## The M.P. Public Trusts Rules, 1962

MADHYA PRADESH India

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## Rule THE-M-P-PUBLIC-TRUSTS-RULES-1962 of 1962

- Published on 18 January 1963
- Commenced on 18 January 1963
- [This is the version of this document from 18 January 1963.]
- [Note: The original publication document is not available and this content could not be verified.]

The M.P. Public Trusts Rules, 1962Published vide Notification No. 5417-2981-2-A-(3), M.P. Rajpatra Part 4(Ga), dated 18-1-1963 at page 28In exercise of the powers conferred by Section 35 of the Madhya Pradesh Public Trusts Act, 1951 (XXX of 1951), the State Government hereby makes the following rules, the same having been previously published as required by sub-section (4) of the said section, namely:-

#### 1. Short title.

- These rules may be called the Madhya Pradesh Public Trusts Rules, 1962.

#### 2. Definitions.

- In these rules, unless the context otherwise requires,-(i)"Act" means the Madhya Pradesh Public Trusts Act, 1951 (XXX of 1951), and any reference to section, sub-section or clause shall be deemed to be the reference to a section, sub-section or a clause thereof.(ii)"Form" means a form appended to these rules.

## 3. Register of Public Trusts.

- There shall be maintained in the office of every Registrar of Public Trusts,-(i)a Register of Public Trusts in Form I; and(ii)a Register of all Properties of Public Trusts in Form II; in respect of public trusts registered in his district under this Act.

## 4. Application for registration of a public trust under Section 4.

(1) The application for registration of a public trust, in addition to the particulars specified in clauses (i) to (ix) of sub-section (3) of Section 4 shall contain the following particulars,-(a) particulars of documents creating the trust;(b) particulars of encumbrances, if any, or trust property;(c) particulars

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of the scheme, if any, relating to the trust; and(d)particulars of title-deeds pertaining to trust properly and the names of trustees in possession thereof.(2)The application shall be in Form III.(3)The application, in addition to a copy of the instrument of trust, shall be accompanied by a copy of the scheme, if any, in operation in regard to the public trust.(4)In respect of trust the value of whose property is less than Rs. 2,000 it shall not be necessary for an applicant to give the particulars of the trust property of such trust.(5)The fee to accompany the application shall be in cash and of the following amount,-(i)When the value of the property of a public trust is below Rs. 5,000......-Rs. 2(ii)When the value of the property of a public trust exceeds Rs. 10,000.....-Rs. 3.(iii)When the value of the property of a public trust exceeds Rs. 10,000.....-Rs. 5.

#### 5. The manner of enquiry for registration.

(1)On receipt of an application under sub-section (1) of Section 4 or sub-section (1) of Section 5 or on his own motion, the Registrar shall cause to be issued a public notice in Form IV or Form V, as the case may be. The notice shall, in addition to its publication in the official Gazette, be also published by affixing copies thereof,-(a)on the notice-board at the office of the -(i)Registrar of Public Trusts.(ii)Tahsildar of the Tahsil in which the principal office or the principal place of business of the Trust is situate; and(b)at the places in which the immovable property of the Trust is situate.(2)Any objection to the registration of the trust shall be filed in duplicate within one month from the date of the publication of the notice under sub-rule (1). One copy shall be furnished to the applicant by the Registrar.(3)The provisions of Sections 28, 29 and 30 shall apply to all inquiries held under Section 5 of the Act.

## 6. Changes in the Register of Public Trusts.

(1)An application under Section 9 (1) of the Act for any change or proposed change in the particulars recorded in the Register of Public Trusts shall be made in Form VI.(2)Amendments in the entries in the Register of Public Trusts shall be made by scoring out in red ink the original entry or entries, and the addition or alteration initialled by the Registrar.(3)The Registrar may of his own motion correct clerical or accidental mistakes in any of the entries in the Register of Public Trusts. Every such alteration shall be initialled and dated by the Registrar.

## 7. Register of Trust Property situated in other districts.

- Any Collector receiving under Section 10, copies of entries in regard to immovable property situate within his district of public trusts registered in any other district shall keep an abstract of such entries in a register maintained in Form VII.

## 8. Register of decisions of Courts.

- There shall be maintained in the office of the Registrar a register of decisions of Courts relating to public trusts in Form VIII.

## 9. Applications under Section 14 for sanction of alienations.

(1)Every application for sanction of an alienation shall contain information inter alia on the following points,-(i)whether the instrument of trust contains any directions as to alienation of immovable property;(ii)what is the necessity for the proposed alienation;(iii)how the proposed alienation is in the interest of the public trust; and(iv)in the case of a proposed lease, the terms of the past leases, if any. Such application shall be accompanied by a valuation report of an expert.(2)The Registrar, before according or refusing sanction, may make such inquiry as he may deem necessary'.(3)In according sanction, the Registrar may impose such conditions, as he may deem fit, if he is of the opinion that the grant of sanction to the proposed alienation without imposing such conditions will be prejudicial to the interests of the public trust.

#### 10. Maintenance of accounts.

(1) Every working trustee or manager of a public trust shall maintain the following books of accounts, viz.,-(a)a journal of all receipts and expenditure maintained either on daily, weekly or fortnightly basis, at the end of which period, the balance of the accounts will be struck; (b) a ledger classifying all receipts and all expenditure under such heads as may be directed by the Registrar;(c)a stock book showing a list of all movable properties owned and purchased for the trust with the value thereof and the date of purchase; (d) a register of immovable property held by the trustee, its location, land revenue or rent and other taxes payable, encumbrances, if any, and references to any documents relating to such property; (e) a register of securities held and actionable claims due to the public trust, giving details of various items and of the amount due thereunder;(f)a register showing claims to receive benefits out of movable or immovable property: Provided that the Registrar may, in the case of Trusts the value of whose property is less than Rs. 3,000 dispense with the maintenance of any of the books mentioned above. (2) Every working trustee or manager of a public trust shall obtain a receipt for every item of expenditure exceeding a sum of Rs. 5 at one transaction. All such receipts shall be preserved, until the annual audit report is accepted by the Registrar. He shall also maintain counterfoils of all receipts in respect of sums received by him on account of income arising out of the immovable or movable property of the trust. They may also be destroyed after the annual audit and acceptance of accounts by the Registrar. No such receipt need be issued in respect of casual income received by the trustee but an entry shall be made in the journal for the total of such income made during the course of the day. (3) The Registrar may direct the working trustee or the manager of a public trust to maintain such additional books of accounts as he may consider necessary or dispense with the maintenance of such books out of the books mentioned in sub-rule (1) as he may think proper in the light of the peculiar nature of each public trust.

#### 11. Audit of accounts.

(1)The manager or working trustee of every public trust shall get the account audited annually within six months of the date of balancing the accounts under sub-section (1) of Section 16.(2)The auditor shall audit the accounts in the manner laid down in Rule 13, and shall forward a copy of the balance sheet and the income and expenditure account along with his audit report to the Registrar within a fortnight of the audit or within such further period of time as may be extended by the

Registrar from time to time.(3)[ In the case of a public trust having a gross income of Rs. 1,000 or less the manager or working trustee may prepare and furnish to the Registrar full and true statements of receipts and disbursements and income and expenditure in Forms IX and X and the Registrar shall get them audited as far as practicable, in the manner prescribed in Rule 13 by a person authorised in this behalf under sub-section (2) of Section 16 and recover an audit fee of Rs. 5 from the trustee] [Substituted by Notification No. 3535-CR-271 (iv), dated 2-7-1970.].

#### 12. Powers for audit.

(1)For the purpose of audit under sub-section (2) or sub-section (4) of Section 16, the Registrar may either of his own motion or at the request of the auditor,-(a)require the production before the auditor of any book, deed, account, voucher or other document or record necessary for the proper conduct of the audit;(b)require the manager or working trustee or any person having the custody or control of, or accountable for, any such book, deed, account, voucher or other document or record to appear in person before the auditor;(c)require the manager or working trustee or any such person to give the auditor such information as may be necessary for the aforesaid purpose;(d)require the manager or working trustee or any person having the custody or control of, or accountable for, any movable property belonging to the trust to produce such property for the inspection of the auditor or to give the auditor such information as may be necessary regarding the same.(2)Every manager or working trustee or other person, having the custody or control of, or accountable for, any book, deed, account, voucher or other document or record, or any movable property belonging to the Trust who is required to do any act specified in any of the clauses specified in sub-rule (1) shall comply with the same.

#### 13. Manner of audit.

(1) The report of an auditor relating to accounts audited under sub-section (2) of Section 16 shall, in addition to the requirements of sub-section (2) of Section 17, contain the following particulars,-(a) whether accounts are maintained regularly and in accordance with the provisions of the Act and the rules; (b) whether receipts and disbursement are properly and correctly shown in the accounts;(c)whether the cash balance and vouchers in the custody of the manager or working trustee on the date of the audit were in agreement with accounts; (d) whether all books, deeds, accounts, vouchers or other documents or records required by the auditor were produced before him; (e) whether an inventory', certified by the trustee, of the movables of the public trust has been maintained;(f)whether the manager or working trustee or any other person required by the auditor to appear before him did so and whether such person has furnished the necessary information required by him;(g)whether any property or funds of the trust were applied for any object or purpose other than the object or purpose of the trust;(h)the amounts of outstandings for more than one year and the amounts written off, if any;(i)whether tenders were invited for repairs or construction involving expenditure exceeding Rs. 5,000;(j)whether any money of the public trust has been invested contrary' to the provisions of Section 13;(k)alienations, if any, of the immovable property contrary to the provisions of Section 14 which have come to the notice of the auditor;(l)any special matter which the auditor may think fit or necessary' to bring to the notice of the Registrar.(2)The balance sheet and income and expenditure account required under sub-section (1)

of Section 17 to be prepared by the auditor or any person authorised in this behalf under sub-section (2) of Section 16 and forwarded by him to the Registrar, shall be in Forms XI and XII, respectively.

#### 14. Fee for special audit.

(1)The fee for special audit under sub-section (4) of Section 16 shall be fixed by the Registrar according to the circumstances of each case: Provided that in no case shall such fee exceed two and a half per centum of the gross annual income of the public trust or be less than Rs. 50. Explanation. - For the purpose of this sub-rule, the gross annual income shall include gross income from all sources in a year, excluding donations given or offerings made with the specific direction that they should form part of the corpus of the public trust.(2)Before a special audit is directed under sub-section (4) of Section 16, the Registrar may require the trustee of the public trust concerned or the person moving the Registrar for such special audit, to deposit such amount as would in his opinion be sufficient to meet the cost thereof.(3)The Registrar after completion of the special audit may direct the whole or any part of the costs thereof to be met from the funds and property of the public trust or to be borne by the person moving him for such special audit.

### 15. Date and Form of Budget.

- The budget referred to in Section 18 of the Act shall be in Form XIII and shall be submitted to the Registrar by the working trustee or manager one month before the date on which the ensuing budget year of the trust as approved by the Registrar is due to commence.

## 16. Fees for inspection and copies.

- The fees charged for inspection, or supply of certified copies of the budget, the balance sheet, the income and expenditure account and audit report of any public trust and the conditions thereof shall be the same as those prescribed for the inspection and supply of copies of judicial records of the Court.

## 17. Manner of holding inquiry under Section 23.

- If the Registrar finds that there is a prima facie case for an inquiry under sub-section (2) of Section 23, he shall.-(a) fix a date for the inquiry and cause a notice to be served on the working trustee or any other person concerned to appear on the date fixed; and(b) on the date fixed for such hearing, or any subsequent date to which the hearing may be adjourned, allow them an opportunity to represent their case and to adduce evidence; and(c) make any further inquiries as he may consider necessary; and(d) on completion of the inquiry, record his findings and the reasons therefor; and(e) if he holds that the working trustee or any other person has been guilty of gross negligence, a breach of trust, misapplication or misconduct which has resulted in loss to the public trust, record his findings and pass an order which shall be final and conclusive subject to the provisions of Section 24.

## 18. Penalty.

- Any breach of the provisions of Rules 11 (1), 12 (2) and 15 shall be punishable with a fine which may extend to two hundred rupees.

## 19. Repeal.

- The Madhya Pradesh Public Trusts Rules, 1953, and all other rules corresponding thereto in force in any region of the State of Madhya Pradesh immediately before the commencement of these rules are hereby repealed: Provided that anything done or any action taken under any of the rules so repealed shall, unless such thing or action is inconsistent with any of the provisions of these rules, be deemed to have been done or taken under the corresponding provisions of these rules. Form I(See Rule 3)Register of Public Trusts

Serial No. of the trust in the Register of PublicTrusts	Name of the trust and the place where the principal office or place of business of the trust is situated	Name of trustees a	and Mode of succe to trusteeship managership	3
(1)	(2)	(3)	(4)	(5)
Particulars of documents creating the trust	Particulars other than documents about the originor creation of the trust	Particulars of the scheme, if any, relating to the trust	Description of the property of the tand itsvalue	
(6)	(7)	(8)	(9)	(10)
	Register of The Property o	f the Public Trusts  Movable  property  Estimated value	In whose possession	Remarks
(1)		(2)	(3)	(4) (5)
Immovable propert Villages where situa (6)	y ate Nature of property Ter (7) (8)	•	hasra No. orMunic	ipal No. Area (10)
Assessment Estima (11) (12)	ted value Particulars of en	cumbrances Particu	ulars of title deeds	

Average-income from movable property (15)	Average-income from immovable property (16)	Average expenditure (17)	Remarks (18)					
Form III[See Rule 4 (2)]ToThe Registrar of Public Trusts,								
2. I/We submit the following	ng necessary particulars							
the principal place of business of Working Trustee and Manager, w managership	object of the Public Trust(ii)The place the Trust is situate	ssion in trusteeship ust (attach h perty with estimated etc., rather than of e ash forms part of th share and debentur perty showing the v a, assessment and d	ne of the and l value of be made each e capital of revillage or escription					
-	(3)(b)F	Estimated value of e	ach					
	d by a valuation report of an expert	C.7						
	(3)(ix)Sources of in(x)Average gross annual income							
	(xi)Average annual expenditure		(a)on					
	nagers(b)on es		(ш) 011					
	(c)on religious objects		(d)on					
	(e)on miscellaneou							
	(xii)Particulars of encumbranc							
	articulars of title-deeds pertaining to							
of trustees in possession thereof(xiv)The normal budget of financial								
year	(xv)Remarks, if any		•••••					
3. Fee of Rs	.accompanies.							

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# 4. Any communication to the Trustee or Manager in connection with the Trust may be sent to the following address:-

## **Schedule**

# Schedule 2

property)(Seal)	Form VI[See Rule 6(1)]lecorded in the Register of FRegistered No	strar of Public TrustsDistr Report of Changes that Have Occurred or are Public TrustsName of Public ToThe Registrar of Public	e Desired named 951 (XXX
Nature of change	Reasons for the change	Remarks, if any	
(1)	(2)	(3)	
TrusteesVerification and the contents of ptrue.Signed this the Applicant/Applicant District	Verified that the contents paragraphare because 19at. cants.Form VII(See Rule 7 Public Trust Registered in	Signature and address of the Working of paragraphs are true to my/our personal keased upon information received and believeSignar) Register Relating to Immovable Properties in Other Districts of trustees and managers, with their address of trustees and managers.	nowledge, d to be ture of Situate in
Office of Registration (5)	Full particulars and approin this district (6)	oximate value ofimmovable property situate	Remarks
•	8)Register of Decision of Courte of public Name of Courte (3)	Court Relating to the Public Trust rt Date of Decision (4)	
Date of receipt of co Registrar	py by the Nature of decision	on Date of correction of entries, if any, in theRegister of Public Trusts.	
(5)	(6)	(7)	
Form IX[See Rule 11 Disbursement for th Receipts Disbursem	e year19	rustStatement of the Receipt and	

Rs	. p. Rs. p.						
	From	On					
A.	immovable	immovable					
	property-	property-					
	(i)	Lands-	(i)	Lands-			
						Cost of	
		(a)	Produce-		(a)	cultivation	
		(a)	110duce-		(a)	(Paid and	
						Due).	
			Lease-money			Land Revenue	
		(b)	(received and		(b)	or rent (Paid	
			Due).			and Due).	
		(c)	Other income				
	(ii)	Houses	(ii)	Houses-			
			Rent				
			(Received and			(a)	Maintenance
			Due)				
							Rates and
						(b)	taxes (Paid
							and Due).
	From		_	Relating to			
В.	movable		В.	the objects of			
	property-			the Trust-			
		Interest on			Remuneration		
	(i)	deposits		(i)	to a trustee or		
	(i)	(Received		(1)	manager (Paid and		
		and Due).			Due).		
		Interest on			Establishment		
		securities			and staff		
	(ii)	(Received		(ii)	(Paid and		
		and Due).			Due).		
					(***)	On religious	
					(iii)	objects	
					(:)	On charitable	
					(iv)	objects	
						On	
						acquisition of	

(v)

new property (Paid and Due).

								(vi)		Miscellaneou	S
C.	Other incommon (i) (ii)		C.		Other expenditure Donations Offerings						
	(iii)				Miscellaneous	D.		Invest made-			
D.	from	ndrawals n stments-									
	(i)				Deposits			(i)		Deposits	
	(ii)				Securities			(ii)		Securities	
	Sale	of			Purchase of						
Ε.		ovable erty-	E.		immovable property-						
	(i)		Lands			(i)		Lands			
	(ii)		Buildin	gs		(ii)		Buildi	ngs		
	Sale	of			Purchase of						
F.	mov prop		F.		movable property						
G.	Othe	er items ny)	G.		Other items (if any)						
			Opening balance	_			sing anceTotal				
					ic Trust	_				_	
yea	ar	1	9								
In	come		Exp	enditu	re						
		Rs. p.	Rs.	P-							
		From			On						
A.		immova property			immovab property-						
		(i)	Lan	ds-	(i)		Lands-				
			(a)		Produce-		I	(8	n)	Cost of cultivation (Paid and Due).	
			(b)		Lease-mo (Received and Due).	l			(b)	Rent (Pa and Due	

		(c)	Other income				
	<b>.</b>		(ii)	Houses-	(ii)	Houses-	
	Rent (Received and Due)		(a)	Maintenance			
	and Due)					(b)	Rates and taxes (Paid and Due).
В.	From movable	В.	Relating to the objects of the Trust				
	property-	Interest on	tne Trust	Remuneration			
	(i)	deposits (Received and Due).	(i)	to a trustee or manager (Paid and Due).			
	(ii)	Interest on securities (Received and Due)		(ii)	Establishment and staff (Paid and Due).		
				(iii)	On religious objects		
				(iv)	On charitable objects		
				(v)	On acquisition of new property (Paid and Due).		
				(vi)	Miscellaneous		
C.	Other income-	C.	Other expenditure				
	(i)	Donations					
	(ii)	Offerings					
Dated	(iii)	Miscellaneous		Sionature	of the Manager	r/Working	
		e Rule 13 (2)]Na					•••••
	and Liabilitio		Assets				
Rs. P.			Rs. P.				

Trust Fund or Corpus-Balance as per last balance sheet.

ofvaluation)

Adjustment during the year (give details).

Additions or deductions (including those for depreciations), if any, during the year.

Immovable properties (suitably classified giving mode

Other earmarked funds (created under theprovisions of thetrust-deed or scheme or out of the income)-

Investments (suitably classified, giving mode of valuation).\*

Depreciation fund, Sinking fund,

Furniture and fixture.

Reserve fund, Any other fund

Balance as per last balance sheet

Loans (secured or unsecured).

Additions or deductions (including those for depreciations), if any, during the year.

From trustees

From others

Loans (secured or unsecured) Good/Doubtful

For expenses

Liabilities

For advances

Loan scholarships

For rent and other deposits

Other loans

For sundry credit balance

Advances

Income and expenditure account.

to trustees

to employees to contractors

Balance as per last balance sheet

to lawyers to others

Less appropriation, if any

Income outstanding-\*Rent

Add/Less : Surplus or deficit as per

Interest

Other Income

Income and Expenditure Account.

Cash and bank balance-

(a) In current account or fixed deposit

accountwith..... (give names of bank and

state inwhose name the account stands).

(b) With the Trustee (give name)

(c) With the Manager (give name)

Total Total

\*Market value as on the date of the Balance Sheet should be also given by way of note. Particulars of investments in concerns in which the trustees are interested shall be given separately byway of a note.

The above Balance Sheet to the best of my/our belief contains a true account of the Funds and Liabilities and of the Property and Assets of the Trust.

As per our report of even date.

Dated at19	
Manager/Working Trustee.	Chartered AccountantAuditors.
*In case the accounts are maintained on cash basis, state XII[See Rule 13 (2)]Name of Public TrustInc	
ending19	•
Expenditure	Income
Rs. P.	Rs. P.
Expenses in respect of properties-	By rent (accrued)/(realised)*
Rates, taxes, cesses	By Interest (accrued)/(realised)*
Repairs and maintenance	On securities
Insurance	On loans
Salaries	On bank accounts
	By dividend
Depreciation (by way of provision or adjustment)	By donations in cash or kind
Other expenses-	By Grants
Establishment expenses	By income from other sources
Remuneration to trustees	(in detail as far as possible).
Remuneration (in the case of math)	By transfer from Reserves
to the head of the math, including his household	
expenditure, if any.	
Legal expenses	By deficit carried over to balance sheet
Audit fees	
Contributions and fees	
Amounts written off-	
(a) Bad debts	
(b) Loan scholarships	
(c) Irrecoverable rents	
(d) Other items	
Miscellaneous expenses	
Depreciation	
Amounts transferred to Reserve of specific funds.	
Expenditure on objects of the Trust.	
(a) Religious	
(b) Educational	
(c) Medical Relief	

(d) Relief of poverty

(e) Other cha	ritable objects								
Surplus carrie	ed over to balance sl	heet T	otal	As p	er our report of				
even date.Dated at19									
AccountantsAuditors.Manager/Working Trustee*Strike off whichever is not applicable.Form									
XIII[See Rule 15]Name of the Public TrustBudget Estimate of Probable Receipts and									
Expenditure f	Expenditure for the year19								
Receipts	Expenditure								
Heads of	Average of last	Provision for	Heads of	Average of last	Provision for				
Receipts	three years	the year	expenditure	three years	the year				
(1)	(2)	(3)	(4)	(5)	(6)				
Dated the	19	Sig	nature of Manage	eror Working trus	tee.				