

Samaj Kalyan Samiti, Patna

(Established—1967)

Registered No. 40 of 1967

under the Societies Registration Act, 1860



Memorandum of Association &

Rules and Regulations

(as amended upto 22nd July, 1989)

FOREWORD

The original Memorandum of Association and the Rules thereunder had been framed by the principal founders of the Samaj Kalyan Samiti, that is, Late Lawly Sen and Sarvasree P. K. Sanyal and P. Mukerji. There had been several additions and alterations in the Rules since then. The Memorandum of Association and the Rules have now been thoroughly revised to suit the present activities of the Samiti. These were adopted by the Samiti at the Special General Meetings held on 22nd July, 1989.

Patna
1st November, 1989

Lakshmeswar Dayal, IAS (Retd.)
Chairman

FOREWORD

The original Memorandum of Association and the Rules thereunder had been framed by the principal founders of the Samaj Kalyan Samiti, that is, Late Lawly Sen and survivors P. K. Sanyal and P. Mukherjee. There had been several additions and alterations in the Rules since then. The Memorandum of Association and the Rules have now been thoroughly revised to suit the present activities of the Samiti. These were adopted by the Samiti at the Special General Meetings held on 22nd

July, 1989.

Patna (Bihar)

Chairman

1st November, 1989

Memorandum of Association

1. The name of the Society is Samaj Kalyan Samiti, Patna.
2. The objects for which the Society is being registered are the following :—
 - (a) To render help to the citizens of Patna in distress, in general and more particularly during illness and/or at death by providing such affected citizens with ambulance and/or hearse for transport to the Hospital/Private Clinic and/or Crematorium, Graveyard etc., respectively, within the limits of Patna, Patna City and Dinapore and to extend to other areas, as may be possible in the circumstances and conditions prevailing and, as may be, approved by the Executive Committee of the Samiti and for the uplift, welfare and such other philanthropic purposes for the citizens of Patna.
 - (b) To acquire by purchase or gift or by exchange or lease any moveable or immovable property and maintain and deal with such properties for the purpose of use as ambulance and/or hearse and for such objects as mentioned in Clause (a) above.
 - (c) To raise by subscription or donation a fund and maintain such fund for furtherance of the objects of the Society.
 - (d) To do all other acts, and deeds and things as are incidental or conducive to the achievement of all the foregoing objects or any of them.
3. The following are the members of the Executive Committee of the Society authorised to manage and conduct the affairs of the Society under the rules and regulations for the time being in force :

(2)

| Name | Occupation | Address |
|--|--|--|
| 1. Chairman : Mr. Justice U.N. Sinha | Judge Patna High Court | Patna-Gaya Road Patna-1 |
| 2. Vice-Chairman : Dr. S.M. Ghosal | Medical Practitioner | Makhaniakuan, Patna-4 |
| 3. Vice-Chairman : Mr. S. A. F. Abbas | Indian Administrative Service | 222, Pataliputra Colony, Patna-13 |
| 4. Honorary Secretary : Mr. P.K. Sanyal | Commercial Executive | 'Somamoy' Boring Road, Patna-1 |
| 5. Honorary Treasurer : Mr. P. Mukerji | Business | 'Ashirbad' S. P. Varma Road, Patna-1 |
| 6. Members of the Committee : | | |
| (i) Dr. A. K. N. Sinha | Professor P.W. Medical College, Patna | Kadamkuan, Patna-3 |
| (ii) Mr. Akbar Hussain | Advocate | Bank Road, Patna-1 |
| (iii) Rev. Fr. F. J. Wieman | Clergy | 'St. Xaviers' Patna-1 |
| (iv) Dr. R. N. Sinha | Professor P. W. Medical College, Patna | Saidpur Extension Road, Rajendra Nagar, Patna-16 |

We the several persons whose names are subscribed here under are desirous of forming the society :

| Name | Address |
|--------------------|--|
| 1. Mr. Lawly Sen | Managing Director, Lawly's Enterprise, Patna-1 |
| 2. Mrs. Aziza Imam | Chairman, Social Welfare Board Naqui Mansion; S. P. Verma Path Patna-1 |

(3)

| Name | Address |
|---|--|
| 3. Dr. Mrs. Renuka Barat | Medical Practitioner, 'The Corner' Badarghat, Patna-7 |
| 4. Mr. S. A. F. Abbas, IAS | Chief Administrator, River Valley Projects, 222, Pataliputra Colony, Patna-13 |
| 5. Mr. Justice U. N. Sinha | Judge, Patna High Court Patna-Gaya Road, Patna-1 |
| 6. Dr. S. M. Ghosal, FRCP | Physician, Bihari Kunj, Makhaniakuan, Patna-4 |
| 7. Mr. K. N. Khanna | Secretary, Productivity Council, Fraser Road, Patna-1 |
| 8. Mr. S. O. Rizvi, IPS | D. I. G. Military Police, 35, Hardinge Road, Patna-15 |
| 9. Mr. T. R. Bhatia | Prop. Bihar Scientific Corporation B. M. Das Road, Patna-4 |
| 10. Mr. Ali Imam | Agent, Life Ins. Corporation of India, 2, Yunus Park; Dak Bungalow Road, Patna-1 |
| 11. Mr. G. L. Coomar | Automobile Engineer, Boring Canal Road, Patna-1 |
| 12. Mr. T. R. Gupta | Bihar Agriculture Industry, Canton- ment Road, P. O. Khagaul, Patna |
| 13. Mr. Sugato Sen | Manager, Hotel Republic, Exhibition Road, Patna-1 |
| 14. Dr. S. C. Ray | Pathologist, Gobind Mitra Road, Patna-4 |
| 15. Dr. H. M. Sen | Sen Pharmacy, New Market, Patna-1 |
| 16. Mr. M. L. Sen | Advocate, Mithapur, Patna-1 |
| 17. Dr. B. Mukhopadhyaya, M. Ch (Orth), FRCS | Prof. of Orthopaedics, Medical College, Saidpur Road, Patna-16 |

(4)

18. Dr. R. N. Sinha, FRCS Prof. of Plastic Surgery, 'Udayan'
Saidpur Extension Road, Patna-16
19. P. K. Banerji Lecturer, Medical College, T. N.
Banerji Road, Patna-1
20. Mr. A. N. Mukherji Bank Road, Patna-1
21. Mr. M. S. Mukerji M/s. Everdise & Co.,
'Mamoni' Boring Road, Patna-1
22. Mr. P. Mukerji Managing Director, Gasolence Ser-
vice Pvt. Ltd., 'Ashirbad', S.P. Varma
Road, Patna-1
23. Mr. P. K. Sanyal Bihar Representative, Caledonian
Insurance Co., 'Somamoy', Boring
Road, Patna-1
24. Mr. K. K. Sinha Sales Manager, M/s. Lawly Sen &
Co., Exhibition Road, Patna-1
25. Dr. A. K. Guha Pathologist, Dak Bungalow Road,
Patna-1
26. Mr. K. K. Banerji Retd. Judge, Patna High Court,
Sinha Library Road, Patna-1
27. Mr. Ray Paras Nath Advocate, Jagat Narain Lal Road,
Patna-4
28. Dr. S. K. Sen Medical Practitioner, 'Shanti Sadan',
Fraser Road, Patna-1
29. Mr. K. K. Chakravarti Manager, Mithila Motors, Das Kuti,
Kadamkuan, Patna-3
30. Dr. Parimal Dutt Radiologist, Gobind Mitra Road,
Patna-4
31. Mr. U. P. Agarwal M/s. Shiva Iron & Steel Co., Gobind
Mitra Road, Patna-4
32. Mr. Akbar Hussain Advocate, Bank Road, Patna-1
33. Mrs. Ashma Imam 'Shanti-Niketan', Fraser Road, Patna-1

(5)

- | Name | Address |
|---------------------------------------|--|
| 34. Mr. Samir Kr. Ghosh M. L. | Advocate, Bhanwar pokhar, Patna-4 |
| 35. Pt. Srikant Thakur | Ex-Editor, Aryavarta, Boring Road, Patna |
| 36. Mr. R. N. Anand | Unique Surgical Works, Exhibition Road, Patna |
| 37. Mr. K. C. Choudhury | Bhartiya Bastralaya, Muradpur; Patna-4 |
| 38. Rev. Fr. F. J. Wieman | St. 'Xaviers', Patna-1 |
| 39. Mr. C. R. Sen | Agent, United Commercial Bank Ltd. Exhibition Road, Patna-1 |
| 40. Mr. K. S. V. Raman ICS. (Retd) | 400, Boring Canal Road, Patna-1 |

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Rules & Regulations

(As amended upto 22-7-1989)

(1) The year of the Samiti shall correspond to the official financial year i. e. from 1st April to 31st of March.

(2) For 'the sake of brevity 'The Samaj Kalyan Samiti', Patna shall hereinafter be referred to as the 'Samiti'.

(3) The 'Logo' of the Samiti shall be the familiar picture of Swami Vivekananda in a circle with the inscription; "They alone live who live for the welfare of others", as per specimen given on the cover of the Booklet containing the Rules and Regulations;

(4) The legend of the Samiti shall be :
"They alone live who live for
the welfare of others",

—VIVEKANANDA

Constitution

1. The Samiti will have the Governor of Bihar, subject to his consent, as Chief Patron. In addition, the Samiti will include Patrons, Life Members and Annual Members.

The affairs of the Samiti will be managed by an Executive Committee as follows :—

- | | |
|--------------------|--|
| 1. Chairman | — One |
| 2. Vice Chairmen | — Two |
| 3. Hony. Secretary | — One |
| 4. Treasurer | — One |
| 5. Members | — Eight (Five elected, one nominated and two Ex-Officio viz. Commissioner-Cum-Secretary, Urban Development Deptt. Bihar and Hony. Secretary, Indian Red Cross Society, Bihar State Branch or their nominees. |

Total—Thirteen

Note : All office bearers and elected members of the Executive Committee must be life members of the Samiti and ordinarily residents of Patna.

In all meetings the Chairman shall preside. In his absence any one of the Vice Chairmen shall preside. In the absence of all three, the Committee may elect one of its members to preside over the meeting.

2. The membership of the Samiti shall be open to all persons above the age of 18 years irrespective of caste, creed or community and who may subscribe to the objects of the Samiti.
3. Any person desirous of being enrolled as a Patron, Life Member or Annual Member of the Samiti shall be required to put in a regular application in the form prescribed by the Samiti (Vide Appendix 'A') and shall be introduced by at least one member of the Samiti. His/ Her application will then be considered by the Executive Committee who will be sole authority to grant or reject the same without assigning any reasons thereof.
4. The membership of the Samiti shall cease by resignation (subject to acceptance by the Executive Committee), expulsion for established moral turpitude and/or delinquency, death or in default of annual subscription in case of Annual Members for one year (See also Art. 17).
5. An Annual Member whose name has been removed from the register of such members, in default of payment of subscription, may be re-admitted, if he pays, when seeking re-admission the entire amount of subscription which he would have paid had he continued as member. In special circumstances, the Executive Committee, if satisfied about the reasons for non-payment may, at its option, re-admit the member on such terms and conditions as it may decide in each case.

Election

6. Election of the office bearers and members of the Executive Committee shall ordinarily be held not later than one month after the expiry of the terms of office of elected members; if however, for any reason whatsoever the re-election is delayed, the Executive Committee will continue to function till a fresh election is held.

- (a) The Chairman, 2 Vice Chairmen and 5 members of the Committee shall be elected at an Annual Meeting.
- (b) The Chairman after being so elected shall, in his discretion, and in consultation with the two Vice Chairmen so elected shall nominate the Secretary and the Treasurer and one member of the Committee who should be a Life Member of the Samiti.
- (c) The Executive Committee thus constituted shall hold office for the full term and also continue to function till a fresh election and/or nomination is held. All the members are eligible for re-election and re-nomination.
- (d) The Chairman may at his discretion nominate any member as a special invitee to the meetings of the Executive Committee whose services are considered as useful to the Samiti. The number of such invitees shall ordinarily be limited to three but in no case shall exceed five.

7. A clear notice of not less than 15 days shall be given to all members by the Secretary, before the date of such election/nomination.

8. Election and all matters relating thereto shall be conducted by the Secretary or such person as the Executive Committee may appoint to discharge the duties of the Secretary.

9. Election will be by counting of votes. In case of tie, the Chairman of the meeting will have a casting vote. The Executive Committee at its discretion and if it so desires may lay down detailed procedure for filing nomination for election either in person or through a prescribed form.

10. The term of office of the elected members of the Executive Committee shall be 2 years from the date of election. Elected members going out of office shall be eligible for re-election/nomination.

11. The Executive Committee shall be deemed duly constituted notwithstanding any vacancy in elected/nominated members.

12. Any casual vacancy among the office bearers may continue or be filled up by cooption by the Executive Committee. Any member appointed to fill in such a casual vacancy shall hold office only until the next general meeting for election.

Duties of the Secretary :

13. (1) The duties of the Secretary shall be:

- (a) To conduct and carry on the proper administration of the Samiti.
- (b) To conduct correspondence of the Samiti.
- (c) To arrange and convene meetings whenever necessary.
- (d) To maintain and operate a Bank Account, to be opened in a scheduled Bank on a resolution by the Executive Committee, with such power of withdrawal and deposit, as determined by the Executive Committee from time to time.
- (e) To prepare each year an Annual Report and Balance Sheet, showing the progress, activities and financial condition of the Samiti. The report thus prepared should first be considered by the Executive Committee before presentation to the General Meeting.
- (f) In the absence of the Secretary or Treasurer, the Executive Committee may elect another member from amongst themselves to carry on the work of Secretary or Treasurer.

Duties of the Treasurer :

(II) The duties of the Treasurer shall be :

- (a) To receive donation for and on behalf of the Samiti and to see proper receipts are granted.
- (b) To keep proper register of accounts showing all payments to and from the Samiti and receipts thereof.
- (c) To realise annual subscription from annual members and grant proper receipts.
- (d) To arrange, in consultation with the Executive Committee for proper annual audit of accounts.
- (e) To assist the Secretary in preparation of Balance Sheet and financial matters in general.

Duties of the Executive Committee :

14. The Executive Committee shall be responsible for the proper conduct of the affairs of the Samiti and shall meet at least once in 3 months. Their duties shall generally be :—

- (a) To cause the keeping of proper account books and other registers for the administration of the Samiti and check them.
- (b) To frame rules and regulations for the running and maintenance of the Motor Vehicles of the Samiti and prescribe fees for the use of the same and all necessary acts relating thereto.
- (c) To appoint necessary staff for operating the office and the Motor Vehicles and fix their salaries and/or remuneration.
- (d) To select a bank for opening a proper account and prescribe the procedure for operating the same.
- (e) To draw up proceedings and/or frame charges against any employee of the Samiti and if found guilty, dismiss him.

- (f) To admit members of all categories and elect such person or persons as Patrons, as may be deemed necessary.
- (g) To deliberate and decide matters concerning the Samiti in which the decision of the majority shall prevail.
- (h) To act generally in all matters connected with the objects of the Samiti and to take all steps that may be considered necessary in the interest of the Samiti.

General Body of Members

15. (A) An Annual General Meeting of the Samiti shall be held every year on or before the 30th November to consider the Annual Report and Audited Accounts of the Samiti.

(B) "Only a Special General Meeting of the Samiti shall have the power to revise, any or all, the rules of the Samiti, viz. amendment or alteration therein, provided always that all members on roll (excluding those in arrears) shall be duly notified and supplied the proposed amendments or alterations at least 15 days before the date of such a meeting. No such amendment or alteration or alterations shall be deemed valid and effective unless the same is passed by a majority of at least three fourths of the members present and voting. All such resolutions for amendment or alterations must be first considered by the Executive Committee and its recommendations recorded before placing the same in the Special General Meeting.

16. The Executive Committee shall be the sole authority for the interpretation of these rules and its decision upon a question of interpretation shall be final and binding upon members.

17. A member can be expelled on grounds of misconduct and/or proven moral turpitude or for such acts as the Executive Committee may think prejudicial to the interest and prestige of the Samiti, after service of 15 days notice and giving an opportunity to be heard to the member concerned. A General Meeting can only expel such a member by adopting a suitable resolution supported by a 2/3rd majority of the members present and voting.

Note : (a) The Executive Committee must first adopt a recommending resolution specifying the reasons for such expulsion before placing the same to the General Meeting. This resolution shall accompany the Notice for the General Meeting.

Meeting

18. A notice for all General Meetings-Ordinary Annual and/or Special-shall be given by post at least 15 clear days before the date of the meeting. All such Notices must be posted at least three days before the date reckoning the 15 days notice. The posting of such Notices shall be deemed to be due discharge of the provisions of the rules.

19. In all General Meetings of the Samiti, one third of the total strength of members or 15 members, whichever is less, being present shall form a quorum, but the quorum for the meeting of the Executive Committee shall be three members present.

20. For want of quorum on the date appointed for a General Meeting, the Meeting shall be adjourned to the same day and time of the next week and on the adjourned date, the members present shall be deemed to have formed the quorum, if the required quorum is wanting notwithstanding their number being less than one-third of the total strength or 15 members. In exceptional circumstances, however, the adjourned meeting may be held on a suitable date other than the aforesaid prescribed date.

Subscription

21. Until otherwise determined by the Samiti, there will not be any fee for admission to the Samiti, Member paying Rs. 1000/- or more shall be enrolled as a Patron (Sec Art. 14 (f), Member paying Rs. 250/- or more shall be enrolled as a 'Life Member'. Member paying an annual subscription of Rs.25/- shall be enrolled as an Annual Member.

All the Primary Donors at the formation of the Samiti as per list attached (Appendix 'B') will be classified as 'Foundation Life Members'. All subscriptions are payable in advance.

Records :

22. The records of the Samiti shall be in the safe custody of the Secretary and no record shall be destroyed without the previous approval of the Executive Committee.

Legal Proceedings :

23. The Samiti shall sue and be sued in the name of the Secretary for the time being.

The Property of the Samiti :

24. The property of the Samiti movable and or immovable shall vest in the Samaj Kalyan Samiti Trust as provided in the Trust Deed executed on 19th April, 1985 (Appendix C) and subsequently duly registered. Only the control and use of the property shall vest in the Executive Committee on such terms and conditions as may be mutually agreed upon by the Trust Board and the Committee from time to time.

25. (a) Alteration-Extension-Abridgement of Purpose :

Whenever it shall appear to the Executive Committee that it is advisable to alter, extend or abridge the basic purposes of the Samiti or to amalgamate the Samiti either wholly or partially with any other society, the Executive Committee shall submit the proposition to the members of the Samiti in a written or printed report and shall convene a special meeting of the Samiti for consideration thereof. But no such proposition shall be carried into effect unless :

1. A report has been delivered or sent by post to every member of the Samiti at least fifteen days previous to the special meeting convened by the Executive Committee for the purpose
2. The report has been agreed upon by a majority vote of the 3/5ths members of the Samiti present in the meeting either in person or by proxy.
3. Confirmed by a similar majority vote of 3/5ths of the members present in person or by proxy in a second special meeting to be convened.

(b) Winding up-Dissolution :

A special meeting of at least 3/5ths of the members of the Samiti present in person or by proxy, shall have power to determine that the Samiti shall be dissolved forthwith or at a suitable time as agreed upon. Any such resolution for dissolution shall however be duly considered by the Executive Committee before the special meeting is convened and the Committee's recommendations on the resolution duly recorded. In the event of dissolution and after satisfaction of all debts and liabilities (contractual or otherwise) any property movable or immovable whatever is left shall not be paid or distributed to any member of the Samiti but shall be paid or distributed to any other society or organisation, on such terms and conditions as may be determined, which have similar objects as those of the Samiti as enshrined in the Memorandum of Association of the Samiti. Provided always that a report and draft resolution for the purpose with recommendations of the Executive Committee shall be delivered or sent by post to all members of the Samiti at least fifteen days before the special meeting convened for the purpose.

APPENDIX 'A'
MEMBERSHIP FORM

To Patna, the

The Secretary,
Samaj Kalyan Samiti,
PATNA
Dear Sir,

I,, son/daughter/wife of
....., residing at,
.....
wish to be enrolled as Patron/Life Member/Annual Member of
the Samaj Kalyan Samiti, Patna.

I hereby declare that I fully agree with the aims and
objects of the Samiti and undertake that I shall abide by the
rules and regulations of the Samiti, as may be in force from time

to time and will regularly pay all subscriptions and donations
that I may be required to pay from time to time. I further
declare and undertake that I will refrain from doing anything
prejudicial to the interests of the Samiti.

I tender herewith a sum of Rs..... (Rupees.....
.....), as my initial subscription in cash/by
cheque No....., dt..... on.....

Yours' truly,

Proposed by :

Admitted as Patron/Life/Annual member.

on the19 by the Executive Committee.

Secretary

Membership Donation

Patron — Rs. 1000/- and above.

Life — Rs. 250/-

Annual — Rs. 25/- Per year.

APPENDIX 'B'

Foundation Life Members

| Name | Address |
|-------------------------------|---|
| 1. Mr. Lawly Sen | Managing Director, Lawly's Enterprise, Patna-1 |
| 2. Mrs. Aziza Imam | Chairman, Social Welfare Board, Naqui Mansion, S.P. Verma Path, Patna-1 |
| 3. Dr. Mrs. Renuka Barat | Medical Practitioner, 'The Corner', Badarghat, Patna-7 |
| 4. Mr. S.A.F. Abbas, IAS | Chief Administrator, River Valley Pro- jects, 222, Patliputra Colony, Patna-13 |
| 5. Mr. Justice U. N. Sinha | Judge, Patna High Court, Patna-Gaya Road, Patna-1 |

| Name | Address |
|---|---|
| 6. Dr. S. M. Ghosal, FRCP | Physician, 'Bihari Kunj'; Makhaniakuan, Patna-4 |
| 7. Mr. K. N. Khanna | Secretary, Patna Productivity Council, Fraser Road, Patna-1 |
| 8. Mr. S.O. Rizvi, IPS | D. I. G. Military Police, 35 Hardinge Road, Patna-15 |
| 9. Mr. T. R. Bhatia | Prop. Bihar Scientific Corpn., B. M. Das Road, Patna-4 |
| 10. Mr. Ali Imam | Agent, Life Ins. Corporation of India, 2 Yunus Park, Dak Bungalow Road, Patna-1 |
| 11. Mr. G. L. Coomar | Automobile Engineer, Boring Canal Road, Patna-1 |
| 12. Mr. T. R. Gupta | Bihar Agriculture Industry, Cantonment Road, P. O. Khagaul, Patna |
| 13. Mr. Sugato Sen | Manager, Hotel Republic, Exhibition Road, Patna-1 |
| 14. Dr. S. C. Ray | Pathologist, Gobind Mitra Road, Patna-4 |
| 15. Dr. H. M. Sen | Sen Pharmacy, New Market, Patna-1 |
| 16. Mr. M. L. Sen | Advocate, MithaPur, Patna-1 |
| 17. Dr. B. Mukhopadhyaya M. Ch. (Orth), FRCS | Prof. of Orthopaedics, Medical College, Saidpur Road, Patna-16 |
| 18. Dr. R. N. Sinha, FRCS | Prof. of Plastic Surgery, 'Udayan' Saidpur Extension Road, Patna-16 |
| 19. Dr. P. K. Banerji | Lecturer, Medical College, T. N. Banerji Road, Patna-1 |
| 20. Mr. A. N. Mukherji | Bank Road, Patna-1 |

| Name | Address |
|----------------------------------|--|
| 21. Mr. M. S. Mukherji | M/s. Everdise & Co., 'Mamoni' Boring Road, Patna-1 |
| 22. Mr. P. Mukerji | Managing Director, Gasolene Service Pvt. Ltd., 'Ashirbad', S. P. Verma Road, Patna-1 |
| 23. Mr. P. K. Sanyal | Bihar Representative, Caledonian Insurance Co., 'Somamoy', Boring Road, Patna-1 |
| 24. Mr. K. K. Sinha | Sales Manager, M/s Lawly Sen & Co., Exhibition Road, Patna-1 |
| 25. Dr. A. K. Guha | Pathologist, Dak Bungalow Road, Patna-1 |
| 26. Mr. K. K. Banerjee | Retd. Judge, Patna High Court, Sinha Library Road, Patna-1 |
| 27. Mr. Ray Paras Nath | Advocate, Jagat Narain Lal Road, Patna-3 |
| 28. Dr. S. K. Sen | Medical Practitioner, 'Shanti Sadan', Fraser Road, Patna-1 |
| 29. Mr. K. K. Chakravarti | Manager, Mithila Motors, 'Das Kutir' Kadamkuan, Patna-3 |
| 30. Dr. Parimal Dutt | Radiologist, Gobind Mitra Road, Patna-4 |
| 31. Mr. U. P. Agarwal | M/s Shiva Iron & Steel Co., Gobind Mitra Road, Patna-4 |
| 32. Akbar Hussain | Advocate, Bank Road, Patna-1 |
| 33. Mrs. Ashma Imam | 'Shanti-Niketan', Fraser Road, Patna-1 |
| 34. Mr. Samir Kr. Ghose M. L. | Advocate, Bhanwarpokhar, Patna-4 |

(18)

35. Pt. Srikanta Thakur Ex-Editor, Aryavarta, Boring Road,
Patna
36. Mr. R. N. Anand Unique Surgical Works,
Exhibition Road, Patna
37. Mr. K. C. Choudhury Bharatiya Bastralaya, Muradpur,
Patna-4
38. Rev. Fr. F. J. Wieman St. 'Xaviers', Patna-1
39. Mr. C. R. Sen Agent, United Commercial Bank Ltd.
Exhibition Road, Patna-1
40. Mr. K. S. V. Raman 400, Boring Canal Road, Patna-1

□

APPENDICES

1. *Appendix C* — Trust Deed creating the
Samaj Kalyan Samiti Trust.
2. *Appendix D* — Deed rectifying Trust Deed.

SAMAJ KALYAN SAMITI Trust Deed

THIS DEED OF TRUST made on the nineteenth day of April 1983 between SAMAJ KALYAN SAMITI Patna through Sri Surendra Kumar Shah son of Shri Narendra Kumar Shah of Exhibition Road, Patna PS Gandhi Maidan, Patna as Honorary Secretary of the Samiti having its registered office at 'Ashirbad', S. P. Verma Road. Patna, hereinafter called the Author of the Trust of the one part and Trustees duly constituted by the aforesaid Samiti of the other part hereinafter called "Trustees" and the Trust will be called "THE SAMAJ KALYAN SAMITI TRUST" having its registered office at the 'Ashirbad', S. P. Verma. Road. Patna.

WHEREAS the SAMAJ KALYAN SAMITI is a society duly registered under the Societies Registration Act. 1860 and it was registered in 1967 bearing Registration No 40 of 1967. It has been since then rendering social and humanitarian service to the people of Patna and its vicinity by providing round-the-clock facilities for Hearse. Ambulance. Ice Casket and other social services.

At a meeting of the Executive Committee of the Samiti held on 21st August 1982 under the Chairmanship of Shri K. A. Rama subramaniam 1AS it was resolved that a TRUST be duly constituted under the provisions of Trust Act (Act 1 of 1882). This decision was approved and confirmed at the Annual General Meeting of the General Body of the Samiti held on 25th September 1982 and further resolved that the name of the Trust will be "THE SAMAJ KALYAN SAMITI TRUST". The purpose and object of the Trust is to act as Trustee of the funds donated or to be donated in future and to invest the same in such manner as laid down in this Deed of Trust and interest or the usufruct to be used for giving the SAMAJ KALYAN SAMITI such sums of money regularly or from time to time as may be required by the Samiti for meeting the recurring and emergency expenses to enable The Samiti to properly and satisfactorily render social and humanitarian service which it is doing and such other social service within the framework of the objects of their Samiti which may be undertaken in future in consultation with the Board of Trustees.

NOW THIS DEED OF TRUST witnesseth in pursuance of the said decision and the objectives the "SAMAJ KALYAN SAMITI" hereby conveys and assigns unto the TRUST BODY specified sum of money as mentioned here below in the Schedule and such sums of money which may be received by way of donation from time to time and also movable and immovable properties. donated to and acquired by the Samiti, The Trustees shall hold such property movable or immovable in Trust exclusively for the benefit of SAMAJ KALYAN SAMITI subject to the terms powers, provisions and declarations hereinafter contained.

AND IT IS HEREBY declared that the TRUST BODY shall invest the money initially assigned and such other monies as may be donated or assigned in future either in Unit Trust of Indi or in any Government Security, debentures or in any scheduled or nationalized Bank on fix or long term deposits or in any such manner as the TRUST BODY may think proper and suitable. Income realized by interest from these investments will after meeting the necessary expenses of the office of the Trust subject to a maximum of Rs. 300/- per year, be disbursed to the SAMAJ KALYAN SAMITI for its expenses as mentioned above and any income left over after meeting the said expenses of the Samiti will be re-invested in the manner mentioned above so that the corpus is maintained and augmented

The TRUST shall be thus constituted and shall operate under the terms and conditions hereinafter mentioned-

1. The Trust shall be a permanent body.
2. The TRUST BODY shall consist of five members all of whom shall be from Patrons and or Life Members of the SAMAJ KALYAN SAMITI subject to at least two members from amongst the Foundation Life Members till such time as Foundation Life Members be available. The Trustees shall not be eligible to become an office-bearer or a committee member of the Samiti. Initially the SAMAJ KALYAN SAMITI at a special General Meeting of the SAMAJ KALYAN SAMITI held on 11th December, 1982 while approving this Trust Deed elected the following five members from its foundation-Life Members, Patrons and Life Members including President and Secretary:
 - i. Justice A. N. Mukharji (Retd), Son of late Rai Bahadur S N. Mukherjee of Bank Road, Patna-Chairman
 - ii. Sri S. A. F. Abbas (AS (Retd.), Son of Late S. I. Hussain, 222, Patliputra Housing Colony, Patna-13-Member
 - iii. Sri R. Nath, IAS (Retd.), Son of Late R. S. B. N. Kishore of "Sarovar", Patliputra Colony, Patna-13-Member
 - iv. Sri S. K. Jha, IPS, Son of Sri Gobardhan Jha, DIG of Police, Patna-Member

- v. Dr J, C. Banerji, PhD, Son of Late Sorashipada Banerjee, Retd. Reader, Patna University, resident of Road No. 6, Rajendranagar, Patna-16-Honorary Secretary
3. No allowances of any kind would be payable for attending the meetings of the TRUST BODY.
 4. The Tenure of the TRUST BODY including the President shall be in perpetuity but in case of death continuous absence from Patna for one year or absence from two consecutive meetings without lawful excuse or incapacity or resignation of one or more TRUSTEES Including the President, the remaining Trustees shall nominate or elect one or more persons eligible to become a Trustee, as new Trustees or a new President to fill-up the said vacancy or vacancies
 5. The TENURE of the Secretary shall be for a maximum period of FIVE years. After the expiry of the said period, the Trustees shall elect a Secretary from amongst the Trustees there being no bar to the outgoing Secretary being re-elected. Changes, if any, in the CONSTITUTION of the TRUST BODY should be intimated.
 6. Provided if a Trustees dies or be adjudged insolvent or be convicted of any offence involving moral turpitude proved to have committed breach of Trust or in the opinion of the other Trustees be unable for it-health to at such Trustee then his office of Trustee will be deemed to have been vacated,
 7. The TRUST BODY duly constituted by this Deed of Trust shall be a corporate body and can sue and be sued in the names of SAMAJ KALYAN SAMITI Trust and shall have the power to receive donation, assignment, transfer of movable and immovable properties.
 8. The accounts of the Trust Fund shall be audited once every year before 30th June and a copy of the Audited Account and the Report of the Auditor shall be forwarded to SAMAJ KALYAN SAMITI for information.
 9. The Secretary of the TRUST BODY shall be a member of the TRUST BODY. He shall be responsible for keeping account which shall be placed before the Trustees at least once a year.
 10. The TRUST BODY shall be empowered to frame rules from time to time regarding the routine matters and day to day working and keep the SAMAJ KALYAN SAMITI informed of the same
 11. If for any reason whatsoever the SAMAJ KALYAN SAMITI is dissolved or becomes extinct or does not operate for some reason or other for two consecutive years, the TRUST BODY shall have the absolute right and power to disburse the interest that shall accrue from the invested money from year to year in consonance with the purpose and objects of SAMAJ KALYAN SAMITI.
 12. The Trustees shall maintain a regular account of the money placed in their hands and place the same before the executive of the SAMAJ KALYAN SAMITI within six months of the end of each calendar year.
 13. The TRUST BODY will be empowered to act and take decisions in a meeting with a minimum quorum of three persons. If the meeting be adjourned for want of quorum than this quorum will not be necessary at the adjourned meeting.
 14. The TRUST BODY shall open a Savings Bank Account either in the State Bank of India or in a scheduled bank and the account shall be operated under the joint signatures of the President and Secretary of the TRUST BODY.

SCHEDULE

1. Cheque on Syndicate Bank Patna, as donated below-Cheque No. 448478 dated 19th April 1983 for Rs 100/- (Rupees One hundred only). in witness WHEREOF the parties have hereunto set their hands this day of.....

| | |
|---|---|
| 1. Sd. Surendra Kumar Shah (S. K. Shah) 19th April, 1983 Hony. Secy. of the SAMAJ KALYAN SAMITI | 2. Sd. Jogesh Chandra Banerjee (Dr. J. C. Banerjee) 19th April, 1983 Hony. Secy. of the Board of Trustees. Sd. Achalendra Nath Mukharji-19.4.83 Sd. Rameshwar Nath-19.4.83 Sd. Syed Abul F. Abbas-19.4.83 Sd. Sudhir Kumar Jha-19 4.83 |
|---|---|

Witnesses:

1. Sd. Prabhudatta Mukarji-19.4.83
"Ashirbad S. P. Verma Road, Patna-1
2. 54. Awadh Kishore Dubey
Co Bihar Chamber of Commerce J. C. Road Patna

Appendix—D

DEED OF RECTIFICATION

This DEED OF RECTIFICATION made this, the fourteenth Day of the Month of May in the Christian year of One Thousand Nine Hundred Eighty Six.

BETWEEN

The SAMAJ KALYAN SAMITI, a Society registered at Patna under the Societies Registration Act, 1860 bearing Registration No. 40 of 1967, represented through its Honorary Secretary, Shri Surendra Kumar Shah, an Indian National, son of Shri Narendra Kumar Shah of Exhibition Road, Patna-800001, hereinafter called the EXECUTANT of the FIRST PART, which term, unless repugnant to the context shall include its successors-in-interest.

AND

The SAMAJ KALYAN SAMITI TRUST, a Trust created by DEED No. 769 of 1983 registered at Patna in Book No. IV Volum No. 42 at pages 340 to 348 for the year 1983, represented through its Trustee, Shri Jogesh Chandra Banerji, son of late Sorashipada Banerji of P. S. Rajendranagar, District Patna hereinafter called the TRUST (EXECUTANT) of the SECOND PART, which term unless repugnant to the context, shall include its successors-in-interest.

WHEREAS the aforesaid SAMAJ KALYAN SAMITI created a Trust called the SAMAJ KALYAN SAMITI TRUST, by Deed No. 769 of 1983 registered at Patna in Book No. IV, Volume No. 42 at Pages 340 to 348 for the year 1983 in pursuance of a Resolution adopted by the General Body in its meeting held at Patna on the 25th September, 1982.

AND WHEREAS, some mistakes having crept therein,

(2)

difficulties are being experienced in the working arrangement of the said two bodies of Samiti—the SAMAJ KALYAN SAMITI, the Authors of the Trust, adopted a Resolution in a meeting of its General Body held at Patna on the 21st September 1985 to rectify the mistakes in the original Trust Deed and to clarify the position.

NOW

This DEED OF RECTIFICATION witnesseth :

1. That the word 'President' and the word 'Secretary' wherever they occur in the said Deed of Trust No. 769 of 1983 be respectively read as 'CHAIRMAN' and 'HONORARY SECRETARY'.
2. That the following provision be added after the words 'as that the corpus is maintained and augmented' and before the words 'The Trust shall be thus constituted and shall operate under the terms and conditions hereafter mentioned'.

PROVISOS

1. PROVIDED that the Samiti shall transfer to the Board of Trustees all lump sum donations of Rs. 2000/- or above excluding such donations as are earmarked for specific purposes, as and when received by the Samiti. Provided further that the actual manner and/or procedures and the quantum of money received in the form of donations below rupees two thousand during a calendar year to be transferred or otherwise, be laid down on mutually agreed formula evolved from time to time by the Trust Body and the Executive Committee of the SAMAJ KALYAN SAMITI and ratified by the General Body of the Samiti.

2. PROVIDED further that in the event of non-agreement between the Samiti and the Trust the matter shall be referred either to the arbitration of an Arbitrator jointly selected by the Samiti and the Trust, failing which to the arbitration of the DISTRICT JUDGE of PATNA.

3. The words 'in consonance with the purpose and objects of 'SAMAJ KALYAN SAMITI' in the end of para 11 be read as

follows—To any such organisation which may be operating in the capital city, of Patna with the same purpose and objects as that of SAMAJ KALYAN SAMITI'.

4. Amendments or alteration in the CONTENTS OF THE TRUST DEED, can only be made by the Samaj Kalyan Samiti, the AUTHORS of the Trust provided any such amendment or alteration is mutually agreed upon by the Board of Trustees as well as Samaj Kalyan Samiti. PROVIDED further that all such amendments or alterations shall be in conformity with the objects of the Trust which (objects of the Trust) shall never be changed. Such amendments shall be made by a resolution to be passed by a majority of two-thirds members present and voting in a meeting of the General Body of the Samaj Kalyan Samiti called for this purpose after a clear notice of fourteen days and such amendments and alterations shall always be incorporated in a DEED to be approved by the aforesaid GENERAL BODY of the Samiti and registered in the office of the Registrar in due course.

5. The Trust can be extinguished only in the manner provided in the Indian Trusts Act, 1882.

In WITNESS WHEREOF the Executant of the FIRST PART as also the TRUSTEES of the SECOND PART have executed this DEED OF RECTIFICATION on the date, month and the year aforesaid after going through the contents of the same, in presence of the witnesses who have also signed hereunder.

Witnesses :—

1. J. Pramanik

Adm. Officer, Samaj Kalyan Samiti
Red Cross Building, Patna.

2. Narayan Gope

Nazarat Deputy Collector
Patna.

Surendra Kumar Shah

Honorary Secretary
Samaj Kalyan Samiti

EXECUTANT of the FIRST PART

Jogesh Chandra Banerji

TRUSTEE

ON BEHALF OF THE SAMAJ KALYAN SAMITI TRUST

EXECUTANT OF THE SECOND PART