

CIRCULAR NO. 84

Subject: Sanction to prosecute – procedure to be followed-

Circular NO. 30 referred to .

It has been observed that there is no uniformity in the procedure followed by the Regional Offices in asking for Charity Commissioner's sanction for filing a criminal prosecution for offences punishable under the Bombay Public Trusts Act, 1950. The instructions given below should, therefore, be followed by the Regional Offices :-

- (1) It will always be open to the Deputy/ Assistant Charity Commissioner to comment on the desirability of prosecuting a trustee or a manager in the order passed by him but a separate reference to Charity Commissioner should always be made to obtain Charity Commissioner's sanction for the prosecution, It is necessary because the comments passed in an order will not come to the notice of the Charity Commissioner unless and until an appeal is filed any this may result in no prosecutions being filed even when they are recommended in a judicial order .
- (2) A notice to show cause may be issued in suitable cases before moving Charity Commissioner to sanction the prosecution. The period allowed for showing cause should, however, not exceed ten days.

- (3) Whenever sanction to prosecute is asked for, a self contained reference should be made giving in brief the facts of the case and the necessity for filing the prosecution.
- (4) Instructions issued in this circular should prevail over those issued in Circular No. 30 to the extent they conflict . Those instructions were issued at an early stage to meet different circumstances.

D. R. Pradhan
Charity Commissioner, Bombay.

Dated 27th May 1955.