

MEMORANDUM OF THE TRUST

1. The name of the trust shall be **HAVYAKA WELFARE TRUST**.
2. The office of the trust shall be at Mumbai.
3. The following shall be the aims and objects of the trust:
 - i. To promote social, moral, educational and cultural advancement among the members of the trust.
 - ii. To foster unity, friendship, co-operation, self help, self-reliance and a spirit of brotherhood among the members of the trust.
 - iii. To grant scholarship/s and or loan to deserving persons in order to further their education.
 - iv. To help deserving persons by giving loans or by any other means during illness, natural calamities, accidents, unemployment, for necessary social functions or in any other types of difficulties.
 - v. To establish, conduct and maintain home for the aged, orphanage/s, hostel/s, educational institution/s, library/ies, medical center, arts and crafts center/s, marriage bureau, auditorium/marriage hall, yoga/ health care centers, place of worship and or such other useful institutions.
 - vi. To promote co-operative housing society/ies of members.
 - vii. To arrange and conduct lectures and or any other functions for the benefit of the members of the trust as well as the general public.
 - viii. To print and publish magazines, periodicals, newspapers, books, leaflets appeals and journals that the trust may consider desirable for the attainment of its objects.
 - ix. To hold public shows and programmes in order to collect funds for the benefit of the trust.
 - x. To borrow or raise money with or without security or by sale, mortgage, charge, hypothecation, pledge, lease, exchange of all or any movable or immovable properties of the trust.
 - xi. To help co-operate or join with and / or subscribe to any other institution/s having any one or more of these objects in common.
 - xii. To be engaged in such other activities as may be incidental and conducive to the attainment of these aims and objects.
4. The income and the property of the trust howsoever derived shall be applied towards the promotion of the aims and objects thereof set forth in this memorandum of the Trust.
5. No part of the income and property of the trust shall be paid or transferred directly or indirectly, by way of dividend, bonus, profit or otherwise howsoever to the members of the trust.

PROVIDED, that nothing herein shall prevent neither the payment in good faith or remuneration to any member in return for services actually rendered to the trust nor the payment of the interest on any money lent by the members to the trust so that no member of the Managing Committee shall be appointed as a salaried employee of the trust or hold any office in the trust to be remunerated by the trust, and no remuneration shall be paid to any member of the Managing Committee except repayment of out of pocket expenses actually incurred, interest on moneys lent, reasonable and proper rent for the premises let to the trust, share of charges for light, water and/or telephone allowed to be

used by the trust and/or payment /of fees for professional services rendered to the trust.

6. We, the several people, whose names, occupations, and addresses are subscribed hereunder, have associated ourselves for the purposes described in this memorandum of the trust.

Sr. No.	Name	Occupation	Address	Signature
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7. The Managing Committee Members elected by the General Body as shown in the Constitution at the special General Body meeting held on..... are the following:

Sr. No.	Name	Occupation	Address	Signature
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RULES AND REGULATIONS

The following shall be the Rules and Regulations of the HAVYAKA WELFARE TRUST. Every reference in these Rules and Regulations to the singular shall include the plural and vice versa wherever applicable, and words denoting the masculine gender shall include the feminine gender.

1. DEFINITIONS

In the Rules and Regulations, unless there be something repugnant in the subject or context,

- i. ‘ **Member** ’ shall mean a person who is a member of the trust as per rules and regulations and whose name appears on the roll of the trust.
- ii. ‘ **Committee** ’ shall mean the Managing Committee of the trust as elected by the General Body for the time being.
- iii. ‘ **Year** ’ shall mean the official year commencing on the 1st day of January and ending on the 31st day of December of each calendar year. But in respect of the first year, it shall commence on the date of formation of the trust and end on the 31st of December 1964.
- iv. ‘ **Premises** ’ shall mean all the places the trust uses for its purpose.
- v. ‘ **Notice** ’ shall mean and include every written intimation or communication addressed to any member, duly signed by an authorized office bearer of the trust and displayed on the notice board of the trust or sent to any member by post or otherwise
- vi. ‘ **In writing** ’ shall mean and include printing, lithography and other mode of representation or reproduction of words in a visible form.
- vii. ‘ **Sub-committee** ’ may be formed with the approval of Managing Committee of which the convener must necessarily be a Committee Member to pursue specific objects of the Trust.

2. MEMBERSHIP

Any person above the age of 18 years who subscribes to the aims and objects of the Trust shall be eligible for membership on his making an application in the prescribed form PROVIDED,

- i. that every such application is recommended by two members who are entitled to vote,
- ii. that every such application is approved by the Committee which reserves the right to reject any such application without being called upon to assign any reason for such rejection. The decisions of the committee thereon shall be final, and
- iii. every such application is accompanied by an entrance fee of Rs. 10.00 (Rupees Ten only) and the subscription fees as mentioned elsewhere.

3. CLASSES OF MEMBERS

There shall be five classes of members, viz.

- i. Patron
- ii. Benefactor
- iii. Sustaining Life Member
- iv. Life Member
- v. Honorary Member

4. PATRON

Any member who pays Rs. 5000.00 (Five thousand only) or \$ 150.00 in respect of persons staying abroad in lump sum at the time of enrolment shall be a Patron.

5. BENEFACTOR

Any member who pays Rs.3000.00 (Rupees three thousand) in lump sum at the time of enrolment shall be a Benefactor.

6. SUSTAINING LIFE MEMBER

Any member who pays Rs.2000.00 (Rupees two thousand) in lump sum at the time of enrolment shall be a Sustaining Life Member.

7. LIFE MEMBER

Any member who pays Rs.500.00 (Rupees five hundred) in lump sum at the time of enrolment shall be a Life Member.

8. HONARARY MEMBER.

Any person distinguished in arts, science, law, commerce, political education or any social field may be admitted as an Honorary Member. He may be a member for life or for a specific period. The Honorary Member shall be exempt from the payment of the entrance membership fees but shall be entitled to all the rights and privileges of a Member.

9. Any existing member can upgrade to a higher class at any time by paying the Sum of amount equal to the difference between the membership fees of said higher and lower classes, prevailing at that time.

10. All membership fees shall be credited to the 'corpus fund 'of the trust.

11. Every member shall abide by the rules and regulations of the trust that may from time to time be in force.

12. LIABILITY OF A MEMBER

The liability of a member shall be limited to the amount of dues if any to the trust.

13. RIGHTS AND PRIVILAGES OF A MEMBER

A member shall be entitled to:

- i. Vote in General Meetings.
- ii. Contest elections to the committee.

- iii. Contest elections for the post of Internal Auditor.
- iv. Get copies of any and all the publications of the trust such as books, periodicals, pamphlets, circulars etc. free of cost or at such rates as may be decided by the Committee.
- v. Use the libraries set up by the trust.
- vi. Attend seminars, lectures/or any other function arranged by the Committee subject to the payment of subscription or fees fixed by the Committee, but with no obligations to the Committee.
- vii. Enjoy all other benefits to the extent to which the trust can afford its members.
- viii. Receive any information regarding the affairs of the trust in the manner shown elsewhere.

14. DUTIES OF A MEMBER.

It shall be the duty of a member to:

- i. co-operate with the Committee to attain the aims and objects of the trust and
- ii. inform the General Secretary promptly, any changes in his address and also intimate to him any other relevant information.

15. GROUNDS FOR THE TERMINATION OF MEMBERSHIP.

A person shall cease to be a member if:

- i. he resigns by a notice in writing, subject to such resignation being accepted by the Committee.
- ii. he acts intentionally in a manner prejudicial to the interests of the trust and the Committee thereupon passes resolution for the termination of his membership.
- iii. he is legally disabled or
- iv. he is convicted for any offence involving moral turpitude.

16. A person who has ceased to be a member on the grounds enumerated in rule 15 can be readmitted only by the General Body on his making a fresh application through the Committee after a lapse of not less than 12 months from the date of termination of his membership.

17. ANNUAL GENERAL MEETING

The Annual General Meeting of the trust shall be held once in every year at the time, date and place fixed by the Committee within 90 days from the closing of the year, to transact the following business:

- i. To confirm the minutes of the previous Annual General Meeting and also those if any Special Meetings held during the year,
- ii. To consider any motions or questions duly brought forward in accordance with rule no. 18.
- iii. To get Annual Accounts of the trust passed.
- iv. To elect the required number of members of the committee for the ensuing year as per the election rules.
- v. To elect an Honorary Internal Auditor.
- vi. To appoint the auditors for the ensuing year and fix their remuneration.

vii. To conduct any other business with the permission of the chair

18. Any member intending to move resolutions or as questions shall be required to send the same in writing to the General Secretary at least 3 days prior to the General Meeting.

19. No member shall be entitled to vote/contest election or move any resolution if he is not a member of at least three months standing.

20. A member shall have only one vote and voting by proxy shall not be allowed.

21. Voting shall be by the raising of hands. But by ballot shall be allowed by the chair if demanded by at least 5 members present.

22. All decisions in the General Meeting shall be taken by a simple majority of the members present and voting.

23. Any dispute pertaining to the validity or otherwise of a vote shall be settled by the Chairman and the decision of the Chairman shall be final.

24. SPECIAL GENERAL MEETING

i. Special General Meeting may be called by the Committee to transact any important business and in such meetings only the mentioned agenda shall be discussed and decided.

ii. Special General Meeting s may also be called by the President or in his absence by the Vice-President or by the General Secretary on a requisition made in writing by either two-thirds of the total members or 100 members whichever is less, giving the reasons for such requisition. The meeting shall be called within 45 days from the date of receipt of the requisition with due approval of the Managing Committee.

25. In all the Special General Meetings, decisions shall be taken by a majority consisting of two-thirds of the members present and voting.

26. NOTICE TO THE GENERAL MEETINGS

A notice of not less than 15 days in the case of Annual General Meeting and not less than 7 days in the case of Special General Meetings shall be given to all the members, specifying the date, time, place and the agenda of the meeting.

27. QUORUM FOR THE GENERAL MEETINGS

Either 2/3rd of the total members or 50 members, whichever is less shall be deemed as the quorum for any General meeting, Annual or Special.

i. No business shall be transacted at any General Meeting, whether Annual or Special, unless the requisite quorum is present at the commencement of the Meeting. The meeting shall stand adjourned if within 30 minutes of the Scheduled time of the meeting no quorum is

present. The adjourned meeting shall be held not later than 30 days from the date of adjournment. A fresh notice shall be given to the members for an adjourned meeting.

- ii. If a Special General Meeting called in pursuance of rule no. 24 (ii.) no quorum is present, the meeting shall stand cancelled and no adjourned meeting shall be called.

28. No quorum shall be necessary for an adjourned meeting.

29. The President and in his absence Vice-President shall preside over all the Meetings. In the absence of both, a Chairman shall be elected from among the members present to preside over the meeting. In case the candidates proposed for the chair at the meeting secure equal votes, the selection shall then be by lots. The Chairman of the meeting shall exercise a casting vote, besides his vote, in case of tie over any issue.

30. THE MANAGING COMMITTEE

The committee shall consist of 14 elected members from whom the following Office bearers will be elected as per rule no. 33.

- i. President,
- ii. Vice-President,
- iii. Hon. General Secretary,
- iv. Hon. Joint Secretary,
- v. Hon. Treasurer.

31. The President, Vice-President, General Secretary, Joint Secretary and the Treasurer shall be called office bearers.

32. Out of 14 members, 7 members will retire by rotation every alternate year, to elect equal number of new members every year at the Annual General Meeting to fill the vacancies so caused. If during the year the Committee resigns or is removed by a vote of no confidence, a new Committee shall be elected at a Special General Meeting and the new Committee shall hold office until the next Annual General Meeting.

33. ELECTION OF OFFICE BEARERS

The outgoing Hon. General Secretary shall convene a joint meeting of all the retired and co-opted members along with the newly elected members within 30 days of the Annual General Meeting. In this meeting only the newly formed committee shall elect the office bearers.

34. TRANSFER OF CHARGE

The outgoing office bearers shall hand over the charge to the newly elected office bearers within 15 days of the election of office bearers. The outgoing office bearers shall be deemed as holding office until the charge of office is transferred to the newly elected office bearers of the Committee completely.

35. DUTIES OF OFFICE BEARERS

THE PRESIDENT:

The following shall be the duties of the President who is elected by the Committee in accordance with rule no. 33.

- i. Presiding over and conducting all the meetings.
- ii. Summoning Special Meeting directly under rule no 24 (ii) besides summoning the meetings through the General Secretary.
- iii. Signing documents and agreements as authorized under rule no. 40.
- iv. Operating the bank account if necessary in accordance with rule no.52.

36. THE VICE-PRESIDENT

Vice-President elected according to rule no. 33 shall officiate for the President during his absence.

37. THE GENERAL SECRETARY

General Secretary, elected by the Committee according to rule no. 33 shall have the following duties mentioned hereunder:

- i. He shall attend to all the business entrusted to him by the committee and shall act in every respect as directed by the Committee.
- ii. He shall be in-charge of the correspondence of the trust.
- iii. He shall issue notices of meetings to the members.
- iv. He shall maintain registers, preserve documents, collect money and disburse the same as directed by the Committee and shall give the accounts to the treasurer from time to time.
- v. He shall maintain the minutes of all the meetings and submit the same to the Committee.
- vi. He shall submit to the General Body the minutes of the General Meetings and the Annual report as approved by the Committee.
- vii. In case of an emergency he may, with the approval of the President take decisions and actions before consulting the Committee, but such decisions and actions shall have to be placed before the Committee for its approval at the next Committee Meeting.
- viii. He may on his own responsibility, entrust any part of his duties to any Committee member and/or to any responsible employee of the trust.
- ix. He shall operate the bank account if necessary, as authorized under rule no. 52.

38. JOINT SECRETARY

The joint Secretary elected by the Committee under rule no. 33 shall assist the General Secretary and shall act for him during his absence.

39. TREASURER

The Treasurer elected by the Committee under rule no.33 shall perform duties detailed below:

- i. He shall receive from the General Secretary the accounts of the money received and disbursed on behalf of the trust, and maintain the same.
- ii. He shall keep the account books and vouchers and also maintain an inventory of all movable and immovable properties of the trust.

- iii. He shall keep the Committee informed of the financial position of the trust from time to time.
 - iv. He shall prepare the annual statement of account and get the same approved by the Committee.
 - v. He shall have the Annual Accounts audited by the auditors appointed by the General Body and shall present the annual statement of accounts to the General Body in the Annual General Meeting.
 - vi. He shall prepare the budget if necessary
 - vii. He shall operate the bank account if necessary, as authorised under rule no.52.
- 40.** No document such as agreements, hypothecations, mortgages, leases etc. shall be valid unless they are jointly signed by the President and Gen. Secretary or as may be directed by the Committee.

41. THE HONARORY INTERNAL AUDITOR

The Hon. internal auditor elected by the General Body from among the members, shall check from time to time the accounts of the money collected and disbursed on behalf of the trust. He shall assist the Treasurer in preparing the Annual Statement of Accounts and check the same. He shall have access to all the books, letters, documents and inventories of the trust at all reasonable times. He shall be invited to all the Committee Meetings.

42. CO-OPTION OF MEMBERS

A Committee may at anytime co-opt a maximum of 8 members for a period of one year. The co-opted members shall have all the rights of the committee Members. Co-opted members shall not be eligible to be elected to any office.

43. NOTICE OF COMMITTEE MEETINGS.

The Committee Members shall be given at least 5 days notice for any Committee Meetings mentioning therein the date, time and place of the meeting and also the agenda.

44. QUORUM FOR THE COMMITTEE MEETINGS.

The quorum for the Committee Meetings shall consist of 5 Committee members, including the Gen. Secretary or alternately the Joint Secretary and at least 2 elected members of the Committee who are not office bearers. In the case of both the President and Vice-President being absent, an additional elected member shall be included to form the quorum.

45. A Committee Member shall be required to disclose his personal interest, if any, in all matters that may come up before the Committee and on such matters he shall not be eligible to vote.

46. An office bearer can be removed from his office on a no confidence motion being passed to the effect in a Committee Meeting. Such office bearer shall hand the charge of his office over to the new office bearer, elected in his place, at the time of his removable from the office or within 7 days of removal. But the ex-office bearer shall continue to be a member of the Committee.

47. TERMINATION OF COMMITTEE MEMBERSHIP

A person shall cease to be a Committee Member if:

- i. he tenders his resignation by notice in writing and the same is accepted by the Committee.
- ii. he, having received a notice from the Committee for absenting himself from three consecutive Committee Meetings, is unable to give in writing any valid and satisfactory reason for the absence.
- iii. he is removed in the General Body Meeting after a motion for his removal is duly received and passed, and
- iv. he ceases to be a member on the grounds set forth in rule no.15.

48. If an office bearer vacates his office in pursuance of rule no. 46 he shall hand over the charge of his office to the newly appointed office bearers within 7 days or within a period specified by the Committee.

49. RIGHTS AND PRIVILEGES OF A COMMITTEE MEMBER

A Committee member shall have access to all the books, registers, documents, letters and inventories of the Trust at all reasonable times.

50. POWERS AND FUNCTIONS OF THE COMMITTEE

Subject to the rules and regulations of the Trust and to the resolutions passed in the General Meetings the Committee shall have absolute authority to carry on the business of the Trust as it finds fit, to attain the aims and objects of the Trust.

51. COMMITTEE MEETINGS

The Committee Meetings shall be held as often as required, but there shall not be a gap of more than 60 days between two meetings to transact any one or more of the following business.

- i. To create posts, appoint, promote, demote, give an increments suspend or punish the salaried employee of the Trust.
- ii. To remove and /or elect any one or all the office bearers. To appoint an internal auditor when and if the post falls vacant, till the next Annual General Meeting.
- iii. To consider and deal with applications for membership. The Committee shall however have the right to reject any application for membership without assigning any reason for such rejection.
- iv. To receive and deal with complaints
- v. To create/terminate sub-committees as and when required and to bestow necessary power upon such Committee.
- vi. To examine and check accounts.
- vii. To hold inquires and take necessary actions against defaulting members.
- viii. To scrutinise and approve the annual statement of accounts and the annual report.
- ix. To institute, defend, compromise or withdraw legal proceedings.
- x. To construct and maintain houses or other buildings or any immovable property belonging to the Trust or in which the Trust has an interest and/or alter, extend, enlarge, improve, repair or modify the existing

- buildings and provide and equip them with electricity, water supply, sanitary requirements and/or any other things that may be necessary for the proper use of the buildings for which it is constructed or held.
- xi. To sell, transfer, exchange, demise or dispose off any property belonging to the Trust.
 - xii. To invest and deal with moneys of the Trust, as decided from time to time.
 - xiii. To take suitable steps for the recovery of loans and other dues.
 - xiv. To procure the assistance and services of qualified instructors, teachers, professors, artists, medical and technical personnel, lawyers or any other professional people on a voluntary basis or otherwise.
 - xv. To guide, assist and co-operate with the General Secretary to prepare the Annual Report and with the treasurer to prepare the Annual Statement of Accounts.
 - xvi. To depute any delegate, representative or nominee, official and/or unofficial bodies to any part of the Indian Union or to any part of foreign countries or foreign governments, for the promotion of the objects of the Trust.
 - xvii. To set up other bodies or organizations or Trusts in India or abroad.
 - xviii. To transact any business and consider any proposals which may be conducive for the promotion of the aims and objects of the Trust.

52. BANK ACCOUNT

All the moneys of the Trust shall be deposited in any one or more of the scheduled banks and the bank account shall be operated on behalf of the Trust jointly by any two of the following, viz. the President, the General Secretary, Joint Secretary, and Treasurer.

53. The General Secretary shall have at no time keep in his possession more than a sum of Rs.5000.00 (Rupees five thousand only) without the prior sanction of the Managing Committee for a period not exceeding two weeks.

54. AMMENDMENT TO THE CONSTITUTION

This constitution shall not be altered, amended or expanded except at a Special General Meeting, by a resolution supported by a majority of two thirds of the members present and voting. The proposed changes or additions to the Constitution shall be included in the agenda for such a meeting and circulated among the members.

55. OFFICIAL LANGUAGE

The official language of the trust shall be English.

56. Upon the dissolution of the Trust in pursuance of a decision taken to the effect by the General Body in the General Meeting specially called for the purpose or on the direction of the Government if assets remain after satisfying all the debts and liabilities of the Trust, such assets shall not be distributed among the members, but shall be donated to any other institution in the Indian Union with its objects similar to those of this Trust. The institution to which the assets are to be donated shall be determined by the General Body at or

before the time of dissolution of the Trust or in default thereof, by the High Court of Mumbai.

57. All the disputes shall be subject to the jurisdiction of courts in Mumbai.