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Under Section 50-A

BEFORE THE LD, DEPUTY CHARITY COMMISSIONER

MAHARASHTRA STATE, MUMBAI

Application No. 40 of 2007

EX-1

UNDER SECTION 50(A) (i) OF BOMBAY PUBLIC TRUST ACTS. 1950  
IN NAME OF CHILDREN WELFARE CENTRE, P.T.R.NO.F- 6912(BOM).

Charity Commission, Maharashtra State  
Mumbai  
8518  
13/12/07

24740  
11/12/07

APPLICANT:

1) Mr. Ajay Jawahar

601, Nirman

Kutir Yari Road

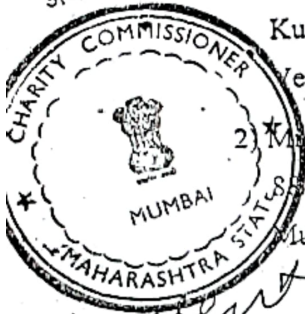
Versova Mumbai 400061.

2) Mrs. Shabnam Kapoor

8518 Aram Nagar, Versova.

Mumbai 400061.

) APPLICANTS



presented  
by Mr. Sakpal  
on behalf of applicant  
of be  
registered

THE APPLICANTS HEREINABOVE I.E PRESIDENT, GEN  
SECRETARY OF PRESENT MANAGING COMMITTEE

Most respectfully submits as under:-

1. Name & Regd. No. Of the Trust:

That there is a public Trust designated and known as "CHILDREN  
WELFARE CENTRE Registered No. F-6912(Bom) (hereinafter  
referred and called as Trust) having is present office at Children  
Welfare Centre, Yari Road, Versova, Mumbai - 400 061.

2. Office of the Trust:

The Registered office of the Trust shall be Children Welfare Centre  
Yari Road, Versova, Mumbai - 400 061.

3. A) Jurisdiction: All over India.

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क्रमांक 219 कलम/नियम  
अधीन याव. P.V. Sakpal  
अर्जा अर्जा अर्जा तो दिनांक 21/08  
अर्जा अर्जा अर्जा तो दिनांक 11/12/08  
अर्जा अर्जा अर्जा तो दिनांक

अधीन याव. महाराष्ट्र राज्य यांचे कार्यालय मुंबई

13/12/07

4.

**Objects of the Trust:**

- a) Promoting education and rendering medical, legal and physical help to the needy and deserving students belonging to the national linguistic minority.
- b) To obtain foreign affiliation for conducting educational institutions in India.
- c) To establish and conduct and maintain educational institution.
- d) To provide medical facilities to needy and under privileged.
- e) To do all such legal acts to achieve the above aims and objects of the society.
- f) To promote communal harmony in the society by celebrating different festival and various social function in order to promote the

ame.

- g) To arrange programs in the cause of national integration /communal harmony.

h) To make unity amongst the youths and to cultivate in their minds the national outlook and patriotic citizenship through means of organizing different activity.

- i) To establish, control, direct, take over, conduct, supervise, develop and manage and/or assist or join in the establishment, control, direction, taking over, conduct, supervision, development and management of schools, colleges, institution and bodies for giving or imparting all kind of education and training including without prejudice to the generality and in particular primary, secondary and higher academics scientific, commercial, industrial, agricultural in all its branches, technological, vocational, theological, professional including medical, legal journalistic, political, historical, religious,



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psychological, sociological, physical, military education and training as well as education and training in arts (including fine arts) and crafts and conducting post graduate diploma courses in journalism, marketing, management and business administration to deserving and needy students of all communities without discrimination on the ground of caste, class, colour, creed, religion or sex.

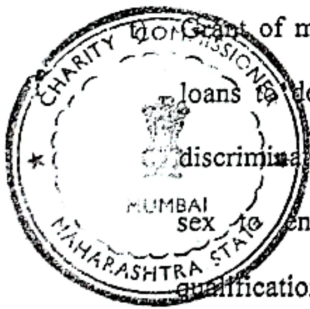
- j) To promote and/or establish and/or conduct higher secondary and university education in different faculties.
- k) To recognize, sponsor, promote, establish, conduct or undertake scientific research in any way or by means whatsoever and in any area or field.
- l) To encourage the education and research in various Indian Culture towards the secular nationhood of Indian people.
- m) To teach and encourage the different languages such as English, Hindi, Marathi, Urdu, Sanskrit, Gujrati, Arabic, Persian etc.
- n) To encourage and propagate education in educationally and/or economically backward communities.
- o) To help and promote education of poor boys and girls in schools, colleges and other institutions in all possible ways by means of scholarships and prizes or payment of fees or providing books or defraying other expenses of any nature whatsoever.
- p) For the advancement and propagation of education and learning in different faculties including the establishment, maintenance and support of Colleges, Universities, Technical institutions, Schools, Work Classes, Laboratories, Museums, Vidyapithas, Libraries, Balmandirs, Pathshalas, Study centers or other educational institutions, professorships, lectureships, scholarships, prizes for



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research work in connection with medical scientific or industrial problems, giving traveling fellowships in any branch of science or art or learning assisting students to study abroad either by payment of a lump sum or by payment of periodical sums.

- q) To publish and/or to aid in publishing books, magazines, reports, periodicals, annuals to impart education, promote literature and culture etc.
- r) Establish and maintain and/or support to hostels and/or boarding houses and grant of free boarding and lodging to the poor and deserving students upon such terms and for such period as the Trustees may deem fit.
- s) Grant of endowments to Universities, research institutions (whether now existing or hereafter established) for spread of education and knowledge in all or any branches of knowledge.

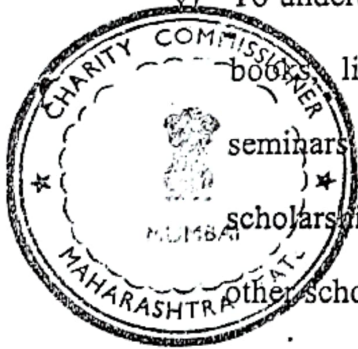


Grant of monetary or other assistance including scholarship and/or loans to deserving and needy students or any community without discrimination on ground of caste, class, colour, creed, religion or sex to enable them to receive such education, training and qualification in such lines or course for such periods, and upon such terms as Trustees may in their absolute discretion from time to time deem fit.

- u) Establishment and/or maintenance and/or support of and/or grant of monetary or other assistance to any hostels and/or boarding houses and/or grants of free board ship for the lodging and boarding of any students whether male of female studying in any schools, colleges or institutions upon such terms as the Trustees may in their absolute discretion from time to time deem fit.

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- v) To conduct, establish, equip, maintain and/or manage laboratories, workshops and to undertake, conduct, carry on or help to carry on scientific research and other scientific works, and provide funds for such works or for payment to any person or persons engaged in research work whether in such laboratories or elsewhere in the fields of natural or applied science including agricultural, animal husbandry or fisheries.
- w) To award prizes, gold and/or silver medals or cash payment to meritorious students in the examination held by school, college, university or such other educational institutions.
- x) To conduct, manage, guide, look after or supervise other educational institutions having objects similar in part or in whole to the objects of the Trust for the advancement and propagation of education and learning.
- y) To undertake, carry out, promote and sponsor any publication of any books literature, newspaper, etc. or for organizing lectures or seminars likely to advance these objects or for giving merits, awards, scholarships loans or any other assistance to deserving students or other scholars or persons to enable them to PURSUE their studies or academic persists or researches and for establishing, conducting or assisting any institution, fund, trust, etc., which has any of these objects as one of the above mentioned objects or purposes, transfer without consideration or at concessional value and divert the ownership of any property of the Trust to or in favor of any public or local body or authority or central or state Government or any public Institutions or Trust or Fund.



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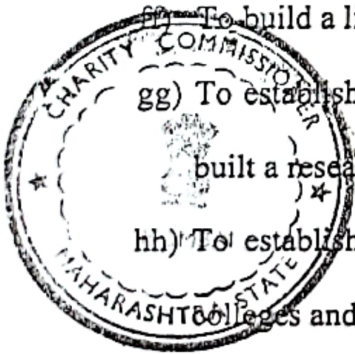
- z) To undertake research or any field to make payment to any University, College, Associations, or Institutions to be used for research in any field.
- aa) To afford to its beneficiaries opportunity to keep themselves intellectually vibrant and abreast of current events.
- bb) To organize and hold lectures, discourse, debates, seminars, reading of papers and group studies on diverse topics and subjects.
- cc) To publish lectures of social, political, scientific, cultural and sociological importance on a non-commercial basis with an view to enlightening the beneficiaries.
- dd) To organize and undertake such cultural and social activities and functions as will afford opportunities for contacts among the member and the people.
- ee) To pay particular attention to reconstruction and community development work in rural areas.

ff) To build a library of its own.

gg) To establish a cultural wing for Art and Music and towards this end built a research and reference library.

hh) To establish and maintain laboratories workshops and schools and colleges and encourage experiments therein.

- ii) To grant scholarships, stipends and other monetary assistance to persons engaged in activities, which promote its objectives.
- jj) To conduct investigations and undertake studies in India or abroad on constitutional, administrative, economic, social, medical, cultural, philosophical and scientific problems.
- kk) To assist the research work of any institute or institution and other bodies, incorporated or not, having similar objects in such a manner



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as may be considered expedient and to corporate with such institution in these activities.

- ll) To establish, found, construct, maintain and assist in the promotion of institution for the scientific, technological, agricultural, industrial and economic progress and development of the country.
- mm) To establish, maintain and control institution in India and elsewhere for the above objects and to have them registered or recognize in any part of India or any foreign country.
- nn) To establish and support professor ship and prize at any university, collége, school or any other educational institution.
- oo) To do all such other lawful things as may be incidental to or conducive to the attainment of its objects in India or abroad.
- pp) To maintain and develop the institute of social science as a teaching and research institution.
- qq) To give donation to individual, organization and similar objects of the trust and to render medical aid, donations towards educational and communal harmony.
- rr) To run langar and to provide food clothing & day to day basic requirements to needy and poor people and children from slum and special children
- ss) To organize contest /competitions for less deprived children and to special children.

cc) To provide relief to the needy people during floods, famine ,riots earth quake and any other calamities

uu) To adopt and maintain play grounds ,gardens , welfare centre ,gymnasium, sports club , in the interest of the general public at large

OTHER OBJECT AS PER DRAFT SCHEME :

Movable property of the Trust:


Movable property of the Trust as per Schedule -I.

6. **Immovable Property of the Trust:**

Immovable property of the Trust as per Schedule - I Register.

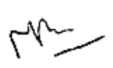
7. **Mode of succession to the Trusteeship:**

Present office bearers appointed under scheme shall be for life time

and  shall have power to

appoint new and additional trustee.





8(a) **Managing Committee:**

There shall be Minimum 7 and Maximum 15 members in the managing committee.

9. **Member :**

- a) Any person who has completed age of 21 years shall become ordinary member of trust by paying subscription of respective membership decided by the office bearer of trust from time to time.
- b) All above shall have no voting right or shall have no right to participate in election of office bearers.
- c) Due to non payment of membership subscription, their membership shall be terminated immediately.

10. **Reason for framing a Scheme:**

- a). In order to improve the functioning of the trust and for making the trust eminently eligible for conferment of autonomous status, the Trustees/office bearers of the said Trust have decided to frame scheme for effective administration and management of the properties and affairs of the said Trust and also increase the objects of the trust in field of Information Technology more over expand the activities of Trust in the interest of the Public at large. The old Memorandum of trust and Rules and Regulations is very old and not so much clear about the activities, therefore present Trustees Applicant Passed Resolution on 20110107 to frame scheme in the interest of Trust. The existing Managing Committee have passed resolution in General Body Meeting on 2811107 and approved the first Board of new Trustees/office bearers.



*[Handwritten signature]*



- i) The Xerox copy of Draft of Scheme is attached.
- ii) That a court fee stamp of Rs.10/- has been affixed to his application.
- iii) That no any suit or application is pending in any court.
- iv) That application crave leave to add, amend, alter, improve, modify, reserve this application during the course of hearing with prior permission of this Authority.
- v) That the said Trust has been created and registered at Mumbai as such this Court is having jurisdiction to decide this application,

b) The applicant states that most of the previous office bearers, whose names are appeared in the Schedule – I, and They have tendered their NOC.

11. The first board of Trustee/office bearers as under shall be for life time. Trustee be remained from trustship by majority decision of Board of Trustees only.

- 1) MRS. SHABNAM KAPOOR
- 2) SHRI PRAKASH NARKAR
- 3) SHRI DILAWAR GILANI
- 4) SHRI AJAY JAWAHAR
- 5) SHRI IQBAL MANSOORI
- 6) SHRI VISHNU DANDEKAR
- 7) MRS. REETA CHADHA

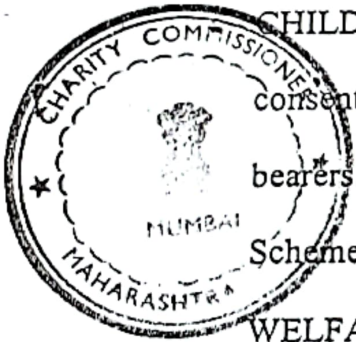
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12. Following Executive office bearers shall be elected from the above Board of Trustees.

1.	President	- 1
2.	Vice – President	- 2
3.	Hon. Gen Secretary	- 1
4.	Hon. Secretaries	- 2
5.	Hon. Treasurers	- 1
		<hr/>
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13. The Applicants state that after approval of present scheme, all existing Founder members, office bearer of trust of CHILDREN WELFARE CENTRE , shall have to comply with the provisions of present scheme framed, duly approved by the Charity Commissioner and with the consent of first board of Trustees / office bearers mentioned in the Scheme.

14. The Applicants state that the same of present Office – bearers of CHILDREN WELFARE CENTRE. have given their N.O.C. and consent for appointing new and additional Trustees/Office bearers. And new Trustees/ Office-bearers appointed as per Scheme agreed to take over the Management of CHILDREN WELFARE CENTRE. and its properties and also they shall run the Institutions and various Units of the trust as per their own skills and in the interest of Trust .



*[Handwritten signature]*

15. That Applicants thus pray as under:-

1. That Applicants pray that application may pleased be allowed.
2. That the Applicants pray that the Scheme for proper Management and Administration of Public Trust known as CHILDREN WELFARE CENTRE P.T.R. No.F- 6912(Bom) be framed / approved as per draft of Scheme submitted along with application.
- c) That the non-applicants be appointed as first Board of Trustees of the Trust designated and known as CHILDREN WELFARE CENTRE as per the draft of scheme.
- d) Any other relief be awarded in favour of Applicants in the interest of Trust.
- e) Cost of this application be awarded to Applicants.

APPLICANTS (SIGNATURES):

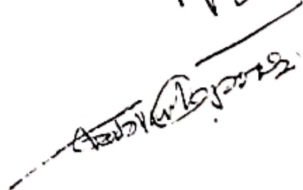
Sr. No. Name

Signature

1) SHRI AJAY JAWAHAR



2) MRS. SHABNAM KAPOOR




VERIFICATION

I, Mr. Ajay Jawahar do hereby applicant hereby say that the above stated are true to the best of my knowledge and I believe all the paragraphs are true and correct.

Solemnly affirmed at Mumbai

On this 3 12 day of 2007

Identified & Explain by me:

  
APPLICANT:

  
Advocate for the applicant



Before me.

P. H. Aswani  
31/12/07  
Superintendent ( Full-time )  
Office of the Charity Commissioner  
Maharashtra State, Mumbai

SCHEME FOR PROPER AND BETTER MANAGEMENT OF THE  
REGISTERED PUBLIC TRUST, KNOWN AS CHILDREN WELFARE

EX-2

CENTRE P.T.R. NO. F - 6912 (BOM)

Draft Scheme Annexure 'A'

1. **NAME & REGISTRATION OF THE TRUST:**

That there is a public Trust designated and known as "CHILDREN WELFARE CENTRE" Registered No. F-6912(Bom) (hereinafter referred and called as Trust) having is present office at Yari Road, Versova, Mumbai 400061.

2. **REGISTERED OFFICE OF THE TRUST:**

Yari Road, Versova, Mumbai 400061.

3. **PROPERTIES OF THE TRUST:**

A) Movable property of the Trust:

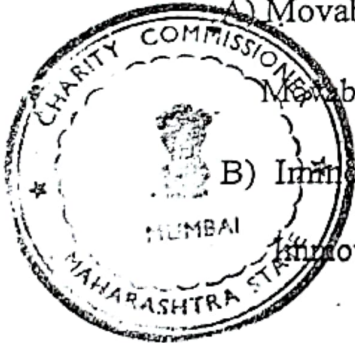
Movable property of the Trust as per Schedule -I.

B) Immovable Property of the Trust:

Immovable property of the Trust as per Schedule - I Register.

4. **VESTING OF TRUST PROPERTIES:**

The trust properties shall vest in the board of the trustees for the time being appointed under this scheme and shall be administered and managed by the board subject to and in conformity with the provision of this scheme



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5. OBJECT OF THE TRUST:

- a) Promoting education and rendering medical ,legal and physical help to the needy and deserving students belonging to the national linguistic minority
- b) To obtain foreign affiliation for connecting educational institutions in India
- c) To establish and conduct and maintain educational institution.
- d) To provide medical facilities to needy and under privileged.
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- f) To promote communal harmony in the society by celebrating different festival and various social function in order to promote the



g) To arrange programs in the cause of national integration /communal harmony.

h) To make unity amongst the youths and to cultivate in their minds the national outlook and patriotic citizenship through means of organizing different activity.

i) To establish, control, direct, take over, conduct, supervise, develop and manage and/or assist or join in the establishment, control, direction, taking over, conduct, supervision, development and management of schools, colleges, institution and bodies for giving or imparting all kind of education and training including without prejudice to the generality and in particular primary, secondary and higher academics scientific, commercial, industrial, agricultural in all its branches, technological, vocational, theological, professional

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including medical, legal journalistic, political, historical, religious, psychological, sociological, physical, military education and training as well as education and training in arts (including fine arts) and crafts and conducting post graduate diploma courses in journalism, marketing, management and business administration to deserving and needy students of all communities without discrimination on the ground of caste, class, colour, creed, religion or sex.

- j) To promote and/or establish and/or conduct higher secondary and university education in different faculties.
- k) To recognize, sponsor, promote, establish, conduct or undertake scientific research in any way or by means whatsoever and in any area or field.



l) To encourage the education and research in various Indian Culture towards the secular nationhood of Indian people.

- m) To teach and encourage the different languages such as English, Hindi, Marathi, Urdu, Sanskrit, Gujrati, Arabic, Persian etc.

n) To encourage and propagate education in educationally and/or economically backward communities.

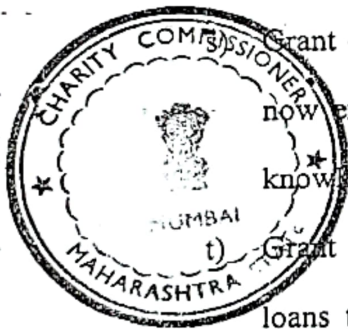
o) To help and promote education of poor boys and girls in schools, colleges and other institutions in all possible ways by means of scholarships and prizes or payment of fees or providing books or defraying other expenses of any nature whatsoever.

p) For the advancement and propagation of education and learning in different faculties including the establishment, maintenance and support of Colleges, Universities, Technical institutions, Schools, Work Classes, Laboratories, Museums, Vidyapithas, Libraries, Balmandirs, Pathshalas, Study centers or other educational

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institutions, professorships, lectureships, scholarships, prizes for research work in connection with medical scientific or industrial problems, giving traveling fellowships in any branch of science or art or learning assisting students to study abroad either by payment of a lump sum or by payment of periodical sums.

- q) To publish and/or to aid in publishing books, magazines, reports, periodicals, annuals to impart education, promote literature and culture etc.
- r) Establish and maintain and/or support to hostels and/or boarding houses and grant of free boarding and lodging to the poor and deserving students upon such terms and for such period as the Trustees may deem fit.



Grant of endowments to Universities, research institutions (whether now existing or hereafter established) for spread of education and knowledge in all or any branches of knowledge.

s) Grant of monetary or other assistance including scholarship and/or loans to deserving and needy students or any community without discrimination on ground of caste, class, colour, creed, religion or sex to enable them to receive such education, training and qualification in such lines or course for such periods, and upon such terms as Trustees may in their absolute discretion from time to time deem fit.

- u) Establishment and/or maintenance and/or support of and/or grant of monetary or other assistance to any hostels and/or boarding houses and/or grants of free board ship for the lodging and boarding of any students whether male or female studying in any schools, colleges or

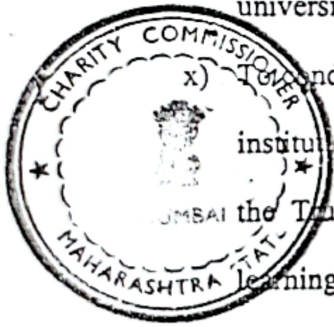
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institutions upon such terms as the Trustees may in their absolute discretion from time to time deem fit.

- v) To conduct, establish, equip, maintain and/or manage laboratories, workshops and to undertake, conduct, carry on or help to carry on scientific research and other scientific works, and provide funds for such works or for payment to any person or persons engaged in research work whether in such laboratories or elsewhere in the fields of natural or applied science including agricultural, animal husbandry or fisheries.
- w) To award prizes, gold and/or silver medals or cash payment to meritorious students in the examination held by school, college, university or such other educational institutions.



x) To conduct, manage, guide, look after or supervise other educational institutions having objects similar in part or in whole to the objects of the Trust for the advancement and propagation of education and learning.

- y) To undertake, carry out, promote and sponsor any publication of any books, literature, newspaper, etc. or for organizing lectures or seminars likely to advance these objects or for giving merits, awards, scholarships loans or any other assistance to deserving students or other scholars or persons to enable them to PURSUE their studies or academic persists or researches and for establishing, conducting or assisting any institution, fund, trust, etc., which has any of these objects as one of the above mentioned objects or purposes, transfer without consideration or at concessional value and divert the ownership of any property of the Trust to or in favor of any public or

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local body or authority or central or state Government or any public Institutions or Trust or Fund.

z) To undertake research or any field to make payment to any University, College, Associations, or Institutions to be used for research in any field.

aa) To afford to its beneficiaries opportunity to keep themselves intellectually vibrant and abreast of current events.

bb) To organize and hold lectures, discourse, debates, seminars, reading of papers and group studies on diverse topics and subjects.

cc) To publish lectures of social, political, scientific, cultural and sociological importance on a non-commercial basis with an view to enlightening the beneficiaries.

dd) To organize and undertake such cultural and social activities and functions as will afford opportunities for contacts among the member and the people.

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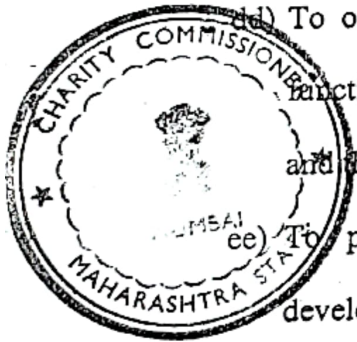
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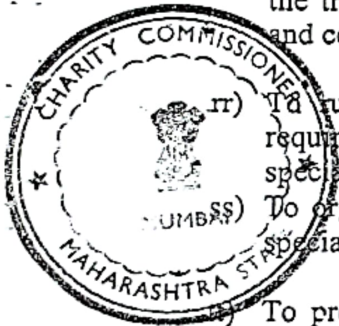
jj) To conduct investigations and undertake studies in India or abroad on constitutional, administrative, economic, social, medical, cultural, philosophical and scientific problems.



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- kk) To assist the research work of any institute or institution and other bodies ,incorporated or not ,having similar objects in such a manner as may be considered expedient and to incorporate with such institution in these activities
- ll) To establish, found, construct, maintain and assist in the promotion of institution for the scientific, technological, agricultural, industrial and economic progress and development of the country.
- mm) To establish, maintain and control institution in India and elsewhere for the above objects and to have them registered or recognize in any part of India or any foreign country.
- nn) To establish and support professor ship and prize at any university, college, school or any other educational institution.
- oo) To do all such other lawful things as may be incidental to or conducive to the attainment of its objects in India or abroad.
- pp) To maintain and develop the institute of social science as a teaching and research institution.
- qq) To give donation to individual, organization and similar objects of the trust and to render medical aid, donations towards educational and communal harmony.
- rr) To run langar and to provide food clothing & day to day basic requirements to needy and poor people and children from slum and special children.
- ss) To organize contest /competitions for less deprived children and to special children.
- tt) To provide relief to the needy people during floods, famine ,riots earth quake and any other calamities



- uu) To adopt and maintain play grounds ,gardens , welfare centre ,gymnasium ,sports club , in the interest of the general public at large

#### 6. NUMBER OF TRUSTEES:

- a) Number of the trustee of the said trust under this scheme shall be Minimum 7 and maximum 15.

#### 7. MEMBERS:

- a) Any person who has completed age of 21 years shall become ordinary member of trust by paying subscription of respective membership decided by the office bearer of trust from time to time.

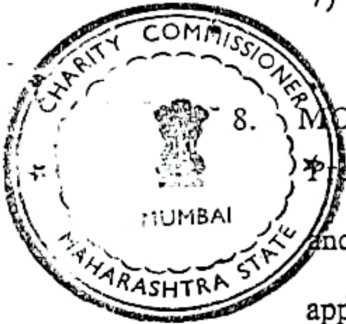
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b) All above shall have no voting right or shall have no right to participate in election of office bearers.

c) Due to non payment of membership subscription, their membership shall be terminated immediately.

Following persons shall be the first trustees under this scheme.

- 1) MRS. SHABNAM KAPOOR
- 2) SHRI PRAKASH NARKAR
- 3) SHRI DILAWAR GILANI
- 4) SHRI AJAY JAWAHAR
- 5) SHRI IQBAL MANSOORI
- 6) SHRI VISHNU DANDEKAR
- 7) MRS. REETA CHADHA



8. MODE OF SUCCESSION TO THE TRUSTEESHIP:

Present office bearers appointed under scheme shall be for life time and ~~the~~ shall have power to appoint new and additional trustee.

9. FILLING UP OF CASUAL VACANCIES:

Surviving trustees by majority to appoint trustees in the vacancy Caused due to resignation or death of the trustees .

10. So often as any new trustees or trustees shall be appointed as aforesaid

The trust Properties and funds which for the time being are vested in The surviving or continuing trustee shall with all convenient speed be Conveyed, assigned or Transferred to him so that the same be legally And effectively vested in such trustee or trustees either solely or jointly

With the surviving or continuing trustee or Trustees as the case may  
Require.

11. provided that he shall not be entitled to act as a trustee under this

Scheme until He shall have signed in the minutes book of the trust a  
declaration of his Acceptance and willingness to act as a trustee under  
This scheme.

12. Notwithstanding anything herein contained, not act done bonafide by

The surviving or continuing trustee under the usual course of

Administration of the trust or which is otherwise authorized under the

governing the public trust and the rules framed there under shall

Be invalid merely by the reason that there was no requisite number of

Trustees for the time being.

The trustees shall hold at least one meeting every four month and this

Meeting shall be called the ordinary meeting. The trustee may also

Hold additional meeting and such meeting shall be called special

Meeting. Such meeting shall be held at such place and at such a time

The managing trustees may be determined.

b) The chairman shall preside over the meeting of the board of trustees in

The absence of the chairman, the trustees present in a meeting shall

Elect one among them to be the chairman of such meeting.

14. QUORUM:

Three trustee or 2/3 of the total members of the trustee present in the

Meeting of the board of trustee shall form the quorum.



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15. ADJOURNED MEETING:

If quorum does not assemble within half an hour the time appointed for the meeting of the board of trustee, the meeting shall be adjourned and shall be held half an hour at the same place and at such adjourned meeting, three trustee shall form the quorum irrespective of the number of trustee in the board at the relevant time. However no decision regarding financial and policy matter shall be taken in such adjourned meeting irrespective of the fact that whether such items are not on the agenda.

16. CIRCULAR MEETING:

Any matter of business of a routine or formal or urgent nature may be Determined by circular without meeting of the trustees provided that it is agreed to unanimously by all trustees. In case difference of opinion, Such question shall be dealt with at the next meeting of the trustees.

17. MINUTES BOOK:

A minute book shall be kept for this Trust which will consist of:

- a) A clear report of the proceedings in the meeting of the trustees.
- b) All the report of the proceeding in the meeting shall be read over to the trustees at the next meeting and when confirmed, shall be signed by the Chairman of such meeting. In case of difference of opinion at the time of confirmation according to the sense of majority of the trustees presents at such previous meeting.



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**18. 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 this trust deed and are also in consonance with the provisions of Bombay Public Trusts Act, 1950 and Bombay Public Trust Rules, 1951.

**19. AREA OF OPERATION:**

The Area of operation shall be all over India.

**20. REFERENCE TO CHARITY COMMISSIONER:**



If any dispute arises about the interpretation or construction of any clause or provisions of this deed the matter will be referred to

The Charity Commissioner, Maharashtra State, Mumbai whose Decision shall be final and conclusive.

21. The board of the trustee shall inter -alia have the following powers

The following power and authorities are hereby expressly conferred

On the trustee that is to say.

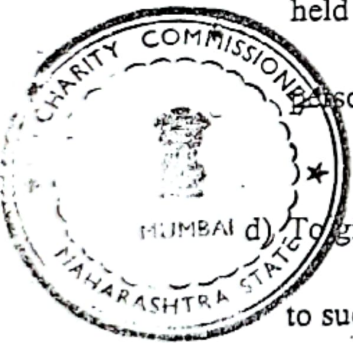
- a) To purchase or otherwise acquire any immovable or movable property of all or any of the purposes of this trust at such rents or otherwise and

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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 executives officials, clerks, caretakers, banker, lawyers, brokers, accountants and other on such terms and as they think fit.

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



persons.  
d) To give donation to any public Charitable institution or funds subjects to such terms or 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 public charitable purpose or purposes as are authorized by this Deed. The receipt of the trustee or other officer 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.

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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 of any power 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 trustee on all or any of the matters aforesaid shall be final.

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 U/S 80 G AND 35 AC and/or

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 may such exemptions or relief's.

g) To borrow or raise any amount of loans, short-term or long term from any banks, financial institution, co-operative banks or any corporate bodies or from individuals required for fulfillment's of the objects of the trust upon such terms as may be deemed advisable and to raise such loan even by mortgage or charge of all or any part of the immovable or movable assets belonging to the centre.



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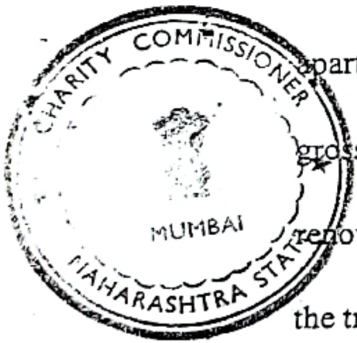
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h) To raise funds by means of donation subscription etc. for carrying out the day to day activities of the centre.

22. THE PAYMENT OF MANAGEMENT:

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 a rates, taxes, assessments. And other necessary outgoings the next place all the proper charges and expenses of and incidental to management and administration of the trust properties as well as the costs of current repairs to and the upkeep of the immovable property belonging to the charity, if any, and thereafter set apart 10% or set

part as managing trustee may decide from time to time of the total gross income of reserve fund for the purpose of heavy repairs, renovation or rebuilding of immovable properties, if any belonging to the trust and pay and apply the balance for the objects of the trust.



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23. REPAIRS TO PROPERTY:

On acquisition of immovable properties the trustees shall keep the

Property of the trust in good condition. 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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24. FINACIAL YEAR:

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

25. POWER TO SALE, MORTGAGE, BORROW ETC:

The trustees shall have power to become to borrow money or take loan (whether by way of mortgage, pledge, hypothecation or otherwise) for the purpose of or on behalf of the trust of which they are trustee only such conditions and limitation as may be imposed by him in the interest or protection of the trust. The trustees shall also have power to transfer, sell and alienate the property with the previous

sanction of the Charity Commissioner.

26. POWER TO APPOINT EMPLOYEE:

The trust shall have power to employ such servant or employees

including as they may require for management of trust on such terms

and conditions as to salary, wages, D.A. etc. as they may consider

proper and shall power to dismiss or remove any servant or employees.

27. POWER TO APPOINT COMMITTEE:

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

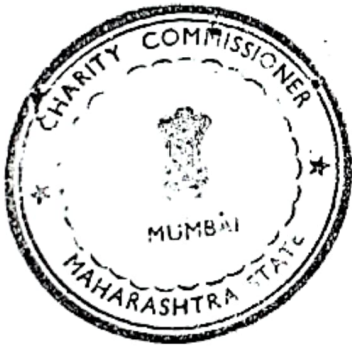


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28. REIMBURSEMENT OF TRUSTEE:

The trustee or trustee for the time being may reimburse himself or themselves or pay and discharge out of the trust properties all expenses properly incurred in or about the execution of the trust or power under the scheme or any of them . the trustee or trustees shall also be entitled to allow their co-trustee all costs , charges and expenses they or any of them shall or may suffer or sustaining or about the execution of the said trust and power or in relation their to and also either before or after the appointment of new trustee or trustees .provided ,however that this right and /or powers of the reimbursement shall not be operative in case of trustee who are held responsible or liable for loss cause to the trust for their acts



*M. S. D.*  
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Before The Deputy Charity Commissioner, Mumbai

Application No. 40 of 2007.

In the matter of "Children  
Welfare Centre".

P.T.R. No. F-6912.

1) Mr. Ajay Jawahar  
Age - Major  
601, Nirman Kutir Yari Road,  
Versova, Mumbai 400 61.

2) Mrs. Shabnam Kapur  
Age - Major  
88/Aram Nagar, Versova,  
Mumbai 4000 61.

... Applicants

V/s.

Nil

Claim:- An Application U/s. 50 A(1) of the Bombay Public Trusts  
Act, 1950

Appearance:- Mr. Anand V. Satpal, Advocate for Applicants.



Judgement


(Delivered on 7th February, 2008.)

1. That Children Welfare Centre is registered society under The Societies Registration Act 1860 as well as the Bombay Public Trusts Act, 1950 having P.T.R. No.F-6912 (Bom.). The trust is having its Office at Children Welfare Centre, Yari Road, Versova, Mumbai 400 061. It is the case of applicants that they are the trustees of Children Welfare Centre and thus they have filed this application U/s. 50A(i) of

the Bombay Public Trusts Act, 1950 for framing scheme for proper and better administration of the trust.

2. It is the case of applicants that the objects of the trust are promoting education in medical, legal, science, technology and all other subjects, which have the society to make progress in all fields. The trust has included so many subjects in its objects like promoting communal harmony, celebrating different festivals, implementation of national programmes, progress of youths. The objects of the trust are covering almost all the subjects, which are necessary for the progress of human being.

3. It is the case, of applicants that the trust has framed its rules and regulations long back and in order to improve the functioning of the trust and for making the trust eminently eligible for conferment of autonomous status, a scheme is required to be reframe for proper and effective administration of the trust. That the trust is working on so many objects in all walks of life and trust is having moveable and immovable property. It is stated that the rules of the trust are become outdated to accept the challenges of new inventions in Science and Technology as well as Computer Sciences. Hence, the trustees of the trust have decided in its meeting to frame a new scheme and accordingly resolution was passed in General Body Meeting held on



28/11/2007. It is the case of applicants that the trust has added some new objects in its earlier list and also made different provisions for proper & effective management and administration of the trust. The applicants have given all necessary details in its application required under rule 26 i.e. the names, occupation and address of the applicants. Names and address of the other trustees, income and value of the property hold by trust. The copy resolutions are also filed along with the application. The applicants have given draft scheme along with application. The Ld. Counsel for applicant submitted that applicants have complied all the necessary requirements for framing a scheme of the trust. Further he submitted that the applicants have filed their affidavits and consent letters of new members of the office bearers. According to him the present rules and regulation being outdated a new scheme may be framed for the proper and healthy administration of the trust. Thus he submitted that an application may be allowed.

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4. I have gone through the application and perused the material placed on record. I have considered the submission made by Ld Counsel. Considering material on record following point raised for my consideration. I have recorded my finding thereon with reasons to follow.

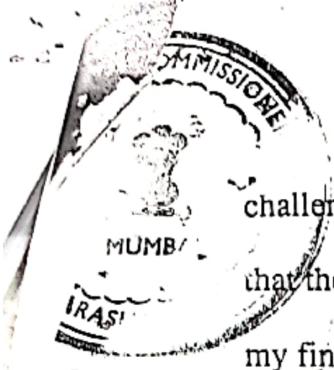
Sr.No	Point	Find
1.	Weather it is a necessary to frame a scheme for the trust?	In the affirmative.
2.	If yes, what would be the nature and model of the scheme?	Draft scheme annexure A.
3.	What Order?	As per final Order.

### REASON

#### As to point :-1.

The applicants have stated that they are the trustees of the trust and they being an interested persons as per section-2 (10) of the Bombay Public Trusts Act,1950, therefore they are having right to file such application. They have stated that the rules and regulation of the trust are framed in long back before 22 to 25 years' back and now they became outdated. They have stated that due to the development of Sciences and Technology and the advancement accrued in the field of Computer Science, it is necessary to frame a new scheme for the trust. They have added that the trust wants to work on many new subjects, therefore they have extended the list of earlier objects. I have gone through the copy of rules and regulations of the trust produced at Ex.5. Ex.5 clearly show's that the rules are very criptic and they are not useful to accommodate the present new challenges and circumstances occurred by the development in the field of Science and Technology as well as other social fields. Hence to meet out the new





challenges before society it becomes necessary to frame a new scheme, so that the trust would be managed properly and effectively. Hence, I recorded my finding in the affirmative

As to point :-2.

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Considering my finding on point No.1, now it become necessary to consider what would be the nature of draft scheme. Ld. Counsel for applicant attracted my attention on a draft scheme annexure A produce at Ex.2 alongwith the application. In a draft scheme the name of trust, It's address property of the trust, westing of the property of the trust and a long list of the objects is given. The strength of the trustees is maintained minimum 7 to maximum 15. The persons those have completed their age of 21 years are elligible to become the members of the trust. The scheme contains the names of first board of trustees and the mode of succession, as well as filling the vacancies of the trustees occurred on account of different reasons. There is a provision of holding meeting, its adjournment, keeping the record of the meeting, and so on. There are provisions for maintaining accounts, control over the employees of the trust, holding the properties, the payment of the management and employees. There is a provision of repair of property, sale and purchase of property, appointment of committees, liabilities of the trustees and so on. Considering all these exhaustive provisions, I am of the view that the draft scheme annexure A at Ex.2 filed