

## **The Rajasthan Public Trust Rules, 1962**

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In exercise of the powers conferred by Sub-section (1) read with Sub-section (2), of Section 76 of the Rajasthan Public Trusts Act, 1959 (Rajasthan Act 42 of 1959), the State Government hereby makes the following rules, the same having been previously published:—

### **PART I** ***Preliminary***

**1. Short title and commencement.**— These rules may be called *The Rajasthan Public Trust Rules, 1962*.

(2) On and from the date on and from which, and to the extent to which any chapter of the Act commences to apply such of these rules ad relate to such chapter shall commence to apply.

**2. Definitions.**— In these rules, unless the subject or context otherwise requires:—

- (a) "**Act**" means the Rajasthan Public Trusts Act, 1959 (Rajasthan Act No.42 of 1959);
- (b) "**budget**" means a statement of the estimate of receipts and expenditures of a public trust;
- (c) "**balance sheet**" the budget balance sheet of a public trust;
- (d) "**Committee of management**" means a Committee appointed under Chapter X of the Act;
- (e) "**Form**" means a form appended to these rules
- (f) "**fee**" means a fee levied under these rules;
- (g) "**region**" means the local limits of the area in which the Assistant Commissioner has jurisdiction;
- (h) "**Secretary**" means a secretary of the Rajasthan Public Trusts Board or of the Regional Advisory Committee appointed by the Government as such;
- (i) "**section**" means a Section of the Act;
- (j) "**year**" means the Financial Year beginning on the first day of April and ending on the 31st March following.

### **PART II** ***Rules to give effect to the provisions of Section 10***

**3. Regulation of service conditions.**— The conditions of service of all the officers, Inspectors, other sub-ordinate officers and servants who are appointed under the Act shall be regulated and governed by the Rajasthan Service Rules for the time being in force.

### **PART III**

***Rules to give effect to the provisions of:—***

- section-11 (1) and (5)
- section-12 (1)(d)
- Section-13 (I) and (5)
- Section-14(2)

Section-15(1).

**4. Composition of Advisory Board.**— The Rajasthan Public Trust Board shall consist of 21 members representing each interest as shown below:—

Interests			Members.
(1)	Hindus		19
	(a) Jains	4	
	(b) Sikhs	1	
	(c) Other Hindus	14	
(2)	Christians		1
(3)	Zoroastrians		1
Total =			21

**5. Functions of the Board.**— In addition to the functions prescribed in clauses (a), (b) and (c) of Sub-section (1) of Section 12 the Board shall tender advice to the Commissioner on such matters as are referred to by him for eliciting the views of the Board.

**6. Travelling and other allowances for Chairman and members of the Board.**— [(1)

(2) Except the journey undertaken for attending meetings of the Board no journey shall be undertaken by the Chairman or any members, without the permission of the State Government or such other officer as is authorised by the Government in this behalf.]

(3) [xxx]

**7. Composition of Advisory Committee.**— A Regional Advisory Committee shall consist of 21 members representing each interest in the region as shown below:—

Interests			Members.
(1)	Hindus		19
	(a) Jains	4	
	(b) Sikhs	1	
	(c) Other Hindus	14	
(2)	Christians		1
(3)	Zoroastrians		1
Total =			21

**8. Travelling and other allowances for the Chairman and members of the Reg. final Advisory Committee.** —

**9. Additional functions of Regional Advisory Committee.**— Subject to Sub-rule (2) of Rule 6 the Chairman and such members of a Regional Advisory Committee as represent the interest to which a public trust pertains may visit any place connected with such trust for purposes of any spot inquiry or inspection.

**10. Manner of conduct of business of the Board.**— Meetings and procedure

(i) The Board shall ordinarily hold its meetings at the headquarters of the Commissioner at such intervals as the Chairman directs or upon the written request of at least 2/3rd of the whole number of its members:

Provided that there shall be held at least two meetings in a year at reasonable intervals.

(ii) The date, time and place of each meeting of the Board shall be fixed by the Chairman and shall be communicated by the Secretary of the Board to the members at least three weeks, before the date so fixed.

(iii) For every meeting the Secretary shall prepare an agenda under the instructions of the Chairman and circulate it to members before the commencement of the meeting.

(iv) The Chairman may, at his discretion allow any question or discuss any time consistent with the Act and rules thereunder which he deems proper at the meeting without prior notice.

(v) All relevant record and other necessary information connected with the matters under discussion in the agenda shall be supplied before the commencement of the meeting by the Commissioner.

(vi) (a) In the cases which have been referred by the Assistant Commissioner to the Board under Sub-section (2) of Section 12, the Board shall directly communicate its decision to him.

(b) In other matters, the Board may communicate its views to the State Government which may take action as it deems proper.

(vii) Ordinarily the Chairman shall preside over the meetings of the Board but when he is unable to attend, the members of the Board present, shall elect one from amongst themselves to preside over such meetings of the Board.

(viii) The Chairman shall sign all letters, memoranda and communications on behalf of the Board and dispose of day to day routine work and by a general or special order authorise in writing the Secretary to sign such communications as he deems proper.

(ix) For the purpose of meeting of the Board one third of the whole number-of its members shall constitute the quorum. If there is no-quorum the meeting shall be postponed to some other date.

(x) A member shall not take part in discussion and give his vote or express his views if the matter of dispute relates to the Trust in which he is personally concerned in one way or other.

(xi) Every decision of the Board shall be taken by a majority of the members present and in case of equality of votes, the Chairman shall have a second vote.

**11. Manner of conduct of business of the Regional Advisory Committee-meetings and procedure.**— (i) The Secretary of the Regional Advisory Committee shall, under the

instructions of the Chairman, call its meeting whenever deemed necessary, at the headquarters of the Assistant Commissioner of the region:

Provided that there shall be held at least two meetings in a year at reasonable intervals.

(ii) The Chairman of the Committee shall preside over such meeting. In case the Chairman is absent, the member present may elect one from amongst themselves to preside over the meeting.

(iii) The Committee shall, after due consideration and discussion, communicate its advice to the Assistant Commissioner in writing together with the dissenting note, if any.

(iv) The Secretary shall inform the members and the Chairman .( for the meeting well in advance and also forward the agenda, date, time and place for such meeting with the approval of the Chairman.

(v) All relevant record and information connected with the matter under reference for advice to the Committee shall be placed by the Assistant Commissioner at the table of the Committee before the commencement of the meeting,

(vi) One-third of the whole number of the members of the Committee shall constitute quorum for a meeting. If there is no quorum the meeting shall be postponed to some other date. All decisions shall be taken by the majority of the members present and in case of equality of votes, the Chairman shall have a second vote.

(vii) The Chairman shall sign all letters memoranda and communications on behalf of the Committee and dispose of day to day routine work if any and may authorise the Secretary in writing to sign and dispose of such papers as he deems proper.

**12. Disqualifications for members of the Board and the Regional Advisory Committees.—**

A person shall be disqualified for appointment as or for being a member of the Board or Committee, If he

(a) is less than twenty-one years of age, or

(b) is convicted by a criminal court of any offence involving moral turpitude, or (c) is of unsound mind and is so declared by a competent court, or

(d) is an un-discharged insolvent, or

(e) is found guilty of misconduct, or

(f) ceases to profess the religion or persuasion which he represents at the Board or Committee,

(h) is illiterate, or

(g) is otherwise unfit.

**13. Removal of Chairman and members of the Board or the Committee.**— If it appears to the State Government that the Chairman or a member of the Board or committee has incurred any of the disqualifications specified in rule 12 or has contravened any provision of the Act or rules, thereunder or refuses to act or is incapable of acting or failed without sufficient excuse to attend three consecutive meetings of the Board or Committee as the case may be, the State Government may after giving such Chairman or member an opportunity of showing cause and after consideration of any cause so shown, remove him from his office and the decision of the State Government shall be final.

**14. Resignation of the Chairman and members of the Board or Committee.**— The Chairman or any other members of the Board or Committee may resign his office by writing under his hand addressed to the State Government.  
 Provided that such Chairman or members shall continue to hold office until the appointment of his successor is notified in the Official Gazette.

**15. Staff of the Board and the Regional Advisory Committee-For Board.**— (1)(a) The Board shall be provided with a Secretary who shall be appointed by the State Government.

(b) The Commissioner shall place such other staff at the disposal of the Board from his Department as is considered necessary by the Board for the efficient performance of its functions under the Act.

(c). The expenditure incurred on such staff, T. A. and D. A. and other recurring and non-recurring expenditures of the Board shall be met out of the Budget of the Commissioner's office under the Head "Board Expenditure."

**For Regional Advisory Committee—**

(2) The Regional Advisory Committee shall be provided by the State Government with a Secretary and such other subordinate and class FV servants as the Government may by order fix for Regional Advisory Committees and they will be provided with a separate Budget for the purpose.

**PART IV**

*Rule to give effect to the provisions of : Section - 17 (3) and (4), Section - 16 (2), Section - 18(1) and (2), Section - 23(1) and (2), Section - 24 Section - 25(2)*

**16. Maintenance of Registers and Books by Assistant Commissioners.**— In connection with the registration of public trusts, the Assistant Commissioner shall maintain the following registers and books in the forms shown against each:

1. Register of Public Trust.	Form 1
2. Register of decisions received from the Commissioner	Form 2
3. Register of decision of Courts communicate to the Assistant Commissioner	Form 3
4. Register of Changes.	Form 4
5. Book relating to immovable property situated in the region belonging to a public trust	Form 5

registered in another region.	
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**17. Application for Registration.**— (1) The application for registration of a public trust in addition, to the particulars specified in Clauses (i) to (ix) of Sub-section (4) of Section 17 shall contain the following particulars, namely:—

- (i) other sources of income,
- (ii) particulars of encumbrances, if any, on Trust Property,
- (iii) particulars of title pertaining to the Trust Property and instrument of Trust (if such instrument has been executed and is in existence) and the names of the Trustees in possession thereof,
- (iv) particulars of scheme, if any, relating to Trust.

(2) The application shall be in Form 6.

**18. Registration fee.**— The fee to accompany the application shall be in cash and of the following amount:—

(1)	When the value of the property of a public trust does not exceed Rs. 1000/-	Rs. 1/-
(2)	When the value of the property of trust exceeds Rs. 1.000/- but does not exceed Rs. 3000/-	Rs. 2/-
(3)	When the value of the property of the public trust exceeds Rs. 3.000/- but does not exceed Rs. 5000/-	Rs. 3/-
(4)	When the value of the property of the public trust exceeds Rs. 5,000/-	Rs. 5/-

The fee shall be credited to the Consolidated Fund of the State.

**19. Certification of Registration.**— When a public trust is enrolled in the register of public trusts, a certificate in the following form shall be issued to the Trustee in token of registration. Such certificate shall be signed by the Assistant Commissioner in charge of registration and shall bear the office seal.

**Form of Certificate**

It is hereby certified that the Public Trust described below has this day been duly registered under the Rajasthan Public Trusts Act, 1959 (42 of 1959).

At the office of the Assistant Devasthan Commissioner.....	
Name of the Public Trusts .....	
Number in the register of Public Trusts .....	
Certificate issued to .....	
Given under my hands this ..... day of ..... 197. ....	
SEAL	
	Signature.....
	Date .....

**20. Manner of Enquiry for registration of Public Trusts.**— (1) On receipt of an application under Section 17 or upon an application made by any person having interest in a Public Trust, or on his own motion, the Assistant Commissioner shall:

(a) fix a date for submitting objections by giving a public notice of the enquiry and invite all persons having interest in the Public Trust under enquiry to prefer within 60 days, objections, if any, in respect of such Trust.

(b) on the date fixed for such objections if objections are preferred from any person having interest in the Public Trust receive them and on that date or on any subsequent dates he may frame issue and take the necessary evidence produced by the applicant and persons who have preferred objections.

(c) after giving them further opportunity to rebut their evidence make any further enquiry as he may deem necessary.

(d) in case no objections are preferred within the prescribed period, hold the enquiry ex-parte, and

(e) on completion of the inquiry, record his findings with reasons thereof as to the matters under enquiry.

(2) **Appearance.**—In any inquiry a party may appear in person or by his recognised agent or by a legal practitioner duly appointed to act on his behalf:

Provided that any such appearance shall, if the Assistant Commissioners so directs, be by the party in person.

(3) **Mode of serving summons.**—(a) Summons for attendance of any person whether a party or witness at an inquiry or other proceedings shall be served through post or process server.

(b) The summons shall be deemed to have been duly served on the person summoned;

(i) if it is sent by registered post and an acknowledgement or refusal thereof has been received, or

(ii) if it is affixed at a conspicuous place in the house or locality in the presence of two witnesses on the refusal of acceptance by the concerned person, or

(iii) if it is published in a newspaper having circulation in the locality.

(c) No summons for the attendance of any witness shall be issued at the instance of a party to an inquiry or other proceedings under the Act, unless the party first deposits with the Commissioner or Assistant Commissioner as the case may be, such sum as in his opinion is sufficient to defray the cost of travelling and other allowance payable to such witnesses.

(4) **Return of Documents.**—(a) Any person desirous of receiving back any document produced by him at the inquiry shall unless the document has been impounded, be entitled to receive back the same if the proceeding is one in which the order made is not liable to be questioned by a suit in a court or if the time for filing the suit has elapsed without the suit having been filed, or when a suit having been filed has been disposed of:

Provided that a document may be returned at any time earlier than that prescribed by this rule if the person applying therefor delivers to the Assistant Commissioner or Commissioner as the case may be, a certified copy to be substituted for the original and undertakes, to produce the original, if required.

(b) An application for the return of document shall give the date and description of the document, the number of the proceeding in which and the date on which it was produced and the exhibit mark it bear, and on the return of a document, a receipt shall be given by the person receiving it.

(5) **Allowances to witnesses.**—(a) Allowances payable to witnesses summoned for any inquiry or other proceedings under this Act shall vary according to the status and circumstances. The Commissioner and Assistant Commissioner as the case may be, shall use their own discretion in fixing up the amount of payment to such witnesses.

(b) The local witnesses may be paid conveyance allowance only which shall not exceed Rs. 1/- and shall not be lower than 50 np.

(c) Outside witnesses may be paid reasonable amount of actual travelling and diet expenses.

**21. Manner of Public notice for proposed inquiry.**— (1) The Assistance Commissioner shall give a public notice of the inquiry proposed to be made under Subsection (1) of Section 18 in Form 7 to:

(a) the parties to the inquiry.

(b) the trustees of the Trust.

(2) A copy of such notice shall be published by affixure on the notice board of the office of the Assistant Commissioner and in the locality on a conspicuous place where the trust property in question is situate. Such publication be deemed to be sufficient intimation to persons having any interest in the trust property.

(3) Where the trust property is situate in a city or more than one district, a copy of the notice shall also be published in a newspaper having circulation in the locality or in the Rajasthan Gazette.

**22. Form and manner in which working trustee is to report changes.**— (a) The working trustee shall within the prescribed period report the occurred changes or proposed change of entries to the Assistant Commissioner in Form 8.

(b) The Assistant Commissioner shall, after necessary inquiry if any shall cause the entries to amended in accordance with the finding recorded in the register Form No.4.

**23. Further inquiry by Assistant Commissioner.**— If as provided in Section 24 it appears to the Assistant Commissioner that a "particular" relating to any public trust which was not the subject matter of the inquiry under Section 18 or Sub-section (2) of Section 23 has remained to be enquired into he may conduct further inquiry in the same mariner as provided for in the rules



for making first inquiry under Sub-section (1) of Section 18 and record his findings and make or amend entries in the register in accordance with the decision arrived at.

**24. Book of Entries under Sub-section (2) of Section 25.**— The Book in which the particulars of the entries or amended entries are required to be entered under Sub-section (2) of Section 25 shall be kept in Form 5.

## **PART V**

### *Rules to give effect to the provision of Section 31(2)*

**25. Application for previous sanction for certain transfers of trust properties.**— (1) Every application for sanction under Sub-section

(2) of Section 31 shall contain information on the following points:—

- (i) reasons for transfer,
- (ii) how is the proposed transfer in the interest of the public trust,
- (iii) in the case of lease, the term of past lease, if any,
- (iv) whether instrument of trust contains any direction as to the transfer of such immovable property.

(2) Such application shall be in Form 9.

## **PART VI**

### *Rules to give effect to the Provisions of:—*

Section-32.

Section- 33 (2), (3) and (5).

Section-35 and 36.

**26. Maintenance of accounts.**— The working trustee or manager of a public trust which has been registered under the Act shall maintain regular accounts in Forms 10 and II in which the particulars of all the movable and immovable properties shall be entered.

**27. Manner of annual audit of accounts.**— The trustee shall get the accounts audited annually by an auditor, who shall prepare a report relating to the accounts audited which shall in addition to information required by Sub-section (2) of Section 34 also contain the following particulars:—

- (1) (a) whether accounts are maintained regularly and in accordance with the provisions of the Act and rules made thereunder;
- (b) whether receipts and disbursements 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 the accounts;
- (d) whether all books, deed, accounts, vouchers or other documents or records required by the auditor were produced before him;
- (e) whether an inventory certified by the manager or working trustee, of the movable 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 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 amount of outstanding for more than one year and the amount written off, if any;

(i) whether tenders were invited for repair or construction involving expenditure exceeding Rs. 100/-;

(j) whether quotations were invited for the purchases of articles exceeding Rs. 100/-;

(k) whether any money of the public trust has been invested contrary to the provisions of the Act;

(l) alienation, if any, of the immovable property contrary to the provisions of the Act which have come to the notice of the auditor;

(m) any special matter which the auditor may think fit or necessary to bring to the notice of the Assistant Commissioner.

**28. Time for audit and submission of audit report.** — (1) The trustee shall get the accounts audited within six months of the date of balancing the accounts.

(2) In the office of the Assistant Commissioner, there shall be maintained a register of the audit reports received under Section 34 in Form 12.

**29. Power for audit.**— For the purpose of audit, the Assistant Commissioner may, whether of his own motion, or at the request of the auditor:—

(1) require any trustee, to produce before the auditor of any book, deed, account, vouchers, or other document or record necessary for the proper conduct of audit;

(2) require any trustee or any person having the custody or control of, or accountable for, any such book, deed, account, vouchers or other document or record to appear in person before the auditor;

(3) require any trustee or any such person to give the auditor such information as may be necessary for the aforesaid purpose;

(4) require any 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 and such information as may be necessary regarding the same.

**30. Fee for special audit.**— (1) The fee for special audit under Sub-section (5) of Section 33 shall be fixed by the Assistant Commissioner according to the circumstances of each case:

Provided that in no case shall such fee exceed two and half per cent of the gross annual income of the public trust or be less than Rs. 25/-.

(2) Before a special audit is directed under Sub-section (4) of Section 33 the Assistant Commissioner may require the manager or working trustee concerned or the person moving the Assistant Commissioner for such special audit to deposit such amounts as would in the opinion of Assistant Commissioner be sufficient to meet the cost thereof.

(3) If such fee is required to be paid by a manager or working trustee, it shall be paid from the funds of the trust.

**31. Budget.**— The working trustee of every public trust, the gross annual income of which exceeds thirty-six hundred rupees shall prepare and submit before the 31st December, in each-year, a budget in Forms 13 and 14 showing the estimate receipts and expenditure of the trust during the next financial year.

**32. Inspection and copies.**— (1)(a) Any person having interest in a public trust may apply to the Assistant Commissioner specifying such information as may be necessary for identifying the document which is open to inspection under Section 36 and shall be allowed to inspect any such document on payment of a fee at the rate of one rupee per hour for each document to be inspected.

(b) Such inspections shall be allowed during the office hours only subject to such supervision as the Assistant Commissioner may in each case direct.

(2) (a) The fee for the supply of the certified copies of the document which are open to inspection shall be four annas for every 100 words or fraction thereof.

(b) Stamp paper will be supplied by the applicant.

(c) Ordinarily the copies shall be given within a week.

(d) In urgent cases, the copies may be given within 24 hours on payment of double fees, provided the matter may not be lengthy as to cover more time.

## PART VII

### *Rules to give effect to provisions of:— Section-47(1), Section-49(2)*

**33. Returns and statements.**— The working trustee of a public trust shall furnish to the Assistant Commissioner the following returns and statements on the date mentioned against each.

1	Statement of yearly investment	Yearly	1st April each year
2	Statement of recovery of loans, debts and advances etc.	Six monthly	15th October and 15 April each.
3	Statement of income from rent of properties	Yearly	These statements shall be submitted by those trusts whose gross annual income exceeds Rs. 3600/-
4	Statement of Bhets to trust	Six monthly	
5	Statement of income and expenditure of the public trust	Yearly	
6	Statement of payment of dues and debts Yearly Six monthly	Six monthly	

**34. Manner of holding inquiry under Section 49(2).**— If the Assistant Commissioner finds that there is a *prima facie* case for an enquiry under Section 40, he shall:—

(a) fix a date for the inquiry and cause a notice to be served on the trustee or any other persons concerned to appear on the date fixed;

(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 make further inquiry as he may deem necessary; and

(c) on completion of the inquiry, record his findings and the reasons thereof, under sub-section(2) of Section 49.

## **PART VIII**

### ***Rules to give effect to the provisions of:— Section-53 (3) and (5), Section-65***

**35. Conditions and restrictions in respect of acquisition and disposal of property by Committee of management.**— Subject to the directions in the instrument of the trust or any direction given by the court or any provisions of the Act or any other law, the Committee of Management shall not

(a) mortgage any immovable property exceeding Rs. 2,000/- in value without the permission of the Devasthan Commissioner,

(b) dispose of any immovable property exceeding Rs. 2,000/- in value; otherwise than by public auction; or

(c) acquire any immovable property exceeding Rs. 2,000/- in value without sanction of the Devasthan Commissioner:

Provided that the Committee of management for such public trust which vests in the Government or which is maintained at the expenses of the Government or which is managed directly by the State Government or which is under the superintendence of the Court of Wards shall exercise only such powers with respect to the above matter which the State Government may, by order, delegate.

**36. Manner of ascertaining the wishes of persons interested.**— (1) For the purpose of ascertaining the wishes under Sub-section (5) of Section 53, of the persons interested, the State Government shall direct the Assistant Commissioner in issue a public notice in such manner as he may think proper, for inviting suggestions for the constitution of the committee of management.

(2) The Assistant Commissioner shall forward suggestions so received along with his comments, to the State Government through the Commissioner.

**37. Meeting of and procedure for committee of management.**— (i) A Committee of management shall meet at least once in a month to discuss the affairs of the Trust.  
(ii) For the purpose of a meeting, one-third of the whole number of members shall constitute quorum. If there is no quorum the meeting shall be postponed to the next date.  
(iii) The decisions of the committee of management shall be recorded in writing with signature of the Chairman appeared thereto and such decisions shall form the record of the committee. The committee shall take all measures to implement their decisions.  
(iv) The committee of management may, in writing, delegate all or any of their powers to the Chairman or any other member for conducting and facilitating the day today work of the trust.  
(v) The Chairman shall be authorised to sign all letters and memoranda on behalf of the committee of management and carry out day to day business.

(vi) The Chairman of the committee of management shall in advance; inform the members about time, date and place for meeting alongwith the agenda, if any. It shall be incumbent upon the Chairman or the members of the committee of management to attend at least 50% of the meetings in a year.

**38. Allowances to hereditary Trustees.**— While determining and fixing the amount of allowances payable to any hereditary trustee of a public mist, the State Government shall also take into consideration the liabilities and other expenses of the trust, the net income thereof and the allowance received by such trustee in the past; Provided no such allowance shall exceed 15 per cent of the gross income.

## **PART XI**

### ***Rules to give effect to the provisions of Section 66***

**39. Election of member of a committee under Section 66(2).**— For the purpose of constituting a committee, under Sub-section (2) of Section 66, the persons engaged in trade or business concerned in different towns charging or collecting Dharmada shall be called by the Assistant Commissioner of the region by giving a public notice of atleast fifteen days, and such persons shall in the presence of the Assistant Commissioner elect by show of hands one of the members as a Chairman of the committee.

**40. Statement of Dharmadaaccount.**— The person charging or collecting Dharmada shall within 3 months from the close of his yearly accounts submit the account of Dharmada in Form 15

**41. Inquiry and audit.**— The Assistant Commissioner may for the purpose of verifying the correctness of the account of Dharmada under Sub-section (4) of Section 66, hold enquiry by calling the books of accounts of persons charging or collecting Dharmada and if he, thinks necessary, have them audited by any person whom he may appoint in this behalf and direct the expenses of such audit to be paid out of such account.

A register of Dharmada in his region shall be maintained by the Assistant Commissioner in Form 16.

## **PART X**

### ***Rules under Section 76 (2)(m)***

**42. Prescription of the form of appeals and the fees.**— (1) Every appeal under the provisions of the Act shall be preferred in the form of memorandum signed by the appellant or his pleader. The memorandum shall set forth concisely and under distinct head the grounds of objections to the finding or order appealed from without any argument or narration and such grounds shall be numbered consecutively.

(2) Such appeal shall be sent to the appellate authority either by registered post, or presented in person, or by a pleader within the period prescribed for such appeal and shall be accompanied with

- (1) a 'certified copy of the finding or order appealed from;
- (2) as many copies of the memoranda of appeal as are required for service upon parties whose rights or interest will be affected by any order that may be passed in such appeal.
- (3) The appellant shall deposit into the office of the appellate authority the cost of serving notice on all respondents at the rate of annas four per respondents.
- (4) The appeal shall be stamped with the court fee of

**FORM NO. 1**  
(See Rule 16)  
**Register of Public Trust**

Sr. No.	Name of the Trust	Name of the Trustee and Managers with their addresses	Mode of succession to Trusteeship and Managership	Objects of the Trust	Particulars of documents creating the Trust	Particulars other than documents about the origin or creation of Trust	Movable properties		Immovable			
							Movable property (entries regarding cash should be made if it forms part of the capitals of the Trust)	Its estimated value	Village where situated	Tenure	Survey	Area number or city Survey Muni number
1	2	3	4	5	6	7	8	9	10	11	12	13

**FORM NO. 2**  
(See Rule 16)  
**Register of Decision received from the Devasthan Commissioner**

Serial No.	Name and registered No. of Public Trust	Name of office	Date of decision	Date of receipt for the decision of the Devasthan commissioner
1	2	3	4	5

**FORM NO. 3**  
(See Rule 17)  
**Register of decision of Courts communicated to the Assistant Commissioner**

Serial No.	Name of Public Trust	Name of Court	Date of decision	Date of receipt in Assistant Devasthan commissioner's office	Nature of decision in brief	Order for action by Asst. Commissioner	Compliance report from the concerned clerk	Initials of the clerk	Remarks
1	2	3	4	5	6	7	8	9	10

**FORM NO. 4**  
[See Rules 16 and 22(b)]  
**Register of Changes**

Serial No.	Registered No. and name of public Trust	Date of Trustee's report (Enter 'Nil' if changes effected otherwise than on report)	Nature of changes sought in the register of Public Trust	Summary of order and the date thereof and the initials of the Asstt. Commissioner	Remarks
1	2	3	4	5	6

**FORM NO. 5**  
(See Rules 16 and 24)  
**Book for entering Particulars of entries or amended entries about immovable property situate in the region belonging to a Public Trust registered in another region**

Serial No.	Date	Name of public Trust	Name of the Trustee and managers with their addresses	Office of registration	Full particulars of properties situate in this Region as recorded in the Register of dispatching office.	Name of the office which has intimated with date and dispatch number	Remarks
1	2	3	4	5	6	7	8

**FORM NO. 6**  
[See Rule 17 (2)]  
**Application Form**

To  
The Assistant Devasthan Commissioner  
.....Region

In the matter of public trust..... I,.....working trustee..... of the above-named Public Trust, hereby apply under Section 17 of the Rajasthan Public Trust Act, 1959, for the Registration of the said Trust.

2. I submit the following necessary particulars:-

- (i) Origin (so far as known) nature and objects of the trust and the designation by which the trust is or shall be known,
- (ii) Place of principal office or the principal place of business of the public trust is situate,
- (iii) Names and addresses of working Trustee and the manager.
- (iv) Mode of succession to the office of the Trustee,
- (v) Details of movable property with estimated value of each class of such property.

*Note:—*(Entries be made by broad description of classes of such property e.g. furniture, books etc., rather than of each individual article. Entry regarding cash should be made only if such cash forms part of the capital of trust. In case of scrip give particulars of each Security, Stock, Share, and Debenture including the number it bears.)

- (vi) Details of immovable property showing the village, or town where situate alongwith municipal or survey Khasra No. area, assessment, description of the tenure on which held [attach certified copies of the entries in the record of Rights. City Survey Record or Municipal Record relating to properties (if available).

- 1.
- 2.
- 3.
- 4.

- (b) Estimated value of each immovable property.

- 1.
- 2.
- 3.
- 4.

- (vii) Other sources of income.

- (viii) Gross average annual income (from movable, immovable properties and other sources).

*Note:—*It should be based on the actual gross annual income during the three years immediately preceding the date on which application is made or of the period which has elapsed since the creation of the trust, whichever period is shorter and in case of a newly created public trust the estimated gross annual income from all sources.

- (ix) Average Annual Expenditure-(Estimated on the Expenditure incurred within the period to which the particulars under clause (viii) relate and in the case of a newly created public trust, the estimated annual expenditure).

- (a) on remuneration to trustee and manager.
- (b) on establishment and staff.
- (c) on religious objects.
- (d) on charitable objects.
- (e) on miscellaneous items.

- (x) Particulars of encumbrances, if any, on trust property.

- (xi) Particulars of title deeds pertaining to trust property and instrument of trust (if such instrument has been executed and is in existence) and the name of the trustee in possession thereof.

- (xii) Address of the manager or working trustee where communication be sent.

- (xiii) Remarks, if any.



Fees..... accompanies.  
Place.....  
Date.....

Signature of Working Trustee or Managers.

**FORM NO. 7**  
(See Rule 21)  
**Notice under Section 18(2) of Rajasthan Public Trusts Act, 1959**

Office of the Assistant Devasthan Commissioner

To  
All concerned  
(Name, description and residence)  
Whereas.....has filed an application for holding enquiry with respect to  
.....trust.....under Section 17..... of the Rajasthan Public Trust Act,  
1959.

Therefore, in exercise of the powers conferred by Sub-section (2) of Section 18 this notice is published for general information to all persons having interest in the said trust under enquiry to prefer within sixty days, from the date of issue of this notice, objections, if any, with respect to such trust.

Take further notice that if no objections are preferred within the above specified period the application will be decided in the prescribed manner and findings recorded for the subject matter of enquiry.

Give under my hand and the Seal of the office.  
this.....day of.....196.....

Assistant Devasthan Commissioner.

**FORM NO. 8**  
(See Rule 22)  
**Report of the changes or proposed changes to be recorded in the register of Public Trusts**

To  
The Assistant Devasthan Commissioner  
Registration No. and Name of Public Trust

Nature of changes	Reason of the changes	Remarks, if any
1	2	3
Date .....	Signature and address of the working Trustee or Manager	

**FORM NO. 9**

[See Rule 25(2)]

**Application for sanction of certain transfer of properties**

To  
The Assistant Devasthan Commissioner  
Registered No.....Name of the trust.....

Particulars of properties to be transferred			Kind of transfer	Reasons for transfer	Name of working Trustee or Managers with their addresses	Actual or estimated income by transfer	Remarks
S. No.	Movable property	Immovable property					
	Name of property/ estimated value Average annual; income (rent or interest, if any)	Name of property Survey No. or City Survey, or Municipal No., are Assessment/estimated value/Average annual income	Sale/ exchange/gift/lease				
1	2	3	4	5	6	7	8
Place..... Date.....			Signature and address of the working Trustee or Manager				

**FORM NO. 10**

(See Rule 26)

Statement of income for the year ending  
Name and registered Number of Public Trust

Particulars of property.	Income from immovable property				Income from other property including securities if any					Total realisation and out standings			remarks
	Arrears of income at the end of the previous year	Demand of rent fixed for the current year	Amount realised during the year	Arrears outstanding with details of the year to which they belong	Description of property	Arrears or income at the end of the previous year	Amount to be recovered during the current year	Amount realised during the year	Arrears outstanding	Total amount recovered during the year	Total arrears outstanding		
1	2	3	4	5	6	7	8	9	10	11	12	13	

**FORM NO. 11**

(See Rule 26)

Statement of expenditure for the year ending.....  
Name and Registered number of Public Trust.....

Assessment and Govt. es	Municipal and other taxes	Charges incurred for maintenance and necessary improvement of property including repairs	Remuneration to Managers and or Trustee	Pay and allowances of Servants	On religious object	On charitable objects	Miscellaneous expenses (including contribution)	Total expenditure	Total income	Balances	rema
1	2	3	4	5	6	7	8	9	10	11	12

**FORM NO. 12**

[See Rule 28(2)]

**Register of Audit Report**

**Office of The Asstt. Devasthan Commissioner**

Register No. and Name of Public Trust.....

Year under audit	Date of receipt of audit report	Name of auditor	Remarks
1	2	3	4

**FORM NO. 13**

(See Rule 31)

Budget estimate of income and expenditure for the year..... of the Trust.

Accounts for	Budget Estate for	Revised Estimate	Income	expenditure			Year		
			Head of income	Budget Estimate for	Budget estimate for	Head of expenditure	Revised estimate for	Budget estimate for	Account for
1	2	3	4	5	6	7	8	9	10
			1. Contribution from 2. other income: - (a) interest on investment and advances.			1. Deficit from previous year 2. (I) pay and allowances to the Trustees or others (ii) pay of Establishment			

	(b) fees for supply of documents and other petty items. Deficit at the end of the year Total		(iii) Travelling and other Allowances (iv) Contingencies (v) Audit Charges (vi) Interest on loans (vii) Repairs (viii) Other Expenses Total	
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**FORM NO. 14**

(See Rule 31)

**Budget estimate of receipt & payment for**

Accounts for	Budget Estimate for	Revised estimate for	Receipts	Budget Estimate for	Revised Estimate	Head of payments	Revised Estimate	Budget Estimate	Accounts for
1	2	3	4	5	6	7	8	9	10
				Cash balance from previous year (i) Income (ii) Loans Total		(i) Expenditure *(ii) Payments of loans Cash balance at the end of year Total.....			

**FORM NO. 15**

(See Rule 40)

**Statement of Accounts of sums Charged or collected ad Dharmada**

Name and address of persons in whom collection vests as trustee	Period approximately for which Dharmada known to be in existence	Objects for which collection made	Particulars as to the basis and rate of Collections	Year according to which accounts kept	Year for which accounts submitted	Opening balance	Collection during the year	Total columns 8 and 9.	Particulars of disbursement during the year	Total disbursement	Balance carried forward
	3	4	5	6	7	8	9	10	11	12	13

Signature of the person collecting

**FORM NO. 16**

(See Rule 41)

