

TRUST DEED ADAPTATION GUIDE

How to use the LendLink editable public charitable trust deed sample

Purpose

This guide helps an NGO founder or adviser prepare the facts needed for professional review. It does not replace State-specific legal advice, stamp-duty advice, title verification or the actual registration process.

1. First decide whether a public charitable trust is the right structure

- A trust is not automatically the best NGO structure for every group. Compare it with a society and a Section 8 company before finalising the form.
- Public charitable trust regulation in India is State-sensitive. Some States have a specific public-trust framework or Charity Commissioner system; others rely on different combinations of general registration, endowment and property law.
- The Indian Trusts Act, 1882 should not be treated as the governing statute for public charitable endowments: its saving clause excludes public or private religious or charitable endowments.

2. Complete the preparation facts before editing clauses

Topic	What to collect	Why it matters
Trust identity	Proposed name, State/UT, principal office	Authority, name availability and jurisdiction
Settlor	Name, address, capacity, source of property	Shows who is creating and settling property
Trustees	Names, roles, consent and eligibility	Determines governance and filing records
Objects	Specific charitable activities actually intended	Controls what the trust may properly do
Property / corpus	Money or property being settled, with evidence	Can affect stamp duty and registration
Governance	Quorum, voting, reserved matters, conflicts	Prevents vague or unworkable administration

3. Clauses that need the most careful adaptation

Objects

Use only genuine charitable objects. Delete attractive-sounding activities the trust does not intend to pursue. Avoid wording that permits private benefit or unrelated commercial activity.

Trust property

Describe the settled property accurately. If immovable property is involved, obtain title and registration advice before execution.

Trustees

Set a realistic board size, appointment method, resignation/removal process and conflict-of-interest rule. Do not copy a trustee structure that conflicts with State requirements.

Powers

Give enough authority to operate the trust, but use higher approval thresholds for borrowing, immovable property, related-party transactions and deed amendments.

Amendment

Protect the charitable character. Some changes may require an authority filing, approval or inquiry.

Dissolution / winding up

Do not provide for distribution of residual charitable property to the Settlor or trustees. The final route must comply with the applicable State framework.

4. Stamp duty and registration are transaction-specific

Do not assume that a trust deed has one nationwide stamp value or one registration procedure. The State/UT stamp law, the property settled and the instrument wording can affect the charge and process.

Immovable property warning

The Registration Act, 1908 contains categories of instruments concerning immovable property for which registration is compulsory. If land/building rights are being created or declared, obtain specific registration and stamp advice before signing.

5. What the sample deliberately does not promise

- It does not make the trust legally valid merely because the blanks are filled.
- It does not establish tax exemption, 12AB registration or 80G approval.
- It does not establish NGO Darpan, CSR-1 or FCRA eligibility.
- It does not confirm title to any property.
- It does not state that a particular minimum number of trustees applies nationwide.
- It does not provide one national stamp-duty or registration fee.

6. After the deed is professionally finalised

Stage	Control
Execution	Sign using the witness, identification and stamp process applicable to the State and transaction.
Registration / public-trust filing	Complete the appropriate Sub-Registrar, Charity Commissioner, registrar or other State process where applicable.
Basic organisation records	Open the governance file, minutes/resolutions register, trustee register, asset records and accounting records.
PAN and banking	Use the legally completed trust record and authorised resolution for the subsequent PAN/banking process.
Tax / grant registrations	Consider 12AB, 80G, NGO Darpan, CSR-1 and FCRA only as separate later processes where relevant.

7. Professional review questions

- Which State/UT legal framework applies to this public charitable trust?
- Which authority should receive registration or change filings?
- What stamp duty and registration fee apply to this exact deed and property?
- Does the State require particular trustee qualifications, number or residency?
- Are any clauses mandatory or prohibited?
- Does the deed need registration because of immovable property or another legal trigger?
- Do later changes to trustees, office, objects or property require reporting or prior approval?

Official references

Indian Trusts Act, 1882 - India Code

<https://www.indiacode.nic.in/bitstream/123456789/2327/3/A1882-02.pdf>

Registration Act, 1908 - India Code

https://www.indiacode.nic.in/bitstream/123456789/19013/1/the_registration_act%2C_1908.pdf

Maharashtra Charity Commissioner - FAQ (example of a State public-trust regime)

<https://charity.maharashtra.gov.in/en-us/Faq-en-US>

Maharashtra Charity Commissioner - Judicial/forms

<https://charity.maharashtra.gov.in/en-us/Judicial-en-US>

LendLink use note

Offer this guide and the editable sample as a free preparation resource. The paid product or professional assistance should add value through deeper checklists, records, examples, State-specific work or professional coordination—not by withholding the basic sample.