



असम ASSAM

B 449819

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64
B.K. Modak / N. B. Modak
Registrar
Kamrup (Metro), Guwahati

DEED OF TRUST

OF

B.K. MODAK EDUCATIONAL TRUST
(W.E.F..26.11.2010..)

Bimal Krishna Modak
Nallika Modak
Janyar Modak
Omni Modak

THIS DEED OF TRUST IS MADE ON THIS THE 26th DAY OF
NOVEMBER' 2010.

- BETWEEN -

1. SRI BIMAL KRISHNA MODAK, Son of Late Birendra Kishore Modak,
residing at Guwahati, in the state of Assam, hereinafter called "the
SETTLOR" (which expression shall unless excluded by or repugnant to the
context be deemed to mean and include his heirs, executors,
administrators, representatives and assigns of the ONE PART)

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असम ASSAM

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- AND -

Bimal Krishna Modak
Malika Modak.
Tanmay Modak
Omi Modak

1. SRI BIMAL KRISHNA MODAK, Son of Late Birendra Kishore Modak, residing at Guwahati, Assam,
2. SMT. MALLIKA MODAK, Wife of Shri Bimal Krishna Modak, residing at Guwahati, Assam,
3. SHRI TANMOY MODAK, Son of Shri Bimal Krishna Modak, residing at Guwahati, Assa,
4. SMT. OMI MODAK, Daughter of Shri Bimal Krishna Modak, residing at Guwahati, Assam,

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Bimal Krishan
Mallika Modak.
Jannay Modak
Om Modak

Hereinafter jointly referred to as "THE TRUSTEES" (which expression shall unless excluded by or repugnant to the context be deemed to mean and include the Trustee or Trustees for the time being under this Deed and their successors in office) of the OTHER PART.

WHEREAS, the Settlor is desirous of creating a Trust for Public Charitable purpose and in order to effectuate the said desire he has made over a sum of Rs. 51000/- (Rupees Fifty One Thousand) only in cash to the Trustees by way of initial contribution.

AND WHEREAS, the Trustees have at the request if the said Settlor agreed to act as Trustees and to have and to hold the said sum of Rs. 51000/- (Rupees Fifty One Thousand) only together with all accretions thereto and all properties that may be acquired out of the same otherwise (hereinafter referred to as the "TRSUT FUND") for the objects and purpose mentioned in these presents and the Settlor do hereby relinquish and release for all time to come all his rights, title and interest they had over the said sum of money which from to-day vest in the aforesaid Trustees and the Trust has become full and absolute owner of the said sum.

NOW THIS INDENTURE WITNESSETH AS FOLLOWS:-

1. NAME: The name of the Trust shall be B.K. MODAK EDUCATIONAL TRUST.
2. OFFICE: The head office of the Trust shall be at Guwhati in the State of Assam such branch of branches at such place or places as the Trustees may decide.
3. OBJECTS: The objects for which the Trust is created shall be generally the relief to poor, education, medical relief and advancement of any other objects of general public utility and for such purpose.

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Bimal Krishna Modak
Malika Modak.
Janmay Modak.
Omri Modak.

- (i) To open, found, establish, promote, set up, run, maintain, assist, finance, support and/or aid or help in the setting up and/or running schools, college, lecture halls, libraries, residing rooms, boarding houses, museums, research institutions, yoga camps, training and vocational institutions and other establishments or institutions for the development of education and diffusion of knowledge in the field of arts, science, commerce, Literature, humanities and other subjects in all their manifestations.
- (ii) To encourage exchange of views and interaction amongst medical professional, scientists, students and general public about latest developments research work in the field of medical science & technology by organizing seminars, conferences, meetings, get-together, refresher courses by using different medium of mass communications and to publish books, pamphlets, periodicals, news letters, magazines etc. for the aforesaid purpose.
- (iii) To grant pay or give scholarship, stipends, prizes, rewards, allowances and other financial assistances or help in cash or kind to students with a view to help them in processing their studies, research etc.
- (iv) To open, found, establish, promote, set up maintain, assist, finance, support and/or aid or help in the setting up and/or maintaining and/or running hospitals, nursing homes, charitable dispensaries, maternity homes, Ayurvedic/Homeopathic Aushadhalays, child welfare centers, clinic, convalescent homes, sanitarium hospitals and other similar institutions or centers for rendering or providing medical relief and/or aid to poor, sick and infirm persons.

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Bimal Keshan Modak
Mallika Modak.
Tanay Modak.
Om Modak

- (v) To open, found, establish, promote, set up, run, maintain, assist, finance, support and/or aid to or help in the setting up and/or running orphanages, widow homes, lunatic asylums, poor houses or other establishments for relief and/or help to the poor, old, infirm, widows and destitute.
- (vi) To open, found, build, restore, establish, promote, set up, run, maintain, assist, finance, support and/or aid or help in the setting up and for maintaining and/or running community centres, Dharmasalas, Bhawans, auditorium, wells, deep tube-wells, roads, play ground, parks, gymnasium, bathing ghats for the use of general public and for promotion of social welfare work.
- (vii) To grant relief during natural and other calamities such as flood, fire, famine, cyclone, earthquake, storm, accident, pestilence, draught, epidemic etc. and to give donation, subscriptions or contributions to institutions, establishments, centres, organization or persons doing such relief work.
- (viii) To undertake any programme or programmes of rural, semi-urban and urban development including any programme for promotion of the social and economic welfare of or upliftment of the public in above areas.
- (ix) To render assistance and/or grant aid to recognized public charitable trust or institutions.
- (x) To undertake any other charitable work for the benefit of general public as the trustees may in their sole discretion think fit.

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Bimal Krishna Modak
Mallika Modak.
Jannay Modak.
Omni Modak.

(xi) To do all such things and undertake such activities as may appear to the trustees in their discretion as incidental or essential out any one or more of the objects of the trust.

4. BENEFICIARIES: The trust shall be a public charitable trust and the beneficiaries of this Trust shall be public in general without distinction of any religion, caste, colour or creed.

BOARD OF TRUSTEES, THEIR APPOINTMENT AND POWERS, ITS MEETINGS ETC.

5. BOARD OF TRUSTEES:-

- (a) The affairs of the Trust shall be managed, controlled and supervised by the Board of Trustees.
- (b) The maximum number of Trustees shall be 7 (Seven) and the minimum number of trustees shall be 3 (Three). The numbers of trustees may be increased by a resolution passed by Trustees in their meeting.
- (c) The Trustees from amongst themselves may elect the following officer bearers:-
- i. Chairman-cum-Managing Trustee.
 - ii. Secretary
 - iii. Treasurer.

They shall exercise such powers or perform such functions as the Board of Trustees may decide from time to time.

- (d) The Trustees appoint under the Trust deed shall be Trustees of this trust during their lifetime.

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Nanika Modak.
Jannay Modak.
Omni Modak

6. MEETING OF THE BOARD OF TRUSTEES:

- (a) The Trustees shall hold meeting of the Board of Trustees from time to time as may be necessary.
- (b) At least one meeting of the Board be held once in every three months.
- (c) The Managing Trustee may himself/herself or he/she may direct the Secretary to convene the meeting of the Board of Trustees. Any Trustees may request the Managing Trustees or the Chairman to convene the meeting by a requisition in writing and specifying the objects for which he/she wants the meeting to be convened., if the Managing Trustees and or the Chairman does not hold the meeting within a fortnight of the requisition the Trustees sending the requisition may convene the meeting at the office of the Trust but no business other than that specified in the requisition will transacted at such meeting.
- (d) Notice of all meeting of the Board of Trustees will be sent to the permanent address or the previously intimated address of the Trustees.
- (e) The Quorum of the meeting shall be $1/3^{\text{rd}}$ (one Third) of the total number for the time being but there will be no quorum for the meeting adjourned for want of quorum. While computing the quorum, fraction thereof shall be ignored.
- (f) The Chairman or in his absence the Managing Trustees of the Board of Trustees shall preside over all the meeting of the Board of Trustees. If in any meeting both of them are not

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Bimal Krishna Modak
Malika Modak.
Jannay Modak -
Om Modak

present within 30 (thirty) minutes of the time appointed for the meeting, any one of the Trustees as may be decided by the Trustees present shall preside over such meeting.

- (g) Minutes of every meeting of the Board of Trustees shall be prepared and placed for confirmation at the next meeting and if confirmed, shall be signed by the Chairman of the meeting.
- (h) All decisions of the Board of Trustees shall be by majority of votes and in the case of equality of votes the Chairman of the meeting shall have the second or casting vote.
- (i) A meeting of the trustees for the time being at which a quorum is present shall become competent to exercise all or any of the authorities powers and discretions by or under this deed vested in them ort otherwise exercised by them.
- (j) The Trustees may from time to time frame rules for the conduct and regulations of the meeting of the Board of Trustees.

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Bimal Krishna Modak
Mellika Modak.
Jannay Modak.
Dini Modak

7. POWER, DUTIES ETC. OF THE BOARD OF TRUSTEES

The Board of Trusts shall have all power appropriate and necessary for the fulfillment of any or all of the objects of the Trust or necessary and appropriate for the effective and efficient administration of the Trust properties and affairs. Without affecting the generally of such powers and function, the Board of Trusts shall have the following powers and perform the following functions;

- (i) To accept donations contributions grants, subscription or any aid or assistance or help in cash or in kind any person, person, firms, companies, trusts, body or bodies corporate etc.
- (ii) To apply the whole or any part of the income or accumulation thereof or the whole or any part of the corpus or the trust property or fund for one more of the objects of the Trust as the Board of Trusts may determine from time to time.
- (iii) To invest and keep invest the Trust fund in immovable properties, movable properties, shares, stocks, debentures, or in other securities etc. strictly in conformity with the provision of the Income Tax Act, 1961, or same other law for the time being enforce and to alter, vary or transpose such investments from time to time as the Trustees may in their discretion think fit.

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Bimal Krishna Hada
Melika Modak.
Janmay Modak.
Omni Modak

any of the power vested in the trusted under this presents and from time to time to removed such attorneys or agents or servants, etc. and to appoint another or others in their place and the fix their duties, responsibilities and the terms and conditions of their appointments compound, commence abandon refer to arbitration, all actions, suits, crimes, demands, dispute, difference and proceedings, regarding the properties and affairs of the Trust.

- (x) To appoint or make provision for the appointment of committees or sub-committees of trustees and or others to attend or supervise or conducts such jobs or functions or trust matters I such rules and regulations as the Trustees may prescribe;
- (xi) To make, alter, amend or modify or repeal rules and regulations, bye -laws, for carrying out the objects of the Trust and for the managements of the affairs of the Trust and for running of institutions in furtherance of the objects of the Trust;
- (xii) To set apart the whole or part of the income or corpus of the Trust for any of the objects of the Trust.
- (xiii) The Trustees shall be entitled to receive any reimburse as themselves of expenses actually insured by them in connection with the work of the Trust or their duties relating thereto;

Bimal Krishna Modak
Mallika Modak.
Jannay Modak.
Omni Modak

- (iv) To sell, dispose of, alienate or otherwise deal with any property, movable or immovable, comprising the Trust fund;
- (v) To let out or demise any immovable property comprised in the Trust fund for the time being on such rent and on such other terms and conditions as the Board of Trustees shall think fit and proper for the benefit for the benefit of the Trust.
- (vi) To, borrow if need be against the security of the assets of the Trust by way of bank overdraft, loan, or otherwise, as may necessary, for the benefit of the Trust and for more effectively carrying out the objects of the Trust;
- (vii) To open account or accounts with any Bank or banks to operate such account or accounts and to give instructions to the bank or banks and to provide for opening and operation of such accounts(s) by one or more of the Trustees or by any other person or persons and agent appointed by the Trustees may think fit;
- (viii) To adjust, settle, compromise, abandon refer to arbitration, all actions, suits claims, demands, disputes, difference and proceedings, regarding the properties and affairs of the Trust;
- (ix) To appoint constituted, attorneys, agents, minimum accountants, secretary, auditors or other servants, to delegate to such attorneys or agents or servants, all or

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Bimal Krishna Modak
Mallika Modak
Jannay Modak
Om Modak

- (xiv) The Trustees shall be chargeable only for such moneys, stocks, funds securities and income and / or any other trust property as shall actually come into their hands and a Trustees shall not be answerable or accountable for neglect, default, acts, of omission or commission of their other Trustees nor of any other person with whom the Trust properties or securities may have been deposited or kept;
- (xv) If any Trustee dies, retires, or becomes unfit or incapable to act, continuing or surviving Trustees will be competent to appoint a Trustee in place of such Trustees.

8. **REMOVAL AND RETIREMENTS OF TRUSTEES**

- (a) Any Trustee may retire from office upon giving one month's notice in writing to the remaining Trustees or to the Managing Trustee of his/ her intention to do so and such resignation / retirement shall take effect upon expiration of such notice or its earlier acceptance;
- (b) A Trustee shall cease to be a Trustee :
 - i) If he /her dies;
 - ii) If he /she becomes insane;
 - iii) If he/ she resigns;
 - iv) If he /she is convicted of any offence invoking moral turpitude .

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Mallika Modak.
Jannay Modak.
Omni Modak

9. A Trustee may be removed by the Board of Trustees if it considers that the activities of such Trustee are detrimental to the interest of the Trust. Provided, however, no trustee can be removed under this provision unless;

- a) Such Trustee is apprised of the precise charges against him/ /her and is given proper opportunity to explain his / her case;
- b) The resolution removing his/ her is passed at least by 3/4th (Three Four) majority of the Trustees present in that meeting.

10. **ACCOUNTS :**

- (a) A true and correct account shall be kept for all money received spent as well as of all the assets, credits and effects of Trusts properties and / or all matters in respect thereof in course of the management of trust properties or in relation to carrying out of the object of the Trust. Such accounts shall be got audited by a Chartered accountant.
- (b) The accounting year of the Trust shall be such as the Trustee may decide;

11. A resolution in writing circulated amongst all the Trustee for the time being and signed affirmatively by the majority of the Trustees shall be as valid and effective as if it has been passed at a meeting of the board of Trustees duly and convened.

12. The Board of Trustees may from time to time frame rules and / or amend, modify, add to and delete such rules for the conduct of affairs of the Trust and also for regulation the meeting of the Board of Trustees in accordance with the provisions of the presents.
13. The Board of Trustees may be a unanimous vote of the for the time being presents in a meeting specially called for the purpose decide to amalgamate this Trust with another having similar objects to those mentioned in these presents on such terms and conditions as may appear fit and proper to the Trustees.

SIGNED. SEALED AND DELIVERED ON THE DAY, MONTH AND YEARS FIRST ABOVE WRITTEN.

Witnesses :

1. Birendra Das. Dutt.
8/0 Kati Bidyashar Dutt
Or H. 37. Bakul Path
Gueswari - 14.

2. Jahnabi Das
Advocate
any

Bimal Keshava Modak
(SETTLER)

Bimal Keshava Modak.
Malika Modak.
Jannay Modak.
Om Modak

(TRUSTEES)

स्थायी लेखा संख्या /PERMANENT ACCOUNT NUMBER
ADDPM8770F

नाम /NAME
MALLIKA MODAK

पिता का नाम /FATHER'S NAME
SAMAR CHANDRA DEY

जन्म तिथि /DATE OF BIRTH
16-08-1961

हस्ताक्षर /SIGNATURE
Mallika Modak.

आयकर अधिकारी(विभाग), शिल्लोंग
COMMISSIONER OF INCOME-TAX(SYSTEMS), SHILLONG

स्थायी लेखा संख्या /PERMANENT ACCOUNT NUMBER
ACZPM0476H

नाम /NAME
BIMAL KRISHNA MODAK

पिता का नाम /FATHER'S NAME
BIRENDRA KISHOUR MODAK

जन्म तिथि /DATE OF BIRTH
30-01-1954

हस्ताक्षर /SIGNATURE
Bimal Krishna Modak

आयकर अधिकारी(विभाग), शिल्लोंग
COMMISSIONER OF INCOME-TAX(SYSTEMS), SHILLONG

आयकर विभाग
INCOME TAX DEPARTMENT

भारत सरकार
GOVT. OF INDIA

OMI MODAK
BIMAL KRISHNA MODAK

03/10/1990
Permanent Account Number
BBJPM8741B

Signature
Bimal Krishna Modak

आयकर विभाग
INCOME TAX DEPARTMENT

भारत सरकार
GOVT. OF INDIA

TANMOY MODAK
BIMAL KRISHNA MODAK

12/12/1986
Permanent Account Number
AJOPM9878K

Signature
Tanmay Modak

आयकर विभाग
INCOME TAX DEPARTMENT

भारत सरकार
GOVT. OF INDIA

SRI BIRENDRA KUMAR DUTTA
BDIYDHAR DUTTA

04/02/1966
Permanent Account Number
ASAPK0024A

Signature
Sri Birendra Kumar Dutta

LAWYERS' ASSOCIATION, GAUHAATI
Guwahati - 781 001, Phone : 2540196

IDENTITY CARD

Name - Miss Jahnabi Das
Designation Advocate
Enrolment No. 479/02
Date of Issue

Signature
Miss Jahnabi Das
Holder's Signature

Secretary
Lawyers' Association, Gauhati

29-11-10

Scan no 3

PhotoGraph and Finger Impression of Person involved in the Deed

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1stP.01



2ndP.01



2ndP.02



2ndP.03



2ndP.04



Witn.01



Witn.02



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