

DRAFT TRUST DEED

(Superannuation Fund)

The Superannuation Fund Trust Deed should also be drafted on the same lines as Pension Fund Trust Deed except for the following changes.

Clauses relating to the benefit accruing to the members of the fund, namely, Clauses 6 to 10, must be replaced as below:

6. On a member being permitted to retire from the service of the Company, at or after the age of 55 years, of being permitted to retire before the age of 55 years upon his being incapacitated, the Trustees shall, by payment of the amount lying at his credit in the Fund made up to the date of retirement, purchase from the Life Insurance Corporation of India an annuity for him for his life in the event of there being no nominee, or for a duration of not less than ten years certain, on either or survivors basis, jointly with the nominee(s) named in the declaration of nominations.
7. Nothing contained in this Trust Deed shall be deemed to restrict in any way the rights of the Company to terminate the employment of a member at any time nor shall his being a member be used by him as a ground for increasing damages in any action brought by him against the company in respect of termination of his employment and no expression of intention on the part of the Company herein contained shall create for the benefit of the member any legal obligation or impose any legal liability on the company.
8. Should a member die while in employment, the Trustees shall, by payment of the amount lying at his credit in the Fund made-up to the date of death, purchase from the Life Insurance Corporation of India an annuity for the first named nominee in the declaration of nominations for a duration of not less than ten years certain, on either or survivors basis, jointly with other nominees, if any.
9. If a member dies while in service without making a nomination or resigns with or without due notice from the employment of the Company or is discharged for reasons of fraud, dishonesty, criminal charges, or other misconduct inconsistent with due and faithful discharge of duty, the gross annual contribution to be made by the Company to the Fund under the provisions of clause 15(ii) above for the relevant year shall be reduced by the amount lying at the credit of such member in the Fund and the Trustees shall thereupon by cancellation of the individual account of such member utilise the credit alongwith the annual contribution by the Company, so reduced, for making up the individual accounts of the members.
10. No member shall assign, or create a charge upon his beneficial interest in or under the Fund, and if such assignment or charge is made or created, such assignment or charge shall be invalid.

In addition the Superannuation Fund Trust Deed should have the following clause:

"The Trustees shall maintain individual accounts for each member and credit thereto the contributions received, from time to time, from the Company in respect of that member. The yield from investment of funds or capital gains shall be credited to the individual members' accounts at the end of each year pro-rata to the amount and the duration in the year of the credits in such accounts."