The Bombay Public Trusts Act, 1950

GOVERNMENT OF GUJARAT

LEGISLATIVE AND PARLIAMENTARY AFFAIRS DEPARTMENT

Bombay Act No. XXIX of 1950

The Bombay Public Trusts Act, 1950

(As modified upto the 31st May, 2012)

[1950: Bom. XXIX*Bombay Public Trusts Act, 1950*

THE BOMBAY PUBLIC TRUSTS ACT, 1950.

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[1950: Bom. XXIX*Bombay Public Trusts Act, 1950*

BOMBAY ACT NO. XXIX OF 1950[1].

[THEBOMBAYPUBLICTRUSTSACT,1950.]

[14th August, 1950.]

Amended by Bom. 47 of 1950.
Amended by Bom. 14 of 1951.
Amended by Bom. 39 of 1951.
Amended by Bom. 28 of 1953.
Amended by Bom. 21 of 1954.
Amended by Bom. 59 of 1954.
Amended by Bom. 23 of 1955.
Adapted and modified by the Bombay Public Trusts (Corporations) Order, 1959. Amended by Bom. 6 of 1960.
Amended by Bombay Charity Commissioner (Regional Reorganisation) Order, 1960. Adapted and modified by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.
Amended by Guj. 36 of 1961.
Amended by Guj. 31 of 1962.
Amended by Guj. 31 of 1963.

An Act to regulate and to make better provision for the administration of public religious and charitable trusts in the State of Bombay.

WHEREAS it is expedient to regulate and to make better provision for the administration of public religious and charitable trusts in the State of Bombay; It is hereby enacted as follows: —

CHAPTER I.
PRELIMINARY.

Short title, extent, operation and application.

1.*(1)* This Act may be called the Bombay Public Trusts Act, 1950.

[2][*(2)* It shall extend to the whole of the [3][State of Gujarat].

(3) This Act shall come into force at once but the provisions thereof shall apply to a public trust or any class of public trusts on the date specified in the notification under sub-section *(4)*.

(4) The State Government may, by notification in the *Official Gazette* specify the date on which the provisions of this Act shall apply to any public trust or any [4][class of public trusts; and different dates may be specified for such trusts in different areas:]

Provided that the State Government may also by a like notification direct that from the date specified therein any public trust or class of public trusts shall be exempt from the provisions of this Act:

Provided further that before a notification of such application or exemption is published a draft thereof shall be published in the *Official Gazette* and in such other manner as may be prescribed for the information of persons likely to be affected thereby together with a notice specifying the date on or before which any objections or suggestions shall be received and the date on or after which the draft shall be taken into consideration.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context:-

(1) "assessor" means person appointed as an assessor under section 7;

(2) "Assistant Charity Commissioner" means an Assistant Charity Com-

missioner appointed under section 5;

(3) "Charity Commissioner" means the Charity Commissioner appointed under section 3;

(4) "Court" means in the Greater Bombay, the City Civil Court and else where the District Cou

(5) "Deputy Charity Commissioner" means the Deputy Charity Commissioner appointed under section 5;

(6) "Hindu" includes Jain, Buddhist and Sikh;

(7) "Inspector" means an Inspector appointed under section 6;

5[*(7A)* "instrument of trust" means the instrument by which the trust is created by the author of the trust and includes a scheme framed by a competent authority;

(7B) "Joint Charity Commissioner" means a Joint Charity Commissioner appointed under section 3A;]

(8) "manager" means any person (other than a trustee) who for the time being either alone or in association with some other person or persons administers the trust property of any public trust and includes-

(a) in the case of a math, the head of such math,

(b) in the case of a wakf, a mutavalli of such wakf,

(c) in the case of a society registered under the Societies Registration Act, 1860 its governing body, if the property of the society is not vested in a trustee; XXI of 1860.

(9) "math" means an institution for the promotion of the Hindu religion presided over by a person whose duty it is to engage himself in imparting religious instructions or rendering spiritual service to a body of disciples or who exercises or claims to exercise headship over such a body and includes places of religious worship or instruction which are appurtenant to the insti tution;

(10) "person having interest" 6[includes]-

(a) in the case of a temple, person who is entitled to attend at or is in the habit of attending the performance of worship or service in the temple or who is entitled to partake or is in that habit of partaking in the distribution of gifts thereof,

(b) in the case of a math, a disciple of the math or a person of the religious pursuasion to which the math belongs,

(c) in the case of a wakf, a person who is entitled to receive any pecuniary or other benefit from the wakf and includes a person who has right to worship or to perform any religious rite in a mosque, idgah, imambara, dargah, maqbara, or other religious institution connected with the wakf or to participate in any religious or charitable institution under the wakf,

(d) in the case of a society registered under the Societies Registration Act, 1860, any member of such society, and

(e) in the case of any other public trusts, any beneficiary;

(11) "prescribed" means prescribed by rules;

(12) "public securities" means-

(a) securities of the Central Government or any State Government,

(*b*) stocks, debentures or shares in Railway or other companies, the interest or dividend on which has been guarnteed by the Central or any State Government,

(c) debentures or other securities for other securities for money issued by or on behalf of any local authority in exercise of the powers conferred by an Act of the Central or State Legislature,

(d) a security expressly authorised by an order which the State Government makes in this behalf;

(13) "Public trust" means an express or constructive trust for either a public

religious or charitable purpose or both and includes a temple, a math, a wakf, [7][a dharmada] or any other religious or charitable endowment and a society formed either for a religious or charitable purpose or for both and registered under the Societies Registration Act, 1860; XXI of 1860.

(14) "region" or "sub-region", means the areas designated as such and for which a Public Trusts Registration Office has been established under this Act;

(15) "rules" means rules made under this Act;

(16)[8][* * * * *]

(17) "temple" means a place by whatever designation known and used as place of public religious worship and dedicated to or for the benefit of or used as of right by the Hindu community or any section thereof as a place of public religious worship;

(18) "trustee" means a person in whom either alone or in association with other persons, the trust property is vested and includes a manager;

(19) "wakf" means a permanent dedication by a person professing Islam of any movable or immovable property for any purpose recognised by the Islamic law as pious, religious or charitable and includes a wakf by user but does not include a wakf such as is described in section 3 of the Mussalman Wakf Validating Act, 1913, under which any benefit is for the time being claimable for himself by the person by whom the wakf was created or by any member of his family or descendants; VI of 1913.

(20) words and expressions used but not defined in this Act and defined in the Indian Trusts Act, 1882, shall have the meaning assigned to them in that Act. II of 1882.

2A. [*Construction of certain references in the Act in their application to that part of Mysore to which the Act extends.] Deleted by Bom. 6 of 1960, s.* 5.

[9][**2B.** In the application of this Act to that part of the State of Gujarat to which it Construction

(1) to the State or the State Government or the High Court shall be construed as a reference to the State, the Government or the High Court of Gujarat, part of Gujar which the Ac extends.

(2) to the Bombay Revenue Tribunal shall be construed as a reference to the Gujarat Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1957.] XXI of 1958.

CHAPTER II.

ESTABLISHMENT.

Charity Commissioner.

3.[10][The State Government] may, by notification in the *Official Gazette,* appoint an Officer to be called the Charity Commissioner, who shall exercise such powers and shall perform such duties and functions as are conferred by or under the provisions of this Act and shall, subject to such general or special orders as the State Government may pass, superintend the administration and carry out the provisions of this Act [11][throughout the State]:

[12][Provided that on and after the commencement of the Bombay Charity Commissioner (Regional Reorganisation) Order, 1960, made under the Bombay Statutory Corporations (Regional Reorganisation) Act, 1960, the State Government of Bombay may, by notification in the *Official Gazette,* appoint separate Officers to be called the Charity Commissioner, Bombay and the Charity Commissioner, Gujarat whose jurisdiction shall extend over the Maharashtra region and the Gujarat region, respectively, as defined in that Act. Where two separate Charity Commissioners are appointed, any reference in this Act to the Charity Commissioner shall, unless the context otherwise Bom. XXI of

requires, be construed as a reference to the Charity Commissioner having jurisdiction.]

Joint Charity Commissioners.

13[**3A**. The State Government may, by notification in the *Official Gazette,* appoint one or more Officers to be called Joint Charity Commissioners who shall, subject to the control of the Charity Commissioner, and to such general or special order as the State Government may pass, exercise all or any of the powers and perform all or any of the duties and functions, of the Charity Commissioner.]

Qualifications for appointment of Charity Commissioner 16[and Joint Charity Commissoner.]

14[**4.**15[A person to be appointed as the Charity Commissioner or a joint Charity Commissioner shall be one-]

(a) who is holding or has held a judicial office not lower in rank than that of a District Judge or a judge of the Bombay City Civil Court, or the Chief Judge of the Presidency Small Cause Court, or

(b) who has been for not less than ten years-

(*i*) an advocate enrolled under the Indian Bar Councils Act, 1926, XXVIII of 1

(*ii*) an attorney of High Court, or

(iii) a pleader enrolled under the Bombay Pleaders Act, 1920.] Bom. XVII o

Deputy and Assistant Charity Commissioners.

5. *(1)* The State Government may also appoint such number of Deputy and Assistant Charity Commissioners for such regions or sub-regions or for such public trust or such class of public trusts as may be deemed necessary.

17[*(2)* Aperson to be appointed as a Deputy Charity Commissioner shall be one-

(a) who is holding or has held a judicial office not lower in rank than that of a Civil Judge (Senior Division) or a Judge of the Court of Small Causes of Bombay or any office which in the opinion of the State Government is an equivalent office, or

(b) who has been for not less than eight years,-

(*i*) an advocate enrolled under the Indian Bar Councils Act, XXXVIII of 1926.

1926,

(*ii*) an attorney of a High Court, or

Bom. XVII of 1920. (*iii*) a pleader enrolled under the Bombay Pleaders Act, 1920.

(2A) A person to be appointed as an Assistant Charity Commissioner shall be a person-

(a) who is holding or has held a judicial office not lower in rank than that of a Civil Judge (Junior Division) or any office which in the opinion of the State Government is an equivalent office, for not less than four years, or

(b) who has been for not less than seven years,-

XXXVIII of 1926. (*i*) an advocate enrolled under the Indian Bar Councils Act, 1929,

(*ii*) an attorney of a High Court, or

Bom. XVII of 1920. *(iii)* a pleader enrolled under the Bombay Pleaders Act, 1920.]

(3) The Deputy and Assistant Charity Commissioners shall exercise such powers and perform such duties and functions as may be provided by or under the provisions of this Act

Subordinate Officers.

6.18[For the purpose of carrying out the provisions of this Act, the State Government may appoint the Director of Accounts and Assistant Directors of Accounts possessing the prescribed qualifications, Inspectors and other Subordinate officers] and assign to them such powers, duties and functions under this Act, as may be deemed necessary:

19[Provided that the State Government may, by general or special order and su it deems fit to impose,

delegate to the Charity Commissioner, [20][the Joint Charity Commissioner] and the Deputy and Assistant Charity Commissioners powers to appoint subordinate officers and servants as may be specified in the order.]

Charity Commissioner other officers t servants of Sta Government.

[21][**6A.**[22][The Charity Commissioners], [23][the Joint Charity Commissioner,] the Deputy and Assistant Charity Commissioner, [24][the Director of Accounts, the Assistant Directors of Accounts,] the Inspectors and other subordinate] officers and servants appointed under this Act shall be the servants of the State Government and they shall draw their pay and allowances from the Consolidated Fund of the State. The conditions of service of such officers shall be such as may be determined by the State Government.

Cost of pay, pension, etc., Charity Commissioner to be paid to Government o the public Trus Administration Fund.

6B. There shall be paid every year out of the Public Trusts Administration Fund to the State Government such cost as the State Government may determine on account of the pay, pension, leave and other allowances of the Charity Commissioner, [25][the Joint Charity Commissioner], the Deputy and Assistant Charity Commissioners, [26][the Director of Accounts, the Assistant Directors of Accounts,] the Inspectors and other subordinate officers and servants appointed under this Act.]

Assessors.

7. *(1)* The assessors shall be appointed in the manner provided in Chapter IX for any region or sub-region or with respect to any particular public trust or class of public trusts or in connection with any particular matter or class of matters to such trust or class of trusts.

(2) The assessors shall perform such functions as may be provided by or under the provisions of this Act

Delegations.

8. *(1)* The State Government may delegate any of its own powers or functions

under this Act to the Charity Commissioner or any other officer subject to such conditions as it thinks fit.

(2) The State Government may also direct that any powers exercisable and duties or functions to be performed by any particular officer appointed under this Act may be performed by any other officer subject to such conditions as it thinks fit.

CHAPTER III.

CHARITABLEPURPOSESANDVALIDITYOFCERTAINPUBLICTRUSTS.

Charitable purposes.

9. For the purposes of this Act, a charitable purpose includes-

(1) relief of poverty or distress,

(2) education,

(3) medical relief, and

(4) the advancement of any other object of, general public utility, but does not include a purpose which relates-

(a) exclusively to sports, or

(b) exclusively to religious teaching or worship.

Public trust not to be void on ground of uncertainty.

10. Notwithstanding any law, custom or usage, a public trust shall not be void, only on the ground that the persons or objects for the benefit of whom or which it is created are unascertained or unascertainable.

Explanation.-A public trust created for such objects as dharma, dharmada or punyakarya, punyadan shall not be deemed to be void, only on the ground that the objects for which it is created are unascertained or unascertainable.

Public trust not void on ground that it is void for non-charitable or non-religious purpose.

11. A public trust created for purposes some of which are charitable or religious and some are not shall not be deemed to be void in respect to the charitable or religious purpose, only on the ground that it is void with respect to the non-charitable or non-religious purpose.

Public trust not void on ground of absence of obligation.

12. Any disposition of property for a religious or charitable purpose shall not be deemed to be void as a public trust, only on the ground that no obligation is annexed with such disposition requiring the person in whose favour it is made to hold it for the benefit of a religiou

Public trust not void on failure of specific object or society, etc., ceasing to exist.

13. If any public trust is created for a specific object of a charitable or: religious nature or for the benefit of a society or institution constituted for a charitable or religious purpose, such trust shall not be deemed to be void only on the ground-

(a) that the performance of the specific object for which the trust was created has become impossible or impracticable, or

(b) that the society or institution does not exist or has ceased to exist, notwithstanding the fact that there was no intent for the appropriation of the trust property for a general charitable or religious purpose.

CHAPTER IV.

REGISTRATIONOFPUBLICTRUSTS.

Regions and sub-regions.

14. *(1)* For the purposes of this Act, the State Government may form regions and sub-regions and may prescribe and alter limits of such regions and sub-regions.

(2) The regions and sub-regions formed under this section, together with the limits thereof and every alteration of such limits shall be notified in the *Official Gazette,*

15. In every region or sub-region there shall be a Public Trusts Registration Office:

Publi c Trust Regi stration Offices.

Provided that for two or more regions or sub-regions, there may be one Public Trusts Registration Office:

Provided further that for one region or sub-region there may be one or more Joint Public Trusts Registration offices.

16. The State Government may appoint a Deputy Charity Commissioner or Assistant Charity Commissioner to be in charge of one or more Public Trusts Registration Offices or Joint Public Trusts Registration Offices.

Deputy or Assistant Charity Commissioner to be in charge of Public Trusts Registration Office.

17. In every Public Trusts Registration Office or Joint Public Trusts Registration Office, it shall be the duty of the Deputy or Assistant Charity Commissioner in charge to keep and maintain such books, indices and other registers as may be prescribed. Such books, indices and registers shall contain such particulars as may also be prescribed.

Books, indices and registers.

18. *(1)* It shall be the duty of the trustee of a public trust to which this Act has been applied to make an application for the registration of the public trust.

Registration of public trurts.

(2) Such application shall be made to the Deputy or Assistant Charity Commissioner of the region or sub-region within the limits of which the trustee has an office for the administration of the trust [27][or the trust property or substantial portion of the trust property is situated, as the case may be.]

(3) Such application shall be in writing, shall be in such form and accom-panied by such fee as may prescribed.

(4) Such application shall-

(a) in the case of a public trust created before this Act was applied to it, be made, within three months from the date of the application of this Act, and

(*b*) in the case of a public trust created after this Act comes into force, within three months of its creation.

(5) Such application shall *inter alia* contain the following particulars:-

[28][(*ai*)the designation by which the public trust is or shall be known (here-inafter referred to as the name of the public trust),]

(*i*) the names and addresses of the trustees and the manager, (*ii*) the mode of succession to the office of the trustee,

(*iii*) the list of the movable and immovable trust property and such descriptions and particulars as may be sufficient for the identification thereof,

(*iv*) the approximate value of the movable and immovable property,

(*v*) the gross average annual income of the trust property estimated on the income of three years immediately preceding the date on which the application is made or of the period which has elapsed since the

creation of the trust, whichever period is shorter,

(*vi*) the amount of the average annual expenditure in connection with such public trust estimated on the expenditure incurred within the period to which the particulars under clause (v) relate,

(vii) the address to which any communication to the trustee or manager in connection with the public trust may be sent,

(*viii*) such other particulars which may be prescribed:

Provided that the rules may provide that in the case of any or all public trusts it shall not be necessary to give the particulars of the trust property of such value and such kind as may be specified therein.

(6) Every application made under sub-section *(1)* shall be signed and verified in the prescribed manner by the trustee or his agent specially authorised by him in this behalf. It shall be accompanied by a copy of an instrument of trust, if such instrument had been executed and is in existence.

[29][*(7)* It shall also be the duty of the trustee of the public trust to send memorandum in the prescribed

form containing the particulars, including, the name and description of the public trust, relating to the immovable property of such public trust, [30][to the sub-registrar of the sub-district appointed under the Indian Registration Act, 1908, in which such immovable property is situate for purposes of registration. XVI of 1908.

Such memorandum shall be sent within three months from the date of creation of the public trust and shall be signed and verified in the prescribed manner by the trustee or his agent specially authorised by him in this behalf.]

Inquiry for registration.

19. On the receipt of an application under section 18, or upon an application made by any person having interest in a public trust or on his own motion, the Deputy or Assistant Charity Commissioner shall make an inquiry in the prescribed manner for the purpose of ascertaining:-

[31][(*i*)whether a trust exists and whether such trust is a public trust],

(*ii*) whether any property is the property of such trust,

(iii) whether the whole or any substantial portion of the subject-matter of the trust is situate within his jurisdiction,

(*iv*) the names and addresses of the trustees and manager of such trust, (*v*) the mode of succession to the office of the trustee of such trust, (*vi*) the origin, nature and object of such trust,

(*vii*) the amount of gross average annual income and expenditure of such trust, and

(*viii*) any other particulars as may be prescribed under sub-section (5) of section 18.

Findings of Deputy or Assistant Charity Commissioners.

20. On completion of the inquiry provided for under section 19, the Deputy or Assistant Charity Commissioner shall record his findings with the reasons therefor as to the matters mentioned in the said section, [32][and may make an order for the payment of the registration fee].

Entries in Register.

21. *(1)* The Deputy or Assistant Charity Commissioner shall make entries in the register kept under section 17 in accordance with the findings recorded by

him under section 20 or if appeals [33][or applications] are made as provided by this Act, in accordance with the final decision of the competent authority provided by this Act.

(2) The entries so made shall, subject to the provisions of this Act and subject to any change recorded under the following provisions, be final and conclusive.

Change.

22. *(1)* Where any change occurs in any of the entries recorded in the register kept under section 17, the trustee shall, within 90 days from the date of the occurrence of such change, or where any change is desired in such entries in the interest of the administration of such public trust, report such change or proposed change to the Deputy or Assistant Charity Commissioner in charge of the Public Trusts Registration Office where the register is kept. Such report shall be made in the prescribed form.

[34][*(1A)* Where the change to be reported under sub-section (1) relates to any immovable property, the trustee shall, alongwith the report, furnish a memo-randum in the prescribed

form containing the particulars (including the name and description of the public trust) relating to any change in the immovable property of such public trust, for forwarding it to the sub-registrar referred to in sub-section (1) of section 18.

Such memorandum shall be signed and verified in the prescribed manner by the trustee or his agent specially authorised by him in this behalf.]

(2) For the purpose of verifying the correctness of the entries in the register kept under section 17 or ascertaining whether any change has occurred in any of the particulars recorded in the register, the Deputy or Assistant Charity Commissioner may hold an inquiry.

(3) Ifthe Deputy or Assistant Charity Commissioner, as the case may be after receiving a report under sub-section (1) and holding an inquiry, if necessary under sub-section (2), or merely after holding an inquiry under the said sub-section (2), is satisfied that a change has occurred in any of the entries recorded in the register kept under section 17 in regard to a particular public trust, he shall record a finding with the reasons therefor to that effect. Such finding shall be appealable to the Charity Commissioner. The Deputy or Assistant Charity Commissioner shall amend the entries in the said register in accordance with such finding and if appeals [35][or applications] were made against such finding, in accordance with the final decision of the competent authority provided by this Act. The amendments in the entries so made shall, subject to any further amendment on the occurrence of a change, be final and conclusive.

[36][*(4)* Whenever an entry is amended under sub-section *(3),* the Deputy or Assistant Charity Commissioner, as the case may be, shall forward the memo-randum furnished to him under sub-section *(1A),* after certifynig the amended entry to the sub-Registrar referred to in sub-section (1) of section 18, for the purpose of registering the change.]

Further Inquiry by Deputy or Assistant Charity Commissioner.

[37][**22A.** If at *any* time after the entries are made in the register under section 21 or 22 it appears to the Deputy or Assistant Charity Commissioner that any particular relating to any public trust, which was not the subject-matter of the inquiry under section 19, or sub-section *(3)* of section 22, as the case may be, has remained to be enquired into, the Deputy or Assistant Charity Commissioner, as the case may be, may make further inquiry in the prescribed manner, record his findings and make entries in the register in accordance with the decision arrived at or if appeals or applications are made as provided by this Act, in accordance with the decision of the competent authority provided by this Act. The provisions of sections 19, 20, 21 and 22 shall, so far as may be, apply to the inquiry, the recording of findings and the

making of entries in the register under this section.]

Registration of trust property in the name of public trust which has already been registered, etc.

[38][**22B.***(1)* In the case of a public trust —

(a) which is deemed to have been registered under this Act or under section 28, or

(b) which has been registered under this Act before the date of the coming into force of the Bombay Public Trusts (Amendment) Act, 1955 (herein after referred to as the said date) on an application made under section 18, or

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(c) in respect of which an application for registration has been made under section 18 and such application was pending on the said date,

the trustee of such public trust shall within three months from the said date make an application in writing for registration of the property of the public trust in the name of such trust and shall state in the application the name of the public trust

(2) Such application shall be signed and verified in the prescribed or his agent specially

authorised by him in this behalf and made to the Deputy or Assistant Charity Commissioner who made entries in respect of such public trust in the register kept under section 17 or with whom the application for registration of the public trust was pending, as the case may be.

(3) On receipt of such application, the Deputy or Assistant Charity Commis-sioner shall-

(a) in the case of a public trust which is deemed to have been registered under section 28 or which has been registered under this Act before the said date specify the name of the public trust against the entries made in respect of such trust in the register kept under section 17, and

(b) in the case of a public trust the application for the registration of which was pending on the said date specify the name of the public trust at the time of making entries under section 21 in respect of such public trust in the register kept under section 17.

Registration of particulars of im-movable property of trusts already registered with certain officers and authorities.

22C. [39][*(1)*] In the case of a public trust,-

(a) which is deemed to have been registered under this Act under [40][section 28, read with Schedule A], or

(b) which has been registered under this Act before the coming into force of the Bombay Public Trusts (Amendment) Act, 1955 (hereinafter referred to as the said date) on an application made under section 18, or

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(c) in respect of which an application has been made under section 18 and such application was pending on the said date,

the trustee of such public trust shall within three months from the said date send a memorandum in the prescribed

form containing the particulars, including the name and description of the public trust, relating to the immovable property of such public trust to the [41][officers specified in sub-section *(1)* of section 18 for the purposes of registration].

Such memorandum shall be signed and verified in the prescribed manner by the trustee or his agent specially authorised by him in this behalf,]

[42]*(2)* In the case of a public trust deemed to have been registered under section 28 read with Schedule AA, the provisions of sub-section (/) shall

apply with the modification that the said date shall refer to the date of the coming into force of the Bombay Public Trusts (Unification and Amendment) Act, 1959.]

Bom. VI of 1960.

Procedure w trust propert situate in sev regions or su regions.

23. If any part of the property of any public trust is situate within the limits of more than one region or sub-region, the Deputy or Assistant Charity Commissioner of the region or sub-region within the limits of which the public trust is registered, shall forward a copy of the entries to the Deputy or Assistant Charity Commissioner in charge of the region or sub-region within the limits of which such part of the trust property is situate. The Deputy or Assistant Charity Commissioner in charge of such region or sub-region shall make an entry in such book as may be prescribed for the purpose. A copy of such entry shall also be sent by the Deputy or the Assistant Charity Commissioner, as the case may be, to the Sub-Registrar appointed under the Indian Registration Act, 1908, of the sub-district within the limits of which such property or part thereof is situate.

XVI of 1908.

Stay of inqu

24. No Deputy or Assistant Charity Commissioner shall proceed with an inquiry under section 19 or 22 in regard to any public trust which has been already registered in any other region or sub-region.

Inquiry regar public trust r be held by n than one Dep Assistant Ch Commissio

25. *(1)* If an inquiry under section 19 or 22 in regard to any public trust is pending before more than one Charity Commissioner whether Deputy or Assistant, the Charity Commissioner shall, on the application of any of the persons having interest in such public trust or of any Deputy or Assistant Charity Commissioner before whom such inquiry is pending or on his own motion, determine which of such Deputy or Assistant Charity Commissioner shall proceed with the inquiry in regard to such trust.

(2) The determination of the Charity Commissioner under sub-section (/) shall be final and conclusive; and upon such determination, no Deputy or Assistant Charity Commissioner other than the Deputy or Assistant Charity Commissioner specified by the Charity Commissioner shall proceed with the inquiry in regard to the public trust under section 19 or 22, as the case may be.

Court to forwa copy of decisi Charity Commissioner

26. Any Court of competent jurisdiction deciding any question relating to any public trust which by or under the provisions of this Act is not expressly or impliedly barred from deciding shall cause copy of such decision to be sent to the Charity Commissioner and the Charity Commissioner shall cause the entries in the register kept under section 17 to be made or amended in regard to such public trust in accordance with such decision. The amendments so made shall not be altered except in cases where such decision has been varied in appeal or revision by a court of competent jurisdiction. Subject to such alterations, the amendments made shall be final and conclusive.

27.*[Stamping of scripts.*] *Repealed by Bom. 39 of 1951,* s. *2, First Schedule.*

Public trust previously registered und enactments specified in

28. *(1)* All public trusts registered under the provisions of any of the enactments specified in [43][Schedule A], [44][and Schedule AA] shall be deemed to have been registered under this Act from the date on which this Act may be applied

Schedule.

region within the limits of which [45][a public trust had been registered under any of the said enactments] shall issue notice to the trustee of such trust for the purpose of recording entries relating to such trust in the register kept

under section 17 and shall after hearing the trustee and making such inquiry as he thinks fit record findings with the reasons therefor. Such findings shall be in accordance with the entries in the registers already made under the said enactments subject to such changes as may be necessary or expedient.

(2) Any person aggrieved by any of the findings recorded under sub-section *(1)* may appeal to the Charity Commissioner.

(3) The provisions of this Chapter shall, so far as may be, apply to the making of entries in the register kept under section 17 and the entries so made shall be final and conclusive.

Copy of entries relating to immovable property to be sent to sub-registrar, revenue and local authorities.

[46][**28A.** The Deputy or Assistant Charity Commissioner shall send a memorandum in the prescribed

form containing entries including the entry of the name and described of the public trust, relating to immovable property of such public trust made by him in the register

(i) to the sub-registrar of the sub-district appointed under the Indian Registration Act, 1908, in which such immovable property is situate. XVI of 190

[47][* * * * * * *]

[47][* * * * * * *]

28B. [*Duty of certain officers and authorities to maintain registers of trust property.*] *Deleted by Bom. 6 of 1960, s. 17.*

Public trust by will.

29. In the case of the public trust which is created by a will, the executor of such will shall within one month from the date on which the probate of the will is granted or within six months from the date of the testator's death [48][which- ever is earlier] make an application for the registration in the manner provided in section 18 and the provisions of this Chapter shall *mutatis mutandis* apply to the registration of such trust:

[49][Provided that the period prescribed herein for making an application for registration may, for sufficient cause, be extended by the Deputy or Assistant Charity Commissioner concerned.]

Notice of particulars of immovable property [51]** entered in register.

30. Any person acquiring any immovable property [50]**belonging to a public trust which has been registered under this Chapter or any part of or any share or interest in such property [50]** of such trust shall be deemed to have notice of the relevant particulars relating to such trust entered in the register, [52][or in the registers maintained under section 28B.]

[53][*Explanation.*-For the purposes of this section, a person shall be deemed to have notice of any particulars in the registers,-

(1) when be actually knows the said particulars or when, but for wilful abstention from any inquiry or search which he ought to have made, or gross negligence, he would have known them;

(2) If his agent acquires notice thereof whilst acting on his behalf in the course of business to which the fact of such particulars is material.]

Bar to hear or decide suits.

31. *(1)* No suit to enforce a right on behalf of a public trust which has not been registered under this Act shall be heard or decided in any Court

(2) The provisions of sub-section *(1)* shall apply to a claim of set off or other proceeding to enforce a right on behalf of such public trust

CHAPTER V.

ACCOUNTSANDAUDIT.

Maintenance of accounts.

32. *(1)* Every trustee of a public trust [54]***** shall keep regular accounts.

(2) Such accounts shall be kept in such form as may be approved by the Charity Commissioner and shall contain such particulars as may be prescribed.

Balancing and auditing of accounts.

33. *(1)* The accounts kept under section 32 shall be balanced each year on the thirty-first day of March or such other day, as may be fixed by the Charity Commissioner.

(2) The accounts shall be audited annually in such manner as may be prescribed and by a person [55][who is a chartered accountant within the meaning of the Chartered Accountants Act, 1949] or by such persons as may be authorised in this behalf by the State Government.

XXXVIII of 1949.

(3) Every auditor acting under sub-section *(2)* shall have access to the accounts and to all books, vouchers, other documents and records in the possession of or under the control of the [56][trustee].

(4) Notwithstanding anything contained in the preceding sub-sections:-

[57][(*a*)] the Charity Commissioner may direct a special audit of the accounts of any public trust whenever in his opinion such special audit is necessary. The provisions of sub-sections *(2)* and *(3)* shall, so far as may be applicable, apply to such special audit. The Charity Commissioner may direct the payment of such fee as may be prescribed for such special audit; [58][and

(b) State Government may, by general or special order, exempt any public trust or class of public trusts from the provisions of sub-section *(2),* subject to such conditions as may be specified in the order.]

Auditor's duty prepare balanc sheet and to re irregularities, c

34. *(1)* It shall be the duty of every auditor auditing the accounts of a public trust under section 33 to prepare a balance sheet and income and expenditure account and to forward a copy of the same to the Deputy or Assistant Charity Commissioner of the region or sub-region or to the Charity Commissioner, if the Charity Commissioner required him to do so.

(2) The auditor shall in his report specify all cases of irregular, illegal or im-proper expenditure or failure or omission to recover moneys or other property belonging to the public trust or of loss or waste of money or other property thereof and state whether such expenditure, failure, omission, loss or waste was caused in consequence of breach of trust, or misapplication or any other misconduct on the part of the trustees, or any other person.

Investment of public trust mo

35. [59][*(1)*] Where the trust property consists of money and cannot be applied immediately or at any early date to the purposes of the public trust the trustee shall be bound [60][(notwithstanding any direction contained in the instrument of the trust) to deposit the money in any Scheduled Bank as defined in the Reserve Bank of India Act, 1934, in the Postal Savings Bank or in a Co-operative bank approved by the State Government for the purpose or to invest it in public securities]:

II of 1934.

Provided that such money may be invested in the first mortgage of immovable property situate in [61][any part of India] if the property is not leasehold for a term of years and the value of the property exceeds by one-half the mortgage money:

Provided further that the Charity Commissioner may by general or special order permit the trustee of any public trust or classes of such trusts to invest the money in any other manner.

[62][*(2)* Nothing in sub-section (*1*) shall effect any investment or deposit already made before the coming into force of the Bombay Public Trusts

Bom. LIX of 19

(Amendment) Act, 1954, in accordance with a direction contained in the instrument of the trust:

Provided that any interest or dividend received or accruing from such investment or deposit on or after the coming into force of the said Act or any sum [63][so invested or deposited] on the maturity of the said investment of deposit shall be applied or invested in the manner prescribed in sub-section (1).]

Alienation of immovable property of public trust.

36. [64][(*1*)] [65][Notwithstanding anything contained in the instrument of trust-]

(a) no sale, mortgage, exchange or gift or any immovable property, and

(b) no Lease for a period exceeding ten years in the case of agricultural land or for a period exceeding three years in the case of non-agricultural land or a building,

belonging to a public trust, shall be valid without the previous sanction of the Charity Commissioner.

[66][*(2)* The decision of the Charity Commissioner under sub-section (*1*) shall be communicated to the trustees and shall be published in such manner as may be prescribed.

(3) Any person aggrieved by such decision may appeal to the Gujarat Revenue Tribunal within thirty days from the date of its publication.

(4) Such decision shall, subject to the provisions of sub-section (3) be final.]

CHAPTER VI. CONTROL.

Power of inspection and supervition.

37. [67][*(1)*] The Charity Commissioner, the Deputy or Assistant Charity Commissioner or any officer authorised by the State Government by a general or special order shall have power-

(a) to enter on and inspect or cause to be entered on and inspected any property belonging to a public trust;

(b) to call for or inspect any extract from any proceedings of the trustees of any public trust and [68][any books of accounts or documents in the possession, or under the control, of the trustees or any person on behalf of the trustees];

(c) to call for any return, statement, account or report which he may think fit from the trustees or any person connected with a public trust:

Provided that in entering upon any property belonging to the public trust the officers making the entry shall give reasonable notice to the trustee and shall have due regard to the religious practices or usages of the trust.

[69][*(2)* It shall be the duty of every trustee to afford all reasonable facilities to

any officer exercising any of the powers under sub-section (*1*) and the trustees [70][and person referred to in sub-section (*1*)] shall comply with any order made or direction issued by such officer in exercise of the power conferred upon him by or under sub-section (*1*).]

38. On receipt of a report of the auditor under section 34 [71][or of a report, if any, made by an officer authorised under section 37] the Deputy or Assistant Charity Commissioner to whom the report is submitted shall require the trustee or any other person concerned to submit an explanation thereon within such period as he thinks fit. Explanation on report of audit

[72][**39.** On considering the report referred to in section 38, and the accounts and explanation, if any, furnished by the trustees or any other person, and after holding an inquiry in the prescribed manner, the Deputy or Assistant Charity Commissioner shall record his finding as to whether the trustees or any other person have been guilty of gross negligence, a breach of trust, misapplication or misconduct which has resulted in loss to the public trust and make a report thereof to the Charity Commissioner.] Report to Char Commissioner

40. The Charity Commissioner shall, after considering the report of the Deputy or Assistant Charity Commissioner, giving an opportunity to the person concerned and holding such inquiry as he thinks fit, determine- Decision of C Commission report under 39.

(a) the amount of loss caused to a public trust;

(b) whether such loss was due to any [73][gross negligence, breach of trust,] misapplication or misconduct on the part of any person;

(c) whether any of the trustees, or any other person was responsible for such loss;

(d) the amount which any of the trustees or any other person is liable to pay to the public trust for such loss.

41. *(1)* If the Charity Commissioner decides that any person is liable to pay to the public trust any amount for the loss caused to the trust, the Charity Commissioner may direct that the amount shall be surcharged on the person. Order of surc

(2) Subject to the provisions of section 72, the order of the Charity Com-missioner under sub-section (*1*) shall be final and conclusive.

[74][**41A.** *(1)* Subject to the provisions of this Act, the Charity Commissioner may, from time to time, issue directions to any trustee of a public trust or any person connected therewith to ensure that such trust is properly administered and the income thereof is properly accounted for or duly appropriated and applied to the objects and for the purposes of the trust Power of Ch Commission issue directio trustees and persons.

(2) It shall be the duty of every such trustee and person to comply with a direction issued to him under sub-section (*1*)].

CHAPTER VII.

OTHERFUNCTIONSANDPOWERSOFCHARITYCOMMISSIONER.

42.[75][Each Charity Commissioner] shall be a corporation sole and shall have perpetual succession and common seal and may sue and be sued in his corporate name. Charity Commissioner corporation so

43.[76][[77](* * *)] Notwithstanding anything contained in the Charitable Endowments Act, 1890, [78][the Charity Commissioner, Bombay (hereinafter in this section referred to as "the Charity Commissioner")] shall be deemed to be and to have always been the Treasurer of Charitable Endowments for [79][that part of the +State of Bombay to which this Act extends] appointed under the provisions of the said Act and the property vesting in the said Treasurer before the date on which this Act comes into force shall be deemed to vest in the Charity Commissioner as the Treasurer of Charitable Endowments; and the provisions of the said Act shall apply to the Charity Commissioner as the Treasurer of Charitable Endowments appointed under the said Act. Charity Commissioner Treasurer of Charitable End ments under A

VI of 1890.

of 1890.

[80] * * * * * *

Charity Commissioner can act trustee of Public trusts.

44. *(1)* Subject to the provisions of this Act [81][and] the rules made there under the Charity Commissioner may be appointed to act as a trustee of a public trust by a Court r by the author of the trust.

(2) Save as herein provided, the Charity Commissioner acting as a trustee of a public trust shall have the same powers, duties and liabilities and be entitled to the same rights and privileges as any other trustee of a public trust.

(3) The Charity Commissioner may decline, either absolutely or except on such conditions as he may impose, to accept any trust.

(4) The Charity Commissioner shall be the sole trustee and it shall not be lawful to appoint him as a trustee alongwith other persons.

Charity Commissioner may with con-sent be appointed trustee of settlement by grantor.

45. *(1)* Any person intending to create a public trust may by the instrument creating the trust and with the consent of the Charity Commissioner appoint him by that name or any other description to be the trustee of such trust:

Provided that the consent of the Charity Commissioner shall be recited in the said instrument and that such instrument shall be executed by the Charity Commissioner or any officer duly authorised by him in that behalf.

(2) Upon such appointment the trust property shall vest in the Charity Commissioner and shall be held by him upon the terms declared in such instrument.

Appointment of Charity Commissioner as trustee under will.

46. Where the Charity Commissioner by that name or any other sufficient description has been appointed a trustee of any public trust under any will, the executor of the will of the testator or the administrator of his estate shall 82[within a period of three months from the date of] obtaining probate or letters of administration, notify in the prescribed manner, the contents of such will to the Charity Commissioner and if the Charity Commissioner consents to accept the trust then upon the execution by such executor or administrator of an instrument in writing transferring the property subject to the trust to the Charity Commissioner, such property shall vest in the Charity Commissioner and shall be held by him upon the trust expressed in the will:

Provided that the consent of the Charity Commissioner shall be recited in the instrument and that such instrument shall be executed by the Charity Commissioner or any officer duly authorised by him in that behalf :

83[Provided further that where, under any law for the time being in force, no probate or letters of administration are necessary for the administration of the estate of the testator, the executor or administrator, as the case may be, shall notify the contents of the will within the period of three months from the time when the contents of the will become known to him.].

Power of Court to appoint new trustee or trustees, as the case may be.

47. *(1)* Any person interested in a public trust or the Charity Commissioner may apply to the Court for the appointment of a new trustee, when a trustee of such trust-

(a) disclaims or dies;

(b) is for a continuous period of six months absent from India without the leave of the Charity Commissioner or Deputy or Assistant Charity Commissioner or the officer authorised by the State Government in this behalf;

(c) leaves India for the purpose Of residing abroad;

(d) is declared an insolvent;

(e) desires to be discharged from the trust;

(f) refuses to act as a trustee;

(g) becomes in the opinion of the Court unfit or physically incapable to act in the trust or accepts a position which is inconsistent with the trust; or

(h) in any of the cases mentioned in Chapter III is not available to administer the trust.

(2) No such application shall be entertained,-

(a) unless the trustee who on account of any of the reasons mentioned in clauses (*a*) to (*h*) of sub-section *(1)* is not fit or available to administer the trust is the sole acation of office by one or more

trustees on account of any of the said reasons the minimum number of trustees required by the instrument, scheme, order or decree of the Court or usage or custom of the trust for the administration of the trust is reduced;

(b) (*i*) until the expiration of a period of three months from the date on which the trustee is not so fit or available to administer the trust; and

(ii) if a new trustee has been appointed in the said office during the said period in accordance with the instrument, scheme, order or decree of the Court, or custom or usage of the trust.

(3) The Court after making an inquiry [84][may by order appoint] the Charity Commissioner or any other person as the trustee to fill up the vacancy.

(4) In appointing the trustee under sub-section *(3)* the Court shall have regard-

(a) to the wishes of the author of the trust;

(b) to the wishes of the person, if any, empowered to appoint a new trustee;

(c) to the question whether the appointment will promote or impede the execution of the trust;

(d) to the interest of the public or the section of the public who have interest in the trust; and

(e) to the custom and usage of the trust.

(5) Where the Charity Commissioner is appointed a trustee, he shall be the

sole trustee.

(6) The [85][order] of the Court under sub-section (*3*), shall be deemed to be the decree of the Court and an appeal shall lie therefrom to the High Court.

Power of Charity Commissioner to apply to Court for appointment of new trustee where trustee convicted under Act.

[86][**47AA.** Where a trustee of any public trust is convicted of an offence punishable under this Act, [87][or any amount is surcharged on him under sub-section (1) of section 41], the Charity Commissioner may apply to the Court for the appointment of a new trustee, and thereupon the provisions of subsections (*3*), *(4),* (5) and *(6)* of section 47 shall apply as they apply to an application made under sub-section (*1*) of that section.]

Power to Court to vest property in new trustee.

[88][**47A.** It shall be lawful for the Court upon making any order appointing a new trustee under sub-section *(3)* ofsection 47 [89][or section 47AA] either by the same or by any subsequent order to direct that any property subject to the trust shall vest in the person so appointed].

[90][**47B.** Nothing in section 44. [91][47 or 47AA]-

Court not to appoint Charity Commissioner as trustee of religious trust and Charity Commissioner not to accept such trust if management of religious affairs is involved.

(a) shall empower any Court to appoint the Charity Commissioner to be a trustee of any public trust for a religious purpose, or

(b) shall entitle the Charity Commissioner to accept any trust, if such acceptance requires the Charity Commissioner to manage the affairs of any religious denomination or any section thereof in the matter of religion:

Provided, that if the author of the public trust for a religious purpose so intends, or the person or the authority in whom or which the property of such public trust vest deems it expedient in public interest, the Court may appoint the Charity Commissioner, the sole trustee of such public trust or the Charity Commissioner may accept such trust].

Levy of administrative charges.

48. *(1)* When the Charity Commissioner is appointed a trustee of any public trust, there shall be levied such administrative charges whether by way of percentage or otherwise, as the State Government may prescribe.

(2) The charges so levied may be at different rates for different properties or classes of properties or for different dudes.

Transfer of property by Charity Commissioner.

49. *(1)* Nothing in this Act shall be deemed to prevent the transfer, by the Charity Commissioner, of any property vested in him as a trustee, to-

(a) the original trustee (if any),

(b) any other lawfully appointed trustee, or

(c) any other person, if the court so directs.

(2) Upon such transfer, such property shall vest in such trustee and shall be held by him upon the same terms as those upon which it was held prior to the transfer and the Charity Commissioner shall be exempt from all liability as trustee of such property except in respect of acts done before such transfer:

Provided that in the case of any transfer under this section, the Charity Commissioner shall be entitled to retain out of the property any fees and administrative charges leviable in accordance with the provisions of this Act.

Suits relating to public trusts.

50. In any case-

(i) where it is alleged that there is a breach of a public trust,

(ii) 93[where a direction is required to recover possession of a property belonging to a public trust] 94[or the proceeds thereof or for an account of such property or proceeds] from any person including a person holding adversely to the public trust, or

*(iii)*where the direction of the court is deemed necessary for the administration of any public trust,

the Charity Commissioner 95[after making such enquiry as he thinks necessary] or two or more persons having an interest in the trust and having obtained the consent in writing of the Charity Commissioner as provided in section 51 may institute a suit whether contentions or not in the Court within the local limits of whose jurisdiction the whole or part of the subject-matter of the trust is situate, to obtain a decree for any of the following reliefs: —

(a) an order for the recovery of the possession of such property 96[or proceeds thereof],

(b) the removal of any trustee or manager,

(c) the appointment of a new trustee or manager,

97[*(cc)* vesting any property in a trustee,]

(d) a direction for taking accounts and making certain inquiries,

(e) a declaration as to what proportion of the trust property or of the interest therein shall be allocated to any particular object of the trust,

(f) a direction authorising the whole or any part of the trust property to be let, sold, mortgaged or exchanged,

(g) the settlement of a scheme or variations or alterations in a scheme already settled, or

(h) granting such further or other relief as the nature of the case may require:

Provided that no suit claiming any of the reliefs specified in this section shall be instituted in respect of any public trust except in conformity with the provisions thereof:

98[Provided further that the Charity Commissioner may, instead of instituting a suit, make an application to the Court for a variation or alteration in a scheme already settled.]

Power of Charity Commissioner to frame, amalgamate or modify schemes.

99[**50A.***(1)* Notwithstanding anything contained in section 50, where the Charity Commissioner has reason to believe that, in the interest of the proper management or administration of a public trust, a scheme should be settled for it, or where two or more persons having interest in a public trust make an application to him in writing in the prescribed manner that, in the interest of the proper management or administration of a public trust, a scheme should be settled for it, the Charity Commissioner may if after giving the trustees of such trust due opportunity to be heard, he is satisfied that it is necessary or expedient so to do, frame a scheme for the management or administration of such public trust

(2) Where the Charity Commissioner is of opinion that in the interest of the proper management or administration, two or more public trusts may be amalgamated by framing a common scheme for the same, he may, after-

(a) publishing a notice in the *Official Gazette* and also in at least two newspapers (one in English, and the other in the language of the region) with a wide circulation in the region in which the trust is registered, and

(b) giving the trustees of such trusts and all other interested persons due opportunity to be heard,

frame a common scheme for the same.

100[*(2A)* A scheme under this section may provide for the number of trustees, the mode of appointment of trustees including the appointment of the first trustees, vesting of the trust property in the trustees so appointed, mode of filling any vacancy of a trustee the remuneration of a trustee or manager of the public trust and where necessary, a clarification of the objects of the public trust.].

(3) The Charity Commissioner may, at any time, after hearing the trustees, modify the scheme framed by him under sub-section (1) or sub-section *(2)*.

(4) The scheme framed under sub-section *(1)* or sub-section (2) or modified under sub-section (3) shall, subject to the decision of the competent court under section 72, have effect as a scheme settled or altered, as the case may be, under a decree of a Court under section 50.]

Consent of Charity Commissioner for institution of suit.

51. *(1)* If the persons having an interest in any public trust intend to file a suit of the nature specified in section 50, they shall apply to the Charity Commissioner in writing for his consent. The Charity Commissioner, after hearing the parties and after making such inquiry as he thinks fit, may within a period of six months from the date on which the application is made, grant or refuse his consent to the institution of such suit. The order of the Charity Commissioner refusing his consent shall be in writing and shall state the reasons for the refusal.

(2) If the Charity Commissioner refuses his consent to the institution of the suit under sub-section *(1)* the persons applying for such consent may file an appeal to the Bombay Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1939, in the manner provided by this Act. Bom. XII of 1

(3) In every suit filed by persons having interest in any trust under section 50, the Charity Commissioner shall be a necessary party.

(4) Subject to the decision of the Bombay Revenue Tribunal in appeal under section 71, the decision of the Charity Commissioner under sub-section (*1*) shall be final and conclusive.

Non-application of sections 92 and 93 of Civil Procedure Code to public trusts.

52. 101[*(1)* Notwithstanding anything contained in the Code of Civil Procedure, 1908, the provisions of sections 92 and 93 of the said Code shall not apply to the public trusts. V of 1908.

102[103[*(2)* If]] on the date of the application of the Act to any public trust any legal proceedings in respect of, such trust are pending before 104[any, Civil Court of competent jurisdiction] to which the Advocate General or the Collector exercising the powers of the Advocate General is a party, the Charity Commissioner shall be deemed to be substituted in those proceedings for the Advocate General or the Collector, as the

case may be, and such proceedings shall be disposed of by such Court.]

105[*(3)* Any reference to the Advocate General made in any instrument, scheme, order or decree of any Civil Court of competent jurisdiction made or

passed, whether before or after the said date, shall be construed as a reference to the Charity Commissioner.]

IX of 1908.

106[**52A.** Notwithstanding anything contained in the Indian Limitation Act, 1908, no suit against an assignee for valuable consideration of any immovable property of the public trust which has been registered or is deemed to have been registered under this Act for the purpose of following in his hands, such property or the proceeds thereof, or for an account of such property or proceeds shall be barred by any length of time.]

Suit against assignee for valuable consideration not barred by time

53. *(1)* Where under any will a bequest has been made in favour of a public trust or where such bequest itself creates a public trust, it shall be the duty of the executor under the will to forward a copy thereof to the Deputy or Assistant Charity Commissioner for the region or sub-region where 107[such trust] may have been, or is required to be registered.

Bequest under will for benefit of public trust.

(2) No probate of any such will or letters of administration with such will annexed shall be granted by any Court whatsoever unless it is satisfied that a copy of such will has been forwarded to the Deputy or Assistant Charity Commissioner as provided by sub-section *(1)*.

54. *(1)* Where according to the custom or usage of any business or trade or the agreement between the parties relating to any transaction any amount is charged to any party to the said transaction or collected under whatever name, as being intended to be used for a charitable or religious purpose the amount so charged or collected 108[(in this Act called "dharmada")] shall vest in the person charging or collecting the same as a trustee.

Dharmada.

(2) Any person charging or collecting such sums shall within three months from the expiration of the year for which his accounts are ordinarily kept submit an account in such form as may be prescribed to the Deputy or Assistant Charity Commissioner.

(3) The Deputy or Assistant Charity Commissioner shall have power to make such inquiry as he thinks fit to verify the correctness of the account submitted and may pass order for the disposal of the amount in the manner prescribed.

109[*(4)* The provisions of Chapter IV shall not apply to dharmada.]

55. *(1)*110[If upon an application made to him or otherwise] the Charity Commissioner is of opinion that-

Cypres.

(a) the original object for which the public trust was created has failed,

(b) the income or any surplus balance of any public trust has not been utilized or is not likely to be utilized,

*(c)*111[in the case of a public trust other than a trust for a religious purpose, it is not in public interest] expedient, practicable, desirable, necessary or proper to carry out wholly or partially the original intention of the author of the public trust or the object for which the public trust was created and that the property or the income of the public trust or any portion thereof should be applied to any other charitable or religious object,

(d) in any of the cases mentioned in sections 10 to 13 or in regard to the appropriation of the dharmada sums held in trust under section 54 the directions of the court are necessary,

the Charity Commissioner shall 112[require the trustees to apply within the prescribed time for directions to the Court within the local limits

of whose jurisdiction the whole or part of the subject matter of the trust is situate.]

(2) If the trustees fail to make the application as required under sub-section *(1)* or if the Charity Commissioner himself is trustee or if there is no trustee of the public trust, the Charity Commissioner shall make an application to the court.

Court's power to hear application.

56. *(1)* On such application being made, the court after hearing the parties and making an inquiry shall decide the matter and shall give directions. In giving the directions, the court shall, so far as may be expedient, practicable desirable 113[necessary or proper] in public interest, give effect to the original intention of the author of the public trust or the object for which the public trust was created. If the Court is of opinion that the carrying out of such intention or object is not wholly or partially expedient, practicable, desirable 113[necessary or proper] in public interest the court may direct the property or income of the public trust or any portion thereof to be applied *cypres* to any other charitable or religious object. In doing so, it shall be lawful for the court to alter any scheme already settled or to vary the terms of any decree or order already passed in respect of the public trust or the conditions contained in the instrument of the public trust.

(2) Any decision or order passed by the court under sub-section (*1*) shall be deemed to be a decree of such court and an appeal shall lie therefrom to the High Court.

Powers of trustee to apply for directions.

114[**56A.** *(1)* Save as hereinbefore provided in this Act, any trustee of a public trust may apply to the Court, within the local limits of whose jurisdiction the whole or part of the subject-matter of the trust is situate, for the opinion, advice or direction of the Court on any question affecting the management or, administration of the trust property or income thereof, and the Court shall give its opinion, advice, or direction, as the case may be, thereon:

Provided that the Court shall not be bound to give such opinion, advice or direction on any question which it considers to be a question not proper for summary disposal.

(2) The Court, on an application under sub-section *(1),* may give its opinion, advice or direction thereon after giving notice to the Charity Commissioner. The Court before giving any opinion, advice or direction shall afford a reasonable opportunity of being heard to all persons appearing in connection with the application.

(3) A trustee stating in good faith the facts of any matter relating to the trust in an application under sub-section *(1),* and acting upon the opinion, advice or direction of the Court given thereon, shall be deemed, as far as his own responsibility is concerned, to have discharged his duty as such trustee in the matter in respect of which the application was made.

(4) No appeal shall lie against any opinion, advice or direction given under this section.

Proceedings involving question affecting public charitable or religious purpose.

56B. *(1)* In any suit or legal proceedings in which it appears to the Court that any question affecting a public religious or charitable purpose is involved, the Court shall not proceed to determine such question until after notice has been given to the Charity Commissioner.

(2) If upon the receipt of such notice or otherwise the Charity Commissioner makes any application in that behalf, he shall be added as a party at any stage of such suit or proceedings.

(3) In this section "Court" shall mean any Civil Court of competent jurisdiction in the [115][State of Gujarat].

[116][CHAPTER VII-A.

SPECIALPROVISIONASRESPECTSRELIGIOUSANDCHARITABLE INSTITUTIONSANDENDOWMENTSWHICHVESTIN,ORTHE MANAGEMENTOFWHICHVESTSIN,THESTATEGOVERNMENT.

Provisions of Chapter VII--A to apply to certain endowments.

56.C *(1)* The provisions of this Chapter shall apply to every temple, mosque or endowment created for a public religious or charitable purpose (hereinafter in this Chapter referred to as "the endowment"), Which vests in, or the management of which vests in, the State Government and which-

(a) has been registered under the provisions of this Act as, or

(b) is declared by the State Government by notification, in the *Official Gazette,* after such inquiry as it thinks fit, and after previous publication, to be a public trust.

On such declaration such endowment shall be deemed to be a registered public trust for the purposes of this Act and the provisions of Chapter IV relating to the registration of public trusts, shall, as far as may be, apply to the making of entries in the register kept under section 17, provided that such entries shall also confirm to the provisions of this Chapter. The entries so made shall be final and conclusive.

(2) The State Government shall, as soon as may be after the commencement of this Chapter, publish in the *Official Gazette* a list of such endowments as are registered as, or declared to be, public trusts; and the State Government may, by like notification and in like manner, add to or delete from such list any endowment entered therein.

Vesting, or transfer of management, of certain endowments.

56D. The State Government shall, from such date as it determines, and in the manner hereinafter provided, transfer the endowment, or the management thereof to a committee (hereinafter referred to as "committee") and thereupon such endowment together with all the immoveable or moveable property appertaining thereto, or as the case may be, management thereof, shall vest in the members of such committee; and the members of the committee shall be the trustees of such endowment within the meaning and for the purposes of this Act.

Committees of management.

56E. *(1)* Notwithstanding anything contained in sections 47 and 50 for the purpose of vesting or transferring the management of the endowment under the provisions of this chapter, to a Committee, the State Government shall, by notification in the *Official Gazette,* appoint (under such name as may be specified in the notification) one or more committees for each district.

(2) The committee shall have power to acquire, hold and dispose of property, subject to such conditions and restrictions as may be prescribed, and may sue and be sued in the names of all the members of the committee.

(3) A committee shall consist of not less than five and not more than seven members, and the members in the case of a religious endowment shall and in any other case may, be appointed from amongst persons professing the religion or belonging to the religious denomination (or any section thereof), for the purposes of which or for the benefit of whom the endowment was founded, or is being administered. The members shall be appointed, as far as possible, and in accordance so far as can be ascertained with the general wishes of those who are interested in the administration, of such endowment.

Term of office of members of committee.

56F. *(1)* A member shall be appointed to a committee for a period of five years, but shall be eligible for re-appointment.

(2) A member may, by writing under his hand addressed to the State Government resign his membership of a committee:

Provided that such resignation shall not take effect until the resignation has been accepted by the State Government,

Disqualification of membership.

56G. *(1)* A person shall be disqualified for appointment as, or for being, a member of a committee if he-

(a) is a minor;

(b) has been convicted by a criminal court of any offence involving moral turpitude;

(c) is of unsound mind, and is so declared by a competent court;

(d) is an undischarged insolvent;

(e) has directly or indirectly interest in a lease or any other transaction relating to the property vesting in the committee;

(*f*) is a paid servant of the committee or has any share or interest in a contract for the supply of goods to, or for the execution of any works, or the performance of any service, undertaken by the committee in respect of the endowment;

(g) is found to be guilty of misconduct by the State Government;

(h) in the case of a religious endowment ceases to profess the religion or to belong to the religious denomination for which the committee is appointed; or

(i) is otherwise unfit.

(2) If it appears to the State Government that a member has incurred any of the disqualifications aforesaid, the State Government may, after giving such member an opportunity of showing cause, and after considering any such cause shown, remove such person from membership and the decision of the State Government shall be final.

(3) Notwithstanding anything contained in any other law for the time being in force, a member of the committee shall not be disqualified from being chosen as, and for being a member of, the 117[Gujarat Legislative Assembly] or any local authority by reason only of the fact that he is a member of such committee.

Power of Government to appoint new member.

56H. The State Government may appoint a new member, when a member of a committee-

(a) resigns or dies;

(b) is for a continuous period of six months absent from India without leave of the Charity Commissioner;

(c) leaves India for the purpose of residing abroad;

(d) desires to be discharged;

(e) refuses to act; or

(f) is removed by the State Government.

Chairman and treasurer of committee.

56I. *(1)* The State Government shall, from amongst the members of a committee, appoint a chairman and shall also appoint a treasurer.

(2) The State Government may direct that the chairman, treasurer and other members of the committee may be paid such honorarium or fees and allowances from such fund and in such manner as may be prescribed.

Meeting of and procedure for committee.

56J. The committee shall meet at such intervals and follow such procedure in exercising its powers and discharging its duties and functions as may be prescribed; but the day-to-day proceedings and routine business shall be despatched in accordance with regulations made by it, and approved by the State Government.

Power of Committee to appoint sub-committees.

56K. A committee may by resolution appoint such sub-committees as it may think fit, and may delegate to them such powers and duties as it specifies in the resolution; and a committee or sub-committee may associate with itself, generally or for any particular purpose, in such manner as may be determined by regulations, any person who is not a member, but whose assistance or advice it may desire; and the person associated as aforesaid shall have the right to take part in the discussions of the committee or sub-committee, relevant to that purpose, but shall not have the right to vote at any meeting thereof.

Secretary and other, officers of

56L. *(1)* The State Government may appoint a Secretary to the Committee.

committee.

servants as it thinks necessary for the efficient performance of the duties and functions of the committee under this Act:

Provided that no officer or servant who is paid or is to be paid a salary of over one hundred rupees per mensem shall be appointed by a committee without the previous approval of the State Government.

Terms and conditions of service of Secretary and other servants.

56M.*(1)* The Secretary, officers and servants shall be appointed on such terms and conditions as to service as may be prescribed by rules, or, as the case may be, by regulations made by the committee.

(2) The salary and allowances of the Secretary, officers and servants of a committee shall be paid out of such funds as may be prescribed.

General duties of committee.

56N. *(1)* Subject to the general and special orders of the State Government, it shall be the general duty of a committee to manage and administer the affairs of the endowment which vests in, or the management of which vests in it. It shall be the duty of a committee to so exercise the powers conferred and discharge the duties and functions imposed upon it, by or under this Act or under any instrument of trust, or a scheme, for the time being in force relating to such endowment as to ensure that such endowment is properly maintained, controlled and administered and the income thereof is duly applied to the object and purposes for which it was created, intended or to be administered.

(2) In particular, but without prejudice to the generality of the foregoing provision, a committee shall-

(a) maintain a record containing information relating to the origin income, object and the beneficiaries of every such endowment;

(b) prepare a budget estimating its income and expenditure;

(c) make regular payment of salaries and allowances and other sums payable to the Secretary, officers and servants of a committee from such fund as may be prescribed;

(d) keep separate accounts for each such endowment;

(e) ensure that the income and property of the endowment are applied to the objects and for the purposes for which such endowment was created, in tended or is to be administered;

(f) take measures for the recovery of lost properties of any such endowment;

(g) institute and defend any suits and proceedings in a court of law relating to such endowment;

(h) supply such returns, statistics, accounts and other information with respect to such endowment as the State Government may from time to time require;

(i) inspect, or cause the inspection of the properties of such endowment; and

(j) generally do all such acts as may be necessary for the proper control, maintenance and administration of such endowment.

Act of committee not invalid by reason of vacancy or defect.

56O. No act or proceeding of a committee shall be invalid by reason only of the existence of any vacancy amongst its members, or any defect in the constitution thereof.

Power of State Government to issue directions.

56P. The State Government may, from time to time, for the better management or administration of any endowment issue directions to a committee.

Power of Charity

56Q. The Charity Commissioner may, with the previous sanction of the State Government, provide for the performance of any duty which a committee is bound to perform under the provisions of this Act, or the rules or directions made or given thereunder, and may direct that the expenses of the performance of such duty be paid by any person who may have from time to time the custody of any fund belonging to the committee. If such *duty* is in connection with any endowment the payment shall be made out of the funds belonging to the said endowment.

Commissioner to require duties of committee to be performed and to direct expenses in respect thereof to be paid from fund of committee, etc.

Power to supersede

a committee.

56R. *(1)* If the State Government is of opinion that a committee is unable to perform or has persistently made default in the performance of, the duties imposed upon it by or under this Act, or has exceeded or abused its powers, the State Government may, by notification in the *Official Gazette* supersede the committee for such period as may be specified in the notification:

Provided that, before issuing a notification under this sub-section, the State Government shall give a reasonable opportunity to the committee to show cause why it should not be superseded and consider the explanations and objections, if any, of the committee.

(2) Upon the publication of a notification under sub-section *(1)* superseding a committee-

(a) all the members of the committee shall, as from the date of supersession, vacate their offices as such members;

(b) all the powers, duties and functions which may, by or under the provisions of this Act, be exercised or performed by or on behalf of the committee, shall, during the period of supersession, be exercised and performed by such person or persons as the State Government having regard to the provisions of sub-section (I) of section 56G may direct; and

(c) all property vested in, or the management of which is vested in, the committee shall during the period of supersession vest in the State Government.

(3) On the expiration of the period of supersession specified in the notifica-tion issued under sub-section *(1),* the State Government may-

(a) extend the period of supersession for such further period as it may consider necessary, or

(b) reconstitute the committee in the manner provided in section 56E.

Power to make regulations.

56S. *(1)* The committee may, with the approval of the State Government make regulations not inconsistent with this Act or the rules made thereunder for carrying out its functions under this Act.

(2) In particular, but without prejudice to the generality of the foregoing provision, such regulations may provide for all or any of the following matters, namely:-

(i) despatch of day-to-day proceedings and routine business of the committee under section 56J;

(*ii*) the manner in which any person who is not a member of a committee, or sub-committee may be associated with such committee or sub-committee as the case may be, under section 56K;

(iii) terms and conditions of service of the servants of a committee under section 56M.

Non-applicatio certain provisi of this Act to endowments.

56T. Except so far as is expressly provided in the provsions of this Chapter, nothing in sections 18, 19, 20, 21, 44, 45, 46, 47, 47A, 47B, 50, [118][50A], 59, 66 and 67 shall apply to the endowments to which this Chapter applies.]

CHAPTER VIII.

PUBLICTRUSTSADMINISTRATIONFUND.

Public Trusts Administration Fund.

57. [119][*(1)* There shall be established a fund to be called the Public Trusts Administration Fund. The Fund shall vest in the Charity Commissioner.]

(2) The following sums shall be credited, to the said Fund, namely: -

(a) fees and administrative charges leviable under sections 18 and 48;

(b) contributions made under section 58;

(c) the amount from the funds or the portion thereof credited under section 61;

(d) any sum received from a private person;

(e) any sum allotted by the State Government or any local authority; and

XXXVIII of 1957. Bom. XXI of 1960.

(f) any other sum which may be directed to be credited by or under the provisions of [120][this Act or the Inter-State Corporations Act, 1957] [121][or the Bombay Statutory Corporations Regional (Reorganisation) Act, 1960.]

Contributions by public trusts to Public Trusts Administration Fund.

58. [122][*(1)*]Every public trust shall pay to the Public Trusts Administration Fund annually such contribution on such date and in such manner as may be prescribed:

[123][Provided that the contribution prescribed under this section shall,-

(*i*) in the case of a dharmada, be fixed at rates in proportion to the gross annual collection or receipts of the dharmada;

(ii) in the case of other public trusts, be fixed at rates in proportion to the gross annual income of such public trust.]

[124][*Explanation*.—For the purposes of this section, the gross annual income shall include gross income from all sources in a year excluding donations given or offerings made with a specific direction that they shall form part of the corpus of the public trust :

Provided that the interest or income accruing from such donations or offerings in the years following that in which they were given or made shall be taken into account in calculating the gross annual income.]

[125][*(2)* Notwithstanding anything contained in sub-section (1), the State Government may, by rules, provide for exemption of any public trust or class of public trusts from the whole or any part of the contribution payable under that sub-section, subject to such conditions, if any, as may be prescribed.]

Penalties as recovery of contribution.

59. (*1*) If the trustee of a public trust (other than the Charity Commissioner) [126][or the person charging or collecting dharmada] fails to pay the contribution under section 58, he shall be liable to penalties provided in section 66.

(2) The Charity Commissioner may also make an order directing the bank in which or any person with whom any moneys belonging to the public trust are deposited to pay the contribution from such moneys as may be standing to the credit of the public trust or may be in the hands of such person or may from time to time be recovered from or on behalf of the public trust by way of deposit by such bank or person and such bank or person shall be bound to obey such order. Every payment made pursuant to such order shall be a sufficient discharge to such bank or person from all liability to the public trust in respect of any sum or sums so paid by it or him out of the moneys belong-ing to the public trust so deposited with the bank or person.

(3) Any bank or person who has been ordered under sub-section (2) to make the payment may appeal tothe State Government and the State Government may, after making such inquiry as it thinks fit, confirm, modify or cancel such order.

Application of Public Trusts Administration Fund.

60. *(1)* The Public Trusts Administration Fund shall, subject to the provisions of this Act and subject to the general or special order of the State Government, be applicable to the payment of charges for expenses incidental to the regulation of public trusts and generally for carrying into effect the provisions of this Act.

(2) The custody and investment of the moneys to be credited to the Public Trusts Administration Fund and the disbursement and payment therefrom shall be regulated and made in the prescribed manner.

State Government to direct crediting of funds constituted under any Act in Schedule to Public Trusts Administration Fund constituted under this Chapter.

61. On the application of this Act to any public trust or class of public trusts which may have been registered under any of the Acts specified in 127[Schedule A] 128[or Schedule AA] 129[the State Government may direct that the Charity Commissioner shall recover any arrears due under any such Act and] that the amount of any fund for the administration of public trusts constituted under the said Act for the region or sub-region in which public trust or class of public trusts was registered or any portion thereof 130[including the arrears recovered by the Charity Commissioner] shall be credited to the Public Trusts Administration Fund constituted under this Chapter.

CHAPTER IX. ASSESSORS.

List of Assessors.

62. *(1)* On such date as may be prescribed, the Deputy or Assistant Charity Commissioner shall prepare lists of persons liable to serve as assessors.

(2) Every person between the ages of 25 and *65* shall, except as may be prescribed by rules, be liable and serve as an assessor under this Act.

(3) In the preparation of the lists, regard shall be had to the property, character, education, and religion of persons whose names are entered therein.

(4) The lists so prepared shall be submitted to the Charity Commissioner and when approved by him shall be published in the *Official Gazette.*

(5) The lists published under sub-section *(4)* shall be in operation for a period of three years :

Provided that the Charity Commissioner may before the expiry of the said period direct any additions or alterations to be made therein.

(6) The lists published under sub-section *(4)* shall notwithstanding anything contained in sub-section (5) be deemed to be valid and in operation for a further period of one year or until new lists are prepared in substitution thereof, whichever period expires first.

Person summoned to attend at the time and place specified.

63. Every person summoned to serve as an assessor by 131[the Charity Commissioner or Deputy] or Assistant Charity Commissioner shall attend at the time and place when and where he is so summoned to attend, unless he is prevented from such attendance by a reasonable excuse.

Cases in which assessors shall be summoned.

64. In the following proceedings assessors shall be summoned to assist and advise the Charity Commissioner, Deputy or Assistant Charity Commissioner, as the case may be, namely:-

132[*(a)* an inquiry under section 19 or an inquiry under section 22 relating to a public trust other than a society referred to in section 2(13);]

*(b)*133[* * * *]

(c) an inquiry regarding the loss caused to a public trust in consequence of the act or conduct of a trustee or any other person under section 40:

(d) any other inquiry in which by rules or a general or special order made by the State Government in this behalf, the assessors are required to assist and advise the Charity Commissioner, the Deputy or Assistant Charity Commissioner or any other officer appointed under this Act:

134[Provided that in inquiries specified in clause (a) where no contest is involved the Deputy or Assistant Charity Commissioner may for reasons to be recorded in writing order that assessors shall not be so summoned.]

Number of assessors to be called.

65. *(1)*135[The Charily Commissioner or Deputy] or Assistant Charity Commissioner shall choose, such number of assessors not less than three and not more than five as he deems fit to aid and assist him. In any inquiry relating to a public trust which is for the benefit of the members belonging to a particular religious denomination, the assessors chosen shall, as far as may be practi-cable, belonging to the said religious denomination.

(2) At the conclusion of the inquiry he shall record their opinion in writing and require them to sign it. The opinion so recorded shall form part of the ideration shall be given to it in

passing an order or arriving at a decision or making a report in the inquiry.

(3) If in the course of any inquiry at any time before its conclusion, any assessor is from any sufficient cause, prevented from attending throughout the inquiry or absents himself and it is not practicable to enforce the attendance, the inquiry may be proceeded with the aid of the other assessor or assessors.

(4) If all the assessors are prevented from attending or absent themselves, without sufficient cause, the inquiry shall be proceeded with the aid of fresh assessors :

Provided that if [136][the Charity Commissioner or Deputy] or Assistant Charity Commissioner holding the inquiry is satisfied that for sufficient and adequate reasons the inquiry need not be delayed, he shall complete the inquiry and [137][where the enquiry is held by the Deputy or Assistant Charity Commissioner, he] shall report the matter to the Charity Commissioner.

(5) The assessors shall be entitled to such allowances as may be prescribed.

CHAPTER X.

OFFENCESANDPENALTIES.

Penalty. first punished

66. Whoever contravenes any provision of any of the sections mentioned in the column of the following table shall, on conviction, for each such offence be with fine which may extend to the amount mentioned in that behalf in the third column of the said table:

[138][Provided that a trustee who has a previous conviction under this section shall be punished with fine which, except for adequate reasons to the contrary recorded in the judgment of the Court, shall not be less than Rs. 300 or the amount mentioned in that behalf in the said table, whichever be less.]

Explanation.-The entries in the second column of the said table headed "Subject" are not intended as the definitions of offences described in the sections mentioned in the first column or even as abstracts of those sections, but are inserted merely as references to the subject of the sections, the numbers of which are given in the first column: —

TABLE

Section	Subject	Fine which may be imposed
1	2	3
[139][Section 18, sub-sections *(1)* and *(4)*	Duty of trustee to make an application to Deputy or Assistant Charity Commissioner for registration of public trust within time.	Rs. 1,000
Section 18, sub-section *(7)* ..	Duty of trustee to send memoranda of immovable property to certain officers and authorities within time. 200]	
Section 22	Failure to report a change.	1,000
[140][Section 22B	Failure to make an application within the time provided for.	500
Section 22C	Failure to send memoranda within the time provided for	100]
[141] * *	* *	* *
Section 29	Duty of an executor to apply for the registration of a public trust	

	within the time provided for.	1,000
Section 32.	Duty to keep regular accounts.	1,000
Section 35	Failure or omission to invest money in public securities..	1,000
Section 59	Failure to pay contribution under section 58 by a trustee (other than the Charity Commissioner) 142[or by a person charging or co-llecting dharmada] ..	1,000
Section 63	Requiring an assessor to attend.	500

Other offences.

67. Whoever contravenes any of the provisions of this Act or the rules for which no specific penalty has been provided by this Act 143[or fails without reasonable cause to comply with any order passed or direction issued under any of the provisions of this Act by the Charity Commissioner, Joint Charity Commissioner or Deputy or Assistant Charity Commissioner] shall, on conviction, be punished with fine which may extend to Rs. 500 :

144[Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the Court, a person who has a previous conviction under this section, shall be punished with fine which shall not be less than Rs. 3001.

CHAPTER XI.

FUNCTIONSOFCHARITYCOMMISSIONERS,PROCEDURE,JURISDICTION ANDAPPEALS.

Duties, functions and powers of Deputy or Assistant Charity Commissioner.

68. For the purposes of this Act, the following shall be the duties and functions to be performed and powers to be exercised by the Deputy or Assistant Charity Commissioner for the region or sub-region for which he is appointed, namely :-

(a) to keep and mantain such books, entries and other documents as may be prescribed under section 17;

(b) to hold an inquiry under section 19 or 22 for any of the purposes mentioned in the said section;

(c) to record entries in the register kept under section 17 and to make amendments in the said entries under section 22;

145[*(cc)* to send a memorandum under section 28-A;]

(d) to enter on and inspect any trust property, to call for and inspect any proceedings of a trustee and to call for any return statement, account or report

from trustees or any person connected with a public trust under section 37;

(e) to permit inspection of any statement, notice, intimation, account audit note or any other document;

(*f*) to prepare a list of assessors under section 62 and to choose and summon them under sections 63 and 65 for the purpose of inquiries under this Act;

(g) to exercise such other powers and to perform such other duties and functions as may be prescribed.

Duties, functions and powers of Charity Commissioner.

69. For the purposes of this Act, the following shall be the duties to be performed and powers to be exercised by the Charily Commissioner, namely: —

(a) the general superintendence of the administration and carrying out the purposes of this Act under section 3;

(b) power to entertain and dispose of appeals from the findings of a Deputy or Assistant Charity Commissioner under sections 20, 22 or 28;

(c) power to determine which of the Deputy or Assistant Charity Com missioners shall proceed with an inquiry relating to the registration of any public trust under section 25;

(d) power to direct a special audit of the accounts of a public trust under section 33;

(e) power to require an auditor to forward to him a copy of a balance sheet and income and expenditure account under section 34;

(f) power to permit a trustee to invest money of a public trust in any manner other than in public securities under section 35;

(g) power to sanction a sale, mortgage, exchange, gift or lease of immovable property belonging to a public trust under section 36;

(h) power to enter on and inspect any trust property, to call for and inspect any proceedings of a trustee, and to call for any return, statement, 146[books of account, document or] report from trustees or any person connected with a public trust under section 37;

(i) power to hold an inquiry in regard to any loss caused to a public trust under section 40 and to order a surcharge under section 41; VI of 1890.

(*j*) 147[power to the Charity Commissioner, Bombay, to act] as the Treasurer of Charitable Endowments under the Charitable Endowments Act, 1890, under section 43;

(k) power to act as a trustee of a public trust; (*l*) power to file a suit under section 50;

148[(*l*) power to frame, or modify scheme under section 50A;]

(m) power to give or refuse consent to the institutions of a suit under section 51;

(n) power to give notice to trustees for the cypres application of the trust money and to make an application to the court under section 55;

(o) power to publish the lists of assessors under section 62;

(p) to exercise such other powers and perform such other duties and functions as may be prescribed.

Appeals from findings of Deputy or Assistant Charity Commissioner.

70. *(1)* An appeal 149[against the finding or order] of the Deputy or Assistant Charity Commissioner may be filed to the Charity Commissioner in the following cases:-

(a) the finding 150[and order, if any,] under section 20;

(b) the finding under section 22;

151*[(b-1)* the finding under section 22A;]

(c) the finding under section 28;

(d) the order under sub-section *(3)* of section 54.

(2) No appeal shall be maintainable after the expiration of sixty days from the recording of the finding or the passing of the order, as the case may be.

(3) The Charity Commissioner may after hearing the appellant or any person appearing on his behalf, for reasons to be recorded in writing either annul, reverse, modify or confirm the finding of the order appealed against or he may direct the Deputy or Assistant Charity Commissioner to make further inquiry or to take such additional evidence as he may think necessary or he may himself take such additional evidence.

Charity Commissioner to call for and examine record and proceedings before Deputy or Assistant Charity Commissioner.

152[**70A.** *(1)* The Charity Commissioner may, in any of the cases mentioned in section 70, call for and examine the record and proceedings of such case before any Deputy or Assistant Charity Commissioner for the purpose of satisfying himself as to the correctness of any finding or order recorded or passed by the Deputy or Assistant Charity Commissioner and may either annul, reverse, modify or confirm the said finding or order or may direct the Deputy or

Assistant Charity Commissioner to make further inquiry or take such additional evidence as he may think necessary or he may himself take such additional evidence:

Provided that the Charity Commissioner shall not record or pass any order without giving the party affected thereby an apportunity of being heard.

(2) Nothing in sub-section (*1*) shall entitle the Charily Commissioner to call for and examine the record of any case,-

(a) during the period in which an appeal under section 70 can lie against any finding recorded by the Assistant or Deputy Charity Commissioner in such case, or

(b) in which an order has been passed either in an appeal made under section 70 or 71 or on an application under section 72.]

Appeal to □Bombay Revenue Tribunal.

71. *(1)* The appeal to the □Bombay Revenue Tribunal under sub-section (2) of section 51 against the decision of the Charity Commissioner refusing consent to the institution of the suit shall be filed within sixty days from the date of such decision in such form and shall be accompanied by such fee as may be prescribed.

(2) The □Bombay Revenue Tribunal after making such inquiry as it thinks fit may confirm, revoke or modify the decision of the Charity Commissioner.

(3) The decision of the □Bombay Revenue Tribunal shall be final and conclusive.

Application from Charity Commissioner's decision under section 40, 157[41,50A, 70 or 70A] etc.

72. *(1)* Any person aggrieved by the decision of the Charity Commissioner under section 40, 41, 153[50A], 154[70 or 70A] or on the questions 155[whether a trust exists and whether such trust is a public trust] or whether any property is the property of such trust 156**may, within sixty days from the date of the decision, apply to the court to set aside the said decision.

158*(1A)* No party to such application shall be entitled to produce additional evidence, whether oral or documentary, before the Court, unless the Deputy or Assistant Charity Commissioner or the Charity Commissioner has refused to admit evidence which ought to have been admitted or the Court requires any document to be produced or any witness to be examined to enable it to pronounce judgment or for any other substantial cause to Court thinks it necessary to allow such additional evidence:

Provided that whenever additional evidence is allowed to be produced by the Court, the Court shall record the reason for its admission.]

(2) The Court after taking 159[evidence if any,] may confirm, revoke or modify the decision or remit the amount of the surcharge and make such orders as to costs as it thinks proper in the circumstances.

(3) Pending the disposal of an application under sub-section (2) all proceedings for surcharge shall be stayed if the person aggrieved makes out a *prima facie* case for a stay order.

(4) An appeal shall lie to the High Court against the decision of the court under sub-section *(2)* as if such decision was a decree from which an appeal ordinarily lies.

160*[Explanation.*-In this section, the expression "decision" shall include a scheme framed or modified under section 50A.]

Officers holding inquiries to have powers of Civil Court.

73. In holding inquiries under this Act, the officer holding the same shall have the same powers as are vested in courts in respect of the following matters under the Code of Civil Procedure, 1908, in trying a suit:- V of 1908.

(a) proof of facts by affidavits,

(b) summoning and enforcing the attendance of any person and examining him on oath,

(c) compelling the production of documents,

(d) issuing of commissions.

Inquiries to be judicial inquiries.

74. All inquiries and appeals under this Act shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code. XLV of 186

Limitation.

75. In computing the period of appeal under this Chapter, 161[or of an application under section 72 the provisions of sections 4, 5, 12, and 14 of the Indian Limitation Act, 1908, shall apply to the filing of 162[such appeals and] applications.] IX of 1908.

Civil Procedure Code to apply proceedings 163[before Court] under this Act.

76. Save in so far as they may be inconsistent with anything contained in this Act, the provisions of the Code of Civil Procedure, 1908, shall apply to all proceedings before the court under this Act. V of 1908.

Recovery of sur under section 167[*20,* 41, 4

77. All sums payable under section 18, 164[*20*], 41, 165[48] 79A, 166[79C or 79CC,] or under any rule, if not paid, shall notwithstanding anything contained in any law be recoverable as an arrear of land revenue. 79A, 79C or 79CC] or rules.

CHAPTER XII.

MISCELLANEOUS.

XLV of1860.

Charity Commissioner other officers assessors to be public servants

78. The Charity Commissioner, Deputy and Assistant Charity Commissioners, Inspectors and other subordinate officers and Assessors appointed under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Decision of property as pu trust property.

79. *(1)* Any question, 168[whether or not a trust exists and such trust is a public trust] or particular property is the property of such trust, shall be decided by the Deputy or Assistant Charity Commissioner or the Charity Commissioner in appeal as provided by this Act.

(2) The decision of the Deputy or Assistant Charity Commissioner or the Charity Commissioner in appeal, as the case may be, shall, unless set aside by the decision of the court 169[on application] or of the High Court in 170*appeal, be final and conclusive.

Recovery of and expense incurred on proceedings Charity Commission

171[**79A.** All costs, charges and expenses incurred by the Charity Commissioner, or the Deputy or Assistant Charity Commissioner as a party to, or in connection with, any legal proceeding in respect of any public trust shall, notwithstanding anything contained in section 79B, be payable out of the property or funds of the public trust, except in cases where the liability to pay the same has been laid on any party or other person personally and the right to reimbursement under this section has been negatived in express terms.

Costs of proceedings Courts inclu High Court.

79B. The costs, charges and expenses of and incidental to any suit, appeal or application to any court including the High Court under this Act shall be in the discretion of the Court, which may, subject to the provisions of section 79A, direct the whole or any part of such costs, charges and expenses to be met from the property or funds of the public trust concerned or to be borne and paid in such manner and by such persons as it thinks fit.

Costs of proceedings Charity Com sioner, etc.

79C. The costs, charges and expenses of and incidental to any appeal, application or other proceeding before the Charity Commissioner or the Deputy or Assistant Charity Commissioner shall be in his discretion and he shall have full power to determine by whom or out of what property or funds and to what extent such costs, charges and expenses are to be paid.

Compensato for frivolus vexations proceedings Charity Com sioner, etc.

172[**79CC.***(1) If* in an inquiry under section 19 the Deputy or Assistant Charity Commissioner or in an inquiry under section 51 the Charity Commissioner is of opinon that the application on which such inquiry was commenced was either frivolous or vexatious the Deputy or Assistant Charity Commissioner or the Charity Commissioner, as the case may be, may at the request of the person against whom such application was made (hereinafter referred to as "the opponent") call upon the person making the application (hereinafter referred to as "the applicant") to show cause why the applicant should not pay compensation

to the opponent and if the applicant is not present, direct the issue of a summons to him to appear and show cause as aforesaid.

(2) If the Deputy or Assistant Charity Commissioner or the Charity Com-missioner, as the case may be, is satisfied that the application was either frivolous or vexatious he may, after recording reasons, order that

compensation to such amount not exceeding two hundred and fifty rupees as he may determine be paid by the applicant to the opponent.

(3) An appeal shall lie against an order awarding compensation under sub-section *(2)* if made by the Deputy or Assistant Charity Commissioner to the Charity Commissioner and if made by the Charity Commissioner to the Bombay Revenue Tribunal and the provisons of sections 70 and 71 shall *mutatis mutandis* apply to such appeal.]

Court fee to be paid as prescribed by

79D. Notwithstanding anything contained in the Court-fees Act, 1870, the documents VII of 1870.

Schedule B.

value specified in column 3 thereof.]

Bar of jurisdiction.

80. Save as expressly provided in this Act, no civil court shall have jurisdiction to decide or deal with any question which is by or under this Act to be decided or dealt with by any officer or authority under this Act, or in respect of which the decision or order of such officer or authority has been made final and conclusive.

Indemnity from suits and proceedings.

81. *(1)* No suit, prosecution or other proceeding shall be instituted against the State Government or any officer or authority in respect of anything in good faith done or purporting to be done under this Act.

(2) Subject to the provisions of sub-section (*1*), no suit under section 50 shall, without the previous sanction of the State Government, be instituted against the Charity Commissioner in respect of a public trust of which he has been authorised to act as a trustee.

Trial of offences under this Act.

82. No Court inferior to that of a Presidency Magistrate or a Magistrate of the First Class shall try an offence punishable under this Act

Previous sanction of Charity Commissioner necessary for prosecution.

83. No prosecution for an offence punishable under this Act, shall be instituted without the previous sanction of the Charity Commissioner.

Rules.

84. *(1)* The State Government may make rules for the purpose of carrying into effect the provisions of this Act

(2) In particular and without prejudice to the generality of the foregoing provision such rules may be made for all or any of the following matters, namely: —

(a) the manner of publishing the notification under sub-section *(4)* of section 1;

173[*(aa)* the qualifications of the Director, and Assistant Directors, of Accounts appointed under section 6;]

(b) the powers, duties and functions of the officers other than the Charity Commissioner, Deputy and Assistant Charity Commissioners appointed under this Act in addition to those provided for in this Act;

(c) the powers, duties and functions of assessors in addition to those provided for in this Act;

(d) the limits of regions and sub-regions to be prescribed under sub-section (*1*) of section 14;

(e) the books, indices and registers to be kept and maintained in a Public Trust Registration Office, and the particulars to be entered in such books, indices and registers under section 17;

(*f*) the form in which an application for the registration of a public trust is to be made and the fee to be paid for the same, the other particulars to be entered therein and the manner in which an application for such registration to be signed and verified and the value and kind of trust property in respect of which it shall not be necessary to give particulars under section 18;

(g) the manner in which an inquiry has to be made by the Deputy or Assistant Charity Commissioner under sections 19 and 39;

(*h*) the form in which the 174[trustee] has to make a report regarding the change under section 22;

(*i*) the book in which the Deputy or Assistant Charity Commissioner shall make an entry under section 23;

175[(*j*) the form of memorandum to be sent by trustees and Deputy and Assistant Charity Commissioners for registration 176[and the manner in which the memorandum shall be signed and verified;]

(k) the particulars to be entered in the accounts under sub-section (2) of section 32 and the fee to be paid for special audit under section 33;

(*l*) the manner of notifying contents of the will under section 46;

(m) the administrative charges to be levied under sub-section (*1*) of section 48;

177[(*m1*) the manner of making an application under sub-section (1) of section 50A;]

(n) the form of account to be submitted under sub-section (2), and the manner of passing order under sub-section (3). of section 54;

(o) the time within which trustees may apply to the court for directions under sub-section (1) of section 55;

178[(*o1*) the conditions and restrictions subject to which the committee shall deal with property under sub-section (2) of section 56E;

(o2) The honorarium or fees and allowances to be paid to chairman, trea surer and members of a committee under sub-section (2) of section 56I and the fund out of which such honorarium, or fees and allowances shall be paid;

(o3) the interval at which a committee shall meet and the procedure it shall follow under section S6J;

(o4) the terms and conditions as to service on which secretaries and officers of a committee are appointed under section S6M and the fund out of which their salary and allowances shall be paid;]

(p) the date on which and the manner in which and the amount of contribution which every public trust shall pay annually under section 58 and the manner in which the custody and investment of, and the disbursement and payment from, such fund shall be made under section 60;

179*[(pi)* exemption of any public trust or class of public trusts under subsection (2) of section 58 and the conditions of exemption;]

(q) the date on which the Deputy or Assistant Charity Commissioner shall prepare a list of assessors under sub-section (*1*) and the persons who may be exempted to serve as assessors under sub-section (2) of section 62;

(r) the allowances to be paid to assessors under sub-section (5) of sec-tion 65;

(s) the other powers, duties and functions to be exercised and performed by a Deputy or Assistant Charity Commissioner under section 68;

(*t*) the other powers, duties and functions to be exercised and performed by the Charity Commissioner under section 69;

(u) the form of appeal and the fee to be paid for filing such appeal under section 71;

(v) the custody and investment of the money to be credited to the Public Trusts Administration Fund and the disbursement and payment therefrom;

(w) any other matter which is to be or may be prescribed under this Act.

(3) All rules made under this section shall be subject to the condition of previous publication.

180*[(4)* All rules made under this Act shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made, and shall be subject to such modifications as the State Legislature may make during the session in which they are so laid or the session immediately following. The modifications so made shall be published in the *Official Gazette* and shall take effect on and from the date of their publication.]

Repeal.

85. *(1)* The Religious Endowments Act, 1863, is hereby repealed. XX of 1863.

(2)[181][On the date of the application] of the provisions of this Act to any public trust or class of public trusts under sub-section *(4) of* section 1 [182][hereafter in this section referred to as the said date)], the provisions of the Act specified in [183][Schedule A] which apply to such trust or class of trusts shall cease to apply to such trust or class of trusts.

(3)[184][Save as otherwise provided in this section, such repeal] or cessation shall not in any way affect-

(a) any right, title, interest, obligation or liability already acquired, accrued or incurred before [185][the said date],

(b) any legal proceedings or remedy in respect of such right, title, interest, obligation or liability, or

(c) anything duly done or suffered before [5][the said date].

[186][*(4)* Notwithstanding anything contained in sub-section *(3)* all proceedings pending before any authority under the Mussalman Wakf Act, 1923 [as amended by the Mussalman Wakf (Bombay Amendment) Act, 1935], the Bombay Public Trusts Registration Act, 1935, or the Parsi Public Trusts Registration Act, 1936, immediately before the said date shall be transferred to the Charity Commissioner and any such proceedings shall be continued and disposed of by the Charity Commissioner or the Deputy or Assistant Charity Commissioner as the Charity Commissioner may direct. In disposing of such proceedings the Charity Commissioner, the Deputy Charity Commissioner or the Assistant Charity Commissioner, as the case may be, shall have and exercise the same powers which were vested in and exercised by the Court under the Mussalman Wakf Act, 1923 [as amended by the Mussalman Wakf (Bombay Amendment) Act, 1935], and by the Registrars under the Bombay Public Trusts Registration Act, 1935, and the Parsi Public Trusts Registration Act, 1936, and shall pass such orders as may be just or proper. XLII of 1923. XVIII of 1935. Bom. XXV of 1935. Bom. XL of 1936. XLII of 1923. Bom. XL of 1935. Bom. XXV of 1936. Bom. XXIII of 1936.

(5) All records maintained by the authority or court under any of the Act referred to in sub-section *(4)* shall be transferred to the Charity Commissioner or to the Deputy or Assistant Charity Commissioner as the Charity Commissioner may direct.]

[187][**86.** *(1)* On the commencement of this Act in that area of the State to which it is extended by the Bombay Public Trusts (Unification and Amendment) Act, 1959— Further repeals a savings consequ on commenceme of Bom. XXIX o

1900, in other areas of State.

(i) the Religious Endowments Act, 1863, as in force in the Saurashtra and Kutch areas of the State,

Bom. VI of 1960. XX of 1863. M. P. Act XVIII of 1951.

(ii) the Madhya Pradesh Dharmadaya Funds Act, 1951, as in force in the Vidarbha Region of the State, and

(iii) any law relating to public trusts to which Chapter VII-A applies, to the extent to which it corresponds to the provisions of this Act,

shall stand repealed.

(2) On the date of application of the provisions of this Act to any public trust or class of public trusts under sub-section *(4)* of section 1 (hereinafter in this section referred to as the said date), the provisions of the Acts, specified in Schedule AA which apply to such trust or class of trusts shall cease to apply thereto.

(3) Save as otherwise provided in this section, such repeal or cessation shall not in any way affect-

(a) anything duly done or suffered under the laws hereby repealed or ceasing to apply before the said date;

(b) any right, title, interest, obligation or liability already acquired, accrued or incurred before the said date under the laws hereby repealed or ceasing to apply;

(c) any legal proceedings or remedy in respect of such right, title, interest, obligation or liability:

Provided that if on the said date, any legal proceeding in respect of any public trust is pending before any court under any enactment specified in Schedule AA to which the State Government, Commissioner, Registrar or any officer of the State Government is a party, the Charity Commissioner, shall be deemed to be substituted in those proceedings for the State Government, Commissioner, Registrar or as the case may be, the officer and

such proceedings shall be disposed of by such court:

Provided further that every proceeding pending before any criminal court under the Madhya Pradesh Dharmadaya Funds Act, 1951 shall abate on the repeal of that Act under sub-section (1). M. P.I Act XVII 1951.

(4) Notwithstanding anything contained in sub-section *(3),* all proceedings court) under any enactment specified in Schedule AA shall be continued and disposed of under that enactment as if the Bombay Public Trusts (Unification and Amendment) Act, 1959, had not been passed. Bom. VI of 1960

(5) Notwithstanding the cessation of any enactment specified in Schedule AA, all arrears of contributions and other sums payable under any such enactment shall be recoverable under the provisions of this Act, as if they had been recover able under the provisions of this Act.

(6) All records maintained by Registrars under the Madhya Pradesh Public Trusts Act, 1951, shall be transferred to the Charity Commissioner or to the Deputy or Assistant Charity Commissioner as the Charity Commissioner may direct. M. P. Act, XXX o 1951.

Act not to apply to certain wakfs to which Act XXIX of 1954 applies or to Gurudwara governed by Hyderabad Act XXXVII of 1956.

87. Nothing contained in this Act shall apply to-

(a) those Wakfs in certain areas of the State to which the provisions of the Wakf Act, 1954, have continued to apply; or XXIX of 1954.

(b) the Nanded Gurudwara, the administration of which is governed by the Nanded Sikh Gurudwara Sachkhand Shri Hazur Apchalnagar Sahib Act, 1956. Hyd. Act XXX VI of 1956.

Provision for removal of difficulties.

88. If any difficulty arises in giving effect to the provisions of this Act, the State Government may by an order published in the *Official Gazette,* do anything not inconsistent with the provisions of this Act which appears to it to be necessary or expedient for the purpose of removing the difficulty.]

[188]**[SCHEDULE A]**

(See sections 28, 61[189]* and 85.)

1. The Charitable and Religious Trusts Act, 1920. XIV of 1920
2. The Mussalman Wakf Act, 1923, as amended by Bombay Act XVIII of 1935. XLII of 1923.
3. The Bombay Public Trusts Registration Act, 1935. Bom. XXV of 1935.
4. The Parsi Public Trusts Registration Act, 1936. Bom. NXIII o 1936.
5. The Baroda Public Institutions Act (Baroda Act No. VI of Samvat 1961.)
6. The Religious Endowments Act, 1863, as applied to the Jamkhandi State in 1890. XX of 1863.
7. The Deosthan Rules, 1912, of the Jamkhandi State as amended by Jamkhandi Act No. I of 1948.

[190][SCHEDULE AA.]

1. The Charitable and Religious Trusts Act, 1920, in its application to the areas of the State other than the area comprised in the pre-Reorganisation State of Bombay. XIV of 1920.

2. The Savantwadi Devasthan Act, 1932.

3. The (Hyderabad) Endowment Regulation Act, 1349, Fasli.

4. The Madhya Pradesh Public Trusts Act, 1951.] M. P. Act XXX of 1951.

[191][SCHEDULE B.]

Section	Descriptions of Documents	Value
1	2	3
18(*1*)	Application for the registration of a public trusts	Rs. 2
22(*1*)	Report of any change or proposed change in any of the entries recorded in the register kept under section 17.	Re. 1
25(1)	Application of any person having interest in a public trust to the Charity Commissioner to determine which of the Deputy or Assistant Charity Commissioners shall proceed with an inquiry under section 19 or 22 in regard to any public trusts.	Rs. 2
29	Application by the executor of a will for the registration of a public trust created by such will.	Rs. 2
[192][36	Application for sanction of the Charity Commissioner for--	
	(a) Sale, mortgage, exchange or gift or immovable property-	
	(i) where the value of the property involved does not exceed Rs. 2,000.	Rs. 2
	(*ii*) where the value of the property involved exceeds Rs. 2000 but does not exceed Rs. 10,000.	Rs. 5
	(iii) in any other case.	Rs. 10
	(b) lease of immovable property-	
	(i) where the average annual rent reserved does not exceed Rs. 100.	Rs. 2
	(ii) where the average annual rent reserved exceeds Rs. 100 but does not exceed Rs. 500.	Rs. 5
	(iii) in any other case.	Rs. 10]
44	Application by the author of a public trust to the Charity Commissioner for his consent to act as trustee of the public trust.	Rs. 10
45	Application by a person intending to create a public trust to the Charity Commissioner for his consent to act as trustee of such trust.	Rs. 10
46	Communication by the executor of a will of a testator or the administrator of his estate notifying to the Charity Commissioner the contents of the will under which he has been appointed a trustee.	Rs. 10
[193][47(1) [194][47AA] and 47A.	Application to the Court by the Charity Commissioner or any person having interest in a public trust or any trustee of public trust for the appointment of a new trustee or for the vesting of property or for both.]	Rs. 10
47(6)	Appeal to the High Court from the decision of the court in application filed under sub-section *(1)* of section 47.	Rs. 10

SCHEDULE B-*Contd.*

Section	Descriptions of Documents	Value 1 2 3
195[50A	Application to the Charity Commissioner for framing modifying scheme.]	Rs. 10 or
51(1)	Application to the Charity Commissioner for consent to file a suit of the nature specified in section 50.	Rs. 10
196[55	Application to the Court for directions	Rs. 10
56A	Application for opinion, advice or direction	Rs. 12.50]
59(3)	Appeal to the State Government against the order of Charity Commissioner for the payment of contribution by a bank or person from the money standing to the credit of the public trust with such bank or person.	Rs. 10 the
70(1)	Appeal to the Charity Commissioner against the finding of Deputy or Assistant Charity Commissioner under section 20, 22 or 28 or order under sub-section (3) of section 54.	Rs. 10
71(1)	Appeal to the Bombay Revenue Tribunal against the decision of the Charity Commissioner refusing consent to the institution of a suit.	Rs. 10
72(1)	Application to the court against the decision of the Charity Commissioner under section 40, 41 or 70 or on the question whether a trust exists and whether such trust is a public trust or whether any property is the property of such trust.	Rs. 10
72(4)	Appeal to the High Court against the decision of the Court tinder sub-section (2) of section 72.	Rs. 10
	Mukhtarnama or Wakalatnama when presented for the conduct of any inquiry, appeal or other proceeding to the Charity Commissioner, or the Deputy or Assistant Charity Commissioner.	Re. 1
	197[Application to the Charity Commissioner or the Deputy or Assistant Charity Commissioner for copies under the Act.	Rs. 3
	Any other application or petition presented to the Charity Commissioner or the Deputy or Assistant Charity Commissioner.].	Re. 1

This order was published in Government of India, Ministry of Home Affairs, Notification No. F. 8/15/57/SR/(R)-5, dated 21st March 1959. It came into force on 1st April, 1959.

2 This sub-section was substituted for the original by Bom. 6 of 1960, s. 3(*a*).

3 These words were substituted for the words "State of Bombay" by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

4 These words were substituted for the words "class of Public Trusts" by Bom. 6 of 1960, s.3(*b*). 5 These clauses were inserted by Bom. 6 of 1960, s. 4.

6 This word was substituted for the word "means" by Bom. 28 of 1953, s. 2.

7 These words were inserted by Bom. 14 of 1951, s. 2.

8 Clause (16) was deleted by Bom. 39 of 1951, s. 2 First Schedule.

9 Section 2B was inserted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

10 These words were substituted for the words "Each of the State Government of Bom bay and Mysore" by Bom. 6 of 1960, s. 6(*a*).

11 These words were substituted for the words "throughout that part of the State to which the Act extends" by Bom. 6 of 1960, s. 6(*b*).

12 Proviso was added by the Bombay Charity Commissioner (Regional Reorganisation) Order, 1960, Sch.

13 This section was inserted by Bom. 6 of 1960, s. 7.

16 These words were added, by Bom. 6 of 1960, *s.* 8(*b*).

14 This section was substituted for the original by Bom. 14 of 1951, *a.* 3.

15 These words were substituted for the words "The Charity Commissioner shall be a person" by Bom. 6 of 1960, s. 8 *(a).*

17 These sub-sections were substituted, by Bom. 6 of 1960*,* s. 9.

18 These words were substituted for the portion beginning with the words "To aid the Charity Commissioner" and ending with the words "such designations" by Bom. 6 of 1960, s. 10(*a*). 19 This proviso was added by Bom. 47 of 1950, s. 2.

20 These words were inserted by Bom. 6 of 1960, s. 10(*b*).

21 Sections 6A and 6B were inserted by Bom. 47 of 1950, s. 3.

22 These words were substituted for the words "The Charity Commissioner" by the Bombay Charity Commissioner (Regional Reorganisation) Order, 1960, Sch.

23 These words were inserted by Bom. 6 of 1960, s. 11 (a).

24 These words were inserted, by Bom. 6 of 1960, s. 11 (*b*).

25 These words were inserted by Bom. 6 of 1960, s. 11 (a).

26 These words were inserted, by Bom. 6 of 1960, s.11 (b).

27 These words were added by Bom. 14 of 1951, s. 5.

28 This clause was inserted by Bom. 23 of 1955, s. *2(1).*

29 This sub-section was added, by Bom. 23 of 1955*, s. 2(2).*

30 These words and figures were substituted for the portion beginning with the words "to the following officers and authorities" and ending with the words and figures "the Bombay Provincial Municipal Corporations Act, 1949 within the local limits of which such immovable property is situate" by Bom. 6 of 1960, s. 12.

31 This clause was substituted for the original by Bom. 14 of 1951, s. 6.

32 These words were added by Bom. 28 of 1953, s. 3.

33 These words were inserted by Bom. 14 of 1951, s. 7.

34 This sub-section was added by Bom. 6 of 1960, s. 13(*a*).

35 These words were inserted by Bom. 14 of 1951, s. 7.

36 This sub-section was added by Bom. 6 of 1960, *s.* 13(*b*).

37 This section was inserted by Bom. 59 of 1964, s.2.

38 Sections 22B and 22C were inserted by Bom. 23 of 1955, s. 3.

39 Section 22C was renumbered as sub-section (*1*) of that section by Bom. 6 of 1960, s. 14*(1).* 40 These words, figures and letter were substituted for the word and figures "section 28", by Bom. 6 of 1960*,* s. *14(1)(a).*

41 These words, brackets and figures were substituted for the portion beginning with the words "officers and authorities" and ending with the word, figures and letter "section 28B", by Bom. 6 of 1960*,* s. 14(*1*)(*b*).

42 This sub-section was added, by Bom. 6 of 1960*, B.14(2).*

43 This word and letter were substituted for the words "the Schedule" by Bom. 14 of 1951, s.8(*i*) 44 These words and letters were inserted by Bom. 6 of 1960, s. 15.

45 These words were substituted for the words "the trust property or the substantial portion of the trust property is situate" by Bom. 14 of 1951, s. 8(*ii*).

46 Sections 28A and 28B were inserted by Bom. 23 of 1955, s. 4.

47 Clauses (*ii*) and (*iii*) were deleted by Bom. 6 of 1960, s. 16.

47 Clauses (*ii*) and (*iii*) were deleted by Bom. 6 of 1960, s. 16. 48 These words were inserted by Bom. 14 of 1951, s. 9(*i*).

49 This proviso was added, by Bom. 14 of 1951*, s.* 9(*ii*).

51 The words "and script's" were deleted, by Bom. 14 of 1951.

50 The words "or scrip" were deleted by Bom. 39 of 1951, s. 2, First Schedule.

52 These words, figures and letter were inserted by Bom. 23 of 1055, s. *5(1).*

53 This explanation was added by Bom. 23 of 1956, 8. 5(2).

54 The words "which has been registered under this Act" were deleted by Bom. 0 of 1960, s. 18.

55 These words and figures were substituted for the original words by Bom. 14 of 1951 s. 10. 56 This word was substituted for the word "manager" by Bom. 28 of 1953, s. 4(*1*).

57 The brackets and letter *"(a)"* were inserted by Bom. 28 of 1953, s. 4(2).

58 This word and clause *(b)* were added, by Bom. 28 of 1953.

59 Section 35 was renumbered as sub-section *(1)* of that section by Bom. 59 of 1954, s.3. 60 This portion was substituted for the original, by Bom. 59 of 1954*, s. 3(1).*

61 These words were substituted for the words and. letters "a Part A State or Part C State" by the Bombay Public Trusts (Corporations) Order, 1959.

62 This sub-section was inserted by Bom. 59 of 1954, s. *3(2).*

63 These words were substituted for the word "realized" *by* Bom. 6 of 1960, s. 19.

64 Section 36 was renumbered as sub-section *(1)* of that section by Guj. 31 of 1963, s. 2.

65These words were substituted for the words "Subject to the directions in the instrument of trust" by Bom. 6 of 1960, s. 20. 66These sub-sections were inserted by Guj. 31 of 1963, s. 2.

67Section 37 was renumbered as sub-section *(1)* of that section by Bom. 6 of 1960, s. 21.

68 These words were substituted for the words "any book or account in the possession of or under the control of the trustees" by Guj. 31 of 1962, s. 2(*1*).

69 This sub-section was added by Bom. 6 of 1960, s. 21.

70 These words brackets and figure were substituted for the words "or any other person in charge of the public trust" by Guj. 31 of 1962, s. *2(2).*

71 These words and figures were ins .

72 Section 39 was substituted for the original by Guj. 31 of 1962 s. 3. 6.
73 These words were substituted for the words "breach of trust" by Guj. 31 of 1962*, s.* 4. 74 Section 41A was inserted by Guj. 31 of 1962, s. 5.
75 These words were substituted for the words "The Charity Commissioner" by the Bombay Charity Commissioner (Regional Reorganisation) Order, 1960, read with Schedule thereto. 76 This section was renumbered as sub-section *(1)* by the Bombay Public Trusts (Corporations) Order, 1959.
77 The brackets and figure *"(1)"* were deleted by Bom. 6 of 1960, s. 22(*a*).
78 These words were substituted for the words "The Charity Commissioner" by the Bombay Charity Commissioner (Regional Reorganisation) Order, 1960, read with Schedule thereto. □*See* Section 2B of this Act.
79 These words were substituted for the words "the State of Bombay" by the Bombay Public Trust (Corporations) Order, 1959.
80 Sub-section (2) was deleted by Bom. 6 of 1960, s. 22(*b*).
81 This word was substituted for the word "or" by Bom. 14 of 1951, s. 11.
82 These words were substituted for the word "after", by Bom. 14 of 1951*, s.* 12(*i*).
83 This proviso was added by Bom. 14 of 1951, s. 12(*ii*).
84 These words were substituted for the words' "may appoint" by Bom. 28 of 1953, s. 7*(1).* 85 This word was substituted for the Word "decision", by Bom. 28 of 1953*, s.* 7(2).
86 This section was inserted by Bom. 6 of 1960, s. 23.
87 These words, brackets and figures were inserted by Guj: 31 of 1963, s. 3.
88 Section 47A was inserted by Bom. 28 of 1953, s. 8.
89 These words, figures and letters were inserted by Bom. 6 of 1960, s. 24.
90 Section 47B was inserted by Bom. 59 of 1954, s. 4.
91 These figures, word and letters were substituted for the word and figures "or 47" by Bom. 6 of 1960, s. 25.
93 These words were substituted for the portion beginning with the words "where a declaration" and ending with the words "the possession of such property" by Bom. 6 of 1960, s. 26 (a). 94 These words were inserted by Bom. 23 of 1955, s. 6(1).
95 These words were inserted by Bom. 6 of 1960, s. 26(*b*).
96 These words were added by Bom. 23 of 1955, s. 6(2).
97 Clause (cc) was inserted by Bom. 28 of 1953, s. 9.
98 This proviso was added by Bom. 6 of 1960, s. 26 (c).
99 This section was inserted by Bom. 6 of 1960, s. 27.
100 Sub-section *(2A)* was inserted by Guj. 31 of 1962, 8. 6.
□*See* section 2B of this Act.
□*See* section 2B of this Act.
101 Section 52 was renumbered as sub-section *(1)* of that section by Bom. 28 of 1953, s. 10 (*1*). 102 This portion was added by Bom. 14 of 1951, s. 13.
103 The brackets, figure and word "(2) If" were substituted for the words "Provided that if" by Bom. 28 of 1953, s. 10(*1*).
104 These words were substituted for the words "Any Court including the High Court" by Bom. 28 of 1953*, s.* 10(2).
105 Sub-section *(3)* was inserted, by Bom. 28 of 1953*, s. 10(3).*

106 This section was inserted by Bom. 23 of 1955, s. 7
107 These words were substituted for the words "such will" by Bom. 28 of 1963, s. 11.
108 These brackets and words were inserted by Bom. 14 of 1951, s. 14(*i*).
109 Sub-section *(4)* was added by Bom. 14 of 1951, s. 14(*ii*).
110 These words were substituted for the words "If at any time" by Bom. 28 of 1953, s. 12(*i*). 111 These words were substituted for the words "it is not in public interest" by Bom. 59 of 1954, s. 5.
112 These words were substituted for the words "give notice in writing to, the trustees to apply to the Court within the time prescribed for directions" by Bom. 28 of 1953, s. 12(*ii*).
113 These words were substituted for the words "or necessary" by Bom. 59 of 1954 s. 6. 114 Sections 56A and 56B were inserted by Bom. 28 of 1953, s. 13.
115 These words were substituted for the words "State of Bombay" by the Gujarat Adaptation of Laws (State and" Concurrent Subjects) Order, 1960.
116 This Chapter was inserted by Bom. 6 of 1960, s.29.
117 These words were substituted for the words "Bombay Legislative Assembly or the Bombay Legislative Council" by the Gujarat Adaptation of Laws (State and Concurrent Subjects), Order. 1960, Para 7.
118 These figures and letter were inserted by Guj. 31 of 1963, *s.* 4.
119 Sub-section (*1*) was substituted for the original by Bom. 6 of 1960, s. 30.
120 These *words* and figures were substituted for the words "this Act" by the Bombay Public Trusts (Corporations) Order, 1959.
121 These words and figures were inserted by Bombay Chanty Commissioner (Regional Reorganisation) Order, 1960. Sch.

122 Section 58 was re-numbered as sub-section *(1)* of that section by Guj. 36 of 1961, s. 2. 123 This proviso was substituted for the original by Bom. 14 of 1951, s. 15*(1).*

124 This explanation was added, by Bom. 14 of 1951, s. 16(2).

125 Sub-section *(2)* of section 68 shall be and shall be deemed always to have been inserted by Guj. 36 of 1961, s. 2.

126 These words were inserted, by Bom. 14 of 1951, s. 16.

127 This word and letter was substituted for the word "the Schedule" by Bom. 14 of 1951, s. 17. 128 These words and letters were inserted by Bom. 6 of 1960, s. *3l(a).*

129 These words were substituted for the words "the State Government may direct" by Bom. 6 of 1960*, s.* 31 (*b*).

130 These words were inserted, by Bom. 6 of 1960*, s.* 31 (c).

131 These words were substituted for the words "the Deputy" by Bom. 6 of 1960, s. 32. 132 Clause (*a*) was substituted for the original by Bom. 28 of 1953, 8. 14 *(1).*

133 Clause (*b*) was deleted, by Bom. 28 of 1953*,* s. 14(2).

134 This proviso was added by Bom. 28 of 1953, s. 14(3).

135 These words were substituted for the words "the Deputy" by Bom. 6 of 1960, s. 33(*a*). 136 These words were substituted for the words "the Deputy", by Bom. 6 of 1960*,* s. 33(*b*)(*i*). 137 These words were inserted, by Bom. 6 of 1960*,* s. 33(*b*)(*ii*).

138 This proviso was added by Guj. 31 of 1963, s. 5.

139 These entries were substituted for the original by Bom. 23 of 1955, s. *8(1).*

140 These entries were inserted, by Bom. 23 of 1955*,* s. 8(2).

141 The entry relating to section 27 was deleted by Bom. 39 of 1951, *s.* 2, First Schedule. 142 These words were inserted by Bom. 14 of 1951, s. 18.

143 These words were inserted by Bom. 6 of 1960, s. 34.

144 This proviso was added by Guj. 31 of 1963, *a.* 6.

145 This clause was inserted by Bom. 6 of 1960, s. 35.

146 These words were substituted for the words "account or" by Guj. 31 of 1962. s. 7. 147 These words were substituted for the words "power to act" by the Bombay Charity Com missioner (Regional Reorganisation) Order, 1960, Sch.

148 This clause was inserted by Bom. 6 of 1960, *a.* 36.

149 These words were substituted for the words "against the finding" by Bom. 28 of 1963, s. 15(*i*). 150 These words were inserted, by Bom. 28 of 1963*,* s. 15(*ii*).

151 This clause was inserted by Bom. 69 of 1954, s. 7.

152 Section 70A was inserted, by Bom. 69 of 1954*, s.* 8.

 See section 2B of this Act.

 See section 2B of this Act.

 See section 2B of this Act.

 See section 2B of this Act.

157 These figures, letters and word were substituted for the figures and word "41 or 70" by Bom. 6 of 1960, s. 37 (c).

153 These figures and letter were inserted by Bom. 6 of 1960, s. 37(*a*).

154 These figures, words and letter were substituted for the word and figures "or 70" by Bom. 59 of 1954, s. 9(1).

155 These words were substituted for the words "whether a trust is a public trust" by Bom. 14 of 1951, s. 19(*i*).

156 The words and figures "under Chapter IV" were deleted by Bom. 14 of 1951*, s.* 19(*ii*). 158 This sub-section was inserted by Bom. 59 of 1954, s. 9(2).

159 These words were substituted for the words "such evidence as it thinks necessary" by Bom. 59 of 1954, s. 9(3).

160 This Explanation was added by Bom. 6 of 1960, s. 37(*b*).

161 These words were inserted by Guj. 31 of 1962, s. 8.

162 These words were substituted for the words "such appeals", by Guj. 31 of 1962.

163 These words were inserted by Bom. 6 of 1960, *a.* 38.

167 These figures and letters were substituted for the figures, letters and word "41, 48, 79A or 79C" by Bom. 21 of 1954, s. 3, Second Schedule.

164 These figures were inserted by Bom. 28 of 1953, s. 16(*a*).

165 These figures, letters and word were substituted for the word and figures "or 48" by Bom. 14 of 1951, s. 20.

166 The figures, letters and words "79C or 79CC" were substituted for the word, figures and letter "or 79C" by Bom. 28 of 1953, s. 16(*b*).

168 These words were substituted for the original by Bom. 14 of 1951, s. 21(*1*).

169 These words were substituted for the words "in appeal", by Bom. 14 of 1951*, s.* 21(2)(*i*) 170 The word "farther" was deleted, by Bom. 14 of 1951*,* s. 21(2)(*ii*).

171 Sections 79A to 79D were inserted, by Bom. 14 of 1951*, s.* 22, 172 Section 79CC was inserted by Bom. 28 of 1953, s. 17.

Set section 2B of this Act.

173 This clause was inserted by Bom. 6 of 1960, s. 39(*a*).

174 This word was substituted for the words "Deputy or Assistant Charity Commissioner" by Bom. 47 of 1950, s. 4.

175 Clause *(j)* was inserted by Bom. 23 of 1955, s. 9.
176 These words were substituted for the portion beginning with the words "in the registers" and ending with the words from such registers" by Bom. 6 of 1960, s. 39(*b*).
177 This clause was inserted, by Bom. 6 of 1960*, s*. 39(c).
178 These clauses were inserted, by Bom. 6 of 1960, s. 39 *(d).*
179 Clause (*pi*) was inserted by Guj. 36 of 1961, s. 3(1).
180 This sub-section was inserted, by Guj. 36 of 1961*,* s. 3(2).
181 These words were substituted for the words "on the aupplication" by Bom. 28 of 1953, s. 18(*1*). 182 These brackets and words were inserted, by Bom. 28 of 1953.
183 These words and letter were substituted for the words "the Schedule" by Bom. 14 of 1951, s. 17.
184 These words were substituted for the words "Such repeal" by Bom. 28 of 1953, s. 18(2). 185 These words were substituted for the words "the date of the application of this Act", by Bom. 28 of 1953.
186 Sub-sections *(4)* and *(5)* were added, by Bom. 28 of 1953*,* s. 18(3).
187 These sections were added by Bom. 6 of 1960, s.40.
188 This word and letter were substituted for the word "Schedule" by Bom. 14 of 1951, s. 23. 189 The comma and figures "64," were deleted by Bom. 21 of 19S4, s.3, Second Schedule. 190 This Schedule was inserted by Bom. 6 of 1960., s. 41.
191 This Schedule was inserted by Bom. 14 of 1951, s. 23.
192 This entry was substituted for the original by Bom. 28 of 1953, s. 19(*1*).
193 This entry was substituted for the original by Bom. 28 of 1953*, s.* 19(2).
194 These figures and letters were inserted by Bom. 6 of 1960, s. 42(*a*).
195 This entry was inserted by Bom. 6 of 1960, s. 42(*b*).
196 These entries were inserted, by Bom. 6 of 1960*, s*. *42(c).*
 See section 2B of this Act
197 This entry was inserted by Bom. 28 of 1953, s. 19(3).