

CIRCULAR NO. 3

SUBJECT.-- Inquiry under section 28 of the B.P.T. Act, 1950.

REFERENCE.—This office letter No. 146 dated 22nd January, 1952.

2. A specimen is enclosed herewith of the previous notice (Form No. 1) to be given to the trustees or managers of public trusts registered under the enactments referred to in Schedule 'A' to the Bombay Public Trusts Act, 1950, and assessors, for the purpose of the inquiry required to be held under section 28 of the Act. The question of printing of the notices is under consideration. Meanwhile, copies may be made by typing or cyclostyling them.

3. It will be seen that the form provides for cases where the place of the enquiry may be outside the regional headquarters. It is desirable that for the sake of convenience the enquiries should as far as possible be held in the district in which the trusts are situated. Consistent with this principle, however, the Enquiry Officer (Deputy or Assistant Charity Commissioner) may in his discretion fix one place for two districts. The Enquiry Officer will notify in the local newspapers about his programme in each district at least a fortnight before hand and so arrange the programme as would not require him to be away from the headquarters for more than 8 days in a month at a stretch and not more than 16 days in a month.

4. The venue for the inquiry will be fixed in consultation with the Collector of the district concerned by the Enquiry Officer.

Government in the Revenue Department is being moved to request all the Collectors except the Collectors of Ahmedabad, Baroda, Poona, Kolhapur and Belgaum to provide suitable accommodation and necessary furniture for the purpose of the inquiries. Normally, one officer's table, 2 tables for clerks, 2 tables for assessors and 12 to 15 chairs will suffice. For any additional furniture, the Collector will have to be given sufficient previous notice. The Enquiry Officers will carry their own stationery and other things required for the inquiries.

5. The Enquiry Officers may taken with them such minimum staff as can be conveniently spared from their offices. One Senior Clerk and 2 peons should normally suffice. The services of one Inspector may also be availed of whenever found necessary.

6. Inquiries and other matters under the enactments mentioned in Schedule 'A' to the Act and connected with the trusts referred to above which were pending on 21st January, 1952, the date of their ceasing to apply to the trusts, should not be proceeded with until instructions are received from Government as to their continuation.

7. Inquiries under section 19 will require a similar arrangement in the districts. These are in connection with the registration of trusts not already registered under the enactments mentioned in Schedule 'A' to the Act. It is not expected that at this initial stage these inquiries will be large in number. Nevertheless, such of the inquiries under these section as can be conveniently fixed for hearing during the period of inquiries under section 28 any also be held

simultaneously. Specimens of the previous notices (Forms Nos. 2, 3 and 4) to be given in this connection to the parties concerned in the particular case are also enclosed herewith for use when required.

D. R. PRADHAN,
Charity Commissioner, Bombay.

Dated : 18th February, 1952.

(Accompaniment to the Circular No. 3)

NOTICE

In the matter of the Bombay Public Trusts Act, 1950 (Bom. XXIX of 1950), as amended by Bom. XLVII of 1950, and Bom. XIV and XXXIX of 1951.

In the matter of

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Notice under section 28 of the Act and Rule 7 of the Bombay Public Trusts Rules, 1951, as amended by Government Notification, Legal Department, No. 17235, dated the 1st November 1951, and Government Notification, Legal Department, No. 17347, dated the 2nd November 1951.

WHEREAS, the public trust named of which you are a trustee/manager, is already registered under the Mussalman Wakf (Bombay Amendment) Act, 1935 (Bom. XVIII of 1935)/the Bombay Public Trusts Registration Act, 1935 (Bom. XXV of 1935)/the Parsi Public Trusts Registration Act, 1936 (Bom. XXIII of 1936). WHEREAS by virtue of the

provisions of section 28 of the Bombay Public Trusts Act, 1950 the said trust is deemed to be registered under the latter Act, and WHEREAS, it is now necessary to record entries of the said trust in the Register of Public Trusts, Region, maintained under section 17 of the Bombay Public Trusts Act, 1950;

THIS IS NOW TO GIVE YOU NOTICE under section 28 of the Bombay Public Trusts Act, 1950, and call upon you to appear in person or by recognized agent or by pleader duly appointed on your behalf, before the undersigned at the enquiry to be held by him for the purpose aforesaid which is set down for hearing on and FURTHER TO GIVE YOU NOTICE that in default of your appearance as aforesaid the undersigned will proceed with the matter herein and pass such orders as he deems fit in your absence.

Public Trusts
Registration Office,
.....Region,
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Given under my hand and the Seal of the Charity Commissioner.

This day of 19

Assistant/Deputy Charity Commissioner,
.....Region.