

Constitution of the Rarahil Memorial Trust, 2059 (2002)

(Public)

[First Amendment 2064 (2007)]

Preamble;

This school is a nonprofit making and service oriented organization, registered as a Public Educational Trust and established in memory of the brave martyrs of Kirtipur during Peoples Movement of 2046 BS (1990); with the goal of producing critically aware human resources who are committed to the establishment of equitable, just and prosperous society characterized by humanitarian values and ideals.

Whereas, it is expedient to change the Trust, which has been actively contributing to the educational development, in the changing context *inter alia* to establish and register the trust as a Public Trust with an aim to establish it as nonprofit making organization in the light of democratic changes after the Peoples Movement of 2062/63 (2006), now therefore, this amended Constitution has been issued by the unanimous decision of the trustees in accordance with the sub-rule (1) of rule 11 of Education Rules 2059 BS (2002) and Section 23 of the Constitution of this Trust.

Chapter 1

Preliminary

1. Short name, extend and commencement:

1. The name of this Constitution shall be as '**Rarahil Memorial Trust, 2059 BS (2002 AD).**' In English the Trust shall be referred as 'Rarahil Memorial Trust.' In short form, it shall be referred as '**Rarahil**' only.
2. This Constitution shall come into force after receiving approval from the concerned authorities.
3. This Constitution shall be applicable to the trustees of Rarahil Memorial Trust and the persons who hold official liabilities in the organization there under.

2. Definition: Unless the content or context otherwise repugnant, to this Constitution:

1. 'Trust' means to Rarahil Memorial Trust 2059 constituted in accordance with the Education Act 2028 (with seventh amendment) and Education Rules 2059.
2. 'Principal Trustee' means the Chief (President) of the Rarahil Memorial Trust 2059.
3. 'Trustees' means the members of this Trust and the word also includes to the Principal Trustee.
4. 'Board of Directors' means the Executive Committee of the Trust constituted under the Section of this Constitution.
5. 'School' means to the Rarahil Memorial School.
6. 'Management Committee' means the management committee of the Rarahil Memorial School.
7. 'Constitution' means the Constitution of the Rarahil Memorial Trust, 2059.
8. 'Principal/Headmaster' means the principal/headmaster of the Rarahil Memorial School.
9. 'President' means the president of the management committee of Rarahil Memorial School.
10. 'Act' means The Education Act 2028.
11. 'Rule' means the Education Rules 2059.
12. 'Directorate' means the Regional Education Directorate.
13. 'Office' means the District Education Office.
14. 'Teacher' means the person who is teaching at the Rarahil Memorial School appointed under the rules of the school.
15. 'Student' means the person (children) studying at the Rarahil Memorial School being admitted as per the rules.
16. 'Bylaws' means the bylaws issued by the Board of Directors as per this Constitution.
17. 'Fee' means the amount to be collected from the student as per the Education Act and Rules.

18. 'Founder Group' means a committee of the persons who establish the Trust and the School.

19. 'Officials' means the Chief Trustee, Joint-Chief, Member Secretary, Treasurer and the executive members of the Trust Executive Committee.

20. 'Member Secretary' means Secretary of the Board of Directors of the Trust.

3. Name and Address of the School:

1. The name of the school shall be '**Rarahil Memorial School**'.

2. The school is located at Ward No 11 (Chhugaun) of Kirtipur Municipality, Kathmandu

1. Autonomous Organization:

a. This Trust shall be an autonomous and organized institution having perpetual succession.

b. It shall enjoy the powers to purchase, possess and transfer the property as equal to a person according to the prevailing law.

c. It shall have authority to sue the cases through its own name and to be sued by others.

Chapter 2

Objectives

4. Following to the existing laws, government policy and directives; the objectives of the Trust shall be as follows:

1. Produce sincere, critically aware and committed citizens for the equality, human values, social justice and prosperity.

2. Produce the citizens having scientific outlook and critical awareness.

3. Produce the citizens having an understanding of the spirit of democratic values and norms and who is patriotic accountable to the people and nation.

4. Produce aware people who are compassionate to the people and always keep the best interest of the people and nation.

5. To sensitize the children about the importance of biodiversity, social and ecological environment and their utilization and preservation.

6. Produce the citizens [who] believe in social service and labor.
7. To take initiatives that will help Dalit (*so called untouchable*), vulnerable and marginalized ethnic groups to have an access over educational opportunities.
8. To provide technical and skillful education to the Children and youth through professional school.
9. To carry out research activities to promote educational sector in changing context.
10. To contribute for the educational development as to make education as an integral part of the community by organizing and mobilizing educated human resources by organizing under the umbrella of this trust.
11. To initiate various academic programmes and discipline by taking necessary permission from concerned authorities.
12. To initiate pro people, humanitarian and social service oriented activities.
13. To gear a perpetual effort to maintain an educational environment.
14. To run the trust for achieving aforementioned objectives as per the Education Act and Rules.

5. Target group for service:

1. All the school aged children.
2. Deprived persons from education or school
3. Public at large wishing to further education after completing school education

6. Address of the Trust or the School:

1. The Trust or school conducted by the Trust is located at Ward No 11 (Chhugaun) of Kirtipur Municipality, Kathmandu.

7. Seal of the Trust and School:

For the use of daily works of the Trust:

1. The seal of the trust shall be as mentioned in Schedule-1; its size shall be enlarged or reduced as per the necessity.

2. The seal of the school conducted by the trust shall be as mentioned in Schedule-2; its size shall be enlarged or reduced as per the necessity.

8. Trustee Membership:

1. There are two types of Trustees in the trust as Founder Trustee and Trustee.
2. Founder Trustees of the Rarahil Memorial Trust are as follows:
 1. Name: Narayan Maharjan, Address: Ward No 2 Galchhen Tole Pengathan of Kirtipur Municipality, Kathmandu
 2. Name: Tulsi Das Maharjan, Address: Ward No 16 Nagaun of Kirtipur Municipality, Kathmandu
 3. Name: Shambhu Ram Maharjan, Address: Ward No 16 Nagaun of Kirtipur Municipality, Kathmandu
 4. Name: Surya Bajra Bajracharya, Address: Ward No 4 Ta: Ja: Pha: of Kirtipur Municipality, Kathmandu
 5. Name: Dhruva Maharjan, Address: Ward No 16 Nagaun of Kirtipur Municipality, Kathmandu
 6. Name: Prakash Tandukar, Address: Ward No 5 Kutujho of Kirtipur Municipality, Kathmandu

9. Name, appointment process and tenure of the person working as Trustees of the Educational Trust and Chief of the Trustees:

1. Provision, Right and Duties of the Founder Trustees:

1. Founder Trustees will be as ex officio member of Board of Directors and in general meeting of the Trust.
2. The tenure of the founder trustees will be for life long.
3. After death of a founder trustee, a desired person by him/her will be appointed in his position.
4. If any trustee died before assigning to his desired successor, the position of trustee will be provided to his/her closest successor.

2. Name of the Trustees:

1. Mr. Narayan Maharjan

2. Mr. Tulsi Das Maharjan
3. Mr. Shambhu Ram Maharjan
4. Mr. Dhruva Maharjan
5. Mr. Surya Bajra Bajracharya
6. Mr. Prakash Tandukar
7. Mr. Lila Bahadur Shahi

3. Investment of the Founders:

- a. Mr. Narayan Maharjan – Rs. 15,000/-
- b. Mr. Tulsi Das Maharjan– Rs. 15,000/-
- c. Mr. Shambhu Ram Maharjan– Rs. 15,000/-
- d. Mr. Dhruva Maharjan– Rs. 15,000/-
- e. Mr. Surya Bajra Bajracharya– Rs. 15,000/-
- f. Mr. Prakash Tandukar– Rs. 15,000/-

10. Functions, Duties and Rights and facilities of the Trustees:

1. Be active on a regular basis in the best interest to the welfare of the School.
2. Actively participate in General Assembly.
3. Provide an optimum support to the Board of Directors of trust.
4. Discharge the assigned responsibilities.
5. Submit a proposal before general meeting, if any.
6. Give an opinion on annual audit report.
7. Directly support to the organization by keeping in mind of its interest.
8. Participate in the election of the Board of Directors.
9. Receive payments of incurred expenses when they discharge organizational responsibilities as per the decisions of Board of Directors.

10. Allowances shall be provided to trustees participated in a meeting as prescribed.
11. Allowances shall be given to the trustees for completing any task of the trust.
12. Submit the fees/levies as prescribed.

Chapter 3

11.1. Qualification of trustees:

A Nepali citizen committed to the objectives and constitution of the trust and having qualifications as following, shall be a member of the trust by fulfilling the procedure as prescribed.

- a. a Nepali citizen 25 years of age,
- b. Mentally sound
- c. not convicted for the morally turpitude criminal offence
- d. not directly involved in the case against to the trust and not found other disqualification to be a member.

11.2. Conditions to be terminated from the Trustees:

Notwithstanding anything stated in other parts of this Constitution, trusteeship of the trustees shall be terminated in following conditions:

1. If resignation submitted from the trusteeship is accepted
2. in case of fees not paid as prescribed
3. If convicted for morally turpitude crime
4. If directly involved in the case against trust
5. If any disciplinary action taken against trustee for his attempt against the trust and suspended from trusteeship thereon

Provided that, right to hearing will be provided to clarify charge.

6. in case of death of trustee
7. in case of absence in the meetings for three times continuesly.
8. in case of dissolution of the trust according to the law.

11.3. Procedure of Trusteeship:

1. Founder Group of the trust by their unanimous decision shall give the trusteeship to a person having qualifications as per the Section 11 of this Constitution who contributed for the development of school.
2. Any of Nepali Citizen having qualifications as per the Section 11 of this Constitution and committed to follow the objective, policy and programs of the trust shall apply for the trusteeship.
3. Founder Group of the trustees will decide whether to provide trusteeship or not to the applicant as per the sub-section (2). If Founder Group decided to provide trusteeship, that will be submitted before general meeting. In case general meeting ratify the proposal by majority, trusteeship shall be provided to the applicant.
4. Sub-section (3) will not be applicable while renewing the trusteeship.
5. Priority will be given to the persons who contributed to the school while providing trusteeship.
6. While deciding about trusteeship, priority will be given to the persons who contributed to the school.
7. Principle ethnical, regional, linguistic and gender inclusive policy will be adopted in the trusteeship.

12.1. Formation of Board of Directors of the Trust and Function, Duties and Rights of the portfolios:

1. Formation of Board of Directors of the Trust

Following portfolios shall be in the Board of Directors:

1. Chief Trustee- 1
2. Joint Chief Trustee- 1
3. Member-Secretary- 1
4. Treasurer- 1
5. Members- up to 3 (three) persons

2. Procedure of Formation of Board of Directors:

1. General Meeting shall constitute a Board of Directors of the Trust.

2. Tenure of the Board of Director shall be of four years.
3. President of School Management Committee shall be the ex officio member of the Board of Directors.
4. Founder Group shall appoint the Chief Trustee.

General Meeting shall elect a 6-member Board of Directors except to the Chief Trustee and the meeting of the elected board will divide the portfolio.

12.2. Functions, Duties and Rights of the Chief Trustee, Member Secretary and Treasurer:

a. Functions, Duties and Rights and facilities of the Chief Trustee:

1. To chair the meeting of General Meeting and Board of Directors
2. To cast the decisive vote in case of draw in the meeting of General Meeting and Board of Director.
3. As the supreme authority of the trust, division of roles and responsibilities among the portfolios and give directions as per the necessity.
4. to act, if any things deems necessary to be done at the time of absence of the Executive Committee meeting and submit such decision in the next meeting for the ratification thereof.
5. to represent or ask for representation on behalf of the trust by expanding relationship with other national and international institutions as per the necessity.
6. to work other necessary acts for the welfare of the trust.

b. Functions, Duties and Rights of Deputy Chief:

1. To work all the functions of Chief Trustee in absence of him.
2. Work as prescribed by the Chief Trustee.

c. Functions, Duties and Rights of Member Secretary:

1. Implement the decisions of the Board of Directors and General Meeting.
2. Correspondence on behalf of the Trust

3. Call the meeting of Board of Directors or General Meeting as directed by the Chief Trustee and prepare the agenda of the meeting.
4. Administrative supervision of the Trust, Branch Office etc. and give necessary direction.
5. Coordinate among different committees.
6. Discharge all the administrative duties of the trust.

d. Functions, Duties and Rights of the Treasurer:

1. To maintain the record of income and expenses of the trust.
2. To submit budget and audit report before Board of Directors and General Meeting.
3. To supervise and control in financial transaction of the trust and provide necessary instruction
4. To take responsibility of fixed assets of the trust, supervise and planning and implementation for its promotion.
5. To fulfill the responsibilities assigned by Chief Trustee and Member Secretary in accordance with the Constitution and the rules.
6. To provide meeting allowances to trustees of the Board of Directors as prescribed.
7. If financial capacity of the trust permits, it shall be provided additional facilities as per the decision of committee.

13. Functions, Duties and Rights of the Board of Directors:

1. Implementation of policy, rules, plan and programs approved by the General Meeting.
2. Board of Directors will look after the daily activities of the trust.
3. Supervise, control and support to the School Management Committee as per its necessity without violating to the Education Act and Rules.
4. Assist and recommend to the management committee for recruitment of the employees.

5. To establish contact and relationship with local, national and international organizations for the benefit of the trust.
6. Board of Directors will be responsible to the General Meeting of the trust.
7. At a time when the General Meeting not held, the Board of Directors shall bear all the responsibilities of the trust.
8. To submit annual progress report, action plan and budget of the trust before General Meeting through concerned authorities.
9. Board of Directors shall suspend or fire the trustee who gets involved in activities against welfare of the trust.
10. As and when necessary, the Board of Director shall form different committees by including people other than trustees.
11. To approve resignation tabled by the members.
12. Decisions on any matters will be taken unanimously as far as possible, if such attempt is failed, decision will be taken by the simple majority.
13. To fulfill the vacated post, if any of the portfolios of Board of Director become vacant.

14. Remuneration of members of the Board of Directors:

1. It shall be given full or partial responsibility of any activities of school to the member of the Board of Directors of the trust including Trustees.
2. The school shall provide appropriate allowances for works or responsibilities mentioned in Sub section (1).
3. Except to the Principal of the School and member-secretary of the trust, other trustees shall not be as regular employee of the School.

Chapter 4

15. Proceedings of the trust:

- a. Trust will be operated as decided by the founder group as per this Constitution and the Education Rules and other existing laws.

16. Conduction of the Trust and Meeting Procedure:

1. The meeting of the Board of Directors of the trust will be convened at least once in three month. Such meeting will be called by the Member Secretary in consultation of the Principal Trustee.
2. Board of Directors shall call an extended meeting of the trust at any time if it feels necessary.
3. Trust will take its decision unanimously as far as possible. Only if it shall not be reached into conclusion even after enough discussion, decision will be taken on majority basis.
4. Notice should be given to all the members/portfolios along with agenda prior to 48 hours of the meeting.
5. If 51 percent of the total members is present in a meeting Board of Directors, it shall be deemed to have a quorum.

17.1. General Meeting

The ex officio members shall be as valid representative in the General Assembly in accordance with the Education Rules.

Formation of the General Meeting shall be as following:

- a. General Meeting will be the supreme authority of the trust.
- b. Founder Trustees and Trustees will be the representative of the General Meeting.
- c. A written notice should be provided to all the trustees at least one week before to call General Meeting.
- d. Board of Directors should call a General Meeting within 15 days if 25 % percent trustees urged to and submitted a written application for General Meeting.
- e. Board of Director of the trust should call the General Meeting in at least once upon a year. Annual General Assembly should be convened before beginning to the new academic session.
- f. If 51 percent members of the total trustees are present, it will deem to have a quorum.
- g. Principal Trustee will chair the General Meeting.

17.2. Functions, Duties and Rights of the General Meeting:

1. To elect the Board of Directors except the Principal Trustee.
2. To endorse the annual policy, rules, plan and budget of the trust.
3. Decide over the disciplinary actions taken by the Board of Directors.
4. To appoint internal auditor.
5. To form different sub-committees as per the necessities.
6. In case, circumstances created that the trust could not function then all the movable and immovable property owned by the trust will be transferred to Municipality or Government of Nepal.

Chapter 5

18. Details of house, land, income, debt and other property of the Educational Trust:

1. At present the School has been owned to two buildings having 36 rooms and playground with approximately 6-9-0 area land. Only one income source of the school is monthly fee paid by the students.

2. Immovable Property of the trust:

1. 2-6-0-0 area land registered with the name of the school at Land Revenue Office, Kalanki Kathmandu.
2. Plot No 13 Area 0-7-0-0 Do, Do,
3. Plot No 9 Area 2-4-2-0 Do, Do,
4. Plot No 532 Area 1-8-0-3 Do, Do,

3. Movable Property of the trust:

1. Desk, Table- 300 pieces
2. Cupboard- 9 pieces
3. Electric fan- 13 pieces
4. Computer – 22 pieces
5. Black Board- 18 pieces
6. Photocopy- 1 piece

4. The school has total loan of Rs. 18,00,000/- (In words one million and eight hundred thousand rupees).

19. Financial Resources:

The School would have a separate trust as per the existing laws; which is as following:

1. Fees to be received from the incumbent students of the school;
2. Donation or grant to be received from the national and international organization and individual;
3. Amount to be received from rent against using of the property of the trust;
4. Amount to be received from activities operated by the trust and others;
5. Grant to be received from local bodies, Government of Nepal;

20. Details of Infrastructures:

The physical infrastructures of the school are as following:

1. 681 students studying from Nursery to Class 10;
2. 50 teachers and other staffs from primary to secondary level;
3. It has already mentioned in Chapter 5 about classroom, furniture and others;
4. Separate library and science lab is available;
5. Separate teachers are provided for dance, music, arts and physical exercise.

21. Provision of the Fund:

1. A separate fund will be established in accordance with the Education Rules, 2059.
2. The Fund will be mobilized through the Bank placed in convenient place to the trust.
3. Other provisions about bank account will be as prescribed.
4. It shall make provisions for internal audit by the decision of the trust if necessarily.

22. Auditing:

Audit will be done every year by a registered auditor mobilized by the District Education Office listed in Regional Educational Directorate.

Chapter 6

23. Formulation of Bylaws:

1. The trust shall formulate necessary bylaws with consistent to the prevailing Education Act and Rules.

24. Annual Report:

1. Progress report and budget plan for coming year will be submitted before General Meeting. Report approved by the General Meeting will be submitted to the concerned (District Education Office) office.

Chapter 7

25. Amendment of this Constitution:

1. If any amendment seems necessary to any Article and Sub-article of this Constitution in changing context, such amendment shall be done by the two-third-majority in accordance with the existing laws. Such amendment will come into force after getting approval from the concerned authority. Provisions of Founder Group shall not be amended.

26. Miscellaneous:

1. The trust shall have the final authority to the interpretation of this constitution pursuant to the prevailing laws.
2. Electoral provisions will be as prescribed.

27. School Conduction Proceedings:

- a. Appointment of the teachers and staffs, their terms and reference including student fees will be determined by making separate bylaws pursuant to the existing laws.

28. No enforcement:

Notwithstanding anything stated in this Constitution such provisions shall not be enforced to the extent of inconsistency with the existing laws, Education Act and Rules.