

Functioning of the Board of Trustees Rules

TAMILNADU

India

Functioning of the Board of Trustees Rules

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Functioning of the Board of Trustees RulesPublished vide Notification No. G. O. Ms. NO. 4524, Revenue, dated 5th November, 1960 - SRO No. A-583 of 1960Original rules published in Part V of the Fort St. George Gazette, dated 23rd November, 1960.G. O. Ms. NO. 4524, Revenue, dated 5th November, 1960 - SRO No. A-583 of 1960. - In exercise of the powers conferred by clauses (viii) and (ix) of sub-section (2) of section 116 read with sections 47,48,49 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 Functioning of the Board of Trustees Rules.

1A. [[Inserted by G.O. Ms. No. 506, C. T. & R. £., dated 13th December 1991.]

The [Assistant Commissioner] shall, for purpose of constituting the Board of Trustees, group the religious institutions whose annual income is less than ten thousand rupees and are situated within a radius of ten kilometers for better management and governance of such religious institutions.]

2. [[Rules 2, 3 and 4 substituted by G.O. Ms. No. 1244, C.T. & R.E., dated the 13th August 1979.]

(1)The Board of Trustees of a religious institution shall meet ordinarily once in a month and more often, if need be, for the transaction of the business of the religious institution. Meetings shall be convened by the Chairman of the Board of Trustees:Provided that not more than three months shall lapse between the date of one meeting of the Board of Trustees and that of the next.(2)In the case of religious institutions having an Executive Officer, meetings shall be convened by the Executive Officer on such dates as he may fix in consultation with the Chairman of the Board of Trustees:Provided that the Executive Officer shall himself fix the date for a meeting if the Chairman

on a reference made to him in writing by the Executive Officer in that behalf, does not communicate his opinion to the Executive Officer within the time specified in such reference.(3)In the case of a religious institution which has no Executive Officer, the meeting shall be convened by the [Chairman of the Board of Trustees on such dates as he may fix].

3.

The meetings of the Board of Trustees shall be held at the place where the religious institution is situated and in the premises of the religious institution itself or in the premises of its office. Where the religious institution is a specific endowment having no office premises, the meeting shall be held at the places fixed by the Commissioner, [Joint Commissioner, the Deputy Commissioner] [Added by G.O. Ms. No. 275, C.T. & R.E., dated the 16th July 1997.] or the Assistant Commissioner, as the case may be.

4.

(1)Notice of a meeting specifying the date, time and place of the meeting with a copy of the agenda for the meeting shall be caused to be served by the Executive Officer or the.Chairman of the Board of Trustees, as the case may be, on the trustees at least seven days prior to the date fixed for the meeting. Such service shall be effected by giving or tendering the notice to every trustee personally or if it cannot be so effected, by sending the notice to them by registered post with acknowledgement due to his usual place of residence. The agenda shall be prepared by the Executive Officer or the Chairman, as the case may be, and where the Executive Officer prepares the agenda, he shall include in the agenda the subjects suggested by the Chairman. It shall, however, be open to the Board of Trustees to hold a meeting without observing the requirement as to notice when all the trustees agree to waive that requirement.(2)In cases of emergency, the Executive Officer or the Chairman of the Board of Trustees, as the case may be, may convene a meeting on giving shorter notice than that specified in sub-rule.(3)The Executive Officer or the Chairman of the Board of Trustees, as the case may be, shall, on requisition in writing of not less than two trustees, convene a meeting, specifying the purposes of the meeting^and giving at least five days notice.]

5.

All papers relating to the agenda shall be made available to the trustees for inspection at the place of the meeting and at the time of, or before the commencement of, the meeting.

6.

Where the number of trustees is three, the quorum for the meetings shall be two, and where the number of trustees is five, the quorum shall be three and where the number of trustees exceeds five, the Commissioner shall decide what the quorum shall be:Provided that such number shall not be less than one-third of the total number of trustees or three whichever is higher.If within half an hour after the time appointed for the meeting, a quorum is not present, the meeting shall stand

adjourned, unless the trustees present agree to wait longer.

7.

Every meeting of trustees shall be presided over by the Chairman and, in his absence, by a trustee chosen by the meeting to preside for the occasion.

8.

The questions which may come before any meeting shall be decided by a majority of votes and when the votes are equally divided, the Chairman or the trustee presiding for the occasion, as the case may be, shall have and exercise a second and casting vote.

9.

The Executive Officer, if any, of the religious institution shall always be present at the meetings, produce whatever accounts, registers or records, cash or other movable properties which are called for by the trustees or are relevant to the subjects in the agenda. The Executive Officer shall not be entitled to vote.

10.

Minutes of the proceedings at each meeting shall be recorded in a book to be kept for that purpose and shall be signed by the Chairman or the trustee who presided at such meetings, as the case may be, and all the other trustees present at the meeting. The minutes book shall be kept in the office of the institution in the custody of the Chairman or in the custody of the Executive Officer in the case of an institution having an Executive Officer.

11.

The minutes shall be recorded in English or in Tamil as may be decided upon by the trustees.

12. [[Substituted by G.O. Ms. No. 275, C.T. & R.E., dated the 16th July 1997.]

Within a week from the date of the meeting, a copy of the proceedings of such meeting shall be forwarded to the Assistant Commissioner in respect of the institution in the jurisdiction of the Assistant Commissioner, or to the Joint Commissioner or the Deputy Commissioner in respect of the institution in the jurisdiction of the Joint Commissioner or the Deputy Commissioner and to the Commissioner in respect of the other institutions. The respective authorities specified in this rule shall examine the proceedings of the meeting whether there is any need to invoke suo motu revision by the Commissioner under section 21.]

13.

The Chairman or the presiding trustee, as the case may be, shall maintain order and decorum at the meetings and the subjects on the agenda shall be taken for consideration in the order in which they appear in the agenda unless it is decided at the meeting that they should be taken up otherwise.

14. [[Substituted by G.O. Ms. No. 124, C.T. & R.E., dated the 13th March 1979.]

All matters relating to the administration of the religious institution shall be decided at the meetings of the Board of Trustees. The Executive Officer or the Chairman of the Board of Trustees, as the case may be, shall carry into effect the [decisions of the Board of Trustees after obtaining the orders of the competent authority on individual subjects]].

15.

(1)The Executive Officer (in the case of a religious institution having an Executive Officer) or the Chairman of the Board of Trustees, as the case may be, may, in case of emergency, ascertain the opinion of the Board of Trustees by circulation of the records among all the trustees and in case of unanimity of opinion carry out the decision. If there is a difference of opinion among the trustees during such circulation, the matter shall be considered at an emergent meeting of the Board of Trustees concerned for that purpose.(2)Every unanimous decision ascertained in circulation shall be placed before the next meeting of the Board of Trustees for confirmation.

16.

Election of the Chairman shall be made at a special meeting and shall be by secret ballot. When there is no Chairman in office for convening a special meeting, the Assistant Commissioner having jurisdiction over the area in which the institution is situate or any officer specially authorized by the Assistant Commissioner, Deputy Commissioner, Joint Commissioner or the Commissioner, as the case maybe, in this behalf shall convene the special meetings and preside over them. He shall not, however, have power to vote. If the voting results in a tie, the presiding officer shall cast lots and the person in whose favour the lot is drawn shall be deemed to be elected.

17.

A copy of the minutes of the proceedings of the meetings shall be sent to the Commissioner, Joint Commissioner, Deputy Commissioner or the Assistant Commissioner, as the case may be, and the results of election shall be notified by affixture on the notice board or front door of the temple or in the case of a specific endowment attached to a temple on the notice board or front door of the temple to which it is attached.

18.

The Chairman shall be elected under sub-sections (1) and (2) of section 48 within 60 days of the date of the order of appointment of the last trustee constituting the Board of Trustees or within thirty days from the date of order directing the election of a Chairman or within fifteen days before the date of expiry of the period of the outgoing Chairman.

18A.

If no Chairman is elected within the period specified in rule 18, the Government, the Commissioner, the Joint Commissioner, the Deputy Commissioner or the Assistant Commissioner, as the case may be, shall nominate the Chairman.

19.

(1)The Chairman elected or nominated by the Government, the Commissioner, Joint Commissioner, Deputy Commissioner or Assistant Commissioner, as the case may be, either under sub-section (1) or under sub-section (2) of section 48 shall hold office for a period of three years from the date of his election or nomination, unless he ceases to be a trustee in the meanwhile.(2)Omitted.

20.

The Chairman may resign his office in writing and the resignation shall take effect from the date on which it is accepted by the Commissioner or the Board of Trustees.