

THIS DEED OF TRUST executed on this Fifteenth day of December, 2004 by the ZION PROVINCE OF THE MCBS CONGREGATION CALICUT, a Religious and Charitable Institution represented by its present Provincial Superior V.Rev.Fr.George Kizhakkemury MCBS, Priest aged 57 (Fifty Seven) years, son of Mr.Varkey residing at ZION Provincial House of MCBS Congregation, Kovoora Kara, Nellikode Villagè, Kozhikode Taluk, Kozhikode District, Kerala State, Pin 673 008 hereinafter referred to as the SETTLER.

IN FAVOUR OF Rev. Fr.Kuriakose Meenpuzha MCBS, Priest, aged 37 (Thirty seven) years, son of Mr.M.T.Joseph, residing at M.C.B.S. House, Mechira, P.O.Kodassery, Kodassery Village, Mukundapuram Taluk, Thrissur Dist., Kerala State, hereinafter referred to as the TRUSTEE.

*Fr. George Kizhakkemury*  
Fr.George Kizhakkemury MCBS  
(Settler)

*Fr. Kuriakose Meenpuzha*  
Fr.Kuriakose Meenpuzha MCBS  
(Trustee)

2004

WHEREAS, the Settler Institution established in 1996 December 2, to undertake religious and charitable activities envisaged by the Constitution of the Congregation in its territorial jurisdiction of Northern part of Kerala (Thrissur - Kasarkode Districts) and other allotted places with the service of the members of the Province by spending their entire life selflessly under the vows of poverty, chastity and obedience.

AND WHEREAS as a part of their Educational Apostolate, the Settler Province had established or taken over various educational institutions in regions and locations allotted to them including Father Mathew Alakalam Public School at Mechira near Chalakudy in Thrissur District.

AND WHEREAS the Settlers now feel it better to register an Educational and Charitable Trust for taking over and governing the Father Mathew Alakalam Public School at Mechira, near Chalakudy in a systematic and effective manner and for that purpose, the Provincial Council of the Settler in its meeting held on 01.12.2004 had authorised V.Rev.Fr.George Kizhakkemuri MCBS, the Provincial Superior to execute a Deed of Trust with terms and conditions hereinafter adopted in favour of Rev.Fr.Kuriakose Meenpuzha MCBS, the local Superior of M.C.B.S. House at Mechira and to get it registered at Chalakudy.

**NOW THIS DEED WITNESSETH:**

- 1) **NAME OF THE TRUST:-** The name of the trust shall be **FATHER MATHEW ALAKALAM MEMORIAL EDUCATIONAL AND CHARITABLE TRUST.**
- 2) **REGISTERED OFFICE:-**  
The Registered Office of the Trust shall be at Mechira near Chalakudy in Thrissur District. The Trustees are at liberty to change the registered office to anywhere else in Kerala State with the approval of the Settler.
- 3) **TRUST PROPERTY:-**  
In order to effectuate the above referred decision, the Settler has made over to the Trustee a sum of Rs.1,000/- (Rupees One Thousand only) to hold the same together with all additions and accretions thereto and all other property that may be acquired by purchase, lease, gift or otherwise and may herein after be the subject matter of the Trust (hereinafter called the Trust Fund) for the objects and on the terms and conditions herein contained concerning the same for the objects of the Trust.
- 4) **OBJECTS OF THE TRUST**  
The main object of the Trust is to render educational service to the Pupil irrespective of caste, creed and community and that too solely for philanthropic purposes and not for purposes of profit and such object shall inter-alia include-
  - a) To give opportunity for the children and youth, for proper education on academic side from nursery class to professional courses.
  - b) To start, establish, takeover and administer educational Institutions of all categories and grades

such as K.C., Lower Primary, Primary, Secondary, Higher Secondary, B.Ed Colleges, Engineering Colleges, Medical College, Colleges for Law, Management Studies, Polytechnics, I.T.C. Nursing Schools and other Paramedical institutions etc... to impart knowledge and to teach boys and girls to develop the skill and talent inherent in them by proper training and coaching.

- c) To establish Hostels and Boarding Houses for accommodating the students of the educational institutions.
- d) To establish Research and Development Institutions and Technical Training Centres.
- e) To establish prizes, awards, scholarships etc... to recognize the brilliant students and to encourage other students to develop themselves through hard work.
- f) To conduct cultural competitions, sports meet etc... to bring out the students talented in those fields to the limelight.
- g) To subscribe or give aid financially or otherwise to any other charitable, social, educational institutions or societies or to deserving students and to give donations for any public purpose.
- h) To establish foundations, Loan Scholarships, or free Scholarships etc... or to extend financial aid returnable or not, to the financially weak students to pursue their studies as they wish.
- i) To render and provide any social, moral and financial assistance to the physically handicapped and disabled or blind students by providing food, book, cloth, medicine, fee concession and other necessities from time to time.
- j) To help and promote higher education to those who are economically poor, backward classes, blind, deaf and dumb etc...
- k) To print, publish and distribute reports, journals, periodicals and other relevant literature intended to promote the objectives of the society.
- l) To undertake other charitable work mainly to inculcate the habit of doing services to the humanity and to the Nation, in the minds of the students.
- m) To do all such other lawful acts, deeds or things, as the Trust may consider incidental or conducive to the attainment of any of the objects of the Trust.

#### 5) BOARD OF TRUSTEES

- a) For the time being the second party to this Deed Fr.Kuriakose Meenpuzha MCBS shall be the sole Trustee.
- b) Within Two months of Registration of the Deed of Trust, a Board of Trustees shall be constituted by the Provincial of the Settler Province in consultation with his other Council Members nominating 3 members of the Provincial Council and the Superior of the M.C.B.S. House, Mechira.
- c) The head of the settler institution namely the Provincial of the Zion Province and the local Superior of the M.C.B.S. House, Mechira shall be members of Board of Trustees, ex-officio.
- d) As and when the first Board of Trustees is formed, the sole Trustee shall hand over the administration of the Trust to the Board of Trustees.
- e) The Superior of M.C.B.S. House, Mechira shall be the President of the Board of Trustees.
- f) The President shall in consultation with other Trustees nominate one among them as the Vice President, another as the Secretary and yet another as the Bursar from time to time.
- g) The provincial of the settler Zion Province is at liberty to withdraw any of the nominees to Board of Trustees, and to nominate new member/members, as and when found necessary.

6. MEETINGS OF THE BOARD OF TRUSTEES

- a) The Board of Trustees shall meet as often as required and shall meet at least once in a calendar year and approve the annual accounts and forward it to the Local Synaxis of the Settlers.
- b) The meeting of the Board of Trustees shall be presided over by the President of the Board of Trustees and in his absence by the Vice-President and in the absence of both, by any one of the Trustees elected from them.
- c) There shall be three days notice for the meeting of the Board of Trustees unless it is waived by a majority of the members eligible to get the notice.
- d) Decisions shall be taken on the basis of votes of members attending the meeting in person and the vote shall be exercised by them individually either by show of hands or by secret ballot as decided by the Chairman and in case of tie, the Chairman can exercise a casting vote additionally.
- e) Decisions may also be taken by circulation, provided all the members agree to it.
- f) The quorum for the meeting shall be one third of total members or three whichever is greater.

7. POWERS AND DUTIES OF THE BOARD OF TRUSTEES

All the properties of the Trust shall vest with the Board of Trustees and in the name of the President. To attain the objects of the Trust, the Board of Trustees shall have the following powers and duties.

- a) To apply from time to time, get sanction, establish, conduct and administer educational institutions or new Courses and establishments connected with the same.
- b) To take over and manage any such existing institutions with or without its assets and liabilities, especially the existing school with name Father Mathew Alakalam Public School Mechira.
- c) To request for and receive donations towards corpus or otherwise either in cash or in kind or subsidies or grants or other financial assistance of any kind, whether returnable or not, from individuals, institutions, Central and State governments, Universities or other Government agencies, voluntarily organizations within India or from abroad.
- d) To demand, and receive to the extent the laws of the State permit, fees, deposits, contributions, fines, capital donations, etc... to meet the capital or revenue cost of education, from the students, or from their parents.
- e) To invest the funds of the Trust in any manner they deem fit consistent with the objects of the Trust and in the interest of the Trust, and according to the norms of the Income Tax Act granting exemption to the Charitable Institutions provided such investment in immovable properties shall be subject to the approval of the Council of the Settlers.
- f) To borrow any amount, interest bearing or not, either on pledging the assets of the Trust or otherwise from individuals, banks, financial institutions or other institutions, with the approval of the Council of the Settlers.
- g) To acquire, alter, extend, demolish any of its assets, movable or immovable and to dispose of the same whenever found necessary in the best interest of the objects of the Trust with the approval of the Council of the Settlers.
- h) Start new units of the present activities at other places or to take up new activities whenever necessary or to take over and manage any institution or activity now carried on by others as

- i) To spend the income earned or the future income for any or all the objects of the Trust, either directly or by contributing to other genuine institutions to be spent for the purpose of the Trust.
- j) To accumulate the income, if necessary, for attaining the objects of the Trust in future and to apportion the whole or part of the income for the corpus of the Trust Fund for any of the objects of the Trust.

#### 8) POWERS AND DUTIES OF THE PRESIDENT

Subject to the general control of the Board of Trustees, The President shall be the manager of the Institutions under the Trust. The President shall have specific powers and duties mentioned below, over the properties and affairs of the Trust and of the institutions under the Trust.

- a) To work, manage, control and supervise the affairs/management of the properties now or hereafter acquired by the Trust and develop them.
- b) To appoint the necessary personnel such as Office-bearer, Heads of Institutions and Departmental Staff Members etc .
- c) To constitute if necessary, a selection committee for recommending proper persons to be appointed by the manager.
- d) To appoint various admission committees as and when necessary to select students to various institutions under the Trust, from time to time.
- e) To enter into any contract or agreement for and on behalf of the Trust for any of the purposes concerning the routine activities/affairs of the institutions under the Trust which are beneficial to the interest of the Trust.
- f) To appear and to act for and on behalf of the Trust in all legal proceedings before any competent authority.
- g) To appoint and constitute advocate or other attorneys, whenever necessary and to remove them whenever he feels such removal is necessary.
- h) To take loans or borrow money, as decided by the Board of Trustees and to execute promissory notes, bonds or the like for the same and to discharge the same by repayments.
- i) To gather funds towards corpus or otherwise, for the Institutions under Trust by way of donation or fees or otherwise, from individuals or institutions, either in cash or in kind for the purpose of the Trust.
- j) To depute necessary personnel to take care of the various activities of the Trust as found necessary from time to time.
- k) All acts, deeds and things lawfully done by the President by virtue of these presents shall be binding on the Trust.

#### 9) POWERS AND DUTIES OF THE SECRETARY

- a) The Secretary shall be the person to sue or be sued for and on behalf of the Institutions under the Trust, provided that the Board of trustees shall have the power to authorise any one of its other members to represent the Board of Trustees in any legal or other proceeding, under special circumstances.

- c) The Secretary shall serve the notice for the meeting in consultation with the President and he shall be responsible for the maintenance of the minutes books and other records of the meeting.

10) **POWERS AND DUTIES OF THE BURSAR**

The Bursar shall maintain the accounts and records of the Trust and of the Institutions under the Trust. He is responsible for all the financial matters of the Trust and of Institutions under the Trust and is accountable to the President of the Trust. He will discharge the duties of the Secretary in his absence.

11) **ACCOUNTS**

- a) The accounts shall be closed on 31st March every year and it shall be audited by a Chartered Accountant appointed by the Settlers.
- b) The audited statement of accounts along with the report of the Board shall be submitted to the Settler before 30th September every year or within the time extended by them.

12) **EXECUTIVE COMMITTEE & ADVISORY COMMITTEE :-**

- a) The Board of Trustees shall form Executive Committees and Advisory Committees to take care of the academic side of the individual institutions or of the Trust as a whole by nominating from the members of the Board alone or with others including the teaching staff, parents, laymen etc. as found necessary from time to time.
- b) The Board shall from time to time fix the powers and duties of such committees, and the manner of conducting the committee meetings etc.
- c) Both the committees are to assist the Trustees and the President to achieve the objects of the Trust.

13) **POWERS OF THE ZION PROVINCE OF THE MCBS CONGREGATION :-**

The Zion Province of the MCBS Congregation, shall depute any person to inspect the accounts and the affairs of the Trust and the institutions under the Trust in the best interest of the beneficiaries and to issue any direction what so ever necessary for achieving the objects of the Trust in a better way to the Board of Trustees or to the President and they shall be bound to accept and act upon such directions.

14) **BANK ACCOUNTS:-**

The Vice-President and the Bursar of the Board, shall open and operate jointly Bank Accounts with any Bank, as and when necessary in the name of the Trust, or in the name of the institution under the Trust.

15. AMENDMENT & CLARIFICATIONS:-

- a) On recommendation of the Board of Trustees, any provision in this Deed except this clause and the object clause (Clause No.4) may be amended, annulled or substituted by the Council of the Settler Institution at any time provided that such amendments shall come into effect only after getting the approval of the Commissioner of Income Tax, in case the Income Tax Department have given any registration or exemption and if the Department insists so.
- b) In case there is any doubt or ambiguity regarding any of the provisions of this Deed of Trust shall be referred by the Board of Trustees to the Provincial Council of the Settlers and the direction or decision shall be final.

16. DISSOLUTION:-

In the event of the Trust becoming impossible to function in accordance with the provisions of the Trust Deed, the Board shall refer the matter to the Provincial Council of Zion Province, Calicut, and necessary steps may be taken according to its directions.

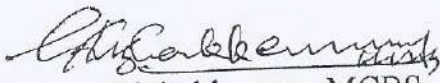
In case the Provincial council, decide to wind up the Trust, the excess assets if any, after discharging the liabilities on winding up, shall be transferred to another charitable educational institution as decided by the Board, and if not it shall vest with the Government.


17. SAVING CLAUSE:-

- a) It is expressly declared that this is a Charitable Educational Trust of the Christian Minorities Community and hence though the benefits of the Trust are open to all irrespective of caste, creed and community, the Trust shall be entitled to have the privileges if any given to the Minorities community under the Constitution of India in administering the Institutions under the Trust in such a way so as to hold the Christian Principles among the Christian students of the institutions under the Trust.
- b) No part of the Trust Property or its income shall be applied for any purpose other than educational or charitable purpose as provided in clause (4) of this Deed.

18. The value of the Trust Fund is Rs.1,000/- (Rupees one thousand only).


IN WITNESS WHEREOF the Settler has signed this Deed of Trust on the day month and year first above written in the presence of the following witnesses at the St. Joseph's Church Office, Mechira, P.O.Kodassery, Chalakudy within the Jurisdiction of Chalakudy Sub Registry Office, and intend to get it registered in the Sub-Registry Office, Chalakudy.

  
Fr. George Kizhakkemury MCBS  
(Settler)


  
Fr. Kuriakose Meenpuzha MCBS  
(Trustee)

Witnesses:

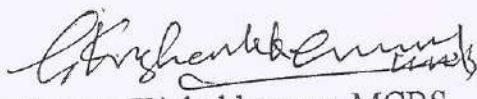
1. N. V. Davis   
S/o Vareed, Nellangara House, Trikkur


2. Benny V. Nelangara   
S/o Vareed, Nellangara House, Trissur

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Corrections: Nil.

  
Fr. George Kizhakkemury MCBS  
(Settler)

  
Fr. Kuriakose Meenpuzha MCBS  
(Trustee)