

C I R C U L A R 323 dt.19-10-06

Directions to the Deputy/Assistant Charity Commissioners.

A) Registration of Trust/Society :-

- i) The process of registration of trust/society be streamlined minimizing time for registration. The registration of the said process be completed within a period of two months except under exceptional circumstances, which must be placed on record. Note like Roznama be made for every action taken in connection with the process of registration.
- ii) All papers and documents relating to registration of the trust and the registered trust be preserved carefully for ever.

iii) Maintaining Schedule I :

- a) Update the entries in the Schedule I at regular intervals.
- b) Entries made in the Schedule I immediately after the order on Change Report/Appeal/Application under Section 72 or the Writ in the Honourable High Court or Apex Court.
- c) Public Trusts Register be preserved properly, carefully and permanently.
- d) Serious note be taken in respect of the damage to the P.T. Register against erring staff.
- e) Issuance of certified copy of Schedule I be expedited and it be provided maximum within 10 days.
- f) Unless it is otherwise found necessary by the concerned Deputy/Assistant Charity Commissioner for the reasons to be recorded in writing.
- g) Public notices in newspapers in respect of application under Section 18 for registration of the trust settled with movable property, e.g. cash of Rs.500/-, Rs.1,000/-, Rs.5,000/- etc. be avoided.

B) Assessment of Contribution to Public Trusts Administration Fund under Rule 32(1) of the Bombay Public Trusts Rules, 1951.

(1)

- i) The basis on which the assessment is made should be based on record.
- ii) Whenever applied for, copy of the record of calculation should be furnished to any party.
- iii) Follow-up steps should be taken for recovery of the assessed amount of contribution.

(2) **Hearing of objections under Rule 32(2) :**

- i) The objections should be disposed off maximum within a period of **three** months from the date of deposit of an amount of contribution demanded by the demand notice.
- ii) Special reasons should be mentioned for inability to dispose off objection within prescribed time.
- iii) The finding shall be given on every point raised in the objection for being considered by the Charity Commissioner, if application is filed under rule 33(4).

(C) Inquiries under the provisions of Chapter IV of the Bombay Public Trusts Act, 1950.

- i) Inquiries under the provisions of Chapter IV of the Bombay Public Trusts Act, 1950, shall be made following the principles of natural justice.
- ii) The said inquiries be completed within a reasonable time, but not later than **six** months from the date of commencement thereof.
- iii) Reasoned order be passed in support of the findings in the said inquiry.
- iv) Priority shall be given to the disposal of inquiries under Section 22.

- v) Endorsement be made on top of the Change Report by the Bench Clerk or the concerned Clerk as to whether any previous Change Report is pending giving number of the same.
- vi) If such endorsement is not made in any Change Report, action shall be taken against the defaulting staff.
- vii) When it is noticed that previous Change Report of similar nature is pending, the same shall be disposed off first and only thereafter inquiry into subsequent Change Report of the similar nature, shall be conducted.
- viii) Change Reports should not be disposed off either for default or on withdrawal. In such cases, steps as mentioned in circular No. 146 dated 24th November, 1971 and observations in the judgment of Honourable High Court in the matter of Arvindbabu V/s. Vasant reported in 1967 Maharashtra Law Journal P. 19 be taken.

D) Public Notices :

- i) Joint Charity Commissioner of each Region in consultation with Deputy Charity Commissioner and Assistant Charity Commissioner should find out the Marathi and English newspapers, which has wide publication in the locality, in which property of the trust or its office is situated and all the public notices be inserted in such newspapers.
- ii) The concerned officer shall consider in cases whether the property in question or the beneficiaries of the trust are living in mofussil area, public notice in English daily will be necessary or not. If it is felt that it is not necessary, the inserting of public notices in English daily may be dispensed with.

(E) Action on the orders passed by Appellate Court:

Immediate action be taken on the orders and directions passed by the Appellate Courts and be complied with.

(F) Accounts :

- i) Proper scrutiny of accounts and the Budgets be made and in case of anomaly, immediate action be taken.
- ii) Care should be taken that the cheques towards contribution to P.T.A. Fund are promptly deposited in bank without delay.
- iii) Efforts should be made to recover the dues towards P.T.A. Fund.
- iv) Special note will be taken about proper recovery of said contribution and serious note will be taken of default in doing so.

(G) Compliance of Section 41-C :

- i) Care shall be taken while issuing any order under Section 41-C when the applicant or the institution files an application under the said Section, has submitted statement of accounts of collection for the previous year.
- ii) If the accounts so submitted should be scrutinized.
- iii) Action be taken, if any lacuna is found.
- iv) Permission may not be granted, if the said institution has not submitted accounts for the previous year.
- v) Appropriate condition be imposed while issuing certain permission under this section depending on the purpose, for which the permission is sought.

(A. J. Dholakia)

Charity Commissioner,
Maharashtra State, Mumbai.

Mumbai,

Dated : 18-7-2006.

To
The Deputy/Assistant Charity Commissioner,
All Regions.