

CIRCULAR NO. 169

SUBJECT :- Points to be examined and action to be taken by the Scrutinizer at the time of scrutiny of Accounts.

In the course of inspection of one Region, it is noticed that the Accountant who deals with the scrutiny of the Accounting Returns did not attend to all the irregularities and qualified remarks made by the Auditor. As usual the return was filed under the signature of the Assistant Charity Commissioner with some remarks. However, these remarks do not include or propose any action regarding the qualified remarks. The Assistant Charity Commissioner also signed below these remarks, without verifying the remarks pointed out by the Auditor. The Deputy/Assistant Charity Commissioners are requested to see that all the remarks and qualified remarks are suitably dealt with by the office and explanations of the trustees concerned are called and suitable action is taken, if necessary, against the trustees. The letters under which the correspondence is made with the trustees should be kept in await file till the matter is finally disposed of, Merely assessing levy and recovering fees from Public Trust is not the only work of the Charity Organisation and offices of the Regional Officers. The main and important work consists in seeing what the qualified remarks of \Chartered Accountants and \Auditors are and to take appropriate action against the erring trustees. In this connection attention of the Regional Officers is invited to the instructions issued under this office letter No. A/Suptd./1208, dated 31st January 1968 and A'Suptd/5545, dated 3rd May 1968. The Regional Offices should ensure that the Accountants entrusted with the work of scrutiny of accounts maintain the diaries for watching the qualified reports, as already instructed.

2. In case where it is noticed that the trustees have sold immovable property without the sanction of the Charity Commissioner under section 36 of the Bombay Public Trusts Act, the Deputy / Assistant Charity Commissioner, should give instructions to the Trust concerned to apply to the Charity Commissioner for Ex-Post-Facto sanction and send a copy of the same to the Charity Commissioner. At the same time, the Deputy/Assistant Charity Commissioner, shall direct the Inspector to make inquiry for ascertaining whether the alienation was necessary in the interest of the \Trust and whether proper consideration was received and whether the alienation was made after due advertisement inviting officers. If it is found after such inquiry that the transaction is malafide the Deputy/Assistant Charity Commissioner, will report the case to the Charity Commissioner for suitable action.

In case of contravention under Section 35 of the Bombay Public Trusts Act, the Deputy/Assistant Charity Commissioner will give a notice to the trustees as to why prosecution should not be launched under Section 66 of the Bombay Public Trusts Act. If no satisfactory reply is received the Deputy/Assistant Charity Commissioner will submit the case to the Charity Commissioner for sanctioning the prosecution.

Dated :1st February, 1973.

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

