



correctly stamped under the Indian stamp Act 1899 (Act 17 of 1899) (Assam Amendment) Act. 1934. No. 64

Free paid
A 85000.00
M(a) 50.00
CH 30.00
R 5.00
85,085.00

Sub-Registrar, Guwahati 29/12/97

DEED OF TRUST

THIS DEED OF TRUST executed on the 29th day of December One Thousand Nine Hundred and Ninety Seven

By DOWN TOWN HOSPITAL LTD.; having its registered office at Guha Lodge, Panbazar, Guwahati - 781 001, represented by its Chairman & Managing Director Dr. Narendra Nath Dutta (hereinafter referred to as the 'SETTLOR' which expression shall, whenever the context so requires or admits, mean and include its heirs, executors, administrators and assigns) of the One Part:

A N D

1. Dr. Narendra Nath Dutta, son of Late Sabhanath Dutta, residing at present at Guwahati in the district of Kamrup in Assam.
2. Smt. Bandana Dutta, wife of Sri Narendra Nath Dutta, residing at present at Guwahati in the district of Kamrup in Assam.

64
A 85000.00
M(a) 50.00
CH 30.00
R 5.00
85,085.00

Dr Narendra Nath Dutta

3. Sri Ghanashyam Dutta Mazumdar, son of Late Amrit Chandra Mazumdar residing at present at Guwahati in the district of Kamrup in Assam.
4. Sri Friday Lyngdoh, son of Late B. Gympad residing at present at Shillong in the state of Meghalaya.
5. Sri Biswa Dutta, son of Sri Rajat Chandra Dutta, residing at present at Guwahati in the district of Kamrup in Assam.
6. Dr. Bolin Kumar Gogoi, son of Sri Shiva Nath Gogoi, residing at present at Guwahati in the district of Kamrup in Assam.
7. Dr. Sarat Chandra Dutta, son of Late Dhaneswar Dutta, residing at present at Guwahati in the district of Kamrup in Assam.
8. Dr. (Mrs.) Alaka Goswami, wife of Sri Anil Kumar Goswami, residing at present at Guwahati in the district of Kamrup in Assam.
9. Dr. Atiqul Hussain, son of Dr. Mohammed Gulam Hussain, residing at present at Guwahati in the district of Kamrup in Assam.
10. Dr. Kanak Chandra Baruah, son of Late Gopal Chandra Baruah, residing at present at Guwahati in the district of Kamrup in Assam.
11. Dr. Umesh Chandra Sarma, son of Late Dr. Gopal Sarma, residing at present at Guwahati in the district of Kamrup in Assam.

(hereinafter referred to as the 'TRUSTEES' which expression shall, whenever the context so requires or admits, mean and include their respective successors in office) of the
Other Part:

WHEREAS the SETTLOR in implementation and furtherance of its desire of creating a Trust with such sums of money or properties which may be given by it or others from time to time, an endowment, to be held by the Trustees for the purposes of the trust and upon the terms and conditions hereinafter mentioned.

Dr Nasirud Din Durrani

I. CREATION OF TRUST:

The SETTLOR above named hereby create a Trust by the name of "DOWN TOWN CHARITY TRUST". It shall be a public charitable Trust. Its Headquarters shall be at Guwahati.

II. OBJECTS OF TRUST:

The Object of the trust shall be the following among others :

- a) of founding and maintaining hospitals, medical investigation and research establishments of institutions, in India for affording facilities of medical relief to the poor, the sick and the suffering;
- b) of establishing institutions and colleges for imparting education in medicine and other allied subjects.
- c) of dissemination of useful knowledge in medicine and with this object in view to assist deserving persons with opportunities for furthering their studies either in India or abroad by awarding Scholarships, Fellowships or other financial assistance.

- d) of creating facilities of working in co-ordination, collaboration and co-operation with the institutions or colleges, funds, bodies or authorities constituted or founded for purposes similar to this Trust.
- e) of expanding of the activities of the Trust in providing further avenues in matters of advanced studies and research in medicine and other allied subjects.
- f) of publication of literature on all aspects of health, medicine and other allied subjects on no profit basis.

It is hereby made clear that the benefits of this Trust shall ensure to all sections of the public in India without any distinction of religion, caste, creed, sex or other such consideration.

III. BENEFICIARIES:

The Beneficiaries of this Trust are the public at large of India.

IV. TRUSTEES:

The Trustees of the Trust shall be 11 (Eleven) in number. The present Trustees are :

1. Dr. Narendra Nath Dutta,
2. Smt. Bandana Dutta,
3. Sri Ghanashyam Dutta Mazumdar,
4. Sri Friday Lyngdoh,
5. Sri Biswa Dutta,
6. Dr. Bolin Kumar Gogoi,
7. Dr. Sarat Chandra Dutta
8. Dr. (Mrs) Alaka Goswami,

Dr. Narendra Nath Dutta

9. Dr. Atiqul Hussain,
10. Dr. Kanak Chandra Baruah,
11. Dr. Umesh Chandra Sarma,

The Trustees collectively shall be deemed to constitute the Board of Trustees.

V. TERMS OF OFFICE OF TRUSTEES:

Dr. Narendra Nath Dutta, the Chairman & Managing Director of Down Town Hospital Ltd., shall hold the office of Trustee for life or until he resigns. He shall also be the permanent Chairman & Managing Trustee of the Trust as long as he continues to be a Trustee. All the other Trustees shall hold office for a period of two years from the date of becoming trustees. Retiring Trustees shall be eligible for re-appointment. Out of the aforesaid 11 (Eleven) Trustees, 6 (Six) Trustees shall be nominees of Down Town Hospital Ltd., Guwahati, the settlor, duly authorised by its Board of Directors. The Chairman & Managing Director of Down Town Hospital Ltd. shall be a trustee for life unless he or she resigns and shall also be the permanent Chairman & Managing Trustee of the Trust unless the Board of Directors of ^{the} Settlor Company unanimously decides otherwise.

VI. VACANCIES:

Vacancies occurring in the office of the Trustees shall be filled by the remaining Trustees. Subject to Clause V above, the trustees appointed in the vacancies shall hold office for a period of TWO YEARS or such shorter term as may be fixed while appointing them as trustees.

VII. VACANCY NOT TO INVALIDATE:

No vacancy in the Board of Trustees shall invalidate any act or decision of the other Trustees constituting the Board of Trustees.

Dr Narendra Nath Dutta

VIII. ALTERNATE TRUSTEES:

It shall be lawful for any of the Trustees who may be absent from India for more than three months, to appoint any other person of his choice as alternate Trustee, to function as such Trustee during his absence or for such term as the absent Trustee determines.

IX. PROPERTIES AND FUNDS OF THE TRUST:

The properties and funds of the Trust shall be and consists of :

- a) a sum of Rs. 10,00,000/- (Rupees Ten lakhs only) endowed by the SETTLER;
- b) the income of the various institutions and establishments derivable in pursuance of and under the Trust;
- c) contribution from the public for the general purposes of the Trust;
- d) contributions, grants, aids and the like recurring and non-recurring from Governments, States and Union, International, Medical and Educational Foundations in India and abroad, and other charitable foundations and institutions made to the Trust from time to time;
- e) contributions by and grants from local bodies and authorities;
- f) Such other income, resources, receipts and whatsoever received for the furtherance and advancement of the objects and purposes of the Trust; AND
- g) accretions to and income from the Trust properties, movable and immovable.

Dr Narendra Nath Datta

All powers of administration control and authority in respect of the Trust properties and funds shall be vest in the Board of Trustees for the benefit of and achievement of the objects and purposes of the Trust.

The Trustees shall not apply, divert or transfer any of the properties, assets, funds etc. of the trust for any purpose or objects other than those setout in this DEED.

X. POWERS OF THE BOARD OF TRUSTEES:

Without prejudice to all such powers, rights, liberties and authorities, express or implied, necessary for, incidental to or consistent with the powers of implementation and effec-tuation of the purpose of this Trust, the trustees shall have power:

- a) to acquire, hold and invest all or part of the assets of the Trust and to decide all matters arising therefrom;
- b) to decide all matters relating to the scope, objects and purposes of the Trust;
- c) to decide all matters touching relations and co-operation with other institutions, Government bodies Universities, local authorities, as also to decide question of affiliation of institutions created under the Trust to Universities and other Corporate bodies;
- d) to sell, mortgage, raise monies on the security of or otherwise encumber any of the properties, whether movable or immov able of the trust;

contd...8

Dr Narendra Nath Bhatt

- e) to open and operate on accounts with Bank or banks whether at credit or debit;
- f) to determine, sanction and allot recurring and non-recurring expenditure of the institutions created under the trust and to direct and approve capital and other expenditure. The Board of Trustees shall form such rules for the conduct of their business and of the proceedings of their meetings as they may consider proper, and the same may from time to time be amended, altered or added to as the case may be by them;
- g) the Board of Trustees may, if they so decide upon, be advised and assisted by a governing body in respect of the governance and administration of each of the institutions, hospitals, establishments and the like created under the Trust and shall consist of such members and shall have powers and functions as may be prescribed by rules framed in that behalf from time to time by the Board of Trustees. The Trustees shall have powers to constitute governing bodies for the day-to-day administration of the Institutions created under this Trust and delegate to such governing bodies all or any of their powers and the function under the DEED, and to make rules from time-to-time determining the powers and functions for the conduct and proceedings of the governing bodies created for the said purposes and the day-to-day administration of the Institution and establishments created under the Trust;

Dr. Narender Nath Datta

- h) The Trustees shall ordinarily meet once in three months after clear seven days of notice, issued by the Chairman or by such other person duly authorised by the Chairman on this behalf;
- i) The Trustees shall have power to appoint such staff assistant and employees on such remuneration as they may deem fit in the administration of the Trust;
- j) All powers vested in and exercisable by the Board of Trustees shall be capable of being performed or exercised by the majority among the members of the Board of Trustees from time to time and action or decision of such majority shall be as valid and effective as if done by the Board of Trustees;
- k) The Board of Trustees shall have the power to constitute committees consisting of the SETTLER or DONORS for such period as the Board of Trustees may from time to time decide upon for obtaining aid and advice, in carrying out the objects of the of the Trust;
- l) The Trustees shall have the power to negotiate, conclude, and effectuate such agreements with the State or Union Governments, local bodies, Associations of Persons, authorities or other individual for purposes of obtaining financial or technical aid or assistance on such terms and in such form as they deem fit for the furtherance of the purpose and objects of the Trust.

Dr. Narendra Nath Gupta

Notwithstanding anything contained in these presents, the Trustees shall have the power to alter, amend or to add to, any clauses to this documents consistent with the objects of the Trust including the power to increase the number of Trustees referred to in Clause IV, on such term as to appointment as may be determined.

Dr. Narasimha Nooka Datta

XI. TRANSACTION OF BUSINESS BY TRUSTEES:

1. The Board of Trustees shall appoint a Secretary and a Treasurer of the Trust from among the trustees representing Down Town Hospital Ltd. The term of the Secretary and Treasurer shall be two years or such shorter period as the Board may decide. A Retiring Treasurer or Secretary shall be eligible for re-appointment.

2. The Trustees may meet as often as may be necessary for the conduct of the business of the Trust. The Chairman of the Trust shall preside at the meeting of the Trust. In the absence of the Chairman, one of the remaining Trustees may preside at the meeting of the Trust as may be decided upon by them.

3. The business of the Trust may be transacted by circulation of papers.

4. All decisions of the Trustees may be taken by a simple majority. In the event of equality of votes at a meeting, the Chairman of the meeting shall have a casting vote.

XII. ACCOUNTS AND MINUTES:

The Trustees shall maintain a true and correct accounts of all receipts and expenses and disposals of the funds and properties of the Trust and correct minutes of their deliberations and meetings. They shall arrange for audit of the accounts of the Trust for every financial year. The Secretary shall be responsible for maintaining the minutes of the meetings and the Treasurer shall be responsible for maintaining accounts and get the same audited.

XIII. INDEMNITY:

The Trustees shall be kept fully indemnified and harmless against any claim, demand or liability arising against them for anything done by them in good faith, pursuant to the power and authority vested in them by these presents.

XIV. IRREVOCABILITY:

The Trust hereby created is irrevocable.

XV. FAILURE OF TRUST:

If for any reason, this Trust should fail, the Trust properties and funds shall devolve upon the Trustees at the time of the failure of the Trust and they shall transfer the properties and funds to any other Trust having similar objects and satisfying the conditions laid down in Section 80-G of the Income Tax Act, 1961, if a resolution to that effect is passed by the Trustees unanimously.

Dr. Navendra Nath Dutt

TESTIMONIUM AND ATTESTATION

IN WITNESS WHEREOF I Dr. Narendra Nath Dutta,
Chairman & Managing Director of Down Town Hospital Ltd.,
Guwahati have executed these presents on the day, month
and year first above written.

DOWN TOWN HOSPITAL LTD.

Dr. Narendra Nath Dutta
.....
Managing Director
(SETTLOR)
(Dr. Narendra Nath Dutta)

SIGNED, SEALED AND DELIVERED By the said SETTLOR represented
by Dr. Narendra Nath Dutta at Guwahati in the presence of :

(1) Sri/Smt G. HANU SHYAM DATTA MOHAMMAD (WITNESS NO.1)

(2) Sri/Smt. KHAGENDRA NATH DUTTA (WITNESS NO.2)

who have signed below :

[Signature]
.....
(WITNESS NO.1)

[Signature] 29.12.97
.....
(WITNESS NO.2)

Presented for registration
 at 9:30 AM of the 29/12
 of Dec 1997
 to G. W. Bhatia Sub-Registrar
 Office of J. Narendra Nath
 Executive (Guwahati)
 By P. C. S. Sub-Registrar, Guwahati
 29/12/97 S/O L.

Dr. Narendra Nath Dutta, Sabhanath

Dutta
 Panbazar
 Guwahati

presented at Panbazar
 Clinic.
 Identified by... Khagendra Nath Dutta
 Son of L. Pratab Ch. Dutta
 Village... Mouza...
 P.S. Dispur... Dist...
 by profession... Sarumetoria

Execution is
 a admitted
 By P. C. S. Sub-Registrar, Guwahati
 29/12/97 to me above

Dr. Narendra Nath Dutta, Dr. Narendra

Nath Dutta as
 Chairman and Director

of Down Town
 Hospital Ltd.
 Guwahati

Chapman Inn
 S/O Late Pratab Ch. Dutta
 Dispur, Sarumetoria and is
 authorized
 L.T. is dispensed with
 Other members of this Trust
 29/12/97