



Trust - 1000  
This document Consists of 10 sheets  
First Sheet of Doct No. 384 Book 14  
TRUST DEED

This DEED OF TRUST executed on this the 22nd day of the month of March in the year One thousand nine hundred and ninety nine.

BY

MRS. MARIA S. SANTAMARIA W/O MR. G. SANTAMARIA, aged 36 years, residing at 19/1, GOSPEL STREET, ST. THOMAS TOWN, BANGALORE - 560084

IN FAVOUR OF

1. MRS. MARIA S. SANTAMARIA W/O MR. G. SANTAMARIA, aged 36 years, residing at 19/1, GOSPEL STREET, ST. THOMAS TOWN, BANGALORE - 560084

and

2. MR. ZARRYL LOBO S/O MR. DUNSTAN LOBO, aged 42 years, residing at 20/1, VILLA LAVELLA, 3rd CROSS, LAVELLE ROAD, BANGALORE 560 001

and

3. MAJOR. MOHAN S. RAO(Retd) S/O LATE MR. K. SWAMINATH RAO, aged 56 years, residing at 567, 4th CROSS ROAD, V. V. NAGAR, H.M.T. LAYOUT, R.T. NAGAR, BANGALORE - 560032

hereinafter called the TRUSTEES which term shall mean and include their legal heirs and executors.

Whereas the AUTHOR desirous of constituting a TRUST for objects of Public Charitable nature as hereinafter mentioned and whereas with the said intent, the AUTHOR has set apart a sum of Rs.1,000/- (one thousand only) to hold the same upon TRUST together with all the income arising therefrom and all the accumulations and accretions thereto for the intent purpose and object in accordance with provisions contained herein below and whereas the AUTHOR desires to reduce to writing the terms of the TRUST.

NOW THIS DEED OF TRUST WITNESSETH AS FOLLOWS:

I. The name of the TRUST shall be:

" DIYA FOUNDATION "

M.S. Santamaria





No. 435- RS. 95120  
 Name. Maria S. Santamaria  
 Date. 82-3-99

Stamp Vendor  
 Bangalore

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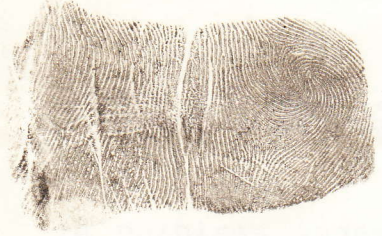
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ಮಾನ್ಯತೆಗೆ Maria S. Santamaria

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M.S. Santamaria

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M.S. Santamaria

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19/1 Gopur Street  
 Thomas Town  
 Bangalore 560084.

S. Santamaria



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 23/3/99





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II. The office of the TRUST shall be located at 19/1, GOSPEL STREET, ST. THOMAS TOWN, BANGALORE - 560084, or in such other places as the TRUSTEES may determine in future.

III. The TRUST is a non-sectoral, non-political, secular body that commits to endeavour for the well-being of the rural and urban population of the entire Indian territory; irrespective of caste, creed or colour.

#### IV. THE OBJECTIVES OF THE TRUST SHALL BE:

##### A. EDUCATION:

i. To establish, maintain, run, develop, improve, extend, grant, donate for and to aid in the establishment, maintenance, improvement and extension of all forms of educational institutions including schools, vocational training centres, research centres and also hostels for students pursuing their studies. They could include special people such as physically disabled and brain injured also.

ii. To institute studentship, scholarships, stipends, medals, prizes, etc., to help and encourage deserving students and to provide monetary aid to students, scholars and teachers for pursuing their education.

iii. To organise, conduct and assist in the organising and conducting of Lectures, Seminars, Workshops and symposia on arts, science, agriculture, commerce, leadership, human rights, value premise and such other subjects of general and academic interest to people.

iv. To do all that is necessary and incidental for the purpose of achieving the objectives i to iii above.

##### B. HEALTH AND ENVIRONMENTAL SANITATION:

i. To establish, maintain, run, develop, improve, extend, grant, donate for and to aid in the establishment, maintenance, running, developing, improving and extension of hospitals, clinics, dispensaries, medical laboratories, research units and medical and allied institutions for the benefit of all; especially for the physically disabled and brain injured.

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ii. To organise, to operationalise and to assist in the organisation of health clinics and medical camps wherever and whenever necessary.

iii. To propagate and promote environmental sanitation by means of educational campaigns and demonstrations in order to bring about better civic sense among the citizenry and thereby ensure better health behaviour and status.

iv. To do all that is necessary and incidental for the purposes of achieving the objects i to iii above.

#### C. PUBLIC UTILITIES AND CONCERNS:

i. To establish and operationalise free public libraries.

ii. To provide amenities for and to hold discourses on Indian Philosophy, History, Culture and other allied subjects as to promote and cherish our heritage, tradition, culture and our way of life.

iii. To establish, operationalise and maintain systems of public conveniences such as bus shelters, drinking water points, Children Day Care Centres, toilets and such other provisions in the large interest of the public irrespective of caste, creed or colour.

iv. To do all that is necessary and incidental for the purpose of achieving the objectives i to iii above.

#### D. COMMUNITY DEVELOPMENT:

In the context of community development endeavour of the TRUST, Rural Development commands priority and the term rural areas is understood as defined in clause (b) of the explanation to sub-section (I) of section 35 CC of the Income Tax Act, 1961.

i. To extend assistance for all-round development to small and marginal farmers, landless labourers, rural artisans and such other economically weaker sections, slum and pavement dwellers, physically and mentally disabled; through sharing of new/modern and appropriate knowledge, developing skills and making available necessary inputs through appropriate sources.

ii. To assist the rural community to develop environmental awareness and to promote social forestry.

M. S. Sant'Amaria

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iii. To involve and assist in the implimentation of various welfar schemes of the Government for the benefit of the rural and urban population; with specific reference to physically disabled and brain injured.

iv. To work in liaison with appropriate Government bodies and departments viz: Social Welfare, Women and Child Welfare, SC and ST Development, Industries and Commerce, and such other sources and avail all the facilities extended for the communities in need; especially in favour of physically disabled and brain injured.

v. To promote agriculture by enabling landless peasants secure lands through appropriate measures and contribute to the process of maximisation of production through promotion of irrigation, application of improvised tools, techniques and systems in order to make the small and marginal farmers economically viable and socially dignified.

vi. To promote to the favour of the landless agricultural labourers, the small and marginal farmers and the rural artisans; viable agro-based activities and appropriate technologies in order to provide viable alternate source of livelihood and to ensure subsidiary income generation.

vii. To provide amenities through appropriate means for the promotion of better transportation and communication in the rural sector.

viii. To endeavour for the provision of protected drinking water and rural electrification and also for promoting viable means of conventional energy source.

ix. To assist the farmers in improving the cattle wealth through appropriate livestock promotion measures such as operationalisation of veterinary clinics, artificial insemination centres, fodder farms, feed mills and the such so as to enhance the quality of the cattle population and that of the farmers as well.

x. To do all that is necessary and incidental for the purpose of achieving the objectives from i to ix above.

M. S. Santamaria

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#### E. ORGANISATION DEVELOPMENT AND ALLIED SERVICES:

i. To extend all forms of assistance such as instituting surveys of different kinds, evolving proposals for viable projects, designing research modules, carrying out feasibility studies, providing consultancies, implimenting and evaluating projects for voluntary and government organisations and also to external resource providers and thus to mutually relate and render assistance to organisations with similar objectives and activities.

ii. To embark on development education imbibing human rights and values and systems of governance in all levels in order to provide development thinking and to foster patriotism and community sense of oneness through non-sectoral publications of absolute secular value; in order to share development information to people and organisations of similar view and vision.

iii. To effectively involve in the process of liaisoning between voluntary bodies and resource providers and also to carry out appropriate measures of coordination of activities of peoples organisation such as cooperatives, credit and thrift unions, small scale and cottage industrial endeavours and voluntary agencies.

iv. To do all that is necessary and incidental for the purpose of achieving objectives i to iii above.

V. THE TRUST HEREBY CREATED SHALL BE IRREVOCABLE.

VI. The incomes of the Trust from movable and immovable properties, donations, voluntary contributions and such other nature shall be utilised for the objects of the Trust and that no portion thereof be distributed among the members by way of profits, dividends or bonus.

VII. Without prejudice to the generability of the foregoing provisions, the membership and management of the Trust shall be as provided herein below:

##### i. MEMBERSHIP:

The members of the Trust shall be the Trustees who have subscribed to the Deed of Trust and any person/s who has/have made substantial contribution to the growth and development of the Trust and who has/have been admitted to the membership of the Trust.

The Founder Trustee/Executive Trustee shall hold the office for life.

M. S. Santkumar

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The Founder Trustee/Executive trustee shall reserve the right and discretion to propose inclusion of new trustee/s duly authenticated by such a need and necessity to accommodate people of high integrity.

In due consideration of the high potential and calibre of people of integrity, fame and name and esteem, the Board of Trustees shall accommodate such of those who are deemed contributive to the cause of the Trust time to time and these incumbants disignated as Patrons shall however not serve on the board.

ii. TERMINATION OF MEMBERSHIP:

No person shall hold or continue to hold or be appointed as Trustee and to a Trustee's office:

If he/she is found to be or becomes a person of unsound mind

If he/she is convicted of an offence involving moral turpitude

If he/she is adjudged insolvent

If he/she is, in the opinion of the majority of the Board of Trustees after due enquiry by them, found guilty of breach of Trust, gross neglect or deriliction of duty as Trustee under these presents.

If he/she is otherwise disqualified to act according to the law of the timebeing in force governing Charitable and Educational Trusts.

iii. BOARD OF TRUSTEES AND THEIR POWERS:

All the Trustees who are for the time being and from time to time in office, shall be referred to collectively as the Board of Trustees.

The management and control of the affairs of the Trust and its properties shall vest with the Board of Trustees which shall have all powers of such management and control, subject to such conditions and restrictions as are contained in these presents, without prejudice to the generality of such powers, the Trustees shall have powers:

a) To frame from time to time, rules and regulations for the management and administration of the Trust and for carrying on the activities of the Trust and to alter or vary such rules and regulations are not in consistent with the objectives of the Trust and the terms of these presents.

M. S. Santamaria

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- b) To acquire and hold movable and immovable properties for the purpose of the Trust and to transfer them by sale, exchange, gift mortgage or lease for a period exceeding five years or immovable properties of the Trust shall be effected unless sanctioned by a resolution of the Board of Trustees carried by a majority of not less than two thirds of the number of Trustees present at the meeting of the Board in which such resolution is passed.
- c) To open accounts of the Trust in Banks
- d) To receive gifts, donations, contributions, legacies, grants and other forms of aid and assistance from governments, individuals, companies, statutory bodies, Trusts, Associations and other forms of organisations; both from within the country and from abroad.
- e) To invest the funds of the Trust in Bank deposits and Government Securities and immovable properties and to alter such investments from time to time and to withdraw moneys from such investments. The investments however shall be in accordance with the Sections 13(I)(d) read with Section 13(5) of Income Tax Act, 1961.
- f) To borrow monies for the purpose of the Trust with or without security provided that not less than two thirds of the number of Trustees present at the meeting of the Trustees agree for so borrowing.
- g) To incur expenditure for carrying out the objects of the Trust and to reimburse themselves out of the Trust Funds any expenditure incurred by them for carrying out the objects of Trust.
- h) To enter into agreements and contracts on behalf of the Trust.
- i) To authorise persons to act on behalf of the Trust.
- j) To engage and to appoint persons or persons for the administration and to carry out to objects of the Trust, to prescribe their duties, responsibilities and obligations, wages, allowances and remunerations;
- k) To institute, file maintain and defend suits and other legal guarding the properties and the interest of the Trust;
- l) To do all lawful acts which are necessary or expedient for protection or preservation or promotion of the properties and the interest of the Trust and for advancing the objects of the Trust.

M. S. Santamaria

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VIII. EXECUTIVE TRUSTEE: *8* *386* *989* *Book 18* *Worldwide*

- a) The Author of the Trust shall be the Chief Executive of the Trust and therefore be called the Executive Trustee.
- b) shall hold the office for life.
- c) Shall be responsible for the general management and administration of the Trust.
- d) Shall be responsible for carrying out all the decisions of the Board of Trustees.
- e) Shall coordinate the work of the Trust throughout the country under the guidance of the Board of Trustees.
- f) Shall exercise all powers delegated by the Board of Trustees and shall act as the secretary of the Board of Trustees.
- g) Shall exercise certain emergency powers in times of need as is deemed necessary and get it duly ratified with the Board of Trustees in order to avert any possible delays in the execution of vital functions.
- h) Shall reserve the right to nominate additional or alternate members to the Board of Trustees.

IX. MEETING OF THE BOARD OF TRUSTEES:

- a) The Trustees shall hold the meeting of the Board of Trustees at least once in three months.
- b) The quorum for the meeting of the Board of Trustees shall be as nearly as may be three fourth the number of Trustees. However, if such meeting is adjourned for want of quorum, no quorum, shall be necessary for such adjourned meeting.
- c) A decision by a simple majority of the Trustees present at a meeting of the Board of Trustees, shall be regarded as the decision of such Board, except where under the terms of these presents a meeting of the Board of Trustees is required, in which case a resolution is passed by such majority shall be regarded as the decision of Board of Trustees.

M. S. Santhomasia

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X. ARBITRATION:

In the event of any difference of opinion among the members of Board of Trustees in any matters, it shall be referred for decision by bringing it to a vote at a regular or special meeting of the Board of Trustees.

XI. AMENDMENTS:

No alteration, amendment of extension shall be made in the Trust deed nor shall it be amalgamated or absorbed with any other Trust unless it is voted by two thirds members present at a special General meeting convened for this purpose in accordance with Rules of the Trust and confirmed by two third of the members present at a second special General Meeting.

However no such amends shall be made which may prove repugnant to the provisions of section 2(15) 11, 12, 13 & 806 of the Income Tax Act, 1961.

XII. ACCOUNTS AND AUDIT:

a) The Trust shall maintain such books of accounts and other records in relation to its accounts and also other essential documents in such form and manner as may be prescribed by the concerned statutes.

b) The Trust shall as soon as may be after closing its annual accounts prepare a statement of account in such form as the Governing Body may in consultation, with the Auditors of the Trust determine.

c) Financial year of the Trust shall be from 1st April of each year to the 31st of March, of the next year.

d) The accounts of the Trust shall be audited by such a Chartered Accountant as the Governing Body may appoint.

M. S. Sanamasia

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#### XIII. DISSOLUTION:

The assets and the Income of the Trust shall be utilised only for the objects of the Trust and for no other purpose. In the event of dissolution or winding up of the Trust, the assets remaining as on the date of dissolution or winding up after meeting liabilities, if any of the Trust, shall in no circumstances be distributed among the Trustees, settlers or donors, but shall be transferred to another Charitable Trust, Society, Association or Institution whose objects are similar to those of this Trust, and is recognised as a Charitable Institution under Section 80G under Income Tax Act, 1961, for the time being, as may be decided by the Board of Trustees.

#### XIV. PROPERTY:

All the property of the Trust, movable or immovable acquired or to be acquired shall vest in the Board of Trustees or any Trust or Trustees as the Board of Trustees may direct and all documents relating to or affecting the property of the Trust shall be taken and stand in the name of any Trust as the Board of Trustees may direct.

#### XV. WORKING HOURS:

The working hours of the office shall be from 9 am to 1 pm. and 2 pm to 5 pm. Monday to Friday and 9 am to 1 pm on Saturday.

IN WITNESS WHEREOF THE TRUSTEES WHO CONSTITUTE THE BOARD OF TRUSTEES HAVE SET THEIR RESPECTIVE HANDS, TO THIS DEED OF TRUST, ON THE DAY, DATE, MONTH AND YEAR FIRST ABOVE WRITTEN, IN THE PRESENCE OF THE WITNESSES MENTIONED BELOW.

#### WITNESSES:

1. *G. Santamaria*  
GERARD SANTAMARIA

2. *M.S. Chann*  
(M.S. CHANN)

*M. S. Santamaria*  
MRS. MARIA S SANTAMARIA

*Zarryl Lobo*  
MR. ZARRYL LOBO

*Palan*  
MAJOR MOHAN S RAO(Retd)

Drafted by  
Sayeda Beyom  
(SAYECDA BEYOM)  
Advocate