

CIRCULAR NO. 168

SUBJECT :- General Instruction of keeping supervision and keeping affairs of the Public Trusts in the State ---.

To

The Regional Officers,
Charity Organisation.

As you are aware, the Charity Organisation is a Department which is concerned with the responsible work of keeping supervision, and keeping the affairs of all public trusts in the State, on proper lines. It is noticed with regret that some of the Regional Officers think that their main duty is only to decide judicial cases coming before them. That is no doubt an important work. However, equally important is the work of carefully watching the affairs of the public trusts in their region. Some Regional Officers do not pay as much attention as they should, to this part of the work.

After the accounting returns and audit reports are received from the public trusts it is necessary to carefully scrutinise them and if there are irregularities or illegalities, follow up action will have to be taken. In serious cases the explanation of the trustees concerned will have to be obtained and appropriate action will have to be taken for recovery of loss, etc., Special audit may have to be ordered in some cases where fraud or misappropriation is suspected. Similarly, when the complaints received against the affairs of the public Trusts they should be investigated thoroughly and proper action should be taken depending upon the seriousness of the lapses, if any, It is noticed that many of the officers do not give sufficient attention to investigation of the complaints and taking up necessary actions against the erring trustees. When a complaint is received whether directly or through the Charity Commissioner, it is ent to Inspector the Inspector make inquiry and submits report to the office and many times that report is not carefully studied by the Superintendent concerned and much less by the Regional Officer. When the Charity Commissioner calls for a report on complaints, some Regional Officers nearly sign the endorsement put up by the Superintendent and submit it to the Charity Commissioner as a matter of routine, without deep scrutiny on their own part of without studying the case and apply their own mind. This state of affairs is absolutely undesirable. The main purpose of the Charity Organisation is to see that the trustees who are not managing the affairs of the trusts properly should be suitably dealt with. The recent amendments in the Bombay Public Trusts Act, give ample powers to the Charity Commissioner to punish such trustees. It is, therefore, necessary that the Regional Officers should pay sufficient personal attention to the investigation of the complaints and to he scrutiny of the reports submitted by the Inspectors and they should take, or suggest the Charity Commissioner appropriate actions to be taken against the erring trustees. If the complaints are not properly investigated into, the Department is likely to come in disrepute. It is, therefore, necessary that all the Regional Officers should make it a point to give sufficient personal attention to the points mentioned in this circular and act accordingly.

However, efficient the Charity Commissioner and other officers in the Head Office may be, they will not be able to do the work of keeping the affairs of public trusts on proper lines unless the Regional Officers take personal interest in the work of keeping supervision over the work of Inspectors and over the affairs of the public trusts in their region, and work with a missionary zeal.

If the work of investigation into complaints has to be carried on satisfactory, it is necessary that our inspectors should be trained properly. In a recent visit of mine to a sub-regional office, it was found that the Inspector did not know which trusts are required to get their accounts audited, even though the Inspector was double graduate. The Regional Officers when they visit a Sub Regional Office should try to ascertain whether the Inspectors under them have studied the relevant provision of law and rules carefully. They should spend some time in examining the matters and inquiries dealt with the Inspectors and give them suitable instructions.

Dated :3rd February 1973.

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