

CIRCULAR No. 158

SUBJECT- *Proposals for sanction to prosecute trustees under Section-83 of the Bombay Public Trust Act, 1950.*

On going through the various proposals received from the Regional Officers to accord sanction to prosecute the trustees of Public trusts under Section 83 of the Bombay Public Trust Act, 1950, it is observed that they contain following discrepancies.

1. Show cause notices are not served on some of the trustees, No steps are taken by the office to serve these notices on them after obtaining their present addresses form other trustees or through the Inspector with the result that such trustees escape prosecution under the Act. if the Regional Officers find it difficult to serve notices on some trustees in spite of due efforts they shall clarify the same in the report and also suggest to omit the name of those trustees. It should also be mentioned in the proposal as to which trustees have been served with notices and which trustees have not been served.

2. Trustees send replies stating that accounts are entrusted to a certain auditor whose name they mention in the reply. No steps are taken by the office to ascertain from the auditors named in the replies, whether they have been entrusted with the work of audit and when they will be submitting the statements.

3. A discrepancy is noticed in the years for which sanction is sought in the report and those mentioned in the show cause notice. If the show cause notice is issued for accounts for the years ending 31st March 1964 to 31st March 1971, a report is made to accord sanction only for the years 31st March 1970 and 31st March 1971. This discrepancy somewhere clarified while making report.

4. When trustees reply that they have ceased to be the trustees, or they have resigned, or they were never the trustees etc., no steps are taken by them to verify their replies and inform them whether their replies are correct or not and also for effecting changes in the entries of the Public Trust Registers in case of death of trustees either by asking them to file change reports or suo-motu making inquiries under Section 32 of the Bombay Public Trusts Act.

5. The information regarding date of registration of the Public Trust and its average annual income is also not supplied in some cases. This information is quite necessary for determining the period of liability and whether the trust is exempted from the provisions of the Act regarding audit and submission statements of accounts.

All the Regional Officers are instructed to please see that above discrepancies do no occur in the reports that are submitted by them in future to this office and that the reports are complete in all respect.

M.D.KAMBLI,
Charity Commissioner,
Maharashtra State, Bombay.

Dated, 15th July 1972.
