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DEED OF FURTHER MODIFICATION OF TRUST

N.K. AYSHA



Aft. Principal school MODIFICATION OF TRUST executed and Wood of October Two Thousand Seventeen) BY N.K. AYSHA, D/o. Kunhammed and W/o. Late P.K. Moidu, aged 56 years, Business, residing at Nelliyullathil House. Parameter and Vadakara Taluk. 9506 3051) (Hereinafter referred to as the CHAIR PERSON)

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Presented in the Office of the Sub Registrar of moderating Korhikode with the photographs and fingerprints of Dayer's seller's presentant effixed under section and afee of Rs. 120 F pald at 20 MIP.M. 249/4/2017 on the bladay of Detalor 20 Jyby Nelleyullathis Homes N. K Aysha & Loth Ray of schober holf Amaigamated Sub Registrar EXECUTION ADMITTED BY Helliqullatio House 2 N.K Aysha A De Kuntymment Balieros Kathifungon NTIFIED BY Koyloth Erechan Kandy Rayeer. Co Slo. Ramadas. Africe Assistant Puthyangadi NELLOLIKADIYIL. MOIDU JAM SO KUNHAMMED . BUSINOS PURAMERI with lay of october 2017 Hi-Teck Public School O. VASUDEVAN Amalgamated Sub Registrar *Lightweet as Document No 249 or 2017 of Book .. 4 .. Volume 5 . 2 . pages 6/ to 68 18 Sheets CST Sheet Lots Lay of Ocher ad 7 Sub Registras MARIDEVAN

WHEREAS the "NELLIYULLATHIL EDUCATIONAL TRUST (NET)" is a trust formed by P.K. Moidu as Founder with above said P.K. Moidu, N.K. Aysha and K.P. Ammed as Trustees setting apart Rs. 10,000/-(Rupees Ten Thousand only) to form the nucleus of the trust as per the Deed of Trust registered as Document No. 24 of 2000 of Book 4 Volume 84 Pages 13 to 15 in SRO Nadapuram.

AND WHEREAS Thayyil Abdul Samad and Madathil Andru were admitted as Trustees and certain clauses were added and the same was recorded as per Deed of Supplementary Trust registered as Document No. 19 of 2004 of Book 4 Volume 202 Pages 25 to 33 in SRO Thalassery.

AND WHEREAS among the trustees above said P.K. Moidu expired and the Trust Board has nominated above said N.K. Aysha on 09.10.2007 as Chairperson of the Trust Board.

AND WHEREAS above said Thayyil Abdul Samad and Madathil Andru retired from the said Trust on 26.12.2007 and the Trust Board has approved their resignation and nominated Mrs. SUNAINA PULIYULLA PARAMBATH on 10.12.2007, Dr. SEEBU VALIYAKATH on 08.01.2009 and FIROZ MOIDEEN PUTTAT on 10.11.2007 as Trustees.

AND WHEREAS the Board of Trustees in their meeting held on 28.09.2017 unanimously decided to add and amend certain clauses for the smooth functioning of the Trust and as required under the Income Tax Act and has further resolved and authorized the above said N.K. AYSHA the present Chair person of the Trust to register this Modification of Trust Deed and to incorporate the modifications this modification is drawn up.

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AND WHEREAS after the necessary amendments, deletions and additions the Trust Deed shall read as follows:

NOW THIS DEED OF FURTHER MODIFICATION OF TRUST WITNESSES:-

1. NAME

The Name of the Trust shall continue to be 'NELLIYULLATHIL EDUCATIONAL TRUST (NET)' and the Office of the Trust shall be at Door No. 37-B, Vattoly P.O. Kakkattil Via, Pin 673507, Kozhikode District.

- In this deed unless the context otherwise requires;
 - Trust purposes shall mean the object set out under clause of this deed.
 - b) Trust fund shall mean the money, securities, and other assets, whether movable or immovable from time to time vested in the trust and whether obtained by way of gift, donation, purchase and loan or in any other legal manner for the trust purposes and accurals thereto howsoever arising.
- Words imputing the singular shall include the plural and vice versa and words imputing the masculine gender shall include the feminine and vice versa.

Pilicipal School of Trustees:- The Trust shall have the minimum of 5 trustees and a maximum members as per the majority decision of the Board of Trustees, from time to time.

AREA OF OPERATION :

The area of operation of the Trust shall be whole of India.

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BENEFICIARIES: 6.

All the mankind without any descrimination on the basis of religion, caste, creed or sex shall be beneficiaries of the Trust. Trust shall exist solely for charitable purposes and not for the purpose of profits.

- OBJECTS OF THE TRUST: The Aims and objectives of the Trust 7. shall also include the following:
 - To promote harmony among the people. a)
 - To provide shelters for homeless with the help from well wishers b) of the Trust, Government, Quasi Government and other agencies.
 - To encourage education and promote higher and technical education among minorities and backward classes. For this purpose of the Trust will try to arrange scholarships, grants and loan facilities to the eligible and poor students.
 - To establish Educational and Technical Institutions and Adult di Education Centers
 - e) To encourage education among women all possible means.
 - f) To take over the existing schools and colleges if the Trust feels necessary and if the board of management of the said institution agrees or requests.
 - To establish Educational Institutions, Vocational Training Centres and Care Homes for physically handicapped and mentally retarded.
 - To establish information centres, career guidance centre etc. to provide information on employment opportunities.
 - i) To promote self-employment among the unemployed youth.

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- j) To establish industrial units and commercial institutions for generating employment opportunities for the unemployed especially among the minorities and backward classes. The profits from those concernes will be utilized to fulfill the aims and objectives of the Trust and for the welfare especially of the minorities and backward classes.
- k. To provide grants and interest free loans for small vendors, tiny and small scale industrial units and eligible businessmen subject to availability of funds.
- To engage in social activities to provide all possible assistance for the socially and economically backward classes in the society.
- m. To conduct camps, conventions, seminars, symposiums and study tour to enlighten especially the minorities and backward classes and for the society.
- n. To receive grants, loans and subsidies from Government, Quasi Government and other agencies for improving the conditions of especially the minorities and backward classes.
- To establish hostels, community halls, orphanage, libraries, and reading rooms:
 - To establish Medicare Centres, Hospitals.
- q) To establish health clubs, physical training centres and to provide entertainment facilities for the public.
- r) To promote moral and ethical values among the public.
- s) To provide financial assistance for the marriages of girls among the economically backward and to eliminate existing non-religious extravagances in connection with marriages.

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- t) To establish family counseling centres for setting family problems out of court subject to the law of the land.
- U) To establish venues and forum for out of court settlement of civil cases and quasi civil cases especially among minorities and backward classes subject to the law of the land.
- To impart useful knowledge and propagate the aims and V) objectives of the Trust through publications and audiovisual media.
- To engage in other activities of the fulfilment of the aims and W) objectives of the Trust and to co-operate with other organizations for the objectives subject to the concurrence of the majority of the board of trustees.
- To promote welfare activities for the benefit of women and X) children.
- To raise funds collect and distribute zakath, accept donation y) and acquire other assets for the fulfilment of the aims and objectives of the trust.
- To engage into any other activities which the trust deems Z) beneficial especially to the minorities and backward classes

8. BOARD OF TRUSTEES:

The Board of Trustees shall comprise the following persons.

N.K. AYSHA, D/o. Kunhammed and W/o. Late P.K. Moidu, aged 56 years, Business, residing at "Nelliyullathil House", Payanthong, Nadapuram Village, Kuttipuram Desom (P.O.Kallachi, Pin - 673506) of Vadakara Taluk, Kozhikode Distirct (PAN: AERPA2378E) (Aadhaar No. 9862 9506 3051) (hereinafter called the Chair person)

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- 2. MRS. SUNAINA PULIYULLA PARAMBATH, W/o.Amar, aged 37 years, Business, residing at "Rosina Manzil", Thaleekara, Thaliyil P.O. Kayakkodi Pin - 673 508 (Aadhaar No. 2907.2684 2891) (hereinafter called the Secretary)
- 3. DR. SEEBU VALIYAKATH, S/o. Mohamed Basheer, aged 34 years, Doctor, residing at Valiyakath House, Edamuttam P.O. Thrissur, (Passport No. E 5509320) (hereinafter called the Treasurer)
- 4. K.P. AMMED, Son of Andru Musliyar, aged 68 years, Business, residing at "Karapparambath House", P.O. Aroor, Via. Kakkattil, Vadakara, Kozhikode District (ID No.KL/03/019/231484) (hereinafter called the Member)
- 5. FIROZ MOIDEEN PUTTAT, S/o. Moideen Puttat, aged 49 years, Business, residing at Puttat House, Vanmadam, Mukkom.P.O., Kozhikode (Passport No. H 3119658) (hereinafter called the Member)

The Trustees as per majority decision can co-opt any number of persons as trustees. However such persons shall be members of Nelliyullathil Tharawad. Such nominations shall be passed in the Trust Board meeting and shall be recorded in the minutes.

SUB COMMITTEE:

processary or expedient from time to time for the management of the various activities of the trust. Each such committee should by a Chairman and who may hold office for the three years from the date of their election. They shall be elected by the board of the trustees and the Chairman

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of the said sub committees shall be the members of the Governing Board of the trust.

- 10. GOVERNING BOARD: There shall be a Governing Board of the trust consisting of Chair person, Secretary, Treasurer and/or member trustee(s). They shall hold their offices for a term of three years and their duties will be as specified below.
 - i) The Chair person shall preside over the trust meeting, guide the control of the activities of the trust and reprsent the trust in all matters.
 - ii) The person who appointed to perform the duties of a Chair person shall help the Chair person in all her/his duties and shall have all the powers of the Chair person in his absence.
 - iii) The Chair person shall conduct all correspondence, keep accounts of the trust, place such accounts in the meeting of the trust.
 - iv) The Chair person and Treasurer shall keep cash and properties of the trust and deposit them in the bank approved by the trust to the credit of the trust and spent it according to the instruction from the Governing Board.
 - v) The Chair person shall perform all duties of the Treasurer in his/her absence

11 0 (1) MEETING OF THE BOARD OF TRUSTEES.

The Board of Tructees shall meet as often as required or at any rate once in three months.

(2) QUORUM:

The quorum for the meeting shall be 51% of the total trustees. Majority present shall decide in all matters arising for decision. At meeting in

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the event of equality, the Chair person shall have a casting vote. If there is a strong dispute the voting shall be by secret ballot and not by raising hands or any other similar methods.

- (3) The decisions of the board of trustees shall be by simple majority except in respect of matters for which it is otherwise provided in this deed. The trustees can take decisions by circulation among all the Trustees, but a meeting shall be necessary, if any trustee objects to circulation.
- (4) The decisions of the board of trustees shall be recorded in the minute's book, by the Chair person and shall be signed by all the Trustees who have attended the meeting. Any Trustee who is unable to attend the meeting shall communicate his acceptance of any decision or otherwise in writing. Photostat copies of the minutes shall be supplied to any trustees on a written request.
- (5) Ordinarily seven clear days notice shall be given for the meeting of the Trustees. However, in case of emergency a meeting can be convened by giving a shorter notice in writing or orally provided all such decisions should be ratified by the Governing Board.
 - (6) The meeting shall be called and notice for the same shall be given by the Secretary. The Secretary shall be bound to call a meeting if requisitioned by two third of the trustees. If the Secretary fails to call the meeting within 15 days of the receipt of such notice, the requistioning trustees shall be competent to call the meeting themselves. In such a meeting the matters for discussion shall be confined only to the agenda for which the notice has been given.

12. POWERS OF THE GOVERNING BOARD:

(1) To appoint/remove such employees and staff as may be necessary to carry on the day-to-day work and affairs of the Trust and fix their salary, emoluments, and service conditions.

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- (2) To take disciplinary action against the employees or members of the staff including the power to suspend, remove or dismiss them from service.
- (3) To plan, manage, administer and control the trust functions, and administer properties and institutions under its management subject to the over all control of the Trustees.
- (4) In the event of the Chair person, the Secretary, the Treasurer or any members ceasing to function on account of absence, death, resignation, retirement or other causes, the governing body may appoint one from among them to act in such vacancy until the expiry of the original term or board of trustees elects a new incumbent
- (5) The quorum for the meeting of the Governing board shall be 2/3. Decision of the Governing Board shall be taken by majority.
- (6) Notwithstanding anything contained elsewhere in this deed, until the first governing board comes into existence in accordance with the provisions of this deed the functions of the committee may be carried on by the trustees of the Trust.

13. REMOVAL OF THE TRUSTEES:

The Trustees shall have the power to remove the Chair person, the Secretary, the Treasure or any of the Trustees by 80% majority of all the trustees if it is found that his activities are not conducive to the interest of the trust or if he fails to comply with the decisions taken by the board of trustees. A special meeting for this purpose shall be convened and the concerned Trustee shall be given an opportunity of being heard before any decision of his removal is taken.

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14. RETIREMENT, RESIGNATION ETC. OF THE TRUSTEES:

Any Trustee may retire or resign on giving three months notice in writing thereof to the other trustees. A trustee shall automatically cease to be and shall vacate the office of the Trustee on the happening of any of the follwing

- (1) By Death, Resignation or Retirement
- (2) If he becomes of unsound mind.
- (3) If he is adjudged insolvent or if he applies to be so adjudged.
- (4) If he is convicted of any offence involving Moral Turpitude and is sentenced in respect thereof to imprisonment for not less than 3 months by a competent court in India.
- (5) If he is absent for more than 3 consecutive trust meetings of the Board of Trustee without leave.

15. FILLING UP OF TRUSTEES:

Any vacancy of Trustee consequent to his death, resignation, or removal may be filled up by the remaining trustees with the approval of three fourth majority subject to clause 14(1) above, no decision or act of the trustees shall however be invalid because of the existence of an unfulfilled vacancy. The vacancy may be filled up within one month from the date of arisal of such vacancy as per the majority decision of the Board of Trustees.

POWERS AND FUNCTIONS OF THE TRUSTEES:

(1) To manage, administer, and control of the Trust and the properties belonging to the Trust.

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- (2) To acquire by purchase, lease, mortgage, or otherwise any property movable or immovable for furthering the objects of the Trust.
- (3) To sell or dispose off any property, movable or immovable of the Trust, and the money arising from such sale or disposal shall be deemed to be part of the Trust funds provided that no immovable property of the Trust shall be sold or otherwise disposed off unless authorised by 80% (eighty percent) of the Trustees.
- (4) To take on rent, to purchase or to construct buildings or facilities for the purpose of the objects of the Trust.
- (5) To appoint upon such terms and conditions as they may determine officers, employees and personnel necessary and expedient for the proper management of the Trust and the institutions under the Trust and to pay them such salaries and allowances as are deemed necessary out of the Trust funds and also to remove, discharge, suspend or dismiss such officers, employees and personnel, if and when found necessary.
- (6) To invest the Trust fund in securities or approved savings or other certificates and bonds of Central or State Government or in any Post office Savings Bank in fixed deposits, current or other a curris with Scheduled Banks or Co-operative Banks or in Government Companies or in any bonds issued by approved financial institutions or otherwise, in accordance with law which stipulates the investment of Trust funds.
- (7) To borrow monies from Banks, Governments, Financial Institutions, individuals and other sources in India on the securities of lands, buildings or other assets of the trust, or otherwise for

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carrying out the objects of the Trust and to secure repayments thereof with or without interest, by mortgage of the trust properties or by bond, promissory notes, receipts, bills or other negotiable instruments/securities.

(8) To do or cause to be done all such other acts and things as may be necessary for the conduct of the affairs of the Trust.

17. Powers and functions of Chair person:

The Chair person shall be the Chief Executive of the trust, and shall have the powers for the general management of the trust. He will attend to the day to day affairs of the trust. The Chair person is specifically authorised hereby to open and type of accounts with any of the scheduled banks in India along with the treasurer. All deeds and documents pertaining to the trust funds shall be done by or in the name of the Chair person and Treasurer. The trust may sue or may be sued in the name of the Chair person.

18. Powers and functions of the Secretary of the Trust:

The Secretary of the Trust shall be responsible for calling the meeting of the board of trustees and governing board. She/He shall maintain a minute book wherein all the decisions and deliberations of the meeting of the trustees and Governing Board are to be recorded. She/He shall be responsible to make correspondence, if it is not done by the Chair person, on behalf of the trust in the day to day affairs of the trust, in the manner authorised by the governing board of the trust. She/he shall keep the regular account of the trust, place such accounts in the Governing Board and trust meeting. She/he shall get the accounts audited by the internal auditor of the trust quarterly and annual accounts should be get audited by Chartered Accountants.

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19. POWERS AND FUNCTIONS OF THE TREASURER:

The Treasurer shall keep the cash and the properties of the trust and deposit them in the bank approved by the Chair person and spend it according to the instruction from the Governing Board. The treasurer may keep cash in hand an amount which the trust decides from time to time for incidental expenses. All other disbursement above Rs. 5,000/- shall be made by cheque.

20. REIMBURSEMENT OF EXPENSES AND REMUNERATIONS:

Trustees shall not be entitled to any remuneration and shall work in an honorary capacity. However all trustees shall be entitled to receive and be paid out of the trust fund, all out of pocket, including travelling and other expenses reasonably and legitimately incurred by them in connection with the trust matters.

21. INVESTMENT OF FUNDS:

Any money required to be invested shall be invested in the name of the Trust and no investments or application of Trust funds shall be made in contravention of the provisions of section 11(5) read with section 13(1) (d) of the Income Tax Act 1961 as amended from time to time, and the Trust may also dispose of, alter or vary the investment from time to time.

FRAMING OF RULES AND REGULATIONS:

It shall be lawful for the Trustees from time to time, to frame such rules and regulations for the mangement and administration of the Trust as they deem fit and proper and to amend or vary the same from time to time, to make new rules and regulations, provided such rules and regulations shall not be inconsistent with the terms and intents of these presents and not inconsistent with the provisions of section 2 (15), 11,12,13 and section 80(g) of the Income Tax Act of 1961.

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23. BANKACCOUNTS OF THE TRUST:

- (1) The Trustees shall maintain proper and regular accounts of all receipts and expenditure of the Trust and such books of accounts shall be maintained either in English or in Malayalam and shall be kept at the office premises of the Trust. Any Trustee shall have the right to inspect such books of accounts during office hours. The annual accounts shall be audited by one Chartered Accountant who shall be elected by the general body.
- (2) The Trustees may deposit for safe custody any documents held by them relating to any property belonging to the Trust under these presents with any bank and may pay any sum payable in respect of the same.
- (3) On or before 31st March every year a general account shall be taken of all the assets and liabilities of the Trust and an income and expenditure account for the whole year and a balance sheet as on 31st March shall be prepared and shall be placed in the Annual General Body meeting of the Trustees. A copy of the Audited Annual Accounts and a copy of the next annual budget should be given to the Trustees at least 14 days before the Annual General Body meeting, the quorum for Annual General body meeting shall be 1/3 of its total members.
- (4) The funds of the trust shall be deposited in bank/banks as decided by the Board of Trustees in the name of the trust. The transaction shall be done jointly by the Chair person and Secretary or Treasurer. That the trust shall maintain regular accounts of all its transactions showing clearly the receipts and expenditure. All the expenses of the trust shall be properly vouchered.

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24. FINANCIAL YEAR

The financial year shall comprise of twelve months from April 1st of every year and includes the 31st day of March of the next calendar year

25. INDEMNITY

The Trustees shall be kept fully indemnified and harmless by the trust against any loss or liability arising against them, from any act done by them in good faith with prior consent of the trust, pursuant to the power and authority conferred upon them by this deed.

26. DURATION OF THE TRUST

This Trust hereby formed shall be irrevocable. This is a Trust formed and declared in such a way that it cannot be withdrawn or would up either witdrawn by founder or by the Trustees. In the event of dissolution, the net assets if any after satisfying all the debt and liabilities shall either be transferred to Societies/Trusts having the same or similar objects but also enjoying exemption under section 80G of the Income Taxt Act 9961 at the time of its transfer or shall be vested with the Government.

Subject to the provision hereof the income and asset of the Trust shall be used only for the charitable purposes mentioned herein and no part of the income shall incured to or shall be used or applied directly or. indirectly for the benefit of any person referred to in section 13 (3) of the Income Tax Act, 1961 or any statutory modification thereof.

If any norms that are not mentioned in this Trust Deed shall be subject to and covered by the provisions of Indian Trust Act 1882 (Act 2 of 1882).

27. Every power, authority, discretion conferred upon the Trustees shall be exercised or acknowledged either by some instrument in writing to be signed by all the trustees or by a resolution of the trust or such of them present and voting at any meeting of the trustees. A Aysho. D

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28. AMENDMENT

The Board of Trustees shall have the power to alter or amend any of the provisions of this Deed of Trust, provided that such alteration or amendment shall not be inconsistant with the objects of this Trust as well as the provisions of the Income Tax Act 1961 governing Charitable Trusts. No amendments shall be made to the provisions of this Deed except with the prior approval of the Commissioner of Income Tax, Kozhikode. The amendment shall not alter the basic character/objects of the Trust and further no such amendments which may prove to be repugnant to the provisions of sections 2(15), 11 and 13 and 80G of the Income Tax Act 1961, shall be made.

29. DISSOLUTION CLAUSE:

In the event of dissolution or winding up of the trust, the assets remaining as on the date of dissolution shall under no circumstances be distributed among the Trustees but the same shall be transferred to another similar similar control of the control of the

Subject to the above, all terms and conditions specified in the above referred Deed of Trust and Deed of Modifications of Trust shall continue to govern the Trust.

The above Modifications shall form part and parcel of Deed of Trust registered as Document No. 24 of 2000 and deed of Modification of Trust registered as Document No. 19 of 2004 in SRO Kozhikode.

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IN WITNESS WHEREOF I have set my hand hereunto on the day, month and year first above written in the presence of the undermentioned witnesses at Kalathinkunnu desom of Calicut city within SRO Kozhikode.

N.K. AYSHA

Witnesses:

- 1. Rajeev. K.E. K S/o. K.E. Ramadas, Koyiloth Erechankandy, Puthiyangadi, Kozhikode.
- 2. Deepa. P Doops D/o.Premachandran. P Parambath, Kasaba, Kozhikode.

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Computer Print :

Note of corrections: NIL

: E.R. ROY () Practising Advocate
Roll No. K 88/88
House No. 5/1521,

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