



(TRUST DEED)

HAGANI MEMORIAL TRUST - BUDGAM

H I S T O R Y :

With the advent of Islam in Kashmir, almost all the spheres-Social, Cultural and Economic witnessed change. Among the Sayyids accompanying Hazrat Mir Sayyid Ali Hamdani (R. A) included Mir Shamas Ud din Shami (R. A). The decendents of the latter came to be known as 'Hagani's' since the time of Shah Qasim Hagani (R.A). The dynasty was fortunate enough to produce a galaxy of luminaries comprising writers, historians, poets and like, worth mentioning being Hazrat Yaqub Hagani, Aziz Ullah Hagani, Ala Ud Din Hagani. Due to lack of due attitude of the literary institutions, the manuscripts composed by these saints could not see the light of the day in the form of publications. Hence to render the project of publishing these manuscripts and to compose biographies of these saints, Hagani Memorial Trust is proposed to bring into being so that a befitting Memorial is raised in memory of these saints.

Name, Address and Area of Operation:-

The Hagani Memorial Trust and its address shall be Solibugh, Budgam Kashmir and its area of operation, Jurisdiction shall be confined to Kashmir Districts.

O B J E C T S

The object for which the Trust is being established are as follows:-

- a) To publish the literary works and other works of Hagani

.... 2/-



saints:

- b) To publish the biographies of Haqani and other saints of the Kashmir Valley;
- c) To preserve and maintain the shrines of Haqani saints located at Soibugh Budgam and Harparistan Srinagar;
- d) To preserve and maintain of holy relics located at Haqani Mansil, Soibugh Budgam;
- e) To preserve the manuscripts and to raise buildings in the interest of Haqani Memorial Trust;
- f) To employ some persons to look-after the shrines and to establish Libraries etc.
- g) To accept donations from any person, institution for the benefit of the Trust;
- h) To purchase, accept land, House/houses, buildings and all other moveable and immoveable property/ies as may be necessary for the carry out of the purpose of the Trust;
- i) To do all other such things as are incidental or conducive to the attainment of all or any of the above object;
- j) To organise the functions of the anniversaries of Haqani saints;

3. M E M B E R S H I P :

- A) Any person over 18 years of age is competent to become a member of the Trust, if he has a great respect and regard towards the Trust;
- B) Any person who is admitted as a member of the Trust



has to pay Rs.107/- towards the Trust annually as membership fee;

- C) A person ceases to be a member of the Trust if he commits any wrong act which is against the aims and objects of the Trust;
- D) No person should be enrolled as a member who is involved in any sort of politics or is a member of any political group;
- E) Every person should be admitted as member of the Trust by the Chairman of the Trust who shall have power to grant the admission as member of the Trust;
- F) Any member of the Trust ceases to be a member, if he incurs any of the disqualifications mentioned in the clause referred to above. However, any person who is deemed fit for the achievement of the Trust shall work as honorary to the Trust his membership shall be ceased unless he gets any honourarium.

4. WITHDRAWAL OF REGISTRATION FROM MEMBERSHIP:

a/- No member shall be permitted to resign within one year from the date on which he is admitted as a member, provided however, that a member may be permitted to withdraw or resign his membership in exceptional circumstances with the approval of the Chairman of the Trust.

5. NOMINATION OF HEIR:



- 1) If a member dies, his membership shall ipso facto, cease
- 11) Every member of the Trust may nominate any person to succeed at the eve of his death, such member may, from time to time revoke every such nomination, such nomination shall in the event of his death be given effect to by the Trust provided:-
 - a) the nomination was signed by the deceased in the presence of at least two witnesses attesting the same;
 - b) the nomination has been registered in the books of the Trust kept for the purpose.

6. LIST OF MEMBERS FOR GENERAL BODY MEMBERS:

- (1) The Managing Committee shall maintain a list of members on the file of the Trust who are qualified to vote at any body meetings and shall bring such list up to date within fortnight before each meeting of the General Body
- (ii) It shall be duty of the General Manager to supply copies of the list, to such of the members as described to have then on payment of such fees as may be specified by the Managing Committee in this behalf;
- (iii) No member shall be admitted during the fifteen days preceeding the day fixed for any General Meeting of the Trust at which office bearers are to be elected.

7. MEETING OF GENERAL BODY:

The Managing Committee shall call a general body meeting of its members within a fortnight. The Managing Committee may also at any time call a special General Meeting of the Trust for the smooth functioning of the Trust.

The quorum of the General Body Meeting shall be 2/3rd or 1/4th of the total number of the list at that time whichever is less.

8. NOTICES OF THE MEETINGS OF GENERAL BODY:

I/ Notices for the General Meeting may be given to members through one or more of the following modes:-

- (a) By affixing a copy of the notice for the meeting in some conspicuous place in the area of operation of the Trust or at the office of the Trust;



page no. 5th...

(b) By circulation of the notices to the members of the Trust;

(c) By sending a notice by post;

II/ In case any of the amendments to bye-laws, notices shall be sent to each of the member in due time, either by circulation or otherwise and such notices shall give the member a reasonable ideas of the nature of amendments.

III/If there is any irregularity in the service of notice, it shall not invalidate the proceedings.

9. CONDUCT OF GENERAL BODY MEETINGS:

I:- The Chairman when present shall preside at the meetings of the General Body. In his absence Vice-chairman or in his absence the General Body may choose an acting Chairman from their number to preside at the meetings. All questions except these relating to amendments of bye laws shall be decided by majority of votes of the members present and voting. When votes are equal, the Chairman of the meeting shall have a second vote or casting vote;

II:- Every amendment of the byelaws shall be made only by a resolution passed by a two third majority of the members, present and voting a meeting of the General Body of the Trust;

10. POWERS OF GENERAL BODY:

- (I) The ultimate authority in all matters relating to the administration of the Society shall be General body;
- (II) The General Body shall not however, interfere with the action of the Managing Committee confirmed in the exercise of powers, conferred on them by the bye-laws;
- (III) The following among other matters shall be dealt with by the General Body:-
 - a) The programme of activities for ensuing year;
 - b) the election & removal of the members of the Managing Committee;
 - c) the approval of the annual budget of income and expenditure;



Page No. 6th

- d) ~~the approval of the~~
the annual report due to the registrar;
- e) the registrar or auditors audit note;
- f) the amendment of bye-laws;
- g) disposal of net profits;

11. MANAGEMENT: (MANAGING COMMITTEE)

- i) Subject to such resolution as the General Body may pass the executive management, of the affairs of the Trust shall in the committee consisting of five members;
- ii) the Managing Committee shall remain in office for a period of three years or till elections are held;

12. QUALIFICATIONS & DISQUALIFICATIONS OF MEMBERSHIP OF THE COMMITTEE

- 1/ No person shall be eligible for appointment as member of of the Managing Committee if he:-
 - a- is a paid employee of the Trust; or
 - b- is in default to the Trust in respect of any amount or donations etc. taken by him;
 - c- is intrusted directly or indirectly in person with the Trust in respect of any economic interest involving financial interest;
- ii/ A member of the Managing Committee of the Trust shall cease to hold his designation in the Trust, as such if he incurs any of the dis-qualifications mentioned in clause (i) above.

14. POWERS OF MEMBERS OF THE MANAGING COMMITTEE:

Amongst others things the powers of the Committee shall be:-

- i) To raise funds necessary for the purpose of carrying out for the functions of the Trust;
- ii) To admit members in the Trust;
- iii) to accept donations, funds etc. from various agencies of the State and outside the State;
- iv) to sanction investment of the funds of the Trust;

FILE
REGISTRAR
RADDAM



page no.7th...

- v) to collect contributions towards maintenance of roads, Water supplying, lightening, sanitation of the building/s under the control of the Trust
- vi) to prepare the annual budgets of the Trust and to recommend the same to the General Body for its approval;
- vii) to appoint any adhoc committee or committees for carrying out any specific function of the Trust;
- viii) to advertise the publication of the Trust;
- ix) to form regulations of the Trust with the act and rules and bye-laws;
- x) to do such acts and transactions which is consistant with objects of the Trust as may be incidental to the administration of the Trust.

15. MEETINGS OF THE MANAGING COMMITTEE

The Managing Committee shall meet twice or after the elections if necessary to conduct the affairs of the Trust. The members shall collect the dates for next meeting from the Secretary/General Manager.

16. CHAIRMAN AND GENERAL MANAGER:

The members of the Managing Committee shall elect among themselves Chairman/President.

17. DUTIES OF CHAIRMAN / PRESIDENT & GENERAL MANAGER:

- i) The Chairman/President shall have a general control over the affairs of the Trust;
- ii) The Chairman elected by the Managing Committee shall act as a Chairman of the General Body of the Trust;
- iii) The Chairman shall preside over the meetings of Managing Committee, General Body, Committees and Sub-Committees. In his absence vice-Chairman shall preside and in absence of both the members President shall elect among themselves as acting Chairman of the meeting;
- iv) The Chairman shall be competent to take decisions as are of urgent nature affecting the policies of the Trust on behalf of Managing Committee and any other Committee which may be on the advise of the General Manager. The matter will be placed before next meeting concerned for the confirmation;



18. DUTIES OF GENERAL MANAGER:

The Managing Committee shall appoint the General Manager on such terms and conditions which they deem proper and fit.

- i- the General Manager shall act as Chief Executive Officer of the Trust and shall exercise control over the administration of the Trust;
- ii- he shall advise the Managing Committee or any other Committee in framing the policies and programmes of the Trust and implement thereafter due approval;
- iii- to ensure proper maintenance of accounts of the Trust in the prescribed manner;
- iv- to receive all dues/money/donations on behalf of the Trust and to make necessary arrangements for the safe custody of cash, records, properties and other valuable securities/properties of the Trust;
- v- to institute, conduct, defend, compound or abandon any legal proceedings by or against Trust or its employees;
- vi- to incur & expenditure within the annual budget;
- vii- To sign all deposit receipts and operate on the accounts of the Trust. He may delegate all or any of the powers, authority and discretions vested in him to any employee/employees of the Trust subject to the ultimate control and authority being retained by him;
- viii- to certify copies of entries in the books under the act;
- ix- to determine the powers, duties, responsibilities of the employees of the Trust;
- x- to initiate and carry on the objects of the Trust;
- xi- to enter into negotiations and execute and to do all such acts, deeds and things in the name of and on behalf of the Trust.

19. ANNUAL INCOME CAPITAL:

Under this clause, membership fee, donations, funds raised through publications etc. will be assessed in a daily account register which will be under the supervision of General Manager of the Trust. The annual income/capital will be utilized for:-

....9/-



page no.9

- a) publishing the literary works of Haqani saints;
- b) Preserving and maintaining the shrines of Haqani Saints
- c) Preserving the holy relics of Haqani Saints and to make necessary arrangements;
- d) purchasing land, buildings and all other moveable and immoveable property in the interest of the Trust;
- e) Preserving the manuscripts of the above said Saints;
- f) publishing the bio-graphies of Haqani and other Saints;
- g) paying the remunerations of the employees of the Trust;
- h) establishing the libraries in the interest of general public of the valley;
- i) all other such expenditure as are incidental or conducive to the attainment of all or any of the above objects.

20. DISPOSAL OF THE NET INCOME :

- I) The total income occurred to the Trust would be liquidated within the Current year. There will be no saving accounts, deposits etc.
- II) The losses if suffered by the Trust, the members of the Trust would be equally responsible and would equally contribute for such losses;

III) Whatever will be the remaining amount after making necessary deductions, such amount would be utilized in the interest of the Trust;

21. USE OF THE TRUST PREMISES:

The trustees shall not use the premises of the Trust or any part of it for business or commercial purposes, personal or for any political activity, the premises should be completely used for the purposes mentioned in clause (2) of this Deed.

22. GENERAL :

All the members not specified provided for and are to be decided in accordance with the standing rules.

23. Any act done by the persons before the execution of the present Trust deed shall be treated henceforth ~~ine~~fective and henceforth the control and the management of the shrines mentioned in the deed shall be strictly made under the guidance of the deed

....10/-



Page 10th...

24. The Services of the Managing Committee shall be honorary but they may be paid travelling allowances if the same is outside the valley.
25. The Trust deed shall remain under the custody of Chairman of the Trust.

THE LIST OF THE MEMBERS OF THE TRUST:

1. Muhammad Ashraf Hagoni
S/o Abdul Gani Hagoni
R/o Ompora Budgam Kashmir.
2. Muhammad Shafi Dar
S/o Abdul Gaffar Dar
R/o Ompora Budgam Kashmir.
3. Ghulam Nabi Hagoni
S/o Abdul Ahad Hagoni
R/o Ompora Budgam Kmr.
4. Gh. Muhammad Dar
S/o Ghulam Ahmad Dar
R/o Ompora Budgam Kmr.
5. Ghulam Nabi Dar
S/o Ghulam Hassan Dar
R/o Ompora, Budgam Kmr.

IN WITNESS WHEREOF, the members have put their signatures hereto and accept the terms and conditions as detailed above in presence of witnesses.

WITNESSES:

1. *[Signature]*
S/o Abdul Hamid Hagoni
R/o Ompora Budgam Kmr.
Dated: -17-6-1998

2. *[Signature]*

1. *[Signature]*
CHAIRMAN
(Abdul Hamid Hagoni)
2. *[Signature]*
VICE CHAIRMAN
(Abdul Gani Hagoni).
3. *[Signature]*
SECRETARY
(Bashir Ahmed Dar).

Drafted by nat-

[Signature] Abdul Hamid Pandit

Advocate
A. R. Pandit

امام احمد بن حنبل
 دارالافتاء
 دارالافتاء



17/3/80

7511



344

2003

مستوفی خدا آیت 12/90 شرا عبد بن یوسف لعدلی سبک سوا -
 مستوفی قرآن عبد الحمید حقانی و عبد الغنی حقانی
 و بشیر لہر ڈار نے شہادت کیا۔ قرآن قرآن نے
 دستاویز 10 تحریر و تفسیر سے لیا گیا۔ شہادہ
 سب سے 2/40 درمیدار اسوا۔ حاضر قرآن سب سے
 لیں دستاویز خدا لہد درمیدار سے متعلق لہر بن
 تقیم انور سے لیں شہادت۔ تریہ العسیر

**SUB REGISTRAL
 BARGAM**

قرآن

عبد الحمید حقانی
 Haqqani

Haqqani

Handwritten signature

علامہ آیت اللہ العظمیٰ
 امام احمد بن حنبل

3/10/26/2

(Kilpatrick) 2378
 1/46/78

86/9/01