

CIRCULAR No. 202

SUBJECT- Government Order No.B.P.T./1875/423/(98)/DVI, dated 19th March 1976 delegating the powers under section 41(C) of Bombay Public Trusts Act, 1950 to Regional Officers.

2. New section 41(c) was inserted in Bombay Public Trusts Act, 1950 vide Maharashtra Act XX of 1971 and the said provisions are made applicable with effect from 15th June 1978, any person (not being a Public Trust Registered under the Act) collecting any money subscription, donation or other property for religious or Charitable purpose has to inform Charity Commissioner (now Dy. Charity Commissioner/Asstt. Charity Commissioner of respective region) in writing of such collection and purpose for which such collection is made. The Charity Commissioner, Maharashtra State, had received such information's during last three years or so and has disposed the matters under section 41(c) of Bombay Public Trusts Act, 1950. A definite procedure was followed by the Charity Commissioner in respect of such information received in his office and it is felt necessary that in order to have proper control on such collections uniform policy/procedure should be adopted by all the Regional Offices in respect of such information under section 41(c). It is also felt that by such adoption of uniform policy, public will have no grievance against the provisions of Law and against the organization which has to implement the said provisions of law. The following guide-lines/instructions are hereby issued to the Regional Offices and Regional offices are requested to see that they are followed scrupulously.---

(31) The information under section 41(C)(1) shall be in writing. However, it need not bear any court fee stamp as it is not an application No. Court fee stamp is necessary under section 41(c) Bombay Public Trusts Act, 1950 hence it may not be insisted.

(32) There shall be maintained a register for the information received wherein information received shall be serially entered talukawise. The suitable compilation etc. shall be given for identification of such information. The columns of the registers shall be as per the Appendix 'B' to this circular.

(33) The first and foremost principle of dealing with the information received shall be to deal with it without any delay. The information shall be seen by Regional Office at tapal stage and necessary order shall be passed on it and communicated to the person furnishing information so that we could expect the compliance of the conditions imposed./ If there is rush of information, special care should be taken to see that the work is allotted to some other additional members of the staff of some time.

3. There are different types of purposes for collection. The broad types of religious and Charitable purposes can be first divided into (1) long period of collection (2) short period of collection. The further division may be follows:-

	Religious	Charitable
Long Period of collections	(1)Jirnedhar etc. or Temple places of worships (2)Printing or reprinting of religious books	(1) Construction of School building auditorium etc (2)Printing of Publication of literature
Short period of collections	(1)Ganceshotsava (2)Sharodotsava (3)Urus and religious purpose.	(1) One charity show (2) Other purposes of short period collections.

The above division is made to show that there are different possible types of purposes but the list is not exhaustive but only illustrative. The information received for different purposes will have to be dealt with differently and on different footing.

(32) If the period of collection is long on and on completion of such period the trust (of collections) continues or comes into existence, it may be seen that the trust is registered under the provisions of Bombay Public Trusts Act,1950 so that the collections go out of preview of, Sec.41(c) and all other provisions of the Act are applicable. Similarly if the period of collections runs over two years, the informants may be asked to get the trust registered. Similarly all necessary information about the collectors or group of collectors shall be called and undertaking to maintain true and proper accounts may be obtained. In fit cases, affidavit giving the information shall be insisted to avoid future complications. All or any one or more conditions as the case may be as per Appendix 'A' may be imposed while allowing continuation of collections, taking into consideration the nature, duration, extent, are of operation and the persons collecting the same . It should be seen that written order is issued to facilitate the collections etc.

(33) If the period of collection is short and the purpose is of temporary duration such as Ganeshotsava etc., the information shall be dealt with on different footing. In such cases, names, addresses of the persons responsible for collecting and other information as per Appendix "C" may be collected and the letter

authorizing the collections on the lines of Appendix 'P' be issued without delay so that public is not required to attend office off and on.

4. If may so happen that instead of information under section 41(c), a complaints is received from public about the fact of collection by some persons. The complaint will have be inquired within one month time and action if necessary under section 41(c)(2) to stop collection shall have to be taken. On receipt of complaint show cause notice why collection should not be stopped could be issued to persons collecting and further proper action can be taken on receipt of reply.

5. After the first part of getting information and allowing the persons to continue collection the harder task is to get the accounts of collection. All powers shall be used to secure the Account. The Charity Commissioner was insisting audited accounts in case the total collections exceeds Rs.2000/-. Follow up action to get accounts shall be taken. The accounts received shall be scrutinized with a view to see what is surplus in the hands of collectors and how they propose to utilize it. In some cases cypress directions may be necessary. Such cases shall be reported to Charity Commissioner, Maharashtra State with derailed report of further action.

6. It is noticed that provisions of section41(c) are not widely known to the public, charity commissioner has issued press notes in this respect previously. Regional office should consider the issue of press note for brining the provisions of the section at appropriate time i.e. before such collections start on large scale, to the notice of the public eg. Ganesh festivals etc.

A quarterly report in the form as per Appendix 'E' of the information received disposal off, Account filed complaints received and action taken thereon shall be sent to Charity Commissioner, Maharashtra State, Bombay after the end of quarter beginning with the quarter ending 30the June 1976.

V.G. NIRGUDE,

Dated :

Charity Commissioner,

Maharashtra State, Mumbai

APPENDIX 'C'

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APPENDIX 'D'

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APPENDIX 'E'

Monthly return for arrears and disposals of applications under section 41(c) of the Bombay Public Trusts Act, 1950

Name of the office :

Quarter : April 1976.

Pending applications at the beginning of the quarter	Applications received during the months in quarter	Applications disposed of during the quarter by granting permissions	Pending applications at the end of the quarter	Total No. of informations of collections received during the year
1	2	3	4	5
	Month No. (1) (2) (3) ----- Total ..	Month No. (1) (2) (3) ----- Total ..		Year No. 1976 1977 1978 and so on.

Accounts due at the beginning of quarter	Accounts received during the quarter	Position of outstanding Accounts overdue	Remarks
1	2	3	4
Year No. 1976	Year No. 1976 ----- Total ...	Year No.	No of complaint received and action taken thereon.

