

C I R C U L A R No. 99

Subject : - (i) Memorandum in the prescribed form Schedule II-A to be submitted under section 22 –C and 28-A of the Bombay Public Trusts Act, 1950.

(ii) Application under section 22 –B.

Difficulties have been experienced and doubts have been raised in respect of the above mentioned matter . The following instructions are, therefore, issued for the guidance of Regional Officers::

(1) The trustees have asked for clarification whether the prescribed form is to be sent by the trustees of public trusts already registered under the Act. They have also represented that at Deputy and Assistant Charity Commissioner of the Region concerned has to send the same information to the same authorities in the same prescribed form under section 28-A the trustees should not be asked to submit the information required to be submitted by them under section 22 –C. The provisions of sections 22-C and 28-A are very clear. There is no doubt about the provisions of section 22 –C which require the trustees of public trusts already registered under the Act to send a memorandum in the prescribed form. IN view of the specific provisions of section 22 –C and 28-A , the question of exempting the trustees from submitting the required information under section 22-C does not arise.

(2) The memorandum to be submitted by the Deputy /Assistant Charity Commissioner under section 28-A has to be prepared in the office of the

Deputy / Assistant Charity Commissioner with the help of his staff. The forms are not to be filled in by the trustees for the Deputy/Assistant Charity Commissioner.

(3) Printed forms are to be supplied to the trustees free of cost. The trustees can get the forms by approaching the Regional Office. The Regional Officers are not to take upon themselves to send the forms to each trust even though there is no request made by post they may be so sent without charging any postage.

(4) Each trust may be supplied only three forms. If the trustees want more forms they themselves should get them prepared. The Deputy and Assistant Charity Commissioners should see that there is no waste of forms. They may maintain a list of trusts to whom the forms have been supplied with a view to see that the same trust does not ask for forms over again.

(5) The number of forms that each Regional Office is to receive from the Printing Press, Yeravda , is as under :-

Sr.No.	Office	English	Marathi	Gujrati	Kannad
1.	Public Trusts Registration Office Greater Bombay Region	16,000	2,000	1500	---
2.	P.T.R.O Ahmedabad	9000	----	6000	---
3.	P. T. R. O. Baroda	9000	----	6000	---
4.	P. T. R. O. Poona	6000	5500	----	---
5.	P. T. R. O. Kolhapur	6000	5500	---	--

If the Regional Offices require more forms they should submit immediately the estimate of their requirements.

(6) Where the designation by which the public trust is or shall be known (name of the public trust) is already on record of the Deputy / Assistant Charity Commissioner, the Deputy / Assistant Charity Commissioner concerned may proceed to send the memorandum to the authorities concerned. But where this information is not available, he will wait till application under section 22 –B is received by him.

(7) In case of each property, the memorandum is to be sent to the three officers and authorities mentioned in section 28-A, viz. the Registration, Revenue and Local Authorities, i.e. in case of agricultural lands, the memorandum will have to be sent to the Sub-Registrar and the Revenue Authorities and in case of properties situate within the limits of a local authority the memorandum will have to be sent to the Sub-Registrar and the local authority concerned. In each form as many properties as possible may be shown and it is not necessary that each property should be shown on separate form. If properties are situated within the limits of different authorities separate forms will have to be sent to them in respect of the properties within their respective areas.

(8) If the properties of a public trust are situated in different regions the memorandum in respect of the properties situated in other regions has to be sent by the Regional Officer with whom the trust is registered. But he has not to send a copy of the memorandum to the Regional Officer of the other region.

(9) The Deputy and Assistant Charity Commissioners are not required to maintain village-wise registers of the trust properties registered

with them. The register to be maintained by them is the Public Trusts Register under section 17 which is maintained trust-wise and not property-wise.

(10) The memoranda should be got prepared by the Deputy and Assistant Charity Commissioners with the help of the existing staff.

(11) The application to be made under section 22-B is for communicating the designation by which the public trust is or shall be known (name of the public trust). There is no prescribed form for this application. However, a form has been prepared and is enclosed herewith. This form may be put up on the notice board for the guidance of the trustees. This application is to be signed and verified in the same manner in which the application for registration is to be signed and verified. The application is to bear a Court Fee Stamp of Rupee one only.

(12) Where the name of a public trust is already registered under the Act or where the name of a public trust is already shown in an application pending under section 18, no application as contemplated by section 22-B (I) need be insisted upon, although, strictly speaking such an application will be necessary.

(13) On receipt of an application under section 22 –B(I) no inquiry is required to be held. Reference is invited to section 22 –B (3).

All that the Deputy/Assistant Charity Commissioner is required to do is to pass an order that the name of the trust may be specified in the Public Trusts Register. The Public Trusts Register (Schedule –I) already contains a column for entering the name of the public trust.

(14) A copy of the Press Note contemplated to be published should be put up on the notice board.

Sumant C. Bhat ,
Charity Commissioner, Bombay .

Dated 12th March 1957.