

## CIRCULAR NO. 30

**SUBJECT.— Bombay Public Trusts Act, 1950.  
Procedure of Prosecution under...**

At the Conference of the Deputy and Assistant Charity Commissioners held at Bombay in July, 1952, the procedure to be followed before launching a prosecution under section 18 read with Section 66 of the Bombay Public Trusts Act, 1950, was discussed. The Deputy and Assistant Charity Commissioners are informed that the following procedure should be followed: -

- (i) Before launching a prosecution under the Act, a notice should be sent to the trustees giving them an opportunity to show cause and to apply for registration.
- (ii) In the initial stages only clear cases in which there is no doubt whatever about the existence of public trust should be selected.
- (iii) An inquiry under section 19 should precede prosecution under the Act as a matter of prudence and as a matter of law. An inquiry can be held on an application from any interested person or *suo motu*.
- (iv) No prosecution should be launched unless appeal, if any, against order under section 19 is disposed of.

2. Before filing a prosecution under any of the provisions of the Bombay Public Trusts Act, sanction of the Charity Commissioner should be obtained.

D. R. PRADHAN,

Charity Commissioner, Bombay.

Dated : 10<sup>th</sup> October, 1952.