

CIRCULAR NO. 132

SUBJECT :- Delay in disposing of References sent to the Regional Offices.

Read (1) Circular No. 70, dated 9th April, 1954.

(2) Circular No. 103-A, dated 14th April, 1958.

Government in the Law and Judiciary Department has expressed utter dissatisfaction over the time taken for investigation by the Regional Officers, and also the Mode, Manner and Methods adopted in conducting the Inquiries, inference drawn and conclusions arrived at by the Regional Officers and/or their Inspectors. The undersigned fully shares the views of the Government. A close watch over these matters has revealed in some of the Regional Offices a good number of references are inordinately delayed. In order to put an end to this state of affairs the following instructions are now issued.

2. References sent by this office are broadly of two types viz :-

(1) For Remarks

(2) For Inquiry and Report.

3. When the references of the **FIRST** category are received, the Regional officer should from the available papers submit his remarks immediately. In case however the Regional Officer feels that an inquiry through his Inspector is necessary, he may do so under intimation to this office. However, while doing so, the Regional Officer should invariably put sometime limit, which should be strictly

adhered to by the Inspector. In case the Inspector should not submit his final report within the stipulated time, then they should, as a rule, seek from the Regional Officer further extension of time stating reasons therefor. The Regional Officer should keep this office informed at every stage till the remarks are finally submitted to this office.

4. On receipt of the references of the **SECOND** category, the Inspector should find out from the available record as to whether or not in the past similar such complaint from the same or other complainants was received. If yes, with what results. The Inspector should then set out the points on which inquiry is contemplated and seek directions of the Regional Officer. Such references require prompt disposal and as such some time limit is put by this office while forwarding the same. The Inspector concerned shall be personally held responsible in case he fails to dispose of the inquiry within the time limit. In respect of cases wherein no time limit is prescribed by this office, such cases as a rule shall be disposed of within three weeks. They may seek extension of time stating reasons therefor at times when exigencies so require. However, interim reports should be submitted to this office every fortnight giving the details of progress made in inquiry into the matter and further time likely to be taken in finally disposing of the same. Such interim reports shall be repeated at regular interval of a fortnight till the inquiry is finally disposed of enabling this office to keep Government informed of the progress made.

5. The main cause of abnormal delay in disposing of reference sent by this office is due to either ignorance or reluctance

on the part of the Inspectors and/or Regional Officer of exercising the powers vested in them by virtue of provisions of Section 37 of the Bombay Public Trusts Act, 1950. If these powers are exercised at the opportune time it is hoped to remedy the administration of the trust. The Regional Officers and Inspectors should, therefore, develop the habit of resorting to these provisions as and when required to do so.

6. It is further observed that the inquiries made by the Inspectors are sometimes perfunctory and not to the point. It is, therefore, absolutely necessary that the Inspector should make a full fledged inquiry touching all the points complained of. The Inspector should, therefore, contact as many persons as he can including the complainant and his witnesses, if any, and record invariably their statements. In case any of the persons declined to give his statement, the Inspector should record this fact in his report, and add further that he proceeded with the inquiry with the material he could collect. This practice, it is hoped, will save in many cases back reference.

7. It is also desirable in most cases and necessary in some that both sides to the inquiry should remain present when on the spot inquiry is held. Prior notice of the Inspector's visit to the trust institution should be given to the complainant. The present practice of dispensing with the presence of the complainant at the time of the Inspector's visit to the trust institution results in the inquiry being felt to be ex-parte and unsatisfactory. The Enquiry Officer is dealing with Public Trust and the Trustees cannot legitimately object to the

presence of the complainant, particularly if he is invited by the Enquiry Officer.

8. It is noticed that Inspector's Reports are seldom checked by the Regional Officer with the result that they are simply passed on to this office under a covering letter. So also at times, signatures either of the Inspector, Superintendent and the Regional Officer are submitted to this office. This practice requires to be discontinued with immediate effect. And on receipt of Inspector's Report it shall be critically scrutinized by both the Superintendent and the Regional Officer and independently with a view to ascertaining that all the points complained of have been enquired into by the Inspector: that the inference drawn and conclusions arrived at by him are duly supported by just and convincing reasoning and documentary proof, if any, available. They should also see that the action suggested by the Inspector is appropriate or not and may suggest some other just and proper action to meet exigencies, of course keeping in view the prime object of better and efficient administration of these Public Trust. Henceforth while submitting Inspector's Report to this office care should be taken to see that it is signed by the Inspector and Public Trust. Henceforth while submitting Inspector's Report to this contains Superintendent's submissions thereon with his signature and observations and orders of the Regional Officer with his signature or initials as the case may be, Inspector's Report together with original complaint, all the inquiry papers such as statements recorded documents collected, etc., and an extract of Register Diary of the concerned Inquiry duly certified by the Superintendent should be submitted with a covering letter by the Regional Officer to this office.

In the covering letter the Regional Officer should clearly state as to whether he approves or not the line of action suggested by the Inspector. If not, he shall invariably suggest independent action.

9. Instructions contained herein should be carefully noted by the Regional Officer, Superintendents, and Inspectors who will be held responsible for any delays that might occur in such cases in future. Any deviation or willful disobedience of these instructions would be seriously viewed warranting stern action against the person responsible.

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

Dated: 26th February, 1969.