphasis to imparting job oriented and professional education to the youth in association with the various ministries of the State, and Central Governments, Universities and other educational agencies.

f. In the schools /educational institutions run by the Trust admission is open to all irrespective of religion, caste, race or colour. However preference will be given to students belonging to Christian - minority community.

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g. To establish, maintain and support libraries, museums, reading rooms, and other facilities meant for advancement of education and knowledge.

h. To conduct research study and to organize research programmes.

i. To conduct educational programmes and seminars to generate a culture of respect, care, and protection of environment.

j. To establish and manage institutions for equipping youth to attend competitive examinations or courses or interviews and tests etc.

k. Generally to do everything that is conducive to translate the above objects in to action.

Board of Trustees

a. There shall be a Board of Trustees for the Trust and the number of members of Board of Trustees shall be not less than five and not more than seven. The following persons shall be the members of the Board of Trustees in the ex-officio capacities

(1) Provincial Superior of the Calicut Province of the Congregation

(2) Provincial Secretary of the Calicut Province of the Congregation.

(3) Two councilors of Provincial Council of the Congregation.

(4) Treasurer of the Calicut Province of the Congregation.

(5) Local Superior of St. Josephs Convent, Pollathai, Kalavoor and

(6) One member from the Congregation nominated by its Provincial Superior of the Congregation.

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1. The Provincial Superior of the Calicut Province of the Congregation at present Sr. Mercy Varghese, Sellere Malaparamba, Calicut-673009
2. Provincial Secretary of the Calicut Province at present Sr. Juliana Kurian, Sellere Malaparamba, Calicut-673009
3. Treasurer of the Calicut Province at present Se. Jancy Jacob, Sellere Malaparamba, Calicut-673009
4. Councillor of the Calicut Province at present Sr. Rosanna Ulahannan, St. Vincent's Home, Calicut-673032
5. Councillor of the Calicut Province at present Sr. Rosaline Colaco, Shantinilayam, Peruvayal, Calicut-673024
6. Local Superior of St. Joseph's Convent Pollathai, Kalavoor at present Sr. Ophelia Mathai, Holy Family Bahavan, Pollathai, Alleppey-688567.

The Board of Trustees shall hold office in their capacity as Provincial Superior, Secretary, Treasurer, Councillors, local superior of St. Joseph Convent, Pollathai, a member of Calicut Province of the Congregation etc.

Once the Managing Trustee and other Trustees cease to be the Provincial Superior, Secretary, Treasurer, Councillors, local superior of St. Joseph's Convent Pollathai etc of the Calicut Province of the Congregation they shall also cease to be the Managing Trustee and member of the Board of Trustees respectively and their successors in office duly elected or appointed as per rules and norms laid down in the Constitution of the Congregation shall constitute the Board of Trustees.

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Managing Trustee

- a. The Provincial Superior of the Calicut Province of the Congregation shall always be the Managing Trustee of the Trust.
- b. The local superior of St. Joseph's Convent - Pollathai shall be the person in charge of the day to day affairs of running the educational institution at Pollathai and she shall be accountable to the Board of Trustees with regard to the management, administration and functioning of the educational institution at Pollathai.
- c. The Board of Trustees shall meet as often as is necessary for implementing the objectives of the Trust and within six months from the end of every financial year, a meeting of the Board shall be held to consider and approve the audited accounts of the Trust.

7. Powers and Duties of the Board of Trustees:

The Board of Trustees shall have the following powers and duties:

1. To gather funds towards corpus or otherwise for the Trust by way of donations, grants, subsidies or otherwise, from Governments, Corporation of Institutions, or individuals, native or foreign either in cash or in kind, for the purpose of the Trust.
2. To spend the income earned or the income of the future for any or all of the objects of the trust, either directly or by contributing to other genuine institutions to be spent for the purpose of the Trust.

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3. To accumulate the income if necessary for attaining the objects of the Trust in future and to set apart the whole or part of the income for the corpus of the trust fund for any of the objects of the Trust.
4. To take loans from individuals, banks or institutions with or without interest whether pledging the assets of the Trust or otherwise in the best interest of the Trust.
5. To acquire, alter, extend, demolish any of its assets and even to dispose of the same in the best interest of the Trust.
6. To sell, alter, transpose, dispose of, alienate or otherwise deal with any property, movable or immovable, comprising the Trust Fund or any investments representing the same and to reinvest the same in any manner as the Trustees may think fit.
7. To let out or demise any immovable property comprised in the Trust Fund for such period and at such rent on such terms and conditions as the Trustees think fit.
8. To make, vary, alter, modify schemes, rules and regulations for carrying out the objects of the Trust and for the management of the affairs there of and for running any institution in furtherance of the objects of the Trust and or otherwise for giving effect to the objects of the Trust.
9. To appoint persons or sub-committee to manage the day-to-day affairs of the Trust or any particular activity, if necessary.

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10. To appoint, authorize or give power of attorney to others to represent the Trust in any matter connected with the affairs of the Trust.

11. To join, corporate or amalgamate the Trust with other Trust or fund having kindred or allied objects up on such terms and conditions as the Board of Trustees think fit.

12. The Trustees shall invest and keep invested all the Trust Fund in their hands and also the unspent portion of the interest or income as also the interest or income thereof, if any, for the time being in their hands as immediately not required for the purpose of the Trust as the Trustees may think fit and also with liberty and power to the Trustees from time to time to vary such investment or any of them in any other manner, which may not in any way diminish the value of the corpus of the Trust and execute any deeds or documents, as they may think fit for the aforesaid purpose or any of them and for achieving the object of the Trust. All such actions shall be done through Bankers of the Trust and in consultation with them, provided however that the provisions of section 11(5) r/w Section 13 (1) (d) of the Income Tax Act 1961 or any other similar provision contained any enactment replacing the said Act shall always be taken into consideration while making the investments.

13. The funds of the Trust shall be invested as may be decided by the Board of Trustees from time to time either in securities authorized under the Indian Trust Act and/or in scheduled banks as authorized under the Income Tax Act and/or in purchase of land or construction of buildings. The Board of Trustees shall have power to vary any investment already made by sale, exchange or otherwise.

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14. No amendment shall be made in any clause of this Trust, unless prior sanction from the Honourable Commissioner of Income Tax, who has jurisdiction over this Trust, is obtained.

15. The whole or any part of the Trust or other assets of the Trust shall not be transferred or applied at any time for any purposes other than those declared in the Trust Deed.

16. In the event of extinction of the Trust, the properties and other assets of the Trust shall be handed over to a charitable institution having objects similar to those declared in this Deed, or vest with the Government.

17. No Trustee shall be entitled for any honorarium, fees or any other pecuniary benefits from the Trust except as remuneration for services rendered to the trust using specialized knowledge and expertise in areas where the trust is rendering services such as teaching counseling, career guidance etc. However, they shall be entitled to be reimbursed of amounts legitimately spent by them for and on behalf of the Trust.

18. The surpluses if any resulting from the operations of the trust shall not be distributed among the trustees and shall only be accumulated and added to the corpus fund of the trust for utilization solely for achieving the objectives and aims of the trust.

8. Powers and Duties of the Managing Trustee:

The Managing Trustee is empowered:

- a) To control and supervise the affairs/management of the properties now or hereinafter belonging to the Trust.

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- b) To enter into any contract or agreement for and on behalf of the Trust for any of the purpose concerning the routine activities/affairs of the Trust, which are beneficial to the interest of the Trust.
- c) To appear and act for and on behalf of the Trust in all legal proceedings before any competent authority.
- d) To appoint and constitute advocates or attorneys, auditors whenever necessary and to remove them whenever she feels such removal is necessary.
- e) To take loans or borrow money, as decided by the Board and to execute promissory notes, bonds or the like for the same and to discharge the same by repayments.
- f) To do any and all acts, deeds and things necessary for the efficient management and administration of the Trust and other properties of the Trust.
- g) The Managing Trustee may sue and be sued for and on behalf of the Trust, provided that the Board shall have the power to authorize any one of its other members to represent the Board in any legal or other proceedings, under special circumstances.
- h) The Managing Trustee shall have the power to delegate her duties and functions to any other member of the Board of Trustees.
- i) All documents by or in favour of the Trust shall be in the name of Managing Trustee.
- j) All acts, deeds and things lawfully done by the Managing Trustee by virtue of these presents shall be binding on the Trust.

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9. Management:

The Board of Trustees shall have all the requisite powers for the overall management and control the affairs of the Trust, Institutions and other activities of the Trust and for carrying out the objects of the Trust.

10. Meetings of the Board

a) The Board of Trustees shall meet as often as required and shall meet atleast once in a calendar year and approve the annual accounts and forward it to the Council of the Settler Province.

b) The meeting of the Board of Trustees shall be presided over by the Managing Trustee of the Board of Trustees and in her absence by any one of the Trustees nominated by the Managing Trustee.

c) There shall be three days notice for the meeting of the Board of Trustees unless it is waived by all the members eligible to get the notice.

d) Decisions shall be taken on the basis of votes of members attending the meeting in person and exercised by them individually either by show of hands or by secret ballot as decided by the Chair Person and in case of tie, the chair person can exercise a casting vote additionally.

e) Decisions may also be taken by circulation, provided all the members agree to it.

f) The quorum for the meeting shall be one third of total members or three whichever is greater.

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g) The Secretary shall serve the notice for the meeting in consultation with the Managing Trustee and she shall be responsible for the maintenance of the minutes book and other records of the meeting.

11. Accounts

The Board Trustees may appoint any Religious Sister of the Calicut Province of the Congregation as the Treasurer of the Trust up on such terms and conditions as may be decided by the Board from time to time. It shall be the duty of the Board of Trustees to get the accounts of the Trust audited by a competent auditor as required under the Income Tax Rules in force from time to time. Besides, the Managing Trustee may engage any person of her choice for conducting internal audit of the accounts of the Trust.

12. Bank Accounts:

The Board of Trustee shall decide to open Bank Account with any bank or banks and it shall be operated jointly or severally as decided by the Board of Trustee and by the persons nominated by the Board.

13. Saving Clause:

- a) It is expressly declared that this is a Public Educational Trust and its income shall be applied only for educational purposes.
- b) The Board may at any time and from time to time set apart to reserve fund amounts not exceeding 15%, or such other percentage of the gross income for the year and invest such funds in any mode permitted by the income - tax law.

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c) The Board may at any time sell or transfer any investment representing capital or income of the sinking fund as though the same were income produced by the Trust Fund during the then current year.

14. Winding Up:

In the event of winding up of the Trust, the properties of the Trust shall be transferred to Institution/ Institutions having similar objects as decided by the Board of Trustees or with the Government.

15. Amendments:

Any provision in this Deed may be amended, annulled or substituted by the Board at any time unanimously, provided that such amendments shall be brought into effect only with the prior permission of the Commissioner of Income Tax having jurisdiction over the Trust.

16. Residuary matters :

In matters not specifically provided for herein, the Trust shall function in accordance with the provisions of the Indian Trust Act. The value of the Trust Fund is Rs.1,000/- (Rupees One Thousand only).

The Trust hereby created is irrevocable and any of the property of the Trust will never be revested back either to the settler province or to the Trustees.

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IN WITNESS WHEREOF the Executant has signed this Deed at Building No 41/2862, wherein House of Providence Convent – an institution under the Settler Province, at Providence Road, Ernakulam, Cochin – 682018 in Ernakulam Village, Kanayannur Taluk, Ernakulam District in the State of Kerala, on the day, month and year first above written in the presence of the following witnesses.

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Witnesses:-

1. Sr. Mary Paul, House of Providence, Providence Road, Kacheripady, Ernakulam, Cochin-18
2. Saneesh, Kandathil HOuse Eramalloor.P.O, Cherthala

Sr. Mary Paul

Saneesh

This Trust Deed is prepared by:

L.ALOYSIUS THOMAS,
Advocate, (K-562/1987),
Morning Star Building,
Kacheripady, Kochi18.

L. Aloysius Thomas

This Trust Deed is Computer Print.

Corrections and interlineations : Nil.

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Sr. Mercy Varghese

ST.JOSEPH'S PUBLIC SCHOOL POLLETHAI
NAME, ADDRESS AND OCCUPATION OF TRUST MEMBER

SL NO	NAME	ADDRESS	OCCUPATION	DESIGNATION
1	SR.GEETHA CHANEPARAMBIL	SELLERE MALAPARAMBA P O CALACUT-673009	PROVINCIAL SUPERAOR	MANAGING TRUSTEE
2	SR.MARY LEELA ALBERT	SELLERE MALAPARAMBA P O CALACUT-673009	PROVINCIAL SECRETARY	MEMBER,SECRETARY
3	SR.MARY K T	SELLERE MALAPARAMBA P O CALACUT-673009	PROVINCIAL TREASURER	TRUST MEMBER
4	SR.PHILO JOSEPH	SELLERE MALAPARAMBA P O CALACUT-673009	PROVINCIAL COUNCILLOR	TRUST MEMBER
5	SR.JANE ADACANATU	SELLERE MALAPARAMBA P O CALACUT-673009	PROVINCIAL COUNCILLOR	TRUST MEMBER
6	SR.MOLY M T	HOLLY FAMILY BHAVAN POLLETHAI P O ALAPPUZHA-688522	LOCAL SUPERIOR	TRUST MEMBER
7	SR.REENA M R	HOLLY FAMILY BHAVAN POLLETHAI P O ALAPPUZHA-688522	PRINCIPAL	TRUST MEMBER
8	SR.THRESIAKUTTY A P	SELLERE MALAPARAMBA P O CALACUT-673009	CONGRIGATION MEMBER	TRUST MEMBER