

MADHYA PRADESH HERITAGE DEVELOPMENT TRUST

The Constitution provides that it shall be the duty of every citizen of India to value and preserve the rich heritage of our composite culture. Expenditure on Culture are not a drain on the economy but a contribution to human and social development. In many countries new funding mechanisms are being devised, based on the dual recognition that cultural activities can and should be as rationally managed and administered as other development programmes and that new alliances must be forged between the public and private sectors, between the state and civil society.

Therefore, to encourage "A Heritage Partnership", Government of Madhya Pradesh has decided to set up the "Madhya Pradesh Heritage Development Trust" (MPHDT in short) for promotion, preservation, conservation and restoration of cultural heritage of Madhya Pradesh. The MPHDT constitutes an important initiative for enabling institutions and public at large to contribute to Culture and Heritage related endeavours, for forging meaningful inter-institution partnerships, for mobilising extra budgetary resources for Cultural Heritage of Madhya Pradesh.

We, the under mentioned, having been appointed by the Government of Madhya Pradesh, vide Resolution No : Item No. 26 dated 24th July 2000, to constitute ourselves jointly and severally as the Trustees of the Madhya Pradesh Heritage Development Trust.

- 1- Mrs. Sushma Nath, Secretary, Department of Culture, Government of Madhya Pradesh, Trustee.
- 2- Mrs. Suranjana Ray, Commissioner, Archaeology, Archives and Museums, Government of Madhya Pradesh, Trustee Secretary.

hereinafter called the Trustees hereby declare and state as follows :

WHEREAS the Government of Madhya Pradesh has decided to set up the 'Madhya Pradesh Heritage Trust' for promotion, preservation, conservation and restoration of cultural heritage of Madhya Pradesh.

AND WHEREAS the Government of Madhya Pradesh has set apart a sum of Rs 1995/- (Rupees One thousand nine ninety five only) and is desirous of forming a Trust thereof for the intents and purposes hereinafter mentioned ;

WHEREAS to the said intent the Government of Madhya Pradesh has settled the aforementioned sum on the said Trustees to hold the same upon Trust and utilise the Trust Fund including all accumulations and accretions thereto and the income therefrom for the intents and purposes hereinafter mentioned.

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THIS DEED OF TRUST WITNESSES ;

- 1- The Government of Madhya Pradesh does hereby settle upon trust on the Trustees hereinafter mentioned the said sum of Rs 1995/- (Rupees one thousand nine hundred ninety five only) and The Trustees shall stand possessed of the said amount and income therefrom and all accumulations or accretions of otherwise forming the Trust Fund for the objects, intents and purposes hereinafter mentioned ;
- 2- The name of the Trust shall be Madhya Pradesh Heritage Development Trust.
The principal place of the Trust shall be at Bhopal.
- 3- The following are the public objectives of the Trust :
 - i) to promote, create and stimulate an awareness among the public for the preservation, conservation, restoration and protection of the cultural, architectural and natural heritage of Madhya Pradesh.
 - ii) to undertake any or all measures for the preservation and conservation, restoration and protection of natural resources, architecture, buildings, quarters, monuments and any other property in Madhya Pradesh including but not limited to places of scenic beauty, geological interest, or having a high archaeological, historical, scientific, cultural or artistic value or interest ;
 - iii) to undertake any or all measures for the preservation, conservation, protection, restoration of the cultural and natural heritage of Madhya Pradesh including but not limited to its traditional arts and crafts, music, culture values and skills and to ensure their authentication and identity ;
 - iv) to undertake documentation, authentication & identification of the cultural, architectural and natural heritage of Madhya Pradesh ;
 - v) to undertake pilot conservation projects in Madhya Pradesh ;
 - vi) to identify the cultural components of rural and urban development schemes in Madhya Pradesh to ensure that they do not pose any danger to architectural and natural heritage or resources of Madhya Pradesh ;
 - vii) to act as a 'Resource Bank' for providing financial, technical, scientific, professional, academic and intellectual assistance towards the preservation, protection and conservation of cultural, architectural and natural resources and heritage of Madhya Pradesh as also for creative and innovative activities ;

- viii) to create a suitable forum for the exchange of ideas, techniques and opportunities for research and to undertake, organise and facilitate study courses, workshops, conferences, seminars and lectures in matters relating to conservation and natural, architectural and cultural property, resources and heritage of Madhya Pradesh ;
- ix) to acquire or to hold in lease any property or part thereof which the Trust may deem necessary in furtherance of its objectives ;
- x) to undertake and provide for the publication of journals, books, pamphlets, newsletters, posters, magazines etc, in furtherance of the objectives of the Trust ;
- xi) to set up and maintain libraries, museums and information services to facilitate the study of architectural, cultural and natural heritage of Madhya Pradesh and to stimulate and support research in these matters, whether academic, technical, scientific or otherwise ;
- xii) to collaborate, co-operate, assist and associate in any manner with Central Government and State Government Authorities, NGOs, International or National bodies or with any person in furtherance of the objectives of the Trust ;
- xiii) to undertake promotional or fund raising activities, the proceeds of which will add to the resources of the Trust to be utilised for the objectives of the Trust ;
- xiv) to do all such lawful acts and things as are conducive or incidental to the attainment of the aforesaid objectives of the Trust.

4- Number, Appointment And Tenure of Trustees.

The Trust shall consist of fourteen persons as under :

- i) Four Trustees who shall be persons eminent in the field of Archaeology, Conservation, Preservation of cultural heritage to be nominated by the Government of Madhya Pradesh.
- ii) Four persons from the corporate world to be nominated by the Government of Madhya Pradesh.
- iii) Six ex-officio Trustees as under :
 - a) Chief Minister, Government of Madhya Pradesh - Chairman.
 - b) Minister for Culture, Government of Madhya Pradesh - Vice Chairman

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- c) Secretary in charge of Department of Finance, Government of Madhya Pradesh.
- d) Secretary in charge of Department of Housing and Environment, Government of Madhya Pradesh.
- e) Secretary in charge of Department of Culture, Government of Madhya Pradesh.
- f) Commissioner/Director, Archaeology, Archives and Museums, Government of Madhya Pradesh - Trustee Secretary.
- iv) Subject to the provisions hereinafter contained, the maximum term of office of a Trustee, other than a Trustee appointed to fill a casual vacancy and the ex-officio Trustee, shall be three years.
- v) A Trustee who deviates from the objectives of the Trust may be removed by other Trustees with prior approval of the Government.
- vi) In the event of the occurrence of any casual vacancy in the office of a nominated Trustee by reason of death, resignation, disqualification or otherwise, the vacancy shall be informed to the Registrar of Public Trusts and shall be filled by nomination by the Government.
- vii) The Chairman shall preside over all the meeting. In the absence of the Chairman at any meeting, the Vice-Chairman will preside. In the absence of both the Chairman and Vice-Chairman, the Trustees present at the meeting may elect one from amongst themselves as Chairman for the meeting.
- viii) Eight trustees shall form a quorum for a meeting of the Trustees provided that there should be 4 non-official members present in the meeting. Any meeting can be convened by the Trustee Secretary by sending a notice to all the Trustees at their addresses at least seven days before the meeting. The notice shall specify the date, place and time of the meeting. Meetings can also be held at shorter notice with the consent of all the trustees. The trust shall meet at least twice a year.
- ix) The Trustees shall keep or cause to be kept Minute Book of the proceedings. Resolution may be passed without holding a meeting of the Trustees by circulating in writing the proposed resolutions which must be endorsed by two-thirds of the Trustees. If resolutions are endorsed in this manner, they shall be as valid and effectual as resolutions passed at a meeting of the Trustees.

5- Powers of the Trustees :

In order to carry out any or all of the aforesaid objects of the Trust in accordance with the provision of the Income-Tax Act, and other applicable laws, and to

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utilise and invest the Trust Fund and/or properties of the Trust, the Trustees shall have the following powers :

- i) to manage the Trust Funds and collect and recover the interest, dividends and other income thereof.
- ii) to pay and discharge out of the income of the Trust Fund all expenses and charges for collecting and recovering the income of the Trust Fund and all other costs, charges and expenses and outgoings of and incidental to the Trust created by these presents and the administration thereof.
- iii) to accept donations, contributions, grants or subscriptions in cash or in kind from any person, body of persons, institution, agency, company, government, society or trust in India or from abroad with or without conditions. PROVIDED that such conditions are not inconsistent with the intents or purposes of these presents or applicable laws. All such donations shall be treated as forming part of the Corpus Trust Fund being the subject matter of these presents and be applied accordingly PROVIDED further that it shall always be for the Trustees in their absolute discretion to decide whether they should invite or accept any such donations as aforesaid and they shall by all means be at liberty to refuse any donation without assigning any reason for such refusal.
- iv) to apply, allocate or set apart the whole or part of the income, corpus or property of Trust Fund or accumulations thereof to any one or more of the aims, objects and purposes of the Trust as the Trustees may determine in their discretion from time to time.
- v) to open and operate bank accounts in the name of the Trust in the scheduled Bank or a Post Office, Saving Bank or in any bank registered under Co-operative Societies Act, 1912 (II of 1912) to borrow or raise or secure payments of moneys and to lend money on such terms, and conditions as the Trustees may deem fit.
- vi) To sell transfer convert or otherwise release any trust properties/trust funds or invest the same in any form of investment including but not limited to immovable properties, shares, debentures, bonds, deposits or other securities or change the form of investment, where they are satisfied that such investment shall yield a reasonable income, or where it is deemed expedient or necessary for carrying out the objects of the Trust PROVIDED that the Trustees shall invest the Trust properties only in conformity with the pattern of investment envisaged in Section 11 and 13 of the Income-Tax Act and with previous sanction of Registrar Public Trust as mentioned in Section 14 of M.P. Public

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Trust Act 1951 or any other statutory provisions applicable to under any other law in force.

- vii) to let out any movable or immovable properties belonging to the Trust for such period at such rent and on such terms and conditions as the Trustees in their discretion may think fit in the interest of the Trust.
- viii) to institute, defend, adjust, settle, compromise, compound, refer to arbitration, all actions, suits, claims, demands and proceedings regarding the Trust property or Trust Fund.
- ix) to appoint or engage necessary experts, scientists, doctors, engineers, lawyers, officers, workers, volunteers and/ or other employees for carrying out the aims and objects of this Trust, and remunerate them reasonably and from time to time terminate their services, remove them and to appoint other or others in his or their place.
- x) to employ skilled labour, technicians, research assistants, scholars, academic and other suitable qualified personnel to carry out the aims and objects of the Trust.
- xi) to conduct workshops, conferences, seminars, meetings, forums, symposia and create opportunities for researcher, scholars, technicians and interested persons to meet regularly to exchange views, notes, research finding and inventions, and to publish newsletter, books, magazines, periodicals, leaflets related to the aims, objects and purposes, of the Trust.
- xii) to apply to the government public bodies, urban, local municipal, district and other bodies, corporations, companies, or persons for and to accept grants of money, aid, donations, gifts, subscriptions and other assistance with a view to promoting the aims and objects of the Trust and to discuss and negotiate with government departments, public and other bodies, corporations, companies or persons, schemes and other works and matters within the aims and objects of the Trust and to conform to any proper conditions upon which such grants and other payments may be made.
- xiii) to settle all accounts and to compromise, compound, abandon or refer to arbitration any action or proceedings or dispute, claim, demand or thing, proper for such purpose without being responsible for any loss occasioned thereby.
- xiv) to join co-operate or amalgamate this Trust with other or others having kindred or allied objects, upon such terms and conditions as

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the Trustees may in their discretion think fit, particularly having regard to and in conformity with the aims and objects and nature of the Trust ;

- xv) to make, vary, alter or modify schemes, rules and regulations for carrying out the aims and object of the Trust and for the management of the affairs thereof and/or running any institution in furtherance of the objects of the Trust, and to make additions/amendments to this Trust Deed ; PROVIDED that such amendments shall not be repugnant to the objectives of the Trust and to the provisions of Sections 2(15), 11, 12, 13 and 80(G) and other applicable provisions of the Income Tax Act. Further no amendment shall be carried out to these presents without the prior approval of the appropriate Commissioner of Income Tax Bhopal, or other income tax authority, however, designated, having jurisdiction over the Trust.
- xvi) to do any other thing which is incidental and conducive to the attainment of the above aims and objects or any one of them.

6- Trustee - Secretary

- i) The Commissioner/Director of Archaeology shall be ex-officio Trustee Secretary of the Trust and also Secretary of the Executive Committee.
- ii) All decisions of the Trust and of the Executive Committee shall be implemented by the Trustee Secretary.
- iii) All deeds and other documents to be executed by or on behalf of the Trust shall be done by the Trustee Secretary of the Trust and the Trust may sue or be sued in the name of the Trustee Secretary.

7- Executive Committee :

- i) There shall be an Executive Committee for carrying on the management and administration of the Trust, having such powers and functions as are necessary for the purpose from time to time, including the power to spend money out of the Trust Fund.
- ii) The Executive Committee shall consist of the following eight members :
 - a) Vice-Chairman of the Trust who, subject to the provisions of article shall preside over the meetings of the Executive Committee.
 - b) The ex-officio Trustees mentioned in Article 4 (iii), ©, (e), (f) of this Trust Deed, and

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- c) Four members elected from amongst themselves from the Trustees mentioned in Article 4 (i) & (ii) of this Trust Deed of which two each will be from each category.
- iii) An elected member of the Executive Committee shall hold office for one year provided that such a member shall be eligible for re-election.
- iv) Fifty percent of the members shall constitute the quorum for a meeting of the Executive Committee. Provided that there should be two non-official members present in the meeting.
- v) The Executive Committee shall function notwithstanding any vacancy amongst its members or any defect in its constitution and no act of the Executive Committee shall be invalid or called in question in any manner whatsoever by reason solely of the existence of any vacancy or any defect in its constitution.

8- Power and Function of the Executive Committee.

- i) Subject to the provisions of these presents and to such directions as may be given by the Trustees from time to time, the Executive Committee shall be fully responsible for the management and administration of the Trust and shall do all such acts and deeds as are necessary for the purpose.
- ii) All important decisions taken by the Executive Committee shall from time to time be reported by the Trustee Secretary at the ensuing meeting of the Trust.
- iii) The Executive Committee shall prepare or cause to be prepared through the Trustee Secretary Annual Reports and Accounts of the Trust for each financial year commencing 1 April to 31 March, audited by a person who is holder of a certificate granted under section 144 of the Indian Companies Act 1913 (vii of 1913) or is a member of an institution of association, the member of which have been declared under that section to be entitled to act as auditors of companies or by such persons may be authorised in this behalf by the State Government a properly qualified, being a Chartered Accountant within the meaning of Chartered Accountant Act 1949 (Act No 38 of 1949) and submit the same for approval and adoption by the Trust.
- iv) The Executive Committee shall meet as often as necessary.

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- v) The Committee shall frame its own regulations for the conduct of its proceedings and such regulations may be amended, altered or revised from time to time as may be deemed expedient. Provided that they are not inconsistent with any provision contained in this deed or with any rules, regulations, resolutions or directions of the Trust.

9- Jurisdiction :

- i) The Trust shall be authorised to function throughout in Madhya Pradesh.
- ii) Should any legal disputes, claims or litigation within the jurisdiction of the law arise, they will only be considered valid if they are lodged within the precincts of the city of Bhopal.

IN WITNESS

- 1) It is hereby declared that the Trust known as "Madhya Pradesh Heritage Development Trust created under this Trust Deed shall be IRREVOCABLE.
- 2) The income and funds of the said Trust will be solely utilised towards the objects of the TRUST and no portion of it will be utilised for payment to any Trustee/s by way of profit, or interest or dividend etc. This does not, however, prohibit the payment of reasonable compensation to Trustees by way of professional or other charges for services rendered by them. It is expressly declared that in no circumstances, shall any part of the Trust property or the income of the Trust be applied for any purpose outside India or for any purpose which is not a public charitable purpose in law and all provisions hereof shall be construed accordingly.
- 3) The benefits of the Trust are open, to all, irrespective of caste, religion or sex etc.

Signed by :

- 1- Mrs. Sushma Nath, Secretary, Department of Culture, Government of Madhya Pradesh, Trustee.
- 2- Mrs. Suranjana Ray, Commissioner, Archaeology, Archives and Museums, Government of Madhya Pradesh, Trustee Secretary.

[Signature]
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Ray 25/7/2000

Being the Trustees of the aforesaid Trust
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