

Framing of Schemes Rules

TAMILNADU

India

Framing of Schemes Rules

Act 170 of 1960

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Framing of Schemes RulesPublished vide Notification No. G. O. Ms. No. 4851, Revenue, dated 26th November, 1960 - SRO No. A-170 of 1960Original rules published in Part V of the Fort St. George Gazette, dated 21st December 1960 (Page 681).G. O. Ms. No. 4851, Revenue, dated 26th November, 1960 - SRO No. A-170 of 1960. - In exercise of the powers conferred by sections 64 and 65 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 Framing of Schemes Rules.

2.

The consultation required under sub-sections (1), 5(a) and 5(b) of section 64 shall be made in the following manner:- (a) When the [Joint Commissioner or Deputy Commissioner] [Substituted by G. O. Ms. No. 506, C. T. & R. E., dated the 13th December 1991.] proposes on his own motion to take action under sub-section (1) or 5(a), or (5) (b) of section 64 in respect of any institution coming under that section or where an application under sub-section (1) is received by him, he shall give notice of his proposal or the application, as the case maybe, to the trustee or the trustees [and the Assistant Commissioner, if any] [Substituted by G. O. Ms. No. 506, C. T. & R. E., dated the 13th December 1991.], having jurisdiction over the institution and the persons having interest calling upon them to submit any representations they may wish to make before a date to be specified in such notice, which shall not be less than two months from the date of its issue. (b) If, after a consideration of the objections, or suggestions, if any, received by him, he has reason to believe that a scheme should be settled, or modified or cancelled, he shall give notice to the trustee or the trustees, Assistant Commissioner, if any, having jurisdiction over the institution and the persons having interest, of his intention to settle, modify or cancel a scheme of administration for the institution and call upon to submit in writing any objections or suggestions they may wish to make

before the date specified in such notice for an enquiry.(c)The notice under sub-rules (a) and (b) shall be sent by registered post to the trustee or the trustees and to the Assistant Commissioner concerned and the persons having interest. A copy of the notice shall be affixed on the notice board or front door of the temple and in the case of a specific endowment attached to a temple, on the notice board or front door of the temple to which the specific endowment is attached, on the notice board of the [Joint Commissioner or Deputy Commissioner] [Substituted by G. O. Ms. No. 506, C. T. & R. E., dated the 13th December 1991.], and on the notice board of the office of the Assistant Commissioner within whose division the institution is situate, and on the notice board of the office of the Municipal Council including 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).] or village chavadi concerned. Such affixture shall be deemed to be sufficient intimation to persons having interest. All representations submitted in time by the trustee or the Assistant Commissioner, or persons having interest shall be taken into consideration by the Joint Commissioner/Deputy Commissioner in settling, modifying or cancelling the scheme.

3.

While considering the modification or cancellation of a scheme in force settled or modified by the Court in a suit under sub-section (1) of section 70 or on an appeal under sub-section (2) of that section or of a scheme in force deemed to have been settled or modified by the Court under clause (1) of sub-section (2) of section 118, the Joint/Deputy Commissioner shall give notice of the modifications or the reasons for cancellation proposed by him to the trustee or the trustees and the Assistant Commissioner, if any, having jurisdiction over the institution and persons having interest calling upon them to submit any representations, they may wish to make before a date to be specified in such notice which shall not be less than two months.

4.

Every order of the Joint/Deputy Commissioner settling or modifying or cancelling a scheme under section 64 shall be published as follows:-(i)by affixture on the-(a)notice board or front door of the institution concerned, and in the case of a specific endowment, on the notice board or front door of the institution to which the specific endowment is attached;(b)notice board of the office of the Municipal Council, including 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).] or village chavadi concerned;(c)notice boards of the offices of the Assistant Commissioner and the Joint/Deputy Commissioner concerned;(d)any other conspicuous place in the locality in which the institution is situated;(ii)by publication in the-(a)District Gazette in the language of the district concerned in the case of an institution situated in the district.(b)Tamil Nadu Government Gazette in the case of a specific endowment attached to temples in more than one district or in the case of an institution situated in the City of [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).] or in the case of a specific endowment attached to one or more institutions in the City of [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).] and one or more institutions in one or more districts.

5.

The consultation required under sub-section (1), 4(a) and 4(b) of section 65 shall be made in the following manner:- (a) When the Commissioner proposes, on his own motion, to take action under sub-section (1) or 4(a) or 4(b) of section 65 or where an application under sub-section (1) is received by him, he shall give notice of his proposal or the application, as the case may be, to the trustee or the trustees and the persons having interest calling upon them to submit any representations they may wish to make before a date to be specified in such notice which shall not be less than two months from the date of its issue. (b) If, after considering the objections or suggestions, if any, received by him, he has reason to believe that a scheme should be settled, modified or cancelled, he shall give notice to the trustee or the trustees and the persons having interest, of his intention to settle, modify or cancel a scheme of administration for the math or a specific endowment attached to a math and call upon them to submit in writing any objection or suggestion they may wish to make before the date specified in such notice for an enquiry. (c) The notice under sub-rules (a) and (b) shall be sent by registered post to the trustee or the trustees and to the Assistant Commissioner concerned. A copy of the notice shall be affixed on the notice board or the front door of the math and in the case of a specific endowment attached to a math, on the notice board or front door of the math to which the specific endowment is attached, on the notice board of the office of the Joint Commissioner/Deputy Commissioner, within whose division the math is situate, and on the notice board of the Municipal Council including 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).] or village chavadi concerned. Such affixture shall be deemed to be sufficient intimation to persons having interest. All representations submitted in time by the trustee or the trustees or the Assistant Commissioner, if any, or the persons having interest shall be taken into consideration by the Commissioner in settling, modifying or cancelling the scheme.

6.

While considering the modification or cancellation of a scheme in force settled or modified by the Court in a suit under sub-section (1) of section 70 or on an appeal under sub-section (2) of that section or of a scheme in force deemed to have been settled or modified by the Court under clause (a) of sub-section (2) of section 118, the Commissioner shall give notice of the modifications or reasons for the cancellation proposed by him to the trustee or the trustees and the persons having interest calling upon them to submit any representation they may wish to make before a date to be specified in such notice which shall not be less than two months.

7.

Every order of the Commissioner, settling, modifying or cancelling a scheme under section 65(5) shall be published as follows:- (i) by affixture on the - (a) notice board or front door of the institution concerned, and in the case of a specific endowment on the notice board or front door of the institution to which the specific endowment is attached; (b) notice board of the office of the Municipal Council, including 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).] or village chavadi

concerned;(c)notice boards of the offices of the Assistant Commissioner and the Joint/Deputy Commissioner concerned;(d)any other conspicuous place in the locality in which the institution is situated.(ii)by publication in the Tamil Nadu Government Gazette.

8.

(1)The powers of the Joint/Deputy Commissioner under section 64(5) (a) or the Commissioner under section 65(4)(a), respectively, to modify or to cancel a scheme settled or deemed to have been settled by a Court, shall be subject to the condition that the Joint/Deputy Commissioner or the Commissioner, as the case may be shall satisfy himself that such modification or cancellation is necessary under all or any of the following circumstances, namely:-

- 1. Where the provisions already contained in the scheme could not be worked out properly in the interests of the institution concerned.**
- 2. Where the provisions though ordinarily precise and complete had become under altered circumstances unsuitable to carry out the intentions and objects of the provisions.**
- 3. Where a scheme framed by the Court itself ha.d in like manner become unsuitable for the purpose.**
- 4. Where it is necessary to provide sufficient safeguards for the protection of the properties of the institutions and for realisation of the income therefrom.**
- 5. Where it is felt necessary to eliminate or minimise the difficulties which may arise in the matter of nomination or election of trustee or trustees or other procedure, if any, contemplated in such scheme.**