

## **CIRCULAR NO. 117**

SUBJECT :- Inspection of entries in the Public Trust Register and other documents.

Under Rule 22 of the Bombay Public Trusts Rules, 1951, parties interested permitted by the Deputy or Asstt. Charity Commissioner are entitled to inspection of any entry or portion thereof in the Register of Public Trusts or any statement, notice intimation, account, audit report or any other document filed under the Bombay Public Trusts Act. It should be borne in mind that inspection is permissible of these papers specifically mentioned in rule 22 of the Bombay Public Trusts Rules and of no other papers. It is noticed that in the Record and Proceedings of the Various applications made under the Act there are various miscellaneous papers such as administrative reports, communications between the parties and the Regional Officers, copies of letters sent to the Charity Commissioner and the reply thereto, the noting of the Superintendent or the bench Clerk or any other Sr. Clerk and such other papers. Care should be taken to separate these papers and keep them in a separate bundle and while giving inspection only those papers which are exhibited such as the original application, written-statement, documents produced by the parties depositions, etc., should be allowed to be inspected. It follows that this latter category of papers should be tied in a separate bundle and they will form the Record and Proceeding of the case. On no account Misc. paper of the first category should be allowed to be mixed with the Record and Proceeding enumerated in the second category. This is of the utmost importance because the parties are not entitled to inspect Misc. papers referred to above and many times it happens

that since all the papers are mixed up the entire bundle is kept before the party for inspection, with the result that the parties get some bundle to make allegations relying on either the communications or the office noting. This leads to various complications. Therefore, utmost care should be taken to follow these instructions to the latter. While sending Record and Proceedings of the case the Misc. bundle should be kept in the office and only those papers which are exhibited and which fall under the second category should be sent. This is also of the utmost importance. It is not desirable that the Appellate Court should get an opportunity of perusing the Misc. Communications and other administrative papers including the instructions issued by the Charity Commissioner, while giving a decision the Regional Officers should always use their judicial discretions and should not refer to any communication or other administrative papers.

The Charity Commissioner while inspecting the Regional Offices will scrutinize the Record and Proceedings in order to find out whether these instructions are properly implemented.

A compliance report should be sent to the Charity Commissioner within six weeks from the receipt of these confidential instructions.

C.P.GODSAY,  
Charity Commissioner,  
Maharashtra State, Bombay.

*Dated :- 4th December, 1961.*