

The Charitable Endowments (Punjab) Rules, 1942

PUNJAB

India

The Charitable Endowments (Punjab) Rules, 1942

Rule THE-CHARITABLE-ENDOWMENTS-PUNJAB-RULES-1942 of 1942

- Published on 25 August 1942
- Commenced on 25 August 1942
- [This is the version of this document from 25 August 1942.]
- [Note: The original publication document is not available and this content could not be verified.]

The Charitable Endowments (Punjab) Rules, 1942 First published in Punjab Government Gazette, - vide Home Department (General), Notification No. 3952-M-42/46268, dated 25th August, 1942 Home Department General No. G.S.R. 10/C. A.6/1890/Section 13/66, dated 18 January, 1966. - The following rules as amendment up to 14th January, 1966, are republished below for general information :-

1. Short Title.

(1) There rules may be called the Charitable Endowments (Punjab) Rules, 1942. (2) They apply to Charitable Endowments the objects of which do not extend beyond the Punjab or are objects to which the executive authority of the [State] [Substituted for the word 'provincial' by the Adaptation of Laws Order, 1950.] Government extends.

2. Interpretation.

- In these rules - (a) "The Act" means the Charitable Endowments Act, 1890; (b) "Form" mean a form appended to these rules; (c) "Treasurer" means the Treasurer of Charitable Endowments for the Punjab 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.

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] [Substituted for the word 'provincial' by the Adaptation of Laws Order, 1950.] Government

otherwise directs, be previous publication of the proposed vesting order or scheme or modification.

4. Mode of previous publication.

(1) Unless the [State] [Substituted for the word 'provincial' by the Adaptation of Laws Order, 1950.] Government is of opinion that a proposed vesting order or 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 or 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] [Substituted for the word 'provincial' by the Adaptation of Laws Order, 1950.] 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] [Substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government. (4) The [State] [Substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] 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 cost 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 order 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] [Substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government so directs, may be paid by him out of any money in his possession pertaining to the trust to which his application relates.

6. Securities which may vest in the treasurer.

- No, securitised for money except the securities mentioned in clauses (a), (b), (bb), (c) and (d) of section 20 of the Indian Trusts Act, 1882 (II 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 caused to be entered full and true accounts of all money received and paid respectively on account of the trust, and shall, on the demand of the [State] [Substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] 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] [Substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may prescribe, an abstract of those accounts and such returns as

to other matters relating to the administration of the trust as the [State] [Substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] 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] [Substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government in respect of any property vested under the act in the Treasure :- (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 cases of securities, for money, at the rate of one Naya paise for every rupee of interest collected, the fees shall be charged on interest by rounding of the amount to the nearest rupee, fractions of a rupee below 50 Naya paise being disregarded, and 50 Naya paise or more being reckoned as one rupee.] [Substituted, - vide Health Department Notification No. 2800- S/2019-Ch-4 HB-II-57/33626, dated the 20th/30th April, 1957.] (2)The treasurer may deduct any fees payable to the [State] [Substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government under this rule on account of any endowment from any money in his hands on account of such endowment. If he holds no such moneys the amount shall be claimed from the administrator of the endowments.

9. Vesting order how filed.

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

10. Registers of Securities.

- On the receipt of any security for money, or on their purchase by himself, the Treasurer shall record their receipt in a registrar in Form 1. He shall also keep a separate account for each endorsement 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 II of Form 2, the Treasurer shall record all transactions such as the payments of the money to the administrator, or the transactions of such payment which the treasurer may make on the written request of the Administrator of the fund.] [Substituted, - vide Home Department (Judicial), notification No. 3780-5J-60/13779, dated 29th April, 1960, for the words, figures and brackets 'In the cash account in Part II of Form 2 of the Treasurer shall record only his own transactions (such as the payment of the money to the administrators and not the transactions of the administrators of the endowment funds.)'.]

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 [or with such scheduled bank as may be convenient to him and safer. The Treasurer shall procure a certificate from the bank annually with regard to the securities lying with it and shall tally the same with his own record. The Treasurer may in turn pay such nominal charges in the bank which the bank may demand for rendering the above services and for realisation of interest on behalf of the Treasurer] [Inserted by Punjab Government, Home (Judicial) Department Notification No. 3780-5-J60/13779, dated the 27th April, 1960.]. After conversion, entries shall be made in the Treasurer's 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 maintainable in Form 8.

13. [Accounting of Interest. [Substituted by Punjab Government, Home (Judicial) Department Notification No. 3780-5-J-60/13779, dated the 27th April, 1960.]

- The Treasurer on receipt of any interest on securities shall pass it through the general cash-book and other relevant registers and shall credit the amount in the respective personal ledger accounts of each endowment. He shall make disbursements to such person or persons as is advised by the Administrator of the endowment. He may make payment by means of cheque, draft, R.T.R. or money order, whichever is considered convenient. Monthly total balance shall be prepared by the Treasurer and the cash balance shall be tallied with the total balance shown in the ledger.]

14. Balance Sheet.

- The register in Form I 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. 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 on the 15th June of each year.

16. Register of property other than Security.

- 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.

17. 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 acknowledgments of 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 acknowledgments.

18. Audit.

- Arrangements for the annual audit of the Treasurer's accounts shall be made by the Accountant-General, Punjab, in the Local Audit Department.