

CIRCULAR NO. 163

CONFIDENTIAL:

SUBJECT :- Delay in submission of reports, perfunctory nature of the inquiry and lack of guidance by the Regional Officers.

It is observed while scrutinizing the report submitted by the Inspector to the Regional Offices that no guidance is given to the Inspector in writing as to the line of investigating in an inquiry. The result of leaving the inquiry to the Inspector allowing him full freedom without guidance affects not only the quality of the inquiry but also causes delay. In circular No. 132 dated 26th February 1969 issued by the Charity Commissioner, attention of the Regional Officers was drawn for guiding the Inspector. It appears that the directions in the said circular are not given effect to.

When any reference or case is received it is essential that there is a scrutiny of the case for determining the line of Inquiry. It is necessary to guide the Inspector as to what sort of evidence he has to collect, how he has to collect that evidence, what the report should disclose and what actions should be proposed. This is suggested because if such a line of action is given before hand to the Inspector it would be possible for him to collect the data and process it in the manner directed. This would reduce the number of back references. It should therefore be made a practice that in each case there is a discussion between the Inspector and the Regional Officer and a note about such discussion is kept on record. This would also enable the Superintendent and the Regional Officer to know and examine whether the Inspector has covered all the points given to him and has followed the lines of the investigation. The Regional Officer himself should spare time at least in case of important references and complaints for such discussion at the Head Quarters with the Inspector attached to the District at Head Quarters and on tour for discussion with the Inspectors of the various Districts. If a Regional Officer is not touring, in that case he should discuss these aspects when the Inspector visits the Head Quarters of the Region. *While submitting report, copy of such discussion note should also be attached to the report.*

Apart from giving directions at the beginning it is necessary to see during the investigation whether the inquiry is being properly developed. Some times some new aspects, some new facts not necessarily included in the complaint come to the notice of the Inspector or are brought to his notice by the witnesses and in such cases it becomes necessary to view the line of the investigation so that our ultimate action has a salutary effect of putting the Trust in order and save the Trust from mismanagement etc. This main object of all our investigation and inquiries should not be lost sight of.

Of course, if a reference made by the Regional Officer or the Charity Commissioner or Government seeks only one point, a report should be sent as early as possible on that point but in the report it should be mentioned that the inquiry is not disposed of but is continued on other points as disclosed in the inquiry so as to put the Trust in order and the inquiry should be continued and should be treated as disposed of at

the level of the Inspector, only when the action to be taken are either decided to be taken or if only some compliance is necessary after receipt of the report of compliance.

During the last so many years we have in fact investigated into hundreds of complaints. However, if we restrict the scope of such investigation only to the bone of contention raised in a complaint, no doubt the matter would be on paper disposed of on submission of the report but, we would not be carrying on the operation thoroughly so as to prevent further recurrence of irregularities and also to put the Trust on a proper footing. When an inquiry is done with this background in mind it will be necessary for us to take different actions in respect of the same Trust which should arise from the inquiry and report made by the Inspector. All such actions should be taken as may be necessary but there should be a co-ordination to see that all actions properly geared. If we could proudly say that the investigation and coordination has put all the Trusts in order in respect of which complaints are received, that would be an achievement for the organization. Each Regional Officer and Inspector should be in a position to say that he has been in way instrumental to put so many Trust in order, This should be treated as the merit of the Regional Officer and Inspector. The capacity and caliber of the Regional Officer would be determined from this aspect also and the number of trusts put by him in order. In this behalf more paper disposal of references would not be the criterion of efficiency, though each Regional Officer should see that Inspector must give the minimum disposal expected from him

Dated :18th September 1973.

M. D. KAMBLI
Charity Commissioner,
Bombay

