



INDIAN SOCIETY OF HIP & KNEE SURGEONS

(Regd. Charity at Mumbai, India - 2005) Regd. No. : E - 23526 (Mumbai)

01. NAME AND REGISTRATION OF THE TRUST:

This publication charitable trust shall be designed as and known by the name of “Indian Society of Hip and Knee Surgeons” (hereinafter referred to as “The Said Trust”) and the same shall continue to stand registered at serial number E-23526 (Mumbai) at the Public Trust Registration Office, Grater Mumbai Region, Mumbai.

02. OFFICE OF THE TRUST:

The Office of the Trust shall be in the city of Mumbai or as the Board of Trustees may decided. At present it is situated at: Plough Share, 4-A/ 415 Sitaladevi Temple Road, Mahim (W), Mumbai – 400016.

03. MAXIMUM AND MINIMU NUMBER OF MEMBERS OF BOARD OF TRUSTEES:

There shall be ‘Board of Trustees’ comprising of not less than 9 (nine) and more than 15 (fifteen) members. However the number of first Trustees shall be 11.

04. FIRST BOARD OF TRUSTEES:

The following persons are the existing Trustees of the Trust shall be the first trustees of the said Public Trust under the Scheme:

No	Name of the Trustee	Designation	Address	Profession
1	Dr. Javahir Anant Pachore	Trustee	Plough Share, 4-A/415, Sitaladevi Temple Road, Mahim (W), Mumbai – 400016.	Orthopedic Surgeon
2	Dr. Ashok Rajgopal	Trustee	A/54, New Friends Colony, New Delhi – 110065	Orthopedic Surgeon
3	Dr. Vikram Indrajeet Shah	Trustee	Plot No; 615, Nr. B.D. Patel Farm, Karnavati Club approach road, Mohammadapura Village, S.G. Highway, Ahmedabad – 380015.	Orthopedic Surgeon
4	Dr. Pichai Suryanarayan	Trustee	J-5, Alsa Crescent, 72, Herrington Road, Chetpet, Chennai - 600031	Orthopedic Surgeon
5	Dr. Shrinand Vishwanath Vaidya	Trustee	20, Saichintan, Prarthana Samaj Road, Ville Parle (E), Mumbai – 400057	Orthopedic Surgeon
6	Dr. Chandrashekhar J. Thakkar	Trustee	801, Shantanu, St. Martis Road, Bandra (W), Mumbai – 400050	Orthopedic Surgeon

7	Dr. Haresh Purushottamdas Bhalodiya	Trustee	8, Greenfield Society, Opp. Morli Restaurant, Sindhu Bhavan Road, Off. S.G. Highway, Bodakdev, Ahmedabad - 380059	Orthopedic Surgeon
8	Dr. Sanjay Rajendra Agarwala	Trustee	3C, Premkutir, B.C. Marg, Marine Drive, Mumbai – 400020	Orthopedic Surgeon
9	Dr. Sanjivkumar Singh Marya	Trustee	115, Vista Villas, Greenwood City, Sector – 46, Gurgaon – 122001	Orthopedic Surgeon
10	Dr. Arun Bipin Mullaji	Trustee	4, Indus Court, A Road, Churchgate, Mumbai – 400020	Orthopedic Surgeon
11	Dr. Rajesh Navinchandra Maniar	Trustee	801, Serenity, Indra Narayan Lane, Santacruz (W), Mumbai – 400054	Orthopedic Surgeon

05. PROPERTIES OF THE TRUST:

The properties of the trust shall consist of all movable and immovable properties mentioned in schedule 1 kept in this office. All these properties and new accretions there to, acquisition and donations received hereafter be called the “Trust Properties”.

06. VESTING OF THE TRUST PROPERTY:

The Trust properties shall be vest in the trustees for the time being under the Scheme and shall be administered and managed by them, subject to and in conformity with the provisions of the Scheme.

07. PAYMENT OF MANAGEMENT EXPENSES:

The Trust shall out of the rent, profits, income and interest of the trust properties, in the first instance, pay all the rates, taxes, assessments, dues and other outgoing and, in the next place, all the proper charges and expenses of and incidental to the administration and management of the trust properties as well as costs of current repairs to and the upkeep of the immovable properties belonging to the said Trust, if and thereafter, set apart 10% or as the Board of Trustees may decide from time to time of the total gross income, a reserve fund for the purposes of heavy repairs, reservations or reconstructions of building belonging to the said Trust, if any and apply the residue for the objects of the Trust hereinafter mentioned.

08. OBJECTS OF THE TRUST:

- a. To increase knowledge of hip and knee joint health and disease.
- b. To promote highest level of professional standards in patient care in disorders of hip and knee joints.
- c. To create optimum environment to facilitate and to carry out education and research on treatment and surgery of arthritic hip and knee joints.
- d. To determine the optimal standards for education of fellows in the surgery of arthritic hip and knee.
- e. To promote the profession of hip and knee surgeons ethically.
- f. To create a joint replacement registry for the purpose of research.
- g. To support and donate monies to any other organization for any of the above objects.

09. FIRST TRUSTEES:

The following persons who are the existing Trustees of the Trust shall be the first trustees of the said Public Trust under the Scheme:

No.	Name of the Trustee	Address
1	Dr. Javahir Anant Pachore	Plough Share, 4-A/415, Sitaladevi Temple Road, Mahim (W), Mumbai – 400016.
2	Dr. Ashok Rajgopal	A/54, New Friends Colony, New Delhi – 110065
3	Dr. Vikram Indrajeet Shah	Plot No; 615, Nr. B.D. Patel Farm, Karnavati Club approach road, Mohammadapura Village, S.G. Highway, Ahmedabad – 380015.
4	Dr. Pichai Suryanarayan	J-5, Alsa Crescent, 72, Herrington Road, Chetpet, Chennai - 600031
5	Dr. Shrinand Vishwanath Vaidya	20, Saichintan, Prarthana Samaj Road, Ville Parle (E), Mumbai – 400057
6	Dr. Chandrashekhar J. Thakkar	801, Shantanu, St. Martis Road, Bandra (W), Mumbai – 400050
7	Dr. Haresh Purushottamdas Bhalodiya	8, Greenfield Society, Opp. Morli Restaurant, Sindhu Bhavan Road, Off. S.G. Highway, Bodakdev, Ahmedabad - 380059
8	Dr. Sanjay Rajendra Agarwala	3C, Premkutir, B.C. Marg, Marine Drive, Mumbai – 400020
9	Dr. Sanjivkumar Singh Marya	115, Vista Villas, Greenwood City, Sector – 46, Gurgaon – 122001
10	Dr. Arun Bipin Mullaji	4, Indus Court, A Road, Churchgate, Mumbai – 400020
11	Dr. Rajesh Navinchandra Maniar	801, Serenity, Indra Narayan Lane, Santacruz (W), Mumbai – 400054

10. NUMBER OF TRUSTEES:

The number of trustees shall be not less than 9 and not more than 15. However the number of first Trustees shall be 11.

11. QUALIFICATION OF TRUSTEE:

- a. A trustee shall be a qualification orthopedic surgeons. Who has been in practice as a hip and knee surgeons for a period of at least 7 years, who is a life member of the Trust and who has been actively associated with the activities of the trust for a period at least 5 years.
- b. Subject to clause a Trustee shall be aged not less than 35 years and not more than 70 years. A trustee in office shall cease to be a trustee on his/her attaining the age of 70 years or being disqualified to act as trustee under the provision of law.
- c. A trustee shall not be indebted to the said trust.

12. APPOINTMENT OF NEW TRUSTEE WHEN VACANCY ARISES:

Whenever any Trustee either original or substituted under the Scheme shall during his/her tenure of Trusteeship die or be absent for six consecutive months from India without leave of absence from the Board of Trustees or be convicted of a criminal offence involving moral turpitude and punished with imprisonment of desires to be discharged from Trusteeship or refuses or becomes unfit or incapable to act in the Trust or to

execute the powers in him respond under this scheme, a vacancy or vacancies shall arise and then in that event the surviving or continuing Trustees for time being may appoint any other eligible person or persons to be Trustee or Trustees to the vacancy or vacancies so arising and the so appointed Trustee shall be deemed to be as if originally appointed. No acts Board of Trustees shall be invalid by reason of such a vacancy remaining unfilled up, provided number of such surviving Trustees is not less than 9.

13. VESTING OF PROPERTY IN NEW TRUSTEES:

So often as any new Trustee or Trustees shall be appointed as aforesaid, the Trust properties shall with all convenient dispatch be conveyed, assigned or transferred so that the same may be legally and effectually vested in such new Trustee or Trustees either solely or jointly with the surviving or continuing Trustee or Trustees as the case may require.

14. CONSENT OF NEW TRUSTEES TO ACT AND THEIR POWERS:

Every new Trustee appointed as aforesaid with his consent previously obtained in writing shall have the same powers, authorities and discretion and shall in all respects, act as is he had been originally appointed as Trustee.

15. APPOINTED OF CHAIRMAN:

The Trustees shall elect one of them as a Chairman by way of majority and the Chairman so elected will hold the office for three years. In case of death or retirement of the Chairman during his chairmanship, the vacancy shall be filled up by the electing a new chairman in his place. The same chairman may be elected as often as the Trustees may choose, but not for more than two successive terms. The Chairman shall preside at all meetings of the Trustees. In the absence of Chairman at any meeting, the Trustees present shall unanimously appointed any one from amongst themselves to be the Chairman for the purpose of the meeting.

16. MEETING OF BOARD OF TRUSTEES:

The Trustees shall hold Board meeting at least once in financial year and also whenever necessary. Any Trustee remaining absent from three such consecutive meetings without leave of absence shall cases to be a Trustee unless he has obtained such leave under clause 10 hereinabove and has intimidated the Board accordingly.

17. MEETINGS BY REQUISITION:

The Chairman shall also call a meeting of the Trustee on a requisition made to him in writing by any three of the Trustees specifying the purpose/s for which such meeting is desired to be held. In the event of no meeting being called and held by the Chairman within two weeks from the receipt by him of such requisition, the requisitionists may themselves call a meeting. In the event of there being no Chairman, 2/3 number of Trustees of Trustees of existing board may at any time call a meeting.

18. NOTICE OF THE MEETING:

Notice of every meeting of the Trustee shall be delivered or sent through the post by courier or by e-mail to each Trustee at his address at least fifteen clear days before the date of the meeting provided that in the event of the Trustees framing regulations prescribing some other giving notice, the notice shall be in accordance with such regulation.

19. QUORUM:

- a. At least $\frac{1}{2}$ of the total strength of Trustee shall form the Quorum for the meeting.
- b. A meeting of the Trustees called by requisition shall stand cancelled if there is no Quorum assembled within half an hour after the time appointed for the meeting.

20. RESOLUTION BY MAJORITY:

Every resolution or question other than the appointment of a new Trustee, submitted to a meeting of Trustee shall be decided by a majority of Trustees present at such meeting and voting on the question. Subject to the following exceptions:

- a. On all matters involving financial expenditure or commitment by the trust exceeding Rs. 1,00,000, a $\frac{2}{3}^{\text{rd}}$ majority of the Board of Trustees (i.e. of all the trustees, whether present or not at the meeting) shall be required.
- b. For spending on objects referred to in clause 6(g) of this scheme, a $\frac{2}{3}^{\text{rd}}$ majority of the Board of Trustees (i.e. of all the trustees, whether present or not at the meeting) shall be required.
- c. Any proposal to sell mortgage, exchange, gift or otherwise deal with any immovable property or raise loans for specific projects shall require a $\frac{2}{3}^{\text{rd}}$ majority of the Board of Trustees but not earlier than six months from the date of its passing.

21. CIRCULAR RESOLUTIONS:

Any matter of business of a routine or formal or urgent nature may be determined by a Circular Resolution without a meeting of the Trustee, provided that it is agreed to by a $\frac{2}{3}^{\text{rd}}$ majority of the Trustees. Such business matter determined by Circular shall be recorded at the next meeting of the Board of Trustees. In case of difference of opinion, such question shall be dealt with at the next meeting of the Board of Trustees.

22. MINUTE BOOK TO BE KEPT:

- a. Minute Book shall be kept in which shall appear:
- b. A clear report of the proceedings at each of the meetings of the Trustees
- c. A copy of each Circular on which a decision has been arrived at

The minutes shall be read over to the Trustees at the next meeting and when confirmed, shall be signed by the chairman of such meeting and in case of difference of opinion at the time of confirmation of proceedings of a previous meeting, the minutes shall be confirmed according to the sense of the majority of the Trustees present at such previous meeting.

23. APPOINTMENT OF EXECUTIVE BOARD, OFFICE BEARERS AND COMMITTEES AND THEIR DUTIES:

The Board of Trustees shall have the power to appoint such Executive Board, Office and committees as may in their opinion be necessary for effective working of the Trust, and to frame rules and regulation for their composition, eligibility, meetings, functioning, duties and responsibilities etc. The Trustees shall have the power to amend or delete any such rules and regulations as they deem fit, provided that it is agreed to by 2/3rd of majority of the all members of Board of Trustees.

24. ACCOUNTING OF THE TRUST FUNDS:

The board of Trustees shall maintain regular accounts every year and prepare a report of their proceedings. Balance sheet and Statements of Income & Expenditure of the Trust and after getting it audited by the Statutory Auditors for the Accounting year, submit the audited accounts the Dy. Charity Commissioner of Greater Bombay within a stipulated time.

25. ACCOUNTING YEAR:

The accounting year of the trust shall be end on 31st March every year.

26. BANK ACCOUNTS:

The Trustees shall ordinarily keep cash on hand such amount as may be decided at a meeting of the Trustees from time to time. All the accounts in any scheduled banks approved under section 35 of the Bombay public Trust Act. 1950 shall be maintained in the name of the Trust. All the accounts shall be operated jointly at least by any two such persons as the Trustees may be decided from time to time.

27. INVESTMENT OF TRUST FUNDS:

The Trust funds and the money shall be invested in accordance with provisions of the Bombay Public Trust Act, 1950 and of the Income Tax Act, 1961.

28. ENDOWMENT/EARMARKED/GENERAL FUNDS:

The various amounts of endowment/ earmarked funds shall be administered by the Trustees on the terms and conditions laid down by the donors for the objects. Donations received for any specific corpus of funds will be dealt with accordingly. Trustees shall have the power to spend the corpus for the objects of the trust.

29. MEMBERSHIP:

The Trustees shall have the powers to decide upon such categories of membership of the Trust as they deem fit and to frame rules and regulations for each such category of membership, their eligibility their rights and duties, meetings of such members etc.

30. POWER TO ACQUIRE THE PROPERTY:

The Trustees shall have power to purchase, build, develop or take on lease or otherwise acquire (except on mortgage) immovable properties for the benefit of the Trust from the funds of the Trust with the previous sanction of the General body of the Trust and Charity Commissioner.

31. POWER TO ACCEPT PROPERTIES:

The Trustees shall have power to accept and manage such other properties, movable or immovable, as may offered to the Trust for the use and benefit of the Trust.

32. LEGAL MATTERS:

The Trustees shall have power to take legal action, file suits, complaints, applications etc. in Criminal Courts or before any Authority or Authorities in connection with the relating to the Trust properties, administration and to settle compromise disputes in or out of Court and to take such other steps may be necessary in that behalf and incur expenditure for the same from Trust Funds.

33. BORROWINGS AND ALIENATIONS:

Subject to section 36 and section 36A(3) of the Bombay Public Trust Act, 1950, in case of urgency or legal necessity, the Board of Trustees have authority and/or are empowered to sell mortgage, exchange, gift or otherwise deal with any immovable property and raise loans specific projects.

34. POWER TO EMPLOY SERVICE:

The Trustees shall have power to appoint/suspend/dismiss any employee or employees as they may required for the management of the properties and carrying out the activities of the Trust, on such terms and conditions, as they may deem fit and proper.

35. RULES AND REGULATIONS:

The Trustees shall have power from time to time frame such rules and regulations, as they may think fit and proper, for the management and administration of the Trust, its institutions and funds and its properties and also alter or vary the same provided that such rules and regulations shall not be inconsistent with any of the provisions of the scheme and/or of the Bombay Public Trust Act, 1950 or the rules made there under.

36. POWER OF AMALGAMATION DISSOLUTION OF THE TRUST:

The Trustees shall agree to amalgamate or enter into any arrangement or scheme of amalgamation, reorganization or reconstruction of the trust with any other trust having identical or similar or altogether different objects but such objects shall be by their nature medical.

37. BUDGET:

The Trustees shall at least one month before the commencement of each accounting year prepare and submit a budget in the form of Schedule VII – A (prescribed in Rule 26A) to the Deputy Charity Commissioner.

38. POWER TO RECEIVE SUBSCRIPTION, DONATIONS ETC:

The Trustees shall be at liberty to call for invite, collect, accept or receive subscription, donation etc from whosoever either unconditionally or upon such conditions as they may approve of but shall not be inconsistent with or calculated to impede the due working of this scheme in cash or in kind, including movable or immovable property in aid or for the purpose of the trust.

39. REGISTERS OF MOVABLE AND IMMOVABLE PROPERTIES:

The Trustees shall prepare and maintain in pacca Bound book a complete list of movable and immovable properties of the said Trust in accordance with the provisions of Section 36 – B of the Bombay Public Trust Act, 1950 and Rule 24A of the Bombay Public Trust Rules 1951.

40. CUSTODY OF DOCUMENTS:

The title deeds of the immovable properties of the said Trust shall be kept by the Trustee in safe at the Trust premises or in some safe deposit vault of a reputed Bank.

41. AMENDMENT TO THE SCHEME:

In all cases in which it is found necessary to have this scheme or any clauses thereof amended, the Trustee or Trustees or any two or more persons having interest in the Trust shall have the right under this scheme to apply to the Dy. Charity Commissioner Greater Bombay for the same.

42. LIABILITY OF THE TRUSTEES:

The Trustees shall be respectively chargeable only for such moneys as they shall actually receive notwithstanding their signing any receipt or cheque for the sake of conformity and shall not be answerable for the acts, receipts omission, neglects and default of any person with whom for any other loss unless the same shall happen through their own negligence, defaults, omission breach of trust misapplication or misconduct of misfeasance.

43. REIMBURSEMENT:

The Trustee or Trustees for the time being may reimburse themselves or pay and discharge from out of the Trust income, all expenses incurred in or about the execution of the trusts or powers under this scheme, including the costs, expenses and fees to be incurred and paid on a change of investment, expenses of keeping and publishing the accounts of the trust properties, the legal expenses etc provided however that this right of reimbursement shall not be operative in the case of the Trustee who is held liable for loss caused to the said Trust by reason his own acts of omission and commission.

44. REFERENCE TO THE DEPUTY CHARITY COMMISSIONER IN CASE OF DISPUTES:

In all cases in which it is found necessary to seek advice of directions or if any dispute arises about the interpretation or construction of any of the clauses/provisions of this scheme, the Trustees shall be entitled to refer the matter to the Charity Commissioner / Deputy Charity Commissioner whose decision shall ordinarily be final and conclusive.