

M.Thirunavukarasu J.P.U.M.
Attorney-at-law & Notary Public
Rtd.District Judge,
127/7A, Temple Road, Jaffna
T.P. 021 222 2326



No. 5419

This Declaration of Trust is made and entered into at Jaffna in the Democratic Socialist Republic of Sri Lanka on this **Eleventh** day of July Two Thousand and Fourteen

**BY
AND
BETWEEN**

DR. RAJENDRA SURENTHIRAKUMARAN holder of National Identity Card No.733430923 V of 10A, Wyman Road, Nallur, Jaffna in the said Republic (hereinafter called and referred to as the Settlor)

AND

DR. NADARAJAH SIVARAJAH holder of National Identity Card No.381032850 V of No.47/3, Adiyapatham Road, Thirunelvely North, Jaffna in the said Republic

AND

MR.ARNOLD ROHAN RABINDRANATH holder of National Identity card No.543352330V of No.351 4/1 Galle Road, Wellawatte in said Republic

AND

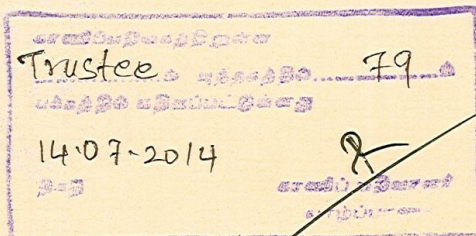
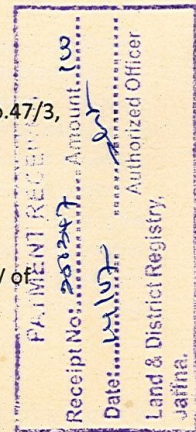
MR.GANESHAMOORTHY SAYARUBAN holder of National Identity card No.820030370V of No 352, Irupalai road, Kondavil in said Republic

AND

ANDMR.SELVARATNAM SUTHAKARAN holder of National Identity card No . 722960050V of No 23 2/1 Arethusia Lane, Colombo -06 in said Republic

(the said Dr. NADARAJAH SIVARAJAH, MR.ARNOLD ROHAN RABINDRANATH, MR.GANESHAMOORTHY SAJAROOBAN and MR.SELVARATNAM.SUTHAKARAN are hereinafter jointly called and referred as the other Trustees)

Whereas the Settlor with the consent of the other Trustees hereto has decided to create a Trust under the name "INSTITUTE OF MEDICAL SCIENCES" for the purpose of achieving the objects setout herein



Handwritten signatures and initials in black ink, including a large 'Q' and 'M'.

And Whereas it has become necessary to constitute this Trust and to have the Trustees of the Trust incorporated under Section 114 of the Trusts Ordinance and for which purpose this deed of Trust is being executed

Now This Deed Witnesseth And It Is Hereby Declared as follows:-

- NAME OF TRUST** 1. The Trust shall be known as **"INSTITUTE OF MEDICAL SCIENCES TRUST"** (hereinafter sometimes referred to as "the Trust")
- NAMES OF THE TRUSTEES AND THEIR INCORPORATION** 2. The Settlor and the other Trustees (the parties hereto) and their successors in office shall constitute themselves into a Board of Trustees and be incorporated in the name **"INSTITUTE OF MEDICAL SCIENCES TRUST"**
- DECLARATION OF TRUST** 3. The Settlor and the other Trustees (the parties hereto) do hereby constitute themselves into a Trust under the name and style of **"INSTITUTE OF MEDICAL SCIENCES TRUST"** and do hereby declare that they shall hold the properties and investments of the Trust (hereinafter sometimes called "the Trust Property") for the objects of the Trust
- DEFINITIONS** 4. The following terms shall for the purposes of this instrument have the respective meanings as given below where the context so requires or admits of construction:-
- (i) "The Trustees" shall mean the Settlor and the other Trustees named in this Deed and any other Trustees appointed in the future as provided in this Deed
 - (ii) "The Trust Property" shall mean the initial contribution of Sri Lanka Rupees One Hundred Thousand (SL Rs.100,000.00) and all other property movable and immovable acquired in the name and for the benefit of the Trust whether by purchase gift or otherwise and all other assets of whatsoever kind or nature and the income from any investments which the Trustees shall make from time to time from the assets of the Trust
 - (iii) "The Board" means and refers to the Board of Trustees of **"INSTITUTE OF MEDICAL SCIENCES TRUST"**
 - (iv) "Majority" means more than fifty per centum (50%) of all the Trustees present and voting on the matter
 - (v) "Two-Thirds Majority" means more than two-thirds of the Trustees present and voting on the matter
 - (vi) "Council" means and refers a body of persons appointed or accepted as members of that Council by the Board as referred to in clause 7 of this deed
 - (vii) "Working Committee" means and refers a committee established by the Board for assisting the day to day functions of the Board as referred to in clause 7 of this deed
 - (viii) words importing the singular shall include the plural and vice versa and words importing the masculine shall include the feminine and vice versa

ආදායම් සහ ව්‍යවස්ථාපිත ආදායම් පිළිබඳව විමර්ශනය කිරීම සඳහා පමණි.
Date: 11/11/2018
ලේඛන අංකය: 11/11/2018
BY: (NAME) of

[Handwritten signatures and initials]

THE OBJECTS OF THE TRUST

4. The objects of the Trust shall be –
- (i) Provide educational programs with set at different levels based on the ability and prior educational background of the students.
 - (ii) Organize pre-service and in-service training programs in the area of Medical Sciences.
 - (iii) Undertake aid and promote and coordinate research in various aspects of Medical Sciences.
 - (iv) Provide academic and professional guidance to agencies, institutions and personnel engaged in Medical Education
 - (v) Prepare, print and publish papers, periodicals and books in furtherance of these objectives and encourage publication of articles of research in journals with which the Institute will collaborate (eg West London Medical Journal published in the UK)
 - (vi) Organize training, conferences, workshops, meetings, seminars and briefing sessions for Medical Science Personnel.
 - (vii) To offer fellowships, scholarships and academic awards to candidates with ability unable to avail themselves of opportunities provided by the Institute subject to sponsorship by individual and institutional well-wishers (eg. Friends of Manipay Hospital)
 - (viii) To facilitate and assist in delivering effective health, education services for people in Northern Sri Lanka.

GENERAL POWERS OF THE TRUSTEES

5. The Trustees are hereby endowed with and granted all such powers authorities and rights as may be necessary or required for the management control and the execution of the Trust. In such management control and execution of the Trust the act or decision of the Majority shall bind the Trust and the Trustees provided however the said Settlor shall have overriding powers during the said period of Two years from the date of Declaration of Trust and may give directions to the Trustees from time to time. Provided further however, the Settlor dies or incapacitated from having as a Trustee because of illness before the said period of Two years this overriding powers shall then to cease to exist.

SPECIFIC POWERS OF THE TRUSTEES

7. Without prejudice to the generality of the provisions in the clause 6 above the Trustees may exercise the following specific powers in the name and for the benefit of the Trust :-
- (a) To receive donations gifts and endowments and accept transfers for the purpose of the Trust;
 - (b) To sell and convert into money the Trust Property or any part thereof;
 - (c) To lease, rent or hire any property movable or immovable of the Trust and to take on lease, rent or hire movable or immovable property for the purposes of the Trust,
 - (d) To apply or invest any part of the Trust Property in the acquisition of movable or immovable properties or to invest the same in any investments or securities and to realise or reconvert such investments into money notwithstanding

Handwritten signatures and initials in blue ink at the bottom of the page. On the left, there is a large signature that appears to be 'N. S. S.'. To the right, there are several smaller signatures and initials, including 'PA', 'Q', 'X', 'M', and 'A'.

anything to the contrary in the law governing investments of the Trust Property;

- (e) For the purpose of acquisitions or investments the Trustees may agree and undertake to pay the consideration thereof at a later date and for this purpose enter into any pledge or mortgage of the property purchased or any other Trust Property;
- (f) To open maintain and operate on any current fixed deposit and savings account or accounts with any bank or banks and to draw or pay money to the credit of or renew or close any such account or accounts and to sign draw make endorse accept discount and sell bills of exchange promissory notes cheques drafts orders for money or dividends and interest warrants and mandates and other negotiable or transferable instruments or securities of any kind;
- (g) To institute or defend actions for the protection of the Trust Property and to compromise compound abandon or refer to arbitration any action proceedings or dispute claim demand or thing relating to any matter in connection with these presents and to all other things proper for such purposes without being responsible for any loss occasioned thereby;
- (h) To ensure the proper application of the Trust Property and income of the Trust for the purposes of the objects herein set out;
- (i) To maintain bank account or accounts and keep books of account and have the same duly audited;
- (j) To appoint a Council and/or a Working Committee as the Board of Trustees may consider necessary; Provided however members of the Council and/or of the working Committee may be persons other than the Trustees and such Council and Committee may make only recommendations and they will have to exercise any power of Trustees;
- (k) To appoint Sub-Committees or liaison officers or any other representatives or agents designated by some other names in different parts of the said Republic or in any other country or countries or in any city or town abroad;
- (l) To make rules applicable to the Council and/or to the Working Committee and Sub-Committees and to the office bearers and for any other purpose under this Deed PROVIDED however such rules shall not in any manner be derogatory of the powers of the Trustees set out in this Deed [as may be amended from time to time in terms of the Clause 13 (a)];
- (m) To employ employees and engage advisers, professionals including lawyers and accountants and independent contractors for such properties it may seem necessary on terms to be decided by the Board.
- (n) To apply to the Minister of Justice under Section 114 of the Trusts Ordinance to and obtain an order incorporating the Trust under and in terms of the said section 114.

**APPOINTMENT AND
REMOVAL OF TRUSTEES**

8. (a) The number of Trustees shall not be more than nine (09) nor less than Five (05)
- (b) The Trustees shall be the Settlor and other Trustees appointed or nominated in terms hereof
- (c) A Trustee shall be removed from office –
- (i) if he becomes prohibited by law from acting as a Trustee;
 - (ii) if a bankruptcy order is made against him or if he compounds with his creditors or is adjudicated as insolvent;
 - (iii) if he be lunatic or becomes of unsound mind;
 - (iv) if he be absent from three (3) consecutive meetings of the Board of Trustees without leave and the Board of Trustees resolve by a Two-Thirds Majority that his office be vacated;
 - (v) by writing signed by not less than two-third of the Trustees
- (d) The Board shall elect its members to the following offices for periods to be specified at the time of election. Provided however if there is a delay in election of successors the persons elected to the respective offices shall continue in office until the election by the Board of such successors :-
- (i) President
 - (ii) Not more than Three (3) Vice Presidents (The number of Vice Presidents shall be decided by the Board)
 - (iii) Secretary
 - (iv) Asst. Secretary
 - (v) Treasurer
- Provided however the powers functions and duties of any Office bearer referred to above may be specified elaborated and/or stipulated in the Rules which may be made by the Board
- (e) In any event any Trustee ceasing to be a Trustee because of removal in terms of (c) above or by death or resignation by such Trustee he shall forthwith cease to be the holder of office, if any to which he has been elected in terms of (d) above
- (f) The Trustees shall have the power to fill any vacancy in the Board of Trustees or any vacancy already in existence but no act or thing done shall be regarded invalid or vitated only because the maximum number of Trustees have not been appointed so long as there shall be the minimum number of Trustees as in the clause 8 (a) provided

**MEETINGS AND
PROCEEDINGS OF
BOARD OF TRUSTEES**

9. (a) All decisions relating to the Trust and its administration and rules of conduct of its affairs may be made by the Trustees by the Majority subject to the restrictions if any applicable
- (b) The Trustees shall meet for the despatch of business as they may consider necessary and the President of the Board shall preside at all meetings PROVIDED however a resolution in writing (including those sent by facsimile), signed by all the Trustees shall be valid and as

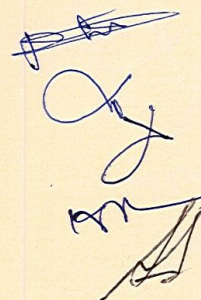
effectual as if it had been passed at a meeting of the Trustees duly convened and held. Any such resolution may consist of several documents to the same effect each signed by one or more Trustees

PROVIDED FURTHER the Trustees may meet together either in person or by telephone, radio, conference television or similar communication equivalent or any other form of audio or audio-visual instantaneous communication by which all persons participating in the meeting are able to hear and be heard by all other participants (collectively referred to as "teleconference meetings") for the despatch of business and adjourn and otherwise regulate their meetings as they think fit and that the quorum for such teleconference meetings shall be a minimum of two-thirds of the Trustees. Notwithstanding the provisions of sub-clause (d) below a resolution passed by way of a teleconference meeting shall, notwithstanding that the Trustees are not present together at one place at the time of the conference, be deemed to have been passed at a meeting of the Trustees held on the day and at the time at which the teleconference meeting was held and shall be deemed to have been held at Colombo unless otherwise agreed, and all Trustees participating at the teleconference meeting shall be deemed for all purposes to be present at the same

- (c) A Minute Book shall be provided and kept by the Trustees and the proceedings and resolutions of any meeting shall be evidenced by a minute thereof under the hand of the President and Secretary of the Board of Trustees and such minutes shall be conclusive evidence of any resolution therein expressed to have been passed at that meeting duly convened and held and it shall be further presumed that the person subscribing to such minute as President of the Board of Trustees was duly appointed to that office
- (d) The quorum for a meeting of the Trustees shall be fixed at the first meeting of the Trustees and may be thereafter varied by a Two-Thirds Majority
- (e) A Trustee who is not resident in Sri Lanka shall be entitled to appoint a person resident in Sri Lanka as his attorney for the purpose of performing his functions as such Trustee with the approval of the Majority of the Trustees. Provided however such attorney shall be entitled to perform the functions of his Principal only if the Principal is not in Sri Lanka and he may be removed at any time by the Principal with notice to the President and the Secretary of the Board

**BANK ACCOUNT AND
KEEPING & AUDITING
OF BOOKS**

- 10. (a) The Trustees may from time to time open and maintain in the name of the Trust a Bank Account or Bank Accounts at such Bank or Banks as shall from time to time be decided by the Trustees and the said account or accounts shall be operated as the Board of Trustees shall decide
- (b) All monies received for the benefit of the Trust shall be credited to the Bank Account of the Trust and all payments shall be made by cheques drawn on the Bank Account or by cash where circumstances so make it necessary but receipts must be obtained for all cash payments at the time of making such payments
- (c) The Trustees shall provide and maintain or cause to be maintained proper books of account showing the Trust Property and the trust income and expenditure and all assets and liabilities and there shall



be entered all transactions in relation to the Trust in respect of its finances and entries shall be made of all monies received or paid out by or on behalf of Trustees for the purposes of the Trust

- (d) The Trustees may for the purposes hereof employ any suitable person or persons to keep and maintain the Accounts of the Trust upon such terms as to remuneration as may be deemed proper by the Trustees
- (e) The Trustees shall appoint Auditors to examine and audit at least once a year all books and accounts of the Trust
- (f) The financial year of the Board shall end on the 31st March every calendar year

**Application of Trust
Property and
Income**

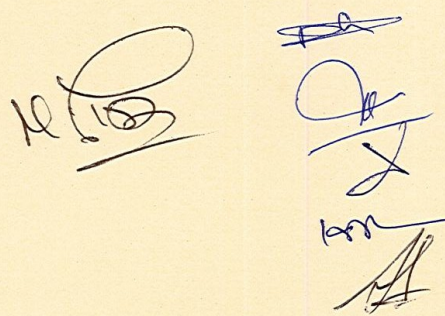
- 11. (a) The Trustees may apply all or any or any part of the assets of the Trust and any income there from for any of the objects of the Trust and in particular and their powers shall be unlimited but subject to the laws applicable to the Trusts
- (b) The Trustees may invest any money not immediately required for carrying out the objects of the Trust to any savings fixed deposit or any other investment being an investment for the time being authorised by law for the investment of Trust Funds or for the purpose of acquiring freehold or leasehold property and may obtain any expert advice as to the nature and suitability thereof
- (c) The Trustees shall have power to raise by way of loan or overdraft whether or not secured by a mortgage or charge on any property or assets for the time being representing the Trust Property or any part or parts thereof or otherwise howsoever any sum or sums of money for the time being required for the purpose of the Trust including (but without prejudice to the generality of the foregoing) any of the following :-
 - (i) the payments and discharge of any costs and expenses for which the Trustees may be liable as such Trustees
 - (ii) the discharge of any encumbrances or liability affecting any property for the time being subject to the Trust thereof
 - (iii) the exercise of any power allowed by this Deed or by the general law including the power of applying and invention Trust monies

**Settlor's Overriding
Powers**

- 12. All the powers and rights of the Trustees set out in these presents shall be always subject to directions, which the Settlor as the Founder Trustee may issue from time to time in writing during his life time. The Settlor reserves to him the power to override all decisions of the Trustees including the power to reverse, vary, alter and change fully or partially the decisions of the Trustees.

**Amendments and
Determination**

- 13. (a) Any provision of this instrument may be amended by a two third Majority of the Trustees provided however no amendment shall be made to these presents and in particular to the clause 5 which will have the effect of causing the Trust hereby created to cease to be a charitable trust



(b) In the event of the Trust herein established not being capable of being implemented and carried on for the realisation of the objects stated herein or it is otherwise necessary to wind-up the Trust then the Trust shall be dissolved and all the assets including the monies in Bank shall be transferred to any charity or charities with same or similar objects as may be decided by unanimously of the Board of Trustees

In witness whereof the said DR. RAJENDRA SURENTHIRAKUMARAN, Dr. NADARAJAH SIVARAJAH, MR.ARNOLD ROHAN RABINDRANATH, MR.GANESHAMOORTHY SAJAROOBAN and MR.SELVARATNAM.SUTHAKARAN have set their respective hands hereunto and two others of the same tenor and date as these presents at Jaffna on the day month and year first above written.

Signed by the said

DR. RAJENDRA SURENTHIRAKUMARAN

DR. NADARAJAH SIVARAJAH

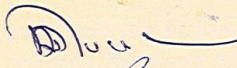

MR.ARNOLD ROHAN RABINDRANATH

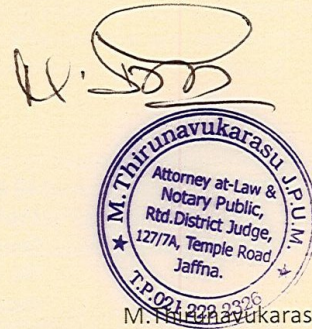
MR.GANESHAMOORTHY SAYARUBAN

MR.SELVARATNAM SUTHAKARAN

Signed and delivered in the presence of us and we acquainted with the executants by proper name occupation and residence

WITNESSES:-

1. 
2. 



M. Thirunavukarasu,
Attorney-at-law & Notary Public,
Rtd. District Judge
127/7 Temple Road, Jaffna.
T.P. 021 222326

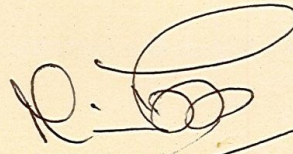
No.

I, **MUTHAIAH THIRUNAVUKARASU**, Notary Public of Jaffna in the Democratic Socialist Republic of Srilanka, do hereby certify and attest that the foregoing **DECLARATION OF TRUST** having been duly read over and explained by me the said Notary to the within named executants who are known to me in the presence of Pithamparam Rajaligam of No.10A, Wyman Road, Nallur, Jaffna and Ramalingam Sabesan of No.238, Arasady Road, Kantharmadam, Jaffna the subscribing witness thereto all of whom are also known to me, the same was signed by the said executants and also by the said witness and by me the said Notary in my presence and in the presence of one another all being present at same time at Jaffna on this ninth day of July two thousand fourteen.

I **FURTHER CERTIFY AND ATTEST** that the duplicate of this instrument bears stamps of the value of Rs **100/ =** and the original one stamp.

WHICH I ATTEST

Date of attestation:
14/07/2014


NOTARY PUBLIC

