
THE BOMBAY HALAI BHATIA MAHAJAN

CONSTITUTION RULES AND REGULATIONS (PASSED AND ACCEPTED ON 23RD MAY, 1936)

Amended upto 31 October 1949 Corrected & further amended as per General Meeting of the Mahajan held on 24-08-1969, 28-04-1985, 23-07-1988, 18-02-1990 & as per court order dt. 26-03-1998.

Further amended as per the Extra Ordinary General Meeting of the Mahajan held on 14-12-2003 and the General Meeting of the Mahajan held on 25-09-2005.

HOLDING TRUSTEES

SHRI DWARKADAS MORARJI NEGANDHI
SHRI KRISHNAKANT C. MOOLJEE JAITHA
SHRI SHANTIKUMAR GOKALDAS KAPADIA
SHRI JITEN NARANDAS VED
SHRI KRISHNAKANT JETHALAL UDESHI

MANAGING TRUSTEES

SHRI MADHUP CHHABILDAS ASHER
SHRI PREYAS BHAGWANDAS MORPARIA
SHRI PRADIP HARIDAS CHIKHAL

Old Halai Bhatia Mahajan Wadi,
398, Shri Nathji Chowk, Off: Kalbadevi Road, Mumbai – 400 002.

S.Y. 2061

A.D. 2005

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THE BOMBAY HALAI BHATIA MAHAJAN AND ITS TRUST

NAME

1. The Mahajan shall be called "THE BOMBAY HALAI BHATIA MAHAJAN" and shall for the sake of brevity be hereinafter referred to as "The Mahajan".

OFFICE

2. The office of the Mahajan shall be situated at The Halai Bhatia Mahajan Wadi at Kalbadevi Road, Bombay – 400 002. or at such other place or places as the Trustees or the Mahajan may from time to time determine.

MEMBERSHIP

3. The Mahajan shall consist of members of the Halai Bhatia community drawn from the undermentioned 9 groups of places or any one or more of them and / or such other place or places as the Mahajan shall from time to time by its resolution determine:
 - (i) Jamkhambhalia and its surrounding territory.
 - (ii) Okha Prant
 - (iii) Porbander.
 - (iv) Jamnagar.
 - (v) Navgam
 - (vi) Pachisgam
 - (vii) Surat, Vadodara
 - (viii) Vaijapur – Dharangam.
 - (ix) Kanthi
- 4 (a) The Membership of the MAHAJAN shall be made up of all adult male and female members of the Halai Bhatia Community who have completed the age of 18 years and who have their ordinary place of residence in Bombay Metropolitan Region for a period of not less than six months. Further provided that a female shall continue to be the member as long as she remains Halal Bhatia. Provided however that all female and minor members and dependents of the said adult members referred to herein above and all female and minor members of the family of the adult members as described herein above who are dead and who if alive would be eligible for the membership of the MAHAJAN and who would not

under these rules be liable to have their names removed from the register of the MAHAJAN shall be entitled to enjoy the benefits of Mahajan but they shall not be entitled to vote.

- 4 (b) Every male adult who conforms to the aforesaid qualifications will be eligible for being enrolled as a member of the MAHAJAN without any payment but on an application being made herefor as hereinafter provided.

APPLICATION FOR MEMBERSHIP AND PROCEDURE THEREON

- 5 (a) Applications for being enrolled as members of the MAHAJAN by persons whose names not appear on the Mahajan register shall be made in writing in the prescribed form along with two photographs each applicant being recommended by 2 Members of the Mahajan.
- (b) The application shall be scrutinized within one month from the receipt thereof and the Trustees shall dispose of each application for membership at the immediate next meeting held thereafter.
- (c) On the application being accepted, the Trustees shall communicate the acceptance to the applicant and cause an entry to be made in the Register of members, showing the person whose application is accepted, as a member.
- (d) On the application being rejected, the Trustees shall inform the applicant of their decision rejecting the application with the reasons if any, within 8 days from the date of the decision.
- (e) Any applicant dissatisfied with the decision of the Trustees rejecting his application for membership shall be entitled to appeal against such decision to the Mahajan provided he sends the necessary appeal to the Mahajan through the Managing Trustees within a fortnight from the communication of the decision of the Trustees.
- (f) The application and the decision of the Trustees shall be considered by the Mahajan at its next General Meeting and if two thirds or more of the members present vote in favour of the applicant being admitted as a member, the applicant shall be enrolled as a member and the necessary entry shall be made in the Register of members.

MANAGEMENT AND ADMINISTRATION

Office Bearers

6. The Mahajan shall have the following office bearers who will be elected by the Mahajan in the manner hereinafter provided.

(1) President.

(2) Vice – President.

Both of them will perform the duties allotted to them under these presents.

They will also be Ex-Officio Trustees of the trusts herein created.

(3) Five Holding Trustees.

(4) Trustees: The number of trustees shall be 14 exclusive of ex-officio Trustees.

They will perform the duties allotted to them under these presents.

The ex-officio trustees, the Holding trustees and the trustees comprised by sub-Clause (4) above shall constitute the Board of Trustees.

HOLDING TRUSTEES

Holding Trustees.

7. (1). SHRI GORDHANDAS VANDRAVAN

(2). SHRI GOVINDDAS DWARKADAS VED

(3). SHRI GORDHANDAS MORARJI KAPADIA

(4). SHRI KRISHNARAJ JAYARAJ VASANJI

(5). SHRI RATANSEY PRAGJI

shall be the first Holding Trustees of the Mahajan. The said Holding Trustees and the Holding Trustees from time to time and for the time being of the Mahajan shall act as trustees for and during their respective lives or until they resign or cease to be members of the Mahajan or otherwise vacate their office or are removed as herein provided. The Holding Trustees shall hold and stand possessed of the immovable properties more particularly described in Schedule 'A' hereunder written and the moneys dues, credits and other movable properties described in Schedule 'B' and all trust properties, endowments, gifts, and donations made to the Mahajan which shall be vested in the Holding Trustees for the time being under these presents.

- 7A. Any Holding Trustee may at any time resign his office of a Holding Trustee by giving one month's notice in writing to his Co-Holding Trustee and upon the expiry of the period of such notice such Holding Trustee shall be deemed to have vacated his office. In case any of the Holding Trustees for the time being of these presents shall become bankrupt or insolvent or shall be convicted of a criminal offence involving moral turpitude or ceases to be a member of the Mahajan or is removed by the Mahajan, then and in every such case he shall cease to hold office as a Holding Trustee and thereupon such Holding Trustee shall immediately on being called upon to do so, do all necessary acts on his part for vesting the properties in the continuing or surviving Holding Trustees or any of such continuing or surviving Holding Trustees or trustee jointly with the New Holding Trustees or Trustee to be appointed under the provisions in that behalf hereinafter contained.
- 7B. If and so often as the Holding Trustees hereinbefore named or any of them or any future Holding Trustees or Trustee who may be at any time hereinafter appointed shall die or go and remain out of the Republic of India at a time for more than 12 months without the leave of the co-Holding Trustees or resigns or is desirous of being discharged from or refuse or decline or become unfit or incapable to act in the aforesaid trust then and so often as the same shall happen it shall be lawful for the Mahajan to appoint a person or persons in the next general meeting who must be a member of the Mahajan to be Holding Trustee or Trustees in the place of such Holding Trustee so dying or being removed or going and remaining abroad or resigning or desiring to be discharged or refusing or declining or becoming unfit or incapable to act as aforesaid for the time being (as the case may be) and that on every such appointment the property of the Mahajan shall become vested in the new Holding Trustees or Trustee jointly with the surviving or continuing Holding Trustees or Trustee as the case may be and every such Holding Trustees or Trustee shall have the same powers as if he or they had been originally named as Holding Trustees or Trustee of these presents.
- 7C. With the previous sanction of the Mahajan the Holding Trustees shall have the power to sell, transfer, convey or assign any immovable properties of the Trusts or the Mahajan at such price and on such terms and conditions as they think fit and proper and receive the purchase price and other moneys in respect thereof and give valid and effectual discharge or discharges for the same. With the previous approval of the Board of Trustees, the Holding Trustees shall have the power to sell, transfer, assign, or hand over any movable properties of the Trusts or the Mahajan at such price and on such terms and conditions as they may think fit and proper and receive the purchase price and other moneys in respect thereof and give valid and effectual discharge or discharges for the same Provided however that the Holding Trustees shall notify such disposition to the Mahajan at its next meeting.

MANAGEMENT

Management

8. The Trustees shall administer and manage the trust properties subject to and in conformity with the provisions of these presents.

Managing Trustees.

9. The Trustees shall elect three out of them excluding the Ex-Officio Trustees as Managing Trustees. The Managing Trustees shall manage the Trust Properties under the supervision and control of the Trustees and may exercise such powers as may be delegated to them by the Trustees from time to time. The tenure of the office of the Managing Trustees shall co-terminate with the office of the Trustees as provided under Clause 11 hereinafter.

Appointment of new Trustees

10. Whenever any Trustee for the time being under these present shall die or retire or be absent from India for 6 consecutive months without leave of absence from the Trustees or ceases to be a member of the Mahajan or became insolvent or be convicted of a criminal offence involving moral turpitude and punished with imprisonment or desires to be discharged from or refuses or becomes unfit or incapable to act in the Trust or to exercise the powers in him reposed under these presents the MAHAJAN may by a resolution passed at its meeting appoint another person or persons being a member of the Mahajan and belonging to the group mentioned in the clause 11 hereof to be the Trustee or Trustees in the place of the Trustee or Trustees so dying or retiring or being absent from India or ceasing to be member of the Mahajan or becoming insolvent or being convicted and punished as aforesaid or desiring to be discharged or refusing or becoming unfit or incapable to act as aforesaid. On every such occasion it shall be lawful for the Mahajan to appoint Trustee or Trustees as the Mahajan may think fit and proper as the circumstances may require having regard to the maximum number of Trustees to be appointed under these presents.

Tenure of office of the Trustees

11. The Tenure of the office of the Trustees shall be for a period of three years from the 1st April of the following date of their election and they will continue to hold office till new Trustees are elected. New Trustees will be elected by the Mahajan in accordance with the provisions herein contained.

Election of Trustees

- (a) The election of trustees shall be made from the following groups and each group shall be entitled to elect their representatives as set out against each of them. Each member of each group shall have right to Exercise as many votes as per the strength of the candidate to be elected as mention below :-

1. Khambhalia	...	5
2. Okha Prant	...	3
3. Porbunder	...	2
4. Jamnagar	...	3
5. Navgam, Surat, Pachisgam, Vadodara etc.	...	1

		Total 14
		=====

However one member cannot give more than one vote to one candidate (for e.g. A member in Khambhalia vibhag has to elect 5 representatives and hence he is entitled to give maximum of 5 votes but he cannot give more then one vote to one candidate).

- (b) The election of the Trustees will be by ballot to be taken at a meeting of the Mahajan or as the Mahajan may direct.
- (c) The election of the Trustees shall be held in the month of February prior to the expiry of the tenure of the office held by the said Trustees.
- (d) The newly elected Trustees shall take charge of the management of the Mahajan from 1st April following the date of their election and till the newly elected Trustees take charge, the out going Trustees shall continue to act as Trustees.
- (e) The President or in his absence the Vice-President or in their absence such other person as may be nominated by the Trustees in this behalf shall be Chairman of the meeting. The Chairman shall have power to regulate and supervise the election. He shall have a right to nominate scrutineers to do all acts and things for a proper election of the Trustees.
- (f) The Mahajan may frame such rules and regulation for the election of Trustees as it considers necessary from time to time.

Election of President and Vice-president

- 11A. (a) The Mahajan shall elect its President and its Vice-president.
- (b) The election of the President and the Vice-President shall be from the members of the Mahajan irrespective of any groups referred to above.
- (c) The election of the President and Vice- President shall be by a ballot to be taken at a meeting of the Mahajan.
- (d) The meeting for the election of the President and Vice-President shall be held prior to the expiry of the tenure of office of the President and Vice-President.

- (e) The financial year shall end on 31st March and the accounts will be presented for the period April to March. The election of the President, Vice-President and Trustees shall be made in February at the end of 3 years period and that they will assume the office from 1st April. The election of the President and Vice-President shall be concurrently held every three years.
- (f) The newly elected President and Vice- President shall take charge of their office from April 1st following the date of their election and till the newly elected President and Vice-President take charge, the outgoing President and Vice-President shall continue to act as such President and Vice-President.
- (g) The Mahajan may frame such rules and regulations for the election of the President and Vice-President as it may think proper from time to time.

Meeting.

- 12. (a) The Trustees shall hold ordinary meetings at least once in every month.
- (b) An ordinary Meeting of the Trustees may be summoned by any of the Managing Trustees.
- (c) A Special Meeting may at any time be summoned by any four of the Trustees other than the Managing Trustee upon giving at least four clear working days notice to all other Trustees of the time and place of such meeting and of the matter to be discussed thereat.
- (d) That meeting of the Trustees shall ordinarily be held at the office of the Mahajan or at such other place as the Trustees may from time to time determine.
- (e) The President of the Mahajan and in his absence the Vice-President shall preside at the meeting of the Trustees. In the absence of the President or the Vice-President, the Trustees shall be entitled to elect any one of them to be Chairman of the meeting.
- (f) Every matter shall be determined by the decision of a majority of the Trustees present at the meeting and voting on the question. In case of an equality of votes the chairman of the meeting shall have an additional or a casting vote.

Quorum

- 13. (a) The Quorum shall consist of at least five Trustees present at any meeting.
- (b) If there is not the required quorum at any meeting the said meeting shall be adjourned for a week at the same time and place.

- (c) If a meeting is adjourned for want of quorum, then at the adjourned meeting, no quorum shall be necessary.
- (d) No business shall, however, be transacted at any such adjourned meeting other than the business specifically mentioned in the agenda of the original meeting.

Circular Resolution.

14. The Trustees may dispose of any matter by circular resolution provided the opinion of the Trustees is unanimous. In case of a difference of opinion, such matter shall be dealt with at a meeting of the Trustees.

Powers to appoint Committee.

15. The Trustees may subject to the provisions of these presents delegate any of their powers to a committee consisting of such member or members of their body as they think fit and may from time to time revoke such delegation.

Acts of Trustees Committees Valid

16. All acts done by the meeting of the Trustees, shall notwithstanding that it may be afterwards discovered that there was some defect in the appointment of one or more of such Trustees or of any of them was disqualified, be valid as if every such person had been duly appointed and was qualified to be a Trustee. Provided that nothing herein contained shall be deemed to give validity to acts done by a Trustee after his appointment has been shown to the MAHAJAN to be invalid or to have terminated.

Donations and Trustees

- 17 (a) The Trustees shall for and on behalf of the Mahajan and for any of its objects mentioned in these presents be at liberty to receive on such conditions and on such terms as they may think fit any donations either in cash or in kind or in the shape of any movable or immovable properties.
- (b) Separate accounts in respect of any case of specific donations shall be maintained in the Books of the Mahajan.
- (c) The properties and cash comprised in the said Donation account shall be administered and managed by the Trustees in accordance with the terms and conditions, if any, of such donations subject to the supervision and control of the MAHAJAN. In managing the said properties and cash the Trustees shall have full powers as if the same were the properties and assets belonging to the Mahajan.
- (d) The Trustees shall not be bound to account for the properties and cash donated to the donors individually but they shall be liable and accountable to the MAHAJAN for their management and administration.

Powers of the Trustees

18. (a) The Trustees shall have the power to appoint architects, solicitors, or such other persons in the management and execution of the work of the Mahajan and the management and administration of its trusts and trust properties.

Appointment of staff

- (b) The Trustees shall have the power to appoint the required staff as may be required for the management of the Trusts on such terms and conditions as to salary, wages, dearness allowances, bonus, benefits of provident funds and gratuity and/or pension or other emoluments as the Trustees may consider proper for the purpose of carrying out the Trusts herein and shall have full power to dismiss or re-employ any such employee as they may think fit and proper in their sole discretion.

Fess, Rents

- (c) Subject to the supervision and control of the Mahajan the Trustees shall be entitled from time to time by resolution to increase or decrease the fees and/or rent payable by the occupants of the charitable chawls and/or other tenants of the Trust properties.

To file suits

- (d) Subject to the provisions herein contained the Trustees for the time being in their own names shall be entitled to file and defend suits and other proceedings civil and/or criminal in respect of any of the trust properties or in respect of any matter relating to the management and administration of the Trusts.

PROVIDED, however, that in the event of the Trustees being desirous of instituting any ejection or other proceedings against any member of the Mahajan or his dependents or persons occupying any of the immovable properties of the Mahajan or any portion thereof which is set apart for occupation by poor members of the Mahajan on payment of nominal fee, rent or compensation the Trustees shall obtain the previous permission of the Mahajan.

Compromise and Arbitration

- (e) The Trustees shall have full power to compromise or compound all actions suits and other proceedings to which the Mahajan or the Trustees are parties and to refer all differences disputes or demand to arbitration and shall have full power to adjust and settle all accounts relating to the Trust properties.

Lease

- (f) The Trustees shall have power to grant leases of any property of the Mahajan or any part thereof upon such terms and conditions as to rent or otherwise as they may in their discretion think fit and proper from time to time provided however that in the event of any lease being granted for a period exceeding (3 Years) Years the Trustees shall obtain the previous consent of the Mahajan.

Collection of Rent, Fees

- (g) The Trustees shall have the power to collect or cause to be collected all rents, fees, dividends, interest and other income of the Trust properties and to give valid and effectual discharge or discharges for the same.

Insurance

- (h) The Trustees shall keep all the immovable properties belonging to the Trust or the Mahajan insured against loss or damage by fire with a reputable Indian Insurance Company or Companies as they may think fit and proper. The Trustees may insure the movable properties belonging to the Trust or the Mahajan against loss or damage by risk whatsoever as they may think fit and proper. The Trustees shall also be at liberty to insure any of the properties belonging to the Trust or the Mahajan against loss or damage by riot or any other accident as they may think fit and proper.
- (i-j) The necessary action be taken to give tenancy rights to the original occupants/ their legal heirs of the charitable chawls with the permission of charity commissioner, if necessary and to implement the necessary scheme, Mr.Devidas Haridas Aladia and Mr. Uday Narottam Kapadia be appointed to help the office Bearers of the Mahajan to take the necessary steps in this direction.
- (k) The Trustees shall be entitle to keep in their hands in the safe of the Mahajan at its office a sum not exceeding Rs.10,000/- for meeting the current expenses. Any surplus over Rs.10,000/-of the moneys received by the Trustees on account of the Trust as far as possible shall be deposited on receipt thereof to credit of an account or accounts or in the Bank of India or the Central Bank of India or any other scheduled Bank or Banks in Bombay of repute in the joint names of the Trustees or such of them as the Trustees may from time to time decide and the Trustees may authorize the managing Trustees to operate upon such account or accounts and sign the necessary cheques and endorse cheques as may be received by the Trustees.

- (l) All money not required for payment immediately and other moneys not carried over to the various funds and all donations mentioned in these presents shall be kept invested in any of the securities authorized by sec.20 of the Indian Trust Act, or any other law for the time being in force relating to the investment of trust funds and/or in making deposits or keeping the same on call money with any scheduled Bank or Banks in current or fixed deposit account on such terms and conditions as may be approved by the Trustees and/or in any other securities specially authorized by any of the rules and regulations of the Bombay Public Trust Act,1950 and with the sanction of the charity commissioner in the purchase of any immovable properties in Greater Bombay of any tenure prevalent in Bombay.
- (m) The Trustees shall be at liberty to vary any such investments from time to time and reinvest the same as authorized under these presents.
- (n) The Trustees shall be entitled from time to time for and on behalf of the Mahajan to receive deposits from the members of Halai Bhatia Community at such rate of interest and on such terms and conditions as the Board of Trustees may by its resolution prescribe and the Trustees shall thereby incur no personal liability or responsibility to the depositor.
- (o) The Trustees shall have powers to borrow from time to time such sums of moneys as may be necessary for the purposes of the Mahajan, at such rate of interest and on such terms and conditions as the Trustees may by their resolution prescribe, subject to the previous sanction of the Mahajan duly obtained.
- (p) The Board of the Trustees will be entitled to pass tentative budget to the extent of Rs.25,000/- (Rupees Twenty five thousand only) for any of the activities if to be carried out within the object clause of the Trust and to make payment thereof to commence and carry out such activities of the Mahajan, in case if the next meeting of the Mahajan, is not likely to meet within the stipulated period, to either commence carry out or complete the project. However necessary report there to be submitted in the next meeting to be held thereafter.

Receipt

- 19. The receipt signed by the Managing Trustees or any person or persons authorized in writing by the trustees for any moneys paid in respect of any donations or any income, interest, dividend, rent or produce of the trust properties in respect of any moneys which may otherwise become payable to the Trustees for in respect of the Trust properties or otherwise however in connection with any of the trust or powers vested in the trustees under these presents shall effectually discharge the

person or persons paying the same therefrom and from being bound to see to the application thereof or being answerable for the loss or misapplication thereof.

Liability of Trustees

20. The Trustees for the time being under these presents shall be chargeable and answerable only for such money as they shall actually receive notwithstanding their signing any receipt for the same of conformity and shall be answerable and accountable only for their own acts, receipts, neglects or defaults and not for those of the others or other of them nor for any bankers or other person or persons with whom or into whose hands the Trust money may be deposited or given nor for other trustees, unless the same shall happen through their neglect or willful respectively.

Reimbursement

21. The Trustees for the time being may reimburse themselves or pay and discharge out of the trust properties and funds all expenses properly incurred by them in or about the execution of the trusts or powers under these presents or any of them.

Vacation of office of Trustee

22. The office of the Trustee shall be deemed to have been vacated if ;-
- (a) If he be adjudicated an insolvent; or
 - (b) If he applies to be adjudicated insolvent; or
 - (c) If he is convicted by any court in India of any offence and sentenced therefor to imprisonment for a period not less than six months; or
 - (d) If he is absent from three consecutive meetings of the Trustees or for a continued period of three months without obtaining the previous permission of the Trustees; or
 - (e) If he is removed as a trustee by the Mahajan before expiry of the office; or
 - (f) If he ceases to be the member of the Mahajan.

Removal of Trustees

23. The Mahajan may by a resolution passed at the meeting of the Mahajan by $\frac{3}{4}$ majority of the members present and voting remove a Trustee, Holding Trustee or Ex-officio Trustee before expiry of his office after giving an opportunity to such trustee to be heard. Provided further that casual vacancy on the Board of Trustees shall be filled in by Trustees Board by Co-opting the member of the relevant group and such co-opted trustee shall continue for the remaining tenure of the trusteeship.

Letting out of Properties:

24. All immovable properties forming part of the Trusts, except such properties as are actually need for the purposes of the trusts mentioned herein, shall be let out by the trustees to such persons who would not in the trustees option be a nuisance or annoyance or be objectionable to the other occupants of the trust properties, on best available rent and / or compensation which shall be treated as the income of the trust.

Repairs

- 25 (a). The Trustees shall keep in good and substantial repair all immovable properties of the Trusts except such as are required to be kept in good repairs by any lessee or tenant thereof.
- (b) The Trustees may from time to time carry out heavy repairs which may arise to be carried out in respect of Trust properties on such general conditions as the Mahajan may from time to time lay down for carrying out such repairs or incurring of extraordinary expenditure within the limits laid down by the Mahajan.

Use of Properties

26. Subject to the rules framed by the Mahajan from time to time, the Trustees shall set apart the portion or the portions of the Trust properties (including wadis and buildings) described firstly in the schedule here under written and delineated on the plan annexed hereto and allot or give the same for the following purposes:-
- (a) For performance of marriages, betrothals, thread and other ceremonies and for other occasions,
- (b) For holding feasts or giving dinners or parties
- (c) For special or other religious functions,
- (d) For meeting of the members of the Mahajan
- (e) For holding conferences, exhibitions or for reliefs work.
- (f) For Vyayam Shalas and for such other purposes.

The Trustees may allow the use of the said properties for the said purposes free of charge or upon payment of such fees, as the trustees may think proper, and subject to such conditions as may be prescribed from time to time by the Trustees. The Trustees shall in their sole discretion allot Wadi or Wadis or portions thereof taking into consideration financial condition of applicants and will give the same to the members of the Mahajan and/or to Halai Bhatias and/or to members of other vegetarian Hindus preference being given to members of Mahajan and then to Halai Bhatias.

Use of Furniture pots and pans

27. The movable property consisting of pots, pans, utensils, vessels, carpets, beds, pillow and other articles and things belonging to the MAHAJAN and kept in or about the portions set apart for the purposes mentioned in the clause hereof shall be permitted to be used within or without the said wadis or oarts or to be used by such members of the MAHAJAN of Halai Bhatias or all other vegetarian Hindus, preference being to members of the Mahajan and then to the Halai Bhatias.

Charitable Chawls.

28. (a) Subject to the overall control of the Mahajan the Trustees shall set apart such portion or portions of the trust properties at Kolbhat Lane, Kalbadevi, Cavel Street, Walkeshwar and described in schedule A as they may from time determine for being used and occupied by poor and deserving members of the Mahajan or Halai Bhatias or vegetarian Hindus on payment of such nominal fees and subject to such conditions and for such periods as the trustees shall from time to time by their resolution prescribe.
- (b) Unless altered by the Resolution of the Mahajan the premises known as charitable chawls described in schedule A shall be allowed to be occupied by members of the MAHAJAN at nominal fees for a period not exceeding three years at a time, provided any member occupying the premises will be entitled for continued occupation and provided an application is made in that behalf before three months of the expiration of the period of his occupation and will submit to the trustees a statement of his financial position of and the financial position of any member or dependents male or female occupying the premises through the said members. On consideration of such application of such member if the trustees are satisfied that in their opinion the applicant deserves permission occupying the portion in his occupation he shall be allowed to keep the same with liberty to the Trustees to allot a different portion of the premises then previously occupied by him subject to revision and / or alterations by the Resolution of Mahajan. The applicant shall observe all rules framed in that behalf and will satisfy the trustees in that behalf.
- (c) The Trustees shall by the Resolution be entitled to subject to the control and supervision of the Mahajan to give on license the portions set apart for the occupation for poor and deserving members of the Mahajan on cheap or nominal fee and on the same terms and conditions to Halai Bhatias in general in so fare as such portion may not be required by the poor members of the Mahajan.
29. The income of the properties described in Schedule A hereto shall be utilized as follows:-
- (a) To pay all rates and assessments and other necessary payments of outgoing including Insurance Premia, Costs, Charges and expenses of managements salary and other emoluments payable to employees.
- (b) To keep and maintain in good and substantial repairs the properties described in Schedule A hereto or any of the property forming part of the class I of the Trust properties

- (c) To pay the balance of the income for education and medical relief and relief of poverty of any member of the Mahajan or any Halai Bhatia or any Charitable cause which the Mahajan may deem fit.
- (d) To pay the balance of the income for education, including imparting education through any useful publication for the benefit of the members of the Mahajan including carrying on ancillary activities by holding exhibitions, seminars, and the class in the nature of training the members and / or families of the members of the Mahajan and carrying on collective functions looking to the need of the caste in General including arranging concessional tours.
- (e)
 - 1) To build sanatoriums and housing colonies in City and Suburs for members of the Mahajan.
 - 2) To establish Bhatia Co-operative Bank.
 - 3) To grant Scholership to children of Bhatia Community as a whole.
 - 4) To provide help to the old and infirms.
 - 5) To arrange Samuha Marriages, Janois, Saptah and Seminars.
 - 6) For the community assistance should be provided for Education, Home-Science, Beauty Parlour, Mehndi, Aarti, Boutic work, Cooking, Painting, Music, Dancing.
 - 7) To celebrate various festivals of "Pushti Marg" to propagate Haveli Snagit, Shri Dhajaji, literature of Shri Mahaprabhuji.

BOOKS AND REGISTERS

Minutes

30. The Trustees shall keep or cause to be kept a minute book in which shall appear.
- (a) A Complete report of the proceedings at each of the meetings of the Trustees.
 - (b) Copies of decisions taken by circular Resolutions.

Books of Accounts

31. The Trustees shall cause all proper books of account to be kept as required under the Bombay PublicTrust Acts and shall also maintain the following :-
- (a) Investment book or books containing short particulars of movable and immovable properties belonging to class I and II of the Mahajan Trusts

- (b) Register of applications for membership.
- (c) Register of Members.

Inspection of Trusts Books

32. All minutes Books, Books of Accounts, Papers, Vouchers, Registers, Correspondence Files and Other Documents and Papers relating to the Trusts herein will be kept at the office of the Mahajan and every Trustee will be entitle to take inspection thereof, at all reasonable times. Every Member of the Mahajan shall be entitle to inspect and take copies of Balance Sheet and Profits and Loss accounts but he will be entitled to inspection of any other papers and books of account and minutes and take copies thereof etc. only with the permission of the Trustees and by a previous appointment made for the purpose.

Register of Members

- 32A. (a) The Trustees shall maintain a register of members with the respective addresses of Members at the offices of the Mahajan.
- (b) The Register of Members shall be open to inspection of the members of the MAHAJAN who have been entered as such in the register on their making the necessary application for the same.
- (c) The Trustees may from time to time by their resolutions prescribe rules for inspection of the said register for furnishing copies thereof and for other matters connected therewith.

MAHAJAN

33. The Mahajan has and shall always have the supreme right to lay down general or specific policy and regulations and give directions from time to time in respect of each and every matter affecting the Mahajan. Save and except the day-to-day Management including administrative work relating to MAHAJAN, the Board of Trustees shall have full power to attend and decide the same and decision of the Board of Trustees such matters shall be final and conclusive. However the power of the Board of Trustees provided herein above will be independent to the provision contained herein.
34. The Mahajan shall meet at least twice every year in the month of “September” and “February” at the Mahajan Hall or at such place as the Mahajan may by its resoluution determine. In the Meeting of “September” following business shall be transacted:

- (a) To confirm the minutes of the last Annual Meeting.
 - (b) To receive and adopt the report of the trustees for the year about the management and affairs of the Mahajan.
 - (c) To receive and adopt the audited accounts of the Mahajan for the year.
 - (d) To appoint auditor / auditors for the year and fix their remuneration.
 - (e) Such other business as may be included in the Agenda with the permission of the president or the Vice President.
 - (f) Any other business of which a member may have given a clear seven days notice in writing prior to the date of the meeting and which is permitted to be included in the Agenda by the President or the Vice President.
35. Notice of every meeting of the Mahajan shall be given at least 15 clear days before the date of meeting fixed by the Mahajan on the Notice Board. Such notice shall mention the time and place fixed for the meeting and of the matters to be placed before such meeting for consideration. An intimation of the time date and place for the meeting shall be published once in one of the local vernacular morning papers at least fifteen days before the meeting.

Meeting of the Mahajan by requisition

36. The Trustees shall be entitled at their discretion to convene a meeting of the Mahajan and they shall be bound to convene a meeting of the Mahajan within 30 days of receiving requisition for the same duly signed by at least 101 members of the Mahajan stating the objects and reasons therefore.

Time for requisitioned meeting

37. The thirty days time, for convening the meeting of the Mahajan shall be calculated in the following manner:
- (a) The date of the receipt of the requisition shall be counted as the 1st day and on the 14th day from the receipt of the requisition at the latest the notice of the meeting shall be published in accordance with the rules made in that behalf, so that the meeting under any circumstances, be held within the 30 days.
 - (b) If no notice convening such meeting is published the President and in his absence the Vice-President of the Mahajan shall at the request of ten of the requisitions be bound to convene such meeting and shall publish a notice convening such meeting within two days from the date the request is made.

- (c) If the President or the Vice-President as the case may be also fails in convening such meeting and in publishing such notice as aforesaid, the requisitionists shall be entitled to convene such meeting publishing the Notice, two days before the meeting, under the signatures of any ten of the requisitionists and the requisitionists costs of an incidental to convening such meeting shall be paid by the Trustees from the funds of the Mahajan.

Meeting Called by requisition

- 38. The Notice convening a meeting at the requisition of the member shall be signed by the managing trustee, president or vice-president or ten requisitionists as the case may be and copies of the Agenda shall be supplied to the members on the register of the Mahajan on a request being made by them.
- 39. The President and in his absence the Vice-president shall preside at all meetings of the Mahajan and if neither of them be present within quarter of an hour of the time appointed for holding the meeting the members present shall by majority elect another member as a Chairman to preside at the meeting. In the event of any item of the business of the meeting not being concluded the person who may have acted as Chairman at such meeting shall as far as possible act as Chairman at the subsequent meeting till the item left unfinished at the previous meeting is concluded.

Quorum

- 40 (a). The quorum of the meeting of the Mahajan shall be 31 members.
- (b) If at the meeting the requisite number of members for forming the quorum is not present within half an hour, from the time appointed for the meeting the meeting shall be adjourned to such time on such other day as the president or in his absence the Vice-president, and in the absence of both of them the members present shall at the expiration of the half hour from the time appointed for the meeting determine. If on any adjourned meeting of the Mahajan not less than 11 members are present they shall have power to decide upon all matters which would probably have been disposed off at the meeting of the Mahajan from which the adjournment took place if sufficient number of member requisite for the quorum of the Mahajan had been present.
- (c) The quorum for a meeting of the Mahajan convened pursuant to a requisition under Rule No. 38 shall be 51 and if the quorum is not formed within half an hour of the meeting it shall be ipso facto treated as dissolved.
- 41. If the business of the meeting or any item on the agenda is not finished the Chairman of the meeting shall be entitled to adjourn the said meeting to some other day and time by taking into consideration the general consensus of opinion at the meeting. At the adjourned meeting only such items will be dealt with as are

- subsequent in order of the agenda of the previous meeting to the item may have remained unfinished.
42. Every adult member on the Register of the Mahajan and observing and conforming to the Rules and the Regulations of the Mahajan from time to time and entitled to remain on the register shall be entitled to one vote at every General Meeting of the Mahajan, held for the purposes other than election of the Trustees of the Mahajan.
 43. No votes either at the General Meeting of the Mahajan or at the election, shall be given by proxy.
 44. At any meeting of the Mahajan the Resolution put to the vote of the meeting and granted by the President of the Meeting shall be decided on a show of hands.
 45. A declaration by the Chairman that on a show of hands a resolution has or has not been carried either unanimously or by a particular majority and an entry to that effect in the books containing the minutes of the proceedings of the Mahajan shall be conclusive evidence of the fact without proof of the number or proportion of the votes cast in favor or against such resolution.

Casting Votes

46. Save and except as hereinstated, every matter shall be determined by a majority of the members present and voting thereon. In case of equality of votes, the President or the Vice-president or the Chairman of the meeting shall have Casting Vote whether he has or has not previously voted on the matter.
47. Any objection to the right of voting made in due time shall be referred to the President of the meeting whose decision shall be final and conclusive.

Minute Book

48. A minute book shall be kept by the Managing Trustees in which shall appear a clear report of the proceedings of each of the meetings of the Mahajan. The Minutes of any meeting of the Mahajan shall be written up in the minute book within one month from the date of the meeting. The Minute book shall be available for inspection to any member during office hours on any working day with prior intimation to the Managing Trustee.
49. The Mahajan may frame such rules & regulations as it may consider proper in connection with the application of membership, payment of any lags and other matters relating to the administration of the Trust in which the members of the Mahajan are primarily interested.
50. The Mahajan may from time to time or at any time add or alter amend or vary the scheme hereby made by a 2/3rd of its majority of members present and voting.

51. The Mahajan shall be entitled from time to time by its Resolution to fix, increase or decrease the lagas now or hereafter existing or to impose new ones or remove them and to fix, alter and vary from time to time recover and receive the same form the members of the Mahajan.
52. Wherever singular connotation appears in the rules herein will deem to mean and include plural and vice versa and wherever the word "Male" appear are hereby deemed to be deleted.

Resolved that the amendments passed will come into force with immediate effect.

SCHEDULE 'A'

IMMOVABLE PROPERTIES OF THE MAHAJAN

Ward No.	Street No. & Name	C.S. No.
<u>Kalbadevi Road,</u>		
1. C-1818 & 1820-21	394-402, Kalbadevi Road,	893 (Bhuleshwar
2. C-1828-32	392-396, 398 C & D “	“ Division)
3. C-1822-23 & 1818A	398 E “	“ “
4. C-1823	398 EA “	“ “
5. C-1824	398 F “	“ “
6. C-1825 – 27	398 G “	“ “
<u>Dr. M.B. Velkar Street (Kolbhat Lane)</u>		
1. C-3082-83	6/14 Dr. M.B. Velkar Street,	753 “
2. C-3087-93	20-24 & 12-16 F “	752 “
3. C-3094 (1-2) & 3095-96	16 B 6-7 “ “	752 “
4. C-3097-98 & 3889	16 C “ “	752 “
5. C-3099 (1)	16 D “ “	752 “
6. C-3084 & 86 & 3099 (2)	16 E “ “	752 “
<u>Dr. Vigas Street (Gai Wadi)</u>		
1. C-3908	145 B Dr. Vigas Street,	759 “
2. C-3888	159/9 Cavel Cross Lane No.6	768 “
3. C-3892	159/13 Cavel Cross Lane No.6	767 “
<u>Banganga Cross Lane</u>		
1. D-3073 (1)	6 A Banganga Cross Lane	100 Malbar Hill Division

SCHEDULE 'B'

MOVABLE PROPERTIES OF THE MAHAJAN

1. Pots & Pans (Utensils of all types).
2. Electrical Fittings & Fixtures Including Fans and Air Conditioners.
3. Furnitures.
4. Investments.