

CIRCULAR NO.42

SUBJECT : Form of notice of inquiry and letter of request to be sent to the trustees –

Some trustees have represented that the form of notice of inquiry being sent to them is not appropriate inasmuch as the notice requires them to appear in person or by recognized agent or by pleader duly instructed, even if they have no submission to make and that it should be left to them whether to appear or not when the application is uncontested and all particulars required for registration have already been supplied.

2. Complaints have also been received from some trustees that notices of inquiry have been sent to them when the appropriate course would have been to address them letters of request as required by rule 9 of the Bombay Public Trusts Rules, 1951.

3. The following instructions should, therefore, be followed in dealing with such cases in future, namely –

1) A liberal use should be made of letter of request and particular care should be taken not to send routine notices to persons who are entitled to letters of request.

2) It should be left to the discretion of the non applicant trustees whether they should be present at the inquiries, unless, of course, their presence is found absolutely necessary by the Inquiry officer. A notice of inquiry should, however, be invariably sent to them.

3) The presence of applicant trustees need not be insisted upon in uncontested cases where all particulars required for registration have already been supplied, except in cases where the Inquiry Officer requires such trustees for any particular purpose.

4. In view of the above instructions, the following changes may be made in the notice to be issued to the trustees, namely :-

i) In uncontested cases, where all particulars have been already supplied, in the notice of inquiry to be sent to non-applicant-trustees or to applicant-trustees:-

a) in para.2 of the form of notice, after the words, "or by recognized agent or pleader **duly** instructed," the words, "if you have any submission **to make in** the matter," should be inserted; and

b) to the third paragraph ending with the words "in your absence" the words "and it will be presumed that you have no submission to make" should be added.

ii) In contested cases, where some particulars are missing, the notice to the applicant-trustee should be issued in the usual form without

making such changes but to non-applicant trustees the notice should be issued after making the changes suggested in (i) above.

5 Specimen of letters of request and revised notice forms are sent herewith for information, guidance and compliance.

D.R. PRADHAN,
Charity Commissioner, Bombay

Dated : 22nd December, 1952.

(Accompaniment to the Circular No.42)

Non- applicant-trustees in all cases and
Applicant-trustee where no particulars
are lacking

(Specimen letter of Request)

No.

PUBLIC TRUSTS REGISTRATION OFFICE

REGION, -----

DATED -----

To

Shri-----

SUBJECT :- In the matter of application No. of 196.... Under
section 18/28 of the Bombay Public Trusts Act,1950, made
by Shri ----- regarding public
Trust.....

Sir,

Inquiry under section 19/28 of the Bombay Public Trusts Act,1950,
in respect of the above public trust is fixed at
On at a.m./p.m,

You are shown as a trustee of the public trust in the application for
registration. I have, therefore, to request you to appear at the hearing in
person or by recognized agent or by pleader duly instructed, if you have
any submission to make in the matter.

It will be presumed that you have no submission to make if you
elect not to appear.

Yours faithfully,

Deputy/ Assistant Charity Commissioner
-----Region,-----

NOTICE : i) Should you apprehend your witnesses will not attend of their own accord, you can have a summons from this office to compel the attendance of any witness, and the production, by applying within a week from receipt of this notice, to his office and on depositing the necessary expenses.

ii) The appointment made
form filled in

by you is incomplete and defective in respect of particulars mentioned hereinunder at Serial No.----- and you are called upon to furnish full and correct particulars and to complete your application/form on or before the above date of hearing :-

1. Name of the trustees/managers are not specified.
2. Addresses of the trustees/managers are not given.
3. Copy of document creating the trust/scheme relating to the trust/copies of extracts from record of rights, City Survey or Municipal records as required in paragraph 2(iv) (a), (v) and (vii)(a), is/are not attached.
4. Mode of succession to the trusteeship or managership is not stated.
- 5.a) Description of movable, immovable property and its market value are not properly given.
- b) Details of immovable property regarding village and taluka where situate, Survey number etc. are not specified.
6. Sources of income are not specified.
7. Particulars of title-deeds and names of the persons in possession of the title deeds are not given.
8. Registration fee amounting to Rs.-----is not paid.
9. Court fee stamp of Rs.2 is not affixed.
10. Details about expenditure as required in paragraph 2(xi) are not given.
11. The application is not verified/signed.
- 12.....

NOTICE – i) Should you apprehend your witnesses will not attend of their own accord, you can have a summons from this office to compel the attendance of any witness, and the production of any document that you have a right to call upon the witness to produce, by applying within a week from receipt of this notice, to this office and on depositing the necessary expenses.

ii) The application made by you is incomplete and defective form filled in

in respect of particulars mentioned hereinunder at Serial No..... and you are called upon to furnish full and correct particulars and to complete your application/form on or before the above date of hearing :-

- 1) Name of the trustees/managers are not specified.
- 2) Addresses of the trustees/managers are not given.
- 3) Copy of document creating the trust/scheme relating to the trust / copies of extracts from Record of Rights. City survey or Municipal records as required in paragraph 2(iv)(a), (v) and (vii) (a) is/are not attached.
4. Mode of succession to the trusteeship or managership is not stated.
- 5.a) Description of movable, immovable property and its market value are not properly given.
- b) Details of immovable property regarding village and taluka where situate, Survey number etc. are not specified.
6. Sources of income are not specified.
7. Particulars of title-deeds and names of the persons in possession of the title deeds are not given.
8. Registration fee amounting to Rs.-----is not paid.
9. Court fee stamp of Rs.2 is not affixed.
10. Details about expenditure as required in paragraph 2(xi) are not given.
11. The application is not verified/signed.
- 12.....