

**DISHA EDUCATIONAL  
&  
CHARITABLE TRUST**

**MEMORANDUM OF  
ASSOCIATION  
AND  
RULES AND REGULATIONS**

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CITY -PANCHDEWARI KATEYA  
DISTRICT- GOPALGANJ  
STATE – BIHAR  
(Pin Code - 841441)

**DISHA EDUCATIONAL AND  
CHARITABLE TRUST**  
PANCHDEWARI , GOPALGANJ DISTRICT, BIHAR

**MEMORANDUM OF ASSOCIATION**

Date :-

**1. Name:**

The name of the institution will be **DISHA EDUCATIONAL AND CHARITABLE TRUST** PANCHDEWARI at GOPALGANJ

This Trust DEED is made between sh. Durgeshwar Nath Tiwari S/o Sh. Banka Tiwari, age 31 resident of vill- Tiwari Chhapra, P.o- Bhathawa, P.s- Kateya, Distt- Gopalganj, Pin Code – 841441, Bihar.

Sh. Durgeshwar Nath Tiwari S/o Banka Tiwari, is the founder of the Disha educational and Charitable Trust.

**2. Registered Office:**

The Registered Office of the Trust shall be situated at CITY- PANCHDEWARI, GOPALGANJ District, BIHAR.

**3. Objects of the Trust:**

The objectives of the Trust can be as given below:

1. To provide, establish, endow, maintain, control and manage the proposed school and to perform all acts and to do all things necessary for or conducive to the promotion of the proposed school.
2. To establish, develop, maintain and manage hostel for the residence of the students of the proposed school.
3. To aid the upgradation of the proposed school to higher levels of education.
4. To prepare, introduce, supervise and amend curricula, syllabi and other programme regarding the education of the students in the aforesaid school.
5. To create teaching, administrative, technical, ministerial and other posts required for running the proposed school and to make appointments and promotions thereto.
6. To arrange for the training of the staff of the proposed school.
7. To constitute Committees as may be deemed fit for improving the functioning of the school and to prescribe their powers, functions, tenure etc.

8. To acquire, hold and dispose of the property in any manner whatsoever for the purpose of the proposed school.
9. To construct, improve, alter, demolish repair and maintain any building or buildings for the purpose of the proposed school.
10. To deal with the property belonging to the proposed school in such manner as may be deemed fit for advancing any of the objectives of the aforesaid school.
11. To give pension, gratuities or charitable aids to teachers, staff and other employees or ex-employees of the proposed school or to their wives, children and other dependents, to make payment towards insurance and to form and contribute to provident and benefit funds for the benefit of any person employed by the proposed school or of the wives, children or relatives or dependents of such persons.
12. To maintain a fund to which shall be created:
  - i) All grants received from the Government.
  - ii) All fees and other charges received from the students.
  - iii) All moneys received by way of gifts, donations, benefactions, bequests or transfer, and
  - iv) All moneys received in any other manner or from any other source.
13. To subscribe to or to become a member of or to take over or to co-operate or amalgamate with any other organization, institution or association having objects wholly or in part similar to those of the proposed school, and to aid any other school in such a manner as the proposed educational Trust deems fit.
14. To fix and arrange to collect such fees and other charges as may be laid down by the Rules and Regulations under them.
15. To deposit all moneys credited to the fund mentioned above in such banks or to invest in such a manner as the proposed Trust may decide.
16. To borrow or raise moneys with or without securities or on the security of a mortgage, charge, hypothecation or pledge, over all or any of the immovable or movable properties belonging to the proposed school or in any other manner whatsoever.
17. To draw, make accept, endorse and discount cheques, notes or other negotiable instruments and for this purpose, to sign, execute and deliver such assurances and deeds as may be necessary for the purposes of the proposed school.
18. To do all such things as may be considered necessary, incidental, or conducive to the attainment of all or any of the objects of the proposed school.

19. To run all categories of Schools (Primary, Secondary, Higher), technical educational institutions, vocational training institutions and colleges including community colleges for the benefit of students and other concerned.
20. To act as a link between the Central and State Governments and other appropriate agencies for formulation and implementation of programmes, projects and schemes for integrated rural development and to accept necessary grants and funds for carrying out these activities.
21. To take up and implement programmes/ schemes intended for rural development and included in the list of programmes approved by Council for Advancement of People's Action and Rural Technology (CAPART) and to do all such things as may be considered necessary for, incidental or conducive to, the attainment of the said object.
22. To undertake development of community infrastructure such as roads, buildings, hospitals, schools, youth clubs, community halls, libraries, houses for weaker and economically backward sections of the Trust.
23. To establish homes for the children in need of care and protection and to provide all facilities for their growth and development.
24. To organize adult education, non-formal education and supplementary education centres for promotion of literacy.
25. To accept donations, grants and assistance in any form, from the Government, Foreign donors and any other implementing agencies and to furnish information regarding the physical and financial progress of the schemes/programmes to the concerned organizations and authorities.
26. To raise funds (in cash or kind) subscriptions, property of any kind from the people, institutions, organizations and agencies.
27. To acquire by gift, purchase, exchange, lease or hire or otherwise howsoever any lands, buildings, equipments, and any other property movable or immovable for any estate or interest for the furtherance of all or any of the objectives of Disha educational and Charitable Trust.
28. To collaborate with other institutions, associations, agencies and societies in India or Abroad, interested in the objectives of Disha educational and Charitable Trust.
29. To offer prizes, awards, scholarships and grants in furtherance of the objectives of Disha educational and Charitable Trust.
30. To work in collaboration and/or implement programmes and schemes of State/ Central Government or any other agency for universalisation of

education, particularly elementary school education and to do all such things as may be considered necessary for, incidental or conducive to, the attainment of the said objective i.e., universalisation of education.

31. To organize child labour rehabilitation programmes/centres, conduct campaigns against child labour, train community teachers, conduct bridge courses, summer camps, remedial courses and organize all stakeholders including parents and members of the community as a further measure of universalisation and access to education for all.
32. To organize women into effective Self Help Groups (SHGS), DWACRA groups, who will initiate group action programmes for women and child welfare and their economic development, and to borrow or obtain assistance from Government organization, financial institutions, foreign donor agencies or other similar organizations, to promote this activity.
33. To improve the income levels of poor families by organizing women into effective groups, enhancing their capabilities by upgrading their skills and to act a facilitator with backward and forward linkages.
34. To organize youth rallies, Mahila meetings and children conferences in order to create awareness and empowering these sections.
35. To organize and provide day care centres and residential homes for the old aged, physically handicapped, mentally challenged, and other disabled persons and to provide necessary assistance and help for their rehabilitation and well being and to get assistance from Government organizations, foreign donor agencies or other similar organizations interested in the welfare of the above mentioned disadvantaged group of persons.
4. To carry out the aforesaid Objects, the Trust is hereby authorized and empowered to issue certificates, diplomas etc.

#### **CERTIFICATES**

1. Certified that the Association is formed with no profit motive and no commercial activity is involved in its working.
2. Certified that the Association would not engage in agitational activities to ventilate grievances.

5.

**DECLARATION**

We, the undersigned persons in the Memorandum, have formed into an Association and are responsible to run the affairs of the Trust and are desirous of getting the Trust registered under the Societies Registration Act, XXI of 1860.

S. no	Name	Occupation	Address	Signature
1	MR: ARVIND KUMAR SHARMA <b>President</b>	BUSINESSMAN	MANJHWALIYA	Sd/-
2	MR :DURGESHWAR NATH TIWARI <b>Secretary &amp; TREASURER</b>	BUSINESSMAN	TIWARI CHHAPRA	Sd/-
3	Kumari Reetu Dwivedi <b>VICE - President</b>	BUSINESSMAN	TIWARI CHHAPRA	Sd/-



Place : GOPALGANJ Date

:Secretary& treasurer

1. Signature

Sd/-

S. DURGESHWAR NATH TIWARI

S/o. BANKA TIWARI

TIWARI CHHAPRA ,PANCHDEWARI

GOPALGANJ

President

2. Signature

Sd/-

MR . ARVIND KUMAR SHARMA

S/O RAMNATH SHARMA

MANJHWALIYA , DHARHRA MELA ,GOPALGANJ

## **DISHA EDUCATIONAL AND CHARITABLE TRUST**

**PANCHDEWARI , GOPALGANJ DISTRICT, BIHAR**

### **RULES AND REGULATIONS**

- 1.** The name of the institution shall be DISHA EDUCATIONAL AND CHARITABLE TRUST hereinafter called the Trust.
- 2. Location:** The Registered Office of the Trust shall be situated at PANCHDEWARI ,GOPALGANJ district, BIHAR
- 3. Membership:** The Trust shall consist of the following classes of membership:
  1. a) **Patron-in-Chief:** DURGESHWAR NATH TIWARI will be the Honorary Patron-in-Chief.
  - b) **Patrons : DURGESHWAR NATH TIWARI** is the Partron in the education trust and pay all the amount 2,51,000/- in pay through cheeq Disha educational Bank account.
- 2. General:**

The names of the Hon. Patron-in-Chief, patrons and donors will be exhibited at the appropriate places of the Trust as decided by the Governing Body.
- 3. Termination of membership:**

The membership shall get terminated.

  - a) On resignation
  - b) On adjudication as insolvent
  - c) On death
  - d) On the recommendation of the sub-committee appointed by the General Body to enquire into the activities of any member found to be acting against the interests of the Trust, with the approval of the Governing Body. In case the Governing Body differs with the recommendations of the sub-committee, the matter will be referred back to the General Body for final decision



**4. General Body:**

The General Body of the Trust shall consist of all classes of members mentioned under clause 3 (b), (c) and (d).

**5. Functions of the General Body:**

I. The General Body shall meet once in every year in the month of September or any extended date not exceeding six months as may be decided by the Governing Body and such meeting shall be called Annual General Body.

- a) To review the activities of the Trust.
- b) To set up guidelines and targets for the achievements of the Objectives of the Trust.
- c) To review and approve the audited statements of accounts of the Trust and institutions under its management for the previous year.
- d) To discuss and pass the Annual Budget recommended by the Governing Body for the ensuing year.

II. a) The General Body shall have the power to add, amend, repeal, from time to time any of the purposes for which the Trust has been established in accordance with section 12 of the Societies Registration Act.

b) The General Body shall have the power to add, amend, repeal any of the rules and regulations by a resolution with two thirds majority of the members present.

III. The General Body will not make any addition, alteration/amendment to the objects of the Trust without the prior approval of the Director of Income Tax.

IV. The General Body shall have power to appoint auditors who shall hold office till the conclusion of the next Annual General Body meeting.

V. The General Body shall have power to write off any arrears or authorize the Secretary to deal with or compromise any litigation.

VI. The General Body shall have powers necessary or incidental to the carrying out of the objects of the Trust.

**6. Meeting of the General Body:**

a) ORDINARY MEETING:

The Ordinary meeting of the General Body should be convened by the Secretary with thirty days clear notice once in a year.

b) EXTRAORDINARY MEETING:

The President or the Secretary may convene any extraordinary General Body Meeting on their own initiative to transact any matters of urgent importance with a notice of ten days.

c) **REQUISITION MEETING:**

10 members or 1/3 of the total members, whichever is lower, may requisition the Secretary in writing for convening of a General Body Meeting within one month from the service of the notice. If the Secretary fails to convene such a meeting within one month after receipt of such requisition notice, the President may convene such a meeting within seven days notice thereafter and if the Secretary and the President also fail to convene the meeting, as stated above, the members who originally requisitioned the meeting may themselves convene the meeting with seven days notice to all the members and the proceedings of such a meeting shall be valid and binding on all the members.

- d) Notice of the General Body Meeting shall contain the date, place and time of the meeting with details of agenda and shall be dispatched under certificate of posting or delivered personally obtaining acknowledgement. Any member of the General Body shall have the right to send proposals in writing to the Secretary for inclusion in agenda at least ten days before the General Body Meeting and on receipt of such information the Secretary shall include the same in the agenda. All matters in General Body meetings shall be decided by a vote of majority of the members present at the meeting and in the event of a tie, the President shall have a casting vote. The quorum of the General Body meeting shall be 1/3 of the total number of members. If there is no quorum the meeting will stand adjourned to the same day in the next week and there need not be any quorum for such adjourned meeting.

**7. Management:**

The management and administration of the Trust shall vest in the Governing Body duly constituted under Clause 10.

**8. Governing Body:**

The Governing Body shall consist of members not exceeding 13. The Honorary Patron-in-Chief will be a permanent invitee to the Governing Body meetings. The members of the Governing Body will be elected by the General Body. The Patron-in-Chief will nominate one of the elected members of the Governing Body as President, one as Secretary, one as Vice-President and one as Treasurer. The members to be elected to the Governing Body will be from and out of the members of the General Body under Sub-Clauses (c) and (d) of 3 (1). The Honorary Patron-in-Chief will have right to vote.

I. **ELECTION:**

The procedure for elections will be as decided by the Governing Body.

**9. I. Functions of the Governing Body :** The Governing Body shall:

- a) Have power to set up an advisory body consisting of eminent persons of the Trust. The function of the Advisory Body is to advice the Governing Body from time to time on such matters that are referred to it by the Governing Body.
- b) Exercise general control over the policies of the Trust and establish

and maintain sound traditions to attain the aims and ideals of the Trust.

- c) Have the power to lease, sell, transfer or purchase any properties on behalf of the Trust or for the Institutions under its management.
- d) Have the power to constitute a Committee to inspect registers, accounts and other documents of the Institutions managed by the Trust.
- e) Call for reports from the principals of the Colleges and Heads of the other institutions under its management from time to time and review the same.
- f) Maintain, construct, alter any structure or buildings and provide amenities to the staff and the students.
- g) Have power to appoint persons to the selection posts and to appoint Selection Committees, wherever necessary to make appointments.
- h) Make arrangements for the audit of the accounts of the Trust and the institutions under its management by the Auditors, who shall be appointed by the Governing Body in the first year and by the General Body subsequently.
- i) Prepare and submit Annual Budgets for the approval of the General Body.
- j) Have the power to admit new members of the Trust on a proposal sponsored by at least 2 members of the Governing Body.
- k) Present the Annual Accounts including the Balance Sheet and the Audit Report of the previous year and budget estimates for the coming year before the Annual General Body meeting.
- l) Make rules and regulations bye-laws and procedures for the administration of the institutions run by the Trust.
- m) Be the custodian of all the properties of the Trust.
- n) Have power to borrow or otherwise raise funds on behalf of the Trust as well as the Institutions under its management and to spend the same for achievement of the Objects of the Trust.
- o) To perform all other duties/discharge responsibilities for running the Trust.

## **II. Meetings of the Governing Body:**

- a) Ordinary Meeting:

The Governing Body shall meet at least once in a month and 7 days notice shall be given by the Secretary/Treasurer to convene such meetings.

- b) Extraordinary Meetings:  
The President or the Secretary may call for an Extraordinary Meeting on his own initiative to transact matters of urgent importance with such notice as may be practicable under the exigencies of the circumstances. The notice of every meeting shall indicate the time, place and date of the meeting together with agenda and may be sent either under certificate of posting or by personal delivery under acknowledgement. However, this does not apply to Extraordinary Meeting, which can be convened by employing other modes of communication.
- c) Every member of the Governing Body shall have the right to send proposals in writing to the Secretary for inclusion in the agenda three days before the meeting date. With the permission of the President any matter may be moved for consideration in the meeting by any member.
- d) The quorum for the meeting of the Governing Body shall be one-third of the total number of its members.

**10. President:**

- a) The President shall preside over all the meetings of the General Body and the Governing Body.
- b) The President shall have the right to call for an Extraordinary Meeting of the General Body or Governing Body for transacting matters of urgent importance if the Secretary fails to do so.
- c) **When the President happens to be out of station for more than a month or otherwise unable to attend to his duties he shall delegate his power in writing to one of the Vice Presidents to act as President in- charge during his absence.**
- d) **The President or the Secretary shall be signatory for purpose of all Bank transactions.**

**11. Vice-President:**

In the absence of the President, the Vice-President shall preside over the meetings of the General Body and perform all the functions of the President.

**12. General Secretary:**

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**13. Secretary:**

- a) The Secretary shall be incharge of all the records of the Trust and shall be responsible for their proper custody.
- b) The Secretary shall convene the Meetings of the General Body and the

Governing Body Meetings as provided for in these Regulations.

- c) The Secretary shall convene the meeting of the General Body if a requisition is made to him in writing by the members of the General Body as per Clause 8 (c).
- d) The Secretary shall be the chief executive and shall carry out all the resolutions of the General Body and the Governing Body.
- e) The Secretary shall place all the Annual General Body meeting the budget estimates for the coming year and the audited accounts including the audited balance sheets of the Trust and the institutions managed by the Trust for the completed previous year.
- f) The Secretary shall be entitled to sue and is liable to be sued in the name of the Trust.
- g) The Secretary shall prepare the agenda for the meetings of the General Body and the Governing Body in consultation with the President.
- h) The Secretary shall also act as the Ex-officio correspondent of all the institutions owned by the Trust till independent correspondent or correspondents are appointed for the institutions.
- i) The Secretary shall maintain or cause to be maintained the minutes of the proceedings of all the meetings of the General Body and Governing Body which shall be signed by the president of the meeting. They constitute the permanent record of the Trust.
- j) The Secretary shall function, as correspondent or correspondents.
- k) The Secretary
  - i) Shall look after the day-to-day administration of the institutions managed by the Trust.
  - ii) Shall call for and obtain from the heads of the institutions information required from time to time by the Education Department of the Government of Andhra Pradesh, the University, the University grants commission and States or Central authorities and the Governing Body.
  - iii) Shall be the appointing authority to all posts as sanctioned by the Governing Body and in accordance with the procedure laid down by the Governing Body except the selection posts which consist of heads of institutions, professors, readers, experts and examiners and any other posts declared as such try the body. Every appointment made by the Secretary shall have to be ratified or approved by the Governing Body.
  - iv) Shall have the power to award punishment such as suspension or withholding of increment to any of the members of the staff for whom he is the appointing authority. The affected party may appeal against the orders of the Secretary within 15 days of

receipt of such orders, to the Governing Body. The decision of the Governing Body shall be final. They shall follow the principles of Natural Justice in the exercise of these powers.

- v) Shall carry out all government orders, proceedings of the Director of Higher Education,
- vi) The Secretary shall be the chief custodian of all the properties of the Trust and the books of accounts of the Trust and the institutions managed by it.
- vii) He shall be the authority to obtain loans and borrowings in the name of the Trust.
- viii) The Secretary shall make payment of the bills.
- ix) The Secretary/Treasurer shall supervise preparation of the accounts including balance sheet of the Trust and the institutions run by the Trust and submit them for audit.
- x) The Secretary shall prepare Budget Estimates of the Trust and submit the same along with the audited statements of the Trust and institutions to the Governing Body and General Body.
- xi) The Secretary shall not retain with himself more than Rs.500/- or within such other limits as may be prescribed by the Governing Body from time to time at any time, in cash, for more than one week.

#### **14. No Confidence Motion:**

- a) All or any of the office bearers may be removed by 2/3<sup>rd</sup> majority of the members of the Governing Body in a meeting called specially for that purpose. No such resolution can be passed within one year from the date of election of such office bearers. Notice of such resolution of such a meeting shall be signed at least by 1/3<sup>rd</sup> or the total members of the Governing Body.
- b) The successor in office shall be elected in the same meeting among the existing members of the Governing Body who shall hold the office for the unexpired portion of the term of the office bearers who vacate under clause (a).

#### **15. Funds:**

- a) Funds of the Trust hereby constituted include the contributions of the members and the donations collected from the public and loans if any raised from the public.
  - b) Funds of the Trust shall be deposited in a Scheduled Bank in the name of the Trust and the bank account shall be operated upto by the Secretary/Treasurer or the President.
- a) If, for any reason, the Secretary/Treasurer is unable to operate the bank account, the President and vice- president in such case, will be the signatory to operate the bank accounts.**

- b) No members shall retain with himself any funds of the Trust for more than a week without being remitted to the Secretary/ Treasurer.
- c) The funds shall be spent only for the attainment of the objects of the Trust and no portion thereof shall be paid, transferred, diverted directly or indirectly, to any of its members through any means.
- d) In furtherance of clause (e) above, the funds of the Trust shall be utilized as follows:
  - i) To acquire, purchase or sell any or all movable or immovable properties and to acquire by purchase or otherwise any rights or privileges including rights on immovable properties for the Trust.
  - ii) To invest and deal with all monies of the Trust upon such securities and in such manner as may from time to time be determined by the Trust.
  - iii) To pay either in case or otherwise for any property or rights acquired and services rendered to the Trust.
  - iv) To borrow, guarantee, raise or otherwise procure monies on the security of movable, immovable or other assets of the Trust or otherwise for carrying on all or any of the objects of the Trust at the discretion of the Governing Body.
  - v) To do all or any of the above things, transactions or matters whether alone or in conjunction with others either by or through servants, employees or otherwise and to do all such other things as are incidental or conducive to the attainment of the above objects or any of them.
  - vi) Investment of funds of the Trust shall be made in accordance with the provision of Sec. 11 (5) of the Income Tax Act, 1961.

**16. Accounts:**

- a) The accounts of the Trust shall be maintained for the official years ending 30<sup>th</sup> June of each year.
- b) The accounts shall be compulsorily audited by a Chartered Accountant appointed by the General Body in its annual meetings.

**17. General:**

- a) If, at any meeting, both the President and Vice-President are absent any member from out of the members present shall be elected as Chairman of the meeting to conduct the proceedings of that meeting only.

- b) Any subject once disposed of either in General Body or the Governing Body shall not be reopened within six months of such disposal. But it shall be open to the President or the Secretary/Treasurer to have the subject reconsidered in the light of the special circumstances or new set of facts that may arise and require immediate consideration.

**18. Dissolution:**

On dissolution of the Trust, the assets of the Trust shall be transferred/handed over to a Trust having similar aims and objects and also registered u/s. 12A of the Income Tax Act.

19. We, the several individuals, whose names and addresses are subscribed herein below, are desirous of being formed into the first registered Governing Body of the Trust in pursuance of these Articles of Association and have signed against our names herein below:

S. no	Name	Occupation	Address	Signature
1	MR: ARVIND KUMAR SHARMA S/o – Ramnath Sharma <b>President</b>	BUSINESSMAN	MANJHWALIYA P.o- Dharahara, P.s- Kateya, Distt- Gopalganj	Sd/-
2	MR :DURGESHWAR NATH TIWARI S/o – Banka Tiwari <b>Secretary &amp; TREASURER</b>	BUSINESSMAN	TIWARI CHHAPRA, P.o- Bhathawa Bazar, P.s- Kateya, Distt- Gopalganj	Sd/-
3	KUMARI REETU DWIVEDI D/o – Parasadhar Dwivedi <b>VICE -President</b>	BUSINESSMAN	TIWARI CHHAPRA, P.o- Bhathawa Bazar, P.s- Kateya, Distt- Gopalganj	Sd/-



