

The Charitable Endowments (Orissa) Rules, 1956

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Rule THE-CHARITABLE-ENDOWMENTS-ORISSA-RULES-1956 of 1956

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The Charitable Endowments (Orissa) Rules, 1956

1. Short title.

(1)These rules may be called the Charitable Endowments (Orissa) Rules, 1956.(2)They apply to charitable endowments the objects of which do not extend beyond the State of Orissa or are not objects, to which the executive authority of the Central Government extends.

2. Interpretation.

- In these rules-(a)"the Act" means the Charitable Endowments Act, 1890 (VI of 1890);(b)"Treasurer" means the Treasurer of Charitable Endowments for Orissa for the time being, appointed under Sub-section (1) of Section 3 of the Act, and includes such other officer as the Treasurer may appoint to discharge any of the functions assigned to him under these rules [with such designation as he may assign ;] [Inserted vide Notification. No. 35738/F/14.8.1972 published in Orissa Gazette Part-III-A/25. 8. 1972.](c)"Form" means a form appended to these rules ;(d)"State Government" means the Government of the State of Orissa.

3.

Previous publication of vesting orders and schemes in cases in which private persons apply for a vesting order or a scheme or modification of a scheme, and in all cases in which it is proposed to depart in any respect from the ascertained wishes or presumable intentions of the founder of an endowment, there shall ordinarily, and unless the State Government otherwise directs, be previous publication of the proposed vesting order or scheme or modification.

4. Mode of previous publication.

(1) Unless the State Government is of opinion that a proposed vesting order of proposed scheme or modification of a scheme may be made or settled without previous publication, it shall publish a draft of the proposed order, scheme of modification or a sufficient abstract thereof, for the information of persons likely to be affected thereby. (2) The publication shall be made in the official Gazette and in such other manner as the State Government may direct. (3) There shall be published, with the draft or abstract, a notice specifying a date on or after which the proposed order, scheme or modification will be taken into consideration by the State Government. (4) The State Government shall consider any objection or suggestion which it may receive from any person with respect to the proposed order, scheme or modification thereof before the date specified in the notice under Sub-rule (3).

5. Costs.

- The costs of the previous publication under Rule 4 of any proposed order, scheme or modification of a scheme and any other costs incurred or which may be incurred in the making of the orders or in the settlement of a scheme or modification of a scheme, shall be paid by the applicant for the order, scheme or modification, as the case may be, and, if the State Government so directs, may be paid by him of any money in his possession pertaining to the trust to which his application relates.

6. Securities which may vest in the Treasurer.

- No securities for money, except the securities mentioned in Clauses (a), (b), (bb), and (d) of Section 20 of the Indian Trusts Act, 1882 (11 of 1882), shall be vested in the Treasurer.

7. Accounts of trusts consisting of immovable property.

- In the case of property vested in the Treasurer other than securities for money, the person acting in the administration of the trust and having, under Sub-section (3) of Section 8 of the Act, the possession, management and control of the property and the application of the income thereof, shall, in books to be kept by him, regularly enter or cause to be entered full and true accounts of all moneys received and paid respectively on, account of the trust, and shall, on the demand of the State Government submit annually to such public servant as the State Government may appoint in this behalf, in such form and at such time as the State Government may prescribe, an abstract of those accounts and such returns as to other matters relating to the administration of trust as the State Government may, from time to time, see fit to require.

8. Fees.

(1) The following are prescribed as the fees to be paid to the State Government in respect of any property vested under the Act in the Treasurer : (i) in the case of property other than securities for money - the actual charges incurred by the Treasurer in the discharge of his functions in respect of

the property.(ii)In the case of securities for money-at the rate of one pie for every rupee of interest collected.The fee shall be charged on interest by rounding off the amount to the nearest rupee, fractions of a rupee below eight annas being disregarded and eight annas or more being reckoned as one rupee. In calculating the amount of fee payable in each individual transaction, traction of an anna be reckoned as one anna.(2)The Treasurer may deduct any fees payable to the State Government under this rule on account of any endowment from any money in his hands on account of such endowment. If he holds on such moneys the amount shall be claimed from the administrator of the endowment.

9. Vesting orders how filed.

- All copies or vesting orders received by the Treasurer shall be tiled together and shall be numbered in consecutive order of their receipt and when a sufficient number have been received, they shall be bound in volumes. A note shall be made on each vesting order or any entries in the registers prescribed under these Jules relating to the property vesting in the Treasurer under the order.

10. Registers of securities.

- On the receipt of any securities for money, or on their purchase by himself, the Treasurer shall record their tecelpt in a register in Form 1. He shall also keep a separate account for each endowment in Form 2, in which he shall record all receipts Including any amounts sent for investment, and all disbursements. In the cash account in Part 11 of Form 2 the Treasurer shall record only his ovvrt transactions (such as the payment of the money to the administrators), and not the transactions of the administrators of the endowment fund.

11. Stock Disposal Register.

- The Treasurer shall enter all Securities returned or sold by him in a register in Form 3. Returns shall also be entered in Form 2, where the amount returned will be deducted from the capital of the endowment concerned.

12. Custody of securities.

- On the issue of a vesting order under Section 4 of the Act in respect of any securities for money, the person authorised under Section 6 of the Act to make the application for such vesting order shall, as soon as practicable forward to the Treasurer the said securities. The Treasurer shall, after recording the receipt of the said securities in the registers kept under Rule 10, take steps, as soon as practicable, to have them converted into stock and keep the stock certificate in his custody. After conversion, entries shall be made in the Treasures' Stock Register in Form 7. A consolidated register showing the securities (e. g., Promissory notes and the stock certificates) in the custody of the Treasurer shall also be maintained in Form 8.

13. Accounting of interest.

- The Treasurer on receipt of any interest on securities, shall credit it to his Personal Ledger Account kept in the Cuttack Treasury. Withdrawal from the Personal Ledger Account shall be made by cheques only drawn by the Treasurer. The interest will be distributed to the various ledger account, in the register in Form 2, in which the gross amounts shall be shown, any deductions for fees, etc. being shown as a charge, and the payment of the balance to the Administrators being shown as a disbursement. Payment orders for interest in favour of Administrators residing outside Cuttack shall be by means of Bank Drafts and for those residing in Cuttack by cheques issued by the Treasurer. The entries in the ledger of interest received shall be taken out and agreed annually with the total amount of the interest drawn.

14. Balance Sheet.

- The register in Form 1 shall show all securities vested in the Treasurer as such. In order to prove the balance actually held by the Treasurer in his own hands, a balance sheet in Form 4 shall be made out annually and agreed with the actual securities in the Treasurer's possession. Such agreement shall be certified on the balance sheet.

15. Form of the forwarding Memo, of bank drafts, cheques, issued by the Treasurer.

- The forwarding Memo, of bank drafts cheques to be issued by the Treasurer will be in Form No. 10.

16. Publication of accounts.

- A list of all properties vested in the Treasurer and an abstract of the accounts of the interest and the annual agreement of balance shall be published in the official Gazette in June of each year.

17. Register of property other than securities.

- The Treasurer shall enter in a register in Form 5 any property other than securities which becomes vested in him and shall record in the same register against the original entry a note of any property of which he is divested.

18. Form of publication of list and abstract.

- The list of properties vested in the Treasurer to be published annually under Rule 15 shall be in Form 6. Part I will relate to properties other than securities. Part II will relate to securities and will also contain the abstract of accounts required by the Act to be published. The Treasurer shall demand and receive acknowledgements of the correctness of the balances when so published, from the administrators of endowment funds or from any one or more of their body who may have been authorised by the administrators to give such acknowledgements.

19. Audit.

- Arrangements for the annual audit of the Treasurer's accounts shall be made by the Examiner of Local Accounts, Orissa. Form-1[See Rule 10]Register of Securities held under Act VI of 1890Particulars of Securities received

Serial No.	Date of receipt	Name and brief description of Charitable Endowment	Form whom received	No. and date of forwarding letter	Nature of Securities e.g. Government Securities 3½ per cent Loan of 1865 Guaranteed, Railway Debentures, etc.
1	2	3	4	5	6
Distinguishing number of each security		Nominal value of each security	Total nominal value of each separate endowment	Ledger folio	Remarks
7		8	9	10	11

Form - 2[See Rule 10]Ledger account of securities held under Act VI of 1890

1. Name of endowment.....

2. Particulars of vesting orders.....

3. When vested in Treasurer :.....

4. Names of Administrators.....

5. To whom interest is to be sent.....

Part - I Account of Capital {||-| Serial number in Form 1| Particulars (e.g. received or returned)| Detail of securities (distinguishing number etc.)| 3½ per cent of 1865| Guaranteed railway| Value of each security (separate column for each kind)| Amount of half-yearly interest| Date on which interest has been paid on receipt| Initials of Treasurer or Assistant in charge|-|||-| 1| 2| 3| 4| 5| 6| 7| 8| 9| 10| 11|-|||}|N.B.: The balance of the value columns must be worked out on every day on which there is a new entry. Part - II - Cash Receipt {||-| Date| Receipt Particulars| Amount| Date| Expenditure Particulars| Amount|-| 1| 2| 3| 4| 5| 6|-|||}|Form - 3[See Rule 11]Stock Disposal Register

Serial No.	Date of entry	Name of the fund of trust	Number of entries in stock register	Amount disposed of	How disposed of	G.O.'s initials	Official designation of officer
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Particulars	3½ per cent loan of 1865	(A pair of columns)		Total
		for each kind of security filed	No.	
No.	Value	No.	Value	
Opening balance (from last year)				
Securities received				
Stock certificate received				
Grand Total				
Deduct				
Sent to the P.D.O. Reserve Bank of India for conversion into stock				
Balance				
Deduct				
Returned or sold				
Balance				
Add				
Sent for conversion out of which				
stock certificates have not been received				
Closing Balance				

Particulars of vesting order	Name of endowment	Administrators of property	Property held	Annual income if known			
Serial No.	No.	Date	Description	Value			
1	2	3	4	5	6	7	8

Title deeds held	To whom returned	Authority for return	Initial of Treasurer or Assistant-in-charge	Remarks		
Description	Date of receipt	Where deposited	Date of return			
9	10	11	12	13	14	15 16

No. of case in	Serial No.	Date of	To what fund or trust the	To whom interest is	Amount of investment	Amount of half-yearly	Pair of Cols. for noting	Remarks
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Form No.		entry	investment belongs	to be remitted	interest		interest payment order
1	2	3	4	5	6	7	8
					Rs. as. P.	Rs. as. P.	Rs. as. P.

Form - 8[See Rule 12]Register of clean Government promissory notes and stock certificates held by the treasurer of charitable endowments

Serial No.	Date of entry	In conversion of	Particulars (A pair of columns for noting interest for half-year ending)		Remarks	
Receipt	Disposal		No.	Amount	No.	Amount
			Rs. as. P.	Rs. as. P.		

Form - 9[See Rule 15]

No.....Dated.....
.....ToThe Dep
Treasurer,Charitable
Orissa,CuttackSir,I
acknowledge receipt
your letter No.....
dated..... 19.....
together withthe Che
Bank Draft bearing
No.....
dated.....20.....
Rs (Rupees.....) and
.....annas only.Your
faithfullyAdministra
Fund

No..... T.C.E. Dated
Cuttack,the
20..... payment of
interest on
CharitableEndowments.FundonCharitable.....Administrator.....Treasury
upon whichCheque/Bank
Draft issued.....Interest
forhalf-year ending
.....Rs.....Cheque/Bank
Draft bearingNo.....
dated..... Amount of
principal Rs.....in.....
percent Government
Securities of.....Ledger
Folio No.....Vol.....

No..... T.C.E., Dated
Cuttack,the.....
20....ToThe.....SUBJECT
- Payment of interest
onCharitable.....Administrator.....Treasury
EndowmentsSir,Please find
encloseda Cheque/Bank Draft
bearing No..... dated.....
forRs..... (Rupees.....and
annas) in your favour on
theState Bank of India
Bank/Treasury/Sub-Treasury,
being theinterest for the
half-year ending..... 20 on the
investment ofRs..... in.....

Page.....D.T.C.
Endowments

per cent Government
securities of.....relating to
..... Fund. Please
acknowledge receipt, in
the attached form. Yours
faithfully Deputy Treasurer,
Charitable Endowments,
Orissa

Annexure Rules to govern the transactions of the personal ledger account of the Treasurer, Charitable Endowments, Orissa (1) The personal ledger account will be at the Cuttack Treasury. (2) Administrations: The personal ledger account will be administered by the Secretary to Government, Finance Department, in his capacity as the Treasurer, Charitable Endowments, Orissa. He may, subject to the ultimate supervision and control by himself, authorise any officer under his control to exercise any of his functions. (3) Receipts - The following classes of receipts will be credited to the personal ledger account : (i) Interest receipts on the securities vested in him; and (ii) Sale-proceeds of securities vested in him. (4) All the receipts should be credited into the personal ledger account without delay. No part of the receipts should be directly utilised by the Treasurer, Charitable Endowments for any expenditure. (5) Payments - The following classes of expenditure will be paid out of the personal ledger account : (i) Interest due on the corpus of the endowments (ii) Amounts required for the conversion, or purchase of securities; (iii) Any other expenditure specifically provided in any scheme of endowment. (6) Withdrawals should be made only by cheques signed by the Treasurer. They will be current for three months only from the date of their Issue. (7) The administrators of the charitable endowments in Cuttack city will be paid the amounts due to them from time to time (1) by cheques drawn in their favour on the State Bank at Cuttack, when the amount payable exceeds Rs. 10; and (ii) by cash when the amount does not exceed Rs. 10. Those outside Cuttack will be paid their dues by means of Reserve Bank Remittance drafts which will be obtained from the State Bank of India at Cuttack. (8) The Treasurer will maintain a cash book in which the receipts and payments relating to the personal ledger account should be entered. The cash book should be closed at the end of each month and the balance verified with that in the personal ledger account with the treasury. (9) An annual certificate specifying the actual balance on the 31st March in the personal ledger account according to his cash book should be furnished to the Accountant General after comparing it with that shown by the treasury and explaining differences, if any. (10) All vouchers, etc., relating to the payments referred to in paragraph 5 above should be retained by the Treasurer and produced for audit when required. (11) The transactions of the personal ledger account are subject to audit by the Examiner of Local Accounts, Orissa. (12) The Treasurer is responsible to see that the accounts of the various administrators are maintained properly.