

FILE NO. 11/2023

V/S = 50(A)

BEFORE THE LD. ASST. CHARITY COMMISSIONER  
GREATER BOMBAY REGION, MUMBAI

Encl

अर्ज क्रमांक 8044 कलम/नियम 29  
 अर्जदाराचे नाव : Adv. Amrapati Madan  
 नवलेचा अर्ज प्रोत्साह तो दिनांक : 30/08/2023  
 नवलेचा अर्ज दिनांक : 09/08/2023  
 नवलेची दिनांक :  
 रक्कम रुपये 4521- दि. 14/08/2023

In the matter of Section 50A of  
the Bombay Public Trust Act, 1950

And

In the matter of "Shraddha  
Rehabilitation Foundation" bearing  
P.T.R. No. E-13686 (MUMBAI)

"Shraddha Rehabilitation Foundation" )

through its Managing Trustee )

Dr. Bharat M. Vatwani )

Mumbai )



APPLICATION FOR APPROVAL OF SCHEME UNDER  
SECTION 50(A) OF THE BOMBAY PUBLIC TRUST ACT, 1950.

Dr. Bharat M. Vatwani, the signatory of this Application, and one of  
the Trustee of "Shraddha Rehabilitation Foundation" duly registered  
under the Bombay Public Trusts Act, 1950 under PTR No. E-13686  
(Mumbai)

2. The Applicant herein above state that the said Trust was created under Deed  
of Trust in the year 1991 which is hereinafter referred to as the said Deed  
of Trust. The said Trust Deed is old and it needs to be amended altered or  
to be replaced by a new Scheme. A copy of the said Deed is Trust is annexed  
hereto and marked Exhibit " A ".

3. The Applicant state that the clauses in the present Deed of Trust were not  
wide enough to enable the Trust to carry out its activities, specially the



Registered as  
Application under Section  
of M.P.T. Act 1950.  
Bharat M. Vatwani  
12/08/2023

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purposes to the undertaken by the Trust. It is in this background that the Applicant seeks to adopt a proper Scheme for the better management and administration of the Trust especially in view of the fact that the said Deed of Trust in its present form suffers from the shortcomings, inter alia due to changed circumstances.

4. The Applicant says and submits that the Trustees in their meeting held on 23<sup>rd</sup> December, 2022 at 10.30 am at Shraddha Manasarovar, Opp. Eskay Club, Off New Link Road, Mumbai - 400 103 and authorized the Applicant, being the Managing Trustee, to draft a Scheme for the better administration and management of the Trust, in lieu of the present Deed of Trust dated 29<sup>th</sup> November, 1991. A certified copy of the Resolution, unanimously passed by all the Trustees authorizing the Applicant to draft a Scheme is enclosed and marked as Exhibit " B "

5. Proposed Scheme as drafted, the Applicant request this Hon'ble Authority to ratify and confirm the following Trustees on the Board of this Trust



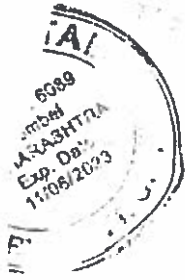
<u>Sr.No.</u>	<u>Names</u>	<u>Designation</u>
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1	Dr. Bharat M. Vatlwani	Managing Trustee <i>Bharat</i>
2	Mr. Ashok Mohanani	Trustee <i>Ashok</i>
3	Dr. Roopa Ajay Tekchandani	Trustee <i>Roopa</i>
4	Mr. Denit Mathew	Trustee <i>Denit</i>

6. A Resolution, unanimously passed by all the Trustees, consenting to the framing of the draft Scheme, is annexed hereto and marked Exhibit " C "(colly).

7. The Applicant herein above states that this Public Trust was created in Mumbai and the said Deed of Trust was made in Mumbai. Hence, the

Applicant submits that this Hon'ble Authority has jurisdiction to entertain this Application.



8. The Applicant therefore prays that this Hon'ble Authority may be pleased to permit the Applicant to frame a Scheme for the Management and Administration of the Applicant Trust in terms of the draft scheme prepared by the Applicant and annexed hereto marked Exhibit 'D'.

9. The Applicant further submits that this Hon'ble Authority is empowered to frame such a Scheme, as prayed for, under the provisions of Section 50A of the Bombay Public Trusts Act, 1950.



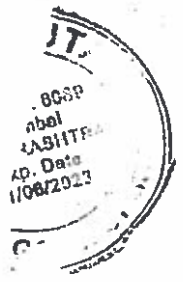
10. The Applicant hereby confirms and declares that there is no litigation against this Public Trust nor is there any order restraining this Public Trust from adopting the Scheme for the better management and administration of this Public Trust. The Applicant further says and submits that the Scheme, if framed by this Hon'ble Authority, is in the best interest of this Public Trust and is in the interest of Charity.

11. The Applicant draws the attention of this Hon'ble Authority that under the amended expanded objects as contained in Paras of the Scheme, the benefit of this Trust is being extended to benefit beneficiaries residing in urban and rural areas without any distinction as to their caste, creed or community.

This step is in keeping in the mind with the secular nature of the constitution of our Country and in keeping with the changed cultural scenario, and with a view to narrow down discrimination on the basis of

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caste, creed or community, at the same time keeping in mind the wishes of the Settlor.



- 12. Certified true copies of the last three year's accounting returns are annexed hereto and marked Exhibit " E " collectively.
- 13. The applicant says that the requisite Court fee Stamp has been duly affixed to this application.

The applicant therefore prays that this Hon'ble Authority may be pleased to Sanction the :

- a) Scheme framed for better Management and Administration of the applicant Trust in terms of the draft Scheme annexed hereto
- b) Pass such further orders as this Hon'ble Authority may deem fit and proper.



*Bharat M. Vatwani*

Dr. Bharat M. Vatwani

Applicant.

Date : 13.8.2023

Place : Mumbai.



(C)

VERIFICATION



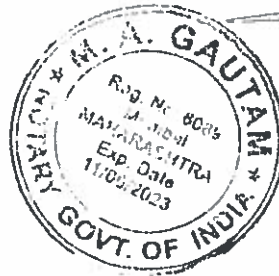
I, Dr. Bharat M. Vatwani, the applicant herein above do hereby swear and state that contents of the above application are true to the best of my knowledge and information.

Solemnly affirmed at Mumbai )

This 13<sup>th</sup> day of Feb, 2023. )

(Dr. Bharat M. Vatwani)  
Applicant.

Before me.



BEFORE ME

17/3/2023

M. A. GAUTAM

Reg. No. 6089, Mumbai

NOTARY GOVT. OF INDIA

Res: Adenwala Compound, R. N. 132

M. J. Marg, Parel Village,

Mumbai-400 012



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**BEFORE THE ASSISTANT CHARITY COMMISSIONER-V**  
**GREATER BOMBAY REGION, MUMBAI.**

(Presided over by Bharat S.Gaikwad)

**Scheme Application No.ACC/V/11/2023**

Under Section 50A (1) of the Maharashtra  
Public Trusts Act, 1950.

In the matter of public trust

**"Shraddha Rehabilitation Foundation".**

**P.T.R. No. E-13686 (Mumbai).**



Dr. Bharat M. Vatwani

... Applicant.

V/s.

N I L

... Opponent

**Appearance** :- For Applicant Adv. Miss.Amrapali M. Magare

**J U D G M E N T**  
**(Delivered on 31.07.2023)**

The brief facts of this proceeding is as under:

1. This is an inquiry under section 50A (1) of the Maharashtra Public Trusts Act, 1950 submitted by applicants for framing a scheme for better and efficient management and administration of the trust namely "Shraddha Rehabilitation Foundation" (hereinafter referred to as 'trust').

2. Present trust is registered under the provisions of Maharashtra Public Trusts Act, 1950 bearing Public Trusts Registration No. E-13686/Mumbai. Applicant Stated that present

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31/07/2023

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trust deed are not wide enough to carry out the activities of the trust. He further stated that board of meeting passed resolution on 23.12.2022 and approved draft scheme for better management and administration of the trust. He prayed that scheme may be framed for the trust.

3. Considering the documentary evidence following points are arise for my determination and I have recorded my findings with giving reasons as under :

Sr. No.	Points for Determination.	Findings
1	Whether it is just, proper and expedient to frame a scheme for the trust viz. "Shraddha Rehabilitation Foundation" Public Trusts Registration No. E-13686/Mumbai	Yes,
2	What scheme should be framed?	As per Annexure - 'A'
3	What order?	As per final order



**REASONS FOR FINDINGS.**

**As to point No.1 to 3**

4. Applicants have filed on record copy of trust deed (Exh.2) copies of notices ( Exh.3 & 5), copies of minutes of meetings (Exh.4 & 6). copy of proposed draft scheme (Exh.7), orders copies of previously accepted change reports (Exh.10 connectively), copy of comparative Statement (Exh.11), copy of schedule-I (Art-1), affidavit of applicant (Exh.09) and other documents.

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Scheme Appln. No ACC V/11.2023

5. Perused the application, draft scheme and documents on record. It appears that trust is registered under the provision of Maharashtra Public Trusts Act, 1950. It is pertinent to note that trust is running from 29.11.1991 vide trust deed which is made at the time of registration. After laps of huge time constitution has not seems to be effective for proper administration. Trustee intends to expand activities of the trust. Applicant stated that board of meeting held on 23.12.2022 and unanimously approved the draft scheme. After perusal copy of minutes of meeting (Exh. 6) it appears that board of trustees passed resolution and approved Scheme for the trust. In such situation scheme is required to be framed for proper administration and management of trust. Therefore, it would just and fair to frame scheme for proper administration and management of the trust.



6. Once it is decided to frame a scheme for the proper management and administration of trust, next question arises as to what scheme should be settled. In this respect I have perused proposed Draft Scheme filed by applicants at Exh.7. The said scheme provides relevant provisions for better administration and management of the trust. Therefore, it would just and fair to frame the scheme for proper administration and management of trust.

7. The special feature of the scheme is that all necessary provisions are incorporated in the said scheme which will definitely help trustees to carry out day to day affairs of trust smoothly and efficiently. Hence, I answer point No.1 and 2 in the affirmative. In answer to point No.3 I proceed to pass following order,

By

**ORDER**

1. Inquiry Application No. ACC/V/11/2023 is hereby allowed.
2. The scheme is framed for better and efficient management and administration of the trust viz. "Shraddha Rehabilitation Foundation" Public Trusts Registration No. bearing E-13686/Mumbai".
3. Henceforth the trust shall be governed as per the scheme framed below Annexure – 'A' which shall form part and parcel of this Judgment.
4. P.T. Register be amended accordingly.
5. No order as to costs.

Mumbai.  
Date: 31.07.2023

*Bharat S. Gaikwad*  
13/07/2023  
(Bharat S. Gaikwad)

I/c. Assistant Charity Commissioner-V,  
Greater Bombay Region, Mumbai.



Certified to be a True copy

*I/c*  
*09/08/2023*  
Superintendent (Certified Copy)  
Public Trust Registration Office  
Greater Mumbai Region Mumbai

*8*  
*09/08/2023*





**DRAFT SCHEME FRAMED UNDER SECTION 50(A) OF THE  
BOMBAY PUBLIC TRUST ACT, 1950 FOR THE BETTER  
MANAGEMENT AND ADMINISTRATION OF THE TRUST**

**OF**

**“SHRADDHA REHABILITATION FOUNDATION”  
P.T.R. NO. E-13686 (MUMBAI)**

1. **NAME OF THE TRUST :**

This Public Trust shall be hereafter designated and known as “Shradhha Rehabilitation Foundation” and shall, hereinafter for brevity’s sake be referred to as the “said Trust”.



**REGISTERED ADDRESS OF THE TRUST :**

The registered Office of the said Trust shall be situated at Shradhha Manasarovar, Opp. Eskay Club, Off New Link Road, Borivali (W), Mumbai -400103, or at such other place or places as the Trustees may from time to time decide.

3. **PROPERTY OF THE TRUST :**

The properties of the trust shall consist of all the immoveable and movable properties and shall be maintained in a separate “A” and “B” Registers. All these properties and new accretion thereto and acquisition and donations received thereafter shall be called the “TRUST PROPERTIES”.

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4. **VESTING THE TRUST PROPERTY :**

The trust property shall vest in the Trustees for the time being under this Scheme and shall be administered and managed by them subject to and in conformity with the provisions of this hereof.

5. **OBJECTS OF THE TRUST :**

- a) To provide a central organization to assist in the rehabilitation of mentally afflicted destitute (in particular suffering from schizophrenia) and also those destitute wandering on the streets of Mumbai or anywhere on the streets of India.
- b) To pick up these mentally afflicted wandering destitute from the streets and get them admitted in our institution or to other appropriate institutions for favour of appropriate psychiatric treatment. While mentally ill roadside destitute will be given preference, an attempt could be made to pick up and to provide shelter to all categories of roadside wandering destitute without any discrimination of age, sex, caste, religion and language, be they physically or mentally ailing and unwell and get them admitted to our own institution or to other appropriate institutions for favor of appropriate psychiatric or such other treatment. However, the local human resources, the financial resources and the infrastructural institutional constraints within the Shraddha Rehabilitation Center at Karjat or the other Shraddha Rehabilitation Centers in India, which may be established in due course of time, will be factored in while serving this Objective. Also, while serving the above specific Objective, none of the Trustees would



allow a NEW FRESH admission of any person, destitute or otherwise, who was brought to the Rehabilitation Center by any relative(s), or whose antecedents and family background is/was known at the time of admission. The guiding principle would be to help out those mentally ill destitute who are lost and wandering on the streets of India, whose antecedents and family background is/was NOT known at the time of admission to the Shraddha Rehabilitation Center at Karjat or the other Shraddha Rehabilitation Centers in India, and who after appropriate psychiatric treatment and rehabilitation, could be reunited with their long-lost families in their respective homes in villages, towns and cities across the length and breadth of India.



- c) To provide food, clothing and shelter to all the categories of roadside wandering destitute during admission and stay in our institution.
- d) To trace out and locate the families of all these destitute after appropriate psychiatric treatment and or such other treatment as may be required from time to time, and to help them reunite with their respective families. The Trust would focus on reuniting as many destitute as possible with their families, preferably after recovery.
- e) To educate the medical profession and the general public that "Schizophrenics and all types of roadside destitute including mentally afflicted destitute" can be helped in their attempts to resume normal living and to help to remove misconceptions about the well-being of

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all these wandering destitute and to impress particularly about their capacity for employability and social acceptance.

- f) To publish and disseminate helpful information for the better rehabilitation of all types of roadside wandering destitutes.
- g) To work and co-operate with those National and International Bodies whose purposes are to combat illness in all its forms including mental illness.
- h) To encourage formation of local clubs of rehabilitated destitutes and all ailing and unwell patients, including mentally ill patients.



Subscription, Contribution and /or donation to any public charitable Trusts or Funds or Institutions for promotion of any of the aforesaid objects.

- i) To organize, sponsor and hold lectures, seminars, exhibitions, shibirs, camps, gatherings etc. and to publish and distribute magazines, booklets, leaflets, digests, papers etc. to educate and promote the knowledge of the public about various psychiatric disorders that afflict the wandering destitute.
- k) To do all such other matters and things and to take all such other actions and give financial aid, as and when applicable and deemed necessary, as may appear to the Trustees to be in the best interest and

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to the best advantage of the public (whether it be related to Mental Health, Destitution, Homelessness, General Health issues), but also preferably consistently with and in furtherance of the Objects set out herein and in accordance with the provisions of these presents. PROVIDED ALWAYS also without prejudice to the generality of the foregoing Objects that the help can be given under any of the foregoing Heads (whether it be related to Mental Health, Destitution, Homelessness, General Health issues) wherever the case admits either in the way of pecuniary payments or goods or things or the supply or distribution of goods, foods, clothes or medicines, or through direct financial aid, either directly or through any agents or in any manner which the Trustees may consider desirable.



PROVIDED ALWAYS THAT and without prejudice to the generality of the foregoing objects or any of them, the Trustees shall have power to spend, utilize and apply the Trust Properties and/or Funds for other (whether it be related to Mental Health, Destitution, Homelessness, General Health issues) objects beneficial to mankind as the Trustees may think proper, it being the preliminary object of the Trust that the income and/or the Corpus of the Trust properties and/or Funds shall be utilized for all or any of the aforesaid objects and purposes without any distinction as to caste, creed, sex or religion and PROVIDED ALWAYS THAT the services rendered by Shraddha Rehabilitation Foundation are provided free of charge.

*Handwritten signature and date: 13/11/2023*

- m) PROVIDED FURTHER THAT every contribution by the Trustees to any other Trust, Society or Institution having as its sole object all or any of the aforesaid objects or other (whether it be related to Mental Health, Destitution, Homelessness, General Health issues) objects beneficial to mankind, shall be treated and deemed to be in furtherance and an achievement of the Aims and Objectives for this Trust.
- n) PROVIDED FURTHER THAT notwithstanding anything contained hereinabove the Trustees shall have an absolute power by Deed inter vivos, or such other documents as may be necessary, to add or delete any of the objects or provisions or any part of the aforesaid Trust, which are in accordance with or found contrary to the concepts of public charitable purposes, or objects or outside the scope of the Indian Income Tax Act, 1961, or any re-enactment, replacement or modification thereof and other taxation law as may be applicable from time to time and enforced in India, or the provisions of any other law relating to the public charities in India.
- o) To help in the creation of further Institutions, Societies, Organizations etc. to support/strengthen the cause or any of the Objectives represented by the Trust (whether it be related to Mental Health, Destitution, Homelessness, General Health issues) or anything else which resonates with the philanthropic objectives of the Trust or which may be envisioned in the future and which would be approved by a Resolution of the entire Board of Trustees.





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p) No professional fees, be they on a so-called charitable concessional basis or otherwise, shall be charged to the recipients of the above Objectives of the present Trust and the professional services of the Trust and from within the scope of the Trust shall be rendered free-of-charge for the entire existence of the Trust. This is the very essence and the basis of setting up Shraddha Rehabilitation Foundation.

PROVIDED HOWEVER that the Corpus as well as the Income or any part thereof shall not be transferred, applied, utilized, paid or spent for any private purposes which does not ensure for the benefits of the public and the whole or any part of the Corpus or Income or assets of the Trust and its funds shall not be transferred or applied for any such private purposes, the Trustees shall hold 'the Trust Fund' upon Trust so that the Net Income thereof, and if necessary, the part of Corpus shall be used for all or any of the wholly charitable objects and purposes as described above.



6. **NUMBER OF TRUSTEES :**

The number of trustees shall be minimum 2 and maximum 31.

7. **CHAIRMAN AND MANAGING TRUSTEES :**

Dr. Bharat Maniram Vatwani shall be the first Chairman and Managing Trustee of the Trust and he shall continue to be the Chairman and Managing Trustee for his life time or until he voluntarily resigns. Thereafter the Trustees shall appoint by majority any two from amongst themselves, one as Chairman and other as Managing Trustee for such period as may be decided by the Trustees from time

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to time and to delegate to them such powers and authorities and subject to such conditions as Trustees may decide from time to time.

- a) Managing Trustee shall look after day-to-day management and administration of Trust activities.
- b) The Chairman, and in his absence the Managing Trustee, shall preside at all Meetings of the Trustees and in their absence the Trustees present shall be entitled to elect amongst themselves any one as Chairman for such Meeting.



The Managing Trustee or Authorized Trustee shall exercise such power as are delegated to him and within such limits as are fixed by the Board from time to time.

8. **MODE OF SUCCESSION TO TRUSTEESHIP :**

If the Trustees hereby constituted or any of them or the Trustees of Trust appointed as hereinafter provided shall die or desire to be discharged or refuse or resign or becomes unfit or incapable to act or becomes mentally unsound or physically incapacitated or is adjudicated insolvent or convicted of a criminal offence involving moral turpitude or be absent in three consecutive Meetings of the Trustees or be absent from India for a period of three months or more without obtaining leave of Chairman and/or Managing Trustees of the Trust in writing, then the office of the same said Trustee shall in such circumstances be deemed to have fallen vacant. And the surviving or continuing Trustee or Trustees for the time

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being may subject to provisions of (a) above, appoint by majority any person or persons in the place of the Trustee or Trustees so dying, desiring to be discharged or refusing or becoming incapable to act or becoming mentally unsound or physically incapacitated or adjudicated insolvent or convicted of a criminal offence involving moral turpitude or being absent in three consecutive Meetings of Trustees or be absent from India as aforesaid.

Subject to the maximum number of Trustees mentioned in (a) above, the Trustees shall have power at any time and from time to time to appoint by majority any person/persons as lifetime Trustees or as additional Trustee/Trustees for such period as may be decided by the Trustees from time to time.

**QUALIFICATION OF TRUSTEES :**

Any male or female or other human of above 21 years, and having good moral character shall be eligible to Trustee of this Trust.

**10. DISQUALIFICATION OF THE TRUSTEESHIP :**

The Trustees of the said Trust shall be disqualified to act as Trustees if

- a) He/she acts against the interest of the trust and does not abide by the Deed of Trust and Rules and Regulations framed thereunder.
- b) He/she commits any acts of malfeasance, misfeasance, misappropriation, Breach of Trust in respect of this Trust.
- c) He/she convicted of criminal offence involving moral turpitude or of offence described under the Bombay Public Trusts Act, 1950.
- d) He/she is adjudged or declared he or herself insolvent.

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- e) He/she voluntarily resigns or physically and/or mentally becomes incapable to act as Trustees, or of unsound mind.
- f) He/she be absent in three consecutive Meetings of the Trustees or be absent from India for a period of three months or more without obtaining leave of Chairman and/or Managing Trustees of the Trust in writing.

A Trustee of these presents shall stand discharged from his /her office of Trustee on his or her tendering resignation of his or her office and on the same being accepted by the remaining Trustees of these presents.



11. **BOARD OF TRUSTEES OF THE TRUST :**

1. Dr. Bharat Maniram Vatwani  
Shraddha Manasarovar,  
Behind Shanti Ashram,  
Opp. Eskay Resorts, Off New Link Road,  
Next to Ajmera Regalia, Opp Amazon Park,  
Borivali (W), Mumbai-400103
2. Mr Ashok Gobindram Mohanani  
Plot No 1419 BC,  
13<sup>th</sup> Floor, Flat No 1301,  
'The One' CHSL,  
Nargis Dutt Road, Pali Hill,  
Bandra West,  
Mumbai - 400050
3. Dr. Roopa Ajay Tekchandani  
B-202, 2<sup>nd</sup> Floor,  
New Heritage CHS,  
Off Link Road, Kandarpada,

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Near RBI Staff Quarters, Dahisar(W)  
Mumbai -400068.

4. Mr. Denit Mathew  
1B-308, I aminarayan CHS,  
Eksar, Borivali (W),  
Mumbai-400103.

12. CONSENT OF THE TRUSTEES TO ACT AND THEIR POWER :

Every new Trustee appointed as aforesaid, with their consent previously obtained in writing shall have the same power, authorities and discretion and shall in all respect act as if he/she had been originally appointed under this Deed.

POWERS VESTED IN THE TRUSTEES :

For the accomplishment of the Trust of these presents and without prejudice to the generality of any power hereby law conferred or implied or vested in the Trustees, the following powers and authorities are hereby expressly conferred on the Trustees that is to say.

- a) To purchase or otherwise acquire any immoveable or movable property for all or any of the purposes for the Trust at such rents or otherwise and on such period and with or without option for renewal or purchase as the Trustees may think fit.
- b) To appoint and dismiss and re-appoint different committees, the executives officials, clerks, caretakers, munims, bankers, lawyers.

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brokers, accountants and others on such honorarium or on remuneration and on such terms and as they think fit.

- c) To delegate by power of attorney or otherwise to any Trustee or Trustees or other person whomsoever any power implied by law or conferred by statute or varied in the Trustees by these presents and to withdraw or revoke all or any of such powers. The Trustees shall not be held liable or responsible for the acts or defaults of any such person or persons.



- d) To give donation to any public Charitable institution or funds, subjects to such terms and conditions as the Trustees may think fit to make, but in every such case the Trustees shall make it a condition that the donations shall be spent or applied only for Such welfare purpose or purposes as are authorized by this Deed. The receipt of the trustee or other office of such institutions or fund shall be sufficient discharge to the trustee and the trustees shall not be bound to see the applications of such donations.

- e) To decide all questions arising in the administration of Trust hereof and including all questions relating to the interpretation to these presents or exercise or non-exercise or any powers of the trustee and all questions otherwise concerning or touching these present or any clause or thing therein contained or touching or concerning with or arising out of these presents or the operation thereof. The decision of the Majority vote in any Meeting of the Trustees held to decide on all or any of the matters aforesaid shall be final.

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- f) The Trustees shall have power to regulate the administration of the Trust and application of the income so as to occur for the Trust and for any donor to the trust such exemption and/or relief as may be available under any law governing taxation of income or wealth or gifts. The Trustee may for that purpose from time lay down or accept such restriction, condition or limitations as they may think occur for such exemptions or reliefs.
- g) The Trustees shall be entitled to accept donations or voluntary contributions including those made with a specific direction that they shall form part of the Corpus of the Trust as they may determine from time to time but so that the objects and the name of the Trust shall not be varied in any manner. The Trustees shall have power to accept donations or contributions from any person on condition that a specific institution, not contrary to the object of the Trust be created separately under this Trust bearing any name proposed by the Donor and agreed by them. The receipt in writing of any of the Trustees for the time being of these presents for any donation or contribution to this Trust for any interest, dividend or income of the Trust Fund or for any deeds, papers, writings or other moneys and effects payable or deliverable to the Trustees, shall be sufficient and effectual discharge for the same respectively or for so much thereof respectively as in such receipt or receipts shall be expressed or acknowledged to be or to have been received and the person or persons to whom or in whose favor the same shall be given to, or their heirs executors or administrators, shall not afterwards in any way make any claim.



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- h) The Trustees shall have power and authority from time to time to pay and hand over such part or parts of the Corpus to any charitable or benevolent Institution without conditions or on condition to keep such part or parts of the Corpus intact and use, spend or apply the income thereof for all or any one or more of the objects specified herein or on condition to use the said part or parts of the Corpus in constructing a building or buildings, block or blocks to be used for all or any one/or more of the said objects and purposes.



- i) The Trustees shall have the power to transfer, assign, let, sub-let or give on leave and license basis or otherwise only to another Registered Charitable Trust having objectives (whether it be related to Mental Health, Destitution, Homelessness, General Health issues) which encompass broadly absolutely free medical services to the general population, the immovable properties or part thereof belonging to the Trust with or without conditions for all or any of the objects of the Trust, provided that such letting, sub-letting, leave and license are made and accepted in a manner not inconsistent with the provision contained in these presents, from month to month and from year to year or for any term of years or in perpetuity.

- j) The Trustees shall also be entitled to enter into any agreement or covenants with the owner of or person interested in any other properties and whether restrictive or otherwise as they may from time to time in their absolute discretion think fit, provided the same is furthering the fulfilment of the objects of this Trust.



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- k) The Trustees shall also have the power to insure any premises comprised in the Trust Fund against loss or damage by fire, lightning or civil commotion or to the risks to or losses as the Trustees may from time to time in their absolute discretion think fit, but no liabilities shall attach to the Trustees or any of them by reasons of any property remaining uninsured or insufficiently insured in any way.
- l) The Board of Trustees is empowered to form different committees to fulfill or to achieve the objectives of the trust as and when required. And those committees can be dissolved or reformed whenever need arises by the Board of Trustees.



The Trustees shall be empowered to carry on any trade, industry or exhibition which in the opinion of the Trustees and subject to the provisions of Indian Income Tax Act, Indian Trust Act and the Maharashtra Public Trusts Act for the time being in force are permissible and are essential, incidental or conducive to the attainment or for the fulfilment of all or any of the objects of the Trust.

14. APPLICATION OF INCOME TAX ACT :

AND WHEREAS nothing contained in this deed shall be deemed to authorize the trustees to do any act which may in any way be construed statutory modifications thereof and all activities of the trust shall be carried out with a view to benefit the public at large without any profit motive and in accordance with the provisions of the Income Tax Act, 1961

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or any statutory modifications thereof. AND WHEREAS the trust is hereby expressly declared to be a public charitable trust and all the provisions of this deed are to be constituted accordingly.

All clauses herein are intended to secure exemption from Income Tax on the Income of contributions and donations to the trust and any clause or portion of this Scheme which is inconsistent with or repugnant to the sections of the Income Tax Act, 1961 as amended, substituted or modified from time to time, shall be deemed to be deleted or modified with effect from the date on which the sections to which the clause or part of a clause is repugnant or inconsistent comes into force.



15. **MEETING :**

The Trustees shall hold at least one meeting every three months and these meeting shall be called the Ordinary Meeting. The Trust may also hold additional meeting and such meeting Shall be called Special Meeting. Such Ordinary and Special meetings will be held at such time and place as the Chairman may determine and shall be called by the Chairman.

The Trustees shall keep or cause to be kept a Minute Book of the proceedings. Minute Books of the i) General Body Meetings and ii) Managing Committee Meetings shall be kept in which shall appear-

- a) A clear report of the proceedings at each of the Meetings.
- b) A copy of each notice convening the Meeting, and if required, of each circular on which a decision has been arrived at.

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- c) Minutes shall be read over at the end of the Meeting and when confirmed, shall be signed by the Chairman of such Meeting.
- d) In case of difference of opinion at the time of confirmation of the proceedings of a Meeting, the minutes shall be confirmed according to the sense of over 50% majority vote of the members present at such a Meeting.

Any Resolution of the Trustees may be rescinded or varied from time to time, by majority of the Board of Trustees. In case of difference of opinion arising among the Trustees in the matters herein, the vote of the majority of the Trustees for the time being voting in the matter shall prevail and be binding on all the Trustees and if the Trustees shall be equally divided in the opinion, the matter shall be decided according to the casting vote of the Chairman/Managing Trustee whether or not he/she has previously voted on question or has been present for that particular Meeting only.



**16. BOARD OF TRUSTEES MEETING AND QUORUM :**

- a) The Trustees shall hold at least one Meeting every three months. The Trustees may also hold additional Meetings. Such Meetings of the Board of Trustees will be held at such time and place as the Managing Trustee may determine and shall be called by the Managing Trustee.
- b) Notice in writing of every General Body Meeting of the Board of Trustees shall be put on the Notice Board at the office of the Trust and shall be delivered by hand delivery or sent through the ordinary / speed /

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registered post or email or any other electronic mode to each Trustee at his postal / email address or registered mobile number at least four clear days before the date of the Meeting, provided that in the event of the Board of Trustees framing regulation prescribing some other mode of giving notice, the notice shall be in accordance with such regulation. By majority decision, such requirement can also be waived.

c) There shall be quorum when at least four Trustees are present at any Meeting of the Trustees. If a quorum shall not have assembled within half an hour after time appointed for the Meeting, and three Trustees are present, the three Trustees shall form a quorum. However, the Board of Trustees may decide by Resolution to increase the number of Trustees required for Quorum and also the corresponding number of Trustees required to form Quorum half an hour after time appointed for any Meeting.

d) No business shall be transacted at any Meeting of the Trustees unless there is a quorum.

e) Any Meeting or business of routine or formal or urgent nature may be determined by circular on email or any other electronic mode to each Trustee at his postal/email address or registered mobile number, without physical or video-conference Meetings of the Trustees, provided that it is agreed to by more than 50% majority vote of all the Trustees.



- f) Managing Committee Meetings shall be held at the discretion of the Chairman/Managing Trustee with a notice being given to the members of the Managing Committee for the same, at the discretion of the Chairman/Managing Trustee.
- g) In urgent or important circumstances, the Managing Committee may, without calling a Meeting of its members, obtain from such members of the Managing Committee their written opinion by issuing a circular vide email/ordinary post/electronic media or vide a recordable/retrievable communication on the registered mobile number of its members, specifically mentioning the subject of the business and put it into effect if and only if approved unanimously by the members of the Managing Committee.



17. **REQUISITIONING MEETING :**

The Managing Trustee shall also call a requisitioned General Body Meeting of the Board of Trustees after receipt of a requisition made to him in writing by at least 2 of the Trustees specifying the purpose for which such Meeting is decided to be held. This Meeting shall be called within a period not exceeding 21 days from the receipt of the application in its office for the purpose mentioned in the application. In the event of no Meeting being called and held by the Managing Trustee within three weeks from the receipt by him of such requisition, the requisitioners may themselves call a Meeting. In the event of there being no Managing Trustee, any Trustee may in his place, call a Meeting. A Meeting held

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under the provision of this Scheme shall be held only at the office of the Trust and during office hours.

18. THE PAYMENT OF MANAGEMENT :

a) On acquisition of immovable properties the Trustees shall out of rents, profits, income and interest of the Trust properties in the first instance pay all the rents, taxes, & assessments, and other necessary outgoing and in the next place all the proper charges and expenses of and incidental to management and administration the Trust properties as well as the costs of current repairs to and the upkeep of the immovable proportion belonging to the charity, if any, and thereafter set apart 10% or set apart as Managing Trustee may decide from time to time of the total gross income of reserve fund for the purpose of heavy repairs, construction, renovation of rebuilding of immovable properties, if any belonging to the Trust and pay and apply the balance for the objects of the Trust.



b) If any Trustee of these presents shall be a Solicitor, Advocate, Chartered Accountant, Architect or a person engaged in any other profession he, she or her or his firm shall be entitled to charge for his or her firm's professional or other services including all profits, costs and charges in spite of the facts that he or she shall be the Trustees of these presents and whether such charges are in the ordinary course of his or her profession or not and although they not be of a nature requiring the employment of a Solicitor, Advocate, Chartered Accountant, Architects, or other professional person.

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- c) It shall be lawful and entitled for the Trustee to receive monthly salary from the Trust for professional duties rendered to the Trust, and the salary or the emoluments receivable shall be commensurate (but definitely not more) with the time, the skills and the standard salary structure receivable for the same employment in society by a person of similar skills and inputs prevalent at the time.

19. **SURPLUS AND ACCUMULATIONS :**

Subject to the provisions of the Income Tax Act, 1961 and the Maharashtra Public Trusts Act, 1950 and any statutory modification or re-enactment thereof from time to time, the surplus and unapplied portion (if any) of the Trust Fund arising in any one or more year or years shall be accumulated and invested and the resulting income thereof shall also be accumulated and invested in any of the investments in which the Trust Funds are hereby directed or authorized to be invested and the Trustees shall have power in any subsequent year to spend and apply the same in the same manner and to the same extent as if such accumulation or parts thereof had been spent out of the Income of the year or years in which the same is sought to be expended and applied as aforesaid.

20. **REPAIRS TO PROPERTY :**

On acquisition of immovable properties the Trustees shall keep the property of the Trust in good conditions. The Trustees shall have power to repairs, modify, alter, renovate, develop the immovable property of trust and shall maintain it in good condition.

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21. ACCOUNTING YEAR AND ACCOUNTS OF THE TRUST :

Accounting year of the trust will be from 1<sup>st</sup> April to 31<sup>st</sup> March.

The Managing trustee shall keep or order to keep and maintain regular accounts of the Trust properties and its income and shall get the accounts audited as per the provisions of the Bombay Public Trusts Act, 1950. The Managing Trustee shall order to keep or maintain all books of accounts including :



- 1) Rough Cash Book
- 2) Fair Cash Book
- 3) Ledger
- 4) Donation book entry containing movable full particulars.
- 5) Receipts Book
- 6) Book containing movable and immovable properties containing full particulars and its value.
- 7) Book containing list of investments if any other books as the circumstance demand.

22. BANK ACCOUNTS :

The Settler shall not ordinarily keep on hand more than Rs. 1001/-. The Trustees shall open Bank accounts in any Scheduled Bank / Nationalized Bank in the name of the Trust. The Managing Committee shall decide the panel of Authorized Signatories from within the Board of Trustees, and of this constituted panel of Authorized Signatories, the withdrawal from the aforesaid bank accounts can be made by any two Signatories, as may be decided by the Trustees from time to time.

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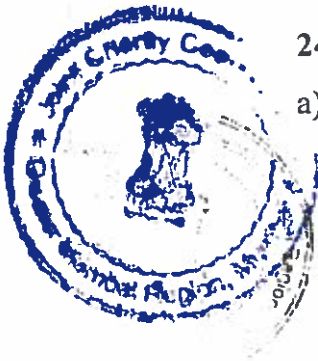
23. INVESTMENT :

The Trustees shall invest trust funds and money in accordance to the provisions of Section 35 of the Bombay Public Trusts Act, 1950, as he/she may think fit and proper.

The Trustees shall be at liberty to keep the Trust Fund in its present state of investment for such time or times however long as they may think in their absolute discretion think fit, without being answerable or accountable to any one for any loss caused thereby and it shall be their absolute discretion to invest, sell, assign or transfer or realize the same or any part thereof and to invest the sale proceeds or other realizations or any other moneys requiring investment.

24. POWER TO SALE, MORTGAGE, BORROW ETC. :

- a) The Trustees shall have power to borrow money or take loan (whether by way of mortgage, pledge, hypothecation or otherwise) with or without Interest for the purpose of or on behalf of the Trust of which they are Trustees, with only such conditions and limitation as may be imposed by them / him in the interest or protection of the trust.
- b) The Trustees shall also have power to transfer, sell, alienate, exchange & gift any immovable or movable property with the previous sanctions of the Charity Commissioner. However, the consideration derived from thereof to be used only for the object of the Trust and for no other purpose.



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- c) The Trustees shall have the power to transfer, let, sub-let, assign or sub-lease (for <sup>BS</sup>any term howsoever long) or to give on leave and license basis ~~for any term howsoever long~~ <sup>BS</sup> only to another Registered Charitable Trust having objectives (whether it be related to Mental Health, Destitution, Homelessness, General Health issues) which encompass broadly absolutely free medical services to the general population all or any part of the Trust Fund and properties including any immovable properties of the Trust. It shall be lawful for the Trustees to buy or vary any contract for sale, exchange, transfer, assignment, lease or other dispositions and to resell the same or enter into a fresh contract for exchange, transfer, assignment, lease or other dispositions without being answerable for any loss or damage occasioned thereby and for such purposes to execute all necessary agreements, conveyance, deeds of exchange, assignments, transfers, lease, sub-lease, counterparts, leave and license agreements and other assurances and to pass, give and execute all necessary receipts, releases and discharges for the consideration of money or otherwise relating to the documents and assurances. All moneys arising from any such transfer or other assurance shall be deemed to a part of the Trust Fund and shall be applicable accordingly. While agreements for sale, conveyance or deeds of exchange may happen with private entities, transfers, assignments, lease, sub-lease counterparts, leave and license agreements and other assurances shall happen only with Registered Charitable Trusts, the registered Charitable Trusts having as one of its objectives (whether it be related to Mental Health, Destitution, Homelessness, General Health issues) free medical service to the general



population, consonant with and resonating with the objectives of these presents and Trust.

25. **REGISTER OF MOVABLE AND IMMOVABLE PROPERTIES :**

The Managing Trustee shall keep two separate register of up-to-date record of the movable and immovable properties of the Trust.

26. **CUSTODY OF THE DOCUMENTS :**

The Managing Trustee shall keep in his custody or shall authorize another Trustee to keep all documents concerned with the Trust, such as minute book, Title deeds, property documents, receipts book and such other records related to the Trust at the place, which he thinks suitable and proper.



27. **RECEIVING OF DONATIONS :**

The trustees shall be empowered to receive donations in cash or in kind, with conditions. However, the trustees shall take every care to see that the conditions of donation are in consonance with the objects of the Trust and said donations will be exempted under Section 80G of the Income tax Act, 1961.

28. **SOURCE OF INCOME :**

Donation, Fees, Gifts, Charity Shows, Income on investments, Bank interest, Income from cultural programmes, Income on issue of souvenirs etc.

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The Trustees shall have power at any time to invite and receive or without such invitation receive upon such terms as they think fit including putting names of such Donor on any part of the property or structure, any donations, contributions, subscriptions, gifts, legacies, grant or subsidies either from the Settlor or from any Government, Company, Institutions, Organizations, Bodies, Firms, Trusts, Members of the public in India or abroad or any other person or entity, which any of the aforementioned donors or contributors may be desirous of making to the Trust Funds whether such donations, contributions be of money, shares and securities, debentures, bonds, stocks, and/or other property moveable and/or immovable) for all or any of the objects or any purposes specified herein, provided that the donations or contributions or the terms upon which such donations or contributions shall be accepted shall not in any way be inconsistent with or repugnant to any of the objects of this Trust and shall be only for the purposes of the Trust created under these presents, to be utilized only in furtherance of its objects. The Trustees may allow any such Donor to erect a building or buildings on land forming part of the Trust Fund for being used for the purpose. All such contributions shall form part of the Trust Fund and be applied for the furtherance and fulfilment of the objects of the said Trust PROVIDED ALWAYS that it shall always be for the Trustees in their absolute and free discretion to accept any such contribution or donation and the Trustees shall at all times be at liberty to refuse any contribution or donation without giving any reason for such refusal.



29. TRUST FUND:

The Trustees shall stand and be possessed of said Trust Fund upon Trust to receive the interest, dividends and other income thereof and there out in the first place to reimburse themselves or pay and discharge all the cost, charges and expenses incurred in or about or incidental to administration of execution of any of the trusts or powers of these presents and also all outgoings, taxes, assessments dues and duties and other taxes payable in respect thereof and costs of meetings ordinary repairs of any immovable property, if any, for the time being subject to the trusts of these presents and SUBJECT THERETO upon trust to apply the residue of the said interest, dividend and other income (hereinafter called "the said income"), and at their discretion to apply the Trust Fund for the benefit of the poor and needy persons for medical relief and other charitable purposes, and in consonance with the Aims and Objectives set out above. The trust funds shall be applied exclusively for public charitable purpose as per the terms of this Trust deed and subject to such conditions and / or limitations, if any, as may from time to time laid down in the income tax Act, 1961 or any other Act governing the tax action of income as will ensure or make the Trust and its income eligible for exemption from taxation under the Income Tax Act, 1961 or any replacement or re- enactment thereof for the purpose of these presents, the expression "charitable purpose" shall have the meaning as is assigned to that expression in the Income Tax act, 1961 and the Maharashtra Public Trust Act, 1950 or any statutory modification of reenactment thereof for the time to time being in force.

The benefits of this Trust Deed shall be given to all persons, without



*Handwritten signature and date: 21/12/23*

discrimination of gender, caste, sub-caste, sect, creed, community of religion and language. Without Prejudice to the generality of the forgoing objects or purposes, but subject as Aforesaid it is declared that the Trustees shall each year apply the residue of the income of the Trust Fund and at any time and from time to time apply also the Trust Fund or any part or parts of the Trust Fund in or towards anyone or more of the following objects or purposes (which according to law be public charitable objects or purposes) to the exclusion of the other or others of them in such proportion and manner in all respects.



**POWER TO APPOINT COMMITTEES :**

The trustees shall be empowered to appoint and dissolve committees so appointed from time to time for specific purposes.

**31. POWER TO APPOINT EMPLOYEE :**

The Trust shall have power to employ such servants or employees including as they may require for management of Trust on such terms and conditions laid down by themselves as to on honorarium basis or on salary, wages, D.A. conditions of service etc. as it may consider proper from time to time and shall have power to dismiss or remove any servant or employees.

**32. LIABILITY OF THE TRUSTEES :**

- a) Every Trustee shall be liable for the acts and deeds expressly to be done by him or her. It shall be the responsibility of every retiring Trustees or the Trustee vacating his/her post for any reason to transfer the Trust

property in the name of new Trustees or in the name of the board of trustees.

- b) Every Trustees for the time being of these presents shall be respectively chargeable only for such Trust Fund or any part thereof or any income (part of such income) of the Trust Funds and income including moneys, stocks, funds, shares, securities or any other property as they shall respectively actually receive in due course as such a Trustee, notwithstanding their respectively signing any receipts for the sake of conformity and shall be answerable and accountable only for their own acts, receipts and willful neglects or defaults or dishonesty and not for those of each other or others of them nor any Bankers, Brokers or other persons with whom or into those hands any Trust moneys or any security may have been deposited in good faith or may have come in or for the deficiency or insufficiency of any of the securities or properties, nor for any other loss, unless the same shall have happened through their own knowingly connived dishonestly willful neglect or defaults respectively and in particular no Trustees shall be bound to take any steps to or proceedings against Co-Trustees for any breach or alleged breach of Trust committed by such Co-Trustees. It is further clarified that if any act or omission done by any committee or outside institute or organization or individuals, while carrying out any activities or project under or outside the banner/aegis of Shraddha Rehabilitation Foundation, then Trustees shall not be responsible, answerable or accountable either in terms of money or otherwise for such act or omission.



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c) It shall be lawful for the Trustees to compromise or compound any action, suit or proceedings, differences or demand relating to the Trust Funds as they may think proper and to refer any such differences or demand to arbitration and to execute all documents expedient for such purpose and in all cases in which any question of law or equity shall arise relating to the Trust Funds or any of them, settle and arrange the same in such manner as they may be advised by their solicitors or counsel and to abandon any claim as they may be so advised and to adjust, settle all accounts relating to the Trust Funds, as fully and effectually as the Trustees could do if they were absolute owners of the Trust funds and without being answerable for any loss which may be occasioned thereby. Any of the authorized Trustees shall have full power to file suit, arbitration, litigation, complaint in any court of law or statutory authority or quasi-judicial authority and to give evidence on behalf of the Trust and to compromise or compound all actions, suits and other proceedings and all differences and demands and refer any such differences or demands to arbitration and to adjust, settle and approve all accounts relating to the Trust Funds and to execute releases and all documents necessary in the premises and to do all other things relating thereto respectively as fully as if they were absolutely entitled to the Trust and its properties and without being answerable for the loss occasioned thereby.

33. **REIMBURSEMENT OF TRUSTEES :**

The Managing Trustee and other Trustees shall be entitled to reimburse themselves of the amount spent by them for the Trust out of their own

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pockets. The decision of Managing Trustee in this respect shall be final and conclusive.

34. **POWER TO FRAME RULES :**

The Board of Trustees shall be empowered to frame Rules in respect of this Trust. However, it shall be borne in mind by the trustees that the rules framed for the trust are in consonance with the objects and provisions of the Scheme and are also in consonant with the provisions of Bombay Public Trusts Act, 1950 and Bombay Public Trust Rules, 1951.

35. **AREA OF OPERATION :**

The area of operation shall be all over India, and if need be, in neighboring countries, provided these operations are consonant with the laws prevailing at that point in time in such inter-country operations.

36. **TO AMEND THE TRUST DEED OR ANY CLAUSE:**

The Board of Trustees will have power to omit, alter, amend or change any clause of the said trust by 2/3 majority decision in a Trustee meeting held for that specified objective, in which the Managing Trustee's presence is a must require.

37. **AMALGAMATION OF TRUST :**

- a) The Trustees may amalgamate this Trust and its properties with any Trust or institution having objects wholly or any of them, similar to these of this Trust provided they pass a unanimous Resolution in a Trustee meeting held for that specified objective to that effect, and sanction (if necessary)



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of the appropriate authority as may be required under the Maharashtra Public Trusts Act, 1950 and/or the Income Tax Act, 1961 and/or any other prevailing Act applicable to the charitable Trust is obtained.

- b) The Trustees shall be at liberty to amalgamate or allow and permit any other Trust, Institution or Charity whose objects are same or similar to those of these presents to be amalgamated with the Trust created by these presents to the intent and effect that such a Trust, Institution, or Charity shall be deemed to be a part and parcel of the Trust of these presents PROVIDED THAT no conditions are accepted involving any change in the name of this Trust.



**REFERENCE TO CHARITY COMMISSIONER :**

If any dispute arises about the interpretation or construction of any of the clause or provisions of this Scheme, the matter will be referred to the Charity Commissioner, Maharashtra State, Mumbai whose decision shall be final and conclusive.

**39. WINDING UP :**

The Trustees of these presents at any time shall have power by their unanimous Resolution in writing passed in their Meeting for winding up of the Trust. In the event of winding up of the Trust, the entire Trust funds shall be realized and first be used for payment of liabilities of the Trust and The Assets left in any, shall be disbursed, by passing a unanimous Resolution of the Trustees in their Meeting to that effect, on condition that such disposal of the assets and properties shall be confirmed with the

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objects and provisions of the Trust, to other Trust or Associations having similar objectives after obtaining previous approval of the appropriate authority as may be required under the Maharashtra Public Trusts Act, 1950 and/or the Income Tax Act, 1961 and/or any other prevailing Act applicable to the charitable Trusts, and in no event shall the assets and properties be distributed in any manner, to any of the Board of Trustees or their relatives or related concerns.



*CB/mts*  
*31/07/23*  
 (Bharat S. Gaikwad)

Mumbai.

Date: 31.07.2023

**J.C. Assistant Charity Commissioner-V,**  
**Greater Mumbai Region, Mumbai.**

Certified to be a True copy

*ILC O/Tamur*  
*09/08/23*  
 Superintendent (Certified Copy)  
 Public Trust Registration Office  
 Greater Mumbai Region Mumbai

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*09/08/2023*

