

Utilisation of Surplus Funds Rules

TAMILNADU

India

Utilisation of Surplus Funds Rules

Act 580 of 1960

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Utilisation of Surplus Funds Rules Published vide Notification No. G. O. Ms. No. 4524, Revenue, dated 5th November, 1960 - / SRO No. A-580 of 1960 Original rules published in Part V, page 519 of the Fort St. George Gazette, dated 23rd November 1960. G. O. Ms. No. 4524, Revenue, dated 5th November, 1960 - SRO No. A-580 of 1960. - In exercise of the powers conferred by section 36 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959), the Governor of Tamil Nadu hereby makes the following Rules, namely:-

1.

These Rules may be called the Utilisation of Surplus Fund Rules.

2.

The trustee or where there are two or more trustees, the Chairman of the Board of Trustees of a religious institution may submit proposals for diversion of surplus funds to [the Commissioner] [Substituted by G. O. Ms. No. 275, C. T. & R. E., dated the 16th July 1997.] with a statement showing the following particulars:- (i) Receipts during the fasli year; (ii) Expenditure during the fasli year; (a) Provision made under section 35(1); (b) Provision made under section 86(2). (iii) The surplus relating to the fasli year after making adequate provisions as required under sections 86(2) and 35(1) of the Act; (iv) The total accumulated surplus available till the end of the previous fasli with full particulars of investments and dates of maturity of such investment; (v) Particulars regarding the purposes for which any portion of the surplus may be diverted and the amount that may be so diverted for each such purpose.

3.

(1) [The Commissioner] [Rule 3 was substituted by G. O. Ms. No. 506, C. T. & R. E., dated the 13th December, 1961.] shall scrutinize the proposal for diversion of surplus funds carefully and shall

provisionally decide the amount of surplus that may be diverted.(2)[The Commissioner] [Substituted by G. O. Ms. No. 275, C. T. & R. E., dated the 16th July 1997.] shall publish a notice in one of the leading local Tamil dailies containing the provisional decision of the Board together with the particulars, such as-(a)the name or names of religious institutions whose surplus fund is to be diverted;(b)the purpose for which the surplus fund is to be diverted;(c)the amount proposed to be diverted and invite objections and suggestions and hold an enquiry to consider the objections and suggestions received thereon.

4.

The notice shall specify a date, which shall not be less than thirty days from the date of its publication within which objections or suggestions may be sent. It shall also specify the date on which the inquiry will be held to consider the objections or suggestions.

5.

A copy of the notice shall be [published] [Substituted for the words 'published by affixture' by G. O. Ms. No. 3347, Revenue, dated the 23rd November, 1963.]- (i)by affixture-(a)on the notice board or the front door of the religious institution concerned;(b)on the notice board of the offices of the Assistant Commissioner and of the Deputy Commissioner and of the Joint Commissioner having jurisdiction over the area in which the religious institution is situate and of the office of the Commissioner;(c)on the notice board of the office of the Panchayat Union, Municipal Council or the Corporation of [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).] in respect of an institution within the jurisdiction of a panchayat, a Municipal Council or the Corporation of [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).], as the case may be; and(d)if the religious institution is in a village, in the village chavadi and if there is no village chavadi, in some other public place in the village in which the religious institution is situate or in any other conspicuous place in that locality in which the religious institution is situate;(ii)by beat of tom in the village where the religious institution is situate:Provided that where the proposal relates to a specific endowment, the properties pertaining to which are not situate within the limits of the Corporation of Chennai or the Municipality or the village in which the math or temple to which the specific endowment is attached is situate, the notice shall be published in the manner aforesaid also in the place or places where the properties pertaining to the specific endowments are situate.The publication of the notice in the manner aforesaid shall be deemed to be sufficient intimation to persons having interest.

6.

After the inquiry into the objections and suggestions, if any, and after consideration of the connected records, the Commissioner shall either confirm or modify or set aside its provisional decision.

7. [[Substituted by G. O. Ms. No. 435, C.T. & R.E. Department, dated the 16th March 1988.]

The appropriation of surplus amounts as may be sanctioned under Rule 6 shall be subject to the following restrictions and conditions:-(i)The portion of surplus amount sanctioned for appropriation shall be for any one or more of the purposes specified in sub-section (1) of section 66 or for the performance of Hindu marriages among Hindus who are poor or in needy circumstances as specified in section 36-A or for making contribution towards any fund constituted for the purpose of-(a)feeding the poor; or(b)constructing any building, shed or centre for feeding the poor as specified in section 36-B.(ii)Appropriation of any portion of the accumulated surplus of the institution as specified in sub-clause (i) or any portion of such surplus in the income of the institution for any year as specified in sub-clause (ii) of sections 36,36-A and 36-B for any or more of the purposes specified above shall not exceed fifty per cent of the surplus income of the institution or ten per cent of the assessable income of the religious institution whichever is less.(iii)The portion of surplus amount sanctioned by the Commissioner shall be spent solely for the purpose specified in the order.(iv)The incurring of expenditure of the portion of the surplus amount sanctioned under sections 36,36-A and 36-B shall be governed by the rules issued under section 116(2)(x) of the Act.The Trustee or the Chairman of the Board of Trustees, as the case may be, shall be bound to carry out the orders of the Commissioner.The Trustee or the Chairman of the Board of Trustees, as the case may be, shall, by the fifth of every month, submit to the Commissioner progress reports periodically until the surplus amount diverted is fully spent for the purpose for which it was sanctioned.]

8.

A copy of the order of the Commissioner shall be communicated to the trustee or the Chairman of the Board of Trustees, as the case may be, and to the Executive Officer or other officer referred to in the foregoing rules and to such other persons, who appeared at the inquiry to whom it is considered necessary to communicate the same and be published in the same manner as laid down in Rule 5.The publication of the order in the manner aforesaid shall be deemed to be sufficient intimation to persons having interest.