

C I R C U L A R N O. 88

Subject :- Supply of copies in inquiries made by Inspectors -
Rule 23 of the Bombay Public Trusts Rules, 1951.

The Assistant Charity Commissioner, Kolhapur, inquires whether copies of the statements recorded by an Inspector in an inquiry made by him under the orders of the Assistant Charity Commissioner, of the report submitted by him to the Assistant Charity Commissioner, and of the application or complaint made to the Assistant Charity Commissioner on which the inquiry was instituted can be granted to the trustees or other persons having interest.

The relevant provision which requires to be examined is rule 23 (b) of the Bombay Public Trusts Act, 1950. The record of the inquiry made by the Inspector can not be said to be "proceedings of an inquiry under the Act." as contemplated under rule 23 (b). The inquiry made by the Inspector under the directions of the Deputy or Assistant Charity Commissioner is of an administrative nature and is not a judicial inquiry made under any provision of the Act. The report made by the Inspector is merely a report from a subordinate to his officer. The trustees or other persons are as such not entitled to get copies of the record of such inquiry. If however the Inspector's report is used by the Deputy or Assistant Charity Commissioner under sections 38 and 39 of the Bombay Public Trusts Act, 1950, it will form part of the proceedings of a judicial inquiry under sections 38 and 39 and the trustees or persons

having interest will be entitled to get a copy of the Inspector's report in such cases.

D. R. Pradhan.
Charity Commissioner, Bombay

Dated 24th November 1955.