Document No. 10/2001

750Rs.

INDIA NON JUDICIAL

७५० रु. Rs 750

सत्यमेव जयते

भारत

सात सौ पचास रुपये SEVEN HUNDRED & FIFTY RUPEES

# DIOCESAN TECHNICAL EDUCATION TRUST, PALAI

THIS DEED OF Trust executed on this 27th day of March Two Thousand and One, by the DIOCESE OF PALAI, a religious and charitable institution with headquarters at Palai, represented by its Bishop Mar Joseph Pallikaparampil aged 74 son of Devasia, now residing at Bishop's House, Palai, Vellappadu Kara, Lalam Village, Meenachil Taluk, Kottayam District, Settling it on:

1) Rev. Fr. Philip Njaralakatt, Vicar General of the Diocese of Palai.
2) Rev. Fr. Augustine Kozhuppankutty, Finance Officer of the Diocese of Palai.
3) Rev. Fr. Thomas Ettackakunnel, Secretary, Corporate Educational Agency, Diocese of Palai.

WHEREAS the Diocese of Palai since its inception in 1950 has been rendering meritorious services in the field of education by establishing schools, colleges, technical institutions, training college, training schools etc. in the districts of Kottayam, Ernakulam and in the backward district of Idukki.

AND WHEREAS the St. Thomas College, Palai, Alphonsa College Palai etc. of the Diocese are enjoying top position in many fields among other colleges under Mahatma Gandhi University at Kottayam.

+Pallikaparampil

Mar Joseph Pallikaparampil

Trust Rs 10000/-

Fees 200/-

8 FEB 2001

No. 4124 Rs.750/- The Diocesan Technical Education Trust
24.3.2001 Palai

Meenachil Vendor
K.N. Suresh

Doc No 73/IV/2001

Presented at the residence of Mar Joseph Pallikkaparambil at 5.10 pm on 27.3.2001 at Bishop house Pala, Palamunicipality ward 16. No. 430 and paid fee Rs 203/- (Rs Two hundred and three only) by

Mar Joseph Pallikaparampil + Pallikaparampil

27th month 2001 sub Registrar Jessykumathy

Executor admitted by

Mar Joseph Pallikaparampil + Pallikaparampil
for Syncu of Diocese of Pala
S/o Devassia, Bishop Diocese of Pala
Vellappadu Kara.

Identified by

Fr. George Danavelil. S/o Mr. Joseph Danavelil.
Priest residing at Bishop's House Palai. Vellappadu Kara.
Fr. Abraham Vaniakipurayidathil S/o Abraham
Priest residing at Bishop's House Pala Vellappadu Kara.

27th month 2001 sub Registrar Jessykumathi

JESSY K. MATHEW
SUB REGISTRAR
MEENACHIL

Registred as No. 73 of 2001 of book IV
on Vol. 221 on pages 29 to 38
4 Sheets. 1st Sheets.
27th month 2001

JESSY K. MATHEW
SUB REGISTRAR
MEENACHIL

K.N. Suresh 30.3.2001

100Rs.

INDIA NON JUDICIAL

१०० रु.

Rs 100

सत्यमेव जयते

एक सौ रुपये ONE HUNDRED RUPEES

AND WHEREAS the Diocese is now feeling the necessity of establishing professional educational institutions to serve the students community of the Diocese under the privilage given by the Constitution of India to minority communities as well as other students irrespective of caste, creed and community.

AND WHEREAS the Diocese has now succeeded in encouraging the people of the Diocese to come forward to associate with the Diocese both financially and intellectually for the establishment of such institutions.

AND WHEREAS as desired by the people of the Diocese and the Diocesan Curia His Excellency the Bishop of Palai has decided to form a Charitable Trust for establishing professional colleges wherever necessary and possible and to register the Trust with following terms and conditions in favour of Very Rev. Fr. Philip Njaralakatt, Vicar General of the Diocese, Fr. Augustine Kozhuppankutty, Finance Officer of the Diocese and Fr. Thomas Ettackakunnel, Secretary, Corporate Educational Agency of the Diocese, as the Trustees with their consent.

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Mar Joseph Pallikaparampil

26 FEB 2001

**NOW THIS DEED WITNESSETH:-**

1. **Name of the Trust:-**
   The name of the Trust shall be THE DIOCESAN TECHNICAL EDUCATION TRUST, PALAI.

2. **Registered Office:-**
   The registered office of the Trust shall be situated at Palai. The Board of Trustees with the consent of the Patron of the Trust is empowered to shift the registered office to any other place in Kottayam District.

3. **Trust Property:-**
   In order to effectuate the above referred decision, the settlers had settled on trustees a sum of Rs. 5000/- (Rupees five 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 added by way of donations, subscriptions, gift, income, interests, dividend or otherwise all of which hereinafter be referred to as the TRSUT FUND for the objects and purposes hereinafter expressed with powers and duties herein contained concerning the same.

4. **Objects:-**

   The object of the Trust shall be to render educational service for philanthropic purposes alone, and not for purpose of profit and such services inter-alia shall include:-

   a) To establish and manage High Tech Educational institutions including Engineering and Medical Colleges, Management institutions, Computer Educational institutions etc.
   b) To establish and manage Technical institutions, Nursing Schools, Para-Medical institutions etc.
   c) To establish and manage regular or special schools and colleges of high standard, if circumstances demand.
   d) To establish and manage institutions preparing youth to attend competitive examinations, or courses, or interviews and tests etc.
   e). To associate with Universities both in India and outside and arrange programmes and courses jointly, or on twinning basis.
   f) To undertake research works in various fields.
   g) To institute awards, scholarships and loans in the field of education and training, among students and staff.

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h) To give financial assistance to educational institutions like schools, colleges etc. for development or maintenance or for similar purposes.

i) To undertake any other activity which will help the growth of student community or the educational field itself.

5. **Patron:-**
The ecclesiastical head of the Diocese of Palai shall be the ex-officio Patron of the Trust, and he shall be a permanent invitee to all the meetings of the Trust whether it be a General Body or Board meeting etc.

6. **Trustees of the Trust:-**
There are 5 classes of Trustees for the Trust.

A. **Ex-officio Trustees:-**

a) The Vicar General in charge of Education, the Finance Officer, the Secretary Corporate Educational Agency, all the three of the Diocese of Palai shall be Ex-officio Trustees of the Trust.

b) In case, any of the above referred post is kept vacant or in case any of the officer of the above said post is reluctant to act as the Trustee, the Patron may nominate a priest of the diocese who shall be still known as an 'ex-officio trustee'.
All the three ex-officio trustees shall be permanent invitees to all the meetings of the Trust.

B. **Nominated Trustees:-**
The Patron of the Trust may from time to time nominate proper persons as he finds necessary as Trustees and he may or may not specify the period for which a person is nominated. The maximum number of such nominated Trustees of the Trust shall at any time be five. The Patron is also empowered to remove such nominated Trustees even before the expiry of the period already specified if any, without assigning any reason.

C. **Institutional Trustees:-**
Those institutions operating in the Diocese of Palai, if permitted by the patron, contributing to the corpus of the Trust, the minimum sum fixed from time to time by the Board of Trustees and in the manner fixed by the Board of

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Trustees shall be Trustees and they have to act through the head of the institution or a representative authorised by the head in writing from time to time for this purpose.

D. **Individual Trustees:-**

Individuals, who apply for Trusteeship and get approval from the patron, if donate in kind or in cash to the Corpus of the Trust, the sum fixed from time to time by the Board of Trustees and in the manner fixed by the Board of Trustees be admitted as individual Trustees of the Trust.

Such a Trustee can nominate in writing one of his/her near family members to be the succeeding Trustee after them and also can change the nomination from time to time paying a fee of Rs. 250/- for such change every time.

If there is no such nomination, at the time of death or vacancy caused by any other reason, the Board of Trustees, with the approval of the Patron shall confer the Trusteeship to one of the legal heirs of the party and decision of the Board in this matter shall be final. In the case of death of an individual Trustee, if the nominee or legal heir is only a minor, the Trusteeship shall be kept dormant until the nominee / legal heir attains the age of majority.

If circumstances warrant, the Individual Trustee can also request to the Patron to transfer his/ her Trusteeship in favour of his/her legal heir or a near relative and the Patron shall refer the matter to the decision of the Board of Trustees.

E. **Honorary Trustees:-**

On recommendation of the Board of Trustees, the Patron may confer honorary Trusteeship with or without fixing any period, on prominent personalities as found necessary from time to time, and Patron may remove such persons when deemed proper.

7. **Termination of Trusteeship:-**

A person acting as a Trustee either as an individual or as a representative of the institution shall cease to be a Trustee when:

i. He/she resigns,
ii. Becomes insane, or insolvent, or dies,
iii. He/she is convicted for a criminal offence involving moral turpitude.
iv. If he /she accepts a post of an employee in the Trust or any of the Institutions under the Trust.

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v. If his/her actions are found to be detrimental to the interest or image of the Trust, and the Patron declares him/her as removed from the Trust on recommendation of the Board of Trustees.

8. **Administrative Pattern of the Trust:-**
There shall be the following categories of bodies and offices for administering the affairs of the Trust.
a. General Body of the Trustees
b. Board of Trustees
c. Office bearers of the Trust
d. Executive Committee of the Trustees
e. Advisory Board of the Trust
f. First Board of Trustees

a. **General Body of the Trustees:-**
All the five categories of Trustees of the Trust shall together form the General Body of Trustees.

b. **Board of Trustees:-**
The Board of Trustees shall be formed with:
- all the three ex-officio Trustees.
- maximum 7 representatives of Institutional Trustees nominated by the Patron from time to time, or if the Patron so deires elected by the representatives of the institutions by themselves.
- one person selected by the Patron from among the nominated Trustees of the Trust.
- 7 persons from among the individual Trustees elected by such Trustees themselves.

c. **Office Bearers of the Trust:-**
i. The chairman – The Vicar General of the Diocese of Palai in charge of Education being the Ex-officio member of the Trust shall be Chairman of the Trust.
ii. The Vice –Chairman – The Vice-Chairman shall be elected by the members of the Board of Trustees from among the Institutional Trustees or Individual Trustees.
iii. The Treasurer – The Treasurer of the Trust shall be nominated by the Patron from among the members of the Board of Trustees.
iv. The secretary and joint secretary – They shall be elected by the members of the Board of Trustees from among themselves.

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d. **Executive Committee of the Trustees:-**

The Executive Committee of the Trustees shall be constituted by:-

i. All the three ex-officio Trustees of the Trust.

ii. The nominee of the Patron in the Board of Trustees.

iii. Vice-chairman, Secretary, Treasurer & Joint secretary.

e. **Advisory Board**

i. The Board of Trustees shall form an Advisory Board, with persons selected and invited by the Patron from time to time who are experts in different walks of life and who are found to be worth contributing to the growth of the Trust, or for achieving the objects of the Trust.

ii. The Advisory Board shall render all possible help to the Board of Trustees and especially to the Chairman, by proper evaluation, study and planning for the smooth running and further expansion of the activities under the Trust.

f. **First Board of Trustees**

i. Notwithstanding anything contained elsewhere in this Deed, the administration of the affairs of the Trust shall be for the time being vest with the first Board of Trustees which shall be formed by the three persons on whom the Trust is now settled and not more than 3 nominees of the Patron as found necessary from time to time. The first Board of Trustees shall act as the first Executive Committee also and the term of the first Board shall be a maximum period of 3 years unless it is extended by the Patron. It is further provided that as and when the Board of Trustees and Executive Committee are duly constituted as per sub-clause b and d of clause 8, the first Board shall cease to operate.

ii. The Vicar General in charge of education of the Diocese of Palai shall act as the Chairman of the First Board of Trustees.

**9. Powers and Duties of the Board of Trustees**

All the properties of the Trust shall vest with the Board of Trustees and in the name of the Chairman. The Board of Trustees shall have all the powers and duties to manage the same; such as:

a) To apply, get sanction, erect, conduct and administer Educational Institutions, and other establishments connected with the same or take over and manage any such institution.

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b) To request and receive donations towards corpus or otherwise either in cash or in kind or subsidies or grants or other financial assistance of any kind whether returnable or not, from individuals, institutions, Central or State governments, Universities or other government agencies, Voluntary organizations within India or from abroad.

c) To demand, and receive to the extend the laws of the state permit, fees, deposits, contributions, fines, capital or other donations etc. to meet the capital and revenue costs of the institutions under the Trust from the students or from the parents.

d) To invest the funds of the Trust in any manner they deem fit consistent with the objects of the Trust and in the interest of the Trust either in movable or immovable assets.

e) To acquire, alter, extend, demolish any of its assets, movable or immovable and to dispose of the same whenever necessary.

f) To borrow any amount either on pledging the assets of the Trust or otherwise from individuals, banks, financial institutions or other institution, with or without interest, for any object of the Trust, subject to the approval of the Patron .

g) To form sub committees consisting of members of the Board of Trustees alone or along with outsiders and to delegate to them particular assignments as found proper from time to time.

**10. <u>Powers of Executive Committee</u>:-**

The Executive Committee of Trustees shall be responsible for the day-today functioning of the Trust and institutions under the Trust acting within the limitations placed by the Board of Trustees from time to time.

The Executive Committee shall have the specific powers listed below and those delegated by the Board of Trustees from time to time.

a) To appoint the heads of various institutions by name Principal/Director/Administrator etc. and other members of the staff as found necessary to manage the office of the Trust, and of various institutions under the Trust, and to fix their service conditions and remunerations.

b) To take disciplinary actions including suspension or dismissal against the personnel of the Trust as circumstances warrant.

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c) To negotiate various contracts and to fix the terms and conditions of the same.

d) To prescribe the ceiling of the monetary transactions that can be entered into by the Office-bearers of the Trust either individually or jointly.

e) To borrow in emergency cases amount not exceeding 5 lakhs rupees from individuals, banks, financial institutions or other institutions with or with out interest for the objects of the Trust, without the prior sanction of the Board of Trustees.

11. **Powers and Duties of the Chairman**

The Chairman shall for all purposes be the MANAGER of all the educational institutions under the Trust and he shall be the person responsible for the day-today management of the affairs of the Trust. Subject to the general control of the Executive Committee of Trustees, the Chairman shall conduct the affairs of the Trust and for that purpose he shall have specific powers and duties mentioned below:

a) To work, manage, control and supervise the affairs/management of the properties now or herein after belonging to the Trust and develop them.

b) To coordinate the various activities undertaken by the Trust and to submit periodical report and accounts to the Executive Committee of Trustees and to the Board of Trustees.

c) 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 institutions under the Trust, subject to the approval of the Executive Committee of Trust.

d) To appear and act for and on behalf of the Trust in all legal proceedings before any competent authority.

e) To appoint and constitute advocate or other attorneys, whenever necessary and to remove them whenever he feels such removal is necessary.

f) To take loans or borrow money as decided by the Executive Committee of Trustees or Board of Trustees and to execute promissory notes, bonds or the like for the same and to discharge the same by repayments.

g) To sue and be sued for and on behalf of the Trust, provided the Executive Committee of Trustees shall have the power to authorise any one of its other members to represent the TRUST in any legal or other proceeding, under special circumstances.

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h) To exercise and perform such powers and duties as the Executive Committee of Trustees may from time to time assign or authorise him to do.

i) 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.

j) To delegate his duties and functions to any other member of the Executive Committee or Board of Trustees with the consent of the Executive Committee of Trustees.

k) All acts, deeds and things lawfully done by the Chairman by virtue of these presents shall be binding on the Trust.

12. **Powers and Duties of the Treasurer.**

Subject to the general control of the Executive Committee of Trustees and Chairman of the Trust, the Treasurer shall be responsible for executing the financial transactions of the Trust and for keeping the records and accounts of the same properly.

In addition to the duties and powers stated elsewhere in this Deed of Trust, he is specifically authorised :

a) To gather funds towards corpus or otherwise, from any person or institution or from any other source, either in cash or in kind for the purpose of the Trust.

b) 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 spend for the purpose of the Trust.

c) 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 object of the Trust, with the approval of the Executive Committee.

d) To prepare periodical budgets and statement of accounts of the various activities of the Trust and submit the same for the approval of Executive Committee of Trustees.

e). To exercise and perform such powers and duties as the Executive Committee of Trustees may from time to time assign or authorise him to do.

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**13. Meetings of Trustees and Advisory Board:-**

a) The meetings of the Board of Trustees, Executive Committee of the Trustees, General Body of Trustees and the Advisory Board shall be presided over by the chairman and in the absence of him, by the Vice-chairman and in the absence both, by any one of the Trustees nominated by the Chairman.

b) 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 ballots as decided by the person chairing the meeting and in case of tug, he can exercise a casting vote additionally. However the Honorary Trustees shall not have any voting right at all.

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

d) The secretary shall be responsible for the maintenance of the minutes book and other records of the meeting.

e) The members attending any meeting may be given Sitting Fee as fixed from time to time by the Patron.

**14. Notice and Frequency of Meetings:-**

a) The General Body shall be convened with a minimum of 14 days notice and the other meetings shall be convened with minimum of 7 days notice.

b) The Board of Trustees and Executive Committee of Trustees can convene meetings with shorter notice provided all the members eligible to get the notice agree to it.

c) The Secretary, in consultation with the Chairman shall serve the notice for meetings.

d) The General Body shall meet as and when necessary and an Annual General Body shall be convened every year between 1st April and 30th September or within the time extended by the Patron.
Other meetings shall be convened as and when necessary and the Board of Trustees shall meet once in every six months and Executive Committee shall meet once in every 3 months.

**15. Quorum:-**

a) The quorum for various meetings shall be the greater number of the two possibilities given below:
For General Body:10 members or 1/10th of the total members.
For Board of Trustees: 7 members or 1/3rd of the total members.

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For Executive Committee: 4 members or 1/3rd of the total members

b) If the quorum is not formed within 30 minutes of the appointed time, the meeting shall stand postponed to the same day of next week and at the same time and venue unless, the Chairman informs the members within 5 days the intention to cancel the meeting called for.

c) If the meeting called for is not cancelled as above, the members attending the postponed meeting shall constitute the quorum and the decisions taken there properly will be valid.

**16. Elections:-**

a) The term of various elected bodies and offices stated in this Deed shall be a period of three years.

b) The elections to the Board of Trustees shall be conducted at the annual General Body meeting of the Trustees, when it is due.

c) The elections to the post of office bearers of the Trust shall be conducted in the first meeting of the Board of Trustees following the General Body Meeting in which the members of the Board where elected.

d) The elections to the Board of Trustees shall be as simple as possible and all the formalities shall start and end in the Annual General Body itself. If the Board of Trustees feel it necessary, a procedure may be prescribed for the same, from time to time with the approval of the Patron. If any dispute in the matter of an election arises the matter may be referred to the Patron and his decision shall be final.

**17. Accounts:-**

a) The Treasurer shall cause to keep proper accounts and records for all the receipts and disbursements of funds of the concerned institutions and activities under the Trust and shall submit Budget and periodical statement to the Executive Committee of the Trustees.

b) The accounts shall be closed on 31st March every year and shall be audited by a chartered accountant appointed by the Patron.

c) The Executive Committee of Trustees, and then the Board of Trustees shall consider the audited statement and auditors' report and along with a report of the Board, it shall be submitted to the General Body of Trustees as well as to the Patron before 30th September every year or within the time extended by the Patron.

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Pallikaparampil

**18. Bank Accounts:-**

The Trust shall open account with any Bank or Banks as found necessary by the Board of Trustees, either in the name of Trust or in the name of the institutions or activities under the Trust. The accounts in the name of the Trust shall be operated by the Treasurer jointly with the Chairman and other accounts shall be operated jointly by the Chairman or Treasurer with another person nominated by the Executive Committee of Trustees from time to time.

**19. Amendments and Clarifications:-**

a) Any provision in this Deed except this clause and the object clause (clause no. 4) may on recommendation of the Board of Trustees be amended, annulled or substituted by the General Body of Trustees with two third majority of members present and voting. Such amendments shall come into effect only after getting the approval of the Patron and also the Commissioner of Income Tax, having jurisdiction over the Trust, if the Trust has been given any registration or recognition under the I.T. Act.

b) In case there is any doubt or ambiguity regarding any of the provisions of this Deed of Trust, it shall be referred by Board of Trustees to the Patron and his direction or decision shall be final.

**20. Dissolution:-**

In the event of the Trust becoming impossible to function in accordance with the provisions of the Trust Deed, the Board of Trustees shall refer the matter to the Patron and necessary steps may be taken according to his direction.

In case the Patron decides to wind up the Trust, the excess assets if any, after closing the liabilities on winding up, shall be transferred to other charitable educational institutions as decided by the Board of Trustees and if not, it shall vest with the Government.

**21. Savings Clause:-**

a) It is expressly declared that this is a public charitable educational Trust and no part of the Trust property or its income shall be applied for any purpose other than educational, charitable purposes as provided in clause (4) of this Deed.

b) The institutions under this Trust are to be considered as institutions of the minority community as long as the Constitution of India permits so, and all the privileges attached to such institution will be applicable here also.

c) The male gender used in this Deed will also refer to the female gender wherever applicable.

22. The value of the Trust Fund is RS. 5,000/- (Rupees five thousand only).

Mar Joseph Pallikaparampil Pallikaparampil

I have executed this document at Bishop's House palai, Lalam Village, Meenachil Sub-District, Kottayam District. I intend getting this document registered at Sub-Registry office Meenachil, Kottayam District as it is convenient for me .

IN WITNESS WHERE OF I have signed this deed on this the Twenty Seventh day of March Two Thousand and One.

**Executant.**

Mar Joseph Pallikaparampil

**Witness**

1. Abraham Vanchipurackal
S/o.Abraham Vanchipurackal
Bishop's House,Palai.
Vellappadu kara.

2. George Danavelil
S/o.Joseph Danavelil
Bishop's House, Palai.
Vellappadu kara.

This Document prepared by K.N.Suresh.
S/o Narayanamarar, Kondattu Kizhakkethil House,
Vellappadu Kara, Licence No. K. D. A 177

This Document is computer Printed.

Corrections nil.

Mar Joseph Pallikaparampil.